



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, SEPTEMBER 15, 2016  
4:00 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 15, 2016.
2. Discuss various Board Appointments.
3. Discuss the status of right-of-way acquisition for the proposed Santa Fe Plaza and the purchase of 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 – 2<sup>ND</sup> FLOOR**  
**TEMPLE, TX**  
**TEMPLE CITY COUNCIL**  
**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PUBLIC APPEARANCE**

3. Receive comments from Mrs. June Cummings regarding the renaming of Ridge Way Drive to Stone Ridge Drive.

**IV. PROCLAMATIONS & SPECIAL RECOGNITIONS**

4. (A) Constitution Week                      September 12-17, 2016  
(B) National Night Out                      October 2016

**V. CONSENT AGENDA**

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

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

**Minutes**

- (A) [September 1, 2016 Special and Regular Meeting](#)

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

- (B) [2016-8333-R](#): Consider adopting a resolution authorizing the purchase of a portion of one property necessary for the expansion of Old Howard Road and authorizing closing costs associated with the purchase, in an amount not to exceed \$197,000.
- (C) [2016-8334-R](#): Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$25,500.
- (D) [2016-8335-R](#): Consider adopting a resolution authorizing a construction contract for the base bid and all bid alternates with Myers Concrete Construction, LP, of Wimberley in an amount not to exceed \$81,170.28 for the construction of Community Development Block Grant Hop Bus Stop Improvements.
- (E) [2016-8336-R](#): Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of Belton, in the amount of \$79,072 for the construction of improvements for Western Hills Neighborhood Park.
- (F) [2016-8337-R](#): Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., in an amount not to exceed \$30,000, for the provision of legal services associated with various condemnation proceedings.
- (G) [2016-8338-R](#): Consider a resolution authorizing entering into to an Inter-local Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.
- (H) [2016-8339-R](#): Consider adopting a resolution authorizing a one-year lease with Marvin Brenek for lease of approximately 108 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.
- (I) [2016-8340-R](#): Consider adopting a resolution authorizing Amendment No. Two for "Administration and Management Agreement" between the City of Temple, City of Belton, and the Brazos River Authority for administration of the Cities of Temple and Belton Industrial Pretreatment Programs.
- (J) [2016-8341-R](#): Consider adopting a resolution authorizing one-year renewals to purchase agreements for various forms of rock and top soil with the following vendors during FY2017 in the estimated annual amount of \$104,000:
  - 1. Superior Crushed Stone of Jarrell, \$60,000;
  - 2. Cheaper Than Dirt of Temple, \$40,000; and
  - 3. Miller Springs Material of Belton, \$4,000.
- (K) [2016-8342-R](#): Consider adopting a resolution authorizing renewals to service agreements for the sale of scrap metal and non-curbide recyclables for FY2017 as follows:
  - 1. Scrap Metals - Temple Iron & Metal, a division of Bell County Iron & Recycling, of Temple, and
  - 2. Recyclables, not including curbide recyclables - Balcones Recycling, Inc., of Austin.

- (L) Consider adopting resolutions authorizing the following new FY2017 annual contracts:
1. [2016-8343-R](#): Concrete Repair and Construction Services – Wilson Construction Services, LLC, in the in the estimated annual amount of \$138,900
  2. [2016-8344-R](#): Traffic Signal Equipment – various vendors, in the in the estimated annual amount of \$96,387.20
  3. [2016-8345-R](#): Signs and Traffic Control Supplies – various vendors, in the estimated annual amount of \$43,319.57
  4. [2016-8346-R](#): Herbicides and Insecticides – various vendors, in the estimated annual amount of \$39,049.90
  5. [2016-8347-R](#): Design and Printing of Cotton and Cotton-Blend T-Shirts – Holloway's Sports Center, in the estimated annual amount of \$40,000
  6. [2016-8348-R](#): Building Materials – Lengefeld Lumber Company, in the estimated annual amount of \$35,000
  7. [2016-8349-R](#): Sodium Hypochlorite, Hydrochloric Acid, and Cyanuric Acid – HASA, Inc. and Brenntag Southwest, Inc., in the estimated annual amount of \$31,490
  8. [2016-8350-R](#): Automotive Batteries – Continental Battery Co., in the estimated annual amount of \$25,000
  9. [2016-8351-R](#): Bacteriological Sample Testing – Aqua-Tech Laboratories, Inc., in the estimated annual amount of \$25,000
  10. [2016-8352-R](#): Sale of Plastic Refuse Containers – Balcones Recycling, Inc.
- (M) Consider adopting resolutions authorizing the following cooperative contract purchases during FY2017:
1. [2016-8353-R](#): Cellular Services – Verizon Wireless, utilizing a State of Texas DIR contract, in the total estimated annual amount of \$250,000
  2. [2016-8354-R](#): Office Supplies – Perry Office Plus, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$170,000
  3. [2016-8355-R](#): Janitorial Supplies – Gulf Coast Paper Company, utilizing a BuyBoard contract, in the estimated annual amount of \$110,000
  4. [2016-8356-R](#): Automotive Repair Parts – O'Reilly's Auto Parts, utilizing a BuyBoard contract, in the estimated annual amount of \$70,000
  5. [2016-8357-R](#): Wastewater Line Chemical Root Control Services – Duke's Root Control, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$65,000
  6. [2016-8358-R](#): Fire Department Uniforms – Miller Uniforms & Emblems, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$45,000
  7. [2016-8359-R](#): Online Auction Services – GovDeals, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$25,000

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

- (N) [2016-4802](#): SECOND READING – Z-FY-16-39: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Commercial District, on Lots 14 & 15, Block 001, Honeycutt Subdivision, located at 7099 Airport Road.
- (O) [2016-4803](#): SECOND READING - Z-FY-16-40: Consider adopting an ordinance authorizing a Conditional Use Permit to allow wholesale automobile auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, Bell County, Texas, located at 5615 SW H.K. Dodgen Loop.

- (P) [2016-4804](#): SECOND READING - Z-FY-16-41: Consider adopting an ordinance authorizing a Conditional Use Permit to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75% of the total gross revenue of the establishment, on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C.
- (Q) [2016-4805](#): SECOND READING: Consider adopting an ordinance amending the classifications of certified firefighters and certified police officers.

#### **Misc.**

- (R) [2016-8360-R](#): Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2016-2017, in accordance with Section 4.18 of the Charter of the City of Temple.
- (S) [2016-8361-R](#): Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability and workers' compensation insurance coverage for the City.
- (T) [2016-8362-R](#): Consider adopting a resolution authorizing a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage and shipping material costs associated with the Interlibrary Loan program for an amount up to \$5,000.
- (U) [2016-8363-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

### **VI. REGULAR AGENDA**

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

- 6. [2016-4807](#): FIRST READING - PUBLIC HEARING - Z-FY-16-38: Consider adopting and ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.
- 7. [2016-4808](#): FIRST READING - PUBLIC HEARING - Z-FY-16-42: Consider adopting an ordinance authorizing a rezoning from General Retail District to Commercial District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue. **(P&Z and Staff's Recommendation is the proposed rezoning from General Retail (GR) district to Planned Development – General Retail (PD-GR) district with conditions).**

#### **RESOLUTION**

- 8. [2016-8364-R](#): Consider adopting a resolution authorizing approval of renaming Ridge Way Drive to Stone Ridge Drive and changing corresponding house numbers located in the Stoneridge, Phase I Subdivision, City of Temple, Bell County, Texas.

9. [2016-8365-R](#): I-FY-16-02 – Consider action on a resolution for an appeal of standards to Section 6.75(j) of the Unified Development Code (UDC) related to the number of signs, height, square footage, and to allow a roof sign within the I-35 Corridor Overlay at 5141 North General Bruce Drive.
10. [2016-8366-R](#): Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2017 with the following vendors in the estimated annual amount of \$284,271.01:  
  
Techline Pipe of Hutto, \$21,665.61  
Fortiline, Inc. of Balch Springs, \$65,275.85;  
HD Supply Waterworks of Belton, \$83,519.17; and  
ACT Pipe & Supply of Temple, \$113,810.38.

### **BOARD APPOINTMENTS**

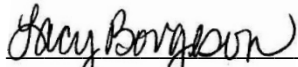
11. [2016-8331-R](#): Consider adopting a resolution appointing five members and two alternate members to the City of Temple Ethics Review Board.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:30 PM, on Friday, September 9, 2016.



City Secretary, TRMC



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #3  
Regular Agenda  
Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Receive comments from Mrs. June Cummings regarding the renaming of Ridge Way Drive to Stone Ridge Drive.

**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Mrs. Cummings submitted a Request for Placement on the City Council Agenda, please see attached the forms.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS  
CITY COUNCIL MEETINGS

RECEIVED

SEP 00 2016

CITY OF TEMPLE, TX  
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

\_\_Priority

NAME OF PRESENTER: June C. Cummings

ADDRESS: 4802 Ridge Way Drive

TELEPHONE NO. 254-598-2265

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) September 15, 2016

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) Presenting a petition against

the readdressing of Ridge Way Drive to Stone Ridge Drive. Residents of Ridge Way Drive (unanimously) reject changing the aforementioned City Council proposal. A large majority of residents plan on

Note: Separate requests must be completed for each subject presented. attending the September 15, 2016 meeting.  
I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures. Thank You

June C. Cummings  
SIGNATURE OF PRESENTER

9-1-16  
DATE

RECEIVED

SEP 01 2016

CITY OF TEMPLE, TX  
CITY SECRETARY

For Office Use:

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## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/15/16  
Item #5(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) September 1, 2016 Special and Regular Meeting

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[September 1, 2016 Special and Regular Meeting](#)

## TEMPLE CITY COUNCIL

**SEPTEMBER 1, 2016**

The City Council of the City of Temple, Texas conducted a Meeting on Thursday, September 1, 2016 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

**PRESENT:**

Mayor Pro Tem Perry Cloud  
Councilmember Timothy Davis  
Councilmember Michael Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 1, 2016.**
- 2. Discuss various Board Appointments.**

Ms. Borgeson provided the council with applications to be considered for appointment to various boards and commissions.

- 3. Discuss contemplated litigation regarding Temple City Code Chapter 16, Article VIII, "Tattoo Shops."**

At this time approximately, 4:00 pm Mayor Dunn stated the Council would enter executive session.

At approximately, 4:52 pm Mayor Dunn adjourned the executive session of the Workshop.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 1, 2016 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Mayor Pro Tem Perry Cloud  
Councilmember Timothy Davis  
Councilmember Judy Morales  
Councilmember Michael Pilkington  
Mayor Daniel A. Dunn

**I. CALL TO ORDER**

**1. Invocation**

Reverend Shelton Rhodes, Greater Zion Church of God in Christ in Temple voiced the Invocation.

**2. Pledge of Allegiance**

Belinda Mattke, Director of Purchasing lead the 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.**

No one signed up for this portion of the meeting.

**III. PRESENTATIONS**

**3. Receive an update on Parks Bond projects.**

Kevin Beavers, Director of Parks and Recreation provided an brief presentation the Council.

**IV. CONSENT AGENDA**

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

**(A) August 18, 2016 Special and Regular Meeting**

**(B) August 26, 2016 Special Called Meeting**

**(C) 2016-8269-R: Consider adopting a resolution authorizing the purchase and installation of a door access control system in the amount of \$31,408.54 from Convergent Technologies, LLC of Austin.**

**(D) 2016-8270-R: Consider adopting a resolution authorizing the purchase of jail services from Bell County Law Enforcement Center in the estimated amount of \$74,500 for FY 2017.**

**(E) 2016-8271-R: Consider adopting a resolution authorizing a purchase agreement for liquid copper sulfate with Chemrite, Inc. of Buford, GA, in the estimated annual amount of \$207,600.**

**(F) 2016-8272-R: Consider adopting a resolution authorizing an increase in the estimated purchase of liquid chlorine from Brenntag Southwest, Inc., of Houston, for FY2016 from \$106,020 to \$163,000.**

**(G) 2016-8273-R: Consider adopting a resolution authorizing the purchase of spare membrane replacement modules and necessary parts from Pall Advanced Separations Systems of Cortland, NY, in the amount of \$34,118.52.**

**(H) 2016-8274-R: Consider adopting a resolution authorizing a three-year renewal to a services agreement for propane delivery services with Star-Tex Propane, Inc. of Waco in the estimated annual amount of \$30,000.**

**(I) 2016-8275-R: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with Gallagher Benefit Services, Inc., for employee benefits consulting services at an annual cost of \$46,620.**

**(J) 2016-8276-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple for engineering services required for the rehabilitation of Water Treatment Plant Clarifiers 1 and 2 in an amount not to exceed \$31,300.**

**(K) 2016-8277-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, of Temple for professional services required for preliminary engineering design services for Task 4 and 5 at the City of Temple Water Treatment Plant in an amount not to exceed \$141,315.**

**(L) 2016-8278-R: Consider adopting a resolution authorizing the renewal of a Memorandum of Understanding with the U.S. Department of Justice Drug Enforcement Agency for participation in the Waco Task Force.**

**(M) 2016-8279-R: Consider adopting a resolution authorizing renewal of an Interlocal Agreement with the Texas Department of Public Safety for participation in the DPS Sex Offender Registration program.**

**(N) 2016-8280-R: Consider adopting a resolution authorizing renewal of an Interlocal Cooperation Agreement with the Texas Department of Public Safety for participation in the DPS Breath Testing and Laboratory Alcohol and Drug Testing Program.**

**(O) 2016-8281-R: Consider adopting a resolution authorizing a change order to the Prairie View Road Phase 1 – Research Boulevard to North Pea Ridge Road construction contract with R.T. Schneider Construction Company, Ltd. of Belton, for construction services required for street improvements in the amount of \$38,291.02.**

**(P) Consider adopting resolutions authorizing FY 2017 contract renewals for the following:**

- 1. 2016-8282-R: Liquid Polyaluminum Chloride – GEO Specialty Chemicals, Inc., in the in the estimated annual amount of \$330,000**
- 2. 2016-8283-R: Water Meter Reading Services – Alexander’s Contract Services, Inc., in the estimated annual amount of \$270,000**
- 3. 2016-8284-R: Mowing and Maintaining Various Parks and Roadways – Green Ackors, LLC, in the estimated annual amount of \$260,025**
- 4. 2016-8285-R: Water Meters – HD Supply Waterworks, in the estimated annual amount of \$230,000**
- 5. 2016-8286-R: HVAC Repair Services – Temple Heat & Air, LLC, in the estimated annual amount of \$180,000**
- 6. 2016-8287-R: Tires – Southern Tire Mart, LLC, in the estimated annual amount of \$140,000**
- 7. 2016-8288-R: Aggregate Base – Superior Crushed Stone in the estimated annual amount of \$120,000**
- 8. 2016-8289-R: Liquid Chlorine – Brenntag Southwest, Inc., in the estimated annual amount of \$110,000**
- 9. 2016-8290-R: Books, Audios & Videos – Baker & Taylor, Inc., Brodart Co, and Scholastic Library Publishing, Inc. in the estimated annual amount of \$105,000**
- 10. 2016-8291-R: Electric Motor and Pump Repair Services – Evans Enterprises, Inc., in the estimated annual amount of \$100,000**
- 11. 2016-8292-R: Carpentry and Minor Building Remodel and Repair Services – Camden Enterprises, LLC, in the estimated annual amount of \$90,000**

12. **2016-8293-R: Liquid Caustic Soda – DPC Industries, Inc., in the estimated annual amount of \$65,000**
13. **2016-8294-R: Hot Mix Asphalt – APAC-Texas, Inc./Wheeler Companies, in the estimated annual amount of \$65,000**
14. **2016-8295-R: Oil & Lubricants – Brazos Valley Lubricants, in the estimated annual amount of \$55,000**
15. **2016-8296-R: Electrical Supplies – Dealers Electrical Supply, in the estimated annual amount of \$50,000**
16. **2016-8297-R: Citric Acid – Chemtrade Chemicals US, LLC, in the estimated annual amount of \$45,000**
17. **2016-8298-R: Retreading and Repair of Tires – Wingfoot Commercial Tire System, LLC, in the estimated annual amount of \$45,000**
18. **2016-8299-R: Industrial Electrical Services – T. Morales Company Electric & Controls, Ltd., in the estimated annual amount of \$40,000**
19. **2016-8300-R: Liquid Ammonium Sulfate – Chemtrade Chemicals US, LLC, in the estimated annual amount of \$40,000**
20. **2016-8301-R: Asbestos Inspection & Consulting Services – Austin Environmental, Inc., in the estimated annual amount of \$40,000**
21. **2016-8302-R: Plumbing Repair Services – C.A.P.'s Mechanical, in the estimated annual amount of \$40,000**
22. **2016-8303-R: Protective Footwear – Cochran, Blair & Potts, in the estimated annual amount of \$34,000**
23. **2016-8304-R: Plumbing Supplies – Ham & McCreight Supply, Inc., in the estimated annual amount of \$30,000**
24. **2016-8305-R: Security Guard Services – Special Protective Service, in the estimated annual amount of \$30,000**
- 25.

- 2016-8306-R: Elevator Repair and Maintenance – Schindler Elevator Corporation, in the estimated annual amount of \$30,000**
- 26. 2016-8307-R: Hauling and Disposal of CIP Waste from WTP – Magna-Flow Environmental, in the estimated annual amount of \$29,600**
  - 27. 2016-8308-R: Medium Duty Truck Brakes – Russell & Smith Ford, in the estimated annual amount of \$25,000**
  - 28. 2016-8309-R: Hot Crack Sealant – Crafcro,Texas, Inc., in the estimated annual amount of \$25,000**
  - 29. 2016-8310-R: Lighting Supplies – Dealers Electrical Supply, in the estimated annual amount of \$25,000**
  - 30. 2016-8311-R: Telemetry/SCADA Services – T. Morales Company Electric & Controls, Ltd., in the estimated annual amount of \$25,000**
  - 31. 2016-8312-R: Irrigation Supplies – Ewing Irrigation Products, in the estimated annual amount of \$25,000**
  - 32. 2016-8313-R: Dri Fit T-shirts Design & Printing – Sports World, in the estimated annual amount of \$25,000**
  - 33. 2016-8314-R: Automotive and Equipment Filters – Napa Auto Parts, in the estimated annual amount of \$25,000**

**(Q) Consider adopting resolutions authorizing the following new FY2017 annual contracts:**

- 1. 2016-8315-R: Utility Bill and Accounts Receivable Statement Processing Services – DataProse, in the estimated annual amount of \$188,870**
- 2. 2016-8316-R: Hauling and Disposal of Sludge – S&M Vacuum and Waste, Ltd, in the estimated annual amount of \$160,000**
- 3. 2016-8317-R: Construction Material Testing Services – Langerman Foster Engineering Company, LLC, in the estimated annual amount of \$70,000**
- 4.**

**2016-8318-R: Low Voltage Electrical Services – Bluebonnet Electrical Services, Inc., in the estimated annual amount of \$60,000**

- 5. 2016-8319-R: Janitorial Services at the Summit Fitness & Recreation Center – Jani-King of Austin, in the estimated annual amount of \$47,856**

**(R) 2016-4800: SECOND READING - X-FY-16-10: Consider adopting an ordinance authorizing the annexation of a 2.149 acre part or portion of existing right-of-way of Dubose Road, situated in the William Frazier Survey, Abstract No. 310, Bell County, Texas, and located adjacent to the Valley Ranch subdivision.**

**(S) 2016-4801: SECOND READING – Consider adopting an ordinance amending the Code of Ordinances, Chapter 15, “Garbage, Refuse, and Recycling.” Misc.**

**(T) 2016-8320-R: Consider adopting a resolution funding the rates for medical and prescription insurance for employees and under-age 65 retirees, as well as Dental, Vision and Basic Life Insurance, AD&D, Voluntary Life and Voluntary AD&D Insurance.**

**(U) 2016-8321-R: Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority in the amount of \$180,000 which covers the availability of 2,500 acre-feet of water per year to the City for FY 2017.**

**(V) 2016-8322-R: Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority in the amount of \$36,679.21 which covers operation and maintenance costs associated with the City’s portion of raw water storage in Lake Belton.**

**(W) 2016-8323-R: Consider ratifying a resolution authorizing the submission of an application to the Killeen Temple Metropolitan Planning Organization prioritization program for future funding, to include up to a 30% match in future funding, for the following transportation choices projects:**

- 1. Adams Avenue Bicycle and Pedestrian Improvements;**
- 2. FM 2271 Trail;**
- 3. Bird Creek Interceptor Trail;**
- 4. Georgetown Railroad Trail; and**

## **5. South 31st Street Sidewalks**

**(X) 2016-8324-R: Consider ratifying a resolution authorizing the submission of an application to the Killeen Temple Metropolitan Planning Organization prioritization program for potential grant funding, to include up to a 30% match in future funding, for the following roadway projects:**

- 1. Outer Loop (Phase 3b for proposed project enhancements only);**
- 2. Kegley Road (Phase 2);**
- 3. Hogan Road;**
- 4. Outer Loop (Research Parkway) (Phase 2);**
- 5. Westfield Boulevard;**
- 6. Outer Loop. (Phase 4);**
- 7. Outer Loop (Phase 5); and**
- 8. 1st Street (Veteran's Memorial Boulevard)**

**(Y) 2016-8325-R: Consider adopting a resolution authorizing submission of an application for funding through the National Endowment for the Arts, Our Town grant program in an amount not to exceed \$100,000, with \$50,000 reimbursed through grant funding, to fund a Main Street Arts Project – Energizing Opportunity.**

**(Z) 2016-8326-R: Consider adopting a resolution authorizing the rejection of all bids received for Environmental Lead Testing Services (CDBG Funded) on August 11, 2016.**

Motion by Mayor Pro Tem Perry Cloud adopt Consent Agenda as presented seconded by Councilmember Judy Morales.

Motion passed unanimously.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. 2016-4802: FIRST READING – PUBLIC HEARING - Z-FY-16-39: Consider adopting an ordinance authorizing a rezoning**

**from Agricultural District to Commercial District, on Lots 14 & 15, Block 001, Honeycutt Subdivision, located at 7099 Airport Road.**

Tammy Lyerly, City Planner presented this case to the Council. Ms. Lyerly noted the applicant, Michael E. Phillips, is requesting this rezoning from Agricultural District to Commercial District to allow him to market this property for office/warehouse and service related uses. The applicant has had several inquiries regarding office/warehouse combinations and service related (HVAC-plumbing) uses for the subject property.

The Commercial District permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

The Commercial District should be located at the intersection of major thoroughfares and highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

At its August 1, 2016, meeting the Planning and Zoning Commission voted 6/0 to recommend approval of the requested rezoning from Agricultural District to Commercial District. Staff also recommends approval of the requested rezoning.

Mayor Dunn declared the public hearing open with regards to agenda item 5, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Timothy Davis adopt ordinance on first reading as presented, with second and final reading set for September 15, 2016. seconded by Councilmember Michael Pilkington.

Motion passed unanimously.

- 6. 2016-4803: FIRST READING - PUBLIC HEARING - Z-FY-16-40: Consider adopting an ordinance authorizing a Conditional Use Permit to allow wholesale automobile auctions for dealers on Lot 1, Block 1, Wildflower**

**Commerce Park IV, Bell County, Texas, located at 5615 SW H.K. Dodgen Loop.**

Brian Chandler, Director of Planning presented this case to the Council. The subject property is three acres and is located in the Wildflower Commerce Park Phase IV subdivision. The property is currently developed with a 10,256 square foot warehouse building. There is also a concrete parking lot that exists on the majority of the remainder of the site. Prior to the issuance of a building permit for any non-single-family residential development, a subdivision plat is required. The subject property was platted in 2000. The applicant has indicated that there are currently no plans to improve the property. Also, pending approval of the CUP, the wholesale automobile auction business (Manheim Remarketing, Incorporated) hopes to open in late October of 2016.

Mr. Chandler noted a letter included in the application submittal stated that the proposed use will conduct wholesale automobile auctions, which are open only to licensed automobile dealers, at the property. Regular business hours will be Monday through Thursday from 9:00 a.m. to 5:00 p.m., and Friday from 9:00 a.m. to 3:00 p.m. Activities at the property will include inventory maintenance, inspection of vehicles, and other business related to the transfer of title and auctioning of the vehicles. Manheim Remarketing, Inc. will conduct its wholesale automobile auctions on the second and fourth Monday of each month, during the regular business hours, to which only licensed automobile dealers may attend.

The applicant further explained in emails to staff that a typical auction would be a two lane automobile auction held inside the service department of the existing building. All automobiles offered for the sale will be contained to the parking lot of this property. The auction sales will be held every other Monday to start, with the potential to grow in to every week. The applicant anticipates it taking time to build up to a weekly occurrence for the auctions. Generally, most noise would be contained to inside the building from auctioning the automobiles. However, some associated noise would also be present outside the building. The majority of any traffic would typically be on the Mondays the sales are held.

In 2010, a CUP was granted on the same property for outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies (Ordinance 2010-4362). The Unified Development Code (UDC), Section 3.5.3 Conditional Use Duration states, "an approved CUP runs with the land and does not expire without City Council revocation." The approved

2010 CUP is still applicable to this site for the outdoor retail display uses. However, a new and different proposed use (that also requires a CUP in the commercial zoning district) is now requested. Therefore, the property is subject to the CUP process because of the requested new auto auction use.

Mayor Dunn declared the public hearing open with regards to agenda item 6, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Timothy Davis adopt ordinance on first reading as presented, with second and final reading set for September 15, 2016. seconded by Councilmember Michael Pilkington.

Motion passed unanimously.

**7. 2016-4804: FIRST READING - PUBLIC HEARING - Z-FY-16-41: Consider adopting an ordinance authorizing a Conditional Use Permit to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75% of the total gross revenue of the establishment, on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C.**

Mark Baker, Senior Planner presented this case to the Council. Mr. Baker noted the existing establishment provides for indoor dining exclusively and there are no accommodations for an outdoor patio area. This request is for the existing Roopa's Kitchen restaurant, located in Suites B & C on Lot 1A of the recorded Canyon Creek Place, Section 2 subdivision, at 1710 Canyon Creek Drive. The Existing Roopa's Kitchen occupies Suites B & C of the existing strip center. The PD ordinance currently allows a convenience store with on-premise sales but no on-premise consumption.

Per Ordinance 2011-4442, approved on May 5, 2011, the property is zoned Planned Development - Neighborhood Service (PD-NS). The base zoning of NS requires a conditional use permit (C.U.P.) for sales of beer and wine with on-premise consumption where less than 75% of the gross revenue is from the sale of beer and wine. If approved, the conditional use permit would amend Planned Development Ordinance 2011-4442 by a new ordinance and allow the conditional use permit for the on-premise consumption of beer and wine only as well as the convenience store in the neighboring suite. Discussion

related to Comprehensive Plan compliance was addressed during the related analysis of that request. Specific to this request, a restaurant that generates less than 75% of its total gross revenue from the sale of beer and wine only is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of beer and wine only is compatible with the existing and range of permitted retail and service uses within the surrounding area. Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages.

A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit. Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital and how the distance is measured. Using the calculation prescribed by UDC Sec. 5.3.15B2, the nearest sensitive use is Canyon Creek Baptist Church located approximately 1,641 feet away. Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as a condition.

The DRC reviewed the proposed conditional use permit on July 18, 2016. No issues were identified during the review.

Both Planning and Zoning Commission as well as the Staff recommends approval with conditions as presented.

Mayor Dunn declared the public hearing open with regards to agenda item 7, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Mayor Pro Tem Perry Cloud adopt ordinance on first reading as presented, with second and final reading set for September 15, 2016. seconded by Councilmember Judy Morales.

Motion passed unanimously.

8.

**2016-4805: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the classifications of certified firefighters and certified police officers.**

Brynn Myers, Assistant City Manager presented this item to the Council. She began by stating that Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Police Department and the Fire Department, and prescribe by ordinance the number of positions in each classification. Increased demand for public safety services requires increased staffing in the Fire and Rescue Department and the Police Department to maintain efficient, effective public safety services. These were approved in the FY17 Budget process.

It is recommended that three additional positions in the rank of Driver be added, and three positions in the rank of Firefighter be eliminated at this time. The additional Three Driver positions will allow the Department to assign a Driver to Rescue truck #3 on a consistent basis. Rescue truck #3 contains highly technical and specialized equipment which requires personnel who stay current with accepted uses and practices. It is used to provide redundant emergency medical response resources in the second busiest area of the city, and currently makes approximately 100 runs a month.

It is recommended that an additional position in the rank of Deputy Chief be added at this time. This position will be occupied by the Fire Marshal, making the Fire Marshal a division level supervisor who will oversee the inspection, investigation and prevention division within the Department. The Fire Marshal will supervise two public education personnel, nine TCOLE certified investigators, and 5 state certified fire inspectors. The Fire Marshal will also oversee TCOLE certification training and records for the division.

Ms. Myers continued addressing the needs in the Police Department. She noted at this time it is recommended that six additional positions in the rank of Police Officer be added. These additional 6 positions will be used to fulfill future staffing requirements.

Mayor Dunn declared the public hearing open with regards to agenda item 8, and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance on first reading as presented, with second and final reading set for

September 15, 2016. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

## RESOLUTIONS

9. **2016-8329-R: Consider adopting a resolution authorizing change order #6 to the Outer Loop Phase III (Adams Avenue to Channel) construction contract with R.T. Schneider Construction Company, Ltd., of Belton, for construction services required for extension of the proposed roadway section in the deduct amount of \$181,403.80.**

Nicole Torralva, Director of Public Works noted this item was on regular agenda for voting purposed only. As Councilmember Pilkington would need to abstain.

Motion by Mayor Pro Tem Perry Cloud adopt resolution as presented. seconded by Councilmember Timothy Davis.

Councilmember Michael Pilkington abstained. The other Councilmembers voted aye. The motion passed.

## BOARD APPOINTMENTS

10. **2016-8330-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

**(A) Airport Advisory Board – five members to fill expiring terms through September 1, 2019**

Appoint Tony Hale (Temple Resident); and Reappoint Ray Mattix (Temple Resident), Allen Talley (Temple Resident), HOLD (Temple Resident), and Jim Kent (At-Large/TEDC), to fill expiring terms through September 1, 2019

**(B) Animal Services Advisory Board – one member to fill an expiring terms through September 1, 2019; and appoint Chair for the period of September 1, 2016 through August 31, 2017**

Appoint Shirlene Lynkins (General), to fill expiring terms through September 1, 2019; and Appoint Nancie Etzel as

the Chair for a period of September 1, 2016 – August 31, 2017

**(C) Civil Service Commission - one member to fill expiring term through September 1, 2019;**

Reappoint Allen Talley to fill expiring terms through September 1, 2019;

**(D) Library Board – two members to fill unexpired terms through September 1, 2018; three member to fill expiring terms through September 1, 2019**

Reappoint Meg Pitrucha, Evelyn Cockrell, and Appoint Robert Curtis to fill expiring terms through September 1, 2019; Appoint HOLD/VACANT and HOLD/VACANT to fill unexpired terms through September 1, 2018

**(E) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2019**

Reappoint Omar Crisp; and Appoint Bryant Ward, and Lee Armstrong to fill expiring terms through September 1, 2019

**(F) Reinvestment Zone No. 1 Board of Directors – six members to fill expiring terms through September 1, 2018**

Reappoint John Howe (At-Large), Raymond Smith (At-Large), Steve Wolfe (At-Large), Gary Schmidt (Troy ISD), and John Kiella (BISD) to fill expiring terms through September 1, 2018; and Appoint Jim Kent (At-Large)

**(G) Temple Economic Development Corporation – four members to fill expiring terms through September 1, 2019**

Appoint Randy Ramsey (Chamber Rep), Harry Macey (At-Large), Blake Pitts (At-Large), and Wendell Williams (Bioscience District) to fill expiring terms through September 1, 2019

**(H) Temple Public Safety Advisory Board – five members to fill expiring terms through September 1, 2019**

Reappoint Rebecca Rucker, Sammy Ragsdale, Adam Soorholtz, Bill Bogucki, and Appoint Steve Hubbard to fill expiring terms through September 1, 2019

Motion by Councilmember Timothy Davis adopt resolution with the recommendations as presented seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 11. 2016-8331-R: Consider adopting a resolution appointing five members and two alternate members to the City of Temple Ethics Review Board.**

Motion by Mayor Pro Tem Perry Cloud , be Table, Motion did not require second.

Motion passed unanimously.

- 12. 2016-8332-R: Consider adopting a resolution appointing one regular member and one alternate member to the Bell County Public Health District Board of Directors.**

Motion by Mayor Pro Tem Perry Cloud , be Table, seconded by Councilmember Timothy Davis.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(B)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a portion of one property necessary for the expansion of Old Howard Road and authorizing closing costs associated with the purchase, in an amount not to exceed \$197,000.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on fourteen of the parcels, and the remaining seven are underway. Offers have been made to several of the property owners based upon those appraisals, and the remaining offers will be presented in the coming weeks. For those properties that will require relocation, the City's consultant is preparing the necessary relocation studies.

Agreements have been reached with five of the property owners. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. On June 16, Council approved the acquisition of portions of three properties, as well as the payment of associated closing costs and any relocation benefits required by law, in an amount not to exceed \$225,000. On July 7, 2016, Council authorized the purchase of right-of-way from two additional properties and the payment of closing costs, in an amount not to exceed \$320,000. At this time, Staff is asking for authorization to purchase a portion of one property and the payment of closing costs in an amount not to exceed \$197,000. The address of the property to be acquired is 4365 Old Howard Road.

**FISCAL IMPACT:** Funding for the purchase of a portion of the property located at 4365 Old Howard Road is appropriated in Account # 795-9800-531-6864, Project # 101001.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PORTION OF ONE PROPERTY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN AMOUNT NOT TO EXCEED \$197,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive and the design requires the acquisition of right-of-way from 21 different property owners;

**Whereas**, appraisals have been performed on fourteen of the parcels, the remaining seven are underway and offers have been made to several of the property owners based upon those appraisals - the remaining offers will be presented to Council in the coming weeks;

**Whereas**, on June 16, 2016, Council approved the acquisition of portions of three properties, as well as the payment of associated closing costs and any relocation benefits as required by law - on July 7, 2016, Council approved the purchase of right-of-way from two additional properties and the payment of closing costs;

**Whereas**, Staff recommends Council authorize the purchase of the necessary right-of-way from one property located at 4365 Old Howard Road, and the payment of closing costs in an amount not to exceed \$197,000;

**Whereas**, funding for the purchase of a portion of 4365 Old Howard Road for the expansion of Old Howard Road is available in Account No. 795-9800-531-6864, Project No. 101001; 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 portion of one property necessary for the expansion of Old Howard Road located at 4365 Old Howard Road, and authorizes closing costs associated with this purchase, in an amount not to exceed \$197,000.

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

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

PASSED AND APPROVED this the **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/15/16  
Item #5(C)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$25,500.

*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 installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive. The project is necessary to replace deteriorating existing facilities and improve service to properties along the route. Phase One of the project is currently under construction and required the acquisition of easements from four property owners.

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Appraisals have been completed for twelve of the properties, and offers have been made to the property owners. The City has reached an agreement for the acquisition or dedication of eight of these twelve easements. On July 7, Council approved the acquisition of four easements, on July 21 Council approved the acquisition of one easement, and on August 18 Council approved the acquisition of one easement. Two of the twelve easements were dedicated with a plat approved by Council on August 18.

Of the remaining 18 easements, five have been dedicated with the platting of the property and thirteen appraisals are in progress. In order to expedite the acquisition process and save on appraisal costs, City Staff authorized Lone Star Right-of-Way Services to make offers to acquire six of the remaining easements now, prior to the completion of the appraisals. Just compensation was calculated by relying on the appraised values of nearby properties for which appraisals had been completed, a process authorized under Federal law for small-value acquisitions when there is sufficient available data to accurately anticipate the value. Four of these offers have been accepted. On August 18, Council approved the acquisition of two of these easements. Staff is asking for authorization to purchase the necessary easements across four additional properties and pay closing costs in an amount not to exceed \$25,500.

The addresses of the four properties are listed below:

4212 South General Bruce Drive  
4218 South General Bruce Drive  
4206 South General Bruce Drive  
4208 South General Bruce Drive

**FISCAL IMPACT:** Funding is available for the purchase of four easements necessary for the construction of the Charter Oak Water Line in account 520-5900-535-6110, project 100608.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FOUR EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$25,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive which is necessary to replace deteriorating existing facilities and to improve service to properties along the route - Phase One of the project is currently under construction and required the acquisition of easements from four property owners;

**Whereas**, the design of Phase Two requires the acquisition of easements for water lines from 30 properties owned by 23 different owners;

**Whereas**, appraisals have been completed for twelve of the properties and offers have been made to the property owners - Staff has reached an agreement for the acquisition or dedication of eight of the easements;

**Whereas**, on July 7, 2016, Council approved the acquisition of four easements, on July 21, 2016, Council approved the acquisition of one easement, and on August 18, 2016, Council approved the acquisition of one easement – two of the twelve remaining easements were dedicated with a plat approved by Council on August 18, 2016;

**Whereas**, of the remaining 18 easements, five easements have been dedicated through the platting process and 13 appraisals are in progress;

**Whereas**, in order to expedite the acquisition process and save on appraisal costs, Staff authorized Lone Star Right-of-Way Services to make offers to acquire six of the remaining easements now, prior to the completion of the appraisals;

**Whereas**, just compensation was calculated by relying on the appraised values of nearby properties for which appraisals had been completed, a process authorized under Federal law for small-value acquisitions when there is sufficient available data to accurately anticipate the value - four of the offers have been accepted;

**Whereas**, on August 18, 2016, Council approved the acquisition of two of these easements and Staff recommends Council authorize the purchase of the necessary easements across the four additional properties outlined below, and pay closing costs in an amount not to exceed \$25,500;

**Whereas**, the address of the four properties are:

4212 South General Bruce Drive  
4206 South General Bruce Drive

4218 South General Bruce Drive  
4208 South General Bruce Drive

**Whereas**, funding for the acquisition of the easements necessary for the construction of the Charter Oak Water Line is appropriated in Account No. 520-5900-535-6110, Project No. 100608; 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 four easements over the properties listed below which are necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with these purchases, in an amount not to exceed \$25,500:

4212 South General Bruce Drive  
4206 South General Bruce Drive

4218 South General Bruce Drive  
4208 South General Bruce Drive.

**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 15<sup>th</sup> day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(D)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract for the base bid and all bid alternates with Myers Concrete Construction, LP, of Wimberley in an amount not to exceed \$81,170.28 for the construction of Community Development Block Grant Hop Bus Stop Improvements.

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

**ITEM SUMMARY:** Included in the City's 2015-2016 CDBG Action Plan is funding for the Hop Bus Stop Improvements. The following four locations have been identified as needing the indicated amenities:

- Base Bid - East French Ave and North 2<sup>nd</sup> St – New Bus Shelter and Bench
- Bid Alt #1 - East Ave A and South 6<sup>th</sup> St – New Bus Shelter and Bench
- Bid Alt #2 - West Ave R and South 17<sup>th</sup> St – New Bench
- Bid Alt #3 - East Ave M between South 4<sup>th</sup> St and South 6<sup>th</sup> St – New Bench

On August 25, 2016, three bids were received. As shown in the attached Bid Tabulation, Myers submitted the low total low bid of \$81,170.28, comprising a Base Bid of \$36,927.39, Bid Alternate #1 for \$31,819, Bid Alternate #2 for \$6,611.86, and Bid Alternate #3 for \$5,812.03. The opinion of probable construction cost was \$95,276. Clark & Fuller checked references and recommend awarding construction to the low bidder, Myers, in their attached letter. Construction time allotted for the project is 132 calendar days.

**FISCAL IMPACT:** Funding is available in the Community Development Block Grant, account 260-6100-571-63-15, project 101434 to fund the construction contract with Myers Concrete Construction, LP as follows:

Project Budget	\$ 100,000
Encumbered/Committed to Date	( 15,923)
Myers Concrete Construction, LP	(81,170)
Remaining Project Funds	<u>\$ 2,907</u>

**ATTACHMENTS:**

Engineer's Letter  
Bid Tabulation  
Map  
Resolution



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

August 29, 2016

City of Temple  
Ashley Williams  
2 North Main, Suite 306  
Temple, TX 76501

Re: CDBG Hop Bus Stop Improvements

Dear Ms. Williams,

On August 25th, we received three (3) bids for the CDBG Hop Bus Stop Improvements Project. We have reviewed each of the bids for accuracy and completeness. Myers Concrete Construction, LP submitted a Base Bid of \$36,927.39, an Add Alternate of \$31,819.00, a second Add Alternate of \$6,611.86, and a third Add Alternate of \$5,812.03 for a Total Bid of \$ 81,170.28 making them the apparent low bidder. The Base Bid includes the construction of the new Bus Stop at E. French and N. 2<sup>nd</sup>. The first Add Alternate includes the new Bus Stop construction at E. Ave. A and S. 6<sup>th</sup>. The second Add Alternate includes the new Bus Stop construction at Ave. R. and S. 17<sup>th</sup>. The third Add Alternate includes the new Bus Stop construction at Ave. M Between 4<sup>th</sup> and 6<sup>th</sup>. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost for this project is \$ 95,276.00.

Our firm has limited experience working with Myers Concrete Construction, LP. Therefore we contacted numerous entities on the list of references provided by Myers Concrete Construction, LP and everyone had positive comments. Several stated that Myers Concrete Construction, LP completed projects on time and were very responsive in communication with the project personnel. When asked if Myers Concrete Construction, LP were the low bidder on their next project all would recommend them.

Therefore, we are recommending that you award the Base Bid contract to Myers Concrete Construction, LP. We believe, through documentation and personal verbal contact with the contractor's list of provided references, that Myers Concrete Construction, LP is qualified and is capable of providing the CDBG Hop Bus Stop Improvements as required in this project. Please let us know as to which Bid Add Alternates you select to be awarded with the project Base Bid.

Sincerely,

Monty Clark, P.E., CPESC

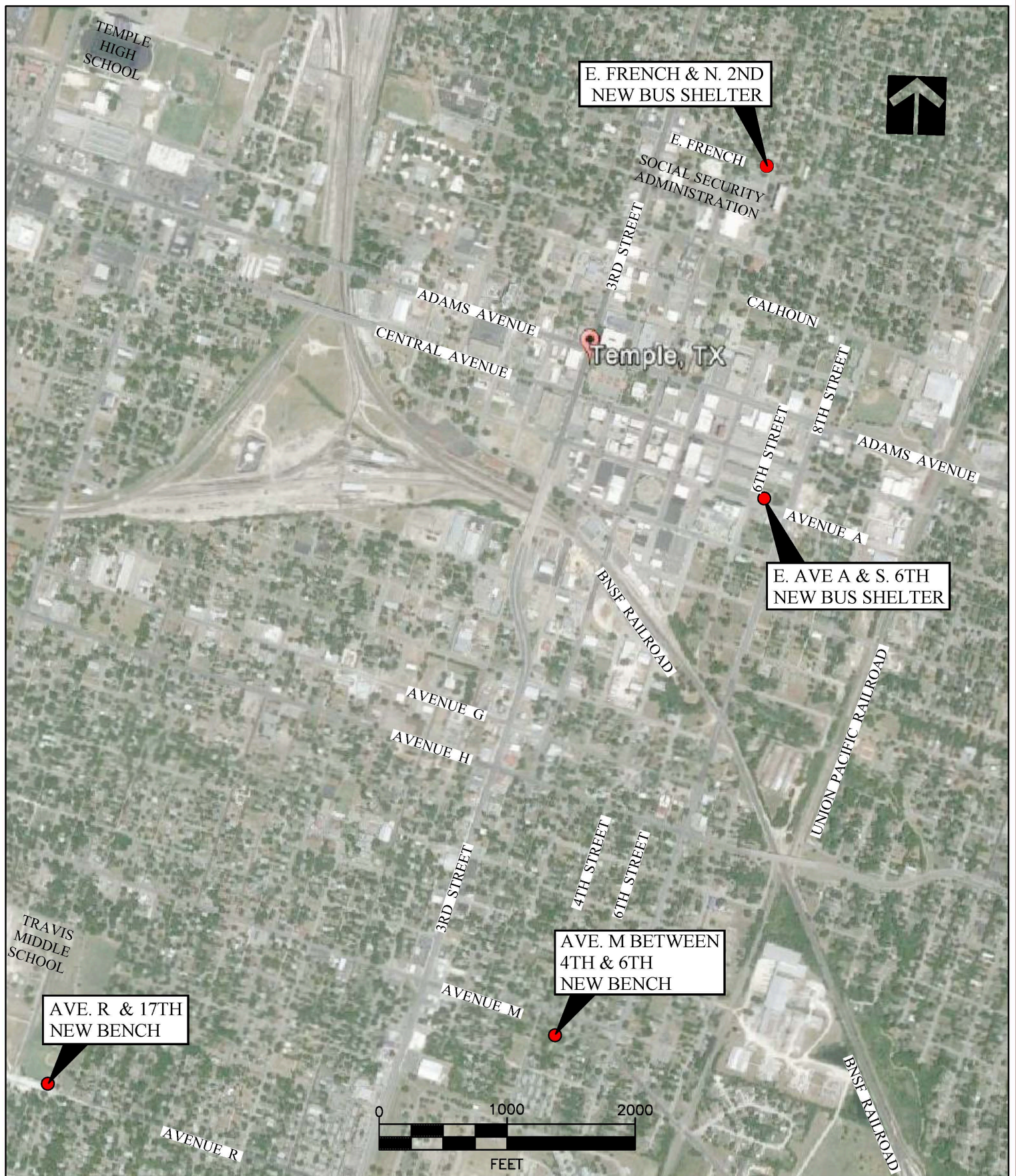


Bid Tabulation Sheet

C.D.B.G. Hop Bus Stop Improvements

Bid Date: August 25, 2016

Base Bid				Myers Concrete Construction, LP		Wilson Construction Services, LLC		TCB Construction, Inc.	
No.	Item Description	Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Base Bid - E. French & N. 2nd									
1	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 965.60	\$ 965.60	\$ 3,600.00	\$ 3,600.00	\$ 4,000.00	\$ 4,000.00
2	Site Demolition and Clearing	100%	LS	\$ 3,422.45	\$ 3,422.45	\$ 7,000.00	\$ 7,000.00	\$ 7,500.00	\$ 7,500.00
3	New Bus Stop	100%	LS	\$ 31,690.77	\$ 31,690.77	\$ 30,000.00	\$ 30,000.00	\$ 28,500.00	\$ 28,500.00
4	Traffic Control and Erosion Protection Measures	100%	LS	\$ 848.57	\$ 848.57	\$ 3,000.00	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00
Total Base Bid C.D.B.G. Hop Bus Stop Improvements				\$ 36,927.39		\$ 43,600.00		\$ 41,500.00	
Bid Alternate #1 - E. Ave A & S. 6th									
1	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 965.60	\$ 965.60	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00
2	Site Demolition and Clearing	100%	LS	\$ 4,187.51	\$ 4,187.51	\$ 4,000.00	\$ 4,000.00	\$ 7,254.00	\$ 7,254.00
3	New Bus Stop	100%	LS	\$ 25,817.32	\$ 25,817.32	\$ 24,000.00	\$ 24,000.00	\$ 23,547.00	\$ 23,547.00
4	Traffic Control and Erosion Protection Measures	100%	LS	\$ 848.57	\$ 848.57	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00
Total Phase - Bid Alternate #1 C.D.B.G. Hop Bus Stop Improvements				\$ 31,819.00		\$ 32,000.00		\$ 35,801.00	
Bid Alternate #2 - Ave. R & S. 17th									
1	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 873.87	\$ 873.87	\$ 700.00	\$ 700.00	\$ 600.00	\$ 600.00
2	Site Demolition and Clearing	100%	LS	\$ 1,165.95	\$ 1,165.95	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00
3	New Bus Stop	100%	LS	\$ 4,044.55	\$ 4,044.55	\$ 4,600.00	\$ 4,600.00	\$ 4,300.00	\$ 4,300.00
4	Traffic Control and Erosion Protection Measures	100%	LS	\$ 527.49	\$ 527.49	\$ 500.00	\$ 500.00	\$ 1,100.00	\$ 1,100.00
Total Phase - Bid Alternate #2 C.D.B.G. Hop Bus Stop Improvements				\$ 6,611.86		\$ 6,800.00		\$ 8,500.00	
Bid Alternate #3 - Ave. M Between 4th & 6th									
1	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 873.87	\$ 873.87	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00
2	Site Demolition and Clearing	100%	LS	\$ 1,147.59	\$ 1,147.59	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
3	New Bus Stop	100%	LS	\$ 3,263.08	\$ 3,263.08	\$ 3,600.00	\$ 3,600.00	\$ 2,500.00	\$ 2,500.00
4	Traffic Control and Erosion Protection Measures	100%	LS	\$ 527.49	\$ 527.49	\$ 500.00	\$ 500.00	\$ 1,200.00	\$ 1,200.00
Total Phase - Bid Alternate #3 C.D.B.G. Hop Bus Stop Improvements				\$ 5,812.03		\$ 5,100.00		\$ 4,800.00	
Total Bid, Including 3 Bid Add Alternates C.D.B.G. Hop Bus Stop Improvements				\$ 81,170.28		\$ 87,500.00		\$ 90,601.00	



# **CITY OF TEMPLE 2016 CDBG HOP BUS STOP DEVELOPMENT**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH MYERS CONCRETE CONSTRUCTION, LP OF WIMBERLEY, TEXAS, IN AN AMOUNT NOT TO EXCEED \$81,170.28, FOR THE CONSTRUCTION OF COMMUNITY DEVELOPMENT BLOCK GRANT HOP BUS STOP IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, included in the City's 2015-2016 CDBG Action Plan is funding for the HOP Bus Stop Improvements - the following four locations have been identified as needing the indicated amenities:

- East French Avenue and North 2<sup>nd</sup> Street – New Bus Shelter and Bench;
- East Avenue A and South 6<sup>th</sup> Street – New Bus Shelter and Bench;
- West Avenue R and South 17<sup>th</sup> Street – New Bench;
- East Avenue M between South 4<sup>th</sup> Street and South 6<sup>th</sup> Street – New Bench;

**Whereas**, on August 25, 2016, three bids were received for construction of Community Development Block Grant HOP Bus Stop Improvements;

**Whereas**, the City's engineer, Clark & Fuller has checked references and recommends awarding a construction contract to Myers Concrete Construction, LP of Wimberley, Texas in an amount not to exceed \$81,170.28;

**Whereas**, funding is available in the Community Development Block Grant Account No. 260-6100-571-6315, Project No. 101434; 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 Myers Concrete Construction, LP of Wimberley, Texas, in the amount of \$81,170.28, for the construction of Community Development Block Grant HOP Bus Stop Improvements.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(E)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, CPRP, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of Belton, in the amount of \$79,072 for the construction of improvements for Western Hills Neighborhood Park.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Western Hills Neighborhood Park located at 4420 Gazelle Drive.

This project includes constructing a 6' wide concrete trail approximately 1,262 feet long with 5 bench pads, a pedestrian bridge approximately 35 feet long, mosaic ceramic tile installation, an ADA ramp and miscellaneous demolition.

On September 1, 2016 the City of Temple received four bids for this project. Bids ranged from a low of \$79,072 to a high of \$95,845 with Wilson Construction Services, LLC submitting the low bid.

This resolution also provides for the waving of construction permit fees.

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

**FISCAL IMPACT:** Funding is available in account # 362-3500-552-64-16, project 101325, to fund the construction contract with Wilson Construction Services, LLC as follows:

Project Budget	\$	302,140
Encumbered/Committed to Date		(182,877)
Wilson Construction Services, LLC		(79,072)
Remaining Project Funds	\$	<u>40,191</u>

### **ATTACHMENTS:**

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

**Tabulation of Bids Received  
on September 1, 2016 at 2:00 p.m.  
Western Hills Park Renovations (Trail & Bridge Addition)  
Bid# 35-14-16**

	Bidders			
	Wilson Construction Services, LLC Belton, TX	TCB Construction, Inc. Austin, TX	National Native American Construction, Inc Killeen, TX	TTG Utilities, LP Gatesville, TX
Description				
Mobilization/Bonding	\$7,000.00	\$4,700.00	\$3,500.00	\$9,000.00
Demo of Existing Sidewalks	\$1,500.00	\$2,000.00	\$4,500.00	\$2,950.00
6' Concrete Sidewalk	\$45,432.00	\$64,362.00	\$48,000.00	\$42,908.00
Four 4'x9' Bench Pads	\$1,440.00	\$1,152.00	\$5,600.00	\$4,840.00
One 4'x10' Bench Pad	\$400.00	\$320.00	\$1,400.00	\$1,500.00
Handicap Accessible Curb Ramp	\$1,500.00	\$950.00	\$2,500.00	\$1,000.00
Mosaic Ceramic Tile Installation	\$4,000.00	\$1,300.00	\$1,100.00	\$5,650.00
Demo of Existing Shrubs	\$800.00	\$450.00	\$1,200.00	\$2,850.00
35'x6' Pedestrian Bridge	\$17,000.00	\$20,611.00	\$17,900.00	\$14,000.00
Total Base Bid	\$79,072.00	\$95,845.00	\$85,700.00	\$84,698.00
Acknowledge Addendum (1)	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS, IN THE AMOUNT OF \$79,072, FOR IMPROVEMENTS TO WESTERN HILLS NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks Bond was renovating the facilities located in Western Hills Neighborhood Park located at 4420 Gazelle Drive;

**Whereas**, on September 1, 2016, the City received four bids for improvements for Western Hills Neighborhood Park located at 4420 Gazelle Drive, with Wilson Construction Services, LLC of Belton, Texas submitting the low bid;

**Whereas**, improvements include the construction of a 6-foot wide concrete trail approximately 1,262 feet long with 5 bench pads, a pedestrian bridge approximately 35 feet long, mosaic ceramic tile installation, an ADA ramp, miscellaneous demolition services, and the waiver of construction permit fees;

**Whereas**, Staff has worked with Wilson Construction Services, LLC in the past and has found the company to be a quality contractor;

**Whereas**, Staff recommends Council authorize a construction contract with Wilson Construction, in the amount of \$79,072 for improvements to Western Hills Neighborhood Park;

**Whereas**, funding is available for this project in Account No. 362-3500-552-6416, Project No. 101325; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Wilson Construction Services, LLC of Belton, Texas, in the amount of \$79,072, for improvements to Western Hills Neighborhood Park located at 4420 Gazelle Drive.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(F)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., in an amount not to exceed \$30,000, for the provision of legal services associated with various condemnation proceedings.

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

**ITEM SUMMARY:** Over the last several months, the City Council has authorized the use of eminent domain on certain properties which are necessary for the expansion of Old Waco Road, for the construction of the Santa Fe Trail/MLK Festival Grounds project, and for the construction of the Santa Fe Plaza Project. Due to the number of properties needed, Staff is seeking authorization to engage Haley & Olson, P.C. of Waco to provide legal services associated with the condemnation proceedings. Haley & Olson will bill for services on an hourly basis.

At this time, Staff anticipates needing legal assistance with seven properties needed for the three projects listed above, however Staff will continue to negotiate with property owners in the hopes of coming to an agreed settlement.

**FISCAL IMPACT:** Funding for the professional services agreement with Haley & Olson, P.C. for legal services associated with various condemnation proceedings is available as shown below:

Project Description	Account #	Project #
Outer Loop Phase III	365-3400-531-6813	101121
Santa Fe Trail/MLK Festival Grounds	795-9500-531-6566	101262
Santa Fe Plaza	795-9500-531-6870	101008

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HALEY & OLSON, P.C. OF WACO, TEXAS, IN AN AMOUNT NOT TO EXCEED \$30,000, FOR LEGAL SERVICES ASSOCIATED WITH VARIOUS CONDEMNATION PROCEEDINGS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, over the last several months, Council has authorized the use of eminent domain on certain properties which are necessary for the expansion of the Outer Loop Phase III, for the construction of the Santa Fe Trail/MLK Festival Grounds project, and for the construction of the Santa Fe Plaza Project;

**Whereas**, due to the number of properties needed, Staff recommends Council authorize a professional services agreement with Haley & Olson, P.C. of Waco, Texas to provide legal services associated with the condemnation proceedings - Haley & Olson will bill for services on an hourly basis, not to exceed \$30,000;

**Whereas**, Staff anticipates needing the assistance of Haley & Olson with seven properties needed for the three projects, however Staff will continue to negotiate with property owners in the hopes of coming to an agreed settlement;

**Whereas**, funding for this professional services agreement is available in the accounts outlined below:

Outer Loop Phase III	Account No. 365-3400-531-6813	Project No. 101121;
Santa Fe Trail/MLK	Account No. 795-9500-531-6566	Project No. 101262;
Santa Fe Plaza	Account No. 795-9500-531-6870	Project No. 101008;

and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement with Haley & Olson, P.C. of Waco, Texas, in an amount not to exceed \$30,000, for legal services associated with various condemnation proceedings.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(G)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, Parks and Recreation Director

**ITEM DESCRIPTION:** Consider a resolution authorizing entering into to an Inter-local Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.

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

Temple Parks and Recreation is requesting City Council approval to enter into an Inter-local Agreement with T.I.S.D. The agreement would allow the Parks and Recreation Department to continue to provide an after school program at four T.I.S.D. schools.

Temple Parks and Recreation provides the After School Zone at Cater, Western Hills, Kennedy-Powel and Thornton Elementary Schools. During the 2015-16 school year, Temple Parks and Recreation provided an after school program for over two hundred 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be for the 2016-17 school year, at which time the parties may renew or renegotiate the agreement by mutual consent.

This agreement with T.I.S.D. helps meet the City Council goal of jointly partnering with school districts to provide services and programs.

**FISCAL IMPACT:** All facility usage fees will be waived by T.I.S.D. during the time the program is being offered, thus allowing the program to be offered at an affordable rate to the participants.

### **ATTACHMENTS:**

[Inter-local Agreement](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEMPLE  
INDEPENDENT SCHOOL DISTRICT TO PROVIDE SCHOOL LOCATIONS FOR  
AFTER SCHOOL LATCHKEY PROGRAMMING; AND PROVIDING AN OPEN  
MEETINGS CLAUSE.

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**Whereas,** the Temple Parks and Recreation Department provides After School Zone Programming at Cater, Western Hills, Kennedy-Powell and Thornton Elementary Schools within the Temple Independent School District (TISD);

**Whereas,** during the 2015-2016 school year, Temple Parks and Recreation provided an after school program for over two hundred 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm;

**Whereas,** this agreement will be for the 2016-2017 school year, at which time the parties may renew or renegotiate the agreement by mutual consent;

**Whereas,** this agreement helps meet the City Council goal of jointly partnering with school districts to provide services and programs;

**Whereas,** all facility usage fees will be waived by TISD during the time the program is being offered, which allows the program to be offered at an affordable rate for the participants; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an Interlocal Agreement with the Temple Independent School District, after approval as to form by the City Attorney, to provide school locations for after school latchkey programming for the 2016-2017 school year.

**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 **15<sup>th</sup>** day of **September**, 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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09/15/16  
Item #5(H)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year lease with Marvin Brenek for lease of approximately 108 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.

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

**ITEM SUMMARY:** Marvin Brenek has requested a lease renewal of the approximately 85 acres of City-owned property located at the intersection of Panda Drive and Lorraine Drive. His current lease expires September 30, 2016.

Earlier this year, Mr. Brenek approached the City requesting to lease the approximately 23 acres of City-Owned property that abuts the approximately 85 acres he currently leases and which Panda utilized while building the Panda Power Plant. Mr. Brenek will use the entire approximately 108 acres for farming purposes, as depicted in the attached Exhibit A. The lease term will run from October 1, 2016 to September 30, 2017. Mr. Brenek will pay \$15 per acre.

**FISCAL IMPACT:** Total lease payments over the life of the lease agreement are \$1,620. Since the 108 acres is located within the boundaries of the Reinvestment Zone No. 1, the lease payments will be deposited into account 795-0000-461-0253.

### **ATTACHMENTS:**

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH MARVIN BRENEK FOR LEASE OF APPROXIMATELY 108 ACRES OF CITY-OWNED LAND LOCATED AT THE INTERSECTION OF PANDA DRIVE AND LORRAINE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on October 1, 2014, Council authorized a two-year lease agreement with Marvin Brenek for the lease of approximately 85 acres of City-owned property located at the intersection of Panda Drive and Lorraine Drive – the term of that lease was from October 1, 2014 to September 30, 2016;

**Whereas**, Mr. Brenek has requested to lease approximately 23 acres of City-owned land that abuts the 85 acres he currently leases, as depicted in the attached Exhibit A – this property was previously utilized by Panda while building the Panda Power Plant;

**Whereas**, Mr. Brenek will use the entire approximately 108 acres for farming purposes, and the term of this lease will run from October 1, 2016 to September 30, 2017 at a lease rate of \$15.00 per acre;

**Whereas**, Staff recommends Council authorize a one year lease agreement with Marvin Brenek for the lease of approximately 108 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive;

**Whereas**, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease;

**Whereas**, the City will receive annual rent in year one of \$1,620 - since the 108 acres is located within the boundaries of the Reinvestment Zone No. 1, the lease payments will be deposited into Account No. 795-0000-461-0253; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a one-year lease agreement between the City of Temple and Marvin Brenek for approximately 108 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(I)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Amendment No. Two for “Administration and Management Agreement” between the City of Temple, City of Belton, and the Brazos River Authority for administration of the Cities of Temple and Belton Industrial Pretreatment Programs.

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

**ITEM SUMMARY:** The Cities of Temple and Belton entered into a one year “Administration and Management Agreement” commencing on October 1, 2014 and ending September 30, 2015, for the administration of the Cities’ Industrial Pretreatment Programs (IPP). Amendment No. 1 was authorized in September 2015 to extend the program from October 1, 2015 to September 30, 2016. This Amendment No. 2 will extend the Brazos River Authority’s administration of the Industrial Pretreatment Program for a period of one additional (1) year and shall end on September 30, 2017.

The Cities' Industrial Pretreatment Programs monitor wastewater discharges into the publicly owned treatment system by certain users of the system to ensure that such discharges are in accordance with State and Federal regulations, as well as City ordinances. BRA will administer and coordinate the program for the Cities. It will interact with permitted industries within the Cities to ensure that all regulations are met and that the quality of wastewater discharged into the system is acceptable under each of the individual permits.

Currently, Belton has only one permitted industry and Temple has 12 permitted industries. Three Temple industries and one Belton industry discharge to the Temple – Belton Wastewater Treatment Plant (TBP). In accordance with the Management and Administration Agreement, expenses and management fees related to operation of the Cities' IPP at TBP will be allocated based upon contributing percentages.

**FISCAL IMPACT:** Fiscal year 2017 expenditures related to the City of Temple’s Industrial Pretreatment Programs are estimated at a total of \$148,681.50 (\$44,662.50 for the Temple-Belton Wastewater Treatment Plant, and \$104,019 for Doshier Farm Wastewater Treatment Plant). City of Temple is only responsible for 67% of the costs incurred for the TBP which is the amount reflected above. Funding for these expenditures has been accounted for in the FY 2017 Adopted Budget, accounts 520-5500-535-2652 (TBP) and 520-5500-535-2655 (Doshier Farm).

**ATTACHMENTS:**

Industrial Pretreatment Program – Amendment No. Two  
Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENT NO. 2 TO THE ADMINISTRATION AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF TEMPLE, CITY OF BELTON, AND THE BRAZOS RIVER AUTHORITY FOR ADMINISTRATION OF THE CITIES' INDUSTRIAL PRETREATMENT PROGRAMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Cities of Temple and Belton entered into a one-year Administration and Management Agreement effective October 1, 2014 and ending September 30, 2015, for the administration of the Cities' Industrial Pretreatment Programs (IPP);

**Whereas,** Amendment No. 1 was authorized in September 2015 to extend the program from October 1, 2015 to September 30, 2016 - Amendment No. 2 will extend the Brazos River Authority's administration of the Industrial Pretreatment Program for one additional year and will expire September 30, 2017;

**Whereas,** the Cities' IPP monitor wastewater discharges into the publicly owned treatment system by certain users of the system to ensure that such discharges are in accordance with State and Federal regulations, as well as City ordinances - BRA will continue to administer and coordinate the program for the Cities and will interact with permitted industries within the Cities to ensure that all regulations are met and that the quality of wastewater discharged into the system is acceptable under each of the individual permits;

**Whereas,** currently, the City of Belton has one permitted industry and the City of Temple has twelve permitted industries – three of Temple's industries and Belton's one industry currently discharge to the Temple – Belton Wastewater Treatment Plant (TBP);

**Whereas,** in accordance with the Management and Administration Agreement, expenses and management fees related to operation of the Cities' IPP at TBP will be allocated 80% to Temple and 20% to Belton - this split may be reevaluated and adjusted as industry needs require;

**Whereas,** funding for these expenditures has been accounted for in the fiscal year 2017 adopted budget, Account No. 520-5500-535-2652 (TBP) and Account No. 520-5500-535-2655 (Doshier Farm); 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 No. 2 to the Administration and Management Agreement between the City of Temple, City of Belton and the Brazos River Authority, for the administration of the Cities' Industrial Pretreatment Programs.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(J)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing one-year renewals to purchase agreements for various forms of rock and top soil with the following vendors during FY2017 in the estimated annual amount of \$104,000:

1. Superior Crushed Stone of Jarrell, \$60,000;
2. Cheaper Than Dirt of Temple, \$40,000; and
3. Miller Springs Material of Belton, \$4,000.

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

**ITEM SUMMARY:** Renewal of these purchase agreements will allow for the continued purchase of various forms of rock and top soil during FY2017 from Superior Crushed Stone, Cheaper Than Dirt, and Miller Springs Material.

On October 1, 2015, Council awarded annual purchase agreements to Superior Crushed Stone, Cheaper Than Dirt, and Miller Springs Material for various forms of rock and top soil. The current agreements will expire on September 30, 2016. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the each vendor must agree to hold their prices firm for an additional year, which they are all willing to do. This will be the first one-year renewal authorized under this agreement, with three years remaining.

The detailed pricing is as follows:

	<b><u>Picked Up</u></b>	<b><u>Delivered</u></b>
<b><u>Superior Crushed Stone:</u></b>		
Concrete Sand (per ton)	\$ 12.00	\$ 14.00
Rock 1-1/4" - 1-1/2" (per ton)	\$ 13.00	\$ 23.00
Washed Rock 1" - 1-1/4" (per ton)	\$ 13.00	\$ 23.00
24" Rip Rap Rock (per ton)	\$ 28.00	\$ 42.00
Quality Top Soil (per CY)	\$ 15.00	\$ 15.00
Pulverized Top Soil (per CY)	\$ 18.00	\$ 18.00

	<u>Picked Up</u>	<u>Delivered</u>
<b><u>Cheaper Than Dirt:</u></b>		
Pea Gravel (per ton)	\$ 25.00	\$ 28.75
<b><u>Miller Springs Material:</u></b>		
Crusher Fines (per ton)	\$ 3.25	\$ 8.75
5/16"-3/8" Type F Crushed Rock (per ton)	\$ 10.00	\$ 15.50
3" x 5" Construction Rock (per ton)	\$ 9.75	\$ 15.25

**FISCAL IMPACT:** These products will be ordered on an as needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2017 Budget. Estimated annual expenditure based on historical expenditures: \$104,000.

**ATTACHMENTS:**  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENTS WITH VARIOUS VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$104,000, FOR VARIOUS FORMS OF ROCK AND TOP SOIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 1, 2015, Council awarded annual purchase agreements to Superior Crushed Stone, Cheaper Than Dirt, and Miller Springs Material for various forms of rock and top soil;

**Whereas**, the current agreements expire September 30, 2016 - the original bid allowed for four additional one-year extensions and in order to renew the agreement, each vendor must agree to hold its prices firm for an additional year, which each is willing to do;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

**Whereas**, various forms of rock and top soil are purchased on an 'as needed' basis and departments have budgeted for these materials in several accounts in the adopted fiscal year 2017 annual budget; 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 one-year renewals to the annual purchase agreements with the following vendors, in the estimated annual amount of 104,000, for the purchase of various forms of rock and top soil:

- Superior Crushed Stone of Jarrell, Texas (\$60,000);
- Cheaper Than Dirt of Temple, Texas (\$40,000); and
- Miller Springs Material of Belton, Texas (\$4,000).

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENTS WITH VARIOUS VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$104,000, FOR VARIOUS FORMS OF ROCK AND TOP SOIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 1, 2015, Council awarded annual purchase agreements to Superior Crushed Stone, Cheaper Than Dirt, and Miller Springs Material for various forms of rock and top soil;

**Whereas**, the current agreements expire September 30, 2016 - the original bid allowed for four additional one-year extensions and in order to renew the agreement, each vendor must agree to hold its prices firm for an additional year, which each is willing to do;

**Whereas**, this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

**Whereas**, various forms of rock and top soil are purchased on an 'as needed' basis and departments have budgeted for these materials in several accounts in the adopted fiscal year 2017 annual budget; 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 one-year renewals to the annual purchase agreements with the following vendors, in the estimated annual amount of 104,000, for the purchase of various forms of rock and top soil:

- Superior Crushed Stone of Jarrell, Texas (\$60,000);
- Cheaper Than Dirt of Temple, Texas (\$40,000); and
- Miller Springs Material of Belton, Texas (\$4,000).

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(K)  
Consent Agenda  
Page 1 of 1

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

Lisa Sebek, Director of Solid Waste Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing renewals to service agreements for the sale of scrap metal and non-curbide recyclables for FY2017 as follows:

1. Scrap Metals - Temple Iron & Metal, a division of Bell County Iron & Recycling, of Temple, and
2. Recyclables, not including curbide recyclables - Balcones Recycling, Inc., of Austin.

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

**ITEM SUMMARY:** The extension of these service agreements for sale of scrap metal and recyclables will provide for the generation of revenues from the sale of scrap metals from Temple Iron & Metal (TI&M) through September 30, 2017, and the generation of revenues from the sale of non-curbide recyclables from Balcones Recycling, Inc. (Balcones) through December 31, 2016.

On September 18, 2014, the Council authorized an annual contract to TI&M and to Balcones for the sale of scrap metal and recyclables, not including curbide recyclables. On September 17, 2015, Council authorized a one year renewal to these agreements. The current agreements expire on September 30, 2016. The original bid allowed for four additional one-year renewals. In order to renew the contract, the vendors must agree to hold their pricing structure firm for an additional year, which TI&M is willing to do through September 30, 2017, and Balcones is willing to do through December 31, 2016.

The payment structure to the City is based on a percentage of published market indexes as indicated in the detailed bid tabulation that was attached to the September 18, 2014, Agenda Item #4(I). The pricing received for the scrap metal is based on a percentage of the American Metals Market (AMM) index and Steel Mill Pricing quotes. The pricing received for the recyclables is based on a percentage of the Official Board Markets (OBM) index.

**FISCAL IMPACT:** It is estimated that revenues generated from the sale of scrap metal and other recyclables for FY2017 will total approximately \$40,000, and these revenues will be posted to account 110-0000-444-2056, Solid Waste/Other Recycling Revenues.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENTS WITH VARIOUS VENDORS FOR THE SALE OF SCRAP METAL AND RECYCLABLES FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 18, 2014 and September 17, 2015, Council authorized annual services agreements for the sale of scrap metal and recyclables, excluding curbside recyclables to:

- Temple Iron & Metal, a Division of Bell County Iron & Recycling, of Temple, Texas (for scrap metals); and
- Balcones Recycling, Inc. of Austin, Texas (recyclables, not including curbside recyclables);

**Whereas**, Council authorized one-year renewals to these agreements and the current agreements expire September 30, 2016 - the original bid allowed for four additional one-year renewals and in order to renew the vendors must agree to hold their pricing structure firm for an additional year, which TI&M is willing to do through September 30, 2017, and Balcones is willing to do through December 31, 2016;

**Whereas**, the payment structure to the City is based on a percentage of published market indexes with the pricing received for scrap metal being based on a percentage of the American Metals Market index and Steel Mill Pricing quotes and the pricing received for recyclables being based on a percentage of the Official Board Markets index;

**Whereas**, Staff has been satisfied with the services provided by Temple Iron and Metal and Balcones Recycling, Inc. and recommends Council authorize a one-year renewal to the services agreements - this will be the second renewal authorized under this agreement, with two renewals remaining;

**Whereas**, it is estimated that revenues generated from the sale of scrap metal and other recyclables for fiscal year 2017 will total approximately \$40,000 - these revenues will be posted to Account No. 110-0000-444-2056; 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 one-year renewals to the services agreements with Temple Iron & Metal, a Division of Bell County Iron & Recycling, of Temple, Texas, and Balcones Recycling, Inc. of Austin, Texas, for the sale of scrap metal and recyclables, excluding curbside recyclables.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L1)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year construction contract for concrete repair and construction services with Wilson Construction Services, LLC of Belton for FY2017 in the estimated annual amount of \$138,900.

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

**ITEM SUMMARY:** Authorization of this annual contract will provide for as-needed concrete repair and construction services by Wilson Construction Services, LLC throughout FY2017.

As shown on the attached bid tabulation, on August 30, 2016, the City received four bids for concrete repair and construction services. The low bidder is Wilson Construction Services, LLC. Wilson Construction Services has provided as-needed concrete repair and construction services to the City since October 2013 and staff has been pleased with their responsiveness and quality of work.

The recommended contract is for a period of one (1) year commencing on October 1, 2016, with the option for four one-year renewals, if so agreed to by the City and Wilson Construction.

**FISCAL IMPACT:** Each department with concrete repair and construction needs has budgeted for this construction service in the adopted FY2017 Budget. Staff estimates an annual expenditure of \$138,900 under this contract based on FY2016 expenditures.

### **ATTACHMENTS:**

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

Tabulation of Bids Received  
on August 30, 2016 at 2:00 p.m.  
Concrete Repair and Construction  
Bid# 13-11-17

		Bidders							
		Myers Concrete Construction, LP Wimberley, TX (512)847-8000		Wilson Construction Services, LLC Belton, TX (254)421-0933		Cody Stanley Construction, LLC Belton, TX (254)654-1098		National Native American Construction, Inc dba NNAC, Inc. Killeen, TX (254)213-1024	
Description	Est. Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
Repair/Replacement of Concrete Sidewalks (per SF) (minimum 100 SF per location)	4,000	\$16.90	\$67,600.00	\$11.00	\$44,000.00	\$10.00	\$40,000.00	\$16.16	\$64,640.00
Repair/Replacement of Concrete Driveways and Driveway Approaches (per SF) (minimum 150 SF per location)	3,000	\$18.40	\$55,200.00	\$14.00	\$42,000.00	\$13.00	\$39,000.00	\$18.09	\$54,270.00
Repair/Replacement of Concrete Curb and Gutter (per LF) (minimum 25 LF per location)	250	\$58.00	\$14,500.00	\$42.00	\$10,500.00	\$40.00	\$10,000.00	\$51.70	\$12,925.00
Repair/Replacement of Concrete Walking Trails (per SF) (minimum 25 SF per location)	200	\$19.00	\$3,800.00	\$15.00	\$3,000.00	\$36.00	\$7,200.00	\$32.31	\$6,462.00
Construction of New Concrete Sidewalk (per SF) (minimum 100 SF per location)	1,800	\$11.00	\$19,800.00	\$6.00	\$10,800.00	\$6.00	\$10,800.00	\$11.63	\$20,934.00
Construction of New Driveway or Approach (per SF) (minimum 150 SF per location)	1,000	\$12.00	\$12,000.00	\$8.50	\$8,500.00	\$10.00	\$10,000.00	\$12.28	\$12,280.00
Construction of New Curb and Gutter (per LF) (minimum 25 LF per location)	400	\$46.00	\$18,400.00	\$20.00	\$8,000.00	\$20.00	\$8,000.00	\$36.19	\$14,476.00
Construction of Handicap Access Curb Ramps at Intersections (EA)	4	\$2,000.00	\$8,000.00	\$1,200.00	\$4,800.00	\$1,000.00	\$4,000.00	\$1,098.55	\$4,394.20
Construction of a minimum 48 sf pad , reinforced with 3/8" rebar and mesh (per SF)	1,000	\$15.00	\$15,000.00	\$6.00	\$6,000.00	\$12.00	\$12,000.00	\$19.39	\$19,390.00
Addition of Fiber Mesh to Concrete Walking Trails (per SF)	300	\$0.50	\$150.00	\$1.00	\$300.00	\$0.60	\$180.00	\$3.88	\$1,164.00
Fee for Difficulty in Accessing Pepper Creek Trail and Friar's Creek Trail (per LS)	2	\$2,000.00	\$4,000.00	\$500.00	\$1,000.00	\$600.00	\$1,200.00	\$1,938.61	\$3,877.22
<b>TOTAL BID PRICE</b>		\$218,450.00		\$138,900.00		\$142,380.00		\$214,812.42	
Acknowledged Addendum (1)		Yes		Yes		No		Yes	
Exceptions		No		No		No		No	
Credit Check		Yes		Yes		Yes		Yes	
Local Preference		No		No		No		No	

Recommended for Council Award

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$138,900, FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 30, 2016, the City received four bids for concrete repair and construction services with Wilson Construction Services, LLC of Belton, Texas submitting the low bid;

**Whereas**, Wilson Construction Services, LLC has provided as-needed concrete repair and construction services to the City since October 2013 and Staff has been pleased with their responsiveness and quality of work;

**Whereas**, Staff recommends Council authorize a construction contract with Wilson Construction for a period of one-year commencing on October 1, 2016 with the option for four one-year renewals, if so agreed to by both parties;

**Whereas**, concrete repair and construction services will be purchased on an 'as-needed' basis – departments that have concrete repair and construction needs have budgeted for this service in their adopted fiscal year 2017 budget; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Wilson Construction Services, LLC of Belton, Texas, in the estimated amount of \$138,900, for concrete repair and construction services on an 'as-needed' basis.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L2)  
Consent Agenda  
Page 1 of 2

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

Kenny Henderson, Transportation Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the rejection of all bids received for video detection equipment and authorizing annual purchase agreements with the following traffic signal equipment & supply vendors for FY2017 in the estimated annual amount of \$110,067.20:

- McCain Inc. of Vista, California, \$10,838;
- MoboTrex, Inc. of Davenport, Iowa, \$7,693;
- Traffic Parts, Inc. of Spring, \$3,150.20;
- Consolidated Traffic Controls, Inc. of Arlington, \$1,264;
- Paradigm Traffic Systems, Inc. of Arlington, \$604;
- TrafficWare Group, Inc. of Sugar Land, \$72,838; and
- Iteris, Inc. of Los Angeles, CA, \$13,680.

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

**ITEM SUMMARY:** Authorization of these annual purchase agreements will provide as-needed traffic signal equipment & supplies for the City's Traffic Signal Division during FY2017.

As shown on the attached bid tabulation, on July 12, 2016, the City received seven bids for the purchase of traffic signal equipment and supplies. The bid was stated to be awarded by section, except for Section 7, which was stated to be awarded by line item.

Staff recommends award of the bids to the vendors as noted on the attached bid tabulation. With regards to this bid, staff is also requesting that all bids received for Section 6, Video Detection Equipment, be rejected so staff can purchase the equipment from Iteris, utilizing Texas SmartBuy Cooperative Contract #550-A2, at a more cost effective price.

The City has done business with all low bidders except for MoboTrex, Inc. Accordingly, references were checked and staff believes that, based on the feedback received from customers of MoboTrex, they will be responsive and responsible vendor.

The proposed purchase agreements are for a one year period commencing on October 1, 2016, with the option to extend the agreements for four additional one-year periods, if so agreed to between the City and each vendor.

**FISCAL IMPACT:** Funding in the amount of \$22,450 is included in the adopted FY2017 budget in account 110-2800-532-2334 for traffic signal repairs & maintenance. In addition, it is anticipated that many of these supplies will be used in capital projects that will be funded with project-specific funds.

**ATTACHMENTS:**

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

**Tabulation of Bids Received  
on July 12, 2016 at 3:30 p.m.  
Traffic Signal Equipment and Supplies  
Bid # 28-01-17**

		Bidders													
		McCain Inc.  Vista, CA (760)727-8100		MoboTrex, Inc.  Davenport, IA (563)323-0009		Traffic Parts, Inc.  Spring, TX (800)345-6329		Consolidated Traffic Controls, Inc.  Arlington, TX (817)265-3421		Paradigm Traffic Systems, Inc.  Arlington, TX (817)831-9406		TrafficWare Group, Inc.  Sugar Land, TX (281)240-7233		Peek Traffic Corporation  Houston, TX (281)453-0217	
Description - Section 1 Signal Cabinets with Controllers	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Type "P" TS2 Base Cabinet with 980 ATC Controller; MMU516L, E-Net LCD MMU, Generator Plug, Back Door, Increase Cabinet Height to 77", DIN Rail Panel. TXDOT Cabinet Enhancements	1	No Bid		No Bid		No Bid		No Bid		No Bid		\$12,900.00	\$12,900.00	\$10,719.00	\$10,719.00
Type "M" TS2 Base Cabinet with 980 ATC Controller; MMU516L, E-Net LCD MMU, Generator Plug, Back Door, DIN Rail Panel. TXDOT Cabinet Enhancements	1	No Bid		No Bid		No Bid		No Bid		No Bid		\$11,900.00	\$11,900.00	\$9,559.00	\$9,559.00
TOTAL SECTION 1		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$24,800.00		\$20,278.00	
Description - Section 2 Signal Cabinets without Controllers	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Type "P" TS2 Base Cabinet with MMU516L, E-Net LCD MMU, Generator Plug, Back Door, Increase Cabinet Height to 77", DIN Rail Panel. TXDOT Cabinet Enhancements	1	No Bid		\$8,150.00	\$8,150.00	No Bid		No Bid		No Bid		\$10,125.00	\$10,125.00	\$9,596.00	\$9,596.00
Type "M" TS2 Base Cabinet with MMU516L, E-Net LCD MMU, Generator Plug, Back Door, DIN Rail Panel. TXDOT Cabinet Enhancements	1	No Bid		\$7,850.00	\$7,850.00	No Bid		No Bid		No Bid		\$9,125.00	\$9,125.00	\$8,439.00	\$8,439.00
TOTAL SECTION 2		\$0.00		\$16,000.00		\$0.00		\$0.00		\$0.00		\$19,250.00		\$18,035.00	
Description - Section 3 Miscellaneous Components	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Solid State Dual Circuit Flasher	12	\$17.00	\$204.00	\$22.00	\$264.00	\$18.10	\$217.20	\$20.00	\$240.00	\$20.00	\$240.00	\$19.30	\$231.60	\$44.00	\$528.00
Solid State Load Switch	12	\$17.00	\$204.00	\$22.00	\$264.00	\$19.50	\$234.00	\$20.00	\$240.00	\$20.00	\$240.00	\$19.30	\$231.60	\$42.00	\$504.00
Flash Transfer Relay	12	\$20.00	\$240.00	\$20.00	\$240.00	\$23.65	\$283.80	\$27.50	\$330.00	\$30.00	\$360.00	\$21.90	\$262.80	\$39.00	\$468.00
Loop Detector - Dual Channel, Rack Mount, TS2	8	\$72.00	\$576.00	\$80.00	\$640.00	\$113.50	\$908.00	\$115.00	\$920.00	\$82.00	\$656.00	\$107.00	\$856.00	\$121.00	\$968.00
TOTAL SECTION 3		\$1,224.00		\$1,408.00		\$1,643.00		\$1,730.00		\$1,496.00		\$1,582.00		\$2,468.00	
Description - Section 4 Conflict Monitor w/o Red Light Inhibitor	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Conflict Monitor - NEMA 12 standard	6	No Bid		\$520.00	\$3,120.00	\$560.00	\$3,360.00	No Bid		\$632.00	\$3,792.00	\$535.70	\$3,214.20	\$599.00	\$3,594.00
TOTAL SECTION 4		\$0.00		\$3,120.00		\$3,360.00		\$0.00		\$3,792.00		\$3,214.20		\$3,594.00	
Description - Section 5 Conflict Monitor with Red Light Inhibitor	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Conflict Monitor - NEMA 12 enhanced	6	No Bid		No Bid		No Bid		No Bid		No Bid		\$825.00	\$4,950.00	\$599.00	\$3,594.00
TS2 Malfunction Management Unit	10	No Bid		No Bid		No Bid		No Bid		No Bid		\$650.00	\$6,500.00	\$599.00	\$5,990.00
TS2 Malfunction Management Unit-Flashing Arrow Compatible	2	No Bid		No Bid		No Bid		No Bid		No Bid		\$875.00	\$1,750.00	\$599.00	\$1,198.00
Conflict Monitor - Naztec NM512-E123 LCD	6	No Bid		No Bid		No Bid		No Bid		No Bid		\$825.00	\$4,950.00	\$599.00	\$3,594.00
TOTAL SECTION 5		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$18,150.00		\$14,376.00	
Description - Section 6 Video Detection Equipment	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Iteris Vantage Video Detection Camera	4	No Bid		No Bid		No Bid		\$1,000.00	\$4,000.00	No Bid		No Bid		\$755.00	\$3,020.00
Iteris Edge Dual Channel Processor	2	No Bid		No Bid		No Bid		\$1,958.75	\$3,917.50	No Bid		No Bid		\$1,900.00	\$3,800.00
Iteris Edge Single Channel Processor	2	No Bid		No Bid		No Bid		\$2,833.75	\$5,667.50	No Bid		No Bid		\$1,660.00	\$3,320.00
Mouniting Hardware for Iteris Vantage Video Detection Camera	4	No Bid		No Bid		No Bid		\$156.25	\$625.00	No Bid		No Bid		\$124.00	\$496.00
9-Inch Monitor; KM0900MN	1	No Bid		No Bid		No Bid		\$250.00	\$250.00	No Bid		No Bid		\$222.00	\$222.00
Iteris Lens Adjustment Module	1	No Bid		No Bid		No Bid		\$475.00	\$475.00	No Bid		No Bid		Not Required with Peek	\$1,000.00
1000 ft roll of Beldon Cable; 8281; 3 cond wire in jacket for camera	1	No Bid		No Bid		No Bid		\$1,375.00	\$1,375.00	No Bid		No Bid		\$1.10/FT.	\$1,100.00
TOTAL SECTION 6		\$0.00		\$0.00		\$0.00		\$16,310.00		\$0.00		\$0.00		\$11,958.00	\$13,680.00
Description - Section 7 Signal Heads, Brackets, Lenses and Acc	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Signal Head-3 section; black polycarbonate; 12" LED w/visors	8	\$269.00	\$2,152.00	\$285.00	\$2,280.00	\$290.50	\$2,324.00	\$329.00	\$2,632.00	\$361.00	\$2,888.00	No Bid		No Bid	
Signal Head-4 section; black polycarbonate; 12" LED w/visors	4	\$349.00	\$1,396.00	\$385.00	\$1,540.00	\$387.00	\$1,548.00	\$420.00	\$1,680.00	\$465.00	\$1,860.00	No Bid		No Bid	
Signal Head-5 section; black polycarbonate; 12" LED w/visors	4	\$434.00	\$1,736.00	\$485.00	\$1,940.00	\$485.00	\$1,940.00	\$542.00	\$2,168.00	\$570.00	\$2,280.00	No Bid		No Bid	
16" Pedestrian Signal-2 in 1; black LED hand/man	8	\$170.00	\$1,360.00	\$310.00	\$2,480.00	\$200.00	\$1,600.00	\$91.00	\$728.00	\$196.00	\$1,568.00	No Bid		No Bid	
12" Pedestrian Signal Lens-plastic; WALK	8	\$11.00	\$88.00	No Bid		\$45.00	\$360.00	\$10.00	\$80.00	\$55.00	\$440.00	No Bid		No Bid	
12" Pedestrian Signal Lens-plastic; Don't Walk	8	\$10.00	\$80.00	No Bid		No Bid		\$9.00	\$72.00	\$55.00	\$440.00	No Bid		No Bid	
16" 2 in 1 Pedestrian Signal Lens; Plastic; hand/man	8	\$28.00	\$224.00	No Bid		\$70.00	\$560.00	\$34.00	\$272.00	\$93.00	\$744.00	No Bid		No Bid	
Pedestrian Push Button; Black; ADA	8	\$40.00	\$320.00	\$100.00	\$800.00	\$37.00	\$296.00	\$126.00	\$1,008.00	\$45.00	\$360.00	No Bid		No Bid	

Iteris	
TxSmartBuy Contract# 550-A2	
Price Quote	
Unit Price	Total Price
\$750.00	\$3,000.00
\$2,390.00	\$4,780.00
\$1,650.00	\$3,300.00
\$125.00	\$500.00
\$1,000.00	\$1,000.00
\$1,100.00	\$1,100.00
\$13,680.00	

Tabulation of Bids Received  
on July 12, 2016 at 3:30 p.m.  
Traffic Signal Equipment and Supplies  
Bid # 28-01-17

		Bidders													
		McCain Inc.		MoboTrex, Inc.		Traffic Parts, Inc.		Consolidated Traffic Controls, Inc.		Paradigm Traffic Systems, Inc.		TrafficWare Group, Inc.		Peek Traffic Corporation	
		Vista, CA (760)727-8100		Davenport, IA (563)323-0009		Spring, TX (800)345-6329		Arlington, TX (817)265-3421		Arlington, TX (817)831-9406		Sugar Land, TX (281)240-7233		Houston, TX (281)453-0217	
Pelco Pedestal Base; PB-5335 with plastic door, collar, and anchor bolts	10	\$163.50	\$1,635.00	\$105.00	\$1,050.00	\$198.00	\$1,980.00	\$217.00	\$2,170.00	\$210.00	\$2,100.00	No Bid		No Bid	
Pole Cap - Pelco PB-5401	1	\$13.00	\$13.00	\$12.00	\$12.00	\$15.00	\$15.00	\$13.00	\$13.00	\$15.00	\$15.00	No Bid		No Bid	
4-1/2" O.D. X 16" Aluminum Pole for Ped Base - Pelco PB-5100 or approved equal	1	\$235.00	\$235.00	\$175.00	\$175.00	\$398.00	\$398.00	\$360.00	\$360.00	\$264.00	\$264.00	No Bid		No Bid	
U-Bolt Sign Clamp - 4" pole (4-1/2" O.D.) - Pelco SH-0206 or approved equal	10	\$21.00	\$210.00	\$18.00	\$180.00	\$17.50	\$175.00	\$20.00	\$200.00	\$16.00	\$160.00	No Bid		No Bid	
Astro Bracket-AS-3009; 62-inch cable	12	\$60.00	\$720.00	\$58.00	\$696.00	\$60.25	\$723.00	\$69.00	\$828.00	\$61.00	\$732.00	No Bid		No Bid	
Astro Bracket-AS-3009; 84-inch cable	12	\$63.50	\$762.00	\$62.00	\$744.00	\$63.00	\$756.00	\$72.00	\$864.00	\$65.00	\$780.00	No Bid		No Bid	
Astro Bracekt-AS-3009; 96-inch cable	12	\$66.00	\$792.00	\$68.00	\$816.00	\$64.00	\$768.00	\$75.00	\$900.00	\$68.00	\$816.00	No Bid		No Bid	
Astro Arm Kit-AB-4001	12	\$30.00	\$360.00	\$32.00	\$384.00	\$26.35	\$316.20	\$32.00	\$384.00	\$29.00	\$348.00	No Bid		No Bid	
12-inch LED - Red	12	\$28.00	\$336.00	\$26.00	\$312.00	\$37.50	\$450.00	\$28.00	\$336.00	\$35.00	\$420.00	No Bid		No Bid	
12-inch LED - Yellow	12	\$30.00	\$360.00	\$26.00	\$312.00	\$40.50	\$486.00	\$30.00	\$360.00	\$39.00	\$468.00	No Bid		No Bid	
12-inch LED - Green	12	\$30.00	\$360.00	\$26.00	\$312.00	\$37.75	\$453.00	\$29.00	\$348.00	\$37.00	\$444.00	No Bid		No Bid	
12-inch LED - Yellow Arrow	12	\$32.00	\$384.00	\$30.00	\$360.00	\$43.00	\$516.00	\$33.00	\$396.00	\$38.00	\$456.00	No Bid		No Bid	
12-inch LED - Green Arrow	12	\$32.00	\$384.00	\$34.00	\$408.00	\$48.00	\$576.00	\$32.00	\$384.00	\$48.00	\$576.00	No Bid		No Bid	
8-inch LED - Red	12	\$27.00	\$324.00	\$42.00	\$504.00	\$40.00	\$480.00	\$37.00	\$444.00	\$35.00	\$420.00	No Bid		No Bid	
8-inch LED - Yellow	12	\$29.50	\$354.00	\$44.00	\$528.00	\$40.00	\$480.00	\$42.00	\$504.00	\$37.00	\$444.00	No Bid		No Bid	
8-inch LED - Green	12	\$29.00	\$348.00	\$44.00	\$528.00	\$40.00	\$480.00	\$42.00	\$504.00	\$35.00	\$420.00	No Bid		No Bid	
8-inch LED - Yellow Arrow	12	\$42.00	\$504.00	No Bid		\$45.00	\$540.00	\$47.00	\$564.00	\$37.00	\$444.00	No Bid		No Bid	
8-inch LED - Green Arrow	12	\$42.00	\$504.00	No Bid		\$64.50	\$774.00	\$47.00	\$564.00	\$53.00	\$636.00	No Bid		No Bid	
12-inch Visor - Universal Black Plastic Tunnel	50	\$5.00	\$250.00	\$12.00	\$600.00	\$11.00	\$550.00	\$6.00	\$300.00	\$17.00	\$850.00	No Bid		No Bid	
12-inch Visor - Universal Yellow Metal Tunnel	50	\$12.00	\$600.00	\$12.00	\$600.00	\$18.25	\$912.50	\$16.00	\$800.00	\$17.00	\$850.00	No Bid		No Bid	
8-inch Visor - Universal Yellow Metal Tunnel	50	\$9.00	\$450.00	\$10.00	\$500.00	\$13.37	\$668.50	\$25.00	\$1,250.00	\$18.00	\$900.00	No Bid		No Bid	
12-inch Pedestrian Visor - Black Plastic	12	\$9.00	\$108.00	\$12.00	\$144.00	\$9.50	\$114.00	\$25.00	\$300.00	\$10.00	\$120.00	No Bid		No Bid	
Service Box-Precast Polymer Concrete; PG Style; 17"x34"x12"	8	\$221.00	\$1,768.00	No Bid		\$261.25	\$2,090.00	No Bid		\$390.00	\$3,120.00	No Bid		No Bid	
Description - Section 8 Batteries	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
12-Volt Gell Cell Batteries for Solar Flashers Min 90 Amp Hour	6	No Bid		No Bid		\$295.00	\$1,770.00	\$461.25	\$2,767.50	No Bid		\$325.00	\$1,950.00	No Bid	
TOTAL SECTION 8		\$0.00		\$0.00		\$1,770.00		\$2,767.50		\$0.00		\$1,950.00		\$0.00	
Description - Section 9 Solar School Flashing Beacon	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Solar School Flashing Beacon w/pager; 4 Hour, Complete w/LEDs	2	No Bid		No Bid		No Bid		No Bid		No Bid		\$5,319.00	\$10,638.00	No Bid	
TOTAL SECTION 9		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$10,638.00		\$0.00	
TOTAL RECOMMENDED AWARDED PER VENDOR		\$10,838.00		\$7,693.00		\$3,150.20		\$1,264.00		\$604.00		\$72,838.00		\$0.00	

- Recommended for Award
- Tie Bids Awarded by Drawing Lots
- Bid rejected; does not meet City specifications
- Bid rejected; able to purchase thru TxSmartBuy Contract 550-A2 at better cost

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$96,387.20, FOR TRAFFIC SIGNAL EQUIPMENT AND SUPPLIES; REJECTING ALL BIDS RECEIVED FOR VIDEO DETECTION EQUIPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 12, 2016, the City received seven bids for the purchase of traffic signal equipment and supplies from the following vendors:

- McCain Inc. of Vista, California (\$10,838);
- MoboTrex, Inc. of Davenport, Iowa (\$7,693);
- Traffic Parts, Inc. of Spring, Texas (\$3,150.20);
- Consolidated Traffic Controls, Inc. of Arlington, Texas (\$1,264);
- Paradigm Traffic Systems, Inc. of Arlington, Texas (\$604);
- TrafficWare Group, Inc. of Sugar Land, Texas (\$72,838);
- Iteris, Inc. of Los Angeles, California (\$13,680);

**Whereas**, the bid was stated to be awarded by section, except for Section 7, which was stated to be awarded by line item and Staff recommends award of the bids to the vendors listed;

**Whereas**, with regard to Section 6, Video Detection Equipment, Staff requests Council reject all bids received so that Staff can purchase the equipment individually;

**Whereas**, the City has done business with all of the referenced vendors except MoboTrex, Inc. – Staff checked references and believes, based on the feedback received from customers of MoboTrex, that the company will be a responsive and responsible vendor;

**Whereas**, the proposed purchase agreements are for a one-year period commencing October 1, 2016, with the option to renew the agreements for four additional one-year periods, if so agreed to between the City and vendors;

**Whereas**, funding is included in the adopted fiscal year 2017 budget in Account No. 110-2800-532-2334; 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 annual purchase agreements with the following vendors, in the estimated annual amount of \$96,387.20, for traffic signal equipment and supplies:

- McCain Inc. of Vista, California (\$10,838);
- MoboTrex, Inc. of Davenport, Iowa (\$7,693);
- Traffic Parts, Inc. of Spring, Texas (\$3,150.20);
- Consolidated Traffic Controls, Inc. of Arlington, Texas (\$1,264);
- Paradigm Traffic Systems, Inc. of Arlington, Texas (\$604);
- TrafficWare Group, Inc. of Sugar Land, Texas (\$72,838);
- Iteris, Inc. of Los Angeles, California (\$13,680);

**Part 2:** The City Council rejects all bids received for Section 6, Video Detection Equipment.

**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 **15<sup>th</sup>** day of **September**, 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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09/15/16  
Item #5(L3)  
Consent Agenda  
Page 1 of 1

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

Kenny Henderson, Transportation Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual purchase agreements with the following sign and traffic control supply vendors for FY2017 in the estimated annual amount of \$43,319.57:

- American Traffic Safety Materials, Inc. of Orange Park, Florida, \$5,669.28;
- Pathmark Traffic Products of San Marcos, \$6,582.00;
- Vulcan, Inc. of Foley, Alabama, \$30,238.01; and
- Osburn Associates, Inc. of Logan, Ohio, \$830.28.

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

**ITEM SUMMARY:** Authorization of these annual purchase agreements will provide as-needed sign and traffic control supplies for the City's Street Department during FY2017.

As shown on the attached bid tabulation, on July 12, 2016, the City received five bids for the purchase of sign and traffic control supplies. The solicitation asked for pricing on several possible traffic control supply items that may be needed throughout the year, and will be ordered on an 'as needed' basis. The bid was stated to be awarded by section, except for Section 5, which was stated to be awarded by line item.

The City has done business with these bidders in the past and finds them to be responsive and responsible vendors. The proposed purchase agreements are for a one year period commencing on October 1, 2016, with the option to extend the agreements for four additional one-year periods, if so agreed to between the City and each vendor.

**FISCAL IMPACT:** Sign and traffic control supplies are purchased on an as-needed basis and are accounted for in the Sign Shop's inventory account. As supplies are used, they are charged to the appropriate departmental expenditure account. Based on historical usage, it is estimated that \$43,319.57 in sign and traffic control supplies will be purchased throughout the FY2017.

**ATTACHMENTS:**

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

**Tabulation of Bids Received  
on July 12, 2016 at 2:45 p.m.  
Sign and Traffic Control Supplies  
Bid# 34-01-17**

<b>BIDDERS</b>					
	American Traffic Safety Materials, Inc.  Orange Park, FL (877)872-2876	Pathmark Traffic Products  San Marcos, TX (800)547-0874	Vulcan Inc., dba Vulcan Signs, Vulcan Aluminum  Foley, AL (888)846-2745	Osburn Associates, Inc.  Logan, OH (800)523-8917	Mandel Metals Inc. dba US Standard Sign  Franklin Park, IL (847)447-2234
<b>Description</b>					
Section 1 - Sign Face Material	No Bid	\$12,730.00	\$4,949.85	\$6,199.70	No Bid
Section 2 - Sign Caps, Crosses, Brackets and Clamps	No Bid	\$1,551.00	\$1,398.25	\$1,721.25	No Bid
Section 3 - Sign Pipes and Accessories	No Bid	\$15,828.00	\$13,973.00	No Bid	No Bid
Section 4 - Road Marking Accessories	No Bid	\$1,000.00	No Bid	No Bid	No Bid
Section 5 - Emergency LED Flashers for Barricade w/solar switch with amber lens	No Bid	\$437.00	No Bid	No Bid	No Bid
Section 5 - Spring-type Battery for Emergency Flasher	No Bid	\$165.60	No Bid	No Bid	No Bid
Section 5 - Replace Bulb for 6- volt Emergency Flashers	No Bid	\$386.40	No Bid	No Bid	No Bid
Section 5 - Dead End Barricade Tape (red-white)	No Bid	\$1,725.00	No Bid	No Bid	No Bid
Section 5 - Barricade Tape Left (orange/white)	No Bid	\$289.80	\$248.56	No Bid	No Bid
Section 5 - Barricade Tape Right (orange/white)	No Bid	\$289.80	\$248.56	No Bid	No Bid
Section 5 - Traffic Cones (Fluorescent Orange) 28"	No Bid	\$1,150.00	\$1,195.00	No Bid	No Bid
Section 5 - Traffic Cones (Fluorescent Orange w/Two White Refl Stripes) 28"	No Bid	\$1,628.00	\$1,585.00	No Bid	No Bid
Section 6 - Sign Blanks	No Bid	No Bid	\$7,834.79	\$8,510.94	\$8,692.39
Section 7 - Traffic Buttons & Accessories	No Bid	\$1,718.00	No Bid	No Bid	No Bid
Section 8 - Sign Material-Roll Goods	\$925.39	No Bid	No Bid	\$830.28	No Bid
Section 9 - Electro-Cut Materials	\$5,669.28	No Bid	No Bid	\$7,986.91	No Bid
Total Recommended Award	\$5,669.28	\$6,582.00	\$30,238.01	\$830.28	\$0.00
Delivery within 45 days?	Yes	Yes	Yes	Yes	Yes
Local Preference	No	No	No	No	No
Exceptions?	No	No	No	No	No
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

**Recommended for Council Award**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS SIGN AND TRAFFIC CONTROL SUPPLY VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$43,319.57, FOR SIGN AND TRAFFIC CONTROL SUPPLIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 12, 2016, the City received five bids for purchase of sign and traffic control supplies from the following vendors:

- American Traffic Safety Materials, Inc., of Orange Park, Florida (\$5,669.28);
- Pathmark Traffic Products of San Marcos, Texas (\$6,582);
- Vulcan Signs of Foley, Alabama (\$30,238.01); and
- Osburn Associates, Inc. of Logan, Ohio (\$830.28);

**Whereas**, the bid asked for pricing on several possible traffic control supply items that may be needed throughout the year and will be ordered on an 'as-needed' basis;

**Whereas**, the City has done business with these vendors in the past and finds them all to be responsive and responsible - the proposed purchase agreements are for a one-year period commencing on October 1, 2016, with the option to renew the agreements for four additional one-year renewals, if so agreed to between the parties;

**Whereas**, sign and traffic control supplies are purchased on an 'as-needed' basis and are accounted for in the Sign Shop's inventory account – as supplies are used, they are charged to the appropriate departmental expenditure account; 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 annual purchase agreements with the following vendors, for sign and traffic control supplies, in the estimated annual amount of \$43,319.57:

- American Traffic Safety Materials, Inc., of Orange Park, Florida (\$5,669.28);
- Pathmark Traffic Products of San Marcos, Texas (\$6,582);
- Vulcan Signs of Foley, Alabama (\$30,238.01); and
- Osburn Associates, Inc. of Logan, Ohio (\$830.28);

**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 **15<sup>th</sup>** day of **September**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L4)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual purchase agreements with the following herbicide and insecticide vendors for FY2017 in the estimated amount of \$39,049.90:

- WinField Solutions, LLC of Schertz, \$22,626.18;
- Crop Production Services of Houston, \$2,859.00;
- Target Specialty Products of Coppell, \$11,497.20; and
- SiteOne Landscape Supply of Cleveland, Ohio, \$2,067.52.

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

**ITEM SUMMARY:** The authorization of these annual purchase agreements will provide as-needed herbicides and insecticides needed by the Parks and Recreation Department, as well as other City departments, during FY2017.

On August 11, 2016, the City received four bids for the annual purchase of various herbicides and insecticides. The bid stated that the award of the agreements would be to the vendor providing the lowest price per line item meeting the City's specifications. Staff recommends award of the bids to the vendors as noted above and as highlighted in yellow on the attached 20 line-item bid tabulation.

The City has done business with all low bidders except for Crop Production Services. Therefore, references were checked and staff believes that, based on the feedback received from Crop Productions Services' customers, they will be a responsive and responsible vendor.

The proposed purchase agreements will commence on October 1, 2016 and will expire on September 30, 2017. The agreements will provide for four one-year extensions, if so agreed to by the City and each vendor.

**FISCAL IMPACT:** Herbicides and insecticides are ordered on an as-needed basis. Departments have budgeted for these chemicals in the adopted FY2017 Budget. The estimated annual expenditure for herbicides and insecticides based on estimated quantities that will be needed is \$39,049.90.

### **ATTACHMENTS:**

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

**Tabulation of Bids Received**  
**on Thursday, August 11, 2016 at 3:30 p.m.**  
**Herbicides and Insecticides**  
**Bid # 13-06-17**

Bidders										
			WinField Solutions, LLC		Crop Production Services		Target Specialty Products		SiteOne Landscape Supply	
			Schertz, TX (210)889-4258		Houston, TX (512)887-0318		Coppell, TX (214)357-5741		Cleveland, OH (800)321-5325	
Item #	Description	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Trimec 992 (2.5 gal)	60	\$55.00	\$3,300.00	No Bid		\$66.40	\$3,984.00	\$65.76	\$3,945.60
	Strike 3									
2	MSMA-Bueno 6 (2.5 gal)	60	No Bid		\$71.90	\$4,314.00	\$63.00	\$3,780.00	\$70.56	\$4,233.60
					Target 6 Plus MSMA		Target 6 Plus MSMA		Drexel MSMA 6.6 (2.5 gal)	
3	Image (11.43 oz bottles)	15	No Bid		No Bid		\$83.70	\$1,255.50	\$113.45	\$1,701.75
4	Barricade 65 WG Pre-Emerge Herbicide (10# bag)	60	\$48.00/5lbs.	\$5,760.00	No Bid		\$133.47	\$8,008.20	\$98.31	\$5,898.60
			Prodiamine 65 wdg 5lb. Bag (\$48 x 2 = \$96 for 10 lbs.)				Agency Price #5 Container		Sstonewall 65WDG 10lb.	
5	Pendulum 3.3 EC (2.5 gal)	4	\$69.32	\$277.28	\$89.00	\$356.00	\$85.88	\$343.52	\$71.63	\$286.52
					Pendulum 3.3 EC					
6	Award Fire Ant Bait (25# bag) - <b>No substitutions</b>	16	\$235.95	\$3,775.20	No Bid		\$144.88	\$2,318.08	\$273.25	\$4,372.00
							Extinguish Plus Bait		Award II Fire Ant Bait 25lb.	
7	Blue Spray Pattern Indicator Dye; Concentrated Liquid (quart)	50	\$7.68 quart	\$384.00	No Bid		\$12.50	\$625.00	\$15.10	\$755.00
			Mystic SPI Blue \$76.80/2.5 gal				Brandt Big Foot SS		Lesco Tracker Max 1Qt.	
8	Sim-Trol 4L (2.5 gal)	5	\$42.50	\$212.50	No Bid		\$49.00	\$245.00	\$46.77	\$233.85
			Simazine 4L				Simazine 4L		Princep Simazine 2.5gal.	
9	Dimension Ultra WSP	10	\$912.00	\$9,120.00	No Bid		\$108.49	\$1,084.90	\$126.25	\$1,262.50
			(8 boxes per case/8 X 5oz) \$114.00 per box				(8 x 5oz)		Dimensim Ultra 40 WSP 5oz. X 8	
10	Heritage (1# containers)	6	\$317.00	\$1,902.00	No Bid		\$358.93	\$2,153.58	\$317.00	\$1,902.00
							Agency Price			
11	26 GT Fungicide (2.5 gal) - <b>No substitutions</b>	8	\$316.90	\$2,535.20	No Bid		\$332.69	\$2,661.52	\$359.89	\$2,879.12
							chipco			
12	Manicure 6 Flowable Fungicide (2.5 gal)	8	No Bid		No Bid		\$256.48	\$2,051.84	\$107.04	\$856.32
							Agency Price/ Daconil Action			
13	Illoxan (gallon)	4	No Bid		No Bid		\$269.50	\$1,078.00	No Bid	
14	Cleary 3336F (2.5 gal) - <b>No substitutions</b>	8	\$217.00	\$1,736.00	No Bid		\$215.00	\$1,720.00	\$277.75	\$2,222.00
									Cleary 26/36 2.5gal.	
15	Bifen Insecticide (3/4 gal)	120	\$22.00	\$2,640.00	No Bid		\$21.49	\$2,578.80	\$23.48	\$2,817.60
									Crosscheck Plus 96oz.	
16	Allegare 5.4 (2.5 gal)	30	\$37.50	\$1,125.00	\$32.40	\$972.00	\$51.39	\$1,541.70	No Bid	
			Cornerstone 5 Plus		Mad Dog 5.4 53.8% Glyphosate		Monsanto Rodeo			
17	Allegare 4 Plus (2.5 gal)	50	\$27.50	\$1,375.00	\$23.10	\$1,155.00	\$46.50	\$2,325.00	\$31.28	\$1,564.00
			Cornerstone Plus		Mad Dog 4 Plus 41% Glyphosate		Monsanto Round UP Custom		Lesco Prosecutor Pro 2.5gal.	
18	Allegare 90 (1 gal)	80	No Bid		\$9.15	\$732.00	\$19.90	\$1,592.00	\$17.11	\$1,368.80
					Brewer 90		Target Pro Spreader Activator		Lesco 90/10 nonionic surfactant 1 gal.	
19	Revolver (87 oz bottles) - <b>No substitutions</b>	8	\$560.00	\$4,480.00	No Bid		\$721.23	\$5,769.84	\$560.00	\$4,480.00
							Agency Price			
20	Prosedge (1.33 oz bottles)	20	\$71.84	\$1,436.80	No Bid		\$84.10	\$1,682.00	\$60.56	\$1,211.20
<b>Total Recommended for Award</b>			<b>\$22,626.18</b>		<b>\$2,859.00</b>		<b>\$11,497.20</b>		<b>\$2,067.52</b>	
Delivery			Yes		Yes		Yes		Yes	
Exceptions			No		No		No		No	
Local Preference			No		No		No		No	
Credit Check Authorization			Yes		Yes		Yes		Yes	

Recommended for Council Award

Tied bids; awarded by drawing lots

Substitution does not meet City-defined specification

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS HERBICIDE AND INSECTICIDE VENDORS, IN THE ESTIMATED AMOUNT OF \$39,049.90; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 11, 2016, the City received four bids for the annual purchase of various herbicides and insecticides from the following vendors:

- WinField Solutions, LLC of Schertz, Texas (\$22,626.18);
- Crop Production Services of Houston, Texas (\$2,859.00);
- Target Specialty Products of Coppell, Texas (\$11,497.20); and
- SiteOne Landscape Supply of Cleveland, Ohio (\$2,067.52);

**Whereas**, the invitation to bid stated that the award would be to the vendor providing the lowest price per line item – Staff recommends award of the bids to all of the above vendors;

**Whereas**, the City has done business with all of the vendors in the past except Crop Production Services – references were checked and Staff believes that all vendors will be responsive and responsible vendors;

**Whereas**, the purchase agreements will be effective October 1, 2016 through September 30, 2017, with the option for four additional one-year renewals, if so agreed to by all parties;

**Whereas**, herbicides and insecticides are ordered on an ‘as-needed’ basis and departments have budgeted for these chemicals in their fiscal year 2017 adopted annual budget; 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 annual purchase agreements with the following vendors, for herbicide and insecticide, in the estimated annual amount of \$39,049.90:

- WinField Solutions, LLC of Schertz, Texas (\$22,626.18);
- Crop Production Services of Houston, Texas (\$2,859.00);
- Target Specialty Products of Coppell, Texas (\$11,497.20); and
- SiteOne Landscape Supply of Cleveland, Ohio (\$2,067.52);

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L5)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual purchase agreement for the design and printing of cotton and cotton-blend t-shirts with Holloway's Sports Center of Temple for FY2017 in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** The authorization of this annual purchase agreement will provide for as-needed design and printing of cotton and cotton-blend t-shirts by Holloway's Sports Center during FY2017. Cotton and cotton-blend t-shirts are needed by several departments throughout the year for use as employee uniforms, sports league uniforms and prizes, camps, and other special events.

As shown on the attached bid tabulation, on August, 30, 2016, the City received two bids for the design and printing of cotton and cotton-blend t-shirts. The bid was stated to be awarded to the company providing the "best value" to the City. The best value criteria used in the evaluation included pricing, reputation of bidder, quality of service, design capabilities, and availability of shirt styles, colors, and sizes.

A committee of five City staff representing the high volume users of the contract evaluated the two bids. Based on the defined evaluation criteria, it is the committee's unanimous recommendation to award the t-shirt bid to Holloways Sports Center. Holloways Sports Center took no exceptions to the bid specifications, is offering the lowest costs, and exhibited capable design capabilities.

The recommended contract is for a period of one year commencing on October 1, 2016, with the option of four additional one-year renewals, if so agreed to by both parties.

**FISCAL IMPACT:** This contract will be used on as needed basis by various departments. However, the Parks & Leisure Services Department makes the majority of the purchases under this contract. Funding is designated in various departmental accounts. Estimated annual expenditure based on historical expenditures is \$40,000.

### **ATTACHMENTS:**

[Bid Tabulation](#)

[Resolution](#)

**Tabulation of Bids Received**  
**on Tuesday, August 30, 2016 @ 2:30 p.m.**  
**for Cotton & Cotton-Blend T-Shirt Design and Printing**  
**Bid# 13-08-17**

T-Shirt Option Description			Bidders					
			Holloway's Sport's Center Temple, TX (254)780-1181			Proctor and Rose Custom Shirts Plus, LLP Belton, TX (254)933-8866		
T-shirt Style	Fabric Color	Fabric (50% Poly/50% Cotton OR 100% Cotton)	Price Each Initial Order Qty less than 25	Price Each Initial Order Qty 25 - 99	Price Each Initial Order Qty 100 & over	Price Each Initial Order Qty less than 25	Price Each Initial Order Qty 25 - 99	Price Each Initial Order Qty 100 & over
<b>SS T-shirt</b>	<b>White</b>	<b>50/50</b>						
Size: Youth S-XL thru Adult S - XL			\$3.50	\$3.50	\$3.00	\$1.66 - \$1.70	\$1.66 - \$1.70	\$1.66 - \$1.70
Adult 2XL			\$5.00	\$5.00	\$4.50	\$3.06 - \$3.12	\$3.06 - \$3.12	\$3.06 - \$3.12
Adult 3XL			\$6.50	\$6.50	\$6.00	\$3.11 - \$4.20	\$3.11 - \$4.20	\$3.11 - \$4.20
Adult 4XL			\$8.00	\$8.00	\$7.50	\$3.23 - \$4.20	\$3.23 - \$4.20	\$3.23 - \$4.20
Adult 5XL			\$10.00	\$10.00	\$9.00	\$3.33 - \$4.20	\$3.33 - \$4.20	\$3.33 - \$4.20
<b>SS T-shirt</b>	<b>Colored</b>	<b>50/50</b>						
Size: Youth S-XL thru Adult S - XL			\$4.00	\$4.00	\$3.50	\$2.65 - \$2.68	\$2.65 - 2.68	\$2.65 - \$2.68
Adult 2XL			\$5.50	\$5.50	\$5.00	\$4.28 - \$4.29	\$4.28 - \$4.29	\$4.28 - \$4.29
Adult 3XL			\$7.00	\$7.00	\$6.50	\$4.34 - \$4.70	\$4.34 - \$4.70	\$4.34 - \$4.70
Adult 4XL			\$8.50	\$8.50	\$8.00	\$4.40 - \$4.72	\$4.40 - \$4.72	\$4.40 - \$4.72
Adult 5XL			\$11.00	\$11.00	\$10.00	\$4.50 - \$4.72	\$4.50 - \$4.72	\$4.50 - \$4.72
<b>LS T-shirt</b>	<b>White</b>	<b>50/50</b>						
Size: Youth S-XL thru Adult S - XL			\$7.00	\$7.00	\$6.50	\$3.42	\$3.42	\$3.42
Adult 2XL			\$8.50	\$8.50	\$8.00	\$4.68	\$4.68	\$4.68
Adult 3XL			\$10.00	\$10.00	\$9.50	\$4.80	\$4.80	\$4.80
Adult 4XL			\$11.50	\$11.50	\$11.00	\$5.10	\$5.10	\$5.10
Adult 5XL			No Bid	No Bid	No Bid	\$5.25	\$5.25	\$5.25
<b>LS T-shirt</b>	<b>Colored</b>	<b>50/50</b>						
Size: Youth S-XL thru Adult S - XL			\$9.00	\$9.00	\$8.50	\$4.61	\$4.61	\$4.61
Adult 2XL			\$10.50	\$10.50	\$10.00	\$5.91	\$4.91 - \$5.91	\$5.91
Adult 3XL			\$12.00	\$12.00	\$11.50	\$6.06	\$6.06	\$6.06
Adult 4XL			\$13.50	\$13.50	\$13.00	\$6.36	\$6.36	\$6.36
Adult 5XL			No Bid	No Bid	No Bid	\$6.51	\$6.51	\$6.51
<b>SS Pocket T</b>	<b>White</b>	<b>100</b>						
Size: Youth S-XL thru Adult S - XL			\$6.50	\$6.50	\$6.00	\$3.34	\$3.34	\$3.34
Adult 2XL			\$8.00	\$8.00	\$7.50	\$4.87	\$4.87	\$4.87
Adult 3XL			\$9.50	\$9.50	\$9.00	\$5.27	\$5.27	\$5.27
Adult 4XL			\$11.00	\$11.00	\$10.50	\$5.31	\$5.31	\$5.31
Adult 5XL			No Bid	No Bid	No Bid	\$5.39	\$5.39	\$5.39
<b>LS Pocket T</b>	<b>Colored</b>	<b>100</b>						
Size: Youth S-XL thru Adult S - XL			\$12.00	\$12.00	\$11.50	\$4.52	\$4.52	\$4.52
Adult 2XL			\$13.50	\$13.50	\$13.00	\$6.33	\$6.33	\$6.33
Adult 3XL			\$15.00	\$15.00	\$14.50	\$6.67	\$6.67	\$6.67
Adult 4XL			\$16.50	\$16.50	\$16.00	\$6.67	\$6.67	\$6.67
Adult 5XL			No Bid	No Bid	No Bid	\$7.00	\$7.00	\$7.00
<b>SS T-shirt</b>	<b>White</b>	<b>100</b>						
XL thru Adult			\$3.50	\$3.50	\$3.00	\$1.77	\$1.77	\$1.77
Adult 2XL			\$5.00	\$5.00	\$4.50	\$3.12	\$3.12	\$3.12
Adult 3XL			\$6.50	\$6.50	\$6.00	\$4.20	\$4.20	\$4.20
Adult 4XL			\$8.00	\$8.00	\$7.50	\$4.20	\$4.20	\$4.20
Adult 5XL			\$10.00	\$10.00	\$9.00	\$4.20	\$4.20	\$4.20

T-Shirt Option Description			Holloway's Sport's Center Temple, TX (254)780-1181			Proctor and Rose Custom Shirts Plus, LLP Belton, TX (254)933-8866		
T-shirt Style	Fabric Color	Fabric (50% Poly/50% Cotton OR 100% Cotton)	Price Each Initial Order Qty less than 25	Price Each Initial Order Qty 25 - 99	Price Each Initial Order Qty 100 & over	Price Each Initial Order Qty less than 25	Price Each Initial Order Qty 25 - 99	Price Each Initial Order Qty 100 & over
SS T-shirt	Colored	100						
Size: Youth S-XL thru Adult S - XL			\$4.00	\$4.00	\$3.50	\$2.85	\$2.85	\$2.85
Adult 2XL			\$5.50	\$5.50	\$5.00	\$4.38	\$4.38	\$4.38
Adult 3XL			\$7.00	\$7.00	\$6.50	\$4.70	\$4.70	\$4.70
Adult 4XL			\$8.50	\$8.50	\$8.00	\$4.70	\$4.70	\$4.70
Adult 5XL			\$11.00	\$11.00	\$10.00	\$5.02	\$5.02	\$5.02
LS T-shirt	White	100						
Size: Youth S-XL thru Adult S - XL			\$7.50	\$7.50	\$7.00	\$4.22	\$4.22	\$4.22
Adult 2XL			\$9.00	\$9.00	\$8.50	\$5.91	\$5.91	\$5.91
Adult 3XL			\$10.50	\$10.50	\$10.00	\$6.14	\$6.14	\$6.14
Adult 4XL			\$12.00	\$12.00	\$11.50	\$6.22	\$6.22	\$6.22
Adult 5XL			No Bid	No Bid	No Bid	\$6.39	\$6.39	\$6.39
LS T-shirt	Colored	100						
Size: Youth S-XL thru Adult S - XL			\$9.00	\$9.00	\$8.50	\$5.47	\$5.47	\$5.47
Adult 2XL			\$10.50	\$10.50	\$10.00	\$7.10	\$7.10	\$7.10
Adult 3XL			\$12.00	\$12.00	\$11.50	\$7.37	\$7.37	\$7.37
Adult 4XL			\$13.50	\$13.50	\$13.00	\$7.47	\$7.47	\$7.47
Adult 5XL			No Bid	No Bid	No Bid	\$7.67	\$7.67	\$7.67
T-Shirt Custon Add-On Items:			Price Per Shirt - Initial Order Qty for Event Qty Less than 25			Price Per Shirt - Initial Order Qty for Event Qty Less than 25		
			White - T-Shirt	Light T-Shirt	Dark T-Shirt	White - T-Shirt	Light T-Shirt	Dark T-Shirt
8" Numbers (each)			\$1.00	\$1.00	\$1.00	\$3.00	\$3.00	\$3.00
2" Lettering on back (single line)			.30/ letter	.30/ letter	.30/ letter	\$2.00	\$2.00	\$2.00
Sleeve or Chest Print (City-provided artwork) 1-color			\$1.00	\$1.00	\$1.50	\$1.00	\$1.00	\$1.00
Sleeve or Chest Print (City-provided artwork) 2-colors			\$1.50	\$1.50	\$2.00	\$1.25	\$1.25	\$1.25
Sleeve or Chest Print (City-provided artwork) 3-colors			\$2.00	\$2.00	\$2.50	\$1.50	\$1.50	\$1.50
Sleeve or Chest Print (City-provided artwork) 4-colors			\$3.00	\$3.00	\$3.50	\$1.75	\$1.75	\$1.75
Full Front or Back Print (City-provided artwork) 1- color			\$2.00	\$2.00	\$2.50	\$4.25 - \$9.50	\$4.75 - \$10.25	\$5.25 - \$10.50
Full Front or Back Print (City-provided artwork) 2- colors			\$3.00	\$3.00	\$3.50	\$4.50 - \$9.75	\$5.00 - \$10.50	\$5.50 - \$10.75
Full Front or Back Print (City-provided artwork) 3- colors			\$4.00	\$4.00	\$4.50	\$4.75 - \$10.00	\$5.25 - \$10.75	\$5.75 - \$11.00
Full Front or Back Print (City-provided artwork) 4- colors			\$6.00	\$6.00	\$6.50	\$5.00 - \$10.25	\$5.50 - \$11.00	\$6.00 - \$11.25
Full Front or Back Print (Contractor-created; City approved artwork) 1-color			\$2.00	\$2.00	\$2.50	\$4.25 - \$9.50	\$4.75 - \$10.25	\$5.25 - \$10.50
Full Front or Back Print (Contractor-created; City approved artwork) 2-colors			\$3.00	\$3.00	\$3.50	\$4.50 - \$9.75	\$5.00 - \$10.50	\$5.50 - \$10.75
Full Front or Back Print (Contractor-created; City approved artwork) 3-colors			\$4.00	\$4.00	\$4.50	\$4.75 - \$10.00	\$5.25 - \$10.75	\$5.75 - \$11.00
Full Front or Back Print (Contractor-created; City approved artwork) 4-colors			\$6.00	\$6.00	\$6.50	\$5.00 - \$10.25	\$5.50 - \$11.00	\$6.00 - \$11.25
Full Front or Back Print (Contractor-created; City approved artwork) 5-colors			\$8.00	\$8.00	\$8.50	\$5.25 - \$10.50	\$5.75 - \$11.25	\$6.25 - \$11.50
Price per color above 5 colors			N/A	N/A	N/A	\$0.25	\$0.25	\$0.25

	<b>Holloway's Sport's Center</b> <b>Temple, TX</b> <b>(254)780-1181</b>			<b>Proctor and Rose Custom Shirts Plus, LLP</b> <b>Belton, TX</b> <b>(254)933-8866</b>		
T-Shirt Custon Add-On Items:	Price Per Shirt - Initial Order Qty for Event Qty 25 - 99			Price Per Shirt - Initial Order Qty for Event Qty 25 - 99		
	White - T-Shirt	Light T-Shirt	Dark T-Shirt	White - T-Shirt	Light T-Shirt	Dark T-Shirt
8" Numbers (each)	\$1.00	\$1.00	\$1.00	\$3.00	\$3.00	\$3.00
2" Lettering on back (single line)	.30/letter	.30/letter	.30/letter	\$2.00	\$2.00	\$2.00
Sleeve or Chest Print (City-provided artwork) 1-color	\$0.85	\$0.85	\$1.00	\$1.00	\$1.00	\$1.00
Sleeve or Chest Print (City-provided artwork) 2-colors	\$1.35	\$1.35	\$1.50	\$1.25	\$1.25	\$1.25
Sleeve or Chest Print (City-provided artwork) 3-colors	\$1.85	\$1.85	\$2.00	\$1.50	\$1.50	\$1.50
Sleeve or Chest Print (City-provided artwork) 4-colors	\$2.85	\$2.85	\$3.00	\$1.75	\$1.75	\$1.75
Full Front or Back Print (City-provided artwork) 1- color	\$1.50	\$1.50	\$2.00	\$4.00 - \$9.25	\$4.50 - \$10.00	\$5.00 - \$10.25
Full Front or Back Print (City-provided artwork) 2- colors	\$2.85	\$2.85	\$3.00	\$4.25 - \$9.50	\$4.75 - \$10.25	\$5.25 - \$10.50
Full Front or Back Print (City-provided artwork) 3- colors	\$3.85	\$3.85	\$4.00	\$4.50 - \$9.75	\$5.00 - \$10.50	\$5.50 - \$10.75
Full Front or Back Print (City-provided artwork) 4- colors	\$5.85	\$5.85	\$6.00	\$4.75 - \$10.00	\$5.25 - \$10.75	\$5.75 - \$11.00
Full Front or Back Print (Contractor-created; City approved artwork) 1-color	\$1.50	\$1.50	\$2.00	\$4.00 - \$9.25	\$4.50 - \$10.00	\$5.00 - \$10.25
Full Front or Back Print (Contractor-created; City approved artwork) 2-colors	\$2.85	\$2.85	\$3.00	\$4.25 - \$9.50	\$4.75 - \$10.25	\$5.25 - \$10.50
Full Front or Back Print (Contractor-created; City approved artwork) 3-colors	\$3.85	\$3.85	\$4.00	\$4.50 - \$9.75	\$5.00 - \$10.50	\$5.50 - \$10.75
Full Front or Back Print (Contractor-created; City approved artwork) 4-colors	\$5.85	\$5.85	\$6.00	\$4.75 - \$10.00	\$5.25 - \$10.75	\$5.75 - \$11.00
Full Front or Back Print (Contractor-created; City approved artwork) 5-colors	\$7.85	\$7.85	\$8.00	\$5.00 - \$10.25	\$5.50 - \$11.00	\$6.00 - \$11.25
Price per color above 5 colors	N/A	N/A	N/A	\$0.25	\$0.25	\$0.25

	<b>Holloway's Sport's Center</b> <b>Temple, TX</b> <b>(254)780-1181</b>			<b>Proctor and Rose Custom Shirts Plus, LLP</b> <b>Belton, TX</b> <b>(254)933-8866</b>		
T-Shirt Custon Add-On Items:	Price Per Shirt - Initial Order Qty for Event Qty 100 & over			Price Per Shirt - Initial Order Qty for Event Qty 100 & over		
	White - T-Shirt	Light T-Shirt	Dark T-Shirt	White - T-Shirt	Light T-Shirt	Dark T-Shirt
8" Numbers (each)	\$1.00	\$1.00	\$1.00	\$3.00	\$3.00	\$3.00
2" Lettering on back (single line)	.30/letter	.30/letter	.30/letter	\$2.00	\$2.00	\$2.00
Sleeve or Chest Print (City-provided artwork) 1-color	\$0.65	\$0.65	\$0.90	\$1.00	\$1.00	\$1.00
Sleeve or Chest Print (City-provided artwork) 2-colors	\$1.15	\$1.15	\$1.35	\$1.25	\$1.25	\$1.25
Sleeve or Chest Print (City-provided artwork) 3-colors	\$1.65	\$1.65	\$1.85	\$1.50	\$1.50	\$1.50
Sleeve or Chest Print (City-provided artwork) 4-colors	\$2.70	\$2.70	\$2.85	\$1.75	\$1.75	\$1.75
Full Front or Back Print (City-provided artwork) 1- color	\$1.00	\$1.00	\$1.50	\$3.75 - \$9.00	\$4.25 - \$9.75	\$4.75 - \$10.00
Full Front or Back Print (City-provided artwork) 2- colors	\$2.70	\$2.70	\$2.85	\$4.00 - \$9.25	\$4.50 - \$10.00	\$5.00 - \$10.25
Full Front or Back Print (City-provided artwork) 3- colors	\$3.70	\$3.70	\$3.85	\$4.25 - \$9.50	\$4.75 - \$10.25	\$5.25 - \$10.50
Full Front or Back Print (City-provided artwork) 4- colors	\$5.70	\$5.70	\$5.85	\$4.50 - \$9.75	\$5.00 - \$10.50	\$5.50 - \$10.75
Full Front or Back Print (Contractor-created; City approved artwork) 1-color	\$1.00	\$1.00	\$1.50	\$3.75 - \$9.00	\$4.25 - \$9.75	\$4.75 - \$10.00
Full Front or Back Print (Contractor-created; City approved artwork) 2-colors	\$2.70	\$2.70	\$2.85	\$4.00 - \$9.25	\$4.50 - \$10.00	\$5.00 - \$10.25
Full Front or Back Print (Contractor-created; City approved artwork) 3-colors	\$3.70	\$3.70	\$3.85	\$4.25 - \$9.50	\$4.75 - \$10.25	\$5.25 - \$10.50
Full Front or Back Print (Contractor-created; City approved artwork) 4-colors	\$5.70	\$5.70	\$5.85	\$4.50 - \$9.75	\$5.00 - \$10.50	\$5.50 - \$10.75
Full Front or Back Print (Contractor-created; City approved artwork) 5-colors	\$7.70	\$7.70	\$7.85	\$4.75 - \$10.00	\$5.25 - \$10.75	\$5.75 - \$ 11.00
Price per color above 5 colors	N/A	N/A	N/A	\$0.25	\$0.25	\$0.25
Designs approved by City staff and not used	\$10.00			N/C		
Comply to Delivery?	Yes			Yes		
Exceptions	No			Yes		
Local Preference Declaration	Yes			No		
Credit Check Authorization	Yes			Yes		

Various pricing for Proctor and Rose based on T-shirt style and shirt color

**Recommended for Council Award**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH HOLLOWAY'S SPORTS CENTER OF TEMPLE, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000, FOR THE DESIGN AND PRINTING OF COTTON-BLEND T-SHIRTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August, 30, 2016, the City received two bids for the design and printing of cotton and cotton-blend t-shirts - the bid was stated to be awarded to the company providing the "best value" to the City;

**Whereas**, the best value criteria used in the evaluation included pricing, reputation of bidder, quality of service, design capabilities, and availability of shirt styles, colors, and sizes;

**Whereas**, a Staff committee evaluated the bids and based on the defined evaluation criteria, Staff recommends that Council authorize an annual purchase agreement with Holloway's Sports Center – Holloway's Sports Center took no exceptions to the bid specifications, is offering the lowest costs, and exhibited capable design capabilities;

**Whereas**, Staff recommends an annual purchase agreement for a period of one year commencing October 1, 2016, with the option of four additional one-year renewals, if so agreed to by both parties;

**Whereas**, this contract will be used on an 'as-needed' basis by various departments and those departments have budgeted for these purchases in their departmental accounts; 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 annual purchase agreement with Holloway's Sports Center of Temple, Texas, in the estimated annual amount of \$40,000, for the design and printing of cotton-blend t-shirts.

**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 15<sup>th</sup> day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L6)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual purchase agreement for building materials with Lengefeld Lumber Company of Temple for FY2017 at a mark-up over supplier cost of 15% and in the estimated annual amount of \$35,000.

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

**ITEM SUMMARY:** Authorization of this purchase agreement will provide for the purchase of building materials needed to perform work throughout the City (e.g. cement, timber & wood products, sheetrock, metal pieces, acoustical materials, sealants, installation tools, and miscellaneous hardware) from Lengefeld Lumber Company (Lengefeld) during FY2017.

On July 12, 2016, the City received one bid for building materials from Lengefeld. The invitation to bid specified that the bid would be awarded to the vendor with the lowest offered percentage mark-up over cost and have the capability to offer all natural and artificial materials and products used for the construction and repair of buildings and structures. Lengefeld's offered mark-up is 15%, which is consistent with the mark-up rate under the previous contract that was in effect with Lengefeld's for the past five years.

It is staff's recommendation to award the bid to Lengefeld. The City has done business with Lengefeld for many years and finds them to be a responsive and responsible vendor.

The recommended contract is for a period of one year commencing on October 1, 2016, with the option for four one-year renewals, if so agreed to by the City and Lengefeld.

**FISCAL IMPACT:** Building materials will be purchased on an as-needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2017 Budget. The estimated annual expenditure of \$35,000 is based on historical expenditures.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH LENGEFELD LUMBER COMPANY OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$35,000, FOR BUILDING MATERIALS AT A MARK-UP OVER SUPPLIER COST OF 15%; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 12, 2016, the City received one bid for building materials from Lengefeld Lumber Company of Temple, Texas - the invitation to bid specified that the bid would be awarded to the vendor with the lowest offered percentage mark-up over cost and who has the capability to offer all natural and artificial materials and products used for the construction and repair of buildings and structures;

**Whereas**, Lengefeld Lumber's offered mark-up is 15%, which is consistent with the mark-up rate under the previous contract that was in effect with Lengefeld for the past five years;

**Whereas**, Staff recommends Council award an annual purchase agreement to Lengefeld Lumber for building materials at a mark-up over supplier cost of 15% - Staff has done business with Lengefeld for many years and finds them to be a responsive and responsible vendor;

**Whereas**, this purchase agreement is for a period of one year commencing on October 1, 2016, with the option for four one-year renewals, if so agreed to by both parties;

**Whereas**, building materials will be purchased on an "as needed" basis - departments have budgeted for these materials in several accounts in the adopted fiscal year 2017 budget; 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 annual purchase agreement with Lengefeld Lumber Company of Temple, Texas, in an estimated annual amount of \$35,000, for building materials at a mark-up over supplier cost of 15%.

**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 15<sup>th</sup> day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L7)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual purchase agreements with the following vendors for sodium hypochlorite, hydrochloric acid and cyanuric acid for FY2017 in the estimated annual amount of \$31,490:

- HASA, Inc. of Bryan, \$24,990; and
- Brenntag Southwest, Inc. of Houston, \$6,500.

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

**ITEM SUMMARY:** The authorization of these annual purchase agreements will provide as-needed chemicals primarily used at City pools, splash pads, and Water Treatment Plant during FY2017.

As shown on the attached bid tabulation, on August 30, 2016, the City received four bids for purchase of sodium hypochlorite, hydrochloric acid, and cyanuric acid. The bid was stated to be awarded by line item. Staff recommends award of the sodium hypochlorite and cyanuric acid powder bids to HASA, Inc, (HASA) at a price of \$1.20 per gallon and \$.90 per pound, respectively, and award of the hydrochloric acid bid to Brenntag Southwest, Inc. at a price of \$3.25 per gallon.

The City has not done business with HASA. Accordingly, references were checked and staff believes that, based on the feedback received from HASA customers, they will be a responsive and responsible vendor.

The proposed purchase agreements are for a one-year period commencing October 1, 2016, with the option to extend the agreements for four additional one-year periods, if so agreed to between the City and each vendor.

**FISCAL IMPACT:** These chemicals will be ordered on an as-needed basis by the Parks & Recreation Department and the Water Treatment Plant. Each department has budgeted for these chemicals in their adopted FY2017 Budget. Estimated annual expenditures based on usage estimated by both departments is \$31,490.

### **ATTACHMENTS:**

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

**Tabulation of Bids Received**  
**on August 30, 2016 at 3:30 p.m.**  
**Sodium Hypochlorite, Hydrochloric Acid and Cyanuric Acid**  
**Bid #32-01-17**

			Bidders							
			HASA, Inc Bryan, Tx (661)258-5848		Brenntag Southwest, Inc. Houston, TX (713)330-8570		Commercial Chemical Products, Inc. dba Poolsure Houston, TX (800)858-7665		Petra Chemicals Acquisition dba DCC, Inc. Dallas, TX	
Description	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Sodium Hypochlorite (10.5%)	20,000	Gal.	\$1.20	\$24,000.00	\$1.28	\$25,600.00	\$1.39	\$27,800.00	\$1.33/\$1.90	\$26,600/\$38,000
			Size as requested		Bulk		Per Gallon		2,500-5,000 Gallon FRP Tanker	
			\$4.00	\$8,000.00	\$3.25	\$6,500.00	\$2.25	\$4,500.00	\$3.50	\$7,000.00
Hydrochloric Acid (31.45%, Baume 20)	2,000	Gal.	15 Gallon		30 or 15 Gal Drum		15 and 30 Gallon Drum (Substitute: Non-Fuming Pool Acid provided at no additional charge)		5-15 Gallon Carboy	
Cyanuric Acid Powder (Stabilizer) (Must be powder form; not granular)	1,100	Lb.	\$0.90	\$990.00	\$1.20	\$1,320.00	\$1.50	\$1,650.00	\$1.44	\$1,584.00
			100 lb. Drum		55.1 lb. Bags		100 lb. Bucket		100 lb.	
<b>Total Recommended Award Per Vendor</b>			<b>\$24,990.00</b>		<b>\$6,500.00</b>		<b>\$0.00</b>		<b>\$0.00</b>	
48 Hour Delivery			Yes		Yes		Yes		Yes	
Exceptions			*Yes		No		No		Yes	
Local Preference			No		No		No		No	
Credit Check Authorization			Yes		Yes		Yes		Yes	

**Recommend for Council Award**  
Did not meet City specifications

\* Exceptions acceptable by the City

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$31,490, FOR THE PURCHASE OF SODIUM HYPOCHLORITE, HYDROCHLORIC ACID AND CYANURIC ACID; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 30, 2016, the City received four bids for the purchase of sodium hypochlorite, hydrochloric acid, and cyanuric acid;

**Whereas**, these are chemicals primarily used at City pools, splash pads, and the water treatment plant - the bid was stated to be awarded by line item and Staff recommends award to the following vendors:

- HASA, Inc. of Bryan, Texas (\$24,990);
- Brenntag Southwest, Inc. of Houston, Texas (\$6,500);

**Whereas**, Staff recommends award of an annual purchase agreement for the sodium hypochlorite and cyanuric acid powder bids to HASA, Inc. at a price of \$1.20 per gallon and \$.90 per pound, respectively;

**Whereas**, Staff recommends award of an annual purchase agreement for the hydrochloric acid bid to Brenntag Southwest, Inc. at a price of \$3.25 per gallon;

**Whereas**, the City has done business in the past with Brenntag Southwest, Inc and has found them to be a responsible vendor;

**Whereas**, the City has not done business with HASA, Inc., so references were checked and based on the feedback received, Staff believes they will be a responsive and responsible vendor;

**Whereas**, the proposed purchase agreements are for a one-year period commencing October 1, 2016, with the option to renew the agreements for four additional one-year periods, if so agreed to between the City and vendor;

**Whereas**, these chemicals are purchased on an 'as needed' basis by the Parks and Recreation Department and the Water Treatment Plant and each department has budgeted for these chemicals in the adopted budget; 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 annual purchase agreements with the following vendors, for the purchase of sodium hypochlorite, hydrochloric acid and cyanuric acid, in the estimated annual amount of \$31,490:

- HASA, Inc. of Bryan, Texas (\$24,990);
- Brenntag Southwest, Inc. of Houston, Texas (\$6,500);

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L8)  
Consent Agenda  
Page 1 of 1

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

Kirk Scopac, Interim Director of Fleet Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual purchase agreement for automotive batteries with Continental Battery Co. of Dallas for FY2017 in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** Authorization of this purchase agreement will allow for the purchase of automotive batteries, which will be installed by Fleet Services, from Continental Battery Co. during FY2017.

As shown on the attached bid tabulation, on July 21, 2016, the City received four bids for automotive batteries. As stated in the invitation to bid, the award of this bid will be awarded in its entirety to one vendor. As such, each bidder was required to bid on every item to be considered. The low bidder is Continental Battery Co. The City has done business with Continental Battery Co for the past several years and finds them to be a responsive and responsible vendor.

The proposed purchase agreement is for a one year period commencing October 1, 2016, with the option for four additional one-year periods, if agreed to by the City and Continental Battery Co.

**FISCAL IMPACT:** Departments have budgeted for automotive batteries in their departmental automotive repair & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. Estimated annual expenditure: \$25,000.

**ATTACHMENTS:**

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

**Tabulation of Bids Received**  
**on Thursday, July 21, 2016 at 2:30 p.m.**  
**Automobile Batteries**  
**Bid# 38-01-17**

BIDDERS									
Continental Battery Co.  Dallas, TX (254)780-9644				O'Reilly Auto Enterprises LLC dba O'Reilly Auto Parts Springfield, MO (417)829-5879		Glacier Beach, LLC dba Batteries Plus Bulbs  Temple, TX (254)773-4555		Concho Supply, Inc. dba The Parts Depot  Temple, TX (254)771-1098	

Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
U1-L	2	\$25.50	\$51.00	\$40.94	\$81.88	\$37.50	\$75.00	\$34.00	\$68.00
U1-R	2	\$25.50	\$51.00	\$40.94	\$81.88	\$37.50	\$75.00	\$33.22	\$66.44
24F-CS	3	\$48.95	\$146.85	\$73.78	\$221.34	\$79.99	\$239.97	\$58.63	\$175.89
27-CS	4	\$53.95	\$215.80	\$82.84	\$331.36	\$84.95	\$339.80	\$68.30	\$273.20
XHD31C	107	\$71.50	\$7,650.50	\$96.70	\$10,346.90	\$79.99	\$8,558.93	\$78.58	\$8,408.06
65-CS	101	\$63.15	\$6,378.15	\$83.74	\$8,457.74	\$89.99	\$9,088.99	\$65.95	\$6,660.95
75-CS	7	\$48.95	\$342.65	\$69.54	\$486.78	\$73.99	\$517.93	\$59.00	\$413.00
78-CS	11	\$53.50	\$588.50	\$76.20	\$838.20	\$74.99	\$824.89	\$60.00	\$660.00
8D	3	\$112.95	\$338.85	\$197.17	\$591.51	\$149.99	\$449.97	\$127.15	\$381.45
34/78-CS	9	\$57.95	\$521.55	\$78.70	\$708.30	\$89.99	\$809.91	\$65.22	\$586.98
58-P	5	\$44.50	\$222.50	\$61.70	\$308.50	\$74.99	\$374.95	\$44.13	\$220.65
90/T5-CS	7	\$53.50	\$374.50	\$77.38	\$541.66	\$89.99	\$629.93	\$66.25	\$463.75
96R-CS	4	\$58.50	\$234.00	\$81.88	\$327.52	\$80.99	\$323.96	\$74.04	\$296.16
TM24	32	\$59.95	\$1,918.40	\$80.34	\$2,570.88	\$79.99	\$2,559.68	\$60.97	\$1,951.04
L3/H6/48-CP	20	\$82.95	\$1,659.00	\$94.31	\$1,886.20	\$89.99	\$1,799.80	\$71.10	\$1,422.00
Total Price for all Batteries		\$20,693.25		\$27,780.65		\$26,668.71		\$22,047.57	
Disposal of old batteries	317	\$0	\$0	\$10.00 - \$22.00	\$3,170.00 - \$6,974.00	\$0.00	\$0.00	\$3.00	\$951.00
Total Bid, including disposal		\$20,693.25		\$30,950.65 - \$34,754.65		\$26,668.71		\$22,998.57	
Delivery within 5 days?		Yes		Yes		Yes		Yes	
Exceptions		No		Yes		Yes		No	
Acknowledge Addendums (2)		Yes		Yes		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes	

**Recommended for Council Award**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH  
CONTINENTAL BATTERY CO. OF DALLAS, TEXAS, IN THE ESTIMATED  
AMOUNT OF \$25,000, FOR THE PURCHASE OF AUTOMOTIVE BATTERIES;  
AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 21, 2016, the City received four bids for automotive batteries - as stated in the invitation to bid, the award of the bid will be in its entirety to one vendor and each bidder was required to bid on every item to be considered;

**Whereas**, the low bidder, Continental Battery Co. of Dallas, Texas, has done business with the City for the past several years and Staff finds the company to be a responsive and responsible vendor;

**Whereas**, the proposed purchase agreement is for a one-year period commencing October 1, 2016, with the option for four additional one-year renewals, if so agreed to by both parties;

**Whereas**, departments have budgeted for automotive batteries in their departmental automotive repair & maintenance accounts and purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services; 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 annual purchase agreement with Continental Battery Co., of Dallas, Texas, in the estimated annual amount of \$25,000, for the purchase of automotive batteries.

**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 15<sup>th</sup> day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson

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Kayla Landeros

City Secretary

City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L9)  
Consent Agenda  
Page 1 of 1

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

Damon Boniface, Utility Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual agreement for bacteriological sample testing with Aqua-Tech Laboratories, Inc. of Bryan, for FY2017 in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** Approval of this annual agreement will allow for bacteriological sample testing that is required in the City's water treatment process, water distribution process, and waterline construction projects during FY2017.

On July 21, 2016, the City received one bid for bacteriological sample testing from Aqua-Tech Laboratories, Inc. (Aqua-Tech) at a cost of \$14 per sample test and \$1.75 per sample for shipping (when required). The City has conducted business with Aqua-Tech Laboratories, Inc. in the past and recommends award.

The proposed agreement is for a one year period commencing on October 1, 2016, with the option for four additional one-year periods, if agreed to by the City and Aqua-Tech.

**FISCAL IMPACT:** Funding for bacteriological sample testing is included in account 520-5100-535-2616 of the adopted FY2017 Budget. The estimated annual expenditure for bacteriological sample testing based on TCEQ regulations is \$25,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL AGREEMENT WITH AQUA-TECH LABORATORIES, INC. OF BRYAN, TEXAS, IN THE ESTIMATED AMOUNT OF \$25,000, FOR BACTERIOLOGICAL SAMPLE TESTING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 21, 2016, the City received one bid for bacteriological sample testing from Aqua-Tech Laboratories, Inc. of Bryan, Texas at a cost of \$14 per sample test and \$1.75 per sample for shipping, when required;

**Whereas**, the City has conducted business with Aqua-Tech Laboratories, Inc. in the past and recommends award of an annual agreement to the company - the proposed agreement will be for a one-year period commencing on October 1, 2016, with the option for four additional one-year renewals, if so agreed to by both parties;

**Whereas**, funding for bacteriological sample testing based on TCEQ regulations is included in the adopted fiscal year 2017 budget in Account No. 520-5100-535-2616; 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 annual purchase agreement with Aqua-Tech Laboratories, Inc. of Bryan, Texas, in the estimated annual amount of \$25,000, for bacteriological sample testing.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(L10)  
Consent Agenda  
Page 1 of 1

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

Lisa Sebek, Director of Solid Waste Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a services agreement for the sale of worn-out plastic refuse containers with Balcones Recycling, Inc. of Austin for FY2017.

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

**ITEM SUMMARY:** Authorization of this services agreement will provide for revenues during FY2017 from Balcones Recycling, Inc. (Balcones) for the sale of un-repairable and un-useable plastic refuse containers that were used in the City's curbside solid waste collection program.

On July 20, 2016, the City received one bid from Balcones for the sale of surplus 90-gallon and 300-gallon plastic refuse containers at a rate of \$1.00 and \$3.00, respectively. The Solid Waste Department typically accumulates 25 to 50 of the 90-gallon plastic containers and 3 to 10 of the 300-gallon plastic containers per month. Based on these quantities, the City estimates a revenue of approximately \$1,000 from the sale of worn-out plastic refuse containers.

The proposed contract is for a one year period commencing on October 1, 2016, with the option to extend the contract for four additional one-year periods, if so agreed to by both parties.

**FISCAL IMPACT:** Revenues generated from the sale of surplus plastic refuse containers is expected to be approximately \$1,000 for FY2017 and will be deposited in account 110-0000-444-2056, Other Recycling Revenue.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH BALCONES RECYCLING, INC., OF AUSTIN, TEXAS, FOR THE SALE OF WORN-OUT PLASTIC REFUSE CONTAINERS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 20, 2016, the City received one bid from Balcones Recycling, Inc. of Austin, Texas for the sale of surplus 90-gallon and 300-gallon plastic refuse containers at a rate of \$1.00 and \$3.00, respectively;

**Whereas**, the Solid Waste Department typically accumulates 25 to 50 of the 90-gallon, worn-out, plastic containers and 3 to 10 of the 300-gallon, worn-out, plastic containers per month;

**Whereas**, based on these quantities, the City estimates a revenue of approximately \$1,000 from the sale of the worn-out containers;

**Whereas**, this services agreement will be for a one-year period commencing on October 1, 2016, with the option to renew the contract for four additional one-year periods, if so agreed to by both parties;

**Whereas**, revenue generated from the sale of surplus plastic refuse containers will be deposited in Account No. 110-0000-444-2056; 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 services agreement with Balcones Recycling, Inc. of Austin, Texas, for the sale of worn-out plastic refuse containers for fiscal year 2017.

**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 15<sup>th</sup> day of **September**, 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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09/15/16  
Item #5(M1)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing  
Alan DeLoera, Director of Information Technology

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of cellular services, data services, and wireless equipment acquisitions during FY2017 from Verizon Wireless in the estimated annual amount of \$250,000.

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

**ITEM SUMMARY:** Approval of this agenda item will provide for continued purchase of cellular services, data services, and wireless equipment from Verizon Wireless during FY2017 utilizing the State of Texas Department of Information Resources (DIR) contract # DIR-TSO-3415.

The City currently has 306 cellular phones, 120 smart phones, and 260 data devices serviced through Verizon Wireless. The Purchasing and Information Technology departments have reviewed the current Verizon DIR contract #DIR-TSO-3415 and have done some comparisons with other plans and vendors, and staff is confident that the DIR contract offers the lowest rates available with the best service coverage.

An administrative directive is in place that states the policies and guidelines associated with the City's wireless device program.

**FISCAL IMPACT:** Each department with cellular devices has budgeted for these services and equipment in their FY2017 adopted budgets. The estimated annual expenditure based on the current volume of active devices is \$250,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH VERIZON WIRELESS, IN THE ESTIMATED ANNUAL AMOUNT OF \$250,000, FOR CELLULAR SERVICES, DATA SERVICES, AND RELATED EQUIPMENT ACQUISITIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City currently has 306 cellular phones, 120 smart phones, and 260 data devices serviced through Verizon Wireless;

**Whereas,** the Purchasing and Information Technology departments have reviewed the current Verizon DIR Contract, performed comparison checks with other plans, and believes the current contract offers the lowest rates available with the best service coverage for the City;

**Whereas,** Staff has been pleased with the services provided by Verizon Wireless and recommends Council authorize a purchase agreement with Verizon Wireless for cellular services, data services, and related equipment acquisitions;

**Whereas,** each department with cellular devices has budgeted for these services in their fiscal year 2017 adopted budget; 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 purchase agreement with Verizon Wireless, in the estimated annual amount of \$250,000, for cellular services, data services, and related equipment acquisitions utilizing a State of Texas DIR contract.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(M2)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of office supplies during FY2017 from Perry Office Plus, Inc. of Temple in the estimated annual amount of \$170,000.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for the continued purchase of office supplies from Perry Office Plus, Inc. (Perry's) during FY2017 utilizing BuyBoard contract #490-15, which is effective until August 31, 2018. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Perry's has been supplying the City with office supplies under a BuyBoard contract for several years. Staff has been pleased with the quality of product and next day desktop delivery service provided by Perry's. Staff regularly reviews pricing offered by Perry's and deems it to be reasonable and competitive.

**FISCAL IMPACT:** Office supplies are purchased on an as needed basis by each department and are budgeted as such in the adopted FY2017 Budget. Estimated annual expenditure based on historical purchases: \$170,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH PERRY OFFICE PLUS, INC., OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$170,000, FOR OFFICE SUPPLIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Perry Office Plus, Inc. has been supplying the City with office supplies under a BuyBoard contract for several years;

**Whereas,** Staff regularly reviews pricing offered by Perry's and finds that it continues to be reasonable and competitive – Staff has been pleased with the quality of product and next day desktop delivery service provided and recommends Council authorize a purchase agreement with Perry's in the estimated annual amount of \$170,000;

**Whereas,** contracts awarded through a BuyBoard Local Government Online Purchasing Cooperative contract have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** office supplies are purchased on an 'as-needed' basis by each department and budgeted in the adopted fiscal year 2017 budget; 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 purchase agreement with Perry Office Plus, Inc., of Temple, Texas, in the estimated annual amount of \$170,000, for office supplies utilizing a BuyBoard Local Government Online Purchasing Cooperative contract.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(M3)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of janitorial supplies during FY2017 from Gulf Coast Paper Company of Temple in the estimated annual amount of \$110,000.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for the continued purchase of janitorial supplies from Gulf Coast Paper Company (Gulf Coast) during FY2017 utilizing BuyBoard contract #490-15, which is effective until August 31, 2018. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Gulf Coast Paper has been supplying the City with janitorial supplies under a BuyBoard contract for several years. Staff has been pleased with the quality of product and delivery service provided by Gulf Coast. Staff has reviewed the pricing available under the Gulf Coast's BuyBoard contract and have concluded the contracted pricing is reasonable and competitive when compared to other available cooperative janitorial supply contracts.

The Purchasing Department currently stocks a number of janitorial products in its warehouse. As departments need these items, stock requisition are submitted to the Purchasing Department. For those items not stocked, the Purchasing Department orders them as non-stocked items.

**FISCAL IMPACT:** Janitorial supplies are purchased on an as needed basis by each department and are budgeted as such in the adopted FY2017 Budget. Estimated annual expenditure based on historical purchases: \$110,000.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH GULF COAST PAPER COMPANY OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$110,000, FOR JANITORIAL SUPPLIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** Gulf Coast Paper has been supplying the City with janitorial supplies under a BuyBoard contract for several years and Staff has been pleased with the quality of product and delivery service provided by Gulf Coast;

**Whereas,** Staff has reviewed the pricing available under the Gulf Coast's BuyBoard Local Government Online Purchasing Cooperative contract and has concluded the contracted pricing is reasonable and competitive when compared to other available cooperative janitorial supply contracts;

**Whereas,** contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** janitorial supplies are purchased on an 'as-needed' basis and each department has budgeted funds in the annual fiscal year 2017 adopted budget; 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 purchase agreement with Gulf Coast Paper of Temple, Texas, in the estimated annual amount of \$110,000, for janitorial supplies, utilizing a BuyBoard Local Government Online Purchasing Cooperative contract.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(M4)  
Consent Agenda  
Page 1 of 1

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

Kirk Scopac, Interim Director of Fleet Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of automotive repair parts during FY2017 from O'Reilly's Auto Parts of Springfield, MO, in the estimated annual amount of \$70,000.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for the continued purchase of automotive repair parts from O'Reilly's Auto Parts (O'Reilly's) during FY2017 utilizing BuyBoard contract #470-14, which is effective until November 30, 2017. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Council has authorized annual purchase agreements with O'Reilly's Auto Parts for the purchase of automotive repair parts since September 5, 2013. Staff has been pleased with the quality of product and delivery service provided by O'Reilly's. Pricing per the BuyBoard contract is 41% off of the list price and includes delivery to Fleet Services. Fleet Services staff has reviewed the available pricing and has determined that it continues to be reasonable and competitive.

**FISCAL IMPACT:** Departments have budgeted for automotive repairs in the adopted FY2017 Budget. Automotive repair parts are purchased on an as needed basis and are charged to departmental expenditure accounts for vehicles and equipment that are serviced by Fleet Services. Estimated annual expenditure based on historical expenditures: \$70,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH O'REILLY'S AUTO PARTS, IN THE ESTIMATED ANNUAL AMOUNT OF \$70,000, FOR AUTOMOTIVE REPAIR PARTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Council has authorized annual purchase agreements with O'Reilly's Auto Parts for the purchase of automotive repair parts since September 5, 2013, and Staff has been pleased with the quality of product and delivery services provided by O'Reilly's;

**Whereas,** pricing per the BuyBoard Local Government Online Purchasing Cooperative contract is 41% off of the list price and includes delivery to the Fleet Services department - Fleet Services Staff has reviewed the available pricing and has determined that the pricing continues to be reasonable and competitive;

**Whereas,** contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** automotive repair parts are purchased on an 'as-needed' basis and are charged to departmental expenditure accounts for vehicles and equipment services – departments have budgeted for automotive repair funds in the fiscal year 2017 adopted budget; 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 purchase agreement with O'Reilly's Auto Parts, in the estimated annual amount of \$70,000, for automotive repair parts, utilizing a BuyBoard Local Government Online Purchasing Cooperative contract.

**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 **15<sup>th</sup>** day of **September**, 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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09/15/16  
Item #5(M5)  
Consent Agenda  
Page 1 of 1

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

Damon Boniface, Director of Utilities  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of wastewater line chemical root control services for FY2017 from Duke's Root Control, Inc. of Syracuse, New York, in the estimated annual amount of \$65,000.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for the continued purchase of root control management supplies and service from Duke's Root Control, Inc. (Duke's) during FY2017 utilizing BuyBoard contract #462-14, which is effective until October 31, 2017. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The Utility Department utilizes root control chemicals to manage and minimize the growth of roots in the wastewater system. In older wastewater systems, roots from trees and vegetation enter the system through cracks in the pipes in an attempt to find a source of water. These roots grow, eventually making any existing cracks in the system bigger, which in turn results in further deterioration of the lines and blockages in the system. Chemical root control, when applied in targeted areas, can substantially reduce roots from blocking the system and help keep lines open. Staff likes the chemicals supplied by Duke's as they do not impact the wastewater treatment plants.

**FISCAL IMPACT:** Funding for these services in the amount of \$65,000 is included in the adopted FY2017 Budget in account 520-5400-535-2616.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH DUKE'S ROOT CONTROL, INC., OF SYRACUSE, NEW YORK, IN THE ESTIMATED ANNUAL AMOUNT OF \$65,000, FOR THE PURCHASE OF WASTEWATER LINE CHEMICAL ROOT CONTROL SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Utility Department utilizes root control chemicals to manage and minimize the growth of roots in the wastewater system - in older wastewater systems, roots from trees and vegetation enter the system through cracks in the pipes in an attempt to find a source of water to grow, eventually making any existing cracks in the system bigger, which in turn results in further deterioration of the lines and blockages in the system;

**Whereas**, chemical root control, when applied in targeted areas, can substantially reduce roots from blocking the system and help keep lines open - Staff has been pleased with the chemicals supplied by Duke's as they do not impact the wastewater treatment plants, and recommends Council authorize a purchase agreement in the estimated annual amount of \$65,000;

**Whereas**, this purchase will be made utilizing a BuyBoard Local Government Online Purchasing Cooperative contract - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, funding is available in the fiscal year 2017 adopted budget, Account No. 520-5440-535-2616; 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 purchase agreement with Duke's Root Control, Inc., of Syracuse, New York, in the estimated annual amount of \$65,000, utilizing a BuyBoard Local Government Online Purchasing Cooperative contract.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(M6)  
Consent Agenda  
Page 1 of 1

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

Mitch Randles, Fire Chief  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of fire uniforms during FY2017 from Miller Uniforms & Emblems, Inc. of Austin in the estimated annual amount of \$45,000.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for the acquisition of fire uniforms (i.e. shirts, pants, zip job shirts, polo shirts and jackets) for the City of Temple Fire Department uniformed officers from Miller Uniforms & Emblems, Inc. (Miller) during FY2017.

Historically, the City has prepared an independent bid for Fire Department uniforms. Based on review of product quality, vendor service, and pricing, staff is recommending the purchase of fire uniforms from Miller, utilizing BuyBoard Contract #432-13. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The City has done business with Miller Uniforms in the past and finds them a responsive and responsible vendor.

**FISCAL IMPACT:** Funding for fire uniforms is included in the adopted FY2017 Budget in accounts, 110-2210-522-2113, 110-2221-522-2113, 110-2222-522-2113, 110-2223-522-2113 and 110-2230-522-2113 in amount of \$46,550.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH MILLER UNIFORMS AND EMBLEMS, INC. OF AUSTIN, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$45,000, FOR THE PURCHASE OF IRE UNIFORMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, historically, the City has prepared an independent bid for Fire Department uniforms, however based on review of product quality, vendor service, and pricing, Staff recommends the purchase of fire uniforms from Miller Uniforms and Emblems, Inc, utilizing BuyBoard Local Government Online Purchasing Cooperative Contract No. 432-13;

**Whereas**, contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities - the City has done business with Miller Uniforms in the past and finds the company to be a responsive and responsible vendor;

**Whereas**, funding for fire uniforms is included in the adopted fiscal year 2017 budget in Account Nos. 110-2210-522-2113, 110-2221-522-2113, 110-2222-522-2113, 110-2223-522-2113 and 110-2230-522-2113; 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 purchase agreement with Miller Uniforms and Emblems, Inc. of Austin, Texas, in the estimated annual amount of \$45,000, for the purchase of fire uniforms utilizing the BuyBoard Local Government Online Purchasing Cooperative.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(M7)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of online auction services for FY2017 from GovDeals, Inc. of Montgomery, Alabama, in an estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for continued on-line auction services for the disposal of surplus City property from GovDeals, Inc. (GovDeals) during FY2017. GovDeals covers the marketing of surplus items using a nationwide web application, email notification of the availability of items to commodity-specific vendors, collection of proceeds from the winning bidders, and submission of the net proceeds to the City.

On May 19, 2011, Council awarded an agreement to GovDeals to provide online auction services to the City. The award was based on a competitive proposal process performed by City staff. The agreement was renewed for four additional 1-year periods. The current contract expires on September 30, 2016, and there are no remaining renewals to the contract.

City staff has been pleased with the online functionality and the quality of service provided by GovDeals, and as such, staff is recommending Council authorize continued on-line auction services with GovDeals utilizing the BuyBoard contract# 457-14. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Consistent with the current agreement with GovDeals, there is a 12.5% commission paid to GovDeals on sales. Staff is recommended a continued fee structure whereby the purchaser pays 10% of the commission and the City absorbs 2.5% of the commission.

**FISCAL IMPACT:** Revenue generated from the sale of auction items will be booked to a revenue account for the respective fund responsible for the assets sold. The 2.5% fee absorbed by the City will be charged to the Purchasing Department budget in account #110-1300-515-2623, Other Contracted Services. Since it is not known exactly the volume of items to be sold each year, a budget amendment will be prepared for the fees as items are sold to appropriate funds from the revenue account to account 110-1300-515-2623.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH GOVDEALS, INC. OF MONTGOMERY, ALABAMA, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR THE PURCHASE OF ONLINE AUCTION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, GovDeals covers the marketing of surplus items using a nationwide web application, email notification of the availability of items to commodity-specific vendors, collection of proceeds from the winning bidders, and submission of the net proceeds to the City;

**Whereas**, on May 19, 2011, Council awarded an agreement to GovDeals to provide online auction services to the City - the award was based on a competitive proposal process performed by City Staff;

**Whereas**, Staff has been pleased with the online functionality and the quality of service provided by GovDeals, and recommends Council authorize continued on-line auction services with GovDeals utilizing a BuyBoard Local Government Online Purchasing Cooperative contract;

**Whereas**, contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, consistent with the current agreement with GovDeals, there is a 12.5% commission paid to GovDeals on sales - Staff recommends a continued fee structure whereby the purchaser pays 10% of the commission and the City absorbs 2.5% of the commission;

**Whereas**, revenue generated from the sale of auction items will be applied to a revenue account for the respective fund responsible for the assets sold - the 2.5% fee absorbed by the City will be charged to the Purchasing Department budget in Account No. 110-1300-515-2623,;

**Whereas**, since it is not known exactly the volume of items to be sold each year, a budget amendment will be prepared for the fees as items are sold to appropriate funds from the revenue account to Account No. 110-1300-515-2623; 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 purchase agreement with GovDeals, Inc., of Montgomery, Alabama, in the estimated annual amount of \$25,000, utilizing a BuyBoard Local Government Online Purchasing Cooperative contract.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(N)  
Consent Agenda  
Page 1 of 2

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-16-39: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Commercial District, on Lots 14 & 15, Block 001, Honeycutt Subdivision, located at 7099 Airport Road.



Figure 1: Aerial & Location Map

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its August 1, 2016, meeting the Planning and Zoning Commission voted 6/0 to recommend approval of the requested rezoning from Agricultural (AG) District to Commercial (C) District.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning from Agricultural (AG) District to Commercial (C) District for the following reasons:

1. Compliance with surrounding zoning and land uses;
2. Compliance with the Thoroughfare Plan; and
3. Partial compliance of availability of public and private facilities to serve the subject property

**ITEM SUMMARY:** The applicant, Michael E. Phillips, requests this rezoning from Agricultural District (AG) to Commercial District (C) to allow him to market this property for office/warehouse and service related uses. The applicant has had several inquiries regarding office/warehouse combinations and service related (HVAC-plumbing) uses for the subject property.

The Commercial District permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

The Commercial District should be located at the intersection of major thoroughfares and highways. This district should be located away from low and medium density residential development and may be

used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

**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 Agricultural Rural character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested Commercial District does not comply with this character district, but it does appear compatible with the adjacent Light Industrial District to the west, consisting of undeveloped land and a school.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property fronts Airport Road, a major arterial. The applicant's requested Commercial District (C) is appropriate along major arterials, such as Airport Road. Development of the property would require installation of a 6-foot wide sidewalk along Airport Road, per Unified Development Code (UDC) Section 8.2.3: Sidewalks and Trails.

Availability of Public Facilities (CP Goal 4.1)

There is an existing 24-inch water line along the property's frontage within the Airport Road right-of-way. Although the subject property currently does not have sewer services, the applicant has expressed interest in a septic system, as well as working with the Public Works Department in possibly extending sewer services to the property.

Proposed City Council Meeting Schedule

This item is tentatively scheduled for a City Council public hearing (first reading) on September 1, 2016. The second reading of City Council is tentatively scheduled for September 15, 2016.

**PUBLIC NOTICE:** Four (4) 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 Tuesday, August 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 July 21, 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](#)  
[Thoroughfare Map](#)  
[Utility Map](#)  
[Notification Map](#)  
[Development Regulations](#)  
[Surrounding Property and Uses](#)  
[Comprehensive Plan Compliance](#)




Notification Response Letters




August 1, 2016: Planning & Zoning Commission Meeting Excerpts

Ordinance

**SURROUNDING PROPERTY AND USES:**

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Property	 <p>Airport Road</p>
East	AG	Agricultural	 <p>Airport Road</p>
			

Direction	Zoning	Current Land Use	Photo
West	AG & LI	Undeveloped Land & School	 <p>Airport Road</p>
South	AG	Agricultural	
North	AG	Agricultural & Rural Residential	 <p>Airport Road</p>



AG to C

## AERIAL MAP

Zoning Case :  
Z-FY-16-39

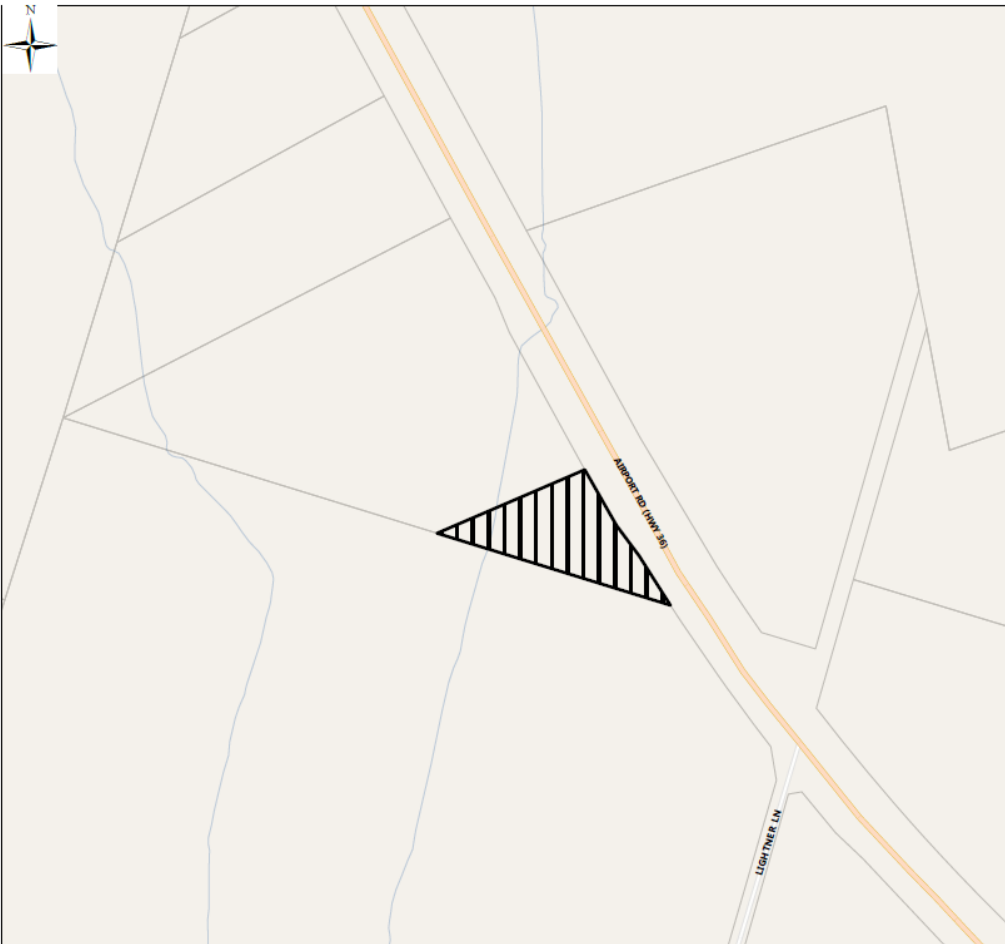
Address :  
7099 Airport Rd

### 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.

tlyerly  
Date: 7/15/2016



AG to C

## AERIAL MAP

Zoning Case :  
Z-FY-16-39

Address :  
7099 Airport Rd

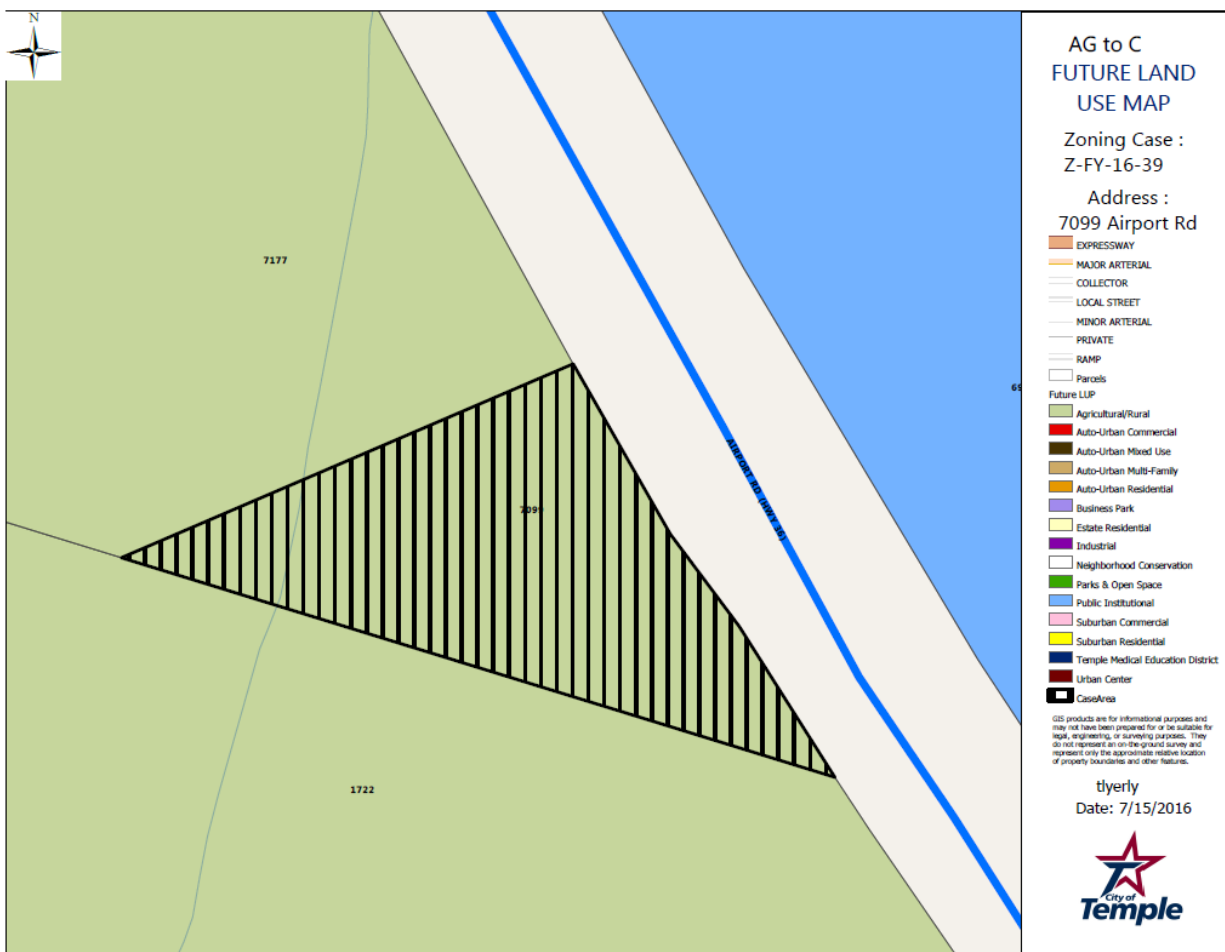
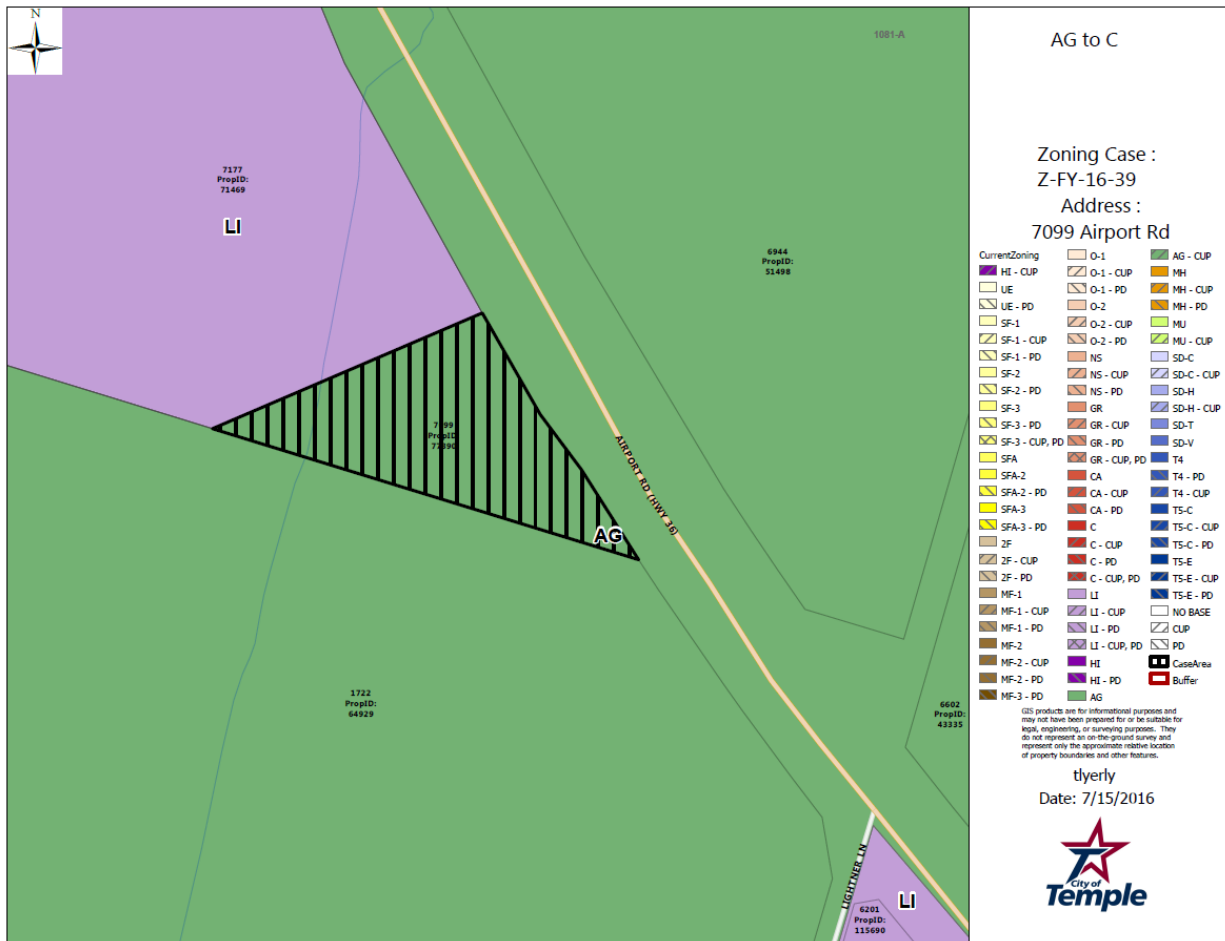
### Streets

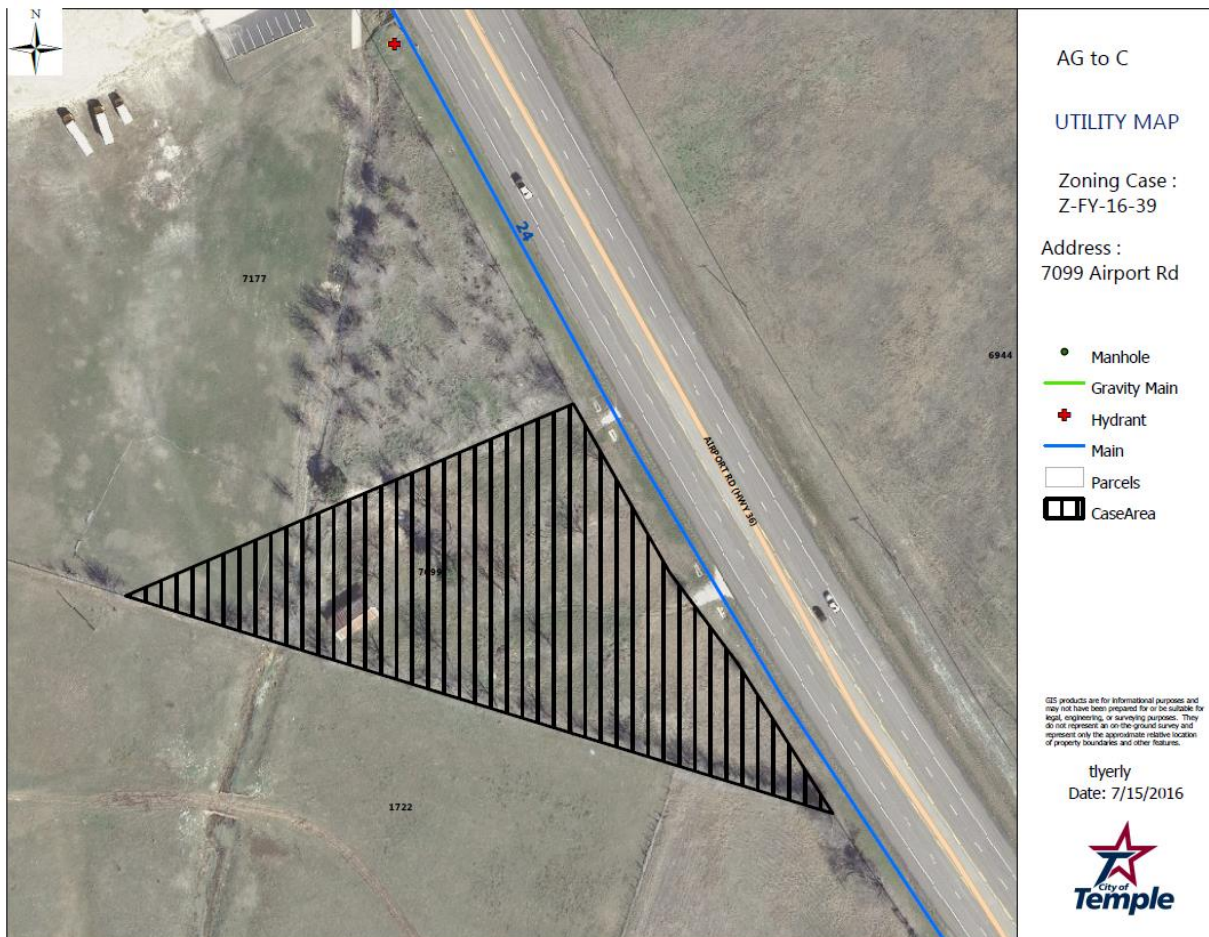
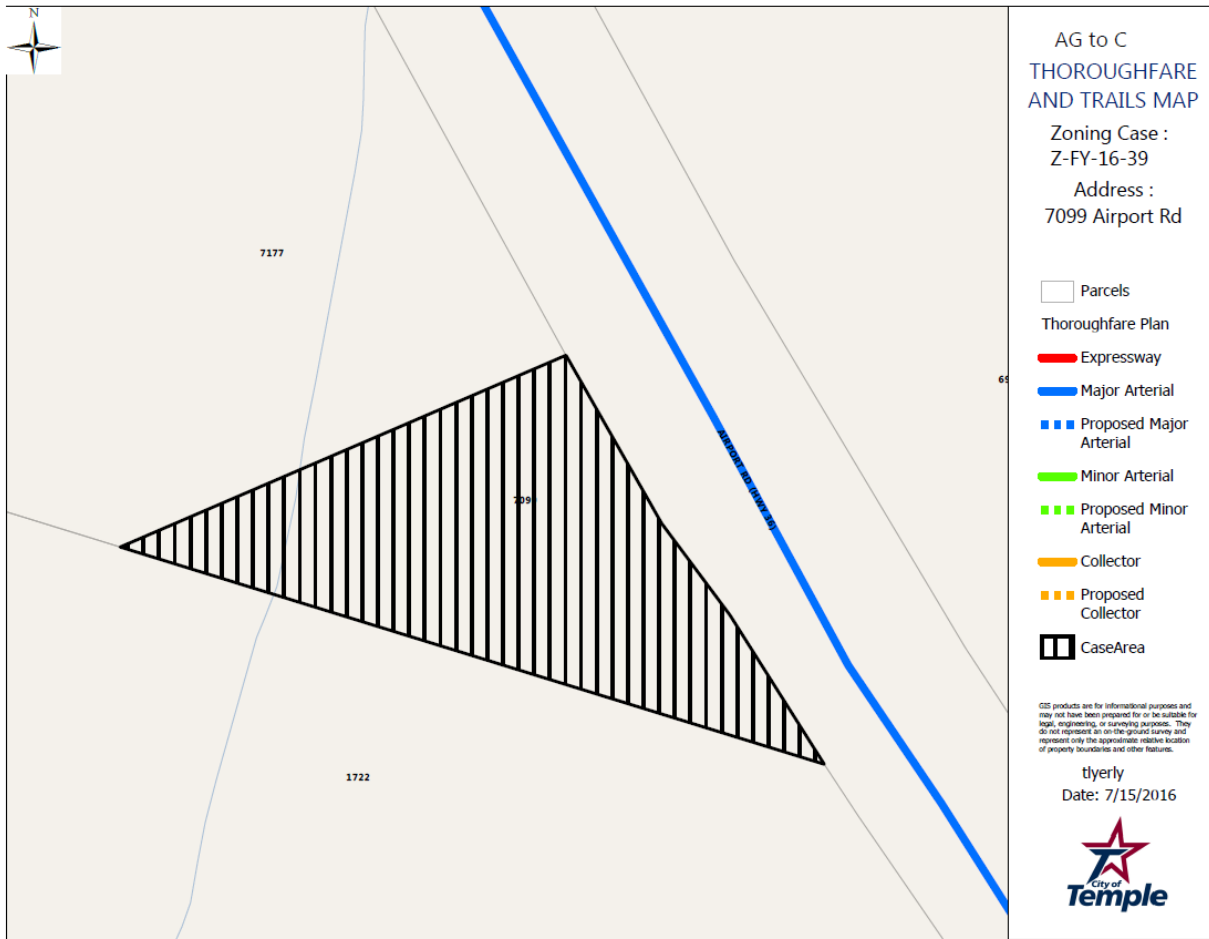
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

tlyerly  
Date: 7/15/2016









**DEVELOPMENT REGULATIONS (C):** Here are the nonresidential dimensional standards for the applicant's requested **Commercial District (C)**:

- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 0 feet, but must be at least 30 feet from street centerline
- Side Yard Setback – 10 feet adjacent to a residential zoning district. If the building exceeds 40 feet, the side yard setback must increase one foot for each three feet over 40 feet in building height.
- Side Yard Setback (corner) – 10 feet
- Rear Yard Setback – 10 feet adjacent to a residential zoning district or use.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agricultural / Rural	AG	Undeveloped Land
North	Public Institutional	AG	Agricultural/ Rural Residential
South	Agricultural / Rural	AG	Agricultural/ Rural Residential
East	Agricultural / Rural	AG	Commercial Property
West	Agricultural / Rural	LI	Commercial Property

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

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

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

HONEYCUTT FAMILY TRUST  
C/O ALEXANDER, CYNTHIA MICHELLE CO TRUSTEE  
936 FM 380  
PAINT ROCK, TX 76866-3655

Zoning Application Number: Z-FY-16-39

Case Manager: Tammy Lyerly

Location: 7099 Airport 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:

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---

Michele Alexander

Signature

Michele Alexander

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](mailto:tlyerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

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

**RECEIVED**

JUL 28 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 4

Date Mailed: July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



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

PHILLIPS, MICHAEL E  
190 COUNTY ROAD 304  
ROSEBUD, TX 76570-2240

**Zoning Application Number: Z-FY-16-39**

**Case Manager: Tammy Lyerly**

**Location: 7099 Airport 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:**

AS PROPERTY OWNER, IT IS MY INTENTION TO IMPROVE VACANT  
PROPERTY WITH POSSIBLE OFFICE/WAREHOUSE BUILDING PER REQUEST BY  
POTENTIAL BUYERS. ALTHOUGH NO DEFINITE PLANS YET, IT SEEMS  
TO BE IN THE FUTURE.

Michael E Phillips  
**Signature**

MICHAEL E PHILLIPS  
**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, [tyerly@templetx.gov](mailto:tyerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

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

**RECEIVED**

**JUL 28 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 4

Date Mailed: July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, AUGUST 1, 2016**

**ACTION ITEMS**

**Item 2: Z-FY-16-39** – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to Commercial (C) District, on Lots 14 & 15, Block 001, Honeycutt Subdivision, 7099 Airport Road.

Ms. Lyerly stated this item was scheduled to go forward to City Council for first reading on September 1, 2016 and second reading on September 15, 2016.

The applicant's requested rezoning from AG to C is to allow for marketing of the property for office/warehouse and service uses. There have been several inquiries regarding this type of development.

There is a school located to the west of the property.

The Zoning Map designates the property as Commercial District (C), it fronts a major arterial (Airport Road), and adjacent property is zoned Light Industrial (LI). The request is in compliance with the Zoning Map.

The Future Land Use and Character Map designates the subject property as Agricultural Rural which is intended for areas of agricultural use and homes are an accessory or secondary use. The request is not in compliance with the Future Land Use and Character Map.

Water is available from a 24-inch line located in Airport Road right-of-way. There is no sewer available. The applicant would need to install septic system and work with the Public Works Department in Bell County if the request is approved. This request is in partial compliance since water is available. These type of issues would be addressed during the platting process.

Surrounding properties include residential and agricultural use to the north, agricultural use to the south, undeveloped land to the east, and the school and airport water tower to the west.

Allowed and prohibited uses for both AG and C are cited, along with current and proposed Development Standards.

Four notices were mailed out in accordance with state and local regulations with two notices returned in agreement and zero notices returned in disagreement.

This request is not in compliance with the Future Land Use and Character Map, is only in partial compliance with public facilities available to serve the property, and in full compliance with the Thoroughfare Plan and surrounding uses and zoning.

Staff recommends approval of the request for a rezoning from AG to C.

Brief discussion regarding Commercial setback requirements located off of a highway.

Chair Jones asked how often the land use map was updated. Ms. Lyerly stated this was from *Choices '08* Comprehensive Plan and was updated in 2008.

Mr. Brian Chandler, Director of Planning, added when there is a discrepancy between the Future Land Use and Character Map and what is recommended, it was considered taking them one at a time before P&Z and City Council, concurrently with the zoning case request. Instead, the discrepancies are tracked and is more efficient to take them as a group rather than individually.

Mr. Chandler also commented that Comprehensive Plans ideally get updated every five years or at least every ten. There are many changes and development patterns occurring in the subject area being discussed and amendments will be forthcoming to the P&Z and City Council.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Johnson made a motion to approve Item 2, **Z-FY-16-39**, as presented, and Commissioner Pitts made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

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

(PLANNING NO. Z-FY-16-39)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO COMMERCIAL DISTRICT ON LOTS 14 & 15, BLOCK 001, HONEYCUTT SUBDIVISION, LOCATED AT 7099 AIRPORT ROAD, BELL COUNTY, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Agricultural District to Commercial District on lots 14 & 15, block 001, Honeycutt Subdivision, located at 7099 Airport Road, Bell County, Temple, Texas, 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 **1<sup>st</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **September**, 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

09/15/16  
Item #5(O)  
Consent Agenda  
Page 1 of 5

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

Dessie Redmond, Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-40: Consider adopting an ordinance authorizing a Conditional Use Permit to allow wholesale automobile auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, Bell County, Texas, located at 5615 SW H.K. Dodgen Loop.



Figure 1: Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their August 1, 2016 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval with conditions including the six conditions stated by staff, and adding two additional conditions. (1) That transport vehicles are prohibited to park on Loop 363 frontage road and (2) the previous CUP (Ordinance 2010-4362) approved for outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies be repealed.

During the meeting, the P&Z Commissioners discussed parking during auctions and how to ensure no vehicles, transporters or car haulers would be parked on abutting streets. The applicant was able to respond to this by stating she could not guarantee a car hauler would pull up on to Greenview Drive but she thinks they have enough room to contain them within the property. There is a possibility for the business to expand to the north, if necessary. The applicant understands that an expansion would require an additional CUP. Ultimately, a motion included a condition to prohibit transport vehicles parked on the Loop 363 frontage road.

Continued discussion included adding a condition to repeal the previous CUP that was approved in 2010 for an outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies (Ordinance 2010-4362 – attached). It was asked if the 2010 CUP needs to stay with the property or if they could make a recommendation to repeal the 2010 CUP. Staff responded that a CUP runs with the land; therefore, if a different applicant proposed the same use as the 2010 ordinance reads that CUP would still currently be valid, unless a motion for this proposal included a

repeal of the 2010 CUP. Ultimately, the motion included a condition to repeal the 2010 CUP. This condition was added to the motion because the Commission was concerned that both uses (outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies as well as wholesale automobile auctions for dealers) could simultaneously happen on the site.

During subsequent discussion with the applicant and the property owner, it was stated that they prefer the 2010 CUP remain on the land and not be repealed as a condition with the current proposal or if the condition could limit the property to one use at a time instead of repealing the 2010 CUP.

It was also stated that development adjacent to the loop will be expanding in the next few years and this proposed use is a new use to the city. There was discussion on specifying a certain time period for this CUP to expire for land use reasons. Ultimately, a time expiration was decided not to be part of the motion because the Commission determined if the business is not in compliance with the CUP, City Council has the ability to revoke the permit (August 1, 2016: Planning & Zoning Commission Meeting Excerpts – attached).

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-16-40, a CUP to allow a wholesale automobile auctions use with the following conditions:

1. All automobile auction operations are held inside the enclosed building.
2. All automobiles offered for sale are contained on this property.
3. No junked or inoperable cars are visible from outside.
4. All repair work must take place completely inside the building.
5. The existing parking lot is newly striped prior to the business operating.
6. No salvage auctions are permitted on the property.

**ITEM SUMMARY:** The subject property is three acres and is located in the Wildflower Commerce Park Phase IV subdivision. The property is currently developed with a 10,256 square foot warehouse building. There is also a concrete parking lot that exists on the majority of the remainder of the site.

Prior to the issuance of a building permit for any non-single-family residential development, a subdivision plat is required. The subject property was platted in 2000. The applicant has indicated that there are currently no plans to improve the property. Also, pending approval of the CUP, the wholesale automobile auction business (Manheim Remarketing, Incorporated) hopes to open in late October of 2016.

A letter included in the application submittal stated that the proposed use will conduct wholesale automobile auctions, which are open only to licensed automobile dealers, at the property. Regular business hours will be Monday through Thursday from 9:00 a.m. to 5:00 p.m., and Friday from 9:00 a.m. to 3:00 p.m. Activities at the property will include inventory maintenance, inspection of vehicles, and other business related to the transfer of title and auctioning of the vehicles. Manheim Remarketing, Inc. will conduct its wholesale automobile auctions on the second and fourth Monday of each month, during the regular business hours, to which only licensed automobile dealers may attend.

The applicant further explained in emails to staff that a typical auction would be a two lane automobile auction held inside the service department of the existing building. All automobiles offered for the sale will be contained to the parking lot of this property. The auction sales will be held every other Monday

to start, with the potential to grow in to every week. The applicant anticipates it taking time to build up to a weekly occurrence for the auctions. Generally, most noise would be contained to inside the building from auctioning the automobiles. However, some associated noise would also be present outside the building. The majority of any traffic would typically be on the Mondays the sales are held. Other key points are:

- 224 total parking spaces provided on the site plan
  - 134 multiple stacked parking spaces (inventory only)
  - 901 spaces with drive lane access (either for inventory or employee/customer parking)
- 5-10 employees associated with the use
- 24 hour typical turnaround time for an automobile to be sold
- If expanding to the north property, an additional CUP process would be required
- Most cars are operable when they come into the business
- Generally, it will look like a car dealership
  - Cars would be parked around the building and driven through the two service bays and offered for sale then parked back outside for buyers to pick up

In 2010, a CUP was granted on the same property for outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies (Ordinance 2010-4362). The Unified Development Code (UDC), Section 3.5.3 Conditional Use Duration states, “an approved CUP runs with the land and does not expire without City Council revocation.” The approved 2010 CUP is still applicable to this site for the outdoor retail display uses. However, a new and different proposed use (that also requires a CUP in the commercial zoning district) is now requested. Therefore, the property is subject to the CUP process because of the requested new auto auction use.

**SURROUNDING PROPERTY AND USES:** A summary table in the attachments shows how the site and surrounding properties relates to the Future Land Use Plan (FLUP), zoning and adjacent current uses.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A summary table can be found in the attachments.

#### **Future Land Use Map (CP Map 3.1)**

The subject property is within the Suburban Commercial character district. In areas where the Suburban Commercial character district is adjacent to non-residential uses it is intended to be the community’s image and aesthetic value is to be promoted, such as at “gateways” and high-profile corridor locations. Therefore, it requires a higher landscape surface than in the Auto-Urban Commercial district. The subject property is located in the HK Dodgen Loop corridor and there are some existing large and medium canopy trees on the property that provide aesthetic value.

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

The subject property is accessed off Greenview Drive (local street) or HK Dodgen Loop (expressway) frontage road. Sidewalks are not required for either of these designations.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 18 inch sewer line in Greenview Drive. Water is available through an existing 18 inch waterline that is in a 20 foot maintenance and utility easement on the east side of the subject property.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no existing or proposed trails in or adjacent to the site.

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

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

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

**DEVELOPMENT REVIEW COMMITTEE:** The Development Review Committee (DRC) met on July 18<sup>th</sup> to discuss the requested CUP. There was discussion on expansion, operable or non-operable cars, and how the business would appear visually. All of the questions were answered by the applicant and a summary of the answers is included in the "Item Summary" of this report.

**PUBLIC NOTICE:** Twelve notices were mailed to property owners within 200 feet of the subject property. As of Tuesday, August 23<sup>rd</sup> two notices for approval were returned (both returned letters were from the property owner). The newspaper printed notice of the public hearing on July 21<sup>st</sup> in accordance with state law and local ordinance.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** The CUP is scheduled to be heard at the September 1, 2016 City Council for a first reading and on September 15, 2016 Council meeting for a second reading.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos

Letter from Applicant

Site Plan / Location Map

Zoning Map / Future Land Use and Character Map

Thoroughfare & Trails Map / Utility Map

Notification Map / Comprehensive Plan & Surrounding Uses Summary Tables

Returned Property Owner Letters

Ordinance 2010-4362

August 1, 2016: Planning & Zoning Commission Meeting Excerpts

Ordinance



Looking west at existing vacant warehouse building



Looking south along SW H.K. Dodgen Loop frontage road



Aerial of the subject property



Commercial uses to the south



Commercial uses and vacant lots to the west



Looking east across SW H.K. Dodgen Loop

Letter from the Applicant



SUTHERLAND ASBILL & BRENNAN LLP  
1001 Fannin, Suite 3700  
Houston, Texas 77002  
713.470.6100 Fax 713.654.1301  
[www.sutherland.com](http://www.sutherland.com)

ROBERT A. LEMUS  
DIRECT LINE: 713.470.6129  
E-mail: [robert.lemus@sutherland.com](mailto:robert.lemus@sutherland.com)

June 30, 2016

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

RE: Conditional Use Permit Application for 5615 S.W. HK Dodgen Loop, Temple,  
Texas

To Whom It May Concern:

I represent Manheim Remarketing, Inc. d/b/a Manheim Central Texas ("Manheim") in relation to the above referenced Conditional Use Permit Application. I write in response to your request about the anticipated business operations of at 5615 S.W. HK Dodgen Loop, Temple, Texas ("the Property").

Manheim will conduct wholesale automobile auctions, which are open only to licensed automobile dealers, at the Property. Regular business hours at the Property will be Monday through Thursday from 9:00 a.m. to 5:00 p.m., and Friday from 9:00 a.m. to 3:00 p.m. Activities at the Property will include inventory maintenance, inspection of vehicles, and other business related to the transfer of title and auctioning of the vehicles. Manheim will conduct its wholesale automobile auctions on the second and fourth Monday of each month, during the regular business hours, to which only licensed automobile dealers may attend.

Should you have any questions or concerns, please do not hesitate to contact me.

Best wishes,

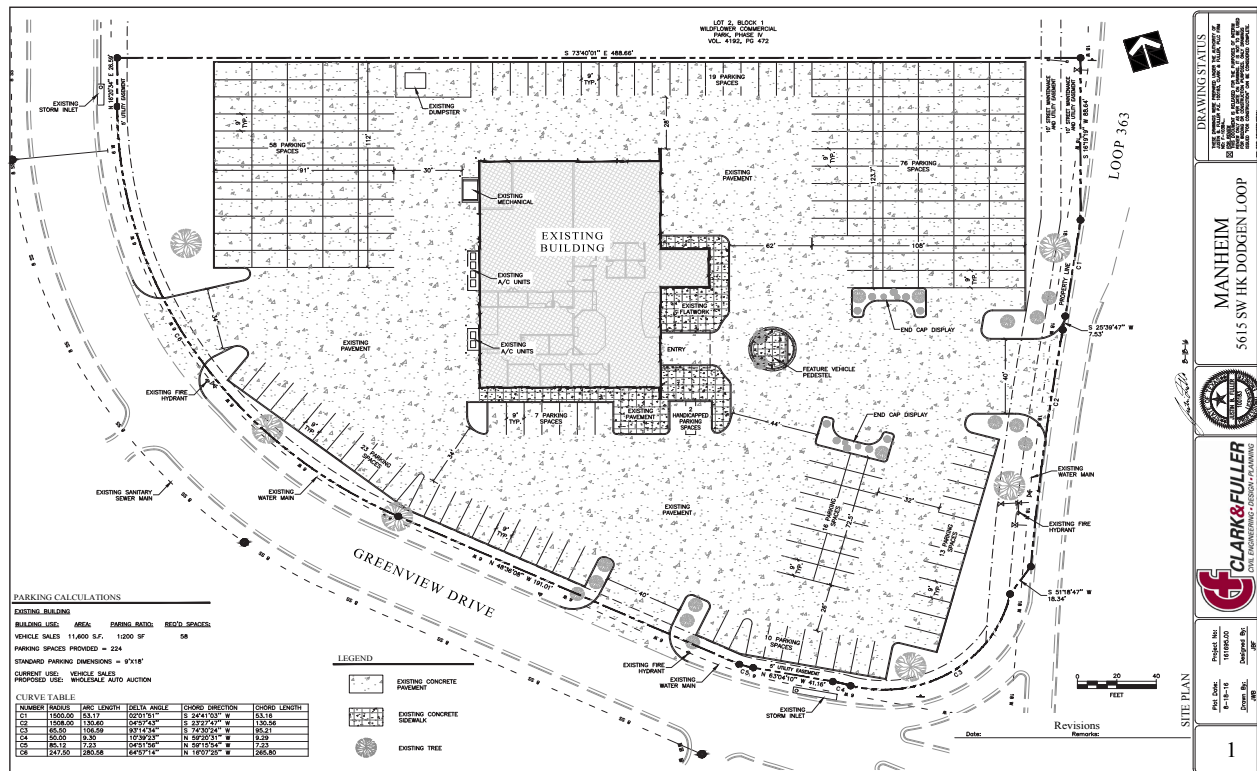
A blue ink signature of Robert A. Lemus, written in a cursive style.

Robert A. Lemus

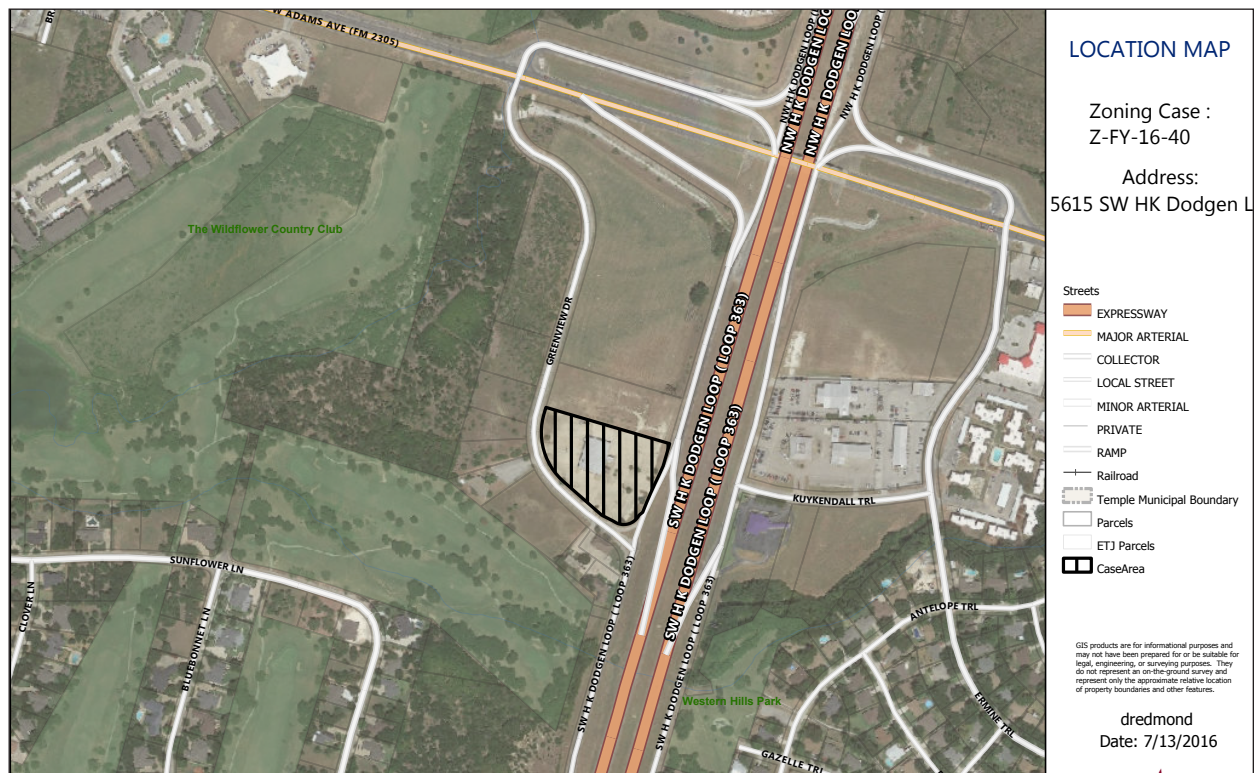
cc: Nicole Graham (Client)  
Nancy Loudermilk (Client)

36803139.1

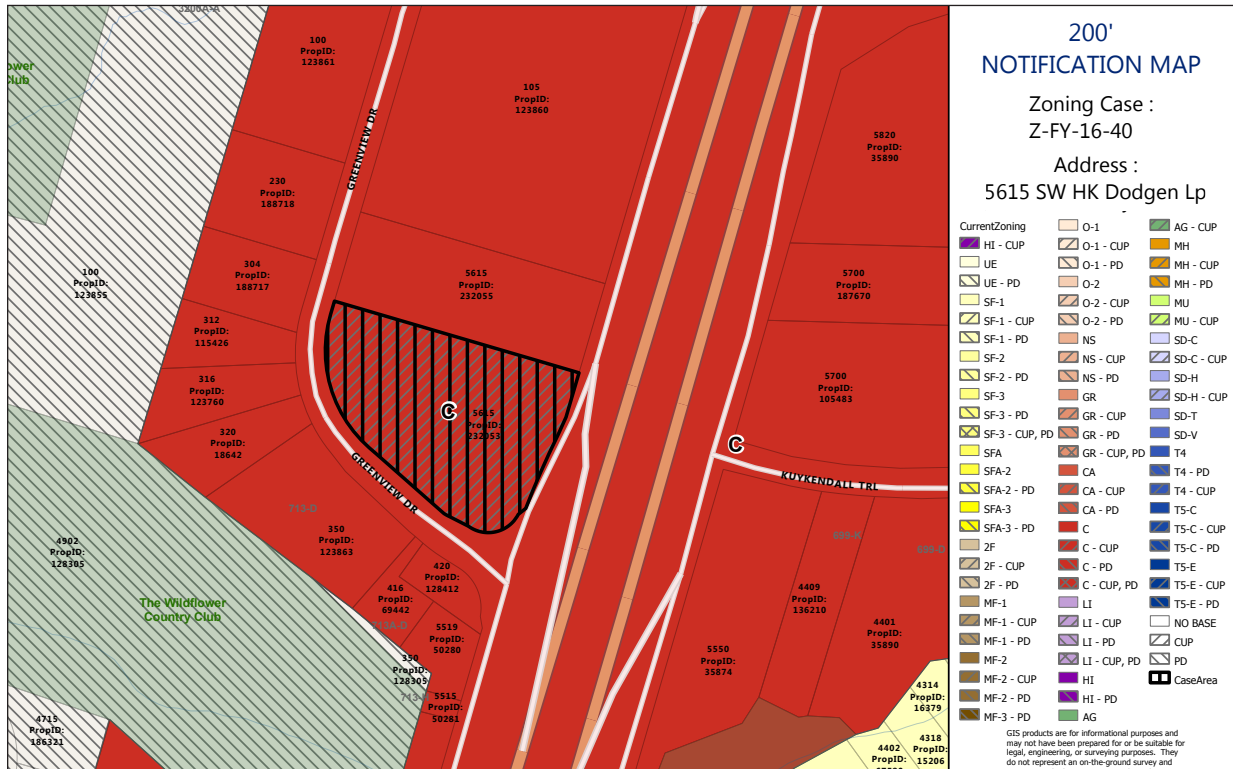
ATLANTA AUSTIN GENEVA HOUSTON LONDON NEW YORK SACRAMENTO WASHINGTON D.C.



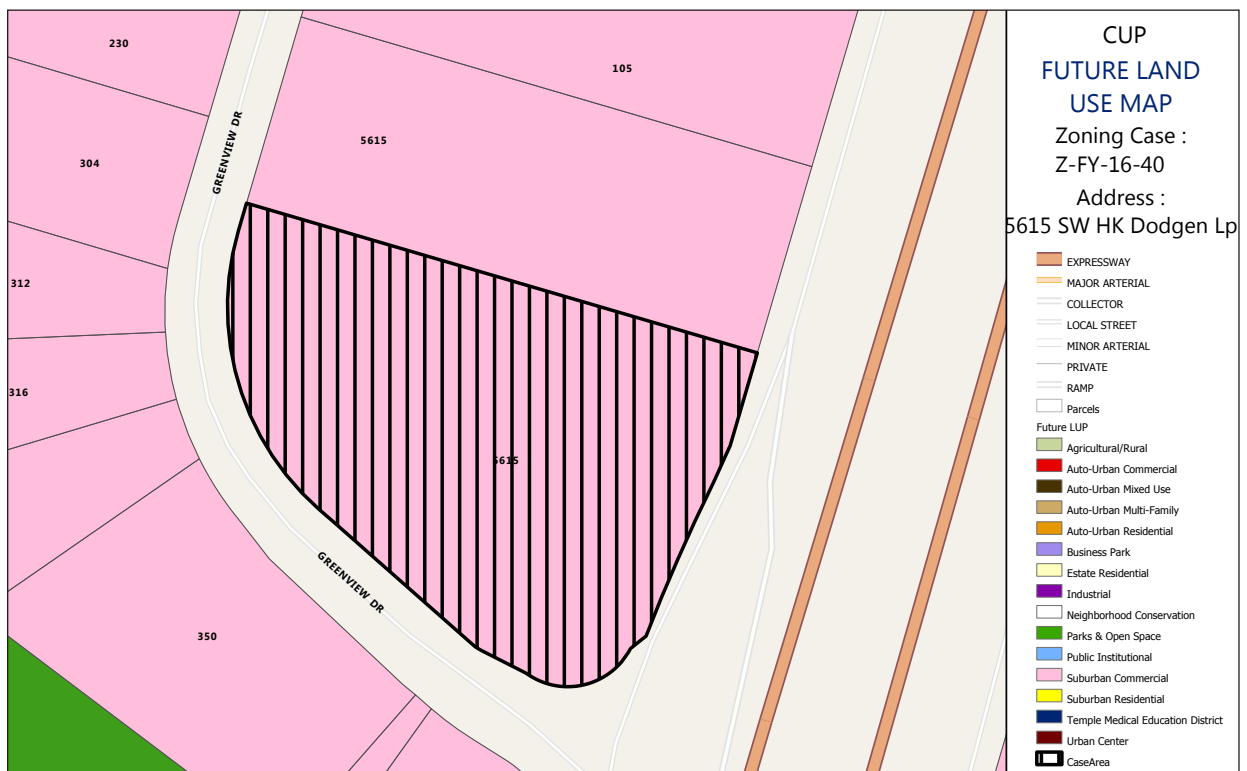
Site Plan



Location Map



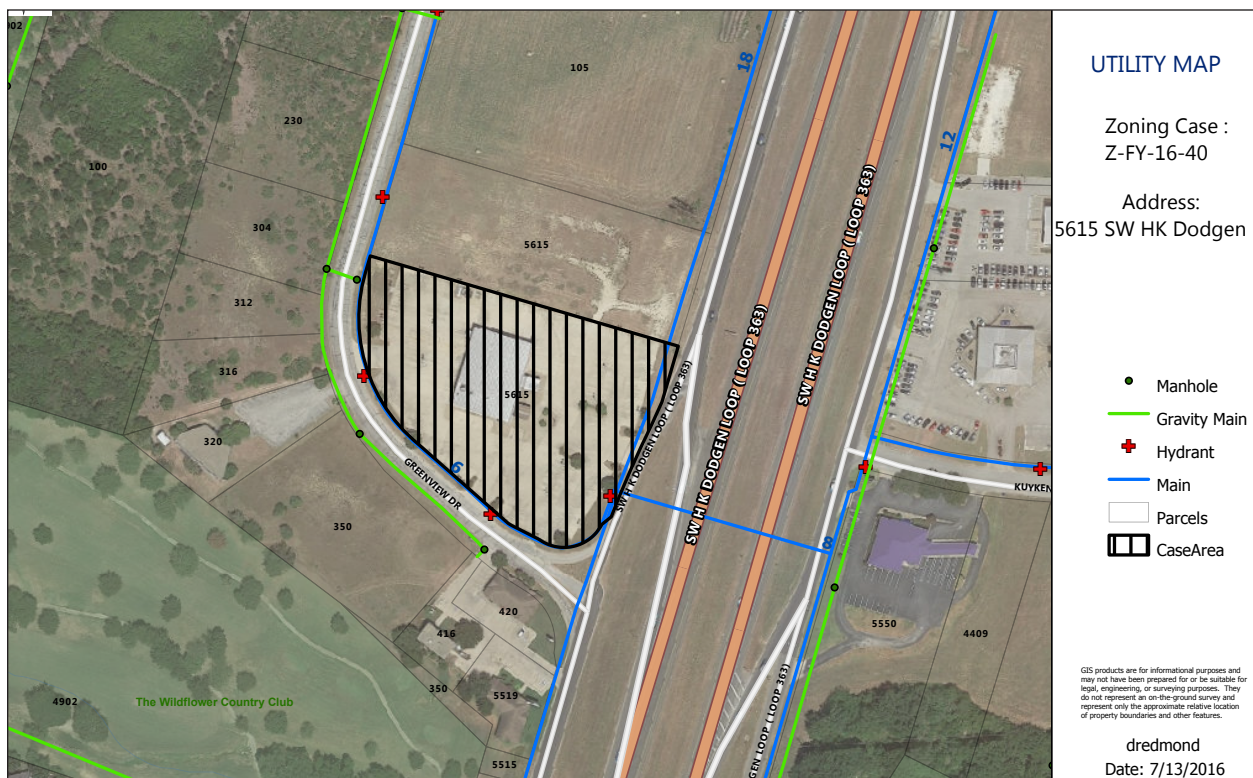
Zoning Map



Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Comprehensive Plan Summary Table

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

Surrounding Uses Summary Table

Direction	FLUP	Zoning	Current Land Use
Site	Suburban Commercial	C	vacant warehouse
North	Suburban Commercial	C	vacant
South	Suburban Commercial	C	commercial/vacant
West	Suburban Commercial	C	vacant
East (HK Dodgen Loop)	n/a	n/a	n/a

Returned Property Owner Letter: Ringler Property ID: 232055



**RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE**

CEDON REALTY LTD  
PO BOX 1928  
TEMPLE, TX 76503-1928

**Zoning Application Number:** Z-FY-16-40

**Case Manager:** Dessie Redmond

**Location:** 5615 SW H.K. Dodgen Loop

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

I ☒ **Agree**

( ) **disagree with this request**

**Comments:**

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**Signature**

**Print Name** Don Ringler

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [drdmond@templetx.gov](mailto:drdmond@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

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

**Number of Notices Mailed:** 12

**Date Mailed:** July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Returned Property Owner Letter: Ringler Property ID 232053



**RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE**

CEDON REALTY LTD  
PO BOX 1928  
TEMPLE, TX 76503-1928

**Zoning Application Number:** Z-FY-16-40

**Case Manager:** Dessie Redmond

**Location:** 5615 SW H.K. Dodgen Loop

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

I ☒ **agree**

( ) **disagree with this request**

**Comments:**

---

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**Signature**

Don Ringler  
**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, [drredmond@templetx.gov](mailto:drredmond@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

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

**Number of Notices Mailed:** 12

**Date Mailed:** July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Ordinance 2010-4362

ORDINANCE NO. 2010-4362

[PLANNING NO. Z-FY-10-26]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW DISPLAY FOR SALE IN A COMMERCIAL DISTRICT ON LOT 1, BLOCK 1, WILDFLOWER COMMERCE PARK IV, AT 5615 SW H K DODGEN LOOP; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of Lot 1, Block 1, Wildflower Commerce Park IV, at 5616 SW H K Dodgen Loop, recommends that the City Council approve the application for this Conditional Use Permit to allow display for sale in a Commercial District; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit to allow display for sale in a Commercial District on Lot 1, Block 1, Wildflower Commerce Park IV, at 5615 SW H K Dodgen Loop, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

Ordinance 2010-4362, continued

- (A) The permittee must design and operate the establishment in such a manner that the proposed use does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (B) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (C) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (D) The City Council may cancel, suspend, deny or revoke this CUP, in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (E) The CUP runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (F) The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (G) The applicant's site plan and application are attached hereto and made a part hereof for all purposes as Exhibits B and C, respectively.
- (H) Storage must occur only inside the primary building or inside the two permitted shipping containers. Semi-trailers or any other moveable accessory storage structures are prohibited.
- (I) No auto, boat or lawnmower parts may be stored outside the building.
- (J) All repair work must take place completely inside the primary building.
- (K) The back of the portable buildings acts as a screening device along Greenview Drive. A wood fence that is 8 feet in height is required if a gap in portable buildings exists for more than 30 days in the area along Greenview Drive that is designated for such buildings on the attached site plan.

**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

Ordinance 2010-4362, continued

by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

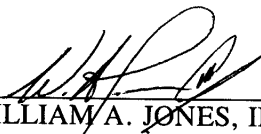
**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

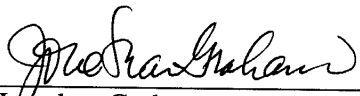
PASSED AND APPROVED on First Reading and Public Hearing on the 20<sup>th</sup> day of May, 2010.

PASSED AND APPROVED on Second Reading on the 3<sup>rd</sup> day of June, 2010.

THE CITY OF TEMPLE, TEXAS

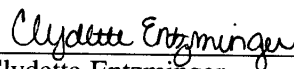
  
WILLIAM A. JONES, III Mayor

APPROVED AS TO FORM:

  
Jonathan Graham  
City Attorney

ATTEST:



  
Clydette Entzminger  
City Secretary

August 1, 2016: Planning & Zoning Commission Meeting Excerpt

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 1, 2016**

**ACTION ITEMS**

**Item 3: Z-FY-16-** – Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow wholesale auto auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, located at 5615 SW H.K. Dodgen Loop.

Ms. Dessie Redmond, Planner, stated this item was tentatively scheduled for City Council for a first reading on September 1, 2016 and for second reading on September 15, 2016.

The applicant is Ms. Nicole Graham-Ponce with Manheim Remarketing, Inc. and the property owner is Cedon Realty LTD.

The property is three acres and a vacant warehouse approximately 10,256 square feet exists on the property.

This request is for a CUP to allow wholesale automobile auctions for dealers in the commercial zoned district.

This property was platted in 2000 and in 2010 a CUP was approved for outdoor retail display of storage sheds, with garden center, landscaping, and lawn supplies.

Surrounding properties include Loop 363 to the east, Greenview Drive to the west, office and retail uses to the south, and office use and vacant lots to the west.

Zoning Map is shown. UDC, Section 5.1 Use Tables states that a CUP is required for an auto auction use in the Commercial zone. If approved, this request would be in compliance.

The Future Land Use and Character Map designate the subject property as Suburban Commercial. In areas where the Suburban Commercial character district is adjacent to non-residential uses (as in this case) it is intended to be the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. Therefore, it requires a higher landscape surface than in the Auto-Urban Commercial district. The subject property is located in the HK Dodgen Loop corridor and there are some existing large and medium canopy trees on the property that provide aesthetic value. The Thoroughfare Plan designates Greenview Drive as a local street and SW H.K. Dodgen Loop as an expressway. The request is in compliance.

Sidewalks not required for either designations.

No existing or proposed trails are proposed in or adjacent to the subject site. The request is in compliance.

Sewer and water are readily available to serve the site. The request is in compliance.

August 1, 2016: Planning & Zoning Commission Meeting Excerpt, continued

Site map shown.

Operational Details for the proposed business:

The applicant has no plans to improve or develop the property other than cleaning and maintenance of the site.

The wholesale automobile auctions would only be opened to licensed automobile dealers.

Regular business hours proposed are Monday through Thursday beginning at 9:00 a.m. and ending at 5:00 p.m. and Fridays beginning at 9:00 a.m. and ending at 3:00 p.m.

Inventory maintenance, inspection of vehicles, and other business related to the transfer of vehicles titles, and auctioning of automobiles will take place on site.

All automobiles will be contained on the parking lot on site.

A typical auction consists of two lane automobile auctions held entirely within the existing building.

Auctions would be held every other Monday in the beginning of business operations with the potential to grow to an auction held every week.

Any noise would be inside the building from auctioning the automobiles. Five to ten employees are anticipated to be associated with the use.

24 hours is a typical turnaround time for an automobile to be sold.

Possible future expansion to the north adjacent property would require an additional CUP process which the applicant is fully aware of.

The automobiles are operable when they come in; it would be a rare case to have an inoperable automobile.

The business would generally look like an automobile dealership.

During an automobile auction a vehicle would be parked around the building and driven through the two service bays, offered for sale, then parked back outside for buyers to pick them up.

Pending approval of the CUP, the applicant hopes to open in late October 2016.

CUP Review Criteria: UDC, Section 3.5.4 states, in determining whether to approve, approve with conditions or deny a CUP application, the following criteria must be considered:

Compatible with and not injurious to the use and enjoyment of the property;

Does not impede the normal development of surrounding vacant properties;

Adequate utilities and facilities have been or will be provided;

Designed for convenient movement of vehicular and pedestrian traffic;

Adequate nuisance prevention measures have been or will be taken;

Directional lighting is provided to not adversely affect neighboring properties; and

Landscaping and screening to insure harmony with adjacent property.

August 1, 2016: Planning & Zoning Commission Meeting Excerpt, continued

UDC, Section 3.5.5 Additional Conditions:

Additional conditions may be added to the CUP;

A certain time period for which a CUP is valid may be added; and

Developmental standards and safeguards as conditions may be added to protect adjacent property from any possible nuisances.

DRC did discuss the requested CUP on July 18, 2016. Some of the questions discussed were mentioned previously in more detail:

Are the automobiles operable or non-operable;

How does the business appear visually;

Is there possible future expansion to the north?

Twelve notices were mailed out in accordance with state and local regulations with two notices returned in agreement (both returned letters were from the property owner) and zero notices returned in disagreement.

Staff recommends approval of a CUP to allow a wholesale automobile auctions use with the following conditions:

1. All automobile auction operations are held inside the existing building;
2. All automobiles offered for sale are contained on the property;
3. No junked or inoperable automobiles are visible from outside;
4. All repair work must take place completely inside of the existing building;
5. Newly striped parking; and
6. No salvage auctions are permitted on the site.

Ms. Redmond confirmed that all parking for the automotive auction business will remain on the paved subject property.

Commissioner Pitts was concerned about the parking for the actual auctions. Is the applicant able to handle all of the parking within the facility or will trucks and transport vehicles be parked up and down the access road and public streets and right-of-ways? Ms. Redmond deferred the question to the applicant.

Commissioner Pitts also asked if they would have any special signage. Ms. Redmond explained the signage would be regulated by the normal sign code.

The P&Z Commission has the option to make a recommendation to repeal the previously approved CUP for this property (specifically for landscaping business/open storage use) or leave it in place.

Discussion regarding CUPs and applicability.

August 1, 2016: Planning & Zoning Commission Meeting Excerpt, continued

Mr. Chandler explained that some properties have had multiple CUPs with previously approved CUPs being revoked. Otherwise, the CUPs would run with the land. Mr. Chandler explained Staff was fine with leaving the prior CUP in place; however, the Commission has the option to recommendation revocation of the prior CUP.

Discussion about a time period recommendation being added to the current CUP request.

Mr. Chandler stated Ms. Trudi Dill, Deputy City Attorney, explained that the prior CUP should be "repealed" and reads from the UDC, Section 3.5.6, Revocation and Modification:

A CUP may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A. The CUP was obtained or extended by fraud or deception;
- B. One or more of the conditions imposed by the permit has not been met or has been violated; or
- C. The CUP previously authorized is determined to be detrimental to the public health, safety and/or welfare.

Chair Jones opened the public hearing.

Ms. Nicole Graham-Ponce, 12101 Trinity Boulevard, Euless, Texas 76040, stated she was the General Manager at the Manheim Dallas-Fort Worth location. Manheim would like to have a two lane wholesale auto auction for licensed car dealers only.

Ms. Graham-Ponce stated they do anticipate getting one-car, three-car haulers. Usually on smaller off-site sales the independent car dealers are attracted, typically local, within 60 miles. The dealers that buy outside of the local area will bring a one- or three-car hauler in. Eight- to ten-car haulers are not typical for these sales since they are fairly small and contained.

Ms. Graham-Ponce could not guarantee there would never be an inoperable car on the premises nor could she guarantee there would not be someone who would pull up with a one-car hauler on the back road (Greenview Drive) but believes there is enough room on-site to contain those.

Ms. Redmond and the applicant have discussed the possibility of taking the adjacent property to the north and providing additional parking if needed. Staff informed Ms. Graham-Ponce of the additional CUP that would be required for this adjacent property to the north.

Ms. Graham-Ponce informed the Commission she is currently in discussions with the property owner on this issue. If her company finds out this auction business turns into a bigger thing, they will definitely go down that route.

This is a sale Ms. Graham-Ponce believes they could fulfill twice a month, second and fourth Mondays. If the volume increases sales would be held every Monday. This would keep capacity down and the cars will turn quickly. Unlike a normal auto auction, these are dealer cars, people come in, they sell, and buyers pick them up quickly so they do not sit very long.

August 1, 2016: Planning & Zoning Commission Meeting Excerpt, continued

The number of cars expected to be sitting at one time could be 100 to 150 and approximately 50 people will show up in lane at these auctions and approximately 70 online since online simulcast is offered.

Chair Jones was concerned about the parking space available. Ms. Graham-Ponce responded when they walked off the lot there were approximately 200 spaces, without restriping.

Mr. Justin Fuller, Clark & Fuller, 215 North Main Street, stated with the existing layout there are 152 parking spaces.

Ms. Graham-Ponce added if overcapacity occurred sales could be held every week. Currently they are gathering the business and going through the entire process which includes the CUP request. Based on the information they know today, if they could get 100 cars every two weeks (which they feel is feasible) but reach capacity, they could go every week. Eventually they would like to go every week.

Ms. Graham-Ponce stated their mission was to try to keep traffic off of the road but could not guarantee it. Manheim wants to be compliant with the CUP and also be a good neighbor.

Mr. Fuller commented that Greenview was not a heavily used road and felt it would have enough room for a small transporter to park and still allow plenty of room for other traffic.

When asked how many transporters, trailers, haulers, etc., could be on site at any one time, Ms. Graham-Ponce stated it would depend on the buyer base. Off-site sales do not typically see a lot of them since most of the buyers are small independents within 60 miles and it is highly unlikely they would all show up at the same time. The business would be staffed to assist folks with loading and unloading.

The two service bays are the only part of the property that will be used. The showroom side will not be used. The cars will be parked like a car dealership, the parking spaces will be restriped which will provide more spaces, the cars will drive through the property through the service bays, auctioned off in the service bays, drive out and go back into that parking spot.

Typically the cars are gone within 24 hours and by that time if a car buyer comes in with a three-car hauler, a third of the inventory is already gone. This is a fast turn business; not a bunch of repossessed cars or commercial cars that sit for a long time.

Ms. Graham-Ponce commented that an auction with 100 cars lasts approximately one and half hours.

The vehicles come from car dealers. They bring them to Manheim and Manheim sells them to other car dealers. They have a business in Killeen, a couple in Weatherford, one in Arlington.

Chair Jones asked the applicant her thoughts on the previously approved CUP. Ms. Graham-Ponce replied they have no interest in selling landscaping/equipment, etc.; they want to sell cars and would leave it to the Commission to decide.

Mr. Chandler commented on the overflow parking and cited Condition No. 2 previously stated that all automobiles offered for sale are contained on the property. The P&Z Commission

August 1, 2016: Planning & Zoning Commission Meeting Excerpt, continued

could modify that statement to state essentially that all vehicles are contained on the property which includes customers. No overflow parking on Greenview or on the lot to the north. If the applicant needs that north lot they would return for another CUP.

There being no further speakers, Chair Jones closed the public hearing.

Commissioner Pitts asked that any motion made include absolutely no parking of any kind on the frontage road of Loop 363.

Mr. Chandler stated the Loop frontage belonged to TxDOT and Greenview was a City street.

Just to clarify, Mr. Chandler informed the Commission if it is a condition of the CUP right now, that condition is only related to the automobiles offered for sale and not the transport vehicles, not the customers, and not the employees. The Commission might want to consider that to revise the previous six conditions mentioned.

Vice-Chair Johnson recommended the inclusion of repealing the previously approved CUP for landscaping/equipment, etc. in any motion made.

Vice-Chair Johnson made a motion to approve Item 3, **Z-FY-16-40**, to include the six conditions stated by Staff, and adding two additional conditions: 1) that transport vehicles are prohibited to park on Loop 363 frontage road, and 2) the previous CUP (Ordinance No. 2010-4362) approved for outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies be repealed. Commissioner Rhoads made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

ORDINANCE NO. \_\_\_\_\_  
(Z-FY-16-40)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW WHOLESALE AUTOMOBILE AUCTIONS FOR DEALERS ON LOT 1, BLOCK 1, WILDFLOWER COMMERCE PARK IV, BELL COUNTY TEXAS, LOCATED AT 5615 SOUTHWEST H.K. DODGEN LOOP; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant has requested a Conditional Use Permit (CUP) to allow wholesale automobile auctions for dealers at 5615 Southwest H.K. Dodgen Loop;

**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 Lot 1, Block 1, Wildflower Commerce Park IV, Bell County, Texas, and located at 5615 Southwest H.K. Dodgen Loop, Temple, Texas, recommends that the City Council approve the application for this Conditional Use Permit to allow wholesale automobile auctions for dealers; 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 (CUP) to allow wholesale automobile auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, Bell County, Texas, and located at 5615 Southwest H.K. Dodgen Loop, Temple, Texas.

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

- all automobile auction operations are to be held inside the enclosed building;
- all automobiles offered for sale are contained on this property;
- no junked or inoperable cars are visible from outside of the property;
- all repair work must take place completely inside the building;
- the existing parking lot will be newly striped prior to the business operating; and
- no salvage auctions are permitted on the property.

**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 **1<sup>st</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(P)  
Consent Agenda  
Page 1 of 4

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-41: Consider adopting an ordinance authorizing a Conditional Use Permit to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75% of the total gross revenue of the establishment, on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C.

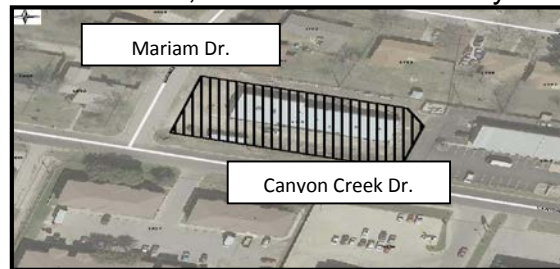


Figure 2: Aerial Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their August 1, 2016 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the proposed conditional use permit as presented by staff.

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

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

Staff recommends approval of the requested Conditional Use Permit to allow sales of beer and wine only where less than 75% of the total gross revenue of the establishment, subject to the following conditions:

1. That the sale of beer and wine be restricted to on-premise consumption only, contained within the developed site of Lot 1A, Block 1 of the Canyon Creek Place, Section 2 subdivision, located at 1710 Canyon Creek Drive, Suites B & C;

2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to beer and wine only sales with on-premise consumption.

**ITEM SUMMARY:** The existing establishment provides for indoor dining exclusively and there are no accommodations for an outdoor patio area. This request is for the existing Roopa's Kitchen restaurant, located in Suites B & C on Lot 1A of the recorded Canyon Creek Place, Section 2 subdivision, at 1710 Canyon Creek Drive.

**BACKGROUND:** The Existing Roopa's Kitchen occupies Suites B & C of the existing strip center as shown by Exhibit A. The two existing suites (B & C) are located within Lot 1A, of the recorded Canyon Creek Place, Section 2, Final Plat as shown by Exhibit B, is subject to Ordinance 2011-4442 as a Planned Development. The PD ordinance currently allows a convenience store with on-premise sales but no on-premise consumption.

Per Ordinance 2011-4442, approved on May 5, 2011, the property is zoned Planned Development - Neighborhood Service (PD-NS). The base zoning of NS requires a conditional use permit (C.U.P.) for sales of beer and wine with on-premise consumption where less than 75% of the gross revenue is from the sale of beer and wine.

If approved, the conditional use permit would amend Planned Development Ordinance 2011-4442 by a new ordinance and allow the conditional use permit for the on-premise consumption of beer and wine only as well as the convenience store in the neighboring suite. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request.

Specific to this request, a restaurant that generates less than 75% of its total gross revenue from the sale of beer and wine only is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of beer and wine only is compatible with the existing and range of permitted retail and service uses within the surrounding area.

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

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension,*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of*

- *Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

*Additionally, the UDC states:*

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

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

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

Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital and how the distance is measured. Using the calculation prescribed by UDC Sec. 5.3.15B2, the nearest sensitive use is Canyon Creek Baptist Church located approximately 1,641 feet away.

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

**DEVELOPMENT REVIEW COMMITTEE (DRC):** The DRC reviewed the proposed conditional use permit on July 18, 2016. No issues were identified during the review.

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

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

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Chapter 4 – Code of Ordinances – Alcoholic Beverages  
Site and Surrounding Property Photos  
Aerial Map  
Zoning Map  
Site Plan for Existing Plaza (Exhibit A)  
Canyon Creek Place, Section 2, Final Plat (Exhibit B)  
Notification Map  
Returned Property Notices  
Ord. 2011-4442  
Ordinance

## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

##### **Sec. 4-1. Extended hours.**

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

#### **ARTICLE II. SPACING**

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

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

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

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

##### **Sec. 4-4. Measurement for public school.**

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

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

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

**Sections 4-5 through 4-10 reserved.**

### **ARTICLE III. LICENSE AND PERMIT FEES**

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

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

#### **Sec. 4-12. Display.**

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

**Sections 4-13 through 4-20 reserved.**

### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

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

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

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

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

## Site & Surrounding Property Photos



**Site – Existing Roopa's Kitchen (PD-NS)**



**North: SF Residential Uses – Terrace Gardens First Unit, subdivision (2F)**



**South: Raintree Apartment Complex (C)**



**East: Retail & Service Uses along Canyon Creek Dr. (C, PD-NS, NS & O-1)**



**West: SF Uses along Canyon Creek Dr. – Canyon Creek, Phase I subdivision  
(2F & C)**



Conditional Use Permit

## AERIAL MAP

Zoning Case :  
Z-FY-16-41

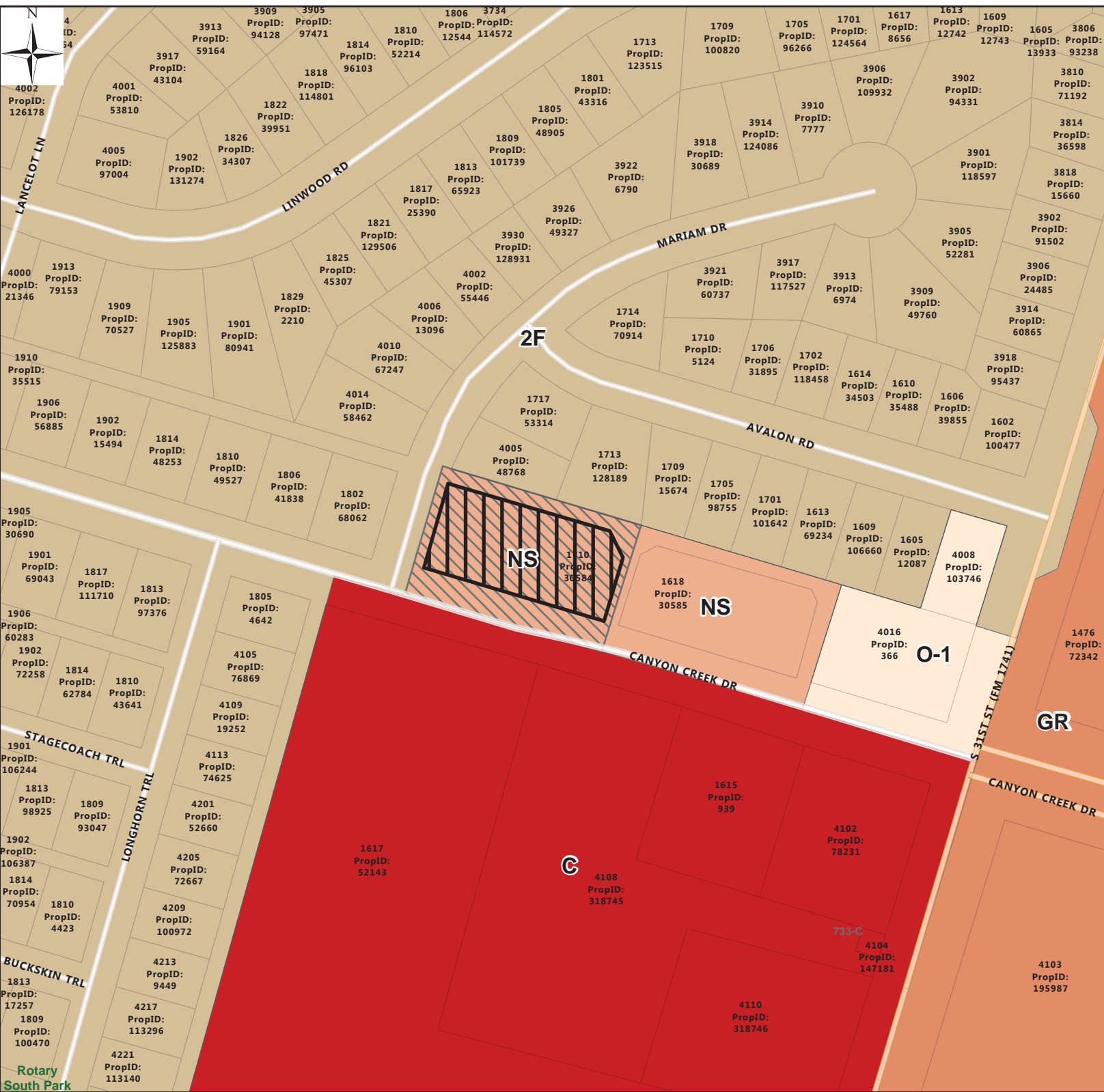
Address :  
1710 Canyon Creek Dr

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

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

mbaker  
Date: 6/30/2016





Conditional Use Permit

# Zoning Map

Zoning Case :

Z-FY-16-41

Address :

1710 Canyon Creek Dr

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

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

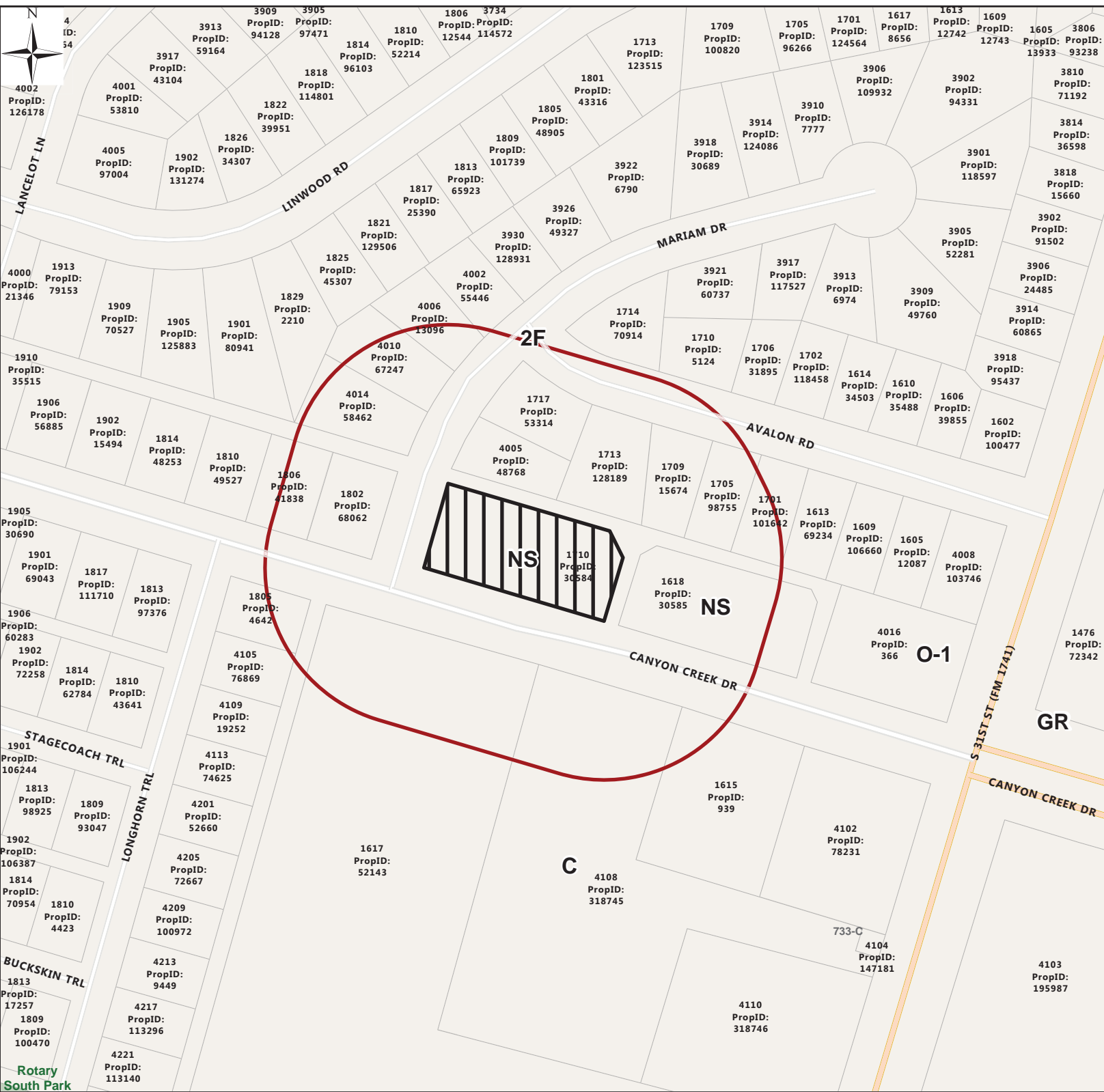
mbaker

Date: 6/30/2016









# Conditional Use Permit

## 200' NOTIFICATION MAP

Zoning Case :  
Z-FY-16-41  
Address :  
1710 Canyon Creek Dr

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: 6/30/2016





RECEIVED  
JUL 26 2016  
ER

RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

HOUSING AUTHORITY OF CITY OF TEMPLE  
700 W CALHOUN AVE  
TEMPLE, TX 76501-4218

Zoning Application Number: Z-FY-16-41 Case Manager: Mark Baker

Location: 1710 Canyon Creek Drive, Suites B & C

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:

NONE

Barbara B. Bozon  
Signature

BARBARA B. BOZON, CPA  
Print Name 7/26/16

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

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

RECEIVED  
JUL 27 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

MAREK, JOAN SMITH  
1802 CANYON CREEK DR  
TEMPLE, TX 76502-3211

Zoning Application Number: Z-FY-16-41

Case Manager: Mark Baker

Location: 1710 Canyon Creek Drive, Suites B & C

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:

THIS IS A FAMILY NEIGHBORHOOD AND  
MORE LIQUOR AVAILABILITY IS WRONG!

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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

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

**RECEIVED**

JUL 27 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



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

PLEASANT GRAY PROPERTIES LLC  
5304 BRIARCREST CIR  
TEMPLE, TX 76502

**Zoning Application Number:** Z-FY-16-41

**Case Manager:** Mark Baker

**Location:** 1710 Canyon Creek Drive, Suites B & C

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:**

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**Signature**

**Print Name**

Todd Gordon

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

**RECEIVED**

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

**JUL 28 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: July 21, 2016

***OPTIONAL:*** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



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

SIMECEK, KAREL G ETUX RUBY L  
1319 N 6TH ST  
TEMPLE, TX 76501-2030

**Zoning Application Number:** Z-FY-16-41

**Case Manager:** Mark Baker

**Location:** 1710 Canyon Creek Drive, Suites B & C

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:**

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Karel Simecek  
**Signature**

Karel Simecek  
**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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **August 1, 2016**.

**RECEIVED**

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

**JUL 28 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: July 21, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

[PLANNING NO. Z-FY-11-24]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM NEIGHBORHOOD SERVICES DISTRICT (NS) TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICE PLUS ALCOHOL BEVERAGE SALES, OFF-PREMISE CONSUMPTION, BEER AND WINE STORE ON LOT 1-A, BLOCK 1, CANYON CREEK PLACE II ADDITION, LCOATED AT 1710 CANYON CREEK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a rezoning from Neighborhood Services District (NS) to Planned Development Neighborhood Service plus alcohol beverage sales, off-premise consumption, beer and wine store, on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive in the City of Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Neighborhood Service District. The planned development 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) Except as modified by the binding site development plan, attached hereto as Exhibit B, the use and development standards of the property must conform to the requirements of the Neighborhood Services Zoning District.
- (b) In addition to the uses permitted in the Neighborhood Services Zoning District, alcohol beverage sales, off-premise consumption, beer and wine store is a permitted use.
- (c) In the event of a conflict between the site development plan and the text of the Planned Development ordinance, the stricter standard applies.

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

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

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable

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

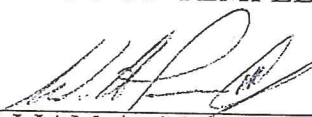
**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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


PASSED AND APPROVED on First Reading and Public Hearing on the 21<sup>st</sup> day of April, 2011.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of May, 2011.

THE CITY OF TEMPLE, TEXAS

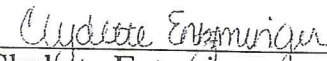
  
\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jonathan Graham  
City Attorney

ATTEST:



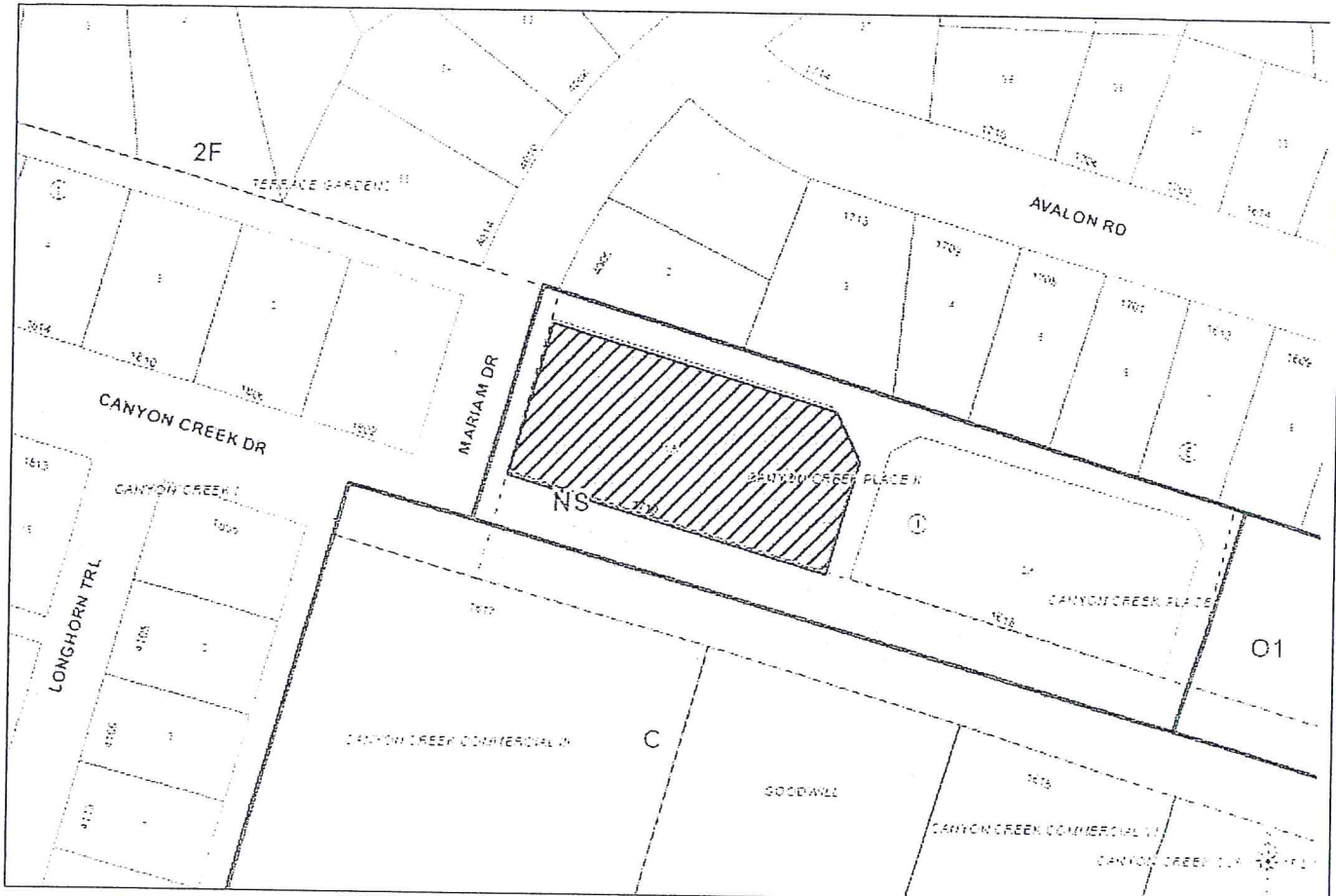
  
\_\_\_\_\_  
Clydette Entzminger  
City Secretary



Z-FY-11-24

Lot 1-A, Block 1,  
Canyon Creek Place II

1710 Canyon Creek Drive



Z FY 11-24  
Lots

123

Zoning Boundary  
Blocks

OUTSTANDING  
3

Subdivision  
Outblock

Addition  
123

Addresses 321

Page 2 50 100 150 200

LMetlock Planning 2025

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 1, 2016**

**ACTION ITEMS**

**Item 4: Z-FY-16-41** - Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75% of the total gross revenue of the establishment, on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on September 1, 2016 and for second reading on September 15, 2016.

Lot 1A (includes Suites B and C) are already addressed in Ordinance No. 2011-4442, approved May 5, 2011, for a Planned Development (PD) with a base zoning of Neighborhood Service (NS) to allow beer and wine sales with off-premise consumption (convenience store). This PD would not address the current request which is the sale of beer and wine for on-premise consumption with a base zoning of NS which requires a CUP.

This request is for the existing Roopa's Kitchen which is currently occupied in Suites B and C.

Site plan and aerial map shown.

Subject to Chapter 4 of the Code of Ordinances (Alcoholic Beverages), this request is in compliance for:

- Sale of alcoholic beverages, and

- 300 foot minimum distances from sensitive uses (place of worship, public school or public hospital). The closest use is Canyon Creek Baptist Church located 1,641 feet east, per Chapter 4, Code of Ordinances and Texas Alcohol & Beverage Commission (TABC) measurement requirements.

UDC Section 5.3.15 reiterates those requirements in Chapter 4 and the request is in compliance for:

- UDC provisions for distance requirements from sensitive uses;

- Based on percentage of gross revenue generated by the type and percentage of anticipated gross generated income by establishment;

- Reiterates Chapter 4 requirements; and

- Provides additional distances from a public park for bars.

Zoning map is shown for NS base zoning:

Establishment which receives less than 75 percent of total gross revenue from the sales of beer and wine only with on-premise consumption is consistent with the base NS-district, subject to approval of a CUP.

Surrounding properties include Raintree Apartment Complex zoned C to the south, single family residential uses (Terrace Gardens First Unit Subdivision) zoned Two Family (2F) to the north, retail and service uses along Canyon Creek Drive zoned C, PD-NS, NS and Office-One (O-1) to the east, and single family uses (Canyon Creek, Phase 1 Subdivision) to the west.

Twenty notices were mailed out in accordance with state and local regulations with three notices returned in agreement and one notice returned in disagreement.

The request is in compliance with UDC Section 5.3.15, Chapter 4 (Code of Ordinances), and is consistent with zoning and compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the request for a CUP to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75 percent of the total gross revenue of the establishment, subject to three conditions:

That the sale of beer and wine only be restricted to on-premise consumption only, contained within the developed site of Lot 1A, Block 1 of the Canyon Creek Place Section 2 subdivision, located at 1710 Canyon Creek Drive, Suites B & C;

The use is subject to compliance to Chapter 4 of the Code of Ordinances related to alcoholic beverages; and

That the conditional use, complies with UDC Section 5.3.15, related to alcoholic beverage sales with on-premise consumption.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 4, **Z-FY-16-41**, as presented, and Vice-Chair Johnson made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

ORDINANCE NO. \_\_\_\_\_  
(Z-FY-16-41)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER AND WINE ONLY, FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE IS LESS THAN 75% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT ON LOT 1A, BLOCK 1, CANYON CREEK PLACE SECTION 2, ON LOT 2, AND LOCATED AT 1710 CANYON CREEK DRIVE, SUITES B & C; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C, recommends that the City Council approve the application for this Conditional Use Permit for the sale of beer and wine only, for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit for the sale of beer and wine only, for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment for property on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

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

- A. The sale of beer and wine is restricted to on-premise consumption only, contained within the developed site of Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C;
- B. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
- C. The Conditional Use must comply with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

**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 **1<sup>st</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **September**, 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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09/15/16

Item#5(Q)

Consent Agenda

Page 1 of 1

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

Mitch Randles, Fire Chief

Floyd Mitchell, Police Chief

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance amending the classifications of certified firefighters and certified police officers.

**ITEM SUMMARY:** Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Police Department and the Fire Department, and prescribe by ordinance the number of positions in each classification. Increased demand for public safety services requires increased staffing in the Fire and Rescue Department and the Police Department to maintain efficient, effective public safety services.

**Fire Department Classified Positions:** It is recommended that three additional positions in the rank of Driver be added, and three positions in the rank of Firefighter be eliminated at this time. The additional Three Driver positions will allow the Department to assign a Driver to Rescue truck #3 on a consistent basis. Rescue truck #3 contains highly technical and specialized equipment which requires personnel who stay current with accepted uses and practices. It is used to provide redundant emergency medical response resources in the second busiest area of the city, and currently makes approximately 100 runs a month.

It is recommended that an additional position in the rank of Deputy Chief be added at this time. This position will be occupied by the Fire Marshal, making the Fire Marshal a division level supervisor who will oversee the inspection, investigation and prevention division within the Department. The Fire Marshal will supervise two public education personnel, nine TCOLE certified investigators, and 5 state certified fire inspectors. The Fire Marshal will also oversee TCOLE certification training and records for the division.

**Police Department Classified Positions:** It is recommended that six additional positions in the rank of Police Officer be added at this time. These additional 6 positions will be used to fulfill future staffing requirements.

**FISCAL IMPACT:** With the elimination of three firefighter position, additional funding in a net amount of \$37,629 is included in the FY 2017 Operating Budget for the addition of three driver positions for the Fire Department. The FY 2017 Operating Budget also includes additional funding in a net amount of \$17,559 for the one additional position in the rank of Deputy Chief and the elimination of one Fire Captain.

Funding in the amount of \$349,450 is included in the FY 2017 Operating Budget for the six new police officer positions for the Police Department.

### **ATTACHMENTS:**

[Classification Ordinance](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CLASSIFICATIONS OF CERTIFIED FIREFIGHTERS AND CERTIFIED POLICE OFFICERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the number of positions in each classification for the Temple Fire and Rescue Department and the Temple Police Department;

**Whereas**, increased demand for public safety services requires increased staffing in the Fire and Rescue Department and the Police Department to maintain efficient, effective public safety services;

**Whereas**, Staff recommends that three additional positions in the rank of Driver be added and three positions in the rank of Firefighter be eliminated for the Temple Fire and Rescue Department;

**Whereas**, Staff recommends that one additional position in the rank of Deputy Chief be added and one position in the rank of Fire Captain be eliminated for the Temple Fire and Rescue Department;

**Whereas**, Staff recommends that six additional positions in the rank of Police Officer be added in the Police Department;

**Whereas**, with the elimination of three firefighter positions, additional funding in a net amount of \$37,629 is included in the FY 2017 Operating Budget for the addition of three driver positions in the Fire Department – the FY 2017 Operating Budget also includes additional funding in a net amount of \$17,559 for the one additional position in the rank of Deputy Chief and the elimination of one Fire Captain;

**Whereas**, funding is available in the amount of \$349,450 for the six police officer positions and is included in the FY 2017 Operating Budget; and

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

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

**Part 1:** Council establishes the following Classifications and the Number of Positions of Certified Firefighters and Classifications and Number of Positions of Certified Police Officers for civil service positions in the Fire and Rescue and Police Departments:

## CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

### I. UNCLASSIFIED POSITIONS

#### A. *FIRE CHIEF* – 1 Position

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

### II. CLASSIFIED POSITIONS

#### A. *DEPUTY CHIEF* – 5 Positions

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

#### B. *CAPTAIN* – 26 Positions

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

#### C. *DRIVER* – 33 Positions

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

#### D. *FIREFIGHTER* – 53 Positions

No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay, every Firefighter having 1, 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

## CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS

### I. UNCLASSIFIED POSITIONS

#### A. *POLICE CHIEF* – 1 Position

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

#### B. *DEPUTY CHIEF* – 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

### II. CLASSIFIED POSITIONS

#### A. *LIEUTENANT* – 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay, every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

#### B. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Corporal in the Department for at least 2 years. In addition to base pay, every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

#### C. *CORPORAL* – 22 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least 2 years. In addition to base pay, every Corporal having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* – 101 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a Police Officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay, every Police Officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

**Part 3:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 4:** This ordinance shall take effect September 15, 2016.

**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 1<sup>st</sup> day of **September, 2016.**

PASSED AND APPROVED on Second Reading on the 15<sup>th</sup> day of **September, 2016.**

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(R)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2016-2017, in accordance with Section 4.18 of the Charter of the City of Temple.

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

**ITEM SUMMARY:** Section 4.18 of the City Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year, and enter into a contract with the designated paper. The proposed resolution will accomplish this Charter requirement.

Reference: City Charter

*Section 4.18 OFFICIAL NEWSPAPER: The City Council must declare annually an official newspaper of general circulation in the City. All captions of ordinances, notices and other matters required by Charter, City ordinance, or State law must be published in the official newspaper and on the City's official website.*

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE TEMPLE DAILY TELEGRAM AS THE OFFICIAL NEWSPAPER FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2016-2017, IN ACCORDANCE WITH SECTION 4.18 OF THE CHARTER OF THE CITY OF TEMPLE, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DESIGNATED PAPER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Section 4.18 of the City Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year, as well as enter into a contract with the designated paper; and

**Whereas**, the City Council has considered the matter and deems the Temple Daily Telegram as the newspaper of most general circulation in Temple.

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

**Part 1:** The City Council designates the Temple Daily Telegram as the official newspaper for the City of Temple for fiscal year 2016-2017.

**Part 2:** The City Manager, or his designee, after approval as to form by the City Attorney, is authorized to execute documentation, as needed, with the Temple Daily Telegram affirming the designation of the Temple Daily Telegram as the City's official newspaper.

**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 15<sup>th</sup> day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(S)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Gloria Elder, Risk Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability and workers' compensation insurance coverage for the City.

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

**ITEM SUMMARY:** The City of Temple has participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) (a risk pool formed by Texas cities to provide insurance-like coverage of potential claims) since approximately 1981. Our experience with TML-IRP has been very positive.

The proposed resolution authorizes the City's participation in TML-IRP for the FY2016-2017 at an estimated annual amount of \$728,705 for property and liability insurance and an estimated annual amount of \$675,809 for workers' compensation insurance. We have received a proposal from TML-IRP to continue our participation in the risk pool in the following areas:

- General Liability
- Real & Personal Property
- Automobile Liability
- Law Enforcement Liability
- Errors & Omissions Liability
- Dishonestly/Crime
- Workers Compensation (to include volunteers and elected officials)

**FISCAL IMPACT:** TML-IRP's estimated annual amount for property and liability insurance is \$728,705, or \$714,131 with a 2% pre-pay discount. Since the City does take advantage of the 2% pre-pay discount, the FY 2017 Adopted Budget includes an appropriation of approximately \$714,131 for property and liability insurance.

TML-IRP's estimated annual amount for workers' compensation insurance is \$675,809, or \$662,293 with a 2% pre-pay discount. The FY 2017 Adopted Budget includes an appropriation for workers' compensation based on the FY 2017 budgeted salaries. Since workers' compensation is prepaid based on estimated salaries calculated by TML-IRP, a true-up will be provided in the spring of 2017 if needed.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PARTICIPATION IN THE TEXAS MUNICIPAL LEAGUE, INTERGOVERNMENTAL RISK POOL TO PROVIDE PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE COVERAGE FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple has participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP), a risk pool formed by Texas cities to provide insurance-like coverage of potential claims, since approximately 1985 – our experience with TML-IRP has been very positive;

**Whereas**, our continued participation in the risk pool will provide coverage in the areas of general liability, real & personal property, automobile liability, law enforcement liability, errors & omissions liability, dishonesty/crime, and workers' compensation (to include volunteers and elected officials) at an estimated annual amount of \$728,705 for property and liability insurance and an estimated annual amount of \$675,809 for workers' compensation insurance;

**Whereas**, Staff believes the prices and services received by TML-IRP continue to be the best value for the City and recommends the City's continued participation for fiscal year 2017;

**Whereas**, TML-IRP's estimated annual amount for property and liability insurance is \$728,705, or \$714,131 with a 2% pre-pay discount - since the City takes advantage of the 2% pre-pay discount, the fiscal year 2017 adopted budget includes an appropriation of approximately \$714,131 for property and liability insurance;

**Whereas**, TML-IRP's estimated annual amount for workers' compensation insurance is \$675,809, or \$662,293 with a 2% pre-pay discount;

**Whereas**, the fiscal year 2017 adopted budget includes an appropriation for workers' compensation based on the fiscal year 2017 budgeted salaries - since workers' compensation is prepaid based on estimated salaries calculated by TML-IRP, a true-up will be provided in the spring of 2017 if necessary; 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 participation in the Texas Municipal League Intergovernmental Risk Pool for fiscal year 2017 to provide property, liability and workers' compensation coverage for the City of Temple.

**Part 2:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents which may be necessary for the participation in TML-IRP for fiscal year 2017.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(T)  
Consent Agenda  
Page 1 of 1

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

Leigh Gardner, Library Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage and shipping material costs associated with the Interlibrary Loan program for an amount up to \$5,000.

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

**ITEM SUMMARY:** This is a grant application for reimbursement of costs associated with the interlibrary loan program. Reimbursement is determined based on total lends to other Texas libraries. The majority of the out-of-pocket cost to participate in the program is postage and shipping material costs.

Approval of the resolution will allow the Library to make any actions necessary to receive the reimbursement amount as determined by the Texas State Library and Archives Commission.

**FISCAL IMPACT:** This grant is a 100% reimbursement program with no City match required. If awarded, the City will receive \$5,000 as reimbursement for postage and shipping material costs associated with the Interlibrary Loan program.

### **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 STATE LIBRARY AND ARCHIVES COMMISSION, GRANTS TO STATES PROGRAM FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES, IN AN AMOUNT OF \$5,000, FOR REIMBURSEMENT OF POSTAGE AND SHIPPING MATERIAL COSTS ASSOCIATED WITH THE INTERLIBRARY LOAN PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the grant application will reimburse the costs associated with the interlibrary loan program and is based on total lends to other Texas libraries;

**Whereas,** the majority of the costs to participate in this program is postage and shipping material costs;

**Whereas,** Staff recommends authorizing the submission of a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage and shipping material costs associated with the interlibrary loan program in the amount of \$5,000;

**Whereas,** this is a 100% grant reimbursement program with no City match required – if awarded, the City will receive \$5,000 as reimbursement for postage and shipping material costs associated with the Interlibrary Loan Program; 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 submission of a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage and shipping material costs associated with the interlibrary loan program in the amount of \$5,000.

**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 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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #5(U)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

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

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

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

**FISCAL IMPACT:** The total amount of budget amendments is \$2,885,066.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**September 15, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-4400-551-2721		Cost of Goods Sold / Food Products	\$ 5,700	
240-4400-551-2531		Other Services / Other Fees		\$ 2,700
240-0000-445-1063		Mayborn / Food Sales		\$ 3,000
To appropriate revenue and expenditures related to food sales at Mayborn Center.				
365-3400-531-6532		<b>Capital - Special Projects / Contingency</b>	\$ 15,300	
365-3400-531-6858	<b>100967</b>	Capital - Bonds / Western Hills Roadway Improvements		\$ 15,300
561-5000-535-6532		<b>Capital - Special Projects / Contingency</b>	\$ 148,129	
561-5200-535-6950	<b>100967</b>	Capital - Bonds / Western Hills Roadway Improvements		\$ 148,129
To move available project funds from completed project into contingency account for future use.				
110-1300-515-2623		Contracted Services / Other Contract Services	\$ 2,079	
110-0000-461-0424		Sale of Fixed Assets / Sale of Assets		\$ 2,079
520-5000-535-2623		Contracted Services / Other Contract Services	\$ 1,279	
520-0000-461-0424		Sale of Fixed Assets / Sale of Assets		\$ 1,279
To appropriate revenue and expenditures related to online auction sales of assets.				
110-2350-540-2516		Other Services / Judgment & Damages	\$ 17,700	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 17,700
To appropriate insurance proceeds from TML related to accident with solid waste truck (asset # 13276) that occurred in July 2015.				
260-2300-540-6222	<b>101381</b>	Capital Equipment / Machinery & Equipment - Replace 2007 Brush Truck	\$ 30,000	
260-0000-431-0261		State Grants / State Grants		\$ 30,000
To appropriate revenue and expenditure related to the awarded of TCEQ Grant # 582-16-62383-3614 for the purchase of (1) brush truck.				
110-3300-519-2585		Other Services / Economic Development Agreements	\$ 118,613	
110-0000-352-1345		<b>Designated Capital Projects - Unallocated</b>		\$ 118,613
To appropriate additional funding for the Chapter 380 Agreement with Buc-ee's.				
260-3400-531-6862	<b>101257</b>	Capital - Special Projects / Prairie View Road Improvements, Phase II	\$ 96,960	
260-0000-490-2582		Transfer In / Transfer In		\$ 96,960
365-9100-591-8160		Operating Transfers Out / Transfer Out - Grant Fund	\$ 96,960	
365-3400-531-6862	<b>101257</b>	Capital - Bonds / Prairie View Road Improvements, Phase II		\$ 96,960
To move funding for TxDOT administration and direct state expenses to the grant fund related to the Surface Transportation Program (through KTMPO).				
110-4000-555-2225		Capital < \$5,000 / Books & Periodicals	\$ 275	
110-0000-445-0232		Library / Lost Books		\$ 275
To appropriate revenue and expenditures related to lost books and A/V materials for the 3rd & 4th quarter of FY 2016.				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**September 15, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2011-521-2140		Supplies / Blue Santa	\$ 50	
110-0000-442-0740		Police Revenue / Blue Santa		\$ 50
110-2020-521-2533		Other Services / DARE CJD Expenses	\$ 100	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 100
To appropriate donations received for Blue Santa in the amount of \$50 and for DARE in the amount of \$100.				
110-2210-522-2122		Supplies / Other	\$ 8,825	
110-0000-442-1629		Fire Department Revenue / Fire Donations/Gifts		\$ 8,825
To appropriate revenue and expenditures related to the Cen-TX 9/11 Memorial Stair Climb.				
110-1500-515-1150		Salaries / Separation Pay	\$ 190,000	
110-1500-515-1127		Salaries / Separation Pay Accrual	\$ 32,500	
110-1500-515-6531		<b>Contingency - Judgment &amp; Damages</b>		\$ 9,912
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 212,588
To appropriate funds to cover the additional separation pay and adjustment for vacation & sick leave accrual for General Fund employees.				
110-2222-522-1128		Salaries / Differential Pay	\$ 4,600	
110-2223-522-1128		Salaries / Differential Pay	\$ 10,350	
110-2230-522-1128		Salaries / Differential Pay	\$ 100,050	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 115,000
To appropriate additional funding for Fire Personnel Services due to additional step-up pay.				
365-3400-531-6813	<b>101121</b>	Capital - Bonds / Outer Loop, Phase III	\$ 37,930	
365-3400-531-6532		<b>Capital - Special Projects / Contingency</b>		\$ 12,908
365-1500-515-1222		Personnel Benefits / Health Insurance		\$ 4,087
365-0000-315-1116		Reserved for Future Expenses - Fund Balance		\$ 20,935
To appropriate unallocated Taxable Combination Tax & Revenue CO's proceeds in the amount of \$20,935, remaining contingency funds in the amount of \$12,908, and remaining personnel benefits in the amount of \$4,087. The total of \$37,960 will be appropriated into the Outer Loop, Phase III project for ROW expenditures.				
364-2300-540-6220	<b>101377</b>	Capital Equipment / Heavy Equipment - Automated Sideload Garbage Truck	\$ 308,964	
364-2300-540-6220	<b>101378</b>	Capital Equipment / Heavy Equipment - Rplc 2010 Freightliner/Heil Garbage Truck	\$ 308,964	
364-2300-540-6220	<b>101379</b>	Capital Equipment / Heavy Equipment - Rplc 2010 Freightliner/Heil Garbage Truck	\$ 296,755	
364-2300-540-6220	<b>101380</b>	Capital Equipment / Heavy Equipment - Rplc 2010 Freightliner/Heil Garbage Truck	\$ 296,755	
364-2300-540-6220	<b>101381</b>	Capital Equipment / Heavy Equipment - Rplc 2007 International/Hood Refuse Brush Truck	\$ 192,681	
364-3800-519-6310	<b>101403</b>	Capital Buildings & Grounds / Update Exterior Lighting - Service Center	\$ 20,000	
364-3800-519-6310	<b>101404</b>	Capital Buildings & Grounds / Security Upgrade - Service Center	\$ 42,099	
364-3800-519-6310	<b>101405</b>	Capital Buildings & Grounds / Upgrade Gate - Service Center	\$ 40,401	
364-3500-552-6310	<b>101328</b>	Capital Buildings & Grounds / Roof & HVAC Replacement - Wilson Recreation Center	\$ 119,485	
364-3250-551-6310	<b>101025</b>	Capital Buildings & Grounds / Roof Replacement - Summit	\$ 119,947	
364-2011-521-6310	<b>101568</b>	Capital Buildings & Grounds / Upgrade Lights to LED - Police	\$ 75,000	
364-3500-552-6364	<b>101316</b>	Capital Buildings & Grounds / HVAC Correction - Lions Junction	\$ 7,962	
364-4000-555-6310	<b>101481</b>	Capital Buildings & Grounds / Replace 2nd Floor Carpet - Library	\$ 95,000	
364-1500-515-6536		<b>Capital - Special Projects / Contingency</b>	\$ 1,292	
364-5700-580-7312		Bond Issuance Costs	\$ 24,695	
364-0000-490-1516		Bond Proceeds		\$ 1,950,000
To appropriate the Limited Tax Note proceeds received by the City on 09/01/2016.				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**September 15, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3221-551-2129		Supplies / Advertising/Marketing	\$ 2,732	
110-0000-445-2005		Lions Junction Water Park / Lions Junction Memberships		\$ 2,732
To appropriate revenue and expenditure related to membership giveaways at Lions Junction Family Water Park.				
365-3400-531-6874	100718	Capital - Bonds / Avenue U	\$ 14,934	
365-3400-531-6532		Capital - Special Projects / Contingency		\$ 14,934
To allocate contingency funds for testing services provided by Langerman Foster for the duration of the Avenue U project.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 2,885,066</b>	<b>\$ 2,885,066</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$ -	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ -	
Beginning <b>Judgments &amp; Damages</b> Contingency			\$ 44,230	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			(44,230)	
Net Balance of Judgments & Damages Contingency Account			\$ -	
Beginning <b>Compensation</b> Contingency			\$ 375,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(375,000)	
Net Balance of Compensation Contingency Account			\$ -	
<b>Net Balance Council Contingency</b>			\$ -	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
<b>WATER &amp; SEWER FUND</b>				
Beginning <b>Contingency</b> Balance			\$ 50,000	
Added to Contingency Sweep Account			-	
Taken From Contingency			(23,198)	
Net Balance of Contingency Account			\$ 26,802	
Beginning <b>Compensation</b> Contingency			\$ 64,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(64,000)	
Net Balance of Compensation Contingency Account			\$ -	
<b>Net Balance Water &amp; Sewer Fund Contingency</b>			\$ 26,802	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**September 15, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	13,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,300)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	10,300
		Added to Compensation Contingency		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	\$	-
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		69,089
		Added to Contingency Sweep Account		-
		Taken From Contingency		(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.

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**Whereas**, on the 27<sup>th</sup> day of August, 2015, the City Council approved a budget  
for the 2015-2016 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain  
amendments to the 2015-2016 City Budget.

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

**Part 1:** The City Council approves amending the 2015-2016 City Budget by  
adopting the budget amendments which are more fully described in Exhibit 'A,'  
attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 15<sup>th</sup> day of **September**, 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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09/15/16  
Item #6  
Regular Agenda  
Page 1 of 5

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

Dessie Redmond, Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-16-38: Consider adopting and ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.



Figure 1: Aerial Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their August 15<sup>th</sup> meeting, the Planning & Zoning (P&Z) Commission voted 8 to 0 to recommend approval with conditions, as presented by Staff and adding an additional condition to include a privacy fence barrier along the east side of the subject property prior to duplex construction.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval with conditions for a rezoning from the AG zoning district to the PD-2F zoning district:

1. That the proposed Development/Site Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The proposed rezoning is in partial compliance with the Future Land Use Map's Suburban Residential District;
3. The request complies with the Thoroughfare Plan;
4. Public facilities are available to serve the subject property;
5. The request exceeds the minimum lot size (4,000 square feet) in a 2F zoning district as the smallest lot proposed is +/- 8,700 square feet.
6. **Construction of a privacy fence barrier along the east side of the subject property prior to duplex construction.** (P&Z Commission recommendation of this additional condition).

Conditions:

1. Substantial compliance with the attached Development/Site plan.
2. Compliance with other items listed in proposed conditions.
3. The applicant shall comply with Oncor's requirements for encroachment into the existing Oncor easement.

**ITEM SUMMARY:** This request is for a rezoning from the AG zoning district to the PD-2F zoning district to allow for future development of residential uses including duplexes. The subject property is located within the Bluebonnet Ridge Estates Subdivision and is on two lots with a total of 13.39 +/- acres. The property is currently vacant and undeveloped with existing easements.

The applicant proposes to build 32 duplexes (attached Development/Site Plan) with proposed lot width dimensions ranging from 70 to 84 feet and up to 130 feet in depth (with an average lot size of +/- 11,325 square feet). The proposal includes installation of a six foot wide interior sidewalk and +/- 1.5 acres of community green space. The proposal also includes overall neighborhood design, architectural design and landscaping details which is located in the attachments (Edanbra Development L.C. Proposed Details). These include:

- Monument sign with landscaping at entrance
- Privacy Fence with masonry columns along S. Pea Ridge Road
- HOA maintained yards and common areas
- Fully Sodded yards
- Fully irrigated yards
- Combination of brick, stone, and fiber cement siding on the duplex exteriors

Additionally, the proposal consist of conceptual elevations and floor plans also included in the attachments (Proposed Conceptual Elevations and Floor Plan). Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On August 1, 2016, the DRC met to discuss the proposal. Discussion included existing easements, infrastructure, and future requirements during the platting process. There is an existing 100 foot wide Oncor Transmission easement that intersects the property. The proposal shows utilizing this easement as community greenspace. Any encroachment into Oncor's Transmission easements must be reviewed by Oncor and handled through an encroachment request. There is also an existing 10 foot wide city utility easement that contains an old 2 inch water pipe no longer in use. As part of the platting process, the easement would be required to be abandoned. The applicant is aware of these requirements.

Other important infrastructure requirements will be addressed during the platting process. This includes sufficient right-of-way dedication, looping of waterlines, location of new city utility easements, drainage requirements and others. These details are outlined in the attachments (Pre-DRC Comments). The property will be required to be platted prior to any development of the property. The applicant is aware of this requirement.

The subject property is located within the Bluebonnet Ridge Estates Subdivision. Properties located in this subdivision are subject to restrictions, protective covenants and condition which are included in the attachments (Bluebonnet Ridge Estates Deed Restrictions) and are enforced by private property owners rather than the city. For example, some of the restrictions pertain to:

- Masonry requirements
- Minimum floor areas
- Animal regulations
- Setbacks
- Prohibited junk in yard

A summary table of the subject property and the surrounding properties is located in the attachments (Surrounding Properties & Uses Table).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (CP) and Sidewalk and Trails Plan. A summary table of CP compliance is located the attachments (Comprehensive Plan Compliance Table).

Future Land Use Map (CP Map 3.1)

In the Future Land Use Map, the subject property is entirely within the Suburban Residential character district. The Suburban Residential designation is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. The applicant's request for a PD-2F zoning district partially complies with the Suburban Residential character district classification as it is proposing mid-size lots that allow for greater separation between dwellings. Also, the proposal includes an emphasis on +/- 1.5 acres of green space. However, it does not partially comply as the proposal is for duplexes and not single-family lots.

Thoroughfare Plan (CP Map 5.2)

The subject property is accessed from S. Pea Ridge Road, which is designated as a collector street in the Thoroughfare Plan, which requires 55 feet of right-of-way as well as a 4 foot wide sidewalk along one side of the street. The current width of the right-of-way and pavement is estimated to be: 1) 40 feet and 2) 18 feet. The dedication and sidewalk requirements will take place during the platting process.

This section of S. Pea Ridge is not currently on the Transportation Capital Improvement Program (TCIP) project list. However, City Council TCIP priorities can change based on changing development patterns.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property with a connection to the Windcrest Subdivision south of the property. Water is available through an existing 8 inch waterline in S. Pea Ridge Road. Public facilities will also be addressed through the platting process as there will likely be extensions of public facilities for the proposal.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed local connector trail along the southern property line. The Parks Department has indicated that the installation of a 6 foot wide interior sidewalk may comply with the proposed local connector for Trails Master Plan. These improvements will also be addressed during the platting process.

**DEVELOPMENT REGULATIONS:** A summary/comparison table for residential dimensional standards in the AG & 2F zoning districts is located in the attachments (Residential Dimensional Standards Table). On the Proposed Development/Site Plan the smallest lot size is approximately 8,700 square feet which exceeds the required minimum lot size of 4,000 square feet in the 2F zoning district. The proposal also exceeds the minimum lot width of 60 feet by 10 or more feet for each lot.

**UDC, Section 3.4 Planned Development**

This section defines a PD as:

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

**UDC, Section 3.4.5 PD Review Criteria**

A list of regulations is located in the UDC when determining whether to approve, approve with conditions or deny a PD application. The review bodies must consider the following criteria (a conclusive list is located in the attachments):

- Compliance with city codes
- Environmental impact
- Harmony with surrounding area
- Safe vehicular and pedestrian circulation
- Design of streets
- Landscaping
- Open space areas
- Infrastructure

**PUBLIC NOTICE:** There were 31 notices mailed to property owners within 200 feet of the subject property as required by State law and City Ordinance. As of Tuesday, September 16, 2016, two notices were returned in denial of the request (included in the attachments). The newspaper printed notice of the public hearing on August 4, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is scheduled for a first reading on September 15, 2016 and for a second reading on October 6, 2016.

**ATTACHMENTS:**

[Site Photos](#)

[Development/Site Plan](#)

[Edanbra Development, L.C. Proposed Details](#)

[Proposed Conceptual Elevations](#)

[Proposed Conceptual Floor Plan](#)

[Pre-DRC Comments, August 1, 2016](#)

[Bluebonnet Ridge Estates Deed Restrictions](#)

[Comprehensive Plan Summary Table / Residential Dimensional Standards Table](#)

[UDC, Section 3.4 Planned Development](#)

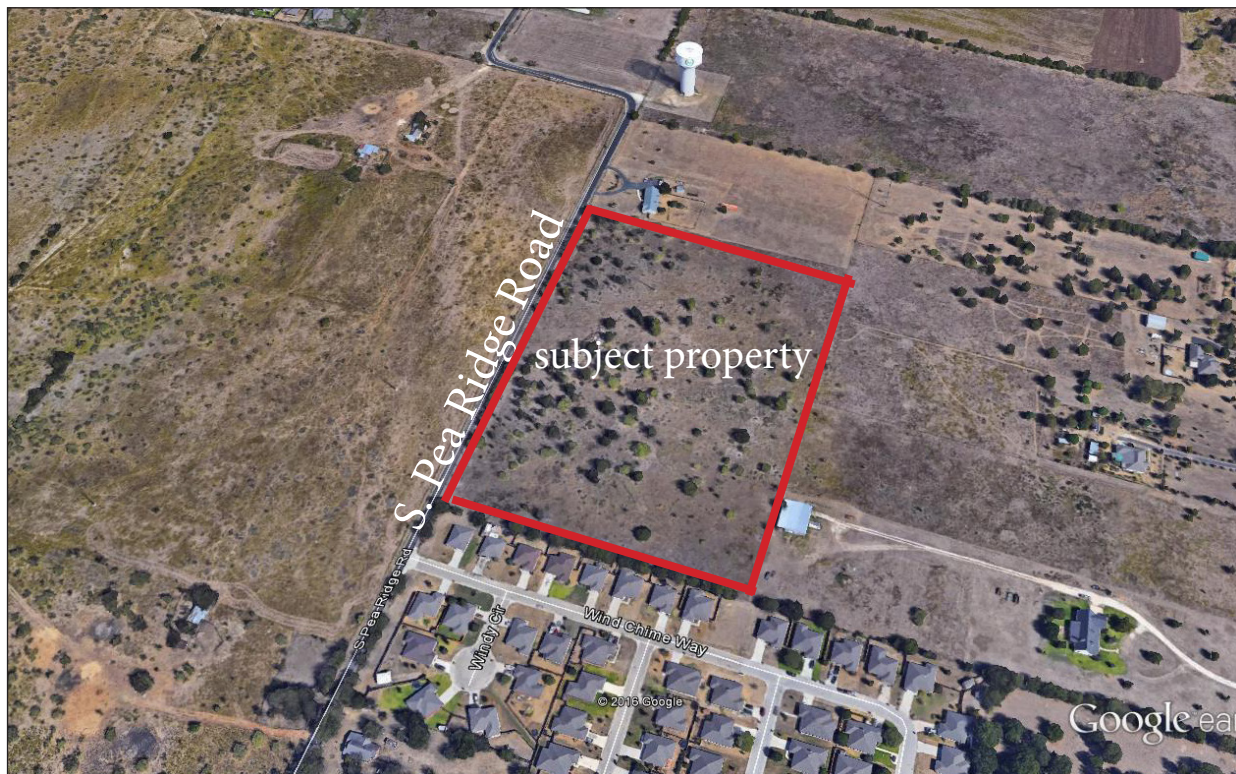
[Aerial Map / Location Map](#)

Zoning Map / Future Land Use and Character Map  
Thoroughfare & Trails Map / Utility Map  
Notification Map  
Returned Property Owner Letters  
Planning & Zoning Commission Excerpts, August 15, 2016  
Ordinance

Site Photos



Looking east into site



Aerial image

Site Photos



Property to the south (single-family residential)



Property to the north (single-family residential)

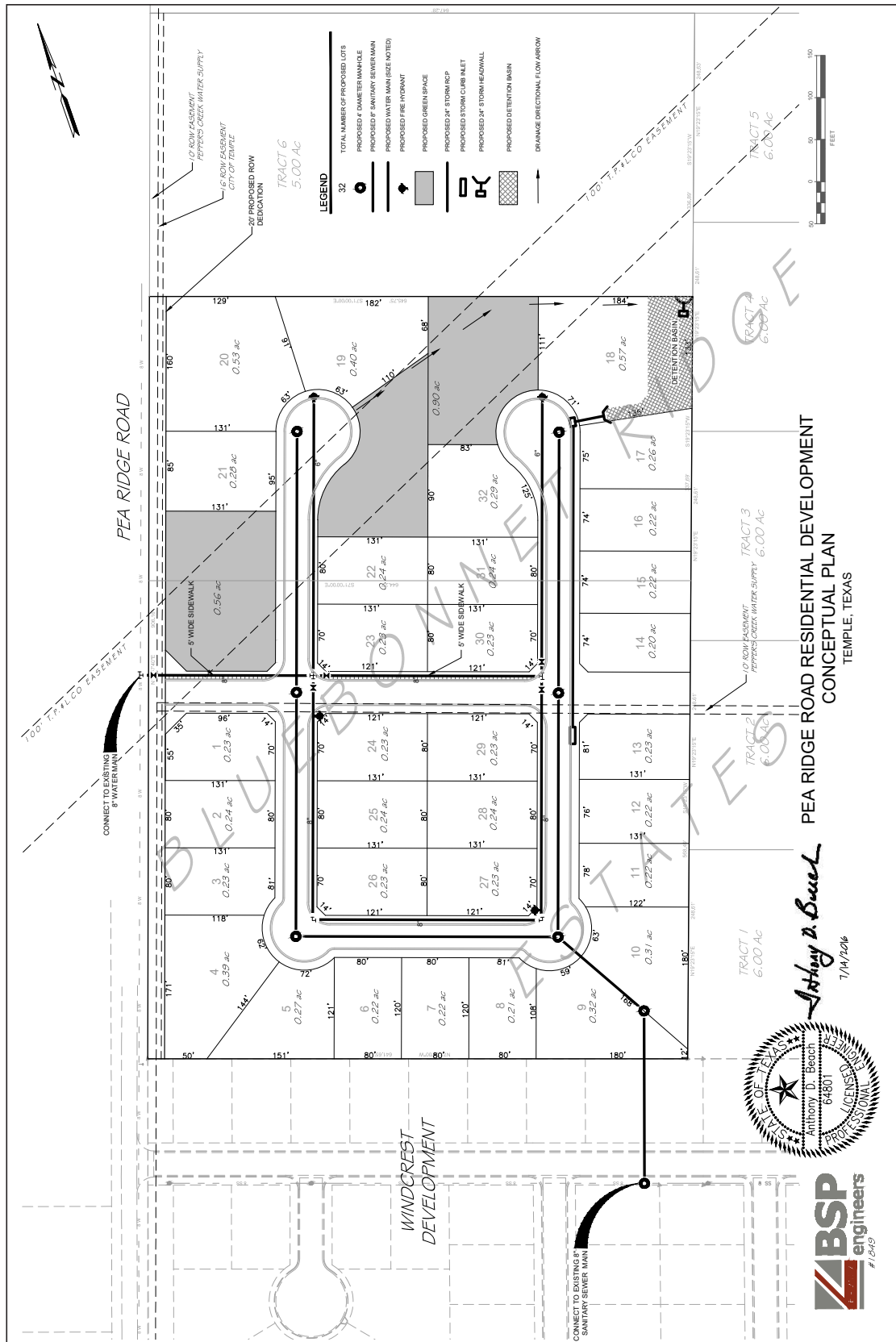
Site Photos



Property to the west (vacant)



Property to the east (single-family residential)



Development/Site Plan

Edanbra Development, L.C. Proposed Details

Edanbra Development L.C.

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## **Proposed PD-2F Re-Zoning Pea Ridge RD. Temple, TX**

### **Overall Neighborhood Design**

- Large lots ranging for 70ft to 84ft wide and 130ft deep.
- 5' Sidewalk along main street to accommodate future development
- Installation of Stub-out and 50ft Easement at the end of main road to accommodate for future development to the east.
- Monument sign with landscaping at entrance to define the entrance and create a welcoming characteristic.
- Privacy Fence along S. Pea Ridge Rd. to create barrier between Duplexes and Rd.
- 1.5 (approximately) acres of green space with space to install a community playscape.

### **Architectural Design**

- Combination of Brick , Stone, and Fiber Cement Siding exteriors
- Alternating elevations throughout neighborhood with a variety of rooflines including but not limited to: Gables, Hips, and Eyebrows.

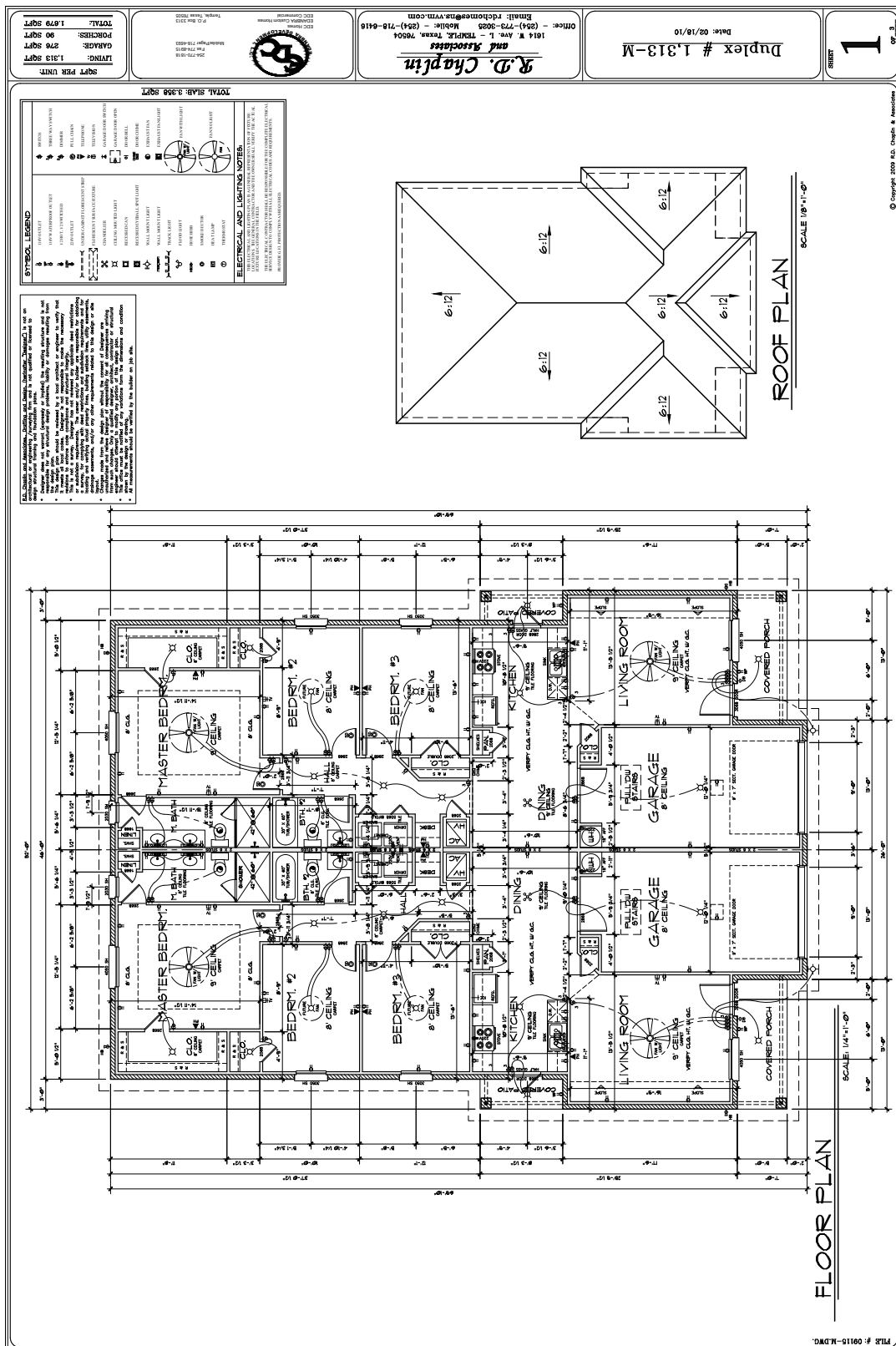
### **Landscaping**

- Fully Sodded yards
- Fully irrigated yards
- HOA maintained yards and common areas
- 2" DBH (diameter-at-breast-height) trees in each yard (2 per lot)

Proposed Conceptual Elevations



## Proposed Conceptual Floor Plan



Pre-DRC Comments, August 1, 2016

Pre-DRC Comments

August 1, 2016

Rezoning from AG to PD-2F

Z-FY-16-38

Planning Comments:

- Pea Ridge ROW dedication needs to match ROW dedication for Dove Meadows Phase I (42')
- The east stub out will be required to be built at time of development
- If all comments are addressed now, the plat process should proceed smoothly

Engineering Comments:

- Existing 2" water pipe that runs west-east in Lot, track 7, is no longer in use
  - An application for abandonment could possibly be supported by staff (line would need to be capped off)
- Water lines must be looped
- Need 20' wide utility easements from both cul-da-sacs extending north to the property line
- [Richard Wilson] Some of the existing drainage flows to the southeast. The drainage improvements appear to redirect all flow to the northeast.
- The concentrated flow is then discharged to the property to the north. Please justify.
- [Richard Wilson] Drainage across lot lines is shown. What area flows to the rear yard at the northeast corner?
- A private drainage easement maintained by the HOA will be required.

Legal Comments:

- Provide copies of recorded documents for existing easements within and abutting the proposed PD
- The submitted covenants (Volume 3151/Page 665) do not prohibit re-subdivision. Vacation of a portion of the current plat would require approval of all owners of property in the subdivision. The proposed PD could be submitted for plat approval under Local Government Code Sec. 212.014, replatting without vacating preceding plat. A plat approved under Sec. 212.014 may not attempt to amend or remove any covenants or restrictions.

Parks Comments:

- Need to have a better understanding of what they want to do in the greenspace (will there be any recreational amenities?)
- Proposal would need to show Oncor is in agreement (Oncor could be restrictive on what they may/may not allow)
- Depending on what the applicant plans to do with the space would determine if parks fees could be waived
- If no waiver, park fees would be \$225 per dwelling unit
- The Trails MP shows a proposed local connector along the south side of the property. If there is installation of a 6' wide sidewalk along the entire main road, that will accommodate the Trails MP

Bluebonnet Ridge Estates Deed Restrictions

DEDICATION AND PLAT BLUEBONNET RIDGE ESTATES  
A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION  
OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BELL

KNOWN TO ALL MEN BY THESE PRESENTS:

That We, Henry O. Tomasek and W. C. Patterson, being the owners of the tract of land described in "Exhibit A," which exhibit is attached hereto and made a part of hereof for all purposes, do subdivide said land into tracts to be known as "Bluebonnet Ridge Estates, a subdivision in the extraterritorial jurisdiction of the City of Temple", as shown by the plat thereof attached hereto and made a part hereof, and we do hereby adopt said plat as a subdivision of said land for the purpose of selling tracts of land by reference to said plat.

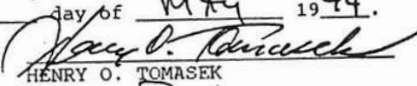
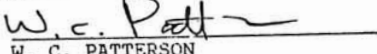
This Dedication, however, is subject to the following restrictions, protective covenants and conditions which are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2016, at which time said restrictions, protective covenants and conditions shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of said property providing for a change in whole or in part of said restrictions, protective covenants and conditions, shall be executed and recorded in Deed Records of Bell County, Texas:

1. The premises shall be used primarily for residential purposes
2. No mobil home, trailer, tent, shack, garage, barn or other building or structure of temporary character shall be used as a residence temporarily or permanently. No outside toilet shall be allowed on said acreage, or in connection therewith.
3. Each residence shall have a minimum floor area of 1200 square feet, exclusive of porches, stoops, open or closed carports, patios, or garages, and be constructed of 60% masonry. All residences must be constructed of new materials, except that used bricks will be allowed.
4. No prefabricated or pre-built residences will be allowed without the written consent of the seller.
5. Nothing contained within the restrictions shall prevent the buyer from constructing a barn of any material as long as the material is of good quality and the structure is safely constructed and is stained or painted with two (2) coats of paint or stain.
6. There shall not be placed on said acreage any building nearer than 30 feet from the street line, or within 15 feet from the property line and any abutting property owner.
7. On any five (5) acre tract, no more than three (3) large stock animals, (i.e. horses, cows, calves etc.) shall be allowed. NO HOGS will be allowed.

VOL. 315 / PAGE 665

Bluebonnet Ridge Estates Deed Restrictions, continued

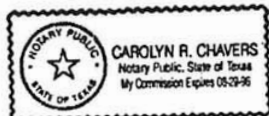
8. No junk yard may be maintained on any part of the premises.
9. No noxious or offensive activity shall be carried on said acreage, nor shall anything be done thereon which may be or become an annoyance to the neighborhood. All sanitary arrangements must comply with all state and local health laws and regulations.
10. No old, used or existing building or structure of any kind and no part of an old, used or existing building or structure shall be moved onto, placed on, or permitted to remain on any tract.
11. No unusable or abandoned motor vehicles or machinery shall be permitted on any part of the premises.
12. If the owner of said property or any other person, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning real property situated adjacent to or near the said property to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate against such covenants and either prevent him/her or them from doing or to recover damages or other dues for such violation.

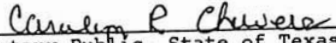
WITNESS the execution hereof this 5<sup>th</sup> day of May 1994.  
  
HENRY O. TOMASEK  
  
W. C. PATTERSON

STATE OF TEXAS  
COUNTY OF BELL

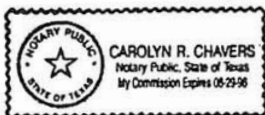
This instrument was acknowledged before me on this the 5 day of May 1994 by Henry O. Tomasek.

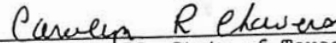
STATE OF TEXAS  
COUNTY OF BELL



  
Notary Public, State of Texas

This instrument was acknowledged before me on this the 5 day of May 1994 by W. C. PATTERSON.



  
NOTARY PUBLIC, State of Texas

Comprehensive Plan Summary Table

Document	Policy, Goal, Objective or Map	Compliance?
UDC	UDC, Section 3.4.5 Planned Development Criteria	Yes
CP	Map 3.1 - Future Land Use Map	Partial
CP	Map 5.2 - Thoroughfare Plan	Partial
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Residential Dimensional Standards Table

	Existing Agricultural	Proposed Two-Family
Minimum Lot Size	--	4000 sq ft
Minimum Lot Width	--	60 ft
Minimum Lot Depth	--	100 ft
Front Setback	--	25 ft
Side Setback	--	5 ft
Side Setback (corner)	--	15 ft
Rear Setback	--	10 ft
Max Building Height	--	2.5 stories

-- = use not permitted

## UDC, Section 3.4 Planned Development

### Article 3: Development Review Procedures

#### Sec. 3.4. Planned Development

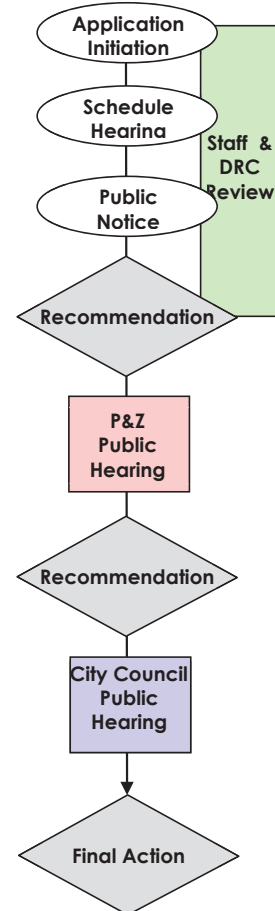
### Sec. 3.4. Planned Development

#### 3.4.1 Applicability

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

#### 3.4.2 Review Process

- A. Except as described below, the Planning and Zoning Commission and City Council review of a Planned Development application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. The Director of Planning must review the Planned Development application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the design elements of the submitted Development Plan.
- C. In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.



#### 3.4.3 Development Plan

- A. A Development Plan of the entire property within the Planned Development must be submitted concurrently with a Planned Development application.

UDC, Section 3.4 Planned Development, continued

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**Article 3: Development Review Procedures**

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Sec. 3.4. Planned Development

- B.** A Development Plan may be approved for a portion of a Planned Development district where the district is divided by a major thoroughfare and the Development Plan includes all the property located on one side of the street.
- C.** In approving a Planned Development district, a standard may not be modified unless this UDC expressly permits such modification, and in no case may a standard be modified if this UDC prohibits such modifications.
- D.** Approval of a Development Plan will determine the design elements listed in 3.4.2C above.

**3.4.4 Binding Nature of Approved Development Plan**

Development Plan conditions must be complied with before a Certificate of Occupancy is issued for the Planned Development.

**3.4.5 Review Criteria**

In determining whether to approve, approve with conditions or deny a Planned Development application, the review bodies in Sec. 3.4.2 above must consider the following criteria.

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

UDC, Section 3.4 Planned Development, continued

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**Article 3: Development Review Procedures**

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Sec. 3.4. Planned Development

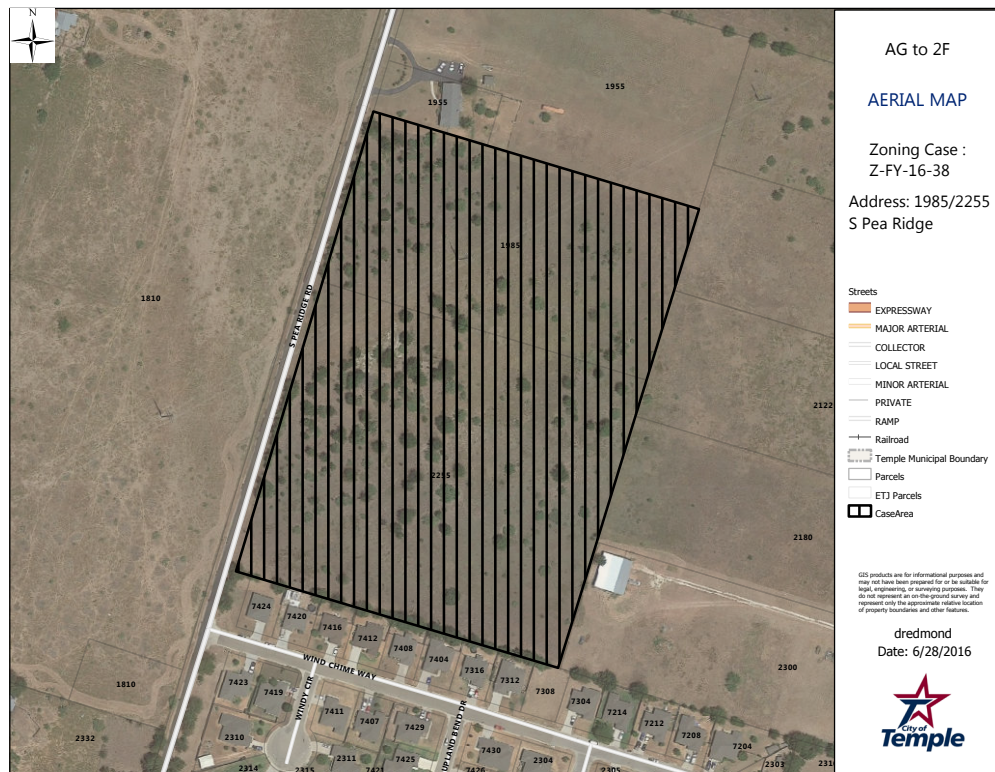
- G.** Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
- H.** Landscaping and screening are integrated into the overall site design:
  - 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
  - 2. To complement the design and location of buildings.
- I.** Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.
- J.** Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.

**3.4.6 Modification of Approved Development Plan**

- A.** Consideration of modification to an approved Development Plan must take into consideration the effect of the proposed modification on the remainder of the property. Amendments to the approved Development Plan or any Planned Development conditions which are substantive require public hearings in the routine manner required for a Zoning District Map Amendment.
- B.** The Planning and Zoning Commission and City Council, in approving modifications to the Development Plan or Planned Development conditions, must be guided by the purpose intended by the base zoning district and general intent of this UDC.

**3.4.7 Expiration**

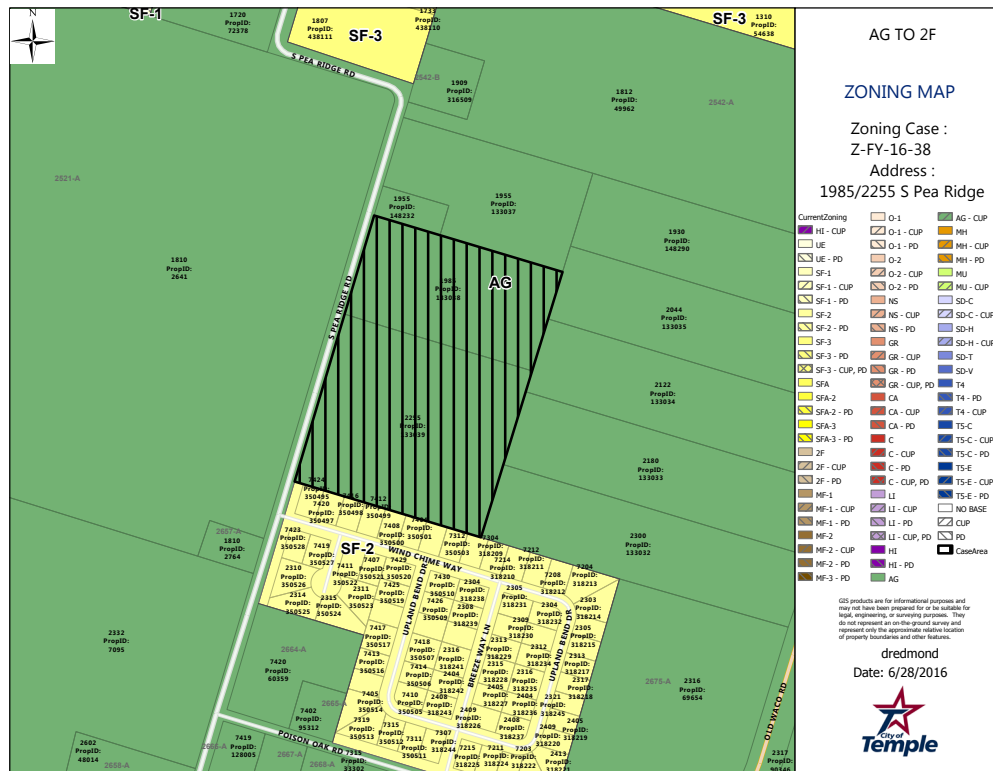
If no development has occurred on a Planned Development zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.



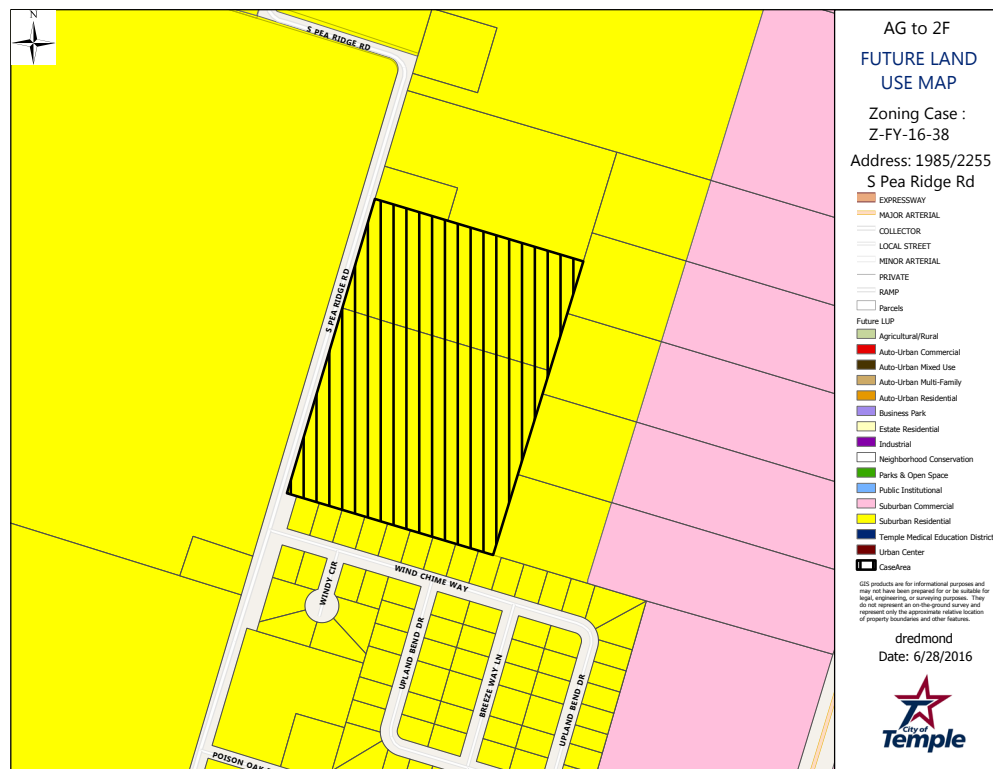
Aerial Map



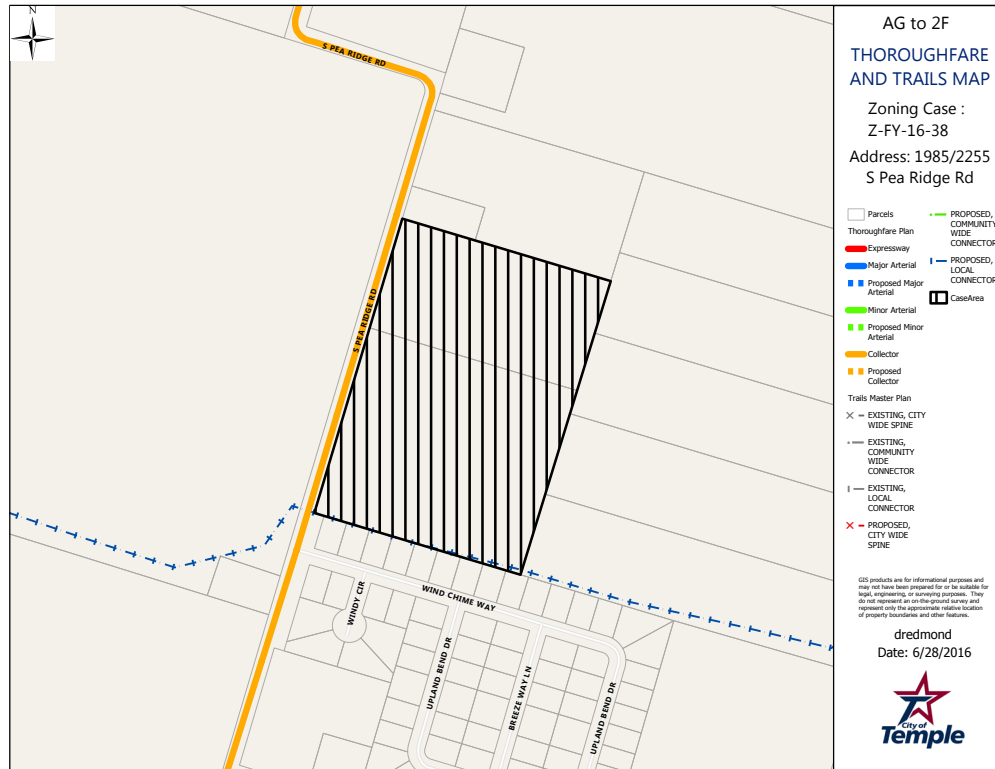
Location Map



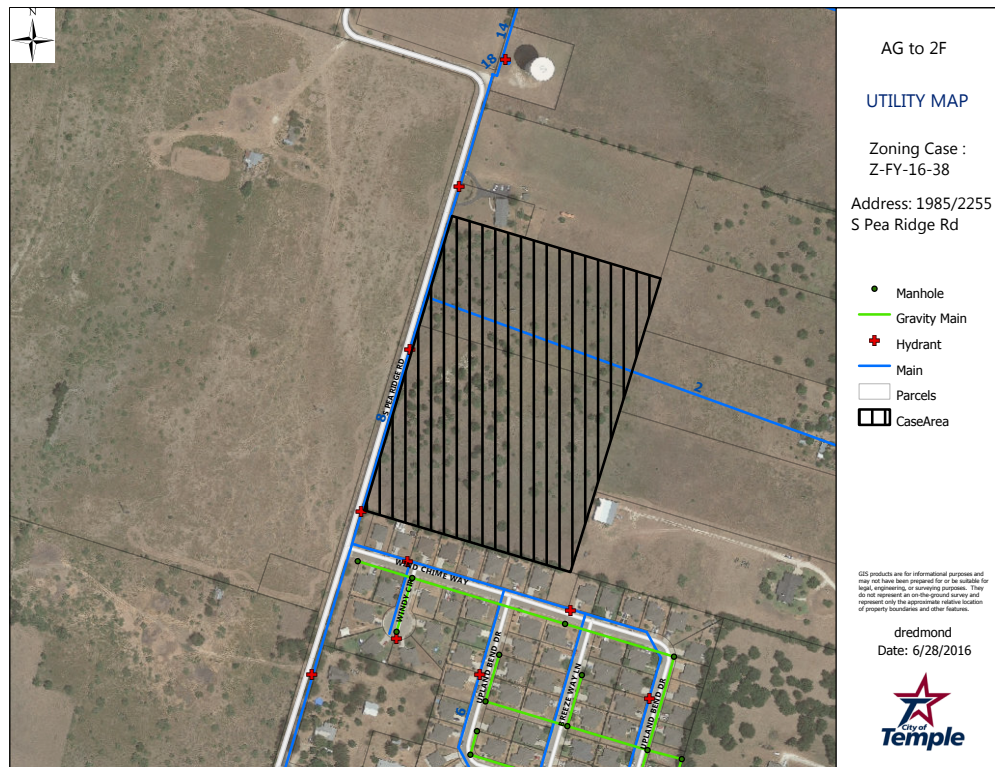
Zoning Map



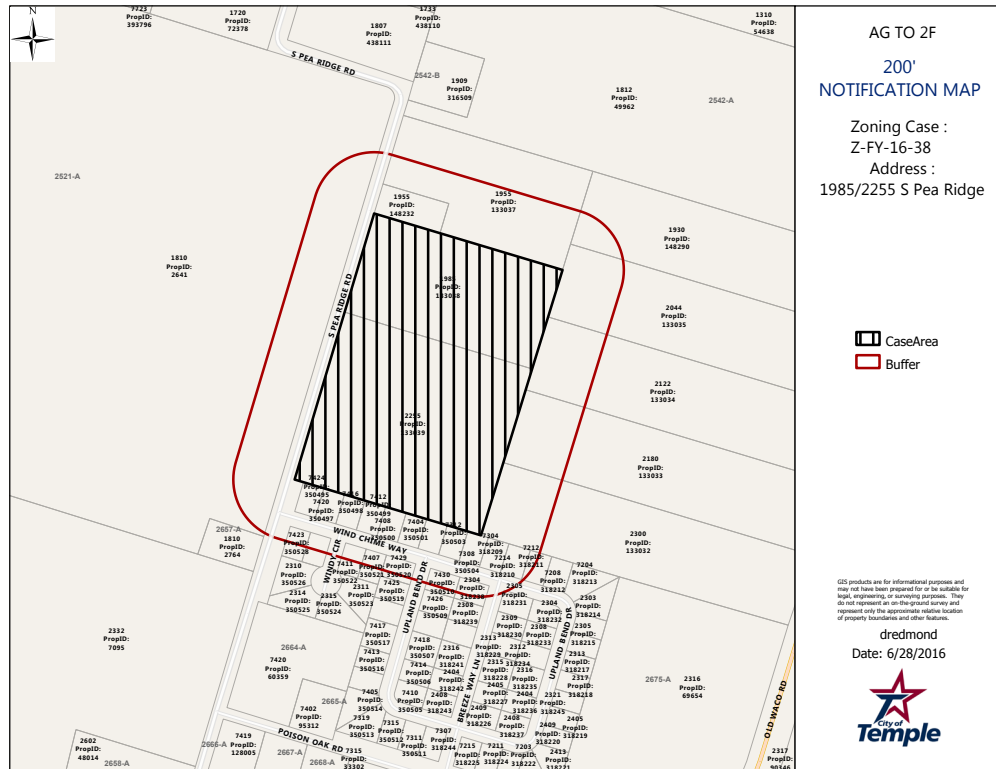
Future Land Use Character Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Returned Property Owner Letter: Hentschel - Property ID: 148290



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

HENTSCHEL, KURT WALTER  
1930 OLD WACO RD  
TEMPLE, TX 76502-5538

**Zoning Application Number:** Z-FY-16-38

**Project Manager:** Dessie Redmond

Location: 1985 South Pea Ridge and 2255 South Pea Ridge

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:**

*\*will depreciate*  
Here we go again, why do you continue to try to put duplexes around here? The value of all the homes in the area. There is a list of restrictions for Bluebonnet Ridge Estates in which stipulates that homes should be single family homes 1500 sq ft and 100% masonry, around the outside minimum

**Signature**

**Print Name**

Please email [dredmond@templetx.gov](mailto:dredmond@templetx.gov), mail, or hand-deliver this comment form to the address shown below, no later than **August 15, 2016**.

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

**RECEIVED**

**AUG - 9 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 31

Date Mailed: August 4, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 254-541-3298 and/or Email: kwahcee@att.net

Returned Property Owner Letter: Stewart - Property ID 133032



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

STEWART, JAMES A ETUX PRISCILLA K  
PO BOX 1905  
BELTON, TX 76513-5905

**Zoning Application Number:** Z-FY-16-38

**Project Manager:** Dessie Redmond

**Location:** 1985 South Pea Ridge and 2255 South Pea Ridge

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**

AUG 11 2016

City of Temple  
Planning & Development

See attached paper

*Kay Stewart*  
Signature

Kay Stewart James Stewart  
Print Name

Please email [dredmond@templetx.gov](mailto:dredmond@templetx.gov), mail, or hand-deliver this comment form to the address shown below, no later than **August 15, 2016**.

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

Number of Notices Mailed: 31

Date Mailed: August 4, 2016

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

Kay Stewart 254-534-1330

Returned Property Owner Letter, continued: Stewart - Property ID 133032

If they are built, will owner plan to maintain ownership?

Will the owner keep the properties they rent out maintained and looking good?

- i.e. fencing, what “type” of fencing will there be between our property and the proposed duplexes. Wood fencing that I see on Vineyards on Old Waco Rd is in disrepair and not maintained.
- Original deed requirement required 60% masonry on all resident structures also states no more than 3 residences per tract all single family
- We, residences of Bluebonnet Ridge Estates, purchased our tracts based on these deed restrictions.

I have nothing against people who rent, although you usually don’t get the type of people who want to maintain lots; lots of noise.

We have grave concerns about our property value.

Congested and dangerous driving situation.

- i.e., both Old Waco Rd and Pea Ridge Rd are over traveled and dangerous do to traffic and to multiple new subdivisions being approved with no road improvement being done.
- They say Old Waco Rd is to be widened and improved; they have being saying this for over 10 years and have done nothing.
- If more subdivisions are approved there will be a fatal accident between a car and a semi-truck in the future and it will be the city’s fault for not acting sooner on the road before approving subdivisions.

In general, renters don't participate in their neighborhoods the same way that homeowners do.

Homeowners have a greater ability to effect the kinds of changes that make a neighborhood desirable.

Planning & Zoning Commission Excerpts, August 15, 2016

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 15, 2016**

**ACTION ITEMS**

**Item 2: Z-FY-16-38** – Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) district to Planned Developed Two-Family (PD-2F) district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.

Ms. Dessie Redmond, Planner, stated this item was scheduled to go forward to City Council for first reading on September 15, 2016 and second reading on October 6, 2016.

The applicant and property owner is Brad Dusek. This request is for two lots within the Bluebonnet Estates Subdivision for a total of 13.39 +/- acres and the subject property is currently vacant and undeveloped.

Site photos shown.

Surrounding properties include the Windcrest Subdivision to the south, a single family residence to the north, vacant property to the west, and a single family residence to the east.

The applicant is proposing 32 duplexes with lot widths ranging from 70 to 84 feet and up to 130 feet in depth. The average lot size would be approximately 11,325 square feet with the smallest lot size of 8,700 square feet.

Applicant is proposing single car garages with a combination of exterior façade of brick, stone, and hardy board along with a variety of elevations/rooflines.

An HOA is proposed in order to maintain yards and common areas.

Two two-inch diameter trees would be in each yard/lot with fully sodded and irrigated yards.

An interior six-foot wide sidewalk is proposed which would comply with the Trails Master Plan and approximately a 1.5 +/- acres of community green space that would include a playscape.

An entryway monument sign with landscaping is proposed.

The Unified Development Code (UDC), Section 3.4 Planned Development (PD) defines a PD as:

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

Per UDC, Section 3.4.3 and 3.4.4, a PD requires approval of a Development/Site plan to be submitted which becomes a binding document to the property.

Planning & Zoning Commission Excerpts, August 15, 2016, continued

Zoning map shown.

The Future Land Use and Character Map designate the property as Suburban-Residential which is the same for the surrounding properties. The Comprehensive Plan defines Suburban-Residential as including mid-sized single family lots with an emphasis on green space. The request partially complies with the UDC since the request is for duplexes versus single family lots.

The property is accessed off of South Pea Ridge Road designated as a collector street on the Thoroughfare Plan. Currently the width is inadequate and right-of-way dedication is currently estimated to be approximately 15 feet and will take place during the platting process.

South Pea Ridge Road is not on the current Transportation Capital Improvement Program list (TCIP). The TCIP is a moving document and may shift due to growth.

Since Pea Ridge Road is designated a collector street a sidewalk is required on one side of the road.

A local connector trail along the southern property line is proposed. The applicant is also proposing an interior six-foot wide sidewalk to comply with the Trails Master Plan.

Sewer and water are available to serve the property. Facility extensions are necessary for the property and will be addressed during the platting phase.

The request is in compliance with the UDC, Section 3.4.5 Planned Development Criteria, and the growth and development patterns consistent with the City's infrastructure and public service capacities. The request is in partial compliance with the Future Land Use and Character Map and Thoroughfare Plan.

Site plan shown.

The subdivision would enter off of Pea Ridge Road. The interior sidewalk would connect throughout the neighborhood. There are two existing easements: a 100-foot wide Oncor transmission easement which runs diagonally through the property. Oncor has stipulations as to what may be built in their easements so the shaded areas on the site plan are proposed for community green space. A ten-foot wide City utility easement bisects the property and contains an old two-inch water pipe which is no longer in use. It will require abandonment for the property.

The Development Review Committee (DRC) met on August 1, 2016 and discussed the existing easements and infrastructure. These items will be addressed in more detail during the platting process.

The subject property is located within the Bluebonnet Ridge Estates Subdivision and would be subject to the restrictions, protective covenants, and conditions which include (but not limited to) masonry requirements, minimum floor areas, animal regulations, setbacks, and prohibited junk in yard. These regulations would be enforced by private property owners, not the City.

Thirty-one notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and two notices returned in disagreement.

Planning & Zoning Commission Excerpts, August 15, 2016, continued

Staff recommends approval with the following conditions:

1. The proposal is in substantial compliance with the development/site plan and elevations;
2. It is in compliance with other items listed in proposed conditions (Edanbra Development, L.C., Proposed Details) which include the following:

**Overall Neighborhood Design**

- Large lots ranging from 70 to 84 feet wide and 130 feet deep
- Six-foot sidewalk along main street to accommodate future development
- Construction of stub-out during development and 50 foot easement at the end of main road to accommodate for future development to the east
- Monument sign with landscaping at entrance to define the entrance and create a welcoming characteristic
- Privacy fence with masonry columns along South Pea Ridge Road to create barrier between duplexes and road
- One point five (1.5) approximately acres of green space with space to install a community playscape

**Architectural Design**

- Combination of brick, stone and fiber cement siding exteriors
- Alternating elevations throughout neighborhood with a variety of rooflines including but not limited to, gables, hips, and eyebrows.

**Landscaping**

- Fully sodded yards
  - Fully irrigated yards
  - HOA maintained yards and common areas
  - Two two-inch diameter trees in each yard/two per lot
3. The applicant shall comply with Oncor's requirements for encroachment into the existing Oncor easement.

Chair Jones opened the public hearing.

Mr. Brad Dusek, 8311 FM 2086, Temple, Texas, stated he was the owner and developer of the subject property. Mr. Dusek agreed there would be 32 lots, 64 residences and Bluebonnet Ridge Estates consists of eight lots. The property is between Pea Ridge and Old Waco Road.

Mr. Dusek commented development would probably begin late Fall of 2016, November/December time frame and done in three phases. Mr. Dusek also developed Windcrest Subdivision.

Mr. Dusek explained they wanted larger lots on this proposal along with a play area and some type of walking path where the Oncor easement is located; however, Oncor may have additional requirements.

Planning & Zoning Commission Excerpts, August 15, 2016, continued

Ingress and egress was briefly discussed; however, since discussions with Oncor have not taken place yet it was difficult to give a definite response.

Mr. Dusek stated he would probably sell some of the duplex units and keep some, a combination. An HOA would be created to maintain the property, similar to Sarah's Glenn.

Ms. Kay Stewart, 2300 Old Waco Road, Temple, Texas, purchased her property in 1994. Ms. Stewart is totally against this request especially after seeing the presentation. When people moved to the area they wanted to live in the country with plenty of room and no neighbors or duplexes nearby.

Pea Ridge Road is in very bad shape and very narrow. Bicycles do not have enough room for cars to pass and the area is very dangerous.

Ms. Stewart stated the neighbors she had discussed this request with are not in favor of it due to many concerns such as congestion, dangerous road conditions, traffic, high population, and more subdivisions coming in. The roads do not accommodate the current residents living in the area.

Ms. Stewart is not against duplexes or renters but they do not participate as homeowners would. Since Ms. Stewart's lot is the first tract and this proposal would greatly affect her property especially since Windcrest is also located right next to her. Her property would also abut the proposed subdivision.

Ms. Stewart does not see any good coming out of this request.

Mr. Kurt Hentschel, 1930 Old Waco Road, Temple, Texas, stated his subdivision has a restriction of 1,200 square feet and Mr. Dusek's home do not meet that restriction. The value of the homes will decrease if this duplex subdivision is built.

Mr. Hentschel commented there would be 64 families coming out of one entrance/exit which is a concern. He asked if there were any future plans for the other road and the neighboring owner's property.

Mr. Hentschel shared Ms. Stewart's comments about rental properties and that the area should be improved to increase property values. Mr. Hentschel is against this request.

Mr. Brian Chandler, Director of Planning, addressed some of the questions raised by the speakers. Ms. Redmond's presentation represented the average lot size of 11,325 square feet not the structure size; the developer would need to address the size of the structure. Staff's understanding from the meetings with the developer was that the 1,200 square foot minimum size (per side) would be met.

The road shown on the site plan that connects to the neighbor's property would only occur if that property were ever sold to a developer and a new subdivision were built on that property. Until that occurs no road will be built through there.

When asked what the buildings would cost, Mr. Chandler deferred to the applicant/developer for a response.

There being no further speakers, the public hearing was closed.

Planning & Zoning Commission Excerpts, August 15, 2016, continued

The Commission had further specific questions for the developer so the public hearing was reopened.

Mr. Dusek returned for response and stated each unit will be at least 1,200 square feet, maybe 1,250 square feet, three bedroom, two bath, and one car garage for each unit. These lots are also wide—70 to 80 foot wide. This would comply with the restrictions of the subdivision.

Discussion about street parking and width of concrete. Different options are being considered.

Mr. Dusek stated the value of these lots will not bring down property values; it will be a good product and fits in the area.

Mr. Hentschel returned to the podium and asked Mr. Dusek where the water would flow to. Mr. Dusek responded a retention pond in the northeast corner would be designed to hold the water.

Commissioner Sears asked about a barrier on the back side of the property and what would be there. Mr. Dusek replied a wooden fence is typically installed. Mr. Dusek was agreeable to providing additional barriers, such as shrubbery or fence, along the back side in order to partition off the subdivision and address some of the neighbors' concerns.

There being no further questions or speakers, the public hearing was closed.

Commissioner Rhoads asked if a road update for Pea Ridge or Old Waco was available.

Mr. Richard Wilson, Deputy City Engineer, responded Old Waco Road Phase 3A was just finished. The next phase will go to Jupiter and extension of Tarver will go under construction in the Fall with phases all the way to I-35 planned.

Mr. Wilson did not believe this section of Pea Ridge Road was planned for expansion. The City tries to build the roads where the demand is the greatest but sometimes the funding is not always available.

Chair Jones stated the Planning and Zoning Commission does not and should not control where the streets are; this would be up to City Council. However, the roads are not built until the population is there. Commissioner Crisp agreed with Chair Jones' comments.

Commissioner Sears made a motion to approve Item 2, **Z-FY-16-38**, as presented with Staff recommendations, including a privacy fence barrier all the way across the east side of the subject property prior to duplex construction and Commissioner Crisp made a second.

*Motion passed: (8:0)*

Commissioner Pitts absent

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

(PLANNING NO. Z-FY-16-38)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT TWO-FAMILY DISTRICT ON APPROXIMATELY 13.39 ACRES OF LOT TRACT 7 AND LOT TRACT 8, BLUEBONNET RIDGE ESTATES AND LOCATED AT 1985 SOUTH PEA RIDGE AND 2255 SOUTH PEA RIDGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Agricultural District to Planned Development Two Family District on lot tract 7 and lot tract 8, Bluebonnet Ridge Estates, located at 1985 South Pea Ridge and 2255 South Pea Ridge, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, with the condition that a privacy fence barrier be constructed along the east side of the subject property prior to duplex construction.

**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 **15<sup>th</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #7  
Regular Agenda  
Page 1 of 4

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

Mark baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-16-42: Consider adopting an ordinance authorizing a rezoning from General Retail District to Commercial District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

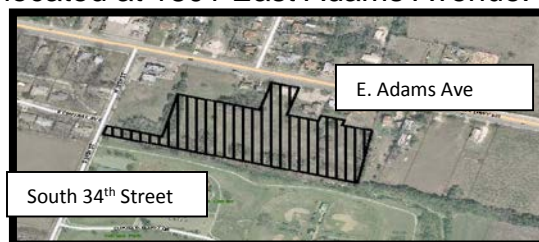


Figure 3; Aerial Location Map

**STAFF RECOMMENDATION:** Based on the following reasons and discussion, staff recommends approval for a rezoning from General Retail (GR) district to General Retail – Planned Development – General Retail (PD-GR) district:

1. A Planned Development retains the underlying base-zoning of General Retail;
2. A storage facility is in compliance with the Future Land Use Map's Auto-Urban Commercial District;
3. An adequately buffered and screened storage facility is compatible with surrounding zoning, existing residential and anticipated general retail service uses;
4. The request complies with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

As a Planned Development, staff recommends the following conditions:

1. That the additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the 6.19 +/- acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. That a detailed development / site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal for a building permit;
3. That existing trees adjacent to Wilson Park on the south be preserved and included in the overall development plan to screen the park from the storage facility.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their August 15, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning from General Retail (GR) district to Planned Development – General Retail (PD-GR) district as presented with staff recommended conditions and amending Condition No. 3 as follows:

Condition #3: To review the existing trees around the property line in total for preservation at the site plan review stage.

During the meeting the Planning & Zoning Commission discussed the merits of landscaping as well as clarification of how specific tree preservation would be accomplished. Staff indicated that a tree survey or other method could be used to identify specific trees that would be suitable for incorporation into the development / site plan. This would be accomplished at the time the development plan is submitted for public review. In addition, notifying to property owners within 200 feet would occur to solicit adjacent property owner input.

Additional discussion focused on the access point at South 34<sup>th</sup> Street being limited to a one-way exit point. Site circulation will be addressed during the review of the development plan.

The applicant / property owner, Daniel Magana indicated publically that he fully supports the alternative of the requested rezoning to a Planned Development to allow for increased buffering of the adjacent residential uses and tree preservation.

**ITEM SUMMARY:** The subject property, Lot 1, is currently undeveloped and contains 6.19 +/- acres. It is being requested for rezoning for a proposed storage facility by a separate investor whose real estate transaction is pending the approval of this rezoning application.

While there are buffering and screening standards provided by UDC section 7.7, as discussed later in this report, they may be inadequate due to the proximity of residential uses and the impacts with potential building placement along the East Adams frontage. Since no site plan has been prepared, a Planned Development will retain General Retail uses while allowing the use as a storage facility to be pursued. This will provide opportunity for design considerations, such as additional screening and buffering, through a publically-reviewed development plan and take into account the existing residences on either side of the subject property.

This section of East Adams Ave has not seen the development demand as other parts of the City and based on rezoning and other development activity in the area, the existing residences may remain for some time adjacent to the storage facility. Further, as a Planned Development with the retained base-zoning of General Retail, the storage facility would be the only additional use. If approved, the allowance of the storage facility would be identified in the rezoning ordinance. The applicant is aware of the recommendation for a Planned Development.

As stated, while there is a pending real estate transaction for development of the property as a storage facility, there are a number of residential and non-residential uses that are permitted by right.

A table comparing the General Retail (GR) and the Commercial (C) district can be found in the attachments.

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

**COMPREHENSIVE PLAN (CP) COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached.

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Auto-Urban Commercial land use district. The Auto-Urban Commercial district is intended for the majority of the areas identified for commercial use, generally concentrated at intersections along the major roads. It should be noted that although this section of East Adams Ave contains a mixture of existing single-family residential uses, there are established commercial and other non-residential uses along this section of East Adams as well. While this section of East Adams Ave contains a mixture of residential and non-residential zoning and uses, both the requested C-zoning and the Planned Development are in-compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

Lot 1 takes direct access from East Adams Ave, a major arterial and South 34th Street, a local street. Access could also be taken through Lot 2 from East Adams Ave, a major arterial. No Thoroughfare Plan compliance issues have been identified and there are no TCIP improvements scheduled through FY 2024.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through an 8-inch sewer line in East Adams Ave. It is also available from an 8-inch sewer line extended from South 34<sup>th</sup> Street. An 8-inch sewer line is available at the southern boundary that crosses over Little Elm Creek Tributary No. 1. Water is available through a 6-inch waterline in East Adams Ave.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts a proposed City-wide spine trail along East Adams Ave. Accommodations for a 6-foot along the project's frontage of East Adams Ave will need to be provided with the construction drawings. The City may participate in the upsizing of the sidewalk / trail to accommodate a 10-foot wide trail.

**DEVELOPMENT REGULATIONS:** While both residential and non-residential setbacks are provided for in UDC Section 4.5, the attached table compares non-residential setbacks in the GR and C zoning districts.

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).

Further, the development plan will be required to demonstrate compliance with the masonry requirements and the landscape requirements as set forth by UDC Sections 7.4 and 7.8.

**PUBLIC NOTICE:** Twenty-two 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 Thursday September 6, 2016 at 9:00 AM, one notice in disagreement has been received. In addition, staff has spoken to a residential property owner immediately adjacent who was supportive of the planned development concept.

The newspaper printed notice of the public hearing on August 4, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos

Final Plat – Daniel A. Magana subdivision (Exhibit A)

List of Maps:

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

Surrounding Property Uses / Comprehensive Plan Compliance

Development Standards

P&Z Meeting Excerpts (August 15, 2016)

Ordinance

# Site & Surrounding Property Photos



**Site: Undeveloped - Daniel A. Magana, subdivision (GR)**



**Site: Undeveloped – Google Earth Image (GR)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR & C)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR, AG & C)**



**East: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR, AG & C)**



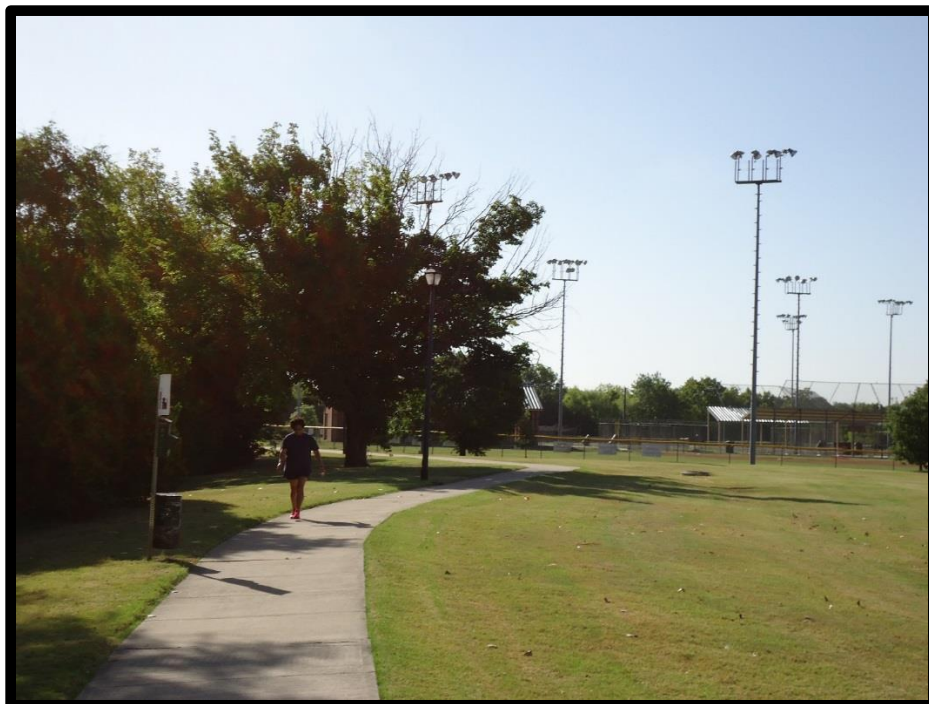
**West: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR)**



**West: South 34<sup>th</sup> Street Frontage  
Daniel A. Magana, subdivision (GR)**



**West: SF Uses across South 34<sup>th</sup> Street Frontage  
Vanicek 2<sup>nd</sup> Addition Replat, subdivision – East Central Ave  
(2F)**

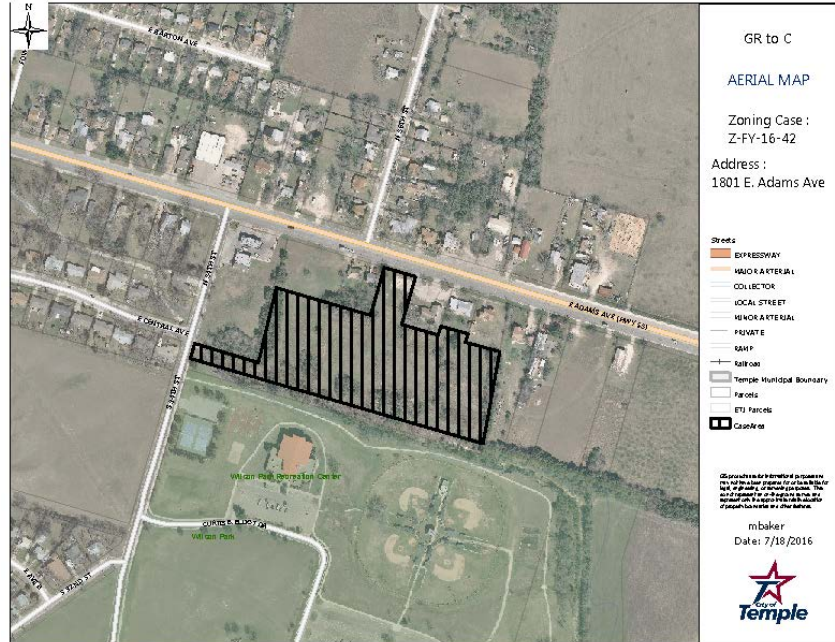


**South: Wilson Park – Trail & Ballfields  
Wilson Community Park, subdivision (AG)**

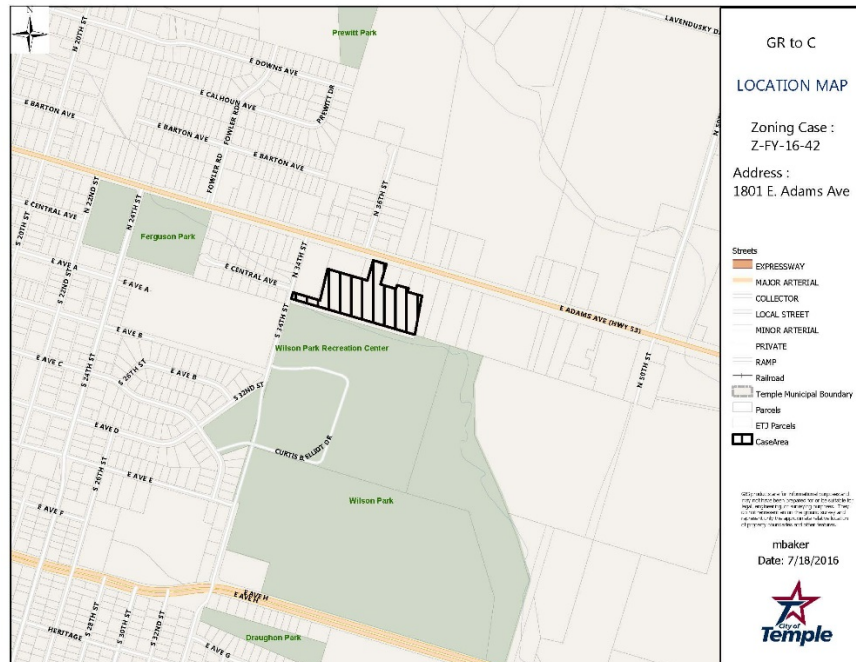


# Maps

## Aerial Map



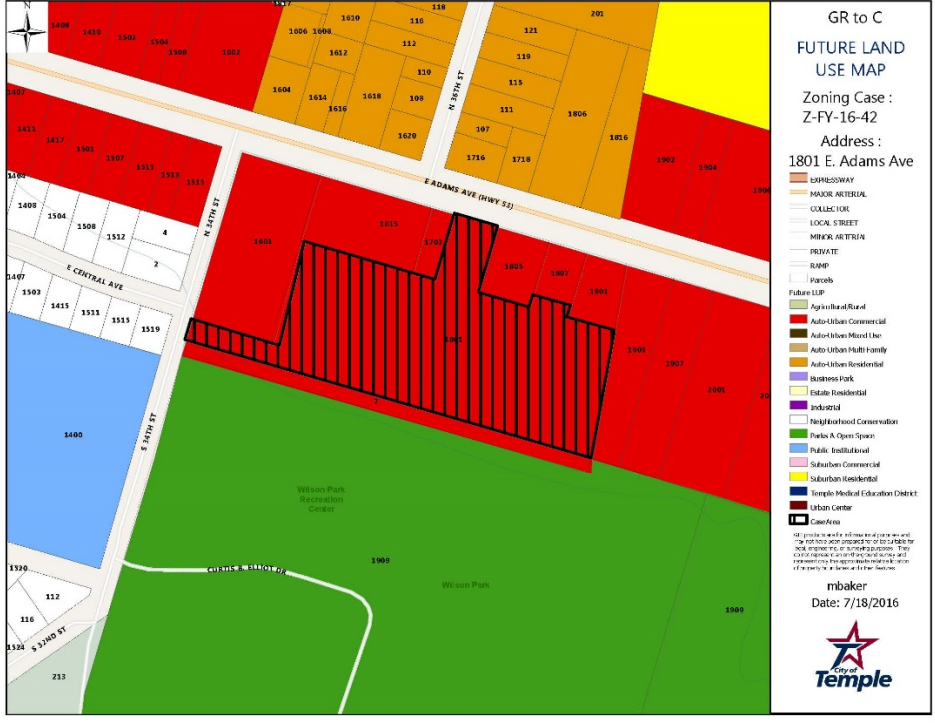
## Location Map



Zoning Map



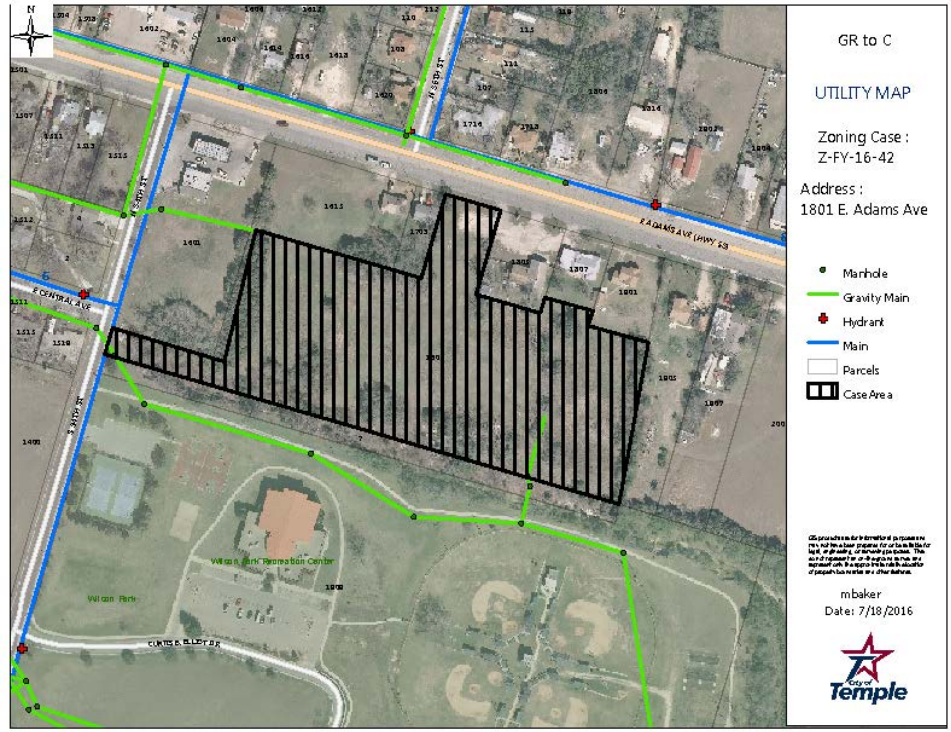
Future Land Use Map



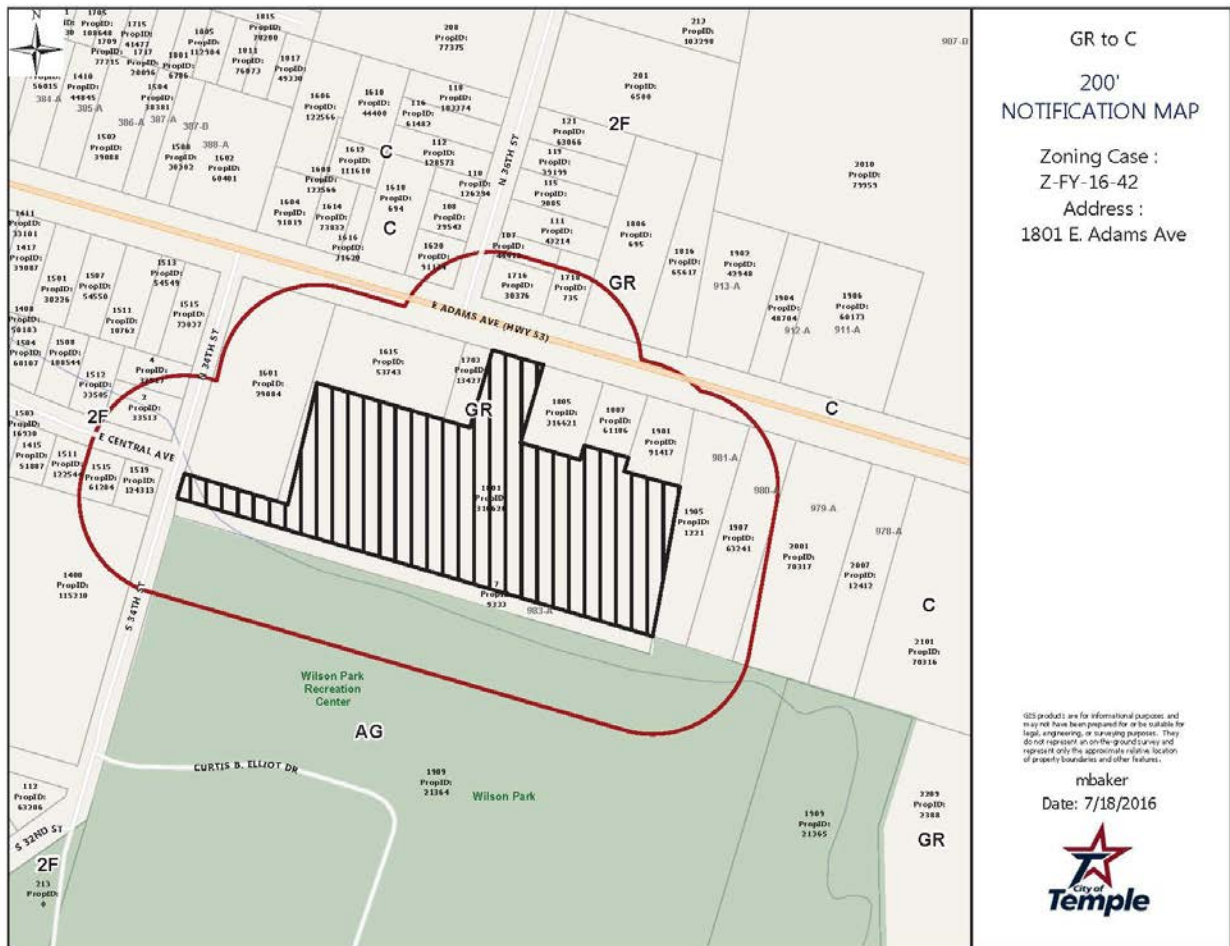
# Thoroughfare & Trails Map



# Utility Map



# Notification Map





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

BURRIER, MAXINE FAYKUS  
1807 E ADAMS AVE  
TEMPLE, TX 76501-4633

Zoning Application Number: Z-FY-16-42

Case Manager: Mark Baker, Senior Planner

Location: 1801 East Adams Avenue

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

I ☐ agree

☐ disagree with this request

Comments:

I did see the indication for GRs As a home owner I would need  
to know what the planned use for the property for which the  
request is being made for. Without further information I will  
be opposed.

Maxine R. Burrier  
Signature

maxine R. Burrier  
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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **August 15, 2016**.

**RECEIVED**

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

AUG 18 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: August 4, 2016

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

# Tables

Permitted Uses Table (Comparison between GR & C)

Use Type	General Retail (GR)	Commercial (C)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as GR * Animal Shelter (CUP)
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home (CUP) * Home for the Aged	* Same as GR
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, Package Store (CUP)	* All Retail & Service Uses * Veterinary Hosp. (Kennels (CUP)
Commercial Uses	* Plumbing Shop * Upholstery Shop * Indoor Flea Market * Lithographic or Print Shop	* Bakery / Confectionary * Cabinet Shop * Open Storage of furniture, appliances or machinery
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location * Office Warehouse (CUP)	* Same as GR * Laboratory Manufacturing * Storage Warehouse * Wholesale storage & sales
Recreational Uses	* Park or Playground * All Alcohol (On Premise Consumption) > 75% (CUP)	* Same as GR
Vehicle Service Uses	* Auto Leasing, Rental * Auto Sales - New & Used * Car Wash * Vehicle Servicing (Minor)	* Same as GR
Residential Uses	* With & Without Drive-In	* Same as GR
Overnight Accommodations	* Hotel or Motel	* Same as GR
Transportation Uses	* Emergency Vehicle Service	* Same as GR

### Surrounding Property Uses

	<u>Surrounding Property &amp; Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	GR	Undeveloped
North	Auto-Urban Residential	GR & C	Scattered Residences & Existing Businesses
South	Parks & Open Space	AG	Wilson Park
East	Auto-Urban Commercial	AG & C	Scattered Residences & Existing Businesses
West	Auto-Urban Commercial & Neighborhood Conservation	GR & 2F	Scattered Residences & Existing Businesses

### 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 (GR)</u>	<u>Proposed (C)</u>
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	15 Feet	30 Feet Centerline (UDC Sec. 4.4.4F.d)
Side Setback	10 Feet	10 Feet
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	0 Feet	0 Feet
Max Building Height	3 Stories	* ALH
* ALH - Any Legal Height not Prohibited by other Laws		

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 15, 2016**

**ACTION ITEMS**

**Item 3: Z-FY-16-42** - Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) District to Commercial (C) District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on September 15, 2016 and second reading on October 6, 2016.

This is a rezoning request for 6.19 +/- acres for a proposed storage facility and would be located within Lot 1 which includes two frontages; one on East Adams and one on South 34<sup>th</sup> Street. The subject property is adjacent to several residential uses and Staff is recommending through a Planned Development (PD) the need for enhanced buffering, screening, and site design oversight.

Consideration as a PD would provide opportunities for:

Enhanced Screening

Tree Preservation

Retain GR base-zoning

Site Design

Public review of development / Site Plan (P&Z and City Council)

Development demand along this section of East Adams is not as high as other parts of the City so the residential uses could remain adjacent to the facility for an unforeseeable future before transitioning to another service or use.

Zoning map is shown.

The C zoning permits storage facilities as well as other uses which may be undesirable at this location. The GR pertains to existing retail and service uses. Through the PD, the existing retail and service uses would be retained and allows public oversight of site design and increases compatibility with the area.

The Future Land Use and Character Map designates this property as Commercial which provides opportunity for office, retail service, and commercial uses, supports storage facility and supports both C and PD-GR zoning.

Auto-Urban Residential is across East Adams and supports Single Family (SF) and Single Family Attached (SFA) zoning which currently exists in the area.

Parks and Open Space include Wilson Park.

Water and sewer are available to serve the property.

The Thoroughfare Plan designates East Adams Avenue as a major arterial and South 34<sup>th</sup> Street is a local street. No anticipated TCIP improvements are funded or scheduled for either of these roads.

A community wide connector trail is located on the western boundary of the subject property and a proposed city-wide spine trail will be located along East Adams.

Surrounding properties include scattered residential and non-residential uses along East Adams Avenue zoned GR and C to the north, scattered residential and non-residential uses zoned GR, AG and C to the east, scattered residential and non-residential uses zoned GR to the west, and Wilson Community Park zoned AG to the south.

Comparisons between allowed and prohibited uses in GR and C, along with current and requested development standards.

Twenty-four notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and zero notices returned in disagreement. For the record, Mr. Baker did speak with the property owner to the immediate west of one of the residences and discussed the alternate recommendation Staff would present between GR zoning and the PD. The property owner was not supportive of the Commercial zoning; however, did feel the PD with some of the opportunities available was a better option. No formal correspondence has been received to support this information.

The rezoning request is compatible with the PD retaining the underlying GR based zoning, the Future Land Use and Character Map, the Thoroughfare Plan, surrounding uses and zoning with adequate screening and buffering for existing residential and non-residential uses, and public facilities are available to serve the property.

Staff recommends approval of the proposed storage facility as a Planned Development - Rezoning from General Retail "GR" District to Planned Development – General Retail "PD-GR" District, subject to the following three conditions:

1. That the additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the 6.19 +/- acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. That a detailed development/site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal for a building permit; and
3. That existing trees adjacent to Wilson Park on the south and the adjacent residential uses be preserved and included in the overall development plan to screen the storage facility.

Mr. Baker confirmed there is no current site plan. The sale of the property is pending on the rezoning so site design has not been prepared. The existing trees will be incorporated into the site plan.

No discussion has taken place with the applicant or representative of the storage facility to indicate whether the narrow strip off of 34<sup>th</sup> Street would provide ingress or egress. That is something the site plan approval process would cover.

Vice-Chair Johnson wanted clarification on how it would be determined what trees would stay or go since the current information was rather vague.

Mr. Chandler responded by citing a recent case that came before the Planning & Zoning Commission where, at the site plan stage, Staff worked with the applicant to identify and determine which trees would stay for screening. The goal was to preserve the trees that provide screening. Mr. Chandler suggested the P&Z Commission could make a recommendation regarding all of the trees and how the screening would be affected for the perimeter and both residential and non-residential uses.

It was asked if there would be long-term effects from putting a PD on a GR zoning to allow storage facilities as opposed to letting the zoning go to Commercial since the use is not allowed in GR. Mr. Chandler responded he felt this was a good thing; the market for storage facilities are here and people want to build them. If this sets a precedent it would be a good precedent especially having the ability to evaluate a site plan and look beyond the standard code. For example, if the property were just rezoned to C and the storage building was built right up to the property line, the impact would be much different to the surrounding area and neighbors than to have a negotiated PD which could help restrict unwanted end results. The PD allows a case-by-case evaluation and for negotiation of standards that may not be applicable from a general based zoning perspective.

The Planning Department and the Development Review Coordinator work together to try and enforce preservation of trees. This can be done both with aerial maps and from ground level. If a PD is attached Staff has more ability to help protect the neighborhoods.

Mr. Chandler suggested the wording on the motion could be done by amending Condition No. 3 to evaluate all perimeter trees for proper screening and buffering. Staff has no site plan available so the objective is to screen the use from surrounding neighbors, park visitors, the public right-of-way where appropriate, and provide Staff with reasonable interpretations of the Code.

Discussion about setbacks and maintenance of the areas.

Mr. Baker confirmed the PD would apply only to Lot 1 which would specifically allow the storage facility.

Chair Jones opened the public hearing.

Mr. Daniel Magana, 1116 Wildwood, Temple, Texas, stated he was the owner of the subject property and would like to rezone the property for potential buyers who are interested in having a storage facility. Mr. Magana agrees with and likes the idea of GR zoning with a PD in order to keep the tree line and prevent the facility from being built on the property line.

Mr. Rick Vidro, 4 North 34<sup>th</sup> Street, Temple, Texas, stated a laundromat was being constructed near the Valero and the small road going to 34<sup>th</sup> Street will be located on the back side of that laundromat. Mr. Vidro has concerns because he has recently observed individuals using the lot across from Valero as a hang out and Mr. Vidro's house is the only house on 34<sup>th</sup> Street. Mr. Vidro likes the idea of a storage facility.

Mr. Baker confirmed the site plan would be coming back.

There being no further speakers, Chair Jones closed the public hearing.

Vice-Chair Johnson made a motion to approve Item 3, **Z-FY-16-42**, as presented with Staff recommended conditions, and amending Condition No. 3 to review the existing trees around the property line in total for preservation at the site plan review stage. Commissioner Alaniz made a second.

*Motion passed: (8:0)*

Commissioner Pitts absent

ORDINANCE NO. \_\_\_\_\_  
(PLANNING NO. Z-FY-16-42)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL DISTRICT TO PLANNED DEVELOPMENT – GENERAL RETAIL DISTRICT ON LOT 1, BLOCK 1, DANIEL A. MAGANA SUBDIVISION, LOCATED AT 1801 EAST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from General Retail District to Planned Development – General Retail (PD-GR) District on Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue, 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:** As a Planned Development, the following conditions apply:

1. The additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the approximately 6.19 acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. A detailed development/site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal of a building permit; and
3. Review of the existing trees around the property line in total for preservation at the site plan review stage.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15<sup>th</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #8  
Regular Agenda  
Page 1 of 2

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

Dessie Redmond, Planner

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing approval of renaming Ridge Way Drive to Stone Ridge Drive and changing corresponding house numbers located in the Stoneridge, Phase I Subdivision, City of Temple, Bell County, Texas.



Figure 1: Location Map

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for the renaming of Ridge Way Drive to Stone Ridge Drive and changing corresponding house numbers:

1. The proposal should alleviate confusion because houses on Stone Ridge Drive and Ridge Way have the exact same house numbers on both street.
2. It should eliminate confusion with Ridgeway which is a street between Hogan Road and Poison Oak Road just east of Highway 31.
3. The proposal should provide the best safety and welfare for residents by eliminating Ridge Way Drive as a street name.

**ITEM SUMMARY:** This proposal was initiated by City staff because Stone Ridge Drive and Ridge Way Drive parallel each other and meet at their respective northern terminus. This causes confusion because houses on Stone Ridge Drive and Ridge Way have the exact same house numbers on both streets. Furthermore, there is a Ridgeway street between Hogan Road and Poison Oak Road just east of Highway 317 which also causes mail delivery issues with Ridge Way Drive. By eliminating Ridge Way Drive as a street name, City staff believes this will provide the best safety and welfare for the residents of this area.

If the proposal is approved, the City will notify the U.S. Postal Service and the E-911 emergency system about the address changes. Residents, tenants and property owners are responsible for notifying all other correspondents about their address change. This includes, but is not limited to, utility and phone companies, mortgage companies, magazine subscriptions or any other company with your current address.

**PUBLIC NOTICE:** If approved, there will be 27 property owners affected by this change. Notification letters were sent out to all 27 property owners on August 18, 2016. As of Tuesday, September 6, one letter had been received by the planning department regarding concern for the proposed change.

**FISCAL IMPACT:** Not Applicable

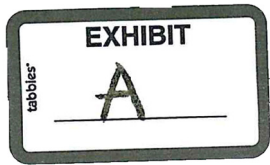
**ATTACHMENTS:**

[Exhibit A](#)

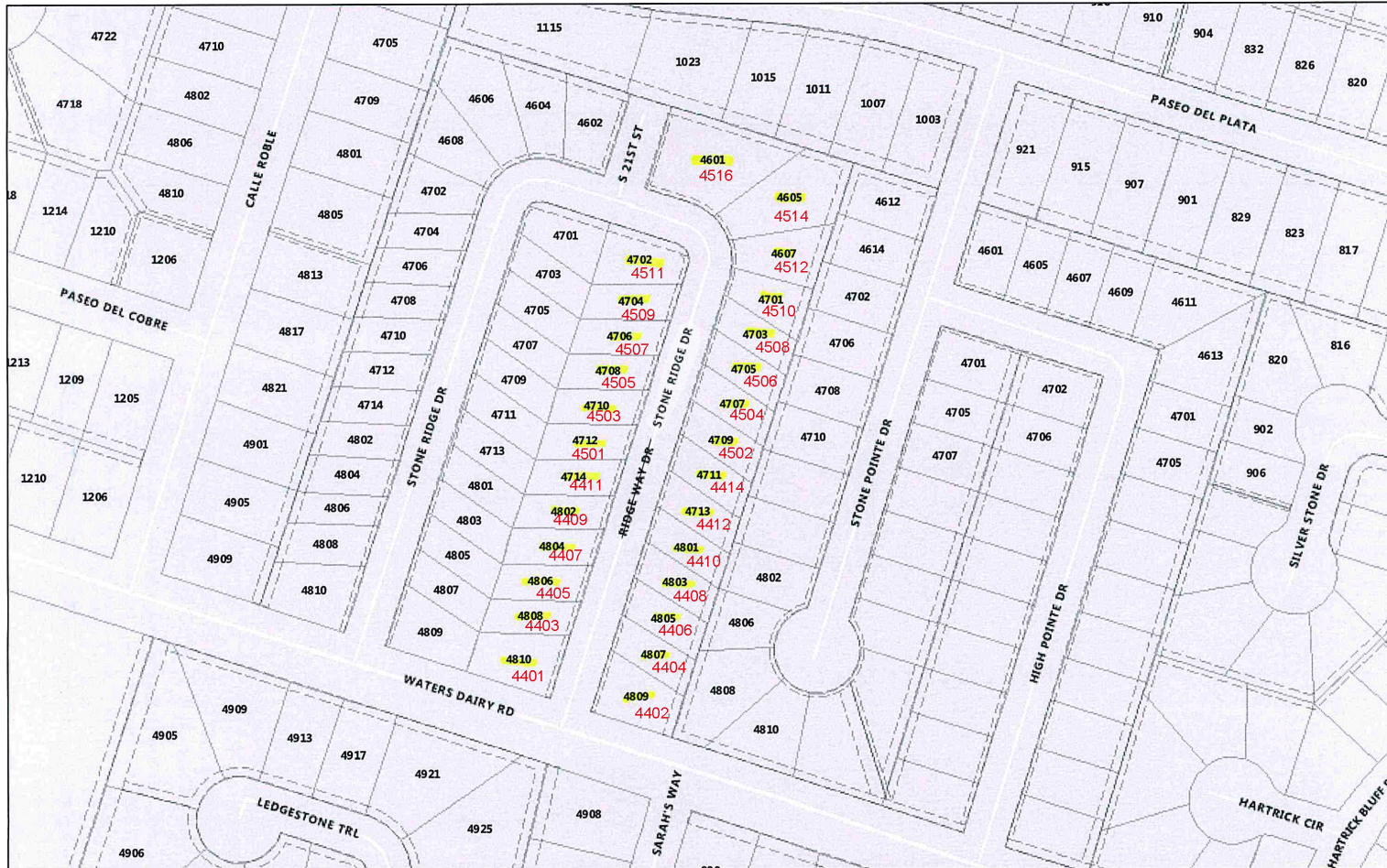
[Notification Letter \(example\)](#)

[Returned Property Owner Letter](#)

[Resolution](#)



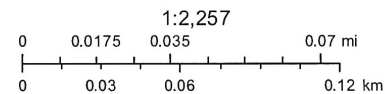
# Ridge Way Drive Readdressing Project



June 8, 2016

Parcels

Proposed house numbers in red.



City of Temple

Notification Letter (example)



August 17, 2016



RE: Ridge Way Drive Readdressing Proposal

Dear [REDACTED]:

As a property owner on Ridge Way Drive, the purpose of this letter is to notify you that there is a proposal for properties with an address on Ridge Way Drive to change to a Stone Ridge Drive address (see enclosed map). The proposal also includes new house numbers to be assigned. If this proposal is approved by City Council, your new address would be:

[REDACTED] Stone Ridge Drive, Temple, Texas 76502

You have the opportunity to speak on this proposal at the September 15, 2016 City Council meeting, which will take place on the 2<sup>nd</sup> floor of City Hall (2 North Main Street) at 5:00 p.m.

If the proposal is approved, the City will notify the U.S. Postal Service and the E-911 emergency system about the address changes. Residents, tenants and property owners are responsible for notifying all other correspondents about their address change. This includes, but is not limited to, utility and phone companies, mortgage companies, magazine subscriptions or any other company with your current address.

This proposal was initiated by City staff because Stone Ridge Drive and Ridge Way Drive parallel each other and meet at their respective northern terminus. This causes confusion because houses on Stone Ridge Drive and Ridge Way have the exact same house numbers on both streets. Furthermore, there is a Ridgeway street between Hogan Road and Poison Oak Road just east of Highway 317 which also causes mail delivery issues with Ridge Way Drive. By eliminating Ridge Way Drive as a street name, City staff believes this will provide the best safety and welfare for the residents of this area. If you have comments or questions, please contact Dessie Redmond, City Planner, at 254-298-5270 or [dredmond@templetx.gov](mailto:dredmond@templetx.gov).

Sincerely,

Brian L. Chandler  
City of Temple  
Director of Planning  
254-298-5272  
[bchandler@templetx.gov](mailto:bchandler@templetx.gov)  
2 North Main Street  
[www.templetx.gov](http://www.templetx.gov)

Returned Property Owner Letter



8/24/16

Dear Mr. Chandler,

I have lived at  
4907 Ridge Way Dr. for  
10 years. I do not  
want my address changed.

The problem here  
is with the post office  
and its workers. Changing  
our address is not going  
to change anything.

The U.S. Post office  
delivers packages that  
belong to my neighbors  
to my door. I get

Returned Property Owner Letter, continued

(2)



letters that belong to Neighbors.  
In my opinion you need  
to address the U.S. Post Office  
instead of Causing 27  
homes to Change their  
lives that will cost us  
money and still not make  
a difference in our Mail.

This proposal is un-  
called for. It takes a  
lot less time to put a  
letter back in the mail  
box than to Change your  
address on all your business

Returned Property Owner Letter, continued

(3)



It is a nightmare  
when you start changing  
address on S.S. - government  
papers - medical papers  
drivers lic - bank papers  
and etc.

I hope you will consider  
this and not change our  
address. The one who  
started this should  
~~have~~ had more regards  
for his fellow neighbors.

I'm sure there are  
mail problems all over  
the city of Temple.  
Please don't confuse

Returned Property Owner Letter, continued

④ Our mail carriers  
only more than they  
already are.

We have more serious  
issues in this neighbor-  
hood than getting a  
wrong letter.

Thank you for your  
time.

Jackie Burkis  
4707 Ridge Way Dr.  
Tempe, TX 76502

254-773-9566

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RENAMING RIDGE WAY DRIVE TO STONE RIDGE DRIVE; CHANGING CORRESPONDING HOUSE NUMBERS LOCATED IN THE STONERIDGE PHASE 1 SUBDIVISION, CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Stone Ridge Drive and Ridge Way Drive parallel each other and meet at their respective northern terminus which causes confusion because houses on Stone Ridge Drive and Ridge Way Drive have the exact same house numbers on both streets;

**Whereas,** currently, there is a Ridgeway Street between Hogan Road and Poison Oak Road just east of Highway 317 which also causes mail delivery issues with Ridge Way Drive residences;

**Whereas,** by eliminating Ridge Way Drive as a street name, Staff believes this will provide enhanced safety and welfare for the residents of this area;

**Whereas,** Staff will notify the U.S. Postal Service and the E-911 emergency system about the address changes and residents, tenants and property owners will be responsible for notifying all other correspondents about their address change;

**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 renaming of Ridge Way Drive to Stone Ridge Drive and authorizes the changing of corresponding house numbers located in the Stoneridge, Phase I Subdivision, City of Temple, Bell County, Texas, as outlined in Exhibit 'A' attached hereto.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item#9  
Regular Agenda  
Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** **I-FY-16-02** – Consider action on a resolution for an appeal of standards to Section 6.75(j) of the Unified Development Code (UDC) related to the number of signs, height, square footage, and to allow a roof sign within the I-35 Corridor Overlay at 5141 North General Bruce Drive.



Project Location

**BACKGROUND:** The applicant has requested an appeal to the following Overlay signage standards (justification shown in parentheses):

1. Sec. 6.7.5.J.1.: (“Permitted Sign Types” table)
  - a. Pylon sign height (25 feet max)
    - i. Main project identifier pylon sign is proposed for 35 feet in height
  - b. Pylon sign maximum area (200 square feet)
    - i. Main project identifier pylon sign is proposed for 420 square feet
2. Sec. 6.7.5.J.2. Maximum Signs per Site
  - a. Code allows 1 freestanding sign (monument or pylon) per site
    - i. Applicant proposes 3 (2 that are visible from I-35) and 2 of which also serve as directional signage but exceed our general signage standards from Sec. 7.6 of the UDC that would apply and would limit the size to 3 square feet
3. Sec. 6.7.5.J.7. Prohibited Sign Types
  - a. Roof Signs are prohibited
    - i. A 750-square foot roof sign is proposed to provide visibility to the building from I-35

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their September 6, 2016 meeting, the Planning & Zoning Commission voted unanimously to approve the appeal as submitted.

**STAFF RECOMMENDATION:** Staff recommends approval of the appeal as submitted based on the following:

- Applicant has been working closely with staff to revise the design, height and overall square footage of the largest freestanding (pylon) sign.
- Applicant has limited the number of signs to address what is needed for the facility
- The signage provides clarity that the facility is for BS&W “logistics” (distribution center), rather than as a hospital use
- In reference to the following 4 signs, staff supports the proposed number, location, size and height:
  1. The 750 sf roof sign
    - Provides visibility and from I-35
    - The building is 104,188 square feet and is set back 366 feet from the front property line
    - The building is heavily screened by existing trees, therefore justifying the need for a roof sign
  2. The 35-foot tall project identifier pylon sign
    - Is significantly set back from the front property line behind overhead utility lines and a 15-foot utility easement
    - Is surrounded by a dense canopy of preserved trees
    - Is a design improvement and reduced in size and height from the originally proposed two-legged pole sign
  3. The 15-foot tall entrance pylon sign
    - Identifies the entrance drive for truck traffic, employees and visitors
    - Serves as a directional sign
  4. 1 Directional Sign
    - Provide necessary directional distinctions between office and freight traffic
    - Are not visible from the public right-of-way

**ITEM SUMMARY:** The Baylor Scott & White distribution center, which is proposed to open in October, will consist of 104,188 square feet (for Phase 1; Phase 2 is proposed as a 49,333 square foot future addition) on 64 acres and will provide hospitals throughout the BS&W system with medical supplies.

An I-35 Corridor Overlay appeal for the project was approved by City Council on September 3, 2015 related to Overlay landscaping standards, due to the unique size, location and proposed use of the facility.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Sign Exhibits](#)  
[Resolution](#)



**B D G**

**Babendure Design Group**

8140 Walnut Hill Ln. #950

Dallas, Texas 75231

214.265.1960

214.265.5552 (fax)

[www.babendure.com](http://www.babendure.com)

**Baylor Scott & White Health  
Logistics  
Temple, Texas**

City Review Package  
August 31, 2016



**B D G**

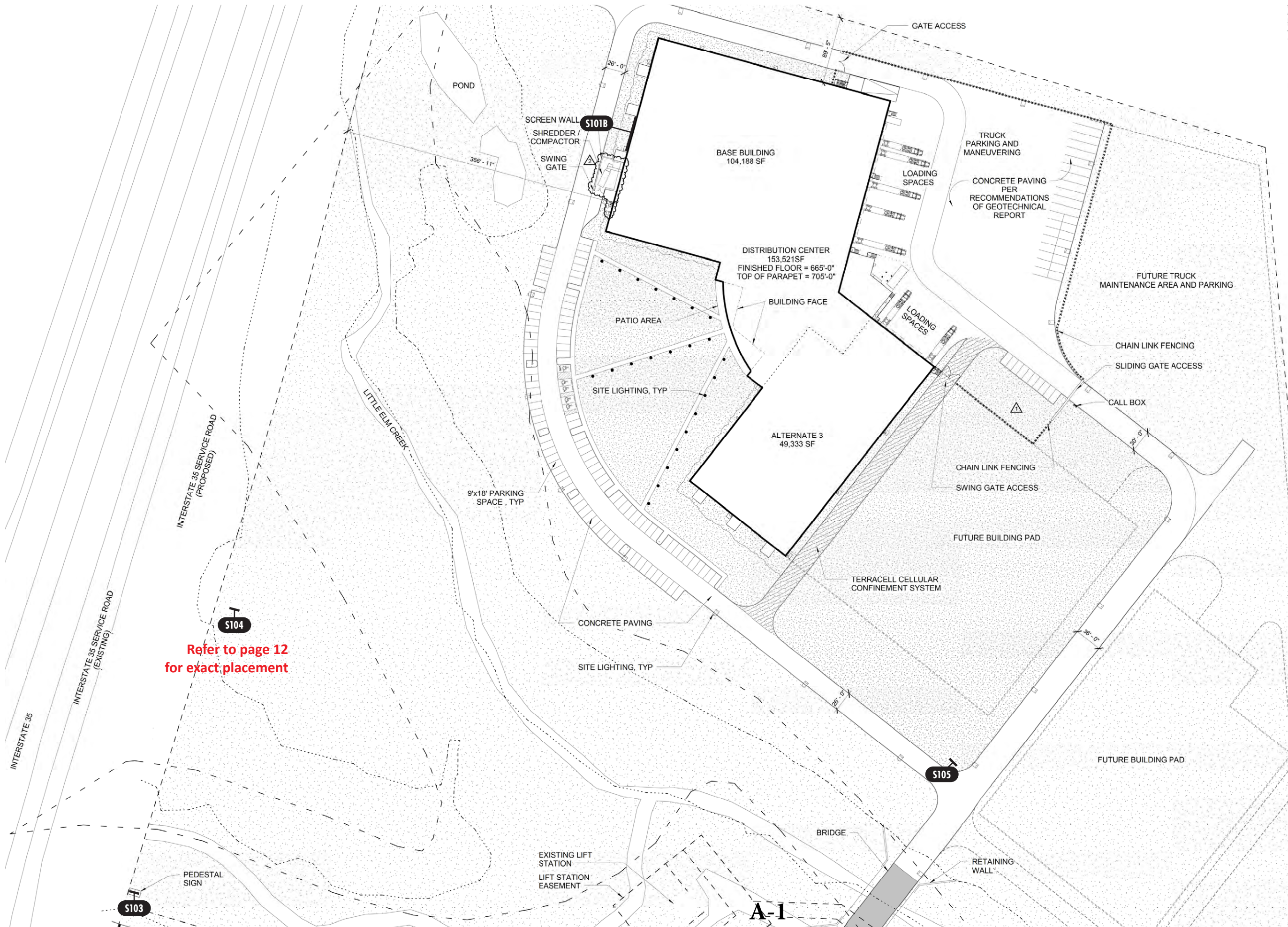
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214.265.5552 (fax)  
www.babendure.com

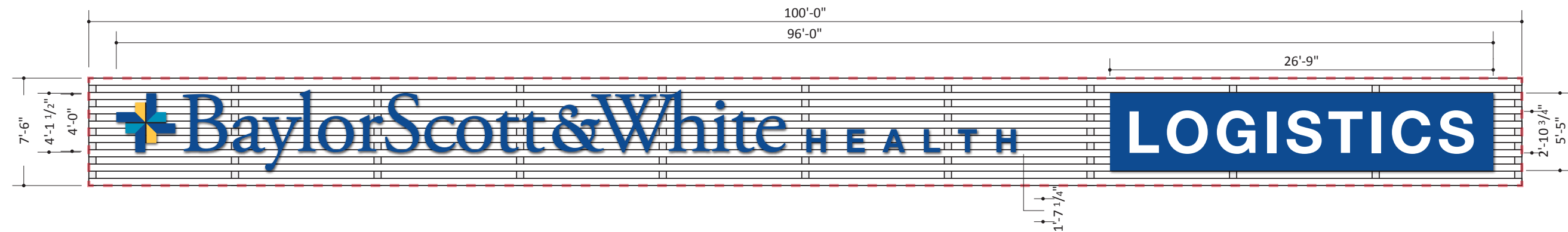
Refer to page 12  
for exact placement

**Sign Location Plan  
Site**

Baylor Scott & White Health  
Logistics

August 30, 2016



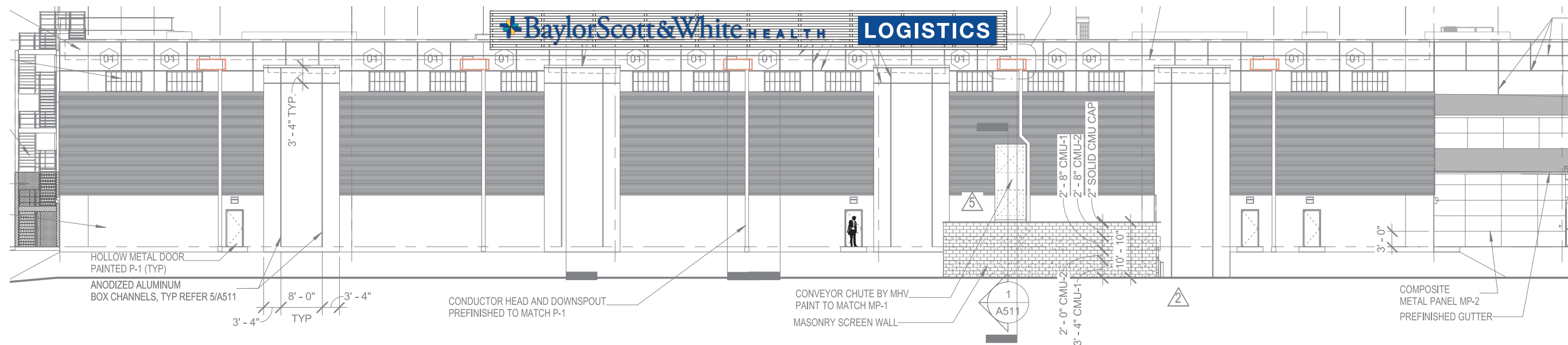


**1 Detail**  
Scale: 1/8"=1'-0"

760 Sq. Ft.



**2 Illumination Example**  
Scale: 3/64"=1'-0"



**3 West Elevation**  
Scale: 3/64"=1'-0"



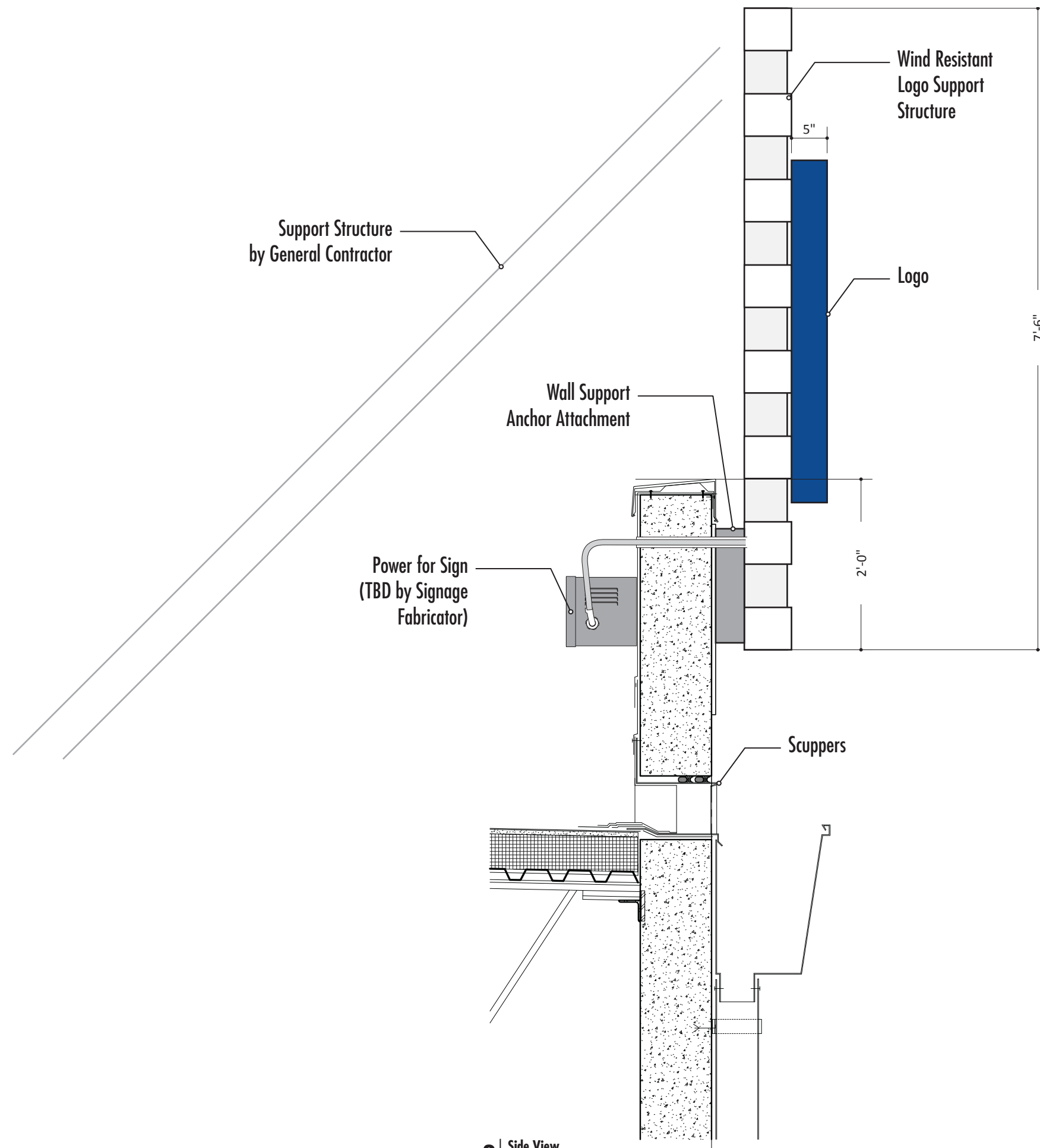
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**Location S101B**  
**West Elevation**

Baylor Scott & White Health  
Logistics

August 30, 2016



A-3



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**Location S101B**  
**West Elevation**  
**Side View**

Baylor Scott & White Health  
 Logistics

August 30, 2016



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*High Level Branding  
Photo Rendering  
Southbound on I-35*

**Location S101B  
West Elevation**

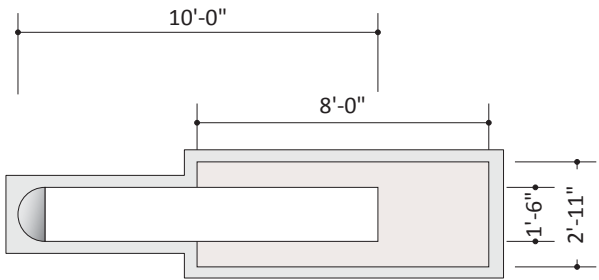
Baylor Scott & White Health  
Logistics

August 30, 2016

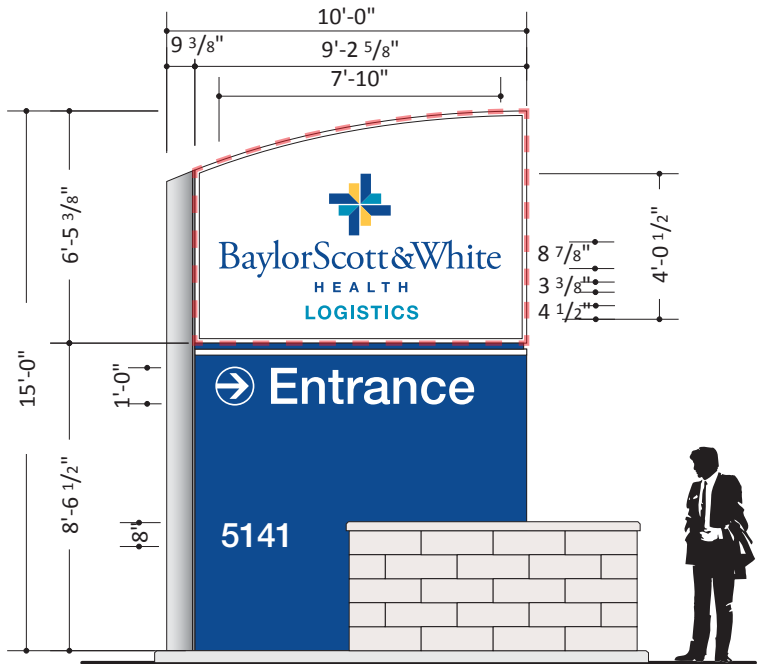


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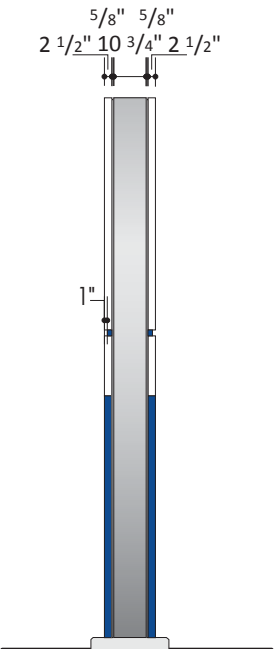
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**1 | Plan View**  
Scale: 3/16"=1'-0"



**2 | Front Elevation**  
Scale: 3/16"=1'-0" **60 Sq. Ft. Logo Panel**



**3 | Side Elevation**  
Scale: 3/16"=1'-0"



**4 | Illumination Example**  
Scale: 3/16"=1'-0"

**Location S103**  
**EXT.D1 Monument**

Baylor Scott & White Health  
Logistics

August 30, 2016



**B D G**

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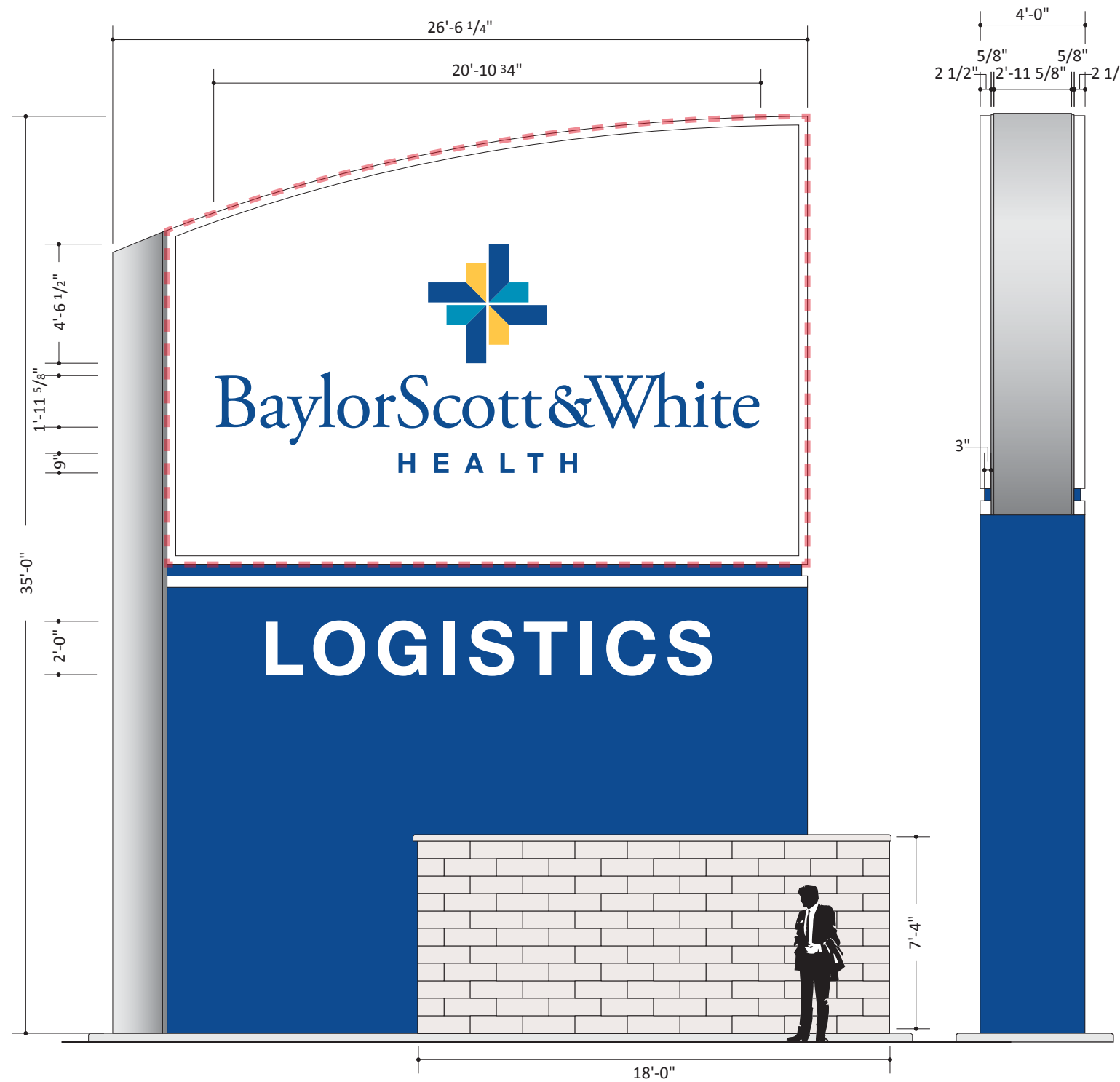
*Monument  
Photo Rendering  
Northbound on I-35*

**Location S103  
EXT.D1 Monument**

Baylor Scott & White Health  
Logistics

August 30, 2016

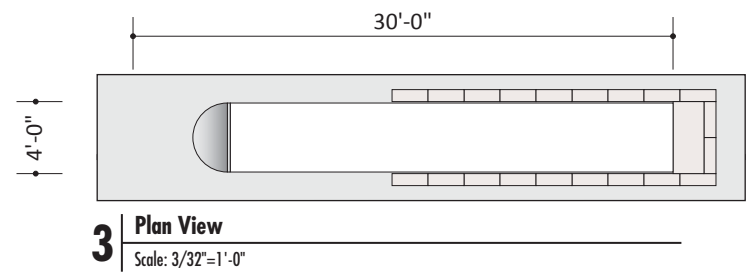
A-7



1 Front Elevation  
Scale: 3/16"=1'-0"

420 Sq. Ft. - Logo panel

2 Side Elevation  
Scale: 3/8"=1'-0"



4 Illumination Example  
Scale: 3/32"=1'-0"



B D G

**Babendure Design Group**  
8140 Walnut Hill Ln. #950  
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www.babendure.com

Location S104  
EXT.D1 Monument

Baylor Scott & White Health  
Logistics

August 30, 2016



**B D G**

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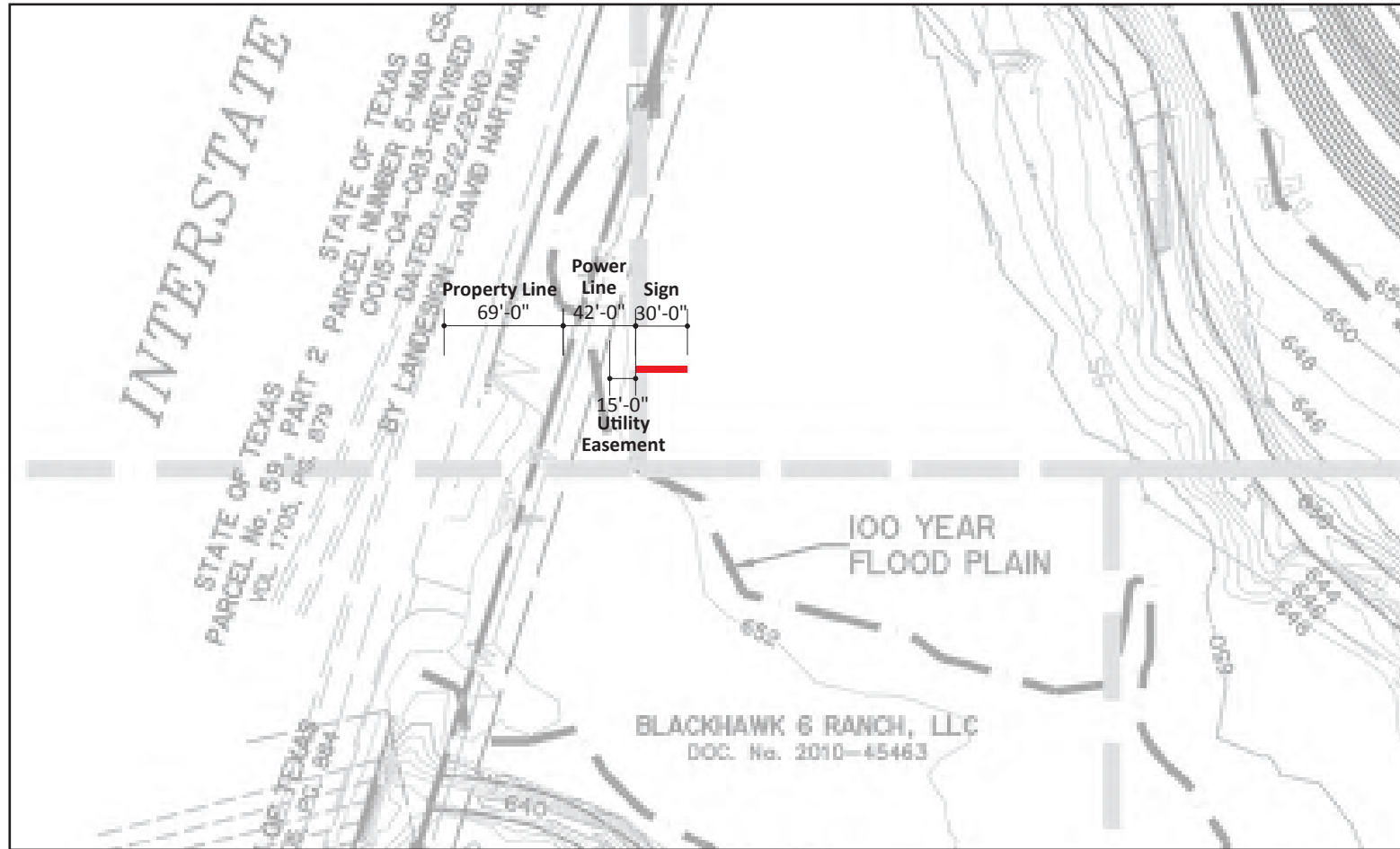


*Monument  
Photo Rendering  
Northbound on I-35*

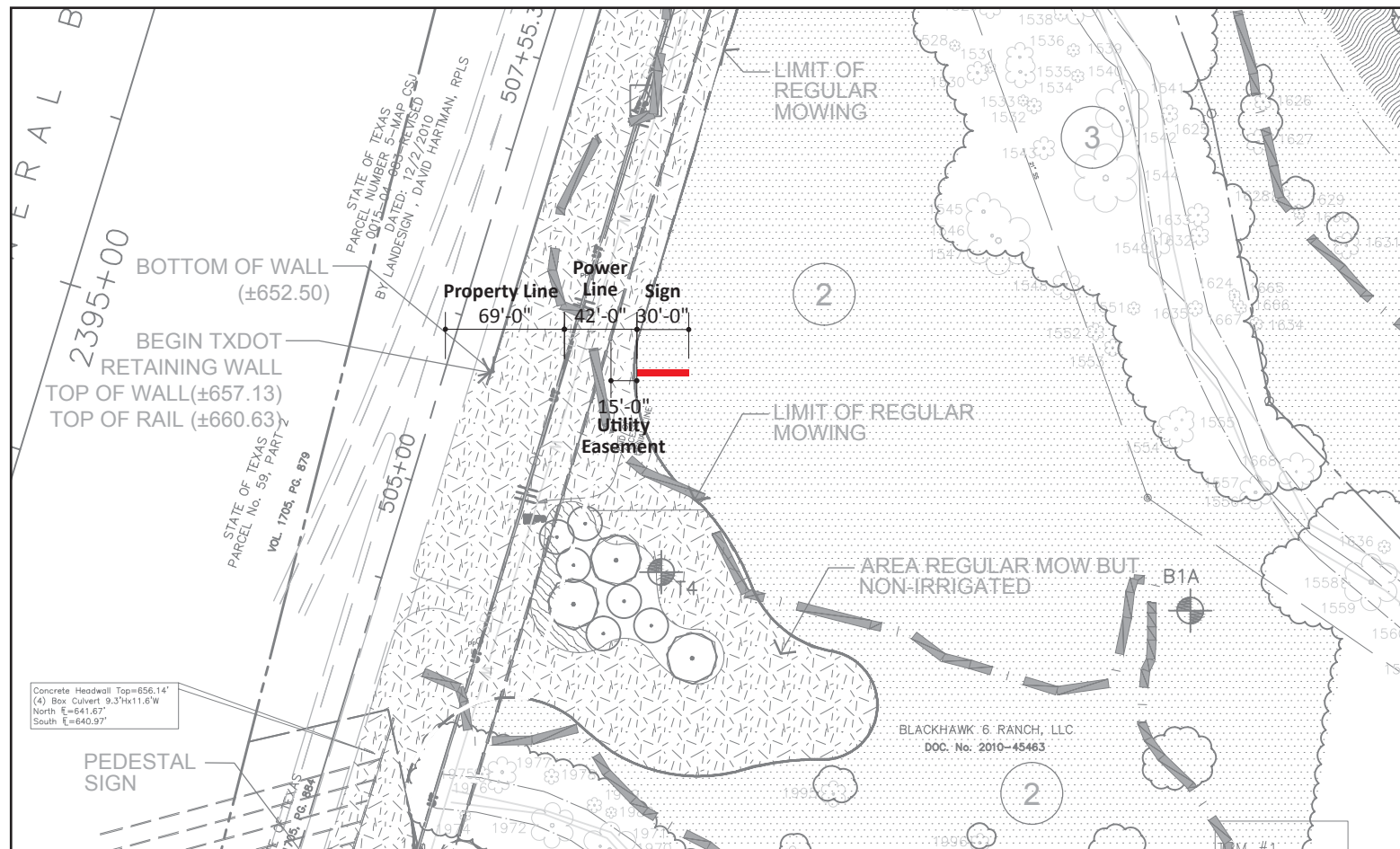
**Location S104  
EXT.D1 Monument**

Baylor Scott & White Health  
Logistics

August 30, 2016



Grading Plan



Landscape Plan



**B D G**

**Babendure Design Group**  
8140 Walnut Hill Ln. #950  
Dallas, Texas 75231  
214.265.1960  
214.265.5552 (fax)  
www.babendure.com

**Location S104  
EXT.D1 Monument  
Location Plan**

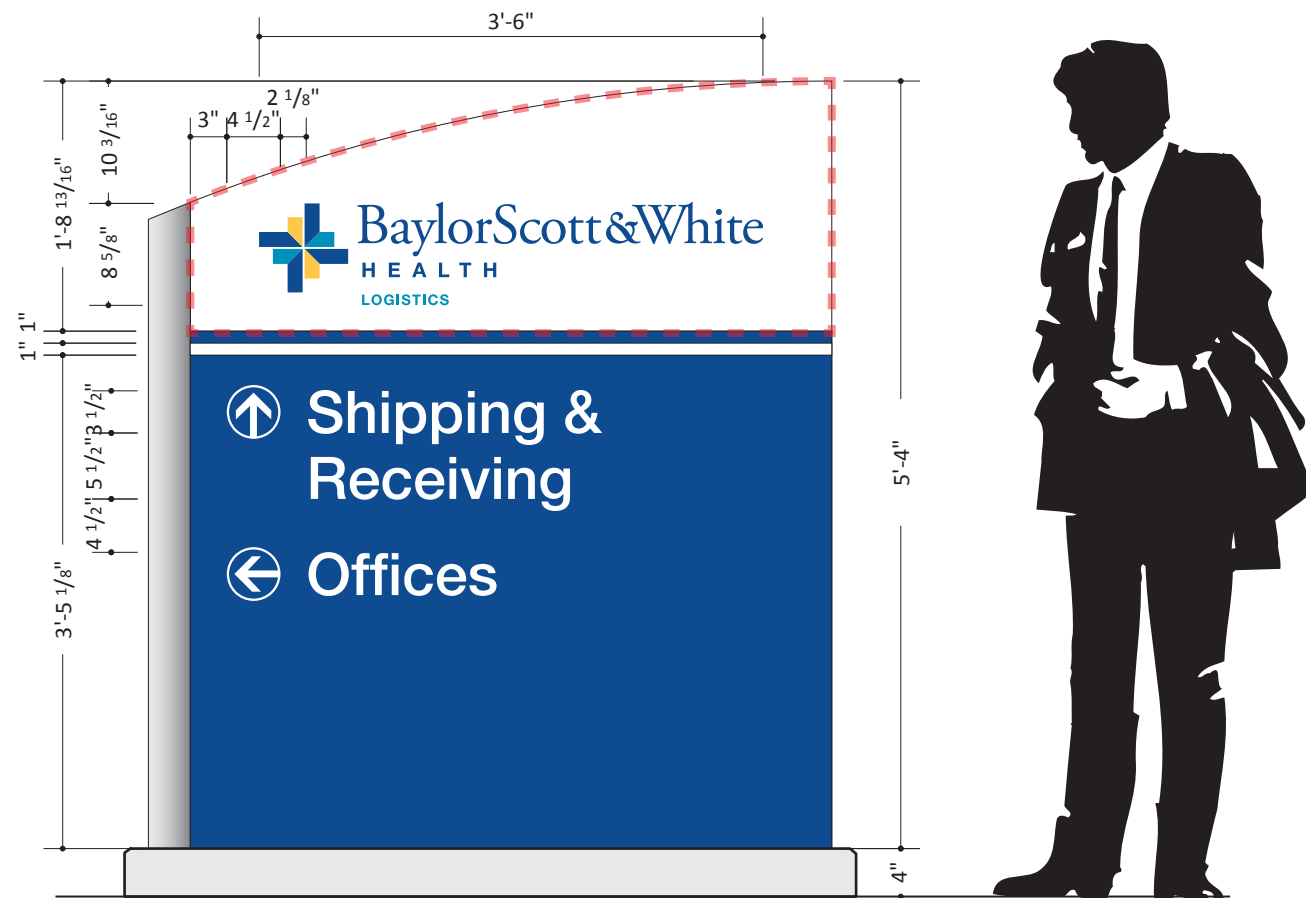
Baylor Scott & White Health  
Logistics

August 30, 2016



**B D G**

**Babendure Design Group**  
8140 Walnut Hill Ln. #950  
Dallas, Texas 75231  
214.265.1960  
214.265.5552 (fax)  
www.babendure.com



**1** | Front Elevation - Side A  
Scale: 3/4"=1'-0"

8 Sq. Ft. - Logo panel



**2** | Front Elevation - Side B  
Scale: 3/4"=1'-0"

**Location S105**  
**EXT.C Site Directional**

Baylor Scott & White Health  
Logistics

August 30, 2016

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

[PLANNING NO. I-FY-16-02]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.7.5(J) OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE NUMBER, HEIGHT, AND SQUARE FOOTAGE OF SIGNS, AND TO ALLOW A ROOF SIGN WITHIN THE I-35 CORRIDOR OVERLAY ZONING DISTRICT LOCATED AT 5141 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, according to Section 7.6 of the Unified Development Code, which includes the general sign standards, the purpose of the City’s sign code is to “promote the efficient transfer of information in sign messages so that those signs that provide messages and information most needed and sought by the public are given priorities, businesses and services may identify themselves, customers and other persons may locate a business or services and a person or group is not arbitrarily denied the use of the sight lines from the public street right-of-way for communication purposes;”

**Whereas**, the Baylor Scott & White distribution center, which is proposed to open in October, will consist of 104,188 square feet (for Phase 1; Phase 2 is proposed as a 49,333 square foot future addition) on 64 acres and will provide hospitals throughout the BS&W system with medical supplies;

**Whereas**, all new signage in the Overlay District must conform to Sec. 6.7.5(j) of the Unified Development Code - the applicant has requested an appeal to the following Overlay signage standards:

1. Sec. 6.7.5(j).1.: (“Permitted Sign Types” table)
  - i. Pylon sign height (see Exhibit ‘A’)
    - Main project identifier pylon sign is proposed for 35 feet in height
  - ii. Pylon sign maximum area
    - Main project identifier pylon sign is proposed for 420 square feet
2. Sec. 6.7.5(j).2. Maximum Signs per Site
  - i. Code allows 1 freestanding sign (monument or pylon) per site
    - Applicant proposes 2 additional (a total of 3) freestanding signs
      - a. One 15-foot tall and 60 square foot pylon sign (see Exhibit ‘B’)
      - b. One 5-foot 4-inch tall and 8 square foot directional sign (see Exhibit ‘C’)
3. Sec. 6.7.5(j).7. Prohibited Sign Types
  - A 750-square foot roof sign is proposed to provide visibility to the building from I-35 (see Exhibit ‘D’)

**Whereas**, Staff recommends approval of the appeal and the site plan shown on Exhibit ‘E’ with regard to the number of signs, height, square footage and to allow a roof sign within the I-35 Corridor Overlay at 5141 North General Bruce Drive; and

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

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

**Part 1:** The City Council authorizes an appeal of standards of Section 6.7.5(j) of the Unified Development Code related to the number, height, and square footage of signs, and to allow a roof sign within the I-35 Corridor Overlay at 5141 N. General Bruce Drive.

**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 **15<sup>th</sup>** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/15/16  
Item #10  
Regular Agenda  
Page 1 of 2

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

Justin Brantley, Assistant Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2017 with the following vendors in the estimated annual amount of \$284,271.01:

Techline Pipe of Hutto, \$21,665.61  
Fortiline, Inc. of Balch Springs, \$65,275.85;  
HD Supply Waterworks of Belton, \$83,519.17; and  
ACT Pipe & Supply of Temple, \$113,810.38.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description or consider local preference options as noted below.

**ITEM SUMMARY:** Authorization of this purchase agreement allows the stocking of commonly used utility repair parts in the Utility Warehouse during FY2017.

The Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works and Parks departments. As shown on the attached bid tabulation, on August 9, 2016, the City received four bids for the annual purchase of utility supplies. The invitation to bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 66 sections. Staff recommends award of the bids to the low bidders of each section, as noted in the item description above, and as highlighted in yellow on the attached 66-line bid tabulation.

The City has done business in the past with HD Supply Waterworks (HD) and ACT Pipe and Supply (ACT), and staff has found each to be a responsible vendor. The City has not done business with Techline Pipe (Techline) or Fortiline, Inc. (Fortiline); therefore, references were checked and staff believes that, based on the feedback received from customers of these two vendors, that they will be responsive and responsible vendors. The proposed purchase agreements will not have options for annual renewals.

ACT is requesting that they be deemed a "local business" under the City's Local Preference Policy. Per the Local Preference Declaration form submitted by ACT, ACT explained that there is economic development impact to the City through the award of purchases to ACT because ACT is a Temple taxpayer and citizens of Temple are employed at ACT-Temple.

Per the City's Local Preference Policy, for non-construction expenditures less than \$500,000, if the City receives a competitive sealed bid from a bidder whose *principal place of business* is within the City limits and whose bid is within five percent of the lowest bid price, the **Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award.**

In accordance with the City's adopted Local Preference Policy, Council does have the option to award 16 sections of the bid to ACT (i.e. ACT's bid in these 16 sections is within 5% of the low bidder), which are highlighted in blue on the attached bid tabulation. The summarized change in the contract award if Council elects to enact local preference is as follows:

- Techline, award would go down from \$21,665.61 to \$7,796.06
- Fortiline, award would go down from \$65,275.85 to \$18,580.73
- HD, award would go down from \$83,519.17 to \$20,285.02
- ACT, award would go up from \$113,810.38 to \$239,880.17

Total low bid recommended award	\$284,271.01
Total award if ACT awarded sections that they are within 5% of low bidder	286,541.98
	-----
Local Preference Option-additional estimated incremental annual cost	\$ 2,270.97

**FISCAL IMPACT:** Utility supplies are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The supplies are charged to departmental expenditure accounts as they are issued to departments. Based on historical usage, it is estimated that \$284,271.01 in utility supplies will be purchased during FY 2017.

The impact of awarding a local preference to ACT would increase the estimated annual total purchases of utility supplies authorized by this resolution from \$284,271.01 to \$286,541.98, an increase of \$2,270.97 (0.8%).

**ATTACHMENTS:**

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

**Tabulation of Bids Received  
on August 9,2016 at 2:30 p.m.  
Utility Supplies  
Bid# 13-04-17**

	Fortiline, Inc. Balch Springs, TX (214)660-3662	ACT Pipe & Supply Temple, TX (254)742-0888	HD Supply Waterworks Belton, TX (254)939-8998	Techline Pipe Hutto, TX (512)759-4290
Description				
Section #1 Brass Ball Valves (LF)	\$22,919.99	\$23,297.34	\$23,210.53	\$23,146.21
Section #2 Brass Corporation Stops (LF)	\$3,857.28	\$3,908.50	\$3,889.53	\$3,866.77
Section #3 Brass Meter Couplings (LF)	\$10,738.80	\$10,919.70	\$10,827.60	\$10,918.10
Section #4 Brass Straight Couplings (LF)	\$4,618.81	\$4,716.71	\$4,657.09	\$4,653.05
Section #5 Brass Bell Reducer Couplings FIPT x FIPT (LF)	\$1,254.25	No bid	\$1,134.87	\$1,365.11
Section #6 Elbow Brass 90 PJ x PJ (LF)	\$4,560.24	\$4,656.46	\$4,614.14	\$4,588.66
Section #7 Elbow Brass 90 FIPT x FIPT (LF)	No bid	No bid	\$465.08	\$561.00
Section #8 Brass Threaded Nipples (LF)	No bid	\$1,802.43	\$1,423.44	\$1,773.75
Section #9 Stainless Steel Stiffner 50 Series	\$1,485.20	\$1,245.40	\$1,207.80	No bid
Section #10 Full Circle Clamps (Single Band) (With Removable Lugs)	\$12,576.00	\$15,317.38	\$15,736.05	No bid
Section #11 Full Circle Clamps (Double Band) (with removable lugs)	\$2,200.00	\$2,765.56	\$2,821.98	No bid
Section #12 Collar Leak Clamps	\$530.00	\$570.71	\$396.38	No bid
Section #13 Tapping Saddles (CI or DI with CC Threads)	\$3,804.73	\$5,199.22	\$4,921.25	No bid
Section #14 Multit-Range Repair Couplings (Hymax< Smith-Blair or Romac)	No bid	\$47,894.04	\$47,291.91	No bid
Section #15 Adjustable Valve Box Bottom (CI or DI) (Foreign OK)	No bid	\$601.10	\$411.90	\$622.60
Section #16 Adjustable Valve Box Top (CI or DI) (Foreign OK)	No bid	\$1,030.32	\$534.72	\$931.80
Section #17 Valve Box Lid (CI or DI) (Foreign OK)	No bid	\$700.00	\$343.00	\$665.00
Section #18 MJ x MJ Gate Valve (CI or DI) (Muelle, Clow or East Jordan)	No bid	\$29,134.91	\$31,334.83	\$33,586.84
Section #19 MJ x Flange Gate Valve (CI or DI) (Mueller, Clow or East Jordan)	\$3,690.00	\$3,491.75	\$3,570.49	\$3,651.06
Section #20 Threaded Gate Valve (CI or DI)	No bid	\$1,794.96	\$1,754.10	\$1,645.56
Section #21 MJ Bends - 22-1/2 Degrees (CI or DI)	No bid	\$688.72	\$692.88	\$712.06
Section #22 MJ Bends - 45 Degrees (DI)	No bid	\$819.39	\$828.42	\$866.60
Section #23 MJ Bends - 90 Degrees (DI)	No bid	\$1,048.30	\$1,058.02	\$1,097.80
Section #24 Reducer MJ x MJ (DI)	No bid	\$1,566.24	\$1,588.59	No bid
Section #25 MJ Tees (DI)	No bid	\$2,635.95	\$2,690.46	No bid
Section #26 Cap MJ	No bid	\$360.96	\$364.43	No bid
Section #27 Plug MJ Soild	No bid	\$512.38	\$515.72	No bid
Section #28 Tapped Plugs	No bid	\$549.04	\$552.30	No bid
Section #29 MJ Solid Sleeves (Long) (CI or DI)	No bid	\$608.36	\$711.55	No bid
Section #30 MJ Solid Sleeves (Short)	No bid	No bid	\$539.12	No bid
Section #31 CI Valve Box Riser (Fits 461-562 Series)	No bid	\$583.00	\$345.85	\$529.50
Section #32 Swivel x Solid MJ CI Anchor Couplings	No bid	\$1,736.81	\$1,770.57	No bid
Section #33 PVC Compression Coupling	No bid	No bid	\$135.80	No bid
Section #34 All Thread Rod and Couplings	No bid	No bid	No Bid	No bid
Section #35 Gland Packs (Complete with Gaskets and Bolts)	No bid	\$1,965.65	\$1,900.41	No bid
Section #36 PVC Mega Lugs-Packs (With MJ Gaskets and Bolts)	No bid	\$1,745.00	\$1,706.47	\$2,044.77
Section #37 DI Mega Lugs-Packs (With MJ Gaskets)	No bid	\$568.56	\$555.05	\$667.71
Section #38 Brass Pack Joint Tee	No bid	\$1,182.96	\$1,075.38	\$1,107.60
Section #39 Brass Tees (FIPTxFIPTxFIPT)	No bid	No bid	\$117.43	No bid
Section #40 Flanged Coupling Adaptors	No bid	\$598.40	\$595.31	No bid
Section #41 Brass Threaded Bushing	No bid	\$2,539.84	\$2,461.60	No bid

**Tabulation of Bids Received  
on August 9,2016 at 2:30 p.m.  
Utility Supplies  
Bid# 13-04-17**

	<b>Fortiline, Inc. Balch Springs, TX (214)660-3662</b>	<b>ACT Pipe &amp; Supply Temple, TX (254)742-0888</b>	<b>HD Supply Waterworks Belton, TX (254)939-8998</b>	<b>Techline Pipe Hutto, TX (512)759-4290</b>
<b>Description</b>				
Section #42 Bell Joint Leak Clamps (Complete Kit)	No bid	\$357.80	\$302.47	No bid
Section #43 Brass Sleeve Coupling FIPT	No bid	No bid	\$321.56	\$392.80
Section #44 Fire Hydrants (Clow Medallion F2546B, Mueller A423 Centurion, or East Jordan Water Master 5CD250)	No bid	\$23,616.03	\$24,885.20	\$24,325.80
Section #45 Meter Risers	No bid	\$14,383.09	\$14,398.93	\$13,869.55
Section #46 Brass Meter Flange Complete Kits	No bid	No bid	No Bid	\$712.50
Section #47 Concrete Meter Box (Box Only)	No bid	\$3,933.28	\$4,273.26	No bid
Section #48 CI Reader Lid Only (for Concrete Meter Box)	No bid	\$4,020.36	\$3,947.76	No bid
Section #49 Meter Box with Overlapping Lid and CI Reader	No bid	\$17,318.77	\$18,473.11	No bid
Section #50 Meter Washers	No bid	\$784.00	No Bid	No bid
Section #51 Sewer Supplies-SDR 26 Deep Bell	No bid	\$683.65	\$824.60	No bid
Section #52 Non-Shear Flex Boot Coupling	No bid	\$7,656.67	\$7,770.95	\$8,947.20
Section #53 Sewer Caps Threaded PVC with Sleeve - SDR 26	No bid	\$997.10	\$1,153.45	\$1,239.00
Section #54 Sewer Clean Outs	No bid	\$1,495.18	\$1,467.84	\$1,526.40
Section #55 SDR 26 Sewer Wyes GxGxG (with deep bell)	No bid	\$11,027.69	\$11,611.23	\$13,779.10
Section #56 SDR 26 Sewer Tee Wyes GxGxG (with deep bell)	No bid	\$600.39	\$638.08	\$735.00
Section #57 Type M2 Adjustable Steel Manhole Ring Risers (Foreign OK)	No bid	No bid	\$3,386.22	\$1,593.50
Section #58 Cast Iron Manhole Rings & Covers	No bid	\$9,349.70	\$7,357.06	\$10,538.00
Section #59 Concrete Manhole Ring Risers	No bid	\$1,011.08	\$947.84	No bid
Section #60 Concrete Manhole Cones	No bid	\$6,346.62	\$6,300.00	\$5,082.00
Section #61 Concrete Manhole Risers 48-Inch	No bid	\$2,115.56	\$2,100.00	\$2,226.00
Section #62 Sewer SDR26 Gasketed PVC Bends	No bid	\$4,039.99	\$4,239.80	\$5,928.10
Section #63 PVC Tapping Saddles (Gasketed with Bands)	No bid	\$583.52	\$509.72	\$356.00
Section #64 Flexible Saddle Wyes for Use on Clay Pipe	No bid	\$123.40	\$116.90	\$168.60
Section #65 Mushroom Vavle Box Cover	No bid	\$1,227.60	\$930.00	\$1,320.00
Section #66 Eye Bolts with Washers and Nuts (Steel)	No bid	No bid	No bid	No bid
<b>TOTAL RECOMMENDED FOR AWARD</b>	<b>\$65,275.85</b>	<b>\$113,810.38</b>	<b>\$83,519.17</b>	<b>\$21,665.61</b>
<b>Total Award for Local Preference Option</b>	<b>\$18,580.73</b>	<b>\$239,880.17</b>	<b>\$20,285.02</b>	<b>\$7,796.06</b>
Acknowledge Addendum (1)	No	Yes	Yes	Yes
Emergency/ After Hours Fee	No	Yes/\$100	Yes/\$100	Yes/\$50
Credit Check	Yes	Yes	Yes	Yes
Exceptions	No	No	Yes	No
Local Preference	No	Yes	No	No

Recommended for Council Award

Local Preference Option

Sample product did not meet specifications

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS UTILITY SUPPLY VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$284,271.01; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works and Parks Departments;

**Whereas**, on August 9, 2016, the City received four bids for the annual purchase of utility supplies from the following vendors:

- Techline Pipe of Hutto, Texas (\$21,665.61);
- Fortiline, Inc. of Balch Springs, Texas (\$65,275.85);
- HD Supply Waterworks of Belton, Texas (\$83,519.17);
- ACT Pipe & Supply of Temple, Texas (\$113,810.38);

**Whereas**, the invitation to bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 66 sections;

**Whereas**, Staff recommends award of the bids to the vendors listed above - the City has done business in the past with HD Supply Waterworks and ACT Pipe and Supply, and has found them to be responsible vendors;

**Whereas**, the City has not done business with Techline Pipe or Fortiline, Inc. – Staff checked references and based on the feedback received, believes both vendors will be responsive and responsible;

**Whereas**, ACT Pipe and Supply is requesting that they be deemed a “local business” under the City’s Local Preference Policy - per the Local Preference Declaration form submitted by ACT, ACT explained that there is economic development impact to the City through the award of purchases to ACT because ACT is a Temple taxpayer and citizens of Temple are employed at ACT-Temple;

**Whereas**, utility supplies are purchased on an ‘as needed’ basis and are accounted for in the Utility Warehouse’s inventory account – utility supplies are charged to departmental expenditure accounts as supplies are issued to departments; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute annual purchase agreements with the following vendors, for utility supplies, in the estimated annual amount of \$284,271.01:

- Techline Pipe of Hutto, Texas (\$21,665.61);
- Fortiline, Inc. of Balch Springs, Texas (\$65,275.85);
- HD Supply Waterworks of Belton, Texas (\$83,519.17);
- ACT Pipe & Supply of Temple, Texas (\$113,810.38);

**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 **15<sup>th</sup>** day of **September**, 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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09/15/16  
Item #11  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing five members and two alternate members to the City of Temple Ethics Review Board.

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

**ITEM SUMMARY:** On August 4, 2016, the City Council adopted certain amendments to the Code of Ordinances, Chapter 2. The amendments to Chapter 2 updated the City's "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.

Pursuant to the new Ethics Code, the Ethics Review Board will consist of five members and two alternate members. The Mayor and each Councilmember must nominate one member of the Board and each nominee must be confirmed by a majority of the City Council. Two alternate members must be proposed and confirmed by unanimous vote of the City Council. The two alternate members may be proposed by any member of the City Council, including the Mayor. The alternate members will serve on the Board in the case of a conflict of another Board member.

The terms of office for each Board member will correspond with the terms of office of the City Councilmember who nominated him/her to the Board and will run for such Councilmember's corresponding three year term. No member of the Board may serve for more than three full terms. A partial term to which a person is appointed will not be counted as a full three year term except that a partial term will be counted as a full three year term if the person resigns or forfeits his/her position. The two alternate Board members will serve three year terms which will not correspond with any Councilmember's term.

To be nominated and serve on the Board, a person must be of good moral character and a resident of the City of Temple. A member may not have any convictions for a felony or any crime of moral turpitude. A Board member may not be:

- A salaried city official or employee;
- An elected public official;
- A candidate for public office;
- 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 for the City of Temple; or
- A member of any City board or commission other than the Ethics Review Board.

The Board must include at least one member who is an attorney and one member with expertise in finance or accounting.

A member of the Board may be removed for cause by a majority of the City Council after a public hearing. Grounds for removal include, but are not limited to: failure to satisfy, or continue to satisfy, the qualifications set forth above; substantial neglect of duty; gross misconduct in office; inability to discharge the power or duties of office; or violation of any provision of the Code of Ethics or a conviction of a felony or crime of moral turpitude.

A Board member must recuse himself/herself from any case in which, because of familial relationship, employment, investments, or otherwise, his/her impartiality might reasonably be questioned. A Board member may not participate in any manner regarding any complaint that the member initiated, that involves the City Councilmember who nominated him/her for a seat on the Board, or during the pendency of an indictment or information charging the member of any felony or crime of moral turpitude or after finding of guilt of such offense.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**  
[Resolution – to be provided](#)