



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, MAY 5, 2016**

3:30 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 5, 2016.
2. Receive an update on the City's Transportation Capital Improvement Program (TCIP), including, but not limited to proposed construction and expansion to the Outer Loop and Kegley Road
3. Discuss the following:
 - a. the possible purchase of property located at 301 East Avenue B, Temple, Texas;
 - b. the possible purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK fields festival grounds; and
 - c. the possible purchase of portions of seven properties necessary for the expansion of Old Waco Road

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

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 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. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Nurse's Week May 5 – 12, 2016

IV. REPORTS

4. 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.

V. CONSENT AGENDA

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

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

Minutes

- (A) [April 21, 2016 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2016-8122-R](#): Consider adopting a resolution authorizing change order #2 with Intergraph Corporation, Madison, Alabama in the amount of \$35,996 for Intergraph WebRMS.
- (C) [2016-8123-R](#): Consider adopting a resolution authorizing the purchase of the property at 301 East Avenue B, Temple, Texas 76501 and authorizing closing costs associated with the purchase, in an amount not to exceed \$102,000.
- (D) [2016-8124-R](#): Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchases, in an amount not to exceed \$29,000.
- (E) [2016-8125-R](#): Consider adopting a resolution authorizing the purchase of portions of seven properties necessary for the expansion of Old Waco Road, accepting the donation of a remainder parcel, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$650,000.
- (F) [2016-8126-R](#): Consider adopting a resolution ratifying the acceptance of the donation of approximately 0.192 acre of sidewalk easements located along North 31st Street and in the G.W. Farris Survey, Abstract 304, Temple, Bell County, Texas, as well as temporary construction easements necessary for the construction of sidewalks, and authorizing the City Manager to accept the donation of a 0.001 acre sidewalk easement and an accompanying temporary construction easement.
- (G) [2016-8127-R](#): Consider adopting a resolution ratifying the acceptance of the donation of approximately 0.248 acre of right-of-way and a 0.759-acre temporary construction easement located along Loop 363 and in the Maximo Moreno Survey, Abstract 14, Temple, Bell County, Texas.
- (H) [2016-8128-R](#): Consider adopting a resolution ratifying the acceptance of the donation of a 0.754-acre wastewater utilities easement situated in the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas.
- (I) [2016-8129-R](#): Consider adopting a resolution ratifying the acceptance of the donation of approximately 1.185 acre of right-of-way in the Nancy Chance Survey, Abstract 5, Temple, Bell County, Texas, necessary for the extension of Tarver Drive to Old Waco Road.
- (J) [2016-8130-R](#): Consider adopting a resolution ratifying the acceptance of the donation of approximately 0.147 acre of right-of-way located along Avenue U and in the Maximo Moreno Survey, Abstract 14, Temple, Bell County, Texas, and authorizing the City Manager to accept the donation of up to 0.009 acre of right-of-way and an accompanying temporary construction easement.
- (K) [2016-8131-R](#): Consider adopting a resolution authorizing the City Manager to accept the donation of a 6.687-acre trail easement situated in the B. Robertson Survey, Abstract 17, and the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas, and a 3.530-acre trail easement situated in the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas.

- (L) [2016-8132-R](#): Consider adopting a resolution ratifying a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses and vehicle cost related to police patrols at Temple Lake Park from May 1, 2016 through September 5, 2016.
- (M) [2016-8133-R](#): Consider adopting a resolution authorizing change order #1 with Skyblue Utilities, Inc., of Kingsland in an amount not to exceed \$46,053.01 for construction of the SH 317 Waterline Relocation from FM 2305 to Poison Oak Road.
- (N) [2016-8134-R](#): Consider adopting a resolution authorizing deductive change order #3 to the construction contract with Gary W. Purser Construction, Ltd., of Killeen in the amount of \$185,652.55 for the McLane-Research Connector and Pepper Creek Detention Pond in the northwest industrial park.
- (O) [2016-8135-R](#): Consider ratifying the purchase and installation of a chiller at the Historic Post Office in the estimated amount of \$62,000 with Temple Heat and Air of Temple; and request reimbursement funding from Oncor's – "Take a Load Off Texas" incentive program for work completed.
- (P) [2016-8136-R](#): Consider adopting a resolution authorizing a professional services contract with Kasberg, Patrick and Associates, LP of Temple, in the amount of \$62,100 for the design of an entry signage project for Synergy Park.

Ordinances – Second & Final Reading

- (Q) [2016-4766](#): SECOND READING – 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.

Misc.

- (R) [2016-8137-R](#): Consider adopting a resolution authorizing the receipt of grant funding from the E. Rhodes and Leona B. Carpenter Foundation, in the amount of \$9,000, which will be used for building improvements at the Moody Railroad Station, for CentraMod.
- (S) [2016-8138-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

VI. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

- 6. [2016-4767](#): FIRST READING – PUBLIC HEARING - Z-FY-16-18: Consider adopting an Ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 1, Block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard, west of its intersection with South 31st Street.

7. [2016-4768](#): FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, “Tattoo Shops.”
8. [2016-4769](#): FIRST READING – PUBLIC HEARING – Z-FY-16-23: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code (UDC): Article 5 – Use Standards, deleting “tattoo parlor” as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

RESOLUTIONS

9. [2016-8139-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, of Gatesville for a lump sum price totaling \$308,527.30 for construction of the Tarver sidewalk.
10. [2016-8140-R](#): Consider adopting a resolution authorizing a construction contract with RT Schneider Construction Company, LLC, for the construction of the Tarver Drive extension in one of the following amounts:
 - (A) in the amount of \$664,286.50 for construction of the Tarver Drive Extension which includes the Base Bid and Add Alternate 1; or
 - (B) in the amount of \$1,676,725.90 which includes the Base Bid, Add Alternate 1, and Add Alternate 2.
11. [2016-8141-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, of Gatesville for a lump sum price of \$5,437,983.59, for construction of the Avenue U and 13th Street Connector.
12. [2016-8121-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.
13. [2016-8142-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that portions of seven properties situated in the Nancy Chance Survey, Abstract 5, and located along Old Waco Road, Temple, Texas, 76502, are necessary for the expansion of Old Waco Road and authorizing the use of eminent domain to condemn the properties.

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 Friday, April 29, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

05/05/16
Item #4
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

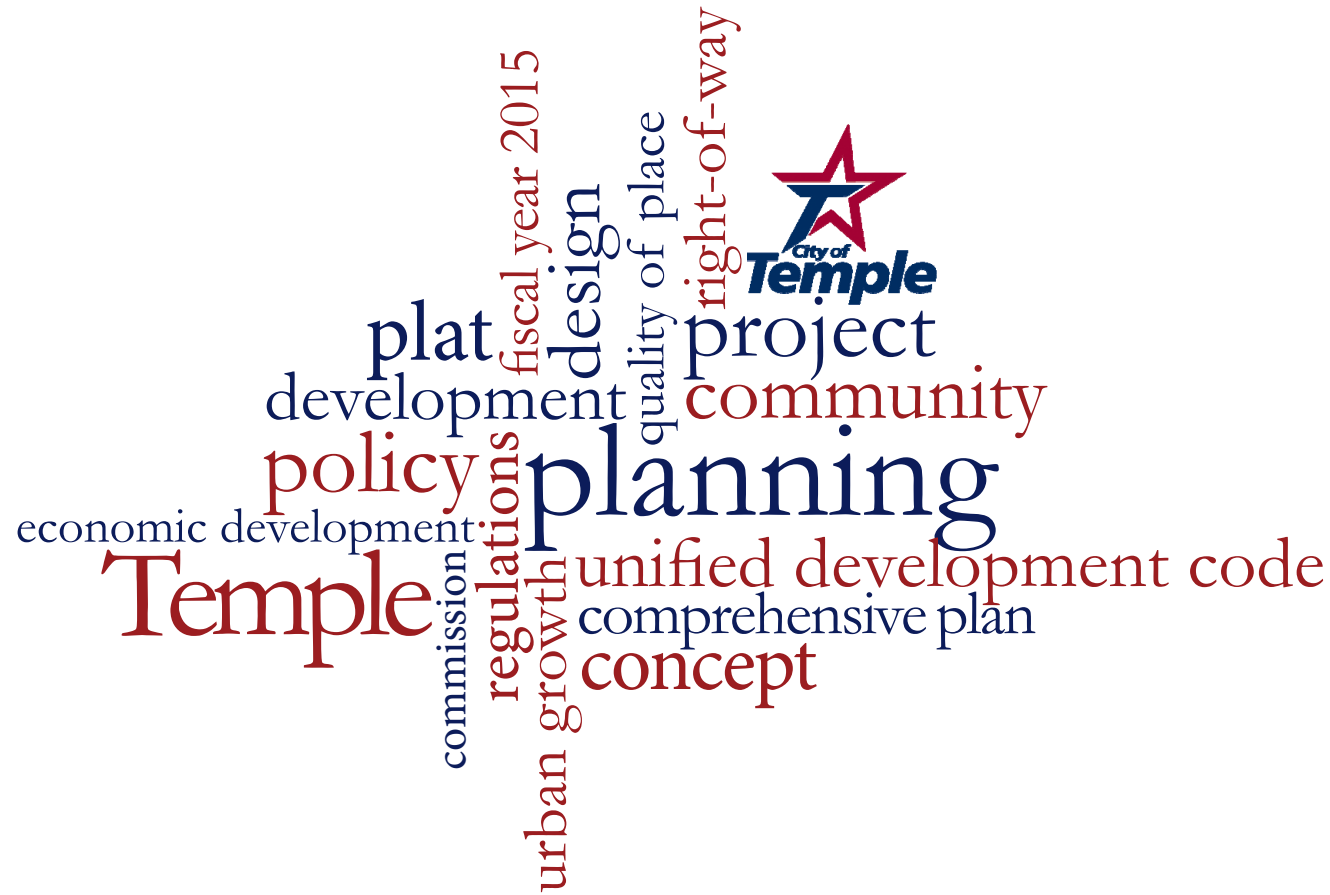
Program to professionally staff the Planning & Zoning Commission with staff reports, exhibits and presentations in public hearings and workshops.

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

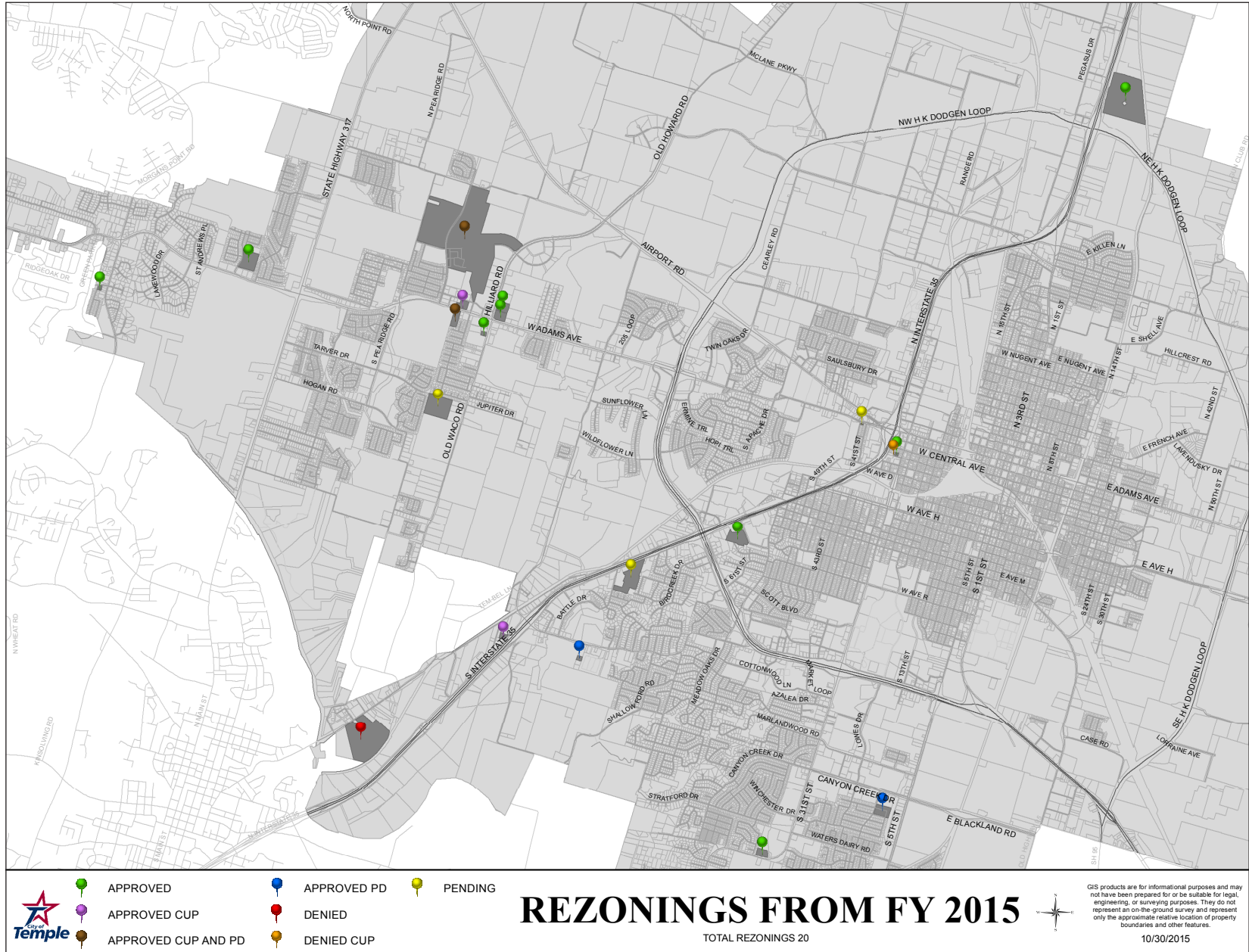
Rezoning

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.

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

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

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



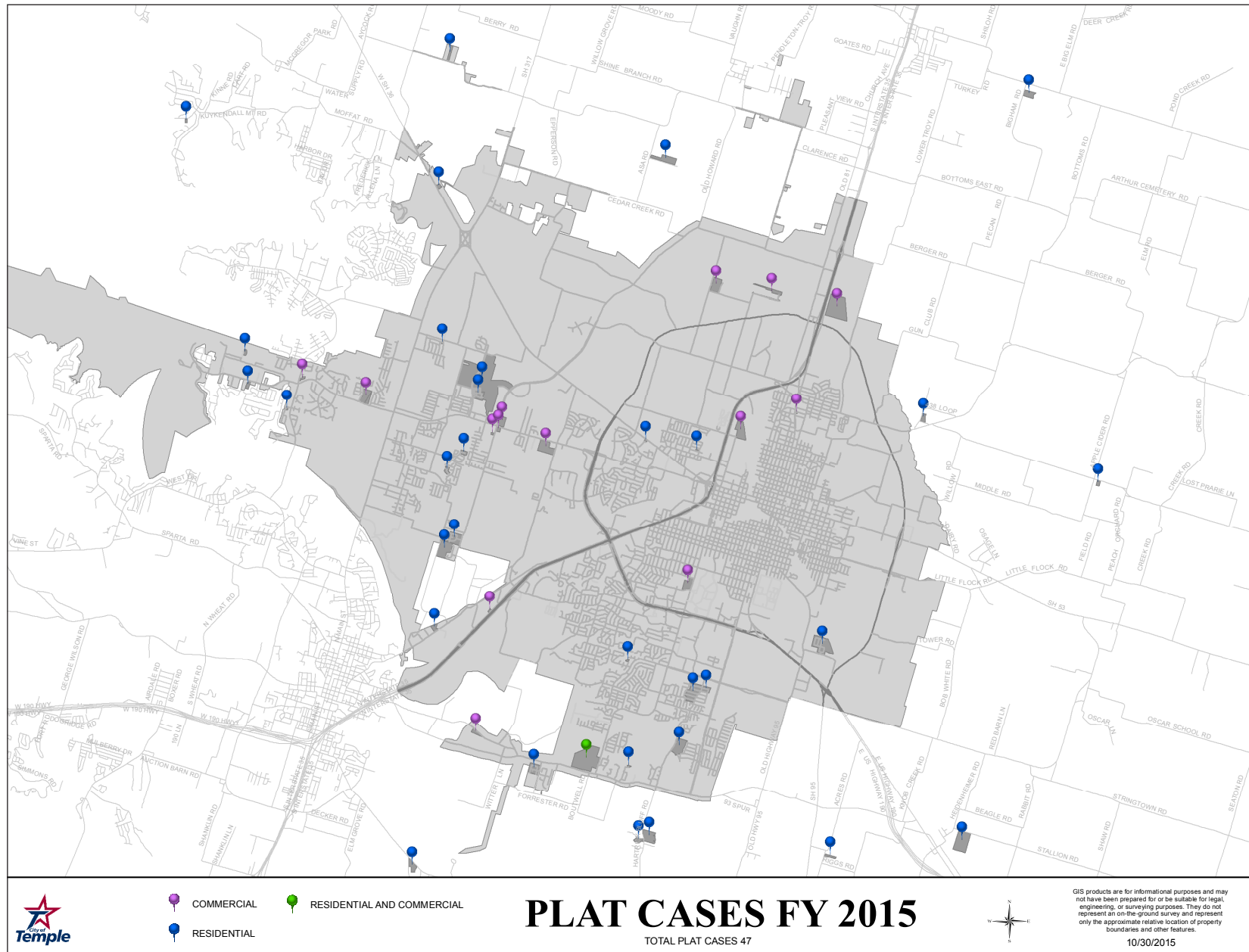
P-FY-15-22

Non-Residential Plats

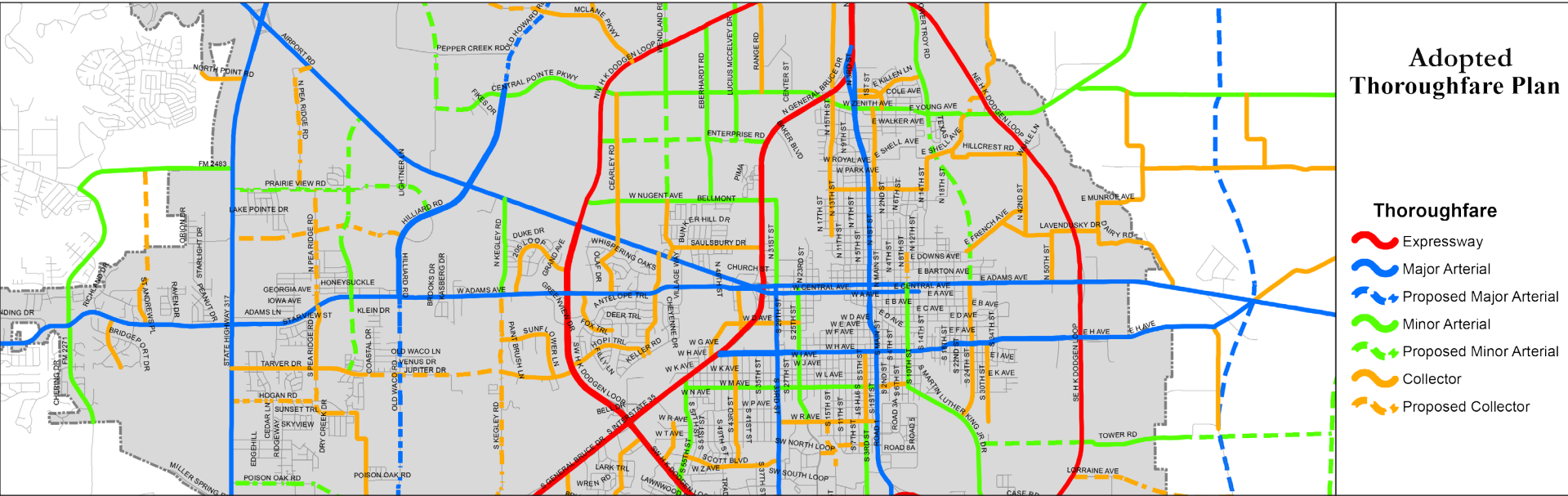
Uses for “non-residential” plats include commercial, industrial, professional, mixed-use, retail, office or other types of non-residential uses. The Planning Department reviewed 14 non-residential plats for FY 2015. Three of them were pending at the time of this report and the others were either approved 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



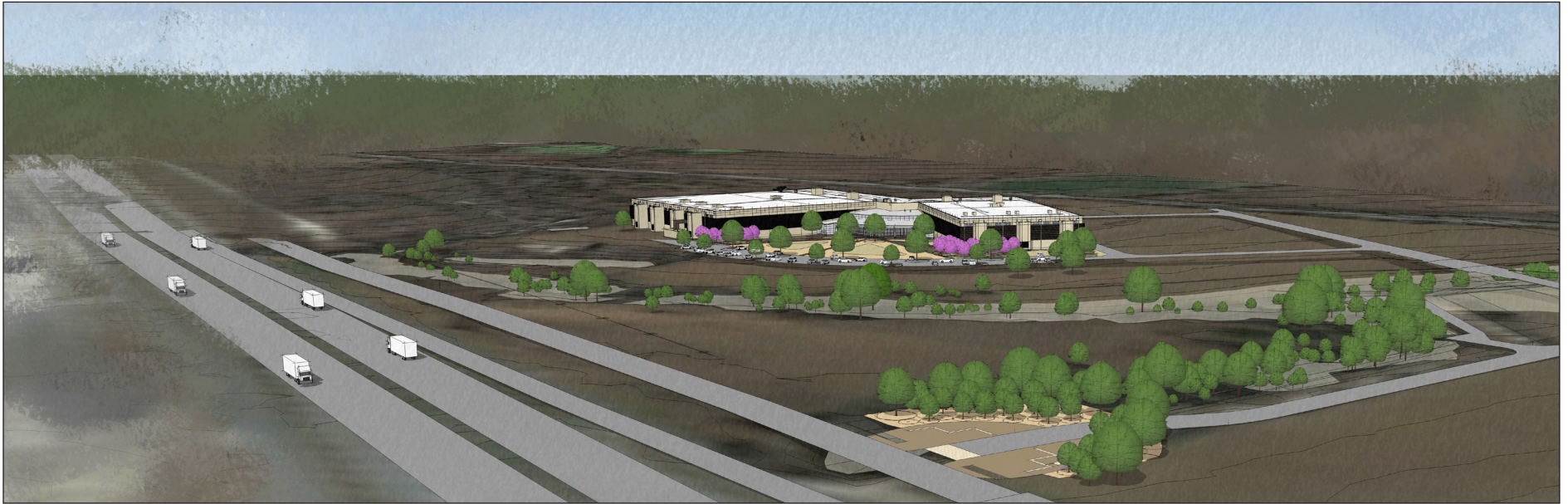
Z-FY-15-10 Adopted Thoroughfare Plan Graphic

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)

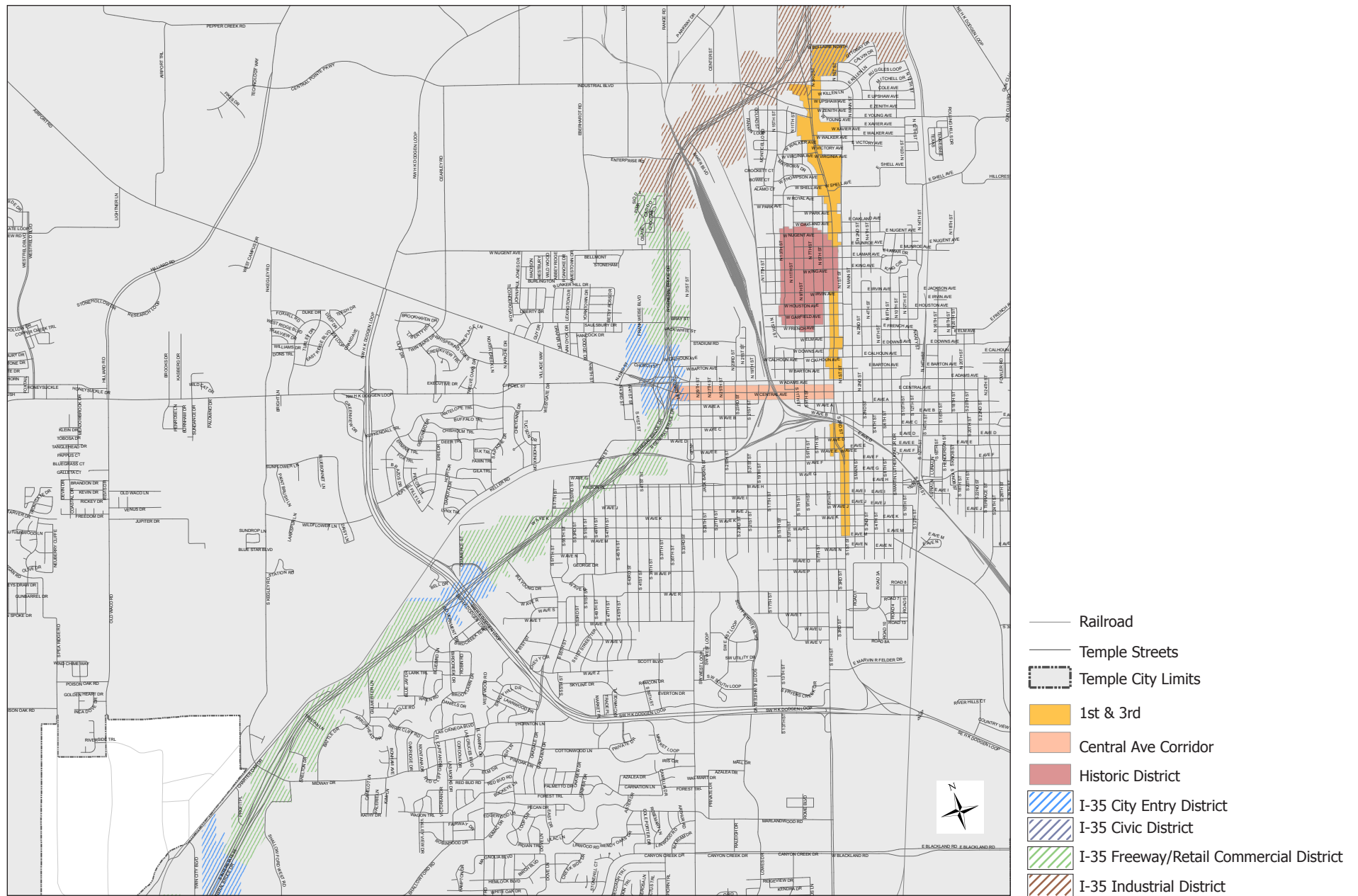
• 1st & 3rd Overlay Appeals

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

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
Development Approval	<p>Get Started Right! 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>Zoning 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: • Application • Digital and hard copies • Field notes if needed • Other documents • Fees</p> <p>Rezoning Schedule Universal Application</p> <p>Attend Public Hearing Attend a Planning and Zoning Commission Meeting</p> <p>Attend Public Hearing Attend a City Council Meeting</p> <p>City Council Second Reading Ordinance requires two readings for final approval</p> <p>Check Section 3.3: Rezoning, of the Unified Development Code (UDC) UDC</p>	<p>Preliminary Plat (if applicable see UDC Section 3.6.5) Submit to the Planning Department: • 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> <p>Plat Checklist Universal Application Plat Review Schedule</p> <p>Planning Department: (254) 298-5668 Engineering Department (254) 298-5624</p> <p>Check UDC Section 3.6: Subdivision Plat Review UDC</p>	<p>Attend Development Review Committee (DRC) Meeting 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>Attend a Planning and Zoning Commission Meeting</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>Final Plat: Application Submit to the Planning Department • Application • Digital and hard copies of plans • Field notes • Dedication instrument • Utility provider transmittal letter • Drainage plan/letter • Other documents (see checklist below) • Fees Plat Checklist</p> <p>Universal Application Plat Review Schedule</p> <p>Planning Department: (254) 298-5668 Engineering Department (254) 298-5624</p>	<p>Attend Development Review Committee (DRC) Meeting 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>Attend a Planning and Zoning Commission Meeting 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 Schedule inspections with Public Works Department for residential infrastructure improvements (254) 298-5640</p>	<p>Recordation and Close Out Pre-Recordation Submit to the Planning Department • 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> <p>Post-Recordation • 1 mylar of recorded plat • 5 hard copies of recorded plat • Original recorded dedication instrument • Original recorded easement agreements (if applicable)</p> <p>See Procedures for Plat Recordation Procedures for Plat Recordation</p> <p>Residential Plat Schedule final walk through with Public Works/ Engineering Pay Park Fees Request Letter of Acceptance (254) 298-5640</p>	<p>Building Permit Submit to Permitting and Inspections: • Universal Commercial/ Residential Application • All plans (see requirements below) • Fees</p> <p>Permitting and Inspections will provide comments within 10 business days Applications Residential Permit Requirements Commercial Permit Requirements 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: • Civil construction plans (always) • Storm water Management Plan • Drainage Report • Geotechnical Report • Floodplain Development App. • Other documents Floodplain Dev. App.</p>	<p>Submit to Permitting and Inspections: • Electronic revised plans per comments • Other requested documents Check Permit Status</p> <p>If permit is approved proceed with construction. Schedule inspections as needed with: • Building /Mechanical Inspectors • Electrical Inspector • Plumbing Inspector • Fire • Development Coordinator (for commercial)</p> <p>Contact Inspections Hotline to schedule inspections (254) 298-5640</p> <p>Submit to Public Works/ Engineering: • Storm water Prevention Plan • Revisions per comments provided by Public Works/ Engineering until plans are approved for construction permit</p> <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 Pay Park Fees Request Letter of Acceptance (254) 298-5640</p>

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

05/05/16
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) April 21, 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 21, 2016 Special and Regular Meeting



COUNCIL AGENDA ITEM MEMORANDUM

05/05/16
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #2 with Intergraph Corporation, Madison, Alabama in the amount of \$35,996 for Intergraph WebRMS.

STAFF RECOMMENDATION: Adopt Resolution as presented in item description.

ITEM SUMMARY: The Police and Fire Departments currently use Records Management Software (I-Leads RMS) from Intergraph Public Safety in helping the City to conduct management of Public Safety records and analysis, this software has been in use by the City since 1999 when we became part of Bell County Communications. On December 18th, 2014 the City Council approved a contract with Intergraph Corporation to replace the current system with the new WebRMS product.

Bell County Communications has moved to the newest web-based computer aided dispatch and records management systems which in turn requires to the City of Temple to move forward to ensure future communications between Bell County Communications and City of Temple Records Management Systems.

This change order is to allow for the building of interfaces between our courts software, Fire software, and Computer Aided Dispatch links in preparation for the WebRMS go live date in July of 2016.

Intergraph Public Safety is the owner and sole provider of software for the Intergraph WebRMS Software.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to allocate funding from Municipal Court Technology Fees in the amount of \$17,998 to fund 50% of the change order related to the interface with the City's Court software.

After approval of the budget adjustment, funding will be available to fund the change order for the WebRMS EdgeFrontier Interfaces in the amount of \$35,996, in the accounts as follows:

Account #	Project #	Amount
110-1900-519-6221	101188	\$ 17,998
110-5919-519-6221	101188	\$ 17,998
Total funding available for changer order		\$ 35,996

ATTACHMENTS:

[Agreement](#)
[Budget Adjustment](#)
[Resolution](#)

CHANGE ORDER / CHANGE REQUEST



CUSTOMER NAME: City of Temple Texas
CUSTOMER ADDRESS: 2 North Main, Suite 206
Temple, TX 76501

HEXAGON ENTITY: Intergraph SG&I

DATE: March 8, 2016

CHANGE ORDER NUMBER: 2
CHANGE ORDER TITLE: EdgeFrontier Dev SW & Training

ORIGINAL PO / CONTRACT NUMBER: PO Number 185129, dated 12/19/14 for Records Management System Software Upgrade

CURRENT CONTRACT VALUE: \$554,340.00 Includes Extended Warranty, excludes taxes

REVISED CONTRACT VALUE: \$590,336.00 Includes Extended Warranty, excludes taxes

CHANGE ORDER PRICE: 35,996.00
CURRENCY: U.S. Dollars

OTHER HEXAGON INFORMATION:
QUOTE NUMBER: 2016-36955 rev. 1
QUOTE & CHANGE REQUEST EXPIRATION DATE June 30, 2016
PROJECT MANAGER: Clint Griggs
SALES CONTACT: Jameson Whiting
PROJECT NUMBER: TEMP1

WHEREAS, the customer named above (hereafter "Customer") and the Intergraph Corporation d/b/a Hexagon Safety & Infrastructure (hereafter "Hexagon") have entered into the agreement named above for products and/or services (hereafter "Agreement");

WHEREAS, the Customer and Hexagon desire to amend the Agreement, as set forth below in this Change Order/Change Request (hereafter "Change Order" or "Change Request"), in consideration for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged;

NOW THEREFORE, the parties intending to be legally bound, hereby agree as follows:

I. DESCRIPTION OF CHANGE:

This Change Order makes the following revisions to this contract:

This Change Order provides EdgeFrontier Developer Engine software, software maintenance, services and training per the attached SOW.

The detailed technical or functional revisions to the contract are described below or in the separately attached Statement of Work (SOW):

Please see the attached Statement of Work "EDGEFRONTIER DEVELOPER SOFTWARE, SERVICES AND TRAINING"

Change Order delivery details

<i>Delivery date</i>	<i>To be scheduled upon change order signing</i>
<i>Handling priority</i>	<i>No change</i>
<i>Acceptance criteria</i>	<i>See attached SOW</i>
<i>Required deliverables by Customer</i>	<i>See attached SOW</i>
<i>Documentation and Training</i>	<i>No change</i>
<i>Changes to contract schedule</i>	<i>No change</i>
<i>Guarantee and Warranty changes</i>	<i>No change</i>
<i>Liability and reliability changes if any</i>	<i>No change</i>

Milestone payments as a result of this change order are revised as follows:

New milestone - 50% value of Change Order 2, \$17,998 due upon Change Order 2 execution

New milestone - 50% value of Change Order 2, \$17,998 due upon acceptance

Check One

- ☒ This Change Order does affect the contract value. All other Terms and Conditions remain unchanged and all Intellectual Property Rights covered by this Order/Request remain with Intergraph.
- ☐ This Change Order does not affect the contract value. Funds in the Customer Credit Balance may be used toward the purchase of future Intergraph software or services. All other Terms and Conditions remain unchanged and all Intellectual Property Rights covered by this Order/Request remain with Intergraph.

II. CHANGE ORDER DETAILS

Items Added to Contract:

Contract Line Item#	ITEM DESCRIPTION	Part #	QTY	UNIT COST	TOTAL COST
New	EdgeFrontier Developer Engine	IPS3042DEV	1	15,000.00	15,000.00
New	Project Management Services	SPRSVC9001PM	1	1,196.00	1,196.00
New	EdgeFrontier Developer Training	SPRSVC9001TRN	1	16,200.00	16,200.00
					-
Total of Items Added:					32,396.00

Maintenance (or Extended Warranty) of Items Added Above: (if applicable)

Contract Line Item#	ITEM DESCRIPTION	Part #	QTY	UNIT COST	TOTAL COST
New	EdgeFrontier Developer Engine	IPS3042DEV	1	3,600.00	3,600.00
					-
Total Software Maintenance:					3,600.00

Items Removed from Contract:

Contract Line Item#	ITEM DESCRIPTION	Part #	QTY	UNIT COST	TOTAL COST
					-
					-
Sub-total of Items Removed:					-

Maintenance (or Extended Warranty) of Items Removed Above: (if applicable)

Contract Line Item#	ITEM DESCRIPTION	Part #	QTY	UNIT COST	TOTAL COST
					-
					-
Total Software Maintenance:					-

III. SUMMARIES:


CHANGE ORDER SUMMARY	
Additions:	35,996.00
Removals:	-
Total Change Order Price:	35,996.00

Customer Credit Balance	
Balance after C/O :	
Adjustments:	-
Balance after C/O 1:	-

IV. CHANGE ORDER APPROVAL:

IN WITNESS WHEREOF, the parties hereto have signed this Change Order/Change Request as of the date written above.

APPROVED BY:


Business Unit: Public Safety Operations
Hexagon Safety & Infrastructure

Date: 17 March 2016

APPROVED BY:


Authorized Signatory
Hexagon Safety & Infrastructure

Date: 3-21-16

APPROVED BY:

Customer Authorized Signature

Date:

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be original, and all of which together shall constitute one and the same Agreement. A signature delivered by facsimile shall be deemed to be an original signature and shall be effective upon receipt thereof by the other party.



Customer:	Temple, TX City of
Quote Number:	2016-36955 rev. 1
Quote Date:	March 9, 2016
Expiration Date:	June 30, 2016

This quotation has been prepared for:

Mercedes Deaton
Temple, TX City of
2 N MAIN ST

Temple, TX 76501
United States
Tel: 254-2985203
Fax: (254) 298-5216
Email: mdeaton@ci.temple.tx.us

Ship To:

Temple, TX City of

Bill To:

Temple, TX City of
105 S. 5th St.
Temple, TX 76501

United States

Product Configuration Listing

Part Number	Description	Qty	Net Price	Ext Price
IPS3042DEV	EdgeFrontier Developer Engine	1	\$15,000.00	\$15,000.00
SPRSVC9001PM	Project Management Services	1	\$1,196.00	\$1,196.00
SPRSVC9001TRN	EdgeFrontier Developer Training	1	\$16,200.00	\$16,200.00
Product Total				\$32,396.00

Maintenance Configuration Listing

Part Number	Description	Qty	Type	# of Mths	Monthly Unit Net Price	Ext Price
IPS3042DEV	EdgeFrontier Developer Engine	1	PRM	12.0	\$300.00	\$3,600.00
Maintenance Total						\$3,600.00

This quotation is provided subject to the attached terms and conditions.

You will be sent a confirmation of purchased maintenance services by the Hexagon Customer Services Administration department. If maintenance is not purchased at the same time as you purchase products listed in this quotation, you may purchase the maintenance for the products at a later date; however reinstatement or upgrade fees shall apply.



Customer:	Temple, TX City of
Quote Number:	2016-36955 rev. 1
Quote Date:	March 9, 2016
Expiration Date:	June 30, 2016

Summary

	Net Price
Software:	\$15,000.00
Services:	\$17,396.00
Maintenance:	\$3,600.00
Total Price*:	\$35,996.00

* Sales tax is not included in this quotation. Final sales tax billed will reflect the applicable tax rates at time of sale as required by law.

Notes:

IPS3042 product and maintenance were discounted to 2015 prices because the customer had a quote that was still valid.
This will be processed as a change order.

This Quote/SOW will be processed as a change order

Any commercial Off-the-shelf product information Hexagon has shared with its audience during the proposal / contract activities to date, were to provide an understanding of Hexagon's current expected direction, roadmap or vision and is subject to change at any time at Hexagon's sole discretion. Hexagon does not commit to develop the future features, functions and products discussed in this material beyond that which is specifically committed to be provided by Hexagon as part of the intended contract. The audience of this material should not factor any future features, functions or products into its current buying decision since there is no assurance that such future features, functions or products will be developed. When and if these future features, functions or products are developed, they will generally be available for licensing by Hexagon.

To place an order against this quotation, please either fill in the required information below and have an authorized representative of your company sign this quotation, have your company issue a purchase order with the required information below and reference this quotation number, or have your company remit payment via one of the methods described in the billing and payment instructions that follow, making sure to include a reference to this quotation number. Please submit the signed quotation, your purchase order, or payment to the Order Administration desk in accordance with the contact information provided below. This agreement shall only become binding and effective upon the written acceptance by Hexagon or the first delivery of the products/services within this quotation. The terms and conditions of this quotation cannot be superseded, altered, modified, or amended by subsequent Purchase Order or writing received from customer without the express written consent of Hexagon.

Attn: Hexagon Administration
Intergraph Corporation
P. O. Box 240000
Huntsville, AL 35813
Phone: (256) 730-2705
Fax Numbers: 800-239-2972 or 256-730-6089
Email: hsiordersall@hexagonsi.com

Temple, TX City of

Signature: _____

Printed Name: _____

Phone: _____

Date: _____

PO reference (if required for invoicing):



HEXAGON
SAFETY & INFRASTRUCTURE

Customer:	Temple, TX City of
Quote Number:	2016-36955 rev. 1
Quote Date:	March 9, 2016
Expiration Date:	June 30, 2016



HEXAGON

SAFETY & INFRASTRUCTURE

Customer:	Temple, TX City of
Quote Number:	2016-36955 rev. 1
Quote Date:	March 9, 2016
Expiration Date:	June 30, 2016

Please check to indicate payment and billing instructions:

- ☐ My PURCHASE ORDER (PO) is attached. (Your order will be processed upon written acceptance by Intergraph. Terms and conditions printed on a customer PO shall not supersede the applicable terms and conditions attached to this quotation.)

PO Number: _____ PO Amount: _____

- ☐ I wish to pay by CREDIT CARD. Intergraph will contact you to obtain the credit card number. Please provide the name and telephone number of the credit card holder below. (Your order will be processed upon written acceptance by Intergraph and upon authorization/approval of your credit card.)

Name as it appears on Credit Card: _____

Telephone number of Cardholder: _____

Signature of Cardholder: _____

- ☐ INVOICE ME based on my returning this signed acceptance sheet. (Your order will be processed upon written acceptance by Intergraph and upon credit approval.)

- ☐ My CHECK payable to Intergraph Corporation has been sent to the following address

Intergraph Corporation
7104 Solution Center
Chicago, IL 60677-7001

(Your order will be processed upon written acceptance by Intergraph and after your check clears - approximately 5 days after receipt by our lockbox.)

Check Number: _____ Check Amount: _____

- ☐ My DOMESTIC WIRE PAYMENT has been wired to:

ABA Number: 021000018
Bank Name: Bank of New York Mellon, New York, NY
Favor of: Bank: SEB (Skandinaviska Enskilda Banken)
Account Number: 890 043 9688
For further credit to: Intergraph Corporation SGI Division, Account #00007583

- ☐ My ACH PAYMENT has been sent to:

Account Number: 1030429611
Company Name: Intergraph Corporation SGI
Routing Number: 043000096
Beneficiary Bank Name: PNC Bank N.A.
Address: Pittsburgh, PA 15222
Phone#: 1-877-824-5001, Opt 1 and Opt 3
Contact: Lockbox Group, Product Client Services

(Your order will be processed upon written acceptance by Intergraph.)



HEXAGON
SAFETY & INFRASTRUCTURE

CITY OF TEMPLE, TEXAS STATEMENT OF WORK

EDGEFRONTIER DEVELOPER SOFTWARE, SERVICES AND TRAINING

Statement of Work
January 7, 2016



Prepared for:

Mercedes Deaton
2 Main Street
Temple, TX 76501

Phone: (254) 298-5203
Email: mdeaton@ci.temple.tx.us

By SOW Preparer for:

Jameson Whiting
Regional Sales Manager
Hexagon Safety & Infrastructure
P.O. Box 240000
Huntsville, AL 35813

Phone: (801) 721-7631
Email: Jameson.Whiting@Hexagonsi.com





CONTENTS

1.	Introduction.....	4
2.	Deliverables	4
3.	Assumptions	5
4.	Implementation Services	6
5.	Training Services.....	6
6.	Acceptance Criteria.....	9
7.	Schedule.....	9
8.	Price	9
9.	Payment Terms	10





1. INTRODUCTION

This document is submitted to serve as a mutually acceptable Statement of Work ("SOW") between Intergraph Corporation doing business as Hexagon Safety & Infrastructure ("Hexagon") and the City of Temple, Texas ("Customer"). This SOW defines the software and services required to deliver EdgeFrontier Developer licenses and training.

This SOW will be processed as a change order to PO Number 185129, dated 12/19/14 for Records Management System Software Upgrade.

Unless specifically noted within this SOW, all software shall be the standard commercial off-the-shelf ("COTS") product. Functionality not identified in this SOW may be included at additional cost with appropriate revisions to the SOW

2. DELIVERABLES

The deliverables for this SOW are:

1. EdgeFrontier Developer Engine License (IPS3042DEV) – Qty 1
2. EdgeFrontier Developer Training (EF9001DEVTRN)
3. Project Support Services - remote
4. First Year Software Maintenance on EdgeFrontier software beginning at installation.



3. ASSUMPTIONS

1. Hexagon and the Customer will review the SOW and determine a mutually agreeable date for the services to be performed. Note: This purchase must be completed prior to any tentative dates being confirmed.
2. The Customer must be on CAD 9.1.1 SP11 version or higher.
3. The Edge Frontier Runtime License (IPS3042) is required in order to run/deploy any custom-built EdgeFrontier configurations/interfaces.
4. This SOW assumes the Customer already owns the EdgeFrontier Runtime License.
5. The EdgeFrontier Developer Engine includes two (2) EdgeFrontier Engines instances that can be used for internal testing and development only and are not to be installed or used in the production environment.
6. The Customer shall assign a single, duly authorized representative to act as the Customer Project Manager.
7. The Customer must provide 24 x 7 VPN connectivity or secured remote connectivity (including a logon and password) to all servers and workstations requiring installation/configuration by Hexagon.
8. Maximum training day is 8 hours in length, including breaks. Specific start and end times will be coordinated prior to the commencement of training.
9. Training documentation provided by Hexagon with this course will be standard COTS documentation and Help Files, and will not be customized to the Customer's site specific configuration. All documentation will be provided in electronic format. Should printed copies be required, the Customer is responsible for providing them.
10. Hexagon and Customer will ensure the applicable resources are available as per the mutually agreed to date for the services to be performed.





4. IMPLEMENTATION SERVICES

Other installing the EdgeFrontier software as listed in the *Section 2: Deliverables*, there are no other implementation services provided under this SOW.

5. TRAINING SERVICES

Hexagon will provide training services as outlined below.

Customer Responsibilities:

1. The Customer will be responsible for providing a training area with a white board, projector, and sufficient workstations for the participating students. Hexagon recommends a maximum of one student per workstation, unless otherwise noted in the course description.
2. The Customer will be responsible for loading all client software on training workstations and ensuring that all workstations are connected to the training LAN and database.
3. The Customer must ensure that all training workstations and servers are operational prior to the agreed start of training classes. Hexagon will remotely VPN into the Customer network and check the training workstations to ensure they are functionally ready for training sessions. Customer will provide VPN or secured remote connectivity to these workstations; otherwise a trip, which will require additional cost, will be added to this SOW.
4. The Customer will provide internal training to users that are unable to attend the Hexagon provided training.

Hexagon Responsibilities:

1. Install EdgeFrontier Developer software on the Customer's Test and/or Development environment
2. Conduct EdgeFrontier Developer Training (EF9001DEVTRN) – Four (4) days on-site.



EdgeFrontier Developer Training Course (EF9001DEVTRN)

This hands-on EdgeFrontier training course is designed for Hexagon Safety & Infrastructure customers who have purchased an EdgeFrontier Developer license who have an interest in configuring their own EdgeFrontier Systems (interfaces). The Training class will mainly focus on general EdgeFrontier training, and then towards the end of class we will focus on using the EdgeFrontier "Connect" interfaces to the client's respective core Intergraph/Hexagon products.

The training will follow the EdgeFrontier Basics Training Guide which is a comprehensive guide intended for beginner and intermediate level EdgeFrontier users. It covers the basic, foundational knowledge required by a proficient EdgeFrontier user. Each chapter focuses on a specific topic and contains detailed examples, diagrams, and exercises on the topic covered in that chapter.

The chapters will be followed sequentially as each chapter builds on the previously covered chapters. Upon successful completion, trainees will be able to take the core concepts / fundamentals and be able to configure simple-to-moderate interfaces in EdgeFrontier. With the foundational knowledge provided, trainees will be able to continue to use EdgeFrontier and build more complex interfaces over time as their comfort level grows, as that is the primary way to become a truly proficient user.

Please note the stated prerequisites and student capacity, as strict adherence is essential to the successful completion of this course.

Major Topics

General EdgeFrontier Knowledge

- EdgeFrontier Introduction
 - How is EdgeFrontier Used and Key Features
 - Navigating the EdgeFrontier User Interface (UI)
- Systems and Components
 - Understanding Systems and Components
 - Using the System Editor
 - Component Relationships
- Handling, Parsing, and Storing Raw Data: Series, Fields, and Variables
 - Series In-Depth
 - Fields In-Depth
 - Variables In-Depth
- Generating Custom Output: EdgeFrontier Template Syntax
 - Template Syntax Operation
- Introduction to Building Workflows: Events and Actions
 - Event Component In-Depth
 - Action Component In-Depth
 - Understanding Action Parameters
- Introduction to Configuring Conditional Workflows: RowEvents and Conditions
 - RowEvent Component In-Depth
 - Condition Component In-Depth
- Communication Between Systems: DataConsumer and DataProvider
 - Data Consumer Component In-Depth
 - Data Provider Component In-Depth
 - Building Reusable Systems
- Advanced Conditional Workflows and Lookups: RowEvents and Conditions
 - Comparing Against Other Series'
 - Using RowEvents and Conditions for Lookup Tables
- Key Concept: Understanding the Importance of the Series Order of Operations
- Advanced Knowledge Topics Customized to Address Customer Interface Needs



[Below are optional topics that can be covered depending on client's core products]

CAD Connect for EdgeFrontier

- Working with CAD Connect for EdgeFrontier
 - Overview of interface architecture for CAD Connect and IFCAD
 - Consuming I/CAD Reports (Listener Service)
 - Invoking I/CAD Commands (Command Service)
 - Querying for Additional I/CAD Information (Data Service)

WebRMS Connect for EdgeFrontier

- Working with WebRMS Connect for EdgeFrontier
 - Overview of interface architecture for WebRMS Connect and the WebRMS API
 - Using the WebRMS Connect Utilities
 - Configuring and Subscribing to Alerts in WebRMS
 - Requesting Imports and Exports

*All topics include hands-on classroom exercises and challenges that trainees will build during the class

*Using I/Security Connect and/or GeoMedia Connect also be addressed in training, as well, once training materials have been put together.

Recommended Audience

The recommended audience is someone with a technical background (IT administrator, system administrator, software developer, I/CAD administrator, RMS administrator, etc.).

Prerequisites

Trainees will need a laptop or computer with the .NET 4.5 Framework installed. Prior to training, Hexagon will need to work remotely with a system administrator to setup the training environment via WebEx. For example, prior to EF Developer Training for I/CAD clients, we like to have the EdgeFrontier software installed on the training machines, and IFCAD and CAD Connect for EF installed on the client's test environment (so that it can be used for training).

In addition, strong adherence to the following prerequisites is mandatory:

- Responsibility for the administration, support, and maintenance of EdgeFrontier and the systems/interfaces built within the application.
- Technical understanding of databases, XML, and network communications.
- Working knowledge of Windows. This includes major networking components, including clients, servers, local area networks, network ports, and protocols.

Method	Conducted on-site by one (1) instructor. *This course description / SOW includes one instructor. Hexagon will provide a quote for additional instructors at the Customer's request.
Task Classifications	EdgeFrontier User/ Implementer
Duration	4 days *This course description / SOW includes four days of on-site training. Hexagon will provide a quote for additional day(s) at the Customer's request.
Student Capacity	1 to 6 people (Maximum of six students per class)





6. ACCEPTANCE CRITERIA

The software and services shall be considered as accepted with either written acceptance by the Customer or upon installation of the Edge Frontier software and completion of the Developer training class, whichever comes first.

Note: If a delay in final acceptance is caused by another vendor or a state agency's ability to provide required deliverables and lasts for more than 30 days after delivery by Hexagon, the Customer agrees to provide written acceptance of the Hexagon software and services.

7. SCHEDULE

Scheduling of Hexagon services will occur: (i) upon receipt of this executed document, (ii) receipt of Customer's change order, and (iii) Customer has no past due payments to Hexagon. Hexagon and the Customer will determine a mutually agreeable schedule for completion of the deliverables as described in this SOW.

8. PRICE

Pricing for this SOW is in accordance with Hexagon quotation number:

2016-36955 rev. 1

Hexagon will submit invoices to the Customer at the following address:

City of Temple Texas
ATTN: Accounts Payable
3210 E. Avenue H, Building C
Temple, TX 76501





9. PAYMENT TERMS

Payment for this SOW will be due according to the following payment schedule:

PAYMENT MILESTONE	PAYMENT PERCENTAGE
Upon execution of this SOW	50%
Upon acceptance as defined in Section 6: Acceptance Criteria	50%



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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
110-0000-452-04-55		Municipal Court Technology Fee	\$ 17,998		
110-1900-519-62-21	101188	Computer Software	17,998		
TOTAL.....			\$ 35,996	\$ -	

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

This change order is to allow for the building of interfaces between our courts software, Fire software, and Computer Aided Dispatch links in preparation for the WebRMS. The total change order is \$35,996. 50% of the cost of the change order is related to the interface with the City's Court software. This budget adjustment appropriates Municipal Court Technology Fees to fund the amount related to the interface with the City's Court software, \$17,998.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

5/5/2016

WITH AGENDA ITEM?

☒ Yes☐ No


Department Head/Division Director

4/25/2016

Date

☒ Approved☐ Disapproved

Finance

Date

☐ Approved☐ Disapproved

City Manager

Date

☐ Approved☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2, IN THE AMOUNT OF \$35,996, TO THE CONTRACT WITH INTERGRAPH CORPORATION OF MADISON, ALABAMA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police and Fire Departments currently use Records Management Software (I-Leads RMS) from Intergraph Public Safety which helps the City conduct management of public safety records and analysis;

Whereas, this software has been used by the City since 1999 when the City became part of Bell County Communications - on December 18, 2014, Council approved a contract with Intergraph Corporation to replace the current system to the new WebRMS product;

Whereas, Bell County Communications has moved to the newest web-based computer aided dispatch and records management system which requires the City of Temple to move forward to ensure future communications between Bell County Communications and City of Temple Records Management Systems;

Whereas, Intergraph Public Safety is the owner and sole provider of software for Intergraph WebRMS software and Staff recommends Council authorize change order number 2 to the contract with Intergraph Corporation, in the amount of \$35,996, which will allow for the building of interfaces between our court's software, the Fire Department's software, and Computer Aided Dispatch links in preparation for WebRMS's go live date of July, 2016;

Whereas, funds are available for this change order but an amendment to the fiscal year 2016 budget needs to be approved to appropriate additional funds into Account Nos. 110-1900-519-6221 and 110-5919-519-6221, Project No. 101188; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute change order number 2, in the amount of \$35,996, to the contract with Intergraph Corporation of Madison, Alabama, for Intergraph WebRMS.

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

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

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

05/05/16
Item #5(C)
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 the property at 301 East Avenue B, Temple, Texas 76501 and authorizing closing costs associated with the purchase, in an amount not to exceed \$102,000.

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

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: On April 9, the property owner for 301 East Avenue B listed the property for sale for \$125,000. Staff is interested in purchasing the property, which is in the vicinity of the future MLK Fields festival grounds and will be used in future revitalization plans for the area. On April 19, Staff made an offer, subject to future City Council approval, to purchase the property for \$100,350, which the property owner accepted. Staff is seeking City Council's authorization to purchase the property at the agreed-upon price and pay necessary closing costs, in an amount not to exceed \$102,000.

FISCAL IMPACT: Funding for the purchase of 301 East Avenue B is appropriated in account 795-9500-531-6566, project #101262.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 301 EAST AVENUE B, TEMPLE, TEXAS AND AUTHORIZING CLOSING COSTS ASSOCIATED WITH THIS PURCHASE, IN AN AMOUNT NOT TO EXCEED \$102,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 9, 2016, the property owner for 301 East Avenue B listed the property for sale for \$125,000 and Staff is interested in purchasing the property, which is in the vicinity of the future MLK Fields festival grounds;

Whereas, on April 19, 2016, Staff made an offer, subject to City Council approval, to purchase this property for \$100,350, which the property owner has accepted;

Whereas, Staff recommends Council authorize the purchase of the property located at 301 East Avenue B, at the agreed-upon price as well as payment of necessary closing costs, in an amount not to exceed \$102,000;

Whereas, funding for this purchase is appropriated in Account No. 795-9500-531-6566, Project No. 101262; and

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

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

Part 1: The City Council authorizes the purchase of the property located at 301 East Avenue B, Temple, Texas 76501, and authorizes the payment of closing costs associated with the purchase, in an amount not to exceed \$102,000.

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

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

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

05/05/16
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchases, in an amount not to exceed \$29,000.

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

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed Santa Fe Market Trail/MLK Fields festival grounds. The design requires the acquisition of real property from sixteen different property owners. Appraisals have been performed on all of the parcels and the City has made offers to twelve of the owners. Two offers were immediately accepted. Staff is asking for authorization to purchase the two properties and pay closing costs, in an amount not to exceed \$29,000. The addresses of the two properties are listed below:

202 South 6th Street
218 East Avenue C

FISCAL IMPACT: Funding for the purchase of two properties necessary for construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds is appropriated in account 795-9500-531-6566, project #101262.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS; AND AUTHORIZING CLOSING COSTS ASSOCIATED WITH THESE PURCHASES, IN AN AMOUNT NOT TO EXCEED \$29,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Santa Fe Market Trail/MLK Fields festival grounds and the design requires the acquisition of real property from sixteen different property owners;

Whereas, appraisals have been performed on all of the parcels in this area, and the City has made offers to twelve of the owners - two offers were immediately accepted;

Whereas, Staff recommends Council authorize the purchase of two properties located at 202 South 6th Street and 218 East Avenue C, as well as the payment of closing costs, in an amount not to exceed \$29,000;

Whereas, funding for these two property purchases is appropriated in Account No. 795-9500-531-6566, Project No. 101262; and

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

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

Part 1: The City Council authorizes the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds located at 202 South 6th Street and 218 East Avenue C, as well as the payment of closing costs, in an amount not to exceed \$29,000.

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

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

PASSED AND APPROVED this the **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

05/05/16
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of portions of seven properties necessary for the expansion of Old Waco Road, accepting the donation of a remainder parcel, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$650,000.

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

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Old Waco Road from the drainage channel just north of Brandon Drive to a point 300 feet south of the drainage channel just south of Jupiter Drive, otherwise known as Phase 3B of the future Outer Loop. The design requires the acquisition of right-of-way from ten different property owners. Appraisals have been performed on the parcels, offers have been made to the property owners based upon those appraisals, and the City's consultant has completed the relocation studies.

Agreements have been reached with three of the property owners, and counter offers have been submitted by six of the other seven. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them in the next few weeks.

On February 4, Council authorized the acquisition of a portion of the property at 1002 Old Waco Road, and on April 7, Council authorized the acquisition of the right-of-way needed from 6916 Venus Drive and 6918 Old Waco Lane, as well as the remainder of 6918 Old Waco Lane. The owner of 6916 Venus Drive now seeks to donate the remainder of her property to the City, and Staff is asking for authorization to accept the donation. Staff is also asking for authorization to purchase the necessary right-of-way from the remaining seven properties, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$650,000. The addresses of the seven properties are listed below:

1207 Old Waco Road
6819 Jupiter Drive
1010 Old Waco Road
6914 Jupiter Drive
6917 Venus Drive
800 Old Waco Road
6919 Old Waco Lane

FISCAL IMPACT: Funding for the purchase of a portion of seven properties necessary for the expansion of Old Waco Road is appropriated in account 365-3400-531-6813, project #101121.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PORTIONS OF SEVEN PROPERTIES NECESSARY FOR THE EXPANSION OF OLD WACO ROAD; ACCEPTING THE DONATION OF A REMAINDER PARCEL; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES; AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES, IN AN AMOUNT NOT TO EXCEED \$650,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Old Waco Road from the drainage channel just north of Brandon Drive, to a point 300 feet south of the drainage channel just south of Jupiter Drive, otherwise known as Phase 3B of the future Outer Loop;

Whereas, the design requires the acquisition of right-of-way from ten different property owners - appraisals have been performed on all of the parcels, offers have been made to the property owners based upon those appraisals, and the City's consultant has completed the relocation studies;

Whereas, agreements have been reached with three of the property owners, counter offers have been submitted by six of the other seven, and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them in the next few weeks;

Whereas, on February 4, 2016, Council authorized the acquisition of a portion of the property located at 1002 Old Waco Road and on April 7, 2016, Council authorized the acquisition of the right-of-way needed from 6916 Venus Drive and 6918 Old Waco Lane, as well as the remainder of 6918 Old Waco Lane;

Whereas, the owner of 6916 Venus Drive now seeks to donate the remainder of the property to the City, and Staff recommends Council accept this donation;

Whereas, Staff recommends Council authorize the purchase of portions of seven properties necessary for the expansion of Old Waco Road, accept the donation of a remainder parcel located at 6918 Old Waco Lane, authorize closing costs associated with these purchases, and authorize the payment of relocation expenses that may be required by law, in an amount not to exceed \$650,000 – the addresses of these seven properties are as follows:

1207 Old Waco Road
6914 Jupiter Drive
6919 Old Waco Lane

6819 Jupiter Drive
6917 Venus Drive

1010 Old Waco Road
800 Old Waco Road

Whereas, funding for the purchase of portions of seven properties necessary for the expansion of Old Waco Road is appropriated 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 purchase of portions of the seven properties listed above which are necessary for the expansion of Old Waco Road, the acceptance of the donation of a remainder parcel located at 6918 Old Waco Lane, the payment of closing costs associated with these purchases, and the payment of relocation expenses, in an amount not to exceed \$650,000.

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

05/05/16
Item #5(F)
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 ratifying the acceptance of the donation of approximately 0.192 acre of sidewalk easements located along North 31st Street and in the G.W. Farris Survey, Abstract 304, Temple, Bell County, Texas, as well as temporary construction easements necessary for the construction of sidewalks, and authorizing the City Manager to accept the donation of a 0.001 acre sidewalk easement and an accompanying temporary construction easement.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed sidewalk and enhancement project along North 31st Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, and area businesses. The project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as connection to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School. The proposed project would also provide needed safety elements for pedestrians including cross-walks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic. On March 17, City Council authorized a construction contract with Choice Builders for the construction of the project.

In order to complete the construction, the City needs to acquire permanent sidewalk easements and temporary construction easements from the property owners along North 31st Street. Temple Independent School District has donated five permanent easements and five temporary construction easements, and Staff is asking Council to ratify its acceptance of the donation. SJD Oak Ridge Investments, LLC, has agreed to donate a permanent sidewalk easement and a temporary construction easement, and Staff is seeking authorization to accept the donation of the property.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF A 0.192 ACRE SIDEWALK EASEMENT LOCATED ALONG NORTH 31ST STREET IN THE G.W. FARRIS SURVEY, ABSTRACT 304, TEMPLE, BELL COUNTY, TEXAS, AS WELL AS TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR THE CONSTRUCTION OF SIDEWALKS; AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF A 0.001 ACRE SIDEWALK EASEMENT AND AN ACCOMPANYING TEMPORARY CONSTRUCTION EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed sidewalk and enhancement project along North 31st Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, and area businesses;

Whereas, this project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as the connection to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School;

Whereas, this project will also provide needed safety elements for pedestrians including cross-walks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic;

Whereas, on March 17, 2016, Council authorized a construction contract with Choice Builders, LLC for the construction of this project;

Whereas, in order to complete the construction, the City needs to acquire permanent sidewalk easements and temporary construction easements from the property owners along North 31st Street;

Whereas, Temple Independent School District has donated five permanent and five temporary construction easements, and Staff recommends Council ratify the acceptance of these donations;

Whereas, SJD Oak Ridge Investments, LLC, has agreed to donate a permanent sidewalk easement as well as a temporary construction easement, and Staff recommends Council accept this donation;

Whereas, the City will be responsible for future maintenance of these properties and any costs associated with the closing transactions, which will be nominal; and

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

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

Part 1: The City Council ratifies the acceptance of the donation of a 0.192 acre of sidewalk easement located along North 31st Street in the G.W. Farris Survey, Abstract 304, Temple, Bell County, Texas, as well as the acceptance of temporary construction easements necessary for the construction of sidewalks.

Part 2: The City Council authorizes the City Manager, or his designee, to accept the donation of a 0.001 acre sidewalk easement and an accompanying temporary construction easement.

Part 3: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for acceptance of these donations.

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 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

05/05/16
Item#5(G)
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 ratifying the acceptance of the donation of approximately 0.248 acre of right-of-way and a 0.759-acre temporary construction easement located along Loop 363 and in the Maximo Moreno Survey, Abstract 14, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple (City) and the Texas Department of Transportation (TXDOT) are planning to construct certain improvements to Loop 363 and State Highway 290. The principal purpose for this project is to enhance transportation for the institutions and businesses that are vital to the Temple Medical Education District and our community, which includes Temple College. The project also includes aesthetic and functional enhancements, such as landscaping, lighting, and irrigation. Construction of this project is funded by a combination of City and TXDOT resources, as well as a contribution from Keep Temple Beautiful.

Pursuant to the City's Advanced Funding Agreement with TXDOT, the City is responsible for acquiring all of the real property interests needed. To construct the proposed improvements, a 0.248-acre portion of Temple College's property on the north side of Loop 363 is needed as right-of-way and an additional 0.759-acre tract of land is needed for temporary use during the construction. At its January 25, 2016, meeting, the Temple College Board of Trustees voted to donate the necessary right-of-way and temporary construction easement, and Staff is asking Council to ratify its acceptance of the donation.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF A 0.248 ACRE RIGHT-OF-WAY AND A 0.759 ACRE TEMPORARY CONSTRUCTION EASEMENT LOCATED ALONG LOOP 363, IN THE MAXIMO MORENO SURVEY, ABSTRACT 14, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple (“City”) and the Texas Department of Transportation (“TxDOT”) are planning to construct certain improvements to Loop 363 and State Highway 290 to enhance transportation for the institutions and businesses that are vital to the Temple Medical Education District and our community, which also includes Temple College;

Whereas, this project will also include aesthetic and functional enhancements, such as landscaping, lighting, and irrigation - construction of this project is funded by a combination of City and TxDOT resources, as well as a contribution from Keep Temple Beautiful;

Whereas, pursuant to the City’s Advanced Funding Agreement with TxDOT, the City is responsible for acquiring all of the real property interests needed to construct the proposed improvements;

Whereas, these properties include a 0.248 acre of right-of-way located on the north side of Loop 363 and belonging to Temple College, as well as an approximately 0.759 acre tract of land which is needed for temporary use during the construction;

Whereas, at its January 25, 2016 meeting, the Temple College Board of Trustees voted to donate the necessary right-of-way and temporary construction easement, and Staff recommends Council ratify the acceptance of these donations.

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transactions on this land which will be nominal; and

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

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

Part 1: The City Council ratifies the acceptance of the donation of a 0.248 acre of right-of-way and a 0.759 acre tract of land which is needed for temporary use during the construction.

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

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

PASSED AND APPROVED this the 5th day of **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

05/05/16
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying the acceptance of the donation of a 0.754-acre wastewater utilities easement situated in the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Properties in the Industrial Park along the future Research Parkway and the new McLane Parkway to Research Parkway Connector currently are served with potable water but not sanitary sewer. The City is planning to extend the Pepper Creek wastewater line to support development in this area. The scope comprises approximately 4,700 linear feet of 10" and 8" wastewater line. On February 18, Council approved a construction contract with Bell Contractors for the extension of the line. Construction time allotted for the project is 120 calendar days.

The design of the Pepper Creek wastewater line extension required the acquisition of a 0.754-acre wastewater utilities easement from McLane Company, Inc. ("McLane"). On March 23, McLane agreed to donate the necessary wastewater utilities easement, and Staff is asking Council to ratify its acceptance of the donation.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF A 0.754 ACRE WASTEWATER UTILITIES EASEMENT SITUATED IN THE J. CAMPBELL SURVEY, ABSTRACT 196, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, properties in the Industrial Park along the future Research Parkway and the new McLane Parkway to Research Parkway Connector are currently served with potable water, but not sanitary sewer;

Whereas, the City plans to extend the Pepper Creek wastewater line to support development in this area which is comprised of approximately 4,700 linear feet of 10-inch and 8-inch wastewater line - on February 18, 2016, Council approved a construction contract with Bell Contractors, Inc. for the extension of this line;

Whereas, the design of the Pepper Creek wastewater line extension requires the acquisition of a 0.754-acre wastewater utilities easement from McLane Company, Inc. ("McLane") - on March 23, 2016, McLane agreed to donate the necessary wastewater utilities easement and Staff recommends Council ratify the acceptance of this donation;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with closing this transaction, which will be nominal; and

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

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

Part 1: The City Council ratifies the acceptance of the donation of an approximately 0.754 acre wastewater utilities easement situated in the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas.

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

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

PASSED AND APPROVED this the **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

05/05/16
Item #5(I)
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 ratifying the acceptance of the donation of approximately 1.185 acre of right-of-way in the Nancy Chance Survey, Abstract 5, Temple, Bell County, Texas, necessary for the extension of Tarver Drive to Old Waco Road.

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 1.185-acre tract of land situated in the Nancy Chance Survey, Abstract 5, owned by Kiella Land Investments, Ltd. ("KLI"), for the construction of the roadway and its necessary appurtenances. A survey and legal description of the property needed as right-of-way is included with the Resolution attached to this memorandum.

KLI has agreed to donate the necessary right-of-way, and on December 28, 2015, a General Warranty Deed was executed for the property. Staff is asking Council to ratify its acceptance of the donation.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF A 1.185 ACRE OF RIGHT-OF-WAY IN THE NANCY CHANCE SURVEY, ABSTRACT 5, TEMPLE, BELL COUNTY, TEXAS, WHICH IS NECESSARY FOR THE EXTENSION OF TARVER DRIVE TO OLD WACO ROAD; 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 1.185 acre tract of land situated in the Nancy Chance Survey, Abstract 5, owned by Kiella Land Investments, Ltd. ("KLI"), for the construction of the roadway and its necessary appurtenances;

Whereas, KLI has agreed to donate the necessary right-of-way, and a General Warranty Deed was executed for the property on December 28, 2015 - Staff requests Council ratify the acceptance of this donation;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land, which will be nominal; and

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

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

Part 1: The City Council ratifies the acceptance of the donation of a 1.185 acre of right-of-way in the Nancy Chance Survey, Abstract 5, Temple, Bell County, Texas, necessary for the extension of Tarver Drive to Old Waco Road.

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

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

PASSED AND APPROVED this the **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

05/05/16
Item #5(J)
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 ratifying the acceptance of the donation of approximately 0.147 acre of right-of-way located along Avenue U and in the Maximo Moreno Survey, Abstract 14, Temple, Bell County, Texas, and authorizing the City Manager to accept the donation of up to 0.009 acre of right-of-way and an accompanying temporary construction easement.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is planning to construct certain improvements to Avenue U between Scott and White Boulevard and South 1st Street, as well as improvements to South 1st Street between Avenue O and Temple College. The principal purpose of these projects is to enhance transportation for the institutions and businesses within the Temple Medical Education District, including pedestrian and vehicle access to the Veterans Administration Hospital on South 1st Street. In addition to the improvement of the roadways, the projects include aesthetic and functional enhancements, such as landscaping, lighting, and irrigation, as well as drainage improvements along South 1st Street.

In order to align the Avenue U right-of-way between 5th Street and 1st Street with the planned Avenue U right-of-way west of 5th Street, and in order to make improvements on those blocks consistent with the enhancements of the rest of the project, the City expressed to Temple College an interest in acquiring fee simple title to 0.147 acres of Temple College's property along Avenue U, identified in the survey attached to the enclosed Resolution. At its January 25, 2016, meeting, the Temple College Board of Trustees voted to donate the necessary right-of-way, and Staff is asking Council to ratify its acceptance of the donation.

Furthermore, in order to improve the Avenue U right-of-way between South 3rd Street and South 1st Street, the City needs to acquire a 0.034 acre (1,459.8 SF) temporary construction easement along the Avenue U side of the property owned by Fikes Wholesale, Inc. ("Fikes") at the intersection of Avenue U and South 1st Street, identified in the survey attached to the enclosed Resolution. In addition, in order to make improvements to the intersection at Avenue U and South 1st Street, the City needs to acquire in fee simple the right-of-way identified in the second survey attached to the enclosed Resolution. Fikes has proposed to donate the necessary right-of-way and temporary construction easement, and Staff is seeking authorization to accept the donation of the property.

FISCAL IMPACT: The City will be responsible for future maintenance of the properties and any costs associated with the closing transactions on the land which are nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF AN APPROXIMATELY 0.147 ACRE RIGHT-OF-WAY LOCATED ALONG AVENUE U, IN THE MAXIMO MORENO SURVEY, ABSTRACT 14, TEMPLE, BELL COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF UP TO 0.009 ACRE OF RIGHT-OF-WAY AND AN ACCOMPANYING TEMPORARY CONSTRUCTION EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is planning to construct certain improvements to Avenue U between Scott and White Boulevard and South 1st Street, as well as improvements to South 1st Street between Avenue O and Temple College which will enhance transportation for the institutions and businesses within the Temple Medical Education District, including pedestrian and vehicle access to the Veterans Administration Hospital on South 1st Street;

Whereas, in addition to the improvements of the roadways, the project includes aesthetic and functional enhancements, such as landscaping, lighting, and irrigation, as well as drainage improvements along South 1st Street;

Whereas, in order to align the Avenue U right-of-way between 5th Street and 1st Street with the planned Avenue U right-of-way west of 5th Street, and in order to make improvements on those blocks consistent with the enhancements of the rest of the project, the City expressed to Temple College its interest in acquiring fee simple title to 0.147 acres of Temple College's property along Avenue U, which is identified in the survey attached hereto as Exhibit A;

Whereas, at its January 25, 2016 meeting, the Temple College Board of Trustees voted to donate the necessary right-of-way, and Staff recommends Council ratify the acceptance of this donation;

Whereas, in order to improve the Avenue U right-of-way between South 3rd and South 1st Streets, the City needs to acquire a 0.034 acre temporary construction easement along the Avenue U side of the property owned by Fikes Wholesale, Inc. ("Fikes") at the intersection of Avenue U and South 1st Street, which is identified in the survey attached as Exhibit B;

Whereas, in addition and in order to make improvements to the intersection at Avenue U and South 1st Street, the City needs to acquire the right-of-way, in fee simple - Fikes has proposed to donate the necessary right-of-way and temporary construction easement, and Staff recommends Council accept the donation of this property;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; and

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

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

Part 1: The City Council ratifies the acceptance of the donation of a 0.147 acre of right-of-way located along Avenue U, in the Maximo Moreno Survey, Abstract 14, Temple, Bell County, Texas.

Part 2: The City Council authorizes the City Manager, or his designee, to accept the donation of a 0.009 acre of right-of-way and an accompanying temporary construction easement.

Part 3: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for acceptance of these donations.

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 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

05/05/16
Item#5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to accept the donation of a 6.687-acre trail easement situated in the B. Robertson Survey, Abstract 17, and the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas, and a 3.530-acre trail easement situated in the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City plans to extend the Pepper Creek Trail from Hwy. 36 (Airport Road) to McLane Parkway, roughly along the route of Pepper Creek. The design requires the acquisition of two easements, measuring 6.687 acres and 3.530 acres, respectively, from McLane Company, Inc. ("McLane"), as shown in the surveys attached to the enclosed Resolution. McLane has proposed to donate the necessary trail easements, and Staff is seeking authorization to accept the donation.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF AN APPROXIMATELY 6.687 ACRE TRAIL EASEMENT, SITUATED IN THE B. ROBERTSON SURVEY, ABSTRACT 17, TEMPLE, BELL COUNTY, TEXAS, AND AN APPROXIMATELY 3.530 ACRE TRAIL EASEMENT, SITUATED IN THE J. CAMPBELL SURVEY, ABSTRACT 196, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City plans to extend the Pepper Creek Trail from Highway 36 (Airport Road) to McLane Parkway, roughly along the route of Pepper Creek;

Whereas, the design requires the acquisition of two easements, measuring approximately 6.687 acres and approximately 3.530 acres from McLane Company, Inc. ("McLane");

Whereas, McLane has proposed to donate the necessary trail easements, and Staff recommends Council accept this donation;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; and

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

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

Part 1: The City Council authorizes the City Manager to accept the donation of an approximately 6.687 acre trail easement situated in the B. Robertson Survey, Abstract 17, Temple, Bell County, Texas, and an approximately 3.530 acre trail easement situated in the J. Campbell Survey, Abstract 196, Temple, Bell County, Texas.

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

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

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

05/05/16
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution ratifying a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the City for salary and benefit expenses and vehicle cost related to police patrols at Temple Lake Park from May 1, 2016 through September 5, 2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple and the US Army Corps of Engineers have identified a need for increased law enforcement services for Temple Lake Park on Lake Belton during the late spring and summer months. This contract will provide for the city to be reimbursed for up to 516 hours of additional police patrols within the park and vehicle cost. We have provided this service for the last 3 years that resulted in positive outcomes for both the City of Temple and the Corps of Engineers.

TERM OF AGREEMENT: This contract shall commence on May 1, 2016 and end on September 5, 2016.

FISCAL IMPACT: Per the contract, the Department of the Army, Corps of Engineers will reimburse approximately \$29,335 in police officer salaries and benefits, and \$10,320 in vehicle cost based on 516 hours of additional police patrols at Temple Lake Park.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CONTRACT WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, TO REIMBURSE THE CITY FOR SALARY AND BENEFIT EXPENSES, AND VEHICLE COSTS RELATED TO POLICE PATROLS AT TEMPLE LAKE PARK FROM MAY 1, 2016 THROUGH SEPTEMBER 6, 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple and the Department of the Army, Corps of Engineers have identified the need for increased law enforcement services at Temple Lake Park on Lake Belton during the late spring and summer months;

Whereas, Temple Police have provided this service for the past 3 years and it has resulted in positive outcomes for both the City of Temple and the Corps of Engineers – the new contract will begin on May 1, 2016 and end on September 6, 2016;

Whereas, the Army Corps of Engineers will reimburse the City for up to 516 hours of additional police patrols within Temple Lake Park as well as vehicle costs;

Whereas, an estimated \$29,335 will be reimbursed to the City of Temple for police officer salaries and benefits and an estimated \$10,320 will be reimbursed in vehicle costs;

Whereas, Staff recommends ratification of a contract with the Department of the Army, Corps of Engineers, to reimburse the City for salary and benefit expenses, and vehicle costs related to patrols at Temple Lake Park from May 1, 2016 through September 6, 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 ratifies the contract with the Department of the Army, Corps of Engineers for reimbursement to the City for salary, benefit expenses and vehicle costs related to police patrols at Temple Lake Park from May 1, 2016 through September 6, 2016.

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

PASSED AND APPROVED this the 5th day of May, 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

05/05/16
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #1 with Skyblue Utilities, Inc., of Kingsland in an amount not to exceed \$46,053.01 for construction of the SH 317 Waterline Relocation from FM 2305 to Poison Oak Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 18, 2007, Council authorized an agreement with Walker Partners in an amount not to exceed \$313,540 for professional services to relocate the existing water main for TxDOT's roadway improvements to SH 317 between FM 2305 and FM 439. On May 7, 2015, Council authorized a construction contract with Skyblue in an amount not to exceed \$1,934,698.81. The attached change order #1 represents items added and deducted due to actual field conditions and in response to TxDOT requirements.

The additions are pipe, water line appurtenances, required water line abandonment, and total \$138,282.04. The deletions include water line appurtenances and encasements, and total \$92,229.03. The Engineer recommends approving the change order in the attached letter.

FISCAL IMPACT: Funding for the authorization of change order #1 with Skyblue Utilities, Inc. is available in account 561-5200-535-6907, project #100223, as follows:

Project Budget	\$	2,328,540
Encumbered/Committed To Date		(2,266,349)
Change Order #1 - Skyblue Utilities, Inc.		(46,053)
Remaining Funds	\$	16,138

ATTACHMENTS:

Map
Recommendation Letter
Change Order Form
Resolution

G:\PROJECTS\2-01326\DWG\2-01326 VICINITY MAP 4-24-15.DWG, CO01, 4/24/2015 12:05:53 PM, jbay



REV.	DESCRIPTION	DATE



**Walker
Partners**
ENGINEERS • SURVEYORS
T.B.P.E. REGISTRATION NO. 8053

CITY OF TEMPLE

STATE HIGHWAY 317
WATER LINE RELOCATION

VICINITY MAP

	PM	OEW
	DESIGNED	NLK
	DRAFTED	JAB/KAM
	CHECKED	OEW
	PROJECT NO.	2-01326
DRAWING NO.		

April 14, 2016

City of Temple
3210 E. Avenue H, Building A
Temple, TX 76501

Attn: Sharon Carlos, EIT
Project Manager

Re: State Highway 317 Water Line Relocation Project – Change Order No. 001
Project No.: 2-01326

Dear Ms. Carlos:

We have reviewed the attached Change Order No. 001 for the above mentioned project and have provided justifications below.

Increase in Item #5:

The waterline crossing SH317 at the Trailridge Drive intersection was revised based upon TxDOT UIR requirements. Due to the ambitious let date and construction schedule set by TxDOT for the SH317 widening project, the TxDOT UIR permit process was not complete before the project was bid awarded. The revised waterline was no longer connected to existing water piping and was a dead end. The line required a flush assembly to properly drain and maintain the line.

Increase in Items #17, #24, #48, #CO1-2, #CO1-3:

During installation of the proposed waterline along Poison Oak Drive, existing waterlines were smaller in size and not constructed where they were anticipated to be. The connection for the proposed 8" waterline required an additional 20 LF of 8" C900 PVC waterline pipe, as well as 1 EA 8"x6" Reducer. The change in connection point required the pipe trench to cross an existing concrete valley gutter and required 5 SY of Concrete Valley Gutter Replacement. The unanticipated location of the existing waterline required an additional 30 LF of Water Service Line to be extend to the actual location of the existing waterline. Also, during the construction it was discovered that an additional 3 EA Water Services needed to be relocated. The existing water services were thought to be served from a different waterline.

Increase in Items #CO1-4:

The existing 18" waterline at ~Sta 611+27, was reduced down to a 6" waterline, which provided water service to the local residents along SH317. In order to connect the proposed 18" waterline to the existing 18" waterline the existing 6" waterline connection had to be removed to allow the proposed 18" waterline connection. The addition of a 6" cap was required in order to keep the existing 6" waterline in service to provide water to the residents; while the proposed 18" waterline was filled, pressure tested, and sterilized, prior to being put into service.

Increase in Items #17, #19:

During the construction of the tie-in of the proposed 8" waterline along Tarver Drive, the actual location existing waterline was discovered to be different than the anticipate location. The change in location required 30 LF of additional 8" C900 PVC waterline and 2 EA 8" 45 degree bends, to make the necessary connection.

Increase in Items #47, #CO1-6, #CO1-7:

After the proposed 18" waterline was put online, the water service line connections were being transferred from the existing 6" waterline to the proposed 18" waterline. During the transfer of water service line, the need for 1 EA Water Meter Relocation was needed because an additional existing water service was discovered. Also, discovered during the transferring of water service lines was two of the existing service lines were discovered to be larger than the standard water service. One of the services located at ~Sta 644+69, required the installation of 1 EA of a 2" Water Meter and Service Line. The other large service located at ~Sta 650+86, required the installation of 1 EA of a 1 1/2" Water Meter and Service Line.

Increase of Items #26, #27, #29, #31, #51, #CO1-1:

During the construction activities for the proposed 8" waterline at the Hogan Road intersection, an existing 8" waterline was discovered. The existing 8" waterline was connected to the existing 6" waterline, which was to be abandoned as part of this project. In order to make the necessary connection between the existing 8" waterline and the proposed waterline, the connection and restoration required the addition of: 1 EA 6"x6" Tee, 1 EA 8" Cap, 70 LF of 6" C900 PVC Waterline, 1 EA 6" 45 Degree Bend, 1 EA 6" Resilient Seat Gate Valve, and 34 LF of Surface Replacement.

Increase of Items #CO1-8, #CO1-9:

Due to the accelerated schedule of this project, this project was released for bid prior to securing the required TxDOT Utility Installation Request (UIR) permit. As part of the requirements mandated by the UIR permit was to Remove, Backfill, Compact, and Dispose 6870 LF of the Existing Waterline pipe running parallel to SH317 within the ROW. The UIR permit also required the existing waterline crossing beneath the pavement of SH317 to be Pressure Grouted and Abandoned in place (3 EA).

Increase of Items #19, #CO1-5:

And

Decrease of Items #9, #21, #36:

Adjustments were required to construct and tie the existing 8" water service and master meter for the Diocese at ~Sta 658+50. The location and skew angle of the existing water service line varied from its anticipated location. In order to connect to the existing 8" water service line, 1EA 8" 45 Degree Bend and 1 EA 8" 11.25 Degree Bend were required to attain the proper skew angle. The varied location of the waterline, allowed for the deletion of the following: 1 EA 18"x8" Tee, 1 EA 8" 45 Degree Wye, and 1 EA Fire Hydrant Assembly.

Decrease of Item #4:

During construction of the proposed 18" waterline, it was discovered that 1 EA 18" Resilient Wedge Gate Valve, could be deleted at ~Sta 679+99. The plans had a redundant valve at this location, the valve was not installed and is being credited back to the City of Temple.

Decrease of Items #6, #12, #22, #58:

Minor adjustments were made as construction activities progressed. The minor adjustments equate to credits to the City of Temple. The credits are due to the following deletions: 2 EA 18" 45 Degree Bend, 1 EA 18" Cap, 1 EA 8" Tapping Sleeve and Valve, and 383 LF of 30" Encasement Installed By Open Cut.

Sincerely,



Nicholas Kohel, PE
State Highway 317 Water Line Relocation

NLK:nlk

Change Order No. 001

Cc: Project File

CHANGE ORDER

PROJECT: S.H. 317 Waterline Relocation
OWNER: City of Temple
CONTRACTOR: Skyblue Utilities
ENGINEER: Walker Partners, LLC
CHANGE ORDER #: One (1)

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

ADD:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>
5	18" Flush Assembly	1	EA	\$4,160.70	\$4,160.70
17	8" C-900 PVC Water Line	50	LF	\$36.67	\$1,833.50
19	8" 45° Bend	3	EA	\$652.05	\$1,956.15
24	8"x6" Reducer	1	EA	\$596.85	\$596.85
26	8" Cap	1	EA	\$447.35	\$447.35
27	6" C-900 PVC Water Line	70	LF	\$31.41	\$2,198.70
29	6" 45° Bend	1	EA	\$509.45	\$509.45
31	6" Gate Valve	1	EA	\$1,143.10	\$1,143.10
47	Water Meter Relocation	1	EA	\$1,023.16	\$1,023.16
48	Extend Water Service Line	30	LF	\$200.00	\$6,000.00
51	Surface Replacement	34	LF	\$21.85	\$742.90
CO1-1	6"x6" Tee	1	EA	\$909.08	\$909.08
CO1-2	Concrete Valley Gutter Replacement	5	SY	\$80.00	\$400.00
CO1-3	Water Service	3	EA	\$1,500.00	\$4,500.00
CO1-4	6" Cap	1	EA	\$420.35	\$420.35
CO1-5	8" 11.25° Bend	1	EA	\$810.75	\$810.75
CO1-6	2" Water Meter & Service Line	1	EA	\$2,900.00	\$2,900.00
CO1-7	1.5" Water Meter & Service Line	1	EA	\$2,550.00	\$2,550.00
CO1-8	Remove, Backfill, Compact, and Dispose of Existing Abandoned Water Line	6,870	LF	\$14.00	\$96,180.00
CO1-9	Pressure Grout Abandoned Water Line	3	EA	\$3,000.00	\$9,000.00
Total Additions					\$138,282.04

DELETE:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>
4	18" Resilient Wedge Gate Valve	-1	EA	\$12,899.55	(\$12,899.55)
6	18" 45° Vertical Restrained Joint	-2	EA	\$3,532.80	(\$7,065.60)
9	18"x8" Tee	-1	EA	\$2,804.85	(\$2,804.85)
12	18" Cap	-1	EA	\$1,161.50	(\$1,161.50)
21	8" 45° Wye	-1	EA	\$1,143.10	(\$1,143.10)
22	8" Tapping Sleeve and Valve	-1	EA	\$6,023.13	(\$6,023.13)
36	Fire Hydrant Assembly	-1	EA	\$6,075.05	(\$6,075.05)
58	Open Cut 30" Encasement	-383	LF	\$143.75	(\$55,056.25)
Total Deductions					(\$92,229.03)

Change Order Total \$46,053.01

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

Original Contract Amount:	\$	<u>1,934,698.81</u>
Previous Change in Contract Amount:	\$	<u>-0-</u>
Change in Contract Amount:	\$	<u>46,053.01</u>
Revised Contract Amount:	\$	<u>1,980,751.82</u>
Original Contract Time:	<u>180</u>	Days
Previous Change in Contract Time:	<u>0</u>	Days
Change in Contract Time:	<u>150</u>	Days
Revised Contract Time:	<u>330</u>	Days
Original Final Completion Date:	<u>12-26-2015</u>	
Revised Final Completion Date:	<u>05-25-2016</u>	

Recommended by:

M. O. O. APRIL 21, 2016
Project Manager (City Staff) Date

Agreed to:

[Signature] 4/19/2016
Contractor Date

Approved as to form:

City Attorney's Office Date

Recommended by:

Nicholas L. Kehel P.E. 4-19-2016
Architect/Engineer Date
FOR WALKER PARTNERS

Approved by City of Temple:

Jonathan Graham, City Manager Date

Approved by Finance Department:

Finance Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1, IN THE AMOUNT OF \$46,053.01, TO THE CONTRACT WITH SKYBLUE UTILITIES, INC. OF KINGSLAND, TEXAS, FOR THE CONSTRUCTION OF THE STATE HIGHWAY 317 WATERLINE RELOCATION FROM FM 2305 TO POISON OAK ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 18, 2007, Council authorized an agreement with Walker Partners for professional services to relocate the existing water main for TxDOT's roadway improvements to State Highway 317 between FM 2305 and FM 439;

Whereas, on May 7, 2015, Council authorized a construction contract with Skyblue Utilities, Inc. for these services – change order number 1 represents items added and deducted due to actual field conditions and in response to TXDOT requirements;

Whereas, the additions include pipe, water line appurtenances and required water line abandonment – the deductions include water line appurtenances and encasements;

Whereas, Staff and the City's engineer recommend approval of change order number 1 with Skyblue Utilities, Inc. in the amount of \$46,053.01, for the construction of the State Highway 317 waterline relocation from FM 2305 to Poison Oak Road;

Whereas, funds are available for this Change Order in Account No. 561-5200-535-6907, Project No. 100223; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute change order number 1, in the amount of \$46,053.01, to the contract with Skyblue Utilities, Inc. for the construction of the State Highway 317 waterline relocation from FM 2305 to Poison Oak 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 **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

05/05/16
Item #5(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 deductive change order #3 to the construction contract with Gary W. Purser Construction, Ltd., of Killeen in the amount of \$185,652.55 for the McLane-Research Connector and Pepper Creek Detention Pond in the northwest industrial park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 3, 2011, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for services required to design the Pepper Creek Regional Detention Pond in an amount not to exceed \$63,600. On August 15, 2013, Council authorized a professional services agreement with KPA for services required to design the McLane Parkway to Research Parkway Connector and associated utilities in an amount not to exceed \$366,935. On February 5, 2015, Council authorized a professional services agreement with KPA, to provide bidding, construction administration, and on-site representation required to construct both projects.

On February 5, 2015, Council authorized a construction contract with Purser to construct both the detention pond and roadway connector for a lump sum price totaling \$4,447,586.50.

On October 1, 2015, and January 28, 2016, change orders #1 and #2 were approved in the amounts of \$32,692.60 and \$948.20, respectively.

Change order #3 proposes the following additions and deductions to the construction project:

Water Tie-In	\$5,575.00
Detention Pond Outfall Stabilization	\$7,500.00
6" Concrete Riprap	\$5,994.00
Flexterra Hydromulch	<u>\$18,285.75</u>
Total Additions	<u>\$37,354.75</u>

4 5/8" Type B HMAc	\$1,814.20
2" Type C HMAc	\$972.90
Concrete Valley Gutter	\$440.00
Silt Fence	\$2,060.25
Silt Fence with J Hooks	\$3,105.75
18" Rock Riprap	\$93,200.00
Concrete Sidewalk, Grading, Sand Cushion	\$1,242.00
Class A Concrete	\$75,000.00
One Course Surface Treatment	\$697.20
Furnish, Install, Maintain & Remove Rock Berm (SWPPP)	\$625.00
Furnish, Install, Maintain & Remove Tree Protection	\$17,850.00
Placing & Compacting 12" Thick Clay Liner (Pond)	<u>\$26,000.00</u>
Total Deductions	<u>(\$223,007.30)</u>
Net Change Order	<u>(\$185,652.55)</u>

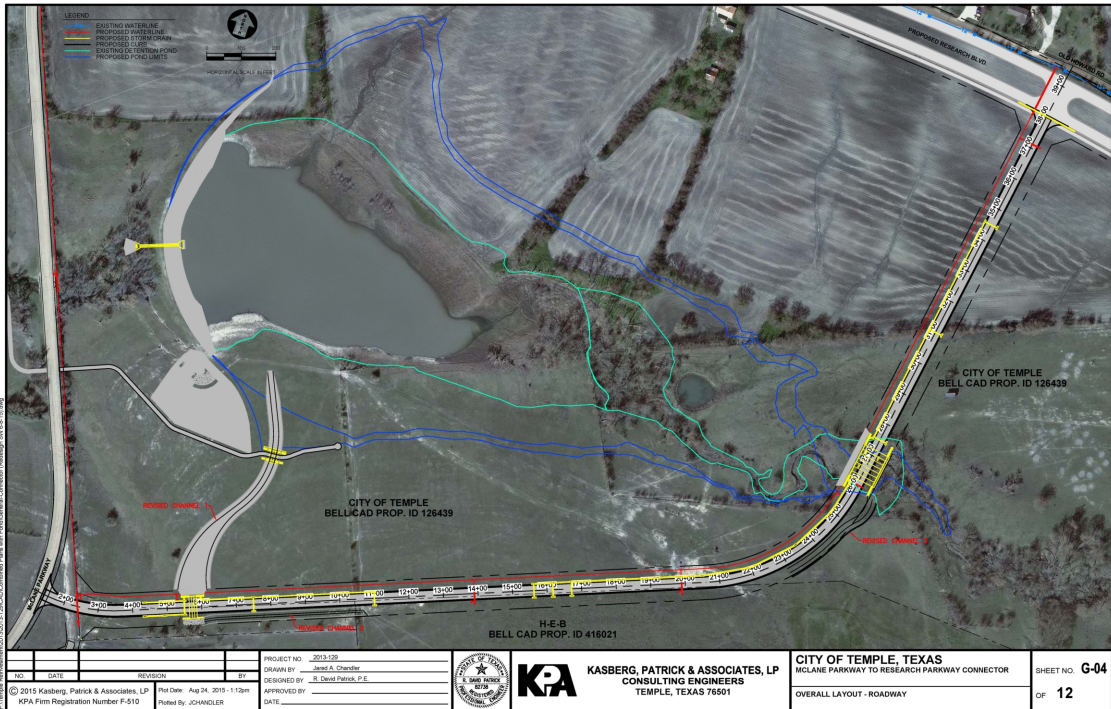
The previous change orders and this proposed deduction result in a net 3.42% decrease to the original contract amount. A recommendation letter and change order form are attached. City Staff agrees with the Engineer that these changes are necessary and recommends the approval.

FISCAL IMPACT: The savings from this deductive change order with Gary W. Purser Construction will be recognized in the accounts as follows:

Account #	Project #	Description	Amount
795-9500-531-6562	100994	Pepper Creek Detention Pond	\$ (37,672.20)
795-9500-531-6866	101003	McLane Pkwy/Research Connection	\$ (147,980.35)
Total Deductive Change Order			<u>\$ (185,652.55)</u>

ATTACHMENTS:

[Project Map](#)
[Recommendation Letter](#)
[Change order form](#)
[Resolution](#)



P:\Temple_Rainwater\2013\2013-129\2013-129-CAD\Combined Plans with Pond\Overall_Connector_Roadway_SW-6-8-15.dwg

NO.	DATE	REVISION	BY

PROJECT NO.	2013-129
DRAWN BY	Jared A. Chandler
DESIGNED BY	R. David Patrick, P.E.
APPROVED BY	
DATE	



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

CITY OF TEMPLE, TEXAS
MCLANE PARKWAY TO RESEARCH PARKWAY CONNECTOR
OVERALL LAYOUT - ROADWAY

SHEET NO. **G-04**
OF **12**



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 19, 2016

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

Re: City of Temple, Texas
McLane Parkway to Research Parkway Connector

Dear Mr. Billeck:

Attached is Change Order #3. This change order is comprised of multiple items. The basis of the change order is for additional costs for waterline connection, stabilization of the detention pond outfall area, and adjusting pay items for the actual final constructed quantity. The overall effect of the change order is a reduction in cost of \$185,652.55. Please see below for a detailed description of each item.

ADD ITEMS:

- CO3-1 – Water Tie In – This item has been added for a connection and repair of the existing water line at the intersection of McLane Parkway and the connector roadway. The price submitted by the contractor is reasonable for this work.
- CO3-2 – Detention Pond Outfall Stabilization – This item has been added for stabilization of the area below the outfall structure of the regional detention pond. The price submitted by the contractor is reasonable for this work.
- A-33 – Furnish & Install 6" Concrete Riprap – This item has been adjusted for the actual quantity installed on the project.
- A-66 – Furnish & Install Bermuda seeding with fertilizer with Flexible growth medium including watering & mowing to promote & sustain growth throughout the project - This item has been adjusted for the actual quantity installed on the project.

DELETE ITEMS:

- A-10 – Furnish & Install 4 5/8” Type B HMA – This item has been adjusted for the actual quantity installed on the project.
- A-11 – Furnish & Install 2” Type C HMA – This item has been adjusted for the actual quantity installed on the project.
- A-13 – Furnish & Install Concrete Valley Gutter – This item has been adjusted for the actual quantity installed on the project.
- A-17 – Furnish & Install Silt Fence – This item has been adjusted for the actual quantity installed on the project.
- A-18 – Furnish & Install Silt Fence with J Hooks – This item has been adjusted for the actual quantity installed on the project.
- A-34 – Furnish & Install 18” Rock Riprap – This item has been adjusted for the actual quantity installed on the project.
- A-38 – Furnish & Install Concrete Sidewalk with all Grading, Sand Cushion etc. – This item has been adjusted for the actual quantity installed on the project.
- B-1 – Furnish & Install One Course Surface Treatment – This item has been adjusted for the actual quantity installed on the project.
- B-8 – Furnish, Install, Maintain & Remove Rock Berm as required in the Storm Water Pollution Prevention Plan – This item has been adjusted for the actual quantity installed on the project.
- B-9 – Furnish, Install, Maintain & Remove Tree Protection in Areas as shown on Sheet G-04 – This item has been adjusted for the actual quantity installed on the project.
- B-13 – Placing & Compacting 12” Thick Clay Liner (Pond) – This item has been adjusted for the actual quantity installed on the project.

We have reviewed Change Order #3 and recommend it be processed and executed with respect to Gary W. Purser Construction, LTD. construction contract for the above referenced project.

Sincerely,



R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Brandon Clement, Gary W. Purser Construction, LTD
KPA Project File: 2013-129-40

CHANGE ORDER

PROJECT: **McLane Parkway to Research Parkway Connector**

OWNER: **City of Temple**

CONTRACTOR: **Gary W. Purser Construction, LTD.**

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	Water Tie In	LS	1	\$ 5,575.00	\$ 5,575.00
CO3-2	Detention Pond Outfall Stabilization	LS	1	\$ 7,500.00	\$ 7,500.00
A-13	Furnish & Install Concrete Valley Gutter				
A-33	Furnish & Install 6" Concrete Riprap	SY	111	\$ 54.00	\$ 5,994.00
A-66	Furnish & Install Bermuda seeding with fertilizer with Flexible growth medium including watering & mowing to promote & sustain growth throughout the project	SY	8,127	\$ 2.25	\$ 18,285.75
	Total Add				\$ 37,354.75

Delete:

Item #	Description	Unit	Quantity	Unit Price	Extended Amount
A-10	Furnish & Install 4 5/8" Type B HMAC	SY	-94	\$ 19.30	\$ (1,814.20)
A-11	Furnish & Install 2" Type C HMAC	SY	-94	\$ 10.35	\$ (972.90)
A-13	Furnish & Install Concrete Valley	SY	-8	\$ 55.00	\$ (440.00)
A-17	Furnish & Install Silt Fence	LF	-1005	\$ 2.05	\$ (2,060.25)
A-18	Furnish & Install Silt Fence with J Hooks	LF	-1515	\$ 2.05	\$ (3,105.75)
A-34	Furnish & Install 18" Rock Riprap	SY	-3728	\$ 25.00	\$ (93,200.00)
A-38	Furnish & Install Concrete Sidewalk with all Grading, Sand Cushion etc	SY	-23	\$ 54.00	\$ (1,242.00)
A-39	Furnish & Install Class A Concrete	CY	-300	\$ 250.00	\$ (75,000.00)
B-1	Furnish & Install One Course Surface Treatment	SY	-332	\$ 2.10	\$ (697.20)
B-8	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	LF	-25	\$ 25.00	\$ (625.00)
B-9	Furnish, Install, Maintain & Remove Tree Protectionin Areas as shown on Sheet G-04	LF	-1190	\$ 15.00	\$ (17,850.00)
B-13	Placing & Compacting 12" Thick Clay Liner (Pond)	CY	-500	\$ 52.00	\$ (26,000.00)
	Total Delete				\$ (223,007.30)
	Change Order Three Total				\$ (185,652.55)

CHANGE ORDER

PROJECT: **McLane Parkway to Research Parkway Connector**

OWNER: **City of Temple**

CONTRACTOR: **Gary W. Purser Construction, LTD.**

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:	\$	4,447,586.50
Previous Net Change in Contract Amount:	\$	33,640.80
Net Change in Contract Amount:	\$	(185,652.55)
Revised Contract Amount:	\$	4,295,574.75
Original Contract Time:		270 Days
Previous Net Change in Contract Time:		58 Days
Net Change in Contract Time:		0 Days
Revised Contract Time:		328 Days
Original Final Completion Date:		December 27, 2015
Revised Final Completion Date:		February 23, 2016

Recommended by:

Agreed to:

Project Manager (City Staff) Date

Architect or Engineer Date *H.12.16*

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, IN THE AMOUNT OF \$185,652.55, TO THE CONSTRUCTION CONTRACT WITH GARY W. PURSER CONSTRUCTION, LTD. OF KILLEEN, TEXAS, FOR THE MCLANE-RESEARCH CONNECTOR AND THE PEPPER CREEK REGIONAL DETENTION POND, LOCATED IN THE NORTHWEST INDUSTRIAL PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 3, 2011, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for services required to design the Pepper Creek Regional Detention Pond – on August 15, 2013, Council authorized a professional services agreement with KPA for services required to design the McLane Parkway to Research Parkway Connector and associated utilities;

Whereas, on February 5, 2015, Council authorized a professional services agreement with KPA, to provide bidding, construction administration, and on-site representation required to construct both projects;

Whereas, on February 5, 2015, Council authorized a construction contract with Gary W. Purser Construction, Ltd. to construct both the detention pond and the roadway connector for a lump sum price totaling \$4,447,586.50;

Whereas, on October 1, 2015, and January 28, 2016, change orders number 1 and 2 were approved in the amounts of \$32,692.60 and \$948.20, respectively, and change order number 3 proposes the following additions and deductions to the construction project:

Water Tie-In	\$ 5,575.00
Detention Pond Outfall Stabilization	\$ 7,500.00
6" Concrete Riprap	\$ 5,994.00
Flexterra Hydromulch	<u>\$18,285.75</u>

Total Additions	<u>\$37,354.75</u>
-----------------	--------------------

4 5/8" Type B HMAc	\$1,814.20
2" Type C HMAc	\$972.90
Concrete Valley Gutter	\$440.00
Silt Fence	\$2,060.25
Silt Fence with J Hooks	\$3,105.75
18" Rock Riprap	\$93,200.00
Concrete Sidewalk, Grading, Sand Cushion	\$1,242.00
Class A Concrete	\$75,000.00
One Course Surface Treatment	\$697.20

Furnish, Install, Maintain & Remove Rock Berm (SWPPP)	\$625.00
Furnish, Install, Maintain & Remove Tree Protection	\$17,850.00
Placing & Compacting 12" Thick Clay Liner (Pond)	<u>\$26,000.00</u>

Total Deductions	<u>(\$223,007.30)</u>
------------------	-----------------------

Whereas, the previous change orders, as well as this deductive change order result in a net 3.42% decrease to the original contract amount;

Whereas, Staff and the City's engineer agree that these changes are necessary and recommend approval of change order number 3 with Gary W. Purser Construction, Ltd. in the amount of \$185,652.55, for the McLane-Research Connector and Pepper Creek Regional Detention Pond located in the northwest industrial park;

Whereas, the savings from this deductive change order will be recognized in Account No. 795-9500-531-6562, Project No. 100994 and Account No. 795-9500-531-6866, Project No. 101003; 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, in the amount of \$185,652.55, for the McLane-Research Connector and Pepper Creek Detention Pond in the northwest industrial 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 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

05/05/16
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider ratifying the purchase and installation of a chiller at the Historic Post Office in the estimated amount of \$62,000 with Temple Heat and Air of Temple; and request reimbursement funding from Oncor's – "Take a Load Off Texas" incentive program for work completed.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The project will result in the replacement of the chiller at the Historic Post Office, due to system failure and age.

On April 18, 2016 staff found that the HVAC system failed due to severe weather that caused power surges across the community. The unit was 27 years old and staff determined that there was greater benefit to replace the unit, as opposed to repair. This is the 3rd time that the compressors have gone out and the refrigerant in the existing chiller is currently being phased out, causing costs to go up daily.

An emergency procurement was found to be necessary because of unforeseen damage to public property and the limited availability of the particular unit that was needed. Therefore, staff moved forward with the purchase of the system, without the sealed bid process under the exception in LGC 252.022(a)(3). The building is occupied by several City offices and includes a leased space, as well as provides a public meeting space.

The work is being completed under the terms of the City's annual contract for HVAC Maintenance & Repair Services with Temple Heat and Air. In accordance with the terms of the annual contract, the work will be invoiced at a percentage markup for the materials and at the labor rates stated in the contract. In accordance with the contract, since the project is over \$25,000, the work will also covered by a payment and performance bond.

Oncor offers an incentive program through "Take a Load off Texas," offering reimbursements on energy improvement projects. Staff seeks authorization to apply for funds to be used towards this project, as the project is completed.

FISCAL IMPACT: Funding for award of the construction contract with Temple Heat and Air is appropriated in account 110-5924-519-6310, project #101506, in the amount of \$62,000.

If the City is awarded Oncor's – "Take a Load Off Texas" incentive program, the funding received will be used to offset the cost to replace the chiller.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE PURCHASE AND INSTALLATION OF A CHILLER AT THE HISTORIC POST OFFICE WITH TEMPLE HEAT AND AIR OF TEMPLE, TEXAS, IN THE AMOUNT OF \$62,000; AND A REQUEST FOR REIMBURSEMENT FUNDING FROM ONCOR'S 'TAKE A LOAD OFF TEXAS' INCENTIVE PROGRAM FOR WORK COMPLETED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 18, 2016, Staff found that the HVAC system at the Historic Post Office failed due to severe weather that caused power surges across the community - this unit was approximately 27 years old and Staff determined that there was greater benefit to replace the unit, as opposed to repairing the unit;

Whereas, this is the 3rd time that these compressors have gone out and the refrigerant in the existing chiller is currently being phased out, causing costs to go up daily;

Whereas, an emergency procurement was found to be necessary because of unforeseen damage to public property and the limited availability of the particular unit that was needed, therefore, Staff moved forward with the purchase of the system, without the sealed bid process, under the exception in Texas Local Government Code Section 252.022(a)(3);

Whereas, this building is occupied by several City offices and includes a leased space, as well as providing a public meeting space;

Whereas, this work will be completed under the terms of the City's annual contract for HVAC Maintenance & Repair Services with Temple Heat and Air and in accordance with the terms of the annual contract, the work will be invoiced at a percentage markup for the materials and at the labor rates stated in the contract;

Whereas, also in accordance with the contract, since the project is over \$25,000, the work will require payment and performance bonding;

Whereas, Oncor offers an incentive through the "Take a Load Off Texas" program offering reimbursements on energy improvement projects and Staff seeks authorization to apply for funds to be used toward this project, as the project is completed;

Whereas, funding for this contract is available in Account No. 110-5924-519-6310, Project No. 101506;

Whereas, if the City is awarded reimbursement through Oncor's 'Take a Load Off Texas' incentive program, the funding received will be used to offset the cost to replace the chiller; 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 purchase and installation of a chiller with Temple Heat and Air of Temple, Texas for the installation of a new chiller at the Historic Post Office, in an amount not to exceed \$62,000.

Part 2: The City Council authorizes submission of a grant application for reimbursement funding from Oncor's 'Take a Load Off Texas' incentive program.

Part 3: 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 and to apply for this grant, and accept any funds that may be received for this grant.

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 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

05/05/16
Item #5(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services contract with Kasberg, Patrick and Associates, LP of Temple, in the amount of \$62,100 for the design of an entry signage project for Synergy Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This contract will provide for the engineering services, design and preparation of plans, specifications, cost estimates as well as bidding and construction phase services for the project. The improvements will be an entry sign with landscaping, electrical, irrigation, grading and drainage. The preliminary opinion of probable construction cost is \$425,000.

The design phase for the project can be completed in 90 days from the Notice to Proceed.

The Reinvestment Zone No. 1 Board met on April 27, 2016 and approved this item for Council approval.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 352, account 795-9800-531-6868, project 101006, to fund the professional services agreement for the entry enhancements at Synergy Park in the amount of \$62,100 as follows:

Project Budget	\$	500,000
Encumbered/Committed To Date		-
Professional Services Contract Award - KPA		(62,100)
Remaining Funds	\$	437,900

ATTACHMENTS:

[Proposal](#)
[Resolution](#)



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

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

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

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

March 8, 2016

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

Re: City of Temple
Temple Reinvestment Zone
Synergy Park Entry Signage

Dear Mr. Beavers:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will develop 100% final design and construct improvements for the Synergy Park Entry Signage. The project will develop the entry sign to Synergy Park in conjunction with the sign concepts developed in the signage master plan. The improvements will be an entry sign with landscaping, electrical, irrigation, grading and drainage. The final product will be plans, specifications and estimates ready for bidding through the City of Temple Purchasing Department with construction to follow.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design and preparation of plans, specifications and estimates as well as construction phase services. The timeframe for design of the project is three months from the Notice to Proceed. Rights-of-Way for the project will not be required. Our Preliminary Opinion of Probable Construction Cost is \$425,000.

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

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

The following services will be performed:

A. Project Management

- a. Meetings with City Staff
- b. Prepare, attend and document Progress Meetings at the City Office.
- c. Prepare, attend and document Utility Coordination Meetings, if required.
- d. Attend and report at TRZ Meetings.
- e. General Contract Administration
- f. Develop monthly invoices and progress reports.
- g. Sub-consultant coordination.
- h. Design coordination with the City.

B. Synergy Park Entry Sign Design

- a. Prepare schematic design of the proposed entry sign. Schematic design will include imaging and branding of Synergy Park, sign layout and configuration, placement and location, site lines, typography, color, finish, hierarchy of information, sign lighting, materials selection, landscaping and other amenities.
- b. Develop horizontal geometry for the sign in conjunction with the entrance to Synergy Park and site lines from Loop 363.
- c. Develop vertical geometry for the sign that allows visibility and drainage conveyance to existing facilities meeting the drainage criteria for the City of Temple.
- d. Organize all fonts, symbols, color palettes, branding elements, logos, material specifications, wayfinding (if desired) and sign details.
- e. Develop landscape plantings with a detailed planting plan.
- f. Prepare plan sheets for the construction of the entry signage.
- g. Design Mechanical, Electrical and Plumbing to facilitate the entry sign.

C. Miscellaneous Design

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

- D. Bidding
- a. Develop Bidding Documents.
 - b. Chair the Pre-Bid Conference.
 - c. Develop Addenda for the Project.
 - d. Attend Bid Opening.
 - e. Tabulate Bids and recommend award.
 - f. Attend City Council Meeting for award of contract.
- E. Construction Administration
- a. Chair the Pre-Construction Conference.
 - b. Review and approve all submittals for the project.
 - c. Perform construction administration to include site visits, meeting with the contractor to answer questions and holding progress meetings as required.
 - d. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
 - e. Develop record drawings based on information supplied by the contractor.
- F. On-Site Representation
- a. Perform daily on-site representation an average of 2 hours per day.
 - b. Prepare and submit weekly logs of construction activities.
 - c. Periodically take photographs of the construction and project site. Photographs will be submitted to the City of Temple electronically.

The following scope of work for the Synergy Park Signage Project can be completed for the lump sum price of \$62,100. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

DESIGN SURVEYS	\$	2,800.00
CIVIL DESIGN	\$	8,500.00
MEP DESIGN	\$	10,300.00
LANDSCAPE DESIGN	\$	13,600.00
BIDDING	\$	5,500.00
CONSTRUCTION ADMINISTRATION	\$	11,300.00
ON SITE REPRESENTATION	\$	10,100.00
TOTAL	\$	62,100.00

Sincerely,

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

**City of Temple
Synergy Park Signage**

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$62,100, FOR SERVICES REQUIRED FOR THE DESIGN OF ENTRY SIGNAGE FOR SYNERGY PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project will provide for the engineering services, design and preparation of plans, specifications, cost estimates, as well as bidding and construction phase services for an entry sign for Synergy Park;

Whereas, the project will include an entry sign with landscaping, electrical, irrigation, grading and drainage;

Whereas, the Reinvestment Zone No. 1 Board met April 27, 2016 and recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$62,100, for services required for the design of entry signage for Synergy Park;

Whereas, funding is available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 352, Account No. 795-9800-531-6868, Project No. 101006; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$62,100, for services required for the design of entry signage for Synergy 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 **5th** day of **May**, 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

05/05/16
Item #5(Q)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – 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](#)

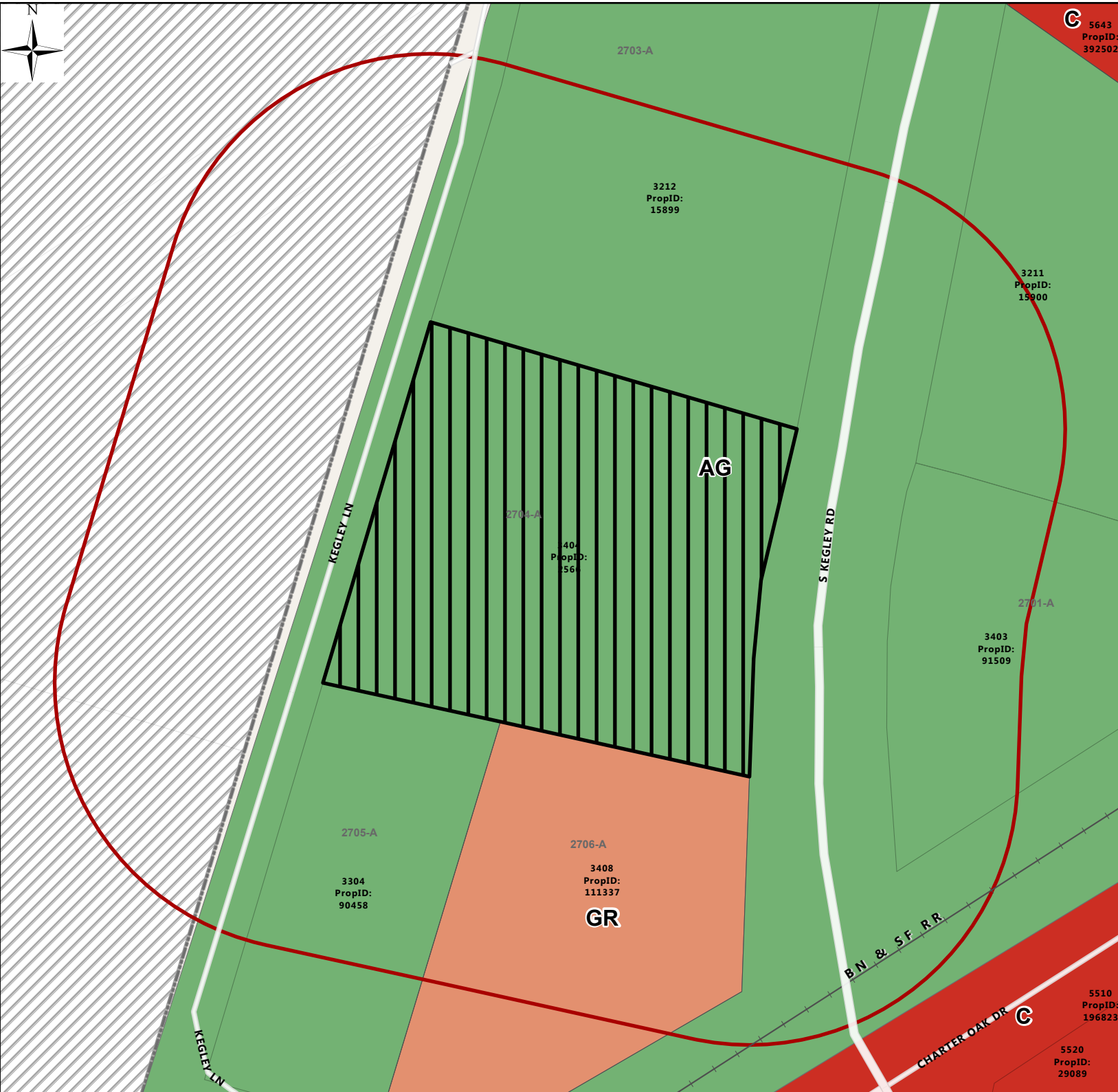
SURROUNDING PROPERTY AND USES:

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.



COUNCIL AGENDA ITEM MEMORANDUM

05/05/16
Item #5(R)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the receipt of grant funding from the E. Rhodes and Leona B. Carpenter Foundation, in the amount of \$9,000, which will be used for building improvements at the Moody Railroad Station, for CentraMod.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In February 2016 Temple Parks Foundation requested \$9,000 in funding from the E. Rhodes and Leona B. Carpenter Foundation. Funds are intended to be used for charitable purposes of CentraMod, specifically to help with improvements to the Moody Railroad Station, including (i) repairs to exterior decking and railing, and (ii) replacement of existing roof. It was requested by the Carpenter Foundation that the City, having more sufficient revenue to accept the grant amount, request the grant funding on behalf of the Parks Foundation and CentraMod. Being a leased City building, the City will also administer the projects related to the received funding.

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

FISCAL IMPACT: The City has been awarded \$9,000 in program funding with no matching funds required. A budget adjustment is being presented to Council for approval to appropriate the revenue and the expenditure for the improvement projects at Moody Railroad Station. Funding for the projects will be available as follows:

Account #	Project #	Description	Amount
240-7000-551-6310	101447	Moody Roof Repairs	\$ 5,000
240-7000-551-6310	101507	Moody Deck Repairs	\$ 4,000
Total			<u><u>\$ 9,000</u></u>

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
240-0000-461-08-41		Other / Donations / Gifts	\$ 9,000		
240-7000-551-63-10	101447	Capital Bldg & Grounds/Moody Roof Repairs	5,000		
240-7000-551-63-10	101507	Capital Bldg & Grounds/Moody Deck Repairs	4,000		
TOTAL.....			\$ 18,000	\$ -	

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

To appropriate grant revenue and expenditures related to grant funding from the E. Rhodes and Leona B. Carpenter Foundation. Funds will be used for building improvements at the Moody Railroad Station roof and deck repairs.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/5/2016

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING GRANT FUNDING IN THE AMOUNT OF \$9,000 FROM THE E. RHODES AND LEONA B. CARPENTER FOUNDATION, FOR BUILDING IMPROVEMENTS AT THE MOODY RAILROAD STATION, FOR THE CENTRAL TEXAS AREA MODEL RAILROADERS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, In February 2016, the Temple Parks Foundation requested \$9,000 in funding from the E. Rhodes and Leona B. Carpenter Foundation to be used for charitable purposes of the Central Texas Area Model Railroaders (“CentraMod”), to help with improvements to the Moody Railroad Station, including repairs to exterior decking, railing, and replacement of the existing roof;

Whereas, the Carpenter Foundation requested that the City, having more sufficient revenue to accept the grant, request the grant funding on behalf of the Parks Foundation and CentraMod;

Whereas, since the Moody Railroad Station is a leased City building, the City will administer the projects related to the funding received;

Whereas, Staff recommends Council accept a grant in the amount of \$9,000, on behalf of the Parks Foundation and CentraMod for building improvements at the Moody Railroad Station;

Whereas, the City will be awarded \$9,000 in program funding with no matching funds required, however a budget amendment to the fiscal year 2016 budget needs to be approved to appropriate the revenue and the expenditure for the project in Account No. 240-7000-551-6310, Project No. 101447 and 101507; 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 Manager, or his designee, is authorized to accept grant funds received from the E. Rhodes and Leona B. Carpenter Foundation, on behalf of the Parks Foundation, in the amount of \$9,000, which will be used for building improvements at the Moody Railroad Station, for the Central Texas Area Model Railroaders.

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

Part 3: The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the 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

05/05/16
Item #5(S)
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 \$49,555.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
May 5, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2100-529-2113		Supplies / Clothing & Uniforms	\$ 500	
110-0000-461-0841		Other / Donations/Gifts		\$ 500
To appropriate donated funding received for the purchase of new employee uniforms and for unplanned damage to existing uniforms.				
260-2000-521-2211		Capital < \$5,000 / Instruments/Special Eqpt	\$ 16,688	
260-0000-431-0163		Federal Grants / Federal Grants		\$ 16,688
To appropriate Edward Byrne Assistant Grant (JAG) funding for the purchase of 37 gas masks with tactical canisters, 40 shin guards, and 40 riot shields.				
110-1400-511-1115		Salaries / Skilled	\$ 17,595	
110-1400-511-1220		Personnel Benefits / Retirement/Pension	\$ 2,895	
110-1400-511-1221		Personnel Benefits / Social Security	\$ 244	
110-1400-511-1223		Personnel Benefits / Worker Compensation	\$ 55	
110-1400-511-1226		Personnel Benefits / Life Insurance	\$ 27	
110-1400-511-1227		Personnel Benefits / AD&D Insurance	\$ 6	
110-1400-511-1228		Personnel Benefits / Long Term Disability	\$ 45	
110-0000-318-0000		Fund Balance / Vital Statistics Preservation		\$ 20,867
To appropriate funding for 50% of City Secretary's Administrative Assistant III position with Vital Statistics Preservations funds.				
110-2011-521-2136		Supplies / Public Safety Expenditure	\$ 3,500	
110-0000-313-0331		Reserved for Public Safety		\$ 3,500
To appropriate funding from Public Safety's reserves for the purchase of the Fast Track program.				
110-1900-519-2228		Capital < \$5,000 / Public Education Government Expenses	\$ 8,000	
110-0000-315-1900		Reserved for Public Education Channel		\$ 8,000
To appropriate funding from Public Education Channel reserves for software and hardware improvements for television broadcasts/channel.				
TOTAL AMENDMENTS			\$ 49,555	\$ 49,555
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			\$ -	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
May 5, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	-
		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 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

05/05/16

Item #6

Regular Agenda

Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-18: Consider adopting an Ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 1, Block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard, west of its intersection with South 31st Street.



PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 4, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed conditional use permit as described in the Item Description.

Discussion at the meeting included the following topics and clarification:

1. The restaurant would have an outside dining area, with a lockable gate, would allow outdoor on-premise consumption of alcohol, being one factor, in accordance with the TABC licensing and permit,
2. A drive through is proposed but alcoholic beverage distribution would not be included, and
3. Since the property is unplatted, public notification included a larger area than normal.

STAFF RECOMMENDATION: Based on the following analysis that:

1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15;
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages; and
3. The request is compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the requested Conditional Use Permit to allow establishments where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following conditions:

1. That the sale of alcoholic beverages be restricted to on-premise consumption only, contained within the developed site of Lot 1, Block 1 of the Highline Addition subdivision, located on Scott Boulevard, west of its intersection with South 31st Street;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

ITEM SUMMARY: The applicant, Bobby Cox Companies on behalf of Highline Temple 39, Ltd., requests a Conditional Use Permit to allow the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption only. Although the proposed use includes a drive-thru, the approval would not permit sale of alcoholic beverages at the drive-thru, such as sales with a package store. This request is for a proposed Rosa's Café restaurant on Lot 1 of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard, west of its intersection with South 31st Boulevard.

BACKGROUND: The 2.27 +/- acre subject property is within Lot 1 of the proposed Highline Addition subdivision (attached). The Highline Addition subdivision is within the 40.389 +/- acre mixed use development known as "The District", which was rezoned on February 4, 2016, by Ordinance 2016-4749, to Planned Development - Temple Medical Education District (TMED) with an underlying transect zone designation of T-5C. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request. Specific to this request, a restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of all alcohol is compatible with the anticipated retail and service uses to be developed within "The District" and the surrounding area along South 31st Street

Although not part of this request, it is noteworthy that included with Ordinance 2016-4749, exceptions to site plan standards were granted by City Council. Compliance to both Ordinance 2016-4749 as well as the Ordinance for the Conditional Use Permit will be confirmed during the review of the building permit.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *Compliance with applicable licensing & permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit;*
- *Demonstrate the granting of permit would not be detrimental to the public welfare of the Citizens of the City; and*
- *Maintain at all times, an adequate number of employees for security purposes to adequately control or prevent incidents of drunkenness, disorderly conduct and raucous behavior. Permittee must consult with the Chief of Police, who acts in an advisory capacity.*

Additionally, the UDC states:

The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if it affirmatively determines that the issuance of the permit is:

- a. Incompatible with the surrounding uses of property;*
- b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants; and*
- c. Per UDC Section 3.5.5, the City Council may impose additional conditions of approval.*

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital as well as how the distance is measured. None of the identified uses are within 300 feet of the proposed restaurant. However, it is noteworthy of mentioning that the existing Scott & White Hospital is located more than 1,000 feet to the east across South 31st Street.

Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as a condition.

DEVELOPMENT REVIEW COMMITTEE (DRC): The DRC reviewed the proposed Highline Addition subdivision on March 24, 2016. No compatibility issues were identified during the review. The plat will proceed to the Planning & Zoning Commission when deemed administratively complete.

PUBLIC NOTICE: Owners of 46 properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday April 26, 2016 at 9:00 AM, four notices in agreement and three notices, representing five properties, in disagreement have been received.

The newspaper printed notice of the public hearing on March 24, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Chapter 4 – Code of Ordinances – Alcoholic Beverages / Ordinance 2016-4749](#)
[Site and Surrounding Property Photos](#)
[Highline Addition subdivision - Final Plat / Rosa's Cafe \(Site Plan\) \(Exhibit A\)](#)
[Aerial Map / Location Map / Zoning Map / Notification Map](#)
[Returned Property Notices](#)
[Ordinance](#)

Chapter 4

ALCOHOLIC BEVERAGES

ARTICLE I. EXTENDED HOURS

Sec. 4-1. Extended hours.

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

ARTICLE II. SPACING

Sec. 4-2. Sales near school, church or hospital.

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

Sec. 4-3. Measurement for church or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Sec. 4-4. Measurement for public school.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

Sections 4-5 through 4-10 reserved.

ARTICLE III. LICENSE AND PERMIT FEES

Sec. 4-11. Alcoholic beverage license and permit fees.

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

Sec. 4-12. Display.

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

Sections 4-13 through 4-20 reserved.

ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)

ORDINANCE NO. 2016-4749

(PLANNING NO. Z-FY-16-03)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING REZONING FROM T4 TO PD-T5-e AND FROM T5-c TO PD-T5-c TO ACCOMMODATE A COMBINATION OF MULTIPLE-FAMILY AND NONRESIDENTIAL DEVELOPMENT ON APPROXIMATELY 40.389 ACRES OF LAND IN THE TEMPLE MEDICAL AND EDUCATIONAL DISTRICT, BEING A PART OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT THE NORTHWEST CORNER OF SOUTH 31ST STREET AND SCOTT BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves rezoning from T4 General Urban Zone to Planned Development T5e-Neighborhood Edge Zone (PD-T5-e) and from T5-c Urban Center Zone (T5-c) to Planned Development T5-c Urban Center Zone (PD-T5-c) to accommodate a combination of multiple-family and nonresidential development in the Temple Medical and Educational District (TMED) on approximately 40.389 acres of land, being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard, and more particularly described in Exhibit A.

Part 2: The City Council approves the PD-T5-e and PD-T5-c districts described in Exhibit A, subject to applicable TMED standards, with the exceptions and conditions listed as follows:

Multiple-Family Phase (PD-T5-e) Exceptions:

1. Setback Dimensional Standards (Sec. 6.3.5.B)
 - a. Maximum 12' front yard setback and maximum 30' side yard setback are waived to allow the configuration shown in Exhibit B, Site/Landscaping Plan.
2. Building Configuration (Sec. 6.3.5.D)
 - a. Minimum 14' building story height is reduced to 10'6".
3. Alleys (Sec. 6.3.8.3.b)
 - a. Requirement for parking areas and garages to be accessed by rear alleys is waived.
4. Public Frontage Standards (Sec. 6.3.11.B.5)
 - a. Six-foot street yard planting strip may be located behind the 6' sidewalk to accommodate utilities.
5. Materials Required (Sec. 6.3.13.B)
 - a. The limit of 20% cementitious siding per façade plane is waived to allow materials as shown in Exhibit C, Apartment Elevations.

6. Building Design (Sec. 6.3.13.D)
 - a. Minimum 5:12 roof pitch is reduced to 4:12.
7. Parking and Garage Standards (Sec. 6.3.14)
 - a. Minimum of 1 enclosed garage space per 2 units is reduced to 1 space per 3.25 units.
8. Private Property Common Area Standards (Sec. 6.3.15.E)
 - a. The multiple-family phase will provide the alternative amenities listed as follows: new trees, swimming pool, grill house, pool water feature, dog wash station, benches, trail, club house, office center, and exercise facility.

Multi-Family Phase (PD-T5-e) Conditions:

1. Private Property Common Area Standards (Sec. 6.3.15.E)
 - a. The multiple-family development will include approximately 22,826 sf of common area, exceeding the required minimum area of approximately 18,600 sf.
2. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
3. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.

Nonresidential Phase (PD-T5-c) Exceptions:

1. Setback Dimensional Standards (Sec. 6.3.5.B)
 - a. Maximum 12' front yard setback is waived to allow configurations shown in Exhibit B, Site/Landscaping Plan.
2. Building Configuration (Sec. 6.3.5.D)
 - a. Two-story minimum building height is waived.
3. Use Standards (Sec. 6.3.6.D)
 - a. Prohibition of commercial surface parking lot is waived.
 - b. Prohibition of drive-through lane for restaurant is waived for Tracts 1, 2, 4, 5 and 6.
4. Specific Use Standards (Sec. 6.3.6.E)
 - a. Development may exceed maximum 10,000 sf gross floor area.
5. Block Perimeter (Sec. 6.3.7.C)
 - a. Maximum block perimeter standard of 2,000 sf is waived.
6. Parking Lot Landscaping (Sec. 6.3.10.D)
 - a. Requirement for one landscape parking island per 10 parking spaces is reduced to one island per 12 spaces.
7. Parking Lot Screen (Sec. 6.3.10.E)
 - a. Parking lot screening is waived.
8. Public Frontage Standards (Sec. 6.3.11)
 - a. Trees may be clustered instead of being regularly spaced. (Sec. 6.3.11.D.1)
 - b. Six-foot street yard planting strip may be located behind the 8' sidewalk. (Sec. 6.3.11.D.2)
 - c. Requirement for groundcover in street yard planting strip is waived. (6.3.11.D.2)
9. Architectural Standards (Sec. 6.3.13.D)
 - a. For horizontal articulation, the minimum offset per 50' building façade length is reduced from 5' to 2'.
 - b. Windows and doors for transparency are waived for public-facing façades for the hotel site.

10. Signage (Sec. 6.3.16.C)

a. Wall Signs

- i. Multi-tenant signs are limited to 1 wall sign per façade of tenant's premises (3' tall x 80% of maximum of façade length of tenant space).
- ii. Single-tenant signs are limited to 1 wall sign per façade (sign area not to exceed 25% of elevation area).

b. Monument Signs

- i. One 25' tall project multi-tenant monument sign is allowed at the South 31st Street entrance.
- ii. One 20' tall multi-tenant monument sign is allowed at the West Avenue T entrance, and one 20' tall multi-tenant monument sign is allowed at the Scott Boulevard entrance.
- iii. No more than 1 single-tenant or multi-tenant 10' tall monument sign is permitted for each individual lot.

c. Approved sign standards are illustrated in Exhibit D, Wall Sign Specifications and Monument Sign Elevations.

Nonresidential Phase (PD-T5-c) Conditions:

1. Each restaurant with a drive-through lane must provide at least 150 sf of outdoor dining space.
2. For buildings located at public street corners (on Tracts 1 and 4):
 - a. The building must have a parapet or vertical roof element that is at least 3' higher than the top of parapet height or roof height.
 - b. The length of the parapet or roof element must be at least 15% of the length of the façade on the side of the building that has the main entrance.
3. Multi-tenant project signs may not exceed 25' in height.
4. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
5. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.

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

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **January**, 2016.

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

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

ATTEST:



Lacy Borgeson
City Secretary

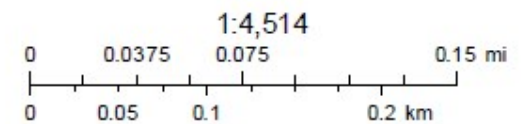
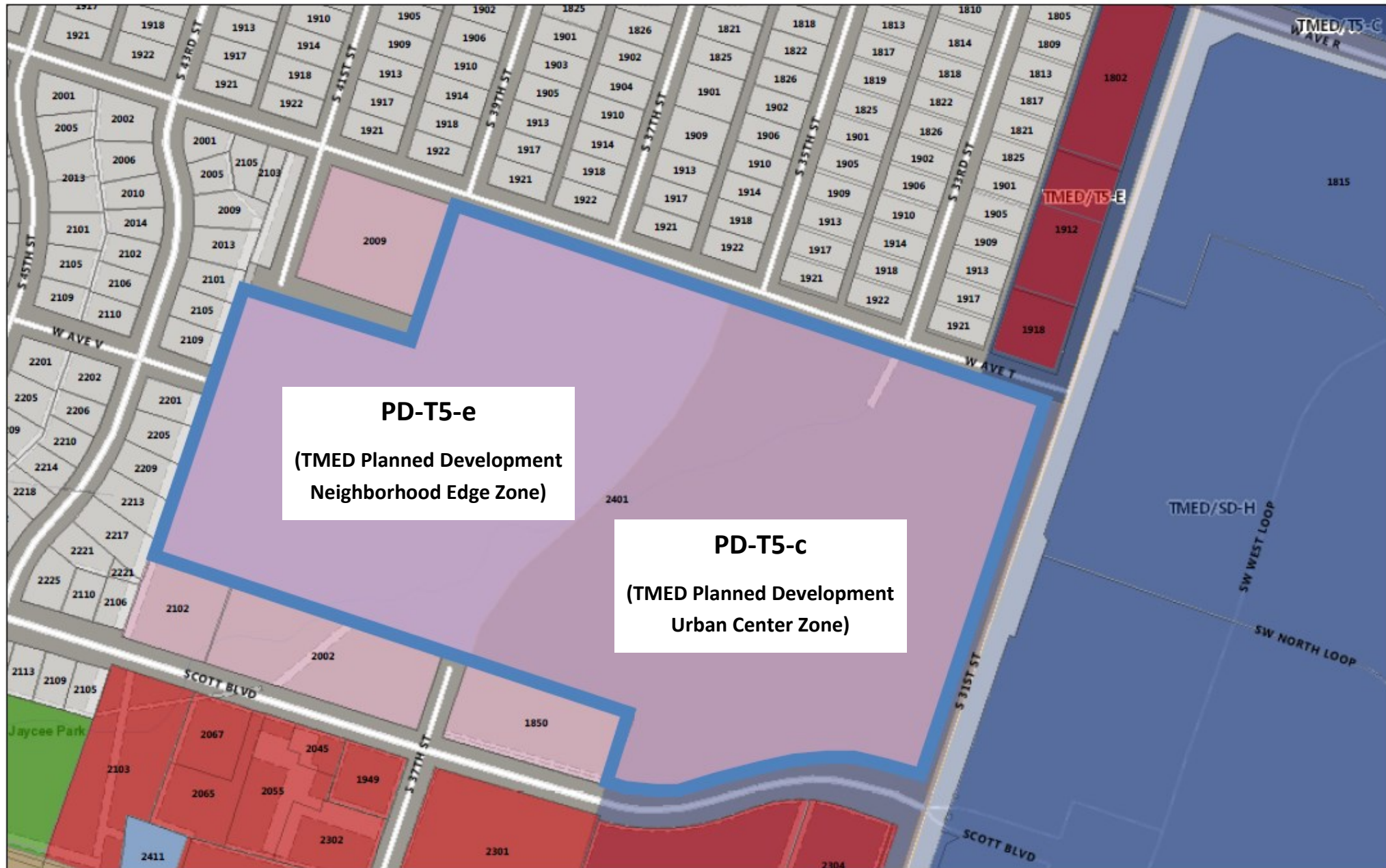


APPROVED AS TO FORM:



Kayla Landeros
City Attorney

Exhibit A Z-FY-16-03 Zoning Map





OVERALL MASTER PLAN

31st and Scott Boulevard
Temple, Texas

Job #: 14243.00
File Name: SP-9 Overall.psd
Date: 12.01.2015
Drawn by: JWW



2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

Site & Surrounding Property Photos



Site – Undeveloped (TMED – T5-C)



Site (Close-up) – Undeveloped (TMED – T5-C)



**North: Aerial - Undeveloped – Unplatted Lots within the District
(TMED-T5-C & T-4)**



**North: Street-Level - Undeveloped – Unplatted Lots within the District
(TMED-T5-C & T-4)**



South: Hilton Garden Inn (Commercial - C)



South: Commercial, Service & Office Uses (Commercial - C)



**East: Undeveloped portions of the District & Scott & White Hospital
(Across S. 31st St. (TMED – T5-C & SD-H))**



West: Candlewood Suites Hotel (Commercial - C)

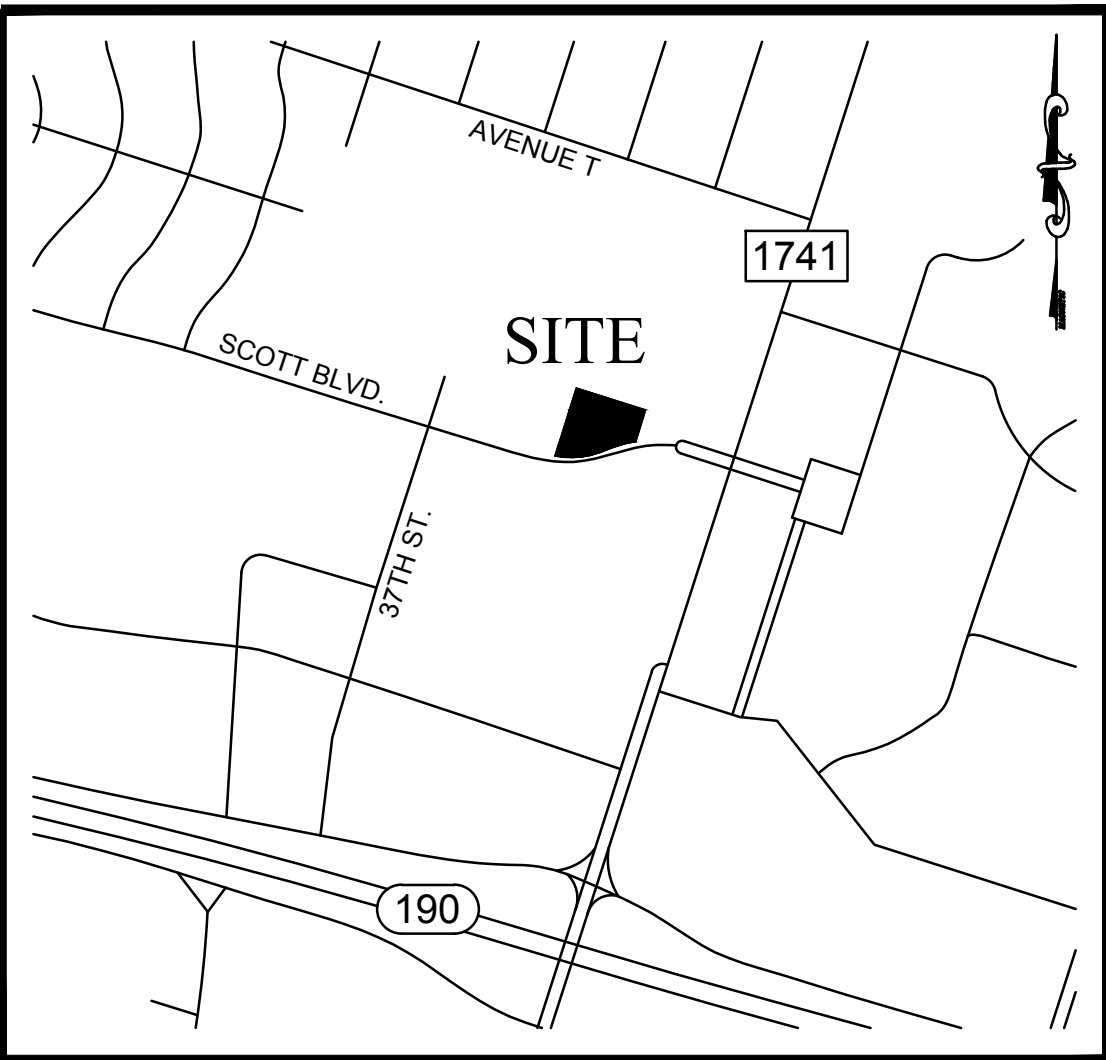
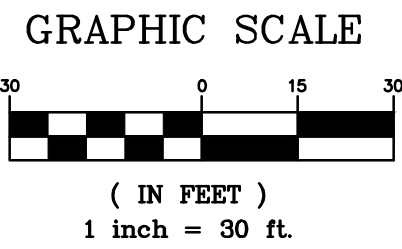


West: Candlewood Suites Hotel & Scattered Service Uses (Commercial – C & GR)

CAUTION NOTICE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

BENCHMARKS
BENCHMARK #1: THE BENCHMARK USED FOR VERTICAL CONTROL OF THE PROJECT WAS THE CITY OF TEMPLE CONTROL POINT NO. 3 MONUMENT.
PUBLISHED ELEVATION = 738.18'
BENCHMARK #2: AN "X" CUT FOUND IN CONCRETE AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE WEST LINE OF S. 31ST ST. AND THE NORTH LINE OF SCOTT BLVD.
OBSERVED ELEVATION = 739.07'

SITE DATA TABLE		
LOCATION:	SCOTT BOULEVARD TEMPLE, TX 76504	
LOT AREA:	2.27 AC. (98,928 S.F.)	
ZONING:	T5-C-COMMERCIAL	
CURRENT USE:	VACANT	
PROPOSED USE:	RESTAURANT/W DRIVE-THRU	
BUILDING DATA:		
BUILDING AREA	6,940 S.F.	
BUILDING HEIGHT	27'-3" (1 STORY)	
BUILDING COVERAGE	0.07	
F.A.R.	7%	
PARKING SUMMARY:		
*1 SP PER 150 S.F.	REQUIRED	PROVIDED
PARKING SPACES (9'x18')	45	113
HANDICAP SPACES (9'x18')	2	4
TOTAL SPACES	47	117
LANDSCAPE:		
PERVIOUS:	20,702 S.F.	
IMPERVIOUS:	78,226 S.F.	



LOCATION MAP
NOT TO SCALE

LEGEND:

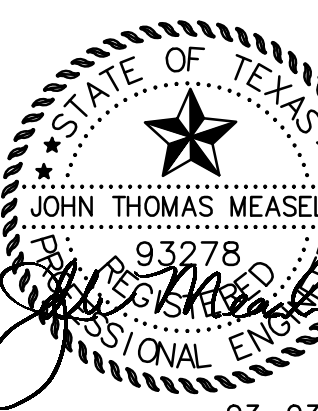
PROPERTY LINE	LIGHT POLE
PROPOSED CURB & GUTTER	BUILDING UP LIGHTS
LIMITS OF FULL DEPTH SAWCUT	YARD DRAIN
# PARKING SPACES	GREASE TRAP
FIRELANE	CLEAN-OUT
STOP BAR STRIPING	DOUBLE CLEAN-OUT
HC HANDICAP SPACES	GAS METER
ADA RAMP	WATER METER
BOLLARD	IRRIGATION METER
TRAFFIC/HANDICAP SIGN	MANHOLE
DIRECTIONAL SIGN	CURB INLET
SPEAKER BOX	
MENU BOARD	

SITE KEY NOTES:

- CONCRETE CURB AND GUTTER. (PER LOCAL CODES)
- TAPER CURB TO MATCH EXISTING.
- MATCH EXISTING PAVEMENT ELEVATION.
- LIMITS OF FULL DEPTH SAWCUT AND PAVEMENT REMOVAL. EXISTING PAVEMENT TO REMAIN.
- CONCRETE SIDEWALK, 2% MAX. CROSS SLOPE AND 5% MAX. STRAIGHT SLOPE.
- SIDEWALK RAMP @ 8.33% MAX. (PER LOCAL CODES)
- STOP BAR. (PER LOCAL CODES)
- DIRECTIONAL TRAFFIC ARROW. (PER LOCAL CODES)
- PARKING STALL STRIPING. (PER LOCAL CODES)
- 4" WIDE PAINTED STRIPES, 2' OFF CENTER @ 45°.
- PEDESTRIAN/HANDICAP CROSSWALK STRIPING.
- HANDICAP STRIPING & SYMBOL. (TYPICAL-PER ADA AND LOCAL REQUIREMENTS)
- HANDICAP SIGNS. (TYPICAL-PER ADA AND LOCAL REQUIREMENTS)
- BOLLARD.
- PROPOSED LIGHT POLE.
- MONUMENT/PYLON SIGN. (PER ARCH. PLANS)
- DUMPSTER ENCLOSURE. (PER ARCH. PLANS)
- "STOP" SIGN.
- LANDSCAPE AREA. (PER LANDSCAPE PLAN)
- BUILDING LIGHTS.
- MENU BOARD AND SPEAKER BOX.
- PREVIEW MENU BOARD.
- DIRECTIONAL SIGN FOR DRIVE THRU.
- TRAFFIC SENSOR.
- STORAGE UNIT. (PER ARCH. PLANS)
- "DRIVE THRU" MARKING.
- "EXIT ONLY" MARKING.
- THICKENED EDGE OF PAVING.
- PAINTED FIRE LANE
- TRANSFORMER
- FIRE HYDRANT
- RETAINING WALL
- CURB INLET
- CONC. JUNCTION BOX
- LIMIT OF CONCRETE PAVEMENT
- CONCRETE SIDE STEP
- STEEL PLATE COVER FOR SIDE WALK (SEE DETAIL A-A)



FIRM NO. F-12225



SITE PLAN
ROSA'S CAFE
SCOTT BOULEVARD
TEMPLE, TX 76504

REVISION RECORD

03-03-16 INITIAL SUBMITTAL

SHEET NO.

C-3.0



A EAST ELEVATION
TOTAL WALL AREA = 2300 S.F.
TOTAL SIGN AREA = 66.6 S.F. (3%)
TOTAL WINDOW AREA = 276 S.F. (12%)

EXTERIOR FINISH LEGEND

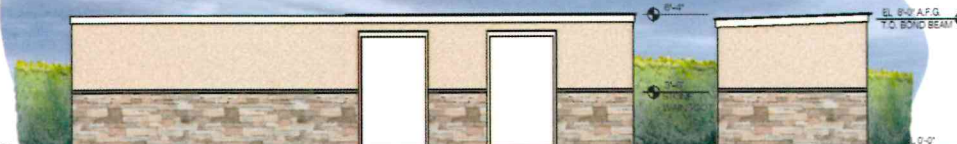
- | | |
|--|---|
| MASONRY FACE BRICK -
EXTERIOR FINISH (DARK) -
SIMILAR TO CENTER | STUCCO / E.I.F.S. - (DARK)
SHERWIN WILLIAMS
6116 TATAMI TAN
SAND FINISH. (DARK TAN) |
| SIMULATED STONE -
EXTERIOR FINISH (LIGHT)
LONE STAR STONE
HILL COUNTRY CHALK
ROSAS BLEND | STUCCO / E.I.F.S. - (MEDIUM)
SHERWIN WILLIAMS
6142 MACADAMIA
SAND FINISH. (MEDIUM TAN) |
| METAL ROOF & AWNINGS -
SPANISH TILE ROOF - | STUCCO / E.I.F.S. - (LIGHT)
SHERWIN WILLIAMS
6385 DOVER WHITE
SAND FINISH. (WHITE)
COLUMNS, COPING & TRIM |
| STANDING SEAM - BERRIDGE MFG.
SIM. TO SHERWIN WILLIAMS 6940 BISCAI | |
| MONIER LIFTLITE - TEJAS ESPANA
COLOR: SAN CARLOS BLEND | |
| CONCEALED RED NEON BY OWNER
(CONCEALED IN EIFS COPING TRIM) | |



C NORTH ELEVATION
TOTAL WALL AREA = 1702 S.F.
TOTAL SIGN AREA = 66.6 S.F. (4%)



B SOUTH ELEVATION
TOTAL WALL AREA = 1600 S.F.
TOTAL SIGN AREA = 45.7 S.F. (2.9%)



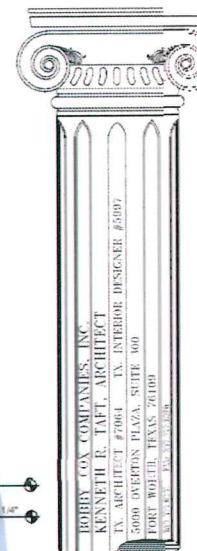
E FRONT & SIDE STORAGE ELEVATIONS



F TRASH ENCLOSURE ELEV.



D WEST ELEVATION
TOTAL WALL AREA = 2000 S.F.
TOTAL SIGN AREA = 45.7 S.F. (2.3%)



PROJECT: PROPOSED NEW BUILDING FOR
ROSAS CAFE
& TORTILLA FACTORY
TYPICAL PROTOTYPE

ELV1.C
1.ELV
Proto2016
SHEET: 01-10-16
DATE: 01-10-16
JOB NO.: 01-10-16
REV: 01-10-16

















C.U.P.

AERIAL MAP

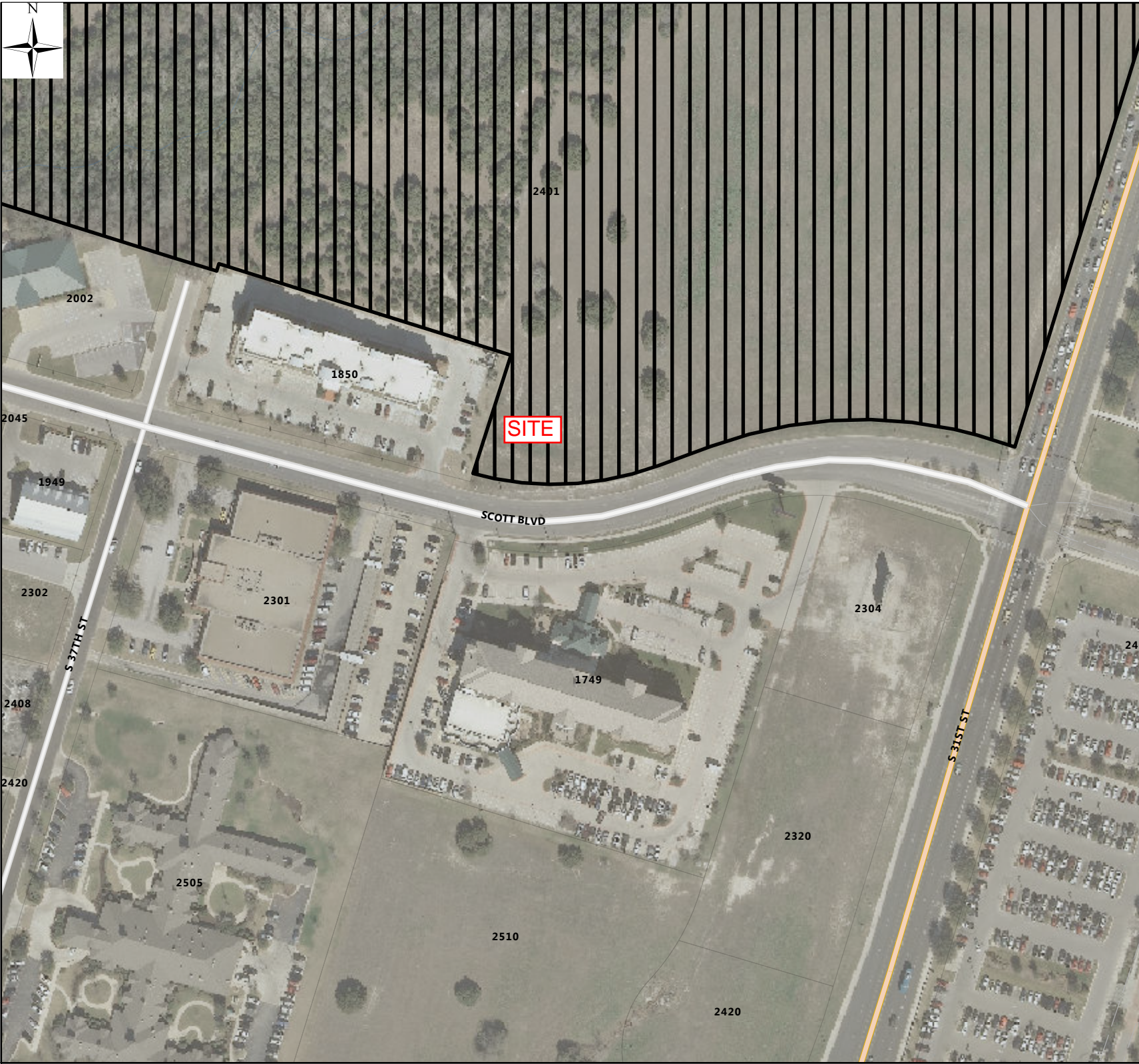
Zoning Case :
Z-FY-16-18

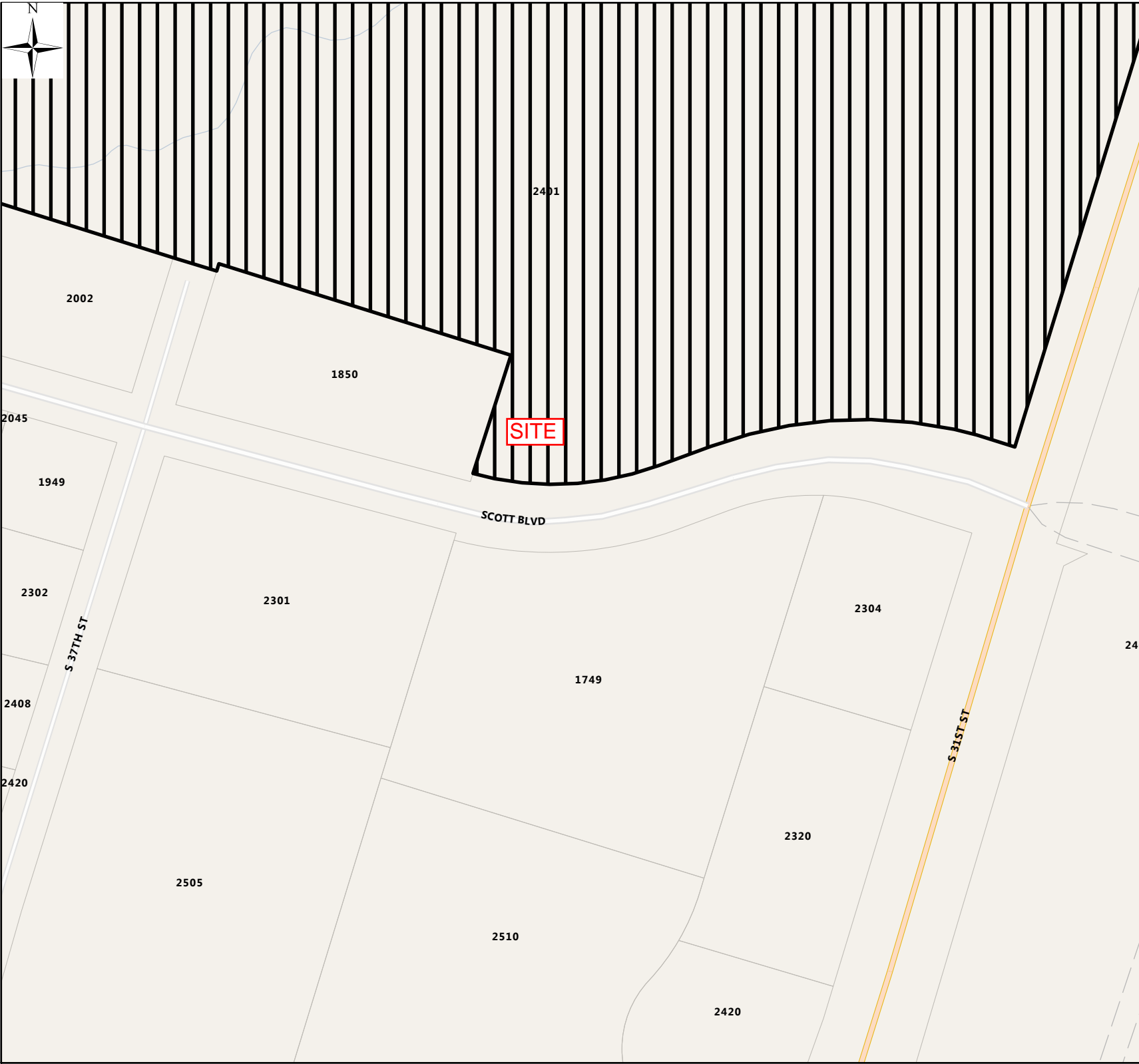
Streets

-  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: 3/8/2016





C.U.P.

LOCATION MAP

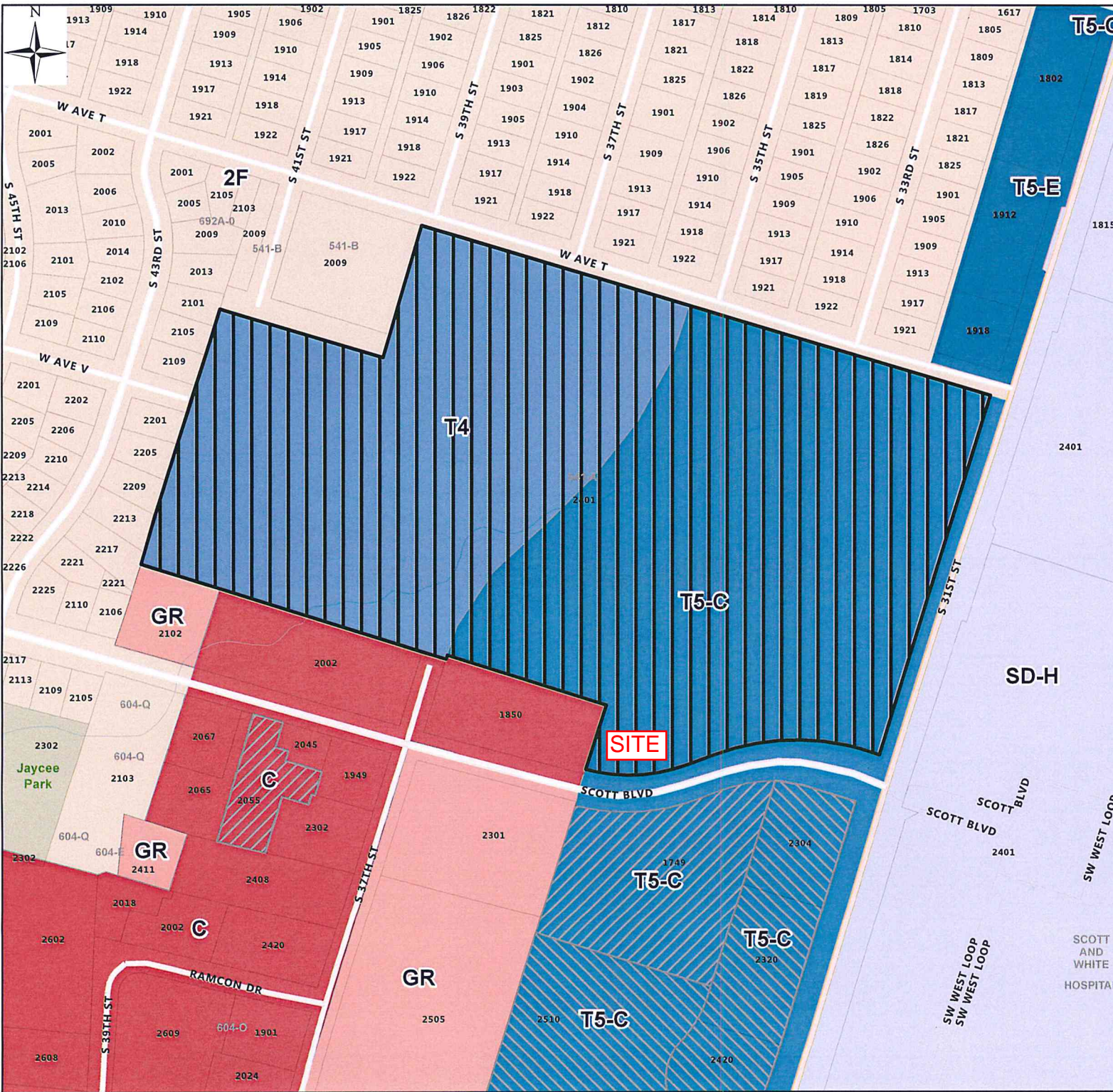
Zoning Case :
Z-FY-16-18

- 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: 3/8/2016





C.U.P.

ZONING MAP

Zoning Case :
Z-FY-16-18

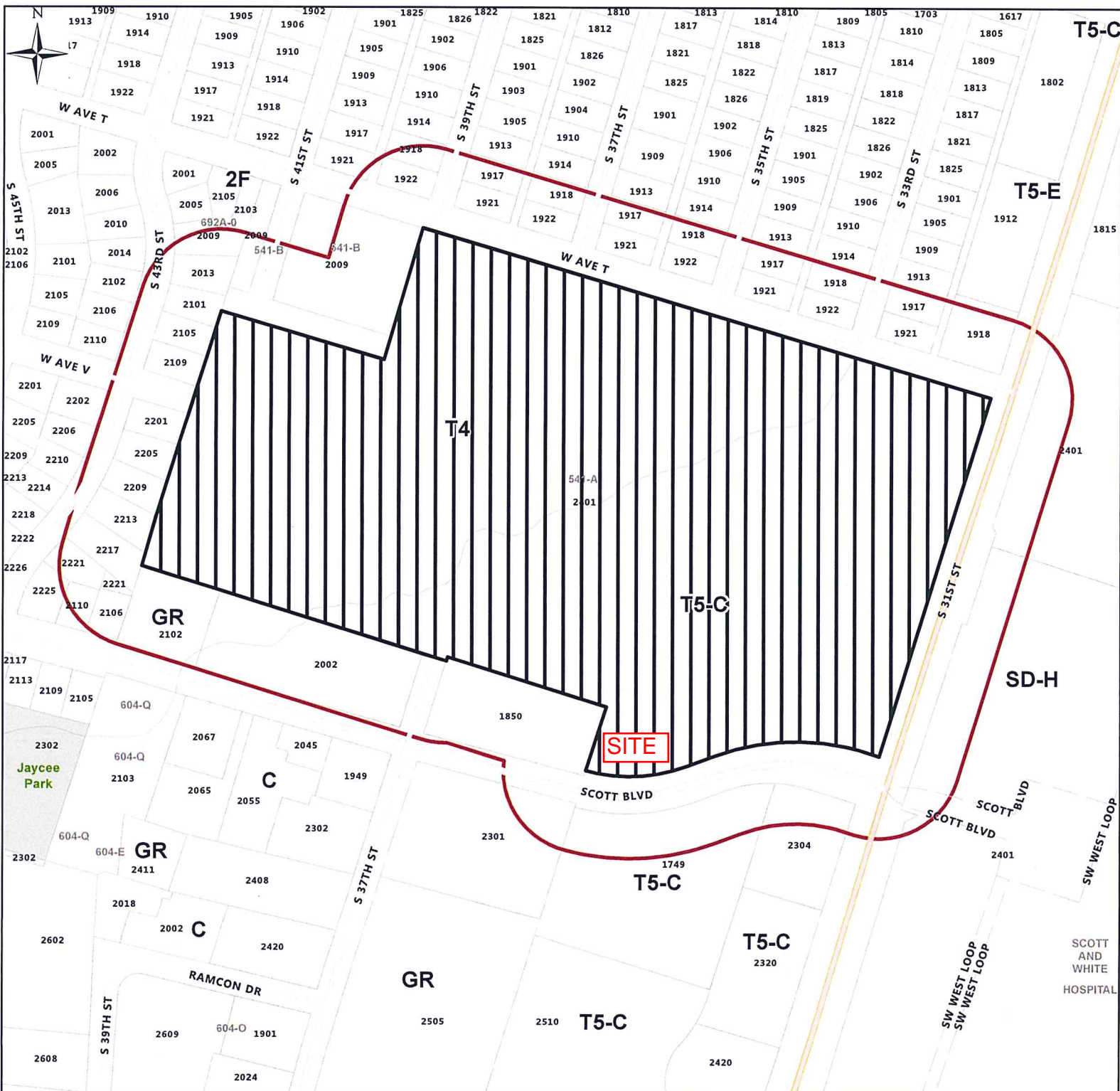
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
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: 3/8/2016





C.U.P.

200' NOTIFICATION MAP

Zoning Case :
Z-FY-16-18

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: 3/8/2016





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SEBESTA, CHARLES E JR ETUX KATHY A
1914 S 33RD ST
TEMPLE, TX 76504-6757

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

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

I ☒ agree

() disagree with this request

Comments:

RECEIVED

MAR 30 2016

City of Temple
Planning & Development

Charles E. Sebesta, Jr.
Signature

CHARLES E. SEBESTA, JR.
Print Name

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

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

Number of Notices Mailed: 46

Date Mailed: March 24, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HIGHLINE TEMPLE 39 LTD
300 CRESCENT CT STE 1113
DALLAS, TX 76201

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

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

I (☒) agree

(☐) disagree with this request

Comments:

RECEIVED

APR - 1 2016

City of Temple
Planning & Developme

BPL
Signature

Brian P. CENT
Print Name

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

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

Number of Notices Mailed: 46

Date Mailed: March 24, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

FARMERS MUTUAL PROTECTIVE
ASSOC OF TEXAS
PO BOX 6106
TEMPLE, TX 76503-6106

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

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

I ☒ agree


() disagree with this request

Comments:

RECEIVED

APR - 1 2016

City of Temple
Planning & Development


Signature

James E. Smith
Print Name

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

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

Number of Notices Mailed: 46

Date Mailed: March 24, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

CASTILLO, FRANK JR REVOCABLE LIVING TRUST
C/O CASTILLO, FRANK JR TRUSTEE
2217 S 43RD ST
TEMPLE, TX 76504

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

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

I ☒ agree

() disagree with this request

Comments:

I Agree with this Request, if no housing is built behind my property.
IF A housing is built, it should be built by ALF WT.

IF A business is built behind my property, what type of fence
will be built to safeguard my property

Signature

FRANK CASTILLO

Print Name

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

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

RECEIVED

APR - 4 2016

City of Temple
Planning & Development

Number of Notices Mailed: 46

Date Mailed: March 24, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

TERMARK PROPERTIES LLC
2608 N MAIN ST STE B-123
BELTON, TX 76513-1546

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

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

I () agree

☒ disagree with this request

Comments:

See ATTACHED

RECEIVED

APR - 4 2016

City of Temple
Planning & Development


Signature

MARK SHEELER
Print Name

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

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

Number of Notices Mailed: 46

Date Mailed: March 24, 2016

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Zoning Application Number: Z-FY-16-18

TERMARK PROPERTIES LLC
2608 N MAIN ST STE B-123
BELTON, TX 76513-1546

March 30, 2016

I DISAGREE WITH THIS REQUEST

COMMENTS:

A restaurant providing, serving, and/or selling alcohol in the immediate area of single family homes provides increased potential for disruptive foot and vehicle traffic, and increases the potential for vehicles operated by drivers under the influence of alcohol.

Rezoning of this area also would likely increase vehicle traffic all nearby residential streets as well as S. 31st street – streets already burdened by traffic flow challenges and congestion. Increased foot and vehicle traffic, potentially burdened by the influence of alcohol, jeopardizes the peaceful sanctuary of each home in the area. This likely would increase any potential for confrontational conflict between individuals patronizing the business. Peaceful evenings and weekends would be eliminated for the residents in the area.

A professional office complex would likely provide more value to the City and neighborhood.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HENTSCHEL FAMILY TRUST
C/O HENTSCHEL, E M & AUDICE L
2105 S 43RD ST
TEMPLE, TX 76504-6966

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

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

I () agree

(☒) disagree with this request

Comments:

*Don't like stores & busy streets in my own back yard.
We have a very quiet neighborhood and good neighbors. We would like to keep it that way.
Love our back yard the way it is!*

Janice Michalk
Signature

Janice Michalk
Print Name

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

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

RECEIVED

APR - 6 2016

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

WHITE, OSCAR R & SHIRLEY REV LIVING TRUST AGREEMENT
C/O WHITE, SHIRLEY TRUSTEE
2225 S 43RD ST
TEMPLE, TX 76504-6911

Zoning Application Number: Z-FY-16-18

Project Manager: Mark Baker

Location: 2401 South 31st Street

Scott & White address

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 () agree

(☒) disagree with this request

Comments:

I have been out of town

RECEIVED

APR 15 2016

City of Temple
Planning & Development

Shirley White
Signature

Shirley White
Print Name

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

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

ORDINANCE NO. _____
(Z-FY-16-18)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT FOR PROPERTY SITUATED ON LOT 1, BLOCK 1 OF THE PROPOSED HIGHLINE ADDITION SUBDIVISION, LOCATED ON THE NORTH SIDE OF SCOTT BOULEVARD AND WEST OF THE INTERSECTION WITH SOUTH 31ST STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property on lot 1, block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard and west of the intersection with South 31st Street, recommends that the City Council approve the application for this Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment sales; and

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

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

Part 1: The City Council approves a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment for property on lot 1, block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Boulevard and west of the intersection with South 31st Street, more fully described in Exhibit ‘A’, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with alcoholic beverage sales for on-premise consumption shall comply with following standards:

- A. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension.
- B. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- C. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of May, 2016.

PASSED AND APPROVED on Second Reading on the **19th** 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

05/05/16

Item #7

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, “Tattoo Shops.”

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading; with second and final reading set for May, 19, 2016.

ITEM SUMMARY: Chapter 16, Article VIII of the Code of Ordinances currently states:

ARTICLE VIII. TATTOO SHOPS

Sec. 16-108. Definitions.

For the purposes of this article, the following words and phrases shall be construed as follows:

Tattooing or Tattoo means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

Tattoo operator means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

Tattoo shop means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

Sec. 16-109. Tattooing Prohibited.

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

In a separate item, Staff is proposing amendments to the Unified Development Code which, if approved by Council, would allow “tattoo studios” and “body piercing studios” by right in certain zoning districts. In conjunction with those proposed amendments, Chapter 16 of the Code of Ordinances must be amended to delete Article VIII, “Tattoo Shops.”

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO DELETE ARTICLE VIII, "TATTOO SHOPS;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 16, Article VIII of the Code of Ordinances currently states:

ARTICLE VIII. TATTOO SHOPS

Sec. 16-108. Definitions.

For the purposes of this article, the following words and phrases shall be construed as follows:

Tattooing or *Tattoo* means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

Tattoo operator means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

Tattoo shop means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

Sec. 16-109. Tattooing Prohibited.

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

Whereas, Staff recommends Council approve certain amendments to the City of Temple Unified Development Code which, if approved by Council, would allow "tattoo studios" and "body piercing studios" in certain zoning districts by right;

Whereas, in conjunction with those proposed amendments, Chapter 16 of the Code of Ordinances of the City of Temple, Texas must be amended to delete Article VIII, "Tattoo Shops"; and

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

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

Part 1: The City Council amends Chapter 16, of the Code of Ordinances of the City of Temple, Texas to delete Article VIII, "Tattoo Shops," as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the **19th** 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

05/05/16
Item #8
Regular Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-16-23: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code (UDC): Article 5 – Use Standards, deleting “tattoo parlor” as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

P&Z RECOMMENDATION: At the April 18, 2016 Planning and Zoning Commission meeting, P&Z recommended unanimous approval per staff recommendation.

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading; with second and final reading set for May, 19, 2016.

BACKGROUND

- Tattoo studios are currently prohibited in the City limits according to Sec. 5.1.1.C. “Prohibited Uses” of the UDC
- Chris Simmons, owner of Lucky in Love tattoo studio in Morgan’s Point, is a Temple resident
- He has previously addressed City Council requesting the ability to open a studio in Temple
- Legal and Planning agreed to meet with him to discuss and educate ourselves about his business and the industry in general
- Met in July 2015
- Took a site visit in October 2015 (photos included in attachments) to see his studio and to learn about their operations
- Tattoo and body piercing studios are regulated by the Texas Health and Safety Code (Chapter 146. Tattoo and Certain Body Piercing Studios)
- Body piercing studios would currently be allowed in any of the following zoning districts and classified as a “retails sales and service use other than those listed”:
 - NS (Neighborhood Services)
 - GR (General Retail)
 - C (Commercial)
 - CA (Central Area)
 - LI (Light Industrial)
 - HI (Heavy Industrial)

CITY COUNCIL WORKSHOP

The Tattoo Studios topic was discussed with City Council at their February 4, 2016 workshop.

Staff is proposing amending the following articles of the UDC.

Article 5 Use Standards

Staff is proposing amending section 5.1 to allow for both Body Piercing and Tattoo Studios by right in GR (General Retail), C (Commercial), LI (Light Industrial) and HI (Heavy Industrial) zoning districts with the limitations listed below.

P= Permitted by Right L = Permitted by Right Subject to Limitations
[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
consumption, beer and wine store																						
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.17, 5.3.18
Antique shop														P	P	P	P	P	P	P	P	
Art supply store														P	P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)														P	P	P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	
Barber shop or beauty shop														P	P	P	P	P	P	P	P	
Body Piercing Studio																	P	P		P	P	5.3.27
Cleaning, pressing and pick up shop														L	L	L	L	L	L	L	L	5.3.18, 5.3.21, 5.3.25
Cleaning plant (commercial)																	P	P				
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy														P	P	P	P	P	P	P	P	
Exercise gym	C										C	C	C	P	C	P	P	P	P	P	P	
Fabric store																	P	P	P	P	P	
Florist or garden shop														P	P	P	P	P	P	P	P	
Food or beverage sales store without fuel sales																	P	P	P	P	P	
Furniture and appliance sales and service																	P	P	P	P	P	
Greenhouse or nursery (retail)																	P	P	P	P	P	
Handicraft and art objects shop														P	P	P	P	P	P	P	P	
Hardware store or hobby shop																	P	P	P	P	P	
Key shop														P	P	P	P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	Sec. 5.3.25
Laundry and cleaning (self-service)														P	P	P	P	P	P	P	P	
Medical appliances, fitting, sales or rental														P	P	P	P	P	P	P	P	
Mixed media store or newsstand														P	P	P	P	P	P	P	P	
Mortuary or funeral home														P	P	P	P	P	P	P	P	
Office supply store														P	P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items														P	P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																	P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	
Tattoo Studio																	P	P		P	P	5.3.27
Tool rental (indoors)																	P	P	P	P	P	

Sec. 5.3.27 Body Piercing Studio and Tattoo Studio standards

A Body Piercing Studio or Tattoo Studio may be permitted in accordance with the use table in **Error! Reference source not found.** subject to the following standards:

- A. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C. A Body Piercing Studio or Tattoo Studio may not be located on property that falls with the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (SIZ) Corridor.
- D. A handwashing sink is required that is separate from restroom sinks.

Article 11 Definitions would be amended to add the following definitions:

Body Piercing. The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Body Piercing Studio. A facility in which body piercing is performed.

Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

Tattoo Studio. An establishment or facility in which tattooing is performed.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on April 7, 2016, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

Attachment 1: UDC Draft Amendments (Body Piercing and Tattoo Studios)
Attachment 2: Chapter 146 Texas Health and Safety Code (relevant pages)
Attachment 3: GR, C, LI and HI Zoned Property Map
Attachment 4: Strategic Investment Zone (SIZ) Map
Ordinance

Article 5 Use Standards

Sec. 5.1. Use Table

5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- B. Temporary sales that are unrelated and accessory to the primary use of the property except as provided for below:
 1. Temporary uses identified in Section 5.6 Temporary Uses; and
 2. Temporary sales associated with fundraising campaigns sponsored by non-profit organizations subject to the general conditions identified in Section 5.6.2.

~~C. Tattoo parlor.~~

5.1.2 Legend for Interpreting Use Table

5.1.3 Use Table

The following table sets forth the meaning of the symbols used in the use table below.

P= Permitted by Right L = Permitted by Right Subject to Limitations
[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
INDUSTRIAL USES																						
Animal feedlot	C																				C	
Asphalt or concrete batching plant (permanent)																				C	P	
Asphalt or concrete batching plant (temporary)	See Section 5.6 Temporary Uses																					
Brick kiln or tile plant																					C	
Cement or hydrated lime plant																					C	
Compost operations																				C	C	5.3.13
Distribution Center																				P	P	
Laboratory																		P		P	P	
Manufacturing																						

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations
[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
consumption, beer and wine store																						
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.175-3.17
Antique shop															P	P	P	P	P	P	P	
Art supply store															P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)															P	P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	
Barber shop or beauty shop															P	P	P	P	P	P	P	
Body Piercing Studio																	P	P		P	P	5.3.27
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	5.3.185-3.18
Cleaning plant (commercial)																		P	P			
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	
Exercise gym	C										C	C	C		P	C	P	P	P	P	P	
Fabric store																	P	P	P	P	P	
Florist or garden shop															P	P	P	P	P	P	P	
Food or beverage sales store without fuel sales																P	P	P	P	P	P	
Furniture and appliance sales and service																	P	P	P	P	P	
Greenhouse or nursery (retail)																P	P	P	P	P	P	
Handcraft and art objects shop															P	P	P	P	P	P	P	
Hardware store or hobby shop																	P	P	P	P	P	
Key shop															P	P	P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	Sec. 5.3.25
Laundry and cleaning (self-service)															P	P	P	P	P	P	P	
Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P	

Formatted: Font: (Default) Gill Sans, 9 pt

Formatted: Font: (Default) Gill Sans, 9 pt

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 02/04/05/16/15

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Mixed media store or newsstand															P	P	P	P	P	P	P	
Mortuary or funeral home															P		P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																P	P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	
<u>Tattoo Studio</u>																	P	P		P	P	<u>5.3.27</u>
Tool rental (indoors)																	P	P	P	P	P	
Tool rental (outside equipment storage)																		P		P	P	
Travel agency														P	P	P	P	P	P	P	P	
Upholstery shop																	P	P	P	P	P	
Veterinary office (no animal hospital)														P	P	P	P	P	P	P	P	
Veterinary hospital (no kennels)																	P	P	P	P	P	
Veterinary hospital (kennels)	C																	C		P	P	
TRANSPORTATION AND RELATED USES																						
Airport or landing field	C	C																C		P	P	
Bus station or terminal																		P	P	P	P	
Emergency vehicle service														C	P		P	P	P	P	P	
Hauling or storage company																		P	P	P	P	
Heliport	C	C													C			C	C	P	P	
Helistop	C	C												C	C	C	C		C	P	P	

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 02/04/0516/15

5.3.25 Kiosk

A kiosk is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A.** All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B.** Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C.** Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D.** Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

[Ord. 2012-4516]

5.3.26 Body Piercing Studio and Tattoo Studio

A Body Piercing Studio or Tattoo Studio is permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A.** A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B.** A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of School, Public or Private, as that term is defined in this Code.
- C.** For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- D.** A Body Piercing Studio or Tattoo Studio may not be located on property within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (“SIZ”) Grant Corridor.
- E.** A handwashing sink is required that is separate from restroom sinks.

Article 6: Special Purpose and Overlay Zoning Districts**Sec. 6.7. I35, Interstate 35 Corridor Overlay**

1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.
2. In addition to those trees already required ornamental trees must be used in the landscape buffer. One, minimum two-inch caliper, ornamental tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

6.7.8 Industrial Sub-District

The industry component of Temple's economy has been and should continue to be a major factor in the City's growth and employment. These Industrial Sub-District standards will keep the City's industrial base strong and growing while protecting the City's image and enhancing the I-35 Corridor.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:		✓	5.3.1 through 5.3.7
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		
Bottling works		✓	
Building material sales		✓	
Car wash		✓	
Child care facility	✓		
Contractor storage and equipment yard		✓	
Correctional facility	✓		
Day camp for children	✓		

Article 6: Special Purpose and Overlay Zoning Districts**Sec. 6.7. I35, Interstate 35 Corridor Overlay**

Use	Prohibited Use	Conditional Use	Standards
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Tattoo Studio	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
Transitional or emergency shelter	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

[Ord. 2012-4505]

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Tattoo Studio	✓		

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Body Piercing Studio	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Tattoo Studio	✓		
Trailer, recreational vehicle, portable building or HUD-	✓		

Article 11: Definitions

Sec. 11.2. Defined Terms

non-industrial organic material, such as grass clippings, leaves, brush, clean wood material or vegetative food material, generated by a homeowner, tenant of a single to multi-family residential or apartment complex, or a commercial or institutional complex where the composting, land application or mulching occurs on the dwelling property and the final product is utilized on the same property. Backyard operations includes neighborhood composting demonstration sites that generate less than 50 cubic yards of final product per year.

Barber Shop or Beauty Shop. A business of cutting or dressing hair, shaving or trimming beards, performing manicures, facials or other grooming services including the performing of other related services or the selling of related goods for human beings or animals.

Basement. A building story that is partly underground, but having a minimum of one-half of its height above the average level of the adjoining ground.

Block. A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

Block Face. The aggregate of all the building facades on one side of a block. [Ord. 2010-4415]

Board or Zoning Board. Zoning Board of Adjustment.

Boarding House/Rooming House. A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.

Body Piercing. The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Body Piercing Studio. A facility in which body piercing is performed.

Building. Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. If subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. This term is synonymous with "structure".

Building Line. A line parallel or approximately parallel to the street line at a specified distance therefrom creating the minimum distance from the street line that a

Article 11: Definitions

Sec. 11.2. Defined Terms

Structure. (Same as Building)

Substance Abuse Treatment Facility. An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

Swimming Pool, Commercial. A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming Pool, Private. A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City. A private swimming pool must not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Street Width. The distance from back-of-curb to back to back-of-curb. For a rural street, the distance between the outer edges of asphalt pavement.

Subdivider. Any person or authorized agent dividing or proposing to divide land so as to constitute a subdivision, as defined in this Section. The term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be divided.

Subdivision. A division of any tract of land, situated within the corporate limits of the City or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any addition to the City, or for laying out lots, streets, alleys, access easements, public utility easements or parks or other portions intended for public use or the use of purchasers or owners of adjacent or fronting lots. The term "Subdivision" also means the development, within the corporate limits of the City or within its extraterritorial jurisdiction, of a HUD-Code manufactured home land lease community.

Surveyor. A registered public surveyor authorized by state statute to practice the profession of surveying.

Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

Article 11: Definitions

Sec. 11.2. Defined Terms

Tattoo Studio. An establishment or facility in which tattooing is performed.

Teaser Parking. A technique to include a few parking spaces located in front of a business to lure customers with their apparent convenience. Teaser parking acts as a visual cue, leading drivers to the access points for larger parking lots or parking structures that provide the remaining required parking to be placed behind or below buildings, with the option of a small amount of “teaser” parking visible from the street in more automobile-oriented areas. [Ord. 2010-4415]

Telephone Exchange. Switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

Temporary Field or Construction Office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Temporary Use. A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

[Ord. 2015-4701]

Thoroughfare Plan. A general graphic presentation, accompanied by written text, describing the proposed arrangement of various classes of streets in the City at some future date. A thoroughfare plan is a component of the City's adopted Comprehensive Plan.

Townhouse. A structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy, with dwelling units that are structurally connected or immediately adjacent to and abutting each other between individual dwelling units. An apartment in a condominium may be deemed a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses is deemed a "Townhouse Project".

Trail. A walking path composed of concrete, crushed granite or improved natural surfaces that traverses land, does not generally run parallel with a street and that is located in a public right-of-way or a public access easement. [Ord. 2011-4430]

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE G. LICENSES

CHAPTER 146. TATTOO AND CERTAIN BODY PIERCING STUDIOS

Sec. 146.001. DEFINITIONS. In this chapter:

(1) "Body piercing" means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(1-a) "Body piercer" means a person who performs body piercing.

(2) "Body piercing studio" means a facility in which body piercing is performed.

(3) "Tattoo" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

(4) "Tattooist" means a person who performs tattooing.

(5) "Tattoo studio" means an establishment or facility in which tattooing is performed.

(6) "Temporary location" means a fixed location at which an individual operator performs tattooing or body piercing for a specified period of not more than seven days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing or body piercing.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 2, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 516, Sec. 2, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1226, Sec. 1, eff. Sept. 1, 2003.

Sec. 146.002. LICENSE REQUIRED. (a) A person may not conduct, operate, or maintain a tattoo studio unless the person holds a license issued by the department to operate the tattoo studio. Except as provided by Section [146.0025](#), a person may not conduct, operate, or

maintain a body piercing studio unless the person holds a license issued by the department to operate the body piercing studio.

(b) Except as provided by Section [146.0025](#), a person may not practice tattooing or body piercing at a temporary location unless the person holds a temporary location license for tattooing or body piercing, as appropriate, issued by the department.

(c) The license must be displayed in a prominent place in the tattoo or body piercing studio or temporary location.

(d) Tattooing and body piercing are permitted only at a location that is in compliance with this chapter and rules adopted under this chapter.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 3, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

Sec. 146.0021. EMPLOYMENT OF TATTOOISTS AND BODY PIERCERS; REGISTRATION REQUIRED. A tattoo studio or a body piercing studio may not employ a tattooist or a body piercer unless the person is registered with the department under this chapter.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 2, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. [219](#), 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.0025. EXEMPTIONS FROM LICENSING REQUIREMENTS; EAR PIERCING ESTABLISHMENTS EXEMPT. (a) This chapter does not apply to:

- (1) a medical facility licensed under other law;
- (2) an office or clinic of a person licensed by the Texas State Board of Medical Examiners;
- (3) a person who performs only ear piercing; or
- (4) a facility in which only ear piercing is performed.

(b) A person who conducts, operates, or maintains a facility, office, or clinic described by Subsection (a)(1), (2), or (4) is not required to obtain a license under this chapter to operate that facility.

Added by Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.003. LICENSE APPLICATION. (a) To receive a tattoo studio license, body piercing studio license, or temporary location license, a person must submit a signed, verified license application to the department on a form prescribed by the department and must submit an application fee. In addition, the person must submit evidence from the appropriate zoning officials in the municipality or county in which the studio is proposed to be located that confirms that the studio is in compliance with existing zoning codes applicable to the studio.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 516, Sec.

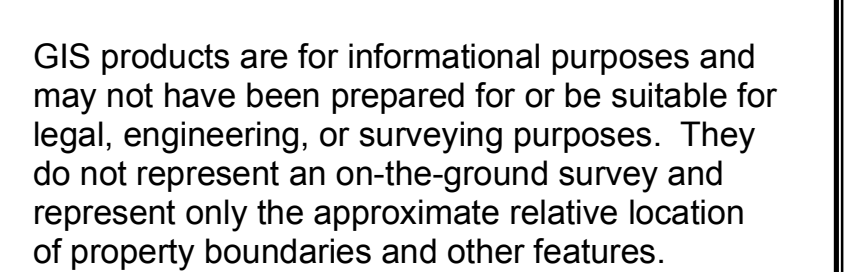
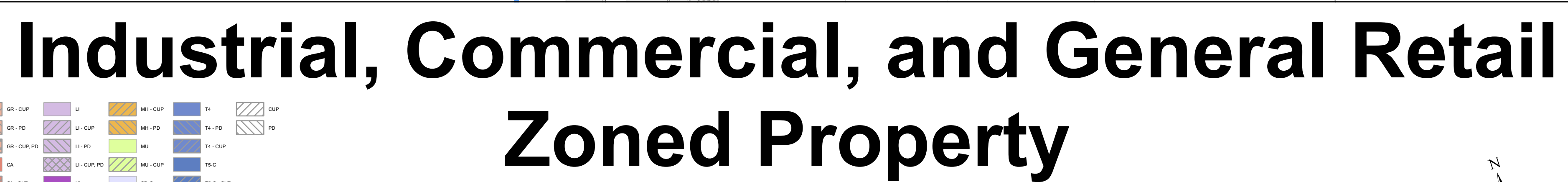
4

(b) On receipt of a tattoo studio or body piercing studio license application, the department shall inspect the proposed tattoo or body piercing studio to determine compliance with this chapter and rules adopted by the board under this chapter. In addition, the department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the studio is proposed to be located to determine compliance with existing building and zoning codes applicable to the studio. The department may issue a license for a tattoo or body piercing studio after determining that the studio is in compliance with applicable statutes, rules, and building and zoning codes.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 1528, Sec.

1

(b) The department may issue a license or temporary location license for a tattoo studio after determining that the studio is in compliance with applicable statutes, rules, and zoning codes.





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

ORDINANCE NO. _____
[Z-FY-16-04]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO TEMPLE UNIFIED DEVELOPMENT CODE, ARTICLE 5 – USE OF STANDARDS, DELETING ‘TATTOO PARLOR’ AS A PROHIBITED USE; ALLOWING BODY PIERCING STUDIOS AND TATTOO STUDIOS BY RIGHT IN LIGHT INDUSTRIAL, HEAVY INDUSTRIAL, GENERAL RETAIL AND COMMERCIAL ZONING DISTRICTS AND PROVIDING CERTAIN LIMITATIONS; AMENDING ARTICLE 6 – SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS; PROHIBITING BODY PIERCING STUDIOS AND TATTOO STUDIOS IN THE INTERSTATE 35 CORRIDOR OVERLAY; AND AMENDING ARTICLE 11 – DEFINITIONS; PROVIDING DEFINITIONS FOR BODY PIERCING, BODY PIERCING STUDIO, TATTOO, AND TATTOO STUDIO; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, tattoo studios are currently prohibited in the City limits according to Section. 5.1.1.C. “Prohibited Uses” of the Temple Unified Development Code (“UDC”);

Whereas, at its April 18, 2016 meeting, the Planning and Zoning Commission voted unanimously to amend Article 5, Article 6, and Article 11 of the UDC - the recommended changes are as follows:

- ARTICLE 5: USE STANDARDS: The amendment will allow for both body piercing and tattoo studios, by right, in General Retail, Commercial, Light Industrial and Heavy Industrial zoning districts with the following limitations:
- ARTICLE 5, SECTION 5.3.27 – Body Piercing Studio and Tattoo Studio Standards:
 - a body piercing studio or tattoo studio may not be located within 1000 feet of another body piercing studio or tattoo studio;
 - for purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line;
 - a body piercing studio or tattoo studio may not be located on property that falls within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone Corridor; and
 - a handwashing sink is required that is separate from restroom sinks.
- ARTICLE 11: DEFINITIONS – Article 11 has been amended to add a definition for:
 - *Body Piercing* – The creation of an opening in an individual’s body, other than in an individual’s earlobe, to insert jewelry or another decoration;
 - *Body Piercing Studio* – A facility in which body piercing is performed;

- *Tattoo – The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The tem includes the application of permanent cosmetics; and*
- *Tattoo Studio – An establishment or facility in which tattooing is performed.*

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

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

Part 1: The City Council approves amendments to the Temple Unified Development Code by amending Article 5, Article 6, and Article 11 as set forth in Exhibits A, B & C, attached hereto and incorporated herein for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **May**, 2016.

PASSED AND APPROVED on Second Reading on the **19th** 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

05/05/16

Item #9

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 a construction contract with TTG Utilities, LP, of Gatesville for a lump sum price totaling \$308,527.30 for construction of the Tarver sidewalk.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed sidewalk along Tarver Drive will provide connectivity and safety for pedestrians traveling between the Hills of Westwood Subdivision, Von Rosenberg Neighborhood Park, Joe M. Pirtle Elementary School, Lake Belton Middle School and the future Outer Loop. The proposed 8-foot sidewalk on the north side of the street extends approximately 2,500 feet east from South Pea Ridge Road to the current end of Tarver Drive. The scope also includes landscaping and connections to existing sections of 5-foot sidewalk along the west side of South Pea Ridge Road.

On April 26, five bids were received. Per the attached bid tab, TTG submitted the low bid in the amount of \$308,527.30. The opinion of probable construction cost was \$303,303.50.

City Staff and the Engineer agree that TTG is qualified to complete this project and recommend award of the construction contract for the low bid amount of \$308,527.30 (letter attached).

The following deadlines are specified for construction:

Substantial Completion

August 5, 2016

Final Completion

August 19, 2016

FISCAL IMPACT: Funding for the award of a construction contract with TTG Utilities, Inc. is appropriated in account 365-3400-531-6885, project #100392, in the amount of \$308,527.30, as follows:

Tarver Drive Extension Project Budget	\$	1,950,000
---------------------------------------	----	-----------

Encumbered/Committed To Date		(254,354)
------------------------------	--	-----------

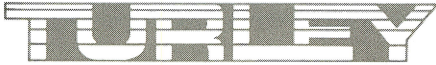
Construction Award for Sidewalk - TTG Utilities, LP		(308,527)
--	--	------------------

Construction Award for Road Extension - RT Schneider Construction		(573,524)
---	--	-----------

Remaining Funds	\$	813,595
------------------------	-----------	----------------

ATTACHMENTS:

Engineer's Letter of Recommendation
Bid Tabulation
Project Map
Resolution



TURLEY ASSOCIATES, INC.

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

April 27, 2016

City of Temple
Attn: Diego Yorsky
Engineering Division
3210 East Avenue H, Building A
Temple, TX 76501

RE: Tarver Drive Sidewalk (East of S. Pea Ridge Road)

Dear Mr. Yorsky:

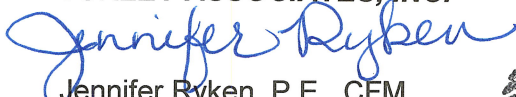
On Tuesday, April 26, 2016, at 2:00 p.m., the City opened bids on the referenced project, and received five (5) bids from very reputable Contractors. Please refer to the attached "Bid Tabulation" for a detailed accounting of the bids for these Contractors. Mathematical errors are noted on the original bids.

The low, successful bidder is TTG Utilities, LP of Gatesville, Texas, with a total base bid of \$308,527.30. Our final opinion of probable construction (OPC) cost was \$303,303.50.

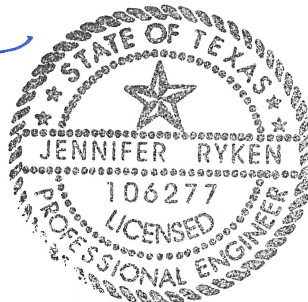
TTG Utilities has excellent qualifications for doing this type of work and are widely known. TTG Utilities has completed several projects for our firm in the past, on-time and within budget. Therefore, we recommend that a contract be awarded to TTG Utilities for the total Base Bid amount of \$308,527.30. A detailed construction schedule shall be requested with completion of the project no later than August 19, 2016, prior to the City Council awarding the contract at the meeting on May 5, 2016.

Should you have any comments or questions regarding this project or related matters, please do not hesitate to call.

Sincerely,
TURLEY ASSOCIATES, INC.


Jennifer Ryken, P.E., CFM
Project Engineer

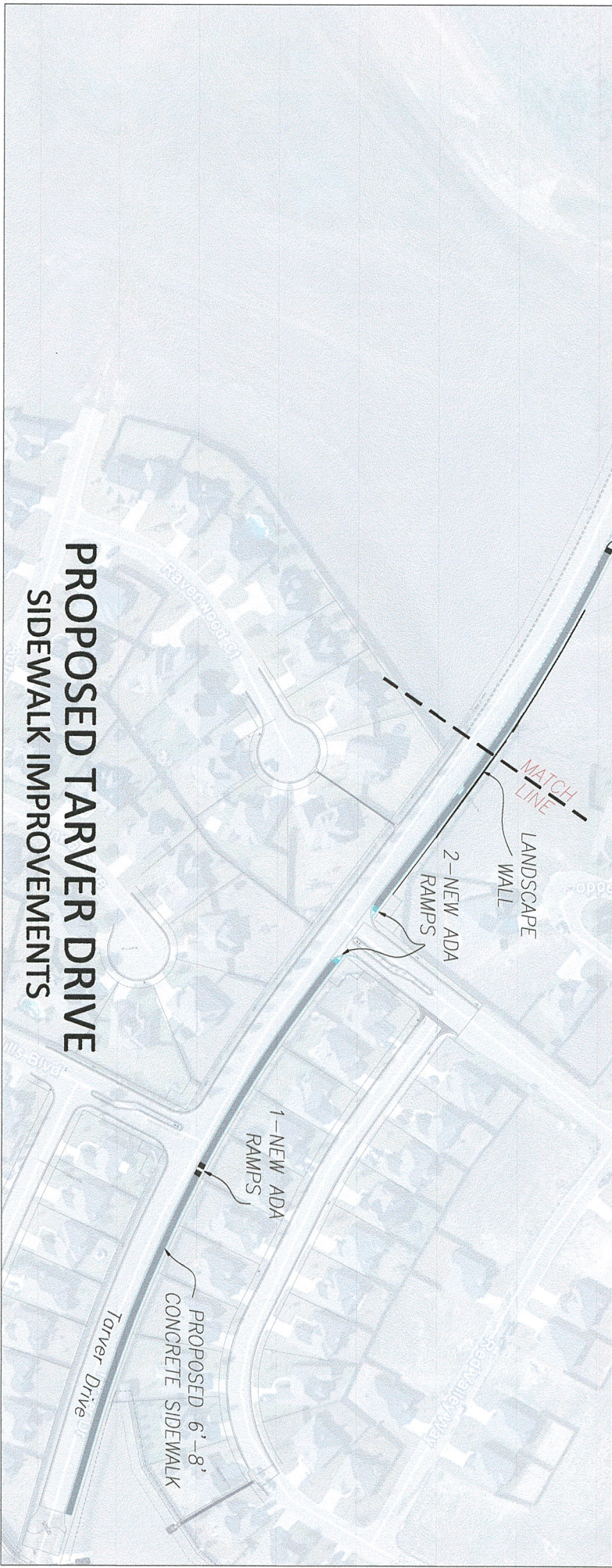
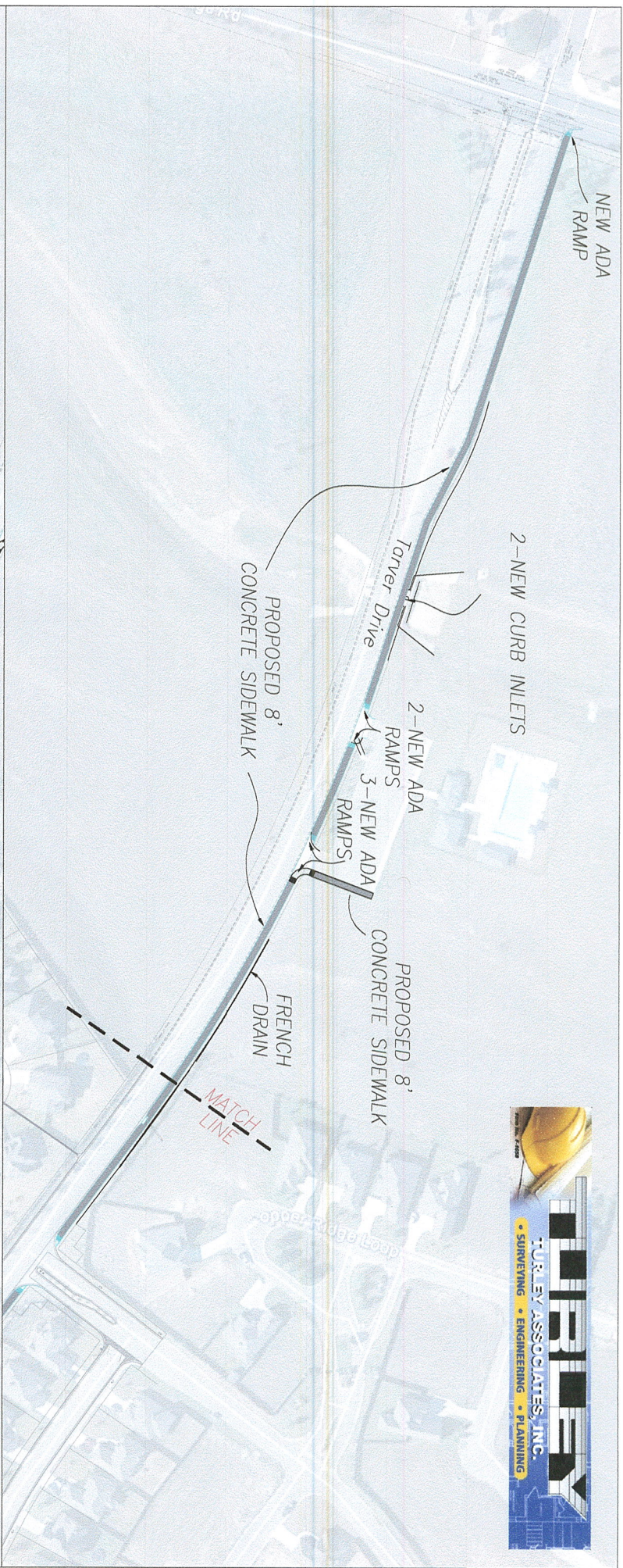
JR/sb



BID TABULATION FOR:
TARVER DRIVE SIDEWALK (EAST OF S. PEA RIDGE ROAD
BID #34-09-16
PERFORMED BY TURLEY ASSOCIATES, INC. JOB NO. 15-612 APRIL 26, 2016

ITEM DESCRIPTION	QUANTITY	UNIT	TTG UTILITIES, LP		R.T. SCHNEIDER CONSTR. CO.		CHOICE BUILDERS, LLC		PATIN CONSTRUCTION, LLC		CODY STANLEY CONSTR.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
ROADWAY												
1. 8' concrete sidewalk. Sidewalk, excavation, removal of spoils from site is subsidiary	2470	LF	\$47.50	\$117,325.00	\$61.00	\$150,670.00	\$56.20	\$138,814.00	\$45.00	\$111,150.00	\$36.00	\$88,920.00
2. Pedestrian rail type PR1 onto existing headwall	60	LF	\$135.00	\$8,100.00	\$100.00	\$6,000.00	\$153.60	\$9,216.00	\$150.00	\$9,000.00	\$260.00	\$15,600.00
3. ADA ramp type 2	3	EA	\$1,050.00	\$3,150.00	\$1,500.00	\$4,500.00	\$1,350.00	\$4,050.00	\$1,500.00	\$4,500.00	\$1,400.00	\$4,200.00
4. ADA ramp type 5	1	EA	\$1,040.00	\$1,040.00	\$1,500.00	\$1,500.00	\$2,075.00	\$2,075.00	\$1,500.00	\$1,500.00	\$4,550.00	\$4,550.00
5. ADA ramp type 7	5	EA	\$1,040.00	\$5,200.00	\$1,500.00	\$7,500.00	\$1,192.00	\$5,960.00	\$1,500.00	\$7,500.00	\$1,380.00	\$6,900.00
6. Backfill, grading & top soil replacement behind sidewalk	1	LS	\$5,000.00	\$5,000.00	\$16,000.00	\$16,000.00	\$1,126.00	\$1,126.00	\$25,000.00	\$25,000.00	\$3,500.00	\$3,500.00
7. Implement traffic control plan, to include traffic control devices	1	LS	\$11,300.00	\$11,300.00	\$3,000.00	\$3,000.00	\$6,293.00	\$6,293.00	\$1,650.00	\$1,650.00	\$9,528.00	\$9,528.00
8. Bonds and insurance	1	LS	\$5,500.00	\$5,500.00	\$9,250.00	\$9,250.00	\$13,666.00	\$13,666.00	\$15,000.00	\$15,000.00	\$9,090.00	\$9,090.00
9. Mobilization	1	LS	\$14,000.00	\$14,000.00	\$2,500.00	\$2,500.00	\$15,500.00	\$15,500.00	\$20,000.00	\$20,000.00	\$9,090.00	\$9,090.00
10. Saw, cut, remove & dispose of existing curb & gutter	1	LS	\$1,400.00	\$1,400.00	\$1,500.00	\$1,500.00	\$1,400.00	\$1,400.00	\$2,500.00	\$2,500.00	\$1,050.00	\$1,050.00
11. Saw, cut, remove & dispose of existing concrete flatwork	1	LS	\$1,750.00	\$1,750.00	\$1,500.00	\$1,500.00	\$2,575.00	\$2,575.00	\$2,500.00	\$2,500.00	\$45,640.00	\$45,640.00
12. Remove & salvage existing guardrail	356	LF	\$9.80	\$3,488.80	\$4.00	\$1,424.00	\$2.20	\$783.20	\$5.00	\$1,780.00	\$15.00	\$5,340.00
13. Relocate street signs	3	EA	\$250.00	\$750.00	\$500.00	\$1,500.00	\$227.00	\$681.00	\$500.00	\$1,500.00	\$130.00	\$390.00
14. 24" standard curb & gutter	75	LF	\$24.50	\$1,837.50	\$20.00	\$1,500.00	\$29.00	\$2,175.00	\$30.00	\$2,250.00	\$35.00	\$2,625.00
15. Crosswalk pavement marking	126	LF	\$31.00	\$3,906.00	\$29.00	\$3,654.00	\$40.00	\$5,040.00	\$27.00	\$3,402.00	\$24.00	\$3,024.00
16. Stop bar	1	EA	\$625.00	\$625.00	\$600.00	\$600.00	\$815.00	\$815.00	\$500.00	\$500.00	\$1,600.00	\$1,600.00
SUB-TOTAL WATERLINE			\$184,372.30		\$212,598.00		\$210,169.20		\$209,732.00		\$211,047.00	
DRAINAGE												
1. 4" French drain	460	LF	\$14.50	\$6,670.00	\$2.00	\$920.00	\$1.50	\$690.00	\$19.00	\$8,740.00	\$55.00	\$25,300.00
2. 4' x 4' junction box	1	EA	\$3,900.00	\$3,900.00	\$6,000.00	\$6,000.00	\$5,348.00	\$5,348.00	\$5,000.00	\$5,000.00	\$4,210.00	\$4,210.00
3. 5' standard cast in place curb inlet to include connection to existing box culvert	4	EA	\$1,600.00	\$6,400.00	\$6,000.00	\$24,000.00	\$2,944.70	\$11,778.80	\$5,000.00	\$20,000.00	\$9,560.00	\$38,240.00
4. SWPPP	1	LS	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,387.00	\$2,387.00	\$2,500.00	\$2,500.00	\$4,550.00	\$4,550.00
SUB-TOTAL SEWER			\$19,470.00		\$33,420.00		\$20,203.80		\$36,240.00		\$72,300.00	
LANDSCAPING												
1. Keystone retaining wall	2200	SF	\$18.50	\$40,700.00	\$20.00	\$44,000.00	\$27.70	\$60,940.00	\$30.00	\$66,000.00	\$28.65	\$63,030.00
2. 30 gallon 8'-10' Crape Myrtle	14	EA	\$600.00	\$8,400.00	\$225.00	\$3,150.00	\$315.40	\$4,415.60	\$410.00	\$5,740.00	\$330.00	\$4,620.00
3. 30 gallon 6'-8' Chaste Tree	14	EA	\$550.00	\$7,700.00	\$225.00	\$3,150.00	\$315.40	\$4,415.60	\$410.00	\$5,740.00	\$330.00	\$4,620.00
4. Remove & dispose of existing trees	21	EA	\$335.00	\$7,035.00	\$100.00	\$2,100.00	\$226.00	\$4,746.00	\$75.00	\$1,575.00	\$150.00	\$3,150.00
5. Repair/replace irrigation system	1	LS	\$23,600.00	\$23,600.00	\$15,000.00	\$15,000.00	\$18,630.00	\$18,630.00	\$25,000.00	\$25,000.00	\$21,100.00	\$21,100.00
6. Seed, irrigate & establish grass in all areas of distrubed soils until cov	15000	SF	\$1.15	\$17,250.00	\$0.50	\$7,500.00	\$0.12	\$1,800.00	\$0.10	\$1,500.00	\$0.35	\$5,250.00
SUB-TOTAL SEWER			\$104,685.00		\$74,900.00		\$94,947.20		\$105,555.00		\$101,770.00	
TOTAL BASE BID:			\$308,527.30		\$320,918.00		\$325,320.20		\$351,527.00		\$385,117.00	

4/27/16
STATE OF TEXAS
JENNIFER RYKEN
106277
LICENSED PROFESSIONAL ENGINEER
Jennifer Ryken



PROPOSED TARVER DRIVE SIDEWALK IMPROVEMENTS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS, IN THE AMOUNT OF \$308,527.30, FOR CONSTRUCTION OF THE TARVER DRIVE SIDEWALK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed sidewalk along Tarver Drive will provide connectivity and safety for pedestrians traveling between the Hills of Westwood Subdivision, Von Rosenberg Neighborhood Park, Joe M. Pirtle Elementary School, Lake Belton Middle School and the future Outer Loop;

Whereas, the proposed 8-foot sidewalk on the north side of the street will extend approximately 2,500 feet east from South Pea Ridge Road to the current end of Tarver Drive – the project also includes landscaping and connections to existing sections of 5-foot sidewalk along the west side of South Pea Ridge Road;

Whereas, on April 26, 2016, Staff received five bids for this project with TTG Utilities, LP submitting the low bid in the amount of \$308,527.30;

Whereas, Staff and the City’s engineer agree that TTG Utilities, LP is qualified to complete this project and recommends Council award a construction contract in the amount of \$308,527.30 for the Tarver Drive sidewalk;

Whereas, funding for this construction contract is available in Account No. 365-3400-531-6885, Project No. 100392; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with TTG Utilities, LP of Gatesville, Texas, in the amount of \$308,527.30, for construction of the Tarver Drive Sidewalk

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

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

05/05/16
Item #10
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with RT Schneider Construction Company, LLC, for the construction of the Tarver Drive extension in one of the following amounts:

- (1) in the amount of \$664,286.50 for construction of the Tarver Drive Extension which includes the Base Bid and Add Alternate 1; or
- (2) in the amount of \$1,676,725.90 which includes the Base Bid, Add Alternate 1, and Add Alternate 2.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The extension of Tarver Drive is required for connection between the Outer Loop (Old Waco Road) and State Highway 317 and for an alternative to West Adams Avenue. A Map is attached for reference. The services authorized under this resolution will construct a portion of this roadway from its existing terminus to Coastal Drive.

The advertised Base Bid comprises 650 linear feet of three-lane collector roadway with two bike lanes and associated utility improvements. The engineer's opinion of probable cost for the Base Bid was \$535,000. Two Add Alternates were also included in the bid. Add Alternate 1 comprises a water line extension and an 8-ft. sidewalk extension to Coastal Drive. Add Alternate 2 was completion to Old Waco Road contingent on possessing the required right-of-way.

On April 26, three bids were received. RT Schneider Construction Company, LLC ("RTS") submitted the low bid in the amount of \$477,393.75 and also the lowest total bid prices inclusive of Add Alternate 1, Add Alternate 2, or both. RTS's bid price for Add Alternate 1 and 2 were \$186,892.75 and \$1,012,439.40. The engineering consultant is familiar with RTS and recommends construction contract award of either the Base Bid plus Add Alternate 1 in the amount of \$664,286.50 or the Base Bid and both Add Alternates in the amount of \$1,676,725.90. Award of the Base Bid and both Add Alternates is contingent upon the City receiving a signed Memorandum of Agreement from the property owners at 1002 Old Waco Road, Temple, Texas 76502 for acquisition of necessary right-of-way for the extension.

The following deadlines are specified for construction:

Base Bid – Substantial Completion	August 5, 2016
Base Bid – Final Completion	August 19, 2016
Add Alternate 1 – Substantial Completion	September 9, 2016
Add Alternate 1 – Final Completion	September 23, 2016

The recommended bid elements will provide the following infrastructure:

Base Bid \$ 477,393.75

Extension of Roadway to Coastal Drive
(3-lane Collector, 2 bike lanes)

Approx. 805 LF RCP Culverts, inc. Steel Casing
50 LF Sewer Line Connection & Manhole

Add Alternate 1 \$ 186,892.75

Extension of Sidewalk to Coastal Drive
1200 LF PVC Water Line & Fire Hydrants

Add Alternate 2

Extension of Roadway to Old Waco Road \$ 1,012,439.40

TOTAL \$ 1,676,725.90

FISCAL IMPACT: Funding for Option 1, the award of a construction contract with RT Schneider Construction, in the amount of \$664,286.50, will be appropriated to project 100392 in the accounts as follows:

Option 1:

	TCIP 365-3400-531-6885	Utilities 561-5200-535-6936	Total
Tarver Drive Extension Project Budget	\$ 1,950,000	\$ 90,763	\$ 2,040,763
Encumbered/Committed to Date	(254,354)	-	(254,354)
Construction Contract	(573,524)	(90,763)	(664,287)
Sidewalk Construction -TTG Utilities (Item #9)	(308,527)	-	(308,527)
Remaining Funds	<u>\$ 813,595</u>	<u>\$ -</u>	<u>\$ 813,595</u>

Funding for Option 2, the award of a construction contract with RT Schneider Construction, in the amount of \$1,676,725.90, will be appropriated to project 100392 in the accounts as follows:

Option 2:

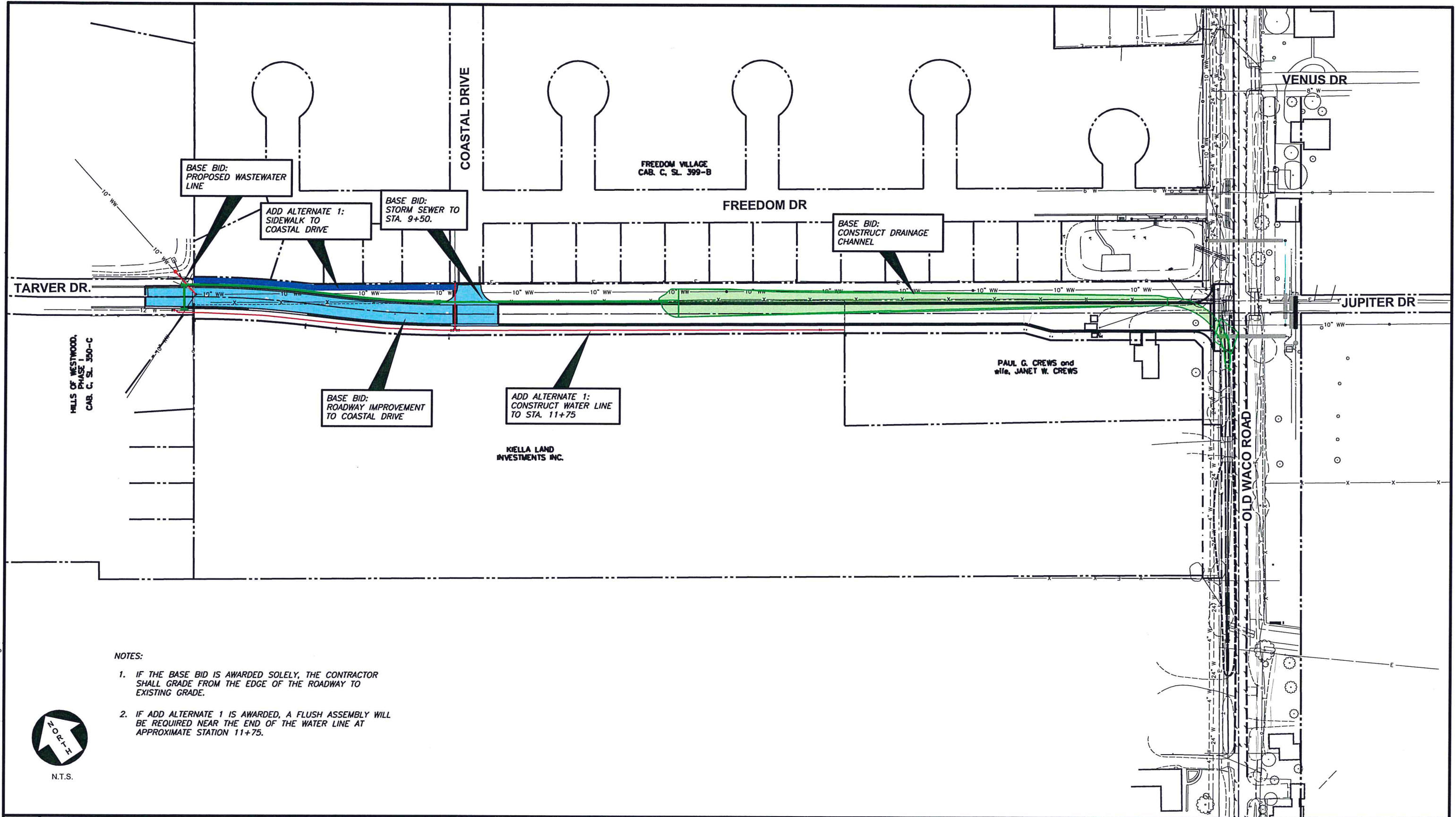
	TCIP 365-3400-531-6885	Utilities 561-5200-535-6936	Total
Tarver Drive Extension Project Budget	\$ 1,950,000	\$ 90,763	\$ 2,040,763
Additional Funding from TCIP Project Savings	198,844	-	198,844
Encumbered/Committed to Date	(254,354)	-	(254,354)
Construction Contract	(1,585,963)	(90,763)	(1,676,726)
Sidewalk Construction -TTG Utilities (Item #9)	(308,527)	-	(308,527)
Remaining Funds	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

ATTACHMENTS:

Map

Recommendation Letter & Bid Tab

Resolution - to be provided upon approval



- NOTES:
- 1. IF THE BASE BID IS AWARDED SOLELY, THE CONTRACTOR SHALL GRADE FROM THE EDGE OF THE ROADWAY TO EXISTING GRADE.
 - 2. IF ADD ALTERNATE 1 IS AWARDED, A FLUSH ASSEMBLY WILL BE REQUIRED NEAR THE END OF THE WATER LINE AT APPROXIMATE STATION 11+75.



NO.	DATE	REVISION	BY
© 2010 Kasberg, Patrick & Associates, LP KPA Firm Registration Number F-510			
Plot Date: Apr 27, 2016 - 3:44pm Plotted By: JDM			

PROJECT NO.	2006 - 133
DRAWN BY	J. Dustin Marx
DESIGNED BY	J. Dustin Marx
APPROVED BY	<i>[Signature]</i>
DATE	8/27/16





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

CITY OF TEMPLE, TEXAS PROPOSED TARVER DRIVE EXTENSION
PLAN VIEW CONSTRUCTION ALTERNATIVES

SHEET NO. G-02
OF 09

P:\Temple\2014\2014-110\CAD\TARVER DRIVE\PHASING 4-27-16.dwg



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 26, 2016

Mr. Richard Wilson, P.E., CFM
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Tarver Drive Extension

Dear Mr. Wilson:

On April 26, 2016, the City of Temple received competitive bids from three (3) contractors for the Tarver Drive Extension Project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows R.T. Schneider Construction Company, LTD. of Belton, Texas as the low bidder with a total base bid of \$477,393.75. The total includes a correction of a clerical error in the low bid. The base bids ranged from this low bid to \$607,447.50. Our final opinion of probable construction (OPC) cost for the base bid was \$535,000.

Included with the bid are two add alternates which are chronicled below:

- Add Alternate 1 – Added the water utilities and sidewalk from the western portion of the project to the intersection with Coastal Drive. The cost of this add alternate is \$186,892.75
- Add Alternate 2 – Added the roadway, storm sewer, water utility and sidewalk improvements from Coastal Drive to Old Waco Road. The cost of this add alternate is \$1,012,439.40

R.T. Schneider Construction Company, LTD has completed multiple projects for both KPA and the City of Temple and has the experience necessary to successfully complete this project. Therefore, we recommend that a contract be awarded to R.T. Schneider Construction Company, LTD for the total Base Bid and Add Alternate1 in the amount of \$664,286.50, provided this option meets the budget of the City of Temple.

Sincerely,

R. David Patrick, P.E., CFM

xc: 2014-110-30

BID TABULATION
CITY OF TEMPLE
TARVER DRIVE EXTENSION
April 26, 2016; 2:30 PM

2014-110-30
Tarver

				BIDDER INFORMATION					
				RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513		TTG Utilities LP PO Box 299 Gatesville TX 76528		Patin Construction LLC 3800 West 2nd Street Taylor Texas 76574	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID									
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount	\$ 21,000.00	\$ 21,000.00	\$ 25,000.00	\$ 25,000.00	\$ 30,000.00	\$ 30,000.00
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW for Base Bid	6,050.00	6,050.00	3,500.00	3,500.00	30,000.00	30,000.00
3	100%	LS	Provide Project Record Drawings for Base Bid	500.00	500.00	400.00	400.00	1,500.00	1,500.00
4	100%	LS	Provide DVD of ROW Pre-construction & Post Construction Site Conditions for Base Bid	500.00	500.00	360.00	360.00	1,500.00	1,500.00
5	1,700	CY	Unclassified Excavation for Roadway	7.20	12,240.00	8.00	13,600.00	6.00	10,200.00
6	1,000	CY	Rock Excavation for Roadway	10.00	10,000.00	16.50	16,500.00	7.00	7,000.00
7	362	CY	Unclassified Fill for Roadway	4.00	1,448.00	6.00	2,172.00	5.00	1,810.00
8	3,225	SY	6-inch Stabilized Subgrade	1.00	3,225.00	1.95	6,288.75	8.00	25,800.00
9	3,225	SY	12" CLBM	10.00	32,250.00	14.50	46,762.50	33.00	106,425.00
10	2,475	SY	4 5/8" Type B HMAC	25.30	62,617.50	28.00	69,300.00	32.00	79,200.00
11	2,475	SY	2" Type C HMAC	11.40	28,215.00	12.50	30,937.50	14.00	34,650.00
12	1,300	LF	Concrete Curb & Gutter	11.25	14,625.00	15.00	19,500.00	13.00	16,900.00
13	24	SY	Concrete Valley Gutter	50.00	1,200.00	69.00	1,656.00	100.00	2,400.00
14	2	EA	25' Concrete Radius Unit	865.00	1,730.00	1,750.00	3,500.00	1,000.00	2,000.00
15	75	LF	Sawcut Asphalt Roadway	4.00	300.00	1.65	123.75	10.00	750.00
16	100%	LS	Submitting Erosion Control Plan for Base Bid	2,000.00	2,000.00	550.00	550.00	1,500.00	1,500.00
17	2	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,500.00	3,000.00	1,675.00	3,350.00	1,200.00	2,400.00
18	600	LF	Furnish, Install, Maintain & Remove Silt Fence	2.50	1,500.00	2.65	1,590.00	2.50	1,500.00
19	100	LF	Furnish, Install, Maintain & Remove Rock Berm	10.00	1,000.00	30.00	3,000.00	25.00	2,500.00
20	100%	LS	Signage & Striping for Base Bid, Including Coastal Drive Intersection	4,028.00	4,028.00	4,500.00	4,500.00	4,500.00	4,500.00
21	100%	LS	Implementation of Traffic Control for Base Bid	500.00	500.00	1,750.00	1,750.00	2,000.00	2,000.00
22	1	EA	10'x 3' Curb Inlet	5,355.00	5,355.00	4,870.00	4,870.00	5,000.00	5,000.00
23	2	EA	10'x 4' Curb Inlet	6,195.00	12,390.00	5,190.00	10,380.00	5,000.00	10,000.00
24	37	LF	18" Class III RCP	116.00	4,292.00	55.00	2,035.00	50.00	1,850.00
25	409	LF	30" Class III RCP	* 95.00	38,855.00	112.00	45,808.00	85.00	34,765.00
26	387	LF	36" Class III RCP	115.50	44,698.50	132.00	51,084.00	85.00	32,895.00
27	1	EA	36" RCP Outfall into Proposed Base Bid Channel	4,620.00	4,620.00	2,250.00	2,250.00	7,500.00	7,500.00
28	1,800	CY	Unclassified Excavation for Base Bid Drainage Channel	7.20	12,960.00	11.00	19,800.00	8.00	14,400.00
29	1,000	CY	Rock Excavation for Base Bid Drainage Channel	10.00	10,000.00	18.50	18,500.00	9.00	9,000.00
30	25	CY	Unclassified Fill for Base Bid Drainage Channel	4.00	100.00	10.00	250.00	10.00	250.00
31	100	CY	Class A Concrete	265.00	26,500.00	335.00	33,500.00	178.00	17,800.00
32	100	CY	Concrete Riprap	315.00	31,500.00	315.00	31,500.00	178.00	17,800.00
33	60	LF	16" Steel Encasement Pipe by Open Cut	89.00	5,340.00	94.00	5,640.00	75.00	4,500.00
34	20	LF	18" Steel Encasement Pipe by Open Cut	116.00	2,320.00	174.00	3,480.00	80.00	1,600.00
35	50	LF	10" Wastewater Line	72.00	3,600.00	395.00	19,750.00	300.00	15,000.00
36	1	EA	Connect to Existing 4-foot Manhole with Internal Drop Structure	5,460.00	5,460.00	15,650.00	15,650.00	8,000.00	8,000.00
37	1	EA	Connect to Existing 4-foot Manhole & Plug Existing 10" Invert	2,520.00	2,520.00	1,610.00	1,610.00	8,000.00	8,000.00
38	1,000	SY	12" Diameter Rock Riprap	20.00	20,000.00	13.50	13,500.00	40.00	40,000.00
39	2,120	SY	Bermuda Seeding with Fertilizer with Flexible Growth Medium Including Watering to Promote & Sustain Growth Throughout the Project	3.65	7,738.00	4.40	9,328.00	1.00	2,120.00
40	6,400	SY	Bermuda Seeding with Fertilizer with Flexible Growth Medium for Base Bid Drainage Channel at a Rate of 4,000 lb/ac, Including Watering to Promote & Sustain Growth Throughout the Project	3.65	23,360.00	4.40	28,160.00	1.00	6,400.00
41	100%	LS	Submit Trench Safety Plan for Base Bid prepared & signed by P.E., in Conformance with State Law & OSHA	788.00	788.00	1,175.00	1,175.00	1,000.00	1,000.00
42	920	LF	Implement & Follow Trench Safety Plan (Pipe)	1.25	1,150.00	1.75	1,610.00	1.00	920.00
43	2,225	SF	Implement & Follow Trench Safety Plan (Structures)	1.15	2,558.75	0.60	1,335.00	0.50	1,112.50
44	100%	LS	Materials, Equipment, Tools & Labor Necessary for Deflection Testing of All Proposed Wastewater Lines, Including	1,680.00	1,680.00	840.00	840.00	1,500.00	1,500.00
45	100%	LS	Materials, Equipment, Tools & Labor Necessary for Air Testing of All Proposed Wastewater Lines, Including Any	1,680.00	1,680.00	840.00	840.00	1,500.00	1,500.00
BASE BID AMOUNT - (Items 1 - 45)					\$ 477,393.75		\$ 577,235.50		\$ 607,447.50

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE 1									
AA1-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Add Alternate 1 Bid	\$ 9,300.00	\$ 9,300.00	\$ 6,000.00	\$ 6,000.00	\$ 8,000.00	\$ 8,000.00
AA1-2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW for Add Alternate 1	2,350.00	2,350.00	3,500.00	3,500.00	500.00	500.00
AA1-3	100%	LS	Provide Project Record Drawings for Add Alternate 1	500.00	500.00	600.00	600.00	1,500.00	1,500.00
AA1-4	100%	LS	Provide DVD of ROW Pre-Construction & Post Construction Site Conditions for the Add Alternate 1	500.00	500.00	360.00	360.00	1,500.00	1,500.00
AA1-5	100%	LS	Submitting Erosion Control Plan for Add Alternate 1	500.00	500.00	550.00	550.00	500.00	500.00
AA1-6	100%	LS	Implementation of Traffic Control for Add Alternate 1	500.00	500.00	600.00	600.00	500.00	500.00
AA1-7	100	CY	Class A Concrete	265.00	26,500.00	335.00	33,500.00	178.00	17,800.00
AA1-8	100	CY	Concrete Riprap	315.00	31,500.00	315.00	31,500.00	178.00	17,800.00
AA1-9	540	SY	Concrete Sidewalk	42.00	22,680.00	43.00	23,220.00	50.00	27,000.00
AA1-10	2	EA	TxDOT Type 7 Ramp	900.00	1,800.00	985.00	1,970.00	1,500.00	3,000.00
AA1-11	80	LF	8" PVC Water Line	57.00	4,560.00	26.50	2,120.00	60.00	4,800.00
AA1-12	1,115	LF	12" PVC Water Line	42.00	46,830.00	34.70	38,690.50	55.00	61,325.00
AA1-13	3	EA	Fire Hydrant Assembly on 12" Water Line, Including Tees	3,675.00	11,025.00	3,925.00	11,775.00	5,500.00	16,500.00
AA1-14	1	EA	Permanent Flush Assembly on 12" Water Line, Including All Bends, Valves & Boxes	3,255.00	3,255.00	3,601.29	3,601.29	5,200.00	5,200.00
AA1-15	4	EA	8", 22.5° Bend	400.00	1,600.00	265.00	1,060.00	200.00	800.00
AA1-16	1	EA	8" x 12" Tee	588.00	588.00	665.00	665.00	350.00	350.00
AA1-17	2	EA	8" Gate Valve	1,260.00	2,520.00	1,050.00	2,100.00	1,500.00	3,000.00
AA1-18	2	EA	12", 45° Bend	557.00	1,114.00	425.00	850.00	350.00	700.00
AA1-19	1	EA	12" Plug	294.00	294.00	250.00	250.00	150.00	150.00
AA1-20	3	EA	12" Gate Valve	2,310.00	6,930.00	1,870.00	5,610.00	3,500.00	10,500.00
AA1-21	1	EA	Connect 8" Water Line to Existing 8" Water Line	1,365.00	1,365.00	2,005.00	2,005.00	4,000.00	4,000.00
AA1-22	1	EA	Connect 12" Water Line to Existing 12" Water Line	1,890.00	1,890.00	2,500.00	2,500.00	4,500.00	4,500.00
AA1-23	100%	LS	Submit Trench Safety Plan for Add Alternate 1 prepared & signed by PE, in Conformance with State Law & OSHA	788.00	788.00	585.00	585.00	500.00	500.00
AA1-24	1,195	LF	Implement & Follow Trench Safety Plan (Pipe)	1.25	1,493.75	1.75	2,091.25	0.50	597.50
AA1-25	100%	LS	Materials, Equipment, Tools & Labor Necessary for Pressure Testing Pipeline for Add Alternate 1, Including Any Necessary Repairs	2,520.00	2,520.00	2,340.00	2,340.00	1,250.00	1,250.00
AA1-26	100%	LS	Water Sampling Stations for Add Alternate 1	2,205.00	2,205.00	2,300.00	2,300.00	500.00	500.00
AA1-27	100%	LS	Temporary Flush Assemblies for Add Alternate 1	1,785.00	1,785.00	1,040.00	1,040.00	4,000.00	4,000.00
ADD ALTERNATE 1 (Items AA1-1 - AA1-27)					\$ 186,892.75		\$ 181,383.04		\$ 196,772.50

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE 2									
AA2-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Add Alternate 2 Bid Amount	\$ 35,000.00	\$ 35,000.00	\$ 38,000.00	\$ 38,000.00	\$ 50,000.00	\$ 50,000.00
AA2-2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW for Add Alternate 2	10,805.00	10,805.00	8,650.00	8,650.00	35,000.00	35,000.00
AA2-3	100%	LS	Provide Project Record Drawings for Add Alternate 2	500.00	500.00	500.00	500.00	1,000.00	1,000.00
AA2-4	100%	LS	Provide DVD of ROW Pre-Construction & Post Construction Site Conditions for the Add Alternate 2	500.00	500.00	375.00	375.00	1,000.00	1,000.00
AA2-5	4,300	CY	Unclassified Excavation for Roadway	7.20	30,960.00	8.00	34,400.00	8.00	34,400.00
AA2-6	2,580	CY	Unclassified Rock Excavation for Roadway	8.00	20,640.00	16.50	42,570.00	9.00	23,220.00
AA2-7	803	CY	Unclassified Fill for Roadway	3.00	2,409.00	6.00	4,818.00	5.00	4,015.00
AA2-8	6,580	SY	6-inch Stabilized Subgrade	1.00	6,580.00	1.65	10,857.00	8.00	52,640.00
AA2-9	6,580	SY	12" CLBM	10.00	65,800.00	14.50	95,410.00	33.00	217,140.00
AA2-10	5,200	SY	4 5/8" Type B HMAC	25.30	131,560.00	27.90	145,080.00	29.00	150,800.00
AA2-11	5,200	SY	2" Type C HMAC	11.40	59,280.00	12.31	64,012.00	13.00	67,600.00
AA2-12	2,400	LF	Concrete Curb & Gutter	11.25	27,000.00	15.00	36,000.00	13.00	31,200.00
AA2-13	30	SY	Concrete Valley Gutter	50.00	1,500.00	69.00	2,070.00	100.00	3,000.00
AA2-14	2	EA	30' Concrete Radius Unit	1,070.00	2,140.00	1,900.00	3,800.00	1,000.00	2,000.00
AA2-15	180	LF	Sawcut Asphalt Roadway	3.00	540.00	1.65	297.00	5.00	900.00
AA2-16	100%	LS	Submitting Erosion Control Plan for Add Alternate 2	500.00	500.00	550.00	550.00	1,000.00	1,000.00
AA2-17	1,700	LF	Furnish, Install, Maintain & Remove Silt Fence	2.50	4,250.00	2.50	4,250.00	2.50	4,250.00
AA2-18	300	LF	Furnish, Install, Maintain & Remove Rock Berm	10.00	3,000.00	30.00	9,000.00	25.00	7,500.00
AA2-19	100%	LS	Signage & Striping for Add Alternate 2	8,182.00	8,182.00	10,000.00	10,000.00	12,000.00	12,000.00
AA2-20	100%	LS	Implementation of Traffic Control for Add Alternate 2	1,500.00	1,500.00	1,750.00	1,750.00	500.00	500.00
AA2-21	2	EA	10'x 3' Curb Inlet	4,200.00	8,400.00	3,600.00	7,200.00	5,000.00	10,000.00
AA2-22	1	EA	10'x 4' Curb Inlet	5,355.00	5,355.00	4,700.00	4,700.00	5,000.00	5,000.00

BID TABULATION
CITY OF TEMPLE
TARVER DRIVE EXTENSION
April 26, 2016; 2:30 PM

2014-110-30
Tarver

					BIDDER INFORMATION					
					RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513		TTG Utilities LP PO Box 299 Gatesville TX 76528		Patin Construction LLC 3800 West 2nd Street Taylor Texas 76754	
ADD ALTERNATE 2 (continued)										
AA2-23	1	EA	10'x 7' Curb Inlet	9,870.00	9,870.00	9,000.00	9,000.00	8,000.00	8,000.00	
AA2-24	1	EA	15'x 3' Curb Inlet	14,280.00	14,280.00	5,300.00	5,300.00	7,000.00	7,000.00	
AA2-25	1	EA	15'x 7' Curb Inlet	16,485.00	16,485.00	9,700.00	9,700.00	9,000.00	9,000.00	
AA2-26	37	LF	18" Class III RCP	116.00	4,292.00	55.00	2,035.00	50.00	1,850.00	
AA2-27	322	LF	36" Class III RCP	126.00	40,572.00	132.00	42,504.00	85.00	27,370.00	
AA2-28	570	LF	6' x 2' RCB	315.00	179,550.00	245.00	139,650.00	300.00	171,000.00	
AA2-29	69	LF	2-5'x2' RCB	567.00	39,123.00	480.00	33,120.00	225.00	15,525.00	
AA2-30	120	LF	2-36" CMP	168.00	20,160.00	135.00	16,200.00	75.00	9,000.00	
AA2-31	2	EA	6:1 Sets for 2-36" CMP	4,095.00	8,190.00	2,950.00	5,900.00	4,000.00	8,000.00	
AA2-32	35	LF	2-48" CMP	200.00	7,000.00	241.00	8,435.00	135.00	4,725.00	
AA2-33	2	EA	6:1 Sets for 2-48" CMP	5,880.00	11,760.00	4,525.00	9,050.00	4,000.00	8,000.00	
AA2-34	1	EA	TxDOT SW-0 Concrete Wingwalls	16,695.00	16,695.00	9,130.00	9,130.00	20,000.00	20,000.00	
AA2-35	-1	EA	DELETE 36" RCP Outfall into Proposed Base Bid Channel (Price for Base Bid Item 27)	4,620.00	(4,620.00)	2,250.00	(2,250.00)	7,500.00	(7,500.00)	
AA2-36	-1,800	CY	DELETE Unclassified Excavation for Base Bid Drainage Channel (Price for Base Bid Item 28)	7.20	(12,960.00)	11.00	(19,800.00)	8.00	(14,400.00)	
AA2-37	-1,000	CY	DELETE Rock Excavation for Base Bid Drainage Channel (Price for Base Bid Item 29)	10.00	(10,000.00)	18.50	(18,500.00)	9.00	(9,000.00)	
AA2-38	892	CY	Unclassified Excavation for Old Waco Road Drainage Channel	7.20	6,422.40	11.00	9,812.00	8.00	7,136.00	
AA2-39	-25	CY	DELETE Unclassified Fill for Base Bid Drainage Channel (Price for Base Bid Item 30)	4.00	(100.00)	10.00	(250.00)	10.00	(250.00)	
AA2-40	852	SY	3" Concrete Lined Channel	41.00	34,932.00	40.00	34,080.00	55.00	46,860.00	
AA2-41	100	CY	Class A Concrete	265.00	26,500.00	335.00	33,500.00	178.00	17,800.00	
AA2-42	100	CY	Concrete Riprap	315.00	31,500.00	315.00	31,500.00	178.00	17,800.00	
AA2-43	300	CY	18" Rock Riprap	90.00	27,000.00	95.00	28,500.00	60.00	18,000.00	
AA2-44	1,032	SY	Concrete Sidewalk	42.00	43,344.00	43.00	44,376.00	50.00	51,600.00	
AA2-45	45	LF	24" Steel Encasement Pipe by Open Cut	116.00	5,220.00	130.00	5,850.00	100.00	4,500.00	
AA2-46	96	LF	4" PVC Water Line	61.00	5,856.00	24.50	2,352.00	20.00	1,920.00	
AA2-47	619	LF	12" PVC Water Line	42.75	26,462.25	35.00	21,665.00	51.00	31,569.00	
AA2-48	1	EA	Fire Hydrant Assembly on 12" Water Line, Including Tees	3,675.00	3,675.00	3,925.00	3,925.00	5,500.00	5,500.00	
AA2-49	1	EA	Permanent Flush Assembly on 12" Water Line, Including All Bends, Valves & Boxes	3,255.00	3,255.00	3,600.00	3,600.00	5,200.00	5,200.00	
AA2-50	2	EA	4", 22.5° Bend	242.00	484.00	185.00	370.00	200.00	400.00	
AA2-51	4	EA	4", 45° Bend	242.00	968.00	190.00	760.00	350.00	1,400.00	
AA2-52	1	EA	4", 90° Bend	252.00	252.00	195.00	195.00	350.00	350.00	
AA2-53	1	EA	4" x 4" Tee	378.00	378.00	335.00	335.00	250.00	250.00	
AA2-54	1	EA	4" Gate Valve	746.00	746.00	600.00	600.00	1,500.00	1,500.00	
AA2-55	1	EA	4" x 12" Tee	546.00	546.00	630.00	630.00	300.00	300.00	
AA2-56	2	EA	12", 11.25° Bend	483.00	966.00	390.00	780.00	300.00	600.00	
AA2-57	1	EA	12" Plug	389.00	389.00	250.00	250.00	250.00	250.00	
AA2-58	2	EA	12" Gate Valve	2,310.00	4,620.00	1,870.00	3,740.00	3,500.00	7,000.00	
AA2-59	1	EA	Connect 4" Water Line to Existing 4" Water Line (by others)	1,680.00	1,680.00	1,530.00	1,530.00	2,500.00	2,500.00	
AA2-60	100%	LS	Provide Labor, Equipment, Tools & Supervision to Lower Existing 4" Water Line (Old Waco Road) to Below Proposed Concrete Lined Channel, Including All Pipe, Bends, Valves, & Other Appurtenances	3,150.00	3,150.00	5,370.00	5,370.00	5,000.00	5,000.00	
AA2-61	100	SY	Remove & Replace Asphalt Driveway per Detail	30.00	3,000.00	27.00	2,700.00	60.00	6,000.00	
AA2-62	6,000	SY	Bermuda Seeding with Fertilizer with Flexible Growth Medium Including Watering to Promote & Sustain Growth Throughout the Project	3.65	21,900.00	4.41	26,460.00	1.00	6,000.00	
AA2-63	-6,400	SY	DELETE - Bermuda seeding with fertilizer with Flexible growth medium for Base Bid Drainage Channel at a rate of 4,000 lb/ac, including watering to promote & sustain growth throughout the project (Price for Base Bid Item 40)	3.65	(23,360.00)	4.40	(28,160.00)	1.00	(6,400.00)	
AA2-64	100%	LS	Submit Trench Safety Plan for Add Alternate 2 Prepared & Signed by PE, in Conformance with State Law & OSHA	788.00	788.00	585.00	585.00	850.00	850.00	
AA2-65	1,229	LF	Implement & Follow Trench Safety Plan (Pipe)	1.25	1,536.25	1.75	2,150.75	0.50	614.50	
AA2-66	10,062	SF	Implement & Follow Trench Safety Plan (Structures)	0.75	7,546.50	0.60	6,037.20	0.05	503.10	
AA2-67	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Pipeline for Add Alternate 2, Including Any Necessary Repairs	2,520.00	2,520.00	1,560.00	1,560.00	2,000.00	2,000.00	
AA2-68	100%	LS	Water Sampling Stations for Add Alternate 2	1,365.00	1,365.00	1,150.00	1,150.00	750.00	750.00	
AA2-69	100%	LS	Temporary Flush Assemblies for Add Alternate 2	2,100.00	2,100.00	1,050.00	1,050.00	5,000.00	5,000.00	
ADD ALTERNATE 2 (Items AA2-1 - AA2-69)					\$ 1,012,439.40		\$ 1,020,765.95		\$ 1,215,237.60	



COUNCIL AGENDA ITEM MEMORANDUM

05/05/16
Item #11
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 a construction contract with TTG Utilities, LP, of Gatesville for a lump sum price of \$5,437,983.59, for construction of the Avenue U and 13th Street Connector.

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

ITEM SUMMARY: This project will widen and extend Avenue U from 1st Street to Scott & White Boulevard, improve 13th Street from Loop 363 to Avenue U, enhance the Avenue U and 5th Street intersection, and provide storm sewer, pedestrian facilities, landscaping, and irrigation. This project is separated by funding source into Part A (Avenue U from Scott & White Boulevard to the new intersection and 13th Street south to Loop 363) and Part B (Avenue U from the new intersection to 1st Street). Maps are attached depicting the overall project map and the delineation of Parts A and B.

On April 12, two construction bids were received. Per the attached bid tab, the two base bids were \$5,296,192.62 and \$5,581,426.49, with TTG submitting the low bid. This bid also solicited three alternate prices for a roundabout at the intersection of Avenue U and 13th Street, a revised storm sewer alignment in Fryers Creek Circle, and a revised tree alignment and additional grass sod along Avenue U. The following low base bid and alternates are recommended for award in the attached letter:

Part A (TCIP)

Base Bid	\$ 2,545,954.42
Add Alt 1 – Roundabout	\$ 79,433.47
Add Alt 2 – Revised Storm Sewer	\$ 5,357.50
Total Part A (TCIP)	\$ 2,630,745.39

Part B (Reinvestment Zone No. 1)

Base Bid	\$	2,750,238.20
Add Alt 1 – Revised Tree Alignment & Sod	\$	<u>57,000.00</u>

Total Part B (Zone)	\$	<u>2,807,238.20</u>
----------------------------	-----------	----------------------------

Total Project	\$	<u>5,437,983.59</u>
----------------------	-----------	----------------------------

On April 27, the Reinvestment Zone No. 1 Board voted to recommend to Council the construction contract with all three alternates totaling \$5,437,983.59. City Staff and the Engineer agree that TTG is qualified to complete this project and recommend award of the construction contract for the base bid plus alternates totaling \$5,437,983.59.

Time allotted for construction is 330 calendar days.

FISCAL IMPACT: Funding for the award of a construction contract with TTG Utilities, in the amount of \$5,437,984, is appropriated in accounts and project numbers as follows:

Account #	Project #	Description	Amount
365-3400-531-6874	100718	TCIP - Avenue U Construction	\$ 2,617,566
561-5200-535-6969	100718	Utility - Avenue U Construction	\$ 13,180
795-9500-531-6874	101012	Reinvestment Zone - Avenue U Construction	\$ <u>2,807,238</u>
Total			\$ <u>5,437,984</u>

ATTACHMENTS:

[Bid Tab](#)
[Recommendation Letter](#)
[Map](#)
[Project Parts Map](#)
[Resolution](#)

BID TABULATION
CITY OF TEMPLE
PROPOSED AVENUE U AND 13th STREET CONNECTOR
April 12, 2016; 2:30 PM

				BIDDER INFORMATION			
				TTG Utilities LP PO Box 299 Gatesville, TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - BASE BID							
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 20,000.00	\$ 20,000.00	\$ 106,500.00	\$ 106,500.00
2	31	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	550.00	17,050.00	1,725.00	53,475.00
3	100%	LS	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	600.00	600.00	630.00	630.00
4	2,109	LF	Implement & Follow Trench Safety Plan (Pipe)	1.80	3,796.20	2.00	4,218.00
5	10,840	SF	Implement & Follow Trench Safety Plan (Structures)	0.45	4,878.00	0.50	5,420.00
6	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	22,000.00	22,000.00	37,400.00	37,400.00
7	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	450.00	450.00	6,500.00	6,500.00
8	100%	LS	Provide Project Record Drawings	1,100.00	1,100.00	500.00	500.00
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for the total project	710.00	710.00	500.00	500.00
10	2,800	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	2.45	6,860.00	2.50	7,000.00
11	200	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	30.00	6,000.00	25.00	5,000.00
12	2	EA	Stabilized Construction Entrance	1,675.00	3,350.00	1,500.00	3,000.00
13	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Relocating Existing Waterline at Storm Sewer Crossing per Sheet SS-01	7,200.00	7,200.00	7,560.00	7,560.00
14	1	EA	Remove Existing Fire Hydrant	475.00	475.00	500.00	500.00
15	1	EA	Furnish All Materials, Equipment, Tools & Labor Necessary for Relocating Existing Fire Hydrant per Plans & Details	1,485.00	1,485.00	1,560.00	1,560.00
16	1	EA	Standard Fire Hydrant Assembly Including Tee per Detail	4,020.00	4,020.00	4,221.00	4,221.00
17	130	LF	4 - 6" Schedule 40 PVC Conduit	42.00	5,460.00	44.10	5,733.00
18	2	EA	2' x 2' Grate Inlet	1,535.00	3,070.00	1,612.00	3,224.00
19	1	EA	3' x 3' Grate Inlet	2,505.00	2,505.00	2,630.00	2,630.00
20	2	EA	3' x 3' Junction Box	1,975.00	3,950.00	2,075.00	4,150.00
21	2	EA	4' x 4' Junction Box	2,600.00	5,200.00	2,730.00	5,460.00
22	9	EA	10' x 3' Curb Inlet	6,000.00	54,000.00	6,300.00	56,700.00
23	2	EA	15' x 3' Curb Inlet	6,000.00	12,000.00	6,300.00	12,600.00
24	2	EA	Concrete Wingwalls with Flared Wings Including Concrete Apron for 2 - 3'x2' RCB	9,260.00	18,520.00	9,723.00	19,446.00
25	1	EA	Concrete Sloped End Treatment for 18" RCP	955.00	955.00	1,003.00	1,003.00
26	646	LF	18" Class III RCP	47.00	30,362.00	49.35	31,880.10
27	347	LF	24" Class III RCP	59.00	20,473.00	62.00	21,514.00
28	36	LF	30" Class III RCP	107.00	3,852.00	113.00	4,068.00
29	985	LF	36" Class III RCP	121.00	119,185.00	127.00	125,095.00
30	1	EA	36" RCP 11.25° Bend	560.00	560.00	600.00	600.00
31	1	EA	36" RCP 22.5° Bend	615.00	615.00	700.00	700.00
32	71	LF	2 - 3'x2' RCB	347.00	24,637.00	365.00	25,915.00
33	790	LF	Remove & Replace Concrete Curb & Gutter	18.50	14,615.00	20.00	15,800.00
34	90	SY	Sawcut, Remove & Replace Concrete	51.00	4,590.00	54.00	4,860.00
35	50	SY	Sawcut, Remove & Replace Asphalt	23.00	1,150.00	30.00	1,500.00
36	2,100	SF	Stone Retaining Wall per Detail, Including Leveling Pad, Pipe Underdrain, Select Fill, & All Other Appurtenances	20.00	42,000.00	21.00	44,100.00
37	75	SY	6" Rock Riprap	23.50	1,762.50	28.00	2,100.00
38	250	SY	18" Rock Riprap	27.00	6,750.00	55.00	13,750.00
39	1	EA	Remove Existing Curb Inlet	1,075.00	1,075.00	1,100.00	1,100.00
40	300	CY	Unclassified Channel Excavation	11.00	3,300.00	11.00	3,300.00
41	1	EA	Connect 36" RCP to Existing Wingwall	1,345.00	1,345.00	1,413.00	1,413.00
42	3,150	SY	Concrete Sidewalk	44.00	138,600.00	42.00	132,300.00
43	24	EA	TxDOT Curb Ramp, Type 7	860.00	20,640.00	900.00	21,600.00
44	160	LF	Handrail	95.00	15,200.00	77.50	12,400.00
45	1	EA	All Materials, Equipment, Tools & Labor Necessary for Removing & Disposing of Existing Light Pole, Including Connections	180.00	180.00	500.00	500.00
46	9	EA	White Bicycle Lane Emblem with Arrow Thermo Plastic Striping	349.00	3,141.00	330.00	2,970.00
47	4,073	LF	4" Single White Solid Thermo Plastic Striping	0.80	3,258.40	0.77	3,136.21
48	40	LF	White Crosswalk Thermo Plastic Striping	17.40	696.00	16.50	660.00
49	2,098	LF	4" Double Yellow Solid Thermo Plastic Striping	2.20	4,615.60	2.10	4,405.80
50	649	LF	4" Yellow Skip (Dash) Thermo Plastic Striping Including Traffic Buttons, Running Length of Roadway at Spacing per Plans & Details	0.58	376.42	0.55	356.95
51	53	LF	24" White Stop Bar Thermo Plastic Striping	11.60	614.80	11.00	583.00
52	4	EA	Speed Limit Sign R2-1 Including Post, Base & All Appurtenances	349.00	1,396.00	495.00	1,980.00
53	3	EA	Stop Sign R2-1 Including Post, Base & All Appurtenances	407.00	1,221.00	495.00	1,485.00
54	4	EA	Stop Sign R2-1 with Street Sign Including Post, Base & All Appurtenances	435.00	1,740.00	605.00	2,420.00
55	2	EA	Lane Curve Sign W1-4 R(L) Including Post, Base & All Appurtenances	407.00	814.00	495.00	990.00
56	1	EA	No Turn Sign R3-2 Including Post, Base & All Appurtenances	407.00	407.00	495.00	495.00
57	3	EA	Bike Lane Sign R3-17 Including Post, Base & All Appurtenances	350.00	1,050.00	495.00	1,485.00
58	1	EA	Permanent Type III Barricade per Detail, Including Road Closed Sign, Direction Arrow Sign M4-10L, Post, Base & All Appurtenances	1,165.00	1,165.00	2,000.00	2,000.00
59	9,100	CY	Unclassified Excavation	7.00	63,700.00	11.00	100,100.00
60	1,050	CY	Unclassified Fill	4.80	5,040.00	8.50	8,925.00
61	400	SY	Brick Pavers per Detail, Including 1" Sand Cushion, & Class "A" Concrete Base Section with Reinforcement	112.00	44,800.00	126.00	50,400.00
62	550	SY	9" Continuously Reinforced Colored Concrete Paving	93.00	51,150.00	96.00	52,800.00
63	415	SY	Brick Paver Cross Walk with 2-foot Colored Concrete Bands, Including All Amenities Per Detail	124.00	51,460.00	128.00	53,120.00
64	8	EA	Type 7 Handicap Ramp at Enhanced Intersection, Including Red Truncated Brick Pavers, Concrete & All Amenities	860.00	6,880.00	1,300.00	10,400.00
65	200	CY	Class A Concrete	270.00	54,000.00	265.00	53,000.00
66	250	SY	Concrete Rip Rap	56.00	14,000.00	56.00	14,000.00
67	1,000	SY	6-inch Compacted Subgrade (Intersection)	2.50	2,500.00	3.00	3,000.00
68	6,550	LF	Concrete Curb & Gutter	15.00	98,250.00	11.25	73,687.50
69	234	LF	Sawcut Existing Concrete	3.50	819.00	4.00	936.00
70	380	LF	Sawcut Existing Asphalt	1.15	437.00	3.00	1,140.00
71	2,350	SY	6" Concrete Aprons, Valley Gutters & Driveways, Including Reinforcement	61.50	144,525.00	45.00	105,750.00
72	14,000	SY	6" Moisture Conditioned Subgrade (Roadway)	1.65	23,100.00	2.00	28,000.00
73	14,000	SY	14" CLBM	15.00	210,000.00	13.80	193,200.00
74	11,500	SY	4 5/8" Type B HMAC	25.50	293,250.00	24.65	283,475.00
75	11,500	SY	2" Type D HMAC	12.80	147,200.00	12.50	143,750.00
76	100%	LS	Landscaping per Landscaping Plans, Including But Not Limited to All Trees, Edging, Shrubs, Groundcover, Grasses, Sod, Gravel, Root Barrier, etc.	209,440.00	209,440.00	231,245.00	231,245.00
77	100%	LS	Lighting Conduit & All Accessories per Electrical Plans, Including But Not Limited to Hand Holes, Utility Poles, Meters, Lighting Control Panels, Conduit, Wiring, Connections, etc.	139,250.00	139,250.00	133,876.00	133,876.00
78	33	EA	Lighting Fixtures, Bases & Foundations	5,950.00	196,350.00	5,675.00	187,275.00
79	100%	LS	Furnish an Irrigation Plan Designed & Sealed by a Licensed Irrigator, & Install the Plan, Including But Not Limited to Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring,	55,000.00	55,000.00	50,600.00	50,600.00
80	20,000	SY	Bermuda Seeding with Fertilizer & Flexible Growth Medium Including Watering & Mowing to Promote & Sustain Growth Throughout the Project	2.00	40,000.00	2.20	44,000.00
81	3	EA	Victor Stanley RB-28 6-foot Bench with Compacted Subgrade, Concrete Pad, Connections & All Appurtenances	2,600.00	7,800.00	2,000.00	6,000.00
82	3	EA	Victor Stanley S-42 36-gallon Series Trash Receptacle with Compacted Subgrade, Concrete Pad, Connections & All	1,430.00	4,290.00	1,300.00	3,900.00
83	690	SY	Remove, Decomposed Granite with Filter Fabric	8.25	5,692.50	8.00	5,520.00
PART A - BASE BID AMOUNT - (Items 1 - 83)					\$ 2,545,954.42		\$ 2,680,491.56

BID TABULATION
CITY OF TEMPLE
PROPOSED AVENUE U AND 13th STREET CONNECTOR
April 12, 2016; 2:30 PM

				BIDDER INFORMATION			
				TTG Utilities LP PO Box 299 Gatesville, TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - ADD ALT 1							
AA1-1	337	LF	ADDITIONAL Implement & Follow Trench Safety Plan (Pipe), (Price For Base Bid Item 4)	\$ 1.80	\$ 606.60	\$ 2.00	\$ 674.00
AA1-2	400	SF	ADDITIONAL Implement & Follow Trench Safety Plan (Structures), (Price For Base Bid Item 5)	0.45	180.00	0.50	200.00
AA1-3	2	EA	ADDITIONAL 4' x 4' Junction Box, (Price For Base Bid Item 21)	2,600.00	5,200.00	2,730.00	5,460.00
AA1-4	1	EA	5' x 5' Area Inlet	1,350.00	1,350.00	1,418.00	1,418.00
AA1-5	-2	EA	DEDUCT 10' x 3' Curb Inlet, (Price For Base Bid Item 22)	6,000.00	(12,000.00)	6,300.00	(12,600.00)
AA1-6	-1	EA	DEDUCT Concrete Sloped End Treatment for 18" RCP, (Price For Base Bid Item 25)	955.00	(955.00)	1,003.00	(1,003.00)
AA1-7	1	EA	Concrete Sloped End Treatment for 24" RCP	1,560.00	1,560.00	1,638.00	1,638.00
AA1-8	-77	LF	DEDUCT 18" Class III RCP, (Price For Base Bid Item 26)	47.00	(3,619.00)	49.35	(3,799.95)
AA1-9	414	LF	ADDITIONAL 24" Class III RCP, (Price For Base Bid Item 27)	59.00	24,426.00	62.00	25,668.00
AA1-10	359	SY	ADDITIONAL Concrete Sidewalk, (Price For Base Bid Item 42)	44.00	15,796.00	42.00	15,078.00
AA1-11	-4	EA	DEDUCT TxDOT Curb Ramp, Type 7, (Price For Base Bid Item 43)	860.00	(3,440.00)	900.00	(3,600.00)
AA1-12	2	EA	TxDOT Curb Ramp, Type 21	890.00	1,780.00	1,000.00	2,000.00
AA1-13	-555	LF	DEDUCT 4" Single White Solid Thermo Plastic Striping, (Price For Base Bid Item 47)	0.80	(444.00)	0.77	(427.35)
AA1-14	498	LF	8" Dotted White Thermo Plastic Striping, Running Length of Roadway at Spacing per Plans & Details	2.95	1,469.10	2.80	1,394.40
AA1-15	125	LF	ADDITIONAL White Crosswalk Thermo Plastic Striping, (Price For Base Bid Item 48)	17.40	2,175.00	16.50	2,062.50
AA1-16	-473	LF	DEDUCT 4" Double Yellow Solid Thermo Plastic Striping, (Price For Base Bid Item 49)	2.20	(1,040.60)	2.10	(993.30)
AA1-17	-176	LF	DEDUCT 4" Yellow Skip (Dash) Thermo Plastic Striping Including Traffic Buttons, Running Length of Roadway at Spacing per Plans & Details, (Price For Base Bid Item 50)	0.58	(102.08)	0.55	(96.80)
AA1-18	-20	LF	DEDUCT 24" White Stop Bar Thermo Plastic Striping, (Price For Base Bid Item 51)	11.60	(232.00)	11.00	(220.00)
AA1-19	-1	EA	DEDUCT Speed Limit Sign R2-1 Including Post, Base & All Appurtenances, (Price For Base Bid Item 52)	349.00	(349.00)	495.00	(495.00)
AA1-20	-3	EA	DEDUCT Stop Sign R2-1 with Street Sign Including Post, Base & All Appurtenances, (Price For Base Bid Item 54)	435.00	(1,305.00)	605.00	(1,815.00)
AA1-21	-1	EA	DEDUCT Lane Curve Sign W1-4 R(L) Including Post, Base & All Appurtenances, (Price For Base Bid Item 55)	407.00	(407.00)	495.00	(495.00)
AA1-22	-1	EA	DEDUCT No Turn Sign R3-2 Including Post, Base & All Appurtenances, (Price For Base Bid Item 56)	407.00	(407.00)	495.00	(495.00)
AA1-23	-2	EA	DEDUCT Bike Lane Sign R3-17 Including Post, Base & All Appurtenances, (Price For Base Bid Item 57)	350.00	(700.00)	495.00	(990.00)
AA1-24	3	EA	Yield Sign R1-2 with Street Sign & Turn Sign W1-2R(L), Including Post, Base & All Appurtenances	465.00	1,395.00	715.00	2,145.00
AA1-25	3	EA	White "YIELD" Emblem Thermo Plastic Striping	365.00	1,095.00	350.00	1,050.00
AA1-26	3	EA	Pedestrian Crossing Sign R1-5L Including Post, Base & All Appurtenances	465.00	1,395.00	495.00	1,485.00
AA1-27	3	EA	Roundabout Sign W2-6 & Warning Sign W2-6p Including Post, Base & All Appurtenances	465.00	1,395.00	605.00	1,815.00
AA1-28	8	EA	White Directional Arrow Emblem Thermo Plastic Striping	110.00	880.00	105.00	840.00
AA1-29	-1	EA	DEDUCT Permanent Type III Barricade per Detail, Including Road Closed Sign, Direction Arrow Sign M4-10L, Post, Base & All Appurtenances, (Price For Base Bid Item 58)	1,165.00	(1,165.00)	2,000.00	(2,000.00)
AA1-30	-400	SY	DEDUCT Brick Pavers per Detail, Including 1" Sand Cushion, & Class "A" Concrete Base Section with Reinforcement, (Price For Base Bid Item 61)	112.00	(44,800.00)	126.00	(50,400.00)
AA1-31	114	SY	Concrete Pavers per Detail, Including 1" Sand Cushion, & 6" Stabilized Subgrade (Median)	53.00	6,042.00	74.00	8,436.00
AA1-32	-550	SY	DEDUCT 9" Continuously Reinforced Colored Concrete Paving, (Price For Base Bid Item 62)	93.00	(51,150.00)	96.00	(52,800.00)
AA1-33	-956	SY	DEDUCT 6-inch Compacted Subgrade (Intersection), (Price For Base Bid Item 67)	2.50	(2,390.00)	3.00	(2,868.00)
AA1-34	356	LF	ADDITIONAL Concrete Curb & Gutter, (Price For Base Bid Item 68)	15.00	5,340.00	11.25	4,005.00
AA1-35	327	LF	Laydown Curb	13.50	4,414.50	11.25	3,678.75
AA1-36	314	SY	6" Landon Stone (Butterfield Integral Concrete Colorant U26), Including Reinforcement	90.00	28,260.00	100.00	31,400.00
AA1-37	1,999	SY	ADDITIONAL 6" Moisture Conditioned Subgrade (Roadway), (Price For Base Bid Item 72)	1.65	3,298.35	2.00	3,998.00
AA1-38	1,999	SY	ADDITIONAL 14" CLBM, (Price For Base Bid Item 73)	15.00	29,985.00	13.80	27,586.20
AA1-39	1,332	SY	ADDITIONAL 4 5/8" Type B HMAC, (Price For Base Bid Item 74)	25.50	33,966.00	24.65	32,833.80
AA1-40	1,332	SY	ADDITIONAL 2" Type D HMAC, (Price For Base Bid Item 75)	12.80	17,049.60	12.50	16,650.00
AA1-41	100%	LS	Furnish an Irrigation Plan Designed & Sealed by a Licensed Irrigator for Roundabout, & Install the Plan, Including But Not Limited to Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve	13,000.00	13,000.00	12,100.00	12,100.00
AA1-42	570	SY	Bermuda Sod in Roundabout	3.30	1,881.00	8.70	4,959.00
PART A - ADD ALT 1 (Items AA1-1 - AA1-42)					\$ 79,433.47		\$ 73,476.25

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - ADD ALT 2							
AA2-1	950	LF	Saw Cutting & Removing Asphalt & Patching Trench on Friars Creek Circle	\$ 22.00	\$ 20,900.00	\$ 23.10	\$ 21,945.00
AA2-2	100%	LS	Implement & Administer Barricade Signing & Traffic Safety Plan for Storm Sewer in Friars Creek Circle	3,100.00	3,100.00	9,000.00	9,000.00
AA2-3	-700	LF	DEDUCT Remove & Replace Concrete Curb (Price for Base Bid Item 33)	18.50	(12,950.00)	20.00	(14,000.00)
AA2-4	-690	SY	DEDUCT Remove, Decomposed Granite with Filter Fabric, (Price For Base Bid Item 81)	8.25	(5,692.50)	8.00	(5,520.00)
PART A - ADD ALT 2 (Items AA2-1 - AA2-42)					\$ 5,357.50		\$ 11,425.00

BID TABULATION
CITY OF TEMPLE
PROPOSED AVENUE U AND 13th STREET CONNECTOR
April 12, 2016; 2:30 PM

BIDDER INFORMATION			
TTG Utilities LP PO Box 299 Gatesville, TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513	

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
PART B - BASE BID							
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 20,000.00	\$ 20,000.00	\$ 105,400.00	\$ 105,400.00
2	24	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	650.00	15,600.00	2,300.00	55,200.00
3	100%	LS	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	580.00	580.00	658.00	658.00
4	3,700	LF	Implement & Follow Trench Safety Plan (Pipe)	1.85	6,845.00	2.00	7,400.00
5	13,140	SF	Implement & Follow Trench Safety Plan (Structures)	0.45	5,913.00	0.50	6,570.00
6	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	22,000.00	22,000.00	15,000.00	15,000.00
7	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	425.00	425.00	5,000.00	5,000.00
8	100%	LS	Provide Project Record Drawings	1,100.00	1,100.00	500.00	500.00
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for the total project	710.00	710.00	500.00	500.00
10	2,500	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	2.45	6,125.00	2.50	6,250.00
11	60	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	30.00	1,800.00	25.00	1,500.00
12	2	EA	Stabilized Construction Entrance	1,600.00	3,200.00	1,500.00	3,000.00
13	5	EA	Standard Fire Hydrant Assembly Including Tee per Detail	4,200.00	21,000.00	4,410.00	22,050.00
14	8	EA	Water Service Connections, Including Meter Box & Lid	915.00	7,320.00	961.00	7,688.00
15	458	LF	16" Steel Encasement	100.00	45,800.00	106.00	48,548.00
16	2,231	LF	8-inch Diameter PVC Water Line, including Thrust Restraint	34.50	76,969.50	36.25	80,873.75
17	14	EA	8" Gate Valve	1,100.00	15,400.00	1,155.00	16,170.00
18	3	EA	8" 90° Bend	340.00	1,020.00	357.00	1,071.00
19	26	EA	8" 45° Bend	310.00	8,060.00	326.00	8,476.00
20	13	EA	8" 22.5° Bend	310.00	4,030.00	326.00	4,238.00
21	13	EA	8" 11.25° Bend	300.00	3,900.00	315.00	4,095.00
22	10	EA	8" Tee	480.00	4,800.00	504.00	5,040.00
23	1	EA	8" x 6" Tee	460.00	460.00	483.00	483.00
24	4	EA	8" x 6" Reducer	310.00	1,240.00	326.00	1,304.00
25	3	EA	8" x 3" Reducer	270.00	810.00	284.00	852.00
26	7	EA	8" Plug	190.00	1,330.00	200.00	1,400.00
27	72	LF	6" PVC Encasement	30.50	2,196.00	32.00	2,304.00
28	2	EA	6" Gate Valve	745.00	1,490.00	783.00	1,566.00
29	4	EA	6" Plug	185.00	740.00	195.00	780.00
30	3	EA	3" x 2" Reducer	180.00	540.00	189.00	567.00
31	80	LF	2-inch Diameter PVC Water Line, including Thrust Restraint	12.60	1,008.00	13.25	1,060.00
32	3	EA	2" Plug	65.00	195.00	68.25	204.75
33	5	EA	Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 8" Waterline	1,590.00	7,950.00	1,670.00	8,350.00
34	5	EA	Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 6" Waterline	1,580.00	7,900.00	1,660.00	8,300.00
35	3	EA	Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 2" Waterline	1,485.00	4,455.00	1,560.00	4,680.00
36	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	5,850.00	5,850.00	6,143.00	6,143.00
37	100%	LS	Sampling STAs for Microbiological Testing in Accordance with AWWA C-651	2,500.00	2,500.00	2,625.00	2,625.00
38	100%	LS	Temporary Flush Assemblies	3,880.00	3,880.00	4,074.00	4,074.00
39	2	EA	5' x 5' Junction Box	3,890.00	7,780.00	4,085.00	8,170.00
40	8	EA	10' x 3' Curb Inlet	5,160.00	41,280.00	5,418.00	43,344.00
41	2	EA	10' x 5' Curb Inlet	7,190.00	14,380.00	7,550.00	15,100.00
42	1	EA	10' x 6' Curb Inlet	9,480.00	9,480.00	9,954.00	9,954.00
43	1	EA	15' x 3' Curb Inlet	7,230.00	7,230.00	7,592.00	7,592.00
44	1	EA	15' x 5' Curb Inlet	11,050.00	11,050.00	11,603.00	11,603.00
45	2	EA	Concrete Wingwalls with Flared Wings Including Concrete Apron for 3 - 7'x5' RCB	16,500.00	33,000.00	17,325.00	34,650.00
46	601	LF	18" Class III RCP	47.00	28,247.00	50.00	30,050.00
47	314	LF	24" Class III RCP	59.00	18,526.00	62.00	19,468.00
48	20	LF	30" Class III RCP	107.00	2,140.00	112.35	2,247.00
49	364	LF	48" Class III RCP	170.00	61,880.00	179.00	65,156.00
50	90	LF	54" Class III RCP	220.00	19,800.00	231.00	20,790.00
51	114	LF	3 - 7'x5' RCB	1,200.00	136,800.00	1,260.00	143,640.00
52	72	SY	18" Rock Riprap	28.00	2,016.00	78.00	5,616.00
53	115	LF	Concrete Flume Including Reinforcement	43.00	4,945.00	44.00	5,060.00
54	1	EA	11' x 4'-6" Non Slip Floor Plate	1,780.00	1,780.00	1,500.00	1,500.00
55	1	EA	9' x 4'-6" Non Slip Floor Plate	1,465.00	1,465.00	1,500.00	1,500.00
56	10	LF	Concrete from Flume Including Reinforcement to Existing Sidewalk	63.00	630.00	100.00	1,000.00
57	1	EA	Connect Concrete Flume to Curb Opening	350.00	350.00	500.00	500.00
58	1	EA	Connect Concrete Flume to Existing Asphalt Channel	500.00	500.00	500.00	500.00
59	3,800	SY	Concrete Sidewalk	42.50	161,500.00	42.00	159,600.00
60	30	EA	TxDOT Curb Ramp, Type 7	860.00	25,800.00	1,000.00	30,000.00
61	220	LF	Handrail, Including All Appurtenances	95.00	20,900.00	77.50	17,050.00
62	20	EA	White Bicycle Lane Emblem with Arrow Thermo Plastic Striping	350.00	7,000.00	330.00	6,600.00
63	7	EA	Directional Arrow Emblem Thermo Plastic Striping	110.00	770.00	105.00	735.00
64	4,259	LF	4" Single White Solid Thermo Plastic Striping	0.85	3,620.15	0.77	3,279.43
65	980	LF	4" White Double Dash (Skip) Thermo Plastic Striping Including Traffic Buttons, Running Length of Roadway at Spacing per Plans & Details	0.60	588.00	0.55	539.00
66	60	LF	White Crosswalk Thermo Plastic Striping	17.00	1,020.00	16.50	990.00
67	490	LF	4" Double Yellow Solid Thermo Plastic Striping	2.20	1,078.00	2.10	1,029.00
68	1,160	LF	4" Yellow Skip (Dash) Thermo Plastic Striping Including Traffic Buttons, Running Length of Roadway at Spacing per Plans & Details	0.60	696.00	0.55	638.00
69	4	EA	Speed Limit Sign R2-1 Including Post, Base & All Appurtenances	350.00	1,400.00	495.00	1,980.00
70	13	EA	Stop Sign R2-1 Including Post, Base & All Appurtenances	407.00	5,291.00	495.00	6,435.00
71	7	EA	Bike Lane Sign R3-17 Including Post, Base & All Appurtenances	350.00	2,450.00	495.00	3,465.00
72	7	EA	No Parking Sign R8-3a Including Post, Base & All Appurtenances	350.00	2,450.00	495.00	3,465.00
73	2	EA	Median Split Sign R4-7 Including Post, Base & All Appurtenances	465.00	930.00	495.00	990.00
74	3	EA	Multi-Directional Sign R3-8a Including Post, Base & All Appurtenances	465.00	1,395.00	495.00	1,485.00
75	1	EA	Right Turn Only Sign R3-5L Including Post, Base & All Appurtenances	407.00	407.00	495.00	495.00
76	9,500	CY	Unclassified Excavation	7.00	66,500.00	11.00	104,500.00
77	1,550	CY	Unclassified Fill	4.90	7,595.00	8.50	13,175.00
78	200	SY	Brick Pavers per Detail, Including 1" Sand Cushion, & Class "A" Concrete Base Section with Reinforcement	113.00	22,600.00	126.00	25,200.00
79	450	SY	9" Continuously Reinforced Colored Concrete Paving	95.00	42,750.00	100.00	45,000.00
80	450	SY	Brick Paver Cross Walk with 2-foot Colored Concrete Bands, Including All Amenities Per Detail	124.00	55,800.00	133.10	59,895.00
81	6	EA	Type 7 Handicap Ramp at Enhanced Intersection, Including Red Truncated Brick Pavers, Concrete & All Amenities	860.00	5,160.00	1,300.00	7,800.00
82	200	CY	Class A Concrete	270.00	54,000.00	265.00	53,000.00
83	200	SY	Concrete Rip Rap	55.00	11,000.00	55.00	11,000.00
84	1,110	SY	6-inch Compacted Subgrade (Intersection)	2.50	2,775.00	3.00	3,330.00
85	5,900	LF	Concrete Curb & Gutter	15.00	88,500.00	11.25	66,375.00
86	248	LF	Sawcut Existing Concrete	3.00	744.00	4.00	992.00
87	677	LF	Sawcut Existing Asphalt	1.15	778.55	3.00	2,031.00
88	1,800	SY	6" Concrete Aprons, Valley Gutters & Driveways, Including Reinforcement	61.00	109,800.00	45.00	81,000.00
89	16,500	SY	6" Moisture Conditioned Subgrade (Roadway)	1.70	28,050.00	2.00	33,000.00

BID TABULATION
CITY OF TEMPLE
PROPOSED AVENUE U AND 13th STREET CONNECTOR
April 12, 2016; 2:30 PM

2011-120-40

				BIDDER INFORMATION			
				TTG Utilities LP PO Box 299 Gatesville, TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513	
90	16,490	SY	14" CLBM	15.00	247,350.00	13.80	227,562.00
91	13,200	SY	4 5/8" Type B HMAc	25.50	336,600.00	24.65	325,380.00
92	13,200	SY	2" Type D HMAc	12.80	168,960.00	12.50	165,000.00
93	100%	LS	Landscaping per Landscaping Plans, Including But Not Limited to All Trees, Edging, Shrubs, Groundcover,	76,000.00	76,000.00	112,945.00	112,945.00
94	100%	LS	Lighting Conduit & All Accessories per Electrical Plans, Including But Not Limited to Hand Holes, Utility Poles, Meters, Lighting Control Panels, Conduit, Wiring, Connections, etc.	133,000.00	133,000.00	125,447.00	125,447.00
95	39	EA	Lighting Fixtures, Bases & Foundations	5,840.00	227,760.00	5,553.00	216,567.00
96	100%	LS	Furnish an Irrigation Plan Designed & Sealed by a Licensed Irrigator, & Install the Plan, Including But Not Limited to Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring,	44,800.00	44,800.00	41,800.00	41,800.00
97	20,000	SY	Bermuda Seeding with Fertilizer & Flexible Growth Medium Including Watering & Mowing to Promote & Sustain Growth Throughout the Project	2.00	40,000.00	2.20	44,000.00
98	6	EA	Victor Stanley RB-28 6-foot Bench with Compacted Subgrade, Concrete Pad, Connections & All Appurtenances	2,600.00	15,600.00	2,000.00	12,000.00
99	6	EA	Victor Stanley S-42 36 gallon Series Trash Receptacle with Compacted Subgrade, Concrete Pad, Connections & All Appurtenances	1,400.00	8,400.00	1,300.00	7,800.00
PART B - BASE BID AMOUNT - (Items 1 - 99)				\$ 2,750,238.20		\$ 2,900,934.93	

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
PART B - ADD ALTERBATE							
AB-1	100%	LS	Landscaping per Sheets AA-1 & AA-2 Including, but not limited to, All Trees, Edging, Sod, Root Barrier, Irrigation Changes, etc.	\$ 57,000.00	\$ 57,000.00	\$ 15,400.00	\$ 15,400.00
PART B - ADD ALTERNATE (Item AB-1)				\$ 57,000.00		\$ 15,400.00	

PART A - BASE BID AMOUNT - (Items 1 - 83)	\$ 2,545,954.42	\$ 2,680,491.56
PART A - ADD ALT 1 (Items AA1-1 - AA1-42)	\$ 79,433.47	\$ 73,476.25
PART A - ADD ALT 2 (Items AA2-1 - AA2-42)	\$ 5,357.50	\$ 11,425.00
PART B - BASE BID AMOUNT - (Items 1 - 99)	\$ 2,750,238.20	\$ 2,900,934.93
PART B - ADD ALTERNATE (Item AB-1)	\$ 57,000.00	\$ 15,400.00

			BIDDER INFORMATION	
			TTG Utilities LP PO Box 299 Gatesville, TX 76528	RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513
PART A + PART B:			\$ 5,296,192.62	\$ 5,581,426.49
PART A + ADD ALT 1 + PART B:			\$ 5,375,626.09	\$ 5,654,902.74
PART A + ADD ALT 2 + PART B:			\$ 5,301,550.12	\$ 5,592,851.49
PART A + ADD ALT 1 + ADD ALT 2 + PART B:			\$ 5,380,983.59	\$ 5,666,327.74
PART A + PART B + PART B ADD ALT:			\$ 5,353,192.62	\$ 5,596,826.49
PART A + ADD ALT 1 + PART B + PART B ADD ALT:			\$ 5,432,626.09	\$ 5,670,302.74
PART A + ADD ALT 2 + PART B + PART B ADD ALT:			\$ 5,358,550.12	\$ 5,608,251.49
PART A + ADD ALT 1 + ADD ALT 2 + PART B + PART B ADD ALT:			\$ 5,437,983.59	\$ 5,681,727.74

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

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




R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP


Date



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 19, 2016

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

Re: City of Temple, Texas
Avenue U and 13th Street Connector

Dear Mr. Billeck:

On April 12, 2016, the City of Temple received competitive bids from two (2) contractors for the Avenue U and 13th Street Connector Project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows TTG Utilities, LP of Gatesville, Texas as the low bidder with a total base bid of \$5,296,192.62. The base bids ranged from this low bid to \$5,581,426.49. Our final opinion of probable construction (OPC) cost for the base bid was \$6,000,000.

Included with the bid are three add alternates which are chronicled below:

- Part A Add Alternate 1 – Substituted a roundabout at the intersection of Avenue U and 13th Street. The cost of this add alternate is \$79,433.47
- Part A Add Alternate 2 – Revised the alignment of the storm sewer adjacent to Fryers Creek Cr. The cost of this add alternate is \$5,357.50
- Part B Add Alternate 1 – Revised the alignment of trees adjacent to the sidewalk on Avenue U from 15th Street to 7th Street and added Bermuda sod. The cost of this add alternate is \$57,000.00

TTG Construction has completed multiple projects for both KPA and the City of Temple and has the experience necessary to successfully complete this project. Therefore, we recommend that a contract be awarded to Wolf Construction for the total Base Bid and all add alternates in the amount of \$5,437,983.59, provided this option meets the budget of the TCIP.

Sincerely,

R. David Patrick, P.E., CFM

xc: 2011-120-40



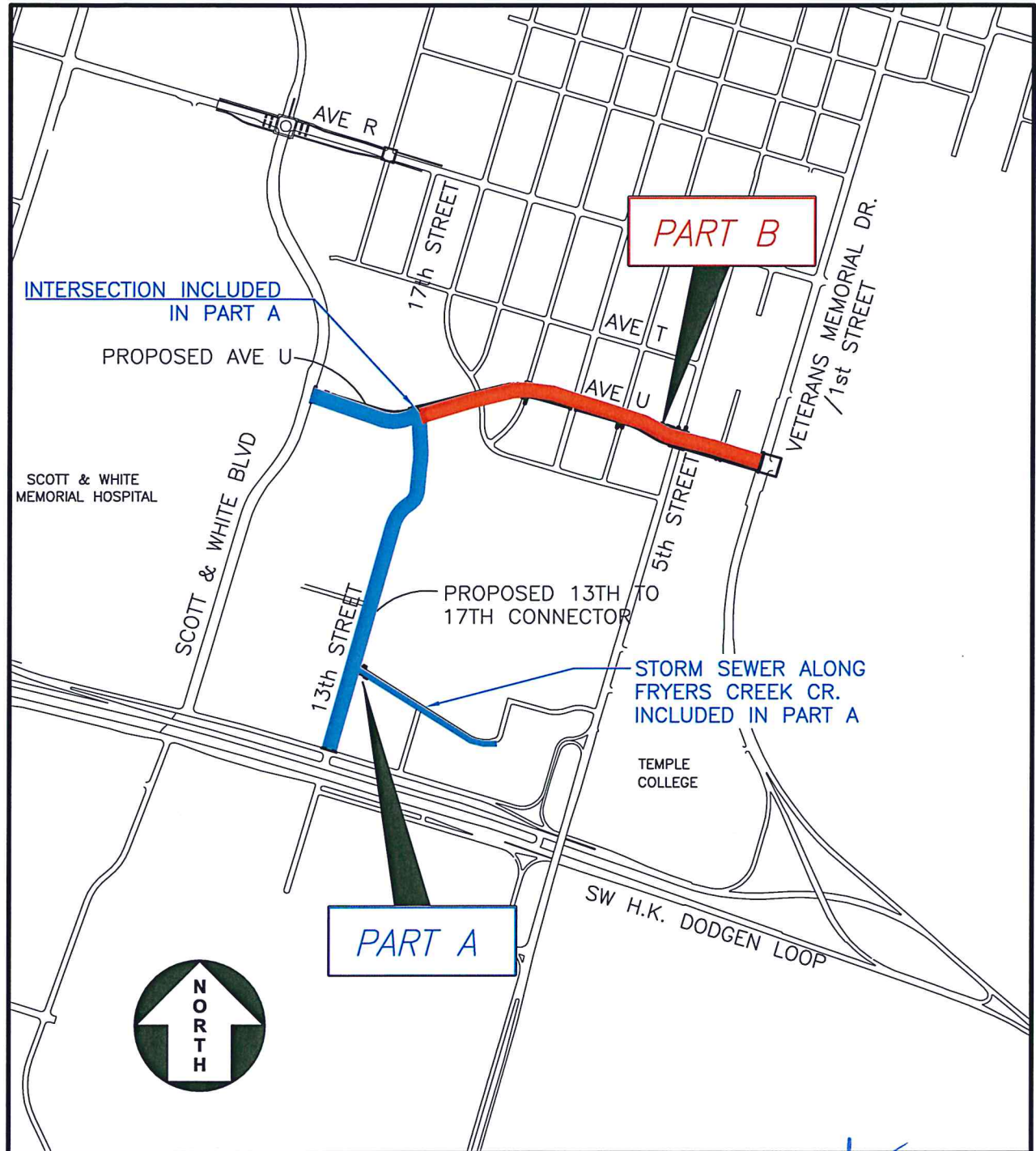
**PROPOSED
AVENUE U &
TMED WAY(13TH ST.)
LAYOUT**



0 125 250
HORIZONTAL SCALE IN FEET



CITY OF TEMPLE, TEXAS
PROPOSED AVENUE U
AND 13TH STREET CONNECTOR
BID SCHEDULE PART EXHIBIT



VICINITY MAP



R. David Patrick
4/12/16



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS, IN THE AMOUNT OF \$5,437,983.59, FOR CONSTRUCTION OF THE AVENUE U AND 13TH STREET CONNECTOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 12, 2016, two construction bids were received for the construction of the Avenue U and 13th Street connector, with TTG Utilities, LP of Gatesville, Texas submitting the low bid;

Whereas, this construction contract will widen and extend Avenue U from 1st Street to Scott & White Boulevard, improve 13th Street from Loop 363 to Avenue U, enhance the Avenue U and 5th Street intersection, and provide storm sewer, pedestrian facilities, landscaping, and irrigation;

Whereas, the bid also solicited three alternate prices for a roundabout at the intersection of Avenue U and 13th Street, a revised storm sewer alignment in Fryers Creek Circle, and a revised tree alignment and additional grass sod along Avenue U;

Whereas, the Reinvestment Zone No. 1 Board met on April 27, 2016 and recommended Council authorize a construction contract with all three alternates - Staff and the City's engineer agree that TTG Utilities, LP is qualified to complete this project and recommend award of the construction contract for the base bid plus alternates totaling \$5,437,983.59;

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

Account No. 365-3400-531-6874	Project No. 100718
Account No. 561-5200-535-6969	Project No. 100718
Account No. 795-9500-531-6874	Project No. 101012

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 TTG Utilities, LP of Gatesville, Texas, in an amount not to exceed \$5,437,983.59, for construction of the Avenue U and 13th Street Connector.

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

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

05/05/16
Item #12
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 2 via Lockwood, Andrews & Newnam, Inc. On February 4, 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 18. Until April 20, the property owners were 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. Accordingly, Staff planned to seek Council authority to use the power of eminent domain to acquire the property at the April 21 Council meeting.

However, on April 20, the property owners submitted a counter offer to the City, and Staff asked Council to table the April 21 agenda item in order to give the parties additional time to come to an agreement. The City has continued to negotiate with the property owners' attorney, but the parties have been unable to reach an agreement. Accordingly, 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 0.896-acre portion of the property located at 1002 Old Waco Road 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 AN APPROXIMATELY 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 an approximately 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, 76502, 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 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 2, 2016;

Whereas, on February 4, 2016, Council authorized the purchase of the property and the payment of necessary relocation expenses;

Whereas, the property owners were unresponsive to the City's offer and failed to provide a counter offer by the agreed-upon deadline or its extension, at which time the City made a bona fide final offer to the property owners on March 18, 2016;

Whereas, the property owners were unresponsive to the City's bona fide final offer and failed to provide an acceptance or a counter offer by the agreed-upon deadline, its extension, or the extension of the extension, at which time Staff brought this item before Council for authority to use the power of eminent domain in order to acquire the property;

Whereas, however, on April 20, 2016, the property owners submitted a counter offer to the City, and Staff asked Council to table the item in order to give the parties additional time to come to an agreement;

Whereas, Staff has continued to negotiate with the property owners' attorney, but the parties have been unable to reach an agreement, and Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire this 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 approximately 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 **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

05/05/16
Item #13
Regular Agenda
Page 1 of 4

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 portions of seven properties situated in the Nancy Chance Survey, Abstract 5, and located along Old Waco Road, Temple, Texas, 76502, are necessary for the expansion of Old Waco Road and authorizing the use of eminent domain to condemn the properties.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has completed the design phase for the proposed expansion of Old Waco Road, otherwise known as Phase 3B of the Outer Loop project. The design requires the acquisition of fee simple title to portions of nine properties located along Old Waco Road, Temple, Texas, 76502, for the construction of the roadway and its necessary appurtenances under Chapter 251, Local Government Code § 251.001. The City has reached agreement with two property owners, and the acquisitions of those properties are complete. However, the design still requires the acquisition of fee simple title to portions of seven properties situated in the Nancy Chance Survey, Abstract 5, and located along Old Waco Road, Temple, Texas, 76502. Surveys and legal descriptions of the property needed as right-of-way are included with the Resolution attached to this memorandum. The properties from which right-of-way is needed are as follows:

- A 0.298-acre tract of unimproved land situated in the Nancy Chance Survey, Abstract 5, embracing a portion of the remainder of a called 5.5 acre tract conveyed to BLRL Investments, LLC – Series J, otherwise known as a portion of the property located at 1207 Old Waco Road, Temple, Texas, 76502;
 - 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 March 9 via Lockwood, Andrews & Newnam, Inc. The property owner requested an extension of the deadline to submit a counter offer, which the City granted.
 - On April 22, the property owner made a counter offer to the City in an amount equal to 523% of the appraised value and 309% of the City's offer. Staff has continued to negotiate with the property owner, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
 - If no agreement has been reached as of May 6, Staff plans to make a bona fide final offer to the property owner, which the property owner will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.

- A 0.804-acre tract of unimproved land situated in the Nancy Chance Survey, Abstract 5, embracing a portion of a called 28.788 acre tract conveyed to Prentice Richard Lewis, otherwise known as a portion of the property located at 6819 Jupiter Drive, Temple, Texas, 76502;
 - 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 March 9 via Lockwood, Andrews & Newnam, Inc. The property owners requested an extension of the deadline to submit a counter offer, which the City granted.
 - On April 22, the property owners made a counter offer to the City in an amount equal to 994% of the appraised value and 913% of the City's offer. Staff has continued to negotiate with the property owners, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
 - If no agreement has been reached as of May 6, Staff plans to make a bona fide final offer to the property owners, which the property owners will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- A 0.183-acre tract of unimproved land situated in the Nancy Chance Survey, Abstract 5, embracing the remainder of a called 15.05 acre tract conveyed to Bobby Dale Rush and wife, Cindy Faye Rush, otherwise known as a portion of the property located at 1010 Old Waco Road, Temple, Texas, 76502;
 - 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 March 4 via Lockwood, Andrews & Newnam, Inc. The property owners requested an extension of the deadline to submit a counter offer, which the City granted.
 - Staff continued to negotiate with the property owners, and the parties have come to a tentative agreement, but the property owners have not yet executed a memorandum of agreement.
 - If no agreement has been executed as of May 6, Staff plans to make a bona fide final offer to the property owners, which the property owners will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- A 0.170-acre tract of land situated in the Nancy Chance Survey, Abstract 5, embracing a portion of the remainder of a called 0.66 acre tract conveyed to James M. Erchull, otherwise known as a portion of the property located at 6914 Jupiter Drive, Temple, Texas, 76502;
 - 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 March 3 via Lockwood, Andrews & Newnam, Inc. The property owners requested an extension of the deadline to submit a counter offer, which the City granted.
 - The property owners have not yet provided a counter offer.
 - If no agreement has been reached as of May 6, Staff plans to make a bona fide final offer to the property owners, which the property owners will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.

- A 0.161-acre tract of land situated in the Nancy Chance Survey, Abstract 5, embracing a portion of the remainder of a called 0.547 acre tract conveyed to William Bolding and wife, Shannon Bolding, otherwise known as a portion of the property located at 6917 Venus Drive, Temple, Texas, 76502;
 - 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 March 4 via Lockwood, Andrews & Newnam, Inc.
 - The property owner made a verbal counter offer to the City in an amount equal to 200% of the appraised value and 191% of the City's offer, but no written counter offer was submitted. Accordingly, the City made a bona fide final offer to the property owner on April 8, which the property owner has rejected. Staff has continued to negotiate with the property owner, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
 - Staff is asking Council to authorize the use of the power of eminent domain to acquire the property.
- A 0.186-acre tract of unimproved land situated in the Nancy Chance Survey, Abstract 5, embracing a portion of the remainder of a called 0.632 acre tract conveyed to Lesley C. Wade and wife, Josephine Wade, otherwise known as a portion of the property located at 800 Old Waco Road, Temple, Texas, 76502;
 - 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 March 4 via Lockwood, Andrews & Newnam, Inc.
 - The property owner made a counter offer to the City in an amount equal to 800% of the appraised value and 325% of the City's offer. In response, the City made a bona fide final offer to the property owner on April 8, which the property owner has rejected. Staff has continued to negotiate with the property owner, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
 - Staff is asking Council to authorize the use of the power of eminent domain to acquire the property.
- A 0.162-acre tract of land situated in the Nancy Chance Survey, Abstract 5, embracing a portion of a called 0.568 acre tract conveyed to Gayle K. Farrow, otherwise known as a portion of the property located at 6919 Old Waco Lane, Temple, Texas, 76502;
 - 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 March 4 via Lockwood, Andrews & Newnam, Inc. The property owner requested an extension of the deadline to submit a counter offer, which the City granted.
 - The property owner made a counter offer to the City in an amount equal to 147% of the appraised value and 131% of the City's offer. Staff has continued to negotiate with the property owner, but the parties have been unable to come to an agreement.
 - If no agreement has been reached as of May 6, Staff plans to make a bona fide final offer to the property owner, which the property owner will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.

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 properties described above, if the parties are ultimately unable to reach agreements.

FISCAL IMPACT: Funding for the purchase of the property is appropriated in account 365-3400-531-6813, project #101121.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PORTIONS OF SEVEN PROPERTIES NECESSARY FOR THE EXPANSION OF OLD WACO ROAD; ACCEPTING THE DONATION OF A REMAINDER PARCEL; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES; AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES, IN AN AMOUNT NOT TO EXCEED \$650,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Old Waco Road from the drainage channel just north of Brandon Drive, to a point 300 feet south of the drainage channel just south of Jupiter Drive, otherwise known as Phase 3B of the future Outer Loop;

Whereas, the design requires the acquisition of right-of-way from ten different property owners - appraisals have been performed on all of the parcels, offers have been made to the property owners based upon those appraisals, and the City's consultant has completed the relocation studies;

Whereas, agreements have been reached with three of the property owners, counter offers have been submitted by six of the other seven, and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them in the next few weeks;

Whereas, on February 4, 2016, Council authorized the acquisition of a portion of the property located at 1002 Old Waco Road and on April 7, 2016, Council authorized the acquisition of the right-of-way needed from 6916 Venus Drive and 6918 Old Waco Lane, as well as the remainder of 6918 Old Waco Lane;

Whereas, the owner of 6916 Venus Drive now seeks to donate the remainder of the property to the City, and Staff recommends Council accept this donation;

Whereas, Staff recommends Council authorize the purchase of portions of seven properties necessary for the expansion of Old Waco Road, accept the donation of a remainder parcel located at 6918 Old Waco Lane, authorize closing costs associated with these purchases, and authorize the payment of relocation expenses that may be required by law, in an amount not to exceed \$650,000 – the addresses of these seven properties are as follows:

1207 Old Waco Road
6914 Jupiter Drive
6919 Old Waco Lane

6819 Jupiter Drive
6917 Venus Drive

1010 Old Waco Road
800 Old Waco Road

Whereas, funding for the purchase of portions of seven properties necessary for the expansion of Old Waco Road is appropriated 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 purchase of portions of the seven properties listed above which are necessary for the expansion of Old Waco Road, the acceptance of the donation of a remainder parcel located at 6918 Old Waco Lane, the payment of closing costs associated with these purchases, and the payment of relocation expenses, in an amount not to exceed \$650,000.

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