



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, NOVEMBER 3, 2016  
3:30 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 3, 2016.
2. Discuss Board Appointments.
3. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Municipal Court Judge. No final action will be taken.

**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. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. 

|  |                     |
|--|---------------------|
| (A) Arbor Day                                      | November 6, 2016    |
| (B) Municipal Court Week                           | November 7-11, 2016 |
| (C) Complex Regional Pain Syndrome Awareness Month | November 2016       |
4. Recognition of the City of the Temple Employees of the Quarter and Employee of the Quarter finalist for the fourth quarter of 2016.

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) [October 20, 2016 Special and Regular Meeting](#)

**Contracts, Leases, & Bids**

- (B) [2016-8405-R](#): Consider adopting a resolution authorizing the purchase of furniture for the Wilson Recreation Center from Perry Office Plus of Temple in an amount not to exceed \$54,000.



- (C) [2016-8406-R](#): Consider adopting a resolution authorizing a contract with Valley View Consulting, LLC for Investment Advisory Services.
- (D) [2016-8407-R](#): Consider adopting a resolution authorizing a contract with R.T. Schneider Construction Co., Ltd of Belton, in the amount of \$99,905 for the demolition and incidental asbestos abatement of seven commercial structures in the Santa Fe Market Trail and Santa Fe Plaza areas.
- (E) [2016-8408-R](#): Consider adopting a resolution authorizing a contract with R.T. Schneider Construction Co., Ltd of Belton, in the amount of \$104,270 for the asbestos abatement and demolition of nine residential structures.
- (F) [2016-8409-R](#): Consider adopting a resolution authorizing deductive change order #2 to the contract with Ranger Excavating, LP, of Austin, in the amount of \$182,213 for the construction of the North Lucius McCelvey Extension.
- (G) [2016-8410-R](#): Consider adopting a resolution authorizing change order #2 to the contract with TTG Utilities, LP, of Gatesville in the amount of \$114,389.87 for construction of the Avenue U & 13<sup>th</sup> street connector.
- (H) [2016-8411-R](#): Consider adopting a resolution authorizing a five year contract with Avfuel, Corporation of Abilene for the supply of aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughton-Miller Central Texas Regional Airport.
- (I) [2016-8412-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Jacobs Engineering Group, Inc., to reallocate funds associated with Phase 4 of the Bird Creek Interceptor.
- (J) [2016-8413-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Keep Temple Beautiful for community improvement projects in an amount not to exceed \$30,774.
- (K) [2016-8414-R](#): Consider adopting a resolution authorizing a professional services agreement with Architectural Edge, Inc., of Temple in an amount not to exceed \$50,380 for architectural and engineering services for construction work at Wilson South Softball Complex.
- (L) [2016-8415-R](#): Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc., in an amount not to exceed \$69,400 for land acquisition services associated with the Northwest Little Elm Wastewater Line Extension and Northeast Little Elm Wastewater project.
- (M) [2016-8416-R](#): Consider adopting a resolution authorizing a professional services agreement with Lone Star Right-of-Way Services, Inc., in an amount not to exceed \$150,400 for land acquisition services for the Shallowford Lift Station and Force Main project.
- (N) [2016-8417-R](#): Consider adopting a resolution authorizing the expenditure of funds for 16 multiyear agreements in an estimated amount of \$12,338,774 for fiscal year 2016-2017.

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

- (O) **2016-4811:** SECOND READING - Z-FY-16-45: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Boulevard and South 31st Street.

## **Misc.**

- (P) **2016-8418-R:** Consider adopting a resolution ratifying the donation of two easements and two temporary construction easements necessary for the construction of the West Airport/Crossroads Park Wastewater Line and ratifying the payment of the cost of future sewer connections in exchange for a donation, in an amount not to exceed \$12,000.
- (Q) **2016-8419-R:** Consider adopting a resolution authorizing the submission of a loan application and acceptance of funding through the State Energy Conservation Office – LoanSTAR program to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for a term not to exceed 10 years.
- (R) **2016-8420-R:** Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

## **V. REGULAR AGENDA**

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

6. **2016-4813:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on the FM 2305/West Adams Avenue, within the City limits.

### **ORDINANCES – SECOND READING**

7. **2016-4812:** SECOND READING – Z-FY-16-46: Consider adopting an ordinance authorizing a rezoning from Commercial to Planned Development Commercial on Lot 2, Block 1, Trnum Subdivision Phase VIII, located at 5806 South General Bruce Drive, to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District.

### **BOARD APPOINTMENTS**

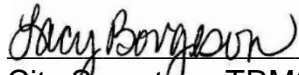
8. **2016-8421-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Airport Advisory Board – one member to fill an expired term through September 1, 2019
  - (B) Library Board – two members to fill unexpired terms through September 1, 2018
  - (C) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2018
  - (D) Development Standards Advisory Board – two members to fill unexpired terms through March 1, 2018

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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 11:00 AM, on Friday, October 28, 2016.



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City Secretary, TRMC



## **COUNCIL AGENDA ITEM MEMORANDUM**

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11/03/16  
Item #5(A)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) October 20, 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:**

[October 20, 2016 Special and Regular Meeting](#)

## TEMPLE CITY COUNCIL

**OCTOBER 20, 2016**

The City Council of the City of Temple, Texas conducted a Meeting on Thursday, October 20, 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  
Mayor Daniel A. Dunn

**ABSENT:**

Councilmember Judy Morales

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 20, 2016.**

Mayor Pro Tem Cloud noted he would abstain from Item #7 (Z-FY-16-43) on the regular agenda.

- 2. Discuss Meet and Confer Agreement between the City of Temple and the Temple Police Association.”**

Brynn Myers, Assistant City Manager provided an overview of the proposed Meet & Confer Agreement. She thanked Nan Rodriguez, Traci Barnard, Sandra Esqueda, and DC Clark for their efforts in the process. More than 85 hours were used for meetings. Ms. Myers noted the process was a valuable communication tool. She then provided specifics regarding the agreement to include the following issue points: (1) Association Business; (2) Additional Appointed Position; (3) Military Leave Time Account; (4) Compensation; (5) Overtime; (6) Higher Classification Pay/Rank Structure; (7) Education Incentives for Promotion; (8) Lateral Entry Program; (9) Individual Vehicle Assignment Program (IVAP); (10) Disciplinary Actions and Appeals; and (11) Grievance Procedure.

Ms. Myers noted the Temple Police Association held a ratification election on October 9-12, 2016. There were 91 officers in favor and 15 opposed. If approved the agreement will be effective immediately and continue in effect until September 30, 2017.

At this time approximately, 4:30 p.m., Mayor Dunn announced that the City Council would enter an executive session to discuss item 3.

3. **Discuss contemplated litigation regarding Temple City Code Chapter 16, Article VIII, "Tattoo Shops." Executive Session - Texas Government Code Section 551.071, Consultations with Attorney - The City Council may meet in executive session to consult with the City Attorney when the City Council is seeking the advice of its attorney about pending or contemplated litigation.**

At approximately, 5:00 p.m., Mayor Dunn adjourned the executive session of the City Council workshop.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, October 20, 2016 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Thomas Pechal, Temple Fire & Rescue voiced the Invocation.

**2. Pledge of Allegiance**

Hiram Dixon, SPJST Vice President, 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.

Stephanie Penny, 1815 Dewberry Lane, Temple addressed her concerns with tattoo shops being allowed in Temple.

Rebecca Plotts, 8110 Iron Gate Drive, addressed the council regarding the rezoning case Z-FY-16-43. Please consider the safety of the children and add sidewalks if possible.

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. Czech Heritage Month October 2016**

Mayor Dunn presented the proclamation to Hiram Dixon, SPJST Vice President.

#### **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) October 6, 2016 Special and Regular Meeting**

**(B) 2016-8391-R: Consider adopting a resolution authorizing the purchase of portions of two properties necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchases, in an amount not to exceed \$36,500.**

**(C) 2016-8392-R: Consider adopting a resolution authorizing the purchase of 1,272 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, NC, in the amount of \$57,267.52.**

**(D) 2016-8393-R: Consider adopting a resolution authorizing the purchase of two Toro Groundsmaster 5900 mowers from Professional Turf Products, L.P. of Euless, in the amount of \$183,534.35.**

**(E) 2016-8394-R: Consider adopting a resolution authorizing change order #3 to the contract with Nelson Lewis, Inc. of Marble Falls, to deduct \$27,700 from the construction contract for the North 3rd Street and East Adams Avenue Water Line Improvements.**

**(F) 2016-8395-R: Consider adopting a resolution authorizing a contract with TMI Coatings, Inc. of St. Paul, MN, for a lump sum price of \$344,400, for construction services required to rehabilitate Water Treatment Plant Clarifiers #1 and #2.**

**(G) 2016-8396-R: Consider adopting a resolution authorizing high-speed data service during FY2017 through Grande Communications Networks LLC, of Dallas, in the estimated annual amount of \$75,000.**

**(H) 2016-8397-R: Consider adopting a resolution authorizing the fourth year funding of a five year dedicated access services (Telephone and Data Service) agreement with Time Warner Cable Enterprises, LLC in the estimated annual amount of \$51,000.**

**(I) 2016-8398-R: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and Temple Economic Development Corporation for the conveyance of 14.868 acres of City-owned property located at 2575 Lucius McCelvey Drive, Temple.**

**(J) 2016-8399-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Central Texas Castles, Ltd., in an amount not to exceed \$57,218, for improvements to property located at 19 South Main Street within the Downtown Strategic Investment Zone corridor.**

**(K) 2016-8400-R: Consider adopting a resolution authorizing a five-year lease agreement with United Way of Central Texas, for lease of space in the Public Services Building located at 102 East Central Avenue.**

**(L) 2016-8401-R: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.**

**(M) 2016-8402-R: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association. Ordinances – Second & Final Reading**

**(N) 1. 2016-4809: SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to align with the 2022 Master Plan for years FY 2016-2062.**

**2. 2016-8403-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$35,600, to provide design and construction documents for the Martin Luther King Festival Fields in downtown Temple. Misc.**

**(O) 2016-8404-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.**

Motion by Councilmember Perry Cloud approve Consent Agenda as presented seconded by Councilmember Michael Pilkington.

Motion passed unanimously.

## **V. REGULAR AGENDA**



## ORDINANCES- FIRST READING/PUBLIC HEARING

5. **2016-4811: FIRST READING - PUBLIC HEARING - Z-FY-16-45: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Boulevard and South 31st Street.**

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

Exterior building elevations, lot layout and site design are subject to Ordinance 2016-4749, which not only provided for exceptions to site plan standards, granted by City Council, but also the Planned Development as a whole. Compliance to both Ordinance 2016-4749 as well as the Ordinance for the Conditional Use Permit will be confirmed during the review of the building permit.

Additionally, it is noteworthy, that City Council has recently approved similar "blanket-type" conditional use permits, which included on-premise alcohol sales and consumption for multiple establishments and suites along West Adams Avenue.

Staff recommends approval of the requested Conditional Use Permit to allow sales of alcoholic beverages where less than 50% of the total gross revenue of the establishment, subject to the following conditions: (1) That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2-7, 10 & 11, Block 1 of the Highline Addition, subdivision, located at the northwest corner of Scott Boulevard and South 31<sup>st</sup> Street; (2) The use is subject to

compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and (3) That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

At their September 19, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 recommend to recommend approval of the proposed conditional use permit as presented by staff.

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 Judy Morales adopt ordinance on first reading, with second and final reading set for November 3, 2016. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

**6. 2016-4812: FIRST READING – PUBLIC HEARING - Z-FY-16-46: Consider adopting an ordinance authorizing a rezoning from Commercial to Planned Development Commercial on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive, to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District.**

Lynn Barrett, Assistant Director of Planning presented this case to the Council. Currently, 5806 South General Bruce Drive has a base zoning of C (Commercial District), which allows recreational vehicle rentals use by right. However, the I-35 Corridor Overlay Freeway Retail/Commercial sub-district specifically prohibits “Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental”.

The business owner of Rising Sun RV Rental was allowed to sign a lease by the property owner and had set up his business prior to meeting with staff. Efforts to work with the business owner to improve the surface for parking the applicant’s RV’s (behind an existing fence screened by 40% landscaping per a 2014 CUP--Ordinance 2014-4669 for a nursery and subsequent 2015 CUP for a painting/contractor facility) and to add additional landscaping surrounding the leased area have continued over the past several months.

City Council had previously approved a CUP for an auto tint business (Ordinance 2016-4757 from case Z-FY-16-11) inside a building on this property which is under separate lease to a

different applicant and is not a part of this project.

After the September 19, 2016 Planning and Zoning meeting discussion and subsequent tabling of this item, staff met with the applicant, Mr. O'Rourke, and owner, Mr. McGregor, on September 21st. The staff recommendation was agreed upon by both applicants and staff, Brian Chandler and Lynn Barrett, at that meeting.

Staff also agreed that the applicant could attain permits and complete the work for fencing and or paving prior to City Council approval at their own risk. Three CUP's in the prior three years have been approved on this property: Ordinance No. 2014-4669 (CUP-Z-FY-14-28) – for landscaping business Ordinance No. 2015-4713 (CUP-Z-FY-15-14) – for paint shop/contractor storage Ordinance No. 2016-4757 (CUP-Z-FY-16-11) – for indoor auto window tint business (existing).

Mayor Dunn declared the public hearing open with regards to agenda item 6, and asked if anyone wished to address this item.

Joseph O'Rourke, 9506 Odeal Drive, Killeen, Texas owner of proposed RV sales company asked for favorable consideration.

There being none, Mayor Dunn declared the public hearing closed.

Mayor Dunn stated that the City continues to bend the rules and allow for different, noncompliant uses at this site for more than three years.

Motion by Councilmember Timothy Davis adopt ordinance with staff's recommendations on first reading, with second and final reading set for November 3, 2016. seconded by Councilmember Perry Cloud.

Councilmember Michael Pilkington and Mayor Daniel A. Dunn voted nay. The other Councilmembers voted aye. The motion passed.

## **ORDINANCES- SECOND READING**

- 7. 2016-4810: SECOND READING – Z-FY-16-43: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service and General Retail Districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-**

**Temple West Campus, located at 8015 West Adams Avenue.**

Mark Baker, Senior Planner noted there were no new developments regarding this case.

Mayor Pro Tem Cloud abstained from discussions and voting; while all others voted on the matter.

Motion by Councilmember Timothy Davis adopt ordinance as presented by staff as a planned development on second and final reading seconded by Councilmember Judy Morales.

Councilmember Perry Cloud abstained. The other Councilmembers voted aye. The motion passed.

**8. 2016-4768: SECOND READING: Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, "Tattoo Shops."**

Mayor Dunn read both items #8 & #9 into the record to be discussed together.

Kayla Landeros, City Attorney provided some information regarding the State Regulations related to this service. The State requires studios to be licensed by the State; as well as the tattooist and body piercers. She also discussed the health and safety regulation set by the State.

Brian Chandler, Director of Planning presented an overview of the first reading of this case to the Council. Mr. Chandler noted an additional condition to consider regarding a 200 foot distance requirement from residential areas.

Motion by Councilmember Judy Morales adopt ordinance as recommended by Staff on second and final reading seconded by Councilmember Perry Cloud.

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

**9. 2016-4769: SECOND READING – Z-FY-16-23: Consider adopting an ordinance amending the Temple Unified Development Code (UDC): Article 5 – Use Standards, deleting "tattoo parlor" as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial**

**zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.**

Motion by Councilmember Judy Morales adopt ordinance as recommended by Staff with the following additional limitations: (1) Tattoo and Body Piercing Studios may not be located within 1,000 feet of a Church; (2) In the General Retail zoning district, a Body Piercing Studio and Tattoo Studio may not be located within 200 feet of the following zoning districts (a) Urban Estates; (b) Single Family Dwelling 1; (c) Single Family Dwelling 2; (d) Single Family Dwelling 3; (e) Single Family Attached 1; (f) Single Family Attached 2; (g) Single Family Attached 3; (h) Two Dwelling; and (i) Townhouse seconded by Councilmember Perry Cloud.

Councilmember Timothy Davis and Councilmember Michael Pilkington voted nay. The other Councilmembers voted aye. The motion passed.

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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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Item #5(B)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of furniture for the Wilson Recreation Center from Perry Office Plus of Temple in an amount not to exceed \$54,000.

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

**ITEM SUMMARY:** Renovations to the Wilson Recreation Center located at 2200 Curtis B. Elliott Drive are scheduled to be complete in January 2017. Included in the original budget for the facility was funding to acquire new furniture that will replace the existing 20-year old furniture in the facility.

The proposed furniture purchase will furnish the Multi-Purpose, Conference, Game, Teen, Arts & Crafts, Lobby and Staff Office rooms with new furniture. A summary of the proposed furniture purchase is as follows:

- Hon, Jasper and Allsteel Task, Visitor and Office Chairs – 142
- Hon Tables – 32
- Jasper Lobby Modular Couches with Ottomans for lobby– 2
- Hon Desks with components - 2
- Other miscellaneous small tables and chairs – 11

Staff is recommending that the furniture purchases be made through Perry Office Plus utilizing a State of Texas TXMAS contract. Contracts awarded through the State of Texas TXMAS contract have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** This project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015. Funding is available for the furniture purchase in account 362-3500-552-6419, Project 101328, as follows:

|                              |    |                |
|------------------------------|----|----------------|
| Project Budget               | \$ | 1,300,000      |
| Encumbered/Committed to Date |    | (1,081,589)    |
| Perry Office Plus            |    | (54,000)       |
| Remaining Project Funds      | \$ | <u>164,411</u> |

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8405-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FURNITURE FROM PERRY OFFICE PLUS OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$54,000, FOR THE WILSON RECREATION CENTER, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, renovations to the Wilson Recreation Center located at 2200 Curtis B. Elliott Drive are scheduled to be complete in January 2017 - included in the original budget was funding to acquire new furniture that will replace the existing 20-year old furniture currently occupying the facility;

**Whereas**, this purchase will furnish the Multi-Purpose, Conference, Game, Teen, Arts & Crafts, Lobby and Staff Office rooms with new furniture;

**Whereas**, Staff recommends Council authorize the purchase of furniture from Perry Office Plus utilizing a State of Texas TXMAS contract - contracts awarded through the State of Texas TXMAS contract have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, this project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015 - funding is available for this purchase in Account No. 362-3500-552-6419, Project No. 101328; and

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

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

**Part 1:** The City Council authorizes the purchase of furniture from Perry Office Plus, in an amount not to exceed \$54,000, for the Wilson Recreation Center, utilizing a State of Texas TXMAS contract.

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

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

PASSED AND APPROVED this the 3<sup>rd</sup> day of **November**, 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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Item #5(C)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Valley View Consulting, LLC for Investment Advisory Services.

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

**ITEM SUMMARY:** The City has utilized the services of Valley View Consulting, LLC for the past four years to assist with the management of its investment portfolio. Based on the amount of the current investment portfolio and interest rate environment, staff has determined an investment consultant would continue to add value to the portfolio.

Staff has selected Valley View Consulting for the Investment Advisory Services recommendation. Valley View Consulting is a SEC registered investment advisory firm serving Texas public entities in a variety of cash and investment management and consulting roles. Valley View provides completely independent advice and consultation and is not affiliated with any investment pool, mutual fund, broker/dealer, financial institution, or investment provider. The investment services the City will receive include:

- Strategic portfolio advice,
- Investment policy and bond covenant review,
- Cash flow model development for all non-bond funds,
- Bond proceeds cash flow model assistance,
- Complete analysis of eligible investment options,
- Thorough deposit and transaction documentation,
- Effective broker/dealer management,
- Integrated bond proceeds investment,
- Customized communication, reporting, and training, and
- Assistance with the Bank Depository RFA process.



**FISCAL IMPACT:** In consideration of these services, the annual fee would be based on the average quarter end book value of investments as follows:

|                          |  |
|--------------------------|--|
| .036% (3.6 basis points) | Up to and including \$85,000,000                     |
| .030% (3 basis points)   | Over \$85,000,000 up to and including \$150,000,000  |
| .020% (2 basis points)   | Over \$150,000,000 up to and including \$250,000,000 |
| .010% (1 basis point)    | Over \$250,000,000                                   |

\$38,000 is available in account 110-1200-515-26-16, Professional and \$17,000 is available in account 520-5000-535-26-16, Professional.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8406-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING A CONTRACT WITH VALLEY VIEW  
CONSULTING, LLC FOR INVESTMENT ADVISORY SERVICES; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City has utilized the services of Valley View Consulting, LLC for the past four years to assist with the management of its investment portfolio - based on the amount of the current investment portfolio and interest rate environment, Staff has determined an investment consultant would continue to add value to the portfolio;

**Whereas**, Staff recommends Council approve a contract with Valley View Consulting, LLC for the Investment Advisory Services - Valley View Consulting is a SEC registered investment advisory firm serving Texas public entities in a variety of cash and investment management and consulting roles;

**Whereas**, Valley View provides completely independent advice and consultation services and is not affiliated with any investment pool, mutual fund, broker/dealer, financial institution, or investment provider;

**Whereas**, the investment services the City will receive include strategic portfolio advice, investment policy and bond covenant review, cash flow model development for all non-bond funds, bond proceeds cash flow model assistance, complete analysis of eligible investment options, thorough deposit and transaction documentation, effective broker/dealer management, integrated bond proceeds investment, customized communication, reporting, and training, and assistance with the Bank Depository RFA process;

**Whereas**, in consideration of these services, the annual fee will be based on the average quarter end book value of investments – funding is available in Account Nos: 110-1200-515-2616 and 520-5000-535-2616;

**Whereas**, the payment of any funds in future budget years, as provided in the proposed contract, will be subject to annual appropriation by the City Council in each fiscal year's budget;

**Whereas**, the City will have the right to withdraw from the contract on the last day of the City's fiscal year if the City Council fails to appropriate funds to cover the cost of the contract in the upcoming fiscal year;

**Whereas**, the City's obligations under the contract shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas and nothing contained in this Resolution or the contract shall ever be construed so as to require the City to create a sinking fund or to assess, levy and collect any tax to funds its obligations under the contract; 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 contract with Valley View Consulting, LLC for investment advisory services.

**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 **3<sup>rd</sup>** day of **November**, 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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11/03/16  
Item #5(D)  
Consent Agenda  
Page 1 of 2

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

Buford Craig, Transform Temple Coordinator  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with R.T. Schneider Construction Co., Ltd of Belton in the amount of \$99,905 for the demolition and incidental asbestos abatement of seven commercial structures in the Santa Fe Market Trail and Santa Fe Plaza areas.

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

**ITEM SUMMARY:** As part of the Santa Fe Market Trail and Santa Fe Plaza project there are several structures that need to be demolished to make room for the new developments. Award of this contract will provide for the demolition of following seven commercial properties in the targeted project areas (see attached Maps and Photos of properties):

- 1) 302 South 4<sup>th</sup> Street (excludes dome structure), includes asbestos abatement of flooring mastic and window caulking
- 2) 303 South 4<sup>th</sup> Street
- 3) 201 East Avenue B, includes asbestos abatement of floor tile/mastic
- 4) 301 East Avenue B
- 5) 207/209 South Main Street
- 6) 104 South 9<sup>th</sup> Street
- 7) 315 West Avenue B, includes asbestos abatement of boiler units, gaskets and pipe insulation

As shown on the attached bid tabulation, on October 18, 2016, 14 bids were received for the seven commercial demolitions and associated asbestos abatements. The Invitation to Bid specified that the demolition contract would be awarded to the contractor with the lowest responsive bid for the total compiled cost of all properties. The low bid was from Tactical Demolition of Frisco; however, Tactical Demolition did not submit with their bid the Bond Requirement Affidavit as required per the Invitation to Bid, and as such, staff is not deeming their bid to be responsive. Accordingly, staff is recommending award of the bid to the second low bidder, R.T. Schneider Construction Co., Ltd., who was responsive to all requirement as stated in the Invitation to Bid.

It is anticipated that the demolition and asbestos abatement work will commence by the end of November. Per the contract, R.T. Schneider Construction will have 60 calendar days to complete the work.

**FISCAL IMPACT:** Funding in the amount of \$99,905 for these seven commercial demolitions are available from three different funding sources as follows:

Santa Fe Market Trail:

|                         |  |          |
|-------------------------|--|----------|
| Property #2, #3, and #4 | Acct 795-9500-531-6566 (Project #101262) | \$24,525 |
|-------------------------|--|----------|

Santa Fe Plaza:

|                    |  |          |
|--------------------|--|----------|
| Property #6 and #7 | Acct 795-9500-531-6870 (Project #101008) | \$33,915 |
|--------------------|--|----------|

Transform Temple Lot Clean-Up:

|                    |                        |          |
|--------------------|------------------------|----------|
| Property #1 and #5 | Acct 110-1195-513-2631 | \$41,465 |
|--------------------|------------------------|----------|

**ATTACHMENTS:**

[Maps, Photos & Demolition Specifications](#)  
[Bid Tabulation](#)  
[Resolution](#)

# CITY of TEMPLE, TEXAS

## Demolition of 7 Commercial Properties with Incidental Asbestos Abatement in the Santa Fe Market Trail and Plaza Area – Phase 1

Bid No. 95-01-17

# Maps, Photos & Demolition Specifications



# Demolition of 7 Commercial Properties with Incidental Asbestos Abatement in the Santa Fe Market Trail and Plaza Area – Phase 1





#1 - 302 S. 4<sup>th</sup> Street  
#2 – 303 S. 4<sup>th</sup> Street





# #1 - 302 S. 4<sup>th</sup> Street

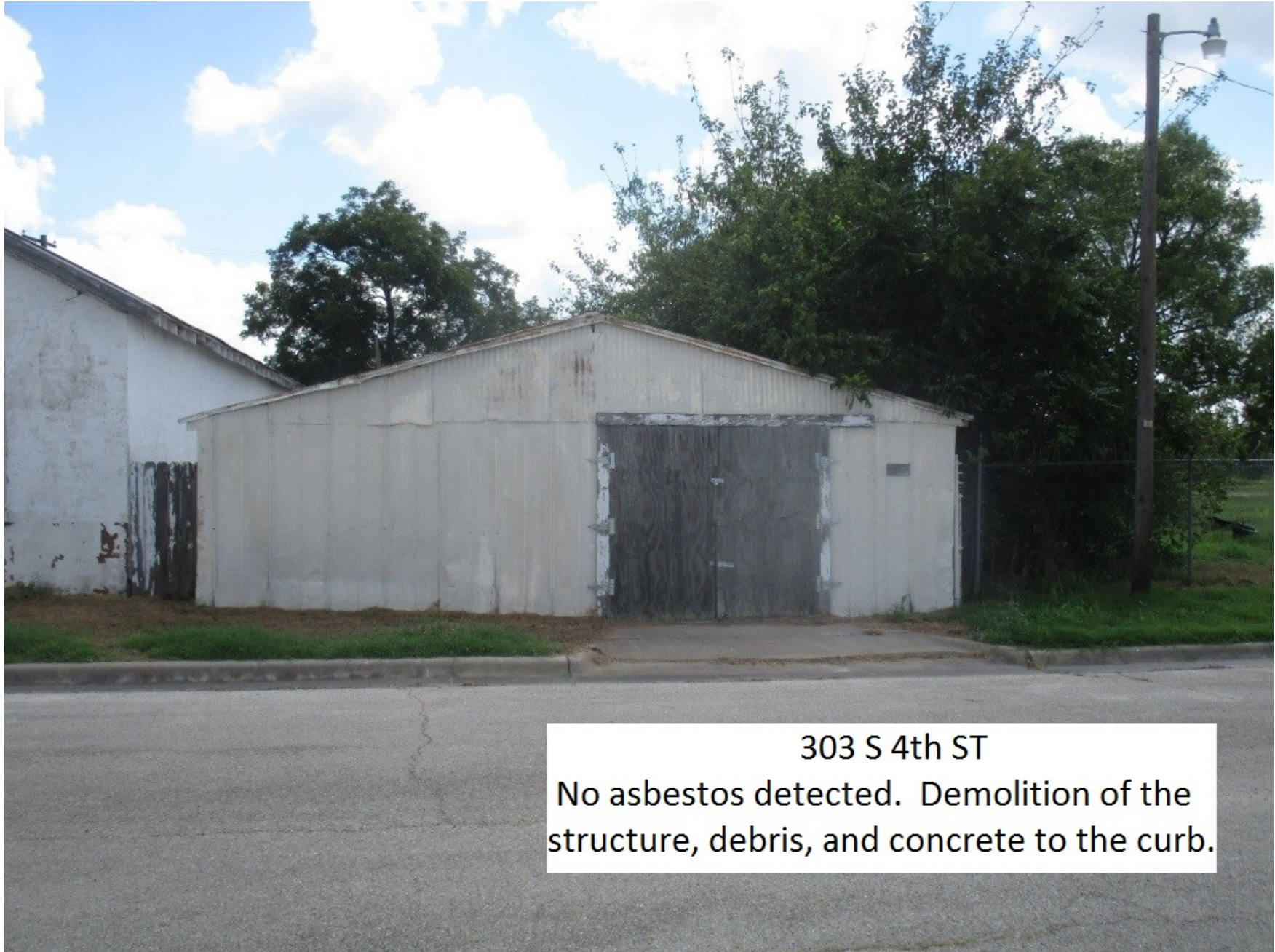


## 302 S 4th ST

Asbestos abatement of aprox. 150 sp.ft. of linoleum flooring/black mastic and window caulking around 14 windows. Demolition of structure(s) (excluding the dome shaped structure to the North) Remove the debris and leave the concrete slab.



## #2 - 303 S. 4<sup>th</sup> Street

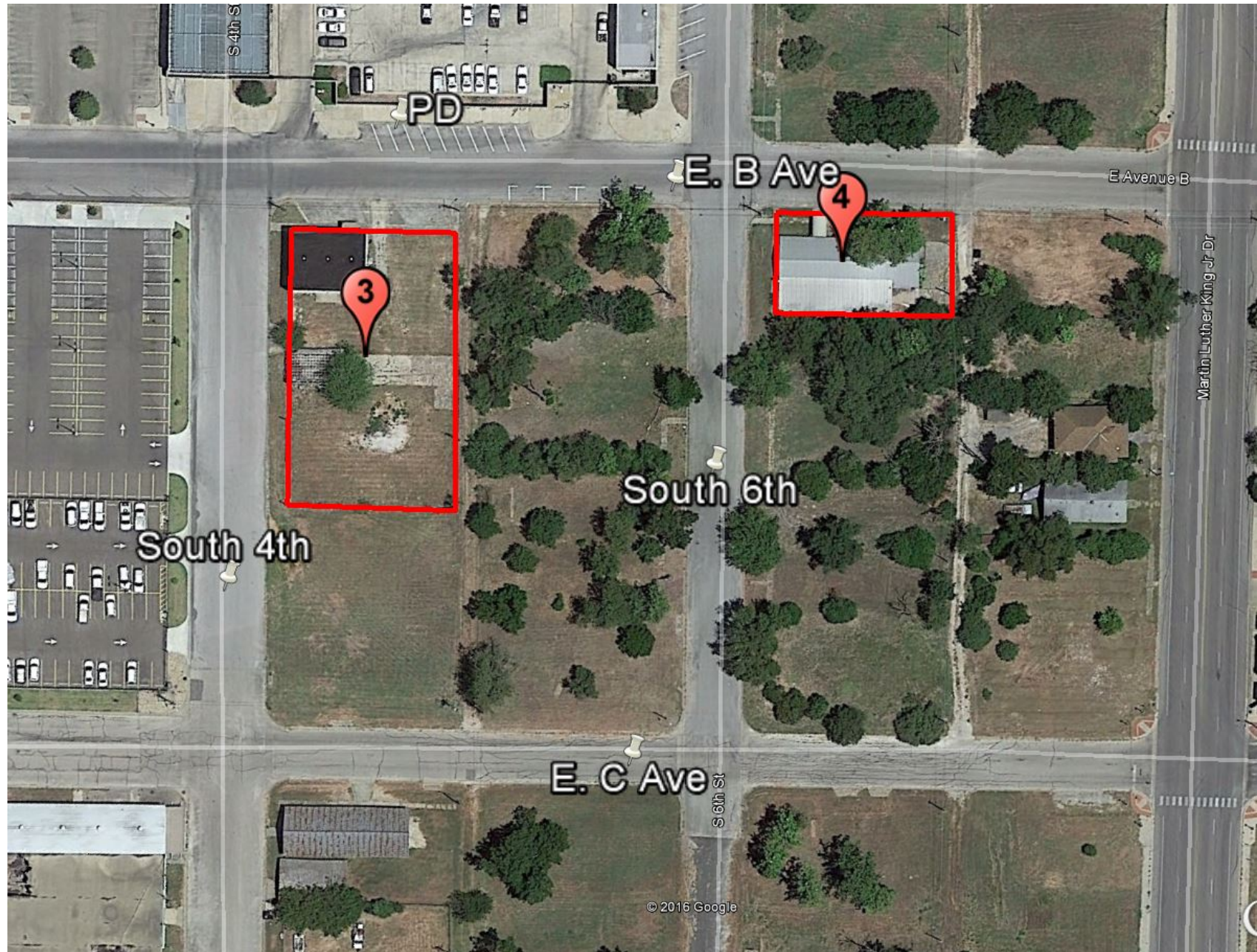


303 S 4th ST

No asbestos detected. Demolition of the structure, debris, and concrete to the curb.



#3 – 201 E. Avenue B  
#4 – 301 E. Avenue B





# #3 – 201 E. Avenue B



## 201 E. Avenue B

Asbestos abatement of approximately 1,046 sq ft of 9" x 9" floor tile & mastic (multiple layers). Demolition of the structure, debris, fence, asphalt, and all concrete up to the curb. Saw cut may be required at the street.



# #4 - 301 E. Avenue B



No asbestos detected.

301 E Ave B  
Structure, debris, asphalt, and  
concrete up to the curb.

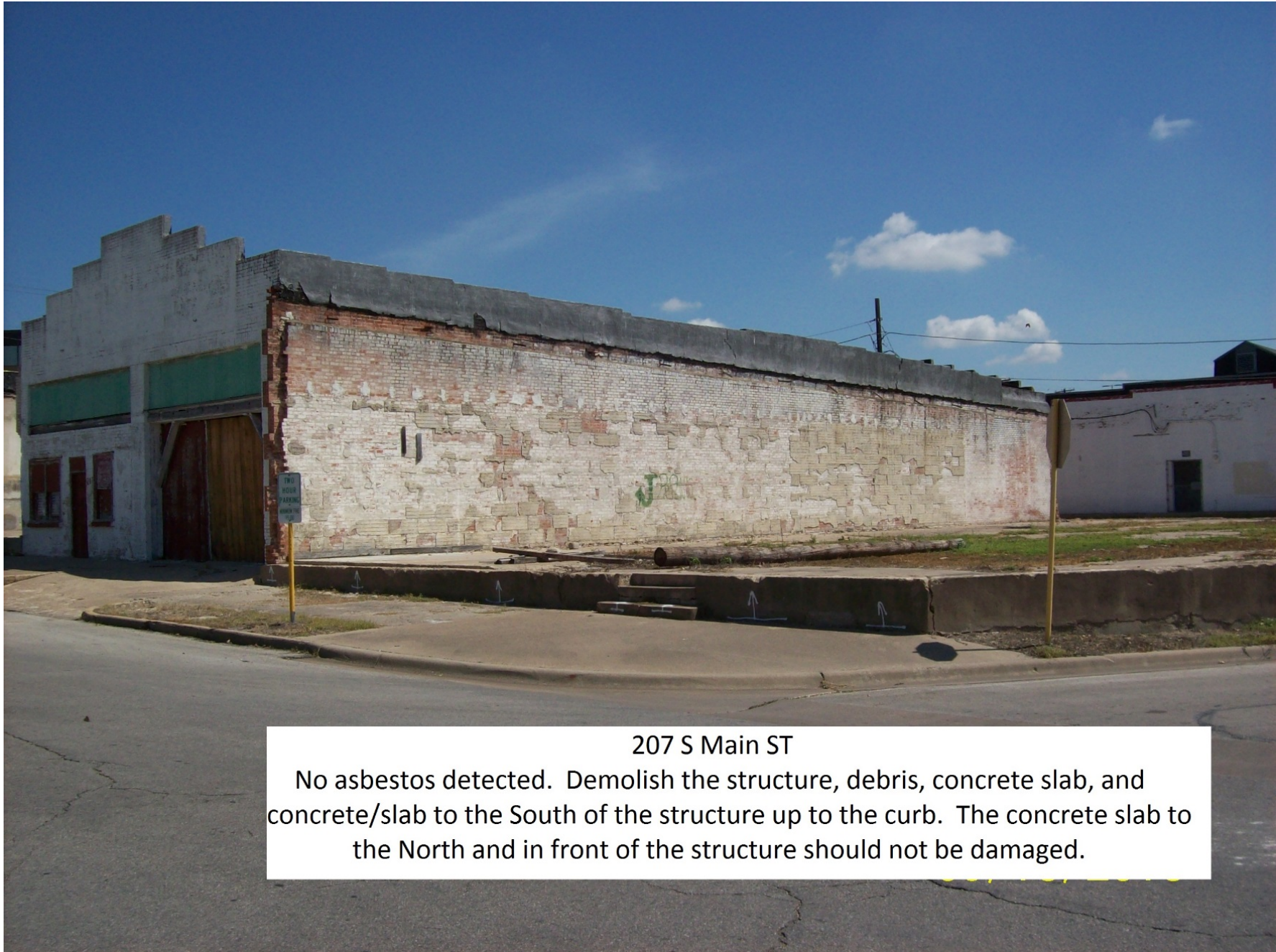


# #5 - 207/209 S. Main Street





# #5 - 207/209 S. Main Street



207 S Main ST

No asbestos detected. Demolish the structure, debris, concrete slab, and concrete/slab to the South of the structure up to the curb. The concrete slab to the North and in front of the structure should not be damaged.



#6 - 104 S. 9<sup>th</sup> Street  
#7 - 315 W. Avenue B





# #6 - 104 S. 9<sup>th</sup> Street



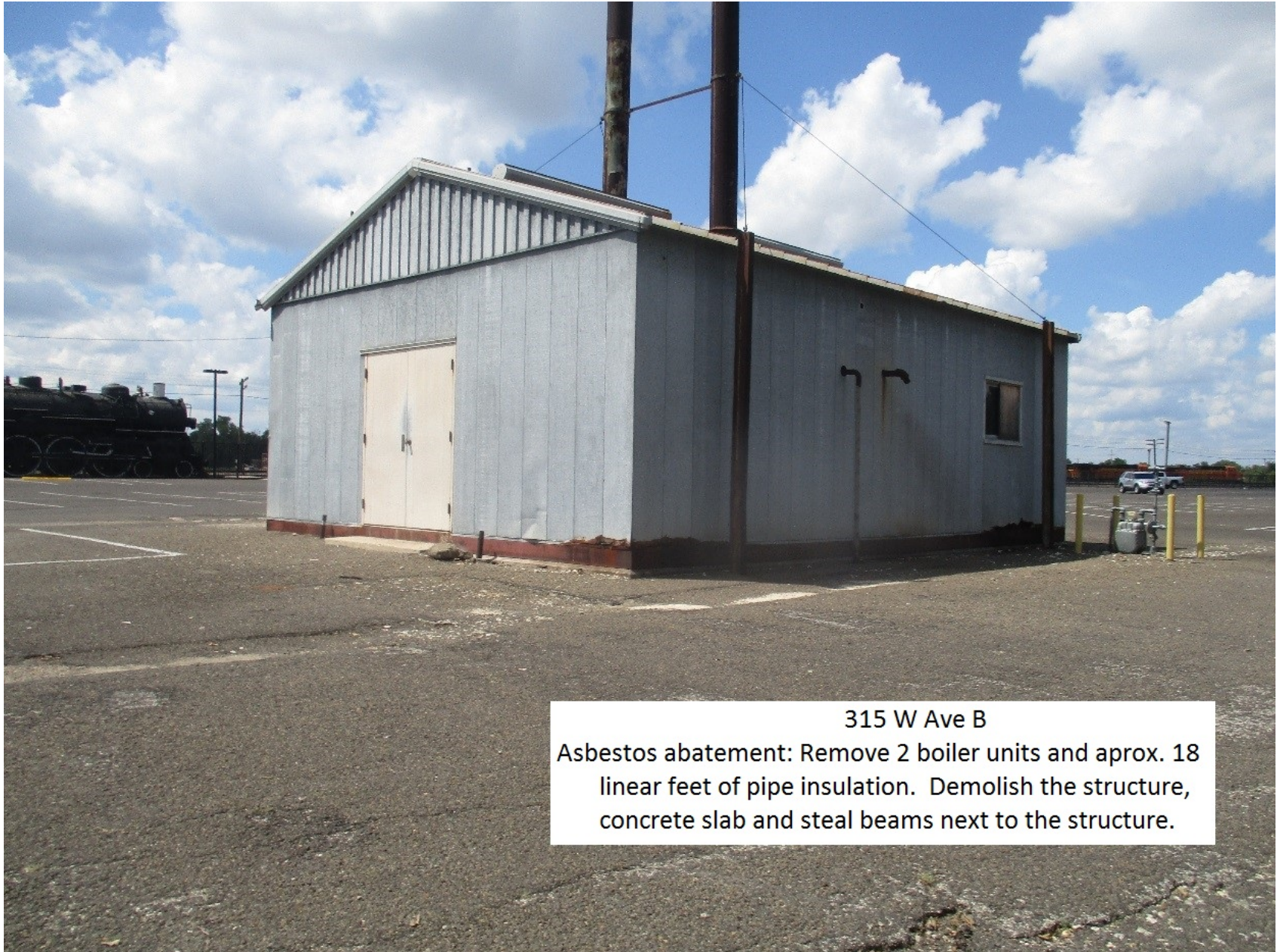
## 104 S 9th ST

~~The exterior brick shall be left on the property.~~ Demolish the structure, debris, brick, concrete, and exterior concrete to the South and West of the structure. Saw cuts may be needed. ~~The brick left on the property shall be free from debris.~~

Black/silver vapor barrier with black mastic was found to contain asbestos. Material locations and quantities may vary. The demolition contractor shall comply with the federal NESHAP 40 CFR Part 61, subpart M and the OSHA 29 CFR 1926.1101, with the nonfriable Category II Asbestos Containing Vapor Barrier remaining nonfriable and non-regulated, to be left in-place prior to and during demolition, using wet demolition work practices, trained NESHAP individual, no visible emissions, regulate the work area and proper waste disposal in a approved municipal landfill being properly manifested.



# #7 - 315 W. Avenue B



315 W Ave B

Asbestos abatement: Remove 2 boiler units and aprox. 18 linear feet of pipe insulation. Demolish the structure, concrete slab and steel beams next to the structure.

Tabulation of Bids Received  
 on October 18, 2016 at 2:00 p.m.  
 Demolition of Seven (7) Commercial Properties with Incidental Asbestos Abatement  
 in the Santa Fe Market Trail and Plaza Area - Phase I  
 Bid # 95-01-17

| Description  | Bidders                              |   |   |                                      |                                  |                              |                                 |
|--|--------------------------------------|---|---|--------------------------------------|----------------------------------|------------------------------|---------------------------------|
|  | Sierra Contracting<br>Round Rock, TX | Intercon Environmental<br>Mansfield, TX | Cherry Moving Company, Inc dba Cherry Demo<br>Houston, TX | Grant MacKay Co. Inc.<br>Houston, TX | Garret Demo, Inc<br>Burleson, TX | AAR, Inc<br>Liberty Hill, TX | JTB Service, Inc<br>Houston, TX |
| 1. Demolition of 302 S. 4th Street - structure (excluding dome structure), remove & dispose of debris  | \$30,000.00                          | \$33,680.00                             | \$83,495.00   | \$34,599.00                          | \$29,600.00                      | \$22,300.00                  | \$29,600.00                     |
| 1A. Asbestos Abatement of 302 S. 4th Street - approximately 150 sf of linoleum flooring/mastic and 14 windows with ACBM caulking (1 allotted day)                    | \$2,000.00                           | \$5,000.50                              | \$3,491.25  | \$2,310.00                           | \$5,200.00                       | \$4,500.00                   | \$1,800.00                      |
| 1A. Unit price for abatement of flooring/mastic per SF   | \$3.00                               | \$10.66                                 | \$3.68  | \$7.70                               | \$11.00                          | \$3.00                       | \$2.00                          |
| 1A. Unit Price for Abatement cost per window   | \$100.00                             | \$250.00                                | \$210.00  | \$82.50                              | \$300.00                         | \$200.00                     | \$45.00                         |
| 2. Demolition of 303 S. 4th Street - structure, debris, and concrete to curb   | \$5,000.00                           | \$5,446.00                              | \$6,320.00  | \$8,200.00                           | \$4,550.00                       | \$4,900.00                   | \$4,935.00                      |
| 3. Demolition of 201 E. Avenue B - structure, debris, fence, asphalt, and concrete to curb   | \$15,000.00                          | \$9,162.00                              | \$24,170.00   | \$24,935.00                          | \$5,745.00                       | \$13,550.00                  | \$23,190.00                     |
| 3A. Asbestos Abatement of 201 E. Avenue B - approximately 1,046 sf of ACBM floor tile and mastic (2 allotted days)   | \$2,500.00                           | \$3,500.00                              | \$3,844.05  | \$2,310.00                           | \$3,700.00                       | \$4,000.00                   | \$3,000.00                      |
| 3A. Unit Price for Abatement of floor tile and mastic per SF   | \$3.00                               | \$2.40                                  | \$3.68  | \$2.20                               | \$2.65                           | \$3.50                       | \$2.00                          |
| 4. Demolition of 301 E. Avenue B - structure, debris, asphalt, and concrete to the curb.   | \$18,000.00                          | \$18,546.00                             | \$19,445.00   | \$19,400.00                          | \$8,235.00                       | \$13,650.00                  | \$15,085.00                     |
| 5. Demolition of 207/209 S. Main Street - structure, debris, concrete slab, and concrete/slab to the south of the structure up to the curb                           | \$26,500.00                          | \$32,062.00                             | \$28,895.00   | \$28,875.00                          | \$12,875.00                      | \$21,750.00                  | \$22,685.00                     |
| 6. Asbestos Abatement and Demolition of 104 S 9th Street   | \$48,000.00                          | \$90,864.00                             | \$64,595.00   | \$57,750.00                          | \$54,570.00                      | \$48,050.00                  | \$46,455.00                     |
| 7. Demolition of 315 W. Avenue B - structure, concrete slab, and steel beams next to the structure   | \$5,000.00                           | \$4,409.00                              | \$9,155.00  | \$18,900.00                          | \$5,710.00                       | \$3,250.00                   | \$4,550.00                      |
| 7A. Asbestos Abatement of 315 W. Avenue B - removal and disposal of 2 boiler units and gaskets and approximately 18 linear feet of pipe insulation (2 allotted days) | \$5,000.00                           | \$4,500.00                              | \$4,515.00  | \$3,410.00                           | \$1,000.00                       | \$4,000.00                   | \$4,500.00                      |
| 7A. Unit Price for Boiler Unit (approx. 143 sf each)   | \$1,800.00                           | \$28.95                                 | \$2,177.75  | \$8.50                               | \$400.00                         | \$1,500.00                   | \$4.00                          |
| 7A. Unit Price for Pipe insulation per linear foot.  | \$10.00                              | \$20.00                                 | \$8.50  | \$55.00                              | \$25.00                          | \$25.00                      | \$15.00                         |
| Total Base Bid   | \$157,000.00                         | \$207,169.50                            | \$247,925.00  | \$200,689.00                         | \$136,744.00                     | \$139,950.00                 | \$155,800.00                    |
| Acknowledge Addendum (1)   | Yes                                  | Yes                                     | No  | No                                   | No                               | Yes                          | No                              |
| Exceptions   | None                                 | None                                    | None  | None                                 | None                             | None                         | None                            |
| Bid Bond   | Yes (not City form)                  | Yes                                     | Yes   | Yes                                  | Yes                              | Yes                          | Yes                             |
| Bond Requirement Affidavit   | Yes                                  | Yes                                     | Yes   | Yes                                  | Yes                              | Yes                          | Yes                             |
| Credit Check Authorization   | Yes                                  | Yes                                     | Yes   | Yes                                  | Yes                              | Yes                          | Yes                             |

| Description  | Bidders                               |   |                                |  |                                   |  |   |
|--|---------------------------------------|---|--------------------------------|--|-----------------------------------|--|---|
|  | AMPCO Contracting, Inc<br>Anaheim, CA | J.R. Ramon & Sons, Inc<br>San Antonio, TX | Matrix Demolition<br>Aledo, TX | Lloyd D. Nabors Demolition<br>Hutchins, TX | Tactical Demolition<br>Frisco, TX | RT Schneider Construction Company, Ltd<br>Belton, TX | Total Demolition dba A-1 Demolition<br>West, TX |
| 1. Demolition of 302 S. 4th Street - structure (excluding dome structure), remove & dispose of debris  | \$42,709.00                           | \$31,608.75                               | \$49,868.00                    | \$18,000.00                                | \$17,977.00                       | \$26,180.00  | \$30,705.00                                     |
| 1A. Asbestos Abatement of 302 S. 4th Street - approximately 150 sf of linoleum flooring/mastic and 14 windows with ACBM caulking (1 allotted day)                    | \$2,400.00                            | \$3,575.00                                | \$2,300.00                     | \$2,415.00                                 | \$3,400.00                        | \$2,205.00   | \$2,268.00                                      |
| 1A. Unit price for abatement of flooring/mastic per SF   | \$2.00                                | \$3.00                                    | \$4.00                         | \$8.05                                     | \$3.50                            | \$8.00   | \$7.56  |
| 1A. Unit Price for Abatement cost per window   | \$150.00                              | \$200.00                                  | \$3.00                         | \$86.25                                    | \$120.00                          | \$100.00   | \$81.00   |
| 2. Demolition of 303 S. 4th Street - structure, debris, and concrete to curb   | \$18,302.00                           | \$3,812.50                                | \$3,168.00                     | \$3,500.00                                 | \$4,013.00                        | \$2,200.00   | \$3,680.00                                      |
| 3. Demolition of 201 E. Avenue B - structure, debris, fence, asphalt, and concrete to curb   | \$25,117.00                           | \$12,468.00                               | \$11,668.00                    | \$8,500.00                                 | \$11,022.00                       | \$8,780.00   | \$10,825.00                                     |
| 3A. Asbestos Abatement of 201 E. Avenue B - approximately 1,046 sf of ACBM floor tile and mastic (2 allotted days)   | \$3,661.00                            | \$2,916.10                                | \$1,440.00                     | \$2,415.00                                 | \$3,661.00                        | \$2,205.00   | \$2,268.00                                      |
| 3A. Unit Price for Abatement of floor tile and mastic per SF   | No Bid                                | \$2.50                                    | \$4.00                         | \$2.30                                     | \$3.50                            | \$2.50   | \$2.16  |
| 4. Demolition of 301 E. Avenue B - structure, debris, asphalt, and concrete to the curb.   | \$37,095.00                           | \$14,193.80                               | \$8,268.00                     | \$10,500.00                                | \$6,839.00                        | \$11,340.00  | \$11,250.00                                     |
| 5. Demolition of 207/209 S. Main Street - structure, debris, concrete slab, and concrete/slab to the south of the structure up to the curb                           | \$47,886.00                           | \$39,248.00                               | \$27,643.00                    | \$21,000.00                                | \$18,270.00                       | \$13,080.00  | \$25,065.00                                     |
| 6. Asbestos Abatement and Demolition of 104 S 9th Street   | \$49,638.00                           | \$100,547.00                              | \$32,813.00                    | \$32,500.00                                | \$26,317.00                       | \$28,730.00  | \$48,375.00                                     |
| 7. Demolition of 315 W. Avenue B - structure, concrete slab, and steel beams next to the structure   | \$14,025.00                           | \$3,396.00                                | \$3,168.00                     | \$3,000.00                                 | \$2,478.00                        | \$1,930.00   | \$1,760.00                                      |
| 7A. Asbestos Abatement of 315 W. Avenue B - removal and disposal of 2 boiler units and gaskets and approximately 18 linear feet of pipe insulation (2 allotted days) | \$2,590.00                            | \$2,675.20                                | \$1,440.00                     | \$3,565.00                                 | \$1,440.00                        | \$3,255.00   | \$3,348.00                                      |
| 7A. Unit Price for Boiler Unit (approx. 143 sf each)   | \$1,250.00                            | \$1,000.00                                | \$4.00                         | \$8.86                                     | \$600.00                          | \$10.00  | \$8.32  |
| 7A. Unit Price for Pipe insulation per linear foot.  | \$5.00                                | \$24.00                                   | \$3.00                         | \$57.50                                    | \$16.00                           | \$60.00  | \$54.00   |
| Total Base Bid   | \$243,423.00                          | \$214,440.35                              | \$141,776.00                   | \$105,395.00                               | \$95,417.00                       | \$99,905.00  | \$139,544.00                                    |
| Acknowledge Addendum (1)   | No                                    | No  | Yes                            | No   | Yes                               | Yes  | No  |
| Exceptions   | None                                  | None                                      | None                           | None                                       | None                              | None   | None  |
| Bid Bond   | Yes                                   | Yes                                       | Yes, not City form             | Yes  | Yes                               | Yes  | Yes   |
| Bond Requirement Affidavit   | Yes                                   | Yes                                       | Yes                            | Yes  | No                                | Yes  | Yes   |
| Credit Check Authorization   | Yes                                   | Yes                                       | Yes                            | Yes  | Yes                               | Yes  | Yes   |

Recommended for Council award  
 Bidder did not submit required Bond Requirement Affidavit; bid deemed non-responsive



RESOLUTION NO. 2016-8407-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEMOLITION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION CO., LTD OF BELTON, TEXAS, IN THE AMOUNT OF \$99,905, FOR THE DEMOLITION AND INCIDENTAL ASBESTOS ABATEMENT OF SEVEN COMMERCIAL STRUCTURES IN THE SANTA FE MARKET TRAIL AND SANTA FE PLAZA AREAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, as part of the Santa Fe Market Trail and Santa Fe Plaza projects, there are several structures that need to be demolished to make room for the new developments;

**Whereas**, Staff recommends Council authorize the demolition of the following seven commercial properties in the targeted project areas:

1. 302 S. 4th Street (excludes dome structure), includes asbestos abatement of flooring mastic and window caulking;
2. 303 S. 4th Street;
3. 201 E. Avenue B, includes asbestos abatement of floor tile/mastic;
4. 301 E. Avenue B;
5. 207/209 S. Main Street;
6. 104 S. 9th Street; and
7. 315 W. Avenue B, includes asbestos abatement of boiler units, gaskets and pipe insulation;

**Whereas**, on October 18, 2016, fourteen bids were received for the seven commercial demolitions and associated asbestos abatements – the Invitation to Bid specified that the demolition contract would be awarded to the contractor with the lowest responsive bid for the total compiled cost of all properties;

**Whereas**, the low bid was received from Tactical Demolition of Frisco, however, Tactical Demolition did not submit with their bid the Bond Requirement Affidavit as required per the Invitation to Bid, and as such, Staff deems their bid to be nonresponsive;

**Whereas**, therefore, Staff recommends Council award a demolition contract to the second low bidder, R.T. Schneider Construction Co., Ltd. of Belton, Texas, who was responsive to all requirements as stated in the Invitation to Bid;

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

- Santa Fe Market Trail – Properties 2, 3 & 4, Account No. 795-9500-531-6566, Project No. 101262;
- Santa Fe Plaza – Properties 6 & 7, Account No. 795-9500-531-6870, Project No. 101008; and
- Transform Temple Lot Clean-Up – Properties 1 & 5, Account No. 770-1195-513-2631; 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 demolition contract with R.T. Schneider Construction Co., Ltd. of Belton, Texas, in the amount of \$99,905, for the demolition and incidental asbestos abatement of seven commercial structures in the Santa Fe Market Trail and Santa Fe Plaza areas.

**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 3<sup>rd</sup> day of **November**, 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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11/03/16  
Item #5(E)  
Consent Agenda  
Page 1 of 2

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

Buford Craig, Transform Temple Coordinator  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with R.T. Schneider Construction Co., Ltd of Belton in the amount of \$104,270 for the asbestos abatement and demolition of nine residential structures.

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

**ITEM SUMMARY:** Impending capital projects have warranted the need to demolish nine residential properties in the areas of (1) the Outer Loop/Old Waco Road area from Old Waco Lane to Venus Drive, (2) the Santa Fe Plaza, and (3) Avenue U and Avenue R. Award of this contract will provide for the demolition, and asbestos abatements as required, of the following nine residential properties in these capital project areas (see attached Maps and Photos of properties):

**Outer Loop from Old Waco Lane to Venus Drive**

- 1) 6918 Old Waco Lane
- 2) 6919 Old Waco Lane
- 3) 6916 Venus Drive

**Santa Fe Plaza area**

- 4) 7 South 11<sup>th</sup> Street
- 5) 9 South 9<sup>th</sup> Street
- 6) 21 South 9<sup>th</sup> Street

**Avenue U/Avenue R areas**

- 7) 2114 South 15<sup>th</sup> Street
- 8) 2118 South 15<sup>th</sup> Street
- 9) 1802 South 17<sup>th</sup> Street

As shown on the attached bid tabulation, on October 18, 2016, 12 bids were received for the nine residential demolitions and asbestos abatements, as required, with bids ranging from \$104,270 to \$232,863.35. The Invitation to Bid specified that the contract would be awarded to the contractor with the lowest responsive bid for the total compiled cost of all properties. Staff is recommending award of the bid to the low bidder, R.T. Schneider Construction Co., Ltd., in the amount of \$104,270.

It is anticipated that the demolition and asbestos abatement work will commence by the end of November. Per the contract, R.T. Schneider Construction will have 90 calendar days to complete the work.

**FISCAL IMPACT:** Funding in the amount of \$104,270 for these nine residential demolitions is available from four different funding sources as follows:

Outer Loop:

|                  |  |          |
|------------------|--|----------|
| Properties #1-#3 | Acct 365-3400-531-6813 (Project #101121) | \$42,395 |
|------------------|--|----------|

Santa Fe Plaza:

|                  |  |          |
|------------------|--|----------|
| Properties #4-#6 | Acct 795-9500-531-6870 (Project #101008) | \$30,980 |
|------------------|--|----------|

Avenue U/13<sup>th</sup> Street:

|                  |  |          |
|------------------|--|----------|
| Properties #7-#8 | Acct 795-9500-531-6874 (Project #101012) | \$24,395 |
|------------------|--|----------|

Transform Temple Lot Clean-Up:

|             |                        |          |
|-------------|------------------------|----------|
| Property #9 | Acct 110-1195-513-2631 | \$ 6,500 |
|-------------|------------------------|----------|

**ATTACHMENTS:**

[Maps, Photos & Demolition Specifications](#)  
[Bid Tabulation](#)  
[Resolution](#)

CITY of TEMPLE, TEXAS

Asbestos Abatement and Demolition  
of 9 Residential Properties  
– FY17 Phase 1

Bid No. 95-02-17

**Maps, Photos & Demolition Specifications**

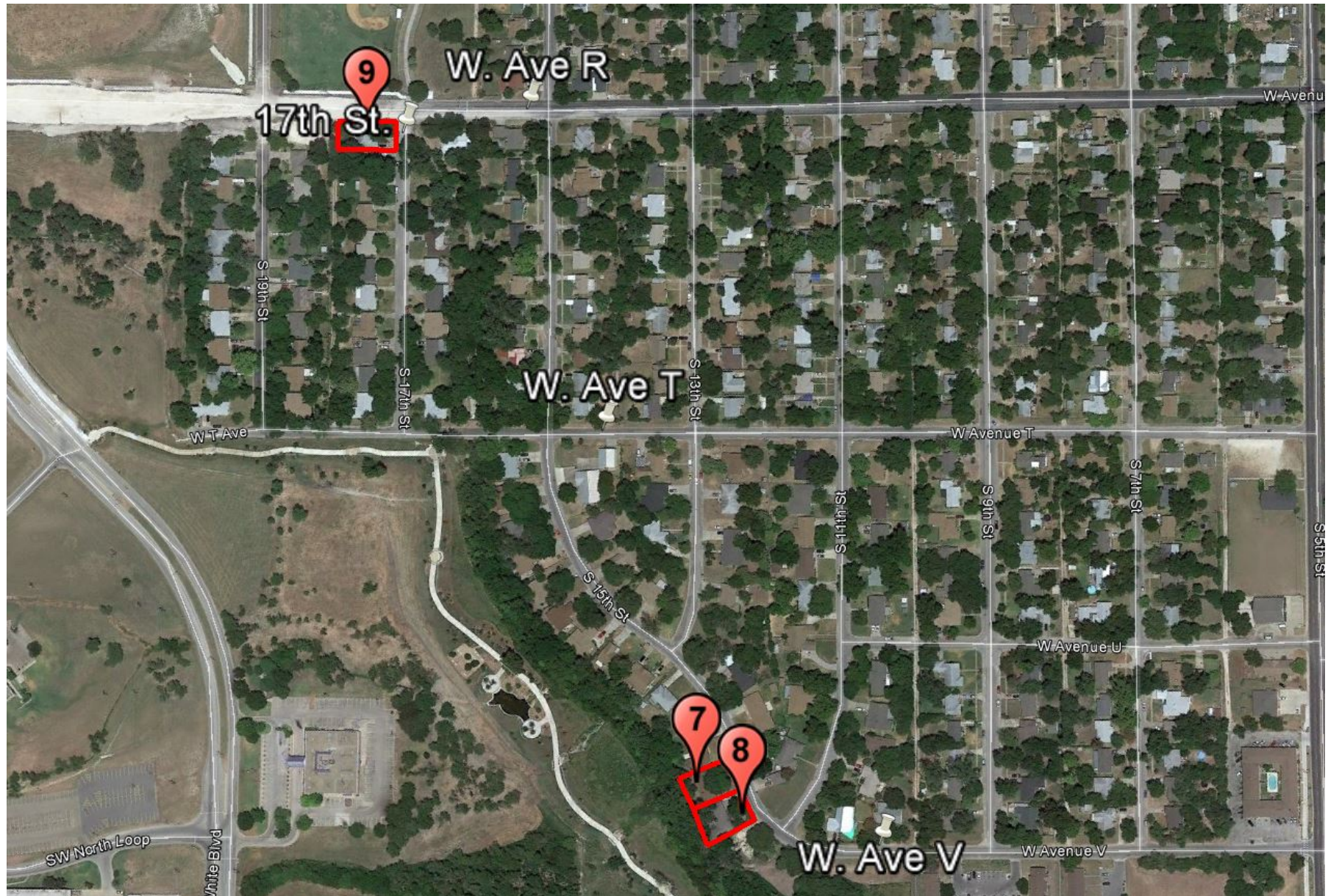


# Overview Maps – 1 of 2



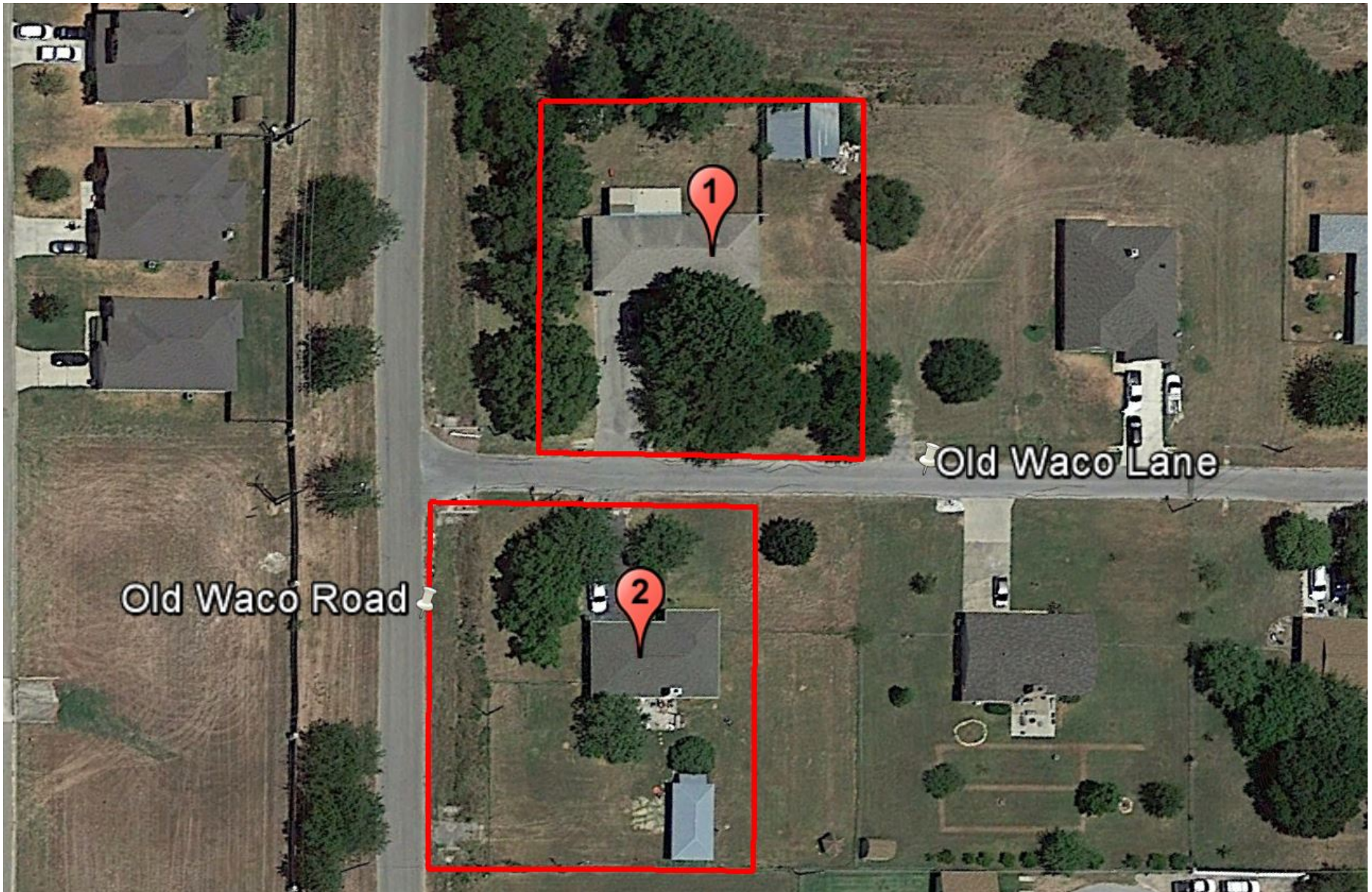


# Overview Maps – 2 of 2



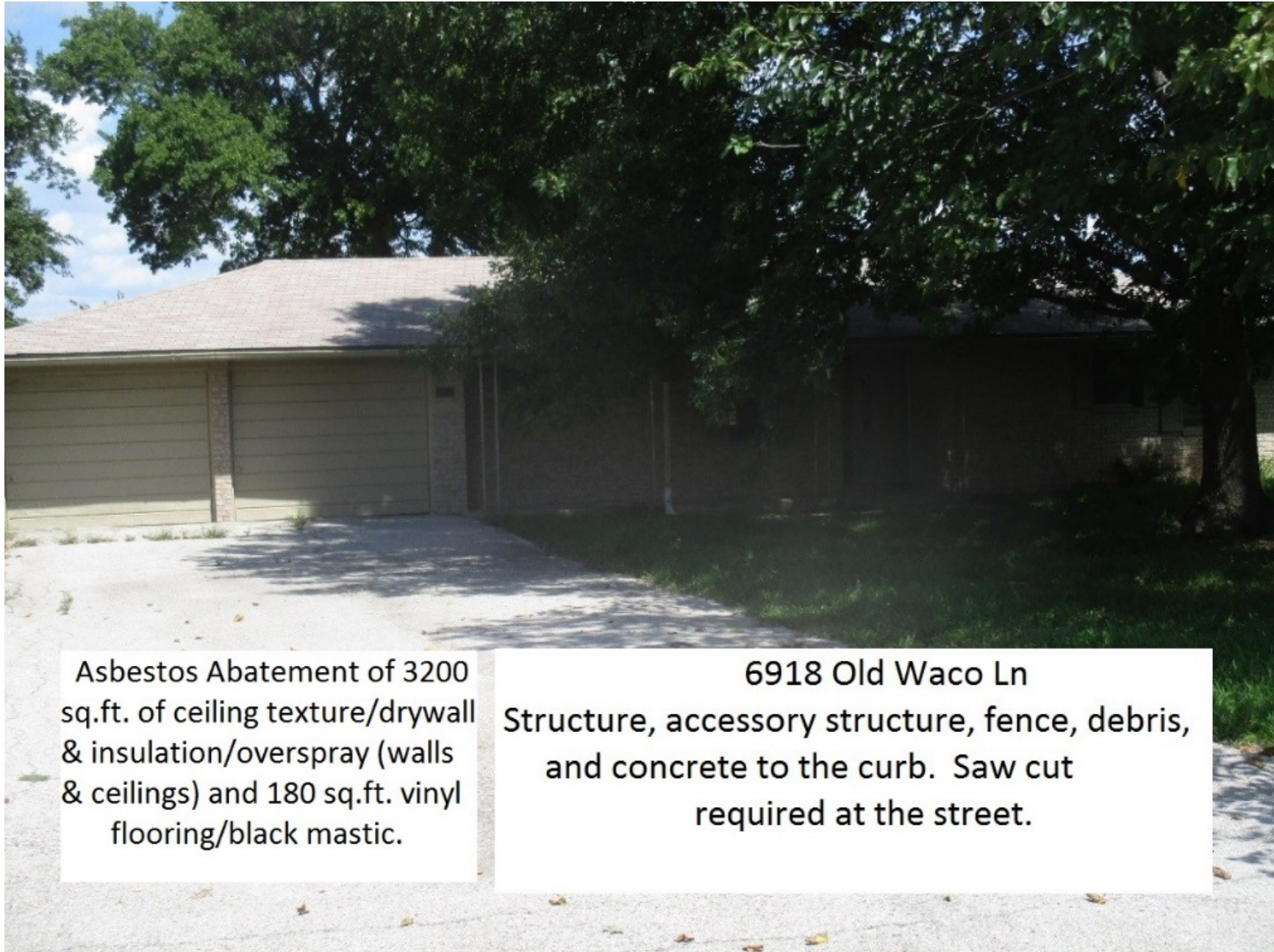


#1 - 6918 Old Waco Lane  
#2 6919 Old Waco Lane





# #1 - 6918 Old Waco Lane



Asbestos Abatement of 3200 sq.ft. of ceiling texture/drywall & insulation/overspray (walls & ceilings) and 180 sq.ft. vinyl flooring/black mastic.

6918 Old Waco Ln  
Structure, accessory structure, fence, debris, and concrete to the curb. Saw cut required at the street.



# #2 - 6919 Old Waco Lane



Asbestos abatement of  
aprox. 3627 sq.ft. of  
ceiling texture/drywall  
& insulation/overspray  
(walls & ceilings).

6919 Old Waco Ln  
Structure, accessory structure, fence,  
debris, concrete, and asphalt to the  
curb. Saw cut required at the street.

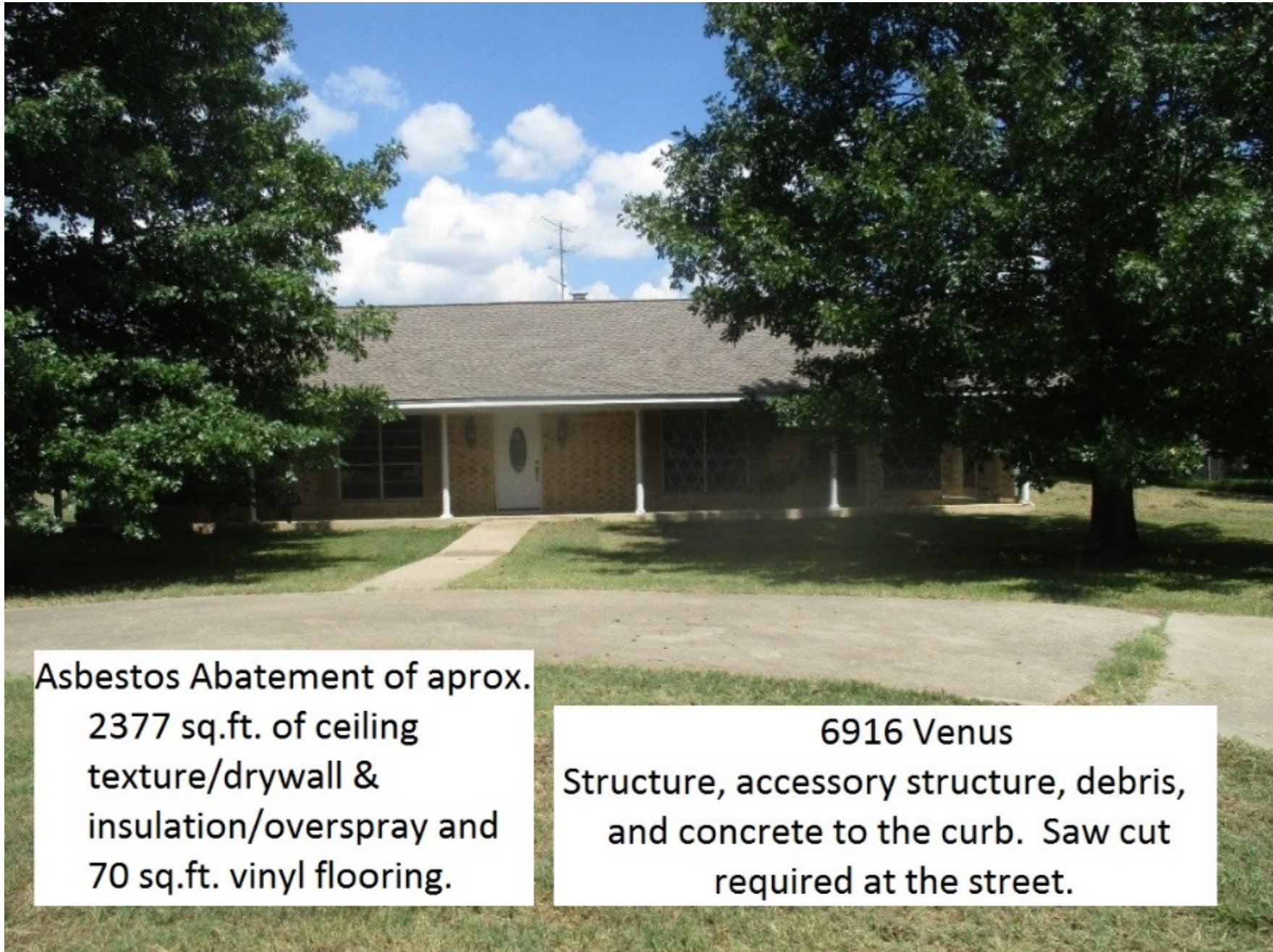


# #3 - 6916 Venus Drive





# #3 - 6916 Venus Drive



Asbestos Abatement of aprox.  
2377 sq.ft. of ceiling  
texture/drywall &  
insulation/overspray and  
70 sq.ft. vinyl flooring.

6916 Venus  
Structure, accessory structure, debris,  
and concrete to the curb. Saw cut  
required at the street.



#4 – 7 S. 11<sup>th</sup> Street

#5 – 9 S. 9<sup>th</sup> Street

#6 – 21 S. 9<sup>th</sup> Street





# #4 - 7 S. 11<sup>th</sup> Street



No asbestos detected.

7 S 11th ST

Structure, accessory structure, fence, debris, asphalt, and concrete up to the curb. Saw cut required at the street.



# #5 – 9 S. 9<sup>th</sup> Street



No asbestos detected.

9 S 9th ST

Structure, accessory structure, fence, debris,  
cement to the curb. Saw cut required at the street.



# #6 – 21 S. 9<sup>th</sup> Street



Asbestos abatement of  
aprox. 5878 sq. ft. drywall  
texture/insulation.

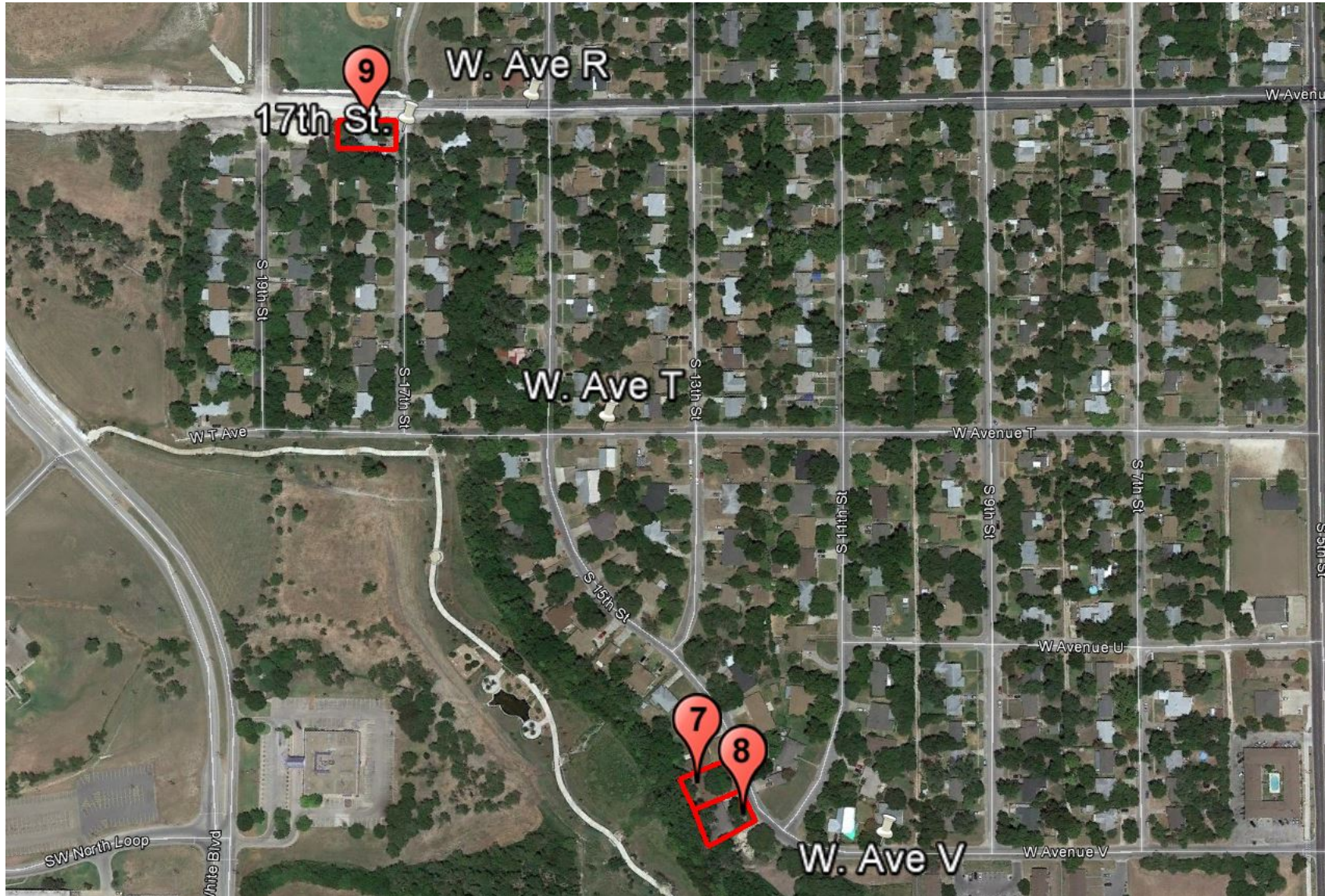
21 S 9th ST  
Structure, fence, debris, and concrete to the  
curb. Saw cut required at the street.



#7 – 2114 S. 15<sup>th</sup> Street

#8 – 2118 S. 15<sup>th</sup> Street

#9 – 1802 17<sup>th</sup> Street





# #7 - 2114 S. 15<sup>th</sup> Street



Asbestos abatement of  
aprox. 1050 sq. ft. of vinyl  
flooring.

2114 S 15th ST  
Structure, accessory structure, fence, debris,  
and concrete to the curb. Saw cut required at  
the street.



# #8 - 2118 S. 15<sup>th</sup> Street



Asbestos abatement of acoustical ceiling texture/drywall & insulation, drywall texture/insulation, and all asbestos contaminated waste material through out the entire structure as stated in the asbestos project design.

2118 S 15th ST  
Structure, accessory structures, fence, broke tree limbs, debris, and concrete to the curb. Saw cut required at the street.



# #9 - 1802 S. 17<sup>th</sup> Street



Asbestos survey was not required.

1802 S 17th ST  
Structures, fence, debris, and  
concrete to the curb. Saw cut  
required at the street.

Tabulation of Bids Received  
 on October 18, 2016 at 3:00 p.m.  
 2016 Asbestos Abatement and Demolition of Nine (9) Residential Properties  
 Bid # 95-02-17

|   | Bidders                                    |  |                                      |                              |   |  |
|---|--|--|--------------------------------------|------------------------------|---|--|
|   | Sierra Contracting Corp.<br>Round Rock, TX | Cherry Moving Co. Inc.<br>dba Cherry Demolition<br>Houston, TX | Grant MacKay Co. Inc.<br>Houston, TX | AAR Inc.<br>Liberty Hill, TX | Garrett Demolition Inc.<br>Burleson, TX | Intercon Environmental,<br>Inc.<br>Mansfield, TX |
| Description   |  |  |                                      |                              |   |  |
| 1. Demolition of 6918 Old Waco Lane - structure, accessory structure, fence, debris, and concrete to curb   | \$9,000.00                                 | \$18,390.00  | \$10,975.00                          | \$8,550.00                   | \$7,340.00                              | \$14,645.00                                      |
| 1A. Asbestos Abatement of 6918 Old Waco Lane - approx 3,200 sf of acoustical ceiling texture/drywall & insulation/overspray (walls & ceilings) and approximately 180 sf of vinyl flooring/black mastic (5 allotted work days) | \$9,000.00                                 | \$10,647.00  | \$5,985.00                           | \$7,490.00                   | \$7,805.00                              | \$7,605.00                                       |
| 1A. Unit Price for abatement of drywall per SF  | No Bid                                     | \$3.15   | \$1.80                               | \$2.00                       | \$2.50                                  | \$2.25   |
| 1A. Unit Price for abatement of flooring/mastic per SF  | No Bid                                     | \$3.15   | \$1.80                               | \$3.00                       | \$2.50                                  | \$2.25   |
| 2. Demolition of 6919 Old Waco Lane - structure, accessory structure, fence, debris, concrete, and asphalt to curb  | \$10,000.00                                | \$18,390.00  | \$10,300.00                          | \$6,800.00                   | \$8,350.00                              | \$15,127.00                                      |
| 2A. Asbestos Abatement of 6919 Old Waco Lane - approx 3,627 sf of acoustical ceiling texture/drywall & insulation/overspray (walls & ceilings) (4 allotted work days)   | \$9,000.00                                 | \$11,425.05  | \$6,825.00                           | \$8,200.00                   | \$8,360.00                              | \$8,160.75                                       |
| 2A. Unit price for abatement of drywall per SF  | No Bid                                     |  | \$1.80                               | \$2.00                       | \$2.50                                  | \$2.25   |
| 3. Demolition of 6916 Venus Dr - structure, accessory structure, debris, and concrete to curb   | \$12,000.00                                | \$18,390.00  | \$12,728.24                          | \$8,700.00                   | \$10,500.00                             | \$21,790.00                                      |
| 3A. Asbestos Abatement of 6916 Venus Drive - approx 2,377 sf of acoustical ceiling texture/drywall & insulation/overspray (ceilings only) and approx 70 sf of vinyl flooring (3 allotted work days)                           | \$6,000.00                                 | \$7,708.05   | \$4,513.00                           | \$6,890.00                   | \$10,260.00                             | \$10,059.00                                      |
| 3A. Unit Price for abatement of texture/drywall per SF  | No Bid                                     | \$3.15   | \$1.80                               | \$2.00                       | \$4.45                                  | \$4.12   |
| 3A. Unit Price for abatement of vinyl flooring per SF   | No Bid                                     | \$3.15   | \$1.80                               | \$4.00                       | \$4.25                                  | \$4.00   |
| 4. Demolition of 7 S 11th Street - structure, accessory structure, fence, debris, asphalt, and concrete to the curb   | \$5,500.00                                 | \$18,390.00  | \$8,900.00                           | \$4,950.00                   | \$4,475.00                              | \$9,269.00                                       |
| 5. Demolition of 9 S 9th St - structure, accessory structure, fence, debris, cement to curb   | \$5,000.00                                 | \$18,390.00  | \$7,651.00                           | \$3,850.00                   | \$5,150.00                              | \$7,796.00                                       |
| 6. Demolition of 21 S. 9th St - structure, fence, debris, concrete to curb  | \$10,500.00                                | \$18,390.00  | \$10,405.00                          | \$9,700.00                   | \$6,975.00                              | \$16,032.00                                      |
| 6A. Asbestos Abatement of 21 S 9th Street - approx 5,878 sf of drywall texture/insulation (7allotted work days)   | \$11,000.00                                | \$18,515.75  | \$11,130.00                          | \$11,700.00                  | \$13,425.00                             | \$13,225.50                                      |
| 6A. Unit price for abatement of drywall per SF  | No Bid                                     | \$3.15   | \$1.80                               | \$2.00                       | \$2.50                                  | \$2.25   |
| 7. Demolition of 2114 S. 15th Street - structure, accissory structure, fence, debris, and concrete to curb  | \$7,500.00                                 | \$18,390.00  | \$7,989.00                           | \$6,700.00                   | \$5,640.00                              | \$11,433.00                                      |
| 7A. Asbestos Abatement of 2114 S. 15th Street - approx 1,050 sf of vinyl flooring (3 allotted work days)  | \$5,000.00                                 | \$3,307.50   | \$2,205.00                           | \$4,000.00                   | \$2,575.00                              | \$2,362.50                                       |
| 7A. Unit price of abatement of vinyl flooring per SF  | No Bid                                     | \$3.15   | \$1.80                               | \$4.00                       | \$2.50                                  | \$2.25   |
| 8. Demolition of 2118 S. 15th Street - structure, accessory structures, fence, broken tree limbs, debris, and concrete to curb  | \$10,000.00                                | \$18,390.00  | \$8,900.00                           | \$6,850.00                   | \$5,656.00                              | \$13,857.00                                      |
| 8A. Asbestos Abatement of 2118 S. 15th Street - abatement of all acoustical ceiling texture/drywall& insulation and ACBM waste throughout the entire structure (7 allotted work days)   | \$11,000.00                                | \$15,750.00  | \$8,190.00                           | \$13,700.00                  | \$13,625.00                             | \$13,411.76                                      |
| 9. Demolition of 1802 S. 17th Street - structures, fence, debris, and concrete to curb  | \$9,000.00                                 | \$18,390.00  | \$8,900.00                           | \$6,350.00                   | \$8,525.00                              | \$10,947.00                                      |
| Total Base Bid  | \$129,500.00                               | \$232,863.35   | \$125,596.24                         | \$114,430.00                 | \$129,400.00                            | \$175,720.51                                     |
| Exceptions  | No   | No   | No                                   | No                           | No                                      | No   |
| Bid Bond  | Yes - not City form                        | Yes  | Yes                                  | Yes                          | Yes                                     | Yes  |
| Bond Requirement Affidavit  | Yes  | Yes  | Yes                                  | Yes                          | Yes                                     | Yes  |
| Credit Check Authorization  | Yes  | Yes  | Yes                                  | Yes                          | Yes                                     | Yes  |

|   | Bidders                             |  |                                |   |   |  |
|---|-------------------------------------|--|--------------------------------|---|---|--|
|   | J.T.B. Services Inc.<br>Houston, TX | J.R. Ramon & Sons. Inc.<br>San Antonio, TX | Matrix Demolition<br>Aledo, TX | Lloyd D. Nabors<br>Demolition<br>Hutchins, TX | RT Schneider<br>Construction Co. Ltd.<br>Belton, TX | Total Demolition, Inc, & A<br>1 Demolition<br>West, TX |
| Description   |                                     |  |                                |   |   |  |
| 1. Demolition of 6918 Old Waco Lane - structure, accessory structure, fence, debris, and concrete to curb   | \$11,710.00                         | \$21,293.25                                | \$8,940.00                     | \$10,500.00                                   | \$9,570.00  | \$8,640.00   |
| 1A. Asbestos Abatement of 6918 Old Waco Lane - approx 3,200 sf of acoustical ceiling texture/drywall & insulation/overspray (walls & ceilings) and approximately 180 sf of vinyl flooring/black mastic (5 allotted work days) | \$11,500.00                         | \$8,316.00                                 | \$7,985.00                     | \$6,555.00                                    | \$5,985.00  | \$6,156.00   |
| 1A. Unit Price for abatement of drywall per SF  | \$2.50                              | \$2.25                                     | \$4.00                         | \$2.07  | \$2.00  | \$1.94   |
| 1A. Unit Price for abatement of flooring/mastic per SF  | \$2.00                              | \$2.00                                     | \$3.00                         | \$2.07  | \$2.00  | \$1.94   |
| 2. Demolition of 6919 Old Waco Lane - structure, accessory structure, fence, debris, concrete, and asphalt to curb  | \$10,675.00                         | \$15,818.25                                | \$9,705.00                     | \$10,500.00                                   | \$7,000.00  | \$8,125.00   |
| 2A. Asbestos Abatement of 6919 Old Waco Lane - approx 3,627 sf of acoustical ceiling texture/drywall & insulation/overspray (walls & ceilings) (4 allotted work days)   | \$13,000.00                         | \$8,976.83                                 | \$8,510.00                     | \$7,475.00                                    | \$6,825.00  | \$7,020.00   |
| 2A. Unit price for abatement of drywall per SF  | \$2.50                              | \$2.25                                     | \$4.00                         | \$2.07  | \$2.00  | \$1.94   |
| 3. Demolition of 6916 Venus Dr - structure, accessory structure, debris, and concrete to curb   | \$15,465.00                         | \$28,610.80                                | \$14,940.00                    | \$9,500.00                                    | \$8,500.00  | \$13,265.00  |
| 3A. Asbestos Abatement of 6916 Venus Drive - approx 2,377 sf of acoustical ceiling texture/drywall & insulation/overspray (ceilings only) and approx 70 sf of vinyl flooring (3 allotted work days)                           | \$10,500.00                         | \$6,037.08                                 | \$5,760.00                     | \$4,945.00                                    | \$4,515.00  | \$4,644.00   |
| 3A. Unit Price for abatement of texture/drywall per SF  | \$2.50                              | \$2.25                                     | \$4.00                         | \$2.07  | \$2.00  | \$1.94   |
| 3A. Unit Price for abatement of vinyl flooring per SF   | \$2.25                              | \$2.00                                     | \$3.00                         | \$2.07  | \$2.00  | \$1.94   |
| 4. Demolition of 7 S 11th Street - structure, accessory structure, fence, debris, asphalt, and concrete to the curb   | \$10,125.00                         | \$13,542.92                                | \$10,965.00                    | \$7,500.00                                    | \$7,000.00  | \$6,680.00   |
| 5. Demolition of 9 S 9th St - structure, accessory structure, fence, debris, cement to curb   | \$7,000.00                          | \$10,872.00                                | \$8,340.00                     | \$7,000.00                                    | \$5,850.00  | \$5,400.00   |
| 6. Demolition of 21 S. 9th St - structure, fence, debris, concrete to curb  | \$10,900.00                         | \$16,618.00                                | \$10,140.00                    | \$9,500.00                                    | \$7,000.00  | \$9,955.00   |
| 6A. Asbestos Abatement of 21 S 9th Street - approx 5,878 sf of drywall texture/insulation (7allotted work days)   | \$16,300.00                         | \$11,315.15                                | \$13,570.00                    | \$12,190.00                                   | \$11,130.00   | \$11,448.00  |
| 6A. Unit price for abatement of drywall per SF  | \$2.50                              | \$1.75                                     | \$4.00                         | \$2.07  | \$2.00  | \$1.94   |
| 7. Demolition of 2114 S. 15th Street - structure, accissory structure, fence, debris, and concrete to curb  | \$9,710.00                          | \$18,706.20                                | \$12,240.00                    | \$10,500.00                                   | \$7,000.00  | \$6,995.00   |
| 7A. Asbestos Abatement of 2114 S. 15th Street - approx 1,050 sf of vinyl flooring (3 allotted work days)  | \$3,980.00                          | \$2,887.50                                 | \$3,625.00                     | \$2,415.00                                    | \$2,205.00  | \$2,268.00   |
| 7A. Unit price of abatement of vinyl flooring per SF  | \$2.00                              | \$2.50                                     | \$4.00                         | \$2.07  | \$2.00  | \$1.94   |
| 8. Demolition of 2118 S. 15th Street - structure, accessory structures, fence, broken tree limbs, debris, and concrete to curb  | \$15,525.00                         | \$19,512.20                                | \$12,240.00                    | \$10,500.00                                   | \$7,000.00  | \$7,795.00   |
| 8A. Asbestos Abatement of 2118 S. 15th Street - abatement of all acoustical ceiling texture/drywall& insulation and ACBM waste throughout the entire structure (7 allotted work days)   | \$16,500.00                         | \$10,780.00                                | \$3,625.00                     | \$8,970.00                                    | \$8,190.00  | \$8,424.00   |
| 9. Demolition of 1802 S. 17th Street - structures, fence, debris, and concrete to curb  | \$7,375.00                          | \$12,425.40                                | \$9,940.00                     | \$7,200.00                                    | \$6,500.00  | \$7,360.00   |
| Total Base Bid  | \$170,265.00                        | \$205,711.58                               | \$140,525.00                   | \$125,250.00                                  | \$104,270.00  | \$114,175.00   |
| Exceptions  | No                                  | No   | No                             | No  | No  | No   |
| Bid Bond  | Yes                                 | Yes  | Yes-not City form              | Yes   | Yes   | Yes  |
| Bond Requirement Affidavit  | Yes                                 | Yes  | Yes                            | Yes   | Yes   | Yes  |
| Credit Check Authorization  | Yes                                 | Yes  | Yes                            | Yes   | Yes   | Yes  |

Recommended for Council award



RESOLUTION NO. 2016-8408-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEMOLITION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION CO., LTD OF BELTON, TEXAS, IN THE AMOUNT OF \$104,270, FOR THE DEMOLITION AND ASBESTOS ABATEMENT OF NINE RESIDENTIAL STRUCTURES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, impending capital projects have warranted the need to demolish nine residential properties in the areas of the Outer Loop/Old Waco Road area from Old Waco Lane to Venus Drive, the Santa Fe Plaza, and Avenue U and Avenue R;

**Whereas**, Staff recommends Council authorize the demolition and asbestos abatements as required, of the following nine residential properties in the outlined capital project areas:

- Outer Loop from Old Waco Lane to Venus Drive:
  - 1) 6918 Old Waco Lane
  - 2) 6919 Old Waco Lane
  - 3) 6916 Venus Drive
- Santa Fe Plaza area:
  - 4) 7 S. 11th Street
  - 5) 9 S. 9th Street
  - 6) 21 S. 9th Street
- Avenue U/Avenue R areas:
  - 7) 2114 S. 15th Street
  - 8) 2118 S. 15th Street
  - 9) 1802 S. 17th Street

**Whereas**, on October 18, 2016, twelve bids were received for the nine residential demolitions and asbestos abatements, as required, and the Invitation to Bid specified that the contract would be awarded to the contractor with the lowest responsive bid for the total compiled cost of all properties;

**Whereas**, R.T. Schneider Construction Co., Ltd. of Belton, Texas provided the lowest responsive bid and therefore, Staff recommends Council award a demolition contract to R.T. Schneider Construction Co., Ltd. in the amount of \$104,270;

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

- Outer Loop – Properties 1, 2 & 3, Account No. 365-3400-531-6813, Project No. 101121;
- Santa Fe Plaza – Properties 4, 5 & 6, Account No. 795-9500-531-6870, Project No. 101008;
- Avenue U/13<sup>th</sup> Street – Properties 7 & 8, Account No. 795-9500-531-6874, Project No. 101012; and
- Transform Temple Lot Clean-Up – Property 9, Account No. 770-1195-513-2631;

**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 demolition contract with R.T. Schneider Construction Co., Ltd. of Belton, Texas, in the amount of \$104,270, for the demolition and asbestos abatement, as required, of nine residential structures.

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

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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11/03/16  
Item #5(F)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing deductive change order #2 to the contract with Ranger Excavating, LP, of Austin in the amount of \$182,213 for the construction of the North Lucius McCelvey Extension.

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

**ITEM SUMMARY:** On April 16, 2015, Council authorized a construction contract with Ranger in the amount of \$2,045,856.20 to extend North Lucius McCelvey Road within the northwest industrial park.

On January 28, 2016, change order #1 was executed to deduct \$18,902.20 from the contract.

Change order #2 proposes deductions for the following quantities that were not used during construction:

|                             |                  |
|-----------------------------|------------------|
| 6" Concrete Riprap          | \$ 75,000        |
| 18" Rock Riprap             | \$ 42,810        |
| Class A Concrete            | \$ 17,000        |
| Bermuda Hydro-Mulch seeding | <u>\$ 47,403</u> |

**Total Deductive Change Order    \$182,213**

Change orders #1 and #2 represent a cumulative deduction of \$201,115.20, a net 9.83% decrease from the original contract amount. The Engineer's Recommendation Letter is attached. City staff agrees with the engineer that these changes are necessary and recommends the approval of this change order.

**FISCAL IMPACT:** The savings from this deductive change order with Ranger Excavating, LP in the amount of \$182,213 will be realized in account 795-9500-531-6564, project #101252 as follows:

|  |                   |
|--|-------------------|
| Project Budget                                 | \$ 2,294,576      |
| Encumbered/Committed to Date                   | (2,264,767)       |
| Ranger Excavating, LP - deductive change order | 182,213           |
| Remaining Project Funds                        | <u>\$ 212,022</u> |

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order](#)  
[Resolution](#)





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

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

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

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

October 13, 2016

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

Re: City of Temple, Texas  
North Lucius McCelvey Extension Project

Dear Mr. Billeck:

Attached is Change Order #2 for the North Lucius McCelvey Extension Project. This change order is comprised of elements to finalize quantities to those actually constructed with the project. The total effect of the change order is a reduction in the amount by \$182,213.

We have reviewed Change Order #2 and recommend it be processed and executed with respect to the Ranger Excavating, L.P. construction contract for the above referenced project.

Sincerely,

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

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Will Lyons, Ranger Excavating, LP  
KPA Project File: 2014-127-40

150320

## CHANGE ORDER

PROJECT North Lucius McCelvey Extension  
OWNER: City of Temple  
CONTRACTOR: Ranger Excavating, LP  
ENGINEER: Kasberg, Patrick & Associates, LP  
CHANGE ORDER #: 2

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

**DELETE:**

| Item | Description  | Quantity | Unit | Cost      | Extended Amount |
|------|--|----------|------|-----------|-----------------|
| 26   | 6" Concrete Riprap   | (1,000)  | SY   | \$ 75.00  | \$ (75,000.00)  |
| 27   | 18" Rock Riprap  | (1,427)  | SY   | \$ 30.00  | \$ (42,810.00)  |
| 29   | Class A Concrete   | (85)     | CY   | \$ 200.00 | \$ (17,000.00)  |
| 49   | Bermuda Hydro-Mulch seeding with<br>fertilizer & erosion control blankets<br>as required to develop grass without<br>erosion, including watering &<br>mowing to promote & sustain<br>growth throughout the project | (26,335) | SY   | \$ 1.80   | \$ (47,403.00)  |

Total Delete \$ (182,213.00)

Change Order Total \$ (182,213.00)


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

|  |    |                 |
|--|----|-----------------|
| Original Contract Amount               | \$ | 2,045,856.20    |
| Previous Net Change in Contract Amount | \$ | (18,902.20)     |
| Net Change in Contract Amount          | \$ | (182,213.00)    |
| Revised Contract Amount                | \$ | 1,844,741.00    |
| Original Contract Time                 |    | 180 days        |
| Previous Net Change in Contract Time   |    | 0 days          |
| Net Change in Contract Time            |    | 0 days          |
| Revised Contract Time                  |    | 180 days        |
| Original Final Completion Date         |    | January 2, 2016 |
| Revised Final Completion Date          |    | January 2, 2016 |

Recommended By Engineer:

By:  10/12/16  
Date

Approved By Contractor:

Bobbie Holstine, Vice President-Operations  
of McKenzie Interests, Inc.  
By:  G.P. of Ranger Excavating, L.P. 10-12-16  
Date

Approved by City of Temple:

By: \_\_\_\_\_  
Jonathan Graham, City Manager

Approved as to Form:

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

Approved by Finance Department

By: \_\_\_\_\_  
Date

RESOLUTION NO. 2016-8409-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NUMBER 2 IN THE AMOUNT OF \$182,213, TO THE CONSTRUCTION CONTRACT WITH RANGER EXCAVATING, LP OF AUSTIN, TEXAS, FOR CONSTRUCTION OF THE NORTH LUCIUS MCCELVEY EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on April 16, 2015, Council authorized a construction contract with Ranger Excavating, LP of Austin, Texas in the amount of \$2,045,856.20, to construct the North Lucius McCelvey Extension;

**Whereas**, on January 28, 2016, Change Order No. 1 was executed to deduct \$18,902.20 from the construction contract – Change Order No. 2 proposes deductions for certain items not used during construction;

**Whereas**, Change Orders No. 1 and No. 2 represent a cumulative deduction of \$201,115.20, a net 9.83% decrease from the original contract amount and Staff agrees with the City's engineer that these changes are necessary and recommends Council approve Change Order No. 2;

**Whereas**, the savings from this deductive change order will be realized in Account No. 795-9500-531-6564, Project No. 101252; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute deductive Change Order No. 2, in the amount of \$182,213, to the construction contract with Ranger Excavating, LP for construction of the North Lucius McCelvey Extension.

**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 3<sup>rd</sup> day of **November**, 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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11/03/16  
Item #5(G)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 to the contract with TTG Utilities, LP, of Gatesville in the amount of \$114,389.87, for construction of the Avenue U & 13<sup>th</sup> street connector.

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

**ITEM SUMMARY:** The Avenue U & 13<sup>th</sup> Street connector will widen and extend Avenue U from 1<sup>st</sup> Street to Scott & White Boulevard, improve 13<sup>th</sup> Street from Loop 363 to Avenue U, enhance the Avenue U & 5<sup>th</sup> Street intersection, and provide storm sewer, pedestrian facilities, landscaping, and irrigation.

On May 5, 2016, Council authorized a contract with TTG for \$5,437,983.59 to construct the project. On August 4<sup>th</sup>, Council authorized change order #1 in the amount of \$113,013.16.

As indicated in the attached change order and Engineer's Recommendation Letter, the most significant component of this change order comprises adjustments of storm water improvements and existing utilities in both Avenue U and Friars Creek Drive due to unknown conditions discovered in the field. This change order proposes the addition of items totaling \$199,849.87 and the deletion of items totaling \$85,460, a net addition of \$114,389.87. This and the previous change order would result in a total contract of \$5,665,386.62, a net increase of 4.2% in the original amount. Time allotted for the additional construction is 66 calendar days.

**FISCAL IMPACT:** Funding for this change order with TTG Utilities in the amount of \$114,389.87 is appropriated in account 365-3400-531-6874, project 100718, in the amount of \$16,282.61 and account 795-9500-531-6874, project 101012, in the amount of \$98,107.26 as follows:

|                                | <u>365-3400-531-6874,<br/>Project 100718</u> | <u>795-9500-531-6874,<br/>Project 101012</u> | <u>Total</u>      |
|--------------------------------|--|--|-------------------|
| Project Budget                 | \$ 2,749,802                                 | \$ 5,580,000                                 | \$ 8,329,802      |
| Budget Adjustment              | 12,046                                       | -  | 12,046            |
| Encumbered/Committed to Date   | (2,745,565)                                  | (5,307,452)                                  | (8,053,017)       |
| <b>TTG Utilities, LP</b>       | <b>(16,283)</b>                              | <b>(98,107)</b>                              | <b>(114,390)</b>  |
| <b>Remaining Project Funds</b> | <b>\$ -</b>                                  | <b>\$ 174,441</b>                            | <b>\$ 174,441</b> |

A budget adjustment is being presented to Council in the amount of \$12,046 to appropriate additional funding needed in account 365-3400-531-6874, project 100718.

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order](#)  
[Budget Adjustment](#)  
[Resolution](#)



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

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

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

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

October 5, 2016

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

Re: City of Temple, Texas  
Avenue U and 13<sup>th</sup> Street Connector  
Change Order #2

Dear Mr. Billeck:

Attached is Change Order #2 for the Avenue U and 13<sup>th</sup> Street Connector Project. This change order is developed for revisions to the design of storm water improvements and waterline improvements for the project due to unknown conditions of existing utilities that were found to be in conflict after the required potholing occurred on the project to verify utility locations. The storm sewer and utilities near Friars Creek require adjustment from the original plan to avoid conflict with the 12-inch wastewater trunk sewer parallel to Friars Creek. After potholing, we discovered the trunk sewer was above the flowline elevation of Friars Creek. A 6-inch waterline that was not known to exist or shown in current records at the intersection of 11<sup>th</sup> Street and Avenue U was also discovered requiring adjustments to avoid conflict with the storm sewer. Additionally, there was a waterline that was unknown near the intersection of Friars Creek Lane and Friars Creek Drive in conflict with the proposed storm sewer requiring adjustment. Included within the change order is an additional 66 calendar days. In our opinion, this is a reasonable request and includes rain days experienced on the project to date. Listed below are individual descriptions of the items included in the change order.

**ADD ITEMS (TRZ):**

- Item CO2-1 – Furnish & Install 10' x 5' Curb Inlet – This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-2 – Furnish & Install 5' x 10' Curb Inlet - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-3 – Furnish & Install 5' x 9' Junction Box – This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.



- Item CO2-4 – Furnish & Install 4' Wastewater Manhole- This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-5 – Remove 4' Diameter Wastewater Manhole - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-6 – Furnish & Install 8" PVC SDR-26 Wastewater Pipe - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-7 – Connect to Existing Wastewater System - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-8 – Plug Existing Wastewater Manhole - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-9 – Remove/Salvage 10'x6' Curb Inlet - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-10 – Relocate 48" Class III RCP - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-11 – Restocking Fee for Drainage Structures - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. The price submitted is reasonable for this type of work.
- Item CO2-12 – Furnish & Install 6" 45 Degree Bend - This item is added to avoid conflict with the storm sewer at Avenue U and 11<sup>th</sup> Street due to a waterline that was not known to exist at this location and was not shown in the current records. The price submitted is reasonable for this type of work.
- Item CO2-13 – Furnish & Install 6" 90 Degree Bend - This item is added to avoid conflict with the storm sewer at Avenue U and 11<sup>th</sup> Street due to a waterline that was not known to exist at this location and was not shown in the current records. The price submitted is reasonable for this type of work.
- Item CO2-14 – Furnish & Install 12" Steel Casing by Open Cut - This item is added to avoid conflict with the storm sewer at Avenue U and 11<sup>th</sup> Street due to a waterline that was not known to exist at this location and was not shown in the current records. The price submitted is reasonable for this type of work.
- Item CO2-15 – Furnish & Install 6" PVC C900 Waterline – This item is added for 92 linear feet of 6" waterline to avoid conflict with the storm sewer at Avenue U and 11<sup>th</sup> Street due to a waterline that was not known to exist at this location and was not shown in the current records. The price submitted is reasonable for this type of work.



- Item CO2-16 - Sampling Stations for Microbiological Testing in Accordance with AWWA C-651 – This item is added to test the waterlines required for relocation due to the storm sewer and waterline adjustments. The price submitted is reasonable for this type of work
- Item CO2-17 – Temporary Flush Assemblies – This item is added for flushing the waterlines required for relocation due to the storm sewer and waterline adjustments. The price submitted is reasonable for this type of work.
- Item CO2-18 – Bond Adjustment – This item is added to adjust the contractor's current bond for the change order. The price submitted is reasonable.
- Item CO2-19 - Furnish & Install 36" Class III RCP - This item is added for re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek. This is existing Bid Item A-29.
- CO2-20 - Furnish & Install 6" Plug - This is an existing bid item that the quantity will be adjusted to avoid conflict with the storm sewer at Avenue U and 11<sup>th</sup> Street due to a waterline that was not known to exist at this location and was not shown in the current records. This is existing Bid Item B-29.
- CO2-21 - Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 6" Waterline - This is an existing bid item that the quantity will be adjusted to avoid conflict with the storm sewer at Avenue U and 11<sup>th</sup> Street due to a waterline that was not known to exist at this location and was not shown in the current records. This is existing Bid Item B-34.

#### ADD ITEMS (TCIP)

- Item CO2-22 - Furnish & Install 6" PVC C900 Waterline – This item is added for 48 feet of 6" waterline to adjust the waterline in Fryers Creek Drive for a waterline that is located in an area different from the current records. The price submitted is reasonable for this type of work.
- Item CO2-23 - Furnish & Install 6"x 8" Tee – This item is added to adjust the waterline in Fryers Creek Drive for a waterline that is located in an area different from the current records. The price submitted is reasonable for this type of work.
- Item CO2-24 - Sampling Stations for Microbiological Testing in Accordance with AWWA C-651 – This item is added to test the waterlines required for relocation due to the storm sewer and waterline adjustments. The price submitted is reasonable for this type of work.
- Item CO2-25 - Temporary Flush Assemblies – This item is added for flushing the waterlines required for relocation due to the storm sewer and waterline adjustments. The price submitted is reasonable for this type of work.
- Item CO2-26 – Furnish & Install 6" French Drain – This item is added due to the presence of groundwater during construction. Although the geotechnical investigations did not discover the presence of any groundwater, during construction activities groundwater was discovered during the heavy rain experienced at the beginning of construction. We recommend adding a 6-inch French Drain to intercept any future groundwater. The price submitted is reasonable for this type of work.

Mr. James Billeck, P.E.

October 5, 2016

Page Four

- CO2-27 - 8" Diameter PVC Waterline, including Thrust Restraint – This is an existing bid item that the quantity will be adjusted for adjusting the waterline in Fryers Creek Drive for a waterline that is located in an area different from the current records. This is existing Bid Item B-16.
- CO2-28 - Furnish & Install 8" 45 Degree Bend - This is an existing bid item that the quantity will be adjusted for adjusting the waterline in Fryers Creek Drive for a waterline that is located in an area different from the current records. This is existing Bid Item B-19.
- CO2-29 - Furnish & Install 6" Gate Valve - This is an existing bid item that the quantity will be adjusted for adjusting the waterline in Fryers Creek Drive for a waterline that is located in an area different from the current records. This is existing Bid Item B-28.
- CO2-30 - Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 8" Waterline - This is an existing bid item that the quantity will be adjusted for adjusting the waterline in Fryers Creek Drive for a waterline that is located in an area different from the current records. This is existing Bid Item B-33

DELETE ITEMS:

- Bid Item A-13 – Furnish All Materials, Equipment, Tools & Labor Necessary for Relocating Existing Waterline at Storm Sewer Crossing per Sheet SS-01 – This is an existing bid item that will no longer be required due to the waterline found not in conflict after potholing.
- Bid Item B-39 – 5' x 5' Junction Box – This is an existing bid item that was reduced with the re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek.
- Bid Item B-41 – 10' x 5' Curb Inlet - This is an existing bid item that was reduced with the re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek.
- Bid Item B-49 – 48" Class III RCP - This is an existing bid item that was reduced with the re-design of the storm sewer system due to conflict with the 12-inch trunk sewer parallel to Friars Creek.

We have reviewed Change Order #2 and recommend it be processed and executed with respect to the TTG Utilities LP construction contract for the above referenced project. We have also analyzed the cost breakdown for the two funding mechanisms. The TRZ funding for this change order is \$98,107.26 and the TCIP funding is \$16,282.61.

Sincerely,



R. David Patrick, P.E., CFM

RDP/rdp

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

# CHANGE ORDER

PROJECT: **PROPOSED AVE. U AND 13TH STREET CONNECTOR**

OWNER: **City of Temple**

CONTRACTOR: **TTG UTILITIES LP**

ENGINEER: **Kasberg, Patrick & Associates**

CHANGE ORDER #: 2

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

| <b>Add: TRZ Change Order #2</b>       |   |          |      |              |                       |
|---------------------------------------|---|----------|------|--------------|-----------------------|
| Item                                  | Description   | Quantity | Unit | Unit Price   | Extended Amount       |
| CO2-1                                 | Furnish & Install 10'x5' Curb Inlet   | 1        | EA   | \$ 4,734.52  | \$ 4,734.52           |
| CO2-2                                 | Furnish & Install 5'x10' Curb Inlet   | 1        | EA   | \$ 8,307.57  | \$ 8,307.57           |
| CO2-3                                 | Furnish & Install 5'x9' Junction Box  | 2        | EA   | \$ 6,447.43  | \$ 12,894.86          |
| CO2-4                                 | Furnish & Install 4' Wastewater Manhole   | 2        | EA   | \$ 7,231.89  | \$ 14,463.78          |
| CO2-5                                 | Remove 4' Diameter Wastewater Manhole   | 1        | EA   | \$ 1,215.46  | \$ 1,215.46           |
| CO2-6                                 | Furnish & Install 8" PVC SDR-26 Wastewater Pipe   | 146      | LF   | \$ 46.02     | \$ 6,718.92           |
| CO2-7                                 | Connect to Existing Wastewater System   | 2        | EA   | \$ 1,686.14  | \$ 3,372.28           |
| CO2-8                                 | Plug Existing Wastewater Manhole  | 1        | EA   | \$ 3,372.27  | \$ 3,372.27           |
| CO2-9                                 | Remove/Salvage 10'x6' Curb Inlet  | 1        | EA   | \$ 3,611.25  | \$ 3,611.25           |
| CO2-10                                | Relocate 48" Class III RCP  | 330      | LF   | \$ 3.13      | \$ 1,032.90           |
| CO2-11                                | Restocking Fee for Drainage Structures  | 1        | LS   | \$ 17,393.00 | \$ 17,393.00          |
| CO2-12                                | Furnish & Install 6" 45 Degree Bend   | 7        | EA   | \$ 321.38    | \$ 2,249.66           |
| CO2-13                                | Furnish & Install 6" 90 Degree Bend   | 1        | EA   | \$ 378.03    | \$ 378.03             |
| CO2-14                                | Furnish & Install 12" Steel Casing by Open Cut  | 75       | LF   | \$ 62.03     | \$ 4,652.25           |
| CO2-15                                | Furnish & Install 6" PVC C900 Waterline   | 92       | LF   | \$ 33.29     | \$ 3,062.68           |
| CO2-16                                | Sampling STAs for Microbiological Testing in Accordance with AWWA C-651   | 0.5      | EA   | \$ 416.67    | \$ 208.33             |
| CO2-17                                | Temporary Flush Assemblies  | 0.5      | EA   | \$ 776.00    | \$ 388.00             |
| CO2-18                                | Bond Adjustment   | 1        | LS   | \$ 736.50    | \$ 736.50             |
| CO2-19                                | Furnish & Install 36" Class III RCP (Bid Item A-29)   | 670      | LF   | \$ 121.00    | \$ 81,070.00          |
| CO2-20                                | Furnish & Install 6" Plug (Bid Item B-29)   | 1        | EA   | \$ 185.00    | \$ 185.00             |
| CO2-21                                | Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 6" Waterline (Bid Item B-34) | 4        | EA   | \$ 1,580.00  | \$ 6,320.00           |
| <b>Add Total TRZ</b>                  |   |          |      |              | <b>\$ 176,367.26</b>  |
|                                       |   |          |      |              |                       |
| <b>Delete: Drainage Adjustments</b>   |   |          |      |              |                       |
| Item                                  | Description   | Quantity | Unit | Unit Price   | Extended Amount       |
| B-39                                  | 5'x5' Junction Box  | -2       | EA   | \$ 3,890.00  | \$ (7,780.00)         |
| B-41                                  | 10'x5' Curb Inlet   | -2       | EA   | \$ 7,190.00  | \$ (14,380.00)        |
| B-49                                  | 48" Class III RCP   | -330     | LF   | \$ 170.00    | \$ (56,100.00)        |
| <b>Delete Total TRZ</b>               |   |          |      |              | <b>\$ (78,260.00)</b> |
|                                       |   |          |      |              |                       |
| <b>Change Order Total TRZ Portion</b> |   |          |      |              | <b>\$ 98,107.26</b>   |



## CHANGE ORDER

PROJECT: **PROPOSED AVE. U AND 13TH STREET CONNECTOR**

OWNER: **City of Temple**

CONTRACTOR: **TTG UTILITIES LP**

ENGINEER: **Kasberg, Patrick & Associates**

CHANGE ORDER #: **2**

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

| <b>Add: TCIP Change Order #2</b>       |   |          |      |                     |                      |
|--|---|----------|------|---------------------|----------------------|
| Item                                   | Description   | Quantity | Unit | Unit Price          | Extended Amount      |
| CO2-22                                 | Furnish & Install 6" PVC C900 Waterline   | 48       | LF   | \$ 33.29            | \$ 1,597.92          |
| CO2-23                                 | Furnish & Install 6"x8" Tee   | 1        | EA   | \$ 689.27           | \$ 689.27            |
| CO2-24                                 | Sampling STAs for Microbiological Testing in Accordance with AWWA C-651   | 0.5      | EA   | \$ 416.67           | \$ 208.34            |
| CO2-25                                 | Temporary Flush Assemblies  | 0.5      | EA   | \$ 776.00           | \$ 388.00            |
| CO2-26                                 | Furnish & Install 6" French Drain   | 858      | LF   | \$ 19.76            | \$ 16,954.08         |
| CO2-27                                 | 8-inch Diameter PVC Water Line, including Thrust Restraint (Bid Bid Items B-16)   | 20       | LF   | \$ 34.50            | \$ 690.00            |
| CO2-28                                 | Furnish & Install 8" 45° Bend (Bid Item B-19)   | 2        | EA   | \$ 310.00           | \$ 620.00            |
| CO2-29                                 | Furnish & Install 6" Gate Valve (Bid Item B-28)   | 1        | EA   | \$ 745.00           | \$ 745.00            |
| CO2-30                                 | Furnish All Materials, Equipment, Tools & Labor Necessary for Connecting to Existing 8" Waterline (Bid Item B-33)                   | 1        | EA   | \$ 1,590.00         | \$ 1,590.00          |
|  |   |          |      | <b>Add Total</b>    | <b>\$ 23,482.61</b>  |
| <b>Delete: Drainage Adjustments</b>    |   |          |      |                     |                      |
| Item                                   | Description   | Quantity | Unit | Unit Price          | Extended Amount      |
| A-13                                   | Furnish All Materials, Equipment, Tools & Labor Necessary for Relocating Existing Waterline at Storm Sewer Crossing per Sheet SS-01 | -1.00    | LS   | \$ 7,200.00         | \$ (7,200.00)        |
|  |   |          |      | <b>Delete Total</b> | <b>\$ (7,200.00)</b> |
| <b>Change Order Total TCIP Portion</b> |   |          |      |                     | <b>\$ 16,282.61</b>  |
| <b>Change Order #2 Total</b>           |   |          |      |                     | <b>\$ 114,389.87</b> |

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

|  |                 |
|--|-----------------|
| Original Contract Amount               | \$ 5,437,983.59 |
| Previous Net Change in Contract Amount | \$ 113,013.16   |
| Net Change in Contract Amount          | \$ 114,389.87   |
| Revised Contract Amount                | \$ 5,665,386.62 |
| Original Contract Time                 | 330 days        |
| Previous Net Change in Contract Time   | 0 days          |
| Net Change in Contract Time            | 66 days         |
| Revised Contract Time                  | 396 days        |
| Original Final Completion Date         | April 27, 2017  |
| Revised Final Completion Date          | July 2, 2017    |

Recommended By:

Project Manager (City Staff) \_\_\_\_\_ Date \_\_\_\_\_

Agreed to:

Contractor \_\_\_\_\_ Date 10-7-16

Approved as to form:

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

Recommended by:

Architect/Engineer \_\_\_\_\_ Date 10/6/16

Approved by City of Temple:

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

Approved by Finance Department

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



FY 2017

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.  
**Adjustments should be rounded to the nearest \$1.**

+

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| ACCOUNT NUMBER     | PROJECT # | ACCOUNT DESCRIPTION                      | INCREASE  |  | DECREASE  |  |
|--------------------|-----------|--|-----------|--|-----------|--|
| 365-3400-531-68-74 | 100718    | Capital - Bonds/Ave U                    | \$ 12,046 |  |           |  |
| 365-3400-531-65-32 |           | Capital - Special Projects / Contingency |           |  | 12,046    |  |
|                    |           |  |           |  |           |  |
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|                    |           |  |           |  |           |  |
| TOTAL.....         |           |  | \$ 12,046 |  | \$ 12,046 |  |

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

To reallocate and appropriate funding needed for Change Order #3 for TTG Utilities in the amount of \$16,282.61 for the TCIP portion, with the total Change Order totaling \$114,389.87. There was \$4,237.23 remaining in the account, therefore we needed the difference of \$12,045.38.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes

1

No

DATE OF COUNCIL MEETING

11/3/2016

WITH AGENDA ITEM?

Page 10 of 10

☒ Yes

X

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

|             |  |
|-------------|--|
| Disapproved |  |
|-------------|--|

## Finance

Date \_\_\_\_\_

☐ Approved

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|--|-------------|
|  | Disapproved |
|--|-------------|

City Manager

Date \_\_\_\_\_

☐ Approved

|  |             |
|--|-------------|
|  | Disapproved |
|--|-------------|

RESOLUTION NO. 2016-8410-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2, IN THE AMOUNT OF \$114,389.87, TO THE CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS, FOR CONSTRUCTION OF THE AVENUE U AND 13<sup>TH</sup> STREET CONNECTOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Avenue U & 13<sup>th</sup> Street Connector will widen and extend Avenue U from 1<sup>st</sup> Street to Scott & White Boulevard, improve 13<sup>th</sup> Street from Loop 363 to Avenue U, enhance the Avenue U & 5<sup>th</sup> Street intersection, and provide storm sewer, pedestrian facilities, landscaping, and irrigation;

**Whereas,** on May 5, 2016, Council authorized a construction contract with TTG Utilities, LP of Gatesville, Texas for construction of the Avenue U and 13<sup>th</sup> Street Connector and on August 4, 2016, Council authorized change order number 1 which allowed for the addition of storm water improvements at the Summit Family Fitness Center and miscellaneous items which were added and deleted to the Avenue U & 13<sup>th</sup> Street Connector project during the initial phases of construction;

**Whereas,** the most significant component of change order number 2 includes adjustments of storm water improvements and existing utilities in both Avenue U and Friars Creek Drive due to unknown conditions discovered in the field;

**Whereas,** funds are available for this change order in Account No. 365-3400-531-6874, Project Nos. 100718 and Account No. 795-9500-531-6874, Project No. 101012; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute change order number 2, in an amount not to exceed \$114,389.87, to a construction contract with TTG Utilities, LP of Gatesville, for construction of the Avenue U and 13th Street Connector project.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **November**, 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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Item #5(H)  
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Page 1 of 2

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

Sharon Rostovich, Airport Director  
Justin Brantley, Assistant Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a five year contract with Avfuel, Corporation of Abilene for the supply of aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** Authorization of this contract will establish a five year contract commencing on January 1, 2017, for the supply of aviation bulk fuels (Jet A fuel and 100 Low Lead (LL) fuel) and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.

The World Fuel Network fuel contract for supplying aviation fuels for the Airport will expire December 31, 2016. On October 4, 2016, the City received four proposals for providing bulk fuels along other related business support services to the Airport from the following vendors: Avfuel Corporation out of Abilene; EPIC Aviation, LLC out of Irving; Ascent Aviation Group, Inc. (World Fuel Network) out of Parish, NY; and Eastern Aviation Fuels, Inc. out of New Bern, NC. The Request for Proposals (RFP) specified the evaluation criteria as follows: qualifications, experience, reputation, and financial stability of vendor, 30%; quality of business support structure to be provided to the City, 30%; proposed fuel pricing structure, 20%; the extent to which the vendor's goods, services, and proposed contract meet the City's needs, 15%; and quality of submitted proposal, 5%.

A proposal evaluation committee was formed with representation from the Airport, Finance, Legal, Information Technology, and Purchasing departments. Based on the scoring of the evaluation criteria, the committee is recommending a contract with Avfuel Corporation. The recommended contract will include the following terms:

- Initial five year term with the option to renew the contract for three additional one-year periods.
- Avfuel to pay the City a software fee up to \$500 per month to cover the cost of operating the Airport's Total Aviation Software system, which Avfuel's credit card system will interface with.
- Avfuel to provide new signage, including new facing on the existing pole sign and installation of a 5'x7' double face lighted pole sign at the self-service site.
- Avfuel to provide advertising assistance consisting of \$.005 per gallon under a Co-op Advertising Program.

- Avfuel will provide and install a canopy to the front side of the City's recently installed self-serve fueling station.
- Avfuel will re-paint of the Airport's four fuel trucks with logo decals and product warning labels.
- Avfuel will provide fuel line service training, both internet-based and hands-on training.
- Avfuel will charge Credit Card processing fees for fuel as follows: Avfuel cards, 0%; MasterCard and VISA, 1.94% for swiped and signed tickets, 2.9%, for self-services tickets; American Express, Multi-Service, Aero Card, 2.75%; Avcard, 2.25%; and Discover, 2.8%.
- Avfuel will invoice the City for fuel based on a fuel pricing structure that includes the current Platts US Gulf Coast price, plus associated taxes, plus the following fees per gallon:

|                  | <b>Jet A Fuel</b>                   |  | <b>100 LL (Avgas)</b>              |  |
|------------------|-------------------------------------|--|------------------------------------|--|
|                  | <b>Magellan</b>                     | <b>Valero</b>                            | <b>Delek</b>                       | <b>Exxon</b>                             |
|                  | <b>Dallas</b><br>(primary refinery) | <b>San Antonio</b><br>(back-up refinery) | <b>Tyler</b><br>(primary refinery) | <b>Baton Rouge</b><br>(back-up refinery) |
| Freight Expense  | \$ 0.06022                          | \$ 0.06562                               | \$ 0.06509                         | \$ 0.15689                               |
| Fuel Surcharge   | \$ 0.00656                          | \$ 0.00715                               | \$ 0.01497                         | \$ 0.03605                               |
| Supplier Mark-up | \$ 0.09883                          | \$ 0.07600                               | \$ 0.69500                         | \$ 0.80000                               |

**FISCAL IMPACT:** The Airport budgeted \$1,155,000 for the purchase of aviation fuels in FY17. Anticipated revenue from fuel sales is \$1,651,500 (net of discounts). In addition to fuel delivery, Avfuel will provide the Airport with capital improvements, technical assistance, employee training, and business support at no additional charge.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8411-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR CONTRACT WITH AVFUEL CORPORATION OF ABILENE, TEXAS, TO SUPPLY AVIATION BULK FUELS AND OTHER BUSINESS SUPPORT TO OPERATE AN EXCLUSIVE FUEL DEALERSHIP AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the World Fuel Network fuel contract for supplying aviation fuels for the Draughon-Miller Central Texas Regional Airport expires December 31, 2016;

**Whereas**, on October 4, 2016, the City received four proposals for providing bulk fuels along with other related business support services to the Airport - the Request for Proposals specified the evaluation criteria which included qualifications, experience, reputation, financial stability of vendor, quality of business support structure to be provided to the City, proposed fuel pricing structure, the extent to which the vendor's goods, services, and proposed contract meet the City's needs, and quality of the submitted proposal;

**Whereas**, a Staff committee was formed to evaluate the four proposals and based on the scoring of the criteria, and the committee recommends Council award the contract to Avfuel Corporation of Abilene, Texas;

**Whereas**, the contract will include an initial five-year term with the option to renew the contract for three additional one-year periods, if so agreed to by both parties;

**Whereas**, Avfuel agrees to the following during their five-year contract term:

- Avfuel agrees to pay the City a software fee up to \$500 per month to cover the cost of operating the Airport's Total Aviation Software system, which Avfuel's credit card system will interface with;
- Avfuel agrees to provide new signage, including new facing on the existing pole sign and installation of a 5x7 double face lighted pole sign at the self-service site;
- Avfuel agrees to provide advertising assistance consisting of \$.005 per gallon under a Co-op Advertising Program;
- Avfuel agrees to provide and install a canopy to the front side of the City's recently installed self-serve fueling station;
- Avfuel agrees to re-paint the Airport's four fuel trucks with logo decals and product warning labels at their expense;
- Avfuel agrees to provide fuel line service training, both internet-based and hands-on training; and
- Avfuel will charge credit card processing fees for fuel as follows:
  - Avfuel cards, 0%;
  - MasterCard and VISA, 1.94% for swiped and signed tickets, 2.9%, for self-services tickets;
  - American Express, Multi-Service, Aero Card, 2.75%;
  - Avcard, 2.25%; and
  - Discover, 2.8%;



- Avfuel will invoice the City for fuel based on a fuel pricing structure that includes the current Platts US Gulf Coast price, plus associated taxes, and fees per gallon;

**Whereas**, the Airport has budgeted for the purchase of aviation fuels in the fiscal year 2017 budget;

**Whereas**, the payment of any funds in future budget years, as provided in the proposed Agreement, will be subject to annual appropriation by the City Council in each fiscal year's budget;

**Whereas**, the City will have the right to withdraw from the Agreement on the last day of the City's fiscal year if the City Council fails to appropriate funds to cover the cost of the Agreement in the upcoming fiscal year;

**Whereas**, the City's obligations under the Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas and nothing contained in this Resolution or the Agreement shall ever be construed so as to require the City to create a sinking fund or to assess, levy and collect any tax to funds its obligations under the Agreement; 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 five-year contract with Avfuel Corporation of Abilene, Texas, to supply aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **November**, 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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11/03/16  
Item #5(I)  
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 an amendment to the professional services agreement with Jacobs Engineering Group, Inc., to reallocate funds associated with Phase 4 of the Bird Creek Interceptor.

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

**ITEM SUMMARY:** In 2007, Council authorized an agreement with Carter Burgess, Inc., (now Jacobs), for professional services required to design and implement the Bird Creek Interceptor. This project will reduce sanitary sewer overflows by rehabilitating deteriorated infrastructure within the Bird Creek basin. The City has constructed three phases of the project; the remaining two phases are sequenced over the next several years in conjunction with future utility funding.

Most recently, Council authorized contract amendment #10 on April 7<sup>th</sup> of this year to deduct \$73,600 of subcontracted ROW services that have been contracted directly with a ROW consultant. Total authorized professional fees with Jacobs for this project are \$2,695,170.

This amendment proposes adding and deleting the following services:

**Design Revisions/ Additions**

|                             |                 |
|-----------------------------|-----------------|
| Project Management          | \$5,200         |
| Erosion Analysis and Design | \$21,450        |
| ROW Support Services        | \$9,310         |
| ROW – Site Visits, Meetings | <u>\$22,440</u> |

|                         |                        |
|-------------------------|------------------------|
| <b>Design Sub-Total</b> | <b><u>\$58,400</u></b> |
|-------------------------|------------------------|

**Survey and Easement Acquisition Services**

|  |                 |
|--|-----------------|
| Appraisals                             | (\$26,600)      |
| Negotiation Services                   | (\$29,600)      |
| Title & Closing Services               | (\$6,000)       |
| Misc. ROW Subconsultant Fees           | (\$6,200)       |
| Legal Descriptions & Easement Exhibits | <u>\$10,000</u> |

**ROW Sub-Total** **(\$58,400)**

**Total for Amendment No. 11** **\$ 0.00**

ROW-related services that do not require the professional engineer are being deducted. The additive services listed above represent additional tasks related to the Daniels Drive street replacement, which will require enhanced engineering analysis related to its proximity to Bird Creek, as well as an erosion analysis specific to a property nearby. 120 calendar days are required for the additional design and associated review & approval.

**FISCAL IMPACT:** The net effect of this contract amendment from Jacobs Engineering Group, Inc., is \$0. Project funding is available in account 561-5400-535-6925, project #100980 as follows:

|   |                         |
|---|-------------------------|
| Project Budget                                      | \$ 1,549,625            |
| Encumbered/Committed to Date                        | (1,456,193)             |
| Jacobs Engineering Group, Inc. - contract amendment | 0                       |
| <b>Remaining Project Funds</b>                      | <b><u>\$ 93,432</u></b> |

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Map](#)  
[Resolution](#)



## **ATTACHMENT A – SCOPE OF WORK**

### **Amendment No. 11 Temple Bird Creek Interceptor Improvements Daniels Drive Real Estate Revision Prepared By Jacobs Engineering Group, Inc.**

#### **Project Description**

The Bird Creek Interceptor is one of the primary wastewater collection lines through the City of Temple, traversing pastureland, park areas, neighborhoods, and golf courses. This interceptor, comprised of vitrified clay pipe and brick manholes, over the years has experienced numerous overflows due to excessive infiltration and inflow (I&I), lack of capacity and poor condition. The interceptor is approximately 5.3 miles long and about 50-years old.

Phase 1 (Flow Monitoring & Rain Gauge Installation) and Phase 2 (Preliminary Engineering Report & Hydraulic Modeling) have been completed. Phase 3 (Final Design) for Construction Contracts 1, 2 and 3 have been completed. Phase 3 (Final Design) services are currently underway for Construction Contracts 4 and 5. Phase 4 (Bid Phase Services) and Phase 5 (Construction Phase Services) were previously performed for Construction Contracts 1, 2, and 3.

The City has requested that all real estate acquisition services be performed by the City or at the City's direction and removed from Jacobs' scope of work. Contract Modification #10 removed the majority of those services while the City determined how to include the Daniels Drive Right-of-Way acquisition. It has been determined that the City will perform the right-of-entry, easement negotiation, and appraisal services for the five (5) properties along Daniels Drive (Jacobs and All County will continue to provide survey support for easement acquisition). Additionally, the City has asked that an alternatives evaluation to minimize the effects of erosion along Daniels Drive and near the aerial crossings at the Mosely property.

Additional tasks included in this Amendment No. 11 are summarized below:

#### **A. ENGINEERING SERVICES**

1. Project Management, including progress monitoring of budgets and schedules, and invoicing.
2. Coordination Meetings (assumes a total of two (2) meetings in connection with services included in Amendment 11).
  - i. Hydraulic analysis of Bird Creek will be performed to determine the shear stresses within the creek.
  - ii. Provide preliminary design for three options for the protection of the creek bank adjacent to Daniels Drive. Each alternative will consist of a different level of erosion protection from minimum necessary to heavily armored with some possible aesthetic properties.
  - iii. Preliminary engineers estimate of costs and quantities will be provided for each alternative. Jacobs will meet with the city to discuss each alternative and to select a preferred alternative.
  - iv. Jacobs will then provide a final design for the preferred alternative along with a final engineer's estimate of cost and quantities.

- v. Design streambank protection for three (3) bank penetrations of the proposed wastewater line adjacent to the Mosely property. Jacobs will also assess the conditions of the stream banks upstream of the aerial crossing and design erosion protection
  - vi. QC reviews (60%, 90% and final submittals).
- 3. Assist the City with public involvement for the Daniels Drive Right-of-Way acquisition by creating exhibits for public display.
- 4. Assist the City by conducting miscellaneous site visits to answer property owner questions. Assume up to 4 meetings.
- 5. Assist the City attending miscellaneous meetings to discuss the project with City staff or engineer's working on adjacent projects. Assume up to 4 meetings.
- 6. Travel and reproduction reimbursement.

## **B. SUB-CONSULTANT SERVICES**

- 1. Deduct remaining appraisals for Daniels Drive five (5) properties.
- 2. Deduct negotiation services for Daniels Drive five (5) properties.
- 3. Deduct title & closing services Daniels Drive five (5) properties.
- 4. Make revisions to previously prepared metes and bounds to assist in right-of-way acquisition.

## **C. PROJECT SCHEDULE**

| <b>TASK</b>                                       | <b>DURATION</b> |
|---|-----------------|
| 1. Written Notice to Proceed                      | Day 0           |
| 2. Erosion site investigation                     | 1 month         |
| 3. Review preliminary options by City             |                 |
| 4. 90% complete design submittal                  | 1 month         |
| 5. Review by City of Temple                       |                 |
| 6. 100% complete submittal                        | <u>1 month</u>  |
| Total Duration (excluding City of Temple reviews) | 3 months        |

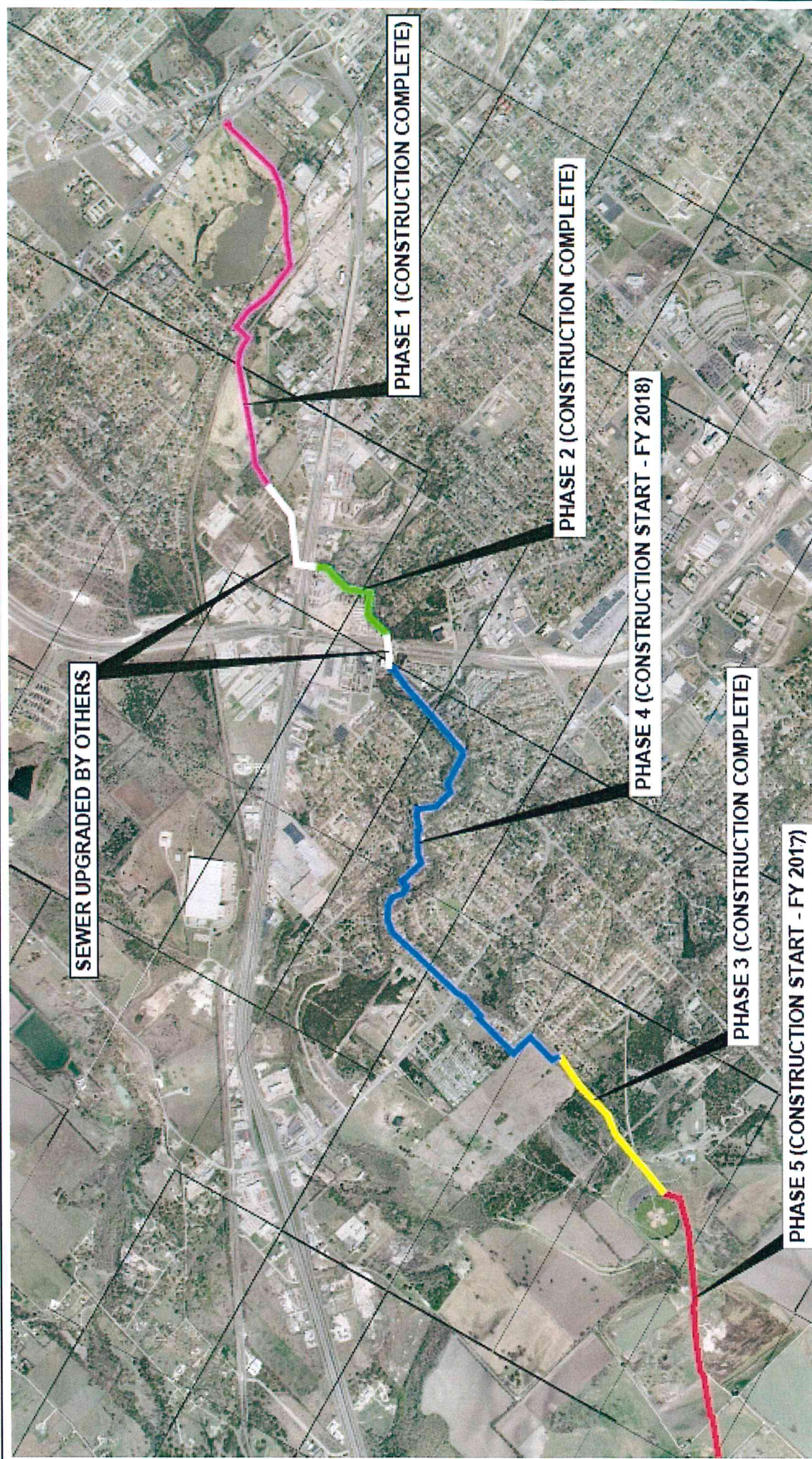
**ATTACHMENT B - FEE SCHEDULE**

**Temple Bird Creek Interceptor Improvements  
Amendment No. 11 - Daniels Drive Revisions & Erosion Analysis**

24-Aug-16

| Scope Item   | Description  | Project Manager | Project Engineer | CADD Designer | Clerical  | Total Jacobs     | All-County Survey | Lone Star R.O.W.   | Total Sub Consultant | Expenses      | Total Services     |
|--|--|-----------------|------------------|---------------|-----------|------------------|-------------------|--------------------|----------------------|---------------|--------------------|
| <b>Design Revisions / Additions</b>                                      |  |                 |                  |               |           |                  |                   |                    |                      |               |                    |
| 1  | Project Management, including progress monitoring of budgets and schedules, and invoicing. | 8               | 20               |               | 20        | \$ 5,200         |                   |                    | \$ -                 | \$ -          | \$ 5,200           |
| 2  | Erosion Analysis & Design (assumes up to two (2) meetings with City)                       | 24              | 80               | 60            | 20        | \$ 21,200        |                   |                    | \$ -                 | \$ 250        | \$ 21,450          |
| 3  | Assist the City with Daniels Drive ROW Acq (Hrly)  | 20              | 40               | 6             | 3         | \$ 9,110         |                   |                    | \$ -                 | \$ 200        | \$ 9,310           |
| 4  | Assist the City with miscellaneous site visits to answer property owner questions (Hrly)   | 20              | 40               | 24            | 6         | \$ 11,120        |                   |                    | \$ -                 | \$ 100        | \$ 11,220          |
| 5  | Assist the City with miscellaneous meetings to discuss the project with the City (Hrly)    | 20              | 40               | 24            | 6         | \$ 11,120        |                   |                    | \$ -                 | \$ 100        | \$ 11,220          |
|  |  |                 |                  |               |           | \$ -             |                   |                    | \$ -                 |               | \$ -               |
|  |  |                 |                  |               |           | \$ -             |                   |                    | \$ -                 |               | \$ -               |
|  |  |                 |                  |               |           | \$ -             |                   |                    | \$ -                 |               | \$ -               |
|  |  |                 |                  |               |           | \$ -             |                   |                    | \$ -                 |               | \$ -               |
|  |  |                 |                  |               |           | \$ -             |                   |                    | \$ -                 |               | \$ -               |
|  |  |                 |                  |               |           | \$ -             |                   |                    | \$ -                 |               | \$ -               |
| <b>Subtotal - Design Revisions / Additions</b>                           |  | <b>92</b>       | <b>220</b>       | <b>114</b>    | <b>55</b> | <b>\$ 57,750</b> | <b>\$ -</b>       | <b>\$ -</b>        | <b>\$ -</b>          | <b>\$ 650</b> | <b>\$ 58,400</b>   |
| <b>Surveying and Easement Acquisition Services</b>                       |  |                 |                  |               |           |                  |                   |                    |                      |               |                    |
| 1  | Deduct Appraisals (5 for Daniels Drive)  |                 |                  |               |           |                  |                   | -\$26,600          | \$ (26,600)          | \$ -          | \$ (26,600)        |
| 2  | Deduct Negotiation Services ( 5 for Daniels Drive)   |                 |                  |               |           |                  |                   | -\$29,600          | \$ (29,600)          | \$ -          | \$ (29,600)        |
| 3  | Deduct Title / Closing Services (5 for Daniels Drive)                                      |                 |                  |               |           |                  |                   | -\$6,000           | \$ (6,000)           | \$ -          | \$ (6,000)         |
| 4  | Deduct Remaining Lone Star Fee   |                 |                  |               |           |                  |                   | -\$6,200           | \$ (6,200)           |               | \$ (6,200)         |
| 5  | Legal Descriptions / Easement Exhibits (Hrly)  |                 |                  |               |           |                  | \$10,000          |                    | \$ 10,000            | \$ -          | \$ 10,000          |
|  |  |                 |                  |               |           |                  |                   |                    | \$ -                 | \$ -          | \$ -               |
| <b>Subtotal - Additional Surveying and Easement Acquisition Services</b> |  |                 |                  |               |           | <b>\$ -</b>      | <b>\$ 10,000</b>  | <b>\$ (68,400)</b> | <b>\$ (58,400)</b>   | <b>\$ -</b>   | <b>\$ (58,400)</b> |
| <b>TOTAL - Amendment No. 11</b>  |  |                 |                  |               |           |                  |                   |                    |                      |               |                    |
|  |  |                 |                  |               |           | <b>\$ 57,750</b> |                   |                    | <b>\$ (58,400)</b>   | <b>\$ 650</b> | <b>\$ -</b>        |





|   |   |                 |
|---|---|-----------------|
| <br>JACOBS<br>1000 LBJ Fwy, Suite 1000<br>Austin, TX 78704<br>512.346.1000, 1-800-392-6242<br>www.jacobs.com | BIRD CREEK INTERCEPTOR<br>TEMPLE, TEXAS | PROJECT PHASING |
|---|---|-----------------|



RESOLUTION NO. 2016-8412-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. OF WACO, TEXAS, TO REALLOCATE FUNDS ASSOCIATED WITH PHASE 4 OF THE BIRD CREEK INTERCEPTOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2007, Council authorized an agreement with Carter Burgess, Inc., (now Jacobs Engineering Group, Inc.), for professional services required to design and implement the Bird Creek Interceptor - this project reduced sanitary sewer overflows by rehabilitating deteriorated infrastructure within the Bird Creek basin;

**Whereas**, the City has constructed three phases of the project and the remaining two phases are sequenced over the next several years in conjunction with future utility funding;

**Whereas**, on April 7, 2016, Council authorized Contract Amendment No. 10 to deduct \$73,600 of subcontracted right-of-way services that have been contracted directly with a right-of-way consultant;

**Whereas**, this amendment proposes the deletion right-of-way related services that do not require the professional engineer, and the addition of services that represent additional tasks related to the Daniels Drive street replacement, which will also require enhanced engineering analysis related to its proximity to Bird Creek, as well as an erosion analysis specific to a property nearby;

**Whereas**, the net effect of this amendment is \$0 and current project funding is available in Account No. 561-5400-535-6925, Project No. 100980; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Jacobs Engineering Group, Inc. to reallocate funds associated with Phase 4 of the Bird Creek Interceptor Project.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **November**, 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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11/03/16  
Item #5(J)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Keep Temple Beautiful for community improvement projects in an amount not to exceed \$30,774.

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

**ITEM SUMMARY:** The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

This grant will provide support to Keep Temple Beautiful for implementation of community improvement projects.

**FISCAL IMPACT:** Funding in the amount of \$30,774 is available in account 110-1195-513-26-90 for a Community Enhancement Grant with Keep Temple Beautiful.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8413-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT WITH KEEP TEMPLE BEAUTIFUL IN AN AMOUNT NOT TO EXCEED \$30,774, FOR COMMUNITY IMPROVEMENT PROJECTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

**Whereas**, this grant will provide support to Keep Temple Beautiful for implementation of community improvement projects and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$30,774;

**Whereas**, funding is available for this Community Enhancement Grant in Account No. 110-1195-513-2690; 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 Community Enhancement Grant Agreement, in an amount not to exceed \$30,774, with Keep Temple Beautiful, for community improvement projects.

**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 3<sup>rd</sup> day of **November**, 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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11/03/16  
Item #5(K)  
Consent Agenda  
Page 1 of 2

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

Chuck Ramm, Assistant Director of Parks and Recreation  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Architectural Edge, Inc., of Temple in an amount not to exceed \$50,380 for architectural and engineering services for construction work at Wilson South Softball Complex.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks GO Bond is the replacement of the existing concession/restroom building and softball field grading improvements at the Wilson South Softball Complex in Wilson Park. Authorization of this professional services agreement with Architectural Edge will enable staff to move forward with this project.

The existing building at this facility was constructed when the softball complex was built in the mid 1980's. The preliminary design includes a 700 square foot concession building, a 1,500 square foot restroom/umpire/storage building, and grading improvements to the four softball fields.

As indicated in the attached proposal, Architectural Edge Inc. services will include permit/construction drawings, architectural design, surveying, civil engineering, structural services, mechanical/electrical/plumbing/HVAC engineering, and submitted design to Texas Department of Licensing and Regulations for ADA review.

It is anticipated that design of the project will be complete by February 2017 with construction completed by November 2017.



**FISCAL IMPACT:** This project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015. Funding is available for this contract in the amount of \$50,380 in account 362-3500-552-6420, Project #101329, as follows:

|                              |    |                |
|------------------------------|----|----------------|
| Project Budget               | \$ | 789,755        |
| Encumbered/Committed to Date |    | (320)          |
| Architectural Edge Inc.      |    | (50,380)       |
| Remaining Project Funds      | \$ | <u>739,055</u> |

**ATTACHMENTS:**

[Architectural Edge Inc. Proposal  
Resolution](#)



October 20, 2016

Kevin Beavers  
Director of Parks and Recreation  
City of Temple

**RE: Architectural/Engineering Services – Wilson South Softball Fields  
Temple, Texas**

Kevin,

**ARCHITECTURAL EDGE INC.** is pleased to submit a proposal to perform architectural and engineering services for the demolition and new construction of the Wilson South Softball Fields concession building and public restrooms. The design will be based on the recently constructed Northam baseball fields buildings with adjustments for cost and usability improvements. The design will also include re-grading of the fields (as required) and concrete flatwork to ensure accessibility to the site from the existing parking lot, and to allow better usage of the public areas. The anticipated scope for this project is not to exceed \$675,000 in construction costs.

**PHASE I –Preliminary/Concept Plans – Previously completed**

**PHASE II - Permit/Construction Drawings**

Prepare construction drawings for bidding and permitting purposes.

**ARCHITECTURAL SERVICES:** \$17,500

*Full construction documents including plans, specs,  
schedules and details as required*

*Coordination all disciplines*

*Construction management as required*

**SURVEYING:** \$6,380

*Topographical survey of all fields and common areas  
from the parking lots to the creek (16 acres).*

**CIVIL ENGINEERING:** \$18,000

*Grading of fields for proper drainage*

*Sitework for concrete walks*

**STRUCTURAL SERVICES:** \$2,500

*Foundations*

**MEP ENGINEERING:** \$4,950

*Electrical*

*Plumbing*

*HVAC as required*

Architecture  
Design Services  
Consultation

3010 Scott Blvd.  
Suite 102  
Temple, TX 76504

P 254.771.2054  
F 254.773.2144

treed@  
archedge.com

**SUPPLEMENTAL FEES / COSTS:**

At this time, no geotechnical or abatement work is expected to be required for this project. The construction drawings are required by law, to be submitted to the Texas Department of Licensing and Regulations for review for ADA accessibility prior to obtaining a building permit by the City of Temple.

Submittal to TDLR for ADA Compliance (as required by state law)

Filing Fee \$ 175

Plan Review: \$ 425

Construction Inspection: \$ 450

**Total Supplemental Fees:** \$ 1,050

**TOTAL FEES:** **\$50,380**

**SCHEDULE:**

The schedule will be adjusted to work with the City's other project's timelines. ArchEdge will adjust our deliveries as necessary to complete this job within the overall schedule of projects.

**ADDITIONAL SERVICES:**

For additional drafting or design services requested by the owner, or a substantial change in the scope of work, compensation shall be executed with a change order using the following hourly rates:

|                      |               |
|----------------------|---------------|
| Architect/Engineer:  | \$125.00/hour |
| Intern:              | \$95.00/hour  |
| Designer/Technician: | \$75.00/hour  |

We look forward to working with you on this project. Please feel free to contact me if you have any questions or comments

Respectfully Submitted,  
Randy Stumberg, AIA



Architectural Edge, Inc.  
October 24, 2016



RESOLUTION NO. 2016-8414-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTURAL EDGE, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$50,380, FOR ARCHITECTURAL AND ENGINEERING SERVICES AT WILSON SOUTH SOFTBALL COMPLEX; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks GO Bond is the replacement of the existing concession/restroom building and softball field grading improvements at the Wilson South Softball Complex in Wilson Park;

**Whereas**, the existing building at this facility was constructed when the softball complex was built in the mid-1980's - the preliminary design includes a 700 square foot concession building, a 1,500 square foot restroom/umpire/storage building, and grading improvements to all four softball fields;

**Whereas**, the services provided by Architectural Edge will include permit/construction drawings, architectural design, surveying, civil engineering, structural services, mechanical/electrical/plumbing/HVAC engineering, and submission of design to Texas Department of Licensing and Regulations for ADA review;

**Whereas**, this project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015 - funding is available for this agreement in Account No. 362-3500-552-6420, Project No. 101329; 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 Architectural Edge, Inc. of Temple, Texas, in an amount not to exceed \$50,380, for architectural and engineering services at Wilson South Softball Complex.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **November**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc., in an amount not to exceed \$69,400 for land acquisition services associated with the Northwest Little Elm Wastewater Line Extension and Northeast Little Elm Wastewater project.

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

**ITEM SUMMARY:** The Northwest Little Elm Wastewater Line Extension and Northeast Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway. This extension of gravity sewer will allow the abandonment of two lift stations.

At this time, the completion of Northwest Little Elm will require right-of-way activities associated with the acquisition of ten easements, and Northeast Little Elm will require right-of-way activities associated with the acquisition of two easements. Staff has received a proposal for land acquisition services from Lone Star Right of Way Services, Inc. ("Lone Star").

Lone Star will offer multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services.

Staff recommends Council authorize a professional services agreement with Lone Star, in an amount not to exceed \$69,400, for land acquisition services for the Northwest Little Elm Wastewater Line Extension and Northeast Little Elm Wastewater project. The not to exceed amount does not include all condemnation services that may be required. Lone Star will provide such services at the request of the City.

**FISCAL IMPACT:** Funding for award of a professional services agreement with Lone Star Right of Way Services, Inc. is appropriated as part of the Research Parkway project in account 795-9800-531-6863, project #101000 as follows:

|                                       |                   |
|---------------------------------------|-------------------|
| Project Budget                        | \$ 2,705,000      |
| Encumbered/Committed to Date          | (1,740,384)       |
| Lone Star Right-of-Way Services, Inc. | (69,400)          |
| <b>Remaining Project Funds</b>        | <b>\$ 895,216</b> |

The City of Temple has been identified by the Environmental Protection Agency as a community to receive a Special Appropriation Act Projects to fund the construction of this project. The City will receive \$970,000 of grant funding. The total project construction costs are \$1,760,000, based on a 55/45 match reimbursement (EPA/City).

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2016-8415-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LONE STAR RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$69,400, FOR LAND ACQUISITION SERVICES ASSOCIATED WITH THE NORTHWEST AND NORTHEAST LITTLE ELM WASTEWATER LINE EXTENSION PROJECTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Northwest and Northeast Little Elm Wastewater Line Extension projects will service future development in the northern Industrial Park area along the future Research Parkway and the gravity sewer extensions will allow abandonment of two lift stations;

**Whereas,** the completion of the Northwest Little Elm Wastewater Line Extension will require right-of-way activities associated with the acquisition of ten easements and the Northeast Little Elm Wastewater Line Extension will require right-of-way activities associated with the acquisition of two easements;

**Whereas,** Staff has received a proposal for land acquisition services from Lone Star Right of Way Services, Inc. ("Lone Star") who will offer multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services;

**Whereas,** Staff recommends Council authorize a professional services agreement with Lone Star, in an amount not to exceed \$69,400, for land acquisition services for the Northwest and Northeast Little Elm Wastewater Line Extension projects;

**Whereas,** funds are available for this professional services agreement in Account No. 795-9800-531-6863, Project No. 101000; 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 Lone Star Right of Way Services, Inc. of Temple, Texas, in an amount not to exceed \$69,400, for land acquisition services associated with the Northwest and Northeast Little Elm Wastewater Line Extension Projects.

**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 3<sup>rd</sup> day of **November**, 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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**DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Lone Star Right-of-Way Services, Inc., in an amount not to exceed \$150,400 for land acquisition services for the Shallowford Lift Station and Force Main project.

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

**ITEM SUMMARY:** Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow and infiltration. The Shallowford Lift Station receives wastewater from the Bird Creek basin, and is now in need of upgrade to properly convey discharge from the collection system to the treatment facility.

The existing Shallowford Lift Station is an aged installation and does not have sufficient capacity to serve the entire Bird Creek basin. Recent sewer overflows in Lions Park have added urgency to construction of the fifth phase of the interceptor (downstream of the park) which terminates at the lift station. A new lift station will be built and the interceptor to the Temple-Belton Wastewater Treatment Plant realigned accordingly.

At this time, Staff anticipates the acquisition of approximately thirteen easements and one tract of land. Staff has received a proposal for land acquisition services from Lone Star Right-of-Way Services, Inc. ("Lone Star").

Lone Star will offer multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services.

Staff recommends Council authorize a professional services agreement with Lone Star, in an amount not to exceed \$150,400, for land acquisition services for the Shallowford Lift Station and Force Main project. The not to exceed amount does not include all condemnation services that may be required. Lone Star will provide such services at the request of the City.



**FISCAL IMPACT:** Funding for award of a professional services agreement with Lone Star Right-of-Way Services, Inc. is appropriated in account 520-5900-535-6352, project #101512, as follows:

|                                       |                            |
|---------------------------------------|----------------------------|
| Project Budget                        | \$ 1,300,000               |
| Encumbered/Committed to Date          | -                          |
| Lone Star Right-of-Way Services, Inc. | (150,400)                  |
| <b>Remaining Project Funds</b>        | <b><u>\$ 1,149,600</u></b> |

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

RESOLUTION NO. 2016-8416-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LONE STAR RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$150,400, FOR LAND ACQUISITION SERVICES FOR THE SHALLOWFORD LIFT STATION AND FORCE MAIN PROJECTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe which will reduce inflow and infiltration;

**Whereas**, the Shallowford Lift Station receives wastewater from the Bird Creek basin, and is now in need of upgrade to properly convey discharge from the collection system to the treatment facility - the existing Shallowford Lift Station is aged and does not have sufficient capacity to serve the entire Bird Creek basin;

**Whereas**, recent sewer overflows in Lions Park have added urgency to construction of the fifth phase of the interceptor (downstream of the park) which terminates at the lift station - a new lift station will be built and the interceptor to the Temple-Belton Wastewater Treatment Plant realigned accordingly;

**Whereas**, Staff has received a proposal for land acquisition services from Lone Star Right-of-Way Services, Inc. ("Lone Star") and anticipates acquisition of approximately thirteen easements and one tract of land associated with this project;

**Whereas**, Lone Star will offer multiple services during the acquisition process, including, but not limited to, project management, title, and appraisal services;

**Whereas**, Staff recommends Council authorize a professional services agreement with Lone Star, in an amount not to exceed \$150,400, for land acquisition services for the Shallowford Lift Station and Force Main projects;

**Whereas**, funds are available for this professional services agreement in Account No. 520-5900-535-6352, Project No. 101512; 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 Lone Star Right of Way Services, Inc. of Temple, Texas, in an amount not to exceed \$150,400, for land acquisition services for the Shallowford Lift Station and Force Main projects.

**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 **3<sup>rd</sup>** day of **November**, 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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**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the expenditure of funds for 16 multiyear agreements in an estimated amount of \$12,338,774 for fiscal year 2016-2017.

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

**ITEM SUMMARY:** Over the past few years, Council has separately authorized 16 different multiyear agreements for various services and products. A Texas municipality may enter into multiyear agreements, but funds must be specifically allocated for those agreements each year and the expenditure of those funds approved by the City Council. Council previously allocated funds for each agreement in the adopted FY2016-2017 budget. This agenda item seeks authorization to expend those allocated funds. The list below provides the vendor for each agreement, the service or product offered, and the estimated annual expenditure.

| Vendor  | Estimated Annual Expenditure | Service or Product   |
|---|------------------------------|--|
| Hudson Energy Services, LLC                               | \$3,200,000                  | Electricity  |
| Waste Management of Texas                                 | \$2,100,000                  | Operation & Maintenance of Landfill  |
| Temple Economic Development Corporation                   | \$1,917,987                  | Operation & Maintenance Funding for TEDC   |
| Temple Economic Development Corporation                   | \$200,000                    | Marketing Agreement  |
| Brazos River Authority                                    | \$1,410,200                  | Operation & Maintenance of Doshier Farm Wastewater Treatment Plant and all Lift Stations |
| Brazos River Authority                                    | \$1,222,172                  | Operation & Maintenance of the Temple-Belton Wastewater Treatment Plant                  |
| Bell County Auditor's Office (Bell County Communications) | \$987,795                    | 911 Service  |
| Texas Fleet Fuel  | \$900,000                    | Fuel Management Services   |

|                                  |           |  |
|----------------------------------|-----------|--|
| Evoqua Water Technologies, LLC   | \$230,000 | Sodium Chlorite                          |
| McCreary, Veselka, Bragg & Allen | \$190,000 | Delinquent Account Collection Services   |
| Bell County Health District      | \$159,269 | Food Protection & Environmental Services |
| CTWP                             | \$75,181  | Copier Lease                             |
| Yamaha Golf Car Company          | \$55,170  | Golf Car Lease                           |
| Cintas Corporation               | \$45,000  | Uniform Rental Service                   |
| Triple S Fuels                   | \$40,000  | On-Site Fuel Services                    |
| BBVA Compass Bank                | \$36,000  | Depository Services                      |

**FISCAL IMPACT:** Funding for the multiyear agreements in the estimated amount of \$12,338,774 has been appropriated in the FY 2017 Operating Budget.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8417-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING THE EXPENDITURE OF FUNDS IN AN ESTIMATED  
AMOUNT OF \$12,338,774, FOR FIFTEEN MULTIYEAR AGREEMENTS FOR  
FISCAL YEAR 2016-2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, over the past few years, Council has separately authorized 15 different multiyear agreements for various services and products;

**Whereas**, a Texas municipality may enter into multiyear agreements, but funds must be specifically allocated for those agreements each year and the expenditure of those funds approved by the City Council;

**Whereas**, Council previously allocated funds for each agreement in the adopted fiscal year 2016-2017 budget and Staff recommends Council authorize the expenditure of those allocated funds for the following vendors:

- Hudson Energy Services, LLC (Electricity);
- Waste Management of Texas (Operation & Maintenance of Landfill);
- Temple Economic Development Corporation (Operation & Maintenance Funding for TEDC);
- Temple Economic Development Corporation (Marketing Agreement);
- Brazos River Authority (Operation & Maintenance of Doshier Farm Wastewater Treatment Plant and all Life Station);
- Brazos River Authority (Operation & Maintenance of the Temple-Belton Wastewater Treatment Plant);
- Bell County Auditor's Office (911 Service);
- Texas Fleet Fuel (Fuel Management Services);
- Evoqua Water Technologies, LLC (Sodium Chlorite);
- McCreary, Veselka, Bragg & Allen (Delinquent Account Collection Services);
- Bell County Health District (Food Protection & Environmental Services);
- CTWP (Copier Lease);
- Yamaha Golf Car Company (Golf Car Lease);
- Cintas Corporation (Uniform Rental Services);
- Triple S Fuels (On-Site Fuel Services); and
- BBVA Compass Bank (Depository Services);

**Whereas**, funds for the multiyear agreements have been appropriated in the fiscal year 2017 Operating 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 expenditure of funds in an estimated amount of \$12,338,774, for the following multiyear agreements for fiscal year 2016-2017:

- Hudson Energy Services, LLC (Electricity);
- Waste Management of Texas (Operation & Maintenance of Landfill);
- Temple Economic Development Corporation (Operation & Maintenance Funding for TEDC);
- Temple Economic Development Corporation (Marketing Agreement);
- Brazos River Authority (Operation & Maintenance of Doshier Farm Wastewater Treatment Plant and all Life Station);
- Brazos River Authority (Operation & Maintenance of the Temple-Belton Wastewater Treatment Plant);
- Bell County Auditor's Office (911 Service);
- Texas Fleet Fuel (Fuel Management Services);
- Evoqua Water Technologies, LLC (Sodium Chlorite);
- McCreary, Veselka, Bragg & Allen (Delinquent Account Collection Services);
- Bell County Health District (Food Protection & Environmental Services);
- CTWP (Copier Lease);
- Yamaha Golf Car Company (Golf Car Lease);
- Cintas Corporation (Uniform Rental Services);
- Triple S Fuels (On-Site Fuel Services); and
- BBVA Compass Bank (Depository Services).

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

**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 3<sup>rd</sup> day of **November**, 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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### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-45: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of [Scott Boulevard and South 31st Street](#).

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their September 19, 2016 meeting, the Planning & Zoning Commission voted seven to zero recommend to recommend approval of the proposed conditional use permit as presented by staff.

**STAFF RECOMMENDATION:** Based on the following analysis:

1. The project has demonstrated compliance with the specific standards in the Unified Development Code (UDC Section 5.3.15B) related to distance requirements from a place of worship or public hospital;
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 alcoholic beverages where less than 50% of the total gross revenue of the establishment, subject to the following conditions:

1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2-7, 10 & 11, Block 1 of the Highline Addition, subdivision, located at the northwest corner of Scott Boulevard and South 31<sup>st</sup> Street;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

**ITEM SUMMARY:** In order to avoid individual requests for a conditional use permit, similar to the recently-approved Rosa's Café (Ord. 2016-4767) on Lot 1 of the Highline Addition, the applicant requests a "blanket approval" for eleven lots of the Highline Addition.

**BACKGROUND:** Lots 2-7, 10 & 11 are within the recorded subdivision of The Highline Addition (attached as Exhibit A). The Highline Addition subdivision is within the 40.389 +/- acre mixed use development known as "The District", which was rezoned on February 4, 2016, by Ordinance 2016-4749, to Planned Development - Temple Medical Education District (TMED) with an underlying transect zone designation of T-5C. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request. Specific to this request, an establishment that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages for on-premise consumption is a compatible use subject to approval of a Conditional Use Permit. It is also compatible with the anticipated retail and service uses to be developed within "The District" and the surrounding area along South 31<sup>st</sup> Street.

Exterior building elevations, lot layout and site design are subject to Ordinance 2016-4749, which not only provided for exceptions to site plan standards, granted by City Council, but also the Planned Development as a whole. Compliance to both Ordinance 2016-4749 as well as the Ordinance for the Conditional Use Permit will be confirmed during the review of the building permit.

Additionally, it is noteworthy, that City Council has recently approved similar "blanket-type" conditional use permits, which included on-premise alcohol sales and consumption for multiple establishments and suites along W. Adams Ave. as follows:

1. Multiple addresses within the Westfield Master Plan along the north side West Adams Avenue & Honeysuckle Drive under common ownership within a Planned Development for all alcohol that is less than 75% of the establishment's gross revenue (Ord. 2015-4718), and
2. Multiple suites in the Westfield Market center to allow all alcohol that is between 50% and 75% of the establishment's gross revenue (Ord. 2015-4720).

Section 5.3.15 of the Unified Development Code, a re-iteration of Chapter 4 – Code of Ordinances, 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:*

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

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 the Baylor, Scott & White Hospital, located approximately 682 feet away. The nearest Place of Worship, the Avenue T Church of Christ, is located approximately 1,323 feet away and the nearest public school, Scott Elementary School, is 3,561 feet away as measured by City-adopted & TABC measurement standards.

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 September 6, 2016. No issues were identified during the review.

**PUBLIC NOTICE:** There were 25 properties within 200-feet of the subject property, that were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday October 11, 2016 at 9:00 AM, no notices in agreement and no notices in disagreement have been received.

The newspaper printed notice of the public hearing on September 8, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Street View and Aerial Image](#)

[Maps](#)

[Chapter 4 – Code of Ordinances – Alcoholic Beverages](#)

[Ord. 2016-4749 – The District](#)

[P&Z Excerpts \(Sept 19, 2016\)](#)

[Ordinance](#)

## Site & Surrounding Property Photos



**Site – In Development (From Scott Blvd) Highline Addition, subdivision (TMED T5-C)**



**Site – In Development (TMED T5-C)**



**Site – In Development (Looking North toward W. Ave T) (TMED T5-C)**



**North: SF Residential Uses along W. Ave T  
Dubose Addition First Extension, subdivision (2F)**





**South: Existing Retail Service Uses (Hilton Garden Inn) (GR & TMED T5-C)**



**South: Developing & Existing Retail Service Uses  
(GR & TMED T5-C)**



**East: Baylor, Scott & White Hospital (TMED SD-H)**



**West: Existing Retail & Service Uses (Candlewood Suites Hotel)  
(C)**





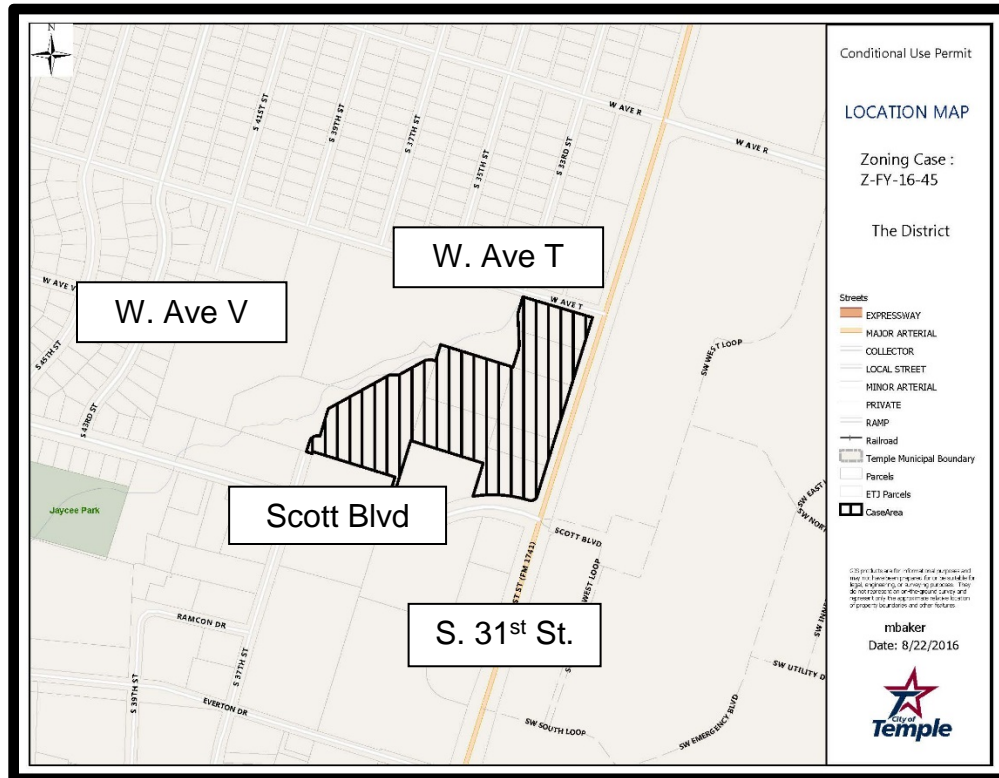
**West: In Development – The District – Highline Addition, subdivision  
(TMED T5-E)**



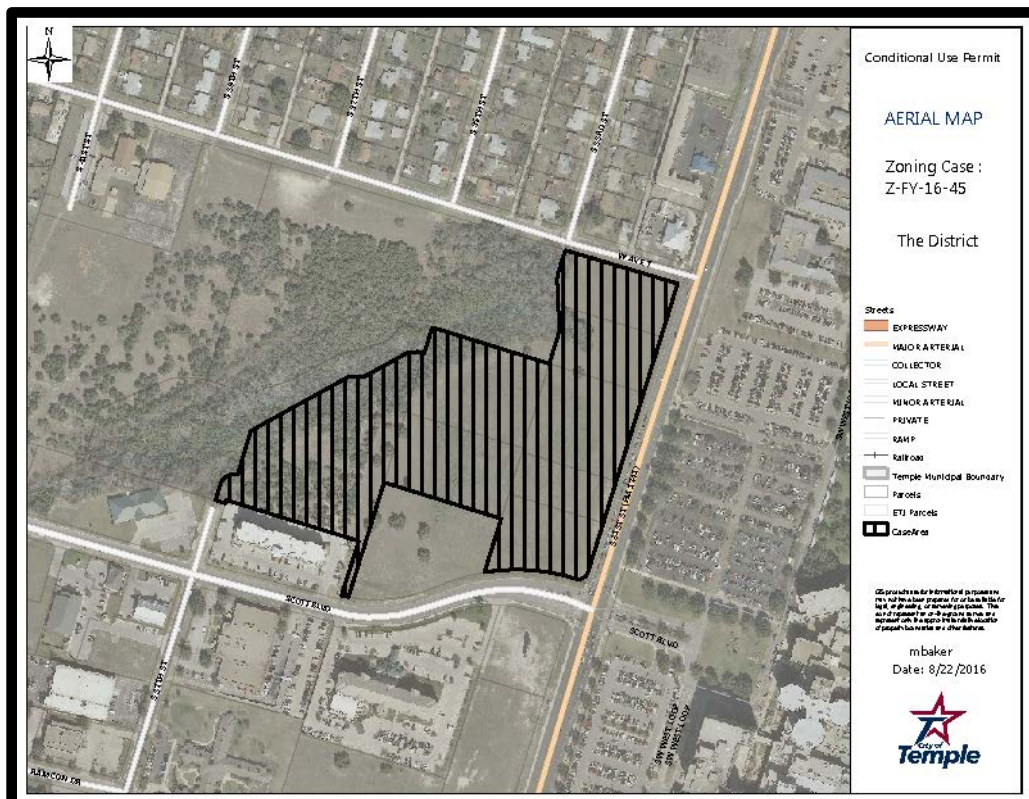
**West: SF Uses along W. Ave V – Skyline, subdivision  
(2F)**



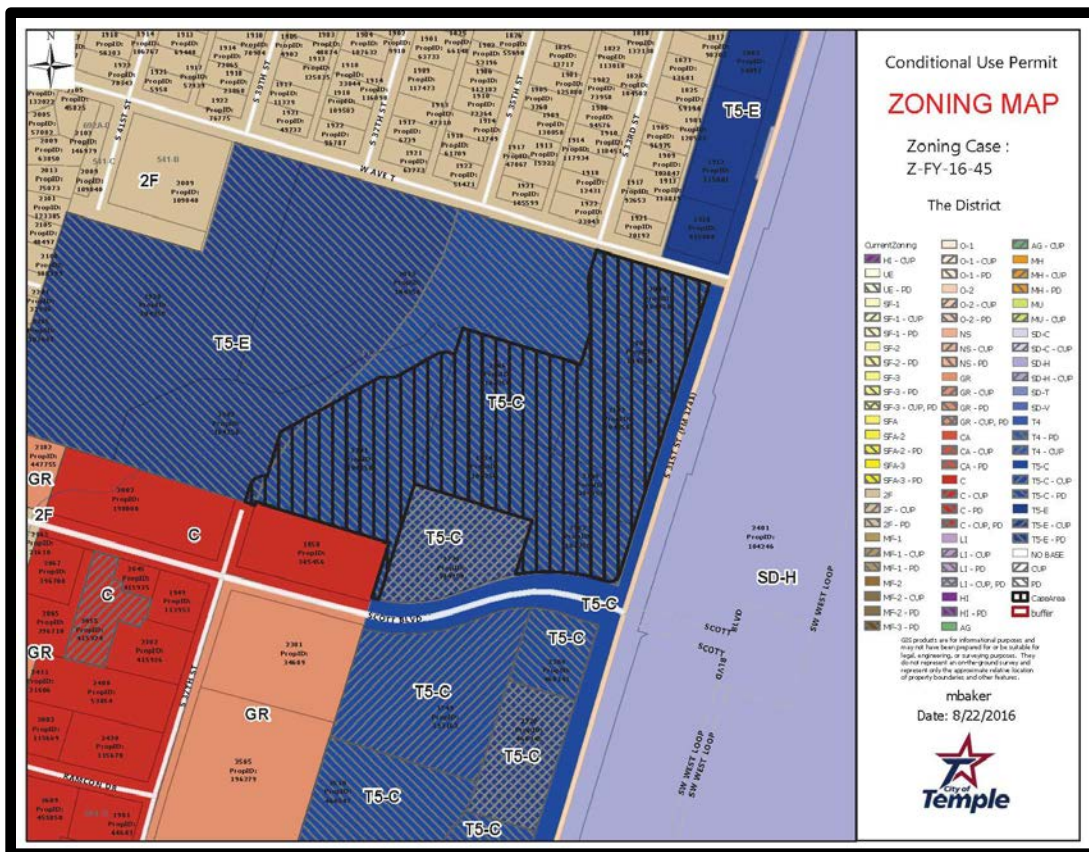
# Maps



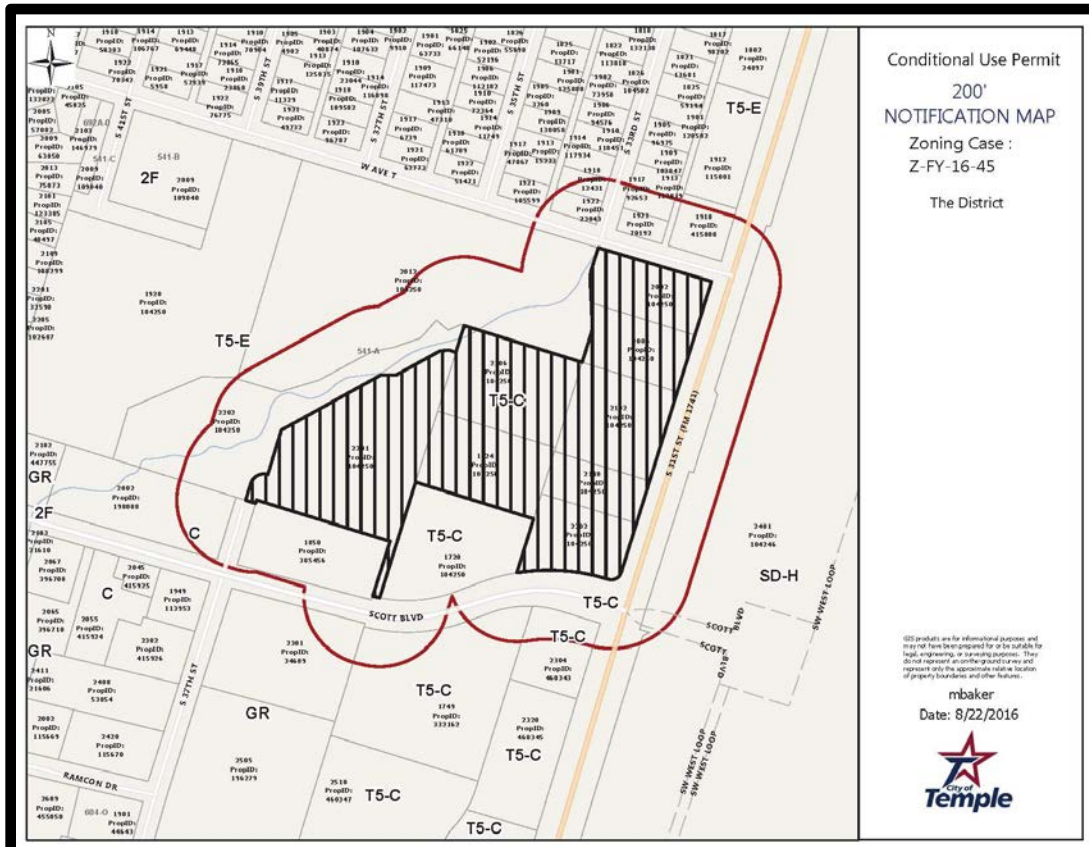
Location Map



Aerial Map



## Zoning Map



## Notification Map



STATE OF TEXAS'

COUNTY OF BELL

HIGHLINE TEMPLE 39, LTD., OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS HIGHLINE ADDITION, A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

HIGHLINE TEMPLE 39, LTD.

BRIAN LENT, PRESIDENT, MEMBER  
HLDE, L.L.C.  
GENERAL PARTNER

STATE OF TEXAS'

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared BRIAN LENT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this 21<sup>st</sup> day of June, 2016.

Notary Public in and for the State of Texas

THE FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 21<sup>st</sup> DAY OF June, 2016.

CHAIRPERSON  
SECRETARY TO PLANNING & ZONING COMMISSION

AFFIDAVIT:

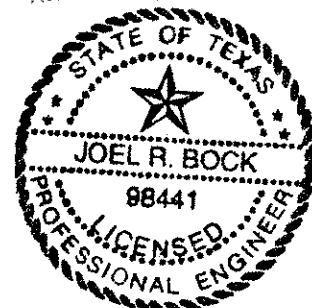
THE TAX APPRAISAL DISTRICT OF BELL COUNTY, TEXAS, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWED ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS 15<sup>th</sup> DAY OF June, 2016

BELL COUNTY TAX APPRAISAL DISTRICT

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

JOEL BOCK, P.E. DATE 6-6-16  
REGISTRATION NO. 98441



KNOW ALL MEN BY THESE PRESENTS:

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

LANE KENNEDY, R.P.L.S. DATE 6-2-16  
REGISTRATION NO. 6119



This project is referenced to the City of Temple Coordinate System, referenced in NAD 1983 Central Texas State Plane. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City of Temple Monument No. 3. The theta angle of Monument No. 3 is 01°31'42". The combined correction factor (CCF) is 0.999857. Grid distance = Surface distance X CCF. Geodetic North = Grid North + theta angle. Published City coordinates for City Monument No. 3 are N=10,368,408.891 E=3,225,333.768 Reference tie from the City Monument No. 3 to the Southwest corner and Point of Beginning of the subject tract is S 71° 22' 44" E 1,867.79 feet.

Floodplain Notes

Based upon what can be scaled from graphics shown on FEMA Flood Insurance Rate (FIRM) Map Number 48027C0355e, Effective date: September 26, 2008, the above shown property that flooding will not occur. Nor does it create any liability in such event on the part of this surveyor or company.

Sidewalk Note:

Sidewalks are required along South 31st Street (major arterial) and Scott Boulevard (collector), in accordance with the City of Temple Unified Development Code, Section 6.3 (IMED).

FINAL PLAT OF

## HIGHLINE ADDITION

WITHIN THE CITY LIMITS OF TEMPLE, BELL COUNTY, TEXAS

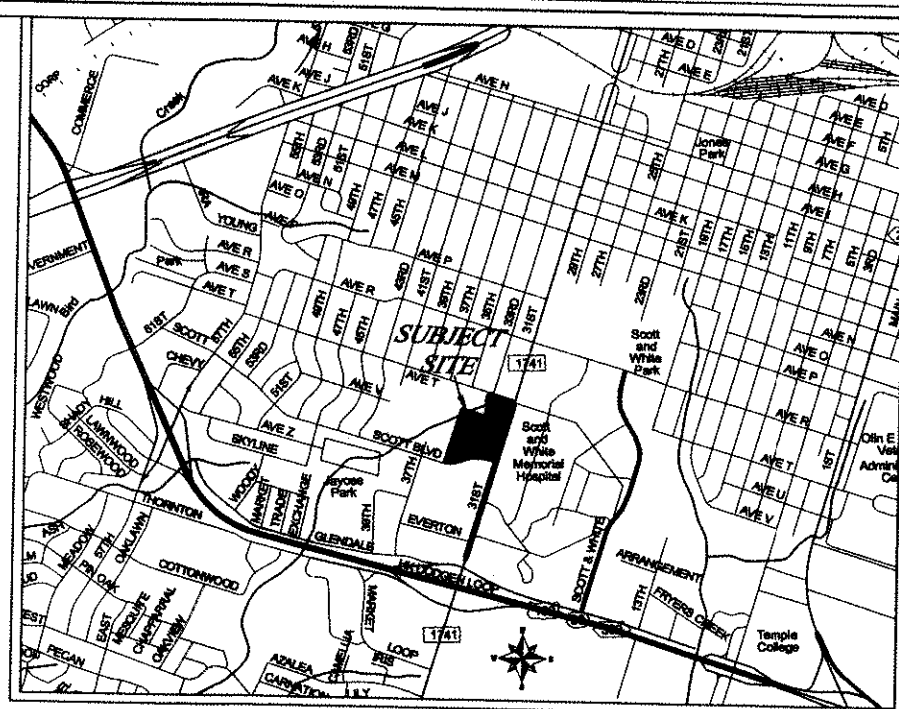
being a part of the REDDING ROBERTS SURVEY, ABSTRACT NO. 692, in Bell County, Texas, and being a part of that 40.389 acre tract conveyed to HIGHLINE TEMPLE 39, LTD., of record in Document No. 2015-18857, Deed Records of Bell County, Texas (DRBCT).

OWNER:

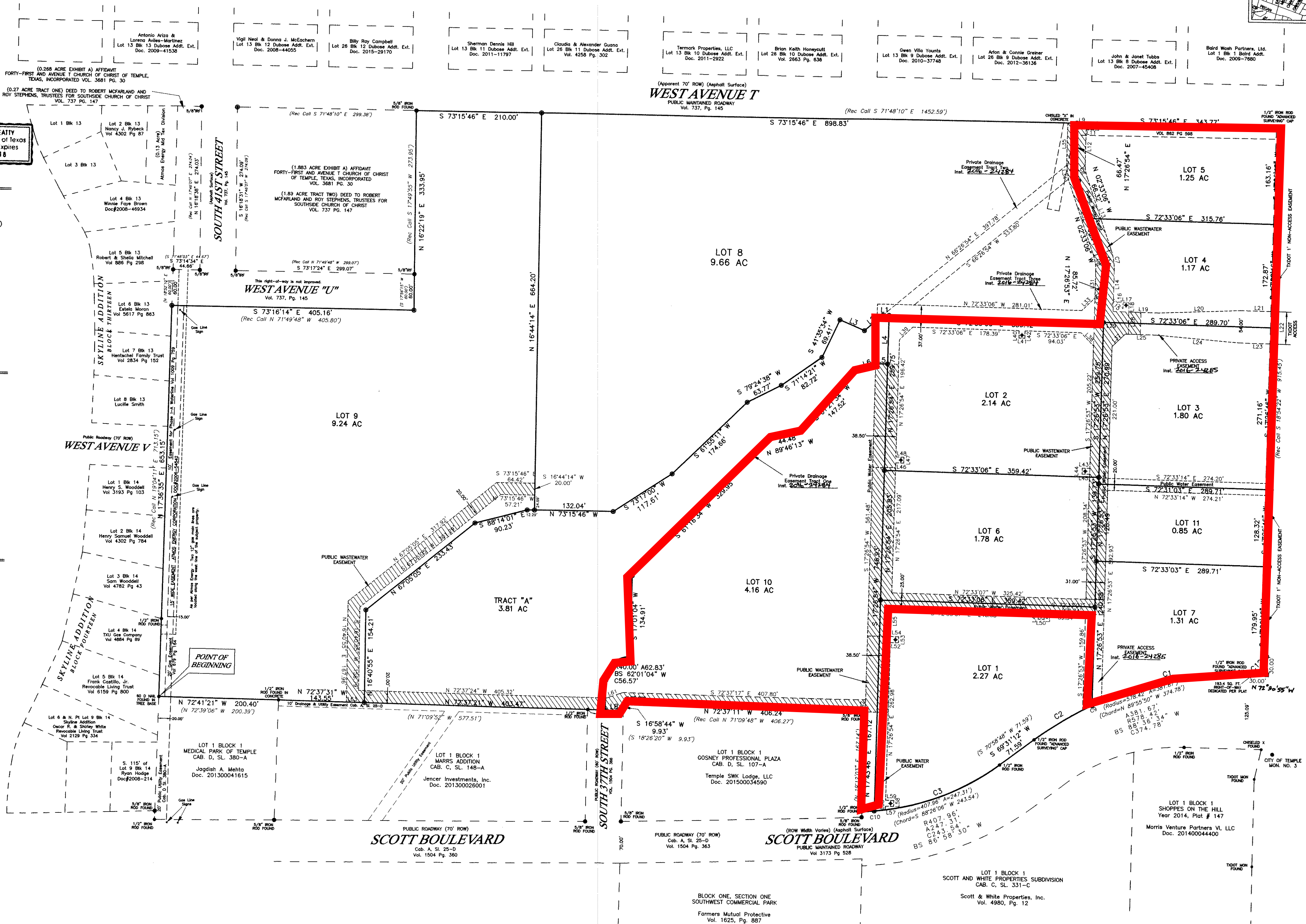
HIGHLINE TEMPLE 39 LTD.  
3131 TURTLE CREEK, STE. 850  
DALLAS, TEXAS 75219

LOTS - 11  
TRACTS - 1  
BLOCKS - 1  
TOTAL ACREAGE - 39.44 ACRES

This plat is to accompany a metes and bounds description of the herein shown 39.44 acre tract.



VICINITY MAP  
1"=3000'



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 72°33'06" E | 10.36'   |
| L2   | N 66°26'54" E | 40.04'   |
| L3   | S 49°59'31" E | 44.89'   |
| L4   | S 17°26'54" W | 81.02'   |
| L5   | N 72°33'06" W | 20.00'   |
| L6   | S 86°57'16" W | 26.41'   |
| L7   | S 17°22'39" W | 50.00'   |
| L8   | N 72°38'47" W | 30.49'   |
| L9   | S 73°15'46" E | 43.70'   |
| L10  | S 17°26'54" W | 10.96'   |
| L11  | N 72°33'06" W | 12.70'   |
| L12  | S 17°26'54" W | 55.86'   |
| L13  | S 02°33'06" E | 127.03'  |
| L14  | S 17°26'53" W | 45.72'   |
| L15  | S 27°33'06" E | 23.17'   |
| L16  | N 17°26'54" E | 10.04'   |
| L17  | S 72°33'06" E | 10.00'   |
| L18  | S 17°26'54" W | 15.16'   |
| L19  | S 72°33'06" E | 48.60'   |
| L20  | S 76°04'18" E | 38.44'   |
| L21  | S 72°33'06" E | 161.03'  |
| L22  | S 17°26'54" W | 54.00'   |
| L23  | N 72°33'06" W | 61.03'   |
| L24  | N 69°01'54" W | 138.44'  |
| L25  | N 72°33'06" W | 53.48'   |
| L26  | S 17°26'54" W | 37.00'   |
| L27  | N 72°33'06" W | 20.00'   |
| L28  | N 17°26'54" E | 37.00'   |
| L29  | N 72°33'06" W | 57.85'   |
| L30  | S 17°26'53" W | 85.72'   |
| L31  | S 17°26'53" W | 45.72'   |
| L32  | S 02°33'06" E | 135.12'  |
| L33  | S 62°26'54" W | 30.41'   |
| L34  | S 09°01'52" W | 23.74'   |
| L35  | S 17°26'54" W | 70.60'   |
| L36  | S 17°19'36" W | 9.83'    |
| L37  | N 62°26'54" E | 30.41'   |
| L38  | S 27°33'06" E | 30.41'   |
| L39  | N 62°26'54" E | 30.41'   |
| L40  | S 17°26'54" W | 12.34'   |
| L41  | S 72°33'06" E | 10.00'   |
| L42  | N 17°26'54" E | 12.34'   |
| L43  | N 72°33'07" W | 12.62'   |
| L44  | S 17°26'53" W | 10.00'   |
| L45  | S 72°33'07" E | 12.62'   |
| L46  | S 72°33'06" E | 13.48'   |
| L47  | N 17°38'25" E | 10.00'   |
| L48  | N 72°21'35" W | 13.52'   |
| L49  | S 16°44'41" W | 11.06'   |
| L50  | S 73°15'19" E | 10.00'   |
| L51  | N 16°44'41" E | 10.93'   |
| L52  | S 72°21'35" E | 13.64'   |
| L53  | N 17°38'25" E | 10.00'   |
| L54  | N 72°21'35" W | 13.68'   |
| L55  | N 17°26'54" E | 47.86'   |
| L56  | N 17°26'54" E | 6.17'    |
| L57  | S 72°21'35" E | 13.64'   |
| L58  | N 17°38'25" E | 10.00'   |
| L59  | N 72°21'35" W | 13.68'   |
| L60  | S 46°45'01" W | 10.32'   |
| L61  | N 87°22'43" E | 29.03'   |
| L62  | S 17°26'54" W | 20.00'   |
| L63  | N 72°38'18" W | 20.00'   |

RECORDATION INFORMATION:

FILED THIS THE 1 DAY OF July, 2016

IN YEAR 2016 PLAT # 78, PLAT RECORDS OF BELL COUNTY, TEXAS

DEDICATION RECORDED IN INSTRUMENT NUMBER 206-25829

OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS

| CURVE | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1    | 578.42' | 269.19'    | 266.77'      | N 85°45'30" W | 26°39'54"   |
| C2    | 578.42' | 113.10'    | 112.92'      | S 75°18'29" W | 11°12'10"   |
| C3    | 407.96' | 226.43'    | 223.53'      | S 85°30'30" W | 31°48'01"   |
| C4    | 88.00'  | 30.72'     | 30.56'       | N 07°26'54" E | 20°00'00"   |
| C5    | 88.00'  | 30.72'     | 30.56'       | N 07°26'54" E | 20°00'00"   |
| C6    | 72.50'  | 25.31'     | 25.18'       | S 07°26'54" W | 20°00'00"   |
| C7    | 103.50' | 36.11'     | 35.94'       | S 07°26'54" W | 19°59'59"   |
| C8    | 72.50'  | 25.31'     | 25.18'       | S 07°26'54" W | 19°59'59"   |
| C9    | 578.40' | 34.66'     | 34.65'       | S 80°53'44" W | 3°26'00"    |
| C10   | 407.96' | 39.54'     | 39.53'       | N 78°26'05" W | 5°33'13"    |
| C11   | 407.96' | 20.89'     | 20.89'       | N 78°26'05" W | 5°33'13"    |
| C12   | 30.00'  | 47.10'     | 42.41'       | S 62°27'54" W | 89°57'45"   |

EXHIBIT A

Copyright 2016 Advanced Surveying & Mapping, LLC

FINAL PLAT OF  
HIGHLINE ADDITION  
WITHIN THE CITY LIMITS OF TEMPLE, BELL COUNTY, TEXAS

1610 South 31st St., Ste. 102-299  
Temple, Texas 76504  
254-760-1894 254-760-4633  
www.asm-tx.com Firm Reg. #10193722

Advanced Surveying  
& Mapping, LLC

Scale: 1" = 100'  
Job No. 140144-2  
Dwg No. 140144-P3  
Surveyor TLK #6119  
Plot Date 06-02-16



## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

##### **Sec. 4-1. Extended hours.**

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

#### **ARTICLE II. SPACING**

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

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

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

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

##### **Sec. 4-4. Measurement for public school.**

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

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

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

**Sections 4-5 through 4-10 reserved.**

### **ARTICLE III. LICENSE AND PERMIT FEES**

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

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

#### **Sec. 4-12. Display.**

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

**Sections 4-13 through 4-20 reserved.**

### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

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

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

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

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

ORDINANCE NO. 2016-4749

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

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

---

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

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

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

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

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



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

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

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

**Nonresidential Phase (PD-T5-c) Exceptions:**

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

## 10. Signage (Sec. 6.3.16.C)

### a. Wall Signs

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

### b. Monument Signs

- i. One 25' tall project multi-tenant monument sign is allowed at the South 31st Street entrance.
  - ii. One 20' tall multi-tenant monument sign is allowed at the West Avenue T entrance, and one 20' tall multi-tenant monument sign is allowed at the Scott Boulevard entrance.
  - iii. No more than 1 single-tenant or multi-tenant 10' tall monument sign is permitted for each individual lot.
- c. Approved sign standards are illustrated in Exhibit D, Wall Sign Specifications and Monument Sign Elevations.

### **Nonresidential Phase (PD-T5-c) Conditions:**

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 21<sup>st</sup> day of January, 2016.

PASSED AND APPROVED on Second Reading on the 4<sup>th</sup> day of February, 2016.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

ATTEST:



Lacy Borgeson  
City Secretary



APPROVED AS TO FORM:



Kayla Landeros  
City Attorney







# Exhibit B: Site/Landscaping Plan



OVERALL MASTER PLAN

31st and Scott Boulevard  
Temple, Texas

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

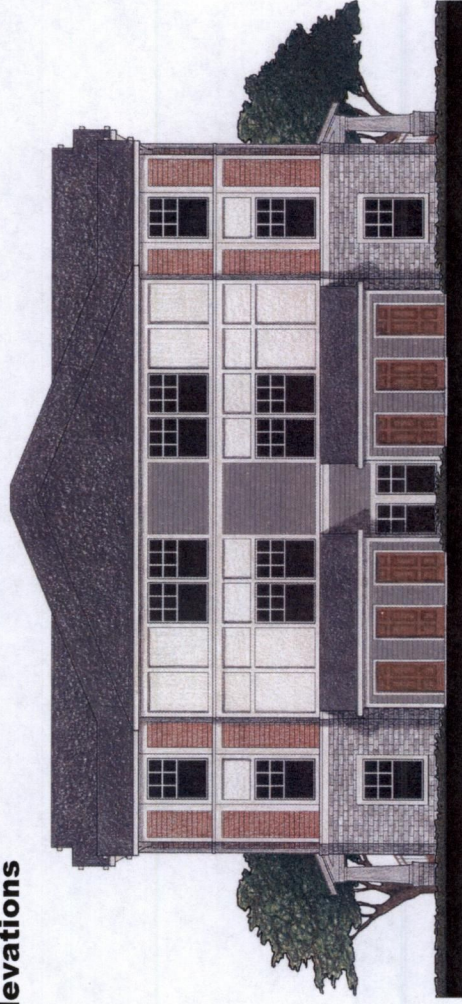
**HIGHLINE**  
REAL ESTATE GROUP

**gff ARCHITECTS**

2804 Fairmount Street, Suite 300  
Dallas, Texas 75201 | 214.303.1900  
3300 West 7th Street, Suite 110  
Fort Worth, Texas 76107 | 817.203.1500



**Exhibit C: Apartment Elevations**



TYPICAL APARTMENT BUILDING SIDE VIEW



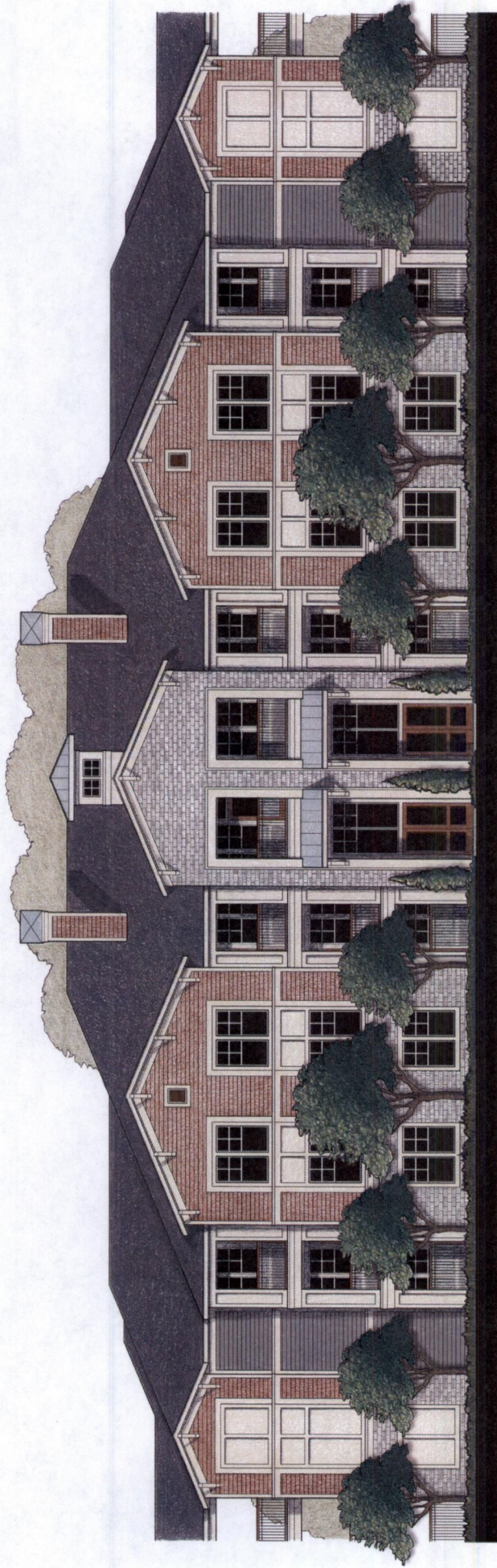
TYPICAL APARTMENT BUILDING FRONT VIEW

**ARYA TEMPLE APARTMENTS**

Mucasey & Associates, Architects  
November 17, 2015



**Exhibit C: Apartment Elevations**

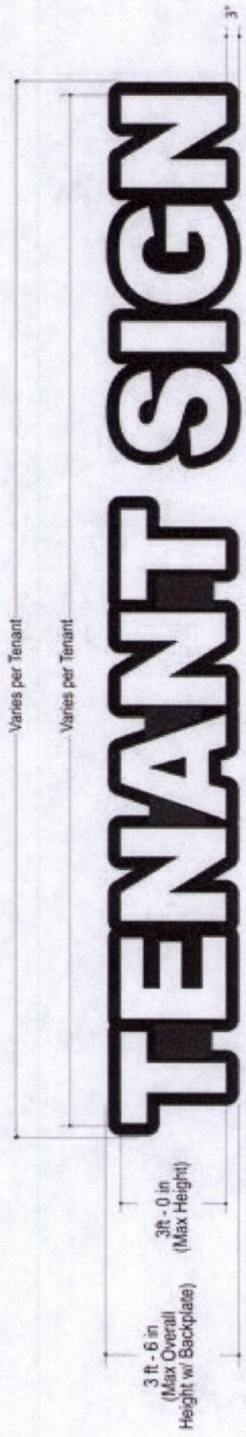


**AMENITY CENTER FRONT ELEVATION**

*Arya Temple Apartments*  
Mucasey & Associates, Architects  
December 1, 2015

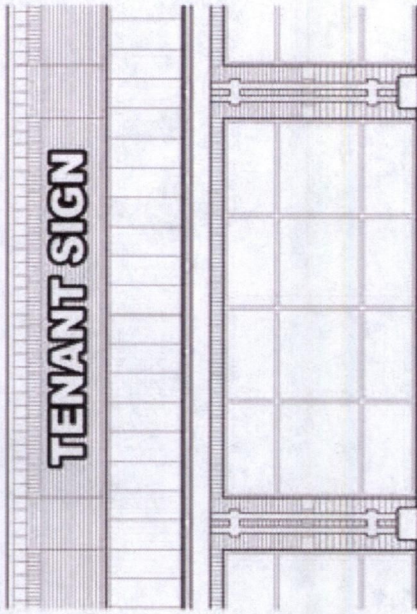
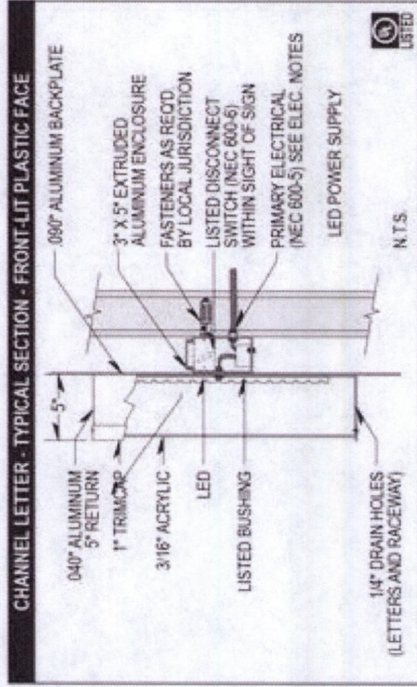


# Exhibit D: Wall Sign Specifications







**D1** Front-Lit Channel Letters w/ Backplate, Raceway Mounted • Front View  
SCALE: 3/16" = 1'-0"

- QUANTITY:**  
ONE (PER FACADE)  
Letters - 3' - 0" / Backplate - 3' - 6"
- Max. Allowed Height:**  
Varies per Tenant (Up to 80% of Facade length)
- Overall Length:**  
Total Sq.Ft.:  
Returns:  
Trimcap:  
Face:  
First-surface translucent vinyl:  
Raceway:  
Backplate:  
Illumination:
- TBD, per client artwork  
Painted to match Building, TBD  
Black  
WHITE LEDs
- NOTES:**  
• Raceway Mounted  
• WHITE interiors for increased illumination  
• All paint two-stage automotive polyurethane



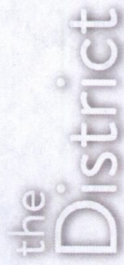
Typical Elevation

**ELECTRICAL NOTES** ESSG DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have: 1. A minimum of one dedicated 120V 20A circuit. 2. Junction box installed within 6 feet of sign. 3. Three wires: Line, Ground, Neutral.

|  |                               |  |  |   |
|--|-------------------------------|--|--|---|
| <br>FACILITY SOLUTIONS GROUP<br>• lighting<br>• electrical<br>• energy<br>• technology<br>• signs | The District<br>Temple, Texas | Start Date: 8/2015<br>Lead Designer:<br>JDBP 02/2019<br>Drawing #: 02/2019-141 | Design Rep:<br>House<br>Sales Rep:<br>Bak Shirok | ***** Client Approval *****<br><br><br><br>UL INSTALLATION REQUIREMENTS<br>UL LISTED<br>ETL |
| 10212 METRIC BOULEVARD, AUSTIN, TEXAS 78758 • 1-800-327-1104 / 512-494-0002 / <a href="http://www.fsgi.com">www.fsgi.com</a>   |                               |  |  |   |



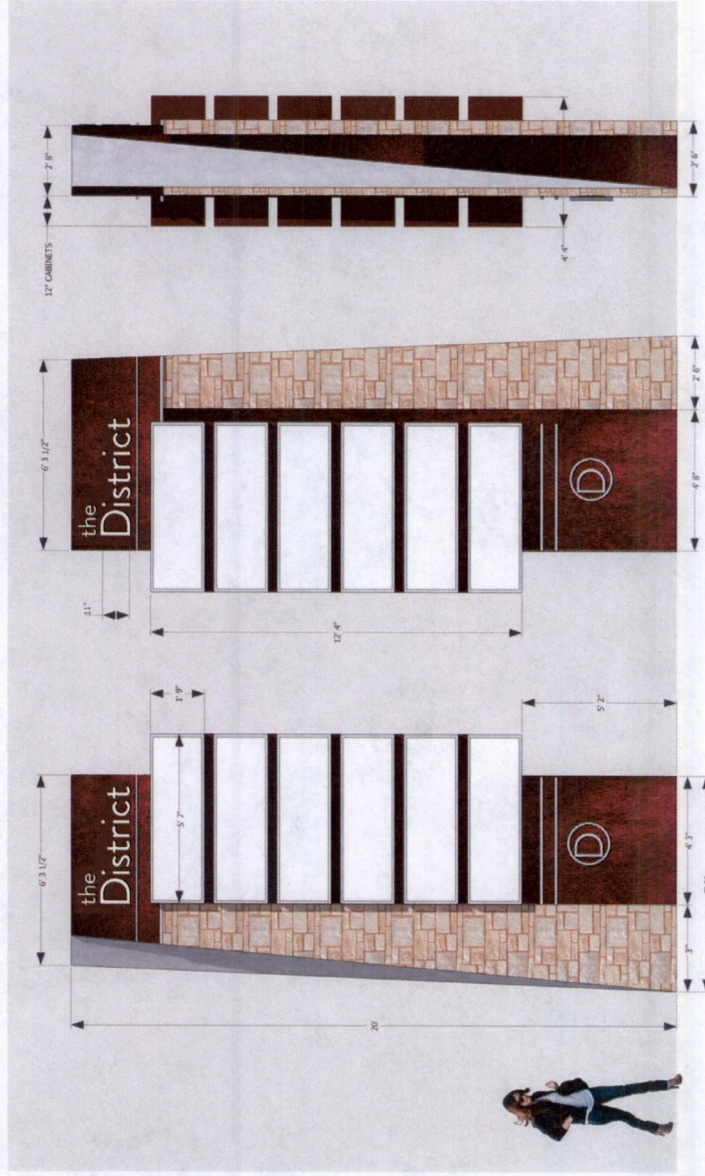
# Exhibit D: Monument Sign Elevations



B SECONDARY PYLONS  
SCALE: 1/4"

Fabricate and install two (2) Primary Pylons built to UL specifications;

- Welded tubular steel framework with .090 aluminum plate;
- Dual Steel supports set in 3000psi concrete to grade;
- Tenant Cabinets finished in Matthews brushed aluminum polyurethane; lamped with high output fluorescents; Faces to be white #7328 plex overlaid with 3M™ translucent vinyls per client;
- Austin White Limestone veneer over pole covers;
- [the District] to routed-out and backed with #7328 white plex; White High Output fluorescent lamping;
- Square tubular aluminum accent-rails and logo finished MP brushed aluminum;
- Matthews Corten-steel finish on faces/side walls;
- Electrical requirement: 120v to be supplied at sign site by others;





> lighting  
> electrical  
> energy  
> technology  
> signs

**FACILITY SOLUTIONS GROUP**  
19313 METRIC BOULEVARD, AUSTIN, TEXAS 78758  
1-800-327-1164 / 512-494-0027 / [www.fsg.com](http://www.fsg.com)

Start Date: 7/18/15  
Last Revision:  
Job #: 527/059  
Drawing #: 527/059b11

LEXINGTON HILLS  
2430 CROWWELL DR.  
AUSTIN, TEXAS 78741

Design Rep.  
BEN ANGLIN  
Sales Rep.  
BOB STROBECK

|                   |                |             |
|-------------------|----------------|-------------|
| CLIENT APPROVAL   | APPROVE: _____ | DATE: _____ |
| LANDLORD APPROVAL | APPROVE: _____ | DATE: _____ |

Design Rep.  
BEN ANGLIN  
Sales Rep.  
BOB STROBECK

Start Date: 7/18/15  
Last Revision:  
Job #: 527/059  
Drawing #: 527/059b11

LEXINGTON HILLS  
2430 CROWWELL DR.  
AUSTIN, TEXAS 78741



> lighting  
> electrical  
> energy  
> technology  
> signs

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| REVISIONS |         |
|-----------|---------|
| NO.       | REMARKS |

|   |        |      |
|---|--------|------|
| 1 | MMDDYY | DATE |
| 2 | MMDDYY | DATE |
| 3 | MMDDYY | DATE |
| 4 | MMDDYY | DATE |
| 5 | MMDDYY | DATE |

Design Rep.  
BEN ANGLIN  
Sales Rep.  
BOB STROBECK

Start Date: 7/18/15  
Last Revision:  
Job #: 527/059  
Drawing #: 527/059b11

LEXINGTON HILLS  
2430 CROWWELL DR.  
AUSTIN, TEXAS 78741



> lighting  
> electrical  
> energy  
> technology  
> signs

**FACILITY SOLUTIONS GROUP**  
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Exhibit D: Monument Sign Elevations

the District

PAD MONUMENT  
SCALE: 1/2"

Fabricate and install two (4) Pad Monuments built to (1) specifications;

- Welded tubular steel framework with .090 aluminum plate;
- Dual Steel supports set in 3000psi concrete to grade;
- Tenant Cabinets to have reverse-pan faces (.090) aluminum finished in Matthews white, and overlaid with 3M™ opaque vinyls per client;
- Two monuments to have single-user faces, and two monuments to have 6 panels (each side);
- Tenant Cabinets to be externally illuminated w/ Gooseneck lamps (x4 per monument);
- Austin White Limestone veneer over pole covers and planter-base;
- (the District) to be face-lit channel letters w/ #7328 white plex faces and white trimcapping. Sidewalls finished MP black; White LED illumination; Letters flush mount to cabinet;
- Square tubular aluminum accent-rails and .25" routed letters finished MP brushed aluminum;
- Matthews Corten-steel finish on cabinet sidewalls and pole cover (inner section);
- Electrical requirement: 120v to be supplied at sign site by others;



NOTE: DUE TO MONITOR AND PRINTER SETTINGS, COLORS SHOWN ARE APPROXIMATIONS ONLY. PLEASE REFER TO MANUFACTURER'S SAMPLES AND PANTONE CHART FOR ACCURATE COLOR REPRESENTATION.

LEWISTON HILLS  
2430 CROMWELL DR.  
AUSTIN, TEXAS 78741

lighting  
electrical  
energy  
technology  
signs

FACILITY SOLUTIONS GROUP  
10212 METRIC BOULEVARD, AUSTIN, TEXAS 78758  
1-800-327-1104 / 512-494-0002 / www.fsgl.com

Start Date: 7/18/15  
Last Revision:  
Job #: 49217059  
Drawing #: 49217059rev151

Design Rep.  
BEN ANGLIN  
Sales Rep.  
BOB STROBECK

CLIENT APPROVAL  
DATE  
LANDLORD APPROVAL  
DATE

| REVISIONS |       | REMARKS |
|-----------|-------|---------|
| 1         | MADDY |         |
| 2         | L     |         |
| 3         | L     |         |
| 4         | L     |         |
| 5         | L     |         |

001  
C

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, SEPTEMBER 19, 2016**

**ACTION ITEMS**

**Item 2: Z-FY-16-45** – Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Blvd and South 31st Street.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on October 20, 2016 and second reading on November 3, 2016.

The District was approved by Ordinance No. 2016-4749 February 4, 2016 as a mixed use Planned Development within the TMED T4 and T5-C.

This proposal would not trigger an amendment to the original Ordinance; however, this request would generate a new Ordinance and would be related to the on-premise sales and consumption of all alcoholic beverages less than 50 percent of the establishment's gross revenue.

This request is for a blanket approval for eight lots, specifically Lots 2 through 7, 10 and 11 of the Highline Addition.

Earlier in 2016, Lot 1 for Rosa's Café Restaurant was approved by Ordinance No. 2016-4767.

Vicinity map and site plan are shown.

In terms of a Conditional Use Permit the request would be subject to Chapter 4, Code of Ordinances (Alcoholic Beverages) and addresses a 300 foot minimum distance from sensitive uses, such as place of worship (Avenue T Church of Christ – 1,323 feet), public school (Scott Elementary School – 3,561 feet) or public hospital (Baylor, Scott & White – 682 feet).

The Unified Development Code (UDC) Section 5.3.15 is also met which provides a reiteration of the above distances, including additional distances from a public park for bars.

The Zoning map designates the subject property as Temple Medical Educational District (TMED–T5-C) and consistent with the base T-5-C sub-district, subject to approval of a CUP.

Surrounding properties include single family residential uses along West Avenue T Dubose Addition First Extension Subdivision, zoned Two Family (2F) to the north, Baylor, Scott & White Hospital, zoned TMED T5-C and Special District-Hospital (SD-H) to the east, Candlewood Suites Hotel and scattered service uses, zoned Commercial (C), to the west, and the Hilton Garden Inn Hotel and developing and existing retail service uses, all zoned GR and TMED T5-C to the south.

Twenty-five notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and zero notices returned in disagreement.

The request is in compliance with UDC Section 5.3.15B – sensitive uses, Chapter 4 of the Code of Ordinances, and is compatible with adjacent and anticipated retail and service uses.

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

1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2 through 7, 10 and 11, Block 1 of the Highline Addition subdivision, located at the northwest corner of Scott Boulevard and South 31st Street;
2. The use is subject to compliance to Chapter 4 of the Code of Ordinances related to alcoholic beverages; and
3. That the conditional use, complies with UDC Section 5.3.15, related to alcoholic beverage sales with on-premise consumption.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Fettig made a motion to approve Item 2, Z-FY-16-45, and Commissioner Jones made a second.

Motion passed: (7:0)

Commissioner Crisp absent



ORDINANCE NO. 2016-4811

(Z-FY-16-45)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALL ALCOHOLIC BEVERAGES WITH ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT, ON LOTS 2 THROUGH 7, 10 & 11 OF THE HIGHLINE ADDITION SUBDIVISION, GENERALLY LOCATED AT THE NORTHWEST CORNER OF SCOTT BOULEVARD AND SOUTH 31<sup>ST</sup> STREET, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition Subdivision, generally located at the northwest corner of Scott Blvd and South 31st Street, recommends that the City Council approve the application for this Conditional Use Permit for the sale of all alcoholic beverages with on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment sales; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit for the sale of all alcoholic beverages with on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment for Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition Subdivision, generally located at the northwest corner of Scott Blvd and South 31st Street, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

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

1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2-7, 10 & 11, Block 1 of the Highline Addition, subdivision, located at the northwest corner of Scott Blvd and South 31<sup>st</sup> Street;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

**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 **20<sup>th</sup>** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **November**, 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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11/03/16  
Item #5(P)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the donation of two easements and two temporary construction easements necessary for the construction of the West Airport/Crossroads Park Wastewater Line and ratifying the payment of the cost of future sewer connections in exchange for a donation, in an amount not to exceed \$12,000.

*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 as presented in item description.

**ITEM SUMMARY:** The City is currently in the bid phase for the proposed West Airport/Crossroads Park Wastewater Line. The design encompasses easements across six properties, including three easements previously acquired by the City or property owned by the City.

Appraisals were not conducted on the properties because all owners agreed to donate the needed easements and temporary construction easements. In exchange for one donation, a property owner asked to connect any future development on his property to the wastewater line. This request was agreed to by the City. One needed easement was acquired via the Final Plat for Westfield Development, Phase V. The other two easements needed are in property owned by the City of Temple.

**FISCAL IMPACT:** The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal. Funding for the future sewer connections, in an amount not to exceed \$12,000 is available in account 561-5400-535-6971, project #101480 as follows:

|                              |    |                |
|------------------------------|----|----------------|
| Project Budget               | \$ | 874,275        |
| Encumbered/Committed to Date |    | (124,275)      |
| Future Sewer Connections     |    | (12,000)       |
| Remaining Project Funds      | \$ | <u>738,000</u> |

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2016-8418-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF TWO EASEMENTS AND TWO TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE WEST AIRPORT/CROSSROADS PARK WASTEWATER LINE, AND RATIFYING THE PAYMENT OF THE COST OF FUTURE SEWER CONNECTIONS IN EXCHANGE FOR A DONATION, IN AN AMOUNT NOT TO EXCEED \$12,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the City is currently in the bid phase for the proposed West Airport/Crossroads Park wastewater line which encompasses easements across six properties, including three easements previously acquired by the City or property owned by the City;

**Whereas,** appraisals were not performed on the properties because all owners agreed to donate the needed easements and temporary construction easements;

**Whereas,** in exchange for one of the donations, the property owner has asked to connect future developments on his property to the wastewater line, to which the City has agreed;

**Whereas,** one needed easement was acquired via the Final Plat for Westfield Development, Phase V, and the other two easements which are needed will be located on property currently owned by the City;

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

**Whereas,** funding for the future sewer connections will be available in Account No. 561-5400-535-6971, Project No. 101480; and

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

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

**Part 1:** The City Council ratifies the acceptance of the donation of two easements and two temporary construction easements necessary for the construction of the West Airport/Crossroads Park wastewater line and ratifies the payment of the cost of future sewer connections in exchange for a donation, in an amount not to exceed \$12,000.

**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 this donation.

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

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **November**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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11/03/16  
Item #5(Q)  
Consent Agenda  
Page 1 of 2

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

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the submission of a loan application and acceptance of funding through the State Energy Conservation Office – LoanSTAR program to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for a term not to exceed 10 years.

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

**ITEM SUMMARY:** The project entails completing facility renovations towards improved energy efficient facility operations and environmental sustainability. Historically the Facility Services division has been reactive in completing building improvements. However, in an effort to be more proactive, address historical issues and get ahead of current issues that are slated to be addressed in the next three-years loan funding will enable energy related projects to be completed. Proposed projects are related to lighting, HVAC and controls.

Lighting – efforts will replace the majority of existing T8 fluorescent lighting systems with new LED lighting fixtures controlled by either time, occupancy or daylight related sensors. The new fixtures will offer improved quality of light and significantly reduce the maintenance costs associated with the current lighting systems.

HVAC – efforts will replace the existing DX HVAC systems currently in use with newer, higher efficiency units of like size, unless resizing is necessary to address prior building renovations. Where possible AHU and pump motors will be provided variable frequency drives that will improve the efficiency of the overall air distribution system.

Controls – efforts will be to provide retro-commissioning of existing equipment, as well as expand, replace or add direct digital control (DDC) Energy Management Control Systems (EMCS) in every possible building. In newer buildings, this effort will retro-commission and perform test and balance revisions where needed to correct inefficiencies and lower operational costs.

**FISCAL IMPACT:** The application for the SECO LoanSTAR program is due November 15, 2016, notification will be as soon thereafter. The program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction efforts, at an interest rate of 2%. The pay back term is based on the simple payback period of the implemented projects and cannot exceed a ten year term. A maximum individual loan amount is \$7.5 million through the program. In the next three-years the City has numerous lighting, HVAC and control upgrade/replacement projects that can be funded through this program, enabling the City to be more proactive, increase comfort and save energy/funding.



The LoanSTAR program will be used to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for a term not to exceed 10 years. Pay back of the loan will be available through savings from maintenance costs and through savings from operational costs as a result of improvements made to various City facilities.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8419-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION AND AUTHORIZING ACCEPTANCE OF FUNDING IN AN AMOUNT NOT TO EXCEED \$3,000,000, THROUGH THE STATE ENERGY CONSERVATION OFFICE – LONESTAR PROGRAM, TO IMPLEMENT ENERGY RELATED FACILITY IMPROVEMENT PROJECTS FOR A TERM NOT TO EXCEED TEN YEARS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, historically, the Facility Services division has been reactive in completing building improvements, however in an effort to be more proactive, address historical issues and get ahead of current issues that are slated to be addressed in the next three-years, loan funding will enable energy related projects to be completed;

**Whereas**, proposed projects are related to completion of facility renovations, lighting, HVAC and controls, and improving energy efficient facility operations and environmental sustainability;

**Whereas**, the lighting efforts will replace the majority of existing T8 fluorescent lighting systems with new LED lighting fixtures controlled by either time, occupancy or daylight related sensors - these new fixtures will offer improved quality of light and significantly reduce the maintenance costs associated with the current lighting systems;

**Whereas**, the HVAC efforts will replace the existing DX HVAC systems currently in use with newer, higher efficiency units of like size (unless resizing is necessary to address prior building renovations), and where possible, AHU and pump motors will be provided for variable frequency drives that will improve the efficiency of the overall air distribution system;

**Whereas**, the controls efforts will be providing retro-commissioning of existing equipment, as well as expanding, replacing or adding direct digital control Energy Management Control Systems in every possible building - in newer buildings, this effort will retro-commission and perform test and balance revisions where needed to correct inefficiencies and lower operational costs;

**Whereas**, the application for the SECO LoanSTAR program is due November 15, 2016 and notification of award will be provided soon thereafter;

**Whereas**, the program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing energy-related cost-reduction efforts, at an interest rate of 2% - the pay back term is based on the simple payback period of the implemented projects and cannot exceed a ten year term;

**Whereas**, in the next three-years, the City has numerous lighting, HVAC and control upgrade/replacement projects that can be funded through this program, enabling the City to be more proactive, increase comfort and save energy and funding;

**Whereas,** the LoanSTAR program will be used to implement energy related facility improvement projects in an amount not to exceed \$3.0 million for a term not to exceed 10 years - pay back of the loan will be available through savings from maintenance costs and savings from operational costs as a result of improvements made to various City facilities; 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 loan application and authorizes acceptance of funding in an amount not to exceed \$3,000,000, through the State Energy – LoanSTAR program to implement energy related facility improvement projects, for a term not to exceed ten years.

**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 loan application, and accept any funds that may be received from this loan application.

**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 3<sup>rd</sup> day of **November**, 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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11/03/16  
Item #5(R)  
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 2016-2017.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2016-2017 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$104,028.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2017 BUDGET**  
**November 3, 2016**

| ACCOUNT #   | PROJECT # | DESCRIPTION                                | APPROPRIATIONS |          |
|---|-----------|--|----------------|----------|
|   |           |  | Debit          | Credit   |
| 520-5200-535-2611   |           | Contracted Services / Insurance & Bonds    | \$ 2,346       |          |
| 520-5100-535-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 2,346 |
| <p>To allocate additional funding for the FY 2017 TML insurance invoice in the amount of \$2,346.<br/> Funding will be reallocated from Water Treatment Plant to Water Distribution.</p>  |           |  |                |          |
| 110-2320-540-2611   |           | Contracted Services / Insurance & Bonds    | \$ 2,818       |          |
| 110-2330-540-2611   |           | Contracted Services / Insurance & Bonds    | \$ 1,305       |          |
| 110-2350-540-2611   |           | Contracted Services / Insurance & Bonds    | \$ 1,091       |          |
| 110-3500-552-2611   |           | Contracted Services / Insurance & Bonds    | \$ 3,600       |          |
| 110-1000-511-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 44    |
| 110-1100-513-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 45    |
| 110-1200-515-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 45    |
| 110-1400-511-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 44    |
| 110-1600-512-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 45    |
| 110-1700-519-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 44    |
| 110-1800-525-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 60    |
| 110-1900-519-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 260   |
| 110-2011-521-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 1,544 |
| 110-2100-529-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 185   |
| 110-2400-519-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 1,713 |
| 110-2600-519-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 82    |
| 110-2700-515-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 44    |
| 110-3210-551-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 1,539 |
| 110-3231-551-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 41    |
| 110-3232-551-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 41    |
| 110-3400-531-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 365   |
| 110-3800-519-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 1,457 |
| 110-4000-555-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 832   |
| 110-4100-551-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 44    |
| 110-4700-519-2611   |           | Contracted Services / Insurance & Bonds    |                | \$ 340   |
| <p>To reallocate funding for the FY 2017 TML insurance invoice amongst the General Fund departments. This reallocation will also cover the anticipated vehicle change endorsement # 1 for \$12,134 and vehicle change endorsement # 2 for \$15,138.</p> |           |  |                |          |
| 110-2800-532-2516   |           | Other Services / Judgment & Damages        | \$ 5,511       |          |
| 110-0000-461-0554   |           | Insurance Claims / Insurance Claims        |                | \$ 5,511 |
| <p>To appropriate insurance proceeds from Farmers Insurance for damages sustained to a school flasher on July 29, 2016.</p>   |           |  |                |          |
| 110-2011-521-2516   |           | Other Services / Judgment & Damages        | \$ 7,078       |          |
| 110-0000-461-0554   |           | Insurance Claims / Insurance Claims        |                | \$ 7,078 |
| <p>To appropriate insurance proceeds from State Farm and TML for damages sustained to asset # 13851 (\$3,476), asset # 13852 (\$1,973), and asset # 12167 (\$1,629).</p>  |           |  |                |          |
| 110-2041-521-2538   |           | Other Services / Crime Victim Expenditures | \$ 279         |          |
| 110-0000-442-0722   |           | Police Revenue / Police Donations/Gifts    |                | \$ 279   |
| <p>To appropriate police donations received from the Freddy's Custard event.</p>  |           |  |                |          |

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2017 BUDGET**  
**November 3, 2016**

| ACCOUNT #   | PROJECT # | DESCRIPTION   | APPROPRIATIONS    |                   |
|---|-----------|---|-------------------|-------------------|
|   |           |   | Debit             | Credit            |
| 110-3595-552-2623   |           | Contracted Services / Other Contracted Services                   | \$ 80,000         |                   |
| 110-0000-445-1995   |           | Other / Reinvestment Zone No. 1 Reimbursements                    |                   | \$ 80,000         |
| To increase funds available for parks maintenance from the Reinvestment Zone # 1. |           |   |                   |                   |
| <b>TOTAL AMENDMENTS</b>   |           |   | <b>\$ 104,028</b> | <b>\$ 104,028</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              | \$                | 5,257             |
|   |           | Added to Contingency Judgments & Damages from Council Contingency |                   | -                 |
|   |           | Taken From Judgments & Damages                                    |                   | -                 |
|   |           | Net Balance of Judgments & Damages Contingency Account            | \$                | 5,257             |
|   |           | Beginning <b>Compensation</b> Contingency                         | \$                | 560,000           |
|   |           | Added to Compensation Contingency                                 |                   | -                 |
|   |           | Taken From Compensation Contingency                               |                   | -                 |
|   |           | Net Balance of Compensation Contingency Account                   | \$                | 560,000           |
|   |           | <b>Net Balance Council Contingency</b>                            | <b>\$</b>         | <b>565,257</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  |                   | -                 |
|   |           | Net Balance of Contingency Account                                | \$                | 50,000            |
|   |           | Beginning <b>Compensation</b> Contingency                         | \$                | 112,500           |
|   |           | Added to Compensation Contingency                                 |                   | -                 |
|   |           | Taken From Compensation Contingency                               |                   | -                 |
|   |           | Net Balance of Compensation Contingency Account                   | \$                | 112,500           |
|   |           | <b>Net Balance Water &amp; Sewer Fund Contingency</b>             | <b>\$</b>         | <b>162,500</b>    |
|   |           | <b>HOTEL/MOTEL TAX FUND</b>                                       |                   |                   |
|   |           | Beginning <b>Contingency</b> Balance                              | \$                | -                 |
|   |           | Added to Contingency Sweep Account                                |                   | -                 |
|   |           | Carry forward from Prior Year                                     |                   | -                 |
|   |           | Taken From Contingency  |                   | -                 |
|   |           | Net Balance of Contingency Account                                | \$                | -                 |
|   |           | Beginning <b>Compensation</b> Contingency                         | \$                | 28,300            |
|   |           | Added to Compensation Contingency                                 |                   | -                 |
|   |           | Taken From Compensation Contingency                               |                   | -                 |
|   |           | Net Balance of Compensation Contingency Account                   | \$                | 28,300            |
|   |           | <b>Net Balance Hotel/Motel Tax Fund Contingency</b>               | <b>\$</b>         | <b>28,300</b>     |



CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2017 BUDGET  
November 3, 2016

| ACCOUNT # | PROJECT # | DESCRIPTION   | APPROPRIATIONS |                  |
|-----------|-----------|---|----------------|------------------|
|           |           |   | Debit          | Credit           |
|           |           | <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           | \$             | 24,300           |
|           |           | Added to Compensation Contingency                   |                | -                |
|           |           | Taken From Compensation Contingency                 |                | -                |
|           |           | Net Balance of Compensation Contingency Account     | \$             | 24,300           |
|           |           | <b>Net Balance Drainage Fund Contingency</b>        |                | <b>\$ 24,300</b> |
|           |           | <b>FED/STATE GRANT FUND</b>                         |                |                  |
|           |           | Beginning <b>Contingency</b> Balance                | \$             | -                |
|           |           | Carry forward from Prior Year                       |                | -                |
|           |           | Added to Contingency Sweep Account                  |                | -                |
|           |           | Taken From Contingency                              |                | -                |
|           |           | <b>Net Balance Fed/State Grant Fund Contingency</b> | \$             | -                |

RESOLUTION NO. 2016-8420-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2016-2017 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 26<sup>th</sup> day of August, 2016, the City Council approved a budget for the 2016-2017 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2016-2017 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 2016-2017 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 3<sup>rd</sup> day of **November**, 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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11/03/16  
Item #6  
Regular Agenda  
Page 1 of 1

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

Nicole Torralva, Director of Public Works

Kenny Henderson, Director of Transportation

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on the FM 2305/West Adams Avenue, within the City limits.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for November 10, 2016.

**ITEM SUMMARY:** Based on Traffic Engineering Studies by the State, TxDOT has requested that the City adopt an ordinance setting the prima facie speed limit on FM 2305/West Adams Avenue. The section of highway described as follows.

From US Loop 363 to South Pea Ridge Road the speed limit shall be 45mph.

Currently this section of FM 2305/West Adams Avenue from Loop 363 to South Pea Ridge Road is 50 mph, TxDOT has determined that the prima facie speed limit shall be 45 MPH.

We are required by TxDOT to re-adopt this speed limit at this time with changes being posted.

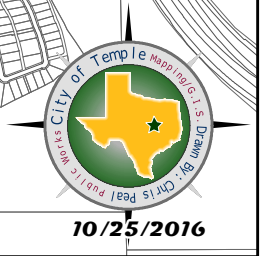
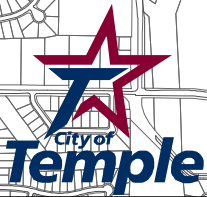
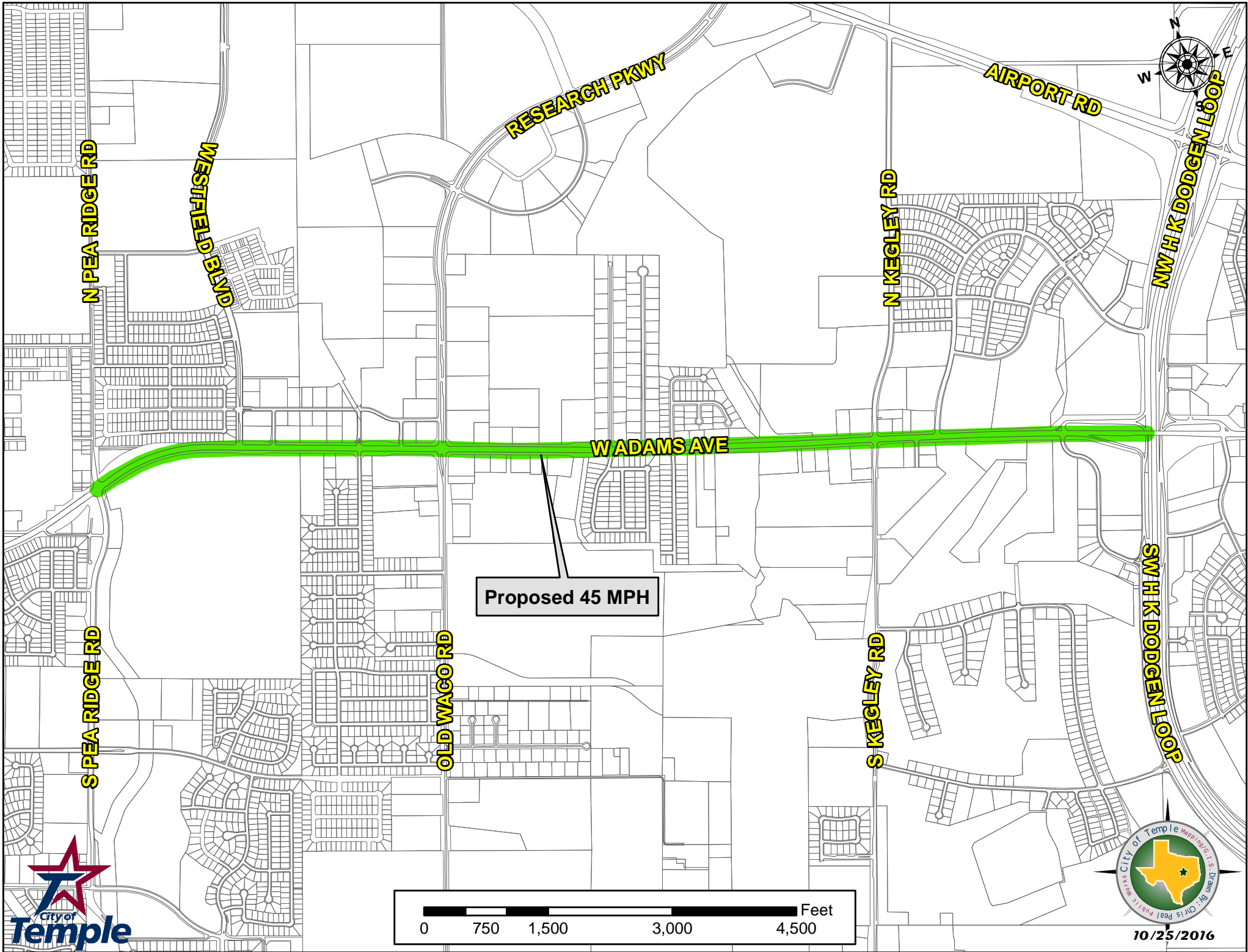
**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Map](#)

[Ordinance](#)





ORDINANCE NO. 2016-4813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING THE PRIMA FACIE SPEED LIMIT ON FM 2305/WEST ADAMS AVENUE, WITHIN TEMPLE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, based on Traffic Engineering Studies performed by the State of Texas, the Texas Department of Transportation (“TxDOT”) has requested that the City adopt an Ordinance setting the prima facie speed limit on FM 2305/West Adams Avenue - the section of highway is described as follows:

- From US Loop 363 to South Pea Ridge Road, the speed limit shall be 45 mph;

**Whereas**, currently this section of FM 2305/West Adams Avenue from Loop 363 to South Pea Ridge Road is 50 mph and TxDOT has determined that the prima facie speed limit shall be 45 mph;

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

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

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

**Part 1:** The City Council finds that the reasonable and prudent prima facie maximum speed limit for vehicular traffic on FM 2305/West Adams Avenue, from US Loop 363 to South Pea Ridge Road, shall be 45 mph.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading on the 3<sup>rd</sup> day of **November**, 2016.

PASSED AND APPROVED on Second Reading on the 17<sup>th</sup> day of **November**, 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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11/03/16  
Item #7  
Regular Agenda  
Page 1 of 4

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

Lynn Barrett, Assistant Director of Planning

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-46: Consider adopting an ordinance authorizing a rezoning from Commercial to Planned Development Commercial on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at [5806 South General Bruce Drive](#), to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District.

**STAFF RECOMMENDATION:** Staff recommends approval for a rezoning from Commercial (C) district to Planned Development Commercial (PD-C) district with the following conditions:

1. The proposed paved area for the RVs, required by UDC Sec 7.5.5C, (chip-seal asphalt has been proposed by the applicant), shall match the RV inventory stored on site and may be phased;
2. A decorative metal fence, six feet in height, with matching gate shall be installed across the front of the display area;
3. No RV storage shall be allowed outside of the screened and paved project area, including the unimproved lot bordering Profit Place which is currently being used as overflow RV parking by the applicant;
4. All signage erected without a permit shall be removed; desired signage will be properly permitted prior to installation; free standing signage shall include stone columns;
5. The use shall be limited to RV rentals or sales per Chapter 31 Code of Ordinances definition (vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper or any other similar vehicle which is designed as temporary living quarters for recreational, camping or travel use). And therefore, portable buildings or HUD-Code manufactured home sales or rentals shall continue to be prohibited on this site due to its location within the I-35 Overlay;

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their September 19, 2016 meeting, the Planning & Zoning Commission voted to table the case and directed staff to meet with the applicant and owner and Planning staff and to come to an agreement on the proposed site plan. During the meeting the following topics were discussed:

1. Background
  - a. Previous Conditional Use Permits (CUPs) and current conditions
  - b. Overlay Uniform Development Code (UDC) requirements

2. Paving and Buffering Improvements

- a. Metal fencing preferred by applicant over trees on proposed site plan for cost, compliance, maintenance considerations
- b. Applicant had previously agreed to proposed trees and landscaping, but had changed his mind

3. RV siting on paved surface concerns

4. Allowable future Signage

After meeting with staff, the applicant expressed agreement with staff recommendations on the proposed site plan, which substituted a decorative metal fence for the trees and landscaping.

At their October 3, 2016 meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed rezoning from Commercial (C) district to Planned Development Commercial (PD-C) district as recommended by Planning staff.

**ITEM SUMMARY:** 5806 South General Bruce Drive currently has a base zoning of C (Commercial District), which allows recreational vehicle rentals use by right. However, the I-35 Corridor Overlay Freeway Retail/Commercial sub-district specifically prohibits "Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental".

The business owner of Rising Sun RV Rental was allowed to sign a lease by the property owner and had set up his business prior to meeting with staff. Efforts to work with the business owner to improve the surface for parking the applicant's RV's (behind an existing fence screened by 40% landscaping per a 2014 CUP--Ordinance 2014-4669 for a nursery and subsequent 2015 CUP for a painting/contractor facility) and to add additional landscaping surrounding the leased area have continued over the past several months.

City Council had previously approved a CUP for an auto tint business (Ordinance 2016-4757 from case Z-FY-16-11) inside a building on this property which is under separate lease to a different applicant and is not a part of this project. The following were past realities with this project:

1. City staff became involved with this project after the applicant's business was established at the site in violation of UDC zoning for the I-35 Corridor District;
2. Staff had worked for several months with the applicant to attempt a balanced approach to achieve site improvements while finding a solution which would allow the business to continue; and

After the September 19, 2016 Planning and Zoning meeting discussion and subsequent tabling of this item, staff met with the applicant, Mr. O'Rourke, and owner, Mr. McGregor, on September 21st. The staff recommendation was agreed upon by both applicants and staff, Brian Chandler and Lynn Barrett, at that meeting. Staff also agreed that the applicant could attain permits and complete the work for fencing and or paving prior to City Council approval at their own risk.

Three CUP's in the prior three years have been approved on this property:

Ordinance No. 2014-4669 (CUP-Z-FY-14-28) – for landscaping business

Ordinance No. 2015-4713 (CUP-Z-FY-15-14) – for paint shop/contractor storage

Ordinance No. 2016-4757 (CUP-Z-FY-16-11) – for indoor auto window tint business (existing)

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

Thoroughfare Plan (CP Map 5.2)

The subject property is located along an Expressway (IH-35) and is in the I-35 Overlay District.

Availability of Public Facilities (CP Goal 4.1)

Water serves the property through an existing 8-inch water line along the I-35 Access Road. Sewer is on-site through a 8-inch sewer line also along the I-35 Access Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts I-35 as an Expressway passing by the already developed site along the access road.

**DEVELOPMENT REGULATIONS:** Enhanced screening and buffering standards for the non-compliant use in the I-35 Overlay were negotiated through the use of a Planned Development, which would also address the paving concerns with RV storage.

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

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

As a Planned Development, a Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

**Enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, and as such, addition of paving of the entire area inside the fence and additional landscaping are recommended.**

**Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance.**



In considering a Planned Development 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.

**PUBLIC NOTICE:** Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday September 15, 2016, zero notices had been returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 8, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)

[Maps](#)

[Tables](#)

[Proposed and Recommended Site Plan](#)

[P&Z Excerpts \(October 3, 2016\)](#)

[Ordinance](#)

# On-Site View





## Additional site views





# Surrounding Properties North and East



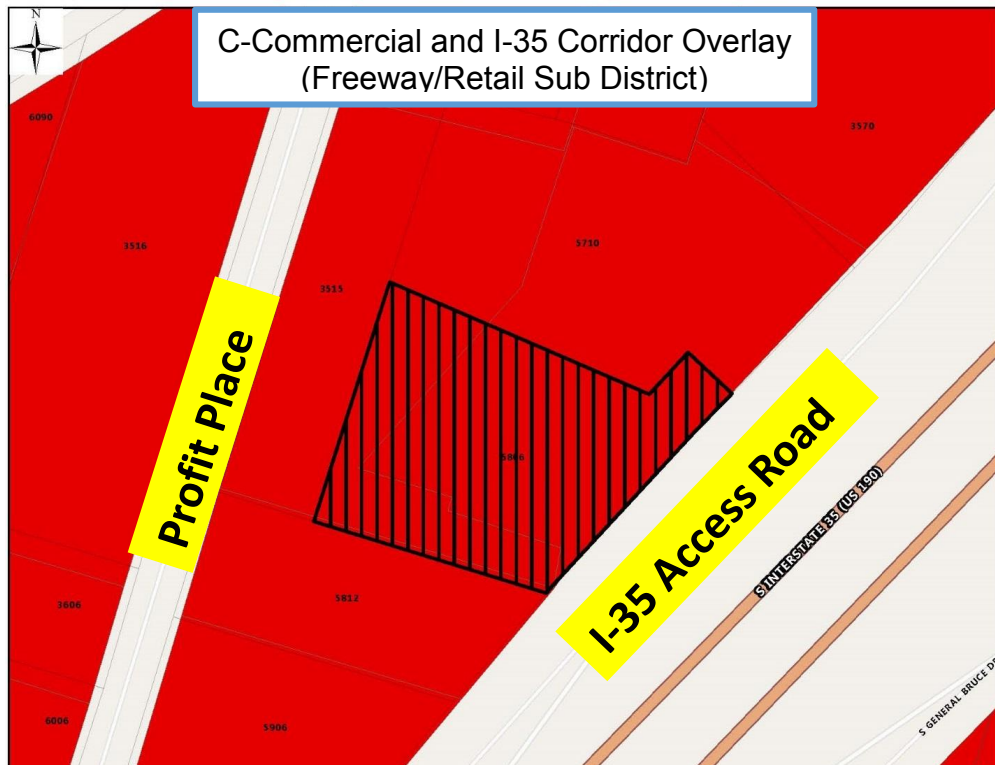
**Looking North Along the Access Road**



**Looking East Across the Access Road**

# Aerial Location and Zoning Maps

5806 S General Bruce Drive Z-FY-16-46



## TABLES FOR RV RENTAL PLANNED DEVELOPMENT AT 5806 S General Bruce

### **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:

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

### **COMPREHENSIVE PLAN COMPLIANCE:**

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

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

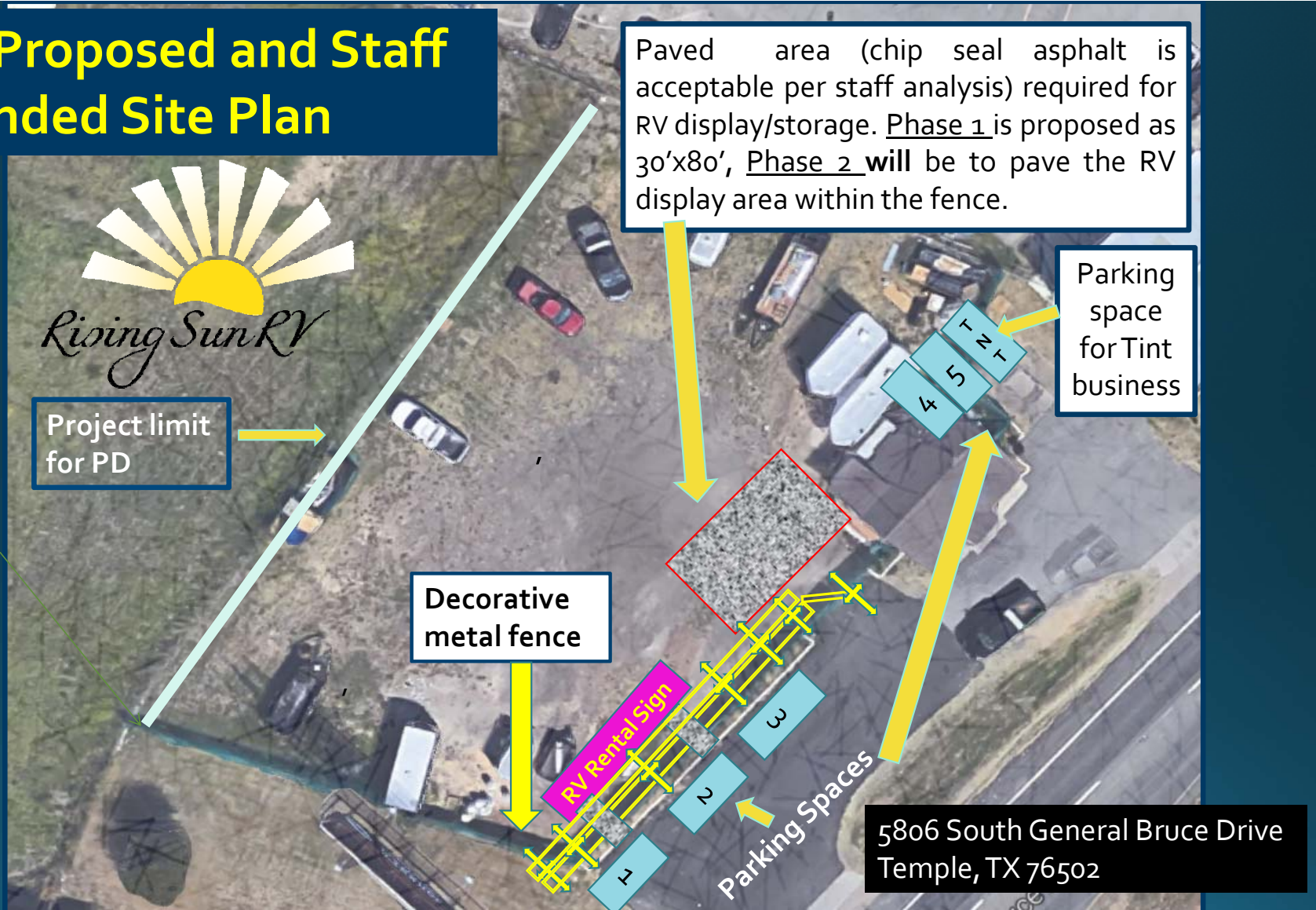
CP = Comprehensive Plan



# Applicant Proposed and Staff Recommended Site Plan

## SITE IMPROVEMENTS

1. Decorative metal fence with gate across front of RV storage area
2. RV's only placed on paved surface (paved area determines number)
3. Free standing sign with masonry columns along fence after permitting.



# Public Notification & Property Owner Notification



## **PUBLIC NOTICE:**

- 9 notices of were sent out to property owners within 200 feet
- 1 notices returned in Agreement to the proposed rezoning (staff recommendation on parking RVs behind fence addresses concerns)
- 0 notices returned in Disagreement to the proposed rezoning
- The newspaper printed notice of the public hearing on September 8, 2016, in accordance with state law and local ordinance

**PLANNING AND ZONING COMMISSION  
OCTOBER 3, 2016  
5:30 P.M.**

**PLANNING AND ZONING MEMBERS PRESENT**

Chair Greg Rhoads

**COMMISSIONERS:**

Bryant Ward  
Lydia Alaniz  
Lee Armstrong

Omar Crisp  
Lester Fettig

**PLANNING AND ZONING MEMBERS ABSENT:**

Jeremy Langley

Vacancy

David Jones

**STAFF PRESENT:**

Brian Chandler, Director of Planning  
Lynn R. Barrett, Asst. Director of Planning  
Trudi Dill, Deputy City Attorney  
Richard Wilson, Deputy City Engineer  
Leslie Evans, Planning Technician  
Kelli Tibbit, Administrative Assistant

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, September 29, 2016 at 4:00 p.m. in compliance with the Open Meetings Law.**

*The following is a summary of the proceedings of this meeting. It is not intended to be a*

Chair Rhoads called Meeting to Order at 5:31 P.M.

Invocation by Commissioner Armstrong; Pledge of Allegiance by Vice-Chair Fettig.

**A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting of September 19, 2016.

Approved by general consent.



## **B. ACTION ITEMS**

**Item 2: Z-FY-16-46** - Hold a public hearing to discuss and recommend action on a Planned Development (PD) Zoning District to allow RV rentals at Lot 2, Block 1, Trantum Subdivision Phase VIII, 5806 South General Bruce Drive, that is currently zoned Commercial (C) District and currently located in the I-35 Overlay District.

Ms. Lynn Barrett, Assistant Director of Planning, stated this item was tabled at the last meeting on September 19, 2016 and is scheduled to go forward to City Council for first reading on October 20, 2016 and second reading on November 3, 2016.

Mr. Chris McGregor is the owner of the subject property and Mr. Joseph O'Rourke is the applicant. This is a rezoning request for a portion of a lot to allow for RV rental use.

The auto tinting business located on the property is not part of this request.

There have been two former CUPs and one current CUP on this property. The property is zoned C (Commercial) District and lies within the I-35 Corridor Overlay District.

The proposed use is defined in the Unified Development Code (UDC) as "Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental". The use is allowed by right in a Commercial District but is prohibited in the I-35 Overlay.

Staff recommends that the language be defined to say rental/sales use in order for the applicant to sell the rental vehicles at a later time, but not the other uses which includes HUD-Code manufactured home sales or rentals.

Since the September 19, 2016 meeting, Staff has been working with the applicant and owner on the PD for negotiation of the paving and buffering improvements in order to move forward.

There were three major concerns:

No sign permit could be issued until the PD was approved by City Council. Acceptable criteria for the signage was discussed and the applicant agreed with Staff that the necessary signage will comply with existing Overlay District regulations.

Staff recommended a decorative metal fencing rather than trees for the following reasons:

It brings the front section of the most visible fencing into compliance with Overlay requirements and allows greater visibility for the product;

Improves the property without requiring much maintenance;

Price would be comparable to the trees and landscape beds; and

Provides more room for the RVs and eliminates potential damage and cleaning which could result from proximity to the trees and birds which would likely be attracted.

Pavement cost of the entire lot for the RVs would be substantial. Staff suggested the RV parking surface needed to be paved but the size of the paved surface could be tailored to the number of RVs displayed on site. Mr. O'Rourke stated he had an alternate place to park some of the units which is believed to be 12. Ms. Barrett explained if the applicant could not afford to pave an entire area for 12 RVs to be parked, the number of units could be scaled back. The applicant was in agreement with Staff that there must be a paved parking surface for all RV units.

Photographs of the site were shown and depicts the non-paved surface the RVs are currently parked on. The portion in front of the gate was the original portion discussed by the applicant to have a 48 by 72 foot paved pad for the RVs that would be displayed on-site. Staff is fine with that as long as no other RVs are displayed there or behind the fence.

The applicant and owner agreed not to have any RVs or vehicle overflow parking on the second lot moving forward.

Nine notices were mailed in accordance with all state and local regulations with one notice returned in agreement and zero notices returned in disagreement.

The UDC, Section 3.4 Planned Development, 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 the UDC, Sections 3.4.3 and 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding and part of the application. Staff has been working with applicant and owner on the revised site plan (shown) which Staff, applicant, and owner were in agreement with.

There is a paved area (chip seal asphalt) in the middle of the lot which is acceptable per Staff analysis, required for RV display/storage. Phase 1 is proposed as a 48 by 72 foot area and Phase 2 will be to pave the RV display area within the fence. As funds become available, the applicant/owner may pave more area; however, any RVs displayed within the fenced area will be parked on paved material.

The decorative metal fence will cross the front of the property.

Staff and applicant and owner discussed needed signage if the PD is approved by City Council and what type of allowed signage could be applied for. The Code allows a

maximum of a 200 square foot sign with supports covered by a rock façade which matches the front of the office building.

Staff recommends approval of the request for a rezoning from C to C-PD with the following conditions:

1. Proposed paved area for the RVs shall match inventory on-site;
2. A decorative metal fence, six feet in height, with matching gate shall be installed across the front entrance;
3. No RV storage allowed outside of the screened and paved area;
4. Signage erected without a permit shall be removed;
5. The use shall be limited to RV rentals or sales only; and
6. Staff agreed that applicant could attain permits and complete the work for fencing and/or paving prior to City Council approval at their own risk.

Chair Rhoads opened the public hearing.

Mr. Joseph O'Rourke, 9506 Adeel Drive, Killeen, Texas, stated pretty much everything Ms. Barrett stated was agreed upon. Mr. O'Rourke has been in contact with an asphalt company on estimates and the work needed and added this should be done in the next 24 to 48 hours.

The fence estimates received are currently too high and the applicant is still looking for a vendor that can work with him.

The signage company the owner and applicant have been working with agreed to credit them for the previously unpermitted/illegal sign and assist in making an appropriate sign for permitting purposes should City Council approve this request.

The applicant have been offered incentives to remain in Temple in order to get the business going and to wait until the City Council decision is made in November.

There being no further speakers, the public hearing was closed.

Commissioner Crisp asked for clarification of Recreational Vehicles since it was a broad category.

Mr. Brian Chandler, Director of Planning, responded Staff defined Recreational Vehicles from Chapter 31 of The City of Temple's Code of Ordinances (not the UDC) that allows campers, 5<sup>th</sup> wheels, etc., which is a fairly broad definition, but is truly for Recreational Vehicles. Mr. Chandler believed it precluded boats, trailers, etc. but would confirm this information.



Chair Rhoads commented the P&Z is a volunteer commission appointed by the City and the applicant would go forward before City Council on October 20<sup>th</sup> for first reading and November 3<sup>rd</sup> for second reading.

Chair Rhoads added that anything the applicant is currently doing which Ms. Barrett described in her presentation is not guaranteed because City Council has to be the final decision maker.

Ms. Barrett confirmed the question of Recreational Vehicle and quoted the following from the Code of Ordinances:

Vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper, or any other similar vehicle which is designed as temporary living quarters for recreational camping or travel use.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-16-46**, as presented, and Commissioner Ward made a second.

*Motion passed: (6:0)*

Commissioners Jones and Langley absent; one vacancy

There being no further business, the meeting was adjourned at 5:53 p.m.

Respectfully submitted,  
Leslie Evans

ORDINANCE NO. 2016-4812  
(Z-FY-16-46)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT COMMERCIAL ON LOT 2, BLOCK 1, TRANUM SUBDIVISION PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE, TO ALLOW FOR A RECREATIONAL VEHICLE RENTAL BUSINESS IN THE I-35 CORRIDOR OVERLAY DISTRICT; 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 Commercial to Planned Development Commercial on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive, to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District, as outlined in the map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**Part 2:** Staff recommends approval for a rezoning from Commercial district to Planned Development Commercial district with the following conditions:

1. All areas of the property to be used for RV storage must be paved;
2. A decorative metal fence, six feet in height, with matching gate must be installed across the front of the display area;
3. RV Storage is allowed only in the area depicted on the site plan, attached to this Ordinance as Exhibit 'B' and made a part hereof for all purposes;
4. All free standing signage must include stone columns;
5. "Recreational Vehicle" or "RV" has the definition set forth in Code of Ordinances, Chapter 31 and includes vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper or any other similar vehicle which is designed as temporary living quarters for recreational, camping or travel use. Portable buildings and HUD-Code manufactured home sales or rentals are prohibited on this site.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **November**, 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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11/03/16  
Item # 8(A-D)  
Regular Agenda  
Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Airport Advisory Board – one member to fill an expired term through September 1, 2019
- (B) Library Board – two members to fill unexpired terms through September 1, 2018
- (C) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2018
- (D) Development Standards Advisory Board – two members to fill unexpired terms through March 1, 2018

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

**ITEM SUMMARY:** The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards. In accordance with that resolution, appointments to the above stated boards are to be made by the council, with an effective date of September 1<sup>st</sup>.

Please see the attached summary listing which has been updated to include all applications received for board appointments.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board Application Summary](#)



**APPLICATION SUMMARY**  
**BOARD APPOINTMENTS**

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**AIRPORT ADVISORY BOARD – 3 YEAR TERMS: Meets 2<sup>ND</sup> Monday of each month at 4 p.m.**

1 Term Expired: (1 Temple Resident Member)

Board Forms on File: Brian Johnson, Richard Potts, Cory Rance (does not live inside the City limits)\*

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**DEVELOPMENT STANDARDS ADVISORY BOARD – 3 YEAR TERMS: Meet on called basis**

2 Terms: (general construction); (Street Construction)

Board Forms on File: Joel Berryman (Banker); Brian Bezner (real estate); Scott Horsak (Gen. Construction/ Builder); Blake Pitts (Gen. Contractor); Brian Reinhardt (Banker); Tom Brautigan (Real estate) ; Jeffrey Schneider

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**LIBRARY BOARD – 3 YEAR TERMS: Meets 3<sup>rd</sup> Tuesday of each quarter at 12:00 noon**

2 Terms (Expired)

Board Forms on File: Esperanza Castor; Olivia Marsala; Frank Reidy; Lauren Russell

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**PLANNING & ZONING COMMISSION – 3 YEAR TERMS: Meets 1<sup>ST</sup> & 3<sup>rd</sup> Monday of each month at 5:30 pm**

1 Term (Unexpired)

Board Forms on File: Joyce Adams; Manuel Alaniz; Brian Bezner; Melissa Tyroch Bragg; Esperanza Castor; Roney Castor; Jessica Davis; Melissa Davis; Mark Fryar; Damon Gottschalk; Kay Guedea; Derek Marshall; Elaine McCoy; Michael Medrano; Richard Morgan; Donald Nelson; Bruce Normand; Jeff Norwood; Erik Ray; Raymond Smith; Adams Soorholtz; Winnett Starkey; Russell Stenman; Allan Talley; Benny Walsh

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