



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JUNE 1, 2017
3:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 1, 2017.
2. Receive an update on the Strategic Investment Zone incentive program.
3. Discuss potential amendments to Chapter 39 of the Code of Ordinance, “Wreckers”.
4. Receive an update on downtown redevelopment initiatives, including the redevelopment of the Hawn and Arcadia Theater properties.

Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.

5. Receive an update on and discuss right-of-way acquisition for the following projects:
 - Research Parkway
 - Bird Creek Interceptor and Shallow Ford Lift Station
 - Hogan Road
 - Prairie View West
 - Outer Loop Phase 3B
 - Santa Fe Plaza
 - MLK Festival Fields

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

5:00 P.M.

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Girl Scout Gold Award Day June 10, 2017

IV. CONSENT AGENDA

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

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

Minutes

- (A) [May 18, 2017 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2017-8656-R](#): Consider adopting a resolution authorizing the purchase of 156 membrane replacement modules and necessary installation parts from Pall Advanced Separations Systems of Cortland, NY, in the amount of \$262,725.60.
- (C) [2017-8657-R](#): Consider adopting a resolution authorizing the purchase of 1272 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, NC, in the amount of \$59,406.

- (D) [2017-8658-R](#): Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$5,500.
- (E) [2017-8659-R](#): Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs and temporary fencing costs associated with the purchase, in the estimated amount of \$24,335.
- (F) [2017-8660-R](#): Consider adopting a resolution authorizing the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$265,000.
- (G) [2017-8661-R](#): Consider adopting a resolution authorizing the purchase of two vehicles in the amount of \$85,485 from Randall Reed's Prestige Ford of Garland:
 - (1) One ¾-Ton Ford F250 Light Duty Extended Cab Pickup/ Bed Delete with Utility Body in the amount of \$42,600, and
 - (2) One 1-Ton Ford F350 Crew Cab and Chassis, Dual Rear Wheels with Utility Body in the amount of \$42,885.
- (H) [2017-8662-R](#): Consider adopting a resolution authorizing a construction contract with Quality W Contractors, LLC of Waco, in the amount of \$157,880 for the construction of a new trail connecting Wyndham Hill Park to the South Temple Community Park Trail.
- (I) [2017-8663-R](#): Consider adopting a resolution authorizing a construction contract with Double T Construction, Inc. of Belton, in the amount of \$57,959 for the construction of an Environmental Programs Suite within the Public Works Building.
- (J) [2017-8664-R](#): Consider adopting a resolution authorizing a contract amendment to Kasberg, Patrick, & Associates, LP, in the amount of \$40,300 for expanded scope of services at the Martin Luther King Festival Fields.
- (K) [2017-8665-R](#): Consider adopting a resolution authorizing an assignment of an Unimproved Property Contract from Kiella Land Investments, Ltd. to the City of Temple, in an estimated amount of \$120,000 for the purchase of property located within the Southern Draw subdivision in Temple.
- (L) [2017-8666-R](#): Consider adopting a resolution ratifying a change order to the Construction Manager-at-Risk contract with RM Rodriguez Construction, LP, of Temple in the amount of \$57,226.10 for repairs to the exterior walls of the Wilson Recreation Center.
- (M) [2017-8667-R](#): Consider adopting a resolution authorizing contract amendment #1 to the professional services agreement with Kasberg, Patrick and Associates, LP, in the amount not to exceed \$18,600 for construction administration and on-site representation required to construct the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project.
- (N) [2017-8668-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple in an amount not to exceed \$1,228,090.42 to design the Knob Creek Trunk Sewer Improvements.

- (O) [2017-8669-R](#): Consider adopting a resolution authorizing a services agreement with International Security Agency of McAllen through September 30, 2018, in the estimated annual amount of \$33,600 for the provision of security guard services at the Temple Public Library.
- (P) [2017-8670-R](#): Consider adopting a resolution ratifying a Retail Sales Interlocal Agreement with Texas General Land Office for the purchase of electricity at \$0.03410 per kWh for a five year term commencing for meter reads after April 30, 2019.
- (Q) [2017-8671-R](#): Consider a resolution authorizing entering into to an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming.

Ordinances – Second & Final Reading

- (R) [2017-4843](#): SECOND READING - Z-FY-17-25: Consider adopting an ordinance authorizing a rezoning for: (1) 2.497 +/- acres from AG district to GR district; (2) 67.455 +/- acres from PD-MF-1, MF-2, and AG districts to SF-3 district; and (3) 6.606 +/- acres from PD-MF-1 district to SFA-3, for a total rezoning of 76.558 +/-acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located east of South Martin Luther King Jr Drive and generally south and west of Case Road.
- (S) [2017-4844](#): SECOND READING - Z-FY-17-26: Consider adopting an ordinance authorizing a rezoning and Site Development Plan from Agricultural, Light Industrial, Single Family Three and Office Two zoning districts to Planned Development General Retail with a conditional use permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be 75% or more of the total revenue, and Planned Development Single Family Three on 185.634 acres of Outblocks 2075-A, 2050-D, 2050-A, 2068-A, 2067-A, 2074-A situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at Westfield Boulevard and State Highway 36.

Misc.

- (T) [2017-8672-R](#): Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's Special election to be held on Saturday, June 24, 2017.
- (U) [2017-8673-R](#): Consider adopting a resolution authorizing continued utilization of the JP Morgan Chase Bank N.A. commercial card program through August 31, 2019, as procured by the City of Fort Worth.
- (V) [2017-8674-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

V. REGULAR AGENDA

RESOLUTIONS

- 5. [2017-8675-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property situated in the Vincent Barrow Survey, Abstract No. 64, and one property in the J.B. Daniel Survey, Abstract No. 259 and H. Millard Survey, Abstract No. 552, Bell County, Texas, are necessary for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35 and authorizing the use of eminent domain to condemn the property.

6. [2017-8676-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that 0.517 acre in fee simple and 0.494-acre and 0.938-acre permanent easements situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas are necessary for the construction of the Shallow Ford Lift Station and Birdcreek Interceptor Phase 5 wastewater line and authorizing the use of eminent domain to condemn the property.
7. [2017-8677-R](#): Consider adopting a resolution authorizing approval of a dual street name of South 6th Street/Little Joe Drive on a section of South 6th Street between East Central Avenue and East Avenue E in the City of Temple, Bell County, Texas and more particularly shown as Exhibit A.
8. [2017-8678-R](#): Consider adopting a resolution to accept the 2017 Bend Of The River Botanic Garden Master Plan prepared by SWA of Houston.

ORDINANCES – FIRST READING/PUBLIC HEARING

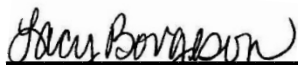
9. [2017-4845](#): FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Code of Ordinances, Chapter 37, “Traffic,” to include a general update of the Chapter and changes to the two-hour parking regulations.
10. [2017-4846](#): FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 39 of the Code of Ordinances, “Wreckers.”
11. [2017-4847](#): FIRST READING - PUBLIC HEARING - Z-FY-17-27: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 2.485 +/- acres, situated in the George W. Lindsey, Abstract No. 513, located at 40 Morgan's Point Road.
12. [2017-4848](#): FIRST READING - PUBLIC HEARING - Z-FY-17-28: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two zoning district of 46.766 acres and Neighborhood Services zoning district of 3.497 acres out of 50.263 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692 and part of that certain 157.93 acre tract, Bell County, Texas, located at 5900 South 31st Street.

BOARD APPOINTMENT

13. [2017-8679-R](#): Consider adopting a resolution appointing one councilmember to the Hill Country Transit District Board.
14. [2017-8680-R](#): Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 8:35 AM, on Friday, May 26, 2017.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

06/01/17
Item #4(A)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 18, 2017 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:

[May 18, 2017 Special and Regular Meeting](#)



COUNCIL AGENDA ITEM MEMORANDUM

06/01/17
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 156 membrane replacement modules and necessary installation parts from Pall Advanced Separations Systems of Cortland, NY, in the amount of \$262,725.60.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple water treatment plant is comprised of both Conventional & Membrane treatment facilities used to provide potable water to over 70,000 residents, including several wholesale customers. The membrane treatment train consists of over eight hundred microfiltration membrane modules for the use of delivering high quality potable water that exceeds the U.S. EPA drinking water standards. As part of the strategic replacement program schedule, staff is pursuing replacement of two racks of original modules (one hundred fifty-six) this year with new modules. The original membrane modules have surpassed their useful life expectancy of 10 years.

At the time the membrane facility was built in 2002-2004, Pall Corporation's parts and equipment were originally installed resulting in specialized equipment on site. At this time, replacement for some of these parts can only be supplied by the original vendor, Pall Corporation. Accordingly, this purchase is being recommended as a single source purchase per LGC §252.022.

FISCAL IMPACT: Funding is available for the purchase of the membrane replacement modules and necessary installation parts from Pall Advanced Separation Systems in the amount of \$262,725.60 in account 520-5100-535-6310, project # 101419, as follows:

Project Budget	\$	504,000
Encumbered/Committed to Date		(157,919)
Pall Advanced Separations Systems		(262,726)
Remaining Funds Available	\$	<u>83,355</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8656-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 156 MEMBRANE REPLACEMENT MODULES AND NECESSARY INSTALLATION PARTS IN THE AMOUNT OF \$262,725.60, FROM PALL ADVANCED SEPARATIONS SYSTEMS OF CORTLAND, NEW YORK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple's water treatment plant is comprised of both Conventional & Membrane treatment facilities used to provide potable water to over 70,000 residents, including several wholesale customers;

Whereas, the membrane treatment train consists of over eight hundred microfiltration membrane modules for the use and delivery of high quality potable water that exceeds the US EPA drinking water standards - the original membrane modules have surpassed their useful life expectancy (10 years);

Whereas, as part of the strategic replacement program schedule, Staff recommends replacement of two racks of original modules (156) this year with new modules;

Whereas, at the time the membrane facility was built in 2002-2004, Pall Corporation's parts and equipment were originally installed, resulting in specialized equipment on site – currently, replacement for some of these parts can only be supplied by the original vendor, Pall Corporation and therefore Staff recommends this purchase as a single source purchase per Local Government Code §252.022;

Whereas, funding for this purchase is available in Account No. 520-5100-535-6310, Project No. 101419; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement for the purchase of 156 spare membrane replacement modules and necessary installation parts in the amount of \$262,725.60, from Pall Advanced Systems of Cortland, New York.

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 **1st** day of **June**, 2017.

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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Item #4(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Public Works Director
Lisa Sebek, Solid Waste Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 1272 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, NC, in the amount of \$59,406.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Each year the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and for regular container replacement, for both garbage and recycling services. This container purchase will provide for routine growth and normal container replacement. The recommended purchase is for 636 recycling containers with a hot stamp recycling symbol at a cost of \$45.65 per container, and 636 garbage containers at a cost of \$45.40 per container, plus \$1,498.20 for freight to Temple. The pricing is comparable to pricing obtained in recent years, and staff believes this to be a good value.

Toter, Inc. has been awarded National IPA Contract No. 120576-01 as awarded by the City of Tucson on January 31, 2013. Contracts awarded through National IPA have been competitively procured and meet the statutory procurements requirements for Texas municipalities. Per the terms of the National IPA contract, pricing is evaluated every three months for price adjustments based on current commodity prices.

The City has done business with Toter, Inc. and finds them to be a responsible vendor.

FISCAL IMPACT: Funding has been appropriated in the FY 2017 Operating Budget in the account as shown below:

Description	Account #	Budget	Proposed Expenditure
96 Gallon Carts	110-2330-540-2211	\$59,406	\$59,406

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8657-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 1,272 PLASTIC 96-GALLON GARBAGE AND RECYCLING CONTAINERS IN THE AMOUNT OF \$59,406, FROM TOTER, INC. OF STATESVILLE, NORTH CAROLINA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, each year, the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and regular container replacement, for both garbage and recycling services - this purchase will provide for routine growth and normal container replacement;

Whereas, the recommended purchase is for 636 recycling containers with a hot stamp recycling symbol at a cost of \$45.65 per container, and the purchase of 636 garbage containers at a cost of \$45.40 per container, plus \$1,498.20 for freight - Staff believes this to be a good cost per container and recommends Council authorize this purchase;

Whereas, Toter, Inc. has been awarded National IPA Contract No. 120576-01 by the City of Tucson on January 31, 2013 - contracts awarded through National IPA have been competitively procured and meet the statutory procurements requirements for Texas municipalities;

Whereas, the City has done business with Toter, Inc. in the past and finds it to be a responsible vendor – this purchase will be made utilizing a National IPA Cooperative Purchasing contract which satisfies the competitive bid requirements;

Whereas, funding for this purchase is available in Account No. 110-2330-540-2211; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of 1,272 plastic 96-gallon garbage and recycling containers in the amount of \$59,406, from Toter, Inc., of Statesville, North Carolina, utilizing the National IPA Cooperative Contract.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **1st** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$5,500.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Appraisals have been completed for eighteen of the properties, and offers based on the appraisals have been made to most of the property owners. The City has acquired or reached an agreement to acquire eighteen of the needed easements. Negotiations continue for the remaining easements.

Staff is now seeking authorization to purchase one easement needed for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$5,500.

The address and Bell County Appraisal District ID Number of the property is Riverside Road, Bell County Rural—Bell CAD ID #33507

FISCAL IMPACT: Funding is available for the purchase of an easement necessary for the construction of the Charter Oak Water Line in an estimated amount of \$5,500 in account 520-5900-535-6110, project #100608.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8658-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$5,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners - appraisals have been completed for eighteen of the properties, and offers have been made to most of the property owners, based on the appraisals;

Whereas, the City has acquired or reached an agreement to acquire eighteen of the needed easements and negotiations continue for the remaining easements;

Whereas, Staff requests Council authorize the purchase of one easement on Riverside Road, which is needed for the construction of the Charter Oak Water Line and authorize closing costs associated with the purchase, in an estimated amount of \$5,500;

Whereas, funding is available for the purchase of one easement in Account No. 520-5900-535-6110, Project No. 101608; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of one easement on Riverside Road which is necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with the purchase, in an estimated amount of \$5,500.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **1st** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs and temporary fencing costs associated with the purchase, in the estimated amount of \$24,335.

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 design phase for Phase 5 of the proposed Bird Creek Interceptor project. The design requires the acquisition of easements for wastewater utilities and temporary construction easements from two property owners situated along Shallow Ford Road. Appraisals were performed on the properties and offers were presented to the property owners in February and March 2017. After negotiations with one property owner, Staff has reached a settlement agreement. Staff is asking for authorization to purchase of an easement necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs and temporary fencing costs associated with the purchase, in the estimated amount of \$24,335.

The address and Bell County Appraisal District ID Number of the property is 5739 Shallow Ford Road—Bell CAD ID #24775.

FISCAL IMPACT: Funding is available for the purchase of an easement necessary for the construction of the Bird Creek Interceptor project in an estimated amount of \$24,335 in account 520-5900-535-6110, project #101213.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8659-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE BIRD CREEK INTERCEPTOR PROJECT; AUTHORIZING CLOSING COSTS AND TEMPORARY FENCING COSTS IN THE ESTIMATED AMOUNT OF \$24,335; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for Phase 5 of the proposed Bird Creek Interceptor project which requires the acquisition of easements for wastewater utilities and temporary construction easements from two property owners situated along Shallow Ford Road;

Whereas, appraisals were performed on the properties and offers were presented to the owners in February and March, 2017 – after negotiations, Staff was able to reach an agreement with one property owner;

Whereas, Staff recommends Council authorize the purchase of one easement located at 5739 Shallow Ford Road which is necessary for the construction of the Bird Creek Interceptor Project, authorize closing costs and temporary fencing costs associated with the purchase in the estimated amount of \$24,335;

Whereas, funding for the purchase of this easement is appropriated in Account No. 520-5900-535-6110, Project No. 101213; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of one easement located at 5739 Shallow Ford Road, authorizes closing costs and temporary fencing costs associated with the purchase, in an amount not to exceed \$24,335, which is necessary for the construction of the Bird Creek Interceptor project.

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

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

PASSED AND APPROVED this the 1st day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$265,000.

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

The City has acquired nine rights of way and has reached agreements with four additional property owners. Two properties will require the use of eminent domain. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. At this time, Staff is asking for authorization to purchase one property, pay closing costs, and relocation benefits in an estimated amount of \$265,000.

The address and Bell County Appraisal District ID Numbers of the property is 4805 Mouser Road, Bell CAD ID #56491 and 56492.

FISCAL IMPACT: Funding is available for the purchase of 4805 Mouser Road, necessary for the expansion of Old Howard Road and Moores Mill Road, in an estimated amount of \$265,000 in account 795-9800-531-6881, project #101004.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8660-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE PROPERTY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND MOORES MILL ROAD; AUTHORIZING THE PAYMENT OF CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$265,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, appraisals have been performed on all of the parcels, and offers have been made to several of the property owners based upon those appraisals with the remaining offers to be presented in the coming weeks;

Whereas, for those properties that will require relocation, the City's consultant is preparing the necessary relocation studies;

Whereas, the City has acquired nine rights of way and has reached agreements with four additional property owners and two properties will require the use of eminent domain;

Whereas, Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year;

Whereas, Staff recommends Council authorize the purchase of 4805 Mouser Road and authorize the payment of closing costs and relocation benefits, in an estimated amount of \$265,000;

Whereas, funding for the purchase of 4805 Mouser Road is available in Account No. 795-9800-531-6881, Project No. 101004; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of 4805 Mouser Road, which is necessary for the expansion of Old Howard Road and Moores Mill Road, and authorizes the payment of closing costs and relocation benefits associated with the purchase, in an estimated amount of \$265,000.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the 1st day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two vehicles in the amount of \$85,485 from Randall Reed's Prestige Ford of Garland:

- (1) One ¾-Ton Ford F250 Light Duty Extended Cab Pickup/ Bed Delete with Utility Body in the amount of \$42,600, and
- (2) One 1-Ton Ford F350 Crew Cab and Chassis, Dual Rear Wheels with Utility Body in the amount of \$42,885.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval of this item will allow for an addition of one truck to the City vehicle fleet for Parks & Recreation, as well as the replacement of one older vehicle in the Sewer Collection Department.

Both of these vehicles were previously bid and the bids rejected by Council in April 2017. As shown on the attached bid tabulations, on May 9, 2017, two vendors submitted bids for the re-bid of these two vehicles. The low bidder for both vehicles is Randall Reed's Prestige Ford as follows:

Bid A – ¾ Ton Light Duty Extended Cab Pickup/ Bed Delete with Utility Body

Description	Qty	Account	Project #	Budget	Recommended Bid
Parks(addition to fleet)	1	110-5935-552-6213	101538	\$35,000	\$42,600

Bid B – 1 Ton Crew Cab and Chassis, Dual Rear Wheels with Utility Body

Description	Qty	Account	Project #	Budget	Recommended Bid
Public Works(replaces Asset #12588)	1	520-5400-535-6213	101561	\$40,000	\$42,885

Staff recommends award of the above bids to Randall Reed's Prestige Ford. Randall Reed's Prestige Ford took no exceptions to the bid specifications. The City has done business with Randall Reed's Prestige Ford in the past and finds them to be a responsible vendor.

FISCAL IMPACT: Funding is appropriated for the purchase of the two vehicles identified above in the FY2017 Operating Budget in the amount of \$85,485 as follows:

	Purchase Ford F250 (Addition to Fleet)	Purchase Ford F350	
	110-5935-552-6213	520-5400-535-6213	Total
	Project 101538	Project 101561	
Project Budget	\$42,600	\$42,885	\$85,485
Randall Reed's Prestige Ford	(42,600)	(42,885)	(85,485)
Remaining Project Funds	\$ -	\$ -	\$ -

ATTACHMENTS:
[Bid Tabulations](#)
[Resolution](#)

Bid "A" Tabulation

**Tabulation of Bids Received
on May 9, 2017 at 2:00 p.m.
One (1) 3/4-Ton Light Duty Extended Cab Pickup / Bed Delete with
Utility Body
Bid# 13-13-17**

		Randall Reed's Prestige Ford Garland, TX	Caldwell Country Chevrolet Caldwell, TX
Description	Qty	Unit Price	Unit Price
Total Base Bid Price	1	\$37,280.00	\$39,480.00
Back up alarm		\$105.00	\$80.00
Full length entry steps on both sides		\$270.00	\$345.00
Hydraulic Utility body lift gate		\$2,570.00	\$2,576.00
Light Bar		\$2,375.00	\$2,295.00
Base Bid Price + Aftermarket Add Alternate Options:		\$42,600.00	\$44,776.00
Delivery within 180 days?		Yes	Yes
Exceptions?		No	No
Local Preference?		No	No
Credit Check Authorization		Yes	Yes

Recommended for Council Award

Bid "B" Tabulation

**Tabulation of Bids Received
on May 9, 2017 at 2:00 p.m.
One (1) 1-Ton Crew Cab and Chassis, Dual Rear Wheels with
Utility Body
Bid# 13-13-17**

		Randall Reed's Prestige Ford Garland, TX	Caldwell Country Chevrolet Caldwell, TX
Description	Qty	Unit Price	Unit Price
Total Base Bid Price	1	\$40,240.00	\$40,580.00
Light Bar		\$2,375.00	\$2,295.00
Full length entry step on each side		\$270.00	\$345.00
Base Bid Price + Aftermarket Add Alternate Options:		\$42,885.00	\$43,220.00
Delivery within 180 days?		Yes	Yes
Exceptions?		No	No
Local Preference?		No	No
Credit Check Authorization		Yes	Yes

Recommended for Council Award

RESOLUTION NO. 2017-8661-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO VEHICLES IN THE AMOUNT OF \$84,485, FROM RANDALL REED'S PRESTIGE FORD OF GARLAND, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Public Works Sewer Department is in need of a replacement vehicle and the Parks and Recreation Department is requesting an additional truck to its fleet;

Whereas, on April 4, 2017, Staff received bids for both of these vehicles but the bids were over budget and on May 9, 2017, two vendors submitted bids for the re-bid of these two vehicles, with Randall Reed's Prestige Ford of Garland, Texas submitting the low bid in the amount of \$84,485;

Whereas, the two vehicles are as follows:

- Parks & Recreation Department - One ¾ Ton Ford F250 Light Duty Extended Cab Pickup/Bed Delete with Utility Body, in the amount of \$42,600
- Public Works Sewer Department – One 1-Ton Ford F350 Crew Cab and Chassis, Dual Rear Wheels with Utility Body, in the amount of \$42,885;

Whereas, Staff recommends Council authorize the purchase of the two vehicles listed above in the amount of \$85,485 from Randall Reed's Prestige Ford of Garland, Texas;

Whereas, funding is available for the Parks & Recreation Department vehicle in Account No. 110-5935-552-6213, Project No. 101538;

Whereas, funding is available for the Public Works Sewer Department vehicle in Account No. 520-5400-535-6213, Project No. 101561; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of two vehicles as outlined above, in the amount of \$85,485 from Randall Reed's Prestige Ford of Garland, Texas.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the 1st day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Quality W Contractors, LLC of Waco, in the amount of \$157,880 for the construction of a new trail connecting Wyndham Hill Park to the South Temple Community Park Trail.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was the addition of a trail connecting the park west of the Wyndham Hill subdivision to the South Temple Community Park. Approval of this item will allow the execution of a construction contract with Quality W Contractors, LLC for the construction of a 6' wide concrete trail, approximately 2,554 feet long, with two pedestrian bridges.

As shown in the attached Engineer's Letter of Recommendation and Bid Tabulation, on May 18, 2017, the City received nine bids for this project. The bids ranged from a \$157,880 to a high of \$293,780 with Quality W Contractors, LLC providing the low bid.

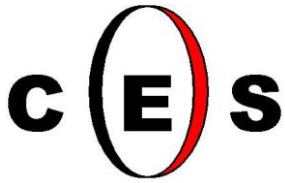
Quality W Contractors, LLC has provided quality work on previous City projects, and as such, staff is pleased to recommend them for award of this contract.

FISCAL IMPACT: This project is funded with the Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015. Funding is available for the construction contract with Quality W Contractors in the amount of \$157,880 in account 362-3500-552-6406, project 101466, as follows:

Project Budget	\$	285,200
Encumbered/Committed to Date		(23,927)
Quality W Contractors, LLC		(157,880)
Remaining Funds Available	\$	<u>103,393</u>

ATTACHMENTS:

[Engineer's Letter of Recommendation](#)
[Bid Tabulation](#)
[Resolution](#)



Comprehensive Engineering Solutions, Inc.

319 South First St., Suite A Temple, Texas 76504

Voice: (254) 742-2050 FAX: (254) 742-2055

May 22, 2017

Mr. Val Roming
City of Temple
2 North Main Street, Suite 201
Temple, Texas 76501

Re: Bids Received
Wyndham Hill Park to South Temple Community Park Trail
Bid# 35-04-17
Temple, Bell County, Texas

Dear Mr. Roming:

The City of Temple received bids on May 22, 2017 for the referenced project. Please see the attached Bid Schedule for detailed pricing. Nine companies presented bids for this project.

The Total Base Bids ranged from \$157,880.00 (Quality W Contractors, LLC) to \$293,780.00 (Patin Construction, LLC). The median bid was \$173,012.00 (Choice Builders, LLC).

After reviewing the Bid Summary, we recommend that the City of Temple award a contract to Quality W Contractors, LLC in the amount of \$157,880.00 for the Total Base Bid.

If you have any questions, please call me at 254-743-2050, ext. 101.

Thank you,

Kristine B. Andrews, P.E.
Principal Engineer
Comprehensive Engineering Solutions, Inc.
Firm Registration No. F-1071

Xc: Ms. Belinda Mattke, Director of Purchasing, City of Temple
Ms. Sarah Parker, Senior Buyer II, Purchasing, City of Temple

Tabulations of Bids Received
on May 18, 2017 @ 2:00pm
Wyndham Hill Park to South Temple Community Park Trail

	Bidders								
	Quality W Contractors, LLC Waco, Texas	Dixon Paving, Inc. Belton, Texas	Yoko Excavating, LLC Belton, Texas	Holy Contractors, LLC Hewitt, Texas	Choice Builders, LLC Temple, Texas	Wilson Construction Services, LLC Belton, Texas	TCB Construction, Inc. Austin, Texas	Monitor Construction Company, Inc. Arizona	Patin Construction, LLC Taylor, Texas
Mobilization and bonding	\$7,568.00	\$4,800.00	\$9,073.00	\$4,859.00	\$7,000.00	\$15,000.00	\$20,000.00	\$26,000.00	\$14,000.00
Site preparation and construction staking	\$9,955.00	\$4,200.00	\$18,771.00	\$8,000.00	\$9,000.00	\$12,000.00	\$17,500.00	\$28,000.00	\$75,000.00
Furnish and install 6' wide concrete sidewalk including all incidentals	\$71,512.00	\$53,634.00	\$65,127.00	\$55,115.32	\$79,174.00	\$84,282.00	\$78,765.36	\$87,091.40	\$89,390.00
Furnish and apply broadcast seeding on disturbed areas for erosion control	\$2,055.00	\$1,400.00	\$1,564.00	\$1,503.68	\$5,000.00	\$2,400.00	\$2,500.00	\$2,750.00	\$2,500.00
Furnish and install silt fence including all incidentals	\$6,900.00	\$4,600.00	\$4,600.00	\$4,094.00	\$6,900.00	\$6,900.00	\$6,900.00	\$20,700.00	\$6,900.00
Furnish and install 2" x 6" treated pine flooring for foot bridge with six crew fasteners per slat including all incidentals	\$6,084.00	\$18,252.00	\$6,743.10	\$12,168.00	\$6,084.00	\$9,126.00	\$10,281.96	\$7,858.50	\$16,224.00
Furnish and install 2" x 6" treated pine railing for foot bridge with screw fasteners including all incidentals	\$4,056.00	\$7,436.00	\$5,854.16	\$6,760.00	\$2,704.00	\$8,923.20	\$20,347.60	\$20,956.00	\$9,464.00
Furnish and install 4" x 4" treated pine posts at 50" tall for foot bridge with screw fasteners including all incidentals	\$3,108.00	\$6,660.00	\$4,872.90	\$2,960.00	\$1,480.00	\$6,171.60	\$4,848.48	\$5,760.90	\$3,996.00
Furnish and install 4" x 4" HSS weld pockets for posts including painting and all incidentals	\$4,440.00	\$2,960.00	\$7,585.00	\$2,960.00	\$1,480.00	\$4,440.00	\$6,500.16	\$6,789.50	\$3,996.00
Furnish and install 12" x 16" x ½" weld plates including anchors, painting and all incidentals	\$3,738.00	\$1,890.00	\$5,174.82	\$1,743.00	\$1,050.00	\$2,772.00	\$4,777.50	\$6,898.50	\$2,310.00
Furnish and install 8" x 6" x 1/2" HSS beams including painting and all incidentals	\$18,900.00	\$28,080.00	\$23,911.20	\$27,000.00	\$41,040.00	\$19,008.00	\$35,100.00	\$32,400.00	\$36,180.00
Furnish and install 7 1/2" x 5 1/2" treated pine pipe railing including all incidentals	\$1,296.00	\$320.00	\$100.00	\$240.00	\$320.00	\$2,400.00	\$572.00	\$336.00	\$320.00
Furnish and install concrete footings as shown in details including all incidentals	\$7,924.00	\$28,000.00	\$8,575.00	\$27,020.00	\$10,500.00	\$22,400.00	\$8,750.00	\$14,000.00	\$31,500.00
Furnish and install 8'x4' concrete bench pad including all incidentals	\$1,866.00	\$600.00	\$320.00	\$250.00	\$480.00	\$1,000.00	\$900.00	\$1,500.00	\$500.00
Complete all site grading including excavating 2 cubic yards from floodplain	\$8,478.00	\$2,400.00	\$7,533.00	\$15,327.00	\$800.00	\$2,000.00	\$9,000.00	\$3,750.00	\$1,500.00
TOTAL BASE BID	\$157,880.00	\$165,232.00	\$169,804.18	\$170,000.00	\$173,012.00	\$198,822.80	\$226,743.06	\$264,790.80	\$293,780.00

Recommended for Council Award

RESOLUTION NO. 2017-8662-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH QUALITY W CONTRACTORS, LLC OF WACO, TEXAS, IN THE AMOUNT OF \$157,880, FOR THE CONSTRUCTION OF A NEW TRAIL CONNECTING WYNDHAM HILL PARK TO THE SOUTH TEMPLE COMMUNITY PARK TRAIL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was the addition of a trail connecting the park west of the Wyndham Hill subdivision to the South Temple Community Park;

Whereas, on May 18, 2017, the City received 9 bids for this project with Quality W Contractors, LLC providing the low bid in the amount of \$157,880;

Whereas, the project includes the construction of a 6-foot wide concrete trail, approximately 2,554 feet long, with two pedestrian bridges;

Whereas, Quality W Contractors, LLC has provided quality work on previous City projects, and as such Staff recommends them for this project;

Whereas, Staff recommends Council authorize a construction contract in the amount of \$157,880, with Quality W Contractors, LLC of Waco, Texas for the construction of a new trail connecting Wyndham Hill Park to the South Temple Community Park Trail

Whereas, this project is funded with the Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015 - funding is available for the construction contract in Account No. 362-3500-552-6406, Project No. 101466;

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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Quality W Contractors, LLC of Waco, Texas in the amount of \$157,880, for the construction of a new trail connecting Wyndham Hill Park to the South Temple Community Park Trail.

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 **1st** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Nicole Torralva, P.E., Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Double T Construction, Inc. of Belton, in the amount of \$57,959 for the construction of an Environmental Programs Suite within the Public Works Building.

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

ITEM SUMMARY: Authorization of this agreement will allow for the remodeling of approximately 800 square feet of the existing training room within the Public Works Building (1/2 of the training room) into a four-office suite for the recently implemented Public Works Environmental Programs Division. The project will include the construction of four offices with a receptionist area, installation of a hallway storefront to match the other suites in the building, the addition of two windows, lowering of the ceiling with the associated mechanical system adjustments, carpeting, and painting.

As shown on the attached bid tabulation, on May 19, 2017, two bids were received for this project that was designed by MRB Group. MRB Group and staff are recommending award of the project to the low bidder, Double T Construction, Inc. of Belton in the amount of \$57,959.

Double T Construction has not performed work for the City previously. Accordingly, references were checked, which resulted in feedback indicating that Double T will be a responsible and responsive contractor.

Double T Construction will have 60 days to complete the work based on the date specified by staff in the notice to proceed.

FISCAL IMPACT: Funding is appropriated for the construction contract with Double T Construction for the remodel of the Environmental Programs Suite in the amount of \$57,959 as follows:

	<u>520-5200-535-6310</u>	<u>520-5400-535-6310</u>	<u>Total</u>
	101626	101626	
Budget	\$ 28,163	\$ 38,163	\$ 66,326
Encumbered/Committed to Date	(3,520)	(3,520)	(7,040)
Double T Construction, Inc.	(24,643)	(33,316)	(57,959)
Remaining Project Funds	\$ -	\$ 1,327	\$ 1,327

ATTACHMENTS:

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

**Tabulation of Bids Received
on May 19, 2017 at 11:00 a.m.
Environmental Programs Suite Remodel
Bid # 52-03-17**

	Bidders	
	Double T Construction, Inc. Belton, TX	Steve Jackson Construction, LLC Temple, TX
Description		
Total Bid Price	\$57,959.00	\$63,305.00
Bid Bond	Yes	Yes
Bond Requirement Affidavit	Yes	Yes
Credit Check Authorization	Yes	Yes

Recommended for Council Award

RESOLUTION NO. 2017-8663-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH DOUBLE T CONSTRUCTION, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$57,959, FOR CONSTRUCTION OF AN ENVIRONMENTAL PROGRAMS SUITE WITHIN THE PUBLIC WORKS BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the recently implemented Environmental Programs Division of Public Works requires an office within the Public Works building – an approximately 800 square foot area within the existing training room inside the Service Center has been identified for this office space;

Whereas, one-half of the training room will be remodeled into a 4-office suite and will include construction of 4 offices with a receptionist area, installation of a hallway storefront to match the other suites in the building, the addition of 2 windows, and lowering of the ceiling along with associated mechanical system adjustments, carpeting, and painting;

Whereas, on May 19, 2017, two bids were received for this project that was designed by MRB Group and Double T Construction, Inc. of Belton, Texas was the low bidder in the amount of \$57,959;

Whereas, Double T Construction has not performed work for the City in the past, so references were checked and feedback indicated Double T will be a responsible and responsive contractor;

Whereas, Staff recommends Council authorize a construction contract with Double T Construction, Inc. in the amount of \$57,959 for the construction of an Environmental Programs Suite within the Public Works building;

Whereas, funding for this contract is available in Account Nos. 520-5200-535-6310 and 520-5400-535-6310, Project No. 101626; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Double T Construction, Inc. of Belton, Texas, in the amount of \$57,959, for construction of an Environmental Programs Suite within the Public Works building.

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 **1st** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to Kasberg, Patrick, & Associates, LP, in the amount of \$40,300 for expanded scope of services at the Martin Luther King Festival Fields.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this contract amendment will allow for enhancements to the Martin Luther King Festival Fields project.

On October 4, 2017, Council authorized a contract with Kasberg, Patrick & Associates, LP (KPA) in the amount of \$35,600 for the design of the Martin Luther King Festival Fields, which consists of improvements south of Avenue B and east of 4th Street. The original contract with KPA was based upon an estimated construction budget of \$300,000. Additional parcels of land, as well as additional amenities, have been added to the project scope. This amendment allows for the following design elements for an enhanced project scope totaling a revised construction budget of \$1,250,000:

Design Surveys	\$ 8,000
Site Grading	5,200
Drainage Plan	5,500
Electrical Design	4,100
Site Plan	<u>17,500</u>
Total	<u>\$40,300</u>

Contract Amendment #1 in the amount of \$4,000 for an environmental study was previously administratively executed by the City Manager. As such, the revised value of the Professional Services Agreement with KPA for this project will be \$79,900. Per the agreement with KPA, the project should be completed by August 31, 2018.

Staff will present for ratification this Contract Amendment to the Reinvestment Zone No. 1 Board at their June 2017 meeting.

FISCAL IMPACT: Funding for the contract amendment with KPA to expand the scope of services at the Martin Luther King Festival Fields in an amount of \$40,300 is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 408, MLK Festival Fields, in account 795-9500-531-6569, project 101588, as follows:

Project Budget	\$	79,900
Encumbered/Committed to Date		(39,600)
KPA Contract Amendment		(40,300)
Remaining Funds Available	\$	-

ATTACHMENTS:

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



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

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

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

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

March 28, 2017

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

Re: City of Temple
Santa Fe Market Trail – MLK Fields Revisions

Dear Mr. Beavers:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this contract amendment proposal for the above referenced project. The current project scope for MLK Fields has a limited scope of work and shall be revised based on the direction of the TRZ Board. This contract amendment will provide for improvements east of 4th Street at the Martin Luther King Festival Fields included the expanded scope of work and the budget increase from \$300,000 to \$1,250,000.

The work to be performed by KPA under this contract amendment consists of modifying the existing plans to include improvements for the Martin Luther King Festival Fields which is located at the terminus of the current Santa Fe Market Trail Project.

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

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

The following additions to the current project will be performed:

I. Plan Additions

- A. Survey – Additional Design surveys of the site will be performed for execution of plans for bidding and constructing the project. The new surveys will concentrate on the additional properties that have been acquired by the City of Temple. Data will be collected to identify the existing trees on the site as well as develop an existing surface in AutoCAD Civil 3D.
- B. Site Grading – Utilizing the data gathered during the on-site survey, a surface will be created for the entire site by the addition of the added properties. The surface will be utilized to develop a revised existing conditions model and to design a proposed surface for the Martin Luther King Festival Fields Project. Grading sheets will be developed for site grading including cut and fill quantities for bidding.
- C. Drainage Plan – A site drainage plan will be designed to convey storm water from the site to existing drainage infrastructure inclusive of the additional properties.
- D. Historical Storyboard Signage – Design and development of a historical storyboard sign for the area. Data will be gathered with the help of City Staff and development of the story of the MLK Fields area will be told through the storyboard sign.
- E. Electrical – Electrical design will be re-designed for the revised site plan. The electrical requirements for the stages will be supplied by the City of Temple.
- F. Site Plan – The site plan will be re-designed in accordance with the revised layout plan to be developed in conjunction with the City of Temple Parks Department. This will include fencing around the Martin Luther King Festival Fields and staging areas.

MLK Festival Fields

Design Surveys		\$8,000.00
Site Grading		\$5,200.00
Drainage Plan		\$5,500.00
Electrical Design		\$4,100.00
Site Plan		\$17,500.00
Total		\$40,300.00

Mr. Kevin Beavers, CPRP
March 28, 2017
Page 3

The additions to the Santa Fe Market Trail Project can be completed for the lump sum price of \$40,300. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

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

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple
Santa Fe Market Trail
MLK Fields Revisions

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

RESOLUTION NO. 2017-8664-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$40,300, FOR EXPANDED SCOPE OF SERVICES AT THE MARTIN LUTHER KING FESTIVAL FIELDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 4, 2016, Council authorized a Professional Services Agreement with Kasberg, Patrick & Associates, LP of Temple, Texas in the amount of \$35,600 for the design of the Martin Luther King Festival Fields, which consists of improvements south of Avenue B and east of 4th Street;

Whereas, the original contract was based upon an estimated construction budget of \$300,000 - additional parcels of land and amenities have been added to the project scope;

Whereas, this amendment allows for an enhanced project scope and site plan which includes design surveys, site grading, drainage plan, and electrical design;

Whereas, Staff recommends Council authorize Contract Amendment No. 2 to the professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$40,300, for expanded scope of services at the Martin Luther King Festival Fields;

Whereas, funding for this contract amendment is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 408, MLK Festival Fields, Account No. 795-9500-531-6569, Project No. 101588; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute Contract Amendment No. 2 to the professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas in the amount of \$40,300, for expanded scope of services at the Martin Luther King Festival Fields.

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 **1st** day of **June**, 2017.

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

06/01/17
Item #4(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

Kevin Beaver, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing an assignment of an Unimproved Property Contract from Kiella Land Investments, Ltd. to the City of Temple, in an estimated amount of \$120,000 for the purchase of property located within the Southern Draw subdivision in Temple.

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: Land acquisition and development of a Southwest Community Park was identified in the 2014 Parks, Recreation and Open Space Master Plan. This was also included in the 2015 Parks bond package. Recently, Staff, along with the help of community leaders, were able to identify an approximately 74.34 acre parcel of land in the targeted area for the Southwest Community Park. Kiella Land Investments, Ltd. (“Kiella”) had the property under contract and was willing to assign that contract to the City, under the same terms. In April, Council authorized an assignment of the Commercial Contract from Kiella and Staff is working toward closing on the purchase of that property.

An additional tract of land has been identified in the same area of the City. LRAS, LLC owns an approximately 10 acre tract located to the west of the existing Southern Draw subdivision. The tract abuts property already owned by the City and acquisition of this tract would provide additional connectivity to the planned Southwest Community Park.

The property is currently under contract with Kiella. The City is interested in accepting an assignment of the “Unimproved Property Contract” from Kiella to purchase the property. Kiella has negotiated a purchase price of \$115,000 for the property which Staff believes is reasonable. Kiella is willing to assign the contract to the City under the same terms.

At this time, Staff is asking for authorization for the assignment of the Unimproved Property Contract for the approximately 10 acre tract and authorization of closing costs associated with the purchase in a total estimated amount of \$120,000. The property description is provided below:

Lots Thirty-four through Forty-two, Block One, Lots Fourteen through Twenty-six, Block Five, Lots One through Six, Block Six, and Lots One through Eleven, Block Seven, SOUTHERN DRAW, a subdivision in the City of Temple, Bell County, Texas, according to the map or plat of record in Cabinet D, Slide 115-A, Plat Records of Bell County, Texas.

FISCAL IMPACT: Funding is available for the purchase of the properties listed in the Unimproved Property Contract, which will provide connectivity to the planned Southwest Community Park, in an estimated amount of \$120,000 in account 362-3500-552-6415, project #101324.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8665-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF AN ASSIGNMENT OF UNIMPROVED PROPERTY CONTRACT FROM KIELLA LAND INVESTMENTS, LTD. TO THE CITY OF TEMPLE IN AN ESTIMATED AMOUNT OF \$120,000, FOR THE PURCHASE OF PROPERTY LOCATED WITHIN THE SOUTHERN DRAW SUBDIVISION IN TEMPLE, TEXAS; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, land acquisition and development of a Southwest Community Park was identified in the 2014 Parks, Recreation and Open Space Master Plan and was included in the 2015 Parks bond package;

Whereas, Staff, along with the help of community leaders, were able to identify a parcel of land in the targeted area for the Southwest Community Park which is approximately 74.34 acres - Kiella Land Investments, Ltd. (“Kiella”) had the property under contract and was willing to assign the contract to the City, under the same terms;

Whereas, in April, 2017, Council authorized an assignment of the Commercial Contract from Kiella and Staff is working toward closing on the purchase of that property;

Whereas, an additional approximately 10 acre tract of land located to the west of the existing Southern Draw subdivision and owned by LRAS, LLC, has been identified in the same area of the City;

Whereas, the property is currently under contract with Kiella, abuts property already owned by the City and acquisition of this tract would provide additional connectivity to the planned Southwest Community Park;

Whereas, the City is interested in accepting an assignment of the “Unimproved Property Contract” from Kiella to purchase the property and Kiella has negotiated a purchase price of \$115,000 for the property which Staff believes is reasonable and Kiella is willing to assign the contract to the City under the same terms;

Whereas, Staff recommends Council authorize an assignment of an Unimproved Property Contract from Kiella Land Investments, Ltd. to the City of Temple in the estimated amount of \$120,000, for the purchase of property located within the Southern Draw subdivision in Temple, Texas and any closing costs that may be associated with the purchase;

Whereas, the legal description of the property is:

Lots Thirty-four (34) through Forty-two (42), Block One (1), Lots Fourteen (14) through Twenty-six (26), Block Five (5), Lots One (1) through Six (6), Block Six (6), and Lots One (1) through Eleven (11), Block Seven (7), SOUTHERN DRAW, a subdivision in the City of Temple, Bell County, Texas, according to the map or plat of record in Cabinet D, Slide 115-A, Plat Records of Bell County, Texas;

Whereas, funding is available for the purchase of the property listed in the Unimproved Property Contract with Kiella Land Investments, Ltd. in Account No. 362-3500-552-6415, Project No. 101324; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute an assignment of an Unimproved Property Contract with Kiella Land Investments, Ltd. to the City of Temple in an estimated amount of \$120,000, for the purchase of property located within the Southern Draw subdivision in Temple, Texas.

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 1st day of **June**, 2017.

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

06/01/17
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution ratifying a change order to the Construction Manager-at-Risk contract with RM Rodriguez Construction, LP, of Temple in the amount of \$57,226.10 for repairs to the exterior walls of the Wilson Recreation Center.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Ratification of the change order to the construction contract with RM Rodriguez Construction, LP will allow for the water infiltration repairs to the Wilson Recreation Center wall system that originated in the original construction of the facility in 1997.

Several windows were added to the Wilson Recreation Center during the recently completed Parks Bond project. With the addition of windows, it was recently determined that the original exterior masonry walls behind the metal fascia were not constructed to specifications, whereby heavy rains used to overflow into the masonry wall system and flow out through the weep system; now with the newly added windows, the rain water that used to flow through the wall system gets dammed up at the windows and penetrates into the building.

In order to resolve the water infiltration issue, staff has proceeded with a Change Order to RM Rodriguez's Construction Manager at Risk (CMAR) contract to add metal panels to make up for several layers of brick that were left off of the original construction in 1997. In summary, the work will consist of the following: remove the existing standing seam metal fascia panels; install flashing on the masonry walls; install wood framing, sheathing, waterproofing, and metal skin to close the gap; then install new standing fascia seam panels.

RM Rodriguez Construction, LP was originally awarded the CMAR contract in the amount of \$1,144,974.76 on August 4, 2016. Staff is recommending that RM Rodriguez complete the work since they recently installed a new roof on the facility, and having another contractor do this work runs the risk of voiding the recently received roof warranty due to the new metal panels abutting the roof. In addition, RM Rodriguez is intimately familiar with the site and the building conditions, which will provide a seamless transition from the original work to this new work.

RM Rodriguez Construction had availability to start the work on May 18th and staff concluded that it was important to mitigate additional water infiltration events. Accordingly, on May 16th, staff administratively authorized RM Rodriguez to proceed with the work, and staff is now asking Council to ratify this Change Order.

FISCAL IMPACT: This project is funded with the Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015. Funding for change order #7 with RM Rodriguez Construction, for repairs to the exterior walls of the Wilson Recreation Center, in the amount of \$57,226.10 is available in account 362-3500-552-6419, project 101328, as follows:

Project Budget	\$	1,258,998
Encumbered/Committed to Date		(1,196,771)
RM Rodriguez Construction - CO#7		(57,226)
Remaining Project Funds	\$	5,001

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8666-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CHANGE ORDER TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT WITH RM RODRIGUEZ CONSTRUCTION, LP OF TEMPLE, TEXAS IN THE AMOUNT OF \$57,226.10, FOR REPAIRS TO THE EXTERIOR WALLS OF THE WILSON RECREATION CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff recommends Council ratify a change order to the construction contract with RM Rodriguez Construction, LP which will allow for water infiltration repairs to the Wilson Recreation Center wall system that originated in the original construction of the facility in 1997;

Whereas, several windows were added to the Wilson Recreation Center during the recently completed Parks Bond project and it was recently determined that the original exterior masonry walls behind the metal fascia were not constructed to specifications, whereby heavy rains would overflow into the masonry wall system and flow out through the weep system - the rain water that used to flow through the wall system gets dammed up at the newly added windows and penetrates into the building;

Whereas, in order to resolve the water infiltration issue, Staff has proceeded with a change order to RM Rodriguez's Construction Manager at Risk (CMAR) contract to add metal panels to make up for several layers of brick that were left off of the original construction in 1997;

Whereas, the work will consist of the removal of the existing standing seam metal fascia panels, the installation of flashing on the masonry walls, the installation of wood framing, sheathing, waterproofing, and metal skin to close the gap and then the installation of new standing fascia seam panels;

Whereas, on August 4, 2016, Council awarded a CMAR contract to RM Rodriguez Construction, LP in the amount of \$1,144,974.76 and Staff is recommending that RM Rodriguez complete the work since they recently installed a new roof on the facility, and having another contractor do this work runs the risk of voiding the recently received roof warranty due to the new metal panels abutting the roof;

Whereas, RM Rodriguez is intimately familiar with the site and the building conditions, which will provide a seamless transition from the original work to this new work;

Whereas, this project is funded with the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015 – funding for this change order is available 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a change order to the Construction Manager-at-Risk contract with RM Rodriguez Construction, LP of Temple, Texas in the amount of \$57,226.10, for repairs to the exterior walls of the Wilson Recreation Center.

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 1st day of **June**, 2017.

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

06/01/17
Item #4(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing contract amendment #1 to the professional services agreement with Kasberg, Patrick and Associates, LP, in the amount not to exceed \$18,600 for construction administration and on-site representation required to construct the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The existing MWTF was placed into initial operation in 2004. The RF system consists of a 10-inch PVC suction piping, two 40-HP pumps, and a 10-inch PVC discharge header that includes 8-inch connections to each of the 11 membrane racks. The 10-inch PVC discharge header is Schedule-80 solvent-weld piping that has experienced breaks in the tees due to age, stress, and water hammer. This project will replace the existing discharge header with HDPE pipe and fittings which will better withstand high pressures and water hammer.

On January 19, 2017, the City executed a professional services contract with KPA in the amount of \$20,400 for final design and bidding of the MWTF RF Header Replacement Project.

On May 4, 2017, the City Council authorized a contract with Prime Spec Construction, LLC, of Liberty Hill for \$229,400 to construct the project.

To accomplish proper construction oversight, consultant services recommended under this contract amendment include the following tasks and costs:

Basic Services

A. Construction Administration	\$ 15,400
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Special Services

A. On-Site Representation	\$ <u>3,200</u>
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Total	\$ 18,600
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Please refer to the attached proposal and project map for further details. Construction is anticipated to begin in June 2017. Construction time allotted for this project is 90 calendar days.

FISCAL IMPACT: Funding for the contract amendment with KPA in the amount of \$18,600 is appropriated in account 561-5100-535-6959, project 101616, as follows:

Project Budget	\$	268,583
Encumbered/Committed to Date		(249,983)
KPA Agreement		(18,600)
Remaining Funds Available	\$	-

ATTACHMENTS:

[Engineer's Proposal](#)
[Project Map](#)
[Contract Amendment](#)
[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. ATRAE SUTTON, III, P.E., CFM
JOHN A. SIMCIK, P.E., CFM

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

April 28, 2017

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

Re: City of Temple, Texas
Membrane RF Header Replacement

Dear Mr. Billeck:

This letter is in response to your request for a proposal to amend the current contract for the Membrane RF Header Replacement to add construction phase services. Bids were received on April 20, 2017 with PrimeSpec Construction, LLC of Liberty Hill, Texas as the recommended low bidder. We will provide construction administration services and daily on-site representation under this amendment.

The following not-to-exceed lump sum amounts will be applicable as part of this Contract Amendment No. 1:

Basic Services

A. Construction Administration \$ 15,400.00

Special Services

A. On-Site Representation 3,200.00

Total \$ 18,600.00

Exhibit B provides a more detailed breakdown and description of the tasks included in our Scope of Services. These services are based on a 1 month construction period. The KPA portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction.

Sincerely,

Thomas D. Valle, P.E.
TDV/

xc: 2017-104

EXHIBIT AA

Scope of Services Membrane RF Header Replacement

I. Basic Services

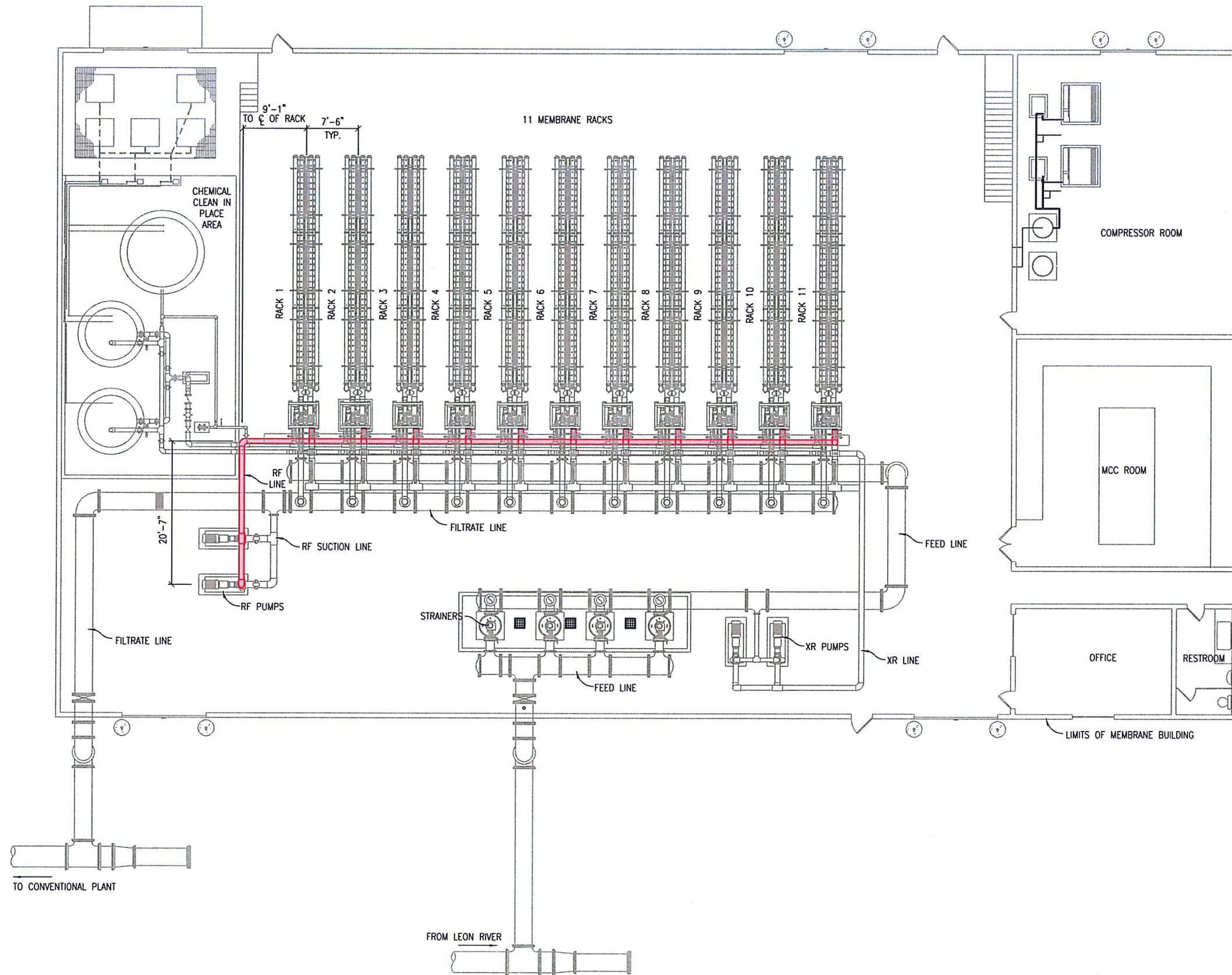
A. Contract Administration

1. Conduct pre-construction conference;
2. Prepare Partial Payment forms and review partial payment requests;
3. Make periodic project visits during construction;
4. Communicate with City Project Manager weekly regarding project status and schedule;
5. Conduct construction progress meetings;
6. Coordinate contractor schedule with Water Plant Staff;
7. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
8. Review submittals;
9. Check final pay quantities and pay requests;
10. Prepare Record Drawings.

II. Special Services

A. On-Site Representation

1. Respond to Contractor's requests for information (RFI);
2. Prepare daily reports, including weather conditions, and deliver to Project Manager weekly;
3. These services are based on a 1 month construction period.

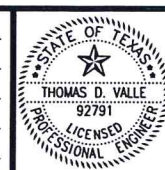


- NOTES:
- THE SCOPE OF THIS PROJECT IS AS FOLLOWS.
- REMOVE EXISTING PVC RF DISCHARGE AND HEADER PIPING FROM FLEXIBLE COUPLING AT RF PUMPS TO FLEXIBLE COUPLINGS AT EACH OF THE 11 MEMBRANE RACKS.
 - INSTALL NEW 10" PE 4710 DR PIPING AND FITTINGS TO REPLACE EXISTING PVC PIPING.
 - REMOVE AND REPLACE EXISTING CHECK VALVES AT RF PUMP DISCHARGE. CHECK VALVES SHALL BE DUAL DISC WAFER CHECKS AS MANUFACTURED BY VAL-MATIC.
 - PREPARE AND FOLLOW AN INSTALLATION PLAN THAT ALLOWS FOR TEN (10) HOURS OF DOWNTIME FOR INSTALLATION PER DAY. CONTRACTOR SHALL PROVIDE TEMPORARY CONNECTIONS BETWEEN NEW AND EXISTING PIPING AT THE END OF EACH DAY TO ALLOW OPERATION OVERNIGHT.
 - UTILIZE EXISTING PIPE SUPPORTS AND PROVIDE U-BOLT ASSEMBLIES W/NEOPRENE CUSHIONING TO SECURE NEW PIPING TO SUPPORTS IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.
 - PROVIDE THE SERVICES OF AN ELECTRICAL OR VARIABLE FREQUENCY DRIVE REPRESENTATIVE TO ADJUST THE EXISTING RF PUMP VFDs TO LESSEN THE WATER HAMMER AS THE PUMPS TURN OFF.
 - EXISTING FLOW METERS, VALVES AND OTHER APPURTENANCES WILL REMAIN. THE LOCATION OF THESE ITEMS CAN MOVE SLIGHTLY, AS LONG AS THE EXISTING ELECTRICAL AND/OR CONTROL WIRES ALLOW.
 - ALL FLANGE BOLTS (EVEN FOR ITEMS TO REMAIN) SHALL BE PROVIDED NEW. ADDITIONALLY, ALL THREADS AND NUTS SHALL BE REPLACED AT THE FLEXIBLE COUPLINGS WITH NEW 304SS ALL THREADS, RESTRAINTS AND NUTS.

P:\Temple\2017\Membrane RF Header\DETAIL SHEETS.dwg - SHEET 1

NO.	DATE	REVISION	BY

PROJECT NO. **2017-104**
 DRAWN BY **BVB**
 DESIGNED BY **Thomas D. Valle, P.E.**
 APPROVED BY *Thomas D. Valle*
 DATE **March 22, 2017**



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

CITY OF TEMPLE, TEXAS
MEMBRANE REVERSE FILTRATION
HEADER REPLACEMENT
PLAN VIEW
MEMBRANE PLANT

SHEET NO. **01**
 OF **03**

CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Task 6 – WTP Membrane Reverse Filtration Header Replacement

OWNER: City of Temple

ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP

AMENDMENT #: 1

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

Professional services related to the Construction phase of the Membrane Reverse Filtration Header Replacement, consisting of:

Basic Services

Construction Administration Services	\$ 15,400.00
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Special Services

On-Site Representation	\$ 3,200.00
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TOTAL	\$ 18,600.00
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The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Contract Amendment.

Original Contract Amount:	\$ 20,400.00
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Previous Net Change in Contract Amount:	\$ 0.00
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Amount This Amendment:	\$ 18,600.00
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Revised Contract Amount:	\$ 39,000.00
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Original Contract Completion Date:	February 28, 2017
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Revised Contract Completion Date:	September 30, 2017
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Recommended by:

Project Manager Date

Approved by City of Temple:

Brynn Myer, Interim City Manager Date

Approved by Finance Department:

Date

Agreed to:

 5-5-17

Architect or Engineer Date

Approved as to form:

City Attorney's Office Date

RESOLUTION NO. 2017-8667-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$18,600, FOR CONSTRUCTION ADMINISTRATION AND ON-SITE REPRESENTATION REQUIRED TO CONSTRUCT THE MEMBRANE WATER TREATMENT FACILITY REVERSE FILTRATION HEADER REPLACEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the existing membrane water treatment facility (“MWTF”) was placed into initial operation in 2004 and the reverse filtration (“RF”) system consists of 10-inch PVC suction piping, two 40-HP pumps, and a 10-inch PVC discharge header that includes 8-inch connections to each of the 11 membrane racks;

Whereas, the 10-inch PVC discharge header is Schedule-80 solvent-weld piping which has experienced breaks in the tees due to age, stress, and water hammer - this project will replace the existing discharge header with HDPE pipe and fittings which will better withstand high pressures and water hammer;

Whereas, on January 19, 2017, the City executed a professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$20,400, for final design and bidding of the MWTF RF Header Replacement Project;

Whereas, on May 4, 2017, Council authorized a construction contract with Prime Spec Construction, LLC, of Liberty Hill in the amount of \$229,400, to construct the project, however, to accomplish proper construction oversight, a contract amendment is necessary to amend certain tasks and costs;

Whereas, Staff recommends Council authorize Contract Amendment No. 1 to the professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$18,600, for construction administration and on-site representation required to construct the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project;

Whereas, funding for this contract amendment is available in Account No. 561-5100-535-6959, Project No. 101616; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute Contract Amendment No. 1 to the professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$18,600, for construction administration and on-site representation required to construct the Membrane Water Treatment Facility Reverse Filtration Header Replacement Project.

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 **1st** day of **June**, 2017.

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

06/01/17
Item #4(N)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple in an amount not to exceed \$1,228,090.42 to design the Knob Creek Trunk Sewer Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: On April 7, 2016, Council approved the Knob Creek Basin study to assess the condition of an aged primary wastewater interceptor line serving some of the oldest parts of the City. This study was necessitated by failing infrastructure, and a recognition of the need to ensure continued serviceability to both established and future developing areas of Temple. Study results concluded that the trunk sewer has significant aging, failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in five phases with Phase I being the most critical to rehabilitate. See the Project Map for an illustration.

This contract with Clark & Fuller is for 30% design of Phases I, II, III, IV and V and 100% design, bidding, and construction phase services for Phase I. Please see the attached proposal from Clark & Fuller for more detailed information. Staff recommends authorizing the following scope of services and costs under this contract:

Phase I (30% design):

Surveying Services	\$ 43,000.00
Civil Engineering Design	<u>\$ 182,245.22</u>
Total	\$ 225,245.22

Phase II (30% design):

Surveying Services	\$ 54,750.00
Civil Engineering Design	<u>\$ 105,958.48</u>
Total	\$ 160,708.48

Phase III (30% design):

Surveying Services	\$ 30,000.00
Civil Engineering Design	<u>\$ 91,600.05</u>
Total	<u>\$ 121,600.05</u>

Phase IV (30% design):

Surveying Services	\$ 27,250.00
Civil Engineering Design	<u>\$ 147,211.52</u>
Total	<u>\$ 174,461.52</u>

Phase V (30% design):

Surveying Services	\$ 18,000.00
Civil Engineering Design	<u>\$ 54,481.35</u>
Total	<u>\$ 72,481.35</u>

Phase I, II, III, IV, and V 30% Design Total \$ 754,496.62

Upon completion of 30% design for the full project, 100% design and bidding for Phase I is recommended, with fees broken out as follows:

Phase I (100% design):

Surveying Services	\$ 16,093.00
Civil Engineering Design	\$ 446,500.80
Bidding Project Phase	\$ 5,500.00
Temporary Construction Easements & Exhibits	<u>\$ 5,500.00</u>

Phase I 100% Design & Bidding Total \$ 473,593.80

Total costs recommended under this contract are \$1,228,090.42. Time required for design of the project is 475 calendar days. For Phase I, the Engineer's Opinion of Probable Cost (OPC) is \$6,074,840.75 and estimated construction time is 420 calendar days. The Engineer's OPC for total construction cost for all phases is \$19,383,220.45. Funding for Phase I construction is currently programmed in FY 2019. Funding for Phases II through V construction are included in future capital programming.

FISCAL IMPACT: A budget adjustment is being submitted to Council to appropriate funding from water and wastewater retained earnings. Funding will be available in account 520-5900-535-6631, project #100629, for the professional services agreement with Clark & Fuller for engineering services required to complete 30% design on the Knob Creek Trunk Sewer Improvements Phases I, II, III, IV and V, as well as 100% design of Phase I, in the amount of \$1,228,090.42.

ATTACHMENTS:

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

March 1, 2017

City of Temple
Director of Public Works
Nicole Torralva, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501



Re: Revised Professional Services Proposal for the 2017 City of Temple Knob Creek Trunk Sewer Improvements Phase I, II, III, IV, and V 30% Design Services and Phase I 100% Design and Construction Services

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the 2017 City of Temple Knob Creek Trunk Sewer Improvements Phase I, II, III, IV, and V 30% Design Services and Phase I 100% Design and Construction Services. (Please refer to attached maps and documents for further information).

The 30% and 100% Phase I projects will consist of designing approximately 14,324 linear feet of new PVC Trunk Sewer to be constructed to replace the undersized, aging, and failing Trunk Sewer. In addition, as part of this project, 30% Design Services of the Phase II, III, IV, and V Knob Creek Trunk Sewer will be included to determine final vertical and horizontal alignments of approximately 31,980 linear feet of new PVC Trunk Sewer and 2,900 linear feet of new Siphon Line Replacement.

Clark & Fuller, PLLC will complete design topography surveys, and 30% Phase I, II, III, IV, & V trunk sewer designs. In addition, Clark & Fuller, PLLC will complete 100% Phase I construction document preparation, provide construction administration, daily on-site project representation and inspection services, and post construction record drawings.

The proposed timeline for the project design phase is 475 calendar days from the authorization of notice to proceed. Furthermore we estimate the contractor's time to construct Phase I to be 420 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering and Surveying Services, for the Phase I, II, III, IV, and V 30% Design Services, for a Lump Sum Amount not to exceed \$754,496.62. In addition, Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Inspection, and Surveying Services, for the Phase I 100% Design project, for a Lump Sum Amount not to exceed \$596,028.80. The total contract amount shall be provided for a Lump Sum Amount not to exceed \$1,350,525.42.

We estimate the total cost of the phase I construction to be \$6,074,840.75 and we estimate the total cost of construction including professional services and contingencies to be \$6,896,114.77. In addition, we estimate the total cost of Phase I, II, III, IV, and V Construction to be \$19,383,220.45. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

Monty L. Clark, P.E., CPESC



EXHIBIT "A"**Professional Services Proposal for 2017 City of Temple
Knob Creek Trunk Sewer Improvements
Phase I, II, III, and IV - 30% Design Services
Phase I - 100% Design and Construction Services****Phase I - 30% Design Scope of Professional Services**

Surveying Services:	\$ 43,000.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 182,245.22
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Provide Miscellaneous Maps and Exhibit Drawings (If required)• Update SWMM Model to incorporate new design elevations and pipe diameters	

Phase II - 30% Design Scope of Professional Services

Surveying Services:	\$ 54,750.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 105,958.48
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Attendance at Property Owner/Neighborhood Meetings (If required)• Provide Miscellaneous Maps and Exhibit Drawings (If required)	

Phase III - 30% Design Scope of Professional Services

Surveying Services:	\$ 30,000.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 91,600.05
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Attendance at Property Owner/Neighborhood Meetings (If required)• Provide Miscellaneous Maps and Exhibit Drawings (If required)	

Phase IV - 30% Design Scope of Professional Services

Surveying Services:	\$ 27,250.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 147,211.52
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Attendance at Property Owner/Neighborhood Meetings (If required)• Provide Miscellaneous Maps and Exhibit Drawings (If required)	

Phase V - 30% Design Scope of Professional Services

Surveying Services:

\$ 18,000.00

- Provide Project Elevation Benchmark
- Locate Existing Rights of Ways and Property Boundaries
- Prepare Design Topography Surveys

30% Civil Engineering Design Phase:

\$ 54,481.35

- Research Existing Utilities
- Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments
- Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction
- Attend and Facilitate Project Coordination with the City Staff
- Attendance at Property Owner/Neighborhood Meetings (If required)
- Provide Miscellaneous Maps and Exhibit Drawings (If required)

Phase I - 100% Design Scope of Professional Services

100% Civil Engineering Design Phase:	\$ 446,500.80
<ul style="list-style-type: none"> • Research Existing Utilities • Prepare 100% Design Construction Documents • Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction • Attend and Facilitate Project Coordination with the City Staff • Provide Miscellaneous Maps and Exhibit Drawings (If required) • Preliminary Waters of the U.S. (WOUS) Determination/Delineation • US Army Corps of Engineers (USACE) Consultation and Authorization (Permitting) • Preparation of TxDOT Utility Permit and Coordination • Preparation of City of Temple Floodplain Permit • Preparation of Railroad Permit • Geotechnical Exploration Services 	
100% Surveying Services:	\$ 16,093.00
<ul style="list-style-type: none"> • Provide Construction Staking 	
Project Bidding Phase:	\$ 5,500.00
<ul style="list-style-type: none"> • Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department • Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department • Attend and Facilitate a Pre-Bid Meeting • Respond to Contractors Request For Information • Prepare and Issue Necessary Addenda • Attendance at Bid Opening • Review Contractor Bids for conformance to Engineers Plans • Provide Bid Tabulation and Sealed Letter of Recommendation to Award Project • Provide Engineers Sealed Opinion of Probable Cost and Number of Days to Construct • Attendance at City of Temple Council Meeting for Construction Project Award • Attendance at Property Owner/Neighborhood Meetings (If required) 	
Construction Phase:	\$ 60,720.00
<ul style="list-style-type: none"> • Attend and facilitate a Pre-Construction Meeting • Review all Contractor Submittals • Provide Construction Administration and Project "Site" Visits to assist contractor with field construction questions • Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI's) • Review Contractor Applications for Payment and insure conformance with percentage of construction complete • Execute Necessary Change Orders • Monthly Contractor Review <ul style="list-style-type: none"> ◦ Quality and Timeliness of Work ◦ Cooperation with Project Team and General Public • Attend Final Project Inspection • Project Acceptance Letter • Provide Final Inspection Punch List • Prepare Record Drawings (Tolerance: 1' Horizontal and 0.25" vertical for critical elevations) 	
Daily Onsite Construction Project Representation and Inspection Services	\$ 61,715.00
Preparation of Temporary Construction Easements, Exhibit Drawings, and Field Notes	\$ 5,500.00
(We anticipate 5 Construction Easements at \$1,100.00 per Easement)	

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 120.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%



PRELIMINARY OPINION OF PROBABLE COST
Knob Creek Wastewater Replacement Project

Date: 3-1-2017

Phase I - Trunk Sewer Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Clearing	STA.	\$ 1,750.00	145	\$ 253,750.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 275,000.00	100%	\$ 275,000.00
3. Traffic Control Plan & Implementation	L.S.	\$ 45,000.00	100%	\$ 45,000.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 32,500.00	100%	\$ 32,500.00
5. Bypass Pumping	L.S.	\$ 425,000.00	100%	\$ 425,000.00
6. Sawcut, Remove, and Replace HMA Pavement	S.Y.	\$ 45.00	5500	\$ 247,500.00
7. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 35,000.00	100%	\$ 35,000.00
8. Sawcut, Remove, and Replace Reinforced Concrete	S.Y.	\$ 65.00	40	\$ 2,600.00
9. Sawcut, Remove, and Replace Existing Curb and Gutter	L.F.	\$ 28.00	350	\$ 9,800.00
10. Demolish and Remove Existing Gravel Pavement	S.Y.	\$ 24.00	340	\$ 8,160.00
11. Remove and Replace Existing Fencing	L.F.	\$ 32.00	90.00	\$ 2,880.00
12. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,500.00	49	\$ 73,500.00
13. Furnish and Install New 4' Precast Manhole under 12' depth	EA.	\$ 3,850.00	9	\$ 34,650.00
14. Furnish and Install New 4' Precast Manhole over 12' depth	EA.	\$ 5,400.00	3	\$ 16,200.00
15. Furnish and Install New 5' Precast Manhole under 12' depth	EA.	\$ 4,800.00	4	\$ 19,200.00
16. Furnish and Install New 5' Precast Manhole over 12' depth	EA.	\$ 6,500.00	4	\$ 26,000.00
17. Furnish and Install New 5' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,250.00	3	\$ 15,750.00
18. Furnish and Install New 6' Precast Manhole under 12' depth	EA.	\$ 8,250.00	20	\$ 165,000.00
19. Furnish and Install New 6' Precast Manhole over 12' depth	EA.	\$ 12,000.00	1	\$ 12,000.00
20. Furnish and Install New Internal Drop Connection	EA.	\$ 1,800.00	10	\$ 18,000.00
21. Furnish and Install New Connection to Existing Sanitary Sewer Main	EA.	\$ 2,950.00	28	\$ 82,600.00
22. Furnish and Install New 24" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 150.00	3069	\$ 460,350.00
23. Furnish and Install New 24" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 250.00	1125	\$ 281,250.00
24. Furnish and Install New 30" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 160.00	1284	\$ 205,440.00
25. Furnish and Install New 30" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 285.00	1546	\$ 440,610.00
26. Furnish and Install New 36" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 295.00	2427	\$ 715,965.00
27. Furnish and Install New 36" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 350.00	686	\$ 240,100.00
28. Furnish and Install New 42" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 310.00	4187	\$ 1,297,970.00
29. Testing per COT & TCEQ Requirements	L.S.	\$ 45,000.00	100%	\$ 45,000.00
30. Trench Safety Plan and Implementation	L.S.	\$ 35,807.50	100%	\$ 35,807.50

SUBTOTAL: \$ 5,522,582.50

10% CONSTRUCTION CONTINGENCY: \$ 552,258.25
TOTAL CONSTRUCTION: \$ 6,074,840.75

PHASE I - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 43,000.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 182,245.22

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 225,245.22

PHASE I - 100% DESIGN AND PROFESSIONAL SERVICES

100% CONSTRUCTION SURVEYING SERVICES: \$ 16,093.00
PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (5 @ \$1,100.00 EA. AS REQUIRED): \$ 5,500.00
100% CIVIL ENGINEERING DESIGN AND PERMITTING PHASE: \$ 446,500.80
PROJECT BIDDING PHASE: \$ 5,500.00
ATTENDANCE AND PREPARATION OF AS BUILTS: \$ 60,720.00
DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 61,715.00

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 596,028.80

TOTAL CONSTRUCTION WITH PS&E: \$ 6,896,114.77

Not Included within this OPC:

* Easement Procurement





PRELIMINARY OPINION OF PROBABLE COST
Knob Creek Wastewater Replacement Project

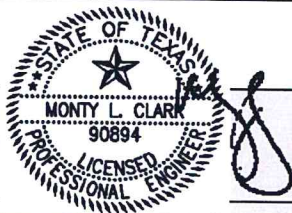
Date: 3-1-2017

Phase II - Trunk Sewer Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Cleaning	STA.	\$ 1,750.00	118	\$ 206,500.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 155,000.00	100%	\$ 155,000.00
3. Traffic Control Plan & Implementation	L.S.	\$ 27,500.00	100%	\$ 27,500.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 22,850.00	100%	\$ 22,850.00
5. Bypass Pumping	L.S.	\$ 175,000.00	100%	\$ 175,000.00
6. Sawcut, Remove, and Replace HMA Pavement	S.Y.	\$ 45.00	3040	\$ 136,800.00
7. Sawcut, Remove, and Replace Concrete Pavement	S.Y.	\$ 65.00	47	\$ 3,055.00
8. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 19,500.00	100%	\$ 19,500.00
9. Demolish and Remove Existing Gravel Pavement	S.Y.	\$ 24.00	267	\$ 6,408.00
10. Remove and Replace Existing Fencing	L.F.	\$ 32.00	50	\$ 1,600.00
11. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,500.00	42	\$ 63,000.00
12. Furnish and Install New 4' Precast Manhole under 12' depth	EA.	\$ 3,850.00	23	\$ 88,550.00
13. Furnish and Install New 4' Precast Manhole over 12' depth	EA.	\$ 5,400.00	9	\$ 48,600.00
14. Furnish and Install New 4' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,400.00	4	\$ 21,600.00
15. Furnish and Install New Connection to Existing Sanitary Sewer Main	EA.	\$ 2,950.00	34	\$ 100,300.00
16. Furnish and Install New Internal Drop Connection	EA.	\$ 1,800.00	7	\$ 12,600.00
17. Furnish and Install New 10" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 110.00	1641	\$ 180,510.00
18. Furnish and Install New 10" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 185.00	3374	\$ 624,190.00
19. Furnish and Install New 15" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 125.00	2877	\$ 359,625.00
20. Furnish and Install New 18" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 135.00	827	\$ 111,645.00
21. Furnish and Install New 21" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 145.00	324	\$ 46,980.00
22. Furnish and Install New 21" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 225.00	2026	\$ 455,850.00
23. Furnish and Install New 24" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 250.00	665	\$ 166,250.00
24. Furnish and Install New 30" Steel Encasement via Bore	L.F.	\$ 485.00	220	\$ 106,700.00
25. Testing per COT & TCEQ Requirements	L.S.	\$ 32,500.00	100%	\$ 32,500.00
26. Trench Safety Plan and Implementation	L.S.	\$ 37,750.00	100%	\$ 37,750.00

SUBTOTAL: \$ 3,210,863.00

10% CONSTRUCTION CONTINGENCY: \$ 321,086.30
TOTAL CONSTRUCTION: \$ 3,531,949.30



PHASE II - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 54,750.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 105,958.48

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 160,708.48

PHASE II - 100% DESIGN AND PROFESSIONAL SERVICES -
SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT

100% CONSTRUCTION SURVEYING SERVICES: \$ 14,700.00
 PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (6 @ \$1,100.00 EA. AS REQUIRED): \$ 6,600.00
 100% CIVIL ENGINEERING DESIGN AND PERMITTING PHASE: \$ 247,236.45
 PROJECT BIDDING PHASE: \$ 3,500.00
 CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR & STAFF, PROPERTY OWNER MEETINGS, AND PREPARATION OF AS BUILTS): \$ 35,319.49
 DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 44,149.37

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 351,505.31

TOTAL CONSTRUCTION WITH PS&E: \$ 4,044,163.09

Not Included within this OPC:
 * Easement Procurement



PRELIMINARY OPINION OF PROBABLE COST
Knob Creek Wastewater Replacement Project

Date: 3-1-2017

Phase III - Trunk Sewer Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Clearing	STA.	\$ 1,750.00	70	\$ 122,500.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 125,114.00	100%	\$ 125,114.00
3. Traffic Control Plan & Implementation	L.S.	\$ 25,000.00	100%	\$ 25,000.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 19,750.00	100%	\$ 19,750.00
5. Bypass Pumping	L.S.	\$ 150,000.00	100%	\$ 150,000.00
6. Sawcut, Remove, and Replace HMAC Pavement	S.Y.	\$ 45.00	3279	\$ 147,555.00
7. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 11,850.00	100%	\$ 11,850.00
8. Sawcut, Remove, and Replace Reinforced Concrete	S.Y.	\$ 65.00	53	\$ 3,445.00
9. Sawcut, Remove, and Replace Existing Curb and Gutter	L.F.	\$ 28.00	160	\$ 4,480.00
10. Remove and Replace Existing Fencing	L.F.	\$ 32.00	40	\$ 1,280.00
11. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,500.00	35	\$ 52,500.00
12. Furnish and Install New 4' Precast Manhole under 12' depth	EA.	\$ 3,850.00	20	\$ 77,000.00
13. Furnish and Install New 5' Precast Manhole under 12' depth	EA.	\$ 4,800.00	8	\$ 38,400.00
14. Furnish and Install New 5' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,250.00	1	\$ 5,250.00
16. Furnish and Install New Internal Drop Connection	EA.	\$ 1,800.00	6	\$ 10,800.00
17. Furnish and Install Connection to Existing Sanitary Sewer Main	EA.	\$ 3,750.00	25	\$ 93,750.00
18. Furnish and Install New 12" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 115.00	631	\$ 72,565.00
19. Furnish and Install New 15" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 125.00	1626	\$ 203,250.00
20. Furnish and Install New 18" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 135.00	1145	\$ 154,575.00
21. Furnish and Install New 21" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 145.00	1990	\$ 288,550.00
22. Furnish and Install New 30" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 160.00	1362	\$ 217,920.00
23. Testing per COT & TCEQ Requirements	L.S.	\$ 26,750.00	100%	\$ 26,750.00
24. Trench Safety Plan and Implementation	L.S.	\$ 23,850.00	100%	\$ 23,850.00
25. Furnish and Install New Steel Encasement via Rail Road Bore	L.F.	\$ 675.00	1225	\$ 826,875.00
26. Furnish and Install New Steel Encasement via Roadway/Bridge Bore	L.F.	\$ 485.00	150	\$ 72,750.00

SUBTOTAL: \$ 2,775,759.00

10% CONSTRUCTION CONTINGENCY: \$ 277,575.90
TOTAL CONSTRUCTION: \$ 3,053,334.90



PHASE III - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 30,000.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 91,600.05

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 121,600.05

PHASE III - 100% DESIGN AND PROFESSIONAL SERVICES -
SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT

100% CONSTRUCTION SURVEYING SERVICES: \$ 7,400.00
 PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (3 @ \$1,100.00 EA. AS REQUIRED): \$ 3,300.00
 100% CIVIL ENGINEERING DESIGN PHASE AND PERMITTING SERVICES: \$ 213,733.44
 PROJECT BIDDING PHASE: \$ 3,500.00
 CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR & STAFF, PROPERTY OWNER MEETINGS, AND PREPARATION OF AS BUILTS): \$ 30,533.35
 DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 45,800.02

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 304,266.81

TOTAL CONSTRUCTION WITH PS&E: \$ 3,479,201.76

Not Included within this OPC:

* Easement Procurement



215 North Main Street, Temple, TX 76701
254.899.0899 www.clark-fuller.com F-10384

PRELIMINARY OPINION OF PROBABLE COST
Knob Creek Wastewater Replacement Project

Date: 3-1-2017

Phase IV - Trunk Sewer Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Cleaning	STA.	\$ 1,750.00	85	\$ 148,750.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 133,500.00	100%	\$ 133,500.00
3. Traffic Control Plan & Implementation	L.S.	\$ 27,500.00	100%	\$ 27,500.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 22,850.00	100%	\$ 22,850.00
5. Bypass Pumping	L.S.	\$ 160,000.00	100%	\$ 160,000.00
6. Sawcut, Remove, and Replace HMA Pavement	S.Y.	\$ 45.00	488	\$ 21,960.00
7. Sawcut, Remove, and Replace Concrete Pavement	S.Y.	\$ 65.00	45	\$ 2,925.00
8. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 12,483.00	100%	\$ 12,483.00
9. Demolish and Remove Existing Gravel Pavement	S.Y.	\$ 24.00	73	\$ 1,752.00
10. Remove and Replace Existing Fencing	L.F.	\$ 32.00	70	\$ 2,240.00
11. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,750.00	19	\$ 33,250.00
12. Furnish and Install New 4' Precast Manhole under 12' depth	EA.	\$ 3,850.00	15	\$ 57,750.00
13. Furnish and Install New 4' Precast Manhole over 12' depth	EA.	\$ 5,400.00	15	\$ 81,000.00
14. Furnish and Install New 4' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,400.00	3	\$ 16,200.00
15. Furnish and Install New 6' Precast Manhole over 12' depth	EA.	\$ 12,000.00	3	\$ 36,000.00
16. Demolish and Remove Existing Concrete Syphon Box	EA.	\$ 15,742.00	2	\$ 31,484.00
17. Furnish and Install New Reinforced Concrete Syphon Box	EA.	\$ 31,843.00	2	\$ 63,686.00
18. Furnish and Install New 12" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 115.00	1545	\$ 177,675.00
19. Furnish and Install New 15" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 125.00	217	\$ 27,125.00
20. Furnish and Install New 18" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 135.00	490	\$ 66,150.00
21. Furnish and Install New 18" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 215.00	2400	\$ 516,000.00
22. Furnish and Install New 24" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 250.00	1734	\$ 433,500.00
23. Furnish and Install New 30" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 285.00	700	\$ 199,500.00
24. Furnish and Install New 42" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 385.00	855	\$ 329,175.00
25. Furnish and Install New RCCP Syphon Line (Assuming 2 Lines in Parallel)	LF.	\$ 525.00	2900	\$ 1,522,500.00
26. Furnish and Install New RCCP 45 Degree Bend	EA.	\$ 17,750.00	8	\$ 142,000.00
27. Furnish and Install New Steel Encasement via Bore	L.F.	\$ 485.00	300	\$ 145,500.00
28. Testing per COT & TCEQ Requirements	L.S.	\$ 27,250.00	100%	\$ 27,250.00
29. Trench Safety Plan and Implementation	L.S.	\$ 21,250.00	100%	\$ 21,250.00

SUBTOTAL: \$ 4,460,955.00

10% CONSTRUCTION CONTINGENCY: \$ 446,095.50

TOTAL CONSTRUCTION: \$ 4,907,050.50



PHASE IV - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 27,250.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 147,211.52

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 174,461.52

**PHASE IV - 100% DESIGN AND PROFESSIONAL SERVICES -
SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT**

100% CONSTRUCTION SURVEYING SERVICES: \$ 9,350.00
PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (10 @ \$1,100.00 EA. AS REQUIRED): \$ 11,000.00
PREPARATION OF PERMANENT UTILITY EASEMENT TO FACILITATE SYPHON RELOCATION (1 @ \$2,100.00 EA.): \$ 2,100.00
100% CIVIL ENGINEERING DESIGN PHASE AND PERMITTING SERVICES: \$ 343,493.54
PROJECT BIDDING PHASE: \$ 3,500.00
CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR & STAFF, PROPERTY OWNER MEETINGS, AND PREPARATION OF AS BUILTS): \$ 49,070.51
DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 73,605.76

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 492,119.81

TOTAL CONSTRUCTION WITH PS&E: \$ 5,573,631.82

Not Included within this OPC:
* Easement Procurement



PRELIMINARY OPINION OF PROBABLE COST
Knob Creek Wastewater Replacement Project

Date: 3-1-2017

Phase V - Trunk Sewer Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Clearing	STA.	\$ 1,750.00	55.5	\$ 97,125.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 99,100.00	100%	\$ 99,100.00
3. Traffic Control Plan & Implementation	L.S.	\$ 25,000.00	100%	\$ 25,000.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 19,750.00	100%	\$ 19,750.00
5. Bypass Pumping	L.S.	\$ 120,000.00	100%	\$ 120,000.00
6. Sawcut, Remove, and Replace HMAC Pavement	S.Y.	\$ 45.00	1705	\$ 76,725.00
7. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 11,850.00	100%	\$ 11,850.00
8. Sawcut, Remove, and Replace Reinforced Concrete	S.Y.	\$ 65.00	100	\$ 6,500.00
9. Sawcut, Remove, and Replace Existing Curb and Gutter	L.F.	\$ 28.00	250	\$ 7,000.00
10. Remove and Replace Existing Fencing	L.F.	\$ 32.00	100	\$ 3,200.00
11. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,500.00	25	\$ 37,500.00
12. Furnish and Install New 4' Precast Manhole under 12' depth	EA.	\$ 3,850.00	30	\$ 115,500.00
13. Furnish and Install New Internal Drop Connection	EA.	\$ 1,800.00	8	\$ 14,400.00
14. Furnish and Install Connection to Existing Sanitary Sewer Main	EA.	\$ 2,950.00	20	\$ 59,000.00
15. Furnish and Install New 12" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 115.00	710	\$ 81,650.00
16. Furnish and Install New 18" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 135.00	4840	\$ 653,400.00
23. Testing per COT & TCEQ Requirements	L.S.	\$ 26,750.00	100%	\$ 26,750.00
24. Trench Safety Plan and Implementation	L.S.	\$ 22,500.00	100%	\$ 22,500.00
25. Furnish and Install New Steel Encasement via Rail Road Bore	L.F.	\$ 675.00	150	\$ 101,250.00
26. Furnish and Install New Steel Encasement via Roadway/Bridge Bore	L.F.	\$ 485.00	150	\$ 72,750.00

SUBTOTAL: \$ 1,650,950.00

10% CONSTRUCTION CONTINGENCY: \$ 165,095.00

TOTAL CONSTRUCTION: \$ 1,816,045.00



PHASE V - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 18,000.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 54,481.35

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 72,481.35

**PHASE V - 100% DESIGN AND PROFESSIONAL SERVICES -
SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT**

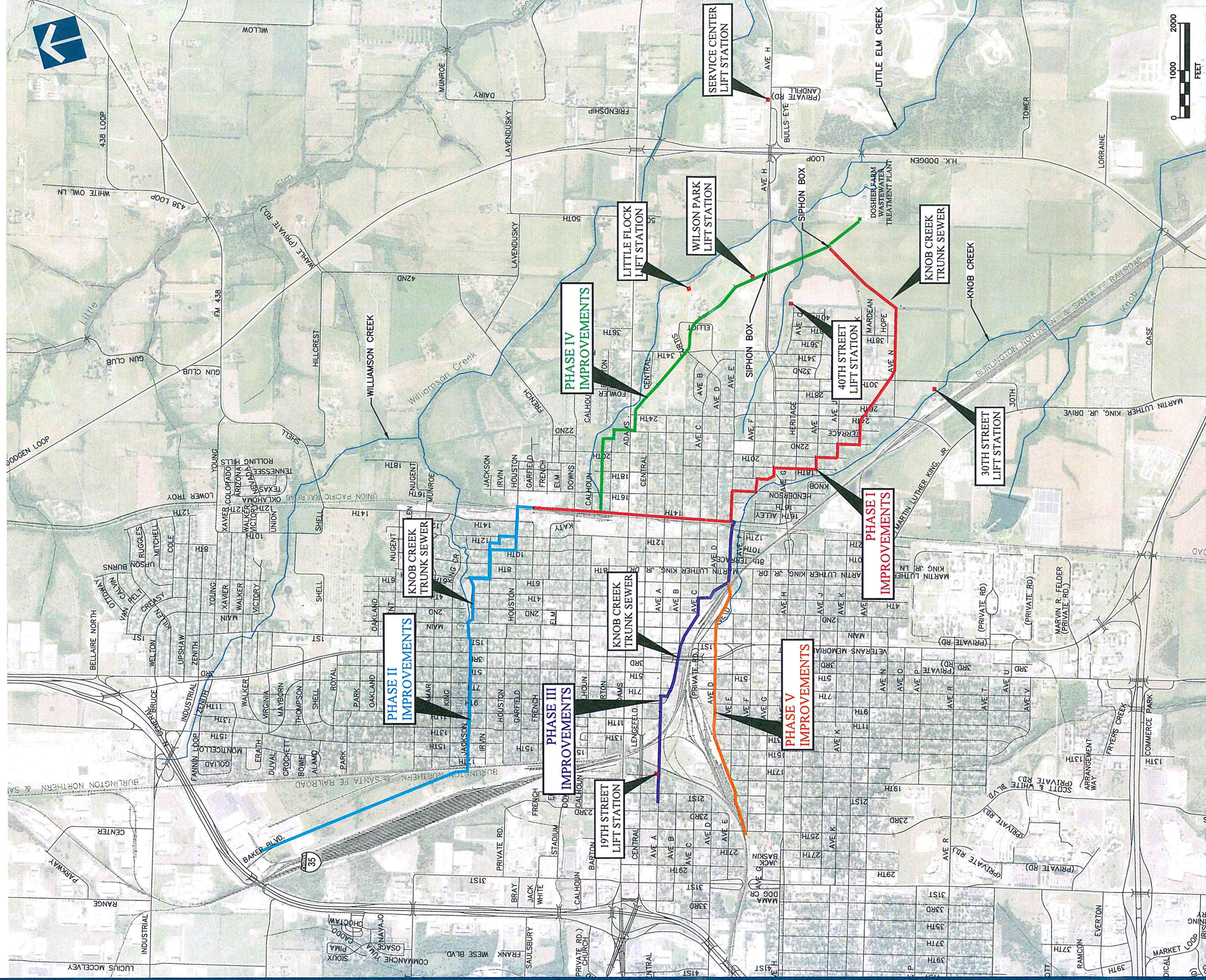
100% CONSTRUCTION SURVEYING SERVICES: \$ 18,321.00
PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (\$ @ \$1,100.00 EA. AS REQUIRED): \$ 5,500.00
100% CIVIL ENGINEERING DESIGN PHASE AND PERMITTING SERVICES: \$ 127,123.15
PROJECT BIDDING PHASE: \$ 3,500.00
CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR & STAFF, PROPERTY OWNER MEETINGS, AND PREPARATION OF AS BUILTS): \$ 18,160.45
DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 22,700.56

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 195,305.16

TOTAL CONSTRUCTION WITH PS&E: \$ 2,083,831.51

Not Included within this OPC:

* Easement Procurement



KNOB CREEK TRUNK SEWER IMPROVEMENTS

CITY OF TEMPLE KNOB CREEK TRUNK SEWER IMPROVEMENTS

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.

+ -

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
520-5900-535-66-31	101629	KNOB CREEK TRUNK SEWER IMPROV.	\$1,228,091	
520-0000-373-04-11		UNRESERVED / RETAINED EARNINGS		1,228,091
		DO NOT POST		
TOTAL.....			\$1,228,091	\$1,228,091

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

Allocate funding for the Knob Creek Trunk Sewer Improvements from water and wastewater retained earnings.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

6/1/2017

WITH AGENDA ITEM?

☒ Yes☐ No_____
Department Head/Division Director_____
Date☐ Approved
☐ Disapproved_____
Finance_____
Date☐ Approved
☐ Disapproved_____
City Manager_____
Date☐ Approved
☐ Disapproved

RESOLUTION NO. 2017-8668-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS, IN THE AMOUNT OF \$1,228,090.42, TO DESIGN THE KNOB CREEK TRUNK SEWER IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 7, 2016, Council approved the Knob Creek Basin study to assess the condition of an aged primary wastewater interceptor line serving some of the oldest parts of the City;

Whereas, this study was necessitated by failing infrastructure, and a recognition of the need to ensure continued serviceability to both established and future developing areas of Temple;

Whereas, the results concluded that the trunk sewer has significant aging failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in five phases with Phase I being the most critical to rehabilitate;

Whereas, this agreement with Clark & Fuller is for 30% design of Phases I, II, III, IV and V and 100% design, bidding, and construction phase services for Phase I;

Whereas, funding for this agreement is available, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 520-5900-535-6631, Project No. 100629; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Clark & Fuller, PLLC, in the amount of \$1,228,090.42, to design the Knob Creek Trunk Sewer Improvements.

Part 3: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the 1st day of **June**, 2017.

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

06/01/17
Item #4(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Leigh Gardner, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement with International Security Agency of McAllen through September 30, 2018, in the estimated annual amount of \$33,600 for the provision of security guard services at the Temple Public Library.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To promote safety and security of patrons, building tenants and staff, the Library has a security guard on site during peak hours. On September 1, 2016, Council authorized an annual contract with Special Protective Service of San Antonio to provide these services during FY 2017 at a rate of \$11.24 per hour. However, in February, 2017, Special Protective Service stopped providing services under the contract and became non-responsive.

On May 16, 2017, the City received five bids for the security guard services for a term commencing immediately and continuing through September 30, 2018. The bids are shown on the attached bid tabulation sheet. The low bidder was International Security Agency of McAllen at a rate of \$14 per hour. The City has not done business with International Security Agency in the past. Therefore, references were checked. After receiving favorable responses to the references, staff is recommending award to International Security Agency.

The recommended contract shall commence immediately and shall continue through September 30, 2018 with the option for four one-year renewals, if so agreed to by the City and International Security Agency.

FISCAL IMPACT: Included in the adopted FY 2017 Operating Budget is \$28,720 for Library security guard services in account 110-4000-555-2623, of which \$3,892 has been expended year-to-date for security guard services, leaving an available balance of \$24,828. Library staff anticipates spending approximately \$10,400 under this contract for the remainder of FY 2017.

The Library has submitted a request for continued funding for security guard services for FY 2018 with an estimated annual spend of \$33,600. A non-appropriation clause will be included in the services agreement should adequate funding not be appropriated in FY 2018.

ATTACHMENTS:

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

Tabulation of Bids Received
on May 16, 2017 at 2:30 p.m.
Security Guard Services for the Temple Public Library
Bid# 40-03-17

	Bidders		
	Dennis Security and Professional Services, LLC Austin, TX	International Security Agency, Inc. (I.S.A.) McAllen, TX	Arber Inc. San Antonio, TX
Description			
Hourly Rate	\$18.49	\$14.00	\$14.50
Exceptions	No	No	No
Credit Check Authorization	Yes	Yes	Yes

	Bidders		
	Eagle Systems Inc. Waco, TX	Vets Securing America San Antonio, TX	
Description			
Hourly Rate	\$20.50	\$17.24	
Exceptions	No	No	
Credit Check Authorization	Yes	Yes	

Recommended for Council Award

RESOLUTION NO. 2017-8668-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH INTERNATIONAL SECURITY AGENCY OF MCALLEN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$33,600, FOR SECURITY GUARD SERVICES AT THE TEMPLE PUBLIC LIBRARY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, to promote the safety and security of patrons, building tenants and Staff, the Library has a security guard on site during peak hours;

Whereas, on September 1, 2016, Council authorized an annual contract with Special Protective Service of San Antonio, Texas to provide security guard services during fiscal year 2017 at a rate of \$11.24 per hour, however, in February, 2017, Special Protective Service stopped providing services under the contract and became non-responsive;

Whereas, on May 16, 2017, the City received five bids for security guard services with International Security Agency of McAllen, Texas submitting the low bid at a rate of \$14 per hour;

Whereas, the City has not done business with International Security Agency in the past so references were checked and after receiving favorable responses, Staff is recommending award of a services agreement to International Security Agency;

Whereas, the agreement shall commence immediately and continue through September 30, 2018 with the option for four one-year renewals, if so agreed to by both parties;

Whereas, Staff recommends Council authorize a services agreement with International Security Agency of McAllen, Texas, in the estimated annual amount of \$33,600 for security guard services at the Temple Public Library;

Whereas, the Library has budgeted funds for security guard services in Account No. 110-4000-555-2623; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, to execute a services agreement with International Security Agency of McAllen, Texas, after approval as to form by the City Attorney, for security guard services at the Temple Public Library, at the hourly rate of \$14 and in the estimated annual amount of \$33,600.

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 **1st** day of **June**, 2017.

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

06/01/17
Item #4(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution ratifying a Retail Sales Interlocal Agreement with Texas General Land Office for the purchase of electricity at \$0.03410 per kWh for a five year term commencing for meter reads after April 30, 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 4, 2017, Council authorized the Interim City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity, and if in the best interest of the City, enter into a contract with the lowest responsible bidder for a period of 24 to 60 months beginning for electrical meter reads on or after May 1, 2019.

With the assistance of Texas Energy Aggregation (TEA), a subsidiary of EMEX Company, on May 17, 2017, the City utilized EMEX's online reverse auction platform to obtain electricity rate bids for the time periods authorized by Council. As shown in the attached EMEX Custom Pricing Analysis, the following eight retail electric providers participated in the reverse auction, which persisted for over an hour: Constellation Energy, Texas General Land Office (GLO), Green Mountain Energy, Hudson Energy, MP2 Energy, Reliant Energy, Source Power & Gas, and TXU Energy.

Based on the historical low pricing currently available, and with TEA's guidance, the Interim City Manager executed an agreement with Texas General Land Office (GLO) at a rate of \$0.03410 per kWh for a five year period commencing for the first meter read on or after May 1, 2019, and ending on the first meter read date after April 30, 2024. The attached analysis reflects an energy rate of \$0.03248 per kwh based on the removal of the Gross Receipts Tax Reimbursement (GRT) and PUC Assessment Fee Reimbursements that are embedded in the contracted rate of \$0.03410, an exceptionality when contracting with a State agency.

Per the Local Government Code 252.022(a)(15), electricity is exempt from the competitive sealed bidding rules. This is relevant based on the fact that TEA only solicited pricing from REP's that they deem to be reputable and competitive energy providers.

FISCAL IMPACT: The City is currently under a three year contract with Hudson Energy for the meter reads ending in May 2019 at a rate of \$.04450 per kWh. Based on the City's annual energy usage of over 38 million kWh, the new contract with GLO will result in annual savings over the current contract with Hudson of approximately \$468,000 per year.

There is not a fiscal impact for FY 2017. For informational purposes, the Adopted FY 2017 Operating Budget includes the following for electric utilities:

General Fund	\$ 1,675,944
Hotel/Motel Tax Fund	125,100
Water & Wastewater Fund	<u>1,825,000</u>
Total FY 2017 Budget	<u>\$ 3,626,044</u>

ATTACHMENTS:

[EMEX Custom Pricing Analysis – Pricing Summary Resolution](#)

EMEX Custom Pricing Analysis - Pricing Summary

Prepared For: City of Temple
Analysis Date: Wednesday, May 17, 2017
Start Month: May 2019
Account Size (kWh): 38,994,023
Utility Name: Oncor



Reverse Auction Results Analysis

Your Current Supplier and Benchmark Price to Compare (PTC)							
Supplier Name	Quote Term (Months)	Quote Type	Energy Supply Price (\$/kWh)	Avg. Delivery Rate (\$/kWh)	Est. Bundled Rate (\$/kWh)	Est. Supply Pass-Through Cost	Est. Total Annual Cost
Hudson Energy	36	Fixed, All-In	\$0.04450	\$0.04077	\$0.08527	\$21,958.97	\$3,346,805.79
Top Energy Supply Quotes Obtained by EMEX							
Supplier Name	Quote Term (Months)	Quote Type	Energy Supply Price (\$/kWh)	Avg. Delivery Rate (\$/kWh)	Est. Bundled Rate (\$/kWh)	Est. Supply Pass-Through Cost	Est. Total Annual Cost
Constellation Energy	36	Fixed, All-In	\$0.03255	\$0.04077	\$0.07332	\$21,958.97	\$2,880,827.22
Constellation Energy	48	Fixed, All-In	\$0.03284	\$0.04077	\$0.07361	\$21,958.97	\$2,892,135.48
Constellation Energy	60	Fixed, All-In	\$0.03357	\$0.04077	\$0.07434	\$21,958.97	\$2,920,601.12
Texas General Land Office (GLO)	36	Fixed, All-In	\$0.03160	\$0.04077	\$0.07237	\$21,958.97	\$2,843,782.89
Texas General Land Office (GLO)	48	Fixed, All-In	\$0.03228	\$0.04077	\$0.07305	\$21,958.97	\$2,870,298.83
Texas General Land Office (GLO)	60	Fixed, All-In	\$0.03248	\$0.04077	\$0.07325	\$21,958.97	\$2,878,097.63
Green Mountain Energy	36	Fixed, All-In	\$0.03221	\$0.04077	\$0.07298	\$21,958.97	\$2,867,569.25
Hudson Energy	36	Fixed, All-In	\$0.03190	\$0.04077	\$0.07267	\$21,958.97	\$2,855,481.10
Hudson Energy	48	Fixed, All-In	\$0.03240	\$0.04077	\$0.07317	\$21,958.97	\$2,874,978.11
Hudson Energy	60	Fixed, All-In	\$0.03260	\$0.04077	\$0.07337	\$21,958.97	\$2,882,776.92
MP2 Energy	36	Fixed, All-In	\$0.03250	\$0.04077	\$0.07327	\$21,958.97	\$2,878,877.52
MP2 Energy	48	Fixed, All-In	\$0.03269	\$0.04077	\$0.07346	\$21,958.97	\$2,886,286.38
MP2 Energy	60	Fixed, All-In	\$0.03285	\$0.04077	\$0.07362	\$21,958.97	\$2,892,525.42
Reliant Energy	36	Fixed, All-In	\$0.03247	\$0.04077	\$0.07324	\$21,958.97	\$2,877,707.69
Reliant Energy	48	Fixed, All-In	\$0.03294	\$0.04077	\$0.07371	\$21,958.97	\$2,896,034.89
Reliant Energy	60	Fixed, All-In	\$0.03325	\$0.04077	\$0.07402	\$21,958.97	\$2,908,123.03
Source Power & Gas	36	Fixed, All-In	\$0.03158	\$0.04077	\$0.07235	\$21,958.97	\$2,843,003.01
TXU Energy	36	Fixed, All-In	\$0.03216	\$0.04077	\$0.07293	\$21,958.97	\$2,865,619.55
TXU Energy	48	Fixed, All-In	\$0.03243	\$0.04077	\$0.07320	\$21,958.97	\$2,876,147.93
Estimated Annual Savings				\$468,708.16		14.00%	
Estimated Savings Over Contract Term						\$2,343,540.78	

Actual savings may vary. Savings estimates are calculated according to actual or estimated benchmark pricing in relation to your historical energy consumption. All savings figures are based on current published utility tariffs or current third party supplier rates as provided to EMEX.

RESOLUTION NO. 2017-8670-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A RETAIL SALES INTERLOCAL AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR THE PURCHASE OF ELECTRICITY AT \$0.034.10 PER KWH FOR A FIVE-YEAR TERM COMMENCING FOR METER READS AFTER APRIL 30, 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 4, 2017, Council authorized the Acting City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity, and if in the best interests of the City, enter into a contract with the lowest responsible bidder for a period of 24 to 60 months beginning for electrical meter reads on or after May 1, 2019;

Whereas, with the assistance of Texas Energy Aggregation (TEA), a subsidiary of EMEX Company, on May 17, 2017, the City utilized EMEX's online reverse auction platform to obtain electricity rate bids for the time periods authorized by Council;

Whereas, based on the historical low pricing currently available, and with TEA's guidance, the Acting City Manager executed an agreement with Texas General Land Office at a rate of \$0.03410 per kWh for a five-year period commencing for the first meter read on or after May 1, 2019, and ending on the first meter read date after April 30, 2024;

Whereas, per Local Government Code 252.022(a)(15), electricity is exempt from the competitive sealed bidding rules - this is relevant based on the fact that TEA only solicited pricing from REP's that they deem to be reputable and competitive energy providers;

Whereas, the City is currently under a 3-year contract with Hudson Energy for the meter reads ending in May 2019 at a rate of \$.04450 per kWh and based on the City's annual energy usage of over 38 million kWh, the new contract with the Texas General Land Office will result in annual savings over the current contract with Hudson Energy, of approximately \$468,000 per year; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council ratifies a Retail Sales Interlocal Agreement with Texas General Land Office for the purchase of electricity at \$0.03410 per kWh for a five-year term commencing for meter reads after April 30, 2019.

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

PASSED AND APPROVED this the **1st** day of **June**, 2017.

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

06/01/17
Item #4(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director, Parks and Recreation

ITEM DESCRIPTION: Consider a resolution authorizing entering into to an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting City Council approval to enter into an Interlocal Agreement with the Belton Independent School District (B.I.S.D.). The agreement would allow the Parks and Recreation Department to continue to provide an after school program at four B.I.S.D. schools that are located in the Temple city limits.

In 2009 Temple Parks and Recreation was awarded the contract to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools. In 2013 High Point Elementary was added to the latch key program. During the 2016-17 school year, Temple Parks and Recreation provided an after school program for two hundred and ninety-nine, five to thirteen year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be from July 1, 2017 through the last day of the 2017-18 school year, at which time both parties may extend or renegotiate the agreement by mutual consent.

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

FISCAL IMPACT: B.I.S.D. has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate for the participants.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8671-R

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

Whereas, Temple Parks and Recreation Department provides After School Zone Programming at four Belton Independent School District (“BISD”) schools that are located within the Temple city limits;

Whereas, in 2009, the Temple Parks and Recreation Department was awarded the contract to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools - in 2013, High Point Elementary was added to the program;

Whereas, during the 2016-2017 school year, the Temple Parks and Recreation Department provided an after school program for two hundred and ninety-nine 5 to 13 year olds, Monday through Friday, from 3 pm to 6 pm;

Whereas, the term of this agreement will run from July 1, 2017 through the last day of the 2017-2018 school year, at which time both parties may extend or renegotiate the agreement by mutual consent;

Whereas, BISD has agreed to waive all facility usage fees during the time the program is being offered, allowing the program to be offered at an affordable rate to the participants; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming beginning July 1, 2017 through the last day of the 2017-2018 school year.

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 **1st** day of **June**, 2017.

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

06/01/17
Item #4(R)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-17-25: Consider adopting an ordinance authorizing a rezoning for: (1) 2.497 +/- acres from Agricultural district to General Retail district, (2) 67.455 +/- acres from Planned Development Multi-Family One, Multi-Family Two and Agricultural districts to Single-Family Three district and (3) 6.606 +/- acres from Planned Development Multi-Family One district to Single-Family Attached Three, for a total rezoning of 76.558 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located east of South Martin Luther King Jr Drive and generally south and west of Case Road.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning to Single Family Three (SF-3), Single Family Attached Three (SFA-3) and General Retail (GR) districts for the following reasons:

1. The proposed SFA-3, SF-3 and GR zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposal is in compliance with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 17, 2017 meeting, the Planning & Zoning Commission voted six to zero for approval of the proposed rezoning to SF-3, SFA-3 and GR zoning districts, per staff's recommendation.

ITEM SUMMARY: Kiella Development, on behalf of the owner, J&P Oil & Gas Inc., requests rezoning of a 76.558 +/- acre unplatted tract, from Planned Development-Multi-Family One (PD-MF-1), Multi-Family-Two (MF-2) and, Agricultural (AG) districts. Per Ordinance 95-2314, the Planned Development has a base-zoning of Multi-Family One (MF-1), which was intended for a retirement center for elderly or disabled persons and was never developed.

The developer is interested in subdividing the 67.455 +/- acres, which is intended for detached single-family homes with a proposed zoning of Single Family Three (SF-3) and building townhomes on the remaining 6.606 +/- acres. A 2.497 +/- acre portion is being proposed for retail and service uses. Both the base-zoning of MF-1 & MF-2 as well as the proposed Single Family Attached Three (SFA-3) zoning districts allow townhomes but the existing PD-MF-1 does not. The retirement center is not proposed with the current proposal and Ordinance 95-2314 does not accommodate any other use. Therefore, adoption of a new ordinance will effectively repeal Ordinance 95-2314 and a separate amendment to the current ordinance is not necessary. This proposal will incorporate the 12.5 +/- acres of the current PD-MF-1, combined with the remaining 63.758 +/- acres for a total of 76.558 +/- acres.

FUTURE EXPANSION (CITY-OWNED PROPERTY): The applicant is considering a neighboring unplatted tract of land of approx. 3.355 +/- acres. This 3.355 +/- acres is currently owned by the City of Temple and is separated from the subject property by Case Road. At this time no formal application process has been initiated by the applicant to acquire this property. A formal application is required to convey the tract to private ownership before it can be rezoned and developed.

It is noteworthy that per Resolution 2012-6849-R, this City-owned parcel received City Council authorization for conveyance to a private party with a fair market value of \$2,531.00. The conveyance was never finalized and the case was closed by the City's Legal Department. The property has remained under the ownership of the City of Temple.

CASE ROAD: The applicant is also considering to request to abandon a portion of Case Road, a collector which is not built to City standards. Case Road is envisioned to be rerouted as a collector through the proposed development, terminating with a cul de sac. Preliminary analysis of the right-of-way has identified utilities and easements which will need to be re-routed prior to abandonment. Discussion with City staff, in particular, Public Works, Engineering is on-going.

Additionally, staff is in the process of evaluating the proposed access from Loop 363. The access may be impacted by the abandonment of Case Road and may impact direct access to Loop 363. Further, a gravel access road along the northern-section of Case Road provides direct access to the railroad lines. Burlington north-Santa Fe Railroad as well as Union Pacific railroad have been notified of the project. To date, no feedback has been received by staff.

TXDOT REVIEW:

TxDOT has been forwarded plans of the project which included the potential abandonment of Case Road as well as the potential development of the City-owned portion. As such, TxDOT is requiring a Traffic Impact Analysis (TIA). The scope of the TIA needs to include recommendations for any turn lanes for LP 363.

INITIAL SUBMITTAL: While the proposed rezoning is not a Planned Development, it was initially submitted to staff as one. The initial submittal included the 3.355 +/- acre tract, owned by the City of Temple and land area as a result of a potential abandonment of Case Road into the scope. The proposed scope included a layout for approximately 352 lots. At this time, the developer has chosen to first proceed to secure the zoning of the 76.558 +/- acre portion without the Case Road and City-owned portions.

It is anticipated that the developer will enter into a Beautification Agreement with the City to address the watering needs of the private tracts. The Beautification Agreement is anticipated to be rolled-into the redevelopment and revitalization projects related to Temple's east-side and will be reviewed by separate cover by City Council.

SUBDIVISION PLAT: A subdivision plat is anticipated, which will address lot layout, circulation, parkland, needed ROW as well as other subdivision-related concerns. It is not known whether a plat will be submitted prior to Case Road abandonment and City-owned parcel acquisition processes. The Development Review Committee (DRC) discussion will also include discussion about any Beatification Agreement(s).

While it is anticipated for the property to be developed with detached single-family uses, townhomes and general retail and service uses, there are a number of residential and non-residential uses that are permitted by right. A comparison between the existing and proposed zoning districts, which include but are not limited to townhomes and single family residential uses are shown in the attached table.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is split by two Future Land Use Map (FLUM) designations, the Auto-Urban Commercial designation and the Auto-Urban Multi-Family designation. The south half of the property is within the Auto-Urban designation, which is established for majority of the areas identified for commercial use and **is not** consistent with the proposed Planned Development. On the other hand, the north half of the property is within the Auto-Urban Multi-Family designation, which is intended to accommodate multi-family only development. It can, however be combined with Auto-Urban Residential which is what occurs on the north side of Case Road, but not on the subject property. This project proposes a mixture of townhomes and detached single family residential uses and while the single family housing portion **is not** consistent, the townhome portion **is** consistent, since townhomes by definition, similar to apartments and condominiums, lend themselves to a multi-family use.

Per UDC Section 11.2, townhomes are one in a series of three or more dwelling units structurally connected or immediately adjacent to or abutting each other. Apartments and condominiums may be deemed a townhouse if no other dwelling unit or use exist above or below it.

In conclusion, the general retail portion is within the Auto-Urban Commercial designation and **is** consistent. Therefore, the proposed rezoning overall is **partially** consistent with the Future Land Use Map designations.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from both South Martin Luther King Jr. Drive, a minor arterial and Case Road, a collector. As discussed earlier in this report, abandonment of a portion of Case Road is being considered which may affect an access point onto Loop 363. The anticipated subdivision plat will address any needed right-of-way dedication for both. To date, no dedication issues have been identified by staff but will be further evaluated with a forthcoming plat. Additionally impacts to TxDOT interests are on-going but will be addressed both during the subdivision plat review as well as with any future abandonment application request. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through an 8-inch and a 12-inch sewer line at several places in Case Road along the north and north east sides of the subject property. Sewer is also available through extension of an 8-inch sewer line on the west side of South Martin Luther King Jr. Drive. Water is available through a 8- inch waterline in South Martin Luther King Jr. Drive, a 12-inch waterline in Case Road and an eight inch waterline along the southern boundary of the property.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails are shown on the Trails Master Plan, however, as a minor arterial, a 6' sidewalk is required along South Martin Luther King Jr. Drive. Additionally, Case Road, as a collector, requires a six foot sidewalk. Provisions for the sidewalk will be addressed during the plat review stage.

DEVELOPMENT REGULATIONS: The attached tables compare and contrast, the current development standards with the proposed SFA-3, SF-3 and GR standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

PUBLIC NOTICE: Twenty three notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday May 9, 2017 at 9:00 AM, one notice without a response and three notices, in agreement have been received.

The newspaper printed notice of the public hearing on April 6, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

[Ordinance 95-2314](#)

[Photos](#)

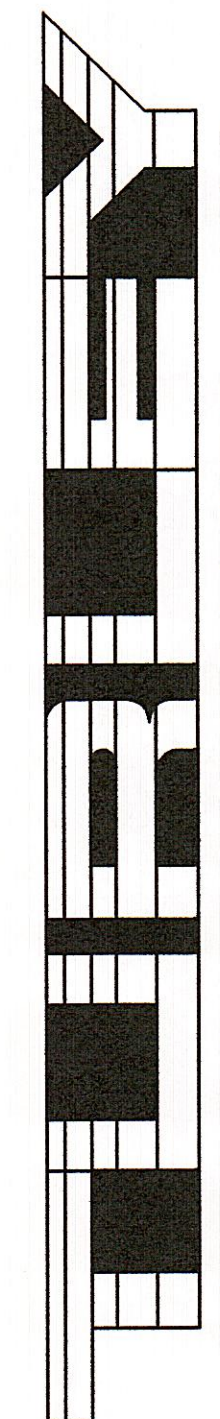
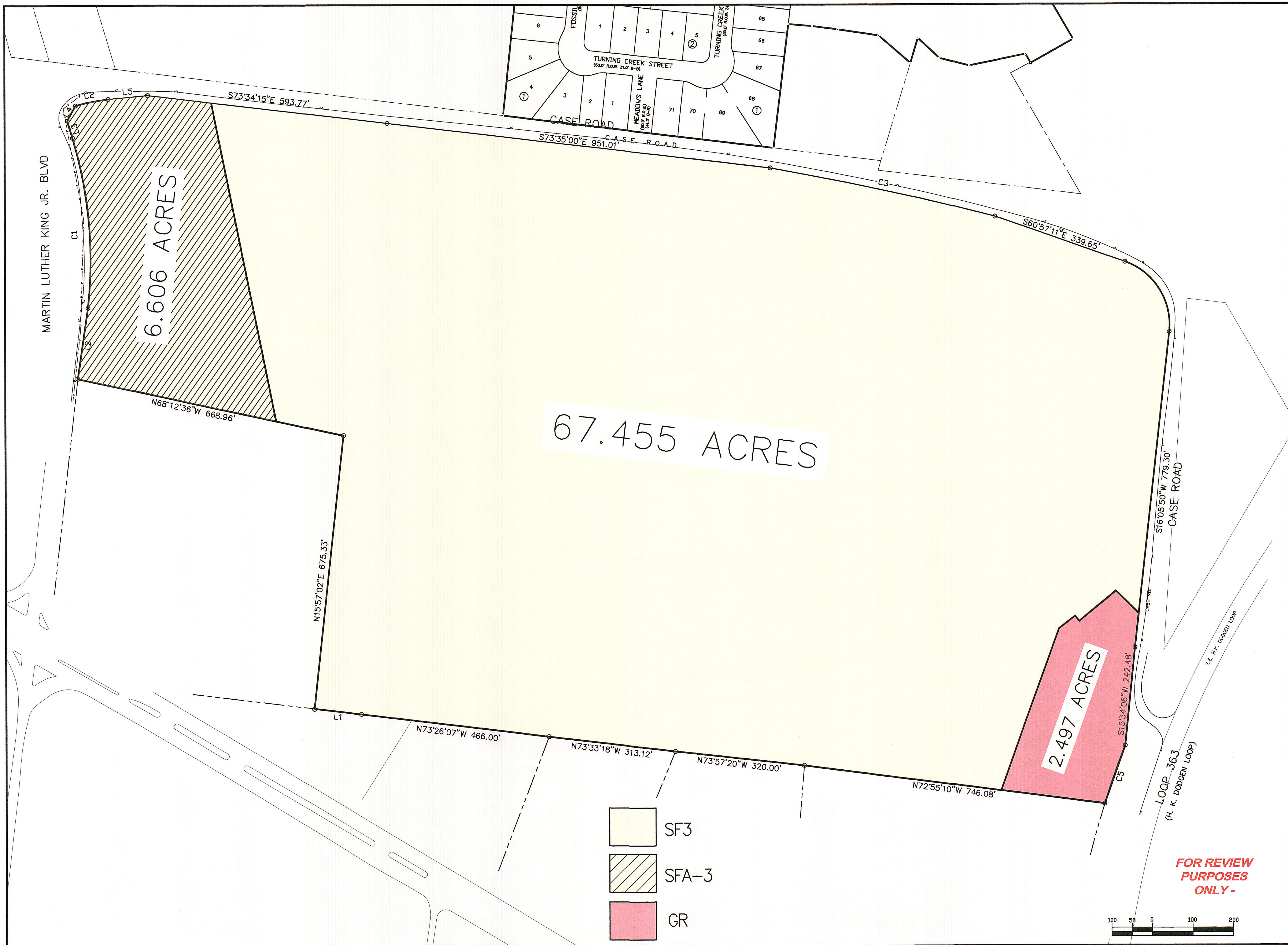
[Tables](#)

[Maps](#)

[Returned Property Notices](#)

[P&Z Excerpts \(April 17, 2017\)](#)

[Ordinance](#)



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ZONING MAP FOR:
MASTER PRELIMINARY
SOUTH POINTE
CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA HOMEBUILDERS
P.O. BOX 1344
TEMPLE, TEXAS 76503

EXHIBIT A

[illegible]

DRAFTSMAN:
MRG
DATE:
12/16/2016
COMPUTER FILE NAME:
Boundary, 16-1493
REFERENCE DRAWING NUMBERS:
REF DWGS NO.s

JOB NUMBER:
16-1493
DRAWING NUMBER:
13301-D

PAGE#
01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT (MF-1) DISTRICT ON 12.5 ACRES OUT OF OUTBLOCK 1035-A, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TAYLOR ROAD AND CASE ROAD, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner/developer of the property described as a 12.5 acre tract out of Outblock 1035-A located at the southeast corner of the intersection of Taylor Road and Case Road, has requested a zoning change from Agricultural District to Planned Development (MF-1) District for a retirement center for the elderly and disabled, and a Comprehensive Site Plan of the development has been provided; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The zoning classification of the property described a 12.5 acre tract out of Outblock 1035-A located at the southeast corner of the intersection of Taylor Road and Case Road, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes, is hereby changed from Agricultural District to Planned Development (MF-1) District for a retirement center for elderly and disabled persons.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 from Agricultural District to Planned Development (MF-1) District and adopting the Comprehensive Site Plan, more fully described in Exhibit "B-1," attached hereto and made a part hereof for all purposes. The Comprehensive Site Plan shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- a. The use of the property shall conform to the Multiple Family-1 Zoning District.
- b. The development of this property shall conform generally to the Site Plan, attached hereto and made a part hereof for all purposes as Exhibit "B-1," and the following additional conditions:
 1. The use of the property shall be for a retirement center for elderly and disabled persons.

2. Detailed Site Plan review shall occur prior to a request for a building permit, and shall be reviewed through the routine procedure for a zone change. Any required interpretation of the site plan shall rely on the Multiple Family (MF-1) District standards.
3. The maximum density shall be 12 units per acre with a maximum 120 units overall.
4. The units shall be single story construction, with a combined brick and wood frame exterior.
5. An office/community building of approximately 1600 sq.ft. shall be provided for rent collections, a community room, office space, storage space, laundry facilities, kitchen, restrooms, planned functions, and recreation.
6. Landscaping, parking, signage, dumpsters and other zoning standards shall be provided to meet the needs of this development and to ensure compatibility in this location.
7. The property shall be platted prior to a request for a building permit, and utilities shall be provided to the site by the applicant.

- c. A Certificate of Occupancy is required, assuring compliance with these standards, prior to initiating this use.

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

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

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

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

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

PASSED AND APPROVED on First Reading on the **15th** day of **December**, 1994.

PASSED AND APPROVED on Second and Final Reading on the 5th day of January, 1995.


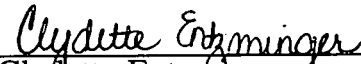
THE CITY OF TEMPLE, TEXAS


J.W. PERRY, Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney

ATTEST:



Clydette Entzminger
City Secretary

EXHIBIT

Z-94-034
A to O-2 District

"A"

1005-C
819 ac

1006-C
819 ac

A

1035-A
1728 ac

1035-A
8723 ac

1035-A
8223 ac

1035-A
8728 ac

A

1033-A
15 ac

GR

1038-A
1528 ac

GR GR

1039-A
1528 ac

1040-A
1528 ac

SE H.K. DOOGEN LOOP

SE H.K. DOOGEN LOOP

GR

1037-A
1528 ac

C

22421

22513

22433

22415

22329

22319

22311

22235

22111

22612

22022

22409

114

114

103

103

NOT FOR
CONSTRUCTION

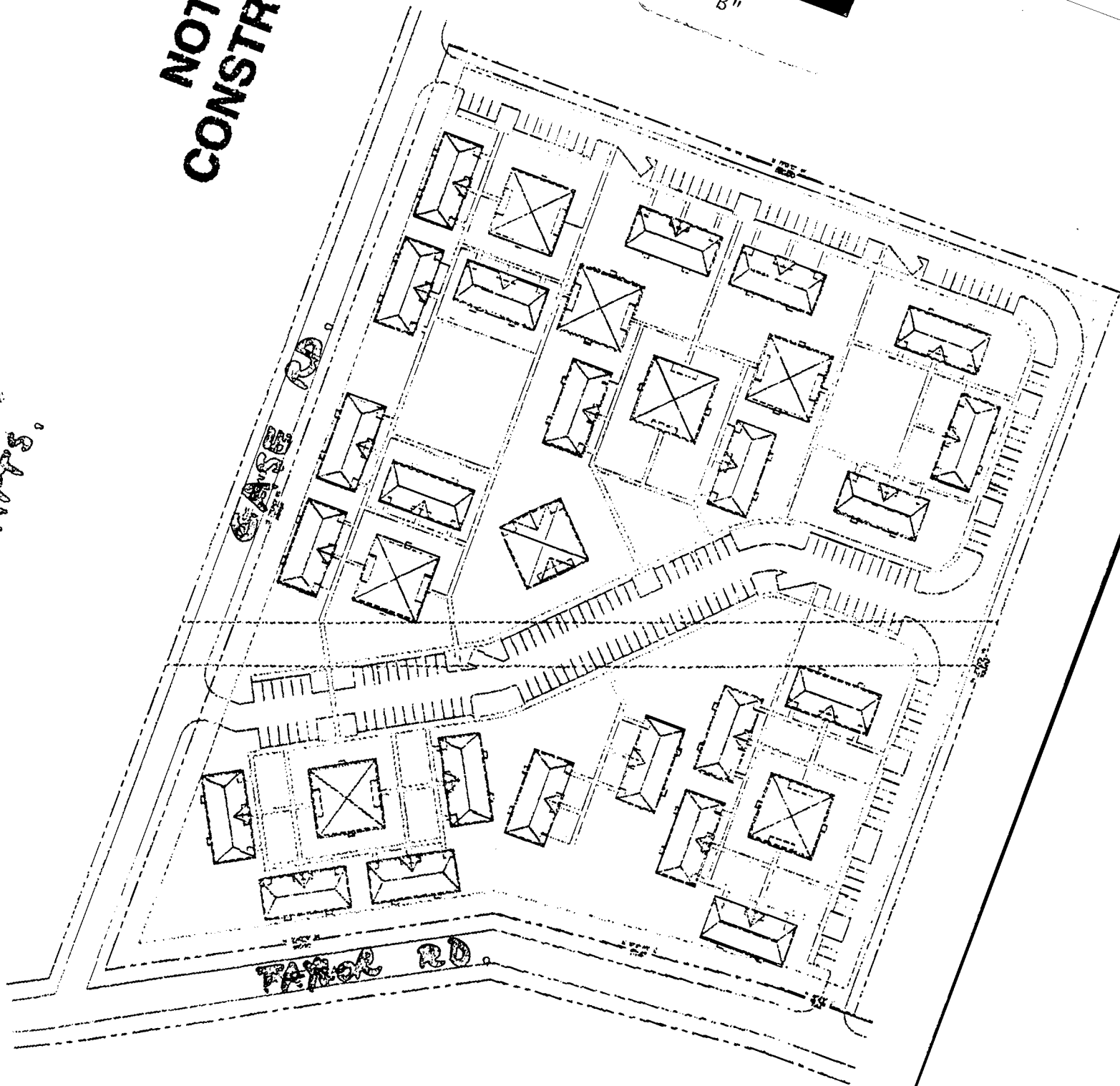
EXHIBIT

"B"

RIDGE POINT APTS.

CASE RD.

FAROL RD.



Site & Surrounding Property Photos



**Street Level View of Site (Looking South from Case Road): Undeveloped
(PD-MF-1, MF-2 & AG)**



**Elevated View of Site #1 (Looking West from LP 363 & BNSF RR Overpass):
Undeveloped
(PD-MF-1, MF-2 & AG)**



**Elevated View of Site #2 (Looking West from LP 363 & BNSF RR Overpass):
Undeveloped
(PD-MF-1, MF-2 & AG)**



**Elevated View of Site #3 (Looking West from LP 363 & BNSF RR Overpass):
Undeveloped
(PD-MF-1, MF-2 & AG)**



**North: Exiting SF Residential Uses (Meadows at Creekside)
(PD-MF-1)**



**North: Exiting SF Residential Uses (Village at Meadowbend)
(PD-MF-1)**



East: BNSF Service Road, City-Owned Tract, BNSF Railroad (LI)



East: City-Owned tract, BNSF Railroad (Case Road in foreground) (LI)



**West: Existing Retail & Service Uses (Country Lane Commercial Subd.)
(PD-O-2 & GR)**



**South: Undeveloped & Scattered Existing Service & Retail Uses
(AG & GR)**

Tables

Permitted & Conditional Uses Table

Comparison between AG, MF-1, MF-2 & the Proposed PD-SF3 & PD-SFA-3

The PD-MF-1: Retirement Center (Elderly & Disabled Persons) only allowed use (Ord. 95-2314)

(GR Uses provided by separate table on next page)

Use Type	Agricultural (AG)	Multi-Family One (MF-1)	Multi-Family Two (MF-2)	PD- SF-3	PD-SFA-3
Agricultural Uses	Farm, Ranch or Orchard	Same as AG	Same as AG	Same as AG	Same As AG
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)	Same as AG Apartments Townhouse Triplex Duplex Home for the aged (CUP)	Same as MF-1 Includes Townhomes No CUP for Home for the Aged	Single Family Residence (Detached only) Industrialized Housing Family or Group Home	Single Family Residence (Detached & Attached) Industrialized Housing Townhomes Family or Group Home Apartments
Retail & Service Uses	None	Same as AG	Drug Store (CUP)	Same as AG	Same as AG
Commercial Uses	None	Same as AG	Same as AG	Same as AG	Same as AG
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG	Same as AG	Same as AG	Same as AG
Recreational Uses	None	Same as AG	Same as AG	Same as AG	Same as AG
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care (CUP)	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Halfway House (CUP)	Same as MF-1	Same as MF-1 No Halfway House	Same as MF-1 No Halfway House
Vehicle Service Uses	None	Same as AG	Same as AG	Same as AG	Same as AG
Restaurant Uses	None	Same as AG	Same as AG	Same as AG	Same as AG
Overnight Accommodations	RV Park (CUP)	None	Hotel / Motel	None	None
Transportation Uses	Airport or landing field (CUP) Heliport or Helistop (CUP) Railway Track	Railway Track (ROW)	Same as MF-1	Same as MF-1	Same as MF-1

Permitted & Conditional Use Table - General Retail (GR)	
Agricultural Uses	Farm, Ranch or Orchard
Residential Uses	Single Family Residence (Detached & Attached) Duplex Townhouse Industrialized Housing Family or Group Home Home for the Aged
Retail & Service Uses	Most Retail & Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) Indoor Flea Market
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location
Recreational Uses	Park or Playground Beer & Wine (On Premise Consumption) < 75%
Vehicle Service Uses	Auto Leasing, Rental Auto Sales - New & Used (outside Lot) Car Wash Vehicle Servicing (Minor)
Restaurant Uses	With & Without Drive-In
Overnight Accommodations	Hotel or Motel
Transportation Uses	Emergency Vehicle Service Helistop

Surrounding Property Uses

	<u>Surrounding Property & Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Multi-Family / Auto Urban Commercial	PD-MF-1, MF-2 & AG	Single Family Residence on Acreage
North	Auto Urban Multi-Family / Auto-Urban Residential	MF-1 & AG	Scattered SF Uses
South	Auto Urban Commercial	C, GR & AG	Scattered Non-Residential & SF Uses on Acreage
East	Auto Urban Commercial / Industrial	LI	Undeveloped & Scattered Industrial Uses
West	TMED	PD-O-2 & GR	Scattered Non-Residential, MF & SF Uses on Acreage

Comprehensive Plan Compliance

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

Dimensional Standards

	<u>Current</u> <u>(PD-MF-1)</u> <u>UDC Sec. 4.5</u> <u>MF Dwelling</u>	<u>Proposed</u> <u>(SFA-3)</u> <u>UDC Sec. 4.5.2</u> <u>SF Attached</u> <u>"Townhome"</u>	<u>Current</u> <u>(MF-2)</u> <u>UDC Sec. 4.5.1</u>	<u>Proposed</u> <u>(SF-3)</u> <u>UDC Sec 4.5.1</u> <u>"SF Dwelling"</u>
Minimum Lot Size	3,000 SF	2,300 SF	5,000 SF	4,000 SF
Minimum Lot Width	60 Feet	20 Feet	50 Feet	40 Feet
Minimum Lot Depth	120 Feet	100 Feet	100 Feet	100 Feet
Front Setback	25 Feet	15 Feet	25 Feet	15 Feet
Side Setback	15 Feet	5/0 Feet	10% Lot Width 5 Feet Min.	5 Feet
Side Setback (corner)	15 Feet	15 Feet	15 Feet	15 Feet
Rear Setback	10 Feet	5 Feet	10 Feet	10 Feet
Max Building Height	2 Stories	2 ½ Stories	4 Stories	2 ½ Stories

Dimensional Standards (Cont)

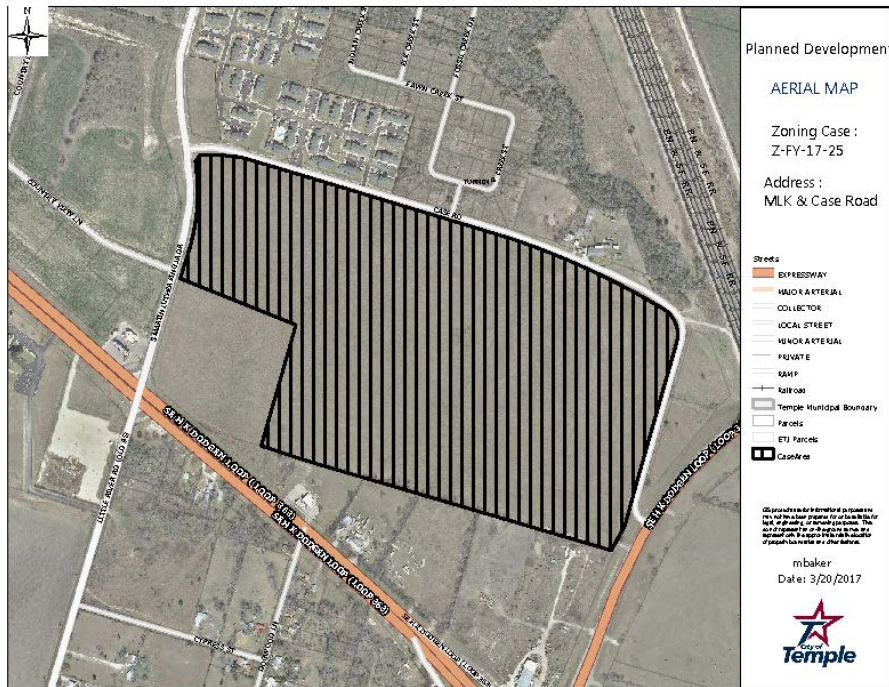
	<u>Current (AG)</u> <u>Residential</u>	<u>Proposed (GR)</u> <u>Non-Res</u>
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories

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

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

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

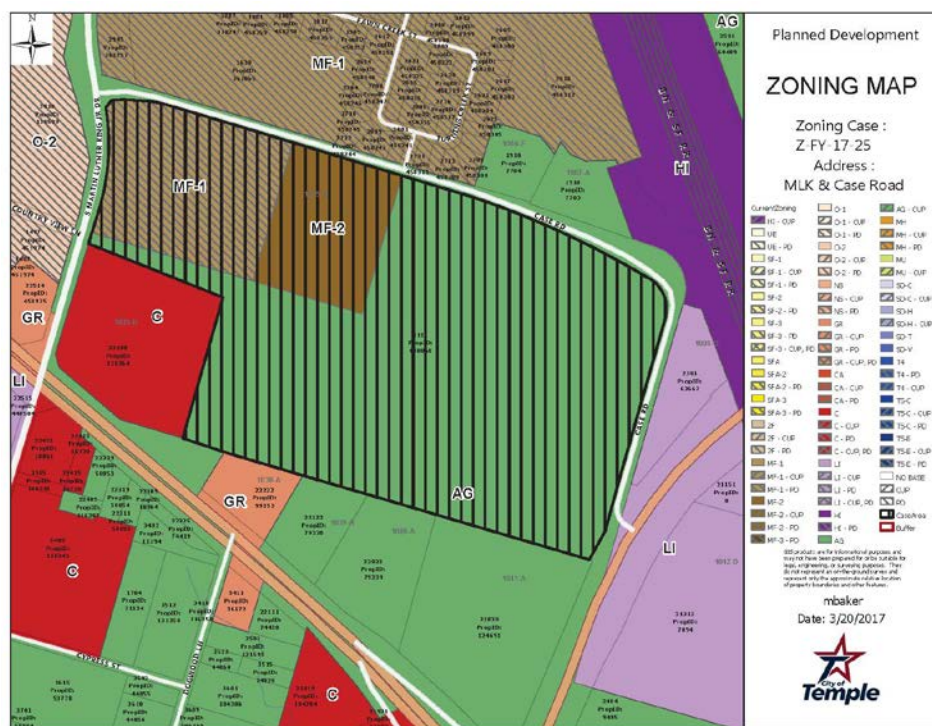
Maps



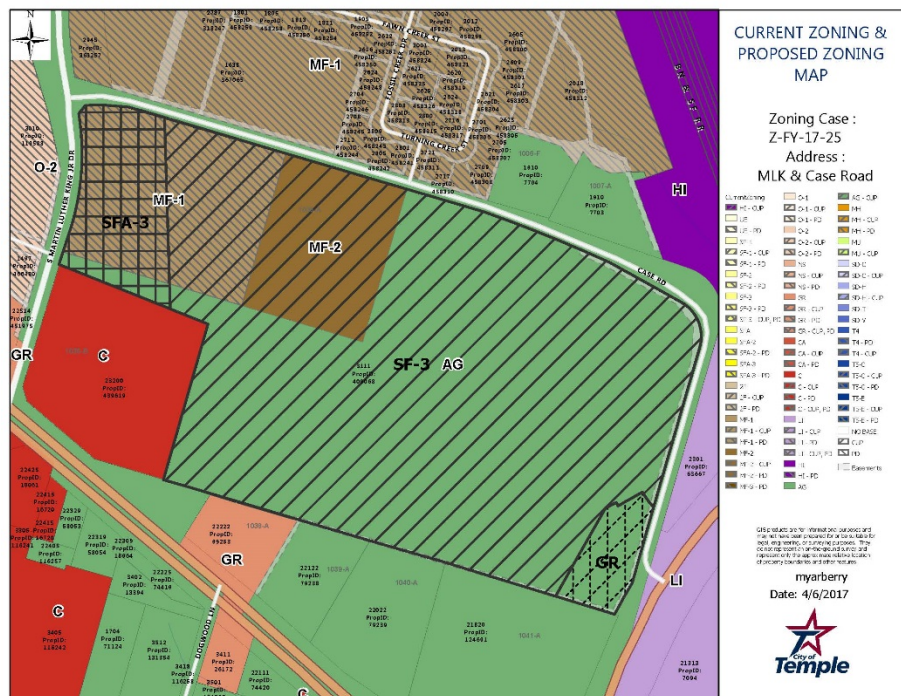
Aerial Map

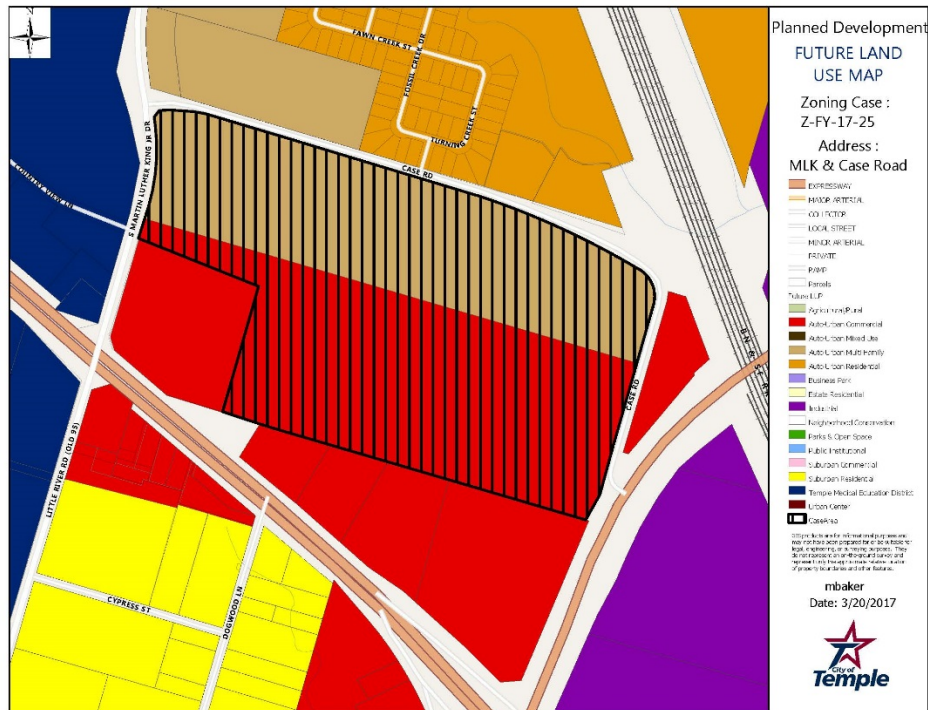


Location Map

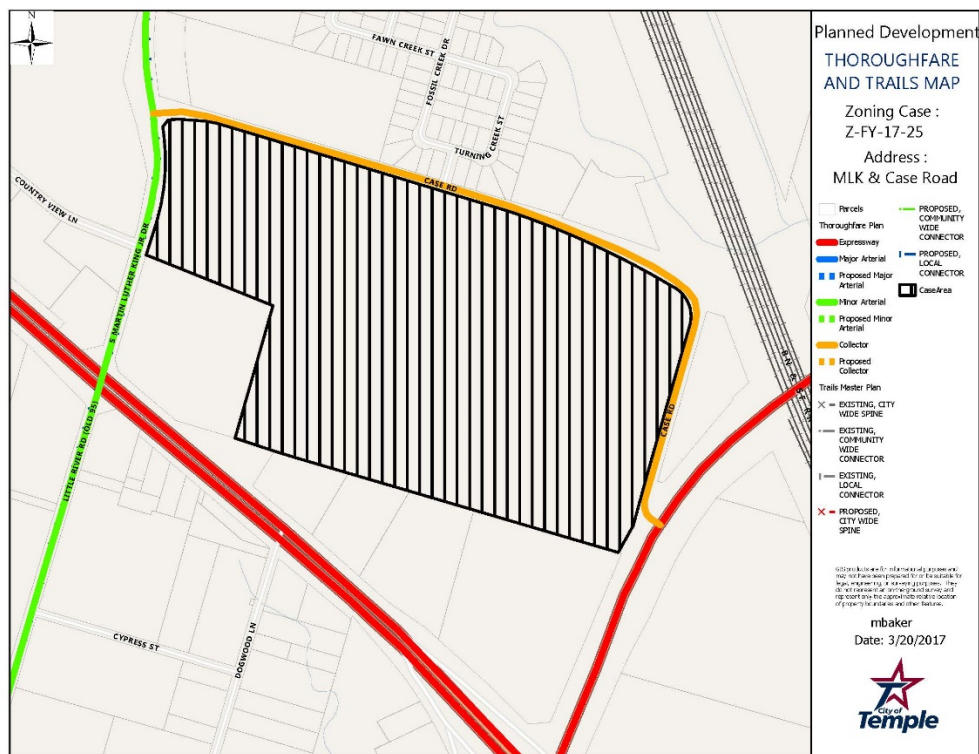


Zoning Map

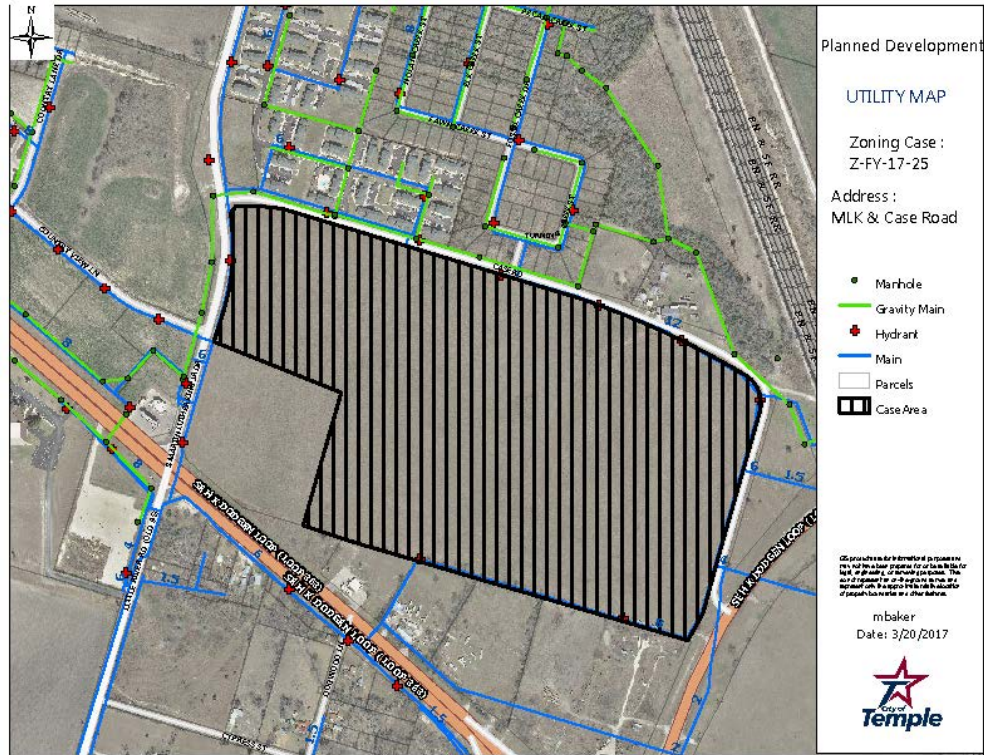




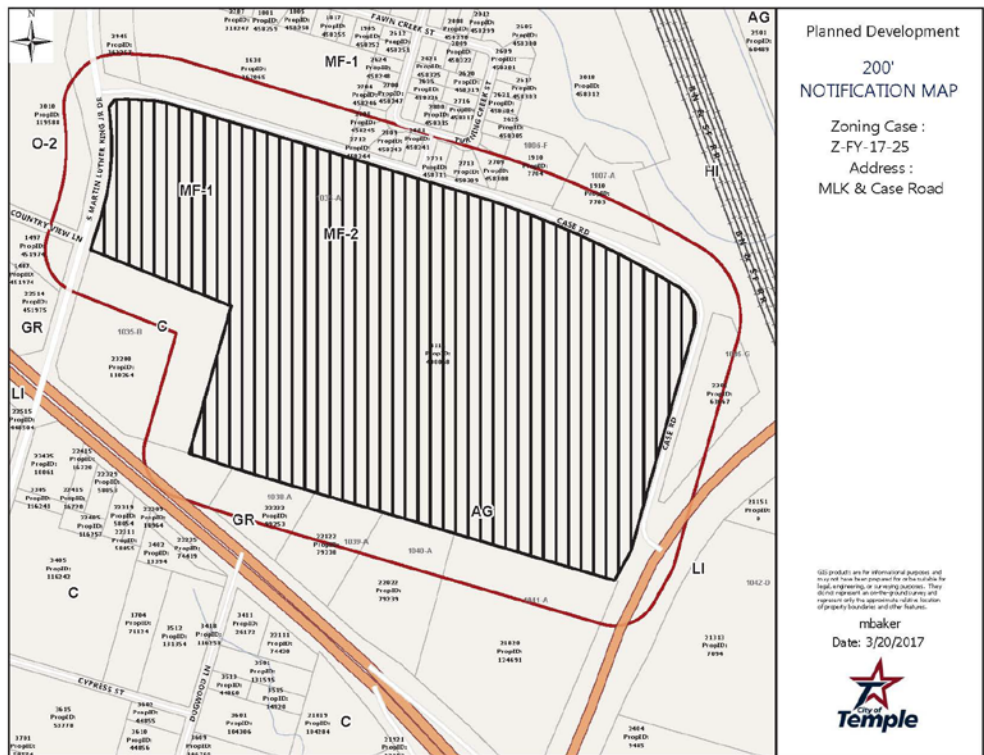
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map



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

RECEIVED
APR 10 2017
TEXAS DEPT. OF TRANS.
WACO DISTRICT

STATE OF TEXAS
100 S LOOP DR
WACO, TX 76704-2858

Zoning Application Number: Z-FY-17-25

Case Manager: Mark Baker

Location: Martin Luther King Junior Drive and Case Road

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

I ☐ agree

I ☐ disagree with this request

Comments:

Signature

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

Number of Notices Mailed: 23

Date Mailed: April 6, 2017

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

RECEIVED

APR 12 2017

City of Temple
Planning & Development



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

J & P OIL & GAS INC
PO BOX 6731
CORPUS CHRISTI, TX 78466-6731

Zoning Application Number: Z-FY-17-25

Case Manager: Mark Baker

Location: Martin Luther King Junior Drive and Case Road

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

I ☒ agree

I ☐ disagree with this request

RECEIVED
APR 17 2017
City of Temple
Planning & Development

Comments:

Signature

Patricia Wheeler

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

Number of Notices Mailed: 23

Date Mailed: April 6, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MITCHELL, KENNETH H
1005 SHADY RIVER CT N
BENBROOK, TX 76126-2900

Zoning Application Number: Z-FY-17-25

Case Manager: Mark Baker

Location: Martin Luther King Junior Drive and Case Road

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

I ☒ agree

I ☐ disagree with this request

Comments:

Kenneth H. Mitchell
Signature

Kenneth H. Mitchell
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

Number of Notices Mailed: 23

Date Mailed: April 6, 2017

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

2X - Represents Two Separate Properties

RECEIVED

APR 24 2017

City of Temple
Planning & Development

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 17, 2017

ACTION ITEMS

Item 2: Z-FY-17-25 – Hold a public hearing to discuss and recommend action on a request for rezoning for: (1) 2.497 +/- acres from Agricultural (AG) district to General Retail (GR) district, (2) 67.455 +/- acres from Planned Development Multi-Family One (PD-MF-1), Multi-Family Two (MF-2) and Agricultural (AG) districts to Single-Family Three (SF-3) district and (3) 6.606 +/- acres from Planned Development Multi-Family One (PD-MF-1) district to Single-Family Attached Three (SFA-3), for a total rezoning of 76.558 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located east of South Martin Luther King JR Drive and generally south and west of Case Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on May 18, 2017 and second reading on June 1, 2017.

The total project is approximately 76 +/- acres and is bordered by Loop 363 on the east, South Martin Luther King Jr. Drive on the west, Case Road to the north and northeast, and Highway 36 to the south.

Aerial/location map shown.

This is a three part request: 6.6 +/- acres proposed for townhomes of Single Family Attached-Three (SFA-3) zoning; 67 +/- acres proposed for detached Single Family-Three (SF-3) zoning, and 2.49 +/- for General Retail (GR) zoning.

There is a potential future expansion for a partial abandonment of Case Road and the potential acquisition of approximately 3.355 +/- City-owned property.

Ordinance No. 95-2314 – Planned Development PD-MF-1 (portion) was originally intended for a Retirement Center for Elderly and Disabled Persons and approximately 12.5 +/- acres. This was the only permitted use within the Ordinance and was never built. The applicant is currently proposing to construct townhomes which does require a rezoning.

The remaining portion of that PD, the MF-2 and the larger AG zoned land is desired for the Single Family Detached homes.

Approximately 335 lots are being considered within the area, 50-feet by 120-feet average lot size, and around 6,000 square feet. This does exceed the minimum required lot square footage for SF-3 which is 4,000 square feet.

The GR is proposed for the smaller two acre portion and would provide a retail and service use opportunity along Loop 363. Those uses as GR are not permitted in AG zoning.

The Future Land Use and Character Map designate the subject property as Auto Urban Multi-Family which is intended for multi-family development and supports SFA-3 but does not support SF-3 zoning.

The Auto Urban Commercial is intended for Commercial and supports the GR zoning but does not support the SF-3. The request is only partially compliant.

Both water and sewer are available to serve the property. During the platting process, the Development Review Committee (DRC) would look at existing facilities, drainage and other platted-related issues to proceed with development.

The Thoroughfare Plan designates South Martin Luther King Drive as a minor arterial. No anticipated Transportation Capital Improvements Programs (TCIP) are funded or scheduled. Case Road is designated as a collector. Any needed right-of-way would be addressed during the platting process and DRC.

Sidewalks would be addressed during the platting process.

No trails have been identified along these corridors.

On-site photos shown.

Surrounding properties include single family residential uses (Village at Meadowbend and Meadows at Creekside subdivisions), zoned PD-MF-1, to the north, undeveloped land with scattered retail and service uses, zoned AG and GR, to the south, existing retail and service uses (Country Lane Commercial Subdivision), zoned PD-O-2 and GR, to the west, and a city owned tract, BNSF Service Road, zoned LI, and Case Road to the east.

Use comparison chart for existing and proposed zoning shown (residential only) (chart is not all inclusive). PD-MF-1 only allows the Retirement Center for Elderly and Disabled Persons which was never built.

Allowed GR uses shown (not all inclusive).

Current and proposed Development Standards given.

Per UDC Section 7.7.4 – Buffering and Screening: may consist of evergreen hedges composed of five-gallon plants or larger, with a planted height of six-feet on 36-inch centers;

May consist of a six-foot to eight-foot high fence or wall, constructed by any number of allowed materials per UDC Section 7.7.5, such as:

- Wood,
- Masonry,
- Stone or pre-cast concrete

Twenty-three notices were mailed out in accordance with all state and local regulations with one notice returned in agreement and zero notices returned in disagreement. One notice returned with no response indicated.

This request is in compliance with the Thoroughfare Plan, public facilities are available to serve the site, and it is compatible with surrounding uses and zoning.

The request is in partial compliance with the Future Land Use and Character Map.

Staff recommends approval of the request for a rezoning from PD-MF-1, MF-2 and AG Districts to SF-3, SFA-3 and GR Districts.

Chair Rhoads opened the public hearing.

Mr. John Kiella, Kiella Development, 11122 Whiterock Drive, Temple, Texas stated he represents the developer. Mr. Kiella has been working with Temple Independent School District (TISD) Superintendent and Staff about multiple projects occurring within the TISD for new school sites.

The possible abandonment of Case Road would only make the development better.

Mr. Kiella has met with TxDOT regarding three new roads and everyone seems to be in agreement.

There being no further speakers, Chair Rhoads closed the public hearing.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-17-25**, as presented, and Commissioner Ward made a second.

Motion passed: (6:0)

Vice-Chair Fettig and Commissioners Jones and Marshall absent

ORDINANCE NO. 2017-4843
(Z-FY-17-25)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 2.497 ACRES; A REZONING FROM PLANNED DEVELOPMENT MULTI-FAMILY ONE, MULTI-FAMILY TWO, AND AGRICULTURAL ZONING DISTRICTS TO SINGLE FAMILY THREE ZONING DISTRICT ON APPROXIMATELY 67.455 ACRES; A REZONING FROM PLANNED DEVELOPMENT MULTI-FAMILY ONE ZONING DISTRICT TO SINGLE-FAMILY ATTACHED THREE ZONING DISTRICT ON APPROXIMATELY 6.606 ACRES, FOR A TOTAL REZONING OF APPROXIMATELY 76.558 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, GENERALLY LOCATED EAST OF SOUTH MARTIN LUTHER KING JR. DRIVE, AND GENERALLY SOUTH AND WEST OF CASE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural zoning district to General Retail zoning district on approximately 2.497 acres, a rezoning from Planned Development Multi-Family One, Multi-Family Two and Agricultural zoning districts to Single-Family Three zoning districts on approximately 67.455 acres, and a rezoning from Planned Development Multi-Family One zoning district to Single-Family Attached-Three zoning district on approximately 6.606 acres, for a total rezoning of approximately 76.558 acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located east of South Martin Luther King Jr. Drive, and generally south and west of Case Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends approval of the rezoning from Agricultural zoning district to General Retail zoning district; from Planned Development Multi-Family One, Multi-Family Two, and Agricultural zoning districts to Single-Family Three zoning district; and from Planned Development Multi-Family-One zoning district to Single-Family Attached Three zoning district.

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 **18th** day of **May**, 2017.

PASSED AND APPROVED on Second Reading on the **1st** day of **June**, 2017.

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

06/01/17
Item #4(S)
Consent Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-17-26: Consider adopting an ordinance authorizing a rezoning and Site Development Plan from Agricultural, Light Industrial, Single Family Three and Office Two zoning districts to Planned Development General Retail with a conditional use permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be 75% or more of the total revenue, and Planned Development Single Family Three on 185.634 acres of Outblocks 2075-A, 2050-D, 2050-A, 2068-A, 2067-A, 2074-A situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at Westfield Boulevard and State Highway 36.

STAFF RECOMMENDATION: Staff recommends approval of the following uses, conditions, and exceptions within each proposed planned development district:

PD-GR:

1. Allowance of the following uses by right within the PD-GR district:
 - All uses identified in Sec. 5.1 Use Table that are permitted in the General Retail District (GR)
 - Vertical Mixed Use allowing for multifamily elements and general retail elements to be combined in a single multi-story building (**UDC Section 5.1 waived**)
 - Multiple Family Dwelling -3 (**UDC Section 5.1 waived**)
2. On designated districts of the Site Development Plan, shown along the Airport Road frontage, approval of a Conditional Use Permit for alcoholic beverage sales where the sale of all alcoholic beverages for on premise consumption may be:
 - 75% or more of the total revenue; or
 - >50% & < 75%
 - up to 50%
3. Provision of a continuous buffer, along the common boundary between nonresidential or multiple-family uses and an agricultural or residential district only (**buffering from internal uses is waived**) will be the responsibility of the non-residential developer at permitting - eliminating the required continuous buffering along the common boundary between nonresidential or multiple-family uses and agricultural or residential uses. (UDC Section 7.7.4 location waived above).

Applicant will request that the City Council allow for a variance to the prohibition of the sale of alcoholic beverages within 300' of a park or residentially zoned or developed lot (UDC Section 5.3.15). This item will be considered by City Council as a separate resolution per Section 109.33: Sales Near School, Church, or Hospital of Title 4 of the Texas Alcoholic Beverage Code. Distance requirements from schools, churches and hospitals will still be applicable.

PD-SF-3:

1. The following changes to the residential dimensional standards for the district identified in **UDC Section 4.5.1 for Single Family Detached Dwellings** in a SF-3 district.
 - Reduction in the minimum side corner yard setback standard from 15' to 10'

PLANNING & ZONING COMMISSION RECOMMENDATION: At their April 17, 2017 meeting, the Planning & Zoning Commission voted six to zero for approval of the PD, removing a staff requested condition related to requiring notification of potential homeowners of the airport's proximity through a deed restriction process.

ITEM SUMMARY: Ronald Mikeska of West Tanglefoot Development, on behalf of property owners John Kiella and Thomas Baird, is seeking a rezoning of +/- 185 acres to a Planned Development modeled after the nearby Westfield Master Plan. The applicant is proposing a design concept that will involve the integration of a mix of zonings and uses to create a unique planned community where residents can live, shop and play accessing amenities and shopping by means of a connected trail/sidewalk system modeled on the successful Westfield development to the south. The applicant is proposing to introduce multiple elements once again into a large multi-zoned planned development. The proposed development will include:

1. Professional and retail shops;
2. Live/work mixed use dwelling/retail units;
3. Mix of residential development integrating single family detached and multi-family uses into a single planned community; and
4. Pocket parks/ green space dispersed throughout the development with interior sidewalk connectivity.

The applicant has requested numerous changes to conventional zoning to achieve this unique design more completely summarized in the staff recommendation. These changes include:

1. Additional uses integrated into the conventional General Retail District – such as vertical mixed use, multifamily uses, and restaurants and bars.
2. Changes to dimensional standards for Single Family Dwelling-3 (SF-3) calling for a reduction in the minimum side corner yard setback standard

PLANNED DEVELOPMENT REVIEW CRITERIA

The Unified Development Code states, that when considering a Planned Development, the approving body should consider the following:

1. Conformance to the Design and Development Standards Manual;
2. The environmental impact of the development to the site and surrounding neighborhood;
3. The compatibility with the use, character and design of the surrounding neighborhood;

4. The provision of safe and effective vehicular and pedestrian circulation;
5. The safety and convenience of off street parking and loading facilities;
6. Compliance of streets with city codes and the Thoroughfare Plan;
7. The design of open space ensuring that such design is suitable for recreation and conservation uses;
8. The provision of adequate utilities, drainage, and refuse disposal.

The subject property will address planned development review criteria as follows:

1. The Planned Development rezoning is being considered with a plat to follow. Proposed streets and utility infrastructure will be constructed in conformance with the Design and Development Standards Manual. The applicant has requested no exceptions to street or utility provision standards.
2. The applicant is proposing a mixed-use higher density development project designed to provide opportunities for residents to access amenities and entertainment opportunities close to where they live - conceptually eliminating the number of automobile trips to destination points around the city. Drainage and other environmental impacts will be reviewed as part of the platting process and the applicant will be required to address any concerns related to the impact of the project to the surrounding properties.
3. This area is characterized by the placement of similar uses to what is proposed. The area provides a mix of uses to include residential (varying densities), retail, office, public institutional (schools) and recreation uses. The applicant is proposing similar uses with the introduction of vertical mixed use and multi-family uses which are similar to those allowed on nearby properties in the Westfield Master Plan.
4. The applicant has proposed an interconnected network of sidewalks to allow safe pedestrian passage between retail, residential and recreational uses to include the nearby Crossroads Community Park under construction to the south east of the proposed development.
5. Parking and circulation for emergency vehicle response access will be further reviewed in the final platting process. Parking and loading concerns will be addressed with the building permits and related site plans.
6. All proposed streets will be constructed in compliance with city codes and reflect consistency with proposed alignments and classifications identified in the City Thoroughfare Plan.
7. The proposed Planned Development integrates open space with retail and residential uses of varying intensities.
8. The applicant has provided sidewalks to ensure pedestrian access to pocket parks, greenspaces and the nearby Crossroads Community Park.
9. The subject site is served by multiple water and sewer lines. The proposed utility layout will be reviewed as part of the platting process.

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:

Direction	FLUP	Zoning	Current Land Use
Subject Property	Agricultural Rural	AG; O-2, SF-3, LI;	Undeveloped
North	Public Institutional; Agricultural/Rural	AG; O-2; SF-3, LI	Undeveloped, Airport property
South	Suburban Residential ;	AG, SF-3, PD-GR; PD-SF-3;	School, Residential, Undeveloped
East	Agricultural Rural	LI; AG	Undeveloped, Charter School
West	Agricultural/Rural	SF-2; AG	Undeveloped; Residential

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

Due to the size of the tract, the subject property resides within multiple future land use character areas to include: **Suburban Residential, Suburban Commercial, and Agricultural/Rural, into which designation the entire tract falls.** Suburban Residential is the dominant future land use, other than Agricultural, identified for this area. The *Choices '08* City of Temple Comprehensive Plan states that the Suburban Residential character district is suited for mid-sized single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus streets and driveways. The lot size may be reduced in developments that make corresponding increases in open space on the site to maintain the suburban character. The predominant density proposed by the developer is the most dense single family detached lot size identified in the Unified Development Code. Additionally, the applicant has asked for an adjustment in the dimensional standards for side corner setbacks which matches the request from the previous Master Plan development, Westfield.

Although this intensity is greater than what is prescribed for this character area, the unique design elements combined with pocket parks, an integrated trail system and proposed connections to the nearby Crossroad Community park (south east of the development) provide an opportunity to create a unique walkable setting where residents can enjoy opportunities to live, shop and play in one integrated community. While not compliant with the Future Land Use Map, this use is compatible with surrounding similar uses in the Westfield Master Plan and nearby.

Staff recommends amending the Future land Use Map to accommodate these unique development opportunities in the area. The area identified as Suburban Commercial is compatible with the proposing rezoning which calls for retail uses in those respective areas.

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

The subject property is bounded by the following streets: North Pea Ridge Road, Prairie View Road, Airport Road; and Westfield Boulevard, which will be extended to connect with Airport Road. Additionally a Collector connecting Westfield Boulevard to North Pea Ridge and proposed to extend further to the west to SH 317 is proposed. The following roads have been identified in the Future Thoroughfare Plan Map and will be identified on the corresponding plat where additional right-of way is needed.

- North Pea Ridge Road- Proposed Collector
- Prairie View Road-Proposed Minor Arterial
- Westfield Boulevard- Extension of Minor Arterial
- Airport Road- Major Arterial
- Un named Collector to connect Westfield Boulevard to North Pea Ridge

Sidewalks have been proposed on both sides of Westfield Boulevard and on one side of the proposed new Collector as well as along several of the interior streets and North Drive which connects with Northgate Loop which is within the existing Northgate Subdivision. A sidewalk is installed along Prairie View Road where the GR use is proposed. A minimum 4' sidewalk is required on collector streets and 6' sidewalks are required along arterials.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer and water are available to the subject property through potential connections from both the south and north of the subject property.

DEVELOPMENT REGULATIONS: The development site plan will provide the development and dimensional standards for this development. Except where otherwise provided the dimensional standards identified for the base zoning district shall be followed.

PUBLIC NOTICE: 102 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of noon Tuesday May 9, 2017, 71 notices have been returned in favor of the proposed rezoning (39 from the developers) and one notice has been returned in opposition to the proposed rezoning. The newspaper printed the notice of the public hearing on April 6, 2017, in accordance with state law and local ordinance.







FISCAL IMPACT: Not Applicable

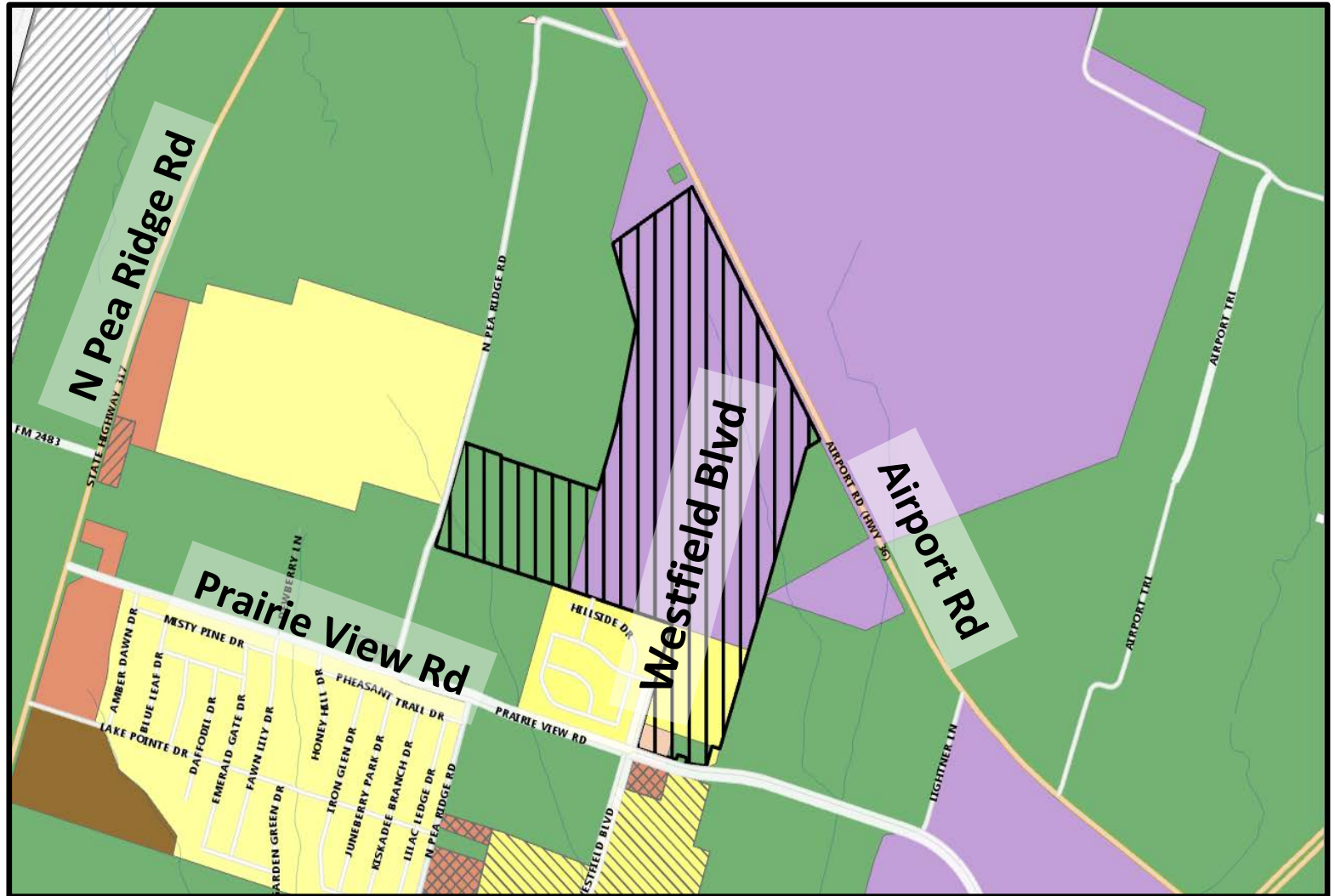
ATTACHMENTS:

Zoning & Location Map
Site and Surrounding Property Photos
Development Site Plan
Future Land Use and Character Map
Localized area of the Thoroughfare & Trails Plan (combined)
Utility Map
Notification Map
Zoning Summary Table
Returned Property Owner Notices
Ordinance

Northgate Master Plan Area Zoning Map

Legend

-  Light Industrial
-  Single Family-3
-  AG
-  Office Two
-  Single Family-2
-  General Retail



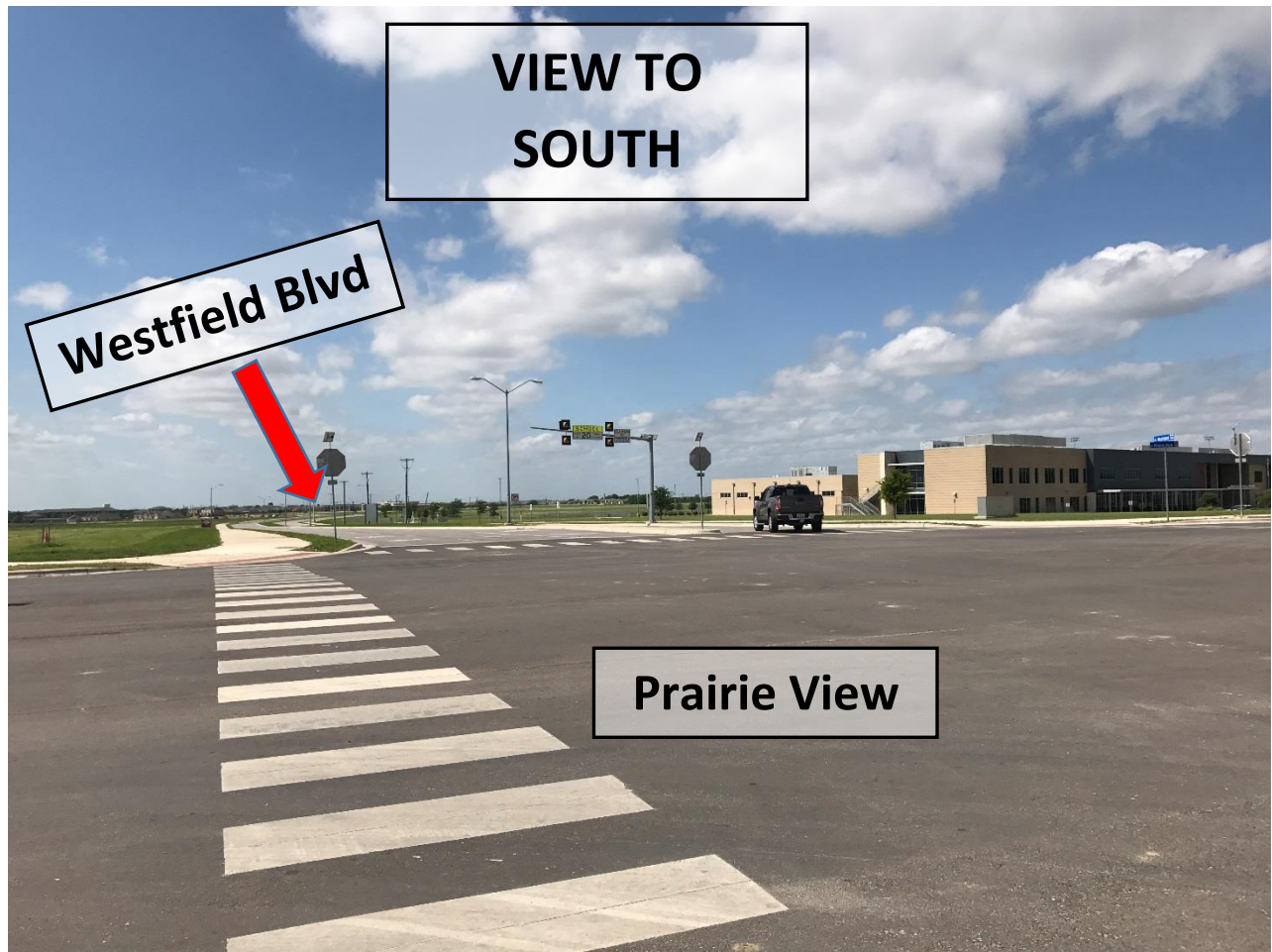
SITE PHOTOS

Prairie View/Westfield Boulevard

VIEW TO NORTH
Westfield Blvd to be extended

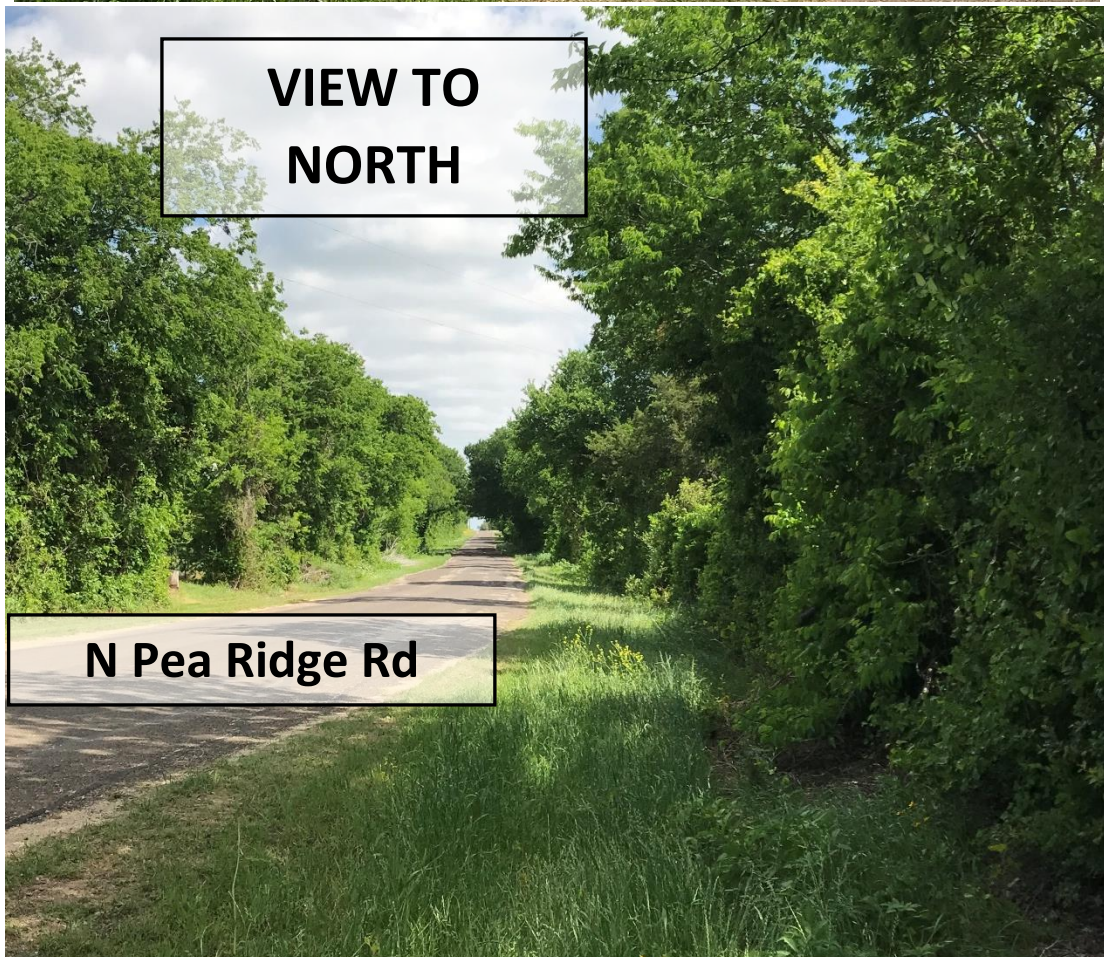
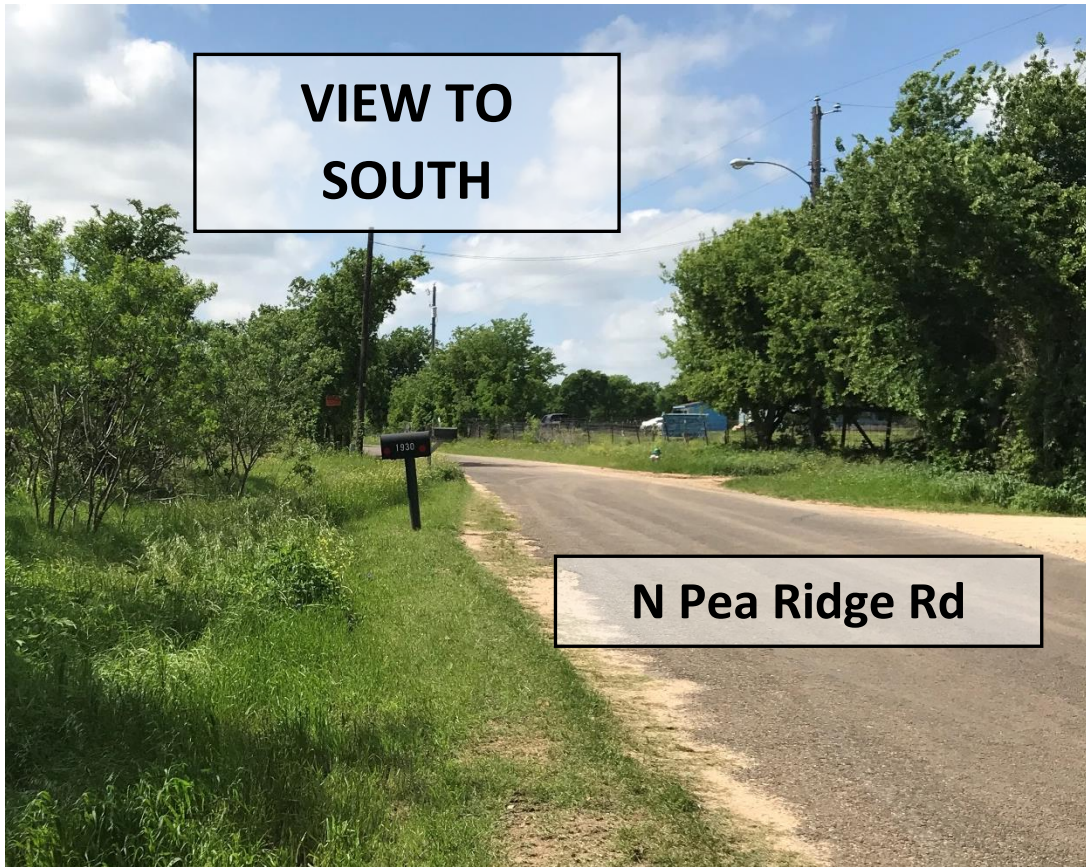






North Pea Ridge Rd





VIEW TO WEST

N Pea Ridge Rd

Airport Rd

Northgate

SITE AND VIEW TO SOUTH

PROPOSED LAND USE CASE

Case #Z-FY-17-26

P&Z:
04/17/17



City Council:
1st: 05/18/17
2nd: 06/01/17

Rezoning: From AG, LI, SF-3 and O-2
to PD-GR, PD-SF-3

Northgate Master Plan PD on 185.6 acres



For information, call

VIEW TO WEST

Airport Rd

VIEW TO EAST

Airport Rd

VIEW TO NORTH

Airport Rd



FUTURE LAND USE MAP

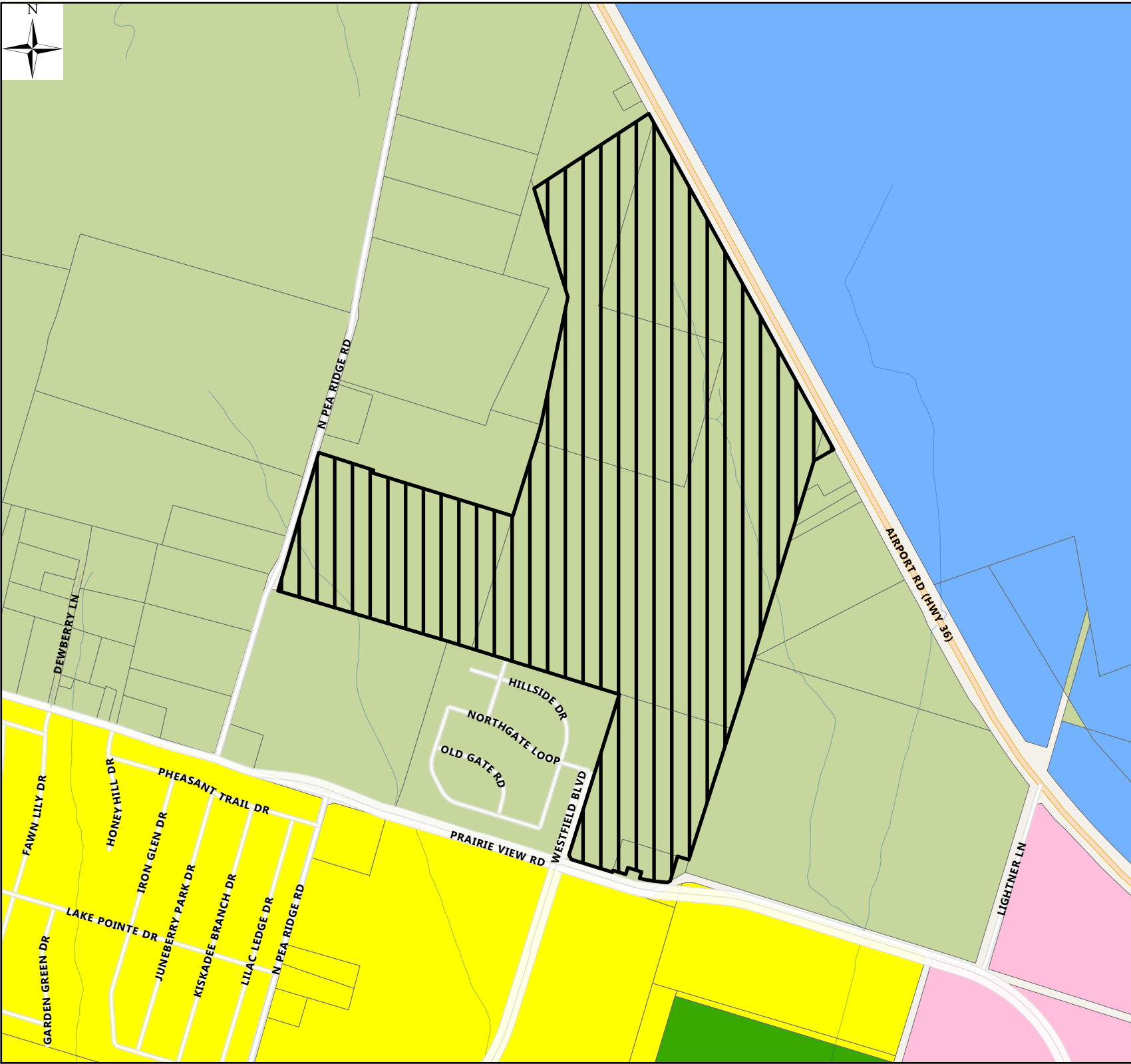
Zoning Case :
Z-FY-17-026

Address :
Northgate Master Plan

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

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

Irbarrett
Date: 4/6/2017





THOROUGHFARE AND TRAILS MAP

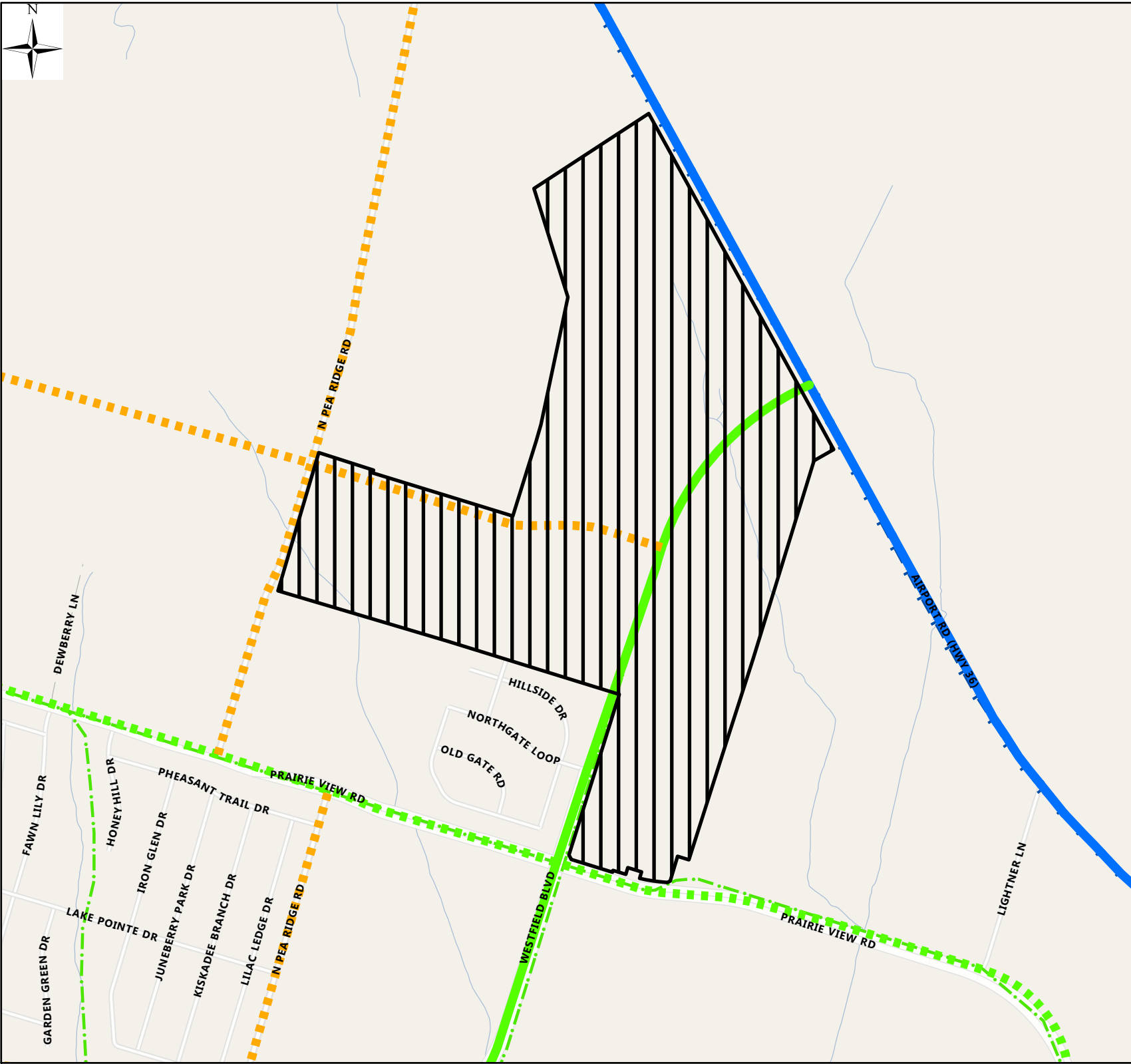
Zoning Case :
Z-FY-17-26

Address :
Northgate Master Plan

- | | |
|---|-----------------------------------|
| Thoroughfare Plan | PROPOSED COMMUNITY WIDE CONNECTOR |
| Expressway | PROPOSED LOCAL CONNECTOR |
| Major Arterial | Case Area |
| Proposed Major Arterial | |
| Minor Arterial | |
| Proposed Minor Arterial | |
| Collector | |
| Proposed Collector | |
| Trails Master Plan | |
| X - EXISTING CITY WIDE SPINE | |
| - - - EXISTING COMMUNITY WIDE CONNECTOR | |
| - - - EXISTING LOCAL CONNECTOR | |
| X - PROPOSED CITY WIDE SPINE | |

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Irbarrett
Date: 4/6/2017





AG, LI, O-2
TO PD-GR, PD-SF-3

UTILITY MAP

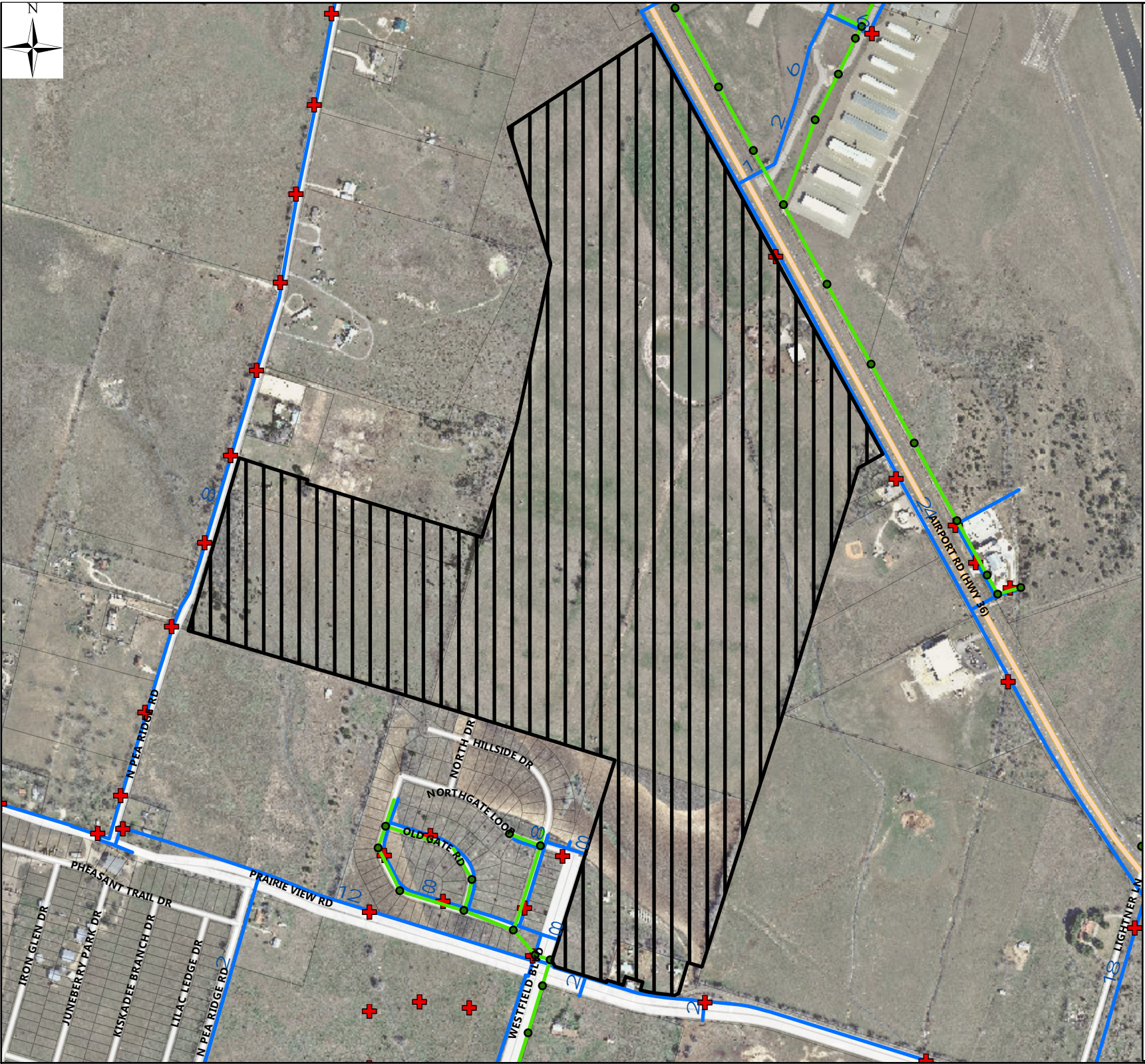
Zoning Case :
Z-FY-17-26

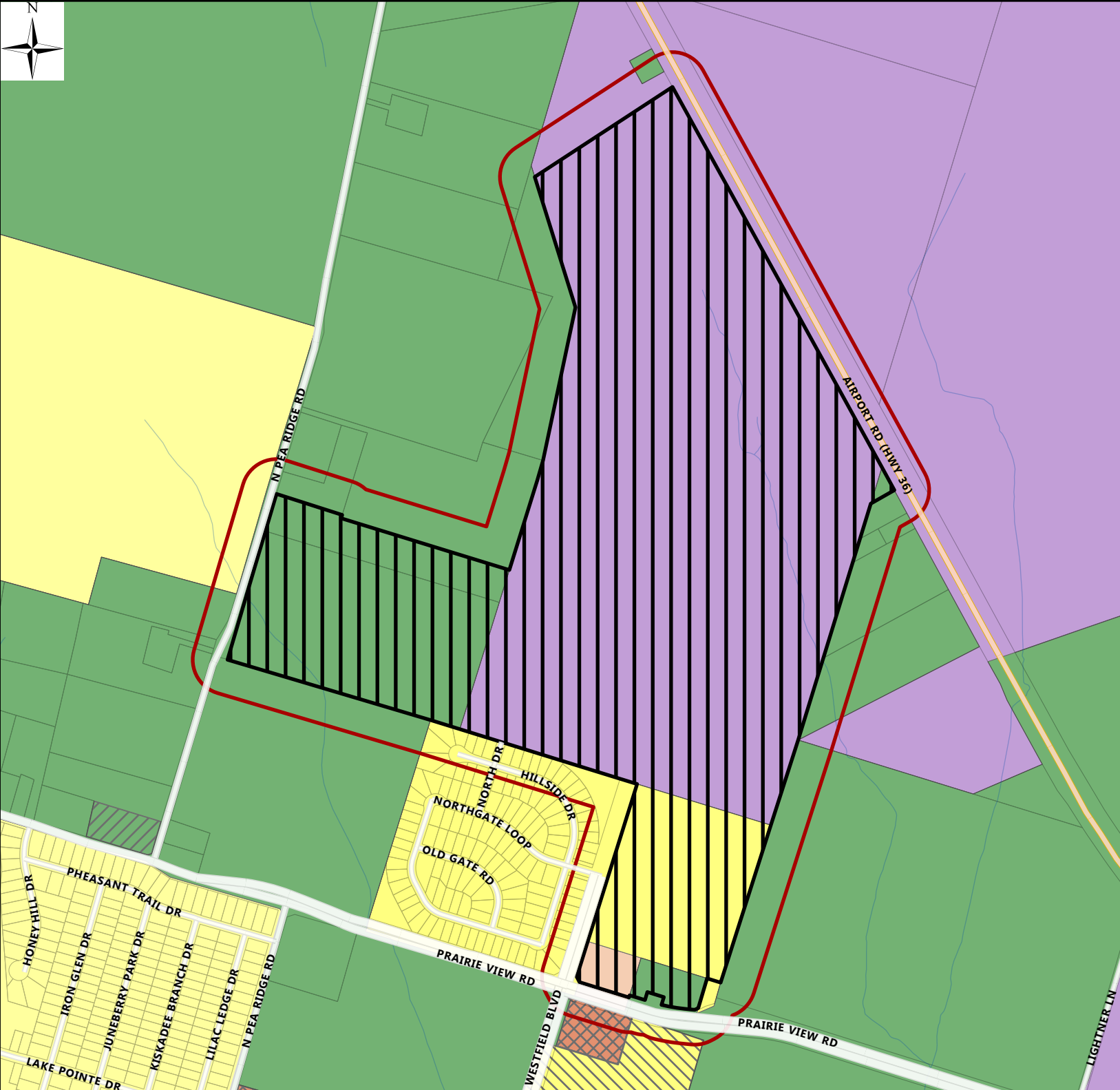
Address :
Northgate Master Plan

- Manhole
- Gravity Main
- + Hydrant
- Main
- Parcels
- ▨ Case Area

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Irbarrett
Date: 4/6/2017





AG, LI, O2 TO
PD-SF-3, PD-GR
200'
NOTIFICATION MAP

Zoning Case :
Z-FY-17-26
Address :

Northgate Master Plan

Current Zoning	O-1	AG - CUP
H - CUP	O-1 - CUP	MH
UE	O-1 - FD	MH - CUP
UE - FD	O-2	MH - FD
SF-1	O-2 - CUP	MW
SF-1 - CUP	O-2 - FD	MW - CUP
SF-1 - FD	NS	SDC
SF-2	NS - CUP	SDC - CUP
SF-2 - FD	NS - FD	SDH
SF-3	GR	SDH - CUP
SF-3 - FD	GR - CUP	SDT
SF-3 - CUP, FD	GR - FD	SDV
SFA	GR - CUP, FD	T4
SFA-2	CA	T4 - FD
SFA-2 - FD	CA - CUP	T4 - CUP
SFA-3	CA - FD	T5C
SFA-3 - FD	C	T5C - CUP
2F	C - CUP	T5C - FD
2F - CUP	C - FD	T5E
2F - FD	C - CUP, FD	T5E - CUP
MF-1	U	T5E - FD
MF-1 - CUP	U - CUP	NOBASE
MF-1 - FD	U - FD	CUP
MF-2	U - CUP, FD	FD
MF-2 - CUP	H	CaseArea
MF-2 - FD	H - FD	Buffer
MF-3 - FD	AG	

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Irbarrett
Date: 4/6/2017



Northgate Master Development

Planned Development	Allowed Uses	UDC Limitations/Conditions to be waived	Prohibited Uses	Specific Standards/ Conditions
PD-GR	All uses permitted in General Retail	Section 7.7.4 Eliminating the required continuous buffering along the common boundary between nonresidential or multiple-family uses and agricultural or residential uses within PD-GR.	Asphalt or Concrete Batching Plant (temporary)	Section 7.7.4 Continuous buffering is required along the common boundary between nonresidential or multiple-family uses and an agricultural or residential zoning district within PD-GR. APPLICABLE
	Alcoholic Beverage Sales for on premise consumption: beer and wine only less than 75% revenue from alcohol			Section 5.3.1 B Distance requirements from church, school or public hospital APPLICABLE Requires a CUP in GR
	Alcoholic Beverage Sales for on premise consumption: all alcoholic beverages 75% or more revenue	Section 5.3.15C: Distance requirements from residential and will require a <u>separate City Council Variance</u> .		Section 5.3.1 C Distance requirements from church, school or public hospital APPLICABLE Requires a CUP in GR
	Alcoholic Beverage Sales for on premise consumption: all alcoholic beverages more than 50% and less than 75% revenue			Section 5.3.1 B Distance requirements from school or public hospital APPLICABLE Requires a CUP in GR
	Vertical Mixed Use (Multi-family) and Multi-Family	See Multi-family Section 5.1: Use not allowed in GR - allowed by right in PD-GR		Section 5.3.3 Yard Requirements APPLICABLE
PD - SF	Single Family Detached Dwelling	Section 4.5.1 – <ul style="list-style-type: none"> Reduce Min Side (Corner) yard setback from 15' to 10' 		



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MENDOZA, GILBERT & TINA M
2805 N PEA RIDGE RD
TEMPLE, TX 76502-4625

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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

I () agree

I (X) disagree with this request

Comments:

Disagree with alcohol consumption due to
guns being used on private property. Report
from my father disagrees as well who
owns 10-15 acres next to our property. Disagree
with small lots being sold.

Tina Mendoza
Signature

TINA MENDOZA
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

PS Everyone in
N. Pea Ridge
are required to buy
10 Acres - Reason for
little home development!!
Number of Notices Mailed: 100

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

RECEIVED

APR 25 2017

City of Temple
Planning & Development

Date Mailed: April 6, 2017

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

mendoza@wilsonart.com



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

SHINE, HUGH D
PO BOX 793
TEMPLE, TX 76503-0793

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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

I ☒ agree

I ☐ disagree with this request

Comments:

Signature

Print Name

HUGH D. SHINE

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RECEIVED

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

APR 19 2017
City of Temple
Planning & Development

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SHINE, HUGH ETUX DEBRA
PO BOX 793
TEMPLE, TX 76503

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

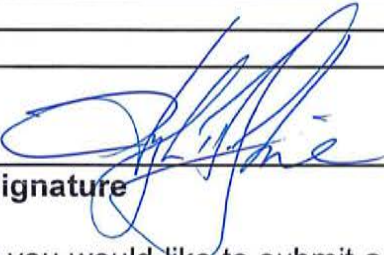
Location: Westfield Boulevard and State Highway 36

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I ☒ agree

I ☐ disagree with this request

Comments:


Signature

HUGH D. SHINE
Print Name

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

RECEIVED

APR 19 2017

City of Temple
Planning & Development

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

NSB PROPERTIES LLC
2702 TIMBER RIDGE DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ agree

I ☐ disagree with this request

RECEIVED

APR 17 2017

City of Temple
Planning & Development

Comments:

Terence L. Orf
Signature

Terence L. Orf
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

SHORT-TERM LENDING GP INC
15 N MAIN ST
TEMPLE, TX 76501-7629

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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

I ☒ agree

I ☐ disagree with this request

Comments:

for Short Term Lending GP Thomas C Baird 4/10/17
Signature *President* **Print Name**

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

RECEIVED

APR 10 2017

City of Temple
Planning & Development

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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



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

SHORT-TERM LENDING GP INC
15 N MAIN ST
TEMPLE, TX 76501-7629

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ agree

I ☐ disagree with this request

Comments:

Signature

*for Short-Term Lending GP
President*

Print Name

Thomas C. Baird 4/10/17

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

RECEIVED

APR 10 2017

City of Temple
Planning & Development

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

SHORT-TERM LENDING GP INC
15 N MAIN ST
TEMPLE, TX 76501-7629

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I (☒) agree

I () disagree with this request

Comments:


Signature

for Short-Term Lending GP Thomas C Baird 4/10/17
President Print Name

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

RECEIVED

APR 10 2017

City of Temple
Planning & Development

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Date Mailed: April 6, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

PRIORITY SYSTEM
DBA TEMPLE EDUCATION CENTER
1097 W CORPORATEDR
LEWISVILLE, TX 75067

RECEIVED

APR 17 2017

City of Temple
Planning & Development

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

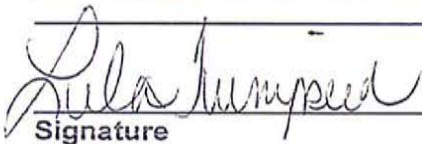
Location: Westfield Boulevard and State Highway 36

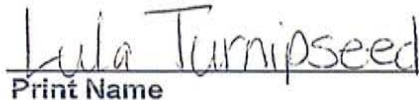
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I ☒ agree

I ☐ disagree with this request

Comments:


Signature


Print Name

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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



Rec'd
4/12/17

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

WEST TANGLEFOOT DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ agree

I ☐ disagree with this request

Comments:

33 notices

Ronald Mikeska
Signature

Ronald Mikeska
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than April 17, 2017.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

CAROTHERS, JT HOLDINGS LLC
50 S WHEAT RD
BELTON, TX 76513

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

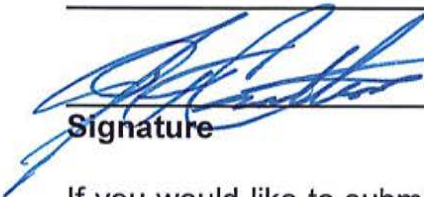
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I ☒ agree

I ☐ disagree with this request

Comments:


Signature

Jason Carothers
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

RECEIVED

APR 12 2017

City of Temple
Planning & Development



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

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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

I ☒ agree

I ☐ disagree with this request

Comments:

We support the increased development potential this re-zoning could create.

Signature

Matt Childers

Matt Childers
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

RECEIVED

APR 12 2017

City of Temple
Planning & Development



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

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ (X) agree

I ☐ () disagree with this request

Comments:

Same as first page

Signature

Matt Childers
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

RECEIVED

APR 12 2017

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ (X) agree

I ☐ () disagree with this request

Comments:

Same as first page

Signature

Matt Childers
Print Name

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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RECEIVED
APR 12 2017
City of Temple
Planning & Development



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

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ (X) agree

I ☐ () disagree with this request

Comments:

Same as first page

Signature

Print Name

Matt Childers

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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RECEIVED

APR 12 2017

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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I ☒ agree

I ☐ disagree with this request

Comments:

Same as first page

Signature

Matt Childers

Print Name

Matt Childers

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City of Temple
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RESPONSE TO PROPOSED
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CITY OF TEMPLE

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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

I ☒ (X) agree

I ☐ () disagree with this request

Comments:

Same as first page

Signature

Matt Childers

Print Name

Matt Childers

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **April 17, 2017**.

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

RECEIVED

APR 12 2017

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

Zoning Application Number: Z-FY-17-26

Case Manager: Lynn Barrett

Location: Westfield Boulevard and State Highway 36

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

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Same as first page

Signature

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Print Name

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

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RECEIVED
APR 12 2017
City of Temple
Planning & Development



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

STYLECRAFT CENTRAL TEXAS LP
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

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Same as first page

Signature

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Print Name

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

Number of Notices Mailed: 100

Date Mailed: April 6, 2017

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

RECEIVED

APR 12 2017

City of Temple
Planning & Development



COUNCIL AGENDA ITEM MEMORANDUM

06/01/17
Item #4(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's Special election to be held on Saturday, June 24, 2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution recommends the appointment of election judge(s) and sets their compensation for the City's Special election to be held on Saturday, June 24, 2017.

On February 2, 2017, the City Council ordered an Election for May 6, 2017, for both the District 2 Councilmember and the District 3 Councilmember positions. Since there was only one candidate for these seats, Bryant Ward (District 2 candidate) and Susan Long (District 3 candidate), the Council declared the unopposed candidates elected to office and canceled the May 6, 2017 election, as ordered.

On April 6, 2017, Mr. Ward (officer-elect for District 2) submitted his Letter of Declination for councilmember. The vacancy for District 2 Councilmember becomes effective immediately; and as a result, the City will need to conduct a special election to fill this vacancy. The Council then ordered the Special Election for June, on April 20, 2017.

Attached is a resolution for election judges being recommended for appointment at the Election Day polling place and for the Early Voting Ballot Board. The compensation for election judge and clerks is recommended to be set at \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The Election Judge(s) and members of the Early Voting Ballot Board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the Early Voting Ballot Board is recommended to be \$50.

FISCAL IMPACT: The anticipated expenditures related to the City's Special election to be held on Saturday, June 24, 2017 are estimated at \$1,780. Funds are appropriated in the FY2017 Operating Budget in account 110-1400-511-2517, election expense, in an amount of \$11,439.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8672-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING ELECTION JUDGES AND SETTING THEIR COMPENSATION FOR THE CITY OF TEMPLE'S SPECIAL ELECTION TO BE HELD ON SATURDAY, JUNE 24, 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 2, 2017 the City Council ordered an Election for May 6, 2017, for the election of District 2 and District 3 Councilmember positions;

Whereas, since there was only one candidate for these seats, Bryant Ward (District 2 candidate) and Susan Long (District 3 candidate), the City Council declared the unopposed candidates elected to office and canceled the May 6, 2017 election, as ordered;

Whereas, on April 6, 2017, Mr. Ward (officer-elect for District 2) submitted his Letter of Declination for Councilmember and that vacancy for District 2 Councilmember became effective immediately - as a result, the City of Temple will need to conduct a Special Election to fill this vacancy;

Whereas, on April 20, 2017, the City Council ordered the Special Election for June, 2017;

Whereas, compensation for election judges and clerks is recommended to be set at \$10 per hour in accordance with the provisions of §32.091 of the Election Code;

Whereas, funding for the June 24, 2017 Special Election is appropriated in the fiscal year 2017 budget Account No. 110-1400-511-2517; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The following persons are hereby appointed Presiding Judges and alternate Presiding Judges, respectively, for the June 24, 2017, election:

<i>Election Day Polling Location</i>	Fred Poteet Building 120 West Central Avenue
---	---

Presiding Judge	Roosevelt Ellis, Jr.
Alternate Presiding Judge	Genevieve Stolleis

Early Voting Location

Municipal Building,
2 North Main Street
(between Central and Adams)

Presiding Judge
Alternate Presiding Judge

Patricia Sims
Marian Bergmann

Part 3: In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of Chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

Part 4: As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

Part 5: The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 6: 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 1st day of **June**, 2017.

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

06/01/17
Item #4(U)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing continued utilization of the JP Morgan Chase Bank N.A. commercial card program through August 31, 2019, as procured by the City of Fort Worth.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has utilized the JP Morgan Chase commercial card program, commonly referred to within the City of Temple as a Purchasing Card or P-Card Program, under a Participation Agreement with JP Morgan Chase executed in February, 2011. The JP Morgan Chase contract was procured by the City of Fort Worth, and as such, the City has a cooperative purchasing agreement with the City of Fort Worth which allows the City of Temple to utilize the JP Morgan Chase contract.

The City of Fort Worth originally entered into a contract with JP Morgan Chase in 2010, and through amendments to the agreement extended the contract until August 31, 2017, with the option to renew the agreement for up to two, two-year periods. On March 27, 2017, the City of Ft. Worth exercised its option to renew the JP Morgan Chase contract for an additional two-year period, which has extended the JP Morgan Chase contract until August 31, 2019. One additional two-year renewal remains on the contract.

All City of Temple departments utilize the use of P-Cards to supplement and enhance the procurement of maintenance, repairs, travel, and miscellaneous operational expenses. P-Cards are not intended to replace effective procurement planning or void any purchasing policies or procedures, but are used to improve purchasing efficiency. The City currently has 376 P-Cards with an average of 157 being used monthly. For FY 2016, \$4,040,706 of City purchases were procured using P-Cards.

Under the program, the City earns an annual rebate. The annual rebate received in November 2016 was \$63,538.

The City has been pleased with the operation of the JP Morgan Chase commercial card program and the service received from JP Morgan Chase. In addition, an interface is already in place that allows for efficient weekly processing of P-Card transactions through the JP Morgan Chase system into the City's Naviline business operating system. Accordingly, it is staff's recommendation to continue utilizing of the JP Morgan Chase contract procured by the City of Fort Worth.

FISCAL IMPACT: There is no annual fee or transaction fees for P-Cards. Annual rebates are paid to the City. The rebate is a variable percentage based on total annual dollars spent through the program. The P-Card rebate received for FY 2016 was \$63,538.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8673-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTINUED UTILIZATION OF THE JP MORGAN CHASE BANK N.A. COMMERCIAL CARD PROGRAM THROUGH AUGUST 31, 2019, AS PROCURED BY THE CITY OF FORT WORTH; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has utilized the JP Morgan Chase Bank N.A. commercial card program, commonly referred to within the City of Temple as a “Purchasing Card” or “P-Card” program, under a Participation Agreement with JP Morgan Chase executed in February, 2011;

Whereas, the JP Morgan Chase contract was procured by the City of Fort Worth, and as such, the City has a cooperative purchasing agreement with the City of Fort Worth which allows the City of Temple to utilize the JP Morgan Chase contract;

Whereas, the City of Fort Worth originally entered into a contract with JP Morgan Chase in 2010, and through amendments to the agreement, extended the contract until August 31, 2017, with the option to renew the agreement for up to two, two-year periods;

Whereas, on March 27, 2017, the City of Fort Worth exercised its option to renew the JP Morgan Chase contract for an additional two-year period, which has extended the JP Morgan Chase contract until August 31, 2019 – there is one additional two-year renewal remaining on the contract;

Whereas, all City of Temple departments utilize the P-Cards to supplement and enhance the procurement of maintenance, repairs, travel, and miscellaneous operational expenses – these P-Cards are not intended to replace effective procurement planning or void any purchasing policies or procedures, but are used to improve purchasing efficiency;

Whereas, under the program, the City earns an annual rebate - the annual rebate received in November 2016 was \$63,538;

Whereas, the City has been pleased with the operation of the JP Morgan Chase commercial card program and the service received from JP Morgan Chase;

Whereas, besides the operation and services provided by JP Morgan Chase, an interface is already in place within the City of Temple that allows for efficient weekly processing of P-Card transactions through the JP Morgan Chase system into the City’s Naviline business operating system;

Whereas, Staff recommends Council authorize the continued utilization of the JP Morgan Chase Bank N.A. commercial card program contract procured by the City of Fort Worth;

Whereas, there is no annual fee or transaction fee for P-Cards and annual rebates, which are a variable percentage based on total annual dollars spend, are paid directly to the City; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the continued utilization of the JP Morgan Chase Bank N.A. commercial card program through August 31, 2019, as procured by the City of Fort Worth.

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 1st day of **June**, 2017.

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

06/01/17
Item #4(V)
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 \$124,488.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
June 1, 2017

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-0000-358-1110		Hotel/Motel - Unallocated Fund Balance	\$ 50,000	
240-0000-352-1345		Hotel/Motel - Designated Capital Project / Main Street Arts Project		\$ 50,000
To undesignate funding for City's 50% required match for the FY 2017 Our Town grant program. The City was not awarded the grant.				
110-0000-352-1345		Designated Capital Project / Unallocated	\$ 25,000	
110-0000-352-1345		Designated Capital Project / Art Walk Plan		\$ 25,000
To undesignate funding for City's 50% required match for the FY 2017 Partners for Places grant program. The City was not awarded the grant.				
110-0000-352-1345		Designated Capital Project / Unallocated	\$ 46,363	
110-0000-352-1345		Designated Capital Project / Fire Fighting Props		\$ 46,363
To undesignate funding for City's 10% required match for the FY 2015 Assistance to Firefighters grant program. The City was not awarded the grant.				
110-2033-521-2120		Supplies / Education/Recreation	\$ 3,125	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 1,625
110-0000-442-0723		Police Revenue / Dare Donations-Unrestricted		\$ 1,500
To appropriate donations received from Burgers with the Badge Event, as well as, the yearly Booster Calendar sales.				
TOTAL AMENDMENTS			\$ 124,488	\$ 124,488
GENERAL FUND				
		Beginning Contingency Balance	\$ -	
		Added to Contingency Sweep Account	-	
		Carry forward from Prior Year	-	
		Taken From Contingency	-	
		Net Balance of Contingency Account	\$ -	
		Beginning Judgments & Damages Contingency	\$ 5,257	
		Added to Contingency Judgments & Damages from Council Contingency	-	
		Taken From Judgments & Damages	-	
		Net Balance of Judgments & Damages Contingency Account	\$ 5,257	
		Beginning Compensation Contingency	\$ 560,000	
		Added to Compensation Contingency	-	
		Taken From Compensation Contingency	-	
		Net Balance of Compensation Contingency Account	\$ 560,000	
		Net Balance Council Contingency	\$ 565,257	
		Beginning Balance Budget Sweep Contingency	\$ -	
		Added to Budget Sweep Contingency	-	
		Taken From Budget Sweep	-	
		Net Balance of Budget Sweep Contingency Account	\$ -	
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$ 50,000	
		Added to Contingency Sweep Account	-	
		Taken From Contingency	(41,558)	
		Net Balance of Contingency Account	\$ 8,442	
		Beginning Compensation Contingency	\$ 112,500	
		Added to Compensation Contingency	-	
		Taken From Compensation Contingency	-	
		Net Balance of Compensation Contingency Account	\$ 112,500	
		Net Balance Water & Sewer Fund Contingency	\$ 120,942	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
June 1, 2017

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency	\$	28,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	28,300
		Net Balance Hotel/Motel Tax Fund Contingency	\$	28,300
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	24,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	24,300
		Net Balance Drainage Fund Contingency	\$	24,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		14,947
		Added to Contingency Sweep Account		22,397
		Taken From Contingency		-
		Net Balance Fed/State Grant Fund Contingency	\$	37,344

RESOLUTION NO. 2017-8674-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.

Whereas, on the 26th 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council 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 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 1st day of **June**, 2017.

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

06/01/17
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property situated in the Vincent Barrow Survey, Abstract No. 64, and one property in the J.B. Daniel Survey, Abstract No. 259 and H. Millard Survey, Abstract No. 552, Bell County, Texas, are necessary for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35 and authorizing the use of eminent domain to condemn the property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners, under Chapter 251, Local Government Code § 251.001. The City has acquired ten rights of way and has reached an agreement with four property owners. On March 2, 2017, Council authorized the use of eminent domain for one property.

Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. However, despite negotiations, the City and two property owners have not reached an agreement, nor is an agreement anticipated. One property is situated in the Vincent Barrow Survey, Abstract No. 64, Bell County, Texas and the second property is situated in the J.B. Daniel Survey, Abstract No. 259, and the H. Millard Survey, Abstract #552, Bell County, Texas. The legal description of the real property needed is included with the Resolution attached to this memorandum. The property needed is as follows:

Property 1:

- Being 0.520 acre of land, more or less, situated in the Vincent Barrow Survey, Abstract No. 64, Bell County, Texas, located at 111 Hart Road, Temple, Texas.
 - An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on October 13, 2016, via Lone Star Right-of-Way Services (Lone Star).

- The property owner submitted a counteroffer to the City via Lone Star on April 6, 2017. The City made a formal counter-response on April 25, 2017 and was refused by the owner.
- A final offer was sent on May 8, 2017, and was rejected after 14 days. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property.

Property 2:

- Being 0.886 acre, more or less, situated in the J.B. Daniel Survey, Abstract No. 259 and H. Millard Survey, Abstract No. 552, Bell County, Texas, located at the west corner of Old Howard Road and Cedar Creek Road, Temple, Texas.
 - An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on September 21, 2016, via Lone Star Right-of-Way Services (Lone Star).
 - Lone Star, as well as Staff, have tried to contact owner to discuss the needed right of way. Property owner has refused to discuss.
 - A final offer letter was sent on April 4, 2017, and was rejected after 14 days. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property.

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property described above, if the parties are ultimately unable to reach agreements.

FISCAL IMPACT: Funding for the purchase of property 1 is appropriated in account 795-9800-531-6863, project #101000. Funding for the purchase of property 2 is appropriated in account 795-9800-531-6864, project #101001.

ATTACHMENTS:

[Legal Descriptions](#)
[Resolution](#)

RIGHT OF WAY PARCEL

Carol Jean Wendland

Survey showing 0.886 ACRE, situated in the J. B. Daniel SURVEY, ABSTRACT NO. 259 and the H. MILLARD SURVEY, ABSTRACT NO. 552, BELL COUNTY, TEXAS, being a portion of a called 200.16 Acre tract conveyed to Carol Jean Wendland in Volume 1797, Page 680, Deed Records of Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.886 Acre tract.



CAROL JEAN WENDLAND
CALLED 200.16 ACRES
(VOL. 1767, PAGE 680)

CEDAR
CREEK ROAD

Fence
Post
Found

OLD HOWARD ROAD

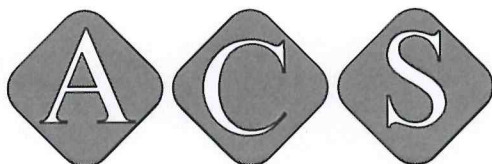
Point Of
Beginning

Wood Fence Post found
at the most easterly
southeast corner of said
200.16 acre tract bears
S 53°16'33" W 460.96'

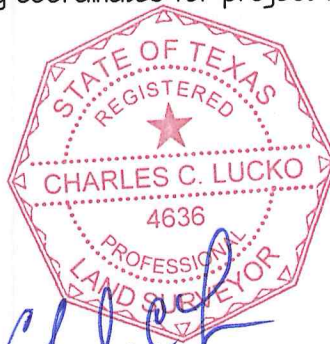
● Denotes 5/8" Iron Rod with "ACS" Cap
Set, unless otherwise noted.

LINE	BEARING	DISTANCE
L1	N 08°06'55" W	25.17'
L2	S 72°14'46" E	23.20'
L3	S 24°33'59" E	50.38'

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. III. The theta angle at City Monument No. III is 01° 32' 04". The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. III to the western most corner of this 0.886 acre tract is S 77°05'46" W 4865.43 feet. Published City coordinates for project reference point III are N.= 10,397,962.52 E.= 3,228,216.66.



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



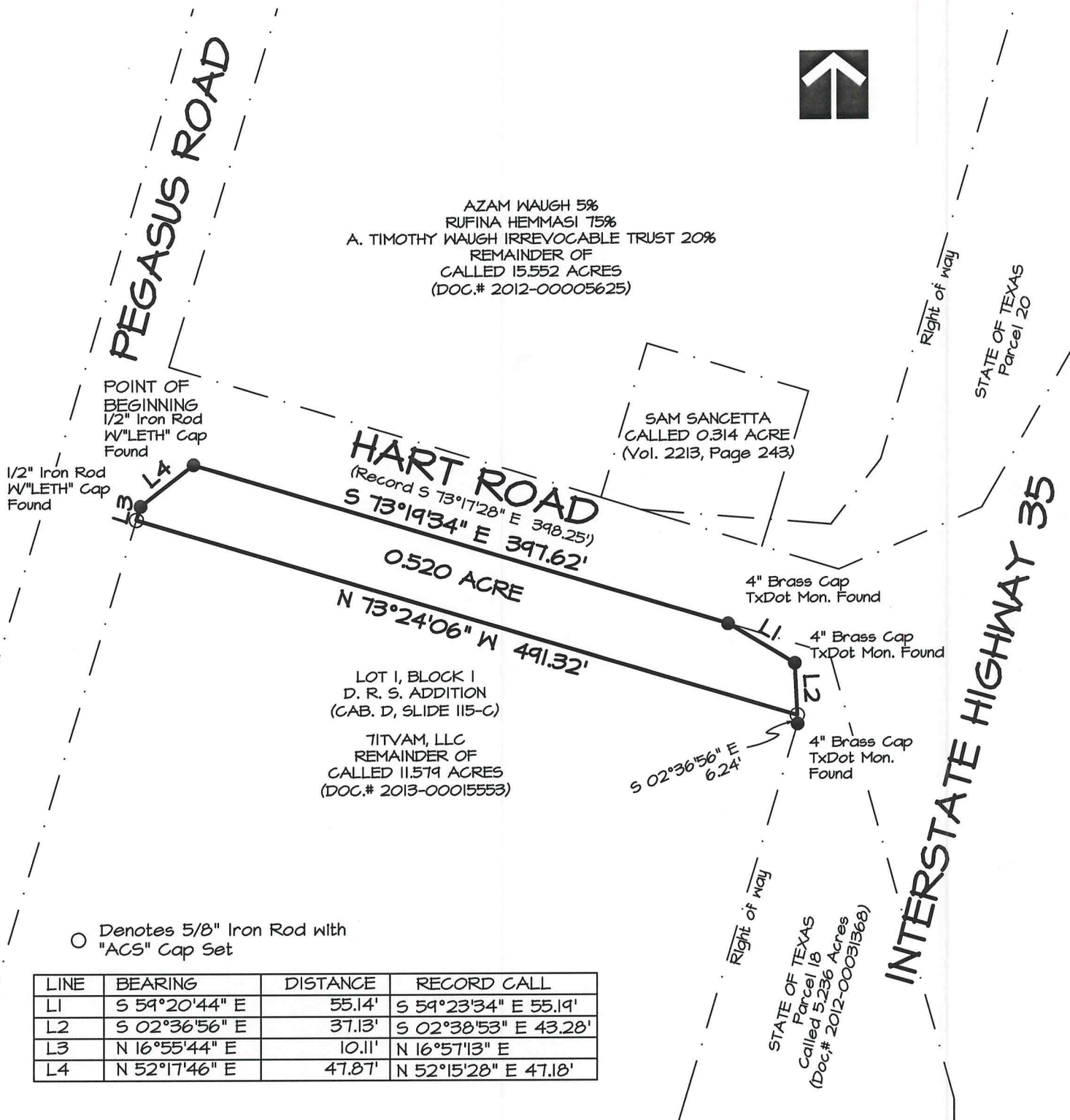
Survey
completed: 09-22-2014
Scale: 1" = 200'
Job No.: 130741.2
Dwg No.: 130741.2 Wendland
Drawn by: MDH
Surveyor: CCL # 4636
Copyright 2015 All County Surveying, Inc.

Plot Date: 12-21-2015

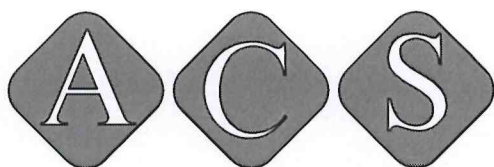
RIGHT OF WAY PARCEL
71TVAM, LLC

Survey showing 0.520 ACRE, situated in the VINCENT BARROW SURVEY, ABSTRACT NO. 64, BELL COUNTY, TEXAS, being a portion of a called 11.579 Acre tract conveyed to 71TVAM, LLC in Document No. 2013-00015553, Official Public Records of Real Property, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.520 Acre tract.



This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. III. The theta angle at City Monument No. III is 01° 32' 04". The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. III to the northwest corner of this 0.520 acre tract is S 82°15'29" E 8834.53 feet. Published City coordinates for project reference point III are N.= 10397,962.52 E.= 3,228,216.66.



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



Survey completed: 09-22-2014
Scale: 1" = 100'
Job No.: 130741.2
Dwg No.: 130741.2 71TVAM
Drawn by: MDH
Surveyor: CCL # 4636
Copyright 2015 All County Surveying, Inc.

Plot Date: 10-21-2015

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 14, 2014

Surveyor's Field Notes:

0.520 ACRE, situated in the **VINCENT BARROW SURVEY, ABSTRACT 64**, Bell County, Texas, being a portion of a called 11.579 acre tract conveyed to 71TVAN, LLC in Document Number 2013-00015553, Official Public Records of Real Property, Bell County, Texas, said 0.520 acre tract also being a portion of Lot 1, Block 1, D.R.S. Addition, an addition in the City of Temple, Bell County, Texas, of record in Cabinet D, Slide 115-C, Plat Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with "LETH" cap found on the south right of way of Hart Road, a public maintained roadway and on a cutback in the east right of way of Pegasus Road, a public maintained roadway, being the most northerly, northwest corner of said 11.579 acre tract, for the most northerly, northwest corner of this tract;

THENCE in an easterly direction, with the north line of said 11.579 acre tract (*Record call S. 73° 17' 28" E., 398.25 feet*) and with the south right of way of Hart Road, **S. 73° 19' 34" E., 397.62 feet**, to a 4" brass cap TxDOT monument found in the west right of way of Interstate Highway 35, being the northwest corner of a called 5.236 acre tract conveyed to the State of Texas in Document Number 2012-00031368, Official Public Records of Real Property, Bell County, Texas, for the most northerly, northeast corner of this tract;

THENCE in an easterly and southerly direction with the north line of said 11.579 acre tract and with the west line of said 5.236 acre tract, same being the west right of way of Interstate Highway 35, the following two (2) courses and distances:

- 1) **S. 59° 20' 44" E., 55.14 feet** (*Record call S. 59° 23' 34" E., 55.19 feet*), to a 4" brass cap TxDOT monument found, being a corner of said 11.579 acre tract and being a corner of said 5.236 acre tract, for the most easterly, northeast corner of this tract;
- 2) **S. 02° 36' 56" E., 37.13 feet** (*Record call S 02° 38' 53" E., 43.28 feet*), to a 5/8" iron rod with "ACS" cap set, for the southeast corner of this tract, from which a 4" brass cap TxDOT monument found at an angle corner of said 11.579 and 5.236 acre tract bears **S. 02° 36' 56" E., 6.24 feet**;

THENCE in a westerly direction, over and across said 11.579 acre tract, **N. 73° 24' 06" W., 491.32 feet**, to a 5/8" iron rod with "ACS" cap set in the west line of said 11.579

acre tract, same being the east right of way of Pegasus Road, for the southwest corner of this tract;

THENCE in a northerly direction, with the west line of said 11.579 acre tract, same being the east right of way of Pegasus Road, the following two (2) courses and distances:

- 1) **N. 16° 55' 44" E., 10.11 feet** (*Record call N. 16° 57' 13" E.*), to a ½" iron rod with "LETH" cap found at a cutback in the south right of way of Hart Road, being a corner of said 11.579 acre tract, for a corner of this tract;
- 2) **N. 52° 17' 46" E., 47.87 feet** (*Record call N. 52° 15' 28" E., 47.18 feet*), to the **POINT OF BEGINNING** and containing 0.520 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 111. The theta angle at City Monument No. 111 is 01° 32' 04". The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 111 to the northwest corner of this 0.520 acre tract is S. 82°15'29" E. 8834.53 feet. Published City coordinates for project reference point 111 are N. = 10,397,962.52 E. = 3,228,216.66.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.520 Acre tract.

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

Surveyed September 22, 2014

ALL COUNTY SURVEYING, INC.
1-800-749-PLAT

server/projects/pro130000/130700/130741/130741_71TVAM.doc



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

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

December 21, 2015

Surveyor's Field Notes:

0.886 ACRE, situated in the **J. B. DANIEL SURVEY, ABSTRACT NO. 259** and the **H. MILLARD SURVEY, ABSTRACT No. 552**, Bell County, Texas, being a portion of a called 200.16 acre tract of land conveyed to Carol Jean Wendland in Volume 1797, Page 680, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "ACS" cap set on the occupied northwest right of way of Old Howard Road, same being an east line of said 200.16 acre tract, for the most westerly corner of this tract, from which a wood fence post found at the most easterly, southeast corner of said 200.16 acre tract bears **S. 53° 16' 33" W., 960.96 feet**;

THENCE in a northeasterly and northerly direction, over and across said 200.16 acre tract, the following two (2) courses and distances:

- 1) **N. 51° 39' 11" E., 1625.22 feet**, to a 5/8" iron rod with "ACS" cap set, for a corner of this tract;
- 2) **N. 08° 06' 55" W., 25.17 feet**, to a 5/8" iron rod with "ACS" cap set on the occupied south right of way of Clear Creek Road, for the northwest corner of this tract;

THENCE in a southeasterly direction, with the occupied south right of way of Clear Creek Road and with a wire fence line, the following two courses and distances:

- 1) **S. 72° 14' 46" E., 23.20 feet**, to a 1/8" iron rod with "ACS" cap set, for a corner of this tract;
- 2) **S. 24° 33' 59" E., 50.38 feet**, to a fence post found on the occupied northwest right of way of Old Howard Road, same being an east line of said 200.16 acre tract, for the northeast corner of this tract;

THENCE in a southwesterly direction, with an east line of said 200.16 acre tract (*Record call S. 55° 41' 28" W.*), same being the occupied northwest right of way of Old Howard Road, **S. 53° 16' 33" W., 1639.49 feet**, to the **POINT OF BEGINNING** and containing 0.886 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 111. The theta angle at City Monument No. 111 is $01^{\circ} 32' 04''$. The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 111 to the western most corner of this 0.886 acre tract is S. $77^{\circ} 05' 46''$ W. 4865.43 feet. Published City coordinates for project reference point 111 are N. = 10,397,962.52 E. = 3,228,216.66.

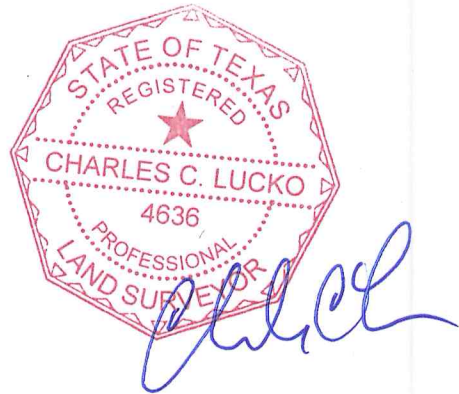
This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.886 Acre tract.

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

Surveyed September 22, 2014

ALL COUNTY SURVEYING, INC.
1-800-749-PLAT

server/projects/pro130000/130700/130741/130741_Wendland-Rev.doc



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

RESOLUTION NO. 2017-8675-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT ONE PROPERTY SITUATED IN THE VINCENT BARROW SURVEY, ABSTRACT NO. 64, AND ONE PROPERTY IN THE J.B. DANIEL SURVEY, ABSTRACT NO. 259 AND H. MILLARD SURVEY, ABSTRACT NO. 552, BELL COUNTY, TEXAS, ARE NECESSARY FOR THE PROPOSED EXPANSION OF OLD HOWARD ROAD FROM CENTRAL POINTE PARKWAY TO MOORES MILL ROAD, AS WELL AS AN EXPANSION OF MOORES MILL ROAD FROM OLD HOWARD ROAD TO IH-35; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive - the design requires the acquisition of right-of-way from 21 different property owners, under Chapter 251, Local Government Code § 251.001;

Whereas, the City has acquired ten rights of way and has reached an agreement with four property owners;

Whereas, on March 2, 2017, Council authorized the use of eminent domain for one property and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year, however, despite negotiations, the City and two property owners have not reached an agreement, nor is an agreement anticipated;

Whereas, one property is situated in the Vincent Barrow Survey, Abstract No. 64, Bell County, Texas and the second property is situated in the J.B. Daniel Survey, Abstract No. 259, and the H. Millard Survey, Abstract No. 552, Bell County, Texas;

Whereas, Staff is asking, pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the necessary properties;

Whereas, the legal descriptions of the properties needed are as follows:

- being 0.520 acre of land, more or less, situated in the Vincent Barrow Survey, Abstract No. 64, Bell County, Texas, located at 111 Hart Road, Temple, Texas;
- being 0.886 acre, more or less, situated in the J.B. Daniel Survey, Abstract No. 259 and H. Millard Survey, Abstract No. 552, Bell County, Texas, located at the west corner of Old Howard Road and Cedar Creek Road, Temple, Texas;

Whereas, Staff recommends, pursuant to Chapter 2206, Government Code §2206.053, that Council authorize the use of the power of eminent domain to acquire the property described above, if the parties are ultimately unable to reach agreements;

Whereas, funding for the purchase of the above properties is appropriated in Account No. 795-9800-531-6863, Project No. 101001; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, one property situated in the Vincent Barrow Survey, Abstract No. 64, and one property in the J.B. Daniel Survey, Abstract No. 259 and H. Millard Survey, Abstract No. 552, Bell County, Texas, and that the properties are necessary for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35.

Part 3: The City Council hereby finds and determines that the expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35 is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

Part 4: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

Part 5: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 1st day of **June**, 2017.

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

06/01/17
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that 0.517 acre in fee simple and 0.494-acre and 0.938-acre permanent easements situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas are necessary for the construction of the Shallow Ford Lift Station and Birdcreek Interceptor Phase 5 wastewater line and authorizing the use of eminent domain to condemn the property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is in the design phase for the proposed construction of the Birdcreek Interceptor Phase 5 wastewater line and Shallow Ford Lift Station. The design requires the acquisition of 0.517 acre in fee simple for the lift station and 0.494-acre and 0.938-acre permanent easements for the wastewater line on land situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, for the construction of the lift station and wastewater line with its necessary appurtenances under Chapter 251, Local Government Code § 251.001. A survey and legal description of the property needed are included with the Resolution attached to this memorandum.

An appraisal was performed on the property and the City made an offer to purchase the necessary easements, based on the appraisal, in March 2017, via Lone Star Right of Way Services, Inc. The property owner made a counter offer to the City in more than double the appraised value. In response, the City made a bona fide final offer to the property owner on May 16, 2017.

Staff has continued to negotiate with the property owner, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time. Accordingly, Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property.

Property in Fee Simple—Being 0.517 acre of land, more or less, situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, located at Shallowford Road, Temple, Texas, Bell County Appraisal District ID Number 24787.

Easements—Being 0.938 acre of land, more or less, and being 0.494 acre of land, more or less, situated in the situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, located at Shallowford Road, Temple, Texas, Bell County Appraisal District ID Number 24787.

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property described above, if the parties are ultimately unable to reach agreements.

FISCAL IMPACT: Funding for the purchase of property located at Shallowford Road, Bell CAD ID 24787, is appropriated in account 520-5900-535-6110, project #101213.

ATTACHMENTS:

[Legal Descriptions](#)
[Resolution](#)

MARY ANN COSPER and EVELYN FRANCES BYLER

Surveyor's Sketch showing 0.517 ACRE,
situated in the STEPHEN FRAZIER SURVEY,
ABSTRACT 311, Bell County, Texas.

This sketch to accompany a metes and bounds
description of the hereon shown 0.517 acre tract.

REMAINDER OF
CALLED 202 ACRES
MARY ANN COSPER and
EVELYN FRANCES BYLER
Vol. 1154, Pg. 311

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas
Central Zone. All distances are horizontal surface distances and all bearings are
grid bearings. All coordinates are referenced to City Monument No. 139. The theta
angle at City Monument No. 139 is $01^{\circ}30'10''$. The combined correction factor (CCF) is
0.999858. Grid distance = Surface distance X CCF. Geodetic north = Grid north +
theta angle. Published City coordinates for City Monument No. 139 are N.=
10,355,274.74 E.= 3,210,126.34 Reference tie from City Monument No. 139 to the
southeast corner of this tract is N $13^{\circ}53'36''$ E 4448.00 feet.

5/8" Iron Rod with
cap stamped
"ACS" Set

S $73^{\circ}33'04''$ E 150.26'

5/8" Iron Rod with
cap stamped
"ACS" Set

N $13^{\circ}03'33''$ E 150.26'

0.517 ACRE
OF LAND

S $13^{\circ}03'33''$ W 150.26'

SHALLOW FORD ROAD
(Asphalt Surface)

5/8" Iron Rod with
cap stamped
"ACS" Set

N $73^{\circ}33'04''$ W 150.26'

5/8" Iron Rod with
cap stamped
"ACS" Set

N $13^{\circ}03'33''$ E
50.09'

1 1/4" Iron
Pipe Found

1.10 Acre Easement to
CITY OF BELTON & CITY OF TEMPLE
Doc. No. 2013-00043824

N $73^{\circ}33'04''$ W 457.78'

CALED 14.7 ACRES
TRACT TWO
WRIGHT DOUBLE J RANCH, INC.
Doc. No. 2012-00013454

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

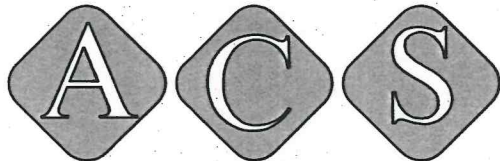


Survey
completed: 06-09-2016
Scale: 1" = 40'
Job No.: 160172.2
Dwg No.: 160172.2
Drawn by: SLW
Surveyor: CCL # 4636
Copyright 2016 All County Surveying, Inc.

Plot Date: 06-09-2016

CALED 0.14 ACRE
CITY OF BELTON &
CITY OF TEMPLE
Doc. No. 2013-00043824

5/8" Iron
Rod Found



ALL COUNTY SURVEYING, INC.

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

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

June 9, 2016

Surveyor's Field Notes for:

0.517 ACRE, situated in the **STEPHEN FRAZIER SURVEY, ABSTRACT 311**, Bell County, Texas, embracing a portion of the remainder of called 202 Acre tract conveyed to Mary Ann Cosper and Evelyn Frances Byler in Volume 1159, Page 311, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" set, being the northeast corner of a called 1.10 Acre Easement conveyed to the City of Belton and the City of Temple in Document No. 2013-00043829, Official Public Records of Real Property, Bell County, Texas, and being on the west line of Shallow Ford Road, which said iron rod set bears N 13° 03' 33" E – 50.09' from a 1 1/4" iron pipe found at the southeast corner of the remainder of said 202 Acre tract, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, 50' north of and parallel to the south line of said 202 Acre tract, **N 73° 33' 04" W – 150.26'**, to a 5/8" iron rod with cap stamped "ACS" set, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, severing said 202 Acre tract, **N 13° 03' 33" E – 150.26'**, to a 5/8" iron rod with cap stamped "ACS" set, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, **S 73° 33' 04" E – 150.26'**, to a 5/8" iron rod with cap stamped "ACS" set on the west line of said Shallow Ford Road, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Shallow Ford Road, **S 13° 03' 33" W – 150.26'**, to the **POINT OF BEGINNING** and containing 0.517 Acre of Land.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 139. The theta angle at City Monument No. 139 is 01°30'10". The combined correction factor (CCF) is 0.999858. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 139 are N.= 10,355,279.79 E.= 3,210,126.39 Reference tie from City Monument No. 139 to the southeast corner of this tract is N 13°53'36" E 4448.00 feet.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.517 Acre tract.

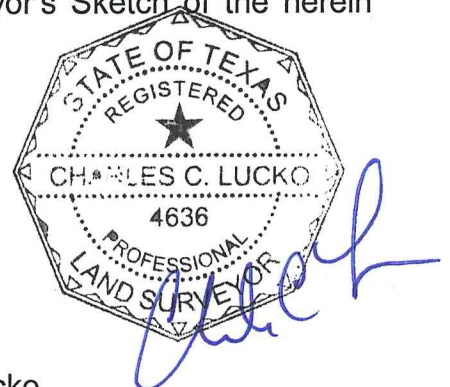
Surveyed June 9, 2016

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160100/160172/160172.2.doc



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

MARY ANN COSPER and EVELYN FRANCES BYLER

Surveyor's Sketch showing 0.494 ACRE,
situated in the STEPHEN FRAZIER SURVEY,
ABSTRACT 311, Bell County, Texas.

This sketch to accompany a metes and bounds
description of the hereon shown 0.494 acre tract.

REMAINDER OF
CALLED 202 ACRES
MARY ANN COSPER and
EVELYN FRANCES BYLER
Vol. 1159, Pg. 311

S 73°33'04" E 707.24'
0.494 ACRE OF LAND
N 73°33'04" W 727.55'

1.10 Acre Easement to
CITY OF BELTON & CITY OF TEMPLE
Doc. No. 2013-00043829

N 73°33'04" W 957.78'

CALED 14.7 ACRES
TRACT TWO
WRIGHT DOUBLE J RANCH, INC.
Doc. No. 2012-00013954

SHALLOW FORD ROAD
(Asphalt Surface)

PROPOSED
0.517 ACRE

S 13°03'33" W
30.05'

5/8" Iron Rod with
cap stamped
"ACS" Set

5/8" Iron Rod with
cap stamped
"ACS" Set

1/4" Iron
Pipe Found

N 73°33'04" W
150.26'

N 48°09'14" E
35.26'

5/8" Iron Rod with
cap stamped
"ACS" Set

5/8" Iron Rod with
cap stamped
"ACS" Set

5/8" Iron Rod with
cap stamped
"ACS" Set

N 16°27'20" E
50.00'

CALLED 0.14 ACRE
CITY OF BELTON &
CITY OF TEMPLE
Doc. No.
2013-00043829



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

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

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 139. The theta angle at City Monument No. 139 is 01°30'10". The combined correction factor (CCF) is 0.999858. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 139 are N.= 10,355,279.79 E.= 3,210,126.39 Reference tie from City Monument No. 139 to the southeast corner of this tract is N 11°57'47" E 4457.23 feet.



Charles C. Lucko

Survey
completed: 06-09-2016
Scale: 1" = 60'
Job No.: 160172.2
Dwg No.: 160172.2-ESMT
Drawn by: SLW
Surveyor: CCL #4636
Copyright 2016 All County Surveying, Inc.

Plot Date: 08-16-2016

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 16, 2016

Surveyor's Field Notes for:

0.494 ACRE, situated in the **STEPHEN FRAZIER SURVEY, ABSTRACT 311**, Bell County, Texas, embracing a portion of the remainder of called 202 Acre tract conveyed to Mary Ann Cosper and Evelyn Frances Byler in Volume 1159, Page 311, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" set, being on the north line of a called 1.10 Acre Easement conveyed to the City of Belton and the City of Temple in Document No. 2013-00043829, Official Public Records of Real Property, Bell County, Texas, which said iron rod set bears N 13° 03' 33" E – 50.09' and N 73° 33' 04" W – 150.26' from a 1 1/4" iron pipe found at the southeast corner of the remainder of said 202 Acre tract, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, 50' north of and parallel to the south line of said 202 Acre tract, same being the north line of said 1.10 Acre easement, **N 73° 33' 04" W – 727.55'**, to a 5/8" iron rod with cap stamped "ACS" set at the southeast corner of a called 0.503 Acre Easement for Utilities granted to the City of Temple in Document No. 2015-00037845, Official Public Records of Real Property, Bell County, Texas, which bears N 16° 27' 20" E – 50.00' and S 73° 33' 04" E – 77.01' from a 5/8" iron rod found at the southeast corner of a called 0.14 Acre tract conveyed to the City of Belton and the City of Temple in Document No. 2013-00043829, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction, with the east line of said 0.503 Acre Easement tract, **N 48° 09' 14" E – 35.26'**, to a 5/8" iron rod with cap stamped "ACS" set, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, **S 73° 33' 04" E – 707.24'**, to a 5/8" iron rod with cap stamped "ACS" set on the west line of a proposed 0.517 Acre tract, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said proposed 0.517 Acre tract, **S 13° 03' 33" W – 30.05'**, to the **POINT OF BEGINNING** and containing 0.494 Acre of Land.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 139. The theta angle at City Monument No. 139 is 01°30'10". The combined correction factor (CCF) is 0.999858. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 139 are N.= 10,355,279.79 E.= 3,210,126.39 Reference tie from City Monument No. 139 to the southeast corner of this tract is N 11°57'47" E 4457.23 feet.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.494 Acre tract.

Surveyed June 9, 2016

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

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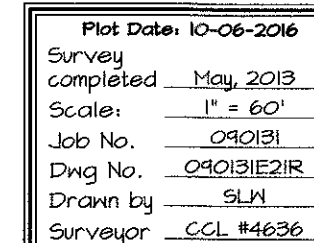
Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

Surveyor's Sketch showing 0.938 ACRE, situated in the
STEPHEN FRAZIER SURVEY, ABSTRACT 311, Bell County, Texas.

(Asphalt Surface)
SHALLOW FORD ROAD
Unable to locate record information for this roadway.



Chcl



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 6, 2016

Surveyor's Field Notes for CITY OF TEMPLE, being:

0.938 ACRE, situated in the **STEPHEN FRAZIER SURVEY, ABSTRACT 311**, Bell County, Texas, being out of and a portion of a called 202 Acre tract conveyed to Mary Ann Cosper and Evelyn Frances Byler in Volume 1159, Page 311, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point, which bears N 13° 01' 48" E – 200.46', a 5/8" iron rod with cap stamped "ACS" found, and N 73° 35' 01" W – 9.77' from a 1 1/4" iron pipe found at the southeast corner of said 202 Acre tract, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of a proposed 0.517 Acre tract, **N 73° 35' 01" W – 30.05'**, to a calculated point, which bears S 73° 35' 01" E – 110.42' from a 5/8" iron rod with cap stamped "ACS" found at the northwest corner of said proposed 0.517 Acre tract, for the southernmost southwest corner of the herein described tract;

THENCE, in a northerly direction, **N 13° 06' 07" E – 381.96'**, to a calculated point;

THENCE, in a northwesterly direction, **N 34° 26' 09" W – 26.96'**, to a calculated point, for an interior corner of the herein described tract;

THENCE, in a westerly direction, **N 74° 18' 02" W – 540.51'**, a calculated point, and **N 77° 52' 00" W – 373.26'**, to a calculated point, being on the east line of a called 0.623 Acre Utility Easement granted to the City of Temple in Volume 3705, Page 263, Official Public Records of Real Property, Bell County, Texas, for the westernmost southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 0.623 Acre easement tract, **N 10° 13' 53" E – 30.02'**, to a calculated point, which bears S 10° 13' 53" W – 32.97' from the northeast corner of said 0.623 Acre tract, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, **S 77° 52' 00" E – 375.19'**, a calculated point, and **S 74° 18' 02" E – 528.83'**, to a calculated point, for an interior corner of the herein described tract;

THENCE, in a northerly direction, **N 05° 08' 54" E – 12.01'**, to a calculated point on the north line of said 202 Acre tract, being the south line of Shallow Ford Road;

Surveyor's Field Notes for CITY OF TEMPLE, (continued):

THENCE, in an easterly direction, with the south line of said Shallow Ford Road, **S 74° 26' 51" E – 30.50'**, to a calculated point;

THENCE, in a southerly direction, **S 05° 08' 54" W – 19.15'**, to a calculated point, for an interior corner of the herein described tract;

THENCE, in a southeasterly direction, **S 34° 26' 09" E – 40.22'**, to a calculated point, for the easternmost northeast corner of the herein described tract;

THENCE, in a southerly direction, **S 13° 06' 07" W – 396.91'**, to the **POINT OF BEGINNING** and containing 0.938 Acre of Land.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 273. The theta angle at City Monument No. 273 is 01°31'06". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 273 are N.= 10,367,116.48 E.= 3,219,321.94 Reference tie from City Monument No. 273 to the southeast corner of this tract is S 47°42'36" W 10955.26 feet.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.938 Acre tract.

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

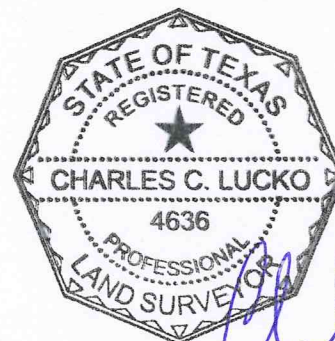
Surveyed May, 2013

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

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

RESOLUTION NO. 2017-8676-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT APPROXIMATELY 0.517 ACRES IN FEE SIMPLE AND APPROXIMATELY 0.494 ACRES AND 0.938 ACRES OF PERMANENT EASEMENTS SITUATED IN THE STEPHEN FRAZIER SURVEY, ABSTRACT NO. 311, BELL COUNTY, TEXAS, ARE NECESSARY FOR THE CONSTRUCTION OF THE SHALLOW FORD LIFT STATION AND BIRDCREEK INTERCEPTOR PHASE 5 WASTEWATER LINE; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed construction of the Birdcreek Interceptor Phase 5 wastewater line and Shallow Ford Lift Station and the design requires the acquisition of approximately 0.517 acre in fee simple for the lift station and approximately 0.494-acre and 0.938-acre permanent easements for the wastewater line on land situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, with its necessary appurtenances under Chapter 251, Local Government Code § 251.001;

Whereas, an appraisal was performed on the property and based on the appraisal in March 2017, the City made an offer to purchase the property and necessary easements, via Lone Star Right of Way Services, Inc.;

Whereas, the property owner made a counter offer to the City in more than double the appraised value and in response to the property owner's counter offer, the City made a bona fide final offer to the property owner on May 16, 2017 - Staff has continued to negotiate with the property owner, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time;

Whereas, Staff is asking, pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property;

Whereas, the legal descriptions of the property needed are as follows:

- Property in Fee Simple - being 0.517 acre of land, more or less, situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, located at Shallowford Road, Temple, Texas, Bell County Appraisal District ID Number 24787;
- Easements - being 0.938 acre of land, more or less, and being 0.494 acre of land, more or less, situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, located at Shallowford Road, Temple, Texas, Bell County Appraisal District ID Number 24787;

Whereas, Staff recommends, pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the property described above, if the parties are ultimately unable to reach agreements;

Whereas, funding for the purchase of the above property interests is appropriated in Account No. 520-5900-535-6110, Project No. 101213; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, approximately 0.517 acres in fee simple and approximately 0.494 acres and 0.938 acres of permanent easements on property situated in the Stephen Frazier Survey, Abstract No. 311, Bell County, Texas, which are needed for the construction of the Shallow Ford Lift Station and Birdcreek Interceptor Phase 5 wastewater line.

Part 3: The City Council hereby finds and determines that the construction of the proposed Shallow Ford Lift Station and Birdcreek Interceptor Phase 5 wastewater line is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

Part 4: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

Part 5: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 1st day of **June**, 2017.

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

06/01/17
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Dessie Redmon, Planner

ITEM DESCRIPTION: Consider adopting a resolution authorizing approval of a dual street name of South 6th Street/Little Joe Drive on a section of South 6th Street between East Central Avenue and East Avenue E in the City of Temple, Bell County, Texas and more particularly shown as Exhibit A.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for the dual naming of South 6th Street/Little Joe Drive on a section of South 6th Street between East Central Avenue and East Avenue E:

1. Resolution 2015-2889-R states that public streets may be named to honor or recognize an individual that has made a significant impact to the advancement of their profession or industry.
2. Joe Hernandez, renowned as Little Joe y La Familia is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances.

ITEM SUMMARY: The City Manager received in writing a formal request to dual name South 6th Street with "Little Joe Drive" by the League of United Latin American Citizens (LULAC) Council 4971 (attachment Request Letter) in honor of Joe Hernandez, also renowned as Little Joe y La Familia who was born and raised in Temple. Little Joe is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances.

If this request is approved by City Council, South 6th Street addresses (between East Central Avenue and East Avenue E) will remain effective and therefore, should not impact mail delivery or 911 emergency services.

Based on the fact that "Avenue" is defined as an east/west roadway, combined with input from City Council at their May 4, 2017 workshop, staff is recommending "Drive."

PUBLIC NOTICE: If approved, there will be five property owners affected by this change in addition to properties owned by the City. Notification letters were sent out to the property owners on May 23, 2017 (attachment Notification Letter).

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

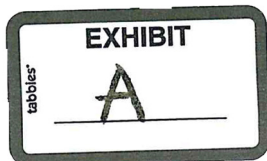
[Exhibit A](#)

[Resolution 2015-2889-R](#)

[Request Letter](#)

[Notification Letter \(example\)](#)

[Resolution](#)



Map “Little Joe Drive” Dual Street Naming Request



A request for a portion of S. 6th Street (between E. Central Avenue and E. Avenue E) to include a dual name of “Little Joe Drive” as shown in red above.

Resolution 2015-7889-R

RESOLUTION NO. 2015-7889-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AMENDMENTS TO THE CURRENT POLICY ON THE NAMING OF CITY PARKS, FACILITIES AND STREETS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Council adopted the current policy for the naming of City parks, facilities, and streets on July 18, 2002;

Whereas, on September 15, 2015, the Parks and Recreation Board unanimously passed recommended amendments to the City naming policy which range from defining the process on the naming of streets and non-park facilities, adding language to allow businesses or individuals who have had an outstanding impact on their profession to be recognized, re-defining who makes the decision on signage type, design, and size, and the addition of language explaining the process of renaming a park or park facility;

Whereas, the existing policy as well as the proposed changes are attached hereto as Exhibit 'A:' and

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

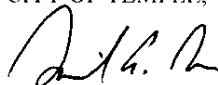
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the adopting of amendments to the current policy on the naming of City parks, facilities and streets as outlined in Exhibit 'A' attached hereto.

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

PASSED AND APPROVED this the 1st day of **October**, 2015.

THE CITY OF TEMPLE, TEXAS



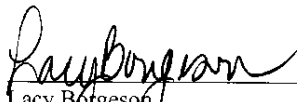
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



Kayla Landeros
City Attorney

ATTEST:


Lacy Borgeson
City Secretary

Resolution 2015-7889-R continued

Policy for Naming Public Parks and Facilities

I. Authority for Naming Parks & Facilities:

The Parks and Recreation Advisory Board is to review requests for naming a park and park facilities and make a recommendation to the City Council. **Naming or re-naming of public streets or non-park facilities will not be considered by the Parks and Recreation Advisory Board.** Prior to making a recommendation to City Council, the Advisory Board will conduct a public meeting on the request and allow 30 days following the public meeting for public comment. The public meeting can be the Advisory Board's regular monthly meeting.

Requests or proposals for adopting a specified name for a particular park or recreation area shall be submitted to the Parks and Recreation Advisory Board in written form along with thorough documentation giving the reasons for the selection of the proposed name.

Parks or park facilities may be named:

1. For a location, such as the name of an adjacent street or the related plat or subdivision.
2. For a geologic, geographic, historical, botanical, horticultural or scientific feature inherent to the area.
3. To honor a person or persons who make(s) a substantial contribution to the advancement, the improvement or the enlargement of the Temple park system in the form of donated property or donated money or both for public park purposes only.
4. To show gratitude to a person who, over a long period of time, has devoted outstanding amounts of time, talent and effort to the advancement of the Temple Parks and Recreation program and/or the Temple community.
5. To honor or recognize an individual or business that has made a significant impact to the advancement of their profession or industry.

II. Naming a park or facility after a business or living people.:

Naming a park or park facility after a business or a living person is not recommended, however there may be times when the community believes it to be the proper and necessary thing to do. The person or business should have made a

Resolution 2015-7889-R continued

major contribution to Temple in either deed, volunteer service, or monetary contribution, or have made a significant impact to the advancement of their profession or industry that would bring honor and a high recognition to the City of Temple.

Implicit to the naming process is the intent of permanent recognition. Therefore, the process shall be careful, deliberate and, as much as possible, involve some of the evaluation criteria listed below.

When a request is received to name a park or park facility after a business or living person, the Parks Advisory Board and the City Council may consider whether the business or person has:

- Made a significant monetary contribution toward acquisition or development of a park or park facility
- Made a donation of 50 percent or more of the cost of development or purchase of land for a park or park facility
- Made a major contribution to the enhancement of the quality of life in the community
- Achieved outstanding accomplishments for the good of the community
- Achieved accomplishments of a very high nature and recognizable by many individuals on a local, state, or national level
- Demonstrated leadership qualities and fine moral character
- Made contributions that compliment or support the mission of the Parks and Recreation Department
- Fine moral character
- Made a substantial contribution of volunteer service to the Parks and Recreation Department
- Been involved in a specific program or project of exceptional merit which has extensively and directly benefited the public.

III.Deceased People:

If the park or park facility is to be named after an individual, it is recommended that it be after the person is deceased. A living next of kin of the deceased person must provide written approval of the request to use the deceased person's name. A request to consider naming a park or park facility in memory of a deceased person will not be considered until at least 12 months after the date of death of the person.

In determining whether to grant a request to name a park or park facility after a deceased person, the Parks Advisory Board and the City Council should use the same criteria set forth in Section II above.

Resolution 2015-7889-R continued

IV. Historic sites, descriptive names, places and features (streets, schools, natural (geographic) features)

It is recommended that parks or park facilities be named after Temple historic sites, descriptive names, places or features (such as streets, schools or natural resources). Names should be chosen after a feature that is associated with a real characteristic of the site and easy to remember. That feature should be relatively timeless so that the park name does not diminish in appropriateness with time.

Some criteria to consider include:

- If a park or park facility is named after a street, the street should be adjacent to the park and use of road names should be controlled to avoid duplication confusion;
- If named after a geographic location, it should either be associated with the park or park facility or immediately adjacent to the park or park facility; and
- If named after a subdivision, it should be the subdivision in which the park or park facility is located.

V. Renaming of a Park or Facility

Renaming of parks or park facilities is discouraged. The primary reason is to not diminish the original justification for the name or discount the value of the prior contributors. If a park or park facility is proposed to be renamed, it is recommended that only those parks named for geographic location, outstanding feature or subdivision be considered for renaming. Parks named by deed restriction cannot be considered for renaming.

A park or park facility named for an individual or business should never be changed unless it is found that the individual's personal character or a businesses' reputation is or was such that the continued use of their name for a park or park facility would not be in the best interest of the community.

The process to rename a park or park facility can be initiated by City staff, members of the Parks and Recreation Board, or concerned citizens.

VI. Plaques, Markers, Memorials

Recognition shall include site signage, including a permanent plaque, sign or marker. The decision concerning type, design and size of site signage shall rest with the Director of Parks and Recreation. All plaques, signs or markers shall blend with and compliment the park environment.

Resolution 2015-7889-R continued

VII. Park or Facility Features

Important and substantial park features (i.e., grove of trees, overlook, stream, etc.) within a named area may be given a name other than the name of the principal area, using the same guidelines as set forth above.

VIII. Naming of public streets and non-park facilities

There may be times that City Staff or citizens desire to name public facilities or streets after an individual or business. These requests must be in writing to the City Manager and will be presented to the City Council for approval. Criteria should follow the same guidelines set forth in naming parks and park facilities.

Request Letter

March 20, 2017

Dear Mayor and City Councilpersons,

It is with great pleasure that we request that a street in downtown Temple be named after Little Joe Hernandez, known as Little Joe & La Familia.

Little Joe was born and raised in Temple, Texas. He was seventh of 13 children born to Amelia and Salvador Hernandez.

Little Joe is credited with helping pioneer Tejano music and has been described as "the King of the Brown Sound." Little Joe y La Familia has performed all over the globe. He has also been a tireless crusader for Diabetes Prevention programs.


He has been entertaining audiences for more than 50 years, has over 70 albums and has received five Grammy awards as Best Tejano Album and Best Mexican American Performances. His name has been etched into the 346th Golden Palm Star, Palm Springs Walk of Stars. His music style has been called Tejano, Tex-Mex and is a multicultural music in two languages. He is a Singer, songwriter, record producer and is a Vocalist and plays the piano.

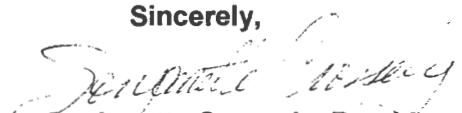
He has become a legend and continues to perform across the country bringing Temple, Texas as a place known as a city where Little Joe lives.

We believe it is fitting that the City of Temple recognize Little Joe by honoring him with a Street Naming "Little Joe Avenue". We would like for the downtown area be considered, either South 2nd st, 4th st., or 6th St. or any street close to the proposed festival grounds. This could begin the recognition of many of Temple's heroes and legends.

LULAC Council 4971 and Citizens for Progress, Inc. are organizations which represent multicultural endeavors and request your consideration for this street naming occasion.

If you have any questions please let us know. Attached is a Special Packet with additional information regarding Little Joe & La Familia.

Sincerely,

Judy Morales, President

Sincerely,

Sonjanette Crossely, President

Request Letter continued

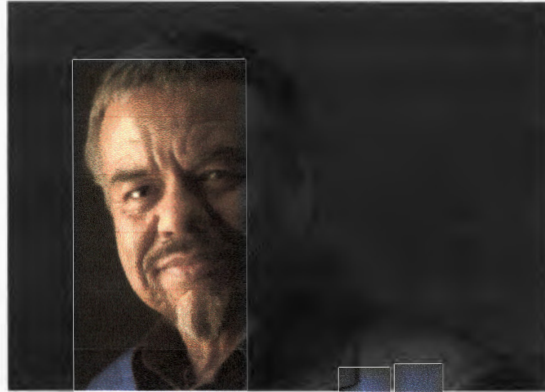
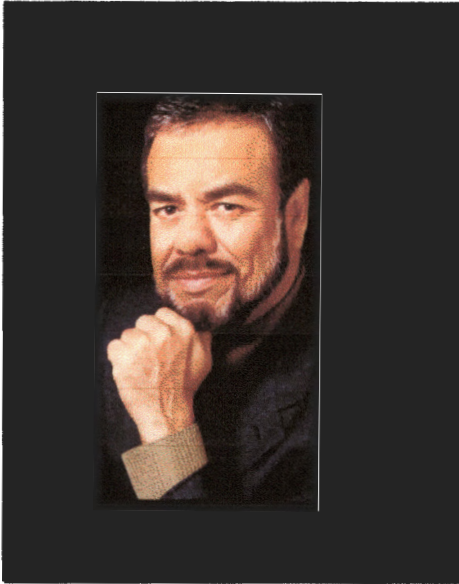


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- * MAJOR TELEVISION PERFORMANCES
- * LATEST RECORDINGS AND RELEASES
- * MAJOR FAIR / FESTIVAL PERFORMANCES
- * AWARDS AND SPECIAL RECOGNITIONS
- * COMMUNITY SERVICE

Request Letter continued

LITTLE JOE MUSICAL BIO



Little Joe & La Familia is one of the most popular Tex-Mex bands in the music industry. Little Joe has celebrated his 50th anniversary in entertainment and has been described as the "King of the Brown Sound." He helped to pioneer "Tejano" music, a mix of traditional "norteno" music and country, blues and rock styles.

Jose Maria DeLeon Hernandez "Little Joe" was born to Salvador "La Cotorra" Hernandez and Amelia DeLeon Hernandez in a one room dirt floor shack in Temple, Texas on a cold and stormy night on October 17, 1940. He was the seventh child of thirteen. In 1953, Joe's cousin, David Coronado, who fronted a band called "David Coronado & The Latinaires" recruited Joe for guitar, Cino Moreno for drums and Tony Matamoros on saxophone to join his band.

In 1955, Joe would play his first paying performance in Cameron, Texas for \$5.00 at a high school Sock Hop. He was so excited, he realized that picking guitars beat picking cotton and he could actually get paid for it.

In 1958, Joe would make his recording debut as a guitarist for Terrero Records in Corpus Christi, Texas, an instrumental single "Safari Part I & II" which was composed by all members of the Latinaires.

In 1959, Jesse, Joe's younger brother who was the bassist, singer and songwriter would join the band as David Coronado was leaving. Joe took over the band renaming it, "Little Joe & The Latinaires".

In 1964, Jesse was killed in an automobile accident. Joe then made a vow at Jesse's graveside to carry his music to the top; not realizing how high his music would take him, how it would open many doors for other artists or how he would set many trends.

In the 60's, Joe would sign with Texas based independent record companies, starting with his first record deal, Corona Records in San Antonio, next Valmon Records in Austin and later Zarape Records in Dallas. Joe ventured into his own independent company in 1968, "Buena Suerte Records" for his Spanish recordings and "Good Luck Records" for his English recordings. Also to follow would be Leona Records, a label also owned by Joe and a distribution deal with Freddy Records in Corpus Christi, Texas which would keep Joe independent through the 70's and early 80's.

Request Letter continued

In 1970, after playing and spending much of his time in San Francisco and the Bay Area, Joe discovered "Latinismo", a strong Latin musical world which was not found in Texas at that time. It had a profound change in his



music and his cultural values which prompted him to change the name of the band from Latinaires to La Familia. Joe wanted more knowledge on his heritage and roots.

In 1983, Joe signed his first major deal with WEA International. After leaving WEA, Joe again would go independent and form "Redneck Records" where he recorded the Live Double Album "25th Silver Anniversary" in 1985. This album was placed with CBS which later became Sony Discos International.

Little Joe is a 5 time Grammy Award Winner:

Awarded for Best Mexican-American album in 1991, "Diez y Seis de Septiembre", 2005 for Best Tejano album, "Chicanisimo", 2007 for Best Tejano album, "Before The Next Teardrop Falls". He won his fourth Grammy in the Best Tejano album category for the album entitled "Recuerdos" in 2011. Awarded a Latin Grammy in 2011 for the album entitled "Recuerdos".

While with Sony Discos, he would be a 2 time Grammy nominee. Grammy-Nominated: 1988 - "Timeless", 1993 - "Que Paso", 1999 - "Little Joe & La Familia 2000", 2003 - "Celebration of Life, Volume I", Latin Grammy-Nominated: 2004- "Celebration of Life, Volume II", Latin Grammy-Nominated: 2005 - Chicanisimo

In 1996, Joe would appear on the 1997 Grammy nominated album, "Frank Yanchovich & Friends, Songs of the Polka King, Vol. 1" in which he performed a duet with Frank Yanchovich on the song "Just Because/Si Porque".

Also, in 1996, Joe signed a co-venture deal with his company "DeLeon Publishing" and "Peer Music Limited Publishing" in an effort to bring a major publishing outlet for Texas Songwriters extending publishing work to 33 countries.

Aside from his music career, Joe has worked in the film industry starring in two feature films, "Proposition 187, A Deadly Law" and "Down For The Barrio".

Over fifty years and many albums later, Joe is touring the world, trailblazing, looking forward to new challenges, breaking down cultural and musical barriers and innovating his musical style. As always, Joe strives to bring people together to make a more peaceful and harmonious world

Request Letter continued

ENDORSEMENTS

In 2014, Little Joe signed to be a spokesman for Blue Cross/Blue Shield. Blue Cross/Blue Shield is committed to raising awareness in the community about the importance of enrolling in health insurance.

Little Joe has been a national spokesman for Coca Cola Classic, GMC Trucks, Quaker Oats and Tony Lama Boots. Also in 1997, he signed on to be a spokesperson and endorse the Tohono O'odham Nation through the Desert Diamond Casino in Tucson, AZ.

SMITHSONIAN INSTITUTE, WASHINGTON, D.C.

In the last decade Little Joe & La Familia has been invited by the Smithsonian Institute on several occasions to perform on the grounds of the National Museum of American History during National Hispanic Heritage Week. In addition to Little Joe's performances, he was asked to conduct a workshop on Tex-Mex Music for students from all over the world. The workshop was videotaped and now is part of the Smithsonian Educational Catalog. Educational organizations, such as schools both public or private, may request these videotapes from the Smithsonian Institute. For all of his hard work and commitment to the Smithsonian Institute, Little Joe has received a special lifetime achievement award from the Smithsonian.

KENNEDY CENTER, WASHINGTON, D.C.

In 1997, Little Joe and La Familia performed for a national television broadcast For the Hispanic Heritage Week at the Kennedy Center.

THE NATIONAL ANTHEM

Throughout Little Joe's career, he has been invited to perform the national anthem for Secretary of Defense Carlucci at the Pentagon and for Andrews Air Force Base during the Diez y Seis de Septiembre Hispanic Celebration. He has been invited to perform the national anthem across the country at special events such as:

BOXING:

World Boxing Association Matches

FOOTBALL:

World Football League at Alamo Stadium,
San Antonio Riders vs. Frankfurt Germany

BASEBALL:

Major League Baseball at the Houston Astrodome,
L.A. Dodgers vs. Houston Astros

BASKETBALL:

NBA Basketball at The Summit in Houston, Texas,
San Antonio Spurs vs. Houston Rockets

Request Letter continued

LIVE PERFORMANCES

In 1989, Little Joe performed at the Houston Livestock Show and Rodeo for a modern record crowd of 38,626 paid patrons for a Saturday matinee at the Houston AstroDome. He performed in 1991, setting a new record Sunday afternoon crowd of 46,638 paid patrons. In March 2003, Little Joe performed again at the Rodeo and set an all time record of attendance of 70,401 paid patrons at Reliant Stadium.

1990. Little Joe first performed at Fiesta Broadway in Los Angeles, CA. to a record crowd of 400,000. In a return performance in 1991, he set a new crowd record of 500,000.

In 1991, Little Joe performed at the Mariachi U.S.A. Festival at the Hollywood Bowl with the Mariachi Vargas and Sol de Mexico. That same year he performed with Willie Nelson at the Kennedy Center, Washington, D.C.

In March of 1992, Little Joe performed Live at Farm Aid. Farm Aid is an organization that works to increase awareness and importance of family farms. The concert is held annually with a variety of different musical acts.

Performed for National Conventions, such as LULAC, GI Forum, Project SER, Hispanic Scientists & Engineers Convention and the National Hispanic Congressional Caucus Dinner in Washington, D.C.

Little Joe has had the honor of being a feature artist at Governor Ann Richards Inaugural Ball as well as performing at the Hispanic Inaugural Gala in Washington D.C. during the Inaugural Festivities for President Bill Clinton.

In the mid 90's, Little Joe has been on 3 performance tours to Japan. Recently, Little Joe has performed in such places as Las Vegas, NV., Honolulu, HI. and House of Blues in Los Angeles, CA.. He has also taken 3 international tours to Souda Bay, Greece, Madrid and Rota, Spain and the Italian cities of Napals, La Madelena, Sigonella, Sicily and Rome.

MAJOR TELEVISION PERFORMANCES

January 1989. Performed a duet with Willie Nelson on a CBS Prime Time Television Special called "Viva Miami." Other guests appearing on the same show were Herb Alpert, Linda Ronstadt and Carlos Santana.

1997, Performed at the Kennedy Center in Washington, D.C. for the Hispanic Heritage month which was broadcasted on NBC with such artists as Jon Secada, Gloria Estefan, Andy Garcia, Jimmy Smits, Rita Moreno and Liz Torres.

Little Joe has appeared on the Univision Network on such shows as TV Mujer, Sabado Gigante, Paul Rodriguez Show and the Christina Show.

In 1991. Little Joe appeared in the movie "Las Pastorellas" starring Robert Beltran, Paul Rodriguez, Linda Ronstadt, Cheech Marin, Freddy Fender and Flaco Jimenez which aired nationally December 1991 on P.B.S. Little Joe has starred in two Cesar Alejandro productions entitled "Ranger III" and "Down For The Barrio". Both English and Spanish versions were released on video as well as airing on major networks.

Request Letter continued

LATEST RECORDINGS AND RELEASES

Little Joe's latest release is entitled "San Antonio" which was released in 2017.
Little Joe released the recording entitled "Evolution" which was released in 2012.

5 Time Grammy Award Winner:

In 2010, Little Joe was awarded the Grammy for the album entitled "Recuerdos". Also, in 2011 he was awarded a Latin Grammy for the album "Recuerdos".

In 2007, Little Joe won a the Grammy for "Before the Next Teardrop Falls".

Little Joe's c.d., entitled "Chicanisimo" was released in September of 2005 and was awarded a Grammy for Best Tejano Album.

Little Joe's album, "Diez y Seis de Septiembre," won the 1991 Grammy for Best Mexican-American Album.

Little Joe's c.d., entitled "Celebration of Live, Volume I" is a historical album containing live music from a concert celebrating Little Joe's 60th Birthday. The event took place in October of 2000 at Fiesta Texas in San Antonio. The album includes guest artists such as Johnny Hernandez, Rocky Hernandez, Ruben Ramos, Johnny Rodriguez and many more.

Little Joe has re-released some of his oldies which are now available on c.d. We will continue to re-release c.d.'s from our catalog periodically.

Little Joe's album was released on September 22, 1998 entitled "Little Joe & La Familia 2000" which is on the Capitol/EMI label.

Little Joe's "25th Silver Anniversary" double CD "Live in Concert" was re-released in its entirety including 7 never-before released songs. The album was recorded in San Antonio to commemorate Little Joe's 25 Years in the music industry.

Tejano Discos, Little Joe's own label, released "Que Paso?" which was nominated for a Grammy in 1994, four compilation albums entitled "Little Joe's Classics, Volumes 1, 2, 3 & 4", "Espiritu", and the long-awaited Reunion album entitled "Reunion '95" featuring the three Hernandez brothers Joe, Johnny, and Rocky together again. In the first three months, the album went GOLD.

Little Joe has recorded two songs, "Marie" and "You Belong to My Heart" with Willie Nelson. "You Belong to My Heart" is on both the "Tu Amigo-Little Joe" album as well as Little Joe's prior release entitled "Aunque Pasen Los Anos".

Grammy nominated album "Timeless" with hit single "Mi Nena" was on Billboard Magazine for 57 consecutive weeks.

MAJOR FAIRS / FESTIVAL PERFORMANCES

Santa Clara Co. Fair - Santa Clara, CA.

Colorado State Fair - Pueblo, CO.

Arizona State Fair - Phoenix, AZ.

Cochise Co. Fair - Douglas, AZ.

Cinco De Mayo Festival - Topeka, KS.

Fiesta De Las Flores - El Paso, TX.

Santa Barbara Co. Fair - Santa Barbara, CA.

Willie Nelson 4th of July Picinic - Luchenbach, TX.

Willie Nelson Farm Aid Concerts - Various Locations

Acapulco Festival - Acapulco, Mexico (televised by Siempre en Domingo worldwide)

Detroit Fair - Detroit, MI.

Fresno Fair - Fresno, CA.

Pima County Fair - Tucson, AZ.

Balloon Festival - Ruidoso, NM.

Fiesta Del Sol - Chicago, IL.

Enchilada Festival - Las Cruces, NM.

Pinata Festival - Albuquerque, NM.

Request Letter continued

AWARDS AND SPECIAL RECOGNITIONS

Little Joe Was Awarded the Palm Springs Walk of Fame Star on March 29, 2012 in Palm Springs, Ca. Little Joe is the first Hispanic to be given this honor.

May 28, 1998-Was chosen to participate in a tribute in Downtown L.A.'s historic Union Station honoring Robert Kennedy and Cesar Chavez 30 years after one of the great milestones in modern American politics-the 1968 California Democratic presidential primary. Participants were selected from among those who stood with Robert and Cesar during those hopeful-and ultimately tragic days-as well as those who were later inspired by them.

Little Joe was the 2nd recipient of the NARAS Texas branch "Governors Award" in 1997 for his contributions to the legacy of Texas Music. The award is the highest honor that can be given by a NARAS Branch.

Little Joe was inducted into the First Annual Premios A La Musica Latina Hall of Fame in San Antonio, Tx. On March 27, 2006.

Little Joe is a 5 time Grammy Award Winner:

Awarded Four (4) Grammy's: 1991 for Best Mexican-American album, "Diez y Seis de Septiembre", 2005 for Best Tejano album, "Chicanisimo", 2007 for Best Tejano album, "Before The Next Teardrop Falls". He won his fourth Grammy in the Best Tejano album category for the album entitled "Recuerdos" in 2010.

Awarded One (1) Latin Grammy in 2011 for the album entitled "Recuerdos".

Grammy-Nominated: 1988 - "Timeless", 1993 - "Que Paso", 1999 - "Little Joe & La Familia 2000", 2003 - "Celebration of Life, Volume I", Latin Grammy-Nominated: 2004 - "Celebration of Life, Volume II", Latin Grammy-Nominated: 2005 - Chicanisimo

Received the Buddy Holly Award for 7 straight years. May 1987. Received a special recognition, "Bravo Award", along with Julio Iglesias and the Miami Sound Machine at the Latin Music Awards in Miami, FL.

February 25, 1989. Received the keys to the City of Houston and a proclamation proclaiming Little Joe Day in conjunction with his performance at the Houston Livestock Show and Rodeo; the only artist to receive this honor during the 18-day run of the Rodeo.

September 1990. Attended the White House on two occasions to witness Former President Bush's signing of education bills.

Little Joe has received certificates of appreciation and exceptional services from the National Museum of American History, the Department of Defense, the Department of Education and the Department of the Interior.

Received special recognition from Congressman Kika de la Garza, chairman of the United States Hispanic Congressional Caucus. Proclaimed Commander of the 89th Military AirLift Wing and recognized for his outstanding contributions to the 89th, as well as the United States Air Force.

He was appointed Grand Marshall, received keys and proclamations, as well as being cited by several Governors in major cities across the nation. Selected as "1990 Humanitarian of the Year" by the Kiwanis Club

Request Letter continued

COMMUNITY SERVICE

Little Joe has participated in several school orientated projects such as; Teach the Children which is dedicated to providing school supplies to needy children across the State of Texas; Burger King Academy, a school dropout prevention program; Communities in School Program, a national dropout prevention program; Project SER which combats illiteracy; The National Hispanic Scholarship Fund, a program providing national scholarships to needy Hispanic students; he was selected as an Outstanding Role Model in the City of Houston in a Stay in School Project and was invited to address high school students from the Houston area at the Hispanic Scientists and Engineers Convention.

March 1992. Participated in the "Migrant Education Conference" in Anaheim, CA., an organization of professional school administrators and teachers devoted to educating migrant children.

Worked with the Southwest Voter Registration to assist in a voter registration drive. Was selected and participated in the "Fast For Life" for Cesar Chavez. Featured artist at a benefit concert to assist Farmworkers in the central agricultural region of California. Participated in the "Toys for Tots" for several years.

LITTLE JOE HAS DONE PUBLIC SERVICE ANNOUNCEMENTS FOR:

AIDS....Provides Spanish and English promotional spots for the State of Texas Department of Health.

The "Don't Mess with Texas" State-wide, anti-litter commercial for radio and television as well as "Project SORRI" which informs Texas citizens to help clean up the Rio Grande River from pollution.

Department of Interior, Washington, D.C.....Taped national radio and television announcements asking the community to protect national parks & forests.

Texas Veterans Land Commission....Recorded a commercial to inform Texas Wars Veterans of land purchases afforded to them.

Project Rio....Television taping of a announcement for the Texas Employment Commission to provide awareness to the community of jobs for ex-offenders.

Austin Fire Department.... announcements in Spanish informing the citizens of Austin on fire hazards and safety tips.

Announcements for Mothers Against Drunk Drivers (MADD).

Little Joe is a spokesman for Scott & White Hospital for the Children's Miracle Network, Blood Drive, Organ Donor Program and nationally for the American Heart Association.

2009-Started the Little Joe Diabetes & Obesity Prevention Campaign.

Notification Letter (example)



May 23, 2017

[REDACTED]
307 S 6TH ST
TEMPLE, TX 76501-7659

RE: 307 S 6TH ST./ Little Joe Drive Readdressing Proposal

As a property owner on S. 6th Street between E. Central Avenue and E. Avenue E, the purpose of this letter is to notify you that a request has been made to the City Manager to add this portion of S. 6th Street as "Little Joe Drive" for a dual name street (see enclosed map). If this proposal is approved by City Council, your new address would be:

307 S 6TH ST./Little Joe Drive, Temple, Texas 76501

You have the opportunity to speak on this request at the June 1, 2017 City Council meeting, which will take place on the 2nd floor of City Hall (2 North Main Street) at 5:00 p.m. If the proposal is approved, your S. 6th Street address will remain effective and therefore, it should not impact mail delivery or 911 emergency services.

This request was made by The League of United Latin American Citizens (LULAC) Council 4971 in honor of Little Joe Hernandez, also renowned as Little Joe y La Familia who was born and raised in Temple. Little Joe is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances (see enclosed letter). If you have comments or questions regarding this request, please contact Dessie Redmond, City Planner, at 254-298-5270 or dredmond@templetx.gov.

Sincerely,

Brian L. Chandler
City of Temple
Director of Planning
254-298-5272
bchandler@templetx.gov
2 North Main Street
www.templetx.gov

RESOLUTION NO. 2017-8677-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING APPROVAL OF A DUAL STREET NAME OF SOUTH 6TH STREET/LITTLE JOE DRIVE ON A SECTION OF SOUTH 6TH STREET BETWEEN EAST CENTRAL AVENUE AND EAST AVENUE E IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Manager received, in writing, a formal request to dual name a portion of South 6th Street with “Little Joe Drive” by the League of United Latin American Citizens (LULAC) Council 4971 in honor of Joe Hernandez, also renowned as Little Joe y La Familia who was born and raised in Temple;

Whereas, Little Joe is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances;

Whereas, South 6th Street addresses (between East Central Avenue and East Avenue E) will remain effective and therefore, approval of a dual street name should not impact mail delivery or 911 emergency services;

Whereas, Staff recommends approval of a dual street naming of South 6th Street/Little Joe Drive on a section of South 6th Street between East Central Avenue and East Avenue E based on the following information:

1. Resolution 2015-2889-R states that public streets may be named to honor or recognize an individual that has made a significant impact to the advancement of their profession or industry;
2. Joe Hernandez, renowned as Little Joe y La Familia, is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council dually names South 6th Street/Little Joe Drive on a section of South 6th Street between East Central Avenue and East Avenue E in the City of Temple, Bell County, Texas.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the dual naming of this street.

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

PASSED AND APPROVED this the 1st day of **June**, 2017.

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

06/01/17
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution to accept the 2017 Bend Of The River Botanic Garden Master Plan prepared by SWA of Houston.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2015, the City received a grant to develop a master plan for Bend Of The River. SWA from Houston, Texas was chosen to prepare the master plan. A nineteen citizen committee was assembled to help SWA and the City of Temple create the master plan. Each Councilmember selected a district representative, and then the Department tried to choose a wide array of interested individuals. The areas of interest came from the Parks and Recreation Advisory Board, Parks Foundation, Keep Temple Beautiful, Temple and Belton Independent School Districts, Temple Economic Development Corporation, Temple College, Baylor Scott & White, the Talasek family, etc.

Some of the highlights of SWA's scope of work included: engaging and building community support, addressing community concerns through outreach and education, facilitating four workshops, developing capital and maintenance and operational budgets, helping with the cleanup costs, etc.

At the May 18, 2017, Council workshop, Council was presented a brief overview of the Master Plan. Volume 1 (Technical) and Volume 2 (Fundraising) was given to each Councilmember after the presentation. The second and last step remaining is for Council to consider the 2017 Bend Of The River Botanic Garden Master Plan for adoption on June 1, 2017.

FISCAL IMPACT: In 2015, the City received a grant in the amount of \$150,000 from the Centers for Disease Control and Prevention for the Community Health Projects related to contamination at Brownfield/Land reuse sites. This funding was to develop a master plan for the Bend Of The River property.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8678-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE 2017 BEND OF THE RIVER BOTANIC GARDEN MASTER PLAN PREPARED BY SWA OF HOUSTON, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2015, the City received a grant to develop a master plan for Bend Of The River and SWA from Houston, Texas was chosen to prepare the master plan;

Whereas, a nineteen citizen committee was assembled to help SWA and the City create the master plan which included areas of interest from the Parks and Recreation Advisory Board, Parks Foundation, Keep Temple Beautiful, Temple and Belton Independent School Districts, Temple Economic Development Corporation, Temple College, Baylor Scott & White, and the Talasek family;

Whereas, at the May 18, 2017, Council workshop, Council was presented an overview of the Master Plan which includes Volume 1 (Technical) and Volume 2 (Fundraising);

Whereas, Staff recommends Council accept the 2017 Bend Of The River Botanic Garden Master Plan which has been prepared by SWA of Houston, Texas;

Whereas, in 2015, the City received a grant from the Centers for Disease Control and Prevention for the Community Health Projects related to contamination at Brownfield/Land reuse sites and this funding was used to develop the Bend Of The River Botanic Garden Master Plan; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council accepts the 2017 Bend Of The River Botanic Garden Master Plan attached hereto as Exhibit A, and made a part hereof for all purposes as presented.

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 **1st** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/01/17
Item #9
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Code of Ordinances, Chapter 37, “Traffic,” to include a general update of the Chapter and changes to the two-hour parking regulations.

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

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

The amendments also include changes to the City’s two-hour parking regulations. The amendments delete the current language which includes a lengthy description of where two-hour parking zones are located and references to an outdated map.

The most significant amendment is a proposed change to the enforcement process for parking violations. No person may stand or park a vehicle in, on, or upon any street in the City, in violation of any of the regulations regarding stopping, standing, or parking vehicles. Currently, violations of parking regulations are a criminal offense under Chapter 37. However, State law allows the City to enforce parking violations through a civil process. The proposed amendments designate parking violations as a civil offense and set forth the civil enforcement process.

A hearing officer would be appointed within the City to hear and determine contests of parking violations. The hearing officer will have the authority to administer oaths, issue orders compelling the attendance of witnesses and the production of documents, accept admissions, hear and determine contests of parking violations, and assess civil fines, penalties, and costs of a parking violation. The civil adjudication process for parking violations will begin with a citation issued by a peace officer or by a parking enforcement official designated to perform this duty by the Police Department. The citation will provide a time a place for an administrative hearing. The person issued a citation must answer the citation no later than the date provided for the administrative hearing.

An answer may be made in the following ways:

- A person may admit liability and pay the applicable civil fines, costs, and fees; or
- A person may appear before the hearing officer on the appearance date for his or her scheduled administrative hearing or at an instanter hearing before the appearance date.

A person does have a right to an instanter hearing which may be held before the appearance date on a day of the week established by the hearing officer.

At the conclusion of a hearing, the hearing officer will issue an order either (1) finding the person liable for the parking violation and assessing the applicable civil fines, costs, and fees, or (2) finding the person is not liable for the parking violation. A person found liable may appeal the determination to the Municipal Court.

The amendments propose a range for fine amounts from \$1.00 to \$500.00. Currently, the fine for parking violations is \$5.00.

The proposed amendments allow for enforcement of a hearing officer's order in the following ways:

- Impounding the vehicle if the owner or operator of the vehicle has committed three or more parking violations in a calendar year;
- Placing a device on the vehicle that prohibits movement of the vehicle if the owner or operator of the vehicle has committed three or more such violation in a calendar year or has three or more outstanding or unresolved citations;
- Imposing an additional fine if the original fine is not paid within a specified time;
- Denying issuance of or revoking a parking or operating permit, as applicable; or
- Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction.

The listed enforcement actions are allowed by State law.

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

FISCAL IMPACT: Parking Fine violation fees are deposited into the General Fund account 110-0000-452-0361.

ATTACHMENTS:

[Redlined draft of Chapter 37 Ordinance](#)

CHAPTER 37

TRAFFIC

ARTICLE I. IN GENERAL

Sec. 37-1. Definitions.

Wherever in this chapter the following terms are used, they ~~shall~~will have the meanings respectively ascribed to them in this section, unless clearly indicated to the contrary:

Authorized emergency vehicle. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the ~~chief of police~~City.

Crosswalk. That portion of a roadway ordinarily included within the ~~connection~~prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

~~*Curvilinear.* A road, driveway or approach formed, bound, or characterized by curved lines.~~

Hand signals. All signals made by the operator by use of the hand and forearm for the purpose of indicating his intention of turning, stopping, or changing the course of the vehicle.

Intersection. The area embraced within the ~~prolongation~~connection of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

Intersection visibility triangle. That area enclosed by drawing an imaginary line connecting two points located within 15 feet of the curb line of any street intersection, street/driveway intersection or street/alley intersection. It includes that portion of public street right-of-way and any corner lot in the triangular area formed by extending the curb lines of the intersecting streets to their imaginary point of intersection for the first point of the triangle, then proceeding back from this imaginary point of intersection 15 feet along the curb lines of the intersecting streets to establish the two remaining points of the triangle. These points must then be connected with imaginary lines, thereby forming a triangle. If there are no curbs existing, the triangular area are formed by extending the pavement edges to the imaginary point of intersection of the streets and then proceeding in the same manner described above.

Motor vehicle. ~~Every vehicle, which is self-propelled.~~ A self-propelled vehicle.

Non-motor Vehicle. Any vehicle or device without motive power and which is not self-propelled and is

designed or used to carry property or passengers on its own structure and is drawn by a motor vehicle. ~~Such~~Non-motor vehicles ~~shall~~ include boat trailers, utility trailers, trailer-mounted equipment or wheel-mounted machinery.

Official traffic signs. All signals, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning, or regulating traffic.

Operator. Any person who is in actual physical control of a vehicle.

Park or parking. To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Pedestrian. Any person afoot.

Police officer. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. A privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.

Recreational vehicle. A motor vehicle primarily designed or used as temporary living quarters for recreational camping or travel use. Recreational vehicle includes a travel trailer, camping trailer, tent trailers, motor homes, and converted buses, but ~~shall~~does not include truck camper which do not exceed one ton in capacity and are not longer than twenty-two (22) feet in length.

Right-of-way. The privilege of the immediate use of the street or highway.

Roadway. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular travel.

Safety zone. That area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk. The portion of a municipal -street that is:

(a) ~~B~~etween a curb or lateral line of a roadway and the adjacent property lines; and

(b) Improved and designed for or is ordinarily used for pedestrian travel~~intended for pedestrian use.~~

Street or highway. Every way set apart for public travel, except ~~foot paths~~a sidewalk.

Traffic. Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

Vehicle. A device that can be used to transport or draw persons or property on a highwayroadway. The term does not include:

(a) Aa device exclusively used on stationary rails or tracks; or

(b) Manufactured housing as that terms is defined by Chapter 1201, Occupations Code.

(Ordinance No. 2010-4361, 06-03-10)

Sec. 37-2. Duty of police to enforce chapter.

It ~~shall be~~ the duty of the police department of the city ~~to~~ enforce the provisions of this chapter, except as otherwise indicated in this chapter. ~~The police department may designate enforcement of this chapter to parking enforcement officials.~~

Sec. 37-3. Authority of police and firemen to direct traffic.

Officers of the police department are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of this chapter. In the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

Sec. 37-4. City ~~traffic management administrator~~transportation director; position established; ~~d~~duties.

(a) There is hereby established the position of ~~traffic management administrator.~~transportation director. The holder of this position ~~shall~~will exercise the powers and duties with respect to traffic as provided in this chapter.

(b) It ~~shall be~~ the general duty of the ~~traffic management administrator~~transportation director, in conjunction with the police department, to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

Sec. 37-5. Emergency and experimental regulations.

(a) The chief of police, by and with the approval of the ~~traffic management~~

~~administrator~~transportation director, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation ~~shall~~will remain in effect for more than ninety (90) days.

(b) The ~~traffic management administrator~~transportation director may test traffic-control devices under actual conditions of traffic.

(c) The chief of police may authorize the temporary placing of official traffic-control devices when required by an emergency. The chief of police ~~shall~~will notify the ~~traffic management administrator~~transportation director of his or her action as soon thereafter as is practicable.

Sec. 37-6. Obedience to traffic officers.

It ~~shall be~~is unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer or fire department official given, as authorized by this chapter, to direct, control, or regulate traffic.

Sec. 37-7, 37-8. Reserved.

Sec. 37-9. Clinging to moving vehicles.

It ~~shall be~~is unlawful for the rider of a bicycle, motorcycle or other vehicle to catch on to or hold to the side or rear of any other moving vehicle in the city.

Sec. 37-10. Riding on sSidewalks.

~~(a) (a) Definitions.~~

~~(1) — As used in this section, “central business zone,” shown on the drawing attached hereto as Exhibit “A,” a copy of which is kept on file in the City Secretary’s Office, is most particularly described as the rectangle bounded on the west by 5th Street, the north by Calhoun Street, the east by 6th Street, and the South by Avenue B. Both sides of the perimeter streets (5th, Calhoun, 6th and Avenue B) lying within the boundaries of the rectangle are included within the area of the central business zone.~~

~~(2) — As used in this section, “parking facility” shall mean any commercial parking lot, parking garage, or a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owners’ association, or government owned property leased to a private person.~~

~~(b) (b) It shall be unlawful for any person to ride or propel any bicycle upon any sidewalk in the city. This section shall not apply to a bicycle being operated by a law enforcement officer for a law enforcement purpose.~~

~~(c)~~

~~(d) (c) It shall be unlawful for any person to go, travel, or skate upon a skateboard on or along a sidewalk, roadway, or parking facility within the central business zone.~~

~~(e)~~

~~(f) (d) Any person skating on a skateboard upon a sidewalk not in the central business zone, shall yield the right of way to any pedestrian on the sidewalk.~~

(a) It is unlawful for any person to ride or propel a bicycle or skate upon a skateboard upon any sidewalk in any area of the City zoned Central Area.

(b) Subsection (a) does not apply to a sidewalk that is 8 feet or larger in width.

(c) Any person riding or propelling a bicycle or skating upon a skateboard on any sidewalk in the City, must yield the right-of-way to any pedestrian on the sidewalk.

Sec. 37-11. Reserved.

Sec. 37-12. Application of chapter to operators of government vehicles.

The provisions of this chapter ~~shall~~ apply to the operator of any vehicle owned by or used in the service of the government of the United States or this state, county or city, and it ~~shall be~~ unlawful for any such operator to violate any of the provisions of this chapter, except as otherwise permitted in this chapter.

Sec. 37-13. Reserved.

Sec. 37-14. Authority to regulate classes and kinds of traffic on certain highways.

(a) *Gross weight limits.* The ~~traffic management administrator~~transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to erect and maintain official traffic-control devices on any streets or parts of streets to impose gross weight limits.

(b) *Trucks exceeding ten thousand pounds.* The ~~traffic management administrator~~transportation director is hereby authorized, on the basis of engineering and traffic investigation, to erect and maintain official traffic-control devices on the streets or parts of streets to prohibit the operation of trucks exceeding ten thousand (10,000) pounds gross weight; provided that such devices ~~shall do~~ not prohibit necessary local operation on such streets for the purpose of making a pickup or delivery.

(c) *Vehicle size restrictions.* The ~~traffic management administrator~~transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to erect and maintain official traffic-

control devices on any streets or parts of streets to impose vehicle size restrictions.

(d) *Incompatible traffic.* The ~~traffic management administrator~~transportation director is hereby authorized, upon the basis of an engineering and traffic investigation, to determine and designate those heavily traveled streets upon which ~~shall be it is~~ prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and ~~shall the transportation director will~~ erect appropriate official traffic-control devices giving notice thereof.

Secs. 37-15--37-22. Reserved.

ARTICLE II. OPERATION OF VEHICLES GENERALLY

Secs. 37-23--37-27. Reserved.

Sec. 37-28. Speed limits.

Except as otherwise posted, ~~Except as otherwise provided by ordinance,~~ it ~~shall be is~~ unlawful for any person to drive or operate a motor vehicle within a City urban district~~the city~~ on a street other than an alley at a rate of speed in excess of thirty (30) miles per hour.

"Urban district" in this section means the territory adjacent to and including a street or highway, if the territory is improved with structures that are used for business, industry, or dwelling houses and are located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the street or highway. -

~~Notwithstanding the provisions of this section or any other ordinance of the city, every operator of a vehicle on a roadway shall operate the same at a careful and prudent speed not greater than is reasonable and prudent under the circumstances then existing reasonable and proper, having due regard to the traffic, surface, and width of the roadway and of any other conditions then existing, and no operator shall drive any vehicle upon a roadway at such speed as to endanger the life, limb, or property of any person.~~

Sec. 37-29. Reserved.

Sec. 37-30. Authority to place devices altering normal course for turns.

The ~~traffic management administrator~~transportation director is authorized to place official traffic-control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

Sec. 37-31. Authority to place restricted turn signs.

The ~~traffic management administrator~~transportation director is hereby authorized to determine those intersections at which drivers of vehicles ~~shall may~~ not make a right, left, or "U" turn, ~~and shall will~~

place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same ~~shall~~will be plainly indicated on the signs or they may be removed when such turns are permitted.

Sec. 37-32. Turning around in middle of block prohibited.

No vehicle ~~shall~~may be turned around in the middle of the block, nor between the corners thereof, but ~~shall always~~must go on to the intersection of a street or avenue before turning or attempting to turn.

Sec. 37-33, 37-34. Reserved.

Sec. 37-35. Authority to sign one-way streets and alleys.

The ~~traffic management administrator~~transportation director is hereby authorized to determine and designate one-way streets or alleys and ~~shall~~will place and maintain official traffic-control devices giving notice thereof. No such designation ~~shall~~will be effective unless such devices are in place.

Sec. 37-36. Authority for stop signs and yield signs.

The ~~traffic management administrator~~transportation director is hereby authorized to erect and maintain stop signs, yield signs, or other official traffic-control devices to designate through streets or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

~~**Sec. 37-37. Authority to place historical commission signs.**~~

~~—The Bell County Historical Commission is hereby authorized to place signs advertising their tape tour program on the various sites shown on Exhibit "A₁", which is made a part of this section for all purposes, and on such other sites located on the public right of way and on other public property as the Bell County Historical Commission and the city manager may hereinafter agree upon. Provided, however, that such signs shall be placed and located in strict compliance with applicable provisions of the Code of Ordinances of the City of Temple and with all applicable state and federal laws and regulations. All such signs shall be located and placed under the supervision of the city manager and the traffic management administrator. These signs shall be maintained in good condition at the sole cost and expense of the Bell County Historical Commission and in accordance with the requirements of the City code and the instructions of the city manager and the traffic management administration.~~

Secs. 37-38--37-42. Reserved.

Sec. 37-43. Driving between vehicles of authorized procession.

It ~~shall be~~is unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision ~~shall~~will not apply at

intersections where traffic is controlled by traffic-control signals or by police officers.

Sec. 37-44. Operation in parks.

It ~~shall be~~ unlawful for any person to drive, park, or place any vehicle through, in, along, upon, or across any public park belonging to the city except upon designated streets, alleys, ~~or~~ driveways, or parking areas located in such park.

Sec. 37-45. Motor vehicles prohibited on school grounds; exceptions.

(a) It ~~shall be~~ unlawful for any person to drive, park or place any motor vehicle through, in, along, upon, or across any public school grounds within the City of Temple except:

- (1) Upon designated streets, alleys, driveways, or parking areas located on said school grounds;
- (2) At the direction of a police officer of the City of Temple or a duly designated official of the Temple Independent School District school district;
- (3) When the vehicle is owned and operated by an employee or agent of the City of Temple or the Temple Independent School District.

~~—(b) "Motor vehicle", when used in this section, means every vehicle which is self-propelled, and is intended to include motorcycles, trucks, passenger cars, motor driven cycles, buses and tractors as defined in V.C.S. 6701d, Uniform Act Regulating Traffic on Highways.~~

Secs. 37-46--37-49. Reserved.

Sec. 37-50. Restrictions on towing.

No vehicle ~~shall~~ may tow more than one other vehicle at a time, and no tow connection thereon ~~shall~~ may be more than fifteen (15) feet in length.

Sec. 37-51. ~~Improper start or acceleration of motor vehicle.~~ Reserved.

~~(a) The methods described in subsection (b) of starting or accelerating a motor vehicle are prohibited and shall hereafter be unlawful.~~

~~—(b) Any person who shall start a motor vehicle from a stopped position or accelerate a motor vehicle, whether originally stopped or moving, in such a fashion as to cause the driving wheels to spin, or to cause the driving wheels to spin and create a loud noise calculated to disturb the residents living in the vicinity or other motorists and/or pedestrians in the vicinity, whether motorists and/or pedestrians are actually present or not, or to cause the rear portion of the motor vehicle to sway or swing from side to side, shall, upon conviction, be held guilty of a misdemeanor and shall be fined not less than one dollar~~

~~(\$1.00) and not more than two hundred dollars (\$200.00).~~

Sec. 37-52. Reserved. ~~Trucks prohibited from using Midway Drive without a permit; definitions; placements of signs.~~

~~Definitions. Whenever used in this section, the following terms shall be defined as follows: The following words and phrases when used in this section shall, for the purpose of this section, have the meanings respectively ascribed to them in this section.~~

~~(1) *Truck* means any motor vehicle designed, used, or maintained primarily for the transportation of property with a manufacturer's rated carrying capacity exceeding two thousand (2,000) pounds, and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carry all trucks.~~

~~(2) *Through traffic* means operating a truck:~~

~~a. Entering Midway Drive at its intersection with Interstate Highway 35 and exiting Midway Drive at its intersection with Hickory Road; or~~

~~b. Entering Midway Drive at its intersection with Hickory Road and exiting Midway Drive at its intersection with Interstate Highway 35; or~~

~~c. Upon any part of Midway Drive, which does not have as its destination for the delivery of property a residence, business, or construction site fronting upon Midway Drive or fronting upon a street intersecting Midway Drive.~~

~~(a) The through traffic of trucks on Midway Drive, in the City of Temple, Bell County, Texas, is prohibited and unlawful.~~

~~The operating or movement of a truck on Midway Drive, without first obtaining a permit from the chief of police, shall be prima facie evidence of the violation of this section and that such operation or movement is unlawful.~~

~~(b) The operating or movement of a truck on Midway Drive, without first obtaining a permit from the chief of police, shall be prima facie evidence of the violation of this section and that such operation or movement is unlawful.~~

~~(c) The director of public works and the chief of police of the City of Temple, Texas, shall obtain and install the proper signs upon the right of way of Midway Drive.~~

Sec. 37-53. Truck routes established.

(a) Definitions. Whenever used in this section, the following terms shall be defined as follows:

(1) ~~—~~*Truck* means any motor vehicle designed, used, or maintained primarily for the transportation of property, with a manufacturer's rated carrying capacity exceeding two thousand (2,000) pounds, and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

~~—(2) *Motor vehicle* means every device in or by which any person or property may be transported or drawn upon a public highway and which device is self-propelled.~~

(2) ~~—~~*Semitrailer* means vehicles of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(3) ~~—~~*Road tractor* means any motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

~~—(4) *Truck tractor* means every motor vehicle designed or used for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load as drawn.~~

(b) Established. There are hereby established and created certain truck routes in, through, and around the City of Temple for all trucks, semitrailers, road tractors, and truck tractors entering or exiting the Ccity, as follows:

(1) ~~—~~Interstate Highway No. 35.

(2) State Highway No. 53.

(3) State Highway No. 36.

(4) Loop 363--State Highway No. 190.

(5) F.M. Road No. 2305.

(6) South First Street from where it intersects with Loop 363 and Highway 36 north to the point where South First becomes South Third Street and from that point north to where North Third Street intersects with Interstate Highway No. 35.

(7) F.M. Road No. 438.

- (c) Through traffic prohibited. Through traffic of any truck, semitrailer, road tractor, or truck tractor on any street within the City of Temple other than those streets or highways specifically designated in subsection (b) hereof is expressly prohibited and declared to be unlawful.
- (d) Exceptions. The terms, provisions and regulations set forth in this section do not and are not intended to apply to trucks, semitrailers, road tractors, and truck tractors entering the City of Temple and traveling on streets other than those designated herein for the purposes of pickup and delivery to a specific location, or to obtain service, repairs, commercial lodging, fuel, or other legitimate purposes requiring a stop within the city. For purposes of this section, a person commuting to and from a residence for purposes other than making a delivery or pickup within the City is not a "legitimate purpose."
- (e) Signs. The ~~Director of Public Works of the City of Temple or the transportation director~~ is hereby directed to place appropriate signs upon the streets indicated herein and may, at his or her discretion, place signs upon other local streets notifying the public that no truck traffic is allowed thereon.

Sec. 37-54. ~~Residential lane~~Alleys -- Speed limit established.; ~~ppenalty for yviolation.~~

- (a) ~~—(a)~~ The reasonable and prudent prima facie maximum speed limit for any vehicular traffic upon residential lanes~~alleys~~ within the City of Temple is hereby established as ~~ten (10)~~15 miles per hour.
- (b) ~~—(b)~~ It ~~shall be~~is unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor-powered, at a speed greater than is reasonable and prudent under the circumstances then existing along, or upon, or over any ~~residential lane~~alley within said city, but any speed in excess of the reasonable and prudent prima facie maximum speed limit as set forth in paragraph (a) hereof ~~shall be~~is prima facie evidence that such speed is not reasonable and prudent and that it is unlawful.

~~—(c) Any person violating any provision of this section shall upon conviction be fined in a sum not exceeding two hundred dollars (\$200.00).~~

Sec. 37-55. Use of engine break or retarder prohibited.

- (a) This section applies to a roadway or street within the corporate limits of the City, including a state maintained roadway.
- (b) A person may not use an engine brake or engine retarder to assist in slowing or braking a motor vehicle, except for a fire truck engaged in emergency duties.

Secs. 37-56--37-64. Reserved.

ARTICLE III. TRAFFIC-CONTROL DEVICES GENERALLY

Sec. 37-65. Authority to install traffic-control devices.

The ~~traffic management administrator~~transportation director ~~shall~~will place and maintain official traffic-control devices when and as required ~~under the traffic~~ under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this city or the Texas Transportation Code~~state vehicle code~~.

Sec. 37-66. Manual and specifications for traffic-control devices.

All traffic-control signs, signals, and devices ~~shall~~will conform to the manual and specifications approved by the ~~State Department of Highways and Public Transportation~~Texas Department of Transportation. All signs and signals required hereunder for a particular purpose ~~shall~~will so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter ~~shall~~will be official traffic-control devices.

Secs. 37-67--37-70. Reserved.

Sec. 37-71. Marking of traffic lanes.

The ~~traffic management administrator~~transportation director is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Sec. 37-72. Designation and marking of crosswalks.

The ~~traffic management administrator~~transportation director is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in ~~the transportation director's~~his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as ~~the transportation director~~he may deem necessary.

Sec. 37-73. Establishment and marking of safety zones.

The ~~traffic management administrator~~transportation director is hereby authorized to establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians.

Secs. 37-74--37-76. Reserved.

Secs. 37-77--37-85. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

Sec. 37-86. Parking of ~~v~~Vehicles with ~~c~~Capacity of ~~m~~More ~~t~~Than ~~o~~One and ~~o~~One-~~h~~Half ~~t~~Tons in ~~c~~Certain ~~d~~Districts.

(a) A person commits an offense if he stops, parks, or stands a truck-tractor, road tractor, semitrailer, bus, trailer, or a truck with more than two axles, rated capacity in excess of one and one-half tons, or with a height of more than nine feet, according to the manufacturer's classification, in front of, or forward of the building setback line (as shown by the property's plat or the zoning ordinance, whichever is a greater distance from the property line adjacent to the street) upon property within a residential area. This subsection ~~shall~~will not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers, freight, or merchandise, or to recreational vehicles, as defined by Section 37-1 of the Code of Ordinances.

(b) In this section, **Residential Area** means any block ~~face~~-zoned SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, MH, MF, 2F, TH or UE.

Sec. 37-87. Stopping, standing~~g~~ or parking prohibited in specified places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person ~~shall~~may:

(1) Stop, stand~~g~~ or park a vehicle:

- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (b) On a sidewalk;
- (c) In ~~Within~~ an intersection;
- (d) On a crosswalk;
- (e) Between a safety zone and the adjacent curb or within thirty (30) feet of a place points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (g) On a ~~Upon any~~ bridge or other elevated structure on~~upon~~ a highway or in~~within~~ a highway tunnel;
- (h) On a ~~any~~ railroad tracks;
- (i) On any controlled-access highway;
- (j) In the area between roadways of a divided highway, including crossovers; or
- (k) At any place where official traffic-control devices prohibit stopping.

(2) Stand or park a vehicle-an occupied or unoccupied vehicle, ~~whether occupied or not~~, except

momentarily to pick up or discharge a passenger ~~or passengers~~:

- (a) In front of a public or private driveway;
 - (b) Within fifteen (15) feet of a fire hydrant;
 - (c) Within twenty (20) feet of a crosswalk at an intersection;
 - (d) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (e) Within twenty (20) feet of a driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the said entrance when the entrance is properly marked with a sign properly signposted; or
 - (f) At any place ~~where~~ where an official traffic-control devices prohibits standing.
- (3) Park an occupied or unoccupied vehicle ~~vehicle, whether occupied or not~~, except temporarily to ~~for the purpose of and while actually engaged in loading or unloading merchandise property~~ or passengers:
- (a) Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - (b) At any place where an official traffic-control devices prohibits parking.
- (4) A person may not move a vehicle that is not lawfully under the person's control into an area where a vehicle is prohibited under Section 37-87.545.302

~~(c) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.~~

Sec. 37-88. Parking prohibited in alleys located in the central business district.

(a) Definition. As used in this section, "central business district" ~~shall mean~~ all parts that part of the city which are within the area bounded on the south by Avenue "B", on the east by Eighth Street, on the north by French Avenue, and on the west by Ninth Street.

(b) Parking in alleys within the central business district is prohibited. It ~~shall be~~ unlawful to park, abandon, or leave a motor vehicle in an alley within the central business district, except as hereinafter provided.

(c) Exception and duty.

- (1) Vans and trucks used for delivery of merchandise, and actually loading or unloading merchandise, and vans and trucks of utility companies, plumbers, electricians, air conditioning and heating firms, etc., utilized at the time in providing services to buildings abutting the alley are excepted from the provision of subsection paragraph (b); provided, however, that this exception applies only to vans and trucks during the time actually being loaded or unloaded, or being utilized in providing service, and parked in such a manner to

leave a ten-foot clearance for other vehicles traveling the alley.

- (2) The operator of any vehicle, described in subsection (c)(1) above, ~~shall~~must remain in such close proximity to said vehicle that, if another vehicle does not have sufficient clearance to pass said vehicle in the alley, ~~the operator~~he may be promptly summoned to move said vehicle ~~to temporarily move same~~ at any time such movement is necessary to allow passage of another vehicle in ~~the~~an alley.

Sec. 37-89. Prohibited for certain purposes.

It ~~shall be~~is unlawful for any person to stop, stand, or park any vehicle upon any public street, or alley, city-owned parking lot, park, playground, golf course, or athletic field of the City of Temple for any of the following purposes:

- (1) ~~For the primary purpose of offering such vehicle for sale or selling the same; or~~
- (2) For the purpose of repairing such vehicle or accessories thereon or attached thereto; provided that part (23) of this section ~~shall~~will not apply to emergency tire repair nor to any other emergency repairs for the purpose of removing the vehicle from the streets, avenues, and alleys; ~~or~~
- (3) For the primary purpose of washing a vehicle.

Sec. 37-90. Leaving less than ten feet of roadway open for traffic.

(a) It ~~shall be~~is unlawful for the operator of any vehicle to stop, stand, or park such vehicle upon a street, except as otherwise authorized in this chapter~~other than an alley~~, in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway free for movement of vehicular traffic, except during actual unloading or loading of passengers or when necessary in obedience to traffic regulations, an official traffic control device, ~~or traffic signs or signals~~ or a police officer.

(b) It ~~shall be~~is unlawful for the operator of any vehicle to park such vehicle within an alley in such manner or under such conditions as to leave available less than ten (10) feet of the width of the ~~roadway~~alley for the free movement of vehicular traffic.

Sec. 37-91. Intersection ~~v~~Visibility ~~t~~Triangle.

(a) A vehicle, fence, wall, screen, view obstruction, or foliage is not allowed within the intersection visibility triangle at elevations between three feet and eight feet above the average street grade. Obstructions of this nature are declared to be a public traffic nuisance. A person may not park or allow parking of a vehicle or boat in the intersection visibility triangle at elevations between three feet and eight feet above the average street grade.

(b) Obstruction of an intersection visibility triangle must be abated within 10 days after written notice.

(Ordinance No. 2010-4361, 06-03-10)

Sec. 37-92. Designation and marking of parking spaces and areas where parking is prohibited or limited.

(a) The ~~traffic management administrator~~transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to prohibit, regulate, or limit stopping, standing, or parking vehicles at all times or during specified hours.

(b) No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any other ordinance of this city ~~shall~~will be effective unless official traffic-control devices are erected and in place at the time of any alleged offense. ~~and it shall be~~is the duty of the ~~traffic management administrator~~transportation director to erect and maintain such devices.

~~(c) The traffic management administrator is hereby authorized to designate parking spaces and parking areas for the exclusive use of persons with disabilities.~~

Sec. 37-93. Two-hour parking zone.

(a) The City Manager or his/her designee is hereby authorized to determine and designate in and on such streets and portions thereof spaces in which parking is limited to two-hour periods of time. In an areas designated as a two-hour parking zones, signs or other clearly distinguished markings will be posted or made at both ends of the two-hour parking zones and at reasonable intervals between the beginning and ending of the zone. If the signs or other markings for the two-hour parking zone indicate the days or times allowed for parking therein, such prohibition will only apply on such days and between such hours as prescribed by the signs or markings.

(b) It is unlawful for any person to leave standing or parked any vehicle for a period of more than two hours in a two-hour parking zone, and each successive two hours that a vehicle should be left continuously parked in such zone shall will constitute a separate offense.

(c) The city manager is authorized to suspend this section by decree during public events or when the municipal parking lot adjacent to City Hall is closed.

(d) The city manager is authorized to grant permits to persons involved in construction in or near two-hour parking zones to park construction related vehicles in these zones longer than designated by signage. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. Persons who fail to abide by the terms of a permit may receive a parking citation for each successive two (2) hours that a vehicle is left continuously parked in a two hour parking zone in violation of the permit.

In

~~The area in the City of Temple, Texas, shown on the drawing attached hereto as Exhibit "A," a copy of which is kept on file in the City Secretary's Office, and is most particularly described as the north side of Barton Avenue (between Main and 2nd Streets), south side of Barton Avenue (between 3rd & 1st Streets), south side of Adams Avenue (between 1st & Main), north side of Central Avenue (between 1st & 4th Streets), south side of Central Avenue (between 3rd & 4th Streets), north side of Avenue A (between 1st & 4th Streets), south side of Avenue A (Between 1st & 2nd Streets), west half of south side of Avenue A (between 2nd & 4th Streets), south side of Avenue B (between Main & 2nd Streets), east & west side of 1st Street (between Calhoun & Adams Avenue), west side of 1st Street (between Central & Avenue A), north half of the east side of 1st Street (between Central & Avenue A), south half of the east side of 1st Street (between Avenue A & B), east and west side of Main Street (between Calhoun and Avenue B), east and west side of 2nd Street (between Barton & Avenue B), is hereby designated a two-hour parking zone, except as otherwise posted, and appropriate signs shall be erected giving notice of such two-hour limitation, and, except as provided at Subsection (b), it shall be unlawful for any person to leave standing or parked any vehicle for a period of more than two (2) hours, and each successive two (2) hours that a vehicle shall be left continuously parked in such zone shall constitute a separate offense.~~

~~—(b) The city manager is authorized to suspend this Section by decree during public events or when the municipal parking lot adjacent to City Hall is closed.~~

~~(Ordinance No. 2009-4303, August 20, 2009)~~

Sec. 37-94. Parking aAreas dDesignated for pPersons with dDisabilities.~~Privileged parking; persons with disabilities.~~

- (a) Except as provided in subsection (b), a person may not stop, stand, or park a vehicle in a parking space or area on public or private property that is designated for use by a person with a disability in accordance with applicable law. Parking spaces or areas designated for persons with disabilities on private property do not have to be in compliance with the identification requirements referred to in Chapter 681 (Privileged Parking) of the Texas Transportation Code.
- (b) This prohibition does not apply if the vehicle is operated by or for a person with a temporary or permanent disability, and the vehicle displays:
 - (1) License plates for the vehicle issued in accordance with the Texas Transportation Code for use by a persons with disabilities; or
 - (2) A disabled parking placard issued in accordance with Chapter 681 of the Texas Transportation Code.
- (c) A person may not stop, stand, or park a vehicle on public or private property in a manner that

blocks an access or curb ramp, accessible pedestrian space between or adjacent to a parking space, or other architectural feature designed to aid a person with a disability.

(d) A peace officer or a person designated by the city under Sec. 681.0101 of the Texas Transportation Code may enforce this section.

—Definitions for this Section:

(1) DISABLED PARKING PLACARD means the placard issued by the state under Section 681.002 of the Texas Transportation Code, as amended.

(2) DISABLED PERSON means a person who has a permanent or temporary disability within the meaning of Section 681.001 of the Texas Transportation Code, as amended, and who has applied for and received:

(A) a disabled person or disabled veteran license plate from the state;

(B) a disabled parking placard from the state; or

(C) a license plate or placard bearing the international symbol of access issued by a U.S. state or by a state or province of a foreign country.

(3) DISABLED PERSON LICENSE PLATE means the specially designed license plate of a vehicle, issued by the state to a permanently disabled person under Section 504.201 of the Texas Transportation Code, as amended.

(4) DISABLED VETERAN LICENSE PLATE means the specially designed license plate of a vehicle, issued by the state to a disabled veteran under Section 504.202 of the Texas Transportation Code, as amended.

(5) INTERNATIONAL SYMBOL OF ACCESS has the meaning assigned in Section 681.001 of the Texas Transportation Code, as amended.

—DESIGNATION OF PARKING SPACES OR AREAS FOR DISABLED PERSONS ON PUBLIC AND PRIVATE PROPERTY.

—(1) The traffic management administratortransportation director is hereby granted the authority to designate and mark certain parking spaces on the public streets and in the public parking lots of the city for the use of disabled persons in accordance with Section 681.009 of the Texas Transportation Code, as amended.

—(2) A person who owns or controls property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting disabled persons in accordance with Section 681.009 of the Texas Transportation Code, as amended.

~~—(A) The entirety of this Section applies to a parking space or area for disabled persons on private property that is designated in compliance with Section 681.009(b) of the Texas Transportation Code, as amended.~~

~~The city may appoint parking enforcement officials to have the authority to file charges against persons who commit offenses under Chapter 681, Texas Transportation Code, as amended.~~

~~—OFFENSES.~~

~~Violations of disabled parking regulations on public or private property are governed by, and may be enforced pursuant to, Chapter 681 of the Texas Transportation Code, as amended.~~

~~—The city may appoint a parking enforcement official to have authority to file a charge against a person who commits an offense under this Section, pursuant to Section 681.0101 of the Texas Transportation Code.~~

~~(a) Definitions. The provisions and terminologies of Chapter 681 of the Texas Transportation Code are hereby adopted by reference and shall apply to this section.~~

~~(b) Private property. A person who owns or controls private property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities.~~

~~(c) Political subdivisions. A political subdivision that designates a parking space or area for the exclusive use of vehicles transporting persons with disabilities must conform to the standards and specifications adopted by the Commissioner of licensing and regulation under Section 5(c), Article 9102, Texas Revised Statutes, relating to the identification and dimensions of parking spaces for persons with disabilities. Copies of these standards and specifications are on file in the Offices of the City Secretary and Construction and Safety Services.~~

~~(d) Offenses. A person commits an offense if the person:~~

~~(1) parks a vehicle not displaying disabled person identification in a parking space designated specifically for persons with disabilities.~~

~~—(2) is not a person with a disability and is not transporting a person with a disability and parks a vehicle with disabled person identification in a parking space designated specifically for the disabled.~~

~~—(3) parks a vehicle so that the vehicle blocks or obstructs an architectural improvement designed to aid persons with disabilities, including an access or curb ramp.~~

~~(4) lends a disabled parking placard issued to the person to another person who uses~~

~~the placard in violation of this section.~~

~~———— (e) *Applicability.* The offenses defined in this section apply to a parking space or area on public or private property that is designated exclusively for persons with disabilities in compliance with the identification requirements referred to in subsection (c) of this section.~~

~~(e) *Penalty.*~~

~~———— (1) ——— An offense under this section is a Class C misdemeanor. Except as provided by subdivisions (2) (6) of this subsection, an offense under this section is punishable by a fine of no less than \$100 or more than \$200.~~

~~———— (2) ——— If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$200 or more than \$300.~~

~~———— (3) ——— If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, the offense is punishable by a fine of not less than \$300 or more than \$400.~~

~~———— (4) ——— If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by a fine of not less than \$400 or more than \$500.~~

~~———— (5) ——— If it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of \$500.~~

Sec. 37-95. Direction of pParked or sStopped vVehicles.

~~———— (a) Every vehicle parked or stopped on any street in the city must be parked or stopped parallel with the edge of the roadway, headed in the direction of traffic, and with curb-side wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except where streets are appropriately marked for perpendicular or for angle parking.~~

~~———— (b) Every vehicle parked or stopped on any street in the city in a parking space appropriately marked for perpendicular or angle parking must be parked with the front of such vehicle adjacent to the curb or sidewalk.~~

Sec. 37-96. Compliance with parking space markings.

~~(a) If a parking space limit line is delineated on a street or parking lot owned or maintained by the city, a person:~~

(1) May not park a vehicle on or across the line; and

(2) Must park a vehicle entirely within the delineated area.

(b) A person may not park a vehicle in a driveway of a parking lot owned or maintained by the city.

All vehicles parked or stopped on any street in the city must be parked or stopped entirely within the lines designating the parking space with the front of the vehicle headed in the direction of the curb.

~~(a) Reserved.~~

Sec. 37-976. ~~Permits for loading~~ Loading or unloading at an angle to the curb.

Backing of a vehicle to the curb is permitted for the limited purpose of loading or unloading merchandise or other property. In no case shall the stop for loading and unloading merchandise or other property exceed 30 minutes.

~~(a) (a) The traffic management administrator is authorized to issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and herein authorized.~~

~~(b) (b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.~~

Sec. 37-987. Parking of trucks with more than two axles.

The parking of trucks with more than two (2) axles on any street or alley within the corporate limits of the City of Temple, Texas, is hereby prohibited; provided, however, that the prohibition set out in this section shall will not apply to such trucks parked for the purpose of loading or unloading or for the purpose of making emergency repairs.

Sec. 37-998. Parking of Boats, Non-Motor Vehicles and Recreational Vehicles.

(a) Definitions. Whenever used in this section, the following terms shall beare defined as follows:

(1) Bboat means any watercraft, vessel, or outboard motor.

~~(2) motor vehicle means any vehicle that is self-propelled.~~

~~(3) non motor vehicle means any vehicle or device without motive power and which is not self propelled and is designed for use with a self propelled vehicle and is used to carry property or passengers on its own structure. Non motor vehicle shall include trailers, utility trailers, trailer mounted equipment or wheel mounted machinery.~~

~~(4) recreational vehicle means any motor vehicle primarily designed, equipped or used as temporary dwelling or sleeping quarters for recreational camping or travel use. Recreational vehicle shall include travel trailers, camping trailers, tent trailers, house trailers, motor homes and converted buses, but shall not include truck campers which do not exceed one ton capacity and are not longer than twenty two (22) feet in length.~~

(2) P~~u~~public roadway means any public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

(b) It ~~shall be~~is unlawful for any person to park or place any boat, non-motor vehicle or recreational vehicle on any public roadway within the city limits of Temple, Texas, unless the boat, non-motor vehicle or recreational vehicle is connected or otherwise secured to a motor vehicle.

(c) It ~~shall be~~is unlawful for any person to park or place any boat, non-motor vehicle or recreational vehicle which is connected or secured to a motor vehicle on any public roadway within the city limits of Temple, Texas for a period of ~~more than~~ more than forty-eight (48) hours at any one place.

(d) For prosecution under subsection (b) or (c) of this section, it is presumed that the registered owner or the owner or occupant of the property adjacent to the location of the offense, ~~if the identity of the registered owner cannot be determined,~~ is the person who parked or placed the boat, non-motor vehicle, or recreational vehicle in violation of subsection (b) or (c) of this section, at the time and place of the offense charged.

~~Sec. 37-99. Parking in city-owned parking lots.~~

~~—(a) Parking spaces in city owned parking lots shall be marked in accordance with section 37-92 of the Code of Ordinances of the City of Temple, Texas.~~

~~—(b) In areas of city owned parking lots where parking spaces have been properly marked all vehicles parked in such lots shall be parked within a marked parking space, and it shall be unlawful to park or leave standing a vehicle in such a manner as to take up or obstruct more than one such parking space or in any manner that would obstruct the movement of traffic in said lot.~~

~~—(c) It shall be unlawful for any person to stop, stand, or park any vehicle upon any city owned parking lot for any of the following purposes:~~

~~—— (1) For the primary purpose of offering such vehicle for sale or selling the same.~~

~~—— (2) For the primary purpose of displaying advertising; provided that parts (1) and (2) of this section shall not apply to vehicles displaying signs or advertisements which are incidental, and in addition to the primary and regular use of said vehicle as a means of transportation.~~

~~—— (3) For the purpose of repairing such vehicle or accessories thereon or attached thereto; provided that part (3) of this section shall not apply to emergency tire repair nor to any other emergency repairs for the purpose of removing the vehicle from said city owned parking lot.~~

Sec. 37-100. Parking for more than two days prohibited.

It ~~shall be~~ unlawful for any person to park or permit to remain parked or standing any vehicle ~~as defined in Tex. Rev. Civ. Stat. Ann. Art. 6675a-1 (Vernon 1988)~~, upon any street, alley, or city-owned parking lot within the city for longer than two (2) days at any one place. ~~The term "street" as used in this section shall include the parkway thereof.~~

Sec. 37-101. Parking of vehicles used for transporting liquefied petroleum gases.

(a) Except in an emergency, no tank vehicle containing liquefied petroleum gas ("LPG") ~~shall~~ may be left unattended on any street, highway, avenue or alley, provided that this ~~shall does~~ not prevent a driver from the necessary absence from the truck in connection with the delivery of his or her load, except that during actual discharge of the liquid some responsible person ~~shall must~~ be present at the vehicle, nor ~~shall does~~ it prevent stops for meals during the day or night if the street is lighted at point of parking.

(b) Tank vehicles used to transport or deliver LPG ~~shall may~~ not be parked out of doors at any one point longer than 1 hour, except on a premises of a facility approved for storing or servicing LPG tank vehicles. The location ~~shall must~~ be off any street, ~~and~~ at least 50 feet from any building, and 25 feet from any property line.

(c) LPG tank vehicles used to transport ~~shall may~~ not be parked or garaged in any building or near any building other than those specifically ~~approved~~ approved for such use by the fire official.

Sec. 37-102. Parking near scene of fire.

It ~~shall be~~ unlawful for any operator to park any vehicle within three hundred (300) feet of any burning building or other thing where fire-fighting apparatus is being used for the purpose of extinguishing the same, except under the direction of the chief, ~~or~~ other officer of the fire department, ~~or~~ a police officer of the city.

Sec. 37-103. Parking in fire lanes.

(a) The marking of fire lanes on private property, devoted to public use, ~~shall will~~ be approved by the fire chief ~~and the police chief~~ of the City ~~of Temple, Texas~~ or his or her designee(s).

(b) The fire chief ~~shall have~~has the authority, by and with the consent of the city council expressed by resolution, to determine where such fire lanes ~~shall will~~ be required and ~~shall have~~has the authority to require that such fire lanes be marked and maintained. Such fire lanes ~~shall will~~ be marked by painting the curb red with the words "Fire Lane" stenciled thereon at appropriate intervals together with signs, placed at appropriate distances, which indicate the existence of the fire ~~land lane~~ and that parking in or blocking the fire lane is prohibited.

(c) It ~~shall be~~is unlawful for any person to park or to allow to be parked any vehicle in a properly marked fire lane or to otherwise obstruct such fire lane.

Sec. 37-104. Parking of vehicles at Draughton-Miller Airport.

(a) It ~~shall be~~is unlawful for any person to park any ~~motor or non-motor vehicle automobile or other vehicle~~ at Draughton-Miller Airport outside the limits of the designated parking area for the particular kind or type of ~~automobile or~~ vehicle.

(b) No aircraft or vehicle ~~shall may~~ be parked within twenty-five (25) feet of a fire hydrant at Draughton-Miller Airport.

Sec. 37-105. Parking of ~~n~~Non-~~m~~Motor ~~y~~Vehicles and ~~r~~Recreational ~~y~~Vehicles ~~p~~Prohibited.

(a) Definitions. Whenever used in this section, the following terms ~~shall be~~are defined as follows:

(1) Corner lot means any triangular portion of a plot of ground defined by measuring thirty (30) feet along the curb line or adjacent streets and whose hypotenuse ~~shall be~~is the connection of the two (2) points as measured along the curb line.

(2) ~~P~~Private property means any privately owned real property, lot, tract or parcel of land, or portion thereof, including a private driveway, roadway or alley, within the city limits of Temple, Texas.

(1) ~~Residential lot means any private lot, tract, or parcel of land or portion thereof that is located within a residential area or territory primarily improved with residences or buildings used for business purposes and residences.~~

(2)

(3) ~~(5) sidewalk means any paved portion of a street between the curb lines and the adjacent property lines which is continuous along the street.~~

~~(4)~~

~~(36) residential lot means any private lot, tract or parcel of land or portion thereof that is located within a residential area or territory primarily improved with residences or buildings used for business purposes and residences.~~

(b) It ~~shall be~~ unlawful for any person to park, place or locate on any private property any non-motor vehicle or recreational vehicle that:

(1) ~~Is~~ within six (6) feet from the back of any curb or edge of the pavement if no curb exists;

(2) ~~Is~~ in, blocks, or otherwise obstructs any paved sidewalk;

(3) ~~Is within a corner lot; or~~

(4) ~~Is not secured with wheel stops on the wheels on each side or otherwise secured to adequately hold the vehicle on any grade on which the vehicle is parked.~~

~~(1)~~

~~(3) is within a corner lot.~~

~~(4) is not secured with wheel stops on the wheels on each side or otherwise secured to adequately hold the vehicle on any grade on which the vehicle is parked.~~

~~(a)~~(c) It is unlawful for any person to use a non-motor vehicle or recreational vehicle for housekeeping, dwelling, or sleeping quarters for any period exceeding two (2) weeks during any six (6) month period.

(d) For prosecution under subsection (b) or (c) of this section, it is presumed that the registered owner or the owner or occupant of the property which is the location of the offense, ~~if the identity of the registered owner cannot be determined,~~ is the person who parked, placed, or used the non-motor vehicle or recreational vehicle in violation of this section.

Sec. 37-106. Passenger and loading zones generally.

(a) The ~~traffic management administrator~~ transportation director is hereby authorized to determine the location of loading zones and passenger loading zones and ~~shall~~ will place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Code are applicable. In lieu of such signs, such zones may be laid out and designated by yellow-colored lines or marks on the surface of the street or curb, ~~with the words "Loading Zone" painted thereon.~~

(b) No person ~~shall~~may stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case ~~shall~~may the stop for the expeditious loading and unloading of property exceed thirty (30) minutes.

(c) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property. In no case may such a stop exceed thirty (30) minutes.

(d) The city manager is authorized to grant permits to persons involved in construction in or near passenger and loading zones to park construction related vehicles in these zones longer than designated by signage or colored markings or lines. Persons who fail to abide by the terms and conditions of the permit may receive a citation for each successive thirty (30) minutes that a vehicle is left continuously parked in these zones in violation of the permit.

Sec. 37-107. Bus stop and taxicab stands.

(a) The ~~traffic management administrator~~transportation director is hereby authorized and required to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he ~~or she~~shall ~~determines~~ to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand ~~shall~~will be designated by appropriate signs.

(b) The operator of a bus ~~shall~~may not stand or park such vehicle upon any street at any place other than a bus stand, bus stop, or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus ~~shall~~may not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(d) The operator of a bus ~~shall~~must enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, ~~shall~~will be in a position with the right front wheel of such vehicle not farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(e) The operator of a taxicab ~~shall~~may not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision ~~shall~~does not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of

passengers.

(f) No person ~~shall~~may stop, stand, or park a vehicle other than a bus in a bus stop, bus stand, or passenger loading zone or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Sec. 37-108. Reserved.

Sec. 37-109. Vehicle parked in violation of city ordinance.

No person ~~shall~~may allow, suffer, or permit any vehicle registered in his name to stand or be parked in, on or upon any street in the City of Temple in violation of any of the ordinances of this city regulating the stopping, standing, or parking of vehicles.

Sec. 37-110. Parking violations made -civil offenses.

A violation of a provision of this article governing the stopping, standing, and parking of a vehicle is a civil offense.

Sec. 37-111. Hearing officer powers, duties, and functions.

(a) The city manager, or the city manager's designee, will appoint one or more hearing officers to administratively adjudicate stopping, standing, and parking violations under the Code of Ordinances.

(b) A hearing officer has the authority to:

(1) Administer oaths;

(2) Issue orders compelling the attendance of witnesses and the production of documents, which may be enforced by the municipal court;

(3) Accept admissions and hear and determine contests of parking violations under this article;

(4) Assess civil fines, penalties, and costs for a parking violation in accordance with this articlechapter;

(5) Issue orders of immobilization or impoundment of vehicles;

(6) Set conditions for the release of vehicles immobilized or impounded under this article;

- (7) Administratively terminate citations or dismiss cases arising from possible violations of this article that the hearing officer determines to be uncollectable, unenforceable, or erroneously issued; and
- (8) Preside over, hear evidence, and make findings at immobilization and impoundment hearings under this article.

Sec. 37-112. Citations.

- (a) The administrative adjudication process for violations under this article will be initiated by the issuance of a citation which may be issued by a peace officer or by a parking enforcement official designated to perform this duty by the Temple Police Department.
- (b) A citation serves as the summons and provides the time and place of an administrative adjudication hearing.
- (c) A citation will contain the following information:
 - (1) The nature, date, time, and location of the alleged violation;
 - (2) The state license plate number of the vehicle, or if the license plate number is not visible or legible, other observable identification information, including but not limited to vehicle identification number or the state inspection tag number;
 - (3) The make of the vehicle, if known, or a vehicle description;
 - (4) The appearance date for the citation, including information as to the time and place of the administrative adjudication hearing for the alleged offense committed under this article scheduled on the appearance date;
 - (5) A notification that the person charged with the violation has the right to an instant hearing on or before the appearance date on a day of the week established by the municipal court for the routine operation of the court;
 - (6) A notification that failure to answer the citation or to appear for a hearing on or before the appearance date is considered an admission of liability for the violation and will result in the assessment of civil fines, costs, and fees; and
 - (7) The identification number and/or the initials of the individual issuing the citation.
- (d) The original or a copy of the citation is a governmental record kept in the ordinary course of

city business and is rebuttable proof of the facts it contains.

Sec. 37-113. Service of a citation; presumption of service.

- (a) A citation must be served on the operator of the vehicle or the registered owner of the vehicle by either personal service of the citation or by affixing the citation to the vehicle in a conspicuous place.
- (b) The operator of a vehicle who is not the registered owner but has the express or implied permission to operate the vehicle is considered the registered owner's agent and is authorized to receive a citation.
- (c) The original and all copies, including electronic copies, of a citation are prima facie evidence that the citation was issued and that an attempt at service was made in accordance with this section.

Sec. 37-114. Answering a citation.

(a) A person issued a citation must answer the citation not later than the appearance date provided on the citation.

(b) An answer may be made in any of the following ways:

(1) A person may admit liability and pay the applicable civil fines, costs, and fees. A person may pay in person, by mail, by electronic means, or by other method of payment as determined by the municipal court clerk; or

(2) A person may appear before a hearing officer on the appearance date for his or her scheduled administrative hearing or at an instanter hearing before the appearance date.;

(c) Payment of civil fines, costs, and fees assessed under this article operates as an admission of liability for the parking violation and is the final disposition of the parking violation charge.

Sec. 37-115. Presumptions.

In an administrative adjudication hearing for a citation:

(a) It is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and

(b) The Texas Department of Motor Vehicles' computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

Sec. 37-116. Hearings for disposition of a citation.

(a) A hearing to adjudicate a parking violation charge under this article will be conducted by a hearing officer.

(b) The Texas Rules of Evidence do not apply to a hearing under this article.

(c) No formal or sworn complaint or any other charging instrument is required.

(d) The hearing officer will hear and consider:

(1) Evidence presented by the person charged;

(2) Presumptions and prima facie evidence established by this article or other applicable law; and

(3) Evidence presented by the issuing officer, if he or she attends the hearing.

(e) The hearing officer will make a decision based on a preponderance of the evidence after considering the presumptions.

(f) All hearings will be recorded by an electronic recording device.

(g) The acceptance of documents or real evidence shall be noted on the record. The recorded testimony, documents, and other evidence shall constitute the record for appeal. The Municipal Court will maintain all exhibits admitted during the proceeding and the official record of the proceeding.

(h) The person who issued the citation is not required to attend an instant hearing, unless ordered to do so by the hearing officer.

(i) It is not required that the prosecuting attorney attend the hearing. If the person is represented by legal counsel at the hearing, the hearing officer must notify the prosecuting attorney who will have the right to appear on behalf of the city at the hearing.

(j) At the conclusion of the hearing, a hearing officer will issue an order either:

(1) Finding the person is liable for the parking violation and assessing the applicable civil fines, costs, and fees; or

(2) Finding the person is not liable for the parking violation.

(k) A person charged with a civil offense who fails to answer a citation on or before the appearance date is considered to admit liability for the offense charged, and an order will be issued on that basis.

(l) Any orders issued under this article will be filed with the municipal court clerk. Orders will be kept in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

Sec. 37-117. Appeals.

- (a) A person found liable by the hearing officer for a parking or stopping ordinance may appeal the determination to municipal court.
- (b) The appeal must be instituted by filing, not later than the 30th day after the date on which the hearing officer's order is filed, a petition with the clerk of the municipal court and paying a non-refundable filing fee.
- (c) A person who accepts liability or fails to contest liability by the appearance date is not entitled to an appeal hearing.
- (d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person found liable, before appealing, posts a cash appeal bond with the municipal court clerk in an amount equal to all civil fines, costs, and fees assessed by hearing officer.
- (e) When an appeal petition is filed, the municipal court clerk will schedule an appeal hearing and notify each party of the date, time, and location of the appeal hearing.
- (f) An appeal hearing is conducted by the municipal court judge.
- (g) The judge will review the record and hear oral arguments of the parties at the appeal hearing.
- (h) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.
- (i) The judge may not reverse the hearing officer's decision unless it is determined to be:
 - (1) In violation of law;
 - (2) Not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole; or
 - (3) Arbitrary and capricious or characterized by an abuse of discretion.
- (j) If the findings of the hearing officer are affirmed, the civil fines, costs, or fees may not be modified except that additional penalties and other costs or fees may be added according to this article.

(k) The municipal court judge's ruling is final and may not be appealed.

Sec. 37-118. Fine Amounts.

(a) Upon a finding of liability, a hearing officer may assess the person a fine ranging from one dollar (\$1.00) to five hundred dollars (\$500.00) in addition to applicable costs and fees.

(b) A late fee will be assessed if:

(1) The person does not answer the citation on or before the appearance date; or

(2) The person fails to pay in full within a specified time period.

(c) A ten dollar (\$10.00) late fee may be assessed every thirty days up to a maximum of sixty dollars (\$60.00) until all applicable fines, costs, and fees are paid in full.

(d) A hearing officer may reduce fine amounts based on an inability to pay or allow liable persons to make payment plans based on ability to pay.

Sec. 37-119. Enforcement of oOrder.

When a person is found liable for violations under this article and has not paid the fines, costs, and fees assessed when due, the fines, costs, and fees assessed for the violations may be enforced by:

(a) Impounding the vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year;

(b) Placing a device on the vehicle that prohibits movement of the motor vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year or has three or more outstanding or unresolved citations issued under this article;

(c) Imposing an additional fine if the original fine is not paid within a specified time;

(d) Denying issuance of or revoking a parking or operating permit, as applicable; or

(e) Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction.

Sec. 37-120. Impoundment or immobilization of motor vehicles.

(a) A hearing officer will determine if a vehicle is subject to impoundment or immobilization under this article.

(b) If a hearing officer determines that a vehicle is subject to impoundment or immobilization, the hearing officer will send a written notice of the opportunity for a hearing before a written order to impound or immobilize the vehicle is issued. The written notice will be mailed to the last address of the registered owner on record with the Texas Department of Motor Vehicles or to the address of the registered owner or operator last known to the hearing officer.

(c) The written notice will contain the following information:

(1) The vehicle license plate number;

(2) The name of the last registered owner of the vehicle;

(3) The date issued, fine amounts, costs, and fees for all outstanding or unresolved citations issued under this article;

(4) A statement that a request for a hearing to determine whether or not the motor vehicle will be immobilized or impounded must be made to the municipal court clerk in writing, without requirement of bond, within twenty (20) days after the date the notice was mailed;

(5) A statement that failure to request a hearing before the expiration of the twenty-day period, or failure to appear at a requested hearing will constitute a waiver of the opportunity to oppose the proposed impoundment or immobilization; and

(6) A statement indicating that the registered owner of the vehicle, in addition to being responsible for all outstanding citations issued under this article, will be responsible for all fees and costs incurred in immobilizing and impounding the vehicle, including storage fees.

Sec. 37-121. Hearing before hearing officer regarding impoundment or immobilization of vehicle; issuance of order.

(a) A person may request a hearing before a hearing officer to contest impoundment or immobilization of a vehicle.

(b) A request for a hearing under this section must be submitted in writing to the municipal court clerk not later than the twentieth (20th) business day after the date the notice of impoundment or immobilization was mailed.

(c) A failure to timely request or appear at a hearing under this section waives any objection to the proposed impoundment or immobilization of the vehicle.

(d) The only issue at a hearing under this section is whether the vehicle may be impounded or immobilized under Sec. 37-119.

(e) The hearing officer will issue an order of impoundment or immobilization if:

(1) A person does not timely request a hearing under this section;

(2) A person does not appear at a scheduled impoundment or immobilization hearing; or

(3) A hearing officer determines at the hearing that the vehicle is subject to impoundment or immobilization.

(f) An impoundment order and an immobilization order must include the information described in Sec. 37-120 regarding notice requirements.

(g) If a hearing is requested and held, the hearing officer will provide the signed order of immobilization or impoundment at the hearing.

(h) If a hearing is not requested, a signed order of immobilization or impoundment will be provided upon request and at no cost to a party to the case.

Sec. 37-122. Interference with impoundment or immobilization prohibited.

(a) A person may not knowingly, intentionally, or recklessly obstruct, prevent, hinder, or interfere with a person executing an order of impoundment or immobilization.

(b) A person may not tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed.

(c) An offense under this Section is a Class C misdemeanor and is punishable by a fine up to five hundred dollars (\$500.00).

Sec. 37-123. Execution of impoundment order.

(a) An impoundment order is executed when the vehicle identified in the order is seized, removed to, and stored at an authorized vehicle depository.

(b) An impoundment order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer;

(3) An authorized city employee; or

(4) An authorized city agent.

(c) If it is necessary for a person executing an order of impoundment to enter a motor vehicle to effectuate its impoundment, entry into the vehicle will be made by or in the presence of a certified peace officer. An inventory of the vehicle will be conducted by or in the presence of certified peace officer who will sign the inventory.

(d) The person executing an order of impoundment will promptly notify the municipal court clerk or designee of the date and time of the impoundment.

(e) Nothing under this article will be construed to restrict or limit the authority of police officers to tow and impound vehicles under other applicable law.

Sec. 37-124. Execution of immobilization order.

(a) An immobilization order is executed when a device designed to restrict the normal movement of the vehicle has been installed or attached.

(b) An immobilization order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer;

(3) An authorized city employee; or

(4) An authorized city agent.

(c) At the time of immobilization, the person executing the order of immobilization must attach to the vehicle a conspicuous written notice, on a form provided by the city, that includes the following information:

(1) Notice that the vehicle has been immobilized under a court order and that attempted movement may cause damage to the vehicle;

(2) Notice that it is unlawful for any person to tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed;

(3) Instructions to obtain a release of the vehicle;

(4) Notice that the vehicle may be towed and impounded if the owner or a person authorized to act on behalf of the owner does not obtain a release of the vehicle from the municipal court, or the Temple Police Department when the municipal court is closed, by 4:00 p.m. on the day the vehicle has been immobilized; and

(5) Notice that if the vehicle is towed and impounded, the owner shall be responsible for payment of applicable fees for towing, impoundment, and storage in addition to the civil fines, costs, and fees under this article.

Sec. 37-125. Reclamation of an impounded or immobilized vehicle.

(a) The owner or other person with legal right of possession of a vehicle that has been impounded or immobilized under an order may reclaim the vehicle by:

(1) Presenting evidence satisfactory to the municipal court clerk during its hours of operation, or the Temple Police Department when the municipal court is closed, that establishes ownership or right of possession; and

(2) Paying in full all accumulated civil fines, costs, and fees, including costs and fees of immobilization or impoundment and storage.

(b) If the owner or other person with legal right of possession cannot provide payment in full, the person may appear before a hearing officer during the municipal court's hours of operation to arrange to pay:

(1) All accumulated civil fines, costs, and fees at a later specified date; or

(2) A specified portion of all accumulated civil fines, costs, and fees at designated intervals.

(c) If the owner or other person with legal right of possession has paid, or arranged to pay, the accumulated civil fines, costs and fees, the owner or other person may reclaim the impounded vehicle or have the immobilization device removed. Upon making such payment or payment arrangements, the owner or other person with legal right of possession of the vehicle will receive a signed release order for the vehicle.

(d) A hearing officer may reissue an impoundment or immobilization order under Sec. 37-121 without additional notice if the owner or other person with legal right of possession of the vehicle fails to comply with a condition imposed under this section.

Sec. 37-126. Release of impounded vehicle.

(a) A person in actual possession of the impounded vehicle will release the vehicle to a person named in the release order if the person named in the order presents the signed release order and proof of identity.

(b) A person releasing the vehicle will indicate the date and time that a vehicle was released on the release order, or on a paper attached to it.

(c) A release order must be signed by the person reclaiming the vehicle and the person releasing the vehicle.

(d) After the release order is signed, the person releasing the vehicle must return the order to the municipal court.

(e) A person in possession of an impounded vehicle may not request or require the person reclaiming the vehicle to sign a release from liability for damages or loss until the person authorized to reclaim the vehicle has been provided a meaningful opportunity to inspect the vehicle and its contents.

(f) A release from liability must:

(1) Indicate whether the person reclaiming the vehicle has made an inspection of the vehicle;

(2) Include an enumeration of the damages, if any, allegedly the result of impounding the vehicle; and

(3) Include a list of the items, if any, allegedly missing from vehicle.

(g) A copy or duplicate of the original release must be provided to the person that reclaims an impounded vehicle.

Secs. 37-~~127-112~~--37-14920. Reserved.

ARTICLE V. RESERVED.

ARTICLE V. HAZARDOUS CARGO ROUTES

Section 37-150. Definitions.

For the purposes of this article, the following words and terms ~~shall~~ have the meanings ascribed to them:

- (a) *Hazardous Materials* means any quantity, group, form or class of material designated as hazardous material in any official publication of the Secretary of Transportation of the United States under the authority of 49 ~~C.F.R. U.S.C.A. Section~~ 171, et seq., as amended, including any such publication issued after the effective date of this ordinance.
- (b) *Requiring Placards* means that the materials to be transported is hazardous and is in sufficient quantity to require placarding in accordance with the Department of Transportation Hazardous Materials Regulations (49 ~~C.F.R. U.S.C.A. Section~~ 171, et seq., as amended), or in accordance with ~~stateTexas law, the Tex. Rev. Civ. Stat. Art. 6701D, Section 139, as amended, or regulations promulgated under the authority of said Section 139, as amended.~~
- (c) *Transport* shall mean to move any vehicle requiring placards upon any public thoroughfare or highway.

Section 37-151. Hazardous ~~c~~Cargo ~~r~~Route.

No person ~~shall~~may knowingly transport materials or knowingly cause hazardous materials to be transported upon any public street and highway within the corporate limits of the City of Temple, Texas, except upon those portions of Interstate Highway 35 and H.K. Dodgen Loop, as more fully shown on a map, attached hereto and made a part hereof for all purposes as Exhibit "A," and on file in the Office of the Director of Public Works of the City of Temple. Provided, however, this section ~~shall~~does not apply to those persons who leave the hazardous cargo route by the most direct route to make a delivery or pickup of hazardous cargo within the corporate limits of the City of Temple.

Section 37-152. Vehicle ~~o~~Operation.

The operator of a vehicle used to transport hazardous materials requiring placards ~~shall~~must:

- (a) Apply and display appropriate placards meeting U.S. Department of Transportation specifications; and
- (b) Keep immediately accessible, complete, and adequate shipping papers for the hazardous

materials being shipped, which papers must specify:

- (1) ~~O~~origin of the shipment;
- (2) ~~destination~~Destination or delivery point of the shipment;
- (3) ~~proper~~Proper shipping name;
- (4) ~~hazard~~Hazard class;
- (5) ~~proper~~Proper identification number;
- (6) ~~total~~Total quantity of material being shipped; and

(c) Before operation, inspect the vehicle and determine that:

- (1) The brakes are in good working condition;
- (2) The steering mechanism is in good working condition;
- (3) The electrical wiring is well insulated and firmly secured;
- (4) The required lights are operative;
- (5) The vehicle is in a safe condition to transport hazardous materials;
- (6) The fire extinguisher is fully charged and operational; and
- (7) All emergency features on bulk transport carriers are installed and operative as outlined in U.S. Department of Transportation specifications and requirements.

Section 37-153. Presumptions; ~~d~~Defenses.

It ~~shall be~~is presumed for purposes of prosecution under this ordinance that a transporting vehicle contains hazardous materials if it bears a placard. It ~~shall be~~is a defense to prosecution under this ordinance that the transporting vehicle was empty.

Section 37-154. Enforcement.

The Police Department of the City of Temple is expressly authorized to enforce the provisions of this ordinance.

Revised by Ordinance No. 2015-4738 (12/3/15)

ORDINANCE NO. 2017-4845

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

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff is proposing certain amendments to Chapter 37, "Traffic;"

Whereas, the amendments include changes to outdated State law references and City Staff positions and include changes to the City's two-hour parking regulations which deletes a lengthy description of where two-hour parking zones are located and references to an outdated map;

Whereas, the most significant amendment is a proposed change to the enforcement process for parking violations which states that no person may stand or park a vehicle in, on, or upon any street in the City, or violate any of the regulations regarding stopping, standing, or parking vehicles;

Whereas, violations of parking regulations are a criminal offense under Chapter 37, however, State law allows the City to enforce parking violations through a civil process and the proposed amendments designate parking violations as a civil offense and set forth the civil enforcement process;

Whereas, a hearing officer will be appointed within the City to hear and determine contests of parking violations - the hearing officer will have the authority to administer oaths, issue orders compelling the attendance of witnesses and the production of documents, accept admissions, hear and determine contests of parking violations, and assess civil fines, penalties, and costs of a parking violation;

Whereas, the civil adjudication process for parking violations will begin with a citation issued by a peace officer or by a parking enforcement official designated to perform this duty by the Police Department - the citation will provide a time and place for an administrative hearing;

Whereas, the person issued a citation must answer the citation no later than the date provided for the administrative hearing and the answer must be made in the following ways:

- A person may admit liability and pay the applicable civil fines, costs, and fees; or
- A person may appear before the hearing officer on the appearance date for his or her scheduled administrative hearing or at an instant hearing before the appearance date;

Whereas, a person has the right to an instant hearing which may be held before the appearance date on a day of the week established by the hearing officer and at the conclusion of the hearing, the hearing officer will issue an order either (1) finding the person liable for the parking violation and assessing the applicable civil fines, costs, and fees, or (2) finding the person is not liable for the parking violation;

Whereas, the current fine for parking violations is \$5.00 and the amendments propose a range for fine amounts from \$1.00 to \$500.00;

Whereas, the proposed amendments allow for enforcement of a hearing officer's order in the following ways:

- Impounding the vehicle if the owner or operator of the vehicle has committed three or more parking violations in a calendar year;
- Placing a device on the vehicle that prohibits movement of the vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year or has three or more outstanding or unresolved citations;
- Imposing an additional fine if the original fine is not paid within a specified time;
- Denying issuance of or revoking a parking or operating permit, as applicable;
- Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction;

Whereas, the listed enforcement actions are allowed by State law;

Whereas, the remaining amendments include a general cleanup of the language and formatting of the Chapter;

Whereas, Staff recommends Council amend the Code of Ordinances, Chapter 37, "Traffic," to include a general update of the Chapter and changes to the two-hour parking regulations;

Whereas, parking fine violation fees are deposited into the General Fund Account No. 110-0000-452-0361; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends the Code of Ordinances, Chapter 37, “Traffic,” as attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

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

Part 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 **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Belinda Mattke, Purchasing Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 39 of the Code of Ordinances, “Wreckers.”

STAFF RECOMMENDATION: Conduct public hearing, and adopt ordinance as presented in item description on first reading, with second and final reading on June 15th.

ITEM SUMMARY: City of Temple Code of Ordinances, Chapter 39, “Wreckers,” currently requires the City to advertise for bids and contract for wrecker services with the “lowest acceptable bidder.” In addition, Chapter 39 states that the term of any contract for wrecker services may only be two years. The City has been following this process for several years, however Staff is proposing to amend the language of Section 39-1 to allow the City to award the contract to one or more companies providing the best value to the City, instead of being required to award the contract to the lowest acceptable bidder. Additionally, Staff would prefer to have flexibility on the term of any contract entered into for wrecker services.

The City has a need for reliable and efficient wrecker services to assist with clearing traffic accidents and removing disabled vehicles. The contracted company is required to provide non-consent tows and towing of disabled vehicles within the City limits. The City requires towing services on request of City personnel on a 24 hours/day, seven days/week basis when the vehicle’s owner is unavailable, unable or unwilling to arrange for their vehicle to be towed. Some examples of those circumstances include: when city officials identify abandoned motor vehicles or junked vehicles which cannot lawfully be driven on a public roadway; when police seize vehicles as evidence in criminal cases or for safekeeping in connection with an arrest; when a vehicle has been damaged in a traffic accident or becomes disabled and is disrupting traffic on a public roadway. The City does not pay for wrecker services. All costs for the services are passed along to vehicle owners.

The City currently contracts with the Towman’s Association for wrecker services. That contract will expire on August 31, 2017. Staff is preparing to bid these services and would prefer that Chapter 39 be amended to provide more flexibility in the bidding process.

Attached to this Memorandum is a redlined draft of the proposed amendments to Chapter 39. Staff is also asking that Section 39-6 be deleted as it references outdated State law.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Redlined Draft of Chapter 39
Ordinance](#)

Chapter 39

WRECKERS

Sec. 39-1. City wrecker service to be by bid.

The City of Temple ~~shall will~~ advertise for ~~bids-proposals~~ and contract for wrecker service ~~with the lowest acceptable bidder~~. The contract ~~shall be for a term of two (2) years and shall will~~ require the successful ~~bidder-contractor~~ to provide motor vehicle wrecker service within the City of Temple, as needed ~~and required by the police department~~, and to operate and maintain a storage facility for impounded vehicles. Specifications for ~~bids-proposals shall will~~ be prepared by the ~~purchasing agent of the City of Temple~~ Purchasing Department. ~~The contract will be awarded to one or more contractors determined to provide the best value to the City.~~

Sec. 39-2. City service bid not a restriction on choice.

Nothing contained in the bid or contract ~~shall will~~ prohibit any citizen from utilizing any other wrecker service.

Sec. 39-3. Call to accident scene.

No person shall drive a wrecker to or near the site of a motor vehicle accident on the streets of the city, unless such person has been summoned by the police department or the owner of a vehicle involved in the accident; provided, however, when necessary to prevent death or bodily injury the prohibition of this section shall be inapplicable.

Sec. 39-4. Soliciting business.

No person shall solicit on the public streets, directly or indirectly, the business of towing, repair or acquisition of any vehicle which is wrecked or disabled on a public street.

Sec. 39-5. Intercepting radio messages.

It ~~shall be is~~ unlawful for any person to intercept, receive or assist the interception or reception of any message emanating through the medium of the city police radio station and to divulge or publish the existence, contents or substance of such communication for the purpose of allowing or aiding a wrecker service to respond to the site of a motor vehicle accident when not otherwise summoned to the scene under the provisions of section 39-3.

~~Sec. 39-6. Local option.~~

~~—The City of Temple exercises the option provided in Article 6687 9a, Revised Civil Statutes of Texas, Section 13(a), to exempt vehicle storage facilities located in and operating within the territorial limits of the City of Temple from the requirements of~~

~~Article 6687 9a, and all regulations adopted under the authority of Article 6687 9a.~~

ORDINANCE NO. 2017-4846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 39, "WRECKERS;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple Code of Ordinances, Chapter 39, "Wreckers" currently requires the City to advertise for bids and contract for wrecker services with the "lowest acceptable bidder;"

Whereas, Chapter 39 states that the term of any contract for wrecker services may only be 2 years - the City has been following this process for several years;

Whereas, Staff is proposing to amend the language of Section 39-1 to allow the City to award the contract for wrecker services to one or more companies providing the best value to the City, instead of being required to award the contract to the lowest acceptable bidder - Staff also desires to have flexibility on the term of any contract entered into for wrecker services;

Whereas, the City has a need for reliable and efficient wrecker services to assist with clearing traffic accidents, removing disabled vehicles, and the contracted company is required to provide non-consent tows and towing of disabled vehicles within the City limits;

Whereas, the City also requires towing services on request of City personnel on a 24 hours/day, 7 days/week basis when the vehicle's owner is unavailable, unable or unwilling to arrange for their vehicle to be towed - the City does not pay for wrecker services and all costs for the services are passed along to vehicle owners;

Whereas, the City currently contracts with the Towman's Association for wrecker services and that contract expires August 31, 2017;

Whereas, Staff is preparing to bid these services and would prefer that Chapter 39 be amended to provide more flexibility in the bidding process; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends Chapter 39 of the Code of Ordinances, “Wreckers” as attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

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

Part 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 **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-17-27: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 2.485 +/- acres, situated in the George W. Lindsey, Abstract No. 513, located at 40 Morgan's Point Road.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Agricultural (AG) district to Planned Development-General Retail (PD-GR) district based on the following compatibility factors:

4. Compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
5. Compliance with the FM 2271 Corridor Plan and with Planned Developments approved within the corridor;
6. Compatibility with the Future Land Use Map's Suburban Commercial District;
7. Compatibility with surrounding zoning, existing and anticipated uses;
8. Compliance with the Thoroughfare Plan; and
9. Availability of public and on-site facilities to serve the subject property; and

Staff recommends approval subject to the following conditions:

1. A 10-foot tree preservation buffer is provided along the north property line;
2. A 15-foot tree preservation buffer for the preservation of existing canopy trees with a minimum diameter of eight inches at breast height, is provided along the street frontage of Morgan's Point Road, excluding ingress and egress points;
3. Existing trees and other landscape material shall be counted as credit toward meeting the overall landscape requirements of UDC Section 7.4.4, subject to review of a Landscape Plan at the building permit review stage;
4. Maximum building height of 25 feet;
5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick / masonry facades;
6. Driveway openings no closer than 150 feet apart; and
7. Freestanding signs: maximum 30 feet height.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 1, 2017 meeting, The Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

ITEM SUMMARY: The owner Alexander Peshkov, being represented by Aldrich-Thomas Group, requests rezoning of a 2.485 +/- acre tract, from Agricultural (AG) zoning district to General Retail (GR) zoning district. Although the rezoning is not being driven by a specific user, the owner intends to market the property for retail and service uses.

Select trees have been recently removed on the site leaving mature hardwood trees. Significant tree preservation is noted as well as other vegetation and landscaping. Per UDC Section 7.4.4, a minimum 5% of the subject property is to be landscaped. It is further noted that per UDC sections 7.4.7 and 7.4.11, existing landscaping requirements may be adjusted using existing healthy plant material that exists prior to development. This is an opportunity to use the existing trees and vegetation to meet code requirements.

FM 2271 CORRIDOR PLAN: The City of Temple City Council adopted the FM 2271 Corridor Plan per Ordinance 98-2589. The Corridor Plan was intended to be a general guide for development within the study area over the course of 10 to 20 years. While it was adopted in 1998, it is still a relevant guideline for the defined corridor.

The study area for the Corridor Plan spans one-quarter mile on either side of FM 2271 (Morgan's Point Road), within the corporate boundaries of the City of Temple, bounded by Belton Dam on the south and Bonnie Lane on the north, consisting of approximately 438 acres of land. The subject property is within those boundaries and is subject to the guidelines of the Corridor Plan. Further, the plan identifies General Retail (GR) as the appropriate zoning district to provide the retail and service uses. The Plan also identifies the Planned Development concept to codify the guidelines of the Corridor Plan.

The proposed, previously-mentioned, conditions in the staff recommendation **are consistent** with the intent of the Corridor Plan and existing vegetative conditions.

Early in the application process, staff met and discussed with the applicant options for the request. Options discussed with the applicant included:

1. Proceed as discussed with a Planned Development, which would codify relevant standards of the FM 2271 Corridor Plan; or
2. Develop Deed Restrictions for the property that provide for the guidelines in the FM 2271 Corridor Plan. Deed restrictions would require creation of an enforcement mechanism such as a property owner's association.

It is noteworthy, that both the FM 2271 Corridor Plan's Future Land Use Map and Zoning Map (attached with Maps) identify the subject property as within the target area for not only a Planned Development Concept but with an underlying zoning district of General Retail. Therefore, proceeding as a PD-GR, the request **is** consistent with the intent of the FM 2271 Corridor Plan.

In conclusion, while the tree preservation buffers and the Planned Development concept were discussed early in the process with the applicant, in order to retain marketability without the restrictions from a Planned Development, the property owner desires to proceed with the rezoning request for straight GR. While staff is supportive of the base zoning of GR, in order to implement the provisions of the FM 2271 Corridor Plan, without deed restrictions, a Planned Development concept with binding conditions of approval is necessary.

PLANNED DEVELOPMENT (UDC SEC. 3.4): A Planned Development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development / site plan approval.

As a Planned Development, per UDC Sec.3.4, a Development / Site Plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

Further, this Planned Development (PD) concept, will have a base zoning of General Retail (GR) with no changes to the allowed uses of the GR district. Building height however, will be restricted to two-stories rather than three allowed in GR. At the same time, the PD concept codifies the intent of the FM 2271 Corridor Plan and utilizes the natural resources to add buffer and screening for the subject property. As such, the Development / Site Plan is included as the Exhibit with the Rezoning Ordinance and identifies the location and size of the tree preservation buffers.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached.

A formal subdivision plat is anticipated to be submitted in the future and will be reviewed by the Development Review Committee (DRC). If utility extension is required for sewer service, the plat will be scheduled for the Planning & Zoning Commission when it is deemed administratively complete. It is not known at this time whether the Planning & Zoning Commission will be the final plat authority.

While it is anticipated for the property to be developed with non-residential uses, there are a number of residential and non-residential uses that are permitted by right in the GR zoning district. It should be noted that the Planned Development will be reflective of the underlying GR district. The uses include but are not limited to those shown in the attached table.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Commercial land use district. The Suburban Commercial district is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as "Gateways" and high-profile corridor locations. The recommended base-zoning of General Retail (GR) **is** consistent with the Suburban Commercial Future Land Use Map designation.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from FM 2271 is shown on the Thoroughfare Plan as a minor arterial. A minor arterial requires a minimum 70 feet of right-of-way (ROW) and 49 feet of pavement. The right-of-way (ROW) width along the property frontage appears to range from an estimated 75 feet to 85 feet, which would be confirmed during the platting process. To date, no dedication issues have been identified. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available from a 12-inch sewer line within FM 2305 (West Adams Avenue) but will need to be extended in order to serve the subject property. Water is available through three inch and eight inch water lines in FM 2271. Utility extension will be addressed during the review of the subdivision plat.

Temple Trails Master Plan Map and Sidewalks Ordinance

On FM 2271, a proposed Local Connector Trail is shown on the Trails Master Plan. In addition, as a major arterial, a six foot sidewalk is required along FM 2271. The City may agree to upsize the six foot sidewalk. Provisions for the sidewalk will be addressed during the plat review stage.

DEVELOPMENT REGULATIONS: The attached table compare and contrast, the current Agricultural development standards with the proposed General Retail standards.

DESIGN REVIEW COMMITTEE (DRC): The DRC reviewed the Development / Site Plan on May 1, 2017 meeting. No issues were identified.

PUBLIC NOTICE: Fifteen notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday May 23, 2017 at 9:00 AM, six notices in agreement, four representing two separate property owners, have been received. Additionally, a seventh notice has been received as undeliverable.

The newspaper printed notice of the public hearing on April 20, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Development / Site Plan \(Exhibit A\)](#)

[Field Notes \(Exhibit B\)](#)

[Planned Development Criteria Compliance Summary \(UDC Sec. 3.4.5\)](#)

[Photos](#)

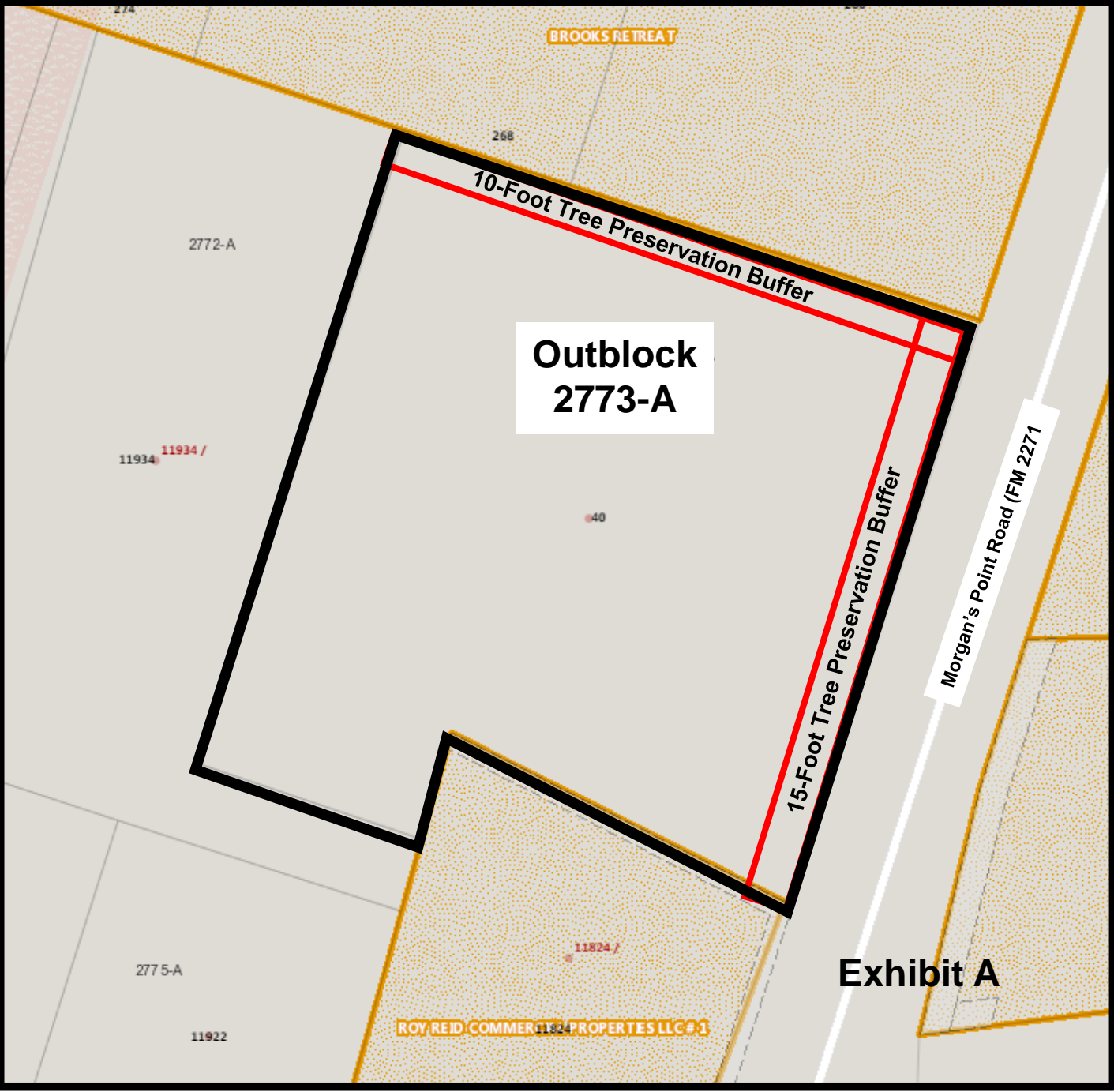
[Maps](#)

[Tables](#)

[Returned Property Notices](#)

[PZ Excepts \(May 1, 2017\)](#)

[Ordinance](#)



Conditions of Approval

- 1. A 10-foot tree preservation buffer is provided along the north property line;
- 2. A 15-foot tree preservation buffer for the preservation of existing canopy trees with a minimum diameter of 8-inches at breast height, is provided along the street frontage of Morgan’s Point Road, excluding ingress and egress points;
- 3. Existing trees and other landscape material shall be counted as credit toward meeting the overall landscape requirements of UDC Section 7.4.4, subject to review of a Landscape Plan at the building permit review stage;
- 4. Maximum building height of 25 feet;
- 5. Residential appearance to buildings with pitched roofs, windows; foundation plantings and brick / masonry facades;
- 6. Driveway openings no closer than 150 feet apart; and
- 7. Freestanding signs: maximum 30 feet height.



FIELD NOTES FOR A TRACT OF LAND IN BELL COUNTY, TEXAS.

Being 2.485 Acres, more or less, of the George W. Lindsey Survey, Abstract No. 513, and being part of a 0.68 Acre tract described in a deed to J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1097, Page 154 of the Deed Records of Bell County, Texas, and all of a tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1227, Page 485 of said deed records, and also being all of a 0.490 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1452, Page 65 of said deed records, and all of a 0.507 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1496, Page 801 of said deed records;

BEGINNING at a ½ inch iron pin, found, at the Northeast corner of said 0.507 Acre tract and at the Southeast corner of Brooks Retreat Subdivision as recorded in Plat Cabinet B, Slide 100-A of the Plat Records of Bell County, Texas, also being in the West line of Texas F. M. Highway No. 2271;

THENCE, S 18° 15' 25" W with the East line of said 0.507 Acre tract and the West line of said highway, 67.60 Feet, to a ½ inch iron pin, found, at the Southeast corner of said 0.507 Acre tract, and at the Northeast corner of said 0.490 Acre tract;

THENCE, S 18° 01' 39" W, with the East line of said 0.490 Acre tract and the West line of said highway, 64.70 Feet, to a ½ inch iron pin, found, at the Southeast corner of said 0.490 Acre tract and the Northeast corner of said 0.68 Acre tract;

THENCE, S 18° 04' 54" W, with the East line of said 0.68 Acre tract and the West line of said highway, 107.73 Feet, to a brass disk highway R-O-W monument, found, at the North corner of a 0.004 Acre tract conveyed by J. W. Andrews and wife, Elizabeth Andrews to the State of Texas for R-O-W purposes;

THENCE, S 21° 04' 17" W, with the West line of said 0.004 Acre tract and said highway, 90.57 Feet, to an aluminum cap highway R-O-W monument, found, at the Southwest corner of said 0.004 Acre tract and in the South line of said 0.68 Acre tract, also being in the North line of Roy Reid Subdivision as recorded in Plat Cabinet C, Slide 278-C of said plat records;

THENCE, N 61° 09' 59" W, with the South line of said 0.68 Acre tract and said tract described in Volume 1227, Page 485 of said deed records and the North line of said Roy Reid Subdivision, 202.97 Feet, to a ½ inch iron pin, found, at an inner ell corner of said tract of land described in Volume 1227, Page 485 of said deed records, and at the Northwest corner of said Roy Reid Subdivision;

THENCE, S 16° 02' 19" W, with an East line of said tract of land described in Volume 1227, Page 485 of said deed records and the West line of said Roy Reid Subdivision, 63.26 Feet, to a ½ inch iron pin, found, at the Southernmost Southeast corner of said tract of land described in Volume 1227, Page 485 of said deed records and at an outer ell corner of said 2.528 Acre tract described in a deed to A. C. Boston and wife, Nancy Boston as recorded in Volume 4501, Page 690 of the Official Public Records of Real Property of Bell County, Texas;

THENCE, N 71° 38' 32" W, with the South line of said tract of land described in Volume 1227, Page 485 of said deed records and a line of said 2.528 Acre tract, 128.10 Feet, to a ½ inch iron pin, found, at the Southwest corner of said tract of land described in Volume 1227, Page 485 of said deed records;

THENCE, N 18° 27' 22" E, with the West line of said tract of land described in Volume 1227, Page 485 of said deed records and the East line of said 2.528 Acre tract, 225.37 Feet, to a 60d nail, found, at the Northwest corner of said tract of land described in Volume 1227, Page 485 of said deed records, and at the Southwest corner of said 0.490 Acre tract;

THENCE, N 19° 09' 35" E, with the West line of said 0.490 Acre tract and the East line of said 2.528 Acre tract, 64.91 Feet, to a ½ inch iron pin, found, at the Northwest corner of said 0.490 Acre tract and at the Southwest corner of said 0.507 Acre tract;

THENCE, N 17° 15' 50" E, with the West line of said 0.507 Acre tract and the East line of said 2.528 Acre tract, 67.35 Feet, to a ¾ inch iron pin, found, at the Northwest corner of said 0.507 Acre tract and at the Northeast corner of said 2.528 Acre tract, also being in the South line of said Brooks Retreat Subdivision;

THENCE, S 71° 30' 00" E, with the North line of said 0.507 Acre tract and the South line of said Brooks Retreat Subdivision, 328.40 Feet, to the PLACE OF BEGINNING.

I, Toby Tibbit, Registered Professional Land Surveyor No. 5496, do hereby certify that the foregoing Field Notes and accompanying Plat were prepared from a survey made on the ground, December 8, 2008, the Records of Bell County, Texas, and surveys of area property, that the corners and boundaries with marks Natural and Artificial are just as were found, on the ground, and that discrepancies, conflicts, protrusions or intrusions, overlapping of improvements, easements, visible or apparent to me, are shown or described hereon. Basis of Bearings, Corners found, along the North line of said 0.507 Acre tract.

WITNESS MY HAND AND SEAL THIS THE 12th DAY OF DECEMBER, 2008.

Toby Tibbit
Registered Professional Land Surveyor No. 5496

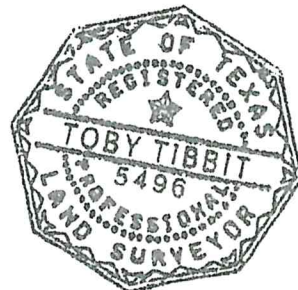


Exhibit B

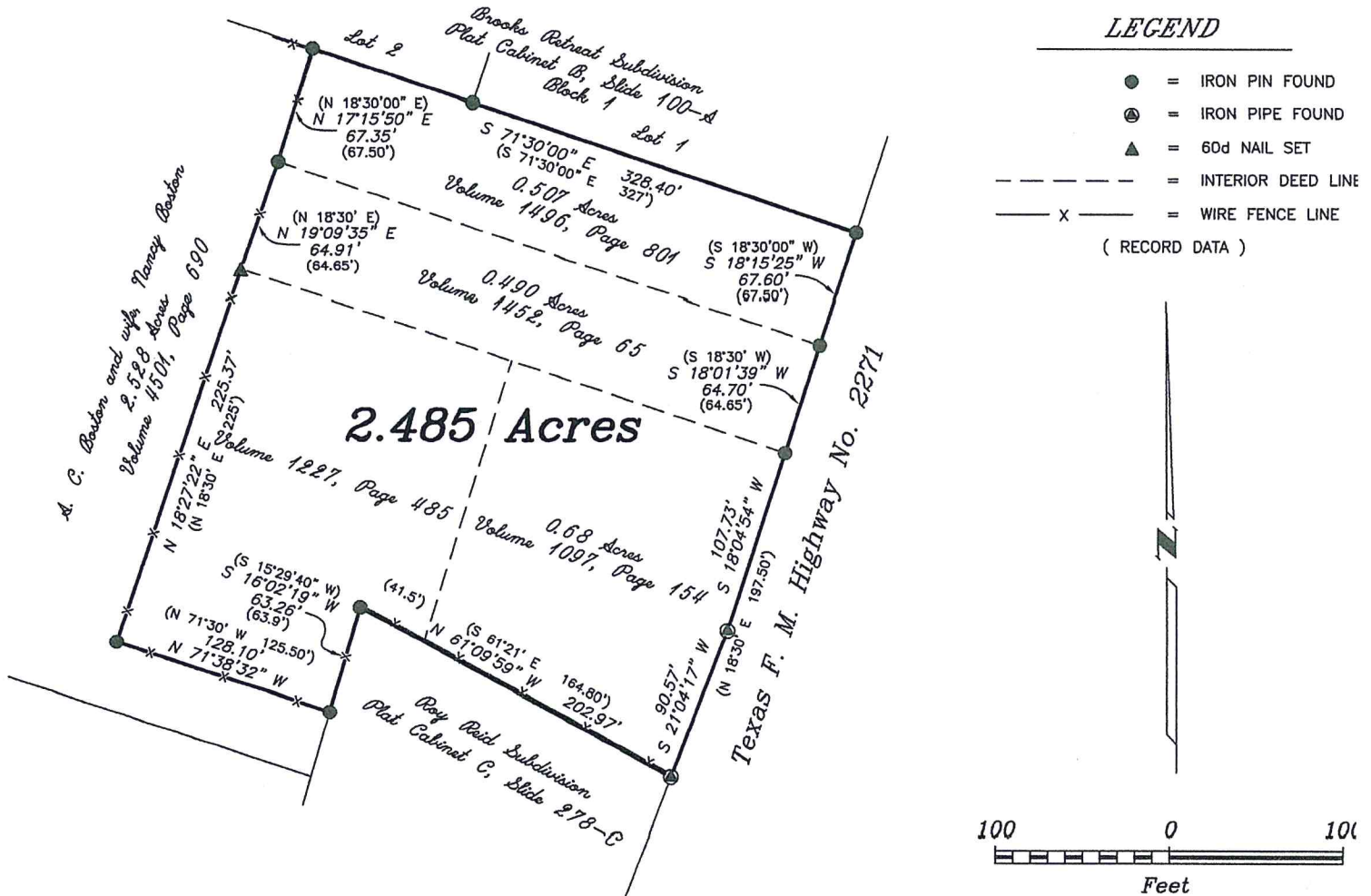


Tibbit Surveying

1-254-774-8200

Fax 1-254-774-8015

Toll Free 1-877-259-5660



PLAT SHOWING A TRACT OF LAND IN BELL COUNTY, TEXAS.

Being 2.485 Acres, more or less, of the George W. Lindsey Survey, Abstract No. 513, and being part of a 0.68 Acre tract described in a deed to J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1097, Page 154 of the Deed Records of Bell County, Texas, and all of a tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1227, Page 485 of said deed records, and also being all of a 0.490 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1452, Page 65 of said deed records, and all of a 0.507 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1496, Page 801 of said deed records;

I, Toby Tibbit, Registered Professional Land Surveyor No. 5496, do hereby certify that the foregoing Plat and accompanying Field Notes were prepared from a survey made on the ground, December 8, 2008, the Records of Bell County, Texas, and surveys of area property, that the corners and boundaries with marks Natural and Artificial are just as were found, on the ground, and that discrepancies, conflicts, protrusions or intrusions, overlapping of improvements, easements, visible or apparent to me, are shown or described hereon. Basis of Bearings, Corners found, along the North line of said 0.507 Acre tract.

WITNESS MY HAND AND SEAL THIS THE 12th DAY OF DECEMBER, 2008.

Toby Tibbit
Registered Professional Land Surveyor No. 5496



Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the development / site plan attached with the rezoning ordinance will conform to all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for all new development.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	Drainage and other related engineering will be addressed at the platting stage. No issues have been identified related to the preservation of existing natural resources on the property. See Item #H for additional discussion related to preservation of existing trees and other landscaping.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is located within the FM2271 Corridor, addressed as 40 Morgan's Point Road. Corridor Plan standards which have been adopted by ordinance for surrounding Planned Developments have required conditions that promote development standards that are in harmony with the surrounding area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Vehicular circulation will be formally addressed during the building plan review stage. No circulation issues have been identified with the companion development / site plan.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Parking will be provided for each use in accordance with UDC Section 7.5.
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	Streets will be developed in accordance with the design standards in accordance with UDC Section 8.2 requirements and reviewed during the platting stage of development.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistency with the Thoroughfare Plan will be addressed during the subdivision plat stage. No compliance issues have been identified.
H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	YES	The recommendation of Planned Development, codifies the preservation of the existing trees, primarily Oak, which provide additional screening and buffering beyond what is required by UDC Section 7.7. A screening & buffer strip of 10 feet along the northern property line and a strip of 15 feet along the street frontage of Morgan's Point Road (FM2271) is recommended. Other landscaping requirements in compliance with UDC Section 7.7 will be addressed during the building permit stage as the lot develops. Compliance to buffering and screening in compliance to UDC Section 7.7 as well as Planned Development conditions of approval will be confirmed during the review of the subdivision plat and building permit.
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	Parkland dedication is not required for non-residential development.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water is available from existing City water lines in Morgan's Point Road. Wastewater will require the extension of a sewer line. Utility extension and drainage facilities will be addressed at the platting stage. To date, no issues other have been identified.

Site & Surrounding Property Photos



**Site: Undeveloped (As seen from Morgan's Point Road)
(AG)**



**Site: Undeveloped (Existing vegetation along Northern Property Boundary)
(AG)**



Site: Undeveloped (Looking from Southern Property Boundary)
Note: Existing line of tree preservation along Morgan's Point Road (Arrow)
(AG)



Site: Undeveloped (Interior of Site)
(AG)



**North: Existing SF Residential Use on Acreage
(AG)**



**East: Existing Single Family Residence
Note: Buffering from Existing Trees & Vegetation
(UE)**



**East: Existing Retail and Site of Undeveloped Office Warehouse Use
(PD-GR, per Ord. 2016-4794)**



**East: Existing Retail Service Uses
(PD-GR)**

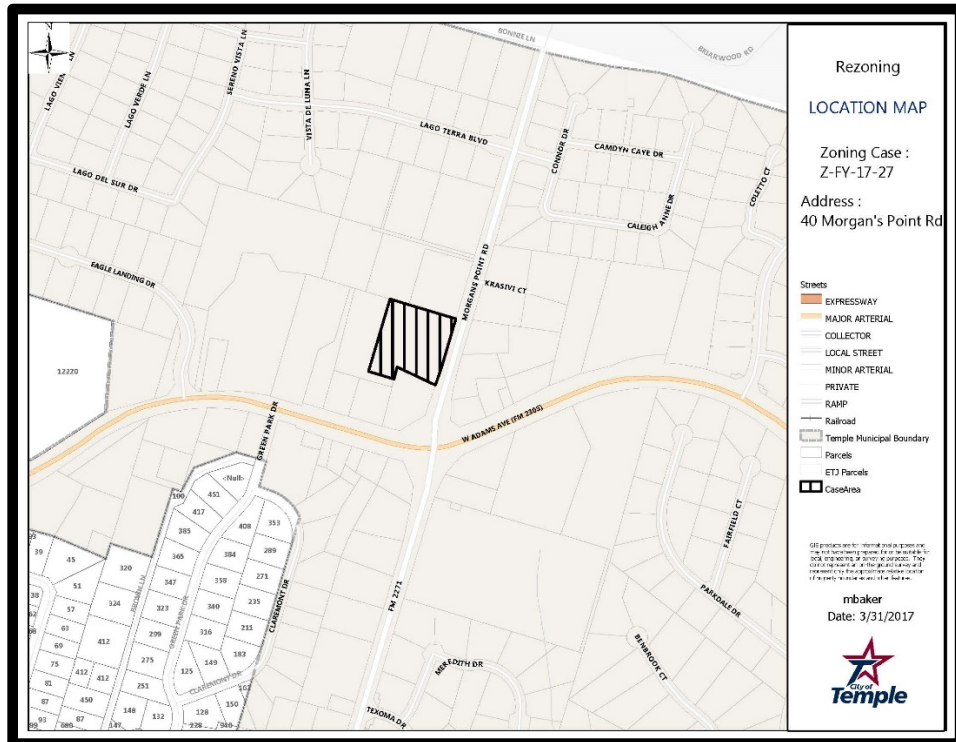


**West: Undeveloped
(AG)**



**South: Existing Retail & Service Uses
(PD-GR)**

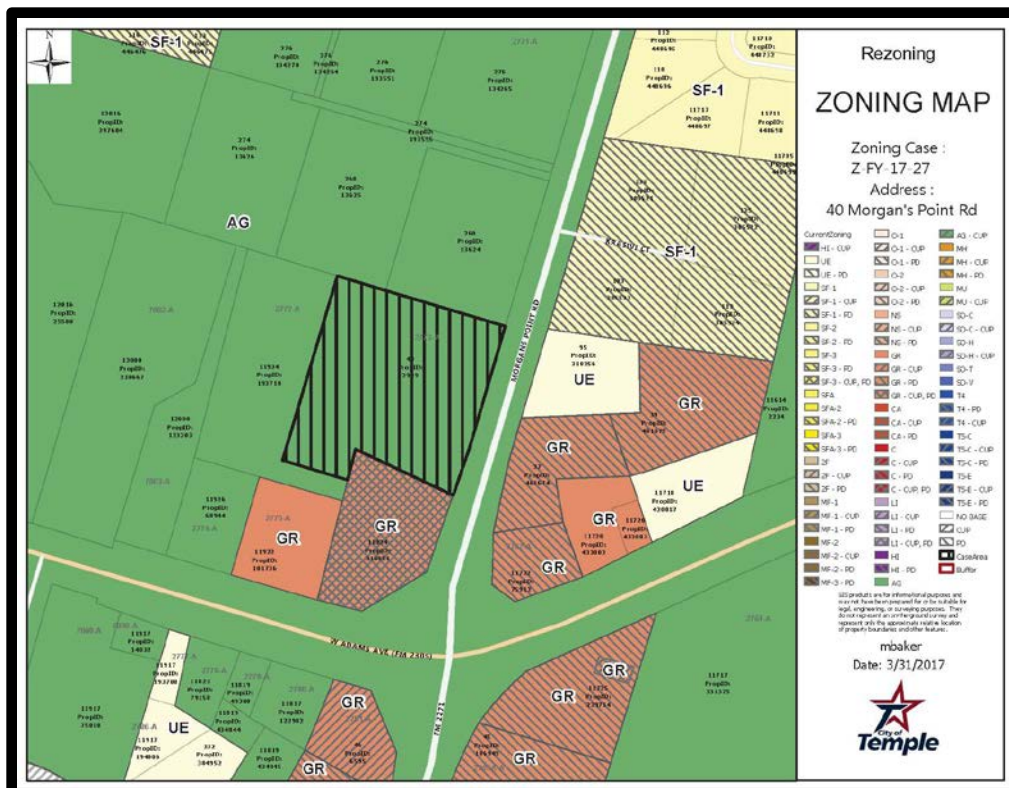
Maps



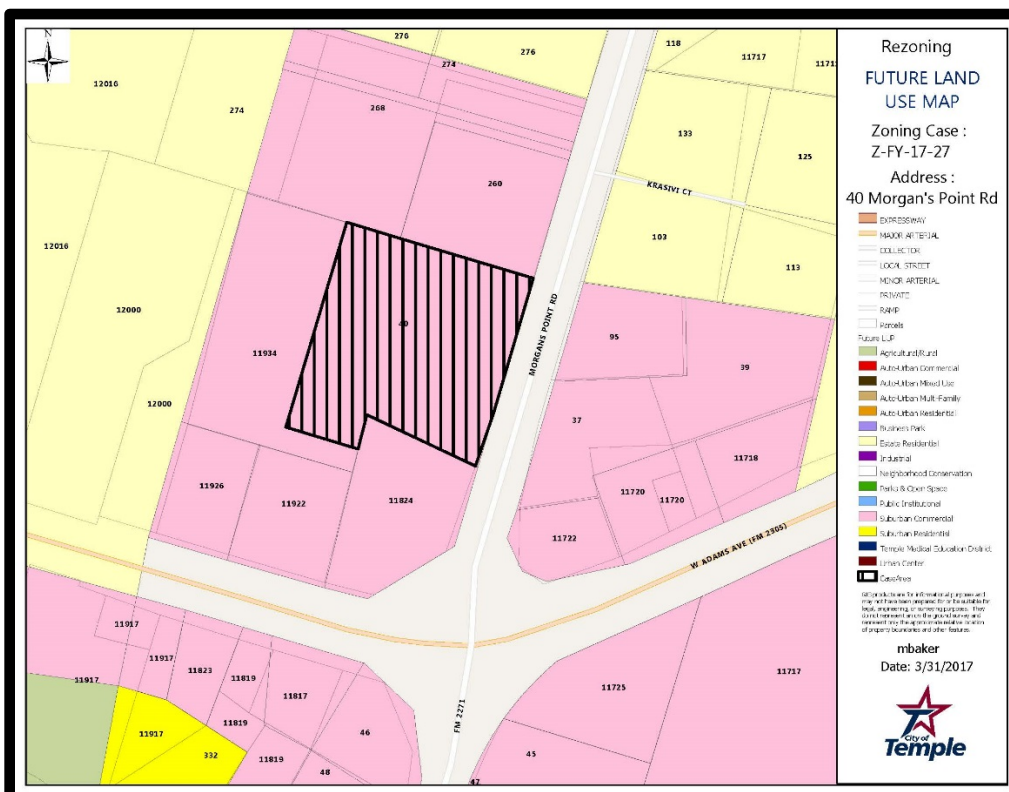
Location Map



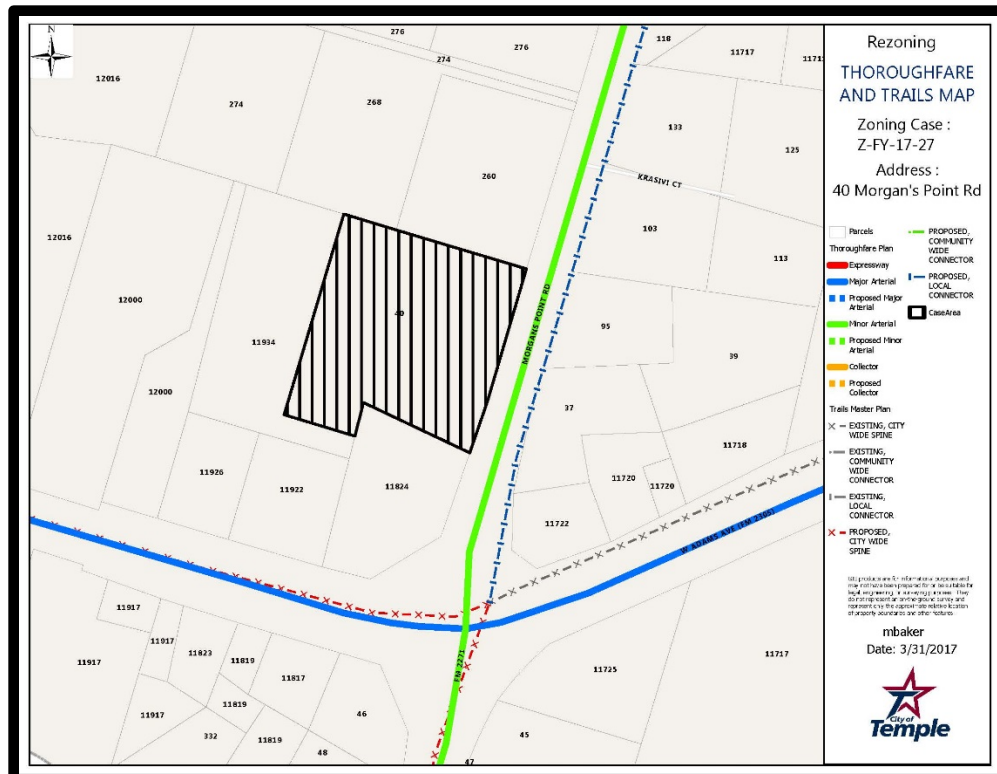
Aerial Map



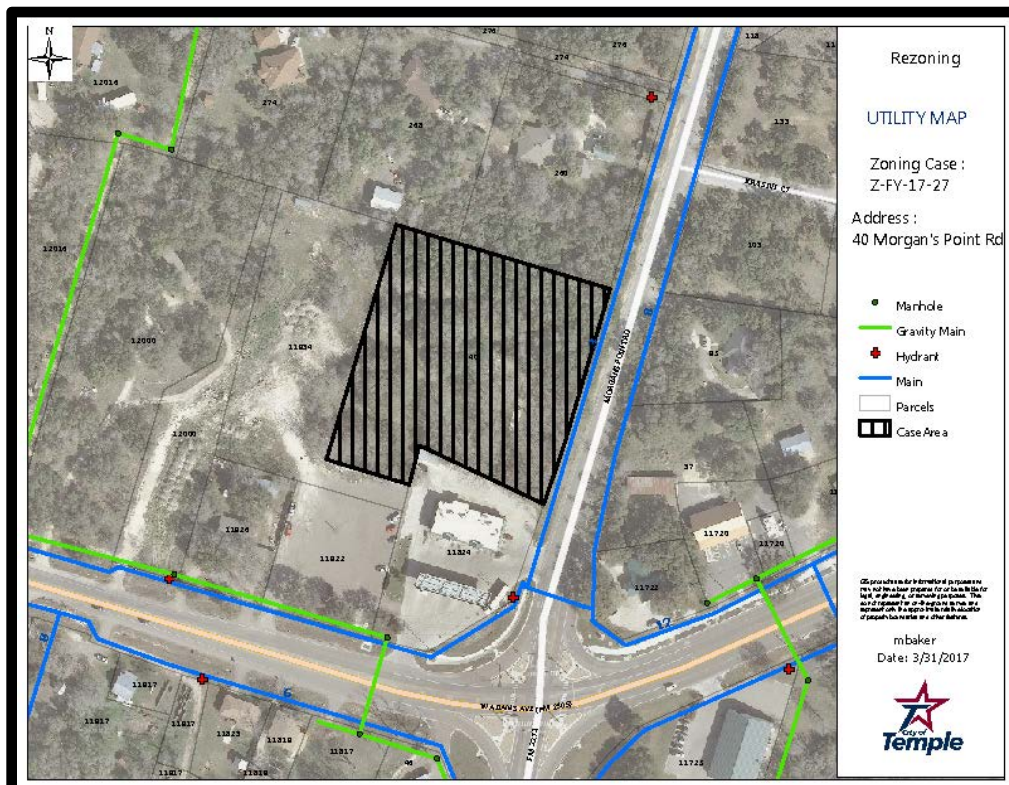
Zoning Map



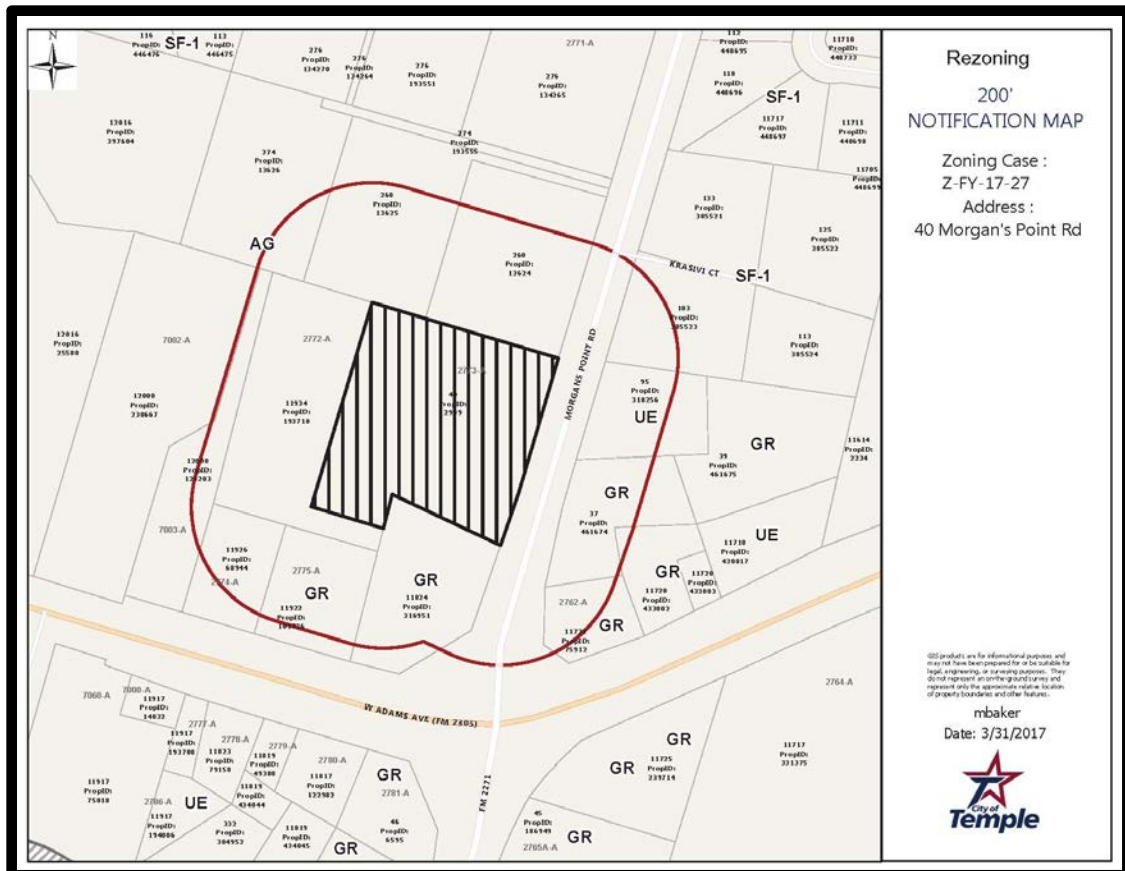
Future Land Use Map



Thoroughfare & Trails Map



Utility Map

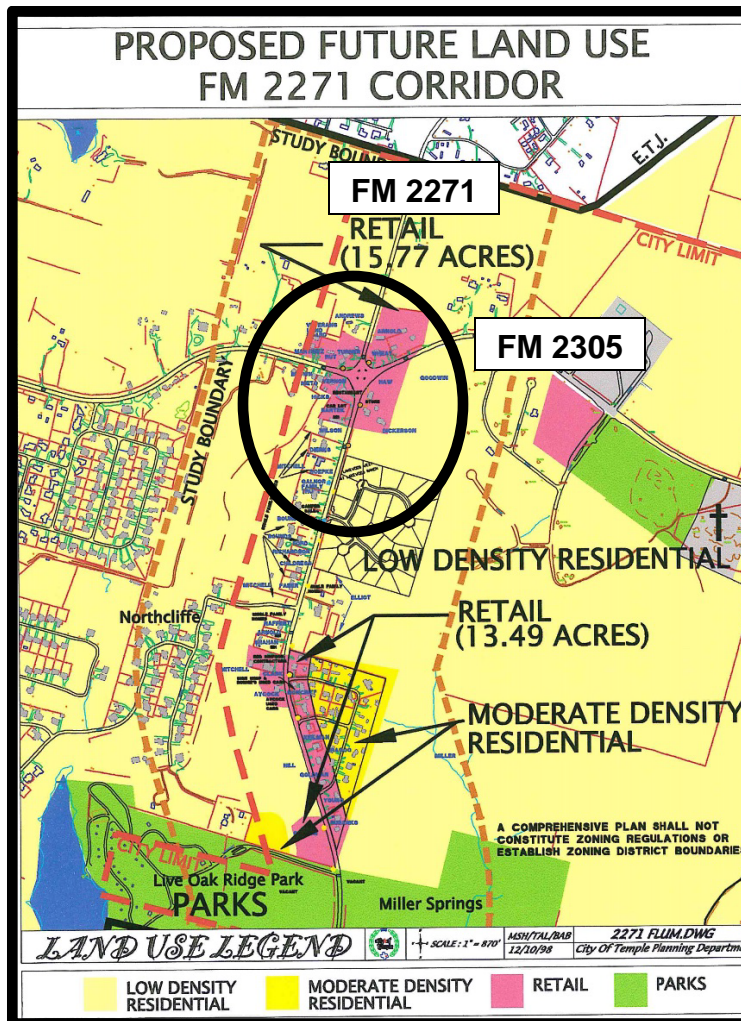


Notification Map

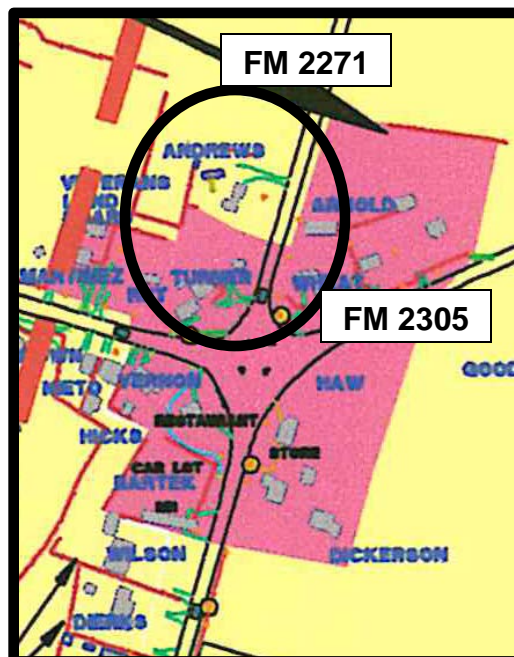
FM 2271 Corridor Plan

**Future Land Use Map
&
Zoning Map**

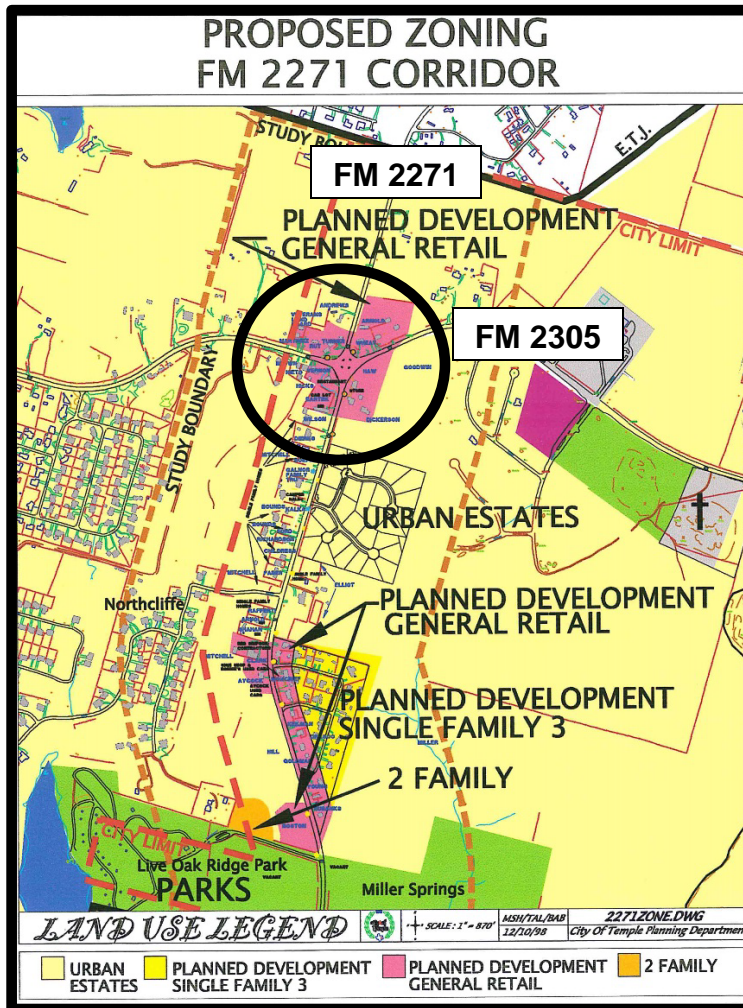
SEE NEXT 2 PAGES



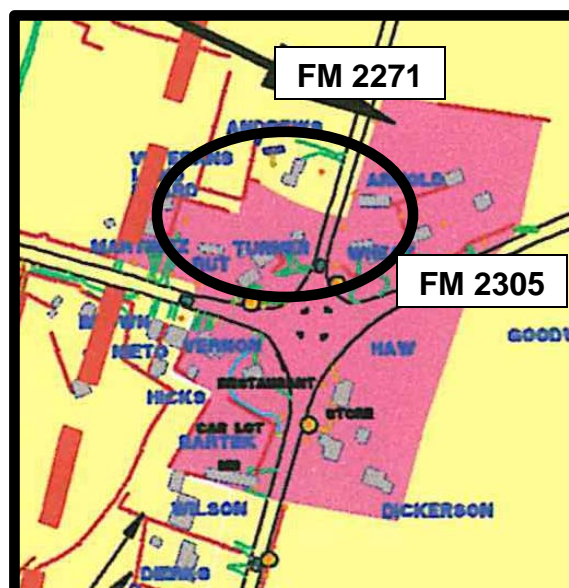
**FM 2271 Corridor Plan – Future Land Use Map
Subject Property Area encircled in BLACK**



Subject Area of Future Land Use Map (Enlarged)



**FM 2271 Corridor Plan – Zoning Map
Subject Property Area encircled in BLACK**



Subject Area of Zoning Map (Enlarged)

Tables

Permitted & Conditional Uses Table (PD-GR)

Permitted & Conditional Use Table - General Retail (PD-GR)	
Agricultural Uses	Farm, Ranch or Orchard
Residential Uses	Single Family Residence (Detached & Attached) Duplex Townhouse Industrialized Housing Family or Group Home Home for the Aged
Retail & Service Uses	Most Retail & Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location
Recreational Uses	Park or Playground Beer & Wine (On Premise Consumption) < 75%
Vehicle Service Uses	Auto Leasing, Rental Auto Sales - New & Used (outside Lot) * Car Wash Vehicle Servicing (Minor)
Restaurant Uses	With & Without Drive-In
Overnight Accommodations	Hotel or Motel
Transportation Uses	Emergency Vehicle Service Helistop

Surrounding Property Uses

<u>Surrounding Property & Uses</u>			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Commercial	AG	Undeveloped
North	Suburban Commercial	AG	SF Residence on Acreage
South	Suburban Commercial	PD-GR	Existing Retail & Service Uses
East	Suburban Commercial	UE & PD-GR	SF Residence on Acreage & Existing Retail & Service Uses (Office Warehouse)
West	Suburban Commercial	AG	Undeveloped & Scattered SF Uses

Comprehensive Plan Compliance

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

Development Standards

	<u>Current (AG)</u> <u>Residential</u>	<u>Proposed</u> <u>(PD-GR)</u> <u>Non-Res</u>
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	2 Stories

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

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

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



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

BOSTON, A C ETUX NANCY
12435 FM 2305
BELTON, TX 76513-5438

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point Road

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

I ☒ agree

() disagree with this request

Comments:

Rezoning from AG to CR would enhance area
and contribute to continuing economic development.

Nancy Boston
A.C. Boston

Signature

Nancy Boston
A.C. BOSTON

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

RECEIVED

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

APR 26 2017
City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 20, 2017

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



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

BOSTON, A C ETUX NANCY
12435 FM 2305
BELTON, TX 76513-5438

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point Road

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I ☒ agree

() disagree with this request

Comments:

*This rezoning will further enhance this
Commercial Center of activity and provide
neighborhood services.*

Nancy Boston
A.C. Boston

Signature

Nancy Boston
A.C. BOSTON

Print Name

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

RECEIVED

APR 26 2017

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Planning & Development
April 20, 2017

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

BOSTON, A C & NANCY
12435 FM 2305
BELTON, TX 76513-5438

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point Road

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I ☒ **agree**

() **disagree with this request**

Comments:

WE AGREE

THIS IS HIGHEST & BEST USE

OF THE PROPERTY

Nancy Boston

Nancy Boston

A.C. Boston

A.C. BOSTON

Signature

Print Name

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

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 20, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

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

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point Road

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

I ☒ agree

() disagree with this request

Comments:

Good GR area will be good
for the area

Roy Reid
Signature

Roy Reid
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

RECEIVED

APR 27 2017

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 20, 2017

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

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 1, 2017

ACTION ITEMS

Item 2: Z-FY-17-27 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) zoning district to General Retail (GR) zoning district on 2.485 +/- acres, situated in the George W. Lindsey, Abstract No. 513, located at 40 Morgan's Point Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on June 1, 2017 and second reading on June 15, 2017.

This is a rezoning request of approximately 2.4 +/- acres and the applicant is requesting a straight rezoning from AG to the GR zoning.

No specific use has been identified for the rezoning request.

A subdivision plat may be required prior to development which would go through the Development Review process (DRC) and may require Planning & Zoning Commission review.

The property is within the boundaries of the FM 2271 Corridor Plan. The Corridor Plan was adopted in 1998 (Ord. No. 98-2589) and intended as a general development guide. It is located on both sides of FM 2271 and bounded by Bonnie Lane to the north and Belton Dam to the south.

The subject property encompasses approximately 438 +/- acres of land and does identify GR as the base-zoning to deliver retail and service uses. It also identifies a Planned Development Concept as the implementation mechanism.

The FM 2271 Corridor Plan provides guidelines for:

- Use of trees and other landscaping for corridor enhancement with flexibility for existing material;

- Promotes residential appearance of buildings;

- Pitched roofs

- Foundation plantings

- Brick / Masonry facades

- Building / Sign height limitations

- Limits on distances between driveways

Two maps from the FM 2271 Corridor Plan are shown: the Future Land Use and Character Map and Zoning Map shown.

Planned Development per the UDC Sec. 3.4. indicates:

A Planned Development is a flexible Overlay Zoning District designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through Development / Site Plan approval

Binding nature of the Approved Development /Site Plan.

There are no restrictions on the uses allowed on the base zoning of GR.

Zoning map shown. AG is the current zoning and primarily for areas containing rural land uses or undeveloped acreage or used as a holding-zone after annexation.

Staff recommends a Planned Development with the base zoning of General Retail (PD-GR) which is consistent with the FM 2271 Corridor Plan as well as being consistent with surrounding zoning retail and service uses as opposed to the straight rezoning to GR.

The Future Land Use and Character Map designate the subject property as Suburban Commercial which is intended for office, retail and services uses adjacent to an abutting residential neighborhoods and in areas where community image and aesthetic value are to be promoted such as “Gateways” or “Corridors.”

Both water and sewer are available to serve the property with a three-inch waterline in FM 2271 and a 12-inch sewer line in FM 2305. The sewer would potentially require an extension or easement due to its current location.

The Thoroughfare Plan designates FM 2271 (Morgan’s Point Rd) as a minor arterial. Any needed right-of-way would be addressed with the platting process.

A six-foot required sidewalk would be required along FM 2271 and addressed during the platting process.

Any trail development for a local connector trail will be addressed with the platting process or construction plans.

On-Site photos shown.

The preservation strip along the northern property boundary would provide assurance through the Planned Development process to protect the more desirable existing trees along the Morgan’s Point frontage.

Surrounding properties include existing single family residence on acreage, zoned AG, to the north, undeveloped land, zoned AG, to the west, existing retail and service uses, zoned PD-GR, to the south, and existing retail and service uses, zoned PD-GR, to the east.

Some allowed uses cited for PD-GR (not all inclusive list). No changes to base GR uses.

Current and proposed Development Standards for existing AG and proposed GR given.

Fifteen notices were mailed in accordance with all state and local regulations with six notices returned in agreement and zero notices returned in disagreement. One notice returned undelivered.

The request for rezoning complies with the Future Land Use and Character Map, the Thoroughfare Plan, UDC Section 3.4.5 (PD Criteria), the FM 2271 Corridor Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the property.

Staff recommends approval of the request for a rezoning from AG district to PD-GR district subject to the following conditions:

1. 10-foot tree preservation buffer on the northern property line;
2. 15-foot tree preservation buffer – excluding ingress and egress points required along FM 2271 street frontage;
3. Credit for existing trees and other landscape material toward overall landscape compliance (UDC Section 7.4.4);
4. Building height maximum of two stories;
5. Residential appearance to buildings;
6. Driveway openings no closer than 150 feet apart; and
7. Freestanding signage with maximum 30 feet height.

Commissioner Langley asked about the preservation of the buffer on the northern boundary with the residence with the fence, and if they would be required to add additional buffering. Mr. Baker responded that the area that is protected through the 15-foot buffer was not visible in the photos. To clarify, the 15 feet is incorporated into the buffer so no additional buffering would be required. The fence seen in the photo is not within the area.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-17-27**, as presented, and Commissioner Alaniz made a second.

Motion passed: (7:0)

Commissioners Ward and Armstrong absent

ORDINANCE NO. 2017-4847
(Z-FY-17-27)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 2.485 ACRES, SITUATED IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, LOCATED AT 40 MORGAN'S POINT ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural zoning district to General Retail zoning district on approximately 2.485 acres, situated in the George W. Lindsey Survey, Abstract No. 513, located at 40 Morgan's Point Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

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

06/01/17
Item #12
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-17-28: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two zoning district of 46.766 acres and Neighborhood Services zoning district of 3.497 acres out of 50.263 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692 and part of that certain 157.93 acre tract, Bell County, Texas, located at 5900 South 31st Street.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to SF-2 and NS zoning districts due to compliance with:

1. The Future Land Use Map's Suburban Commercial District;
2. Surrounding zoning and anticipated retail and service uses fronting along this section of 31st Street;
3. The Thoroughfare Plan; and
4. Availability of public facilities

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 1, 2017 meeting, the Planning & Zoning Commission voted seven to zero for approval of the rezoning from AG to SF-2 and NS of the 50.263 acre property, being called Bella Terra.

ITEM SUMMARY: Belton Engineering, on behalf of the owner Mike Emmons, WGR Development, is requesting rezoning the 50.263 subject property from Agricultural district to SF-2 (46.7 +/- acres) and NS (3.5 +/- acres) out of a larger 158 +/- acre tract along South 31st Street, south of the Bentwood Subdivision and north of the Georgetown RR. The property is currently undeveloped.

The Bentwood Subdivision is contiguous with the subject property and is also zoned SF-2 with NS along 31st Street. There are a number of residential and non-residential uses that are permitted by right in the NS zoning district. Prohibited uses include multi-family, HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

The subdivision plat for this property has been submitted and is under review by the Development Review Committee.

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

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Residential land use district. The Suburban Residential district is intended for residential zoning districts, of moderate density, which the requested SF-2 zoning encompasses and, thus, is in compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from 31st Street along the NS portion, and as it is a major arterial, requires a six-foot sidewalk on both sides. A six-foot sidewalk will be required at NS development along the subject property's frontage. Currently, there do not appear to be funded or scheduled TCIP improvement projects along this section of 31st Street.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer are available to the subject property and connection details will be addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed existing City-Wide spine trail along the Georgetown RR which borders the subject property to the south. South 31st Street is also a proposed local connector. (City may agree to upsize the required 6' sidewalk.)

DEVELOPMENT REGULATIONS: Residential setbacks in the Agricultural district & SF-2 and non-residential for the NS district standards are shown below.

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

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

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

PUBLIC NOTICE: Fifty two notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Monday May 22, 2017 at noon, three notices had been received in disagreement and four notices in agreement (including two from the developer).

The newspaper printed notice of the public hearing on April 20, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

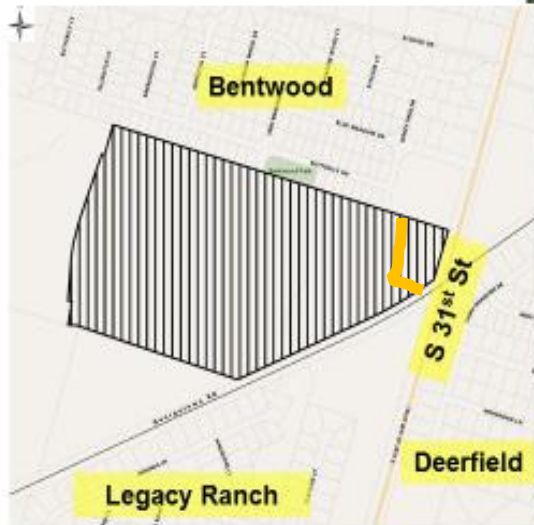
ATTACHMENTS:

[Maps](#)
[Site and Surrounding Property Photos](#)
[Returned Property Notices](#)
[Ordinance](#)

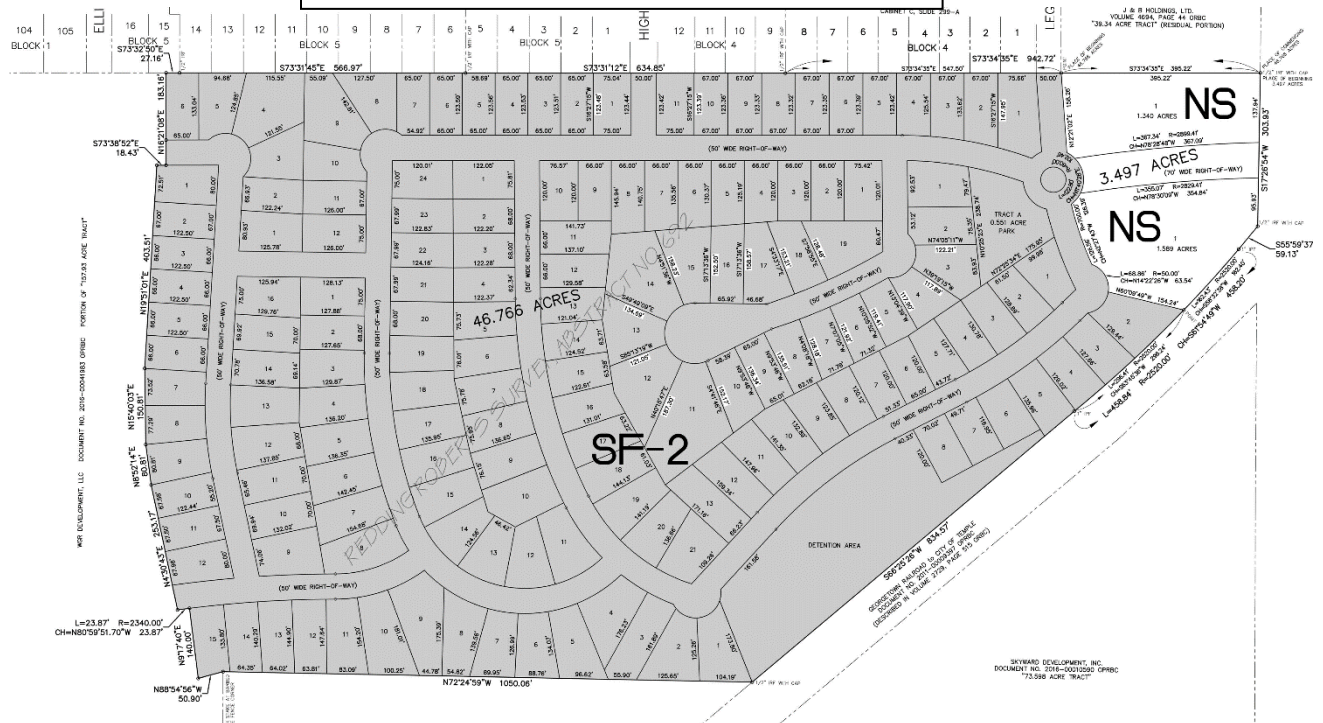
Location & Aerial

50.27 +/- Acres

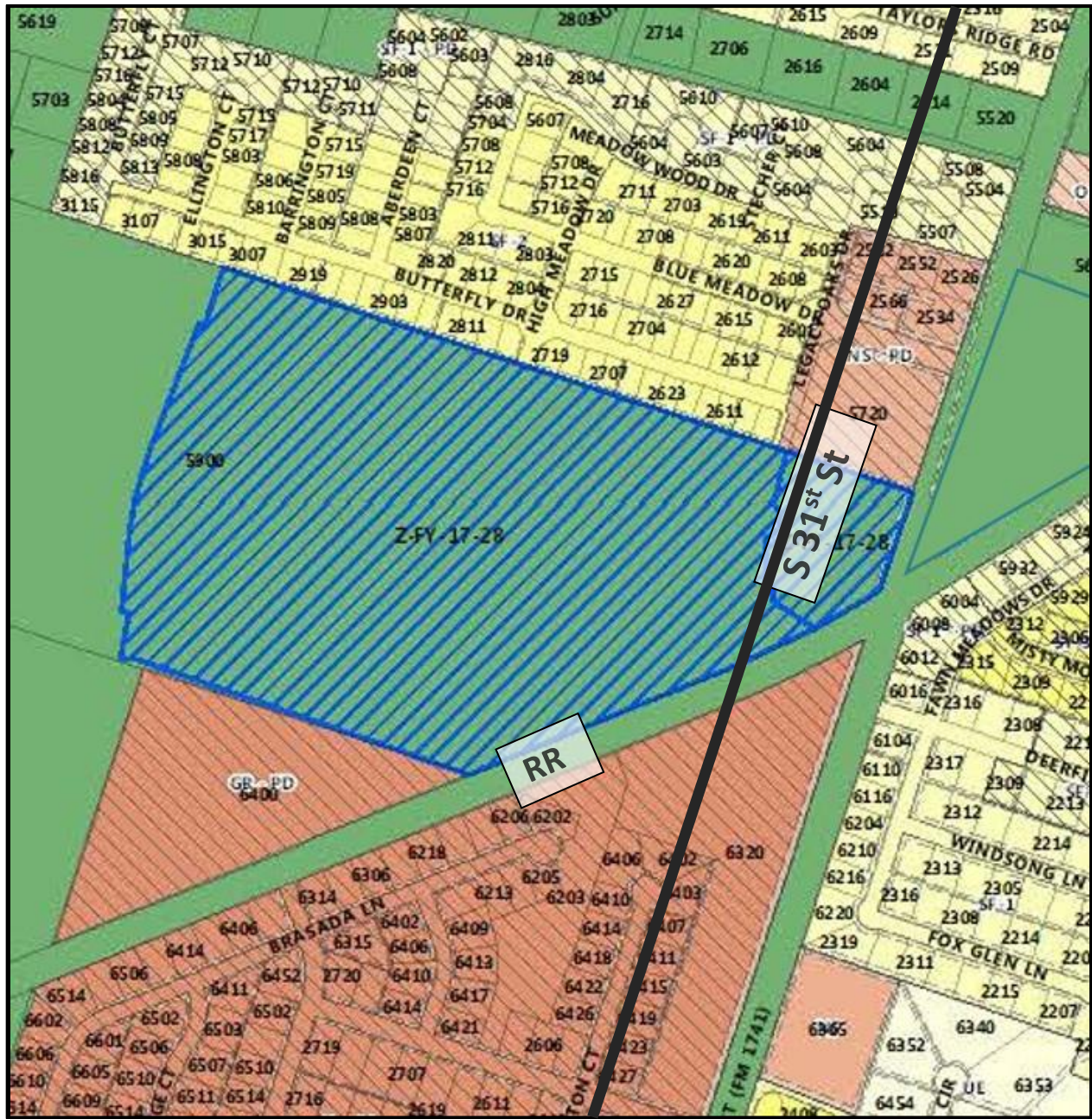
- 46.8 acres Single Family Two
- 3.5 acres Neighborhood Svcs



Conceptual Lot Layout



Current Zoning Bella Terra Property



Legend

- Single Family-2
- AG
- Neighborhood Services
- General Retail















AG TO SF-2 and NS

AERIAL MAP

Zoning Case :
Z-FY-17-28

Address :
5900 S 31st ST

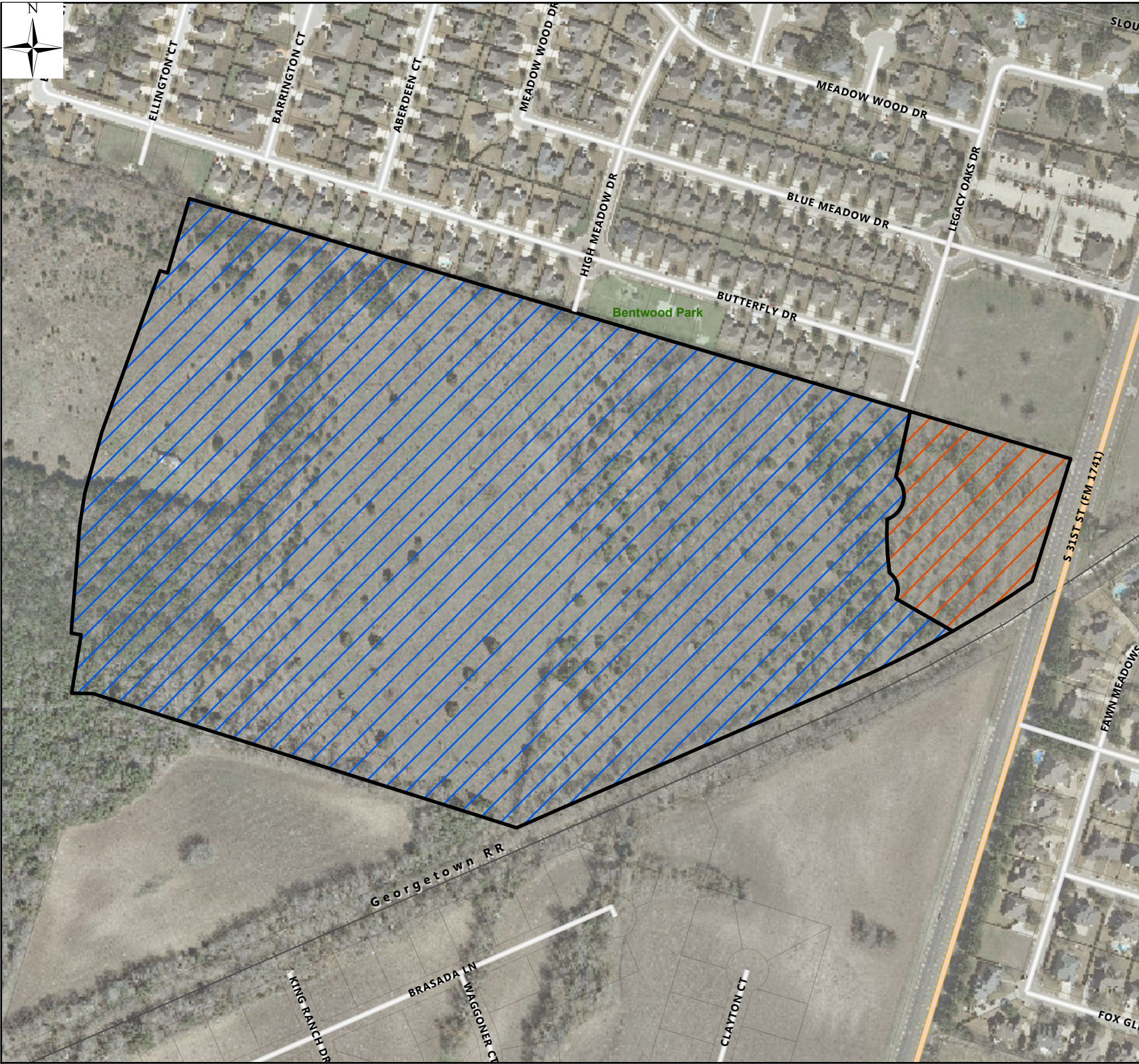
Streets

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

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

Irbarrett
Date: 4/12/2017





AG TO SF-2 and NS

AERIAL MAP

Zoning Case :
Z-FY-17-28

Address :
5900 S 31st Street

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- ZONE_TO
- NS
 - SF-2
 - <all other values>

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

Irbarrett
Date: 4/17/2017











AG TO SF-2 and NS

UTILITY MAP

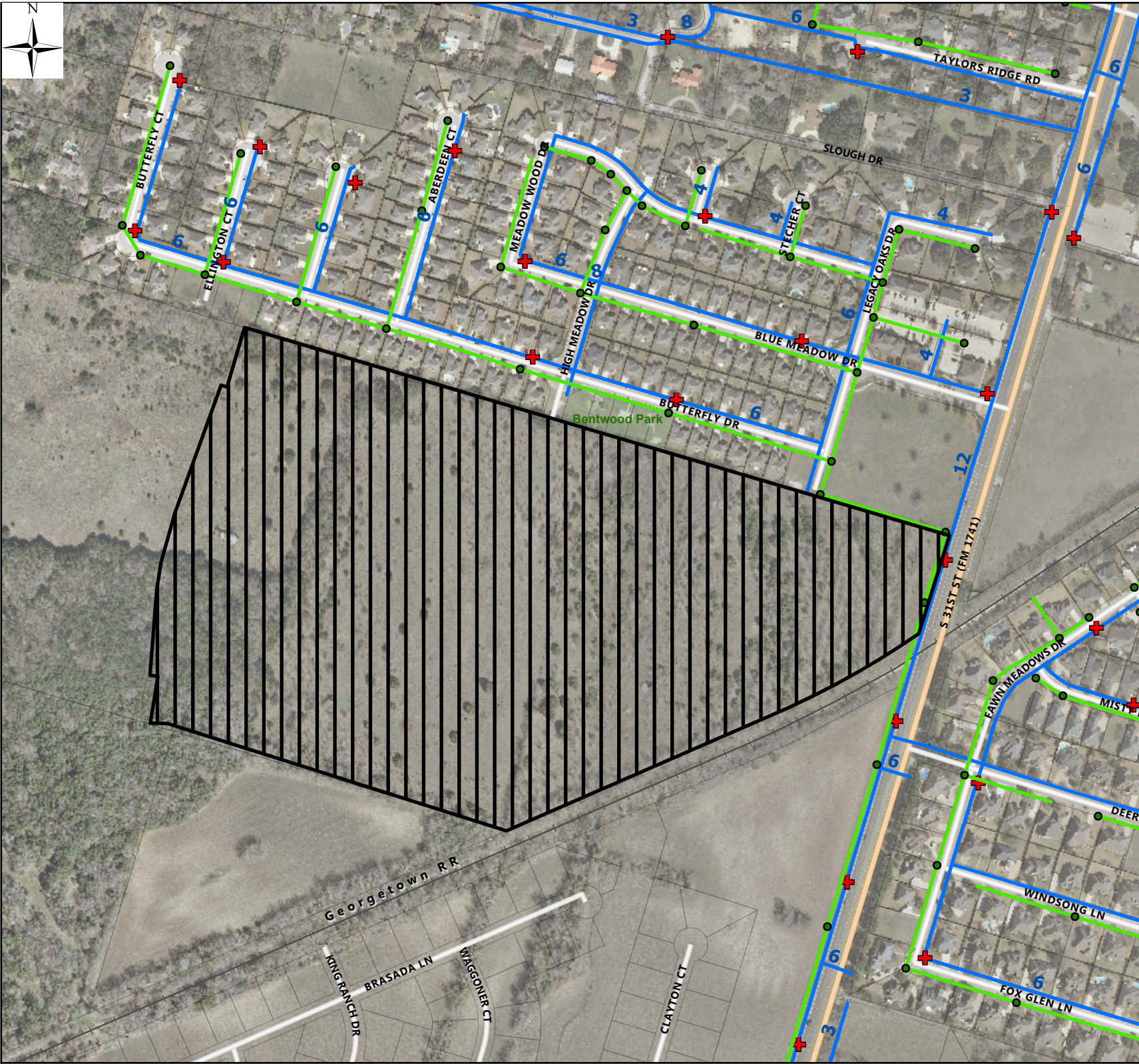
Zoning Case :
Z-FY-17-28

Address :
5900 S 31st ST

-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  CaseArea

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Irbarrett
Date: 4/12/2017





AG TO SF-2 and NS FUTURE LAND USE MAP

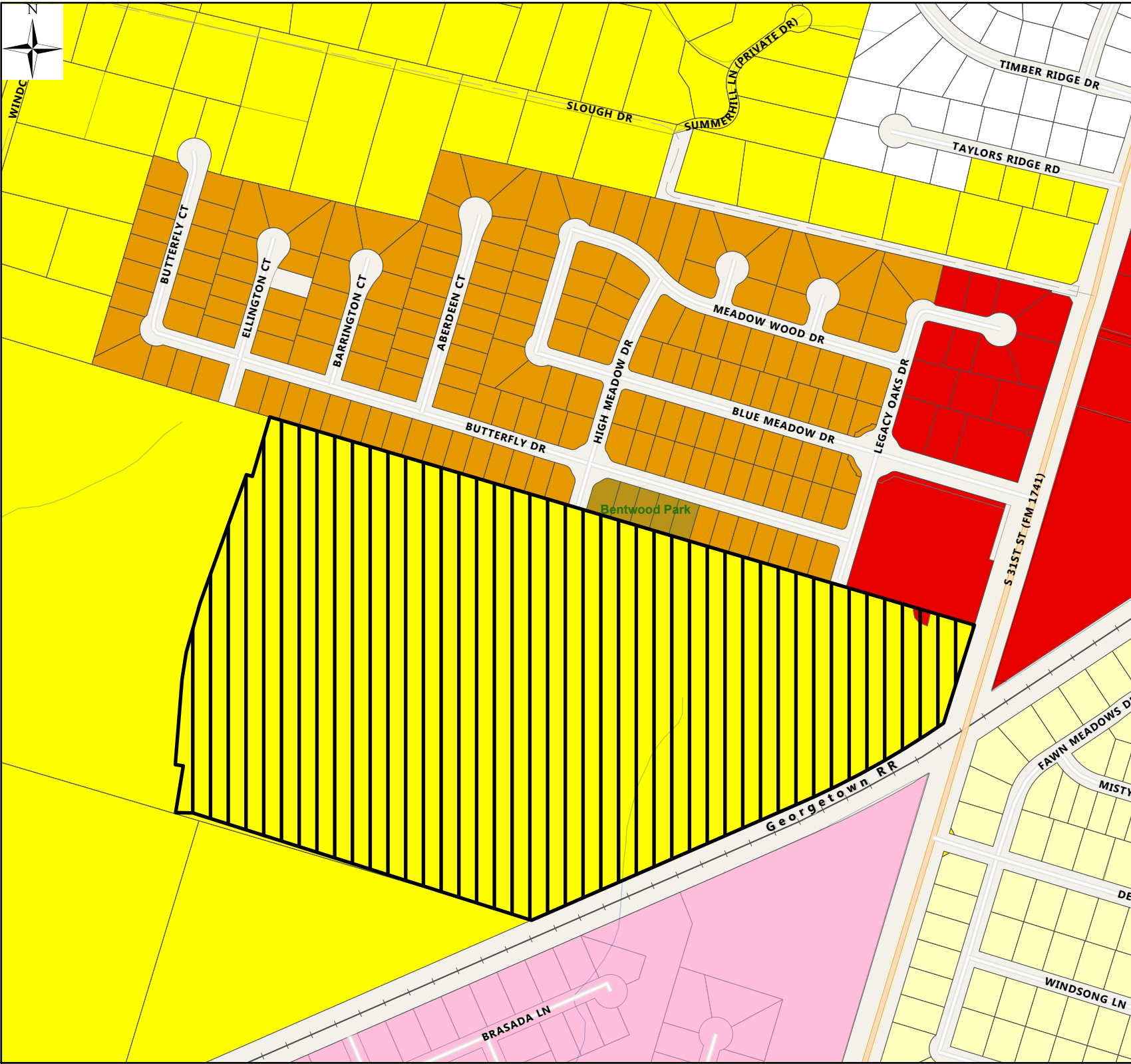
Zoning Case :
Z-FY-17-28

Address :
5900 S 31st St

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

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Irbarrett
Date: 4/12/2017





AG TO SF-2 and NS THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-17-28

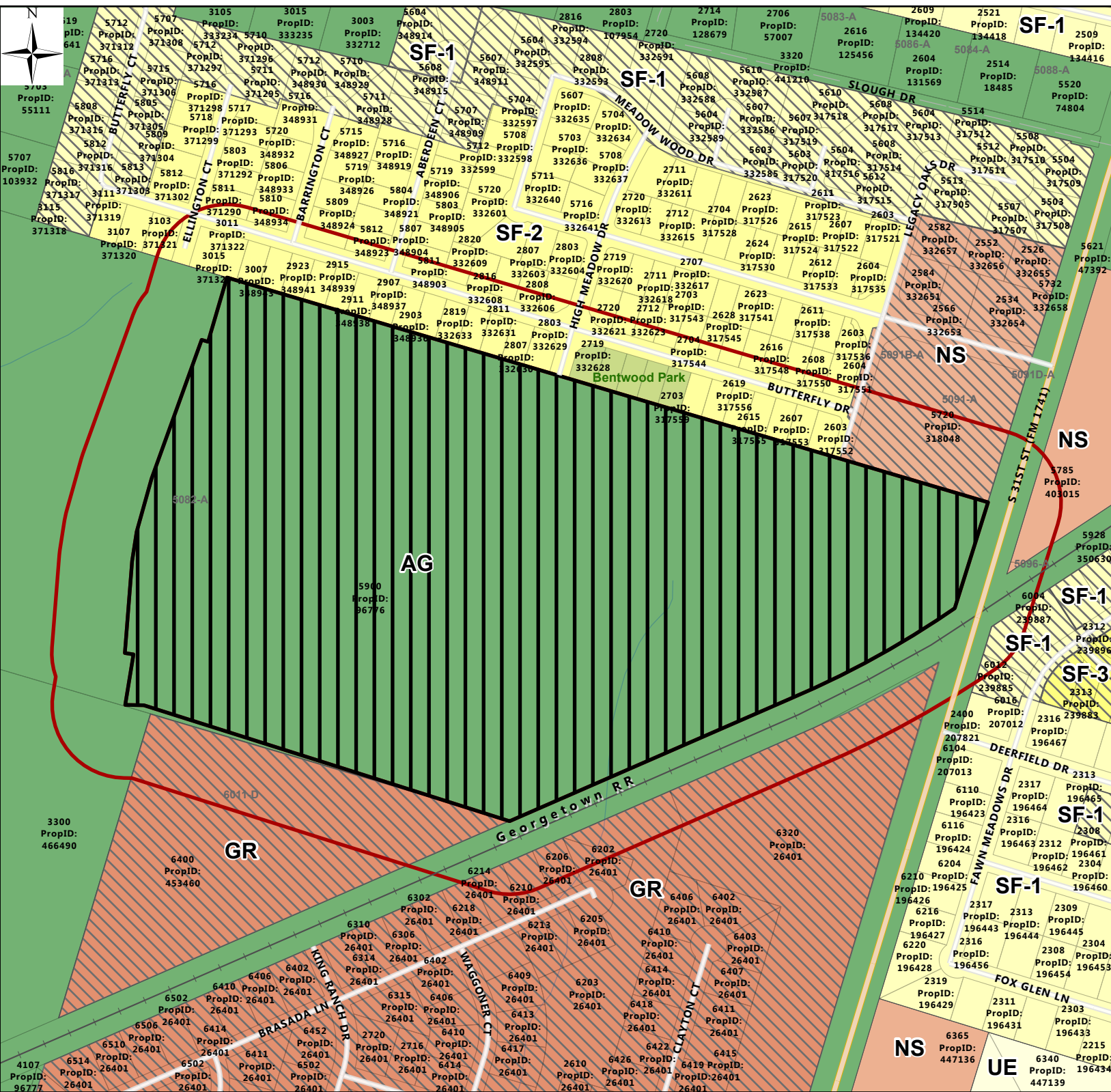
Address :
5900 S 31st St

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

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Irbarrett
Date: 4/12/2017





AG TO SF-2 , NS

200' NOTIFICATION MAP

Zoning Case :
Z-FY-17-28

Address :
5900 S 31st Street

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

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

Irbarrett
Date: 4/12/2017



Site and Area Photos





View to East

S 31st St





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HUTCHISON, GARY
2803 BUTTERFLY DR
TEMPLE, TX 76502-7934

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 South 31st Street

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

I () agree

☒ disagree with this request

Comments:

1) NEED SPACE LEFT AS IS

2) TRAFFIC ON 31ST WOULD INCREASE

3) NO SIGNAL LIGHTS FROM WATER DAIRY TO FM 93

4) ADDITIONAL SCHOOL ?

5) ADDITIONAL NOISE ON OUR QUIET NEIGHBORHOOD

Signature

GARY L. HUTCHISON

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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

RECEIVED

APR 24 2017

City of Temple
Planning & Development



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

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

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 South 31st Street

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

I ☒ agree

() disagree with this request

Comments:


Signature

James E. Smith
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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



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

WGR DEVELOPMENT LLC
PO BOX 975
SALADO, TX 76571-0975

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 South 31st Street


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

I ☒ agree

() disagree with this request

Comments:

well planned!


Signature

GARY ROSEN
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

WGR DEVELOPMENT LLC
PO BOX 975
SALADO, TX 76571-0975

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 South 31st Street

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

I ☒ agree

() disagree with this request

Comments:

THE NEW AFFORDABLE HOUSING IS NEEDED!

W. Grady Rose

Signature

W. GRADY ROSE

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SALUTO, TONI
5810 BARRINGTON CT
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

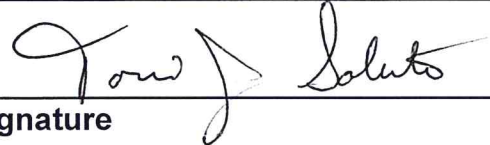
Location: 5900 South 31st Street

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

I ☒ agree

() disagree with this request

Comments:


Signature

Toni J. Saluto
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HOGAN, DAVID L ETUX SAMANTHA F
2819 BUTTERFLY DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 South 31st Street

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

I () agree

(X) disagree with this request

Comments:

with the building of homes + apartments south of the tracks, I think the extra traffic problems and water + sewage problems are not necessary. There is a lot of wildlife in this area also.

David L. Hogan
Signature

David L. Hogan
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

RECEIVED
MAY - 3 2017
City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

NIEVES, LUIS ERNESTO & ELSA G VELEZ
2923 BUTTERFLY DR
TEMPLE, TX 76502-7944

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 South 31st Street

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

I () agree

(X) disagree with this request

Comments: Plus this is an impact on fauna and flora in the area.

Ecepuil;
Signature

Elsa Velez
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

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

RECEIVED

MAY - 3 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

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

ORDINANCE NO. 2017-4848
(Z-FY-17-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 46.766 ACRES, AND NEIGHBORHOOD SERVICES ZONING DISTRICT ON APPROXIMATELY 3.497 ACRES OUT OF APPROXIMATELY 50.263 ACRES, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, AND PART OF THAT CERTAIN APPROXIMATELY 157.93 ACRE TRACT, BELL COUNTY, TEXAS, LOCATED AT 5900 SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural zoning district to Single Family Two zoning district on approximately 46.766 acres and Neighborhood Services zoning district on approximately 3.497 acres out of approximately 50.263 acres, situated in the Redding Roberts Survey, Abstract No. 692 and part of that certain approximately 157.93 acre tract, Bell County, Texas, located at 5900 South 31st Street., as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

Part 2: Staff recommends approval of a rezoning from Agricultural zoning district to Single Family Two zoning district and Neighborhood Services zoning District.

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 **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

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

06/01/17
Item #13
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one councilmember to the Hill Country Transit District Board.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Councilmember Judy Morales has served on this board since October 2015. Her council term has expired, and therefore the City needs to appointment a new member. At this time it is requested that another elected official be appointed to fill the position.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

06/01/17
Item #14
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dr. Ray Ashcraft was appointed to the Bell County Public Health District Board of Directors in June 2009; and does not wish to be reappointed at this time. The Health District has now requested the City appoint a regular member and an alternate member to serve. The appointment of an alternate is provided for in the Cooperative Agreement with the Health District.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)