



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, AUGUST 4, 2016
3:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 4, 2016.
2. Discuss the City's strategic plan, to include the FY 2016-2017 budget process to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2017 Preliminary Budget.
3. Discuss proposed amendments to the Code of Ordinances, Chapter 15, "Garbage, Refuse, and Recycling," to create Article II titled "Construction Waste Hauling Permit."
4. Discuss a potential amendment to the 2014 Chapter 380 Economic Development Agreement between the City of Temple, Arcadia Theatre, Inc. and Criterion Management Group, LLC.

Executive Session – Pursuant to Texas Government Code Section 551.087, the City Council may meet in executive session to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.

5. Discuss the status of right-of-way acquisition for the proposed Santa Fe Market Trail/MLK Fields festival grounds and the purchase of three properties necessary for construction of the project.

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. Recognize Sarah Crowder as Miss Temple.
4. Recognition of the City of the Temple Employee of the Quarter and Employee of the Quarter finalists for the third quarter of 2016.

IV. BUDGET ITEMS

5. (A) **PUBLIC HEARING** - Receive presentation by the City Manager and conduct a public hearing on the proposed 2016-2017 operating budget; and

(B) **2016-8231-R**: Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 26, 2016.

V. BOND ITEMS

6. **2016-4799**: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an Ordinance authorizing the issuance of the City of Temple, Texas Limited Tax Note, Series 2016; Authorizing the levy of an ad valorem tax in support of the note; Approving a Purchase Letter and a Paying Agent/Registrar Agreement; Awarding the Sale of the Note; and Authorizing other matters related to the issuance of the Note.

VI. 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.

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

Minutes

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

Contracts, Leases, & Bids

- (C) [2016-8232-R](#): Consider adopting a resolution authorizing the purchase of portions of two properties necessary for the expansion of Prairie View Road, the purchase of two temporary construction easements and authorizing closing costs associated with the purchases, in an amount not to exceed \$24,000.
- (D) [2016-8233-R](#): Consider adopting a resolution authorizing the purchase of three properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$67,000, and authorizing the release of liens on two of the properties to be acquired, in the amount of \$6,680.37.
- (E) [2016-8234-R](#): Consider adopting a resolution authorizing the purchase of two wastewater utility easements and two temporary construction easements necessary for the construction of the Leon River trunk sewer and authorizing closing costs associated with the purchases, in an amount not to exceed \$135,000.
- (F) [2016-8235-R](#): Consider adopting a resolution authorizing the purchase of a storage area network backup solution from CDW Government, Inc. of Vernon Hills, IL, in the amount of \$63,008.88.
- (G) [2016-8236-R](#): Consider adopting a resolution authorizing the purchase of resale food items for Lions Junction Family Aquatic Center for FY 2016 in the estimated amount of \$38,000 from Performance Food Group of Temple.
- (H) [2016-8237-R](#): Consider adopting a resolution authorizing a Construction Manager-at-Risk guaranteed maximum price construction contract in the amount of \$1,144,975 for the renovations to Wilson Park Recreation Center with RM Rodriguez Construction, LP, of Temple.
- (I) [2016-8238-R](#): Consider adopting a resolution authorizing a contract with Joel Brown & Co., LLC of Elm Mott, in the amount of \$42,863, for the installation of approximately 6,900 square feet of concrete flatwork at the Northam Baseball Complex in Wilson Park.
- (J) [2016-8239-R](#): Consider authorizing a construction contract with Choice Builders, LLC, of Temple for the lump-sum base bid totaling \$648,212.60, for the 31st Street Enhanced Intersection Improvement (Loop 363 to Scott Boulevard Phase II).

- (K) [2016-8240-R](#): Consider adopting a resolution authorizing a professional services contract amendment in the amount of \$52,600 with Kasberg, Patrick, and Associates, LP of Temple for the design and development of tennis courts at Crossroads Park.
- (L) [2016-8241-R](#): Consider adopting a resolution authorizing change order #1 to the Tarver Drive Extension contract with R.T. Schneider Construction Company, Ltd., of Belton, in the amount of \$9,347.50, for construction services required for extension of the proposed roadway section.
- (M) [2016-8242-R](#): Consider adopting a resolution authorizing change order #1 to the Avenue U & 13th Street Connector project in the amount of \$113,013.16 with TTG Utilities, LP of Gatesville for storm water improvements at the Summit Family Fitness Center and other miscellaneous items.
- (N) [2016-8243-R](#): Consider adopting a resolution authorizing Amendment Number One to the Operation, Maintenance, and Management Agreement between Brazos River Authority, the City of Temple, and the City of Belton for the Temple-Belton Wastewater Treatment Plant.

Ordinances – Second & Final Reading

- (O) [2016-4792](#): SECOND & FINAL READING – A-FY-16-01: Consider adopting an ordinance authorizing closure of the section of Hilliard Road, a public street, south of the new extension of Prairie View Road, and north of the north boundary of Lot 2, Block 1 of the Westfield Development Phase V Replat No 1.
- (P) [2016-4793](#): SECOND & FINAL READING - A-FY-16-03: Consider adopting an ordinance authorizing abandonment and conveyance of the north 149.74 feet of the 20-foot-wide alley in Block 24 of Moore's Addition, City of Temple, Bell County, Texas, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned right-of-way.
- (Q) [2016-4796](#): SECOND & FINAL READING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 2, "Administration," Article II, "Code of Ethics" to create an Ethics Review Board, add standards of conduct, add complaint procedures, and implement sanctions for violations of the Ethics Code.
- (R) [2016-4798](#): SECOND & FINAL READING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 37, "Traffic," to include a general update of the Chapter and changes to the two-hour parking regulations.

Misc.

- (S) [2016-8244-R](#): Consider adopting a resolution authorizing the submission of a grant application for the Texas A&M Forest Service TIFMAS Grant Assistant Program in the amount of \$625, for training tuition.
- (T) [2016-8245-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

V. REGULAR AGENDA

ORDINANCES – SECOND READING/PUBLIC HEARING

8. [2016-4794](#): SECOND READING – PUBLIC HEARING - Z-FY-16-35: Consider adopting an Ordinance, amending Ordinance No. 2002-3840, authorizing a Conditional Use Permit on property zoned Planned Development - General Retail, to allow and construct an office warehouse, Lake Belton Plaza Phase II, located at 37 Morgan's Point Road.
9. [2016-4795](#): SECOND READING – PUBLIC HEARING - Z-FY-16-36: Consider adopting an ordinance authorizing a rezoning from Single Family-One district and Multi-Family-Two district to Neighborhood Service district on 3.986 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street.
10. (A) [2016-4797](#): SECOND READING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 15, "Garbage, Refuse, and Recycling," to create Article II titled "Construction Waste Hauling Permit."

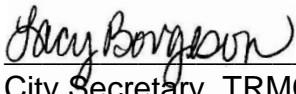
(B) [2016-8246-R](#): Consider adopting a resolution setting the permit fee for a Construction Waste Hauling Permit.

RESOLUTION – PUBLIC HEARING

11. [2016-8247-R](#): PUBLIC HEARING - Z-FY-16-37: Consider adopting an resolution authorizing a Temporary Special Permit for a manufactured home placement on property for a medical hardship for elderly parents at 3205/3265 Airport Trail.

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 8:00 AM, on Friday, July 29, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

08/04/16
Item #5
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2016-2017 operating budget.

(B) Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 26, 2016.

STAFF RECOMMENDATION: (A) Receive presentation and conduct public hearing. Final action is to be taken by the Council at the August 26th meeting; (B) Adopt resolution as presented in item description.

ITEM SUMMARY: (A) **Budget- Public Hearing** - The City Manager's recommended budget was filed in accordance with the City Charter on June 24, 2016. Council has met for budget related work sessions on July 7th and 21st.

This is the initial public hearing on the proposed 2016-2017 budget, and complies with the State and Charter requirements that must be met before the budget can be adopted by the Council. A supplemental second public hearing on the budget will be conducted at the August 26th Special Council meeting, prior to budget adoption.

(B) Proposed Tax Rate – Resolution setting date for adoption - The proposed tax rate will be presented and discussed at the meeting, prior to adoption of a resolution scheduling the adoption of the proposed tax rate for August 26th.

These proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

FISCAL IMPACT:

(A) Budget: The proposed FY 2017 budget as filed on June 24, 2016:

Revenues/Other Sources	Adopted Budget FY 2016	Filed Budget FY 2017	% Increase/ (Decrease)
General Fund	\$ 65,934,694	\$ 67,726,478	2.72%
Water & Wastewater Fund	33,466,378	34,029,828	1.68%
Debt Service Fund	12,767,675	14,599,530	14.35%
Hotel/Motel Tax Fund	1,936,720	1,900,800	-1.85%
Federal/State Grant Fund	357,357	410,971	15.00%
Drainage Fund	1,138,650	1,175,740	3.26%
Reinvestment Zone No. 1 Fund	21,762,204	22,212,397	2.07%
Total Revenues/Other Sources	\$ 137,363,678	\$ 142,055,744	3.42%

Expenditures/Transfers	Adopted Budget FY 2016	Filed Budget FY 2017	% Increase/ (Decrease)
General Fund	\$ 68,730,216 ⁽¹⁾	\$ 70,707,696 ⁽²⁾	2.88%
Water & Wastewater Fund	33,466,378	34,029,828	1.68%
Debt Service Fund	13,319,332	14,900,556	11.87%
Hotel/Motel Tax Fund	2,356,118	1,912,400	-18.83%
Federal/State Grant Fund	357,357	410,971	15.00%
Drainage Fund	1,648,150	1,175,740	-28.66%
Reinvestment Zone No. 1 Fund	20,630,776	20,222,490	-1.98%
Total Expenditures/Transfers	\$ 140,508,327	\$ 143,359,681	2.03%

⁽¹⁾ Includes the use of \$2,795,522 in Undesignated Fund Balance - Capital Projects to fund Capital of \$2,095,522 and TEDC Matrix allocation of \$700,000.

⁽²⁾ Includes the use of \$2,981,218 in Undesignated Fund Balance - Capital Projects to fund Capital of \$2,359,218, TEDC Matrix allocation of \$522,000, and Strategic Investment Zone of \$100,000.

Changes from the preliminary budget filed on June 24, 2016 to the proposed budget as presented August 4, 2016, with a proposed tax rate of 65.72¢. Adjustments are as indicated on the attached documents.

	Adopted Budget FY 2016	Proposed Budget FY 2017	% Increase/ (Decrease)
Revenues/Other Sources			
General Fund	\$ 65,934,694	\$ 67,487,385	2.35%
Water & Wastewater Fund	33,466,378	34,029,828	1.68%
Debt Service Fund	12,767,675	14,599,530	14.35%
Hotel/Motel Tax Fund	1,936,720	1,900,800	-1.85%
Federal/State Grant Fund	357,357	410,971	15.00%
Drainage Fund	1,138,650	1,175,740	3.26%
Reinvestment Zone No. 1 Fund	21,762,204	22,212,397	2.07%
Total Revenues/Other Sources	\$ 137,363,678	\$ 141,816,651	3.24%

	Adopted Budget FY 2016	Proposed Budget FY 2017	% Increase/ (Decrease)
Expenditures/Transfers			
General Fund	\$ 68,730,216 ⁽¹⁾	\$ 70,468,603 ⁽²⁾	2.53%
Water & Wastewater Fund	33,466,378	34,029,828	1.68%
Debt Service Fund	13,319,332	14,900,556	11.87%
Hotel/Motel Tax Fund	2,356,118	1,912,400	-18.83%
Federal/State Grant Fund	357,357	410,971	15.00%
Drainage Fund	1,648,150	1,175,740	-28.66%
Reinvestment Zone No. 1 Fund	20,630,776	20,222,490	-1.98%
Total Expenditures/Transfers	\$ 140,508,327	\$ 143,120,588	1.86%

⁽¹⁾ Includes the use of \$2,795,522 in Undesignated Fund Balance - Capital Projects to fund Capital of \$2,095,522 and TEDC Matrix allocation of \$700,000.

⁽²⁾ Includes the use of \$2,981,218 in Undesignated Fund Balance - Capital Projects to fund Capital of \$2,359,218, TEDC Matrix allocation of \$522,000, and Strategic Investment Zone of \$100,000.

(B) Tax Rate: The proposed tax rate for FY 2017 is 65.72¢. This rate is comprised of two components, maintenance and operations (M&O) of 31.42¢ and the interest & sinking (I&S) rate of 34.30¢. The current FY 2016 tax rate is 62.98¢.

	FY 16 Adopted vs FY 17 Filed +/-			FY 16 Adopted vs FY 17 Proposed +/-	
	Adopted 2016	Filed 2017		Certified Roll 2017	
I&S Rate	\$ 0.3064	\$ 0.3414	\$ 0.0350	\$ 0.3430	\$ 0.0366
M&O Rate	0.3234	0.3234	-	0.3142	(0.0092)
Total Rate	\$ 0.6298	\$ 0.6648	\$ 0.0350	\$ 0.6572	\$ 0.0274

Note: The tax rate proposed in the budget document filed on June 24, 2016 was 66.48¢. The rate was developed based on estimates. Subsequent to the budget filing, staff received the Certified Roll and the Effective Tax Rate calculations.

ATTACHMENTS:

[FY 2016-2017 Budget Message](#)
[Schedule of Adjustments](#)
[Resolution](#)

June 24, 2016

Honorable Mayor and City Council,

I am pleased to present my proposed Fiscal Year 2016-2017 Budget (FY 2017 Budget) for the City of Temple totaling \$143,359,681 for all funds.

The emphasis and focus of this FY 2017 Budget is on providing services that our residents request and responding to the growth of our community. Whether it is improving our streets and roads, enhancing public safety, providing a place where residents can check out books, providing places where residents can swim or walk along a trail or play ball, or picking up the trash, the City continues to provide multiple services to our residents. That is what we do and who we are, a service delivery organization that is responsive to the needs and desires of the community we serve.

"Temple Tomorrow," our strategic plan, has four strategic focus areas:

1. Serving Our Community
2. Improving Our Infrastructure
3. Expanding the Tax Base
4. Growing the Health and Biosciences Industries

The four (4) focus areas provide the foundation for our planning, budgeting, and work plans. Accordingly, the FY 2017 Budget, as with past budgets, continues to allocate resources with all four of these strategic focus areas in mind.

Budget Development & Background

Budget Process—The City's budget is a complex document representing the culmination of months of preparation and discussion. Developing a budget is a year round process and the framework for the development of this budget began in late 2015 with the City Manager working

on timelines and issue identification. Through late 2015 and early 2016, I worked with Finance to develop the budget calendar and process for the FY 2017 Budget.

In February, I held a planning retreat with department and division heads to identify and discuss issues for the upcoming budget. Additionally, the Finance staff and I met with Departments to conduct a status review of current year budget and performance indicators and provide initial direction regarding issues identified in the planning retreat.

Also in February, the City Council held a budget retreat to discuss various strategic issues and to review and, as might be needed, update the City's Strategic Plan. The Strategic Plan establishes the mission and vision of the City, identifies four (4) major areas of focus, and establishes the specific goals and objectives. The areas of focus identified in the Plan are: (1) Expand the Tax Base, (2) Grow Health and Bioscience, (3) Improve Our Infrastructure, and (4) Serve our Community. These focus areas and their associated goals and objectives guided the development of the FY 2017 Budget. During the retreat, Council also received information regarding potential budget issues identified by staff.

From February through the delivery of the FY 2017 Budget, staff has worked on preparing, reviewing, researching and responding to questions from Finance and me relating to the programs and services this Preliminary Budget recommends.

Budget Approach—This year's budget, has been developed within the framework of the strategic plan priorities adopted by the City Council and the budget parameters ("the Rules of Engagement") that I briefed the Council on at the February 26 budget retreat and May 19, 2016 budget work session. Those Rules are:

1. Maintain current services and service levels;
2. Preserve, protect, and develop our workforce;
3. Grow our tax base & economy; and
4. Preserve and enhance our facilities and infrastructure.

All within a framework of fiscal restraint and responsibility, while looking for opportunities to improve or enhance the level of services.

Financial Highlights—The FY 2017 Budget appropriates a total of \$143,359,681 for the upcoming fiscal year. Of this amount, \$124,644,753 is allocated for the operations and maintenance budget which includes debt service and transfers and \$18,714,928 is allocated for routine capital for the general operating budget which includes equipment and public infrastructure projects. Included in this amount is \$13,790,000 of Reinvestment Zone infrastructure improvements. In accordance with current fiscal and financial policies, \$2,370,818 of the routine capital is funded with fund balance or retained earnings. The breakdown of this amount is as follows:

\$ 2,359,218 – General Fund

\$ 11,600 – Hotel/Motel Tax Fund

As in previous years, the FY 2017 Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

In addition, \$35,000,000 is included for capital improvements programs (CIP), broken down as follows:

- Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (UR CIP) - \$35,000,000

City Manager's Highlights

With the above in mind, I will highlight a few areas of general priority and significance in the FY 2017 Budget.

Public Safety—The FY 2017 Budget includes several initiatives designed to enhance public safety services. The Budget recommends upgrading two existing corporal level classifications to lieutenant positions and two existing corporal level classifications to sergeant positions to provide the needed level of supervision in our Police Department. Funding is also included to back-fill the four upgraded positions with four police officer positions. This will result in a net gain of four additional positions in the Police Department. Additionally, the Budget includes funding for the replacement of 8 marked and 3 unmarked police vehicles and the addition of 1 marked and 3 unmarked police vehicles.

The Budget also recommends upgrading three firefighter positions to fire driver positions to allow full time staffing of the Rescue #3 apparatus and upgrading the fire marshal position from a captain classification to a deputy chief classification to allow for a clear chain of command within the department.

Parks and Recreation—In May of 2015, voters approved a \$27,675,000 Parks bond package that includes 24 projects ranging from neighborhood park improvements, new community parks, new and upgraded athletic facilities, facility upgrades, water recreation projects, and linkage trails.

The FY 2017 Budget includes operating and maintenance expenses associated with bond improvements anticipated to come online during FY 2017 including Jaycee, Carver, Western Hills, Oak Creek, Optimist, and Jefferson neighborhood parks improvements, Wilson football field, Scott & White baseball complex,

Northam baseball complex, Sammons Community Center, and Crossroads Park. The operations and maintenance expenses for FY 2017 total \$444,332, of which \$213,500 is for capital equipment. Included in the operations and maintenance expenses are the following additional positions: 1) one crew leader, 2) two equipment operators, 3) three maintenance workers, and 4) one aquatic/maintenance worker.

Community Development—The FY 2017 Budget continues to leverage our Community Development Block Grant (CDBG) funds to maintain our Community Development program which is tasked with assisting with the implementation of the East Temple Redevelopment Plan. Programs proposed for funding include the housing improvement program, infrastructure improvements, and a demolition program.

Solid Waste & Recycling—The FY 2017 Budget includes the addition of a residential solid waste route which includes an additional Automated Route Operator position and an additional solid waste truck. We currently have 11 residential solid waste routes serving approximately 23,300 customers. The addition of a solid waste route will assist in reducing the average customers per route back to a manageable level. The good news is that we are a growing city, and that impact is reflected in the need to add equipment and a route to our residential collection.

Additionally, the FY 2017 Budget includes the replacement of four solid waste trucks and a placeholder to provide for the continued operation of our residential curbside program. We are currently working with our recycling contractor, Balcones Recycling, on an amendment to our agreement which will likely have an impact on the FY 17 operations. Our proposed adjustment to residential solid waste rates of \$1.25 per month partially reflects this estimated impact, as well as, other operational impacts that we've experienced

since our last rate increase. The last adjustment to residential solid waste rates occurred in FY 2013 and was associated with the addition of curbside recycling. The last adjustment for general operations occurred in FY 2010.

Transportation Infrastructure—The FY 2017 Budget includes the fifth year of a multi-year transportation capital improvement program. The Transportation CIP (TCIP) is a ten-year, \$126,700,000 effort to expand and maintain our major transportation infrastructure. The TCIP is a result of our recent assessments and reports on both the condition of our transportation infrastructure and the need to improve our mobility.

The project areas identified in the TCIP are intended to address both the need to improve our existing transportation infrastructure and provide new capacity and connectivity. The TCIP is a dynamic program that has, and will continue to, evolve and change in response to community needs.

A key element in the TCIP is a recognition that, in addition to building new roads to increase capacity and connectivity, we also need to take care of the streets and roads that we have built. What we refer to as the "Legacy Pavement Preservation Program." Taking care of existing infrastructure is the most cost effective way to manage and maintain the system, as the more infrastructure deteriorates, the more costly it is to restore serviceability. The Legacy Pavement Preservation Program enhances pavement performance, extends pavement life, decreases lifetime roadway costs, reduces user delays, and provides improved safety and mobility.

The implementation and financing plan recommended for the TCIP is a phased approach which groups projects in three-year packages with design and right-of-way acquisition funded first and, in most cases, construction funded in

the following package. Each three-year package also includes \$9,000,000 for the Legacy Pavement Preservation Program – an average of \$3,000,000 each year.

This phased approach allows us to allocate construction funds only when projects are ready, minimize and stabilize the tax rate impact, maximizes opportunity for tax base growth; and allows us to balance debt amortization.

The funding for implementation of the TCIP program was also established as a phased plan with an initial tax rate adjustment of 1.25 cents in FY 2013 and an additional tax rate adjustment of 3.5 cents in FY 2017. The FY 2017 Budget reflects the planned 3.5 cent tax rate impact.

Additionally, the FY 2017 Budget includes funding for the second year of a three year plan to implement detection technology at 100% of the City's signalized intersections. Detection allows the signal to operate more efficiently, which improves coordination and timing.

Utility Infrastructure—The City has invested almost \$107,716,000 over the past 10 years in improving and extending our water and sewer infrastructure. The FY 2017 Budget includes an additional \$35,000,000 to continue this work. Our utility infrastructure, no less so than our transportation infrastructure, is extremely important to our ability to deliver services in one of our core mission areas. I believe our strategic plan, our strategic focus areas, and our community expectations relative to the services we provide, should reflect this.

Other Highlights—In addition to the programs and positions detailed above, the FY 2017 Budget also includes the addition of a part-time Maintenance Worker in the Code Enforcement division to assist with maintenance of city-owned vacant lots and privately owned lots that have been issued an order to mow; an Auto Technician

II position in the Fleet Services division to assist with the maintenance of the city's fleet; a Utility Technician II position, funded through the Reinvestment Zone No. 1, in the Parks Department to assist with the ongoing maintenance of projects in the Reinvestment Zone; an Environmental Programs Technician in the Utility Services division to conduct customer service inspections for backflow and cross-connection prevention; an Administrative Assistant I, partially funded through the Community Development Block Grant program, in the General Services division to provide support for necessary administrative functions; and, an additional Combination Building Inspector position to maintain timely plan review and inspection services in response to growth and increased development activities within the community. The ongoing cost associated with this additional Combination Building Inspector position is proposed to be recovered through an adjustment to the Building Permit Fee schedule.

The FY 2017 Budget also provides for the full year implementation of Civil Service pay plan adjustments that went into effect in April 2016. The Budget also includes an allocation for our performance pay program for general government employees as well as an allocation for the initial phase of implementation of the 2016 General Government Comprehensive Classification/Compensation Plan update that is currently underway and scheduled to be completed in October 2016.

The FY 2017 Budget also includes continued funding for a group health insurance plan, employee retirement plan, and employee longevity program.

One of the strategic focus areas identified in our Strategic Plan is to “expand the tax base.” In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is

critical that this objective be met. As Council will recall, the FY 2008 Budget included a funding commitment to a “matrix incentive pool” at \$800,000. This “matrix incentive pool” was intended to provide funding for economic development incentives relating to economic development agreements with new and/or expanding businesses. The FY 2017 Budget continues that commitment and includes a \$522,000 “placeholder” investment to maintain and replenish the matrix funding level.

Financial Highlights by Fund

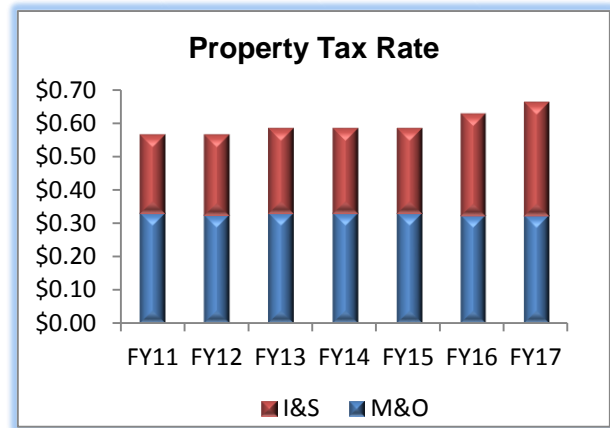
General Fund Revenues—Total revenues for the FY 2017 General Fund Budget are presented at \$67,726,478, an increase of 2.72% compared to the FY 2016 Adopted Budget. The three largest sources of revenue for the General Fund are sales tax, property tax, and solid waste charges.

Property Tax—In the FY 2017 Budget, property tax accounts for 19.77% of the General Fund budgeted revenues and is the second largest revenue source of the General Fund. The tax rate for FY 2017 is proposed at 66.48¢ per \$100 valuation, which includes the planned 3.5¢ tax rate adjustment for the Transportation Capital Improvement Program.

This rate is based on a preliminary appraised value of \$3,985,432,114 (net taxable value not adjusted for frozen values). The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year’s proposed tax rate is 32.34¢ for the M&O rate and 34.14¢ for the I&S rate.

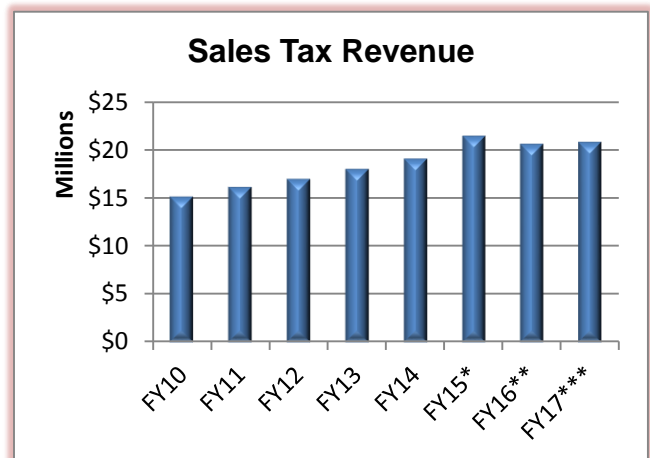
The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final

adoption of the budget to reflect the current parameters set forth by Council.



Sales Tax—While much attention is focused on the property tax rate number, our single largest source of revenue for the General Fund continues to be sales tax revenue. In the FY 2017 Budget, sales tax is projected to account for 30.76% of the General Fund budgeted revenues.

The FY 2017 Budget estimates \$20,830,000 in sales tax revenue, a 2.43% increase in sales tax revenue over budgeted FY 2016 sales tax revenue.

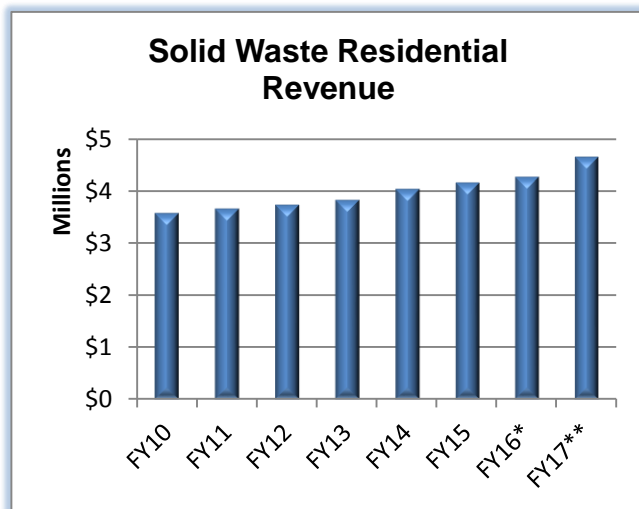


*Includes a \$1,798,088 prior period audit adjustment

**Forecasted for FY 2016

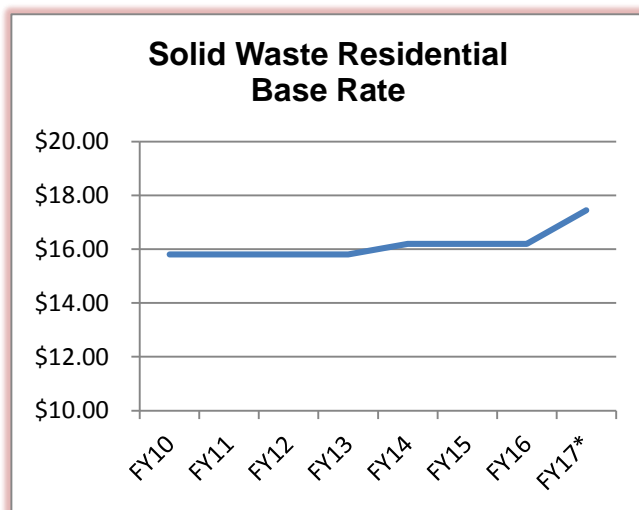
***Budgeted for FY 2017

Solid Waste Rates—Charges associated with solid waste services represent the third largest source of revenue for the General Fund and are projected to account for 14.64% of total General Fund revenues. \$9,918,339 in solid waste revenue is projected for FY 2017, representing a 4.82% increase from the FY 2016 solid waste revenue adopted budget of \$9,461,996. The FY 2017 Budget includes an adjustment to residential solid waste rates of \$1.25 per month as previously mentioned. The last adjustment to residential solid waste rates occurred in FY 2013 and was associated with the addition of curbside recycling. The last adjustment for general operations occurred in FY 2010.



*Forecasted for FY 2016

**Budgeted for FY 2017



*FY 2017 Budgeted Residential Base Rate

General Fund Expenditures—Total expenditures for the FY 2017 General Fund Budget are presented at \$70,707,696, an increase of 2.88% compared to the FY 2016 Adopted Budget. As noted above, significant programs in the FY 2017 Budget that have contributed to this increase include the following:

- Additional solid waste route;
- Four (4) upgraded and four (4) additional positions in the Police Department;
- Full year implementation of Civil Service pay plan adjustments that went into effect in April 2016;
- Allocation for the initial phase of implementation of the 2016 General Government Comprehensive Classification/Compensation Plan update that is currently underway;
- Parks and Recreation operation/maintenance cost for Park Bond projects coming online in FY 2017.

Capital Improvement Programs—The City Staff continues to manage the largest capital improvement programs in the history of the community. As of March 31, 2016, a total of \$251,508,525 has been allocated for various capital projects including such improvements as water and sewer infrastructure, transportation infrastructure, parks improvements, and public safety infrastructure.

Funding sources for these projects can be identified in eight major areas:

- Utility Revenue Bonds
- General Obligation Bonds
- Certificates of Obligation
- General Operating Budget Funding
- Limited Tax Notes
- TxDOT Pass Through Finance Agreement
- Grants

- Reinvestment Zone No. 1

Within the Capital Improvement Projects section of this document, the specific projects recommended are listed within three categories. The categories are routine capital, multi-year non-routine capital, and projects identified for future funding.

Water and Wastewater Fund—Total revenues for the FY 2017 Water and Wastewater Fund Budget are presented at \$34,029,828, an increase of 1.68% compared to the FY 2016 Adopted Budget.

Expenses, capital improvements, and debt service for the FY 2017 Water and Wastewater Fund Budget are presented at \$34,029,828, an increase of 1.68% compared with prior year. The capital improvements include the allocation of \$35,000,000 to continue the long-term replacement program of water and sewer infrastructures and equipment needs. A 6.39% rate increase was approved in the FY 2013 Budget to support these operational and capital programs.

Hotel/Motel Tax Fund—Total revenues for the Hotel/Motel Fund Budget are presented at \$1,900,800, a decrease of 1.85% compared to the FY 2016 Adopted Budget. 20.15% of the Hotel/Motel revenues are from the operations of the Frank Mayborn Center. Expenditures for the Hotel/Motel Fund Budget are presented at \$1,912,400, a decrease of 18.83% compared to the FY 2016 Adopted Budget. The FY 2016 Budget included several non-recurring expenditures, including the Master Plan for the Bend of the River Botanic Garden. Funding for the Frank Mayborn Center, Tourism/Marketing, and Railroad & Heritage Museum are funded through the Hotel/Motel Tax Fund. Agencies seeking community enhancement grants whose services are eligible for funding by hotel/motel tax

revenues are also funded through the Hotel/Motel Tax Fund.

Federal and State Grant Fund—Total revenues and expenditures for Federal and State Grant Fund Budget are presented at \$410,971, an increase of 15.00% compared to the FY 2016 Adopted Budget. Total revenues include the award of the Community Development Block Grant (CDBG) at \$410,971. The proposed allocation of CDBG funds are as follows:

- Public service agencies - \$57,500
- Demolition - \$70,000
- Housing improvements - \$103,471
- Infrastructure improvements- \$100,000
- General administration - \$80,000

Drainage Fund—Total revenues are presented at \$1,175,740, a 3.26% increase from prior year. Expenditures are presented at \$1,175,740, a decrease of 28.66% compared to the FY 2016 Adopted Budget. The FY 2016 Budget included several major capital purchases which are not recurring. The expenditures of the drainage fund represent personnel and operational cost related to maintenance of existing drainage systems.

Conclusion

This is only a brief synopsis of the Budget for FY 2017. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who contributed to the development of this Budget. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

Some of our continuing efforts are not reflected in individual line items in the budget: our focus on developing a world-class engaged team of employees and our efforts to engage the community. In partnership with the Temple

Economic Development Corporation, the Reinvestment Zone, the Chamber, our school districts and other strategic partners, we're committed to making Temple *the* place where businesses and residents want to live, work and play.

Finally, I want to extend a special word of appreciation to Director of Finance Traci Barnard and her staff for their many hours of work and effort. Of special note is the work done by Assistant Director of Finance Melissa Przybylski and Budget Coordinator Jennifer Emerson. I also need to recognize Assistant City Manager Brynn Myers for her work, insight, and input into the development of the FY 2017 Budget. Quite simply, this document could not have been produced without them.

Respectfully submitted,



Jonathan Graham | City Manager

FY 2017

GENERAL FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 67,726,478	\$ 67,487,385	\$ (239,093) ^A
Proposed Budget Expenditures	69,423,380	69,184,287	(239,093) ^B
Excess Revenues Over (Under) Expenditures	<u>(1,696,902)</u>	<u>(1,696,902)</u>	<u>-</u>
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
Solid Waste/CNG	(985,000)	(985,000)	-
FY 2016 Bldg Improvements/Garbage Trucks	(299,316)	(299,316)	-
Total Transfer In (Out)	<u>(1,284,316)</u>	<u>(1,284,316)</u>	<u>-</u>
Excess Revenues Over (Under) Expenditures for FY 2017	<u>\$ (2,981,218)</u>	<u>\$ (2,981,218)</u>	<u>\$ -</u>
Recommended Use of Undesignated Fund Balance			
- TEDC Matrix Funding	\$ 522,000	\$ 522,000	\$ -
- Capital Equipment Funding	2,359,218	2,359,218	-
- Strategic Investment Zone Funding	100,000	100,000	-
	<u>\$ 2,981,218</u>	<u>\$ 2,981,218</u>	<u>\$ -</u>

Explanation of Changes from Filed Budget to Proposed Budget @ 08/04/2016:

^A **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ (367,729)
Adjusted revenue estimates	128,636
Total Revenue Changes	<u>\$ (239,093)</u>

^B **Expenditure Changes:**

Various operational adjustments	\$ (237,602)
Adjusted contingency for adjustment from preliminary to certified tax roll	(1,491)
Total Expenditures Changes	<u>\$ (239,093)</u>

Net Revenue Over (Under) Expenditures

\$ -

FY 2017

WATER & WASTEWATER FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 34,029,828	\$ 34,029,828	\$ -
Proposed Budget Expenses	34,029,828	34,029,828	-
Excess Revenues Over (Under) Expenditures for FY 2017	\$ -	\$ -	\$ -

FY 2017

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 13,315,214	\$ 13,315,214	\$ -
Proposed Budget Expenditures	14,900,556	14,900,556	-
Excess Revenues Over (Under) Expenditures	\$ (1,585,342)	\$ (1,585,342)	-
Transfers In (Out):			
Plus: Transfer In From General Fund -			
Solid Waste/CNG	985,000	985,000	-
FY 2016 Bldg Improvements/Garbage Trucks	299,316	299,316	-
Total Transfer In (Out)	1,284,316	1,284,316	-
Excess Revenues Over (Under) Expenditures for FY 2017	\$ (301,026)	\$ (301,026)	\$ -
Recommended Use of Undesignated Fund Balance	301,026	301,026	-
	\$ -	\$ -	\$ -

FY 2017

HOTEL/MOTEL TAX FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 1,900,800	\$ 1,900,800	\$ -
Proposed Budget Expenditures	1,912,400	1,912,400	-
Excess Revenues Over (Under) Expenditures	\$ (11,600)	\$ (11,600)	-
Excess Revenues Over (Under) Expenditures for FY 2017	\$ (11,600)	\$ (11,600)	\$ -
Recommended Use of Undesignated Fund Balance			
- Capital Equipment Funding	\$ 11,600	\$ 11,600	\$ -
	\$ -	\$ -	\$ -

FY 2017

**FEDERAL/STATE GRANT FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 410,971	\$ 410,971	\$ -
Proposed Budget Expenditures	410,971	410,971	-
Excess Revenues Over (Under) Expenditures for FY 2017	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

FY 2017
DRAINAGE FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 1,175,740	\$ 1,175,740	\$ -
Proposed Budget Expenditures	1,175,740	1,175,740	-
Excess Revenues Over (Under) Expenditures for FY 2017	\$ -	\$ -	\$ -

FY 2017

**REINVESTMENT ZONE NO. 1 FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget ¹		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-04-16	
Projected Revenues	\$ 22,212,397	\$ 22,212,397	\$ -
Proposed Budget Expenditures	20,222,490	20,222,490	-
Excess Revenues Over (Under) Expenditures for FY 2017	<u>\$ 1,989,907</u>	<u>\$ 1,989,907</u>	<u>\$ -</u>

¹ - As amended in Financing Plan approved by Council on October 15, 2015

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SCHEDULING THE ADOPTION OF THE PROPOSED TAX RATE FOR AUGUST 26, 2016; DECLARING FINDINGS OF FACTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 26 of the Property Tax Code requires all taxing entities to comply with truth-in-taxation laws in adopting their tax rates in an effort to make taxpayers aware of tax rate proposals and, in certain cases, to roll back or limit a tax increase;

Whereas, the City Manager's recommended budget was filed in accordance with the City Charter on June 24, 2016 and City Council has met for budget related work sessions on July 7, 2016, and July 21, 2016;

Whereas, the proposed tax rate for fiscal year 2017 is 65.72¢ and is comprised of two components – maintenance and operations of 31.42¢ and the interest and sinking rate of 34.30¢, the current fiscal year tax rate is 62.98¢;

Whereas, the City Council has determined that it is in the public interest to schedule the adoption of the proposed tax rate for August 26, 2016.

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

Part 1: The City Council schedules the adoption of the proposed tax rate for 8:30 a.m. on August 26, 2016, in the City Council Chambers on the second floor of the Municipal Building located at Main and Central in Temple, Texas.

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 4th day of **August**, 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

08/04/16

Item #6

Regular Agenda

Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an Ordinance authorizing the issuance of the City of Temple, Texas Limited Tax Note, Series 2016; Authorizing the levy of an ad valorem tax in support of the note; Approving a Purchase Letter and a Paying Agent/Registrar Agreement; Awarding the Sale of the Note; and Authorizing other matters related to the issuance of the Note.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first and final reading.

ITEM SUMMARY: On May 19, 2016, Council delegated authority to the Director of Finance or in her absence, the City Manager to issue notes and finalize pricing within parameters in a par amount not to exceed \$2,000,000*. The delegation of authority allowed the City to obtain the most advantageous terms on the notes in order to achieve maximum debt service savings.

The delegation authority authorized by Council had the flexibility built in for a private placement sale, but the notes would have had to be rated to fit in the requirements of a 1371 new money delegation. Since that date, the City has obtained pricing from Compass Mortgage Corporation as a private placement with a net interest cost of 1.96%. The amount of note to be issued is \$1,950,000. Since the private placement sale did not require a rating, a new ordinance is required.

The proceeds from the Limited Tax Note will be used to fund five commercial sanitation trucks, building security upgrades and major building improvements to include HVAC replacement, interior/exterior renovations and roof replacements. These items were included in the FY 2016 capital budget.

The Limited Tax Note funds will be delivered on September 1, 2016.

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

FISCAL IMPACT: The maximum maturity of the Limited Tax note is seven years. The payback for the note will be from General Fund revenues and sanitation system revenues. The annual debt service for the note will be \$297,660. This amount was based on the actual net interest cost of 1.96%.

ATTACHMENTS:

[Ordinance](#)

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS
LIMITED TAX NOTE, SERIES 2016; AUTHORIZING THE LEVY OF AN AD
VALOREM TAX IN SUPPORT OF THE NOTE; APPROVING A PURCHASE LETTER
AND PAYING AGENT/REGISTRAR AGREEMENT; AWARDING THE SALE OF THE
NOTE; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF
THE NOTE**

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EXHIBIT A - PAYING AGENT/REGISTRAR AGREEMENT

ORDINANCE NO. 2016-_____

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS
LIMITED TAX NOTE, SERIES 2016; AUTHORIZING THE LEVY OF AN AD
VALOREM TAX IN SUPPORT OF THE NOTE; APPROVING A PURCHASE LETTER
AND PAYING AGENT/REGISTRAR AGREEMENT; AWARDING THE SALE OF THE
NOTE; AND AUTHORIZING OTHER MATTERS RELATED TO THE ISSUANCE OF
THE NOTE**

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

WHEREAS, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue a limited tax note (the "Note") for the purpose of: (1) paying contractual obligations incurred or to be incurred for the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Note; and

WHEREAS, the Note hereinafter authorized and designated is to be issued and delivered pursuant to Chapter 1431, Texas Government Code, as amended; and

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

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

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

SECTION 1. RECITALS, AMOUNT AND PURPOSE OF THE NOTE. (a) Recitals, Amount and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The Note of the City is hereby authorized to be issued and delivered in the aggregate principal amount of \$1,950,000 (the "Note") for the purpose of: (1) paying contractual obligations incurred or to be incurred for the purchase of materials, supplies, equipment, machinery, buildings, lands, and rights-of-way for the City's authorized needs and purposes and (2) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Note.

SECTION 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES OF NOTE. The Note issued pursuant to this Ordinance shall be designated: "CITY OF TEMPLE, TEXAS LIMITED TAX NOTE, SERIES 2016", and initially there shall be issued, sold, and delivered hereunder one fully registered Note in the denomination of \$1,950,000 dated September 1, 2016, numbered R-1, payable to the initial purchaser thereof (as designated in Section 12 hereof), or to the registered assignee of said Note (in each case, the "Registered Owner"), and said Note shall have a final maturity date of February 1, 2023, but payable in installments on February 1 in each of the years and in the principal installments, respectively, as set forth in the following schedule:

<u>YEARS</u>	<u>PRINCIPAL INSTALLMENTS</u>
2017	\$ 265,000
2018	265,000
2019	270,000
2020	280,000
2021	285,000
2022	290,000
2023	295,000

The term "Note" as used in this Ordinance shall mean and include collectively the Note initially issued and delivered pursuant to this Ordinance and any substitute or replacement Note exchanged therefor.

SECTION 3. INTEREST. The Note shall bear interest on the unpaid balance of the principal amount thereof in the manner and from the date specified in the FORM OF NOTE set forth in this Ordinance to the scheduled due date, or date of prepayment prior to the scheduled due date, of the principal installments of the Note at a rate of 1.960% per annum.

SECTION 4. CHARACTERISTICS OF THE NOTE. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at Compass Bank, an Alabama banking corporation in Leander, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Note (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of the Note to which payments with respect to the Note shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to

inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Note. Registration of assignments, transfers, conversions and exchanges of the Note shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

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

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

(c) In General. The Note (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Note to be payable only to the Registered Owner thereof, (ii) may be redeemed prior to its scheduled maturity (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for another Note, (iv) may be transferred and assigned, (v) shall have the

characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Note shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Note initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in conversion of and exchange for the Note issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

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

SECTION 5. FORM OF NOTE. The form of the Note, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Note initially issued and delivered pursuant to this Ordinance, shall be, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF NOTE

TRANSFER OF OWNERSHIP OF THIS NOTE IS SUBJECT TO CERTAIN LIMITATIONS SET FORTH IN THE NOTE ORDINANCE. REFERENCE IS HEREBY MADE TO THE ORDINANCE FOR A DESCRIPTION OF SUCH LIMITATIONS.

NO. R-1

**UNITED STATES OF AMERICA
STATE OF TEXAS**

REGISTERED

\$ 1,950,000

**CITY OF TEMPLE, TEXAS
LIMITED TAX NOTE
SERIES 2016**

**INTEREST
RATE**

1.960%

**DATED
DATE**

September 1, 2016

**FINAL MATURITY
DATE**

February 1, 2023

REGISTERED OWNER: COMPASS MORTGAGE CORPORATION

PRINCIPAL AMOUNT: ONE MILLION NINE-HUNDRED AND FIFTY THOUSAND DOLLARS

ON THE FINAL MATURITY DATE SPECIFIED ABOVE, the City of Temple, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on February 1 in each of the years, in the principal installments set forth in the following schedule and bearing interest at the per annum rate set forth above:

<u>YEARS</u>	<u>PRINCIPAL INSTALLMENTS</u>
2017	\$ 265,000
2018	265,000
2019	270,000
2020	280,000
2021	285,000
2022	290,000
2023	295,000

The City promises to pay interest on the unpaid principal installments hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the date of initial delivery of the Note on September 1, 2016 at the Interest Rate per annum specified above. Interest is payable on February 1, 2017 and semiannually on each August 1 and February 1 thereafter to the date of payment of the principal installment specified above; except, that if this Note is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal installment shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next

following interest payment date, in which case such principal installment shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note, if any, for which this Note is being exchanged is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full.

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

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

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to

close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS NOTE is a fully registered note dated September 1, 2016, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of **\$1,950,000, FOR THE PURPOSE OF (1) PAYING CONTRACTUAL OBLIGATIONS INCURRED OR TO BE INCURRED FOR THE PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT, MACHINERY, BUILDINGS, LANDS, AND RIGHTS-OF-WAY FOR THE CITY'S AUTHORIZED NEEDS AND PURPOSES AND (2) PAYING THE PROFESSIONAL SERVICES INCLUDING FISCAL, ENGINEERING, ARCHITECTURAL AND LEGAL FEES INCLUDING THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE NOTE.**

THE NOTE may be redeemed in whole, or in part, on or after February 1, 2021 by payment of an amount equal to the principal then outstanding plus accrued interest thereon to the date of redemption.

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

AT LEAST 30 calendar days prior to the date fixed for any redemption of the Note, or portions thereof, prior to maturity a written notice of such redemption shall be sent by the Registrar by United States mail, first class postage prepaid, to the Registered Owner of the Note to be redeemed at its address as it appeared on the Register on the 45th calendar day prior to such redemption date at least 30 days prior to the date fixed for redemption and to major securities depositories and bond information services. By the date fixed for any such redemption due provision shall be made with the Registrar for the payment of the required redemption price for the Note or portions for which such payment is made, all as provided above. The Note, or portion thereof, to be redeemed thereby automatically shall be treated as redeemed prior to its scheduled maturity, and such redeemed Note, or portion thereof, shall not bear interest after the date fixed for redemption, and the Note shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Registrar out of the funds provided for such payment. If a portion of any Note shall be redeemed, a substitute Note having the same maturity date, bearing interest at the same rate, in any authorized denomination or denominations, at the written request of the Registered Owner, and in aggregate principal amount equal to the

unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

AS PROVIDED IN THE ORDINANCE, this Note may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like fully registered Note, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note to the assignee or assignees in whose name or names this Note is to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Note will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege.

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

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Note have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law.

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

provisions of this Note and the Ordinance constitute a contract between each Registered Owner hereof and the City.

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

City Secretary

Mayor

(SEAL)

FORM OF PAYMENT RECORD

PAYMENT RECORD

Date of Payment	Principal Payment (amount and installment(s) to which payment is applied)	Remaining Principal Balance	Name and Title of Authorized Officer Making Entry	Signature of Authorized Officer
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

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

Dated _____.

COMPASS BANK, an Alabama banking corporation
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT:

ASSIGNMENT

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

Please insert Social Security or Taxpayer
Identification Number of Transferee

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

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

Dated: _____

Signature Guaranteed:

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

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

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

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Note has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

SECTION 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby confirmed and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be used for paying the interest on and principal of the Note. All ad valorem taxes levied and collected for and on account of said Note shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while the Note is outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Note as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Note as such principal matures (but never less than 2% of the original amount of said Note as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while the Note is outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Note, as such principal and interest comes due are hereby pledged for such payment, within the limit prescribed by law. Accrued

interest on the Note shall be deposited in the Interest and Sinking Fund and used to pay interest on the Note.

SECTION 7. ESTABLISHMENT OF PROJECT FUND. (a) Project Fund. The City's Limited Tax Note Series 2016 Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Note shall be deposited into the Project Fund.

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

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

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

(e) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Note shall be used along with the Note proceeds for the purpose for which the Note is issued as set forth in Section 1 hereof or to pay principal or interest payments on the Note; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Note from being an arbitrage bond shall be so rebated and not considered as interest earnings for the purposes of this Section.

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

SECTION 8. DEFEASANCE OF THE NOTE. (a) The Note and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Note") within the meaning of

this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Note, plus interest thereon to the final maturity date, either (i) shall have been made or caused to be made in accordance with the terms thereof or (ii) shall have been provided for on or before such final maturity date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until the Defeased Note shall have become due and payable or (3) any combination of (1) and (2). At such time as the Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

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

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

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

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

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Note is rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Note, is rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Note.

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

SECTION 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTE.

(a) Replacement Notes. In the event the outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Notes. Application for replacement of damaged, mutilated, lost, stolen or destroyed Note shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of the Note, the Registered Owner applying for the replacement Note shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of the Note, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Note, as the case may be. In every case of damage or mutilation of the Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation of the Note so damaged or mutilated.

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

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

(e) Authority for Issuing Replacement Note. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for the Note issued in conversion and exchange for the Note.

SECTION 10. CUSTODY, APPROVAL, AND REGISTRATION OF THE NOTE; BOND COUNSEL'S OPINION. The Mayor of the City is hereby authorized to have control of the Note initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Note pending its delivery and investigation, examination, and approval by the Attorney General of the State of Texas, and registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Note said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Note attached to such Note, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Note. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Note issued and delivered under this Ordinance, but it shall not have any legal effect, and shall be solely for the convenience and information of the Registered Owner of the Note.

SECTION 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTE. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Note as an obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

- (1) to take any action to assure that no more than 10 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if

more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Note, in contravention of section 141(b)(2) of the Code;

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

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

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

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

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

(A) proceeds of the Note invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Note is issued,

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

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

(7) to otherwise restrict the use of the proceeds of the Note or amounts treated as proceeds of the Note, as may be necessary, so that the Note does not otherwise contravene

the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

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

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

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

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Note, or (2) the

date the Note is retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Note. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

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

SECTION 12. SALE OF THE NOTE. The Note is hereby sold and shall be delivered to Compass Mortgage Corporation, an Alabama corporation (the "Purchaser") in accordance with the terms and provisions of that certain Purchase Letter relating to the Note between the City and the Purchaser and dated the date of the passage of this Ordinance. The form and content of such Purchase Letter is hereby approved, and the Mayor of the City is hereby authorized and directed to execute and deliver such Purchase Letter. It is hereby officially found and determined that the terms of this sale are the most advantageous reasonably obtainable as of the date hereof.

SECTION 13. REMEDIES IN EVENT OF DEFAULT. In addition to all the rights and remedies provided by the laws of the State of Texas, it is specifically covenanted and agreed particularly that in the event the City (i) defaults in the payment of the principal, premium, if any, or interest on the Note, (ii) declares bankruptcy, or (iii) defaults in the observance or performance of any other of the covenant, agreement or obligation of the City, the failure to perform which materially adversely affects the rights of the owners, including but not limited to, their prospect or ability to be repaid in accordance with this Section and the continuation thereof for a period of 60 days after notice of such default is given by any owner to the City, the following remedies shall be available:

(a) Any owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights to the owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the benefit of the owner of the Note then outstanding.

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

SECTION 14. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT. Attached hereto as Exhibit "A" is a substantially final form of Paying Agent/Registrar Agreement. The Mayor is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement.

SECTION 15. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

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

(b) Except as provided in paragraph (a) above, the holder of the Note shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of the holder, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in the Note so as to:

- (1) Make any change in the maturity of the Note;
- (2) Reduce the rate of interest borne by the Note;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on the Note; or
- (4) Modify the terms of payment of principal or of interest or redemption premium on the outstanding Note or impose any condition with respect to such payment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the Note a copy of the proposed amendment.

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

SECTION 16. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on the Note or for any claim based thereon or on this Ordinance against any official of the City or any person executing the Note.

SECTION 17. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note, the initial sale and delivery of the Note and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Note, the Mayor, the City Finance Director and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Note by the Texas Attorney General's office.

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

SECTION 18. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Note and the validity of the lien on and pledge of ad valorem taxes to secure the payment of the Note.

SECTION 19. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owner of the Note, any right, remedy or claim under or by reason of this

Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owner of the Note.

SECTION 20. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

SECTION 21. INCONSISTENT PROVISIONS. All orders, ordinances or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 22. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 23. REPEALER. All orders, ordinances and resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 4th day of August, 2016.

THE CITY OF TEMPLE, TEXAS

Mayor
City of Temple, Texas

ATTEST:

City Secretary
City of Temple, Texas

APPROVED AS TO FORM:

City Attorney
City of Temple, Texas

EXHIBIT "A"

PAYING AGENT/REGISTRAR AGREEMENT

Exhibit A



COUNCIL AGENDA ITEM MEMORANDUM

08/04/16
Item #7(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

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

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

July 21, 2016 Special and Regular Meeting
July 22, 2016 Special Called Meeting



COUNCIL AGENDA ITEM MEMORANDUM

08/04/16
Item #7(C)
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 two properties necessary for the expansion of Prairie View Road, the purchase of two temporary construction easements and authorizing closing costs associated with the purchases, in an amount not to exceed \$24,000.

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 Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317. The design requires the acquisition of right-of-way from eighteen 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 is preparing the required relocation studies.

Agreements have been reached with fourteen of the property owners, and counter offers have been received from three of the remaining four. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each this summer. On June 2, Council approved the acquisition of three properties, in an amount not to exceed \$214,000. On June 16, Council approved the acquisition of two properties, in an amount not to exceed \$366,000. On July 21, Council approved the acquisition of four properties, in an amount not to exceed \$496,000. At this time, Staff is asking for authorization to purchase the necessary right-of-way from two additional properties, purchase two accompanying temporary construction easements, and pay closing costs, in an amount not to exceed \$24,000. The addresses and Bell CAD ID Numbers of the two properties are listed below:

8856 Prairie View Road (Bell CAD #128361)
1698 Dewberry Lane (Bell CAD #128343)

FISCAL IMPACT: Funding is appropriated for the purchase of the four properties necessary for the expansion of Prairie View Road in account 365-3400-531-6862, project #101257.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PORTIONS OF TWO PROPERTIES NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD; THE PURCHASE OF TWO TEMPORARY CONSTRUCTION EASEMENTS; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$24,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including the realigned intersection of FM 317;

Whereas, the design requires the acquisition of right-of-way from 18 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 is preparing the required relocation studies;

Whereas, agreements have been reached with fourteen of the property owners and counter offers have been received from the other three of the remaining four - Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this summer;

Whereas, Staff recommends Council authorize the purchase of portions of two properties necessary for the expansion of Prairie View Road, the purchase of two temporary construction easements and authorize closing costs associated with these purchases in an amount not to exceed \$24,000 - the addresses of the two properties are:

8856 Prairie View Road
1698 Dewberry Lane;

Whereas, funding for the purchase of the two properties and two temporary construction easements for the expansion of Prairie View Road is available in Account No. 365-3400-531-6862, Project No. 101257; 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 two properties necessary for the expansion of Prairie View Road, located at 8856 Prairie View Road and 1698 Dewberry Lane, the purchase of two temporary construction easements and the payment of closing costs associated with these purchases in an amount not to exceed \$24,000.

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 **4th** day of **August**, 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

08/04/16
Item #7(D)
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 three properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$67,000, and authorizing the release of liens on two of the properties to be acquired, in the amount of \$6,680.37.

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 and MLK Fields festival grounds. The design requires the acquisition of real property from sixteen different property owners, and Stateside Right-of-Way Services was selected in February 2016 to assist with the acquisitions. Appraisals have been performed on all of the parcels and the City has made offers to the owners. Seven of the City's initial offers have been accepted to date. Council approved the acquisition of two properties on May 5, two properties on May 19, one property on June 16, and two properties on July 7.

In May 2016, two of the properties were sold at a tax sale, and in July 2016, Stateside Right-of-Way approached the new owner with an offer to purchase the properties. The owner has accepted the City's offer, and Staff is seeking authorization to complete the purchase of 314 South 6th Street and a portion of 219 South 6th Street, and pay necessary closing costs. As additional consideration, the owner has requested that the City release its 17 liens against the property located at 314 South 6th Street, and Staff is seeking authorization to release the liens with the acquisition.

Stateside Right-of-Way has also reached a negotiated agreement with a second property owner for the acquisition of 314 S. MLK Jr. Drive, and Staff is seeking authorization to complete the purchase and pay necessary closing costs. As additional consideration, the owner has requested that the City release its lien against the property, and Staff is seeking authorization to release the lien with the acquisition.

In sum, Staff is seeking authorization to complete the purchase of 314 S. MLK Jr. Drive, 314 South 6th Street, and a portion of 219 South 6th Street, and pay necessary closing costs, in an amount not to exceed \$67,000. Staff is also seeking authorization to release liens against two of the properties, totaling \$6,680.37.

FISCAL IMPACT: Funding for the purchase of three 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 THREE PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$67,000; AUTHORIZING THE RELEASE OF LIENS ON TWO OF THE THREE PROPERTIES TO BE ACQUIRED IN THE AMOUNT OF \$6,680.37; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Santa Fe Market Trail and MLK Fields festival grounds and the design requires the acquisition of real property from sixteen different property owners - Stateside Right-of-Way Services was selected in February 2016 to assist with the acquisitions;

Whereas, appraisals have been performed on all of the parcels and the City has made offers to the owners - seven of the City's initial offers have been accepted to date with Council approving the acquisition of two properties on May 5, 2016, two properties on May 19, 2016, one property on June 16, 2016, and two properties on July 7, 2016;

Whereas, in May 2016, two of the properties were sold at a tax sale, and in July 2016, Stateside Right-of-Way approached the new owner with an offer to purchase the properties - the owner has accepted the City's offer and as additional consideration, has requested that the City release 17 liens against the property located at 314 South 6th Street;

Whereas, Staff recommends Council authorize the purchase of 314 South 6th Street, a portion of 219 South 6th Street, and pay any necessary closing costs, in an amount not to exceed \$13,000 and recommends Council authorize the release of these 17 liens associated with the acquisition;

Whereas, Stateside Right-of-Way has also reached a negotiated agreement with a second property owner for the acquisition of 314 South MLK Jr. Drive, and Staff recommends Council authorize the purchase and pay necessary closing costs associated with this property - as additional consideration, the owner has requested that the City release a lien against the property;

Whereas, funding for the purchase of the three properties for the construction of the proposed Santa Fe Market Trail/MLK Fields Festival Grounds is available 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 three properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, authorizes the payment of closing costs associated with the purchases, in an amount not to exceed \$67,000, and authorizes the release of liens on two of the properties, in the amount of \$6,680.37.

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 and the release of these liens.

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 4th day of **August**, 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

08/04/16
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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 wastewater utility easements and two temporary construction easements necessary for the construction of the Leon River trunk sewer and authorizing closing costs associated with the purchases, in an amount not to exceed \$135,000.

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 Leon River Trunk Sewer project in southwest Temple, roughly parallel to the Leon River. The project is necessary to provide sewer service to properties along the route. The design requires the acquisition of easements for wastewater utilities and temporary construction easements from five property owners. On July 7, Council approved the acquisition of an easement across the property situated at 5105 Charter Oak Drive in Temple and pay closing costs in an amount not to exceed \$22,000. Agreements have since been reached with two additional property owners. Staff is asking for authorization to purchase two wastewater utility easements and two temporary construction easements necessary for the construction of the Leon River trunk sewer and authorizing closing costs associated with the purchases, in an amount not to exceed \$135,000. The twelve properties included in the agreements with the two owners are identified below:

7454 South General Bruce Drive (Bell CAD ID# 403046, 403048)
Parkside Drive (Bell CAD ID# 454094, 454095, 318010, 317992, 317994, 448184, 331353, 401109, 17750, 170404)

FISCAL IMPACT: Funding is available for the purchase of easements necessary for the construction of the Leon River trunk sewer in account 561-5400-535-6941, project 100851.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO WASTEWATER UTILITY EASEMENTS AND TWO TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE LEON RIVER TRUNK SEWER; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$135,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Leon River Trunk Sewer project in southwest Temple, roughly parallel to the Leon River - this project is necessary to provide sewer service to properties along this route and the design requires the acquisition of easements for wastewater utilities and temporary construction easements from five property owners;

Whereas, on July 7, 2016, Council approved the acquisition of an easement across the property situated at 5105 Charter Oak Drive in Temple and the payment of closing costs in an amount not to exceed \$22,000 - agreements have since been reached with two additional property owners and Staff recommends Council authorize the purchase of two wastewater utility easements and two temporary construction easements which are necessary for the construction of the Leon River trunk sewer and authorizing closing costs associated with the purchases, in an amount not to exceed \$135,000;

Whereas, the twelve properties included in the agreements with the two owners are identified as 7454 S. General Bruce Drive (Bell CAD ID# 403046, 403048) and Parkside Drive (Bell CAD ID# 454094, 454095, 318010, 317992, 317994, 448184, 331353, 401109, 17750, 170404);

Whereas, funding for the purchase of easements necessary for the construction of the Leon River trunk sewer is appropriated in Account No. 561-5400-535-6941, Project No. 100851; 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 wastewater utility easements and two temporary construction easements which are necessary for the construction of the Leon River trunk sewer and the payment of closing costs associated with the purchases, in an amount not to exceed \$135,000;

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 easements.

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 **4th** day of **August**, 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

08/04/16
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a storage area network backup solution from CDW Government, Inc. of Vernon Hills, IL, in the amount of \$63,008.88.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently has a complex set of requirements that include: working across a wide range of operating systems, network topologies and distributed environments, stringent security requirements, and managing massive data growth. The rate of data storage has increased about 30% year and will increase significantly in the future with the Police Body Cameras.

This solution is built for data growth. As data grows, increased resources are needed to duplicate, replicate, and manage the data. Most systems use a scale-up architecture that only add disk shelves as data grows. This solution adds the appropriate compute resources (processor, memory, and bandwidth) with disk capacity. This approach maintains a fixed-length backup window from 100 Terabytes to 1 Petabyte of primary data to be backed up.

This solution allows us to simply pay as we grow by adding the appropriate sized appliances as data volumes increase. Any size appliance or any age appliance can be mixed and matched in a single GRID, which allows for the IT Department to buy compute and capacity as we need it. This approach also will allow for an offsite storage system as well.

This solutions unique scale-out architecture adds computing power with capacity, combined with a unique Landing Zone, to solve the storage, data processing and data movement problem.

This solutions byte-level data deduplication technology allows for:

- The shortest backup window
- A backup window that does not grow as the data grows
- The fastest restores, tape copies and recovery from a disaster
- Virtual Server instant recovery in less time
- Redundant Offsite location

CDW Government has been awarded contract #130733 by National IPA, a public purchasing cooperative. Staff is recommending using this contract for the purchase of this storage solution. Contracts awarded through National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding is available for the purchase as follows:

Account #	Project #	Description	Amount Available
110-1900-519-6218	101579	Computer Hardware	\$ 11,000
110-5900-521-6218	101579	Computer Hardware	\$ 52,009
Total Funding Available			<u>\$ 63,009</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.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-1900-519-26-10		Telephone Communications		\$ 11,000
110-5900-521-62-18	101357	Capital Equipment / Computer Hardware		39,010
110-5912-515-62-21	101358	Capital Equipment / Computer Software		13,000
110-1900-519-62-18	101579	Capital Equipment / Computer Hardware	63,010	
TOTAL.....			\$ 63,010	\$ 63,010

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

For Storage Area Network Backup solution with redundant offsite storage location

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

8/4/2016

WITH AGENDA ITEM?

☒

Yes

☐

No



Department Head/Division Director

7/17/2016

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 THE PURCHASE OF A STORAGE AREA NETWORK BACKUP SOLUTION, IN THE AMOUNT OF \$63,008.88, FROM CDW GOVERNMENT OF VERNON HILLS, ILLINOIS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a complex set of requirements that include working across a wide range of operating systems, network topologies and distributed environments, stringent security requirements, and managing massive data growth - the rate of data storage needs has increased approximately 30% per year and will increase significantly in the future with the use of police body cameras;

Whereas, as data storage needs grow, increased resources are needed to duplicate, replicate, and manage the data – the purchase of a storage area network backup solution will add the appropriate computer resources (processor, memory, and bandwidth), additional disk capacity and will allow the City to pay as we grow by adding the appropriately sized appliances as data volumes increase;

Whereas, CDW Government has been awarded Contract #130733 by National IPA, a public purchasing cooperative and Staff recommends utilizing this contract for the purchase of this storage solution - contracts awarded through National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding is available for this purchase in Account No. 110-1900-519-6218 and 110-5900-521-6218, Project No. 101579; and

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

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

Part 1: The City Council authorizes the purchase of a storage area network backup solution, in the amount of \$63,008.88 from CDW Government of Vernon Hills, Illinois, utilizing a National IPA contract, and authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents associated with this purchase.

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

PASSED AND APPROVED this the **4th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director, Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of resale food items for Lions Junction Family Aquatic Center for FY 2016 in the estimated amount of \$38,000 from Performance Food Group of Temple.

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

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond Election was the addition of a deep water pool to complement the existing attractions at Lion's Junction Family Aquatic Center. Construction of the addition was completed in May 2016.

The addition of the new pool has generated a significant increase in visitation, and as a result, an increase in food and beverage sales. Historically, food purchases from Performance Food Group (PFG) have been less than \$25,000 per season; however, with the increased sales, staff is anticipating the need to purchase approximately \$38,000 in resale food items from PFG for the FY 2016 summer season.

Per the Local Government Code 252.022(a)(14), goods purchased for subsequent retail sale are exempt from competitive bidding. Accordingly, no competitive bidding is required related to these food item purchases. Staff, however, carefully shops products with various vendors to achieve the best value.

FISCAL IMPACT: A budget adjustment is being presented to Council in the amount of \$18,000 to appropriate additional revenue and cost of goods sold for Lions Junction Family Aquatic Center. Funding for the purchase of the resale food items from Performance Food Group will be available in account 110-3221-551-2721.

ATTACHMENTS:

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

FY **2016**

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+	-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-3221-551-27-21		Food Products/Preperation	18,000	
110-0000-445-20-04		Lions Food & Beverage Sales	18,000	
TOTAL.....			\$ 36,000	\$ -

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

Additional funds are needed in Costs of Foods Sold for Lions Junction Waterpark (\$13,000 to Performance Food Group and \$5,000 to other cost of goods sold). Revenues in food & beverage sales will cover these expenses.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

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, AUTHORIZING THE PURCHASE OF RESALE FOOD ITEMS, IN THE ESTIMATED AMOUNT OF \$38,000, FROM PERFORMANCE FOOD GROUP FOR LIONS JUNCTION FAMILY AQUATIC CENTER FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond Election was the addition of a deep water pool to complement the existing attractions at Lion's Junction Family Aquatic Center;

Whereas, the addition of the new pool has generated a significant increase in visitation, and as a result, an increase in food and beverage sales - historically, food purchases from Performance Food Group ("PFG") have been less than \$25,000 per season, however, with the increased sales, Staff anticipates the need to purchase approximately \$38,000 in resale food items from PFG for the fiscal year 2016 summer season;

Whereas, per Local Government Code 252.022(a)(14), goods purchased for subsequent retail sale are exempt from competitive bidding - no competitive bidding is required related to these food item purchases, however, Staff carefully shops products with various vendors to achieve the best value for the City;

Whereas, funding is available for this purchase in Account No. 110-3221-551-2721 and; 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 resale food items, in the amount of \$38,000 from Performance Food Group for Lions Junction Family Aquatic Center for fiscal year 2016, and authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents associated with this purchase.

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

PASSED AND APPROVED this the 4th day of **August**, 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Recreation
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Construction Manager-at-Risk guaranteed maximum price construction contract in the amount of \$1,144,975 for the renovations to Wilson Park Recreation Center with RM Rodriguez Construction, LP, of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 5, 2015, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for two projects approved in the 2015 Parks Bond: renovations to the Wilson Park Recreation Center and the Sammons Community Center. Then on February 18, 2016, Council authorized a CMAR contract for both projects with RM Rodriguez Construction, LP, (RMR) with the following fees: pre-construction phase fee of \$2,500 for each project, on-site management fee (general conditions) of \$7,425 per month for the Wilson Park Recreation Center project, and a profit and overhead fee (construction phase services fee) of 2.75%.

On July 19, 2016, RMR opened proposals for the construction services for the Wilson Park Recreation project, and has presented to the City a proposed Guaranteed Maximum Price (GMP) proposal in the amount of \$1,144,975. The GMP includes general condition fees and a construction phase service fee of \$37,125 and \$30,169, respectively. RMR's line item cost sheet detailing the GMP is attached.

The Wilson Park Recreation Center project includes renovations primarily to the interior of the facility, including, but not limited to, the following: vestibule addition, relocation and updates to the restroom facilities, enhancements to the receptionist and gym entrance areas, re-assignment of certain rooms to make them more effective for the operation of the facility, window additions, HVAC system replacement, flat roof replacement, kitchen update, flooring updates, and painting.

It is anticipated that the Wilson Park Recreation Center will close to the public by August 31, 2016, to allow for the 5-month renovation project to commence on September 1, 2016. It is anticipated that the project will be complete by January 31, 2017, at which time it will re-open to the public.

FISCAL IMPACT: This project is funded primarily by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015. Additional funding is available for the previously scheduled routine replacement of the roof and HVAC units in the amount of \$152,400. Funding is available for the construction contract for project 101328 in the accounts as follows:

	<u>362-3500-552-6419</u>	<u>110-5935-552-6310</u>	<u>364-3500-552-6310</u>	<u>Total</u>
Project Budget	\$ 1,300,000	\$ 32,915	\$ 119,485	\$ 1,452,400
Encumbered/Committed to Date	(89,014)	-	-	(89,014)
CMAR Construction Contract	(992,575)	(32,915)	(119,485)	(1,144,975)
Remaining Project Funds	<u>\$ 218,411</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 218,411</u>

The remaining GO Bond funds will be used to purchase furniture and technology items necessary to complete the Wilson Park Recreation project.

ATTACHMENTS:

[RM Rodriguez Construction LP's Proposed Detailed GMP Resolution](#)

WILSON RECREATION CENTER GMP PROPOSAL
RM RODRIGUEZ CONSTRUCTION, LP
Tuesday, July 26, 2016

BID PKG	DESCRIPTION	PROPOSED SUBCONTRACTOR	CONTRACT AMOUNT
1A	PROJECT SIGN	***	\$ 1,000
1B	TEMPORARY STORAGE CONTAINERS	***	\$ 3,200
1C	TEMPORARY LAYDOWN AREA PREP AND RESTORATION	***	\$ 2,000
1D	TEMPORARY SECURITY FENCING	***	\$ 1,500
1E	TEMPORARY WATER HOOK UPS	***	\$ 800
1F	TEMPORARY POWER HOOK UPS	***	\$ 1,000
1G	TEMPORARY LIGHTING	***	\$ 1,250
1H	TEMPORARY UTILITY FEES	***	BY OWNER
1I	JOB PHONE	***	\$ 1,000
1J	TEMPORARY FIRE PROTECTION	***	\$ 250
1K	TEMPORARY WEATHER / SECURITY PROTECTION	***	\$ 2,000
1L	PROTECTION OF EXISTING SURFACES	***	\$ 1,000
1M	TRAFFIC AND PEDESTRIAN CONTROL, BARRICADES AND SIGNS	***	\$ 500
1N	SWPPP MEASURES	***	\$ 1,000
1O	TEMPORARY TOILETS	***	\$ 2,400
1P	DUMPSTER RENTAL AND HAUL OFFS	***	\$ 15,000
1Q	PRECONSTRUCTION PHOTO DOCUMENTATION	***	\$ 100
1R	PROGRESS PHOTOS	***	\$ 375
1S	JOB SITE OFFICE SUPPLIES	***	\$ 250
1T	DRINKING WATER & SUPPLIES	***	\$ 400
1U	SMALL TOOLS AND CONSUMABLES	***	\$ 1,200
1V	PROGRESSIVE CLEANING, BUILDING AND SITE	***	\$ 1,800
1W	FINAL CLEANING, BUILDING AND SITE	***	\$ 3,500
1X	PLAN REPRODUCTION COSTS	***	\$ 500
1Y	AS-BUILT AND RECORD DOCUMENT PREPARATION	***	\$ 1,000
1Z	SAFETY PROGRAM ADMIN, SIGNAGE AND FIRST AID	***	\$ 750
1AA	UNDERFLOOR WATER EXTRACTION AND REMEDIATION	***	\$ 5,000
2A	SELECT INTERIOR DEMOLITION	RM RODRIGUEZ	\$ 41,075
2B	EXTERIOR DEMOLITION	RM RODRIGUEZ	\$ 12,488
2C	ASPHALT PAVING, MARKINGS AND SIGNAGE ALLOWANCE	TBD	\$ 13,000
2D	LANDSCAPING	RM RODRIGUEZ	\$ 1,817
***	PLANT ALLOWANCE	TBD	\$ 2,000
3A	CONCRETE FOUNDATIONS, FLATWORK AND RECEPTION WALL	RM RODRIGUEZ	\$ 25,320
3B	POLISH AND STAIN CONCRETE FLOORS	TEXAS CUTTING AND CORING	\$ 17,689
3C	CUTTING, CORING AND REPAIR ALLOWANCE	TBD	\$ 7,500
4A	MASONRY AND EXTERIOR CUTOUTS	RM RODRIGUEZ	\$ 84,658
5A	STRUCTURAL STEEL ENTRYWAY	SOUTHERN STAR STEEL	\$ 10,520
5B	STEEL ERECTION	PEERLESS ENTERPRISES	\$ 8,524
6A	MILLWORK, CUBBIES AND FINISH CARPENTRY	PECHAL CABINETS	\$ 24,900
***	STEEL PLATE ACCENT ALLOWANCE	TBD	\$ 4,000
6B	ROUGH CARPENTRY AND ROOF BLOCKING	PEERLESS ENTERPRISES	\$ 1,500
7A	FLASHING AND SELANTS	PEERLESS ENTERPRISES	\$ 1,500
7B	REMOVE/REPLACE TPO ROOF	PEERLESS ENTERPRISES	\$ 94,000
7C	METAL ROOF AND TRIM	PEERLESS ENTERPRISES	\$ 3,000
7D	LIGHT GAUGE ROOF FRAMING	PEERLESS ENTERPRISES	\$ 2,500
8A	DOORS, FRAMES AND HARDWARE - MATERIALS	INTEGRITY BUILDERS SUPPLY	\$ 21,500
8B	DOOR AND HARDWARE INSTALL	RM RODRIGUEZ	\$ 3,255
8C	STOREFRONT, WINDOWS, GLASS AND GLAZING	TEMPLE GLASS AND MIRROR	\$ 35,900
9A	DRYWALL AND METAL STUD FRAMING	RM RODRIGUEZ	\$ 21,500
9B	ACOUSTICAL CEILING REPAIRS	RM RODRIGUEZ	\$ 3,000

WILSON RECREATION CENTER GMP PROPOSAL
RM RODRIGUEZ CONSTRUCTION, LP
Tuesday, July 26, 2016

BID PKG	DESCRIPTION	PROPOSED SUBCONTRACTOR	CONTRACT AMOUNT
9C	RUBBER FLOORING	RFS	\$ 23,238
***	GYM FLOOR REPAIR ALLOWANCE	TBD	\$ 4,000
9D	CARPET TILES, RUBBER BASE, FLOOR LEVELING	RM RODRIGUEZ	\$ 12,223
9E	METAL WALL BASE AND COLUMN BASE COVER PLATES	RM RODRIGUEZ	\$ 13,417
9F	PAINT AND STAIN	GRANT GOSS	\$ 53,700
10A	BANNERS AND RESTROOM SIGNS	A1 SIGN AND BANNER	\$ 6,340
10B	TOILET PARTITIONS	RM RODRIGUEZ	\$ 9,981
10C	TOILET ACCESSORIES	RM RODRIGUEZ	\$ 4,386
10D	FIRE EXTINGUISHERS	RM RODRIGUEZ	\$ 2,850
10E	STORAGE SHELVING	RM RODRIGUEZ	\$ 3,891
10F	LOBBY CEILING FAN	RM RODRIGUEZ	\$ 6,245
10G	OPERABLE PARTITON	HUDSON BUILDING SYSTEMS	\$ 12,000
11A	KITCHEN APPLIANCES	RM RODRIGUEZ	\$ 7,255
11B	REPLACE BACKSTOPS	RM RODRIGUEZ	\$ 10,562
11C	MOVE CARDIO	FITNESS IN MOTION	\$ 2,000
11D	MOVE FREE WEIGHTS	RM RODRIGUEZ	\$ 2,944
15A	PLUMBING	RAMS MECHANICAL	\$ 111,731
15B	HVAC, REPLACE UNIT	LOCKEY	\$ 69,900
15C	HVAC, DUCTWORK	LOCKEY	\$ 39,287
16A	ELECTRICAL AND DATA ROUGH IN	AC ELECTRIC	\$ 105,860
16B	FIRE ALARM ALLOWANCE	TBD	\$ 5,000
16C	DATA CABLING ALLOWANCE	TBD	\$ 17,700
16D	A/V - PROJECTION SCREEN	RM RODRIGUEZ	\$ 5,500
***	DESIGN AND CONSTRUCTION CONTINGENCY ALLOWANCE		\$ 20,000
***	OWNER CONTINGENCY ALLOWANCE		\$ 20,000
	CONSTRUCTION COST		\$ 1,059,931
	GENERAL CONDITIONS (\$7425.00/MO X 5 MOS)		\$ 37,125
	COST OF WORK SUB TOTAL		\$ 1,097,056
	CONTRACTOR FEE (2.75% X COST OF WORK)		\$ 30,169
	BONDS AND INSURANCE		\$ 17,750
	GUARANTEED MAXIMUM PRICE		\$ 1,144,975

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION MANAGER-AT-RISK GUARANTEED MAXIMUM PRICE CONSTRUCTION CONTRACT, IN THE AMOUNT OF \$1,144,975 WITH RM RODRIGUEZ CONSTRUCTION, LP OF TEMPLE, TEXAS, FOR RENOVATIONS TO WILSON PARK RECREATION CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2015, Council authorized the use of the Construction Manager-at-Risk (“CMAR”) delivery method for renovations to the Wilson Park Recreation Center and the Sammons Community Center which were two of the projects approved in the 2015 Parks Bond - on February 18, 2016, Council authorized a CMAR contract for both projects with RM Rodriguez Construction, LP;

Whereas, on July 19, 2016, RM Rodriguez Construction opened proposals for the construction services for the Wilson Park Recreation project with a proposed Guaranteed Maximum Price (“GMP”) in the amount of \$1,144,975 - the GMP includes general condition fees and construction phase services fees;

Whereas, the Wilson Park Recreation Center project includes renovations primarily to the interior of the facility, including, but not limited to, a vestibule addition, relocation and updates to the restroom facilities, enhancements to the receptionist and gym entrance areas, re-assignment of certain rooms to make them more effective for the operation of the facility, window additions, HVAC system replacement, flat roof replacement, kitchen update, flooring updates, and painting;

Whereas, it is anticipated that the Wilson Park Recreation Center will close to the public by August 31, 2016, to allow for the 5 month renovation project which is expected to be complete by January 31, 2017;

Whereas, this project is funded primarily by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015 - additional funding is available in Account Nos. 362-3500-552-6419, 110-5935-552-6310 and 364-3500-552-6310, Project No. 101328; 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 Manager-at-Risk guaranteed maximum price construction contract, in the amount of \$1,144,975 with RM Rodriguez Construction, LP of Temple, Texas, for renovations to the Wilson Park Recreation Center.

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 **4th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks and Recreation Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Joel Brown & Co., LLC of Elm Mott, in the amount of \$42,863, for the installation of approximately 6,900 square feet of concrete flatwork at the Northam Baseball Complex in Wilson Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was renovating the Northam Baseball Complex in Wilson Community Park.

This project includes the installation of approximately 6,900 square feet of concrete flatwork that will be located between the playing fields in the alley areas. This flatwork will be placed from the dugouts and bleacher areas of all four fields and will tie into the flatwork that surrounds the new concession building. This project will make this entire area easier to maintain and provide ADA access to all dugouts and bleacher locations.

On July 19, 2016 the City of Temple received bids from five vendors for this project ranging from a low bid of \$42,863 to \$116,875 with Joel Brown & Co. submitting the low bid.

The Parks and Recreation Department has not worked with this vendor before however, all reference and backgrounds checks have shown Joel Brown & Co. LLC to be a responsive and reputable vendor.

This resolution will also waive any construction permit fees associated with the project.

FISCAL IMPACT: Funding is available in account 362-3500-552-64-09, project 101318, as follows:

Project Budget	\$	744,488
Encumbered/Committed to Date		(613,651)
Construction Award - Joel Brown & Co., LLC		(42,863)
Remaining Project Funds	\$	<u>87,974</u>

ATTACHMENTS:

[Bid Tab](#)
[Resolution](#)

**Tabulation of Bids Received
on July 19, 2016 at 3:00 p.m.
Miscellaneous Flatwork at Northam Baseball Complex
Bid # 35-12-16**

	Bidders	Bidders	Bidders	Bidders	Bidders
	SJ&J Construction, LLC Dallas, TX	Myers Concrete Construction, LP Wimberley, TX	Wilson Construction Services, LLC Belton, TX	Joel Brown & Co, LLC Elm Mott, TX	Cody Stanley Construction, LLC Belton, TX
Description					
Base Bid	\$121,337.50	\$84,584.00	\$54,349.00	\$42,863.00	\$62,500.00
Local Preference	No	No	No	No	No
Bid Bond	Yes	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes
Acknowledgement of Addendum (1)	Yes	Yes	No	Yes	Yes

Recommended for Council approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH JOEL BROWN & CO., LLC OF ELM MOTT, TEXAS, IN THE AMOUNT OF \$42,863, FOR THE INSTALLATION OF CONCRETE FLATWORK AT THE NORTHAM BASEBALL COMPLEX IN WILSON PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was renovations the Northam Baseball Complex in Wilson Community Park;

Whereas, this project includes the installation of approximately 6,900 square feet of concrete flatwork that will be located between the playing fields in the alley areas - this flatwork will be placed from the dugouts and bleacher areas of all 4 fields, will tie into the flatwork that surrounds the new concession building and will make this entire area easier to maintain and provide ADA access to all dugouts and bleacher locations;

Whereas, on July 19, 2016 the City of Temple received 5 bids for this project with Joel Brown & Co. submitting the low bid in the amount of \$42,863;

Whereas, the Parks and Recreation Department has not worked with this vendor before however, all reference and backgrounds checks have shown Joel Brown & Co. LLC to be a responsive and reputable vendor;

Whereas, funding is available for this construction contract in Account No. 362-3500-552-64-09, Project No. 101318; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Joel Brown & Co., LLC of Elm Mott, Texas, in the amount of \$42,863 for the installation of approximately 6,900 square feet of concrete flatwork at the Northam Baseball Complex in Wilson 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 **4th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider authorizing a construction contract with Choice Builders, LLC, of Temple for the lump-sum base bid totaling \$648,212.60, for the 31st Street Enhanced Intersection Improvement (Loop 363 to Scott Boulevard Phase II).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 4, 2014, Council adopted a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) to provide professional services for the design of intersection improvements on South 31st Street at Scott Boulevard and at Scott & White South Loop. The intersection improvements include concrete paver bands, concrete paver sidewalks, enhanced concrete intersection improvements and a traffic signal at Scott and White South Loop.

On April 7, 2016 council authorized an Advanced Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, in which the City committed to fund 100% of the costs for the safety improvements on 31st Street which allowed the City to construct improvements to include engineering, construction and inspection of the 31st Street Enhanced Intersection Improvements (Loop 363 to Scott Boulevard) Phase II, and authorized the City Manager to execute all documents necessary to complete the transaction.

Contract Amendments 1-3 have been approved for: Preparation of a Traffic Impact Analysis; Design of a right turn lane; and Preparation of Right-of-Way and easement documents. The project was also reorganized into three phases:

Phase 1 – Construct the dedicated right turn lane (southbound South 31st Street at Shoppes on the Hill and Scott & White South Loop). The construction was completed by the Shoppes on the Hill developer (Morris Venture Partners VI, LLC) and transferred to TxDOT via a Donation Agreement. On December 17, 2015, Council adopted a resolution authorizing partial reimbursement to the developer in the amount of \$100,000. This phase is complete.

Phase II – Construct the traffic signal at the intersection of South 31st Street and Scott & White South Loop and modification of the traffic signal at the intersection of South 31st Street and Scott Boulevard. Also included are striping, signage, and median modifications. Bid and construction is by the City of Temple and to be transferred to TxDOT.

Phase III – Construct intersection paving improvements. This work will be let by TxDOT.

On July 12, 2016, one bid was received for construction of Phase II. Per the attached Bid Tab, the bid is \$648,212.60 for the base bid from Choice Builders, LLC. The following base bid amount is recommended for award in the attached letter:

Phase II	\$ <u>648,212.60</u>
-----------------	-----------------------------

The OPC for the project was \$465,000 for the base bid. The estimated timeline for construction is 120 days from the date of the notice to proceed to the contractor.

KPA and Public Works agree that Choice Builders, LLC is qualified to complete this project and recommend award of the construction contract to Choice Builders, LLC in the total lump sum bid amount of \$648,212.60.

The Reinvestment Zone No. 1 Board of Directors is scheduled to approve this item for Council approval at their August 3, 2016 meeting.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 459, account 795-9800-531-6873, project 101011, 31st Street Intersection Improvements to fund the safety improvements on South 31st Street near Scott Boulevard and Scott & White South Loop. Funding for the project is shown below:

Project Budget	\$ 2,170,000
Encumbered/Committed to Date	(353,062)
Construction Contract Phase II - Choice Builders, LLC	(648,213)
Remaining Project Funds	\$ <u>1,168,725</u>

ATTACHMENTS:

[Bid Tab](#)
[Recommendation Letter](#)
[Exhibit](#)
[Resolution](#)

BID TABULATION
CITY OF TEMPLE
31st STREET ENHANCED INTERSECTION IMPROVEMENTS
Loop 363 to Scott Blvd Ph II PROJECT
3210 E. Ave H; Bldg C; Temple, TX
July 12; 2:00 PM

BIDDER INFORMATION

Choice Builders, LLC
3809 S General Bruce Dr, Ste 103
Temple TX 76502

Item No.	TxDOT Spec. No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount
BASE BID						
1	N/A	100%	LS	Mobilization, Bonds & Insurance, not to exceed 5% of the Base Bid Amount	\$ 32,000.00	\$ 32,000.00
2	N/A	100%	LS	Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	31,900.00	31,900.00
3	N/A	100%	LS	Project Record Drawings	200.00	200.00
4	N/A	740	SY	Saw cut & Remove Existing Asphalt Paving & Concrete Median to Typical Lane Roadway-Section Depth	18.60	13,764.00
5	216	740	SY	Preparation of Sub-Grade by Proof Rolling	3.90	2,886.00
6	340	740	SY	Furnish & Install 6" Type B HMAC	31.00	22,940.00
7	340	670	SY	Furnish & Install 4" Type B HMAC	43.00	28,810.00
8	340	670	SY	Furnish & Install 2" Type D HMAC	53.20	35,644.00
9	529	360	LF	Furnish & Install Type II Curb & Gutter	24.50	8,820.00
10	N/A	3	EA	Furnish, Install, Maintain & Remove Inlet Protection	665.00	1,995.00
11	N/A	100%	LS	Remove & Dispose Existing Stop Sign & Directional Sign	125.00	125.00
12	502	100%	LS	Furnish & Maintain Traffic Control	16,732.00	16,732.00
13	Multiple	100%	LS	Furnish & Install Striping & Signage as shown on Sheet ST-01	11,919.00	11,919.00
14	421	50	CY	Furnish & Install Class A Concrete	199.00	9,950.00
15	N/A	550	SY	Furnish & Install Concrete Sidewalk & Connecting to Existing Sidewalk	51.00	28,050.00
16	416	39	LF	DRILL SHAFT (TRF SIG POLE) (36 IN)	453.00	17,667.00
17	416	22	LF	DRILL SHAFT (TRF SIG POLE) (48 IN)	595.00	13,090.00
18	618	25	LF	CONDUIT (PVC) (SCHD 40) (2") (TRENCH)	39.00	975.00
19	618	275	LF	CONDUIT (PVC) (SCHD 40) (3") (TRENCH)	40.00	11,000.00
20	618	90	LF	CONDUIT (PVC) (SCHD 40) (4") (TRENCH)	45.30	4,077.00
21	618	470	LF	CONDUIT (PVC) (SCHD 80) (4") (BORE)	57.00	26,790.00
22	620	1,330	LF	ELEC CONDUCTOR (NO. 8) INSULATED	2.60	3,458.00
23	620	1,380	LF	ELEC CONDUCTOR (NO. 6) BARE	2.60	3,588.00
24	620	140	LF	ELEC CONDUCTOR (NO. 6) INSULATED	3.90	546.00
25	624	5	EA	GROUND BOX TY C (162911) W/APRON	1,940.00	9,700.00
26	628	1	EA	ELEC SRV TY D 120/240 070(NS)AL(E)PS(U)	5,820.00	5,820.00
27	680	2	EA	INSTALL HWY TRAF SIG (ISOLATED)	31,042.00	62,084.00
28	680	1	EA	REMOVING TRAFFIC SIGNALS	4,787.00	4,787.00
29	682	10	EA	VEH SIG SEC (12") LED (GRN)	323.00	3,230.00
30	682	7	EA	VEH SIG SEC (12") LED (GRN ARW)	388.00	2,716.00
31	682	10	EA	VEH SIG SEC (12") LED (YEL)	323.00	3,230.00
32	682	14	EA	VEH SIG SEC (12") LED (YEL ARW)	388.00	5,432.00
33	682	10	EA	VEH SIG SEC (12") LED (RED)	323.00	3,230.00
34	682	7	EA	VEH SIG SEC (12") LED (RED ARW)	388.00	2,716.00
35	682	16	EA	PED SIG SEC (LED) (COUNTDOWN)	905.00	14,480.00
36	682	10	EA	BACKPLATE (12") (3 SEC) (VENTED)ALUM	103.00	1,030.00
37	682	7	EA	BACKPLATE (12") (4 SEC) (VENTED) ALUM	145.00	1,015.00
38	684	601	LF	TRF SIG CBL (TY A) (14 AWG) (5 CONDR)	2.60	1,562.60
39	684	1,893	LF	TRF SIG CBL (TY A) (14 AWG) (7 CONDR)	3.90	7,382.70
40	684	1,260	LF	TRF SIG CBL (TY A) (14 AWG) (20 CONDR)	6.50	8,190.00
41	684	2,660	LF	TRF SIG CBL (TY C) (12 AWG) (2 CONDR)	1.30	3,458.00
42	686	1	EA	INS TRF SIG PL AM(S)1ARM(36')LUM	10,347.00	10,347.00
43	686	1	EA	INS TRF SIG PL AM(S)1ARM(44')LUM	11,641.00	11,641.00
44	686	1	EA	INS TRF SIG PL AM(S)1ARM(48')LUM	12,934.00	12,934.00
45	686	1	EA	INS TRF SIG PL AM(S)1ARM(65')LUM	23,282.00	23,282.00
46	687	11	EA	PED POLE ASSEMBLY	6,609.00	72,699.00
47	688	16	EA	PED DETECT PUSH BUTTON (APS)	1,035.00	16,560.00
48	688	2	EA	PED DETECTOR CONTROLLER UNIT	4,204.00	8,408.00
49	6002	1	EA	VIVDS PROCESSOR SYSTEM	7,437.00	7,437.00
50	6002	4	EA	VIVDS CAMERA ASSEMBLY	1,940.00	7,760.00
51	6002	1	EA	VIVDS SET-UP SYSTEM	647.00	647.00
52	6002	1,732	LF	VIVDS COMMUNICATION CABLE (COAXIAL)	3.90	6,754.80
53		1	EA	SKYPILOT COMMUNICATION SYSTEM	1,811.00	1,811.00
54		145	LF	CAT 5 ETHERNET CABLE	6.50	942.50
BASE BID - AMOUNT (Items 1 - 54)						\$ 648,212.60

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

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


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP







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.
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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

July 19, 2016

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

Re: City of Temple, Texas
31st Street Enhanced Intersection Improvements,
Loop 363 to Scott Blvd Phase II Project

Dear Mr. Wilson:

On July 12, 2016, the City of Temple received a bid from one (1) contractor for the 31st Street Enhanced Intersection Improvements, Loop 363 to Scott Blvd Phase II Project. A Bid Tabulation is provided for your reference.

Although extensive efforts were made to recruit contractors to bid the project and four (4) contractors held plans, only one bid was received. Choice Builders, LLC of Temple, Texas submitted the bid of \$648,212.60. Our opinion of probable construction (OPC) cost was \$465,000. As a result of conversations with contractors, the reason for the discrepancy in the OPC versus the actual bid is due to the current work load of this type of projects in the Central Texas area, the traffic on 31st Street and construction activity in tight spaces with the contractor required to repair any damage to existing infrastructure on the project due to construction activity, which is subsidiary to the project.

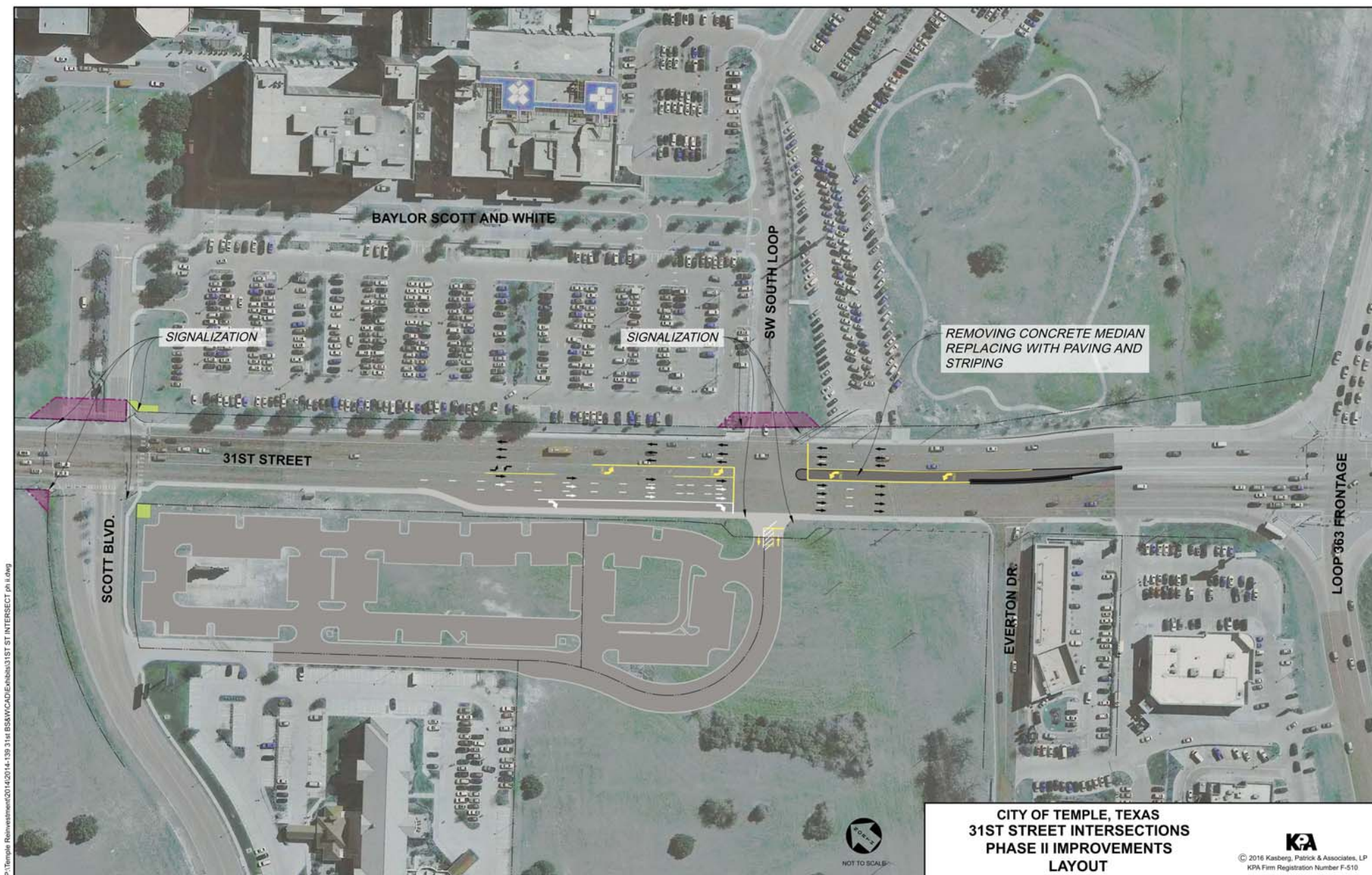
Choice Builders, LLC has completed projects for both KPA and the City of Temple and has the experience necessary to successfully complete this project. Due to the vast amount of traffic signal construction activity in Central and North Texas, we do not believe there would be any significant reduction in cost by re-bidding the project. Therefore, we recommend that a contract be awarded to Choice Builders, LLC for the total Base Bid amount of \$648,212.60.

Sincerely,

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

R. David Patrick, P.E., CFM

RDP/crc
2014-139-40



CITY OF TEMPLE, TEXAS
31ST STREET INTERSECTIONS
PHASE II IMPROVEMENTS
LAYOUT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CHOICE BUILDERS, LLC OF TEMPLE, TEXAS, IN THE LUMP SUM BASE BID AMOUNT OF \$648,212.60, FOR THE 31ST STREET ENHANCED INTERSECTION IMPROVEMENT PROJECT (LOOP 363 TO SCOTT BOULEVARD PHASE II); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 4, 2014, City Council adopted a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (“KPA”) to provide professional services for the design of intersection improvements on South 31st Street at Scott Boulevard and Scott & White South Loop;

Whereas, the intersection improvements include concrete paver bands, concrete paver sidewalks, enhanced concrete intersection improvements and a traffic signal at Scott and White South Loop;

Whereas, this project was reorganized into three phases:

Phase I – Construct the dedicated right turn lane (southbound South 31st Street at Shoppes on the Hill and Scott & White South Loop). The construction was completed by the Shoppes on the Hill developer (Morris Venture Partners VI, LLC) and transferred to TxDOT via a Donation Agreement. On December 17, 2015, Council adopted a resolution authorizing partial reimbursement to the developer in the amount of \$100,000. This phase is complete;

Phase II – Construct the traffic signal at the intersection of South 31st Street and Scott & White South Loop and modification of the traffic signal at the intersection of South 31st Street and Scott Boulevard. Also included are striping, signage, and median modifications. Bid and construction is by the City of Temple and to be transferred to TxDOT;

Phase III – Construct intersection paving improvements. This work will be let by TxDOT;

Whereas, on July 12, 2016, one bid was received for construction of Phase II of the project with Choice Builders, LLC of Temple, Texas submitting the low bid - Staff and KPA agree that Choice Builders, LLC is qualified to complete this project and recommend award of a construction contract to them in the total lump sum base bid amount of \$648,212.60;

Whereas, funding is available for this construction contract in the Reinvestment Zone No. 1 Financing and Project Plans, Line 459, Account No. 795-9800-531-6873, Project No. 101011; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Choice Builders, LLC of Temple, Texas, in the lump-sum base bid totaling \$648,212.60 for the 31st Street Enhanced Intersection Improvement Project (Loop 363 to Scott Boulevard Phase II).

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 **4th** day of **August**, 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

08/04/16
Item #7(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services contract amendment in the amount of \$52,600 with Kasberg, Patrick, and Associates, LP of Temple for the design and development of tennis courts at Crossroads Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval of this item will allow the execution of a professional services contract amendment with Kasberg, Patrick, and Associates, LP (KPA) for the design and development of six tennis courts with an associated parking facility in the northwest corner of Crossroads Park.

On June 4, 2015, Council authorized a professional services agreement with KPA for the design and construction related to architectural and engineering services for the construction of Crossroads Park. The original contract did not include the design of tennis courts; however, based on the proposed removal of the existing tennis courts at Sammons Community Center, it is being proposed that up to six courts be added to Crossroads Park.

It is anticipated that construction of the tennis courts and associated parking facility will be part of the second bid phase of the overall Crossroads Park project with a projected bid date in November 2016 and an anticipated completion date in the Fall of September 2017.

FISCAL IMPACT: Funding for this project was appropriated in the FY 2016 Parks Bond budget in account 362-3500-552-6402, project 101311, as identified below:

Project Budget	\$ 11,900,000
Encumbered/Committed to Date	(1,202,560)
Contract Amendment – Kasberg, Patrick, and Associates	(52,600)
Remaining Project Funds	<u>\$ 10,644,840</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$52,600, FOR THE DESIGN AND DEVELOPMENT OF TENNIS COURTS AT CROSSROADS PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 4, 2015, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (“KPA”) for design, architectural and engineering services for the construction of Crossroads Park - the original contract did not include the design of tennis courts, however, based on the proposed removal of the existing tennis courts at Sammons Community Center, it is recommended that six tennis courts be added to Crossroads Park project;

Whereas, Staff recommends Council authorize an amendment to the professional services agreement with Kasberg, Patrick, and Associates, LP for the design and development of six tennis courts, with an associated parking facility in the northwest corner of Crossroads Park, in the amount of \$52,600;

Whereas, funds are available for this amendment in the fiscal year 2016 Parks Bond budget, Account No. 362-3500-552-6402, Project No. 101311; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$52,600, for the design and development of tennis courts at Crossroads 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 4th day of **August**, 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

08/04/16
Item #7(L)
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 change order #1 to the Tarver Drive Extension contract with R.T. Schneider Construction Company, Ltd., of Belton, in the net amount of \$9,347.50, for construction services required for extension of the proposed roadway section.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: West Temple is rapidly growing along the West Adams corridor. On May 5, 2016, Council authorized a construction contract with RTS for construction of the Tarver Drive Extension. Subsequent to the award, ensuing discovery associated with right of way acquisition identified construction plan revisions required to realign the proposed roadway. These revisions include extending the western limits of the roadway, a shift in the roadway alignment to the south, wastewater adjustments, and drainage connections.

The original construction contract amount was \$1,676,725.90. Contract change order #1 represents a contract increase of \$9,347.50, or 0.6%, of the original contract amount.

The engineering consultant has reviewed the change order and recommends approval.

There are 0 days proposed additional calendar days for the change order.

Original Contract Amount	\$	1,676,725.90
Previous Net Change in Contract Amount	\$	0.00
Net Change in Contract Amount	\$	9,347.50
Revised Contract Amount	\$	1,686,073.40
Original Contract Time		210 Days
Net Change in contract Time to Date		0 Days
Net Change in Contract Time This CO		0 Days
Revised Contract Time		210 Days
Original Final Completion Date		December 2, 2016
Revised Final Completion Date		December 2, 2016

FISCAL IMPACT: Funding for Change Order #1 is available and will be allocated as follows:

<u>Account #</u>	<u>Project</u>	<u>Change Order #1 - Description of Additions and Deductions</u>	<u>Amount</u>
365-3400-531-6885	100392	Sidewalk Construction (net increase)	\$ 10,753
561-5200-535-6936	100392	Water Lines (net decrease)	(1,406)
Total Net Change Order			\$ 9,347

ATTACHMENTS:
[Recommendation Letter](#)
[Change Order](#)
[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

July 19, 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:

Attached is Change Order #1 for the Tarver Drive Extension Project. This change order is developed for an extension of the Tarver Drive roadway section with sidewalk improvements including associated items. The Tarver Drive Project was originally designed in 2008. The project was placed on hold and as a result portions of the required rights-of-way were not obtained. Due to this, we have re-designed the connection to existing Tarver Drive, which developed additional quantity for the roadway section as well as altering connections to existing utilities. The 2008 design of the project included pedestrian facilities that began at the west end of the project. A subsequent sidewalk project was designed west of the Tarver Drive Extension Project. This change order includes items to connect the Tarver Drive Extension sidewalk to the sidewalk project to the west. Listed below are individual descriptions of the items included in the change order.

ADD ITEMS:

- Bid Item 5 – Unclassified Excavation – This bid item has additional quantity for the re-design elements of Tarver Drive for right-of-way.
- Bid Item 8 – 6-inch Stabilized Subgrade - This bid item has additional quantity for the re-design elements of Tarver Drive for right-of-way.
- Bid Item 9 – 12" CLBM - This bid item has additional quantity for the re-design elements of Tarver Drive for right-of-way.
- Bid Item 10 – 4 5/8" Type B HMAC - This bid item has additional quantity for the re-design elements of Tarver Drive for right-of-way.
- Bid Item 11 – 2" Type C HMAC - This bid item has additional quantity for the re-design elements of Tarver Drive for right-of-way.
- Bid Item 12 – 24-Inch Wide Curb & Gutter - This bid item has additional quantity for the re-design elements of Tarver Drive for right-of-way.
- Bid Item 25 – 30" RCP – This bid item has additional quantity for connection of the storm sewer utility to the re-design.
- Bid Item – 35 – 10" Wastewater Line - This bid item has additional quantity for connection of the wastewater utility to the re-design.

- Bid Item 42 – Implement Trench Safety Plan - This bid item has additional quantity for connection of the utilities to the re-design.
- Bid Item 43 – Implement & Follow Trench Safety Plan (Structures) - This bid item has additional quantity for connection of the utilities to the re-design.
- Bid Item AA1-9 – Concrete Sidewalk – This bid item has additional quantity to connect to the sidewalk project located to the west.
- Bid Item AA2-47 – 12” PVC Water Line - This bid item has additional quantity for connection of the water utility to the re-design.
- Item CO1-9 – Site Demo\ROW – This item is added for the additional roadway construction required for the redesign Tarver Drive for right-of-way.
- Item CO1-2 – Layout\1” Poly - This item is added for the additional roadway construction required for the redesign Tarver Drive for right-of-way.
- Item CO1-3 – Wall at Walk and Detention Structure – This item is added for the extension of the sidewalk to connect to the sidewalk to the west in the area of the existing detention pond.
- Item CO1-4 – Striping - This item is added for the additional roadway construction required for the redesign Tarver Drive for right-of-way.
- Item CO1-5 – 40’ Concrete Radius – This item is added at Coastal Drive due to an alignment shift from the plat in place in 2008 to the actual location constructed for Coastal Drive.
- Item CO1-6 – New Base for Manhole at Station 1+00 - This bid item is added for connection of the wastewater utility to the re-design.
- Item CO1-7 – 4’ Diameter Manhole @ Station 1+63.50 - This bid item is added for connection of the wastewater utility to the re-design.
- Item CO1-8 – Adjust Manhole at Coastal - This item is added at Coastal Drive due to an alignment shift from the plat in place in 2008 to the actual location constructed for Coastal Drive.
- Item CO1-9 – 10’x3’ Junction Box - This bid item is added for connection of the storm water utility to the re-design.
- Item CO1-10 – Demo Weir - This bid item is added for connection of the storm water utility to the re-design.
- Item CO1-11 – Connect Existing Pipe at Weir - This bid item is added for connection of the storm water utility to the re-design.

Mr. Richard Wilson, P.E.
July 19, 2016
Page Three

DELETE ITEMS:

- Bid Item 14 – 25' Concrete Radius Unit – This item has been deleted to add the 40' Concrete Radius Units in Item CO1-5.
- Bid Item 31 – Class A Concrete - This item has been deleted from the project.
- Bid Item 32 – Concrete Riprap - This item has been deleted from the project.
- Bid Item 34 – 18" Steel Encasement Pipe by Open Cut – This item has been reduced in quantity.
- Bid Item 36 – Connect to Existing 4-foot Manhole with Internal Drop - This item has been deleted from the project.
- Bid Item 38 – 12" Diameter Rock Riprap - This item has been deleted from the project.
- Bid Item AA1-19 – 12" Plug – This item has been deleted from the project.
- Bid Item AA1-27 – Temporary Assemblies for Add Alternate 1 - This item has been deleted from the project.
- Bid Item AA2-49 – Permanent Flush Assembly on 12" Water Line for Add Alternate 2 - This item has been deleted from the project.

We have reviewed Change Order #1 and recommend it be processed and executed with respect to the RT Schneider Construction Co, LTD construction contract for the above referenced project.

Sincerely,

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

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD
KPA Project File: 2014-110-40 (Tarver)

CHANGE ORDER

PROJECT: **Proposed Tarver Drive Extension**
 OWNER: **City of Temple**
 CONTRACTOR: **R.T. Schneider Construction CO.,LTD**
 ENGINEER: **Kasberg, Patrick & Associates**
 CHANGE ORDER #: **1**

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

Add:		Site Work Adjustments					
Item	Description	Quantity	Unit	Unit Price		Extended Amount	
5	Unclassified Excavation	430	CY	\$ 7.20	\$	3,096.00	
8	6-inch Stabilized Subgrade	430	SY	\$ 1.00	\$	430.00	
9	12" CLBM	430	SY	\$ 10.00	\$	4,300.00	
10	4 5/8" Type B HMAC	330	SY	\$ 25.30	\$	8,349.00	
11	2" Type C HMAC	330	SY	\$ 11.40	\$	3,762.00	
12	24-Inch Wide Curb & Gutter	180	LF	\$ 11.25	\$	2,025.00	
25	30" RCP	10	LF	\$ 95.00	\$	950.00	
35	10" Wastewater Line	68	LF	\$ 72.00	\$	4,896.00	
42	Implement Trench Safety Plan (Pipe)	174	LF	\$ 1.25	\$	217.50	
43	Implement & Follow Trench Safety Plan (Structures)	2,340	SF	\$ 1.15	\$	2,691.00	
AA1-9	Concrete Sidewalk	160	SY	\$ 42.00	\$	6,720.00	
AA2-47	12" PVC Water Line	100	LF	\$ 42.75	\$	4,275.00	
CO1-1	Site Demo \ ROW	100%	LS	\$ 4,750.00	\$	4,750.00	
CO1-2	Layout \ 1" Poly	100%	LS	\$ 9,925.00	\$	9,925.00	
CO1-3	Wall at Walk and Det. Structure	180	LF	\$ 120.00	\$	21,600.00	
CO1-4	Striping	100%	LS	\$ 750.00	\$	750.00	
CO1-5	40' Concrete Radius	2	EA	\$ 2,300.00	\$	4,600.00	
CO1-6	New Base for Manhole @ Station 1+00	1	EA	\$ 1,210.00	\$	1,210.00	
CO1-7	4' Diameter Manhole @ Station 1+63.50	1	EA	\$ 3,850.00	\$	3,850.00	
CO1-8	Adjust Manhole @ Coastal	1	EA	\$ 1,540.00	\$	1,540.00	
CO1-9	10' X 3' Junction Box	1	EA	\$ 9,240.00	\$	9,240.00	
CO1-10	Demo Weir	1	EA	\$ 4,070.00	\$	4,070.00	
CO1-11	Connect Existing Pipe @ Weir	100%	LS	\$ 2,200.00	\$	2,200.00	
Add Total						\$ 105,446.50	

Delete:		Site Work Adjustments					
Item	Description	Quantity	Unit	Unit Price		Extended Amount	
14	25' Concrete Radius	-2	EA	\$ 865.00	\$	(1,730.00)	
31	Class A Concrete	-100.00	CY	\$ 265.00	\$	(26,500.00)	
32	Concrete Riprap	-100.00	CY	\$ 315.00	\$	(31,500.00)	
34	18" Steel Encasement Pipe by Open Cut	-20.00	LF	\$ 116.00	\$	(2,320.00)	
36	Connect to Existing 4-foot Manhole with Internal Drop	-1	EA	\$ 5,460.00	\$	(5,460.00)	
38	12" Diameter Rock Riprap	-1,000	SY	\$ 20.00	\$	(20,000.00)	
AA1-14	Permanent Flush Assembly on 12" Water Line for Add Alt 1	-1	EA	\$ 3,255.00	\$	(3,255.00)	
AA1-19	12" Plug	-1	EA	\$ 294.00	\$	(294.00)	
AA1-27	Temporary Flush Assemblies for Add Alternate 1	-1	EA	\$ 1,785.00	\$	(1,785.00)	
AA2-49	Permanent Flush Assembly on 12" Water Line for Add Alt 2	-1	EA	\$ 3,255.00	\$	(3,255.00)	
Delete Total						\$ (96,099.00)	

Change Order Total \$ 9,347.50

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

Original Contract Amount	\$ 1,676,725.90
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 9,347.50
Revised Contract Amount	\$ 1,686,073.40
Original Contract Time	210 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	210 days
Original Final Completion Date	
Revised Final Completion Date	

Recommended By:

Project Manager (City Staff) Date

Agreed to:

Contractor Date

Approved as to form:

City Attorney's Office Date

Recommended by:

 7/12/14

Architect/Engineer Date

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 NET AMOUNT OF \$9,347.50, TO THE CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD OF BELTON, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED FOR THE EXTENSION OF THE PROPOSED ROADWAY SECTION OF TARVER DRIVE EXTENSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 5, 2016, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, (“RTS”) for construction of the Tarver Drive Extension - subsequent to the award, ensuing discovery associated with right-of-way acquisition identified construction plan revisions required to realign the proposed roadway;

Whereas, with West Temple rapidly growing along the West Adams corridor, the revisions include extending the western limits of the roadway, a shift in the roadway alignment to the south, wastewater adjustments, and drainage connections;

Whereas, Staff and the City’s engineer recommend Council approve change order number 1 with R.T. Schneider Construction Company, Ltd., in the net amount of \$9,347.50, for construction services required for the extension of the proposed roadway section for the Tarver Drive Extension project;

Whereas, funds are available for this change order in Account No. 365-3400-531-6885 and Account No. 531-5200-535-6936, 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 change order number 1, in the net amount of \$9,347.50, to a construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, for construction services required for the extension of the proposed roadway section for the Tarver Drive Extension project.

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

PASSED AND APPROVED this the **4th** day of **August**, 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

08/04/16
Item #7(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #1 to the Avenue U & 13th Street Connector project in the amount of \$113,013.16 with TTG Utilities, LP of Gatesville for storm water improvements at the Summit Family Fitness Center and other miscellaneous items.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 5, 2016, Council authorized a construction contract with TTG Utilities, LP (TTG) for \$5,437,983.59 for construction of the Avenue U and 13th Street Connector. Approval of this item will allow for the execution of a change order with TTG for the addition of storm water improvements at the Summit Family Fitness Center and some miscellaneous items that have been added and deleted to the Avenue U & 13th Street Connector project during the initial phases of construction.

As indicated in the attached change order #1 and supporting letter from Kasberg, Patrick & Associates, LP, the most significant piece of this change order is the construction of storm water improvements on the west side of the Summit Family Fitness Center in the amount of \$92,465.75. The Summit drainage improvements will tie into the 13th Street and Fryer's Creek Drive storm drainage improvements that are being constructed by TTG as part of the original project scope. The Summit drainage improvements are needed in order to mitigate flooding issues within the facility that have occurred in recent years.

FISCAL IMPACT: Funding for this change order with TTG Utilities in the amount of \$113,013.16 is appropriated in account 365-3400-531-6874 as follows:

<u>Account #</u>	<u>Project</u>	<u>Change Order #1 Description</u>	<u>Amount</u>
365-3400-531-6874	100718	Avenue U Construction	\$ 20,547
365-3400-531-6874	101581	Summit Drainage Improvements	92,466
Total Change Order			<u>\$ 113,013</u>

ATTACHMENTS:

Kasberg, Patrick & Associates, LP Letter of Recommendation
Change Order
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

July 25, 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
Change Order #1

Dear Mr. Billeck:

Attached is Change Order #1 for the Avenue U and 13th Street Connector Project. This change order is developed for the addition of storm water improvements at the Summit Family Fitness Center and some miscellaneous items that have been added and deleted from the project. The drainage project for the Summit Family Fitness Center was intended to be bid in whole as a separate project, but with connections to the drainage system within the Avenue U and 13th Street Connector Project it is advantageous to add these improvements by change order. Listed below are individual descriptions of the items included in the change order.

ADD ITEMS:

- Item CO1-1 – Irrigation System Adjustments – This item is added for the adjusting the existing irrigation system at the Baylor, Scott & White Mental Health Facility and near the roundabout at the intersection of Avenue U and 13th Street. The price submitted is reasonable for this type of work.
- Item CO1-2 – Relocation of Existing Light Pole and Emergency Call Stanchion along Friars Creek Trail - This item is added to relocate an existing pedestrian light and call stanchion along Friars Creek Trail for the construction the roundabout at the intersection of Avenue U and 13th Street. The price submitted is reasonable for this type of work.
- Item CO1-3 – Summit Fitness Center Storm Sewer, Waterline and Concrete Work – This item is added for drainage improvements at the Summit Family Fitness Center. The price submitted is reasonable for this type of work.

Mr. James Billeck, P.E.

July 25, 2016

Page Two

- Item CO1-4 – Adjustment of Storm Sewer Work to Clear Over Communication Lines at Baylor Scott & White Mental Health Facility- This item is added to adjust storm sewer infrastructure to clear existing private communication lines at the Baylor, Scott & White Mental Health facility. Baylor, Scott & White originally thought the communication lines were near Scott and White Boulevard but actually are located approximately 300 feet to the east. The price submitted is reasonable for this type of work.
- Item CO1-5 – 8" Crushed Limestone Base Material – This item is added for a drive extension near the Baylor, Scott & White Mental Health facility. The price submitted is reasonable for this type of work.

DELETE ITEMS:

- Part A -65 – Class A Concrete – This item has been reduced in quantity.

We have reviewed Change Order #1 and recommend it be processed and executed with respect to the TTG Utilities LP construction contract for the above referenced project.

Sincerely,



R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Rusty Tatum, TTG Utilities
KPA Project File: 2011-120-40

CHANGE ORDER

PROJECT: PROPOSED AVE. U AND 13TH STREET CONNECTOR
 OWNER: City of Temple
 CONTRACTOR: TTG UTILITIES LP
 ENGINEER: Kasberg, Patrick & Associates
 CHANGE ORDER #: 1

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

Add: Site Work Adjustments					
Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO1-1	Irrigation System Adjustments	100%	LS	\$ 9,634.70	\$ 9,634.70
CO1-2	Relocation of Existing Light Pole and Emergency Call Stanchion along Friar's Creek Trail	100%	LS	\$ 12,883.46	\$ 12,883.46
CO1-3	Summit Fitness Center Storm Sewer, Waterline, & Concrete Work	100%	LS	\$ 92,465.75	\$ 92,465.75
CO1-4	Adjustment of Storm Sewer to Clear Over Communication Lines at Scott & White Mental Health Facility	100%	LS	\$ 6,894.25	\$ 6,894.25
CO1-5	8" Crushed Limestone Base Material	515	SY	\$ 9.00	\$ 4,635.00
				Add Total	\$ 126,513.16

Delete: Site Work Adjustments					
Item	Description	Quantity	Unit	Unit Price	Extended Amount
Part A-65	Class A Concrete	-50	CY	\$ 270.00	\$ (13,500.00)
				Delete Total	\$ (13,500.00)

Change Order Total \$ 113,013.16

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	\$ 5,437,983.59
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 113,013.16
Revised Contract Amount	\$ 5,550,996.75
Original Contract Time	330 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	330 days
Original Final Completion Date	June 1, 2016
Revised Final Completion Date	April 27, 2017

Recommended By:

Project Manager (City Staff) _____ Date _____


Agreed to:

Contractor _____ Date _____

Approved as to form:

City Attorney's Office _____ Date _____

Recommended by:

 2/26/16
 Architect/Engineer _____ Date _____

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 \$113,013.16, TO THE CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS FOR STORM WATER IMPROVEMENTS AT THE SUMMIT FAMILY FITNESS CENTER AND OTHER MISCELLANEOUS ITEMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 5, 2016, Council authorized a construction contract with TTG Utilities, LP (“TTG”) of Gatesville, Texas for construction of the Avenue U and 13th Street Connector – change order number 1 will allow for the addition of storm water improvements at the Summit Family Fitness Center and some miscellaneous items that have been added and deleted to the Avenue U & 13th Street Connector project during the initial phases of construction;

Whereas, the most significant piece of this change order is the construction of storm water improvements on the west side of the Summit Family Fitness Center - the Summit drainage improvements will tie into the 13th Street and Fryer’s Creek Drive storm drainage improvements that are being constructed by TTG as part of the original project scope;

Whereas, these Summit drainage improvements are necessary in order to mitigate flooding issues within the facility that have occurred in recent years;

Whereas, Staff and the City’s engineer recommend Council approve change order number 1 with TTG Utilities, LP, in the amount of \$113,013.16, for storm water improvements at the Summit Family Fitness Center and other miscellaneous items as part of the Avenue U and 13th Street Connector project;

Whereas, funds are available for this change order in Account No. 365-3400-531-6874, Project Nos. 100718 and 101581; 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 an amount not to exceed \$113,013.16, to a construction contract with TTG Utilities, LP of Gatesville for storm water improvements at the Summit Family Fitness Center and other miscellaneous items as part of the Avenue U and 13th Street Connector project.

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

PASSED AND APPROVED this the **4th** day of **August**, 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

08/04/16
Item #7(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing Amendment Number One to the Operation, Maintenance, and Management Agreement between Brazos River Authority, the City of Temple, and the City of Belton for the Temple-Belton Wastewater Treatment Plant.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2014, Council authorized an Operation, Maintenance, and Management Agreement ("Agreement") between the Brazos River Authority ("BRA"), the City of Temple, and the City of Belton for the Temple-Belton Wastewater Treatment Plant ("TBP"). Pursuant to that Agreement, BRA took over the operation, maintenance and management of the TBP on October 1, 2014.

A "Reclaimed Water Facility" ("RWF") was constructed at the TBP in 2014-2015 to provide reclaimed water to the Panda power plant. In Article 5.1(c) of the Agreement, all costs related to the operation, maintenance, and management of the RWF were allocated to the City of Temple until such time as the City of Belton began utilizing its reserved capacity in the RWF. However, in April, 2016, the Council approved a First Amendment to the Ownership and Management Agreement between the City of Temple and the City of Belton. The First Amendment acknowledged the fact that the Cities own the TBP as "tenants in common" which legally means that the Cities have the responsibility to account for any profits received from the use of the property and the Cities must share those profits according to their respective ownership percentages. The Cities must also share in any maintenance and operation costs related to those profits according to their ownership interests.

For that reason, the Cities agreed in the First Amendment to share in any costs related to the sale of reclaimed water from the TBP. This would include operation, maintenance, and management costs related to the RWF.

Therefore, the Agreement with BRA should be amended to reflect this change. Article 5.1(c) will be deleted in its entirety and replaced with the following language:

All expenses related to the operation, management, and maintenance of the RWF will be allocated between the Cities based upon the City's respective ownership percentage (75% to Temple and 25% to Belton).

Staff recommends approval of Amendment Number One to the Operation, Maintenance, and Management Agreement with BRA.

FISCAL IMPACT: Effective April 1, 2016, all expenses related to the operation, management, and maintenance of the RWF will be allocated between the Cities based upon the City's respective ownership percentage (75% to Temple and 25% to Belton).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENT NUMBER ONE TO THE OPERATION, MAINTENANCE, AND MANAGEMENT AGREEMENT BETWEEN THE BRAZOS RIVER AUTHORITY, THE CITY OF TEMPLE, AND THE CITY OF BELTON FOR THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2014, Council authorized an Operation, Maintenance, and Management Agreement (“Agreement”) between the Brazos River Authority (“BRA”), the City of Temple, and the City of Belton for the Temple-Belton Wastewater Treatment Plant (“TBP”) and pursuant to that Agreement, BRA took over the operation, maintenance and management of the TBP on October 1, 2014;

Whereas, a “Reclaimed Water Facility” (“RWF”) was constructed at the TBP in 2014-2015 to provide reclaimed water to the Panda power plant - in Article 5.1(c) of the Agreement, all costs related to the operation, maintenance, and management of the RWF were allocated to the City of Temple until such time as the City of Belton began utilizing its reserved capacity in the RWF;

Whereas, however, in April, 2016, the Council approved a First Amendment to the Ownership and Management Agreement between the City of Temple and the City of Belton - the First Amendment acknowledged the fact that the Cities own the TBP as “tenants in common” which legally means that the Cities have the responsibility to account for any profits received from the use of the property, the Cities must share those profits according to their respective ownership percentages, and the Cities must also share in any maintenance and operation costs related to those profits according to their ownership interests;

Whereas, for that reason, the Cities agreed in the First Amendment to share in any costs related to the sale of reclaimed water from the TBP which includes the operation, maintenance, and management costs related to the RWF;

Whereas, therefore, the Agreement with BRA should be amended to reflect the following change:

Article 5.1(c) will be deleted in its entirety and replaced with the following language:

All expenses related to the operation, management, and maintenance of the RWF will be allocated between the Cities based upon the City’s respective ownership percentage (75% to Temple and 25% to Belton);

Whereas, Staff recommends approval of Amendment Number One to the Operation, Maintenance, and Management Agreement with BRA;

Whereas, effective April 1, 2016, all expenses related to the operation, management, and maintenance of the RWF will be allocated between the Cities based upon the City's respective ownership percentage (75% to Temple and 25% to Belton); 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 Amendment Number One to the Operation, Maintenance, and Management Agreement between Brazos River Authority, the City of Temple, and the City of Belton for the Temple-Belton Wastewater Treatment Plant.

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 4th day of **August**, 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

08/04/16
Item #7(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
James Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: SECOND & FINAL READING – A-FY-16-01: Consider adopting an ordinance authorizing closure of the section of Hilliard Road, a public street, south of the new extension of Prairie View Road, and north of the north boundary of Lot 2, Block 1 of the Westfield Development Phase V Replat No 1.

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in the item description on first reading, with second and final reading set for August 4, 2016.

ITEM SUMMARY: The City of Temple Parks and Recreation Department has submitted a request to close the section of Hilliard Road south of the new extension of Prairie View Road, and north of the north boundary of Lot 2, Block 1 of the Westfield Development Phase V Replat No 1. The request is for the planned construction of the proposed Crossroads Park. Pursuant to Texas Transportation Code Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley. Since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed street will be retained by the City of Temple.



FISCAL IMPACT: Not applicable

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CLOSING THE SECTION OF HILLIARD ROAD, A PUBLIC STREET, SOUTH OF THE NEW EXTENSION OF PRAIRIE VIEW ROAD, AND NORTH OF THE NORTH BOUNDARY OF LOT 2, BLOCK 1 OF THE WESTFIELD DEVELOPMENT PHASE V, REPLAT NO. 1; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple, Parks and Recreation Department has submitted a request to close the section of Hilliard Road south of the new extension of Prairie View Road, north of the north boundary of lot 2, block 1 of the Westfield Development Phase V, Replat No. 1;

Whereas, the request is for the planned construction of the proposed Crossroads Park and pursuant to Texas Transportation Code Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley;

Whereas, since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed street will be retained by the City of Temple; and

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

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

Part 1: The City of Temple, Texas, hereby closes the section of Hilliard Road, a public street, south of the new extension of Prairie View Road, and north of the north boundary of Lot 2, Block 1 of the Westfield Development Phase V Replat No. 1, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

Part 2: 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 3: 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 4: 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 **July**, 2016.

PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 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

08/04/16
Item #7(P)
Consent Agenda
Page 1 of 1

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND & FINAL READING - A-FY-16-03: Consider adopting an ordinance authorizing abandonment and conveyance of the north 149.74 feet of the 20-foot-wide alley in Block 24 of Moore's Addition, City of Temple, Bell County, Texas, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

STAFF RECOMMENDATION: Staff recommends approval of the applicant's requested partial alley abandonment as submitted and described in the item description. Conduct a public hearing, and adopt ordinance as presented in the item description on first reading, with second and final reading set for August 4, 2016.

ITEM SUMMARY: The applicant, Bruce Walker of Lengefeld Lumber Company, requests abandonment and conveyance of the north 149.74 feet of the 20-foot-wide alley in Block 24, Moore's Addition. Lengefeld Lumber purchased the south 75.71 feet of the alley in 2014, as approved in Ordinance No. 2014-4640. The applicant owns the property on both sides of the alley. If the requested sale is approved, Lengefeld Lumber will own the entire alley and block. Mr. Walker is aware that the terms of the sale would not allow construction of buildings within the abandoned alley right-of-way due to existing utility service lines.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed easement abandonment. Since there are existing services in the alley, the utility providers have requested the alley be converted into a utility easement with full access to their service lines. Staff requests a 20' wide public drainage and utility easement in the entire abandoned rights-of-way to protect existing service lines.

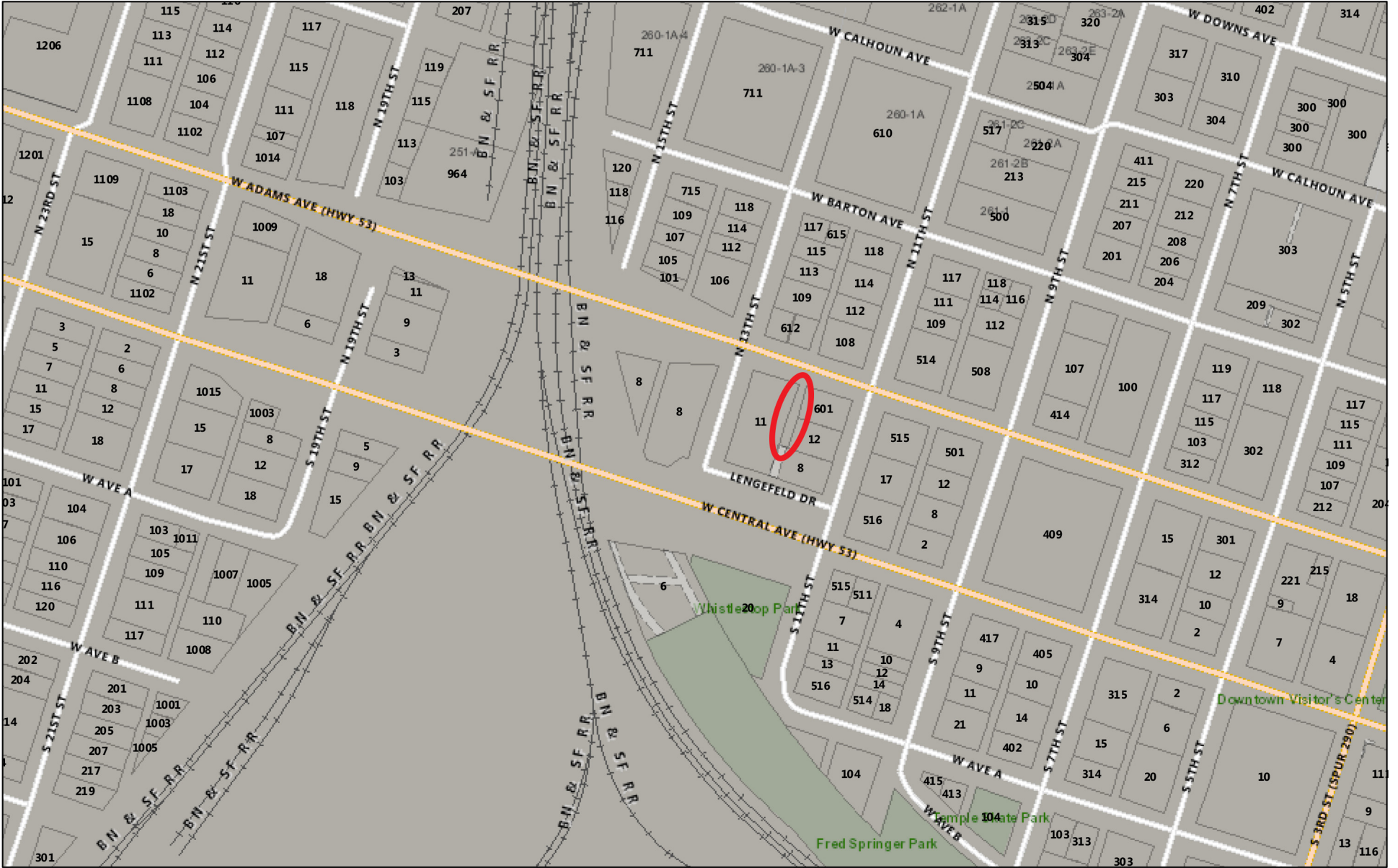
There is a chain link fencing within the alley with a gate that is a rolling chain link to allow placement of utility provider locks. The utility providers are agreeable to the applicant's proposed gate access. **There are no objections to the abandonment request as long as the requested easements are retained and the utility providers are able to access the easements through the gate.**

FISCAL IMPACT: Upon approval, the applicant will purchase the abandoned alley rights-of-way at the fair market value of \$5,260, as recommended by a 3rd party broker's opinion. Proceeds received will be deposited into account 110-0000-461-0423, Sale of Land.

ATTACHMENTS:

[Vicinity Map](#)
[Survey](#)
[Field Notes](#)
[Appraisal](#)
[Ordinance](#)

A-FY-16-03 Lengefeld Lumber Alley Abandonment



July 12, 2016

Parcels

Easement

Outblock Numbers

1:4,514

0 0.0375 0.075 0.15 mi

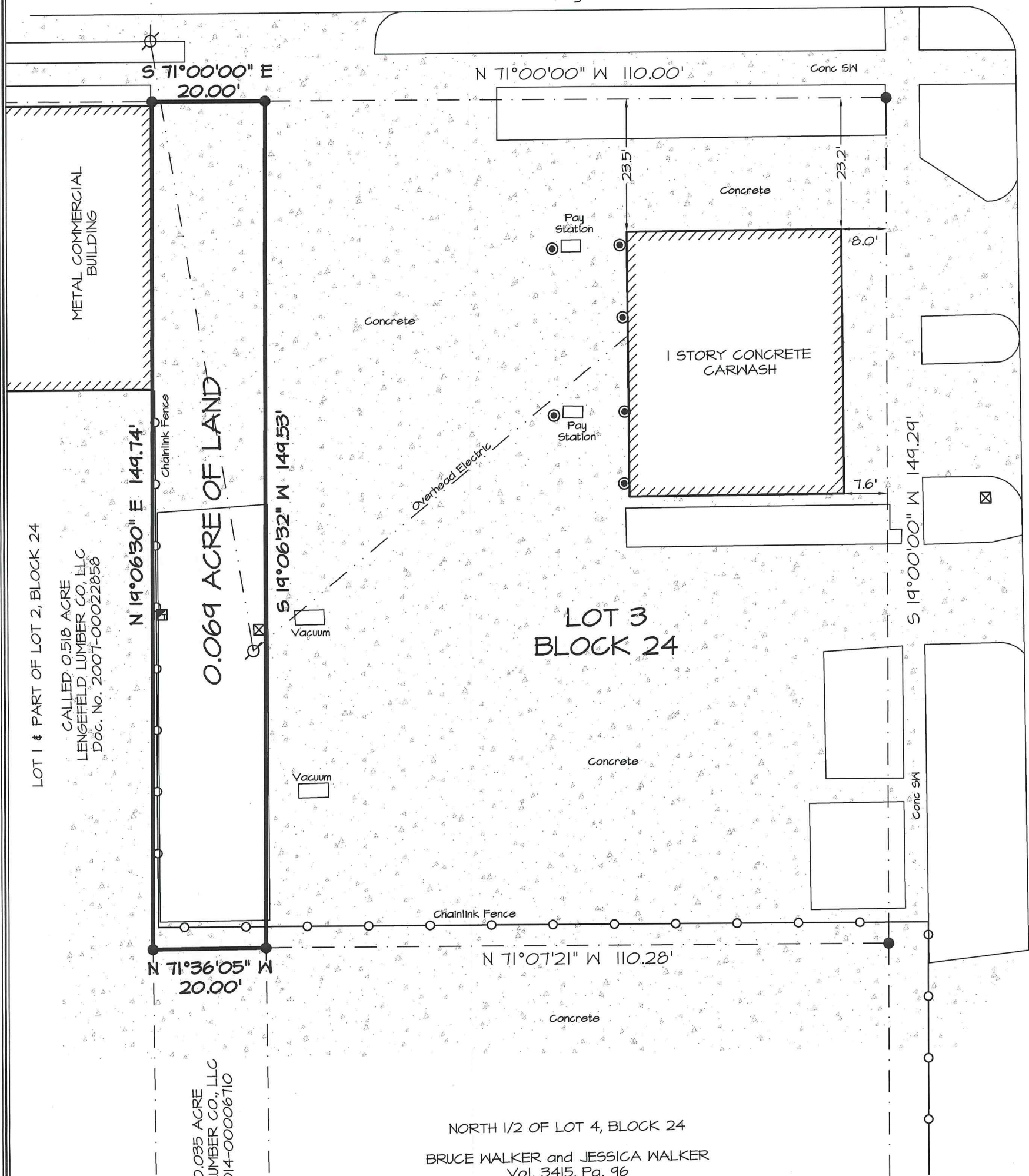
0 0.05 0.1 0.2 km

City of Temple

Surveyor's Sketch 0.069 ACRE, being a Portion of an Alley in BLOCK TWENTY FOUR (24), of MOORE'S ADDITION, In the City of Temple, Bell County, Texas, according to the plat of record in Volume 115, Page 416, Deed Records of Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.069 Acre tract.

(80' ROW) (Asphalt Surface)
WEST ADAMS AVENUE
Vol. 115, Pg. 416



This west line of North 11th Street was used for directional control as per an assumed bearing.

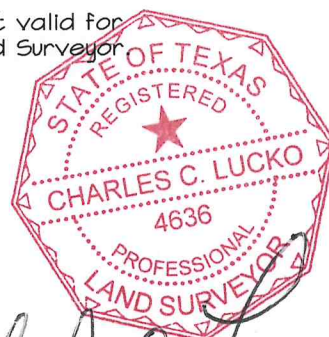
(80' ROW) (Asphalt Surface)
NORTH 11th STREET
Vol. 115, Pg. 416

LEGEND

- ☒ - Water Meter
- ☒ - Water Valve
- - Fire Hydrant
- - Storm Sewer Manhole
- - "X" in Concrete Set



This sketch represents a survey made on the ground. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



Charles C. Lucko

ALL COUNTY SURVEYING, INC.
1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608
Tx. Firm Lic. No. 10023600

Survey completed: 12-29-2015
Scale: 1" = 20'
Job No.: 150856
Dwg No.: 150856.1
Drawn by: SLW
Surveyor: CCL #4636
Copyright 2016 All County Surveying, Inc.

Plot Date: 01-05-2016

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

January 5, 2016

Surveyor's Field Notes for:

0.069 ACRE, situated in the City of Temple, Bell County, Texas, being a portion of a 20' alley situated in Block 24, Moore's Addition, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Volume 115, Page 416, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at an "X" in concrete set, being the northwest corner of Lot 3, Block 24, said Moore's Addition, being the northeast corner of said alley, and being on the south line of West Adams Avenue, which said "X" bears N 71° 00' 00" W – 110.00' from an "X" in concrete set at the northeast corner of said Block 24, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Lot 3, Block 24, **S 19° 06' 32" W – 149.53'**, to an "X" in concrete set at the northwest corner of Lot 4, Block 24, also being the northeast corner of a called 0.035 Acre tract conveyed to Lengefeld Lumber Co., LLC in Document No. 2014-00006710, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said 0.035 Acre tract, **N 71° 36' 05" W – 20.00'**, to an "X" in concrete set at the southeast corner of Lot 1, Block 24, same being the east line of a called 0.518 Acre tract conveyed to Lengefeld Lumber Co., LLC in Document No. 2007-00022858, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 0.518 Acre tract, **N 19° 06' 30" E – 149.74'**, to an "X" in concrete set, being the northeast corner of said 0.518 Acre tract, on the south line of said West Adams Avenue, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said West Adams Avenue, **S 71° 00' 00" E – 20.00'**, to the **POINT OF BEGINNING** and containing 0.069 Acre of Land.

The west line of North 11th Street was used for directional control as per an assumed bearing of N 19° E.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.069 Acre tract.

Surveyed December 29, 2015

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro150000/150800/150856/150856.1.doc



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

INVOICE

FROM:

The Brock Group
4102 South 31st Street, St 700
Temple, Texas 76502

Telephone Number: Fax Number:

TO:

Bruce Walker
8 North 13th, Temple, Texas 76501

E-Mail:
Telephone Number: Fax Number:
Alternate Number:

INVOICE NUMBER	
202316	
DATES	
Invoice Date:	June 9, 2016
Due Date:	
REFERENCE	
Internal Order #:	
Lender Case #:	
Client File #:	
FHA/VA Case #:	
Main File # on form:	202316
Other File # on form:	
Federal Tax ID:	
Employer ID:	

DESCRIPTION			
Lender:	Bruce Walker	Client:	
Purchaser/Borrower:	Bruce Walker		
Property Address:	West Adams Avenue		
City:	Temple		
County:	Bell	State:	Tx
		Zip:	76501
Legal Description:	.069 acres of land out of Block 24, Moores Addition to the city of Temple		
FEES			AMOUNT
APPRAISAL			450.00
SUBTOTAL			450.00
PAYMENTS			AMOUNT
Check #:	Date:	Description:	
Check #:	Date:	Description:	
Check #:	Date:	Description:	
SUBTOTAL			
THANKS FOR THE BUSINESS			TOTAL DUE
			\$ 450.00

APPRAISAL OF REAL PROPERTY

LOCATED AT

Tract of Land on West Adams Avenue
Temple, Tx 76501
.069 acres of land out of Block 24, Moores Addition to the city of Temple

FOR

Bruce Walker
8 North 13th, Temple, Texas 76501

OPINION OF VALUE

5,260.00

AS OF

May 19, 2016

BY

Michael L. Brock
The Brock Group
4102 South 31st Street, Suite 700
Temple, Texas 76502

texaslumar@yahoo.com

Borrower	Bruce Walker				File No.	202316	
Property Address	West Adams Avenue						
City	Temple	County	Bell	State	Tx	Zip Code	76501
Lender/Client	Bruce Walker						

TABLE OF CONTENTS

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LAND APPRAISAL REPORT

File No. 202316

SUBJECT

Borrower
Bruce Walker

Census Tract
0207.02

Map Reference
28660

Property Address
West Adams Avenue

City
Temple

County
Bell

State
Tx

Zip Code
76501

Legal Description
.069 acres of land out of Block 24, Moores Addition to the city of Temple

Sale Price \$
Date of Sale
Loan Term
yrs.

Property Rights Appraised
☒ Fee
☐ Leasehold
☐ De Minimis PUD

Actual Real Estate Taxes \$
n/a (yr)

Loan charges to be paid by seller \$
Other sales concessions

Lender/Client
Bruce Walker

Address
8 North 13th, Temple, Texas 76501

Occupant
Vacant Land

Appraiser
Michael L. Brock

Instructions to Appraiser
Estimate Market Value

NEIGHBORHOOD

Location
☒ Urban
☐ Suburban
☐ Rural

Built Up
☒ Over 75%
☐ 25% to 75%
☐ Under 25%

Growth Rate
☐ Fully Dev.
☐ Rapid
☒ Steady
☐ Slow

Property Values
☐ Increasing
☒ Stable
☐ Declining

Demand/Supply
☐ Shortage
☒ In Balance
☐ Oversupply

Marketing Time
☐ Under 3 Mos.
☒ 4-6 Mos.
☐ Over 6 Mos.

Present
50 % One-Unit
Land Use
% Industrial
% Vacant
%
Change in Present
Land Use
☒ Not Likely
☐ Likely (*)
☐ Taking Place (*)
Predominant Occupancy
☒ Owner
☐ Tenant
% Vacant
One-Unit Price Range
\$ 40,000 to \$ 150,000
Predominant Value \$ 100,000
One-Unit Age Range
40 yrs. to 100 yrs.
Predominant Age 60 yrs.

Good
Avg.
Fair
Poor

Employment Stability
Convenience to Employment
Convenience to Shopping
Convenience to Schools
Adequacy of Public Transportation
Recreational Facilities
Adequacy of Utilities
Property Compatibility
Protection from Detrimental Conditions
Police and Fire Protection
General Appearance of Properties
Appeal to Market

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)
Subject neighborhood is diverse neighborhood that is very well established. It is located just west of the Central Business District with excellent access on Adams and Central Avenues. Neighborhood appears to be stable with average market appeal.

SITE

Dimensions
See Survey

Zoning Classification
C Commercial

Highest and Best Use
☒ Present Use
☐ Other (specify)

Public
Other (Describe)

Elec.
☒

Gas
☒

Water
☒

San. Sewer
☒

☐ Underground Elect. & Tel.

OFF SITE IMPROVEMENTS
Street Access
☒ Public
☐ Private
Surface
asphalt
Maintenance
☒ Public
☐ Private
☒ Storm Sewer
☒ Curb/Gutter
☒ Sidewalk
☒ Street Lights

Topo
Gently sloping
Size
Smaller than average
Shape
Irregular
View
Good visability
Drainage
Appears tobe adequate
Is the property located in a FEMA Special Flood Hazard Area?
☐ Yes
☒ No

Present Improvements
☒ Do
☐ Do Not
Conform to Zoning Regulations

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions)
According to survey there are no observed adverse easements or encroachments on subject property other than utility easements as the subject property is an city alley to be abandoned.

MARKET DATA ANALYSIS

The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3	
Address	West Adams Avenue Temple, Tx 76501	2006 N 3rd Street Temple, Texas	2410 E. Adams Temple, Texas	4224 S 5th Street Temple, Texas	
Proximity to Subject		1.56 miles NE	2.64 miles E	3.13 miles S	
Sales Price	\$	\$ 1.51	\$.67	\$ 1.88	
Price \$/Sq. Ft.	\$	\$ 64,000/\$1.51	\$ 95,000/\$.67	\$ 115,000/\$1.88	
Data Source(s)		Appraisal File	Appraisal File	Appraisal File	
ITEM	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjust.	DESCRIPTION	+ (-) \$ Adjust.
Date of Sale/Time Adj.		7/1/2012		9/27/2012	
Location	Urban	Urban		Urban/Inferior	+.50
Site/View	Good	Good		Good	
Topography	Gently Sloping	Gently Sloping		Gently Sloping	
Improvements	None	None		None	
Size	Small (see survey)	42,253 sf	+.25	3.26 ac	+.50
61,072 sf					+.25
Sales or Financing Concessions					
Net Adj. (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 0.25	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 1
Indicated Value of Subject		\$ 1.76		\$ 1.67	\$ 2.13

Comments on Market Data
All of the provided sales are of similar type properties located in subject market area or competing areas. See final correlation on next page.

RECONCILIATION

Comments and Conditions of Appraisal
Market appeal for subject property is considered to be fair as only buyers for subject tract are adjacent land owners.

Final Reconciliation
The direct sales comparison approach is the only approach considered appropriate for the subject property with adequate quality data available to conclude a reasonable value estimate

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF
May 19, 2016 TO BE \$ 5,260.00

Appraiser
Michael L. Brock

Date of Signature and Report
June 08, 2016

Title
Appraiser

State Certification #
Tx1321754-G

ST
Tx

Or State License #

ST

Expiration Date of State Certification or License
12/31/2017

Date of Inspection (if applicable)
5/19/2016

Supervisory Appraiser (if applicable)

Date of Signature

Title

State Certification #

ST

Or State License #

ST

Expiration Date of State Certification or License

☐ Did
☐ Did Not
Inspect Property

Date of Inspection

Form LAND — "WinTOTAL" appraisal software by a la mode, inc. — 1-800-ALAMODE

08/11

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale. (Source: FDIC Interagency Appraisal and Evaluation Guidelines, October 27, 1994.)

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.

CERTIFICATION: The appraiser certifies and agrees that:

- 1. The statements of fact contained in this report are true and correct.
- 2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- 3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- 4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- 5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- 6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- 7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- 8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- 9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the exteriors of all properties listed as comparables.
- 10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

ADDRESS OF PROPERTY ANALYZED: West Adams Avenue, Temple, Tx 76501

APPRAISER:

Signature: Michael L. Brock
Name: Michael L. Brock
Title: Appraiser
State Certification #: Tx1321754-G
or State License #:
State: tx Expiration Date of Certification or License: 12/31/2017
Date Signed: June 08, 2016

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____
Name: _____
Title: _____
State Certification #: _____
or State License #: _____
State: _____ Expiration Date of Certification or License: _____
Date Signed: _____
☐ Did ☐ Did Not Inspect Property

FIRREA / USPAP ADDENDUM

Borrower	Bruce Walker	File No.	202316
----------	--------------	----------	--------

Property Address West Adams Avenue

City	Temple	County	Bell	State	Tx	Zip Code	76501
------	--------	--------	------	-------	----	----------	-------

Lender/Client	Bruce Walker
---------------	--------------

Purpose

Estimate market value.

Scope of Work

Appraiser viewed the land and researched sales data in the subject market area for comparison and adjustments.

Intended Use / Intended User

Intended Use:	Client
---------------	--------

Intended User(s): Client

History of Property

Current listing information: Not Listed

Prior sale: none in last three years.

Exposure Time / Marketing Time

180 plus days

Personal (non-realty) Transfers

none

Additional Comments

Certification Supplement

1. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or an approval of a loan.
2. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

Appraiser: Michael L. Brock
Signed Date: June 08, 2016
Certification or License #: Tx1321754-G
Certification or License State: tx Expires: 12/31/2017
Effective Date of Appraisal: May 19, 2016

Supervisory
Appraiser: _____
Signed Date: _____
Certification or License #: _____
Certification or License State: _____ Expires: _____
Inspection of Subject: ☐ Did Not ☐ Exterior Only ☐ Interior and Exterior

Subject Photo Page

Borrower	Bruce Walker				
Property Address	West Adams Avenue				
City	Temple	County	Bell	State	Tx Zip Code 76501
Lender/Client	Bruce Walker				



Typical View

West Adams Avenue
Sales Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Urban
View Good
Site
Quality
Age



Typical View



Subject Street

Subject Photo Page

Borrower	Bruce Walker				
Property Address	West Adams Avenue				
City	Temple	County	Bell	State	Tx Zip Code 76501
Lender/Client	Bruce Walker				



Typical View

West Adams Avenue
Sales Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Urban
View Good
Site
Quality
Age



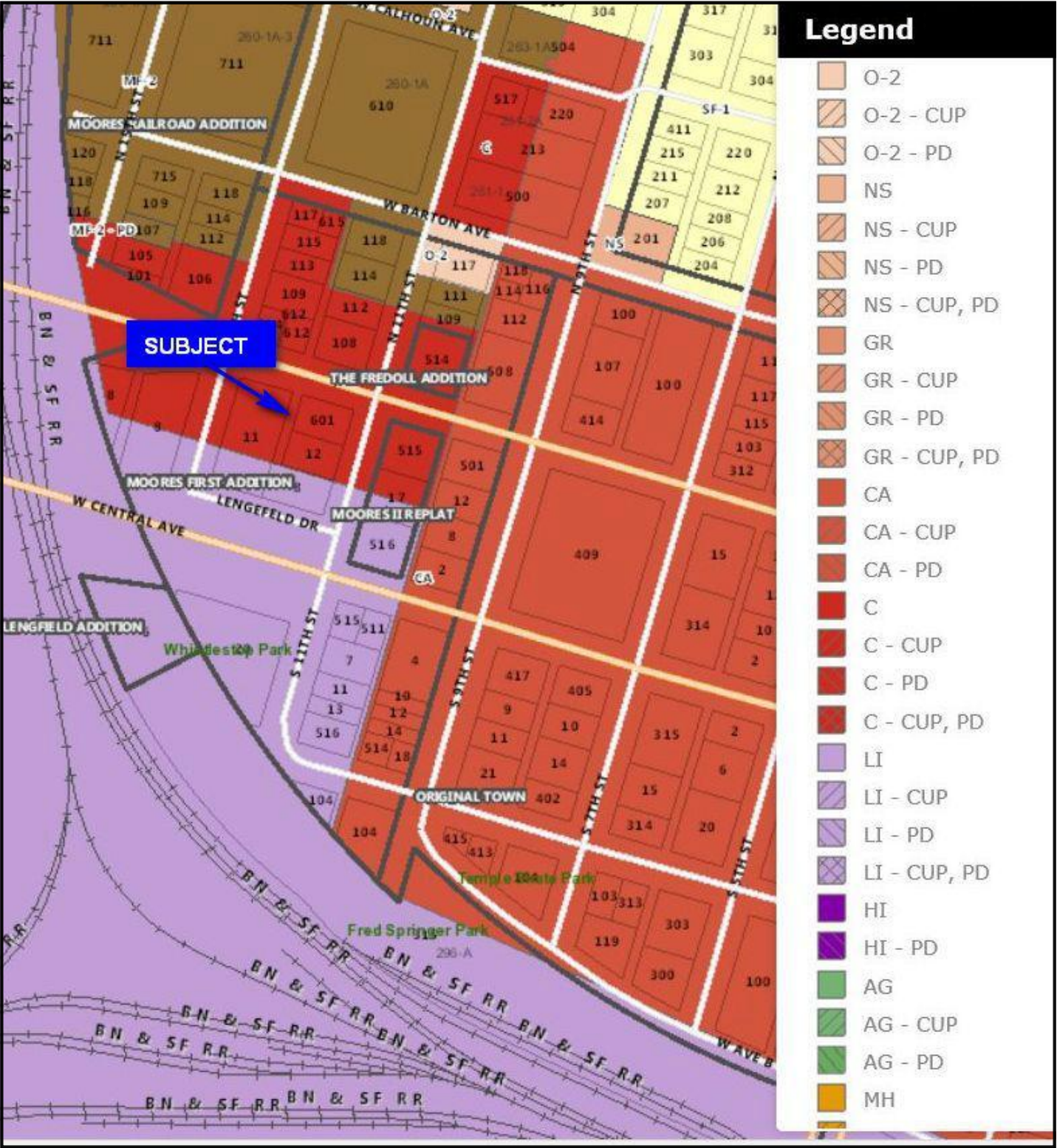
Typical View



Subject Street

Zoning Map

Borrower	Bruce Walker			
Property Address	West Adams Avenue			
City	Temple	County	Bell	State Tx Zip Code 76501
Lender/Client	Bruce Walker			



Aerial Map

Borrower	Bruce Walker			
Property Address	West Adams Avenue			
City	Temple	County	Bell	State Tx Zip Code 76501
Lender/Client	Bruce Walker			



Legal Description

Borrower	Bruce Walker			
Property Address	West Adams Avenue			
City	Temple	County	Bell	State Tx Zip Code 76501
Lender/Client	Bruce Walker			

January 5, 2016

Surveyor's Field Notes for:

0.069 ACRE, situated in the City of Temple, Bell County, Texas, being a portion of a 20' alley situated in Block 24, Moore's Addition, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Volume 115, Page 416, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at an "X" in concrete set, being the northwest corner of Lot 3, Block 24, said Moore's Addition, being the northeast corner of said alley, and being on the south line of West Adams Avenue, which said "X" bears N 71° 00' 00" W – 110.00' from an "X" in concrete set at the northeast corner of said Block 24, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Lot 3, Block 24, **S 19° 06' 32" W – 149.53'**, to an "X" in concrete set at the northwest corner of Lot 4, Block 24, also being the northeast corner of a called 0.035 Acre tract conveyed to Lengefeld Lumber Co., LLC in Document No. 2014-00006710, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said 0.035 Acre tract, **N 71° 36' 05" W – 20.00'**, to an "X" in concrete set at the southeast corner of Lot 1, Block 24, same being the east line of a called 0.518 Acre tract conveyed to Lengefeld Lumber Co., LLC in Document No. 2007-00022858, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 0.518 Acre tract, **N 19° 06' 30" E – 149.74'**, to an "X" in concrete set, being the northeast corner of said 0.518 Acre tract, on the south line of said West Adams Avenue, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said West Adams Avenue, **S 71° 00' 00" E – 20.00'**, to the **POINT OF BEGINNING** and containing 0.069 Acre of Land.

The west line of North 11th Street was used for directional control as per an assumed bearing of N 19° E.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.069 Acre tract.

Surveyed December 29, 2015

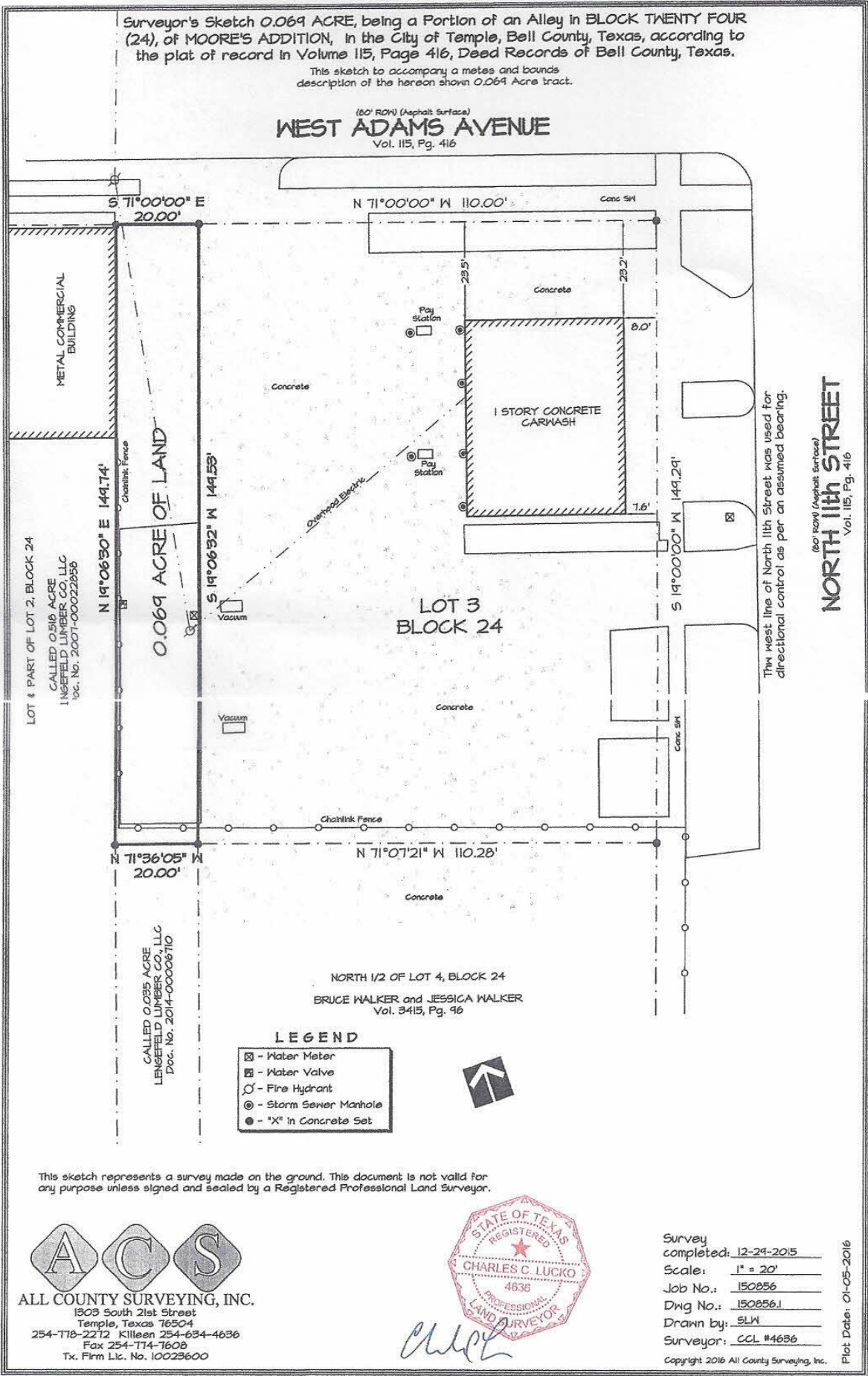
ALL COUNTY SURVEYING, INC.
1-800-749-PLAT
Tx. Firm Lic. No. 10023600
erver/projects/pro150000/150800/150856/150856.1.doc

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



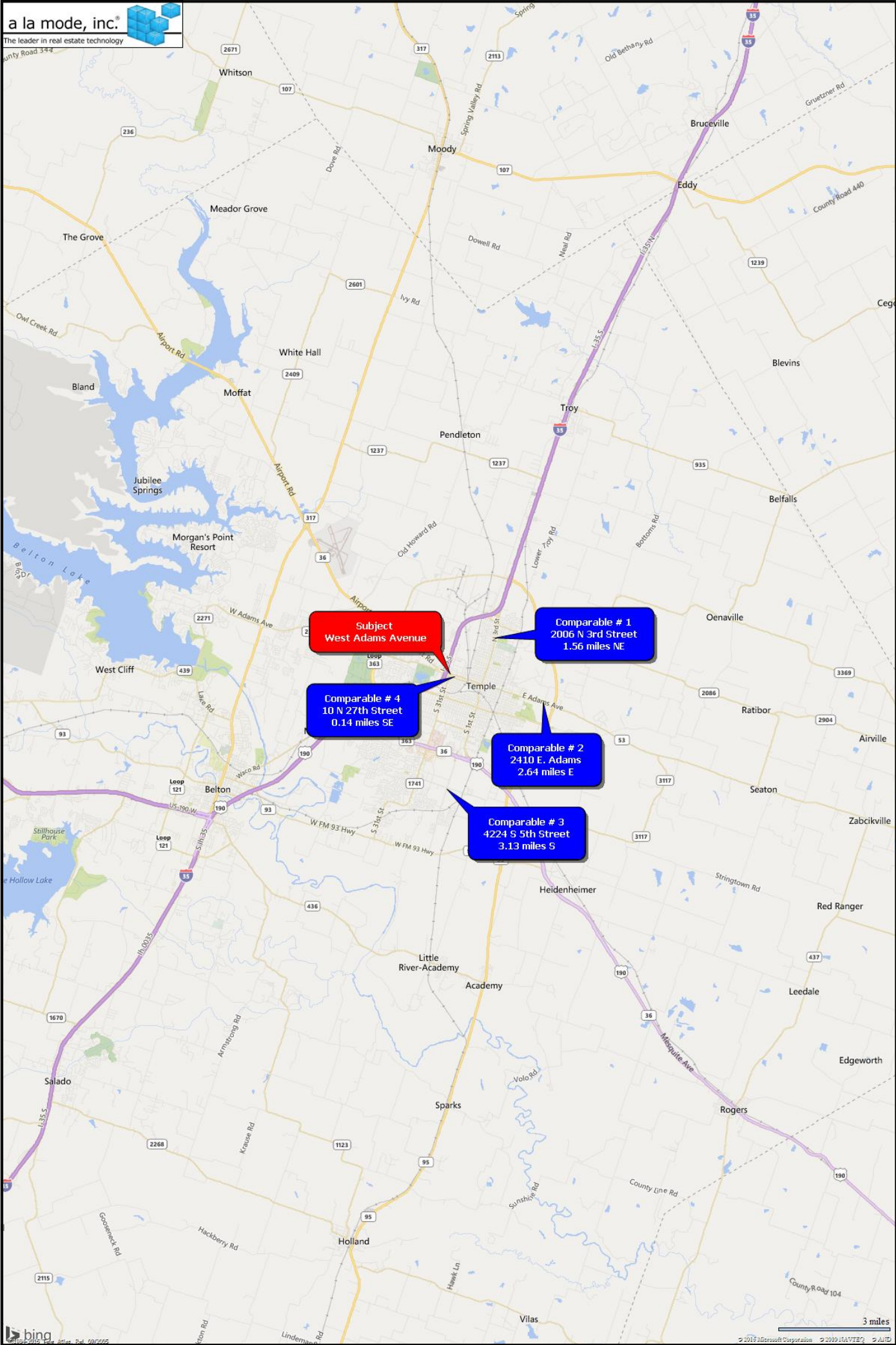
Survey Map

Borrower	Bruce Walker			
Property Address	West Adams Avenue			
City	Temple	County	Bell	State Tx Zip Code 76501
Lender/Client	Bruce Walker			



Location Map

Borrower	Bruce Walker			
Property Address	West Adams Avenue			
City	Temple	County	Bell	State Tx Zip Code 76501
Lender/Client	Bruce Walker			



ORDINANCE NO. _____
(A-FY-16-03)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT AND CONVEYANCE OF THE NORTH 149.74 FEET OF THE 20 FOOT WIDE ALLEY IN BLOCK 24 OF MOORE'S ADDITION, CITY OF TEMPLE, BELL COUNTY, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Bruce Walker, submitted a request on behalf of LENGFELD LUMBER CO., LLC, for abandonment and conveyance of the north 149.74 feet of the 20 foot wide alley in Block 24 of Moore's Addition, City of Temple, Bell County, Texas;

Whereas, the request is for abandonment and conveyance of all of the alley that lies between West Adams Avenue and the abandoned 75.71 foot portion of that alley which was described in Exhibit A to Ordinance No. 2014-4640, recorded in Document #00007315 of the real property records of Bell County, Texas, and conveyed to LENGFELD LUMBER CO., LLC, by Deed Without Warranty recorded in Document #00006710 of the real property records of Bell County, Texas;

Whereas, Lengefeld Lumber owns all of the property bounding the alley except for the right-of-way of West Adams Avenue at the north end of the alley;

Whereas, Staff contacted all public and private service providers, including the Public Works Department, and confirmed that the alley may be conveyed with reservation of a public utility and drainage easement in the entire abandoned alley - the providers' responses indicated that there are existing public facilities and utilities in the alley; therefore, full access to the service lines must be maintained at all times;

Whereas, any proceeds received from the conveyance will be deposited into Account No. 110-0000-461-0423; and

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 abandons and conveys approximately 149.74 feet of a 20 foot wide alley located in Block 24 of Moore's Addition, City of Temple, Bell County, Texas, which is described by metes and bounds in Exhibit A to this ordinance.

Part 2: The City Council reserves a public utility and drainage easement in the entire abandoned alley.

Part 3: As consideration for the conveyance described in Part 1, LENGEFELD LUMBER CO., LLC shall pay to the City of Temple the fair market value of the alley, in the amount of \$5,260.

Part 4: The City Council authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas to the abutting property owner.

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

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

PASSED AND APPROVED on First Reading on the **21st** day of **July**, 2016.

PASSED AND APPROVED on Second Reading and Public Hearing the **4th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 2016, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

08/04/16
Item #7(Q)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance amending the Code of Ordinances, Chapter 2, "Administration," Article II, "Code of Ethics" to create an Ethics Review Board, add standards of conduct, add complaint procedures, and implement sanctions for violations of the Ethics Code.

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

ITEM SUMMARY: Code of Ordinances, Chapter 2, Article II is titled "Code of Ethics." The current code was adopted in the late 1970's and applies to employees and "officers" of the City which includes Councilmembers and any "appointive member of a board, commission or committee set up by ordinance, Charter or state law." Article II lists ten "standards of conduct" that employees and officers must follow. The Article also establishes certain penalties for violation of those standards. The penalties include "expulsion, reprimand, removal from office or discharge, whichever is applicable." Employees may also be subject to disciplinary action.

In 2015, the City Manager created an "Ethics Committee" which consisted of City Staff and citizens. The task of the Committee was to review the current language in Chapter 2 and propose possible amendments. After the Committee finished its review and provided draft amendments, City Staff continued to research Ethics Codes in other cities and discuss the internal procedures for handling possible complaints for Ethics Code violations. In February, 2016, the City Council received a presentation on the proposed changes and possible ways to investigate and enforce violations.

After further discussion at a Council workshop in May, Staff is now proposing extensive amendments to Chapter 2, Article II. The amendments would delete the current language in Article II and replace it with the attached code sections.

The proposed language would make "city officials" and "employees" subject to the Ethics Code. "City officials" are defined as "a public official, either elected or appointed, that serves the City as a Councilmember or board member for any of the City boards or commissions." "Board or Commission" refers to City boards and commissions that have quasi-judicial authority or responsibilities beyond those that are advisory in nature. Members of the following boards and commissions would be subject to the Ethics Code:

- Building & Standards Commission
- Building Board of Appeals
- Civil Service Commission
- Development Standards Review Board
- Planning & Zoning Commission
- Temple Economic Development Corporation Board of Directors
- Reinvestment Zone Number One Board of Directors; and
- Zoning Board of Adjustment

City employees include all City personnel, whether full-time or part-time, including those appointed to their positions by the City Council in accordance with the City Charter. Complaints against City employees would be addressed as set forth in the City of Temple Personnel Policies and Procedures Manual.

The proposed amendments add several standards of conduct which would, among other things, require the disclosure of conflicts of interest, prohibit the sharing of confidential information, prohibit the unfair advancement of private interests, and prohibit outside employment.

The amendments create an “Ethics Review Board” consisting of five members and two alternate members. The Mayor and each Councilmember would nominate one member of the Board and each nominee must be confirmed by the City Council. Two alternate members must be proposed and confirmed by a unanimous vote of the City Council. The alternate members would serve on the Board in case of a conflict of an appointed Board member. The Board members would serve three year terms corresponding with the Councilmember who appointed him/her to the Board. The alternate members would serve three year terms starting at the time of appointment. A member of the Board may not be (1) a salaried city official or employee; (2) an elected public official; (3) a candidate for public office; (4) a campaign treasurer, campaign manager, officer or other policy or decision-maker for the campaign of any candidate for the Mayor or any Councilmember positions; or (5) a member of any City board or commission other than the Ethics Review Board. The Board would be required to include at least one member who is an attorney and one member with expertise in finance or accounting. The Board would have the jurisdiction and power to investigate and make findings and conclusions concerning alleged violations of the Ethics Code.

The amendments establish a detailed complaint and review process. A complainant would be required to submit a written, sworn complaint to the City Secretary’s Office alleging a violation of the Ethics Code by a city official. The complaint must state the name of the city official or employee who is the subject of the complaint, specify the code provision alleged to have been violated, provide the date of the violation, and include a statement of the facts surrounding the allegation. Complaints must be made within 18 months from the date of the alleged violation. Anonymous complaints will not be accepted.

All complaints will be initially reviewed by the City Attorney’s Office to verify compliance with the Ethics Code. If a complaint meets all Code requirements, it will be submitted to the Ethics Review Board for a determination on how to proceed. The Board will have the option to appoint a committee of its members to conduct an investigation into the complaint, ask the City Attorney to conduct the investigation, or ask that the City Attorney engage outside counsel to conduct the investigation.

Once an investigation has been completed, the Board is required to hold a public hearing to discuss the findings. The complainant and the city official complained against will have a right to be heard and to be represented by an attorney. At the conclusion of the hearing, the Board may dismiss a complaint for lack of evidence or the Board may recommend sanctions against the city official. The Board's recommendations will be presented to the City Council at a regularly scheduled Council meeting. The City Council will take final action on all Board recommendations.

The purpose of the proposed amendments is to promote confidence in the governance of the City and thereby enhance the City's ability to function effectively by discouraging conduct which is incompatible with the best interests of the City. For these reasons, Staff recommends approval of the proposed amendments to Chapter 2.

FISCAL IMPACT: None.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CODE OF ETHICS" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO CREATE AN ETHICS REVIEW BOARD, ADD STANDARDS OF CONDUCT, ADD COMPLAINT PROCEDURES, AND IMPLEMENT SANCTIONS FOR VIOLATIONS OF THE ETHICS CODE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Code of Ordinances, Chapter 2, Article II, titled "Code of Ethics," was adopted in the late 1970's and applies to employees and "officers" of the City which includes Councilmembers and any "appointive member of a board, commission or committee set up by ordinance, Charter or state law;"

Whereas, Article II lists ten "standards of conduct" that employees and officers must follow and establishes certain penalties for violation of those standards - the penalties include "expulsion, reprimand, removal from office or discharge, whichever is applicable" and employees may also be subject to disciplinary action;

Whereas, the proposed amendments create an "Ethics Review Board" consisting of five members and two alternate members nominated by the Mayor and each councilmember and confirmed by City Council – two alternate members would also be proposed and confirmed by unanimous vote of the City Council;

Whereas, additional proposed amendments would also establish a detailed complaint and review process which would require a written and sworn complaint to the City Secretary's office alleging a violation of the Ethics Code by a city official – all complaints would be initially reviewed by the City Attorney's office to verify compliance with the Ethics Code and if it meets all Code requirements, it would then be submitted to the Ethics Review Board for a determination on how to proceed;

Whereas, the purpose of the proposed amendments is to promote confidence in the governance of the City and thereby enhance the City's ability to function effectively by discouraging conduct which is incompatible with the best interests of the City;

Whereas, Staff recommends approval of the proposed amendments to Chapter 2 of the Code of Ordinances of the City of Temple; 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 2, “Administration,” Article II, “Code of Ethics” of the Code of Ordinances of the City of Temple, Texas, 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 **21st** day of **July**, 2016.

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance amending the Code of Ordinances, Chapter 37, "Traffic," to include a general update of the Chapter and changes to the two-hour parking regulations.

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

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing certain amendments to Chapter 37, "Traffic." The amendments include changes to outdated State law references and city staff positions. For example, the Chapter gives the "traffic management administrator" the authority to exercise the powers and duties with respect to traffic, as set forth in the Chapter. There is currently no staff position with this title. The amendments propose to change that reference to "transportation director" which is an existing position within the Public Works Department.

The amendments also include changes to Section 37-93 regarding two-hour parking zones. The amendments delete the current language which includes a lengthy description of where two-hour parking zones are located and references an outdated map. The proposed language would simply state that the transportation director is authorized to determine and designate parking spaces in which parking is limited to two-hour periods of time. The areas must be designated with signs or other clearly distinguished markings. The amendments also clarify that a violation of Section 37-93 is a criminal offense and is punishable by a maximum fine of \$200.

The remaining amendments include a general cleanup of the language and formatting of the Chapter. Staff recommends approval of the proposed amendments.

FISCAL IMPACT: Parking fines assessed and paid will be deposited into account 110-0000-452-0361, Over Parking / Parking Fines.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 37 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO INCLUDE A GENERAL UPDATE OF THE CHAPTER AND CHANGES TO THE TWO-HOUR PARKING REGULATIONS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff proposes certain amendments to Chapter 37, "Traffic" which includes changes to outdated State law references and city Staff positions;

Whereas, amendments also include changes to Section 37-93 regarding two-hour parking zones – these amendments will delete the current language which includes a lengthy description of where two-hour parking zones are located and references an outdated map;

Whereas, the proposed language would simply state that the 'transportation director' is authorized to determine and designate parking spaces in which parking is limited to two-hour periods of time, and designated with signs or other clearly distinguished markings;

Whereas, amendments also clarify that a violation of Section 37-93 is a criminal offense and is punishable by a maximum fine of \$200.00;

Whereas, Staff recommends approval of the proposed amendments which also include a general cleanup of the language and formatting of the Chapter; 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 37, of the Code of Ordinances of the City of Temple, Texas "Traffic," 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 **21st** day of **July**, 2016.

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Ashley Williams, General Service Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the submission of a grant application for the Texas A&M Forest Service TIFMAS Grant Assistant Program in the amount of \$625, for training tuition.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas A&M Forest Services provides financial assistance to department across the state, assisting in tuition for firefighters to attend initial and recurrent training. Eligible applicants include career fire departments that have no volunteer members and that are staffed with paid employees only. Training Tuition grants are capped at a maximum of \$125 per trainee per day, not to exceed \$625 per trainee per school. Cost-Share assistance for training Tuition grants will be capped at a maximum of \$12,500 per department per fiscal year (September 1 through August 31).

Temple Fire & Rescue is requesting funding for one training course, for one trainee. The total cost of the course is \$1,000.

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

FISCAL IMPACT: If awarded the grant, the City would receive \$625 to pay for a portion the \$1,000 for the Texas Fire Chief Academy. The remaining amount needed for the training course of \$375 is available in account 110-2223-522-25-14.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS A&M FOREST SERVICES TIFMAS GRANT ASSISTANCE PROGRAM, IN THE AMOUNT OF \$625.00, FOR TRAINING TUITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas A&M Forest Services provides financial assistance to departments across the state, assisting with tuition for firefighters to attend initial and recurrent training - eligible applicants include career fire departments that have no volunteer members and that are staffed with paid employees only;

Whereas, training tuition grants are capped at a maximum of \$125 per trainee per day, not to exceed \$625 per trainee per school and cost-share assistance for training tuition grants will be capped at a maximum of \$12,500 per department per fiscal year (September 1 through August 31);

Whereas, Temple Fire & Rescue is requesting funding for one training course, for one trainee – the total cost of the course will be \$1,000;

Whereas, if awarded the grant, the City would receive \$625 in grant funds to pay for a portion of the total course cost of \$1,000 – the remaining \$375 will be paid via the department's training budget located in Account No. 110-2223-522-25-14; 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 submit an application for the Texas A&M Forest Services TIFMAS Grant Assistance Program, in the amount of \$625, for training tuition.

Part 2: The City Manager, or his designee, is authorized to execute any documents, after approval as to form by the City Attorney, which may be necessary to apply for this grant, and accept any funds that may be received for this grant.

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

PASSED AND APPROVED this the **4th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$22,484.

ATTACHMENTS:

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

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

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2100-529-2511		Other Services / Printing/Publications	\$ 500	
110-2100-529-2111		Supplies / Computer Supplies	\$ 500	
110-0000-461-0841		Other / Donations/Gifts		\$ 1,000
To appropriate animal shelter donations received for the purchase of citation books and printer cartridges.				
110-3700-524-2220		Capital < \$5,000 / Machinery & Equipment	\$ 340	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 340
To appropriate the second insurance proceeds check from TML in the amount of \$339.90 for replacement of a stolen mower. Previous TML proceeds received were in the amount of \$1,309. The purchase price of the replacement mower was \$3,509.10.				
292-2900-534-2516		Other Services / Judgment & Damages	\$ 14,300	
292-0000-461-0554		Insurance Claims / Insurance Claims		\$ 14,300
To appropriate insurance proceeds received from TML in the amount of \$14,299.68 for damages to the 2002 Volvo Excavator (asset # 11460) that occurred on 12/28/15.				
110-2210-522-2516		Other Services / Judgment & Damages	\$ 6,844	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 6,844
To appropriate insurance proceeds received from North America Risk Services in the amount of \$6,844.26 for damages to the ladder truck (asset # 14017) that occurred on 02/2/16.				
TOTAL AMENDMENTS			\$ 22,484	\$ 22,484

GENERAL FUND		
Beginning Contingency Balance	\$ -	
Added to Contingency Sweep Account	-	
Carry forward from Prior Year	-	
Taken From Contingency	-	
Net Balance of Contingency Account	\$ -	
Beginning Judgments & Damages Contingency	\$ 44,230	
Added to Contingency Judgments & Damages from Council Contingency	-	
Taken From Judgments & Damages	(34,318)	
Net Balance of Judgments & Damages Contingency Account	\$ 9,912	
Beginning Compensation Contingency	\$ 375,000	
Added to Compensation Contingency	-	
Taken From Compensation Contingency	(375,000)	
Net Balance of Compensation Contingency Account	\$ -	
Net Balance Council Contingency	\$ 9,912	
Beginning Balance Budget Sweep Contingency	\$ -	
Added to Budget Sweep Contingency	-	
Taken From Budget Sweep	-	
Net Balance of Budget Sweep Contingency Account	\$ -	
WATER & SEWER FUND		
Beginning Contingency Balance	\$ 50,000	
Added to Contingency Sweep Account	-	
Taken From Contingency	(23,198)	
Net Balance of Contingency Account	\$ 26,802	
Beginning Compensation Contingency	\$ 64,000	
Added to Compensation Contingency	-	
Taken From Compensation Contingency	(64,000)	
Net Balance of Compensation Contingency Account	\$ -	
Net Balance Water & Sewer Fund Contingency	\$ 26,802	

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

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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 4th day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner
Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Z-FY-16-35: Consider adopting an Ordinance, amending Ordinance No. 2002-3840, authorizing a Conditional Use Permit on property zoned Planned Development - General Retail, to allow and construct an office warehouse, Lake Belton Plaza Phase II, located at 37 Morgan's Point Road.



Figure 1: Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their June 6, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed Conditional Use Permit as presented by staff.

During the meeting, parking and access considerations were discussed. It should be noted that while 14 parking spaces are being provided, based on the square footage and the potential employee count, up to 7 parking spaces would be required. Since 14 parking spaces are provided, the plan exceeds the requirements of UDC Section 7.5.4B.

In addition, as discussed in the in the DRC discussion section of this report, the applicant clarified that the preparation and recording of a separate joint use access easement is in process and will occur. The easement will address concerns regarding blocked parking or ingress and egress to the property relative to West Adams Ave (FM2305).

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

1. That the proposed Conditional Use Permit and Development Plan are consistent with the underlying General Retail (GR) zoning and demonstrated compliance with the Planned Development Ordinance (Ord. 2002-3840) with regard to exterior building materials;
2. The request is consistent with underlying Suburban Commercial Future Land Use Map designation;

3. The proposed office warehouse, will be adequately buffered and screened from the adjacent residential use to the north;
4. The request is in compliance with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

Staff recommends approval of the requested Conditional Use Permit, subject to the following conditions:

1. That the proposed use as an office warehouse, on 0.783 +/- acres, as allowed with a conditional use permit, by Planned Development Ordinance 2002-3840, is developed in substantial compliance to and as further described by the site plan and building elevations attached as Exhibits A & B of the Ordinance related to the conditional use permit;
2. That a 6-foot sidewalk is provided along the entire property frontage of Morgan's Point Road, and reviewed at the time of permitting;
3. Exterior building elevations for the office warehouse, shall contain a combination of limestone and brick on the western and southern facing elevations with copper roofing material in substantial compliance to the attached elevations;
4. Staff approval and recordation of joint use access easement agreement(s) to ensure proper access and circulation from adjacent properties prior to issuance of a building permit;
5. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved site / development plan for the 0.783 +/- acre tract, including but not limited to, screening, buffering, landscaping and minor modifications to the building materials and overall site layout.

ITEM SUMMARY: The applicant, Rueben Marek, on behalf of RMSJ Investments, requests a conditional use permit, as provided by Planned Development (PD-GR) Ordinance 2002-3840, for a 5,000 square foot office warehouse on 0.783 +/- acres. The property is located within Lot 1, Block 1 in the Lake Belton Plaza, Phase II subdivision, addressed as 37 Morgan's Point Road. The Planned Development Ordinance provides for a base-zoning of General Retail, which allows an office warehouse with an approved Conditional Use Permit.

The proposed conditional use permit would allow a 5,000 square foot office warehouse building along with improvements to provide for 14 public parking spaces as well as necessary landscaping improvements. There is currently a storage building on-site which will be razed to accommodate the new office warehouse development.

Additional time was needed to address providing adequate access from adjacent properties and circulation on the site after the June 6, 2016 Planning and Zoning Commission meeting. The applicant met with Planning staff on June 12, 2016 to address the access and circulation concerns. The public hearing for this zoning case will occur at Second Reading instead of First Reading to allow for proper notification and for the applicant to revise the site plan accordingly.

BACKGROUND: The original Planned Development approved by Ordinance 2002-3840 (attached), encompasses approximately 3.78 +/- acres of land located generally within the platted Lake Belton Plaza and Lake Belton Phase II subdivisions at the northeast corner of Morgan's Point Road and West Adams Ave (FM2305). The Planned Development – General Retail (PD-GR) rezoning Ordinance became effective on June 6, 2002. The base-zoning of General Retail (GR) requires a conditional use permit for an office warehouse use.

REVIEW CRITERIA: While more detailed discussion (table attached) is available for the seven conditional use permit review criteria as provided for by UDC Section 3.5.4, a synopsis of the more significant criteria are as follows:

Screening / Buffering: Per UDC Section 7.7.4, enhanced landscaping or a solid privacy fence is required, when a residential use or district abuts a non-residential use or district. While both enhanced landscaping and a privacy fence has been discussed with the applicant, a final decision has not made identified. Compliance with this requirement will be determined during the review of the building plans.

Landscaping: While preserving as many of the existing trees on the property as possible, the applicant has agreed to enhanced landscaping in the form of trees, turf and foundation plantings, per UDC Section 7.4. The attached site plan is illustrative only and compliance to UDC Section 7.4.5 as well as Ordinance 2002-3840, regarding specific plant numbers and size will be determined with the review of the building plans. However, due to the necessity to require alternative or additional materials, a condition has been proposed to give the Director of Planning flexibility during the building permit review so the development plan does not need to go back before the public review process for minor modifications.

Exterior Building Materials: While the roof consists of a copper material, exterior building materials are proposed which provide for 100% masonry. Materials consist of a combination of brick and limestone on the west and southern facing elevations and will be matching materials on the adjacent building at 11720 W. Adams Ave. Metal will be provided on the north and east facing building elevations which will not be visible from public right of way. Use of brick and limestone is a recommendation of Ordinance 2002-3840. A condition of approval for use of brick and limestone has been provided to address consistency between the buildings, which will be confirmed during the review of the building plans for the office warehouse.

Sidewalk: UDC Section 8.2.3 requires a 6-foot sidewalk, along Morgan's Point Road, which is a minor arterial. While not connecting to the sidewalk to the north along Morgan's Point Road, this 6-foot sidewalk will reduce the needed connection distance to approximately 570 +/- feet. The proposed sidewalk however, will provide direct connectivity to the existing sidewalk along W. Adams Road. The sidewalk will be installed at the time of development.

Parking: Per UDC Section 7.5.4B, office warehouse requires parking at the rate of 1 space per 2 employees or one (1) space 5,000 square feet of gross floor area, whichever is greater. The site plan has been developed at the rate of 1:300 square feet with 14 spaces provided which exceed code requirements.

Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval into the rezoning ordinance.

In conclusion, in approving a Conditional Use Permit, the City Council may require additional standards deemed necessary related to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

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

Surrounding Property & Uses			
Direction	FLUM	Zoning	Current Land Use
Site	Suburban Commercial	PD-GR	Existing Non-Residential Structure
North	Suburban Commercial & Estate Residential	UE	SF Residential Uses
South	Suburban Commercial	PD-GR	Service & Retail Uses
East	Suburban Commercial	PD-GR & UE	Non & SF Residential Uses
West	Suburban Commercial	AG & PD-GR	Service & Retail Uses

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map (FLUM)	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 Map (FLUM) (CP Map 3.1)

According to the City of Temple Comprehensive Map / FLUM, the subject property, being a total 0.783 +/- acres, is within the Suburban Commercial designation of the Future Land Use Map (FLUM) which is appropriate for office, retail and service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as 'gateways' and high-profile corridor locations.

Due to the "Commercial" aspects of an office warehouse use, the base-zoning of General Retail (GR) requires a conditional use permit to evaluate potential impacts associated with such a use. Details related to those impacts are provided in the Review Criteria section of this report.

It should be noted however, that through the conditional use permit process, the project can be "conditioned" to be more compatible. Therefore, with an approved conditional use permit, the proposed use is compliant with the Future Land Map.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along Morgan's Point Road, which is identified by the Thoroughfare Plan as a minor arterial. Direct access will be from a driveway cut along Morgan's Point Road. **The 6-foot sidewalk is discussed in the trails sub-section of this report as well as concerns over access, interior circulation and parking are being addressed by the development plan.**

Availability of Public Facilities (CP Goal 4.1)

Water is available through an 8-inch waterline in Morgan's Point Road. Sewer is available in West Adams Ave through an 8-inch sewer line.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, a proposed local connector trail has been identified along the Morgan's Point Road. The applicant is proposing a 6-foot sidewalk along Morgan's Point Road to help meet this requirement. While the City may participate in the upsizing of that sidewalk, improvements will be addressed during the building plan stage of review. The sidewalk will be required to be shown on the Building Plans and installed at the time of development.

DEVELOPMENT REVIEW COMMITTEE (DRC): As required by UDC Section 3.4.2B, the site plan for the proposed mini storage was reviewed by the DRC on May 23, 2016. Discussion was centered on parking lot configuration and the need for a separately recorded joint-use access easement. The applicant has agreed to the easement and it is being prepared. It will be recorded by separate instrument. This will be accomplished prior to the issuance of a building permit. No other issues were identified during the review.

DEVELOPMENT REGULATIONS: The following table shows the current dimensional standards and the proposed standards. Both current and proposed standards are reflective of the underlying Planned Development & base-zoning of GR.

	Current (Non-Residential)	Proposed C.U.P.
	PD-GR (Ord. 2002-3840)	PD-GR
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	30 Feet from Centerline	30 Feet from Centerline
Side Setback	10 Feet (UDC Sec. 4.6)	10 Feet (UDC Sec. 4.6)
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories (UDC Sec. 4.6)	3 Stories (UDC Sec. 4.6)

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3) and,

General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Owners of 12 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 Friday July 1, 2016 at 9:00 AM,** four Notices in agreement, representing five properties, have been received. In addition, staff has met with the residential property owner immediately to the north and discussed screening and buffering requirements, which is the developer of the office warehouse's responsibility.

The newspaper printed notice of the public hearing on May 26, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site & Surrounding Photos](#)
[Conditional Use Permit Review Criteria Table](#)
[Site Plan \(Exhibit A\) / Building Elevations \(Exhibit B\)](#)
[Aerial Map / Zoning Map/ Future Land Use and Character Map](#)
[Utility Map / Thoroughfare Plan & Trails Plan](#)
[Notification Map / Returned Property Notices](#)
[Planned Development Ordinance 2002-3840](#)
[Ordinance](#)

Site & Surrounding Property Photos



Site – Partially Developed with Storage Building (PD-GR)



Site (Alternative Angle): Partially Developed with Storage Building (PD-GR)



North: SF Residence on Acreage (UE)



East: Non-Residential Uses & SF Residence on Acreage (PD-GR & UE)



West: Retail & Service Uses & Undeveloped Land (PD-GR & AG)



West (Alternative View): Undeveloped Land (AG)



South: Retail & Service Uses (PD-GR)



South: Exterior Building Materials on Structure in-Common Ownership with Proposed Office Warehouse (PD-GR)



South: Lakewood Veterinary Center (PD-GR)



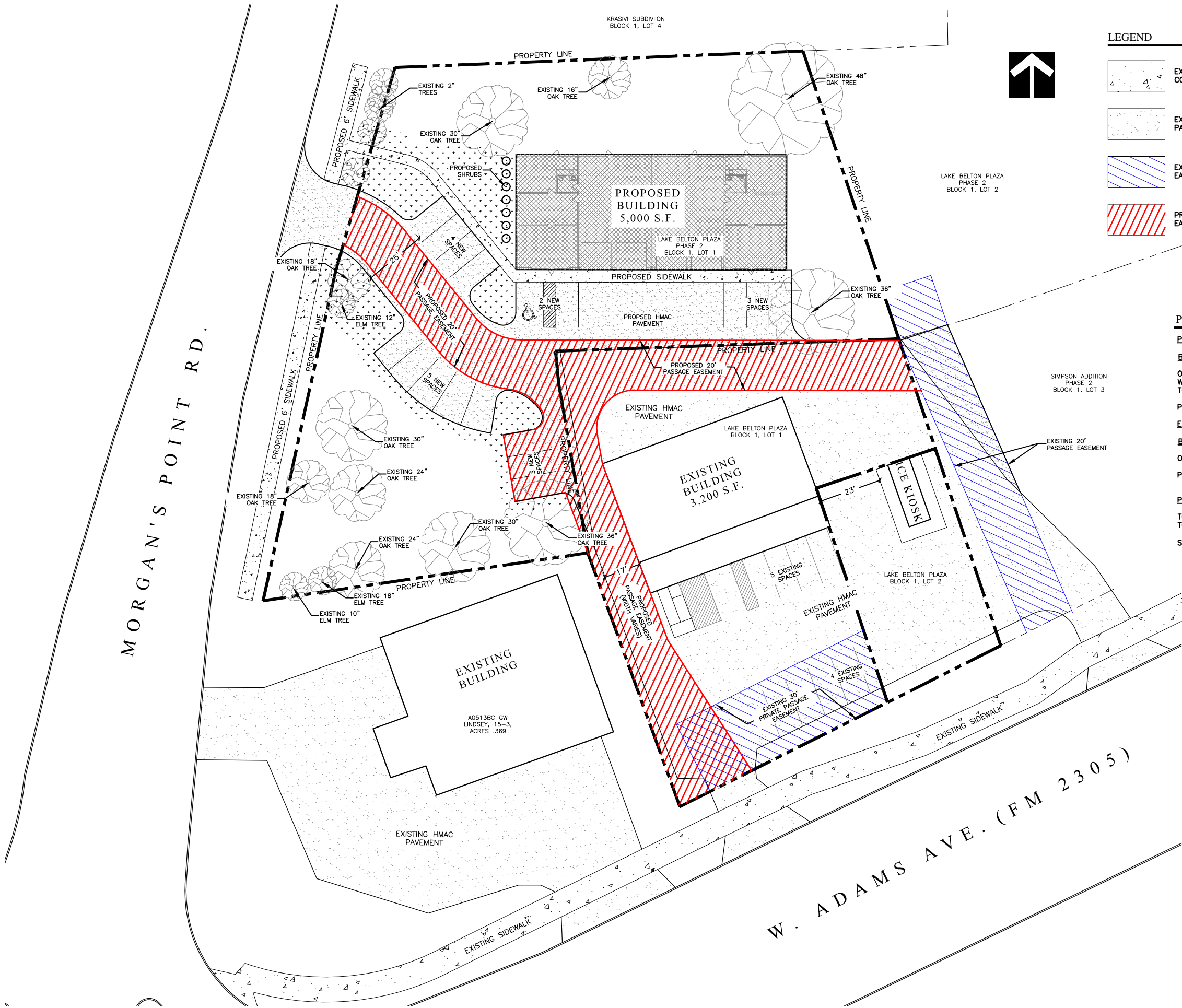
South: Existing Fence between Subject Property & Lakewood Veterinary Center (PD-GR)



South: Retail & Service Uses across W. Adams Ave (PD-GR)

Conditional Use Permit Review Criteria Table

UDC Code Section 3.5.4 (A-G)	Yes/No	Discussion / Synopsis
A. The conditional use is compatible with and not injurious to the use and enjoyment of the property , and does not significantly diminish or impair property values within the immediate area.	YES	It is fully anticipated that the site plan will conform to the UDC as well as to dimensional, developmental and design standards adopted by the City for any new building construction. While metal will be provided on the northern and eastern building elevations, the applicant has demonstrated an effort to provide nearly 100% masonry exterior building materials on the southern and western facing elevations by the use of a combination of limestone and brick. Proposed elevations will match those materials on the existing and adjacent building, which is also owned by the applicant at 11720 West Adams Ave.
B. The establishment of the conditional use does not impede normal and orderly development and improvement of surrounding vacant property.	YES	It is not anticipated that development of this property will impede the normal and orderly development of the surrounding property.
C. Adequate utilities, access roads, drainage, and other necessary to support facilities have been or will be provided.	YES	Adequacies of support facilities will be further reviewed during submittal of the building plans. While utilities to serve the subject 0.783 +/- acres are in place, additional facilities such as access roads and drainage will be reviewed with the building plans.
D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.	YES	The attached site / development plan, which will be attached to the rezoning Ordinance for the Conditional Use Permit provides for parking, circulation and access. Additional provisions for a 6-foot pedestrian sidewalk along Morgan's Point Road are also shown. No issues related to design, location or arrangement of circulation have been identified with the review of the conditional use permit. A more detailed review will be conducted at the review of the building plans.
E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.	YES	The proposed site / development plan has demonstrated that adequate nuisance measures have been taken into account.
F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.	YES	While exterior lighting has not been proposed with site / development plan, any directional lighting will be required, in general, to meet the provisions of UDC 7.1 and specifically 7.1.8 with regard to glare. Compliance for exterior lighting will be addressed with the review of the building plans.
G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	YES	While the site / development plan shows enhanced landscape materials proposed for the site, compliance related to buffering and screening by the use of landscape materials will be confirmed by the review of the building plans.

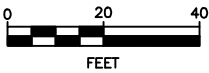


LEGEND

- | | | | |
|--|---------------------------------------|--|---|
| | EXISTING REINFORCED CONCRETE SIDEWALK | | PROPOSED REINFORCED CONCRETE SIDEWALK |
| | EXISTING HMA PAVEMENT | | PROPOSED HMA PAVEMENT |
| | EXISTING PASSAGE EASEMENT | | PROPOSED IRRIGATED HYDROMULCH GRASS SEEDING |
| | PROPOSED PASSAGE EASEMENT | | |

PARKING CALCULATIONS

PROPOSED BUILDING			
BUILDING USE:	AREA:	PARKING RATIO:	REQ'D SPACES:
OFFICE	2,500 S.F.	1:300 SF	9
WAREHOUSE	2,500 S.F.	1:5,000 SF	1
TOTAL	5,000 S.F.		10
PARKING SPACES PROVIDED = 17			
EXISTING BUILDING			
BUILDING USE:	AREA:	PARKING RATIO:	REQ'D SPACES:
OFFICE	3,200 S.F.	1:300 SF	11
PARKING SPACES PROVIDED = 9			
PARKING TOTALS:			
TOTAL PARKING REQUIRED		=	21
TOTAL PARKING PROVIDED		=	26
STANDARD PARKING DIMENSIONS = 9'x18'			



Date: _____ Revisions _____
Remarks: _____

CONCEPTUAL SITE PLAN

7-13-16

Justin B. Fuller



Project No:	161682.00	Designed By:	JBF
Plot Date:	7-13-16	Drawn By:	JBF

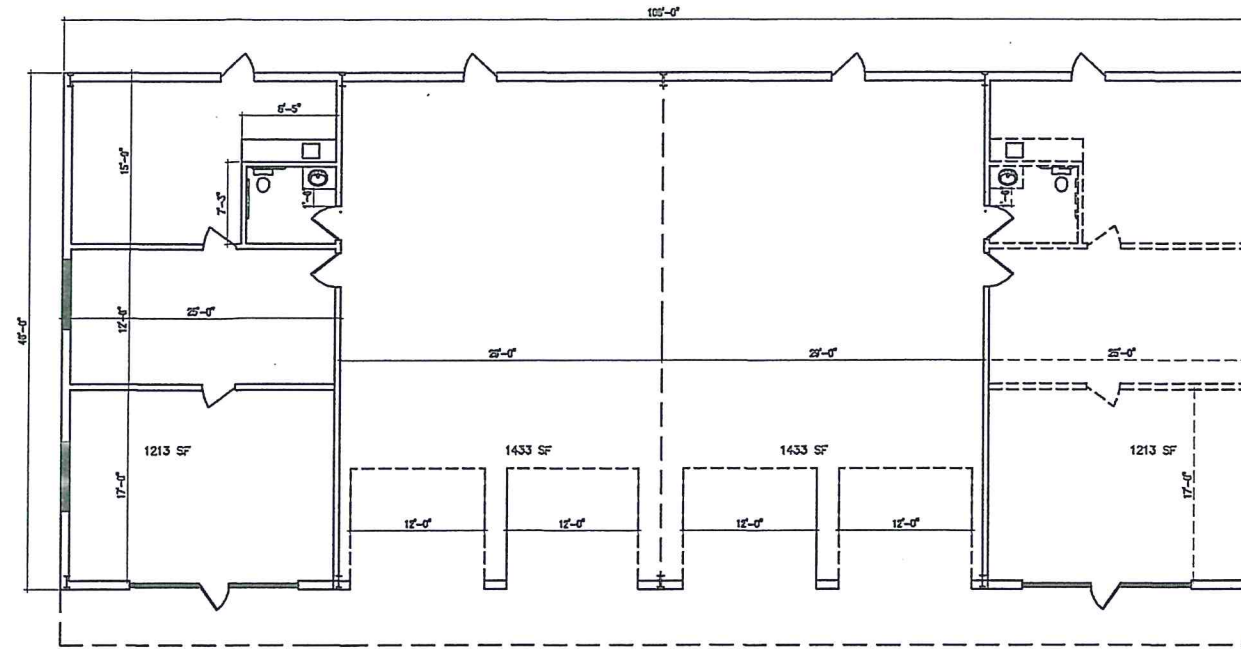
LAKE BELTON PLAZA
NEW OFFICE WAREHOUSE
DEVELOPMENT

Temple, Texas

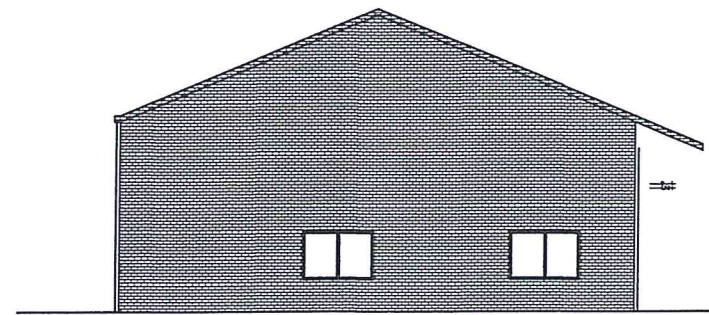
DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO. F-10384. THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES OR MODIFICATIONS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

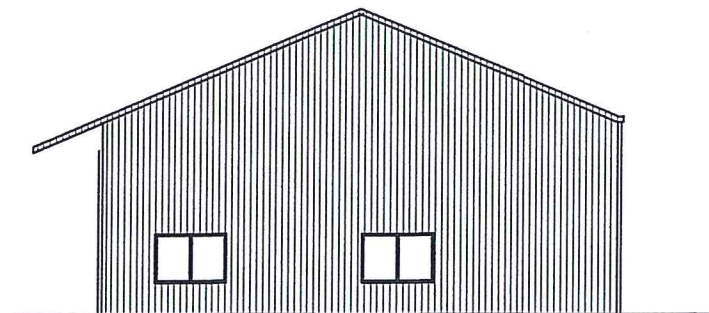
FOR CONSTRUCTION
FINAL DRAWINGS



FLOOR PLAN
 $\frac{1}{8}" = 1'-0"$

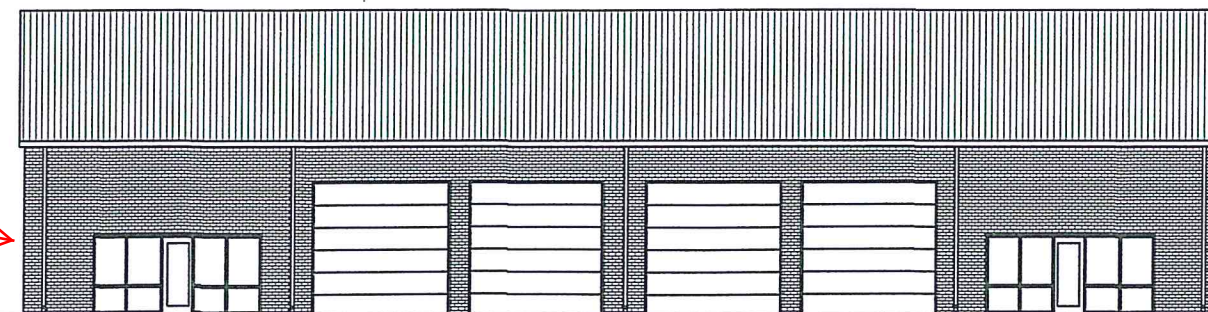


SIDE WEST ELEVATION
 $\frac{1}{8}" = 1'-0"$



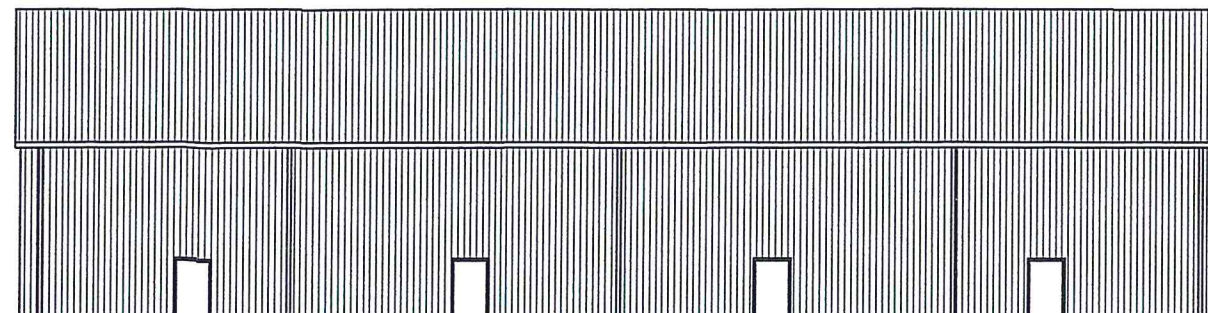
SIDE EAST ELEVATION
 $\frac{1}{8}" = 1'-0"$

Limestone
 &
 Brick Siding



FRONT SOUTH ELEVATION
 $\frac{1}{8}" = 1'-0"$

Copper Roof



BACK NORTH ELEVATION
 $\frac{1}{8}" = 1'-0"$

Metal Siding

EXHIBIT B

<div><div><div></div></div><div>LARRY NEAL / ARCHITECT 1023 CANYON CREEK DRIVE #125 TEMPLE, TEXAS 76702 (254) 778-1466</div></div>	RENTAL BUILDING TEMPLE, TEXAS		PLAN STUDY
	DATE: 03/16/2016	JOB NO: 1632	
SHEET NO. A1			



Conditional Use Permit

AERIAL MAP

Zoning Case :
Z-FY-16-35

Address :
37 Morgan's Point Rd

- 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: 5/6/2016





Conditional Use Permit

ZONING MAP

Zoning Case :

Z-FY-16-35

Address :

37 Morgan's Point Rd

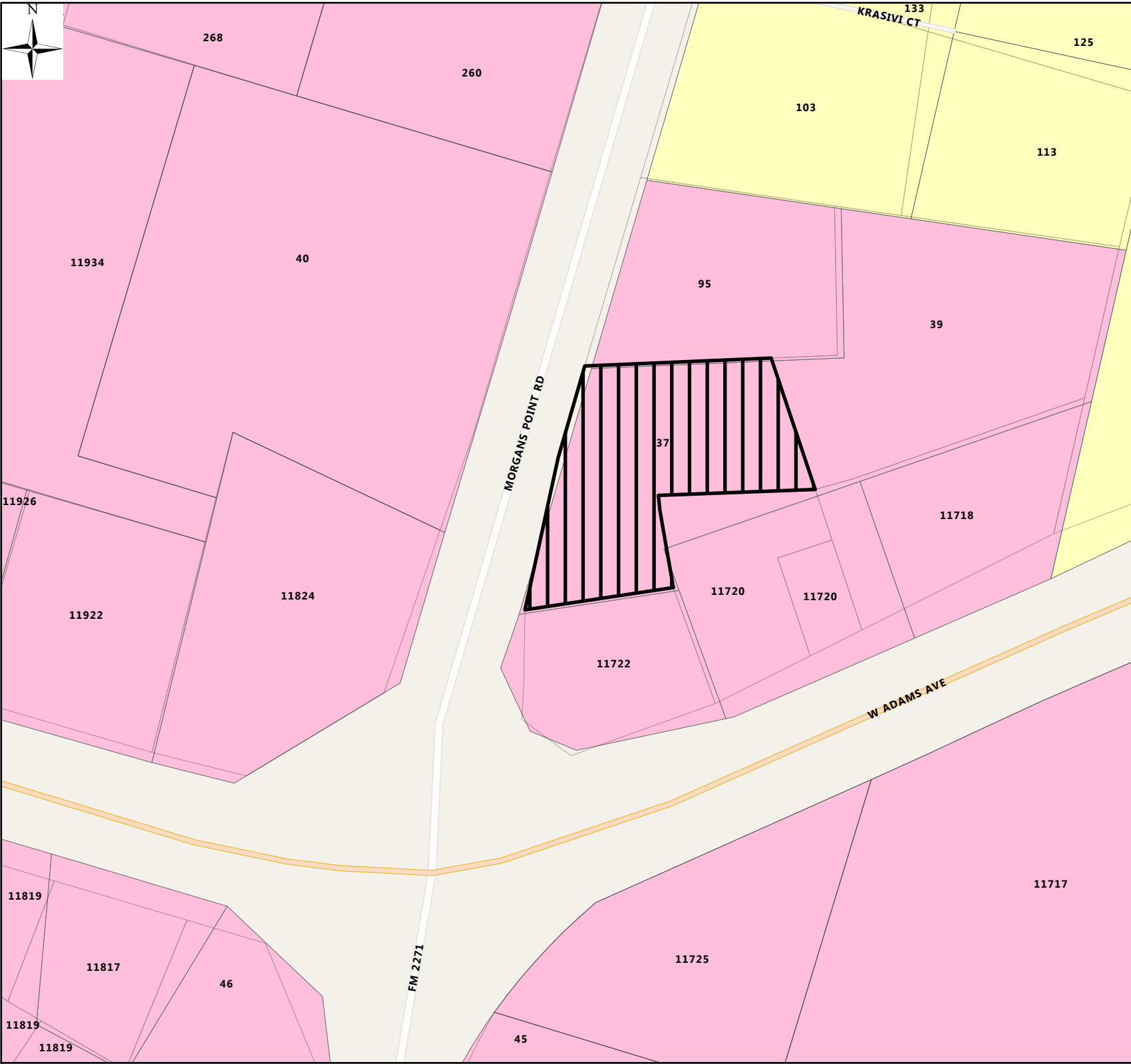
CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA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

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mbaker

Date: 5/6/2016





Conditional Use Permit

FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-35

Address :
37 Morgan's Point Rd

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

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mbaker
Date: 5/6/2016





Conditional Use Permit

UTILITY MAP

Zoning Case :
Z-FY-16-35

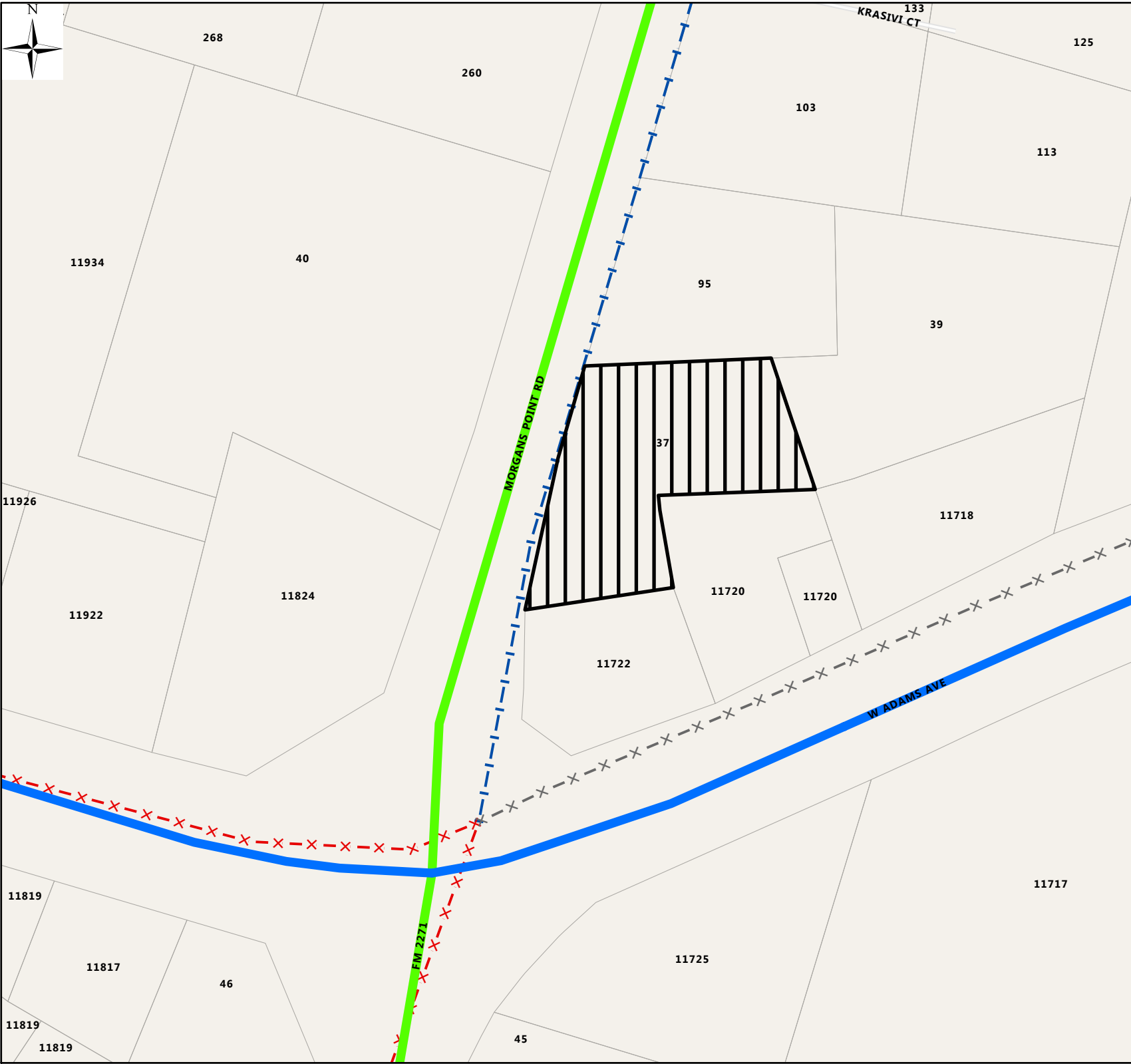
Address :
37 Morgan's Point Rd

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

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mbaker
Date: 5/6/2016





Conditional Use Permit

THOROUGHFARE
AND TRAILS MAP

Zoning Case :
Z-FY-16-35

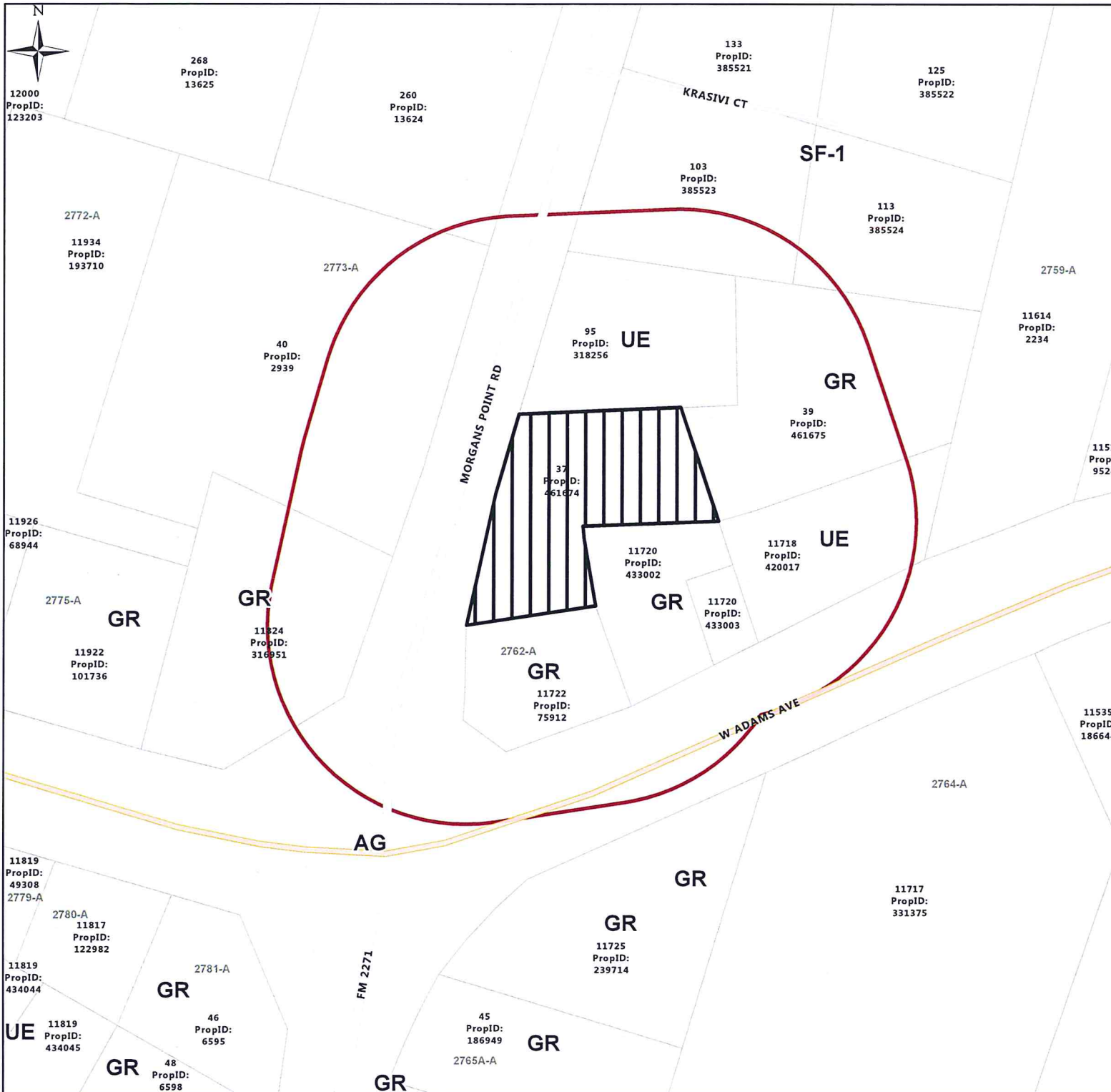
Address :
37 Morgan's Point Rd

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

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mbaker
Date: 5/6/2016





Conditional Use Permit

200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-35

Address :

37 Morgan's Point Rd

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mbaker

Date: 5/6/2016





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

RMSJ INVESTMENTS LTD
PO BOX 826
TEMPLE, TX 76503-0826

Zoning Application Number: Z-FY-16-35

Project Manager: Mark Baker

Location: 37 Morgan's Point Road

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

I ☒ agree

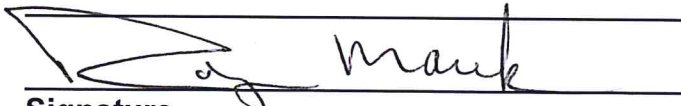
() disagree with this request


Comments:

RECEIVED

JUN 3 2016

City of Temple
Planning & Development


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

Number of Notices Mailed: 12

Date Mailed: May 26, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

REID, ROY COMMERCIAL PROPERTIES LLC
12435 FM 2305 UNIT B
BELTON, TX 76513-5488

Zoning Application Number: Z-FY-16-35

Project Manager: Mark Baker

Location: 37 Morgan's Point Road

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

I ☒ agree

() disagree with this request

Comments:

Good idea nice addition to this area

Roy Reid
Signature

Roy Reid
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

JUN - 3 2016

City of Temple
Planning & Development

Number of Notices Mailed: 12

Date Mailed: May 26, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONE CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT GENERAL RETAIL (PD-GR) AND URBAN ESTATES ON 1.93 ACRES AND 1.85 ACRES, RESPECTIVELY, FOR THE PROPOSED SIMPSON ADDITION, LOCATED ON THE NORTHEAST CORNER OF FM 2305 AND FM 2271, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property described as a 1.93 and a 1.85 acre tract located on the northeast corner of FM 2305 and FM 2271, has requested a zoning change from Agricultural District (A) to Planned Development (General Retail) District (PD-GR) and Urban Estates, respectively, for the proposed Simpson Addition; and

Whereas, the City Council, after notice and a public hearing, finds that it is 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 zoning classification of the property described as a 1.93 and a 1.85 acre tract located on the northeast corner of FM 2305 and FM 2271 in Temple, Bell County, Texas, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Agricultural District (A) to Planned Development (General Retail) District (PD-GR) and Urban Estates, respectively,

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the 1.93 acre tract described in Part 1 above, to Planned Development (General Retail) District (PD-GR), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The development of the property shall conform to all requirements of the General Retail District (GR) standards.
- (b) All uses and development standards specified in the General Retail District shall be permitted.

- (c) Buildings used for business purposes should be of a structure in keeping with the rustic, lake type development with a maximum building height of 25 feet.
- (d) New businesses should be built with a residential appearance, including pitched roofs, windows, and foundation plantings.
- (e) The building facades are recommended to be of brick or masonry construction.
- (f) Driveway openings may occur no closer than 150 feet apart.
- (g) Any parking lot serving a business should be screened from the street view by planting continuous shrubs along the street side elevation. Parking for new businesses must be designed so that no backing onto FM 2271 occurs.
- (h) Street trees are to be provided for approximately every 60 feet of street frontage. Planting height and minimum caliper shall be in accordance with the Landscaping Ordinance (Sections 8-910 through 8-912 of the Zoning Ordinance). Flexible application of this is encouraged to take advantage of existing landscaping.
- (i) Detached signs are recommended to be a maximum of 30 feet in height with a maximum sign area of 50 square feet, keeping the signs below the existing and proposed street tree canopies, to enhance visibility. Off-premise signs are prohibited.
- (j) The site plan will need to be approved by the City Council before any building permit is issued.

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

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

Part 4: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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


PASSED AND APPROVED on First Reading on the 16th day of May, 2002.

PASSED AND APPROVED on Second and Final Reading on the 6th day of June, 2002.

THE CITY OF TEMPLE, TEXAS


WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney



ATTEST:


Clydette Entzminger
City Secretary

ORDINANCE NO. _____
(Z-FY-16-35)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2002-3840, APPROVING A CONDITIONAL USE PERMIT ON PROPERTY ZONED PLANNED DEVELOPMENT – GENERAL RETAIL, TO ALLOW AND CONSTRUCT A WAREHOUSE ON LOT 1, BLOCK 1, LAKE BELTON PLAZA PHASE II, LOCATED AT 37 MORGAN’S POINT ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Rueben Marek, on behalf of RMSJ Investments, requests a Conditional Use Permit (“CUP”), as provided by Planned Development Ordinance 2002-3840, for a 5,000 square foot office warehouse on approximately 0.783 acres and located at lot 1, block 1, Lake Belton Plaza, Phase II subdivision, and addressed as 37 Morgan’s Point Road;

Whereas, the Planned Development Ordinance provides for a base-zoning of General Retail, which allows an office warehouse with an approved CUP - the proposed CUP would allow a 5,000 square foot office warehouse building along with improvements to provide for 14 public parking spaces as well as necessary landscaping improvements;

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 and operation of said property located on approximately 0.783 acres and located at lot 1, block 1, Lake Belton Plaza, Phase II subdivision, and addressed as 37 Morgan’s Point Road, recommends that the City Council approve the application for this Conditional Use Permit to allow and construct a 5,000 square foot office warehouse; 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 and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow and construct a 5,000 square foot office warehouse located at lot 1, block 1, Lake Belton Plaza, Phase II subdivision, and addressed as 37 Morgan's Point Road.

Part 2: The owners/applicants, shall comply with following standards:

- That the proposed use as an office warehouse, on 0.783 +/- acres, as allowed with a conditional use permit, by Planned Development Ordinance 2002-3840, is developed in substantial compliance to and as further described by the site plan and building elevations attached as Exhibits A & B of the Ordinance related to the conditional use permit;
- That a 6-foot sidewalk is provided along the entire property frontage of Morgan's Point Road, and reviewed at the time of permitting;
- Exterior building elevations for the office warehouse, shall contain a combination of limestone and brick on the western and southern facing elevations with copper roofing material in substantial compliance to the attached elevations;
- Staff approval and recordation of joint use access easement agreement(s) to ensure proper access and circulation from adjacent properties prior to issuance of a building permit;
- That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved site plan for the 0.783 +/- acre tract, including but not limited to, screening, buffering, landscaping and minor modifications to the building materials and overall site layout.

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

PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 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

08/04/16
Item #9
Regular Agenda
Page 1 of 2

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Z-FY-16-36: Consider adopting an ordinance authorizing a rezoning from Single Family-One district and Multi-Family-Two district to Neighborhood Service district on 3.986 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street.



Figure 2: Aerial Location Map

PLANNING & ZONING COMMISSION RECOMMENDATION: At their June 20, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning from SF-1 & MF-2 to NS, as presented by staff.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Single Family-One (SF-1) & Multi-Family-Two (MF-2) district to Neighborhood Service (NS) district for the following reasons:

1. Compliance with the Future Land Use Map's Suburban Commercial District;
2. Compatibility with surrounding zoning and anticipated uses;
3. Thoroughfare Plan compliance; and
4. Availability of public facilities to serve the subject property.

ITEM SUMMARY: The subject property contains a 3.986 +/- acre tract, which is being proposed for rezoning from Single Family-One (SF-1) & Multi-Family-Two (MF-2) district to Neighborhood Service (NS) district. The property is currently undeveloped.

A companion final plat (Aikins Plat - P-FY-16-36) was reviewed by the Development Review Committee (DRC) for the same 3.986 +/- acre tract of land on June 9, 2016. Plat approval requires Planning & Zoning Commission review since a public facility, a fire hydrant, is required.

While it is anticipated the property is anticipated to be developed with retail and service uses, there are a number of residential and non-residential uses that are permitted by right in the NS zoning district. See Land Use Table for a listing of permitted and conditional uses.

DEVELOPMENT REGULATIONS: Upon development, the following development regulations apply:

- Compliance to standards as provided for in UDC Section 4.5.,
- 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3),
- General provisions for buffering and screening for non-residential uses adjacent to residential
 - uses are found in UDC Section 7.7, highlighted provisions include but not limited to:
 - Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
 - Refuse containers located in the side or rear of the property (UDC Section 7.7.6),
 - Screened outdoor storage (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Eighteen notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday July 12, 2016 at 9:00 AM, two notices, representing five properties have been received in agreement to the proposed rezoning.

The newspaper printed notice of the public hearing on June 9, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)

[Boundary Survey \(Exhibit A\)](#)

[Final Plat for Aikins Plat](#)

[Aerial Map / Location Map](#)

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

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

[Notification Map](#)

[Returned Property Notices](#)

[List of Tables:](#)

[Permitted Uses Table / Surrounding Property Uses](#)

[Comprehensive Plan Compliance / Development Standards](#)

[Ordinance](#)

Site & Surrounding Property Photos



Site – Undeveloped (SF-1 & MF-2)



Site – Undeveloped (SF-1 & MF-2)



North: Scattered SF Uses (SF-1)



South: Scattered SF Uses looking toward Marlandwood Road (SF-1)



East: Undeveloped Land in Active Agricultural Production (SF-1)



West: Villas at Friars Creek subdivision – Farrara Circle (MF-2)



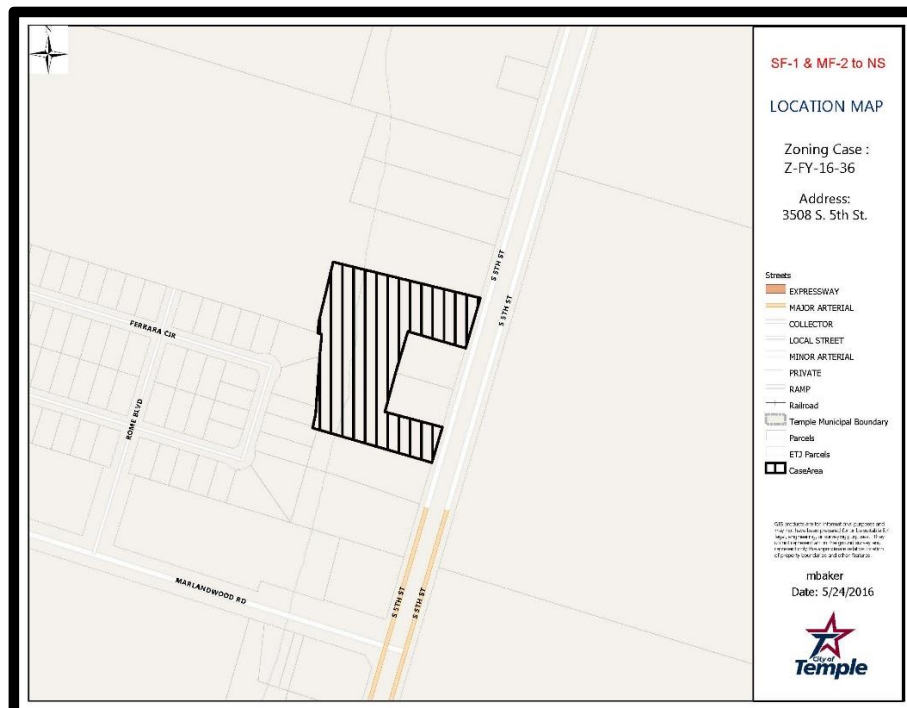
**West: Villas at Friars Creek subdivision – Trailhead Access to Friars Creek Trail
From Farrara Circle (MF-2)**

Maps

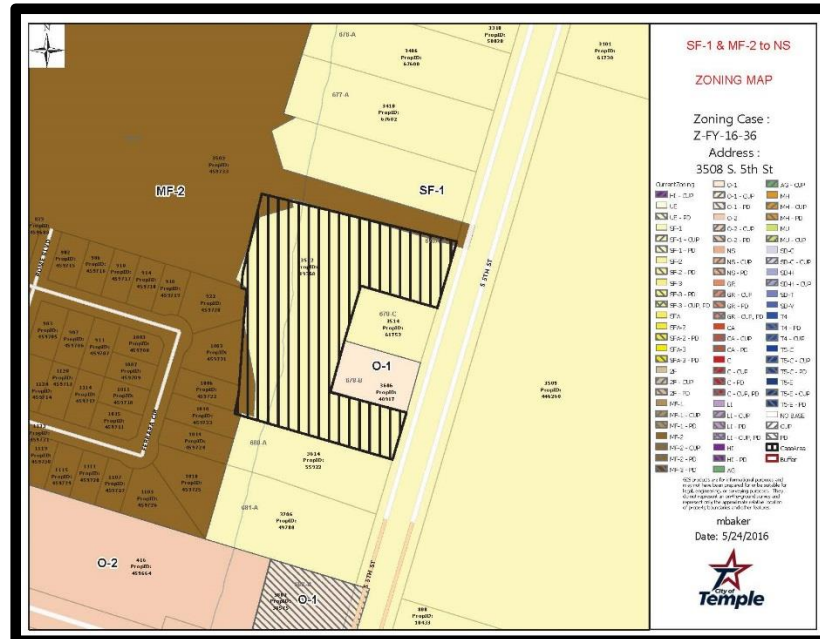
Aerial Map



Location Map



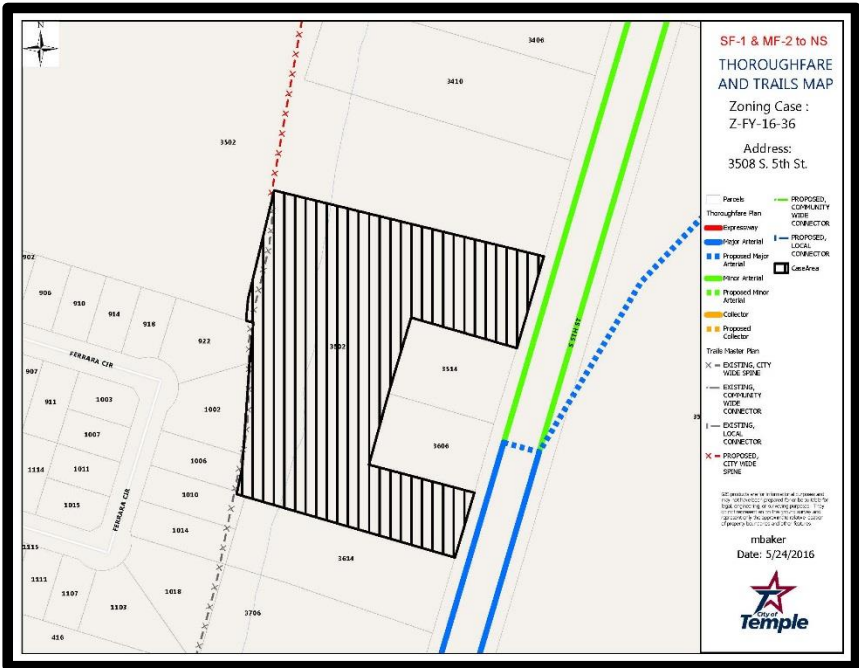
Zoning Map



Future Land Use Map



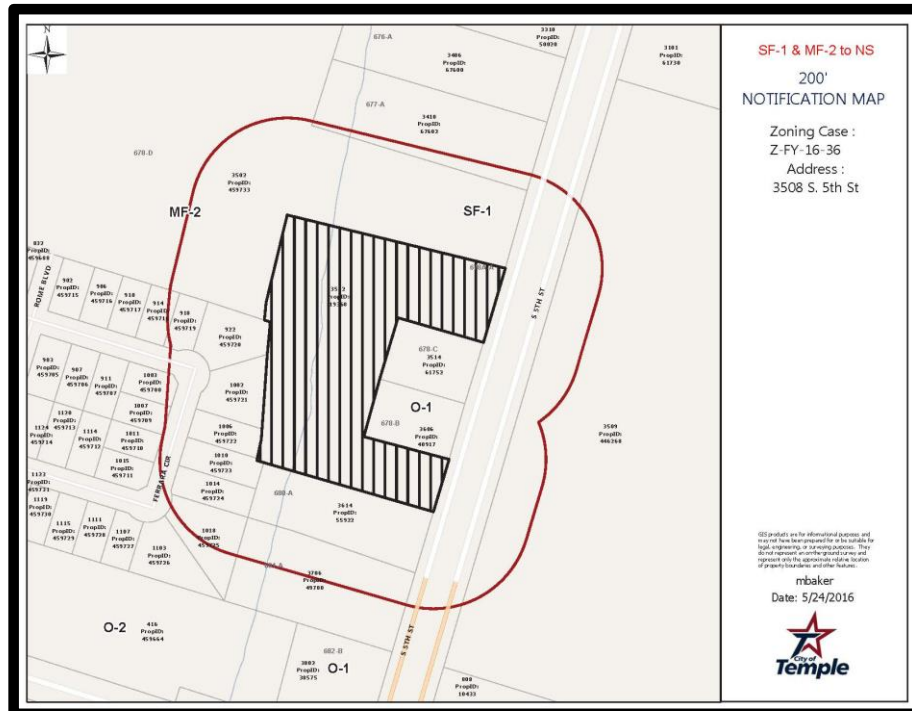
Thoroughfare & Trails Map



Utility Map



Notification Map





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HOT SHOT INVESTMENTS LLC
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-36

Project Manager: Mark Baker

Location: 3508 South 5th 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:

Signature

DAVID P. PETERSON

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 20, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 18

Date Mailed: June 9, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HOT SHOT INVESTMENTS LLC
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-36

Project Manager: Mark Baker

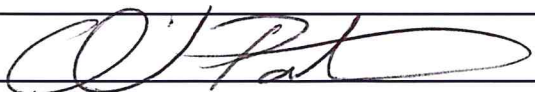
Location: 3508 South 5th Street

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:


Signature

David Patterson
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 20, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 18

Date Mailed: June 9, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HOT SHOT INVESTMENTS LLC
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-36

Project Manager: Mark Baker

Location: 3508 South 5th 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:


Signature

David Parker
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 20, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 18

Date Mailed: June 9, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____



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

DACYN INVESTMENTS LTD
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-36

Project Manager: Mark Baker


Location: 3508 South 5th Street

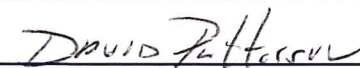
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ☒ agree

() disagree with this request

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 20, 2016**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

Number of Notices Mailed: 18

Date Mailed: June 9, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

DACYN INVESTMENTS LTD
4212 S 5TH ST
TEMPLE, TX 76502-3344

Zoning Application Number: Z-FY-16-36

Project Manager: Mark Baker

Location: 3508 South 5th Street

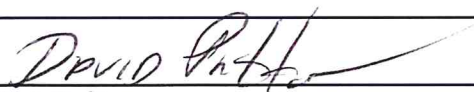
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ☒ agree

() disagree with this request

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 20, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 18

Date Mailed: June 9, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: _____ and/or Email: _____



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

DRAGLINE INVESTMENTS LLC SERIES-F
3082 W HWY 190
BELTON, TX 76513

Zoning Application Number: Z-FY-16-36

Project Manager: Mark Baker

Location: 3508 South 5th 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 **RECEIVED**

Comments:

JUL - 8 2016

City of Temple
Planning & Development

Samuel J. Pilkington
Signature

SAMUEL J. PILKINGTON
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 20, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 18

Date Mailed: June 9, 2016

OPTIONAL: If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 254-939-3509 and/or Email: samp@hellcontractors.com

Tables

Permitted Uses Table

Use Type	Neighborhood Service (NS)
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached & Attached) * Townhouse * Industrialized Housing * Family or Group Home (CUP)
Retail & Service Uses	* Most Retail & Service Uses * Beer & Wine Sales, off-premise consumption (CUP)
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research (CUP)
Recreational Uses	* Park or Playground * Beer & Wine (On Premise Consumption) < 75% (CUP)
Vehicle Service Uses	* Fuel Sales (CUP)
Restaurant Uses	* No Drive-In
Overnight Accommodations	* None

Surrounding Property Uses

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial & Parks & Open Space	SF-1 & MF-2	Undeveloped
***	Suburban Commercial	O-1 & SF-1	Clinic & SF Residence
North	Suburban Commercial	SF-1	Scattered SF Uses
South	Suburban Commercial	SF-1	Scattered SF Uses
East	Suburban Commercial	SF-1	Active Agricultural Land
West	Suburban Commercial	MF-2	SF Uses (Villas at Friars Creek subdivision)

*** The subject property "Wraps Around" two adjacent parcels from the north and south

Comprehensive Plan compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	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

Development Standards

	<u>Current (SF-1)</u>	<u>Proposed (NS)</u>
Minimum Lot Size	7500 Square Feet	N/A
Minimum Lot Width	60 Feet	N/A
Minimum Lot Depth	100 Feet	N/A
Front Setback	25 Feet	15 Feet
Side Setback	10% of Lot Width 6 Feet Min	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	2 1/2 Stories	3 Stories

ORDINANCE NO. _____
(Z-FY-16-36)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY-ONE DISTRICT AND MULTI-FAMILY-TWO DISTRICT TO NEIGHBORHOOD SERVICES DISTRICT ON APPROXIMATELY 3.986 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, AND LOCATED AT 3508 SOUTH 5TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE

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

Part 1: The City Council approves a rezoning from Single Family-One district and Multi-Family-Two district to Neighborhood Service district on approximately 3.986 acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street, 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 **July**, 2016.

PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 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

08/04/16
Item #10(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance amending the Code of Ordinances, Chapter 15, “Garbage, Refuse, and Recycling,” to create Article II titled “Construction Waste Hauling Permit.”

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

ITEM SUMMARY: The proposed amendments would require entities that engage in the business of collecting, transporting, hauling or disposing of construction waste produced in the City to first obtain a “construction waste hauling permit” from the City before beginning or continuing operations. The permit requirement would not apply to commercial or residential builders or contractors utilizing their own employees and equipment to haul waste from a construction site on which the builder or contractor is providing construction services.

“Construction waste” would be defined as “construction or demolition debris, litter, garbage, rubbish, refuse, trash, and/or solid waste or materials generated by construction activities.” Construction waste hauling would only be allowed if the permittee is providing construction waste hauling services on construction sites at which the permittee is also performing job site cleaning, which includes, but is not limited to, cleanup of construction sites for residential construction, demolition and cleanup of existing residential structures, and landscaping, grading or tractor services.

Permittees would be required to submit an application to the City Secretary’s Office which would be reviewed by the Public Works Department before a permit is issued. All permits will be valid on the date issued and will terminate on September 30th of each year. The permittee would be required to carry general liability and commercial auto liability insurance. The permittee would also be required to display its name and/or trade name and telephone number on both sides of the vehicle used in the operation of permittee’s hauling services.

The permittee must pay a permit fee which would be set by separate resolution of the City Council.

The Public Works Director may revoke or suspend a permit if a permittee does not timely pay a permit fee or does not comply with any provision of Article II. The permittee may appeal the decision of the Director to the City Manager. The permittee may also appeal the decision of the City Manager to the City Council. Any decision by the City Council is final.

FISCAL IMPACT: The permit fee would be set by separate resolution of the City Council.

ATTACHMENTS:

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 15, "GARBAGE, REFUSE, AND RECYCLING" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO CREATE ARTICLE II TITLED "CONSTRUCTION WASTE HAULING PERMIT;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed amendments to Chapter 15, "Garbage, Refuse and Recycling" of the Code of Ordinances would require entities that engage in the business of collecting, transporting, hauling or disposing of construction waste produced in the City, to first obtain a "construction waste hauling permit" from the City before beginning or continuing operations;

Whereas, the permit requirement would not apply to commercial or residential builders or contractors utilizing their own employees and equipment to haul waste from a construction site on which the builder or contractor is providing construction services;

Whereas, permittees would be required to submit an application to the City Secretary's Office which would be reviewed by the Public Works Department before a permit is issued and all permits will be valid on the date issued and will terminate on September 30th of each year;

Whereas, the amendments require a permittee to carry general liability and commercial auto liability insurance, to display its name and/or trade name and telephone number on both sides of the vehicle used in the operation of permittee's hauling services and to submit quarterly reports and fees to the City;

Whereas, Staff recommends approval of the proposed amendments to Chapter 15 of the Code of Ordinances of the City of Temple; 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 15, "Garbage, Refuse and Recycling" of the Code of Ordinances of the City of Temple, Texas, 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 **21st** day of **July**, 2016.

PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 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

08/04/16
Item #10(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution setting the permit fee for a Construction Waste Hauling Permit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council has approved amendments to City Code Chapter 15 which created Article II titled "Construction Waste Hauling Permit." The amendments require that companies providing construction waste hauling services must first obtain a construction waste hauling permit from the City. One requirement to obtain the permit is the payment of a permit fee that is to be set by separate resolution of the City Council.

At this time, Staff is requesting that Council set the permit fee which must be paid by the permittee on an annual basis. Staff is proposing a \$250 permit fee.

FISCAL IMPACT: The permit fee for a construction waste hauling permit is \$250. The permit fee will be paid by each company that obtains a construction waste hauling permit from the City.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, SETTING THE PERMIT FEE FOR A CONSTRUCTION WASTE
HAULING PERMIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council has approved amendments to City Code Chapter 15 which created Article II titled “Construction Waste Hauling Permit;”

Whereas, the amendments require that companies providing construction waste hauling services first obtain a construction waste hauling permit from the City - one of the requirements to obtain the permit is the payment of a permit fee that is to be set by separate resolution of the City Council;

Whereas, at this time, Staff requests Council set the permit fee which must be paid by the permittee on an annual basis at the rate of \$250 per permit;

Whereas, the permit fee for a construction waste hauling permit is \$250 and will be paid by each company that obtains a construction waste hauling permit from the City; 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 sets the permit fee for a Construction Waste Hauling Permit at an annual rate of \$250 per permit.

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 4th day of **August**, 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

08/04/16
Item #11
Regular Agenda
Page 46 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: PUBLIC HEARING - Z-FY-16-37: Consider a resolution adopting a Temporary Special Permit for a manufactured home placement on property for a medical hardship for elderly parents at 3205/3265 Airport Trail.



Figure 3: Aerial & Location Map

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its July 5, 2016, meeting the Planning and Zoning Commission voted 6/0 to recommend approval of a Temporary Special Permit for a manufactured home placement on property for a medical hardship for elderly parents at 3205/3265 Airport Trail.

STAFF RECOMMENDATION: Staff recommends approval of the requested Temporary Special Permit 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;
4. Public and private facilities are available to serve the subject property;
5. Compliance with a medical hardship; and
6. Compliance with Code of Ordinances Section 23-61

ITEM SUMMARY: The applicant requests this Temporary Special Permit to allow placement of a manufactured home for his elderly parents for a medical hardship. Please see the attached letter from Dr. E. Don Parker, Jr., MD, regarding Mr. Smith's father.

City of Temple Code of Ordinances Section 23-61: Special Permits allow a temporary special permit to be issued by resolution of the City Council for a HUD Code manufactured home as an accessory residence, subject to the following conditions:

Sec. 23-61. Special permits.

(a) With satisfactory proof that the applicant qualifies for the exception set out below, a temporary special permit may be issued by resolution of the City Council for use of a HUD Code Manufactured Home as an accessory residence to a principal residence for the sole purpose of housing immediate family members, subject to the following conditions:

- (1) Upon satisfactory proof of emergency conditions constituting a documented medical hardship, a temporary special permit may be issued to the owner of a HUD Code Manufactured Home for location on a lot or tract owned by him or a member of his immediate family;
- (2) The HUD Code Manufactured Home shall be occupied only by said landowner and his family or another member or members of his immediate family and shall never be rented out or used for any commercial purpose whatsoever;
- (3) The property shall be zoned agricultural and minimum contiguous land area which must be owned to allow for placement of a HUD Code Manufactured Home as an accessory residence to a principal residence shall be 3 acres. In all other respects, the Agricultural District area regulations shall apply;
- (4) The principal residence shall meet all applicable building codes in effect in the City (building, plumbing, mechanical, and electrical);
- (5) The HUD Code Manufactured Home shall meet minimum applicable codes in effect in the City;
- (6) The HUD Code Manufactured Home shall meet the minimum applicable septic tank ordinances in effect in the City;
- (7) A minimum separation of 50 feet shall be observed between the HUD Code Manufactured Home and any adjacent residence;
- (8) A single water utility service shall be provided for the principal residence and accessory HUD Code Manufactured Home residence in the property owner's name, where possible;
- (9) A detailed site plan shall be provided which assures compatible placement of a HUD Code Manufactured Home in relation to the principal residence, surrounding property lines and development, streets, and other relevant site factors;
- (10) The maximum term of permit approval shall not exceed three years; however, extensions may be considered and approved if such extension is not adverse to the surrounding area.

(b) Prior to approval of a temporary special permit under this section, a public hearing shall be held before the Planning Commission and the City Council in the same manner prescribed for a zone change in Section 20, Amendments, Zoning Ordinance. All other provisions of said portion of the Code shall apply for the review, approval and reconsideration of a request.

(c) The City Council, following recommendation by the Planning Commission, may impose conditions on such permit as it deems necessary to be in the public interest after full hearing on an application and reserves, at all times, the right and power to revoke any such permit for violation of any of its terms after a hearing at which the holder has been given at least 10 days prior notice.

(d) Applications for consideration of a temporary special permit for a HUD Code Manufactured Home may be obtained from the planning director.

During the Planning and Zoning Commission meeting on July 5, 2016, Commissioner Crisp asked how many homes were allowed on the applicant's property. Ms. Lyerly explained only one single family home is allowed per Lot within the applicant's Agricultural District. The only other alternatives would involve dividing and platting the applicant's property into an additional Lot; or a rezone to a residential district.

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	Business Park	AG	Agricultural & Rural Residential
North	Business Park & Agricultural/Rural	AG	Agricultural
South	Business Park & Public Institutional	AG	Agricultural
East	Business Park	AG	Agricultural
West	Business Park & Public Institutional	AG & LI	Agricultural

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

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

The subject property is within the Business Park character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested temporary special permit does not comply with this character district, but it does comply with the current agricultural and rural residential land uses of the surrounding properties

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property fronts Airport Trail, Pepper Creek Road and Mouser Road. All of which are currently rural local streets with cattle guards. The applicant's requested temporary special permit appears appropriate with these surrounding rural local streets.

Availability of Public Facilities (CP Goal 4.1)

The applicant's survey reflects a well house. There is an existing 1.5-inch water line in the Pepper Creek Road right-of-way to the east. The property is serviced by septic system.

PUBLIC NOTICE: Ten 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 Friday, July 22, 2016, two 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 June 23, 2016, in accordance with state law and local ordinance.




FISCAL IMPACT: Not Applicable




ATTACHMENTS:



Site and Surrounding Property Photos
Location map with Aerial
Zoning Map
Future Land Use and Character Map
Utility Map
Notification Map
Applicant's Medical Hardship Letter
Survey
Proposed HUD Code Manufactured Home
Owner Notification Response Letters
Resolution

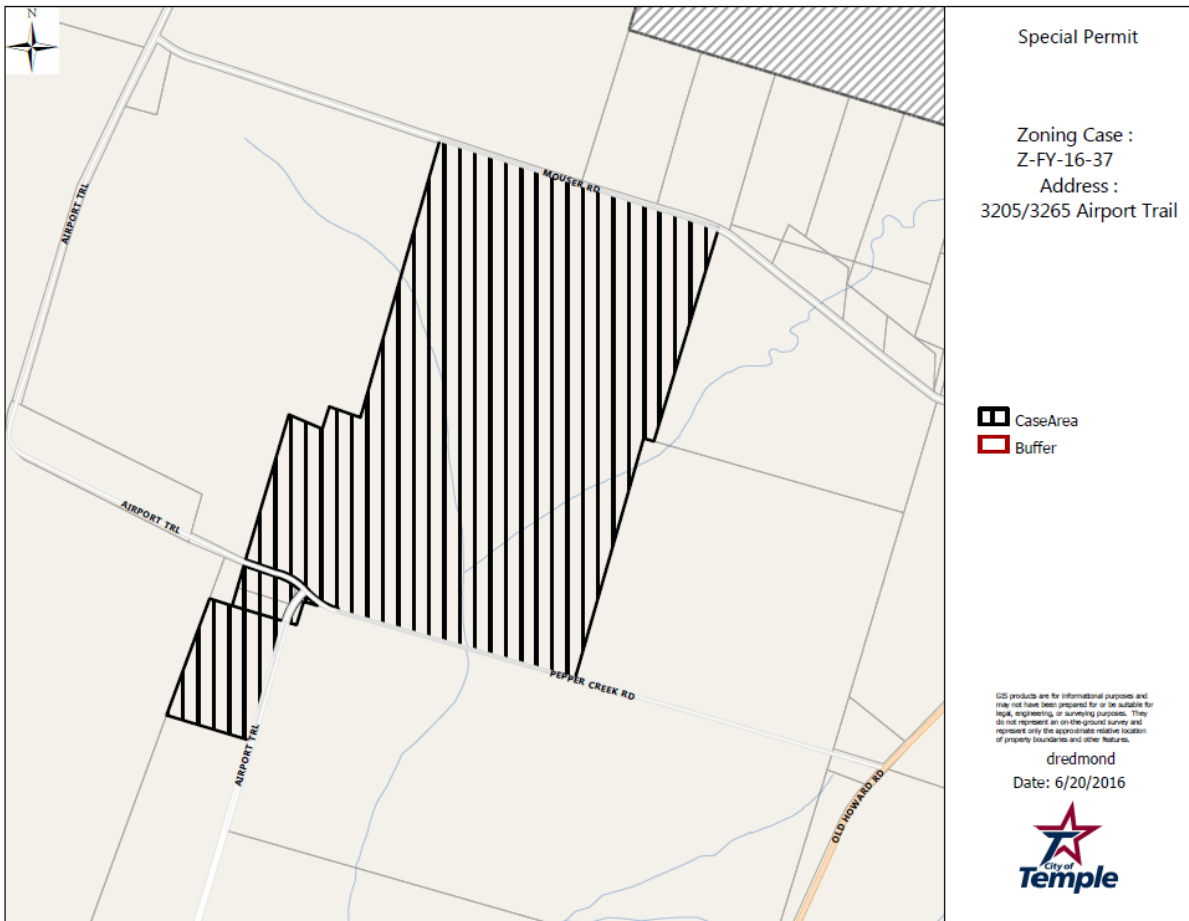
SURROUNDING PROPERTY AND USES:

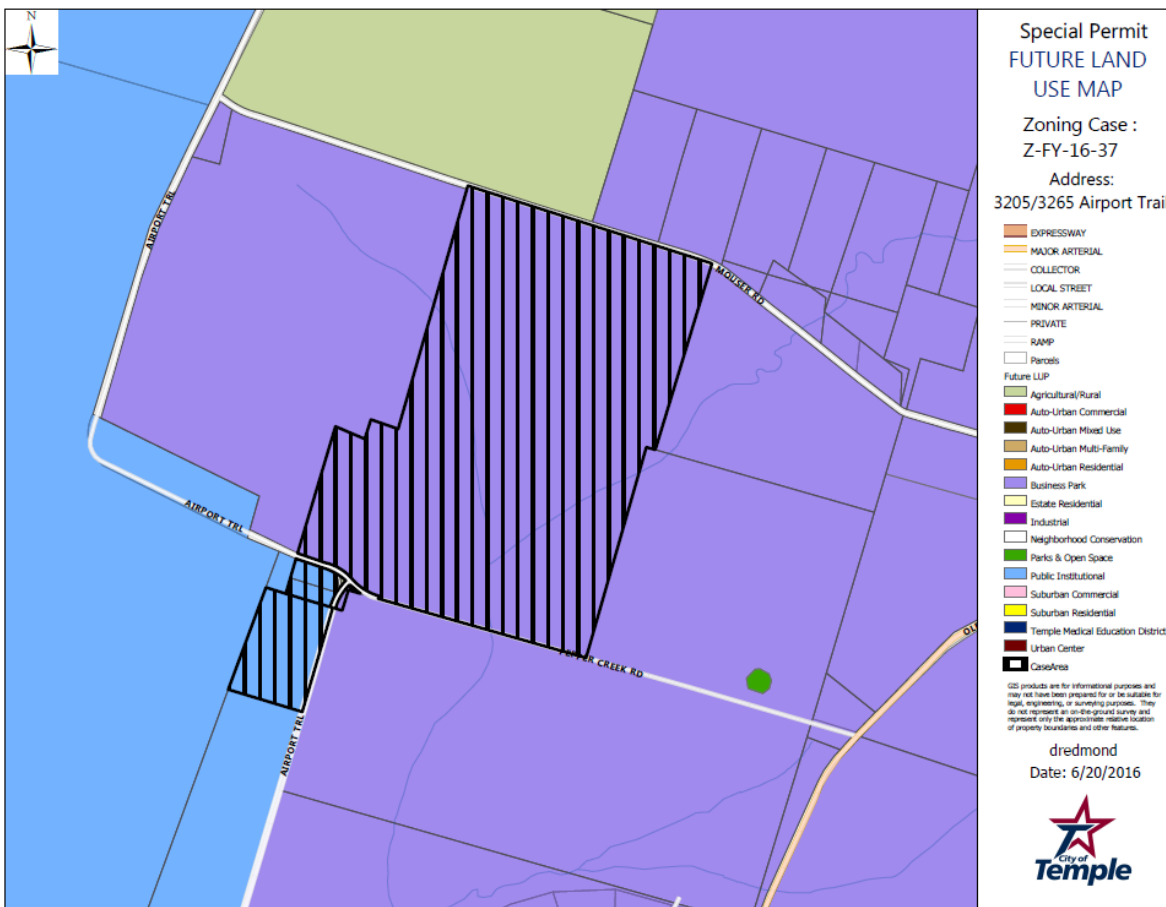
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural & Rural Residential	
			
			

Direction	Zoning	Current Land Use	Photo
East	AG	Agricultural	 <p>Pepper Creek Rd</p>
West	AG & LI	Agricultural & Airport	 <p>Airport Trail</p>
South	AG	Agricultural	 <p>Airport Trail</p> <p>Pepper Creek Rd</p>

Direction	Zoning	Current Land Use	Photo
			 <p>A photograph showing the intersection of Airport Trail and Pepper Creek Rd. A yellow street sign on a pole indicates the intersection. The road is paved, and there are trees and grass in the background.</p>
North	AG	Agricultural	 <p>A photograph of Mouser Rd, a paved road running straight through a rural landscape. The road is flanked by green grass and trees on the left, and a field of crops on the right. A small copyright notice '© 2016 Google' is visible in the bottom right corner.</p>







Special Permit

UTILITY MAP

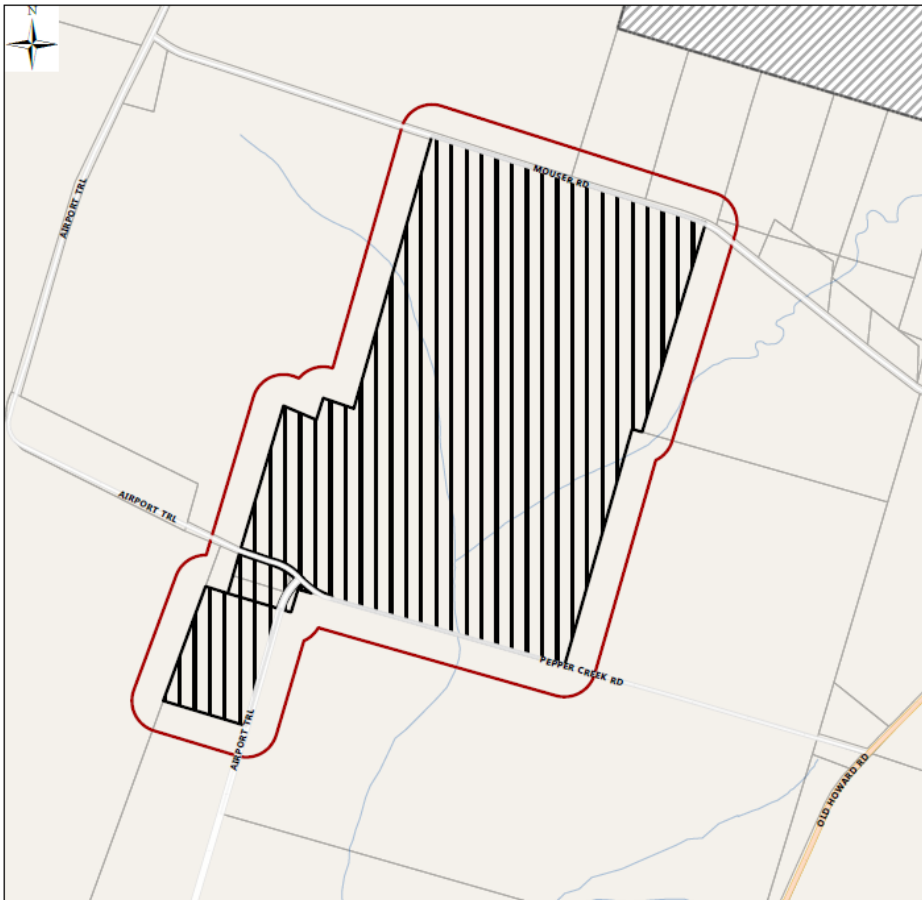
Zoning Case :
Z-FY-16-37

Address :
3205/3265 Airport Trail

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

tyerly
Date: 6/30/2016



Special Permit

200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-37

Address :
3205/3265 Airport Trail

- ▨ CaseArea
- ▭ Buffer

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

dredmond
Date: 6/20/2016





May 20, 2016

City of Temple Planning Department
Attention: Brian Chandler, AICP
Director of Planning

Medical Hardship attestation:

Dear City Official,

This letter is written as a letter of medical hardship for Roy E Smith, DOB- 08-03-1931.

He is 84 years of age and living with his wife who is 82 years old in Mississippi. He and I have met on several occasions and I have conducted a medical interview. He has developed several hardships that are common for this age, to include difficulties with vision, physical stamina, endurance and coordination. I believe he will benefit from moving to the Temple area near his family who can assist him in these areas of need, while still living in a rural environment.

Please contact me if I can be of any assistance.

A handwritten signature in blue ink, appearing to read 'E. Don Parker Jr'.

E. Don Parker Jr MD

Diplomate, American Board of Family Medicine

Assistant Professor of Family Medicine

Texas A&M University Health Science Center

"Things Are Different Here"

SCOTT & WHITE CLINIC
An Association Affiliated
With Scott and White
Memorial Hospital and
Scott, Sherwood and
Brindley Foundation

THE TEXAS A&M UNIVERSITY SYSTEM **BELTON CLINIC**
HEALTH SCIENCE CENTER
COLLEGE OF MEDICINE,
TEMPLE CAMPUS

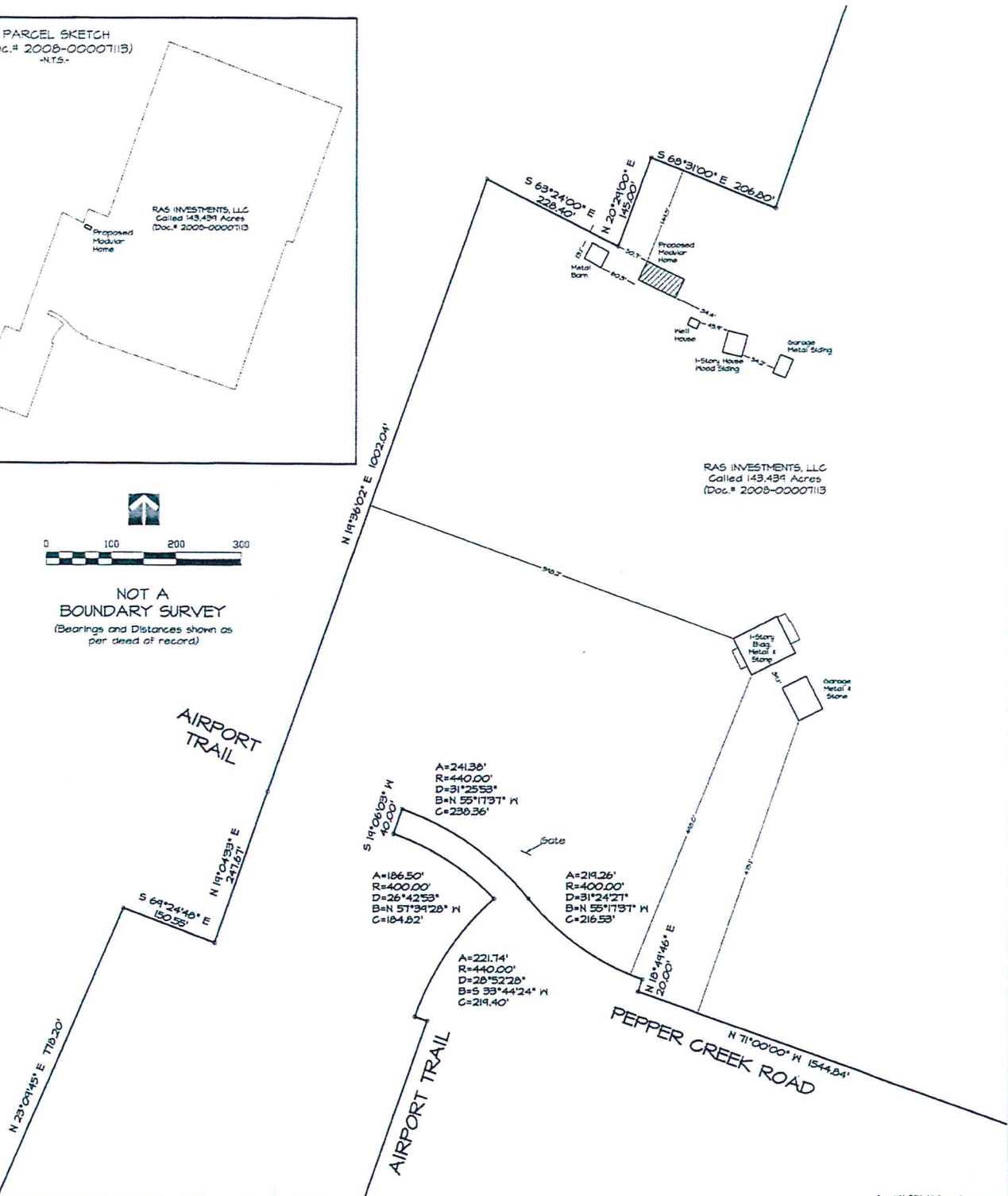
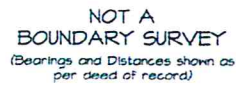
1505 North Main Street

Belton, Texas 76513

254-933-4040

Internet Home Page: <http://www.sw.org>

Exhibit showing Called 143.439 ARES, situated in the P. M. MERCER SURVEY, ABSTRACT NO. 553, Bell County, Texas, according to the deed of record in Document Number 2008-00007113, Official Public Records of Real Property, Bell County, Texas.



Copyright 2016 All County Surveying, Inc.

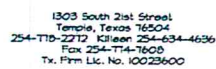


Exhibit showing Called 143.439 ARES, situated in the P. M. MERGER SURVEY, ABSTRACT NO. 553, Bell County, Texas, according to the deed of record in Document Number 2008-00007113, Official Public Records of Real Property, Bell County, Texas.

Plot Date: 05-20-2016
Survey completed: 05-11-2016
Scale: 1" = 100'
Job No.: 140274.4
Dwg No.: 14027402
Drawn by: MDH
Reviewed by: CCL 44436



3rd Visit
Southern Star
Developer

RVL32603B - The Brazos

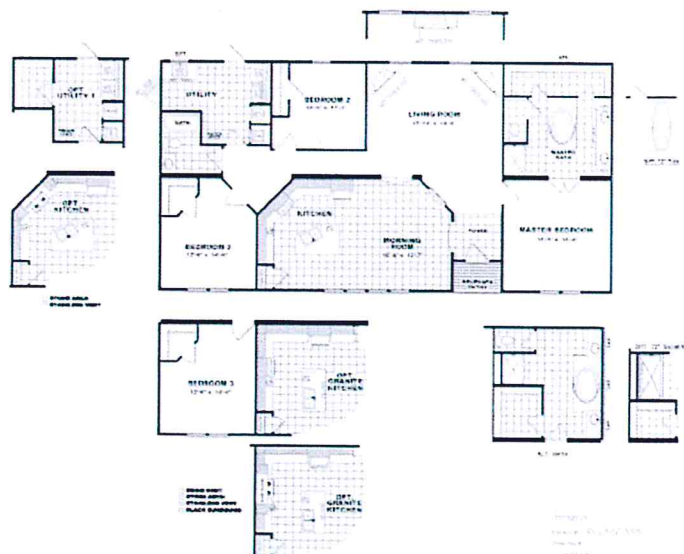
1,775 Sq Ft - 3 Bedroom, 2 Bath

Minor Hill
Developer



HOME BUILDER

(254) 772-1808



[Floorplan](#)

[Drop Sheet / Pier Diagram](#)

[Bank Package](#)

© 2016 Clayton Homes Waco II
7001 Imperial Dr | Waco, TX 76712 | 254-772-1808
[Map](#) | [Contact](#)

powered by sitenow[®] from williams web



INSTRUCTIONS FOR A BEAUTIFUL HOME:

JUST ADD NOTHING!

Although we offer a wide range of upgrades, our homes are built standard with features that most home builders consider upgrades – or may not even offer. Features that make your home strong, safe, efficient, AND BEAUTIFUL!

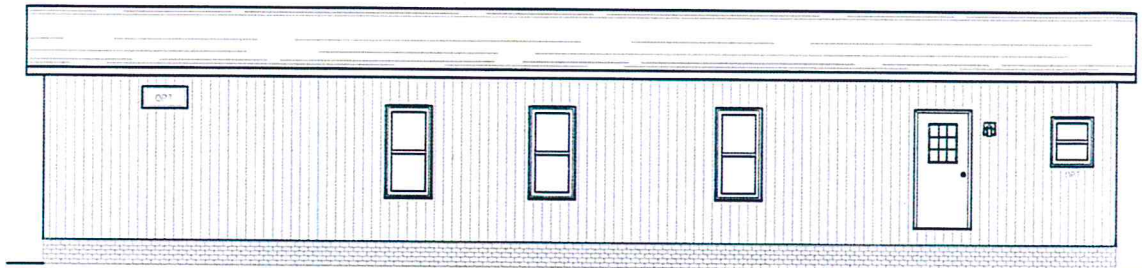
STANDARD FEATURES

1. 1/2" Painted Tape and Texture Walls Throughout
(except off bedrooms closets, pantries, & linen closets)
2. Painted Feature Walls
3. Low E Gridded Vinyl Thermopane Windows
4. LP Smart Side Siding with Vapor Barrier
5. 8 1/2' Sidewall Height – Flat Ceilings
6. Wood Closet and Pantry Shelving
7. 6" Grouted Tumbled Stone Backsplash in Kitchen
8. 3" Grouted Bathroom Backsplash
9. 3" x 1/2" MDF Molding Throughout
10. Recessed Can Lighting in Kitchen,
Dining Room and Hallways
11. Return Air Jump Ducts
12. China Bath Sinks with Pop Up Valves
13. Elongated Toilets
14. Metal Faucets Throughout
15. Upgrade Lighting in Baths
16. 13" Dome Bedroom Light Fixtures
17. Double 2x4 Marriage Walls
18. Hardi Fascia & Soffit
19. 36" Steel Front Door with Storm Door
20. 9- Lite Cottage Rear Door
21. R21-I1-I1 Insulation
22. Arched Shower Rod With Curtain

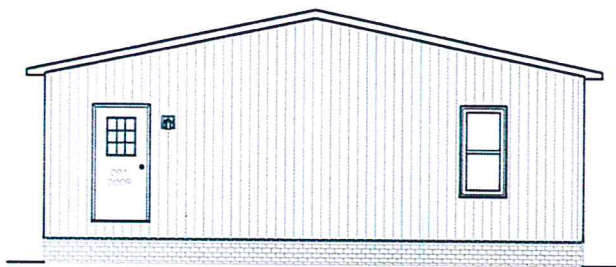
23. Individual Shut-Offs Throughout
24. Plumb For Icemaker
25. Exterior GFI Receptacle – Rear
26. 19/32" OSB Floor Decking
27. Vinyl Foyer Entry
28. 7/16" 5.5 Lb Rebond Pad
29. 1" Vinyl Mini Blinds Throughout
30. 32" Interior Passage Doors
31. Residential Door Stops
32. Textured Ceilings
33. Six Panel Interior Doors
34. 18 CF FF Refrigerator
35. 2x4 Exterior Walls 16" O.C.
36. Keyed Alike Locks and Deadbolts
37. 30" Electric Range
38. Kitchen Island (where available)
39. Stainless Steel Sink With Sprayer
40. Raised Panel MDF Cabinet Doors With 3/4" Stiles
41. Heavy Duty Hidden Hinges
42. Utility Room Door
43. 30" Lined Overhead Cabinets
44. Center Base Shelves
45. 12" Eaves
46. Upgrade Cabinet Hardware
47. 40 Gallon Electric Water Heater
48. Wire & Brace For Fan With Double Switches in MBR & LR
49. Drawer Bank in Most Baths
50. Towel and Tissue Holders

& MUCH MORE!

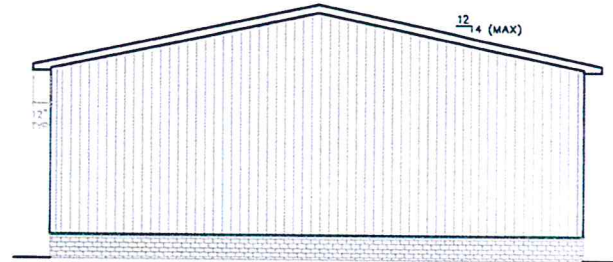




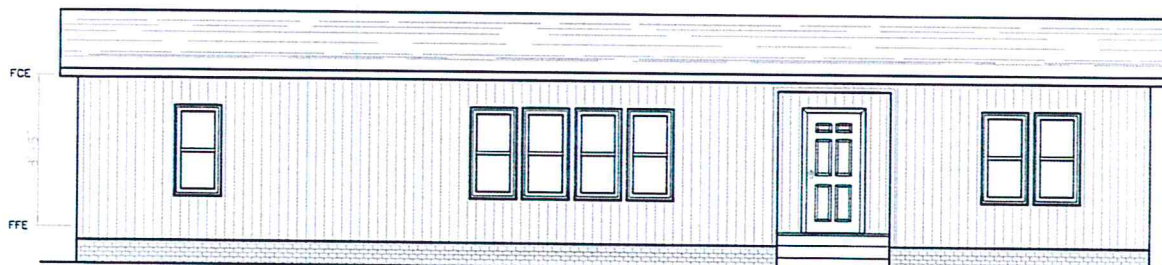
REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



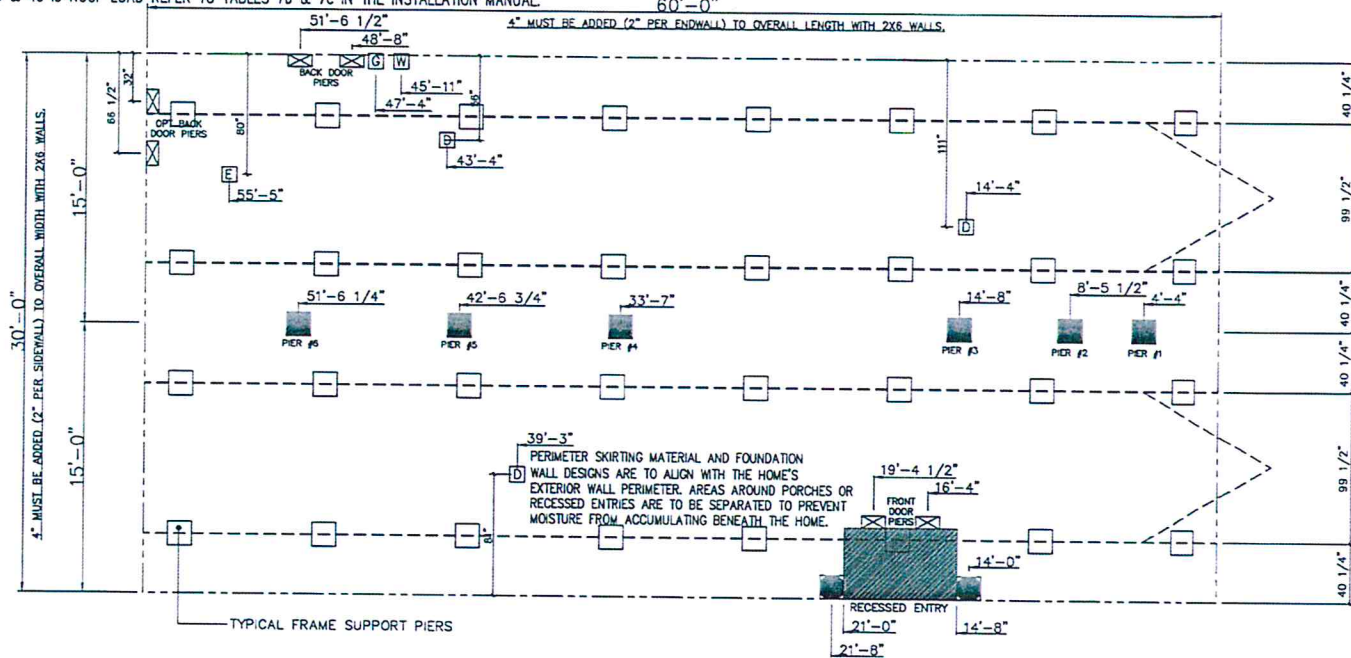
FRONT ELEVATION

OLD DRAWING NUMBER: 32M422		
1776 SQ.FT. (STD PLAN "CONDITIONED")		
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")		
CMH MANUFACTURING	Model # RVL32603A	Drawn # 32M422
Product Designer: BRANDON BARNARD	Submittal: 32M422	Scale: NTD
32 x 60' Rio Vista		
ELEVATION		

PRINTED: 11-10-2018 2:24 PM

20 lb ROOF LOAD SIDEWALL OPENING PIER LOAD 32' BOX WIDTH	SIDEWALL OPENING (FT) REQUIRED PIER LOAD (LBS)					
	3	4	5	6	8	10
	1244	1413	1581	1750	2088	2425

*FOR 30 lb & 40 lb ROOF LOAD REFER TO TABLES 7b & 7c IN THE INSTALLATION MANUAL



TYPICAL FRAME SUPPORT PIERS

Required Pier Load
for 20lb. Roof Load

COLUMN PIER #	COLUMN LOADS (in pounds)
PIER #1	1328
PIER #2	1328
PIER #3	4656
PIER #4	4656
PIER #5	2416
PIER #6	2416

Required Pier Load
for 30lb. Roof Load

COLUMN PIER #	COLUMN LOADS (in pounds)
PIER #1	2838
PIER #2	2838
PIER #3	7275
PIER #4	7275
PIER #5	4287
PIER #6	4287

GENERAL NOTES:

- PIER LOADS SHOWN ARE TO BE USED TO SIZE THE FOOTINGS BELOW THE MARRIAGEWALL FOR COLUMN SUPPORT PIERS. REFER TO TABLES 6b AND 6c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS FOR HOMES THAT DO NOT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 7b AND 7c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS THAT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 10 AND 10a TO DETERMINE FOOTING SIZE FOR ALL PIERS.
- REFER TO TABLE 9 FOR PIER CONFIGURATION AND MAXIMUM ALLOWABLE HEIGHTS. CROSS REFERENCE THE PIER HEIGHT WITH THE MAXIMUM ALLOWABLE FLOOR HEIGHT LISTED IN THE FRAME TIEDOWN CHARTS (TABLE 18, 19, AND 20).
- FLOOR WIDTH SHOWN IS FOR STANDARD PRODUCT ONLY. CONTACT THE MFG PLANT FOR SPECIFICATIONS OF OPTIONS ORDERED.
- SERVICE DROP LOCATIONS IDENTIFIED ARE APPROXIMATE.
- THE MAXIMUM SPACING FOR 8" I-BEAMS IS 8 FEET, 10" & 12" I-BEAMS ARE 10 FEET.

PIER LEGEND

- = SUPPORT UNDER MATING OPENING
- = SUPPORT AT MATING COLUMN
- ▣ = SUPPORT UNDER MATING WALL
- = PIER PORCH/RECESSED ENTRY
- = PIER MAIN BEAM
- = PIER PERIMETER

SERVICE DROP LEGEND

- E = ELECTRICAL DROP
- W = WATER INLET
- D = DWV PLUMBING DROP
- G = GAS INLET

OLD DRAWING NUMBER: 32M036

1775 SQ.FT. (STD PLAN "CONDITIONED")

N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING		Model # RVL32603A	Drawn N/A
Product Designer: BRAUDON BARNARD		32' x 60' Rio Vista	32M422

PIER LOADS



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RAS INVESTMENTS LLC
ATTN PROPERTY TAX DEPT
PO BOX 1879
TEMPLE, TX 76503-1879

Zoning Application Number: Z-FY-16-37

Case Manager: Tammy Lyerly

Location: 3205/3265 Airport Trail

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

I ☒ agree

() disagree with this request

Comments:

RECEIVED

JUL 12 2016

City of Temple
Planning & Development

Signature _____

Print Name _____

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **July 5, 2016**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 10

Date Mailed: June 23, 2016



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

RAS INVESTMENTS LLC
ATTN PROPERTY TAX DEPT
PO BOX 1879
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() disagree with this request

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RECEIVED

JUL 12 2016

City of Temple
Planning & Development

Signature

Print Name

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**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

Number of Notices Mailed: 10

Date Mailed: June 23, 2016

RESOLUTION NO. _____
(Z-FY-16-37)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, ADOPTING A TEMPORARY SPECIAL PERMIT FOR A
MANUFACTURED HOME PLACEMENT ON PROPERTY LOCATED AT
3205/3265 AIRPORT TRAIL, TEMPLE, TEXAS, FOR A MEDICAL
HARDSHIP FOR ELDERLY PARENTS; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, the applicant requests a temporary special permit to allow placement of a manufactured home on property located at 3205/3265 Airport Trail, Temple, Texas, for his elderly parents for a medical hardship;

Whereas, the City of Temple Code of Ordinances Section 23-61: Special Permits allows a temporary special permit to be issued for a Housing and Urban Development (“HUD”) Code manufactured home as an accessory residence, subject to the following conditions:

- (a) With satisfactory proof that the applicant qualifies for the exception set out below, a temporary special permit may be issued by resolution of the City Council for use of a HUD Code Manufactured Home as an accessory residence to a principal residence for the sole purpose of housing immediate family members, subject to the following conditions:

(1) upon satisfactory proof of emergency conditions constituting a documented medical hardship, a temporary special permit may be issued to the owner of a HUD Code Manufactured Home for location on a lot or tract owned by him or a member of his immediate family;

(2) the HUD Code Manufactured Home shall be occupied only by said landowner and his family or another member or members of his immediate family and shall never be rented out or used for any commercial purpose whatsoever;

(3) the property shall be zoned agricultural and minimum contiguous land area which must be owned to allow for placement of a HUD Code Manufactured Home as an accessory residence to a principal residence shall be 3 acres. In all other respects, the Agricultural District area regulations shall apply;

(4) the principal residence shall meet all applicable building codes in effect in the City (building, plumbing, mechanical, and electrical);

(5) the HUD Code Manufactured Home shall meet minimum applicable codes in effect in the City;

(6) the HUD Code Manufactured Home shall meet the minimum applicable septic tank ordinances in effect in the City;

(7) a minimum separation of 50 feet shall be observed between the HUD Code Manufactured Home and any adjacent residence;

(8) a single water utility service shall be provided for the principal residence and accessory HUD Code Manufactured Home residence in the property owner's name, where possible;

(9) a detailed site plan shall be provided which assures compatible placement of a HUD Code Manufactured Home in relation to the principal residence, surrounding property lines and development, streets, and other relevant site factors;

(10) the maximum term of permit approval shall not exceed 3 years; however, extensions may be considered and approved if such extension is not adverse to the surrounding area:

(a) prior to approval of a temporary special permit under this section, a public hearing shall be held before the Planning Commission and the City Council in the same manner prescribed for a zone change in Section 20, Amendments, Zoning Ordinance. All other provisions of said portion of the Code shall apply for the review, approval and reconsideration of a request.

(b) the City Council, following recommendation by the Planning Commission, may impose conditions on such permit as it deems necessary to be in the public interest after full hearing on an application and reserves, at all times, the right and power to revoke any such permit for violation of any of its terms after a hearing at which the holder has been given at least 10 days prior notice.

(c) applications for consideration of a temporary special permit for a HUD Code Manufactured Home may be obtained from the planning director; 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 adopts a temporary special permit for a manufactured home placement for a medical hardship for elderly parents on property located at 3205/3265 Airport Trail, Temple, Texas, as outlined in Exhibit 'A' attached hereto.

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

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 4th day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney