



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, JUNE 28, 2018  
3:30 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 28, 2018.
2. Receive an overview briefing of the FY2019 Preliminary Budget, including a review of the FY2019 budget process, calendar, and other strategic and budget related policy issues.
3. Receive an update regarding the Kegley Road improvements.

**5:00 P.M.**

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

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. National Parks and Recreation Month

**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) [June 21, 2018 Regular Meeting](#)

**Contracts, Leases, & Bids**

- (B) [2018-9182-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 associated with the purchase in an estimated amount of \$610,000.



- (C) [2018-9183-R](#): Consider adopting a resolution authorizing change order #1 to the Crossroads Park construction contract with Choice Builders, LLC of Temple, in the amount of \$42,462.76 to furnish and install bleacher shade structures at the tennis courts in Crossroads Park.
- (D) [2018-9184-R](#): Consider adopting a resolution authorizing change order #3 in the amount of \$120,870.35 for construction of Prairie View, Phase 2, with R.T. Schneider Construction Company, Ltd., of Belton. Work includes construction of drive approaches, entrance road realignment, and water main improvements to serve the BISD Lake Belton High School and High Point Elementary School campuses.
- (E) [2018-9185-R](#): Consider adopting a resolution authorizing a contract amendment with Kimley-Horn and Associates, Inc., of Austin, in an amount not to exceed \$221,000 for professional services required for the rehabilitation of Scott elevated storage tank.
- (F) [2018-9186-R](#): Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the addition of a vestibule at the Summit Recreation Center, improvements to Clarence Martin Recreation Center, and construction of a restroom facility in South Temple Park.
- (G) [2018-9187-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$210,250 for engineering services required for construction phase services for Phase 3B of the Outer Loop.
- (H) [2018-9188-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$72,960 for engineering services required in support of the City's Water and Wastewater Master Plan Update.
- (I) [2018-9189-R](#): Consider adopting a resolution ratifying an agreement with Web Benefits Design Corporation of Orlando, FL, in estimated amount of \$36,000 per year for providing online employee benefits enrollment and administration services.
- (J) [2018-9190-R](#): Consider adopting a resolution ratifying an emergency construction contract with Matous Construction, of Belton, in the estimated amount not to exceed \$50,000 for a water valve repair at the Conventional Water Treatment Plant.
- (K) [2018-9191-R](#): Consider adopting a resolution authorizing an agreement with ADK Consulting, Inc., Atlantic Beach, FL, in an estimated amount of \$39,900 for the search and recruitment of the Director of Airport position.
- (L) [2018-9192-R](#): Consider adopting a resolution extending an Exclusive Listing Agreement with Airspace DFW, LLC for the lease of Hangars 20 and 26 at the Draughon Miller Central Texas Regional Airport.

- (M) [2018-9193-R](#): Consider adopting a resolution authorizing the assignment of the following agreements to Temple Generation SF, LLC:
- (1) The 2009 Effluent and Water Purchase Agreement between Panda Temple Power, LLC and the City of Temple;
  - (2) The 2013 Effluent and Water Purchase Agreement between Panda Temple Power II, LLC; and
  - (3) The Easement Agreement for Access and Utilities between the City of Temple and Panda Temple Power, LLC.

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

- (N) [2018-4922](#): SECOND READING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2016-4783) to readopt the City's guidelines and criteria governing property tax abatement.

### **Misc.**

- (O) [2018-9194-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2018-2019 Budget for August 2, 2018 at 5:00 p.m. and August 24, 2018 at 8:30 a.m. in the City Council Chambers.
- (P) [2018-9195-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

## **V. REGULAR AGENDA**

### **RESOLUTIONS**

5. [2018-9196-R](#): Consider adopting a resolution authorizing a construction contract with Tex-Global Contractors, Inc., of Ft. Worth, in the amount of \$5,265,702.63 for services required to construct Phase 3B of the Outer Loop.
6. [2018-9197-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with United Way of Central Texas in an amount not to exceed \$70,000 for Tier II (double facade) category improvements to property located at 4 North 3<sup>rd</sup> Street within the Downtown Strategic Investment Zone corridor.
7. Consider adopting resolutions authorizing Chapter 380 Development Agreements with Short-Term Lending GP, Inc.:
  - A) [2018-9198-R](#): in an amount not to exceed \$70,000 for Tier II (double facade) category improvements to property located at 110 South 1st Street within the Downtown Strategic Investment Zone corridor.
  - B) [2018-9199-R](#): in an amount not to exceed \$90,530 for Tier III (double facade) category improvements to property located at 112 South 1st Street within the Downtown Strategic Investment Zone corridor.

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

8. **2018-4923:** FIRST READING – PUBLIC HEARING – FY-18-4-ZC: Consider adopting an ordinance authorizing a rezoning for 135.24 +/- acres, from Light Industrial and Agricultural zoning districts to Planned Development Multi-Family 2 zoning district with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.
9. **2018-4924:** FIRST READING – PUBLIC HEARING – FY-18-6-ZC: Consider adopting an ordinance authorizing rezoning from Agricultural zoning district to General Retail zoning district, on 6.938 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7101 West Adams Avenue.
10. **2018-4925:** FIRST READING – PUBLIC HEARING – FY-18-7-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Attached-Three zoning district on 9.036 +/- acres and Single Family-Two zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.

## **ORDINANCES – SECOND READING**

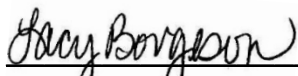
11. **2018-4919:** SECOND READING – FY-18-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Planned Development Single-Family One zoning district and a binding development/site plan on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 pm, on Friday, June 22, 2018.



City Secretary, TRMC

***SPECIAL ACCOMMODATIONS:*** *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on \_\_\_\_\_ day of \_\_\_\_\_ 2018.  
\_\_\_\_\_  
Title \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) June 21, 2018 Special and Regular Meetings

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[June 21, 2018 Special and Regular Meetings  
Video](#)

# TEMPLE CITY COUNCIL

**JUNE 21, 2018**

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 21, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Susan Long  
Councilmember Jessica Walker  
Councilmember Mike Pilkington  
Mayor Pro Tem Judy Morales  
Mayor Timothy A. Davis

**I. CALL TO ORDER**

**1. Invocation**

Pastor Cooky Hernandez, God's House of Restoration, voiced the invocation.

**2. Pledge of Allegiance**

Kirk Scopac, Fleet Services Director, lead the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

Bob Brown, 718 South 53rd Street, addressed the Council with concerns for the solid waste and bulk pick up. He understands that the City has been behind, but something must be done. Residents do not know when to put stuff out.

Mayor Davis, noted that the City is behind on pick up on bulk items. This is the first area that staff is pulled from if necessary to provide other services to the City. Mayor Davis asked Mr. Brown to continue setting it out, and that he would not be fined.

**III. PUBLIC HEARING**

**3. PUBLIC HEARING – Presentation of the proposed amendment to the adopted Community Development Block Grant, 2015-2019 Citizen Participation Plan and notice of 30-day public comment period June 21-July 21, 2018.**

**4. PUBLIC HEARING – Presentation of the proposed substantial amendment to the adopted Community Development Block**

**Grant, 2015-2019 Consolidated Plan and notice of 30-day public comment period June 21-July 21, 2018.**

**5. PUBLIC HEARING - Presentation of the proposed Community Development Block Grant 2018/19 Annual Action Plan and Budget, including the funding recommendations and notice of 30-day public comment period June 21 - July 21, 2018.**

Brynn Myers provided a presentation to Council on items 3, 4, and 5. The City annually receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). The primary purpose of this program is to develop viable communities through the provision of decent housing, suitable living environments and expanding economic opportunities; principally for low and moderate income persons. Ms. Myers reminded the council that as a recipient of these funds, the City is required to produce a Consolidated Plan to outline the goals and activities to be undertaken for a period of 5-years, to include Citizen Participation Plan and Fair Housing Plan. In addition, each year the City is required to develop an Annual Action Plan that defines the programs to be implemented in the coming year, which address and support the 5-year Consolidated Plan.

Ms. Myers noted that the Citizen Participation Plan, as currently adopted, contains a discrepancy as to what allocation percentage is the benchmark for when a substantial amendment is required and is not required. The proposed change would clarify that a substantial amendment occurs when 25% or more of the City's annual allocation is to be re-distributed among existing or new activities. Other changes to the Consolidated Plan or Annual Action Plan that do not meet the level of a substantial amendment are considered a minor amendment. Ms. Myers, noted there are a few minor amendments that do not require public notice, a public hearing or public comment period.

The Consolidated Plan, originally adopted on August 6, 2015, reflects the City's community development goals, as identified through the Needs Assessment with a 5-Year plan outlining goals/priorities. The city does its best to forecast activity to include (1) owner occupied housing rehabilitation/reconstruction, (2) improving community accessibility through sidewalk/transportation enhancements, (3) expanded Support for Social Services to address needs of LMI children, youth, elderly and disabled,(4) removal of barriers to education, job training and Section 3 compliance, and (5)affirmatively furthering fair housing and reducing barriers to affordable housing. Some of the proposed changes include, (1) Fund Public Service Agencies and SIZ incentives through General Fund, and (2) add crime prevention as a goal/priority.

The Annual Action Plan will reflect the City's funding priorities and identify the projects proposed to receive funds under the CDBG program, on an annual basis. Ms. Myers noted in FY 2019, the City of Temple will receive \$536,232 in funding, a 24.24% from FY 2018. In addition to the funding received, the City plans to reallocate \$85,825 from previous years to the 2018 / 2019 Action Plan for a total of \$622,057 in funding.

Ms. Myers explained the criteria for qualifying areas to use the funds. The proposed structure of allocation is: (1) infrastructure improvements \$50,000; (2) housing improvements \$284,377; (3) crime prevention program \$80,434; (4) demolition \$100,000; and (5) general administration \$107,246.

Councilmember Long asked if the demolition work would be performed by the city.

Ms. Myers stated yes. Our demolition program is a long standing program that the city has had. Typically these structures are deemed an unsafe structure by the Building and Standards Commission. If in a qualifying area, we are able to offer this grant.

Mayor Davis declared the public hearing open with regards to agenda items 3 through 5, and asked if anyone wished to address this item.

CJ Grisham, 4365 Airport Trail, asked if all the costs are provided in the plan?

Ms. Myers confirmed yes.

JD Zeptner, 402 South 26th Street, inquired on the target area. Wanted clarification on the demolition of structures that are on the Bell County Tax rolls.

Mayor Davis explained that there is a process that the city follows to determine this.

Sam Garns, 12th Street, commented on the crime in the area on Avenue A and Avenue G.

There being no further comments, Mayor Davis declared the public hearing closed.

- IV. CONSENT AGENDA All items listed under this section, Consent Agenda, are considered 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.**

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

**(A) June 7, 2018 Special and Regular Meeting**

**(B) 2018-9161-R: Consider adopting a resolution authorizing the purchase of 15 vehicles from the following vendors in the total amount of \$440,874: \* Nine vehicles from Randall Reed's Prestige Ford of Garland in the amount of \$232,265; \* One vehicle from Four Stars Chevrolet of Fort Worth in the amount of \$43,525; and \* Five vehicles from Four Stars Ford of Jacksboro in the amount of \$165,084.**

**(C) 2018-9162-R: Consider adopting a resolution authorizing the purchase of a forklift in the amount of \$32,106.09 and a skid steer in the amount of \$47,675.67 from Associated Supply Company, Inc. of Lubbock.**

**(D) 2018-9163-R: Consider adopting a resolution authorizing the purchase of a temporary construction easement necessary for the construction of Phase 4 of the Bird Creek Interceptor project in an amount not to exceed \$2,753.**

**(E) 2018-9164-R: Consider adopting a resolution authorizing the purchase of right-of-way and a permanent easement necessary for the construction of Phase 4 of the Bird Creek Interceptor Project, conversion of the private road Daniels Drive into a public street and authorizing closing costs associated with the purchase in an estimated amount of \$12,500.**

**(F) 2018-9165-R: Consider adopting a resolution authorizing the purchase of property which is necessary for the construction of the Avenue D and 14th Street Drainage project in an estimated amount of \$1,000 and authorizing the release of six City liens against the property in an amount of \$1,100.**

**(G) 2018-9166-R: Consider adopting a resolution authorizing a net deductive change order to the construction contract with Skyblue Utilities, Inc., of Kingsland in an amount not to exceed \$20,553.68 for construction of the Western Hills Water Main Improvements.**

**(H) 2018-9167-R: Consider authorizing a contract with the Greater Temple-Belton Foundation for Animal Care to administer a spay and neuter voucher program for the City of Temple Animal Shelter.**



**(I) 2018-9168-R: Consider adopting a resolution establishing adoption fees for animals adopted from the City of Temple Animal Shelter.**

**(J) 2018-9169-R: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$76,400.**

**(K) 2018-9170-R: Consider adopting a resolution authorizing a change order to a construction contract with Clark Roofing and Construction, Inc. of Waco, in the net deductive amount of \$58,985.42 for modifications to the scope of work related to the re-roofing of the Mayborn Convention Center and Central Fire Station.**

**(L) 2018-9171-R: Consider adopting a resolution authorizing a construction contract with Lochridge-Priest, Inc. of Waco in the amount of \$664,674, and a deductive change order in the amount of \$93,389, for heating, ventilation, and cooling improvements at the Santa Fe Depot, City Hall, and the Airport.**

**(M) 2018-9172-R: Consider adopting a resolution authorizing the execution of a Consent Agreement with Panda Temple Power II, LLC ("Panda II") and CLMG, Corp. ("CLMG") consenting to the collateral assignment of Panda II's rights and obligations under the 2013 Effluent and Water Purchase Agreement and a Consent Agreement with Panda II and CLMG consenting to the collateral assignment of Panda II's rights and obligations under the 2013 Tax Abatement Agreement.**

**(N) 2018-9173-R: Consider adopting a resolution authorizing a one-year renewal to the depository services agreement with BBVA Compass Bank.**

**(O) 2018-9174-R: Consider adopting a resolution ratifying renewal of a Memorandum of Understanding with the United States Department of Veterans Affairs Central Texas Veterans Health Care System.**

**(P) 2018-9175-R: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$214,400 for land acquisition services for Phase 4 of the Outer Loop Project.**

**(Q) 2018-9176-R: Consider adopting a resolution authorizing a lease agreement with Hill Country Community Action**

**Association, Inc. for lease of space in the Public Services Building located at 102 East Central Avenue, Temple.**

**(R) 2018-9177-R: Consider adopting a resolution authorizing a one-year lease agreement with NeighborWorks Waco, for lease of space in the Historic Post Office, located at 101 North Main Street.**

**(S) 2018-4918: SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for Santa Fe Phase 2 and Strategic Investment Zone Grants in FY 2018.**

**(T) 2018-4920: SECOND READING – FY-18-3-ZC: Consider adopting an ordinance authorizing a rezoning for 91.15 +/- acres, from Agricultural to Single Family Two, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 401 North 42nd Street.**

**(U) 2018-4921: SECOND READING – FY-18-3-SITE: Consider adopting an ordinance amending Ordinance No. 2011-4422 to attach a site plan showing a three suite retail building consisting of 3,708 square feet of retail space on Lot 1, Block 1, Stonegate, Phase III subdivision, addressed as 5075 South 31st Street.**

**(V) 2018-9178-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.**

Motion by Councilmember Susan Long to approve consent agenda, except item 6(S), Motion did not require second.

Motion passed unanimously.

**6(S) 2018-4918: SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for Santa Fe Phase 2 and Strategic Investment Zone Grants in FY 2018.**

This item was tabled for voting purposes.

Motion by Councilmember Jessica Walker to approve item 6(S) on the Consent Agenda as presented, Motion did not require second.

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

## **V. REGULAR AGENDA**

### **RESOLUTIONS**

- 7. 2018-9179-R: Consider adopting a resolution authorizing change order #2 with Bell Contractors, Inc., of Belton, in an amount not to exceed \$194,532.14 for construction of the Jackson Park Wastewater Line Improvements.**

Richard Wilson, Project Engineer, provided a presentation to the Council. He explained that in January 2016, Council authorized a professional services agreement with Clark & Fuller, PLLC, to develop wastewater improvements near Jackson Park, located north of downtown. The Public Works Utility Services Division identified specific aging and failing wastewater lines on the south side of the park for replacement. In May 2016, contract amendment #1 was approved in the amount of \$3,985. In November 2016, contract amendment #2 was approved in the amount of \$23,141.25 to add the replacement of undersized water lines to the scope of the project. In April 2017, Council authorized a construction contract with Bell for \$1,195,345.20 for improvements mentioned above. In April 2018, contract amendment #3 was approved in the amount of \$24,615.84 to add additional wastewater improvements to the scope of the project. In the same month, change order #1 was approved in the amount of \$8,400.

This change order #2 is for additional wastewater improvements in the vicinity that have been identified by Public Works Utility Services. The associated costs, along with change order #1, will increase the contract price to \$1,398,277.34, a net 17% increase of the original contract amount. Bell Contractors is asking for 92-days to be added to the contract with a revised construction completion date of September 13, 2018. Clark & Fuller recommends the change order.

Motion by Councilmember Susan Long to adopt resolution as presented, seconded by Councilmember Jessica Walker.

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

- 8. 2018-9180-R: FY-18-2-APL: Consider adopting a resolution for an appeal of standards to Section 6.8 of the Unified Development Code related to the 1st and 3rd Overlay District requirements for landscaping and public frontage**

**standards for a new construction warehouse and sales building at 1605 North 3rd Street.**

Jason Deckman, City Planner, provided a presentation to the Council. The applicant operates a plumbing supply business located at 1801 North 3rd Street and is expanding onto the lot to the south, located at 1605 North 3rd Street. The subject lot lacks landscaping and has other non-conforming features. The 1st and 3rd Overlay District was adopted in 2012 to primarily improve the streetscape, fencing and landscaping within these commercial corridors. The proposed improvements would address the intent of the code by creating an aesthetically pleasing streetscape while maximizing commercial use of the property.

Mr. Deckman noted the applicant proposes the following:

1. Add an 8' wide sidewalk along 3rd Street.
2. Plant street trees and other landscaping along the 3rd Street frontage, and around the entrance to the parking lot, consisting of shrubs and large trees from the approved planting list in UDC Sec. 6.8.9.
3. Add crepe myrtle trees along 1st Street under the existing overhead utility lines.
4. Add additional landscaping to the lot the applicant owns to the north in order to create a coherent appearance along the 3rd Street frontage of the subject property
5. Add a new 4' sidewalk along 1st Street, constructed within the frontage of the subject property and adjacent property to the north owned by the applicant, in order to increase sidewalk connectivity from Shell Avenue to the residential property to the south.
6. Add a concrete retaining wall topped with a solid 6' fence where the commercial property adjoins a residential lot.

The appeals by the applicant for 1<sup>st</sup> and 3<sup>rd</sup> Overlay standards are:

1. Landscaping - Applicant proposes to landscape approximately 10% of the area of the subject property. Proposed improvements significantly increase the amount of landscaping where none currently exists. Additionally, the applicant proposes to add landscaping at 1801 North 3<sup>rd</sup>.
2. Frontage depth - (1) Applicant proposes to landscape area as shown on site plan; that the subject property forms an angle to 3rd Street that conflicts with depth requirements; and (2) Use the average depth along the frontage to calculate buffer width.

3. Sidewalk width on 1st Street - Applicant proposes to extend the existing 4' sidewalk along 1st Street. The proposed sidewalk matches the existing width and increases connectivity between Shell Avenue and residential property to the south. An existing drainage channel limits the width of the sidewalk. As illustrated on the site plan, the sidewalk will be constructed to the back of curb except where it is routed behind the existing overhead utility pole to connect with the existing sidewalk.
4. Landscaping - Applicant proposes to landscape 10% of the area of the subject property. Proposed improvements significantly increase the amount of landscaping where none currently exist.
5. Street Tree spacing - Applicant proposes to match the 35' spacing in TMED and plant trees where space permits, per staff recommendation. Trees are placed within frontage along both streets, and clustered on both sides of the entrance on 3<sup>rd</sup> Street. Applicant also proposes to preserve an existing large tree on their adjacent property at 1801 North 3<sup>rd</sup> Street, and that Sixteen trees will be planted.
6. Sidewalk to primary entrance - Applicant does not show a sidewalk connection to the primary entrance on the site plan. Pedestrians would have easy access along the entrance drive to the front door.
7. Foundation Planting - Applicant proposes adding landscaping in other areas of the property where none currently exist.
8. Loading areas requiring screening - Applicant proposes that a loading area will not have a wall or other screening device.

Mr. Deckman noted that Staff's recommendation is to approve the appeals as submitted.

Councilmember Pilkington this will really improve this area.

Motion by Councilmember Susan Long to adopt resolution as presented, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

9. **2018-9181-R: P-FY-18-30: Consider adopting a resolution approving the Final Plat of High Crest Phase III, a 38.984+/- acres, 61-lot, 4-block, residential subdivision, situated in the John M. Porter Survey, Abstract No. 648, Bell County, Texas and located north of Mountain Rose Road and east of Bowles Ranch Road in Temple's western extraterritorial**

**jurisdiction with developer requested exceptions to the Unified Development Code.**

Tammy Lyerly, Senior Planner, provided a presentation to the Council. She noted that this item is developer requested exceptions. The Development Review Committee (DRC) reviewed Final Plat of High Crest, Phase III on February 22, 2018 and deemed it administratively complete on May 30, 2018. The proposed final plat is a continuation of the High Crest development with roadways meeting rural local street (22 b-b/50 row) and rural collector street (26 b-b/55 row) standards with ribbon curbing, per UDC Section 8.2-Design Standards.

The developer requests an exception to Unified Development Code Section 8.2.1.D.3: Residential Subdivision Entrance to waive the minimum required entrances for this development. A single entrance from High Crest Drive exists for High Crest, Phase I and High Crest, Phase II. High Crest, Phase I has 68 residential lots and High Crest, Phase II has 57 residential lots. City Council granted an exception to the number of subdivision entrances for High Crest, Phase II in 2013 with Resolution No. 2013-6940-R. The developer proposes 61 residential lots for High Crest, Phase III, making the proposed total of residential lots within the entire High Crest development 186 lots. The applicant's engineers have worked with TxDOT in proposed entrance improvements. An exhibit of proposed entrance improvements is attached. The Fire Department supports the applicant's requested exception regarding the number of required entrances.

Ms. Lyerly continued, noting that the developer also requests an exception to UDC Section 8.2.1.4.B –Projection of Streets related to minimum number of street openings every 1,000 feet to adjoining properties. The applicant's engineers ask the requested exception be granted since Phase I of High Crest has provided three stub out streets and Phase II has provided one street stub out.

The developer also requests an exception to UDC Section 8.3 to waive the City's park fee requirements. UDC Section 8.3, allows for an administrative exception if; (1) the area proposed for development is more than one mile from the existing City limits; (2) the proposed subdivision will create fewer than nine lots; and (3) the City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.

This development exceeds the nine lot maximum to meet the administrative exception, therefore, action from City Council is

triggered. Since the subject property is within the ETJ at a distance of approximately 2.25 miles from the City limit line along Sparta Road, Parks staff is supportive of the proposed exception.

Water services will be provided by 439 Water Supply Corporation through existing and proposed 6-inch and 8-inch water lines. 439 Water Supply Corporation has provided a letter confirming the availability of water with the necessary capacity and volume to serve the proposed lots. Wastewater will be provided by on-site septic.

At its June 4, 2018, meeting the Planning and Zoning Commission voted seven to zero to recommend approval of Final Plat of High Crest Phase III with developer requested exceptions to Unified Development Code Section 8.3 related to the payment of required park fees; UDC Section 8.2.1.4.B –Projection of Streets related to minimum number of street openings every 1,000 feet to adjoining properties; and UDC Section 8.2.D.3, as well as Design and Development Standards Manual –Residential Subdivision Entrance/Access Design, both related to the minimum number of residential subdivision entrances, per Staff's recommendation.

Staff recommends approval of the Final Plat of High Crest, Phase III, with developer requested exceptions to Unified Development Code as submitted.

Motion by Councilmember Mike Pilkington to adopt resolution as presented, Motion did not require second.

Motion passed unanimously.

## **ORDINANCES**

- 10. 2018-4922: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2016-4783) to readopt the City's guidelines and criteria governing property tax abatement.**

Christian Demirs, Deputy City Attorney, provided a presentation to the Council. The City has adopted a comprehensive economic development policy that includes guidelines and criteria for authorizing property tax abatement, an overview of the Strategic Investment Zone Incentive Program, and guidelines and criteria for additional City incentives which are

authorized by Chapter 380 of the Texas Local Government Code.

Pursuant to Chapter 312 of the Texas Tax Code, the City must adopt guidelines and criteria for offering property tax abatement under that chapter. The guidelines and criteria are effective for two years from the date of adoption. The City's tax abatement guidelines and criteria were last adopted in July, 2016 and therefore must be renewed at this time. No substantive changes to the policy are proposed.

Ms. Demirs noted the guidelines and criteria in the City's current policy specify the types of facilities that are eligible for tax abatement, the application process to receive tax abatement, the minimum investment or job creation required, and factors Council will consider when deciding whether to grant a tax abatement. The City's guidelines and criteria were last adopted in July, 2016 and therefore must be renewed if the City wishes to continue to offer tax abatement on eligible facilities. The previous ordinance stated that all reinvestment zones and tax abatement agreements would be reviewed every two years. The proposed ordinance would delete this requirement as it is not in line with current practice. Staff is continually reviewing the existing reinvestment zones and agreements to ensure that all requirements are met.

Mayor Davis declared the public hearing open with regards to agenda item 10, and asked if anyone wished to address this item.

CJ Grisham, 4365 Airport Trail, offered his comments. He understands that this incentivizes business to come to our area. While this is legal, it is not right. We are only issuing he abatements to the large businesses, and not the small businesses. There is a moral and ethical issue; and is general opposition of the program.

There being no further comments, Mayor Davis declared the public hearing closed.

Councilmember Pilkington stated that he looks at the Tax Abatement program like eminent domain, but it's a good thing.

Mayor Davis, stated that he sets on the board and this program is managed, and companies are incentives with a great deal of thought.

Motion by Councilmember Susan Long to adopt resolution as presented, seconded by Councilmember Jessica Walker.



Motion passed unanimously.

## ORDINANCES

- 11. 2018-4919: SECOND READING – FY-18-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Planned Development Single-Family One zoning district and a binding development/site plan on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93.**

Mayor Davis stated that the applicant has requested this item be tabled until a future meeting.

Motion by Councilmember Susan Long to table item #11, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

---

Timothy A. Davis, Mayor

ATTEST:

---

Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(B)  
Consent Agenda  
Page 1 of 2

**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 associated with the purchase in an estimated amount of \$610,000.

**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.

The City has acquired or has possession of eighteen rights of way. Additionally, the City has reached agreements with three property owners and closings are being coordinated. Staff is actively negotiating with the remaining property owners and hopes to reach an agreement with them in the coming weeks.

On March 2, 2017, Council authorized eminent domain proceedings for the Byrne property. Haley & Olson, PC, the City's outside counsel, filed a Petition in Condemnation on behalf of the City on May 24, 2017. A hearing before three Special Commissioners was held on October 24, 2017. The Special Commissioners assessed the market value of the right of way needed, 15.858-acres, to be \$347,754. This amount included any damages to the property. This amount was deposited into the registry of the Court and possession and use of the property vested in the City at that time. The property owners, through their attorney, filed an appeal of the Special Commissioners' award on November 8, 2017.

Through their attorneys the parties have continued to negotiate a settlement to this lawsuit and have reached an agreement. The parties have agreed the City will acquire the right of way needed for the project, as well as two remainder properties created by the road expansion, for \$600,000 plus closing costs. The right of way consists of 15.858-acres and the two remainder tracts are 1.19-acres and 0.73-acre. This agreement will settle all pending claims.

At this time, Staff is asking for authorization to purchase the property and pay closing costs in an estimated amount of \$610,000.

The address and Bell County Appraisal District ID Number of the property is Old Howard Road, Temple Texas, Bell CAD ID #15887.

**FISCAL IMPACT:** Funding is appropriated for the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase in an estimated amount of \$610,000 in account 795-9800-531-6864, project 101001.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9182-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 ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$610,000; 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**, the City has acquired or has possession of eighteen rights of way and additionally, the City has reached agreements with three property owners with closings being coordinated - Staff continues to actively negotiate with the remaining property owners and hopes to reach agreements in the coming weeks;

**Whereas**, on March 2, 2017, Council authorized eminent domain proceedings for the Byrne property - Haley & Olson, PC, the City's outside counsel, filed a Petition in Condemnation on behalf of the City on May 24, 2017;

**Whereas**, a hearing before three Special Commissioners was held on October 24, 2017 where the Commissioners assessed the market value of the right of way needed to be \$347,754.00 - this amount included any damages to the property;

**Whereas**, this amount was deposited into the registry of the Court and possession and use of the property vested in the City at that time - the property owners, through their attorney, filed an appeal of the Special Commissioners' award on November 8, 2017;

**Whereas**, through their attorneys the parties have continued to negotiate a settlement to this lawsuit and have reached an agreement wherein the City will acquire the right of way needed for the project, as well as two remainder properties created by the road expansion, for \$600,000 plus closing costs;

**Whereas**, Staff recommends Council authorize the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road (BellCAD No. 15887) and authorize the payment of closing costs associated with the purchase, in an estimated amount of \$610,000;

**Whereas**, funding for the purchase of this property is available in Account No. 795-9800-531-6864, Project No. 101001; and

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

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

**Part 1: 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 property necessary for the expansion of Old Howard Road and Moores Mill Road (BellCAD No. 15887) and authorizes the payment of closing costs associated with the purchase, in an estimated amount of \$610,000.

**Part 3:** The City Council authorizes the 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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

06/28/18  
Item #4(C)  
Consent Agenda  
Page 1 of 1

### DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks & Recreation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #1 to the Crossroads Park construction contract with Choice Builders, LLC of Temple, in the amount of \$42,462.76 to furnish and install bleacher shade structures at the tennis courts in Crossroads Park.

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

**ITEM SUMMARY:** Authorization of this change order will provide for the installation of four spectator shade structures at the tennis courts in Crossroads Park in the amount of \$42,462.76.

On March 3, 2018, Council authorized a construction contract with Choice Builders, LLC in the amount of \$7,091,236.60 for the civil package portion of the Crossroads Park project. The civil package includes, but is not limited to, six lit tennis courts, five lit parking lots, driveways, sidewalks/trails, fencing/backstops, baseball/softball bleachers and shade structures, scoreboards, park entry signage, three playgrounds, two batting cages, a pavilion between the baseball and softball complexes, and a disk golf course. The tennis court shade structures were overlooked in the original design phase of the tennis courts.

It is anticipated that Crossroads Park will be open for play in the spring of 2019. There is no impact to the project completion date associated with this change order.

**FISCAL IMPACT:** The Crossroads Park project is funded with 2015 Parks GO Bonds and Reinvestment Zone No. 1 funds. Funding for change order #1 with Choice Builders, LLC in the amount of \$42,462.76 is available as follows:

	362-3500-552-6402	795-9500-531-6867	795-9800-531-6867	Total
	101311	101005		
Project Budget	\$ 14,313,691	\$ 2,974,850	\$ 2,950,150	\$ 20,238,691
Encumbered/Committed to Date	(13,579,484)	(2,974,850)	(2,950,150)	(19,504,484)
<b>Choice Builders, LLC Change Order #1</b>	<b>(42,463)</b>	<b>-</b>	<b>-</b>	<b>(42,463)</b>
<b>Remaining Project Funds</b>	<b>\$ 691,744</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 691,744</b>

### ATTACHMENTS:

[Change order #1 with Choice Builders, LLC Resolution](#)

## CHANGE ORDER

PROJECT: **CROSSROADS PARK PHASE II - CIVIL PACKAGE**

OWNER: City of Temple

CONTRACTOR: Choice Builders, LLC

ENGINEER: Kasberg, Patrick & Associates

CHANGE ORDER #: **1**

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

Add: Item	Site Work Adjustments Description	Quantity	Unit	Unit Price	Extended Amount
CO1-1	Furnish & Insall Tennis Court Bleacher Shade Structure with four post hip	4	EA	\$ 10,615.69	\$ 42,462.76
<b>Add Total</b>					<b>\$ 42,462.76</b>
<b>Change Order Total</b>					<b>\$ 42,462.76</b>

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

Original Contract Amount	\$ 7,091,236.60
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 42,462.76
Revised Contract Amount	\$ 7,133,699.36
Original Contract Time	360 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	360 days
Original Final Completion Date	April 10, 2019
Revised Final Completion Date	April 10, 2019

Recommended By:

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

Agreed to:

Contractor \_\_\_\_\_ Date 6-12-18

Approved as to form:

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

Recommended by:

Engineer K. Dan P. Hester 6/12/18 Date \_\_\_\_\_

Approved by City of Temple:

Brynn Myers \_\_\_\_\_ Date \_\_\_\_\_

City Manager

Approved by Finance Department

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



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

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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  
JOHN A. SIMCIK, P.E., CFM

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

June 14, 2018

Mr. Kevin Beavers, CPRP  
City of Temple  
2 North Main Street, Suite 201  
Temple, Texas 76501

Re: City of Temple, Texas  
Crossroads Park Phase II – Civil Package  
Change Order #1

Dear Mr. Beavers:

Attached is Change Order #1 for the Crossroads Park Phase II – Civil Package Project. This change order is developed at the request of the City of Temple in order to add four (4) Tennis Court Bleacher Shade Structures to the project. The total increase to the project for Change Order #1 is \$42,462.76.

We have reviewed Change Order #1 and recommend it be processed and executed with respect to the Choice Builders, LLC construction contract for the above referenced project.

Sincerely,

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Charlie O'Daniel Choice Builders / KPA Project File: 2015-121-40 Phase II – Civil Package



RESOLUTION NO. 2018-9183-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH CHOICE BUILDERS, LLC OF TEMPLE, TEXAS IN THE AMOUNT OF \$42,462.76, TO FURNISH AND INSTALL BLEACHER SHADE STRUCTURES AT THE TENNIS COURTS AT CROSSROADS PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 1, 2018, Council authorized a construction contract with Choice Builders, LLC in the amount of \$7,091,236.60 for the civil package portion of the Crossroads Park project which includes, but is not limited to, six lit tennis courts, five lit parking lots, driveways, sidewalks/trails, fencing/backstops, baseball/softball bleachers and shade structures, scoreboards, park entry signage, three playgrounds, two batting cages, a pavilion between the baseball and softball complexes, and a disk golf course;

**Whereas**, in the original design phase of the tennis courts, the tennis court shade structures were overlooked;

**Whereas**, Staff recommends Council authorize Change Order No. 1 to the construction contract with Choice Builders, LLC of Temple, Texas in the amount of \$42,462.76 to furnish and install bleacher shade structures at the tennis courts in Crossroads Park;

**Whereas**, this project is funded with 2015 Parks GO Bonds and Reinvestment Zone No. 1 funds – funding is appropriated for this change order in the following accounts:

Account No. 362-3500-552-6402, Project No. 101311;  
Account No. 795-9500-531-6867, Project No. 101005;  
Account No. 795-9800-531-6867, Project No. 101005; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 1 to the construction contract with Choice Builders, LLC of Temple, Texas in the amount of \$42,462.76 to furnish and install bleacher shade structures at the tennis courts in Crossroads Park.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(D)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #3 in the amount of \$120,870.35 for construction of Prairie View, Phase 2, with R.T. Schneider Construction Company, Ltd., of Belton. Work includes construction of drive approaches, entrance road realignment, and water main improvements to serve the BISD Lake Belton High School and High Point Elementary School campuses.

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

**ITEM SUMMARY:** The City of Temple has adopted a Transportation Capital Improvement Program in which capacity and connectivity improvements to Prairie View Road are identified. Roadway improvements are needed to support the growing area, and include connections and service to the Lake Belton High School campus.

On January 18, 2018 Council authorized a construction contract with RTS for construction of Prairie View Road Phase 2. Council also authorized a Memorandum of Agreement with the BISD that provided for driveway, entrance drive and sidewalk improvements in exchange for a fee simple donation for right of way. Subsequent to the MOA, design development of the school resulted in the identification of an additional drive approach, entrance road enhancement and water main needs to serve the schools. This change order includes construction of those drive approaches, entrance road realignment, and water main improvements to serve property affected by the roadway construction.

The original construction contract amount is \$6,770,497.11. Previous change orders totaling \$20,685 result in a current revised contract amount of \$6,791,182.11. This change order #3 represents a contract increase of \$120,870.35 or 1.8% of the original contract amount. The net increase in the contract amount including previous change orders is \$141,555.35 or 2.1% of the original contract amount. The revised contract amount is \$6,912,052.46.

Change order costs are as follows:

1. BISD Entrance Road at Drive #4	\$ 53,475.42
2. BISD 10-inch Water Service\Main	\$ 8,533.53
3. BISD Drives #2 & #3	\$ 32,138.51
4. SH 317 Water Services	\$ 11,829.69
5. Prairie View Road Drives & Water Services	\$ 14,893.20

**Total \$120,870.35**

Change order Breakdown:

Transportation Improvements (Grant Eligible)	\$ 88,207.13
Utility Improvements (Grant Ineligible)	\$ 32,663.22

Original Contract Amount:	\$6,770,497.11
Previous Net Change in Contract Amount:	\$ 20,685.00
Net Change in Contract Amount:	\$ 120,870.35
Revised Contract Amount:	\$6,912,052.46
Original Contract Time:	330 Days
Previous Net Change in Contract Time:	35 Days
Net Change in Contract Time:	42 Days
Revised Contract Time:	407 Days
Original Final Completion Date:	January 15, 2019
Revised Final Completion Date:	April 2, 2019

There are 42 days proposed additional calendar days for the change order. The engineering consultant has reviewed the change order and recommends approval.

**FISCAL IMPACT:** Funding for change order #3 with R.T. Schneider Construction Company, LTD for construction of Prairie View, Phase 2 in the amount of \$120,870.35 is available for project 101257 as follows:

	<u>260-3400-531-6862</u>	<u>365-3400-531-6862</u>	<u>520-5900-535-6521</u>	<u>Total</u>
Project Budget	\$ 7,684,960	\$ 2,747,403	\$ 850,000	\$ 11,282,363
Encumbered/Committed to Date	(6,211,228)	(2,684,232)	(708,214)	(9,603,674)
R.T. Schneider Change Order #3	(88,207)	-	(32,663)	(120,870)
Remaining Project Funds	<u>\$ 1,385,525</u>	<u>\$ 63,171</u>	<u>\$ 109,123</u>	<u>\$ 1,557,819</u>

**ATTACHMENTS:**

[Engineer's Recommendation Letter](#)  
[Exhibits](#)  
[Change Order Form](#)  
[Contractor's RFP's](#)  
[Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
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**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**  
**JOHN A. SIMCIK, P.E., CFM**

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

June 14, 2018

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

Re: City of Temple, Texas  
Prairie View Road Improvements Phase II

Dear Mr. Wilson:

Attached is Change Order #3 in the amount of \$120,870.35. This change order is comprised of installing a 26-foot wide driveway, 62-foot wide driveway with crosswalk striping, ADA ramps, two stop bars, two stop signs, 10-inch water service connection, relocating a fire hydrant, 109 linear feet of 4'x2' reinforced concrete box culvert with safety end treatment, 116 linear feet of 18-inch reinforced concrete pipe with headwall, 2" water service connection to maintain existing service to a local business along SH317 and a 2" wet tap connection to maintain service to local residences along Dewberry Drive. The 2" water service connection is approximately 150 linear feet and requires filling, flushing and testing before final tie-in connection for permanent service. The Contractor estimates additional time of forty-two (42) calendar days to complete all work associated with this change order. This change order also establishes the current contract end date regarding this and previous change order time adjustment.

We have reviewed Change Order #3 and recommend it be processed and executed with respect to R.T. Schneider Construction Co., Ltd's construction contract in the amount of \$120,870.35 for the above referenced project.

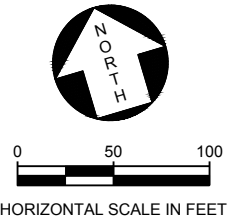
Sincerely,

A handwritten signature in blue ink, reading 'Michael C. Newman'.

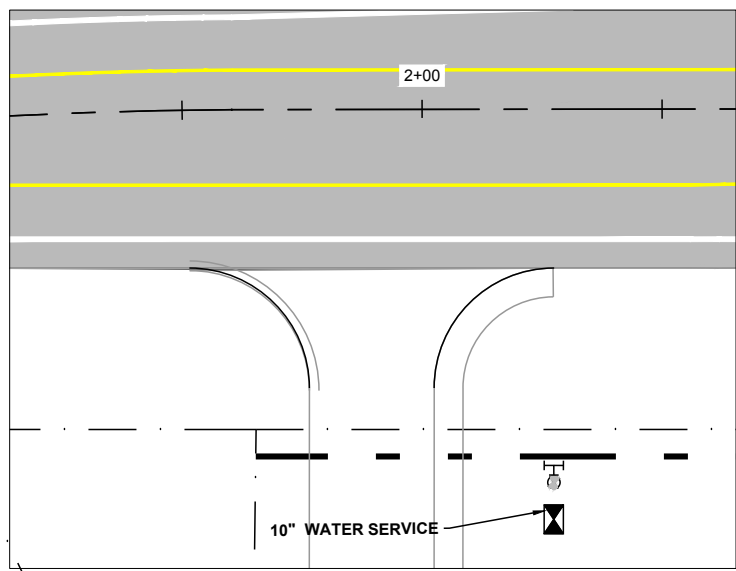
Michael C. Newman, P.E., CFM

MCN/

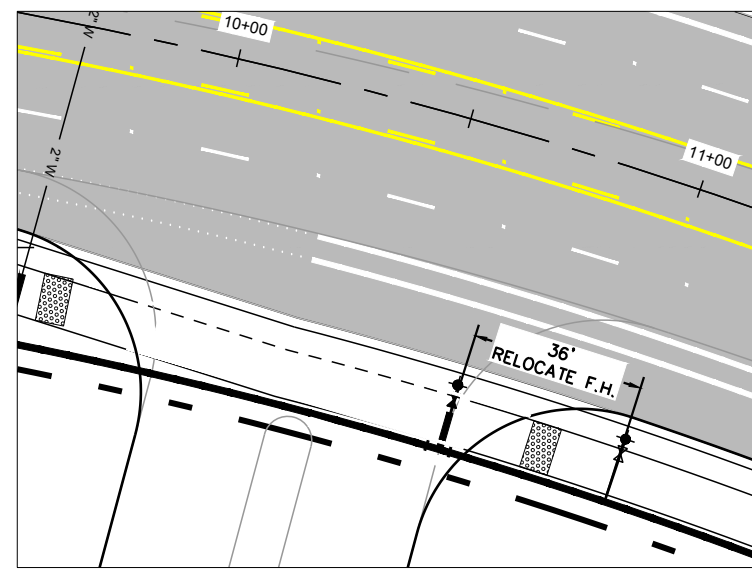
xc: Bryant Davis, R.T. Schneider Construction Co., Ltd.  
2013-128-40 Phase II



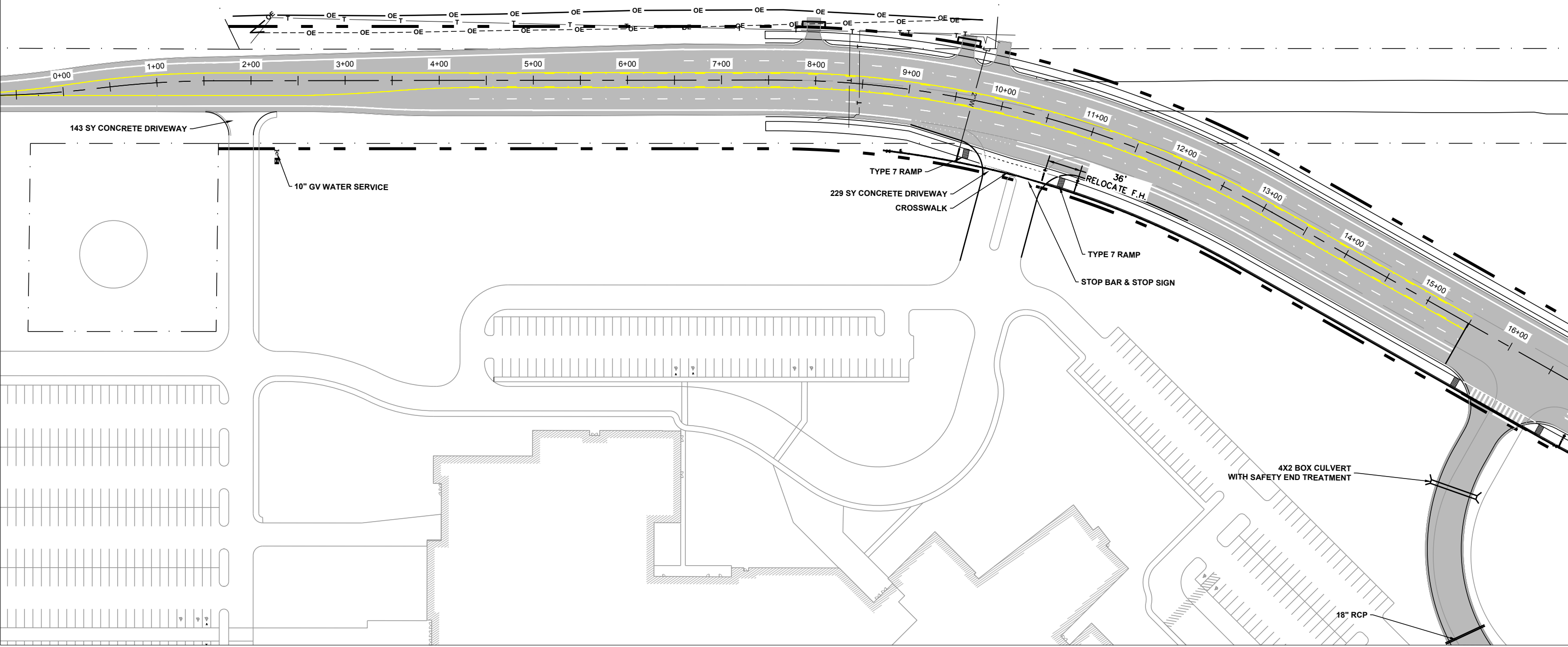
- ADDITIONAL ROADWAY WIDENING
- ADDITIONAL SIDEWALK
- ADDITIONAL CURB AND GUTTER



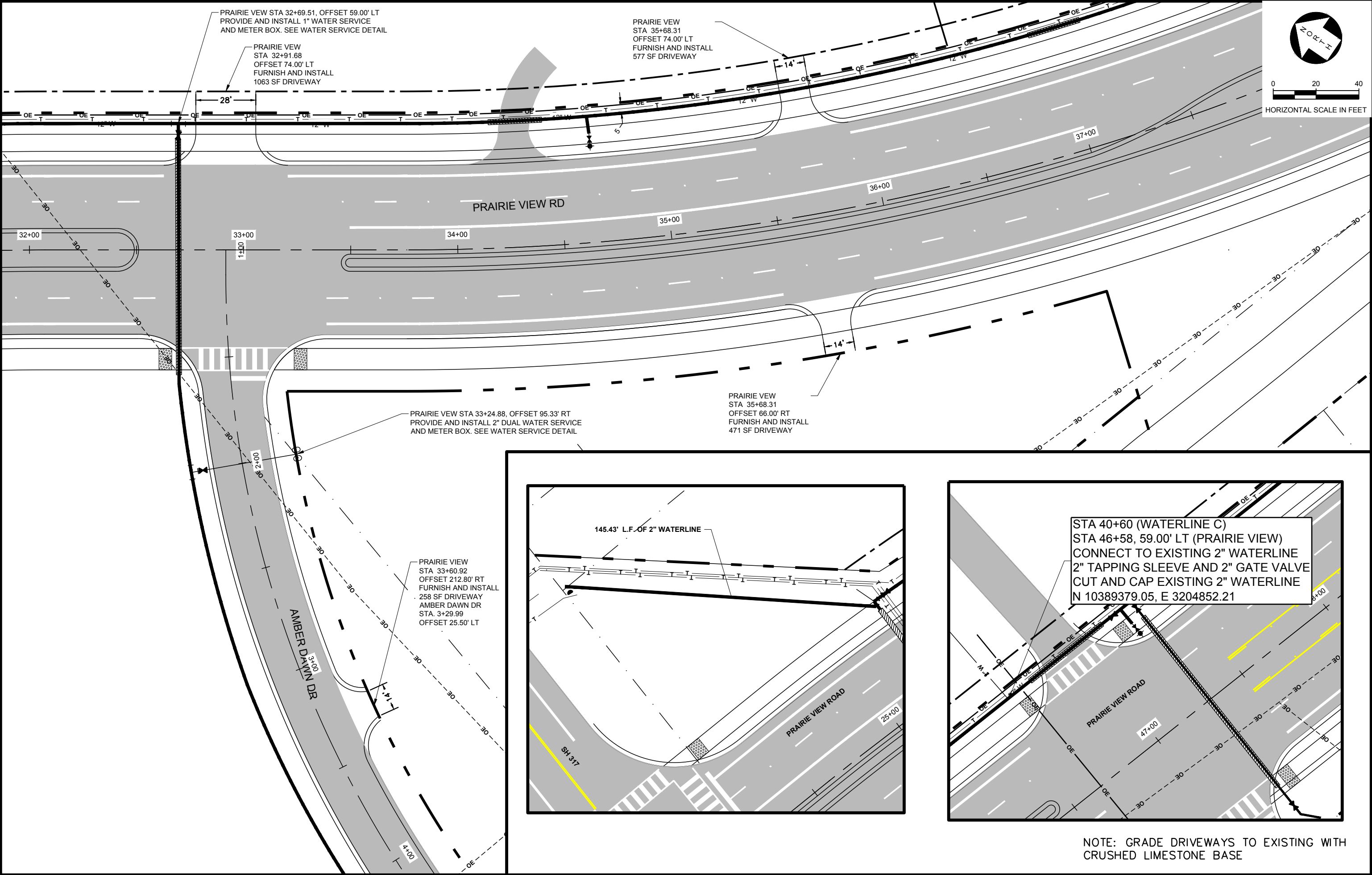
DRIVEWAY #2



DRIVEWAY #3







NOTE: GRADE DRIVEWAYS TO EXISTING WITH CRUSHED LIMESTONE BASE

# CHANGE ORDER

PROJECT: **Prairie View Road Phase 2**  
 OWNER: **City of Temple**  
 CONTRACTOR: **R.T. Schneider Constuction Company, LTD.**  
 ENGINEER: **Kasberg, Patrick & Associates**  
 CHANGE ORDER #: **Three**

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

<b>Add: Concrete driveways, 2" waterline, water services, water connections, driveway culverts, striping, signage, ADA ramps, relocate fire hydrant and associated work items</b>						
Item	RFP #1 BISD Driveway #4 (Add 12 Calendar Days)	Quantity	Unit	Unit Price	Extended Amount	
CO3-1	Mobilization, Bond & Insurance	100%	LS	\$ 398.08	\$	398.08
CO3-2	Unclassified Fill	1883	CY	\$ 1.25	\$	2,353.75
CO3-3	18" RCP with Plugged End	116	LF	\$ 51.29	\$	5,949.64
CO3-4	18" Concrete Headwall (TxDOT CH-FW-O)	1	EA	\$ 1,712.15	\$	1,712.15
CO3-5	4'x2' Concrete Box Culvert	109	LF	\$ 254.10	\$	27,696.90
CO3-6	4'x2' Concrete Safety End	100%	LS	\$ 8,965.00	\$	8,965.00
CO3-7	Revegetation	2735	SY	\$ 2.34	\$	6,399.90
				Subtotal	\$	53,475.42
Item	RFP #2 2-inch Waterlines and Connections (Add 8 days)					
CO3-8	Mobilization, Bond & Insurance	100%	LS	\$ 88.06	\$	88.06
CO3-9	2" Waterline	150	LF	\$ 25.20	\$	3,780.00
CO3-10	2" Wet Tap Sht. W-04A	1	EA	\$ 1,354.50	\$	1,354.50
CO3-11	Connect 2" Waterline to Existing Waterline	1	EA	\$ 1,480.50	\$	1,480.50
CO3-12	Cut & Cap 2" Waterline	2	EA	\$ 258.30	\$	516.60
CO3-13	Pressure Testing	100%	LS	\$ 829.93	\$	829.93
CO3-14	Temporary Flush Assemblies	100%	LS	\$ 428.50	\$	428.50
CO3-15	2" Wet Tap Sht. W-08	1	EA	\$ 1,354.50	\$	1,354.50
CO3-16	Connect 2" Waterline to Existing Waterline	1	EA	\$ 1,480.50	\$	1,480.50
CO3-17	Cut & Cap 2" Waterline	2	EA	\$ 258.30	\$	516.60
				Subtotal	\$	11,829.69
<u>RFP #3 BISD Water Service (Add 2 Calendar Days)</u>						
CO3-18	Mobilization, Bond & Insurance	100%	EA	\$ 63.53	\$	63.53
CO3-19	16" Hot Tap with 10" Valve	1	EA	\$ 8,470.00	\$	8,470.00
				Subtotal	\$	8,533.53
<u>RFP #4 Additional Driveways and Water Services (Add 12 Calendar Days)</u>						
CO3-20	Mobilization, Bond & Insurance	100%	LS	\$ 111.00	\$	111.00
CO3-21	Unclassified Excavation	66	CY	\$ 3.70	\$	244.20
CO3-22	Furnish & Install 6" Concrete Drive w/ 6" CLB	199	CY	\$ 52.00	\$	10,348.00
CO3-23	Furnish & Install 2" Dual Water Service (w/4" sleeve)	1	EA	\$ 2,760.00	\$	2,760.00
CO3-24	Furnish & Install Water Service	1	EA	\$ 1,430.00	\$	1,430.00
				Subtotal	\$	14,893.20
<u>RFP #5 BISD Driveways #2&amp;#3 (Add 8 Calendar Days)</u>						
CO3-25	Mobilization, Bond & Insurance	100%	LS	\$ 225.21	\$	225.21
CO3-26	Stop Bar #2	15	LF	\$ 8.40	\$	126.00
CO3-27	Stop Bar #3	30	LF	\$ 8.40	\$	252.00
CO3-28	Crosswalk #3 Striping	65	LF	\$ 10.50	\$	682.50
CO3-29	Driveway #2 6" Concrete with 6" Base	143	SY	\$ 52.00	\$	7,436.00
CO3-30	Driveway #3 6" Concrete with 6" Base	229	SY	\$ 52.00	\$	11,908.00
CO3-31	Unclassified Excavation	124	CY	\$ 3.70	\$	458.80
CO3-32	Stop Signs R1-1 posts	2	EA	\$ 370.00	\$	740.00
CO3-33	Relocate Fire Hydrant	1	EA	\$ 8,110.00	\$	8,110.00
CO3-34	Type 7 ADA Ramps	2	EA	\$ 1,100.00	\$	2,200.00
				Subtotal	\$	32,138.51
<b>Add Total</b>					<b>\$</b>	<b>120,870.35</b>

This Change Order modifies the day for completion adding 42 Calendar Days due additional work.



**CHANGE ORDER**

PROJECT: **Prairie View Road Phase 2**  
OWNER: **City of Temple**  
CONTRACTOR: **R.T. Schneider Constuction Company, LTD.**  
ENGINEER: **Kasberg, Patrick & Associates**  
CHANGE ORDER #: **Three**

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

Original Contract Amount	\$ 6,770,497.11
Previous Net Change in Contract Amount	\$ 20,685.00
Net Change in Contract Amount	\$ 120,870.35
Revised Contract Amount	\$ 6,912,052.46
Original Contract Time	330 days
Previous Net Change in Contract Time	35 days
Net Change in Contract Time	42 days
Revised Contract Time	407 days
Original Final Completion Date	January 15, 2019
Revised Final Completion Date	April 2, 2019

**Recommended By:**\_\_\_\_\_  
Project Manager (City Staff)\_\_\_\_\_  
Date**Agreed to:**\_\_\_\_\_  
Contractor\_\_\_\_\_  
Date**Approved as to form:**\_\_\_\_\_  
City Attorney's Office\_\_\_\_\_  
Date\_\_\_\_\_  
Texas Department of Transportation\_\_\_\_\_  
Victor J. Goebel, TxDOT Waco District\_\_\_\_\_  
Date**Recommended by:**\_\_\_\_\_  
Architect/Engineer\_\_\_\_\_  
Date**Approved by City of Temple:**\_\_\_\_\_  
Brynn Myers, City Manager\_\_\_\_\_  
Date**Approved by Finance Department**\_\_\_\_\_  
Finance\_\_\_\_\_  
Date

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA  
ATTN: MICHAEL NEWMAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/3/2018  
JOB : PRAIRIE VIEW ROADWAY - PHASE II  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### RFP #1 - BISD DRIVEWAY REVISIONS

ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
MOB, BOND & INSURANCE	100%	LS	\$398.08	\$398.08
UNCLASSIFIED FILL	1,883	CY	\$1.25	\$2,353.75
18" RCP WITH PLUGGED END	116	LF	\$51.29	\$5,949.64
18" CONC. HW (TXDOT CH-FW-O)	1	EA	\$1,712.15	\$1,712.15
4x2 CONCRETE BOX CULVERT	109	LF	\$254.10	\$27,696.90
4x2 CONCRETE SAFETY END	1	LS	\$8,965.00	\$8,965.00
REVEGETATION	2,735	SY	\$2.34	\$6,399.90

TO CONTRACT SCHEDULE - ADD 12 DAYS

SUBTOTAL: \$53,475.42

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$53,475.42

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA  
ATTN: MICHAEL NEWMAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/3/2018  
JOB: PRAIRIE VIEW ROADWAY - PHASE II  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### RFP #2 - 2" WATERLINE & CONNECTIONS

ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
<b>SHEET W-04A</b>				
MOB, BOND & INSURANCE	100%	LS	\$88.06	\$88.06
2" WATERLINE	150	LF	\$25.20	\$3,780.00
2" WET TAP	1	EA	\$1,354.50	\$1,354.50
CONNECT TO EXISTING	1	EA	\$1,480.50	\$1,480.50
CUT & CAP	2	EA	\$258.30	\$516.60
PRESSURE TESTING	100%	LS	\$829.93	\$829.93
TEMP. FLUSH ASSEMBLIES	100%	LS	\$428.50	\$428.50

### SHEET W-08

2" WET TAP	1	EA	\$1,354.50	\$1,354.50
CONNECT TO EXISTING	1	EA	\$1,480.50	\$1,480.50
CUT & CAP	2	EA	\$258.30	\$516.60

TO CONTRACT SCHEDULE - ADD 8 DAYS

SUBTOTAL: \$11,829.69

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$11,829.69

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA  
ATTN: MICHAEL NEWMAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/3/2018  
  
JOB: PRAIRIE VIEW ROADWAY - PHASE II  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### RFP #3 - BISD SERVICE

ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
MOB BOND & INSURANCE	100%	LS	\$63.53	\$63.53
16" HOT TAP W/ 10" VALVE	1	EA	\$8,470.00	\$8,470.00

TO CONTRACT SCHEDULE - ADD 2 DAYS

SUBTOTAL: \$8,533.53

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$8,533.53

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_



# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA  
ATTN: MICHAEL NEWMAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/7/2018

JOB: PRAIRIE VIEW ROADWAY - PHASE II  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### RFP #4 - ADDITIONAL DRIVES / WATER SERVICES

ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
MOB BOND & INSURANCE	100%	LS	\$111.00	\$111.00
UNCLASSIFIED EXCAVATION	66	CY	\$3.70	\$244.20
F&I 6" CONCRETE DRIVE	199	SY	\$52.00	\$10,348.00
F&I 2" DUAL WATER SVC (W/4" SLEEVE)	1	EA	\$2,760.00	\$2,760.00
F&I 1" WATER SERVICE	1	EA	\$1,430.00	\$1,430.00

TO CONTRACT SCHEDULE - ADD 12 DAYS

SUBTOTAL: \$14,893.20

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$14,893.20

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA  
ATTN: MICHAEL NEWMAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/3/2018  
JOB: PRAIRIE VIEW ROADWAY - PHASE II  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### RFP #5 - BISD DRIVES 2 & 3

ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
MOB BOND & INSURANCE	100%	LS	\$225.21	\$225.21
STOP BAR #2	15	LF	\$8.40	\$126.00
STOP BAR #3	30	LF	\$8.40	\$252.00
CROSSWALK #3 STRIPING	65	LF	\$10.50	\$682.50
DRIVEWAY #2	143	SY	\$52.00	\$7,436.00
DRIVEWAY #3	229	SY	\$52.00	\$11,908.00
UNCLASSIFIED EXCAV. FOR DRIVES	124	CY	\$3.70	\$458.80
STOP SIGNS INC. R1-1 POSTS	2	EA	\$370.00	\$740.00
RELOCATE FIRE HYDRANT	1	EA	\$8,110.00	\$8,110.00
TXDOT TYPE 7 CURB RAMPS	2	EA	\$1,100.00	\$2,200.00

SUBTOTAL: \$32,138.51

TO CONTRACT SCHEDULE - ADD 8 DAYS

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$32,138.51

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

RESOLUTION NO. 2018-9184-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$120,870.35, FOR CONSTRUCTION OF PRAIRIE VIEW, PHASE 2; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City of Temple adopted a Transportation Capital Improvement Program in which capacity and connectivity improvements to Prairie View Road are identified - the improvements needed are to support the growing area, which includes the proposed development of the Lake Belton High School campus;

**Whereas**, on January 18, 2018 Council authorized a construction contract with R.T. Schneider Construction Company, Ltd. ("RTS") for construction of Prairie View Road Phase 2;

**Whereas**, Council also authorized a Memorandum of Agreement with the Belton Independent School District ("BISD") that provided for driveway, entrance drive and sidewalk improvements in exchange for a fee simple donation for right of way - subsequent to the MOA, design development of the school resulted in the identification of an additional drive approach, entrance road enhancement and water main needs to serve the schools;

**Whereas**, Change Order No. 3 includes construction of the drive approaches, entrance road realignment, and water main improvements to serve the BISD Lake Belton High School and High Point Elementary School campuses affected by the roadway construction;

**Whereas**, Staff recommends Council authorize Change Order No. 3 to the construction contract with R.T. Schneider Construction Company, LLC of Belton, Texas in the amount of \$120,870.35, for the construction of Prairie View Road, Phase 2;

**Whereas**, funds are available for this change order in Account No. 260-3400-531-6862, Account No. 365-3400-531-6862 and Account No. 520-5900-535-6521, Project No. 101257; and

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

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

**Part 1: 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 Change Order No. 3 to the construction contract with R.T. Schneider Construction Company, LLC of Belton, Texas in the amount of \$120,870.35, for the construction of Prairie View, Phase 2.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(E)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract amendment with Kimley-Horn and Associates, Inc., of Austin, in an amount not to exceed \$221,000 for professional services required for the rehabilitation of Scott elevated storage tank.

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

**ITEM SUMMARY:** The City owns and operates Scott elevated storage tank located on Scott Boulevard (map attached). In April 2018, a professional services agreement was approved to complete a Preliminary Engineering Report for the Scott elevated storage tank in the amount of \$24,800. The PER found structural and regulatory deficiencies and recommends a full rehabilitation. Erected in 1968, the 50-year-old tank will require interior and exterior rehabilitation and recoating to maintain potable water quality standards and comply with TCEQ regulations.

This contract amendment with Kimley Horn is for final design, bidding and construction phase services. The proposed timeline for design is 60 calendar days. Staff recommends authorizing the following scope of services and fees under this contract:

Design	\$ 54,000
Electrical Design	\$ 15,500
Survey	\$ 5,500
Bidding	\$ 11,000
Construction Contract Administration	\$ 35,000
Resident Project Representative	\$ 100,000
<b>TOTAL</b>	<b><u>\$ 221,000</u></b>

Construction is anticipated to begin late fall and is estimated to require 110 calendar days to complete. The preliminary opinion of probable cost ranges from \$1,090,000 to \$1,360,000 and will be further refined through the design phase.

**FISCAL IMPACT:** Funding for contract amendment #1 to the professional services agreement with Kimley-Horn and Associates, Inc. required for the rehabilitation of Scott elevated storage tank in an amount not to exceed \$221,000 is available for project 101834 as follows:

	<u>520-5100-535-6522</u>	<u>561-5100-535-6989</u>	<u>Total</u>
Project Budget	\$ 25,000	\$ 1,325,000	\$ 1,350,000
Encumbered/Committed to Date	(24,800)	-	(24,800)
<b>Kimley-Horn Contract Amendment #1</b>	-	(221,000)	(221,000)
<b>Remaining Project Funds</b>	<b>\$ 200</b>	<b>\$ 1,104,000</b>	<b>\$ 1,104,200</b>

**ATTACHMENTS:**

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

## City of Temple –1.0 MG Scott Elevated Storage Tank – Rehabilitation Design

### PROJECT UNDERSTANDING

This project consists of the design, bidding, and construction contract administration (CCA) for the rehabilitation and repaint of for the CITY's 1.0 million gallon (MG) Scott Elevated Storage Tank (EST). This project is a continuation of the preliminary engineering report prepared in May 2018.

### SCOPE OF SERVICES

#### 1. Design

The ENGINEER will provide the following professional services for the rehabilitation and repaint design of the Scott EST.

##### **A. Survey**

- Survey –Perform a topographic design survey of the tank site. The survey will include the following:
  - Locate visible topographic features such as marked and existing utilities and their appurtenances, and larger, iron pins (if found), edge of pavement, structures and fences.
  - Establish control points.

##### **B. Prepare 95% engineering plan and technical specifications**

Prepare engineering plan sheets, specifications and construction contract documents, for project bidding. Plans shall consist of 22" x 34" plan sheets. The following listing is an example of anticipated Plan Sheets. The actual list may vary depending on design options chosen by the CITY during the Preliminary Engineering Report.

- Plan Sheets
  - Civil Plan Sheets
    - Site Plan
    - Grading Plan

- Tank Elevations and Sections (2 Sheets)
  - Roof Improvements (2 Sheets)
  - Dry Riser Improvements
  - Tank Bowl and Access Tube (2 Sheets)
  - Logo Details
  - Construction Details (8 Sheets)
- Electrical Plan Sheets
  - Legends & Abbreviations
  - Site Plan
  - One Line Diagram
  - Tank Elevation
  - Tank and Roof Plan
  - Details (3 Sheets)
- Instrumentation Plans
  - SCADA RTU Control Plan
  - SCADA RTU Power Schematic
  - SCADA RTU I/O (3 Sheets)
- Specifications and materials for installation
  - Contract Documents - Specifications will include technical specifications for materials and installation of the proposed facilities. The Contract Documents will be based upon the CITY's standard documents and requirements for public work construction. The ENGINEER will prepare special specification for items either not covered by the City of Standards or where the City of Standards need to be modified to meet the requirements of the project.
- Opinion of Probable Construction Cost – The ENGINEER will prepare final opinions of probable construction cost for the project. The ENGINEER has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to ENGINEER at this time and represent only the ENGINEER's judgment as a design professional familiar with the construction industry. The ENGINEER cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.
- Prepare a letter and submit plans for TCEQ review.

***C. Meetings and Deliverables***

A PDF copy of deliverables will be provided as well as the defined number of hard copies, as follows.

- Deliverables
  - One (1) TCEQ Review Submittal and Letter
  - Three (3) copies of the 95% Construction Plans and Technical Specifications.
  - Three (3) copies of the Opinion of Probable Construction Cost.
  - Five (5) copies of the Final Construction Plans and Specifications.
  - One (1) copy of Reproducible Bidding Documents (Plans and Specifications).
- Meetings
  - Conduct a 95% plans and specifications review workshop
  - Conduct a progress meeting

***D. Services provided by the CITY***

- Review and comment of 95% complete plans, specifications, contract documents, and Opinion of Probable Construction Cost.

**2. Bid Phase Services**

- Print and issue 10 sets of bidding documents. Additional sets of bidding documents shall be printed, only upon the CITY's authorization, as Additional Professional Services. Bidding documents will be issued to potential bidders upon the payment of a non-refundable fee to cover the cost of printing those documents.
- Issue addenda as required.
- Administer Pre-Bid Meeting.
- Evaluate Bids.
- Evaluate Contractor Qualifications.
- Prepare Award Recommendation Letter
- Address Contractor Questions
- In this phase, KHA will provide the following deliverables:
  - Notice to Bidders for advertising by the CITY.
  - Addenda as required.
  - Contractor Award Recommendation
  - Print and deliver to the CITY up to 30 sets of bid documents.

### 3. Construction Contract Administration (CCA)

ENGINEER will provide construction contract administration services to the CITY during the construction phase of the project.

#### A. Construction Cost Projections

The estimated construction period for the basis of establishing the ENGINEER's Fee for each phase is as follows:

- Tank Rehab – Up to six (6) months.

The construction phase services are as follows:

1. Pre-Construction Conference – The ENGINEER will conduct a Pre-Construction Conference prior to commencement of Work at the Site. The ENGINEER will invite the grant administrator to the conference.
2. Visits to Site and Observation of Construction - The ENGINEER will provide on-site construction observation services during the construction phase of the subject project. Observations will vary depending on the type of work being performed by the contractors, the location, and the contractors' schedules.
3. The ENGINEER will make visits to the Site up to six (6) times. Such visits and observations by ENGINEER are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on ENGINEER's exercise of professional judgment. Based on information obtained during such visits and such observations, ENGINEER will determine if Contractor's work is generally proceeding in accordance with the Contract Documents, and ENGINEER will keep CITY informed of the general progress of the Work.

Site Visit Purpose - The purpose of ENGINEER's visits to the site will be to enable ENGINEER to better carry out the duties and responsibilities assigned in this Agreement to ENGINEER during the construction phase by CITY, and, in addition, by the exercise of ENGINEER's efforts, to provide CITY a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents has been implemented and preserved by Contractor. ENGINEER will not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor will ENGINEER have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly,

- ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.
4. Recommendations with Respect to Defective Work - The ENGINEER will recommend to CITY that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, ENGINEER believes that such work will not produce a completed Project that conforms generally to Contract Documents or that it will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Notwithstanding the foregoing, the CITY reserves the right to disapprove or reject Contractor's work without a recommendation from the ENGINEER.
  5. Clarifications and Interpretations - The ENGINEER will issue necessary clarifications and interpretations of the Contract Documents to CITY as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of the Contract Documents. Field Orders authorizing variations from the requirements of the Contract Documents will be made by CITY.
  6. Change Orders – The ENGINEER will recommend Change Orders to CITY, as appropriate. ENGINEER will review and make recommendations related to Change Orders submitted or proposed by the Contractor.
  7. Shop Drawings and Samples - The ENGINEER will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.
    - a. The ENGINEER will use a file management system such as Sharefile to facilitate electronic submissions and distribution of shop drawings and submittals.
  8. Substitutes and "or-equal." - The ENGINEER will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities. ENGINEER will notify CITY of any such substitutions.
  9. Inspections and Tests - The ENGINEER will require, at the Contractor's cost, such special inspections or tests of Contractor's work as ENGINEER deems appropriate, and receive and review certificates of inspections within ENGINEER's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. ENGINEER's review

of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. ENGINEER will be entitled to rely on the results of such tests and the facts being certified.

10. Disagreements between CITY and Contractor - As necessary, The ENGINEER will, with reasonable promptness, render initial written decision on all claims of CITY and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, ENGINEER will be fair and not show partiality to CITY or Contractor and will not be liable in connection with any decision rendered in good faith in such capacity. The initial decisions of the ENGINEER shall be required as a condition precedent to mediation or litigation of any claim arising prior to the date final payment is due to the Contractor, unless thirty (30) days have passed after a claim has been referred to the ENGINEER with no decision having been rendered.
11. Applications for Payment - Based on ENGINEER's observations and on review of applications for payment and accompanying supporting documentation, the ENGINEER will determine the amounts that ENGINEER recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute ENGINEER's representation to CITY, based on such observations and review, that, to the best of ENGINEER's knowledge, information and belief, Contractor's work has progressed to the point indicated, such work-in-progress is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled insofar as it is ENGINEER's responsibility to so determine. In the case of unit price work, ENGINEER's recommendations of payment will include final determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.
12. By recommending any payment, ENGINEER will not thereby be deemed to have represented that observations made by ENGINEER to check Contractor's work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to ENGINEER in this Agreement. Neither ENGINEER's review of Contractor's work for the purposes of recommending payments nor ENGINEER's recommendation of any payment including final payment will impose on ENGINEER responsibility to supervise, direct, or control Contractor's work in progress or for the means, methods, techniques, equipment choice and usage, sequences, or procedures of construction of safety precautions or programs incident thereto, nor Contractor's compliance with Laws and Regulations applicable



- to Contractor's furnishing and performing the Work. It will also not impose responsibility on ENGINEER to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to CITY free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between CITY and Contractor that might affect the amount that should be paid.
13. Substantial Completion - Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with CITY and Contractor, the ENGINEER will conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of CITY, ENGINEER considers the Work substantially complete, ENGINEER will notify CITY and Contractor.
  14. Final Notice of Acceptability of the Work - The ENGINEER will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that ENGINEER may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, ENGINEER will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of ENGINEER's knowledge, information, and belief and based on the extent of the services provided by ENGINEER under this Agreement and based upon information provided to ENGINEER upon which it is entitled to rely.
  15. Limitation of Responsibilities – The ENGINEER will not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. ENGINEER will not have the authority or responsibility to stop the work of any Contractor.
  16. Record Drawings – The ENGINEER will prepare record drawings based on contractor and inspector combined mark-ups of construction plans. The ENGINEER will follow CITY record drawing procedures, including a review set and a final set in with digital and hard copies.

## **B. Deliverables**

- Review of up to six (6) shop drawings and submittals
- One (1) review set of 22"x34" Record Drawings
- Two (2) sets of final 22"x34" Record Drawings
- One (1) CD of record drawings

**C. Resident Project Representative**

- ENGINEER will furnish a Resident Project Representative (RPR), to assist ENGINEER in observing progress and quality of the Work and to observe materials furnished and report findings to the ENGINEER. The ENGINEER has retained the services of Boswell & Reyes, Robert Boswell NACE Level III Certified Inspector, to provide RPR services.
- Through such additional observations of Contractor's work in progress and field checks of materials by the RPR and assistants, ENGINEER shall endeavor to provide for a greater degree of confidence to the CITY that the Work will conform in general to the Contract Documents. However, ENGINEER shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, or procedures selected or used by Contractor, for security or safety at the Site, for safety precautions and programs incident to Contractor's work in progress, for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's performing and furnishing the Work.
- RPR will be onsite at intervals and durations appropriate for the construction activities ongoing at the time. Services are based on a \$100/hour rate not to exceed 1,000 hours.
- RPR will observe the surface preparation and coatings application for conformance with the Contract Documents.
- Records
  - Prepare a reports, recording Contractor's hours on the site, weather conditions, wind speed, relative humidity, wet and dry surface temperature, dew point, dry film thickness, surface profile measurements, a printout of all the holiday testing measurements, material batch numbers, site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to the ENGINEER. Daily reports must be signed by the NACE inspector and be provided to CITY on a weekly basis. Record names, addresses, e-mail addresses, web site locations and telephone numbers of all Contractors, subcontractors, and major suppliers of materials and equipment.

## FEE SCHEDULE

Kimley-Horn will not exceed the total maximum fee shown below without authorization from the CITY. Labor fee will be billed on an hourly basis according to our attached rates. As to these tasks, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.10 times cost. All permitting, application, and similar project fees will be paid directly by the City.

### *Lump Sum*

Task 1	Design	\$ 54,000
Task 2	Bidding	\$ 11,000
Task 3	Construction Contract Administration (CCA)	\$ 35,000
	<i>Electrical Design (McCreary and Associates)</i>	\$ 15,500
	<i>Survey (Gorron dona and Associates)</i>	\$ 5,500
	<i>Resident Project Representative (Boswell &amp; Reyes)</i>	\$ 100,000
<b>Total Fee</b>		<b>\$ 221,000</b>

## **ADDITIONAL SERVICES**

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Meetings beyond those identified in the scope
- Assisting OWNER or Contractor in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, will be furnished by ENGINEER on a fee basis negotiated by the respective parties outside of and in addition to this Agreement.
- Sampling, testing, or analysis beyond that specifically included in the Scope of Services referenced herein above.
- Preparing applications and supporting documents for government grants, loans, or planning advances, and providing data for detailed applications.
- Appearing before regulatory agencies or courts as an expert witness in any litigation with third parties or condemnation proceedings arising from the development or construction of the Project, including the preparation of engineering data and reports for assistance to the CITY.
- Providing professional services associated with the discovery of any hazardous waste or materials in the project route.
- Providing additional presentations to the CITY Council.
- Providing construction staking, additional platting, or other surveying services not identified in the above Scope of Services.
- Providing any easement acquisition services.
- Attending additional public meetings during the project.
- Preparation of Easement Documents
- Perform any materials testing.
- Perform welding and coating inspections.
- Any services not listed in the Scope of Services.

**Kimley-Horn and Associates, Inc.**

**Standard Rate Schedule**

(Hourly Rate)

Senior Professional I	\$240 - \$265
Senior Professional II	\$180 - \$250
Professional	\$160 - \$210
Senior Technical Support	\$115 - \$190
Technical Support	\$70 - \$100
Analyst	\$105 - \$175
Support Staff	\$ 75 - \$ 115

*Effective July 2017*

**City of Temple, Texas**  
**2018 1.0 MG Scott Elevated Storage Tank - Design**

TASK DESCRIPTION	KIMLEY-HORN				Subtotal Hours	Cost of Labor	Expenses	Total Cost / Notes
	Project Manager	Principal P.E. (QC)	Analyst	Acct'g Admin				
<b>Task 1: Design</b>								
2.1. Site Visit	4		4		8		\$ 1,335	Travel and Office Expense
2.2 95% Design		4		10	14		\$ 5,500	Sub-Consultant (Survey)
2.2.1 Plan Sheet					0			
2.2.1.1 Civil Plan Sheets (18 Sheets)	30		90		120			
2.2.1.2 Electrical and Instrumentation Plan Sheets					0		\$ 15,500	Sub-Consultant (Electrical)
2.2.1.3 Structural Detailing	8		12		0			
2.2.2 Specifications					0			
2.2.2.1 Bid Form	2		4		6			
2.2.2.2 Front End Specs	10		10		20			
2.2.2.3 Technical Specifications	15		10		25			
2.2.3 Opinion of Probable Construction Cost	2		8		10			
2.2.4 Sub and Paint Manuf. Coord	6		10		16			
2.2.5 QA/QC	4	6	12		22			
2.3 Review Meetings (1)	4		4		8			
2.4 Address QA/QC and City Comments	4		10		14			
2.5 TCEQ Coordination and Letter	4		8		12			
Subtotal =	93	10	182	10	253	\$ 52,665	\$ 22,335	\$ 75,000
<b>Task 2: Bid Phase Services</b>								
3.1. Bidding Documents	2		4	4	10		\$ 1,990	Travel and Office Expense
3.2. Addenda and Questions	4	1	8		13			
3.3. Pre-Bid Meeting	4		4		8			
3.4. Bid Opening	4		4		8			
3.4. Bid Tab	1	1	2	4	8			
3.5. Award Letter	2	1	2		5			
Subtotal =	17	3	24	8	52	\$ 9,010	\$ 1,990	\$ 11,000
<b>Task 3: Construction Contract Administration (CCA)</b>								
4.1. PreConstruction Meeting	4		6	4	14		\$ 905	Travel and Office Expense
4.2. Site Visits and Progress Meetings (6)	24		30	6	60			
4.3. RFI (2) and Contractor Questions	4		6		10		\$ 100,000	Resident Project Representative (B & R)
4.4. Shop Drawings (6) and Log	24	2	36	6	68			
4.5. Payment Requests (6)	3		6		9			
4.6. Substantial and Final Completion Visits	16		16		32			
Subtotal =	75	2	100	16	193	\$ 34,095	\$ 100,905	\$ 135,000
Grand Total Hours =	185	15	306	34	498			
Hourly Rates =	\$215	\$265	\$160	\$90				
Subtotal Labor Fee =	\$39,775	\$3,975	\$48,960	\$3,060		\$95,770	\$125,230	\$ 221,000.00
Total KHA Labor Fee =	\$95,770							
Total Subconsultant =	\$121,000							
Total Expenses =	\$4,230							
Subtotal KHA Costs =	\$221,000							
GRAND TOTAL COST ESTIMATE =	\$ 221,000							

Scott EST Rehab and Repaint  
May 2018

ID	% Complete	Task Name	Duration	Start	Finish	Predecessors	2018 M A M J J A S O N D J F M A											
1	0%	<b>Scott EST Rehab</b>	<b>282 days</b>	<b>Mon 3/19/18</b>	<b>Tue 4/16/19</b>													
2	0%	<b>Kick-off and Data Collection</b>	<b>6 days</b>	<b>Mon 3/19/18</b>	<b>Mon 3/26/18</b>													
6	0%	<b>Inspection</b>	1 day	Tue 5/1/18	Tue 5/1/18	4,5												
7	0%	<b>Preliminary Engineering Report</b>	20 days	Wed 5/2/18	Tue 5/29/18	6												
8	0%	<b>Design</b>	<b>60 days</b>	<b>Wed 5/30/18</b>	<b>Tue 8/21/18</b>	7												
9	0%	Prepare Plans	20 days	Wed 5/30/18	Tue 6/26/18	7												
10	0%	<b>95 % Submittal</b>	<b>22 days</b>	<b>Tue 6/26/18</b>	<b>Thu 7/26/18</b>													
11	0%	Submit 95% Plans	0 days	Tue 6/26/18	Tue 6/26/18	9												
12	0%	Meeting with City	1 day	Wed 6/27/18	Wed 6/27/18	11												
13	0%	Meeting with Dallas	1 day	Thu 6/28/18	Thu 6/28/18	12												
14	0%	City Review	15 days	Fri 6/29/18	Thu 7/19/18	13												
15	0%	Revisions per City Comments	5 days	Fri 7/20/18	Thu 7/26/18	14												
16	0%	<b>Final Submittal</b>	<b>18 days</b>	<b>Thu 7/26/18</b>	<b>Tue 8/21/18</b>													
17	0%	Submit Final Plans	0 days	Thu 7/26/18	Thu 7/26/18	15												
18	0%	Meeting with City	1 day	Fri 7/27/18	Fri 7/27/18	17												
19	0%	City Review	10 days	Mon 7/30/18	Fri 8/10/18	18												
20	0%	Revisions per City Comments	5 days	Mon 8/13/18	Fri 8/17/18	19												
21	0%	Final OPCC	1 day	Mon 8/20/18	Mon 8/20/18	20												
22	0%	City Approval	1 day	Tue 8/21/18	Tue 8/21/18	21												
23	0%	<b>Bidding</b>	<b>60 days</b>	<b>Wed 8/22/18</b>	<b>Tue 11/13/18</b>	22												
30	0%	<b>Construction</b>	<b>110 days</b>	<b>Wed 11/14/18</b>	<b>Tue 4/16/19</b>	29												

Date: Fri 5/25/18

Task		External Milestone		Manual Summary Rollup	
Split		Inactive Task		Manual Summary	
Milestone		Inactive Milestone		Start-only	
Summary		Inactive Summary		Finish-only	
Project Summary		Manual Task		Progress	
External Tasks		Duration-only		Deadline	

## CONTRACT AMENDMENT (Professional Service Agreements)

**PROJECT:** Scott Elevated Storage Tank Rehabilitation  
**OWNER:** City of Temple  
**ARCHITECT/ENGINEER:** Kimley-Horn & Associates, Inc.  
**AMENDMENT #:** 1

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

Add professional services for final design, bidding and construction phase services for the rehabilitation of Scott Elevated Storage Tank:

Design	\$ 54,000
Electrical Design	\$ 15,500
Survey	\$ 5,500
Bidding	\$ 11,000
Construction Administration	\$ 35,000
Project Representative	<u>\$ 100,000</u>
<b>TOTAL</b>	<b>\$ 221,000</b>

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:	\$ <u>24,800</u>
Previous Net Change in Contract Amount:	\$ <u>-0-</u>
Amount This Amendment:	\$ <u>221,000</u>
Revised Contract Amount:	\$ <u>245,800</u>
Original Contract Completion Date:	<u>May 19, 2018</u>
Revised Contract Completion Date:	<u>August 20, 2018</u>

Recommended by:

Sh - Cl June 8, 2018  
Project Manager Date

Agreed to:

B. J. [Signature] 6/8/18  
Architect or Engineer Date

Approved by City of Temple:

\_\_\_\_\_  
Brynn Myers, City Manager Date

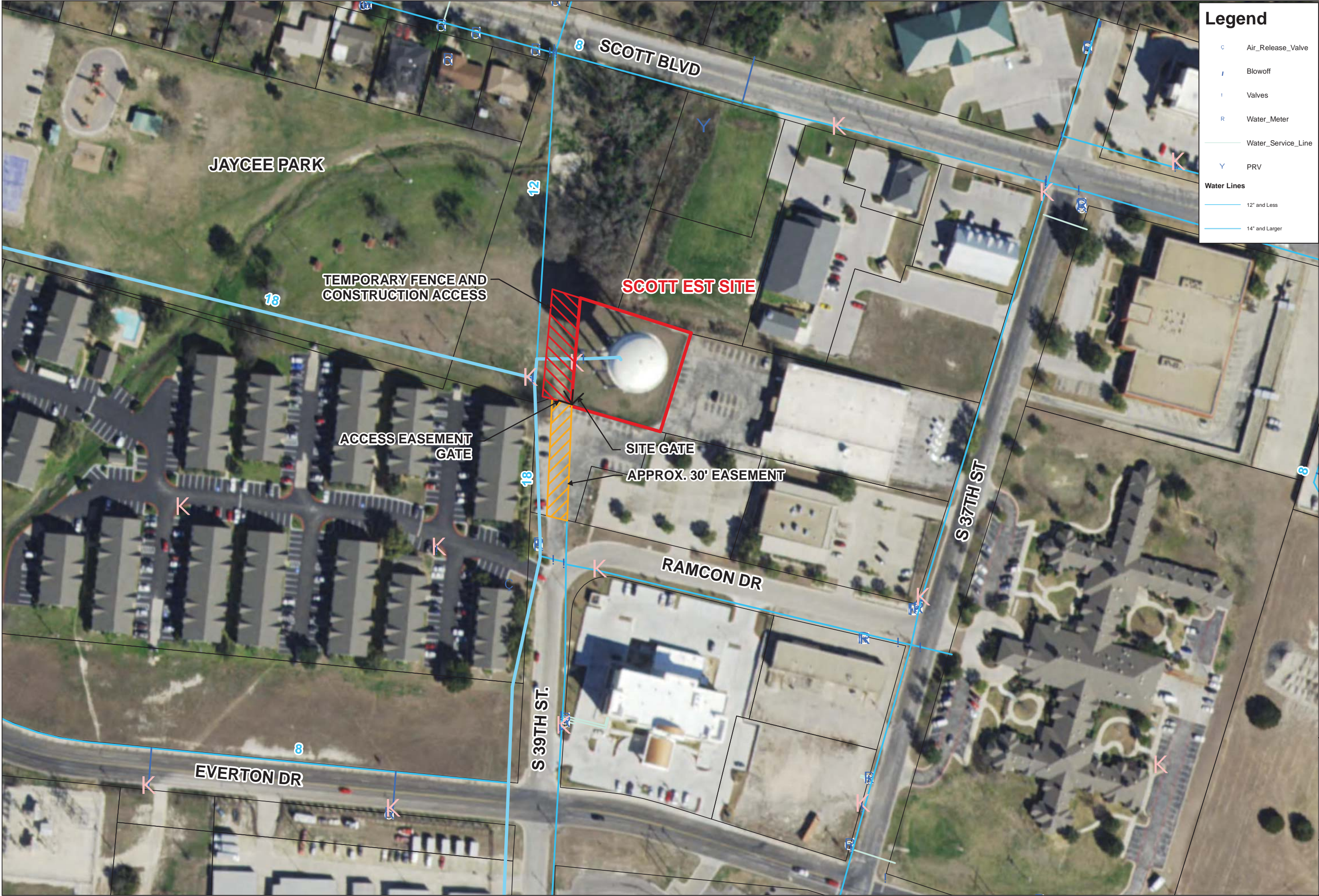
Approved as to form:

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

Approved by Finance Department:

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





**Legend**

C

Air\_Release\_Valve

I

Blowoff

I

Valves

R

Water\_Meter

—

Water\_Service\_Line

Y

PRV

**Water Lines**

—

12" and Less

—

14" and Larger

**Kimley»Horn**

No.	Revision	By	Date

City of Temple

SCOTT 1.0 MG ELEVATED STORAGE TANK REHABILITATION

TANK SITE LOCATION EXHIBIT

DATE:	MAY 2018
DESIGN:	SRM
DRAWN:	JML
CHECKED:	SRM
KHA NO.:	064325007

SHEET

1

OF 1 SHEETS



RESOLUTION NO. 2018-9185-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. OF AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$221,000, FOR SERVICES REQUIRED FOR THE REHABILITATION OF THE SCOTT ELEVATED STORAGE TANK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City owns and operates the Scott Elevated Storage Tank located on Scott Boulevard;

**Whereas**, in April 2018, a professional services agreement was approved to complete a Preliminary Engineering Report for the Scott Elevated Storage Tank in the amount of \$24,800 and per that report, structural and regulatory deficiencies were noted and a full rehabilitation was recommended;

**Whereas**, the Scott Elevated Storage Tank was erected in 1968 - the 50-year-old tank will require interior and exterior rehabilitation and recoating to maintain potable water quality standards and comply with TCEQ regulations;

**Whereas**, this contract amendment provides for the final design, bidding and construction phase services of the project;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Kimley-Horn and Associates in an amount not to exceed \$221,000, for the rehabilitation of the Scott Elevated Storage Tank;

**Whereas**, funding for this amendment is available in Account No. 520-5100-535-6522 and Account No. 561-5100-535-6989, Project No. 101834; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Kimley-Horn and Associates, Inc. of Austin, Texas in an amount not to exceed \$221,000, for services required for the rehabilitation of the Scott Elevated Storage Tank.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(F)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the addition of a vestibule at the Summit Recreation Center, improvements to Clarence Martin Recreation Center, and construction of a restroom facility in South Temple Park.

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

**ITEM SUMMARY:** Funding is currently designated in the FY 2018 Capital Budget to add a vestibule to the south entrance of the Summit Recreation Center and to make building envelope and painting improvements to the Clarence Martin Recreation Center. In addition, funding is available in Park Escrow Deposits to add a restroom facility in South Temple Park, adjacent to Lions Junction Family Water Park.

The Summit vestibule project was originally bid in the fall of 2017; however, only one bid was received, which was over the designated project budget, and Council authorized rejection of this bid on January 18, 2018. This project has been designed by MRB Group of Temple. Staff believes that working with a general contractor under the Construction Manager-at-Risk method could provide valuable input to constructing this project within the allocated budget.

With regards to the Clarence Martin Recreation Center desired improvements, it will be beneficial to work with a contractor to define the scope of the project within the allocated project budget. Accordingly, Staff is recommending the use of the CMAR method for this project also. This project is currently being designed by Neal Architectural Group of Temple.

The addition of a restroom facility in South Temple Park has been identified as an important missing element in the park. Neal Architectural Group of Temple is currently designing a six stall restroom facility (three men/three women) that will be constructed adjacent to Lions Junction Family Water Park. Based on the small size of this project, Staff believes that the best value can be obtained by grouping this project into a larger CMAR contract.

In accordance with the Texas Government Code Chapter 2269 and the Local Government Code §252.021, before a municipality enters into a contract that requires competitive sealed bidding, the governing body may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality. As such, and for the scheduling and budgetary reasons stated in the previous paragraph, it is staff's recommendation that the best value for these projects can be achieved by using the Construction Manager-at-Risk project delivery method.

If authorized by the Council, staff anticipates incorporating these three projects in with the Water Treatment Plant 2<sup>nd</sup> Floor and the City Manager Suite renovation projects that Staff is currently soliciting CMAR proposals for, per Council authorization on June 7, 2018. Staff anticipates coming back to Council in August with a recommendation for hiring a CMAR contractor for all five projects.

**FISCAL IMPACT:** Funding for the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the Summit Recreation Center vestibule project, the Clarence Martin Recreation Center improvements, and the South Temple Park restroom facility are available as follows:

	Summit Recreation Center Vestibule 110-5932-551-6310		Clarence Martin Recreation Center Improvements 110-5932-551-6310		South Temple Park Restroom Facility 110-3500-552-6332	Total				
	101548		101691	101692	101819					
Project Budget	\$	53,400	\$	18,000	\$	35,400	\$	173,400		
Encumbered/Committed to Date		(8,850)		-		(6,600)		-	(15,450)	
Remaining Project Funds	\$	44,550	\$	18,000	\$	28,800	\$	66,600	\$	157,950

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

RESOLUTION NO. 2018-9186-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE CONSTRUCTION MANAGER-AT-RISK PROJECT DELIVERY METHOD FOR THE ACQUISITION OF CONSTRUCTION SERVICES NEEDED FOR THE THE SUMMIT RECREATION CENTER, THE CLARENCE MARTIN RECREATION CENTER, AND SOUTH TEMPLE PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, funding is designated in the fiscal year 2018 Capital Budget to add a vestibule to the south entrance of the Summit Recreation Center, to make building envelope and painting improvements to the Clarence Martin Recreation Center, and the addition of a restroom facility in South Temple Park, adjacent to Lions Junction Family Water Park;

**Whereas**, the Summit vestibule project was originally bid in the fall of 2017 - only one bid was received, which was over the designated project budget, and Council authorized rejection of this bid on January 18, 2018;

**Whereas**, this project was designed by MRB Group of Temple Texas and Staff believes that working with a general contractor under the Construction Manager-at-Risk (“CMAR”) method would provide valuable input in construction of this project within the allocated budget;

**Whereas**, Staff believes that working with a general contractor under the CMAR method to define the scope of the project for the improvements to the Clarence Martin Recreation Center will also be beneficial – this project is currently being designed by Neal Architecture Group of Temple, Texas;

**Whereas**, the addition of a restroom facility in South Temple Park has been identified as an important missing element in the park and Neal Architecture Group is currently designing a 6-stall restroom facility (3 men/3 women) that will be constructed adjacent to Lions Junction Family Water Park - based on the small size of this project, Staff believes that the best value can be obtained by grouping this project into a larger CMAR contract;

**Whereas**, in accordance with the Texas Government Code Chapter 2269 and the Local Government Code §252.021, before a municipality enters into a contract that requires competitive sealed bidding, the governing body may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality;

**Whereas**, for scheduling and budgetary reasons, Staff recommends that the best value for the project can be achieved by using the CMAR project delivery method;

**Whereas**, funding for the use of the CMAR project delivery method for the above-referenced projects is available in the following accounts:

- Summit Recreation Center Vestibule:
  - Account No. 110-5932-551-6310, Project No. 101548;

- Clarence Martin Rec Center Improvements:
  - Account No. 110-5932-551-6310, Project No. 101619 & Project No. 101692;
- South Temple Park Restroom Facility:
  - Account No. 110-3500-552-6332, Project No. 101819; 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 use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the addition of a vestibule at the Summit Recreation Center, improvements to Clarence Martin Recreation Center, and the construction of a restroom facility in South Temple Park.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(G)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$210,250 for engineering services required for construction phase services for Phase 3B of the Outer Loop.

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

**ITEM SUMMARY:** West Temple is rapidly growing along the West Adams corridor. Roadway improvements to the Outer Loop (Old Waco Road) south of West Adams are needed to support continued development.

The engineering services were authorized by Council on February 20, 2014. The infrastructure designed with this phase of the project includes approximately one half of a mile of arterial thoroughfare and sidewalks and associated utility improvements and adjustments. Staff is prepared to proceed to the construction phase.

The proposed timeline for construction is 240 calendar days from the Notice to Proceed. The proposal includes an additional 30 calendar days to accommodate project close-out activities. Per the attachment the services are as follows:

Construction Administration	\$ 142,000.00
Onsite Representation	<u>\$ 68,250.00</u>
<b>TOTAL</b>	<b><u>\$ 210,250.00</u></b>



**FISCAL IMPACT:** Funding for contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP for engineering services required for construction phase services for Outer Loop Phase 3B in an amount not to exceed \$210,250 is available for project 101121 as follows:

	<u>365-3400-531-6813</u>	<u>520-5900-535-6521</u>	<u>561-5200-535-6813</u>	<u>Total</u>
Project Budget	\$ 7,227,455	\$ 682,087	\$ 600,000	\$ 8,509,542
Encumbered/Committed to Date	(1,424,664)	-	-	(1,424,664)
<b>KPA Contract Amendment #8</b>	(164,351)	(45,899)	-	(210,250)
<b>Construction Award - Tex-Global</b>	(4,116,158)	(549,545)	(600,000)	(5,265,703)
<b>Remaining Project Funds</b>	<u><u>\$ 1,522,282</u></u>	<u><u>\$ 86,643</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 1,608,925</u></u>

**ATTACHMENTS:**

Engineer's Proposal  
Contract Amendment #8  
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  
JOHN A. SIMCIK, P.E., CFM

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

June 14, 2018

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

Re: City of Temple  
Outer Loop Phase III B  
Construction Phase Services

Dear Mr. Wilson:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will perform construction phase services for the Outer Loop Phase III B Project.

The work to be performed by KPA under this contract consists of providing engineering services for the construction phase of the project.

The following services will be performed:

I. CONSTRUCTION ADMINISTRATION

- A. Chair the Pre-Construction Conference.
- B. Review and approve all submittals for the project.
- C. Perform construction administration to include site visits, meeting with the contractor and answer questions and holding progress meetings as required.
- D. Perform a monthly evaluation of the contractor's performance on the City of Temple form and submit to the City of Temple Project Manager.
- E. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- F. Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- G. Develop record drawings based on information supplied by the contractor.

## II. ON-SITE REPRESENTATION

- A. Perform daily on-site representation an average of 4 hours per day.
- B. Prepare and submit weekly logs of construction activities.

The following scope of work for construction phase services for the Outer Loop Phase III B Project can be completed for the lump sum price of \$210,250. Attached is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

### **Outer Loop III B**

Construction Administration	\$	142,000
On-Site Representation	\$	68,250
	\$	210,250

Exhibit A outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

We will invoice monthly for our services based on a percent completion basis. We appreciate the opportunity and look forward to working with you on this project.

Sincerely,



R. David Patrick, P.E., CFM

RDP/crc

xc: File

**ATTACHMENT "A"**

**Charges for Additional Services**

**City of Temple  
Outer Loop Phase III B  
Construction Phase Services**

<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

## CONTRACT AMENDMENT (Professional Service Agreements)

## PROJECT: Outer Loop Phase III

**OWNER:** City of Temple

**ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP**

## AMENDMENT #: 8

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

## Construction Phase Services for Phase IIIB

<b>Construction Administration</b>	<b>\$ 142,000.00</b>
------------------------------------	----------------------

<b>Onsite Representation</b>	<b><u>\$ 68,250.00</u></b>
------------------------------	----------------------------

**Total \$ 210,250.00**

**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:** \$ 198,640.00

<b>Previous Net Change in Contract Amount:</b>	<b>\$ <u>195,509.78</u></b>
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**Amount This Amendment:** \$ 210,250.00

**Revised Contract Amount:** \$ 604,399.78

**Original Contract Completion Date:** March 31, 2018

**Revised Contract Completion Date:** March 25, 2019

**Recommended by:**

**Agreed to:**

---

Project Manager
Date

Architect or Engineer Date

**Approved by City of Temple:**

**Approved as to form:**

Brynn Myers, City Manager                      Date

City Attorney's Office Date

**Approved by Finance Department:**

Date \_\_\_\_\_

RESOLUTION NO. 2018-9187-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$210,250, FOR ENGINEERING SERVICES REQUIRED FOR CONSTRUCTION PHASE SERVICES FOR PHASE 3B OF THE OUTER LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, West Temple is rapidly growing along the West Adams corridor and roadway improvements to the Outer Loop (Old Waco Rd) south of West Adams are needed to support continued development;

**Whereas**, the engineering services with Kasberg, Patrick & Associates, LP (“KPA”) were authorized by Council on February 20, 2014 - the infrastructure designed with this phase of the project includes approximately one-half of a mile of arterial thoroughfare and sidewalks and associated utility improvements and adjustments;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$210,250, for engineering services required for construction phase services for Phase 3B of the Outer Loop;

**Whereas**, funding for this agreement is available in Account No. 365-3400-531-6813, Account No. 520-5900-535-6521, and Account No. 561-5200-535-6813, Project No. 101121; and

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

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

**Part 1: 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 an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$210,250, for engineering services required for construction phase services for Phase 3B of the Outer Loop.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(H)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$72,960 for engineering services required in support of the City's Water and Wastewater Master Plan Update.

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

**ITEM SUMMARY:** On April 20, 2017, Council adopted a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for professional services required to complete the 2018 Water and Wastewater Master Plan.

Under this professional services agreement KPA will provide a working extended period simulation water model. In order to calibrate the model, data from pressure recording devices is required. This contract amendment provides for services to furnish, install and monitor pressure recording devices in support of calibration of the City's Water and Wastewater Master Plan water model.

The proposed work will be performed concurrently with services that are already contracted. Per the attachment the engineering services are as follows:

Purchase Twenty (20) Mueller Hydro-Guard Pressure Monitors	\$ 52,340.00
Five Rounds of Installations	\$ 19,200.00
Set-up Software, Monitoring, Download Data	\$ 1,420.00
<b>Total</b>	<b><u>\$ 72,960.00</u></b>



**FISCAL IMPACT:** Funding for contract amendment #1 to the professional services agreement with Kasberg, Patrick & Associates, LP for engineering services required in support of the City's Water and Wastewater Master Plan Update in an amount not to exceed \$72,960, is available in account 520-5900-535-2616, project 101197, as follows:

Project Budget	\$	499,200
Encumbered/Committed to Date		(419,974)
KPA Contract Amendment #1		(72,960)
Remaining Project Funds Available	\$	<u>6,266</u>

**ATTACHMENTS:**

Engineer's Proposal  
Contract Amendment #1  
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**  
**JOHN A. SIMCIK, P.E., CFM**

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

June 15, 2018

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

Re: City of Temple, Texas  
Water and Wastewater Master Plans  
Contract Amendment No. 1

Dear Mr. Wilson:

This letter is in response to the City's request for a proposal to amend the current contract to include the purchase and installation of twenty pressure recorders to be used for calibration of the water model. These Mueller Hydro-Guard Remote Pressure Monitoring Systems, as specified by Utility Services, will be owned by the City of Temple and will be used by the water utilities department for future monitoring. As you know, the original scope of services included calibration of the model, but anticipated data collection by City staff through the use of city owned pressure recorders. At this time, those recorders are currently in use and staff is not available to provide the data collection.

Therefore, the amendment also provides for KPA personnel to install these recorders on fire hydrants in each of the pressure planes to monitor pressures in two week intervals during the peak months of July, August and September. Because these recorders use cellular networks and data is available through their web based software, it alleviates the staff time required to manually download, process and transmit the data to KPA.

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

Purchase of Twenty Mueller Hydro-Guard Pressure Monitors	\$ 52,340.00
Five Rounds of Installations of Pressure Monitors (100 total)	19,200.00
Set-up of Software, Monitoring, Download of Data	1,420.00
<b>Total</b>	<b>\$ 72,960.00</b>

Mr. Richard Wilson, P.E.

June 15, 2018

Page Two

We will begin this work upon receipt of the pressure monitors, which will be utilized during the peak months of July, August and September for calibration of the water system model.

We are available to address any questions or comments that you may have about this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert". The signature is written in a cursive style with a large, stylized 'G' and 'T'.

Ginger R. Tolbert, P.E.

Principal

## CONTRACT AMENDMENT (Professional Service Agreements)

**PROJECT:** Water and Wastewater Master Plan  
**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:

**Purchase of Twenty (20) Mueller Hydro-Guard Pressure Monitors, including five rounds of installations, set-up of software, monitoring and download of data.**

<b>Purchase Twenty (20) Mueller Hydro-Guard Pressure Monitors</b>	<b>\$ 52,340.00</b>
<b>Five Rounds of Installations</b>	<b>\$ 19,200.00</b>
<b>Set-up Software, Monitoring, Download Data</b>	<b><u>\$ 1,420.00</u></b>
<b>Total</b>	<b><u>\$ 72,960.00</u></b>

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.

<b>Original Contract Amount:</b>	<b>\$ <u>419,974.00</u></b>
<b>Previous Net Change in Contract Amount:</b>	<b>\$ <u>0.00</u></b>
<b>Amount This Amendment:</b>	<b>\$ <u>72,960.00</u></b>
<b>Revised Contract Amount:</b>	<b>\$ <u>492,934.00</u></b>
<b>Original Contract Completion Date:</b>	<b><u>May 22, 2018</u></b>
<b>Revised Contract Completion Date:</b>	<b><u>May 22, 2018</u></b>

**Recommended by:**

**Agreed to:**

\_\_\_\_\_  
Project Manager Date

\_\_\_\_\_  
Architect or Engineer Date

**Approved by City of Temple:**

**Approved as to form:**

\_\_\_\_\_  
Brynn Myers, City Manager Date

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

**Approved by Finance Department:**

\_\_\_\_\_  
Date

RESOLUTION NO. 2018-9188-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$72,960, FOR ENGINEERING SERVICES REQUIRED IN SUPPORT OF THE CITY'S WATER AND WASTEWATER MASTER PLAN UPDATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on April 20, 2017, Council adopted a Resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, ("KPA") for professional services required to complete the 2018 Water and Wastewater Master Plan;

**Whereas**, under this professional services agreement KPA will provide a working extended period simulation water model and in order to calibrate the model, data from pressure recording devices is required;

**Whereas**, this contract amendment provides for services to furnish, install and monitor pressure recording devices in support of calibration of the City's Water and Wastewater Master Plan water model;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$72,960, for engineering services required in support of the City's Water and Wastewater Master Plan Update;

**Whereas**, funding for this agreement is available in Account No. 520-5900-535-2616, Project No. 101197; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$72,960, for engineering services required in support of the City's Water and Wastewater Master Plan Update.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

06/28/18  
Item #4(I)  
Consent Agenda  
Page 1 of 1

### DEPT./DIVISION SUBMISSION & REVIEW:

Stacey Hawkins, Interim Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an agreement with Web Benefits Design Corporation of Orlando, FL, in estimated amount of \$36,000 per year for providing online employee benefits enrollment and administration services.

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

**ITEM SUMMARY:** In September 2017, the City Manager administratively executed a contract and service agreement with Web Benefits Design Corporation ("Web Benefits") for the continued use of a proprietary online employee benefits enrollment and administration system. The contract expires on June 30, 2018; however, the contract contains an automatic annual renewal clause, and it is Staff's desire to continue using the online system that is already integrated with the City's financial system through June 30, 2019.

Approval of this item will ratify the contract and service agreement executed by the City Manager in September 2017 with Web Benefits at an estimated monthly cost of \$3,000 (\$200 monthly website fee + \$3.25/full-time benefits eligible employee).

A few years ago, Staff evaluated various on-line benefit enrollment & administration systems. Web Benefits' online system was selected as providing the best solution for the City, and accordingly, a computer interface was written so payroll records could be updated based on entries in the Web Benefits system. With the system setup and interface already in place, Staff is recommending that the proprietary computer services provided by Web Benefits be exempt from competitive bidding based on the customized programming embedded in the system.

**FISCAL IMPACT:** Funding for the online employee benefits enrollment and administration services is available in the following accounts:

	110-2700-515-2616	240-4400-551-2616	292-2900-534-2616	520-5000-535-2616	Total
Budget	\$ 30,312	\$ 684	\$ 648	\$ 4,356	\$ 36,000
Web Benefits Design Corp	(30,312)	(684)	(648)	(4,356)	(36,000)
Remaining Project Funds	\$ -	\$ -	\$ -	\$ -	\$ -

### ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9189-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN AGREEMENT WITH WEB BENEFITS DESIGN CORPORATION OF ORLANDO, FLORIDA IN THE ESTIMATED AMOUNT OF \$36,000 PER YEAR FOR ONLINE EMPLOYEE BENEFITS ENROLLMENT AND ADMINISTRATION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in September 2017, the City Manager administratively executed a contract and service agreement with Web Benefits Design Corporation (“Web Benefits”) for the continued use of a proprietary online employee benefits enrollment and administration system;

**Whereas**, the contract expires June 30, 2018 but contains an automatic annual renewal clause, and Staff recommends Council ratify the agreement to continue using the online system that is already integrated with the City’s financial system through June 30, 2019;

**Whereas**, approval of this agreement ratifies the contract and service agreement executed by the City Manager in September 2017 with Web Benefits at an estimated monthly cost of \$3,000 (\$200 monthly website fee + \$3.25/full-time benefits eligible employee);

**Whereas**, previously, Staff evaluated various on-line benefit enrollment & administration systems and Web Benefits’ online system was selected as providing the best solution for the City and a computer interface was written so payroll records could be updated based on entries in the Web Benefits system;

**Whereas**, with the system setup and interface already in place, Staff is recommending that the proprietary computer services provided by Web Benefits be exempt from competitive bidding based on the customized programming embedded in the system;

**Whereas**, funding for this agreement is available in Account No. 110-2700-515-2616, Account No. 240-4400-551-2616, Account No. 292-2900-534-2616, and Account No. 520-5000-535-2616; and

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

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

**Part 1: 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 an agreement with Web Benefits Design Corporation of Orlando, Florida, in an estimated amount of \$36,000 per year for online employee benefits enrollment and administration services.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(J)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an emergency construction contract with Matous Construction, of Belton, in the estimated amount not to exceed \$50,000 for a water valve repair at the Conventional Water Treatment Plant.

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

**ITEM SUMMARY:** On June 15, 2018, a 30-inch backwash water isolation valve on filter five was found to be broken in the closed position, leaving only seven of eight filters available to process and treat potable drinking water. As a result, filter five was removed from service, reducing available treatment redundancy and requiring immediate response to repair the aged valve. City staff is not equipped to address large diameter valves issues such as these, so an experienced contractor with this type of work experience was engaged to complete the repair. Matous Construction has successfully completed similar work at the water treatment plant over the years, and based on Staff's positive historical experiences with Matous, proceeded with execution of a short-term emergency construction contract.

The contract is structured for Matous to perform the work and invoice the City based on the labor incurred and equipment used at the rates stated below, an in an amount not to exceed \$50,000:

<b><i>Classification</i></b>	<b><i>Rate</i></b>
Job Superintendent	\$125.00/hr
Foreman	\$100.00/hr
Equipment Operator	\$ 55.00/hr
Laborer	\$ 25.00/hr
Welder	\$ 65.00/hr
Project Manager	\$150.00/hr

<b><i>Equipment</i></b>	<b><i>Rate</i></b>
Dewatering Pump	\$500.00/hr
Confined Space Entry Equipment	\$800.00/hr
Cutting Equipment and Blades	\$350.00/hr
PPE	\$200.00/hr
Cat 420 Backhoe	\$150.00/hr
Ford F250 Work Truck	\$ 75.00/hr
Ford F250 Work Truck	\$ 75.00/hr
Fuel and Services Truck	\$125.00/hr
Welder	\$125.00/hr
Haul Truck	\$300.00/hr
Ingersoll Rand Air Compressor	\$ 75.00/hr

Because of the time sensitive nature and loss of treatment capacity, staff proceeded with a contract with Matous Construction prior to receiving Council's approval. This process was used per the bidding exemption under the Local Government Code §252.022(a)(3), unforeseen damage to public machinery, equipment, or other property of the City and to protect the public health and safety of the City's residents.

**FISCAL IMPACT:** Funding for the construction contract with Matous Construction for the emergency water valve repair at the Conventional Water Treatment Plant in the not to exceed amount of \$50,000 is available in account 520-5100-535-6310, project 101955, as follows:

Project Budget	\$	50,000
Encumbered/Committed to Date		-
Construction Award - Matous Construction, Ltd.		(50,000)
<b>Remaining Project Funds Available</b>	<b>\$</b>	<b>-</b>

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

RESOLUTION NO. 2018-9190-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT WITH MATOUS CONSTRUCTION OF BELTON, TEXAS IN AN AMOUNT NOT TO EXCEED \$50,000, FOR A WATER VALVE REPAIR AT THE CONVENTIONAL WATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on June 15, 2018, a 30-inch backwash water isolation valve on filter five was found to be broken in the closed position, leaving only seven of eight filters available to process and treat potable drinking water;

**Whereas**, as a result of that broken valve, filter five was removed from service, reducing available treatment redundancy and requiring immediate response to repair the aged valve;

**Whereas**, Staff is not equipped to address large diameter valve issues such as these, so an experienced contractor with this type of work experience was engaged to complete the repair - Matous Construction has successfully completed similar work at the water treatment plant over the years, and based on Staff's positive historical experiences with Matous, Staff proceeded with execution of a short-term emergency construction contract;

**Whereas**, the emergency construction contract is structured for Matous to perform the work and invoice the City based on the labor incurred and equipment used, in an amount not to exceed \$50,000;

**Whereas**, because of the time sensitive nature and loss of treatment capacity, Staff proceeded with a contract with Matous Construction prior to Council approval - this process was used per the bidding exemption under the Local Government Code §252.022(a)(3), unforeseen damage to public machinery, equipment, or other property of the City and to protect the public health and safety of the City's residents;

**Whereas**, Staff recommends Council ratify an emergency construction contract with Matous Construction in an amount not to exceed \$50,000 for a water valve repair at the Conventional Water Treatment Plant;

**Whereas**, funds are available for this emergency contract in Account No. 520-5100-535-6310, Project No. 101955; 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 an emergency construction contract with Matous Construction in an amount not to exceed \$50,000 for a water valve repair at the Conventional Water Treatment Plant.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(K)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with ADK Consulting, Inc., Atlantic Beach, FL, in an estimated amount of \$39,900 for the search and recruitment of the Director of Airport position.

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

**ITEM SUMMARY:** This proposed resolution authorizes an agreement with ADK Consulting, Inc. for the search and recruitment of the Director of Airport position. The proposed project methodology for the executive search includes the following services:

- Phase 1- Search Startup and Candidate Pool Development
- Phase 2- Screening
- Phase 3- Final Interviews & Negotiations

The professional fee for this full-service search is \$34,900. In addition to the professional consulting fee, out-of-pocket expenses for consultant travel, lodging, and search committee meeting expenses are billed separately. The total cost for the search is estimated at \$39,900.

The estimated timeline for the selection process is 2.5 - 3 months.

**FISCAL IMPACT:** Funding for the agreement with ADK Consulting, Inc. for the search and recruitment of the Director of Airport position in an estimated amount of \$39,900 is available in account 110-3610-560-2616.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9191-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ADK CONSULTING, INC. OF ATLANTIC BEACH, FLORIDA IN THE ESTIMATED AMOUNT OF \$39,900, FOR THE SEARCH AND RECRUITMENT OF THE DIRECTOR OF THE AIRPORT POSITION AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Draughon-Miller Central Texas Regional Airport is in need of a Director and Staff recommends Council authorize an agreement with ADK Consulting, Inc. of Atlantic Beach, Florida for the search and recruitment of the Director position;

**Whereas**, the proposed project methodology for the executive search includes the following services:

- Phase 1- Search Startup and Candidate Pool Development;
- Phase 2- Screening; and
- Phase 3- Final Interviews & Negotiations;

**Whereas**, the fee for this search is \$34,900, in addition to the professional consulting fee, out-of-pocket expenses for consultant travel, lodging, and search committee meeting expenses which are billed separately - the total cost for the search is estimated at \$39,900;

**Whereas**, funding for this Professional Services Agreement is available in Account No. 110-3610-5600-2616; and

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

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

**Part 1: 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 professional services agreement with ADK Consulting, Inc. of Atlantic Beach, Florida in the estimated amount of \$39,900, for the search and recruitment of the Director of Airport position at the the Draughon-Miller Central Texas Regional Airport.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Brynn Myers, City Manager  
Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution extending an Exclusive Listing Agreement with Airspace DFW, LLC for the lease of Hangars 20 and 26 at the Draughton Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** Staff has engaged the services of Airspace DFW, LLC ("Airspace") to assist with the listing and leasing of two hangars at the Draughton Miller Central Texas Regional Airport. The two hangars are designated as Hangar 20 and Hangar 26. The two hangars previously housed AMCOM and its operations for several years.

Airspace is a real estate company which specializes in the sale and lease of airport hangars. Airspace will market the hangars for lease and assist with negotiating a lease agreement with any prospective tenant. The current Listing Agreement will expire on July 2, 2018. Staff is requesting the agreement be extended to December 31, 2018.

**FISCAL IMPACT:** Pursuant to the terms of the Listing Agreement, Airspace will be entitled to a payment equal to 4% of the aggregate rental provided in any executed lease. If the hangars are leased to a tenant who is procured by a cooperating broker, then the fee will increase to 6% of the aggregate rental provided.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9192-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, EXTENDING AN EXCLUSIVE LISTING AGREEMENT WITH AIRSPACE DFW, LLC FOR THE LEASE OF HANGARS 20 AND 26 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Staff has engaged the services of Airspace DFW, LLC (“Airspace”) to assist with the listing and leasing of two hangars at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, the two hangars are designated as Hangar 20 and Hangar 26 and previously housed AMCOM and its operations for several years;

**Whereas**, Airspace is a real estate company which specializes in the sale and lease of airport hangars and who will market the hangars for lease and assist with negotiating a lease agreement with any prospective tenant;

**Whereas**, the current Listing Agreement expires July 2, 2018 and Staff recommends Council authorize an extension to the agreement with Airspace DFW, LLC until December 31, 2018;

**Whereas**, pursuant to the terms of the Listing Agreement, Airspace will be entitled to a payment equal to 4% of the aggregate rental provided in any executed lease - if the hangars are leased to a tenant who is procured by a cooperating broker, then the fee will increase to 6% of the aggregate rental provided; 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 extends the Exclusive Listing Agreement with Airspace DFW, LLC for the lease of Hangars 20 and 26 at the Draughon-Miller Central Texas Regional Airport until December 31, 2018.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the assignment of the following agreements to Temple Generation SF, LLC:

- (1) The 2009 Effluent and Water Purchase Agreement between Panda Temple Power, LLC and the City of Temple;
- (2) The 2013 Effluent and Water Purchase Agreement between Panda Temple Power II, LLC; and
- (3) The Easement Agreement for Access and Utilities between the City of Temple and Panda Temple Power, LLC.

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

**ITEM SUMMARY:** In 2009, the City entered into an Effluent and Water Purchase Agreement (“2009 Effluent Agreement”) with Panda Temple Power, LLC (“Panda Temple Power”). Panda Temple Power constructed and owned the first power plant built in the Southeast Industrial Park. In the 2009 Effluent Agreement, the City agreed to sell and Panda Temple Power agreed to purchase effluent from the Doshier Wastewater Treatment Plant. In 2017, Panda Temple Power filed for Chapter 11 bankruptcy and this entity no longer owns the plant. The new owner is Temple Generation I, LLC.

The City also granted to Panda Temple Power an easement for access and utilities across a strip of City-owned property in the Southeast Industrial Park. The easement allows Panda Temple Power to install, construct, operate, and maintain wastewater and water pipelines and electrical service within the easement area. Panda Temple Power was also granted access across the easement property.

In 2013, the City entered into an Effluent and Water Purchase Agreement (“2013 Effluent Agreement”) with Panda Temple Power II, LLC (“Panda Temple Power II”). In the 2013 Effluent Agreement, the City agreed to sell and Panda Temple Power II agreed to purchase effluent from the Temple-Belton Wastewater Treatment Plant.

Temple Generation I and Panda Temple Power II have created a new special purpose entity which will be jointly owned. The new entity is Temple Generation SF, LLC (Temple Generation SF). Temple Generation SF will operate the two plants, therefore Temple Generation I and Panda Temple Power II has requested that the City authorize the assignment of both Effluent Agreements to Temple Generation SF, as well as the Easement Agreement mentioned above. If the assignment is authorized, Temple Generation SF will assume all responsibilities and liabilities under the agreements. All three agreements allow for such assignment upon the written consent of the City.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9193-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ASSIGNMENT OF THREE AGREEMENTS TO TEMPLE GENERATION SF, LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2009, the City entered into an Effluent and Water Purchase Agreement (“2009 Effluent Agreement”) with Panda Temple Power, LLC (“Panda Temple Power”) - Panda Temple Power constructed and owned the first power plant built in the Southeast Industrial Park;

**Whereas**, in the 2009 Effluent Agreement, the City agreed to sell, and Panda Temple Power agreed to purchase, effluent from the Doshier Wastewater Treatment Plant – however, in 2017, Panda Temple Power filed for Chapter 11 bankruptcy and this entity no longer owns the plant - the new owner is Temple Generation I, LLC;

**Whereas**, the City also granted to Panda Temple Power, an easement for access and utilities across a strip of City-owned property in the Southeast Industrial Park - the easement allows Panda Temple Power to install, construct, operate, and maintain wastewater and water pipelines and electrical service within the easement area, and Panda Temple Power was also granted access across the easement property;

**Whereas**, in 2013, the City entered into an Effluent and Water Purchase Agreement (“2013 Effluent Agreement”) with Panda Temple Power II, LLC (“Panda Temple Power II”) wherein the City agreed to sell, and Panda Temple Power II agreed to purchase, effluent from the Temple-Belton Wastewater Treatment Plant;

**Whereas**, Temple Generation I and Panda Temple Power II have created a new special purpose entity which will be jointly owned by the name of Temple Generation SF, LLC (Temple Generation SF);

**Whereas**, Temple Generation SF will operate the two plants, therefore Temple Generation I and Panda Temple Power II have requested that the City authorize the assignment of both Effluent Agreements to Temple Generation SF, as well as the Easement Agreement mentioned above;

**Whereas**, if Council authorized the assignment, Temple Generation SF will assume all responsibilities and liabilities under the agreements - all three agreements allow for such assignment upon the written consent of the City;

**Whereas**, Staff recommends that Council authorized the assignment of the following agreements to Temple Generation SF, LLC:

- The 2009 Effluent and Water Purchase Agreement between Panda Temple Power, LLC and the City of Temple;
- The 2013 Effluent and Water Purchase Agreement between Panda Temple Power II, LLC and the City of Temple;

- The Easement Agreement for Access and Utilities between the City of Temple and Panda Temple Power, LLC; 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 assignment of the following agreements to Temple Generation SF, LLC:

- The 2009 Effluent and Water Purchase Agreement between Panda Temple Power, LLC and the City of Temple;
- The 2013 Effluent and Water Purchase Agreement between Panda Temple Power II, LLC and the City of Temple;
- The Easement Agreement for Access and Utilities between the City of Temple and Panda Temple Power, LLC covering the north 778.72 feet of the south 981.45 feet of Tract A, Block 1 of the Panda Temple Power Project Plat.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, 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:** SECOND READING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2016-4783) to readopt the City's guidelines and criteria governing property tax abatement.

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

**ITEM SUMMARY:** The City has adopted a comprehensive economic development policy that includes guidelines and criteria for authorizing property tax abatement, an overview of the Strategic Investment Zone Incentive Program, and guidelines and criteria for additional City incentives which are authorized by Chapter 380 of the Texas Local Government Code.

Pursuant to Chapter 312 of the Texas Tax Code, the City must adopt guidelines and criteria for offering property tax abatement under that chapter. The guidelines and criteria are effective for two years from the date of adoption. The City's tax abatement guidelines and criteria were last adopted in July, 2016 and therefore must be renewed at this time. No substantive changes to the policy are proposed.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

[Ordinance](#)



ORDINANCE NO. 2018-4922

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

**Whereas**, in an effort to enrich an already substantial diversity of economic activity, the City of Temple established an *Economic Development Policy* consolidating the City's economic development policies into one comprehensive document;

**Whereas**, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code;

**Whereas**, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

**Whereas**, Article 3, Section 52-a of the Texas Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

**Whereas**, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; 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:

**Part 1:** That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

# ECONOMIC DEVELOPMENT POLICY

## FOR THE CITY OF TEMPLE, TEXAS

REVISED JUNE 28, 2018

### I. Criteria and Guidelines Governing Tax Abatement.

#### A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property (including fixed-in-place machinery & equipment) in a tax abatement reinvestment zone designated by the City of Temple ("City") for economic development purposes.

2. "**Agreement**" means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.

3. "**Base year value**" means the assessed value of eligible property in the reinvestment zone on January 1st preceding the effective date of the tax abatement agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the effective date of the agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Strategic Investment Zone Grant Corridors, which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Economic Life**" means the number of years a property improvement is expected to be in service in a reinvestment zone.

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City. Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include, but are not limited to, Manufacturing Facilities, Research Facilities, Regional Distribution Center Facilities, Regional Service Facilities, Regional Entertainment Facilities, Research and Development Facilities, Other Basic Industry Facilities, retail stores, apartment buildings, and restaurants.

7. "**Eligible Jurisdiction**" means the City and any other taxing jurisdiction eligible to abate its taxes according to Texas law that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.

8. **“Employee”** means a person whose employment is both permanent and full time, who works for and is an employee of the property owner or an employee of a contractor, who works exclusively within the reinvestment zone, who received industry-standard benefits, and whose employment is reflected in the owner’s (and contractor’s, if applicable) Internal Revenue Service Form 941.

9. **“Expansion”** means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

10. **“Facility”** means property improvements completed or in the process of construction which together comprise an integral whole.

11. **“Manufacturing Facility”** means buildings and structures, including fixed-in-place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

12. **“Modernization”** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Strategic Investment Zone Grant Corridors includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improve the exterior of a building or block.

13. **“New Facility”** means a property, previously undeveloped, which is placed into service by means other than or in conjunction with Expansion and Modernization.

14. **“Other Basic Industry Facility”** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market in the creation of new permanent employment and bring in new wealth.

15. **“Project”** means the construction, renovation, or remodeling of a building. Simultaneous construction, renovation, or remodeling work on two or more attached buildings will be considered one Project, if the buildings are under common ownership.

16. **“Regional Distribution Center Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points outside of the City.

17. **“Regional Entertainment Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside outside of the City.

18. **“Regional Service Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate outside of the City.

19. **“Research Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

20. **“Research and Development Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used entirely for research or experimentation to improve or develop current technology in biomedicine, electronics or pre-commercial emerging industries.

## **B. Statement of Purpose.**

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

## **C. Designation of Tax Abatement Reinvestment Zones.**

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner or lessee of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

## **D. Abatement Authorized.**

**1. Eligible Facilities.** Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements (including fixed machinery and equipment) made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with an Economic Life of fifteen (15) years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has an Economic Life of less than fifteen (15) years.

e. Owned/Leased Facilities. If a leased Facility is granted tax abatement, the agreement shall be executed with the lessor and the lessee.

## **2. Standards for Tax Abatement.**

a. Minimum Standards. The City will consider tax abatement only on Eligible Facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For Eligible Facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking, facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is in an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement agreement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation <sup>†</sup>
<b>25%</b>	<b>\$250,000-\$400,000</b>	<b>\$1,000,000-\$1,600,000</b>	<b>25-30 jobs</b>
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
<b>50%</b>	<b>1,000,001-1,300,000</b>	<b>4,000,001-5,200,000</b>	<b>51-55 jobs</b>
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
<b>75%</b>	<b>2,500,001-3,500,000</b>	<b>10,000,001-14,000,000</b>	<b>76-85 jobs</b>

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation <sup>†</sup>
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
<b>100%</b>	<b>7,500,001-10,000,000</b>	<b>30,000,001-40,000,000</b>	<b>126-175 jobs</b>

Percentage of increased value To be abated	Minimum Required Real or Personal Property Investment or Job Creation inside the Strategic Investment Zone Grant Corridors		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Strategic Investment Zone Grant Corridors), or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Strategic Investment Zone Grant Corridors), or the creation of more than 175 (25 in the Strategic Investment Zone Grant Corridors) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

\*Personal property with an Economic Life of less than fifteen years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

<sup>†</sup> As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, the applicant must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll

by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (b) above, the following factors, among others, shall be considered in determining whether to grant tax abatement, and if so, in what percentage of value to be abated and duration of abatement:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) Economic Life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

**Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.**

**3. Abatement barred in certain circumstances.** Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

a. there would be a substantial adverse effect on the provision of government service or tax base;

b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;



c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;

d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or

e. there exists any other valid reason for denial deemed appropriate by the City.

**4. Property subject to Taxation.** From the execution of a tax abatement agreement to the end of the effective abatement period under the agreement, taxes shall be payable as follows:

a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;

b. the base year value of existing eligible property as determined each year shall be fully taxable;

c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the tax abatement agreement; and

d. the additional value of new, eligible property shall be fully taxable at the end of the abatement period.

#### **5. Application for Tax Abatement.**

a. Any present or potential owner of taxable property in the City of Temple may request the creation of a tax abatement reinvestment zone and tax abatement by filing a complete application package with the City Manager. The application shall then be forwarded to other appropriate City departments for review. After processing the application, the City Manager shall make a recommendation to the City Council to grant or deny the application.

b. A complete application package for consideration of a tax abatement shall consist of:

- a completed application form;
- an investment budget detailing components and costs of the real property and personal property improvements for which tax abatement is requested, including type, number, and economic life;
- A map and legal description of the property;
- A time schedule for undertaking and completing the proposed improvements;
- The number of jobs to be retained and/or created as a result of the proposed project;
- Information pertaining to the reasons that the requested tax abatement is necessary to ensure that the proposed project is built in the City;
- Financial and other information, as the City deems appropriate, for evaluating the financial capacity and other factors of the applicant;
- For a leased facility, the name and address of the lessor and a copy of the proposed or existing lease, or option contract.

c. Pursuant to the requirements of the Tax Code, Chapter 312, the City shall give written notice to the presiding officer of the governing body of each taxing unit that includes in its

boundaries real property that is to be included in a proposed reinvestment zone and in which the property to be subject to the agreement is located.

d. The City shall not establish a reinvestment zone for the purpose of abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, or Expansion of an existing Facility.

## **6. Tax Abatement Agreements**

a. After City Council approval of a resolution authorizing a tax abatement agreement, the owner (and lessee, where applicable) of the Facility and the City shall execute an agreement which shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements on the property;
- (2) The amount of investment, increase in appraised value and number of jobs to be added and/or retained;
- (3) A provision authorizing access to and inspection of the property by municipal employees to ensure that the improvements are made according to the specifications and conditions of the agreement;
- (4) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax abatement is in effect;
- (5) A provision providing for recapture of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;
- (6) All other contractual terms agreed to by the owner of the property;
- (7) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement;
- (8) A provision allowing the City Council to cancel or modify the agreement if the owner fails to comply with the agreement;
- (9) The percentage of value to be abated each year; and
- (10) The commencement date and the termination date of abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant files a properly completed application package with the City.

## **7. Recapture of Abated Taxes Upon Default.**

a. In the event that the owner and/or lessee:

(1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the abatement agreement, and fails to cure during the Cure Period hereinafter described,

the Agreement then may be terminated, and the owner and/or lessee whose agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the owner and/or lessee is in default according to the terms and conditions of its agreement, the City shall notify the owner and/or lessee of such default in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the agreement may be terminated.

## **8. Administration.**

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the owner and/or lessee receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. A tax abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the owner and/or lessee and in accordance with its safety standards.

## **9. Assignment of Tax Abatement Agreements.**

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City Council, subject to the financial capacity of the

assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with the City. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

#### **10. Sunset Provision.**

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council.

### **II. Availability of Tax Increment Financing of Public Improvements.**

#### **A. Existence of tax increment financing district.**

The City of Temple has previously created Tax Increment Financing Reinvestment Zone Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an Enterprise Zone under Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

#### **B. Development agreements.**

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, establish minimum criteria for consideration of development agreements.

### **III. Additional Economic Incentives within the City**

#### **A. Designation of Enterprise Zone.**

The City will consider designating an Enterprise Zone or nominating an Enterprise Project as allowed by Texas Government Code, Chapter 2303, also known as the Texas Enterprise Zone Act.

##### **1. Sales and use tax refunds.**

a. Minimum qualifications. To encourage development of an Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" as defined in the Texas Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project in accordance with the Texas Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by a qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the enterprise zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use taxes paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use taxes under this section, by agreement, shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

## **2. Waiver of permit fees.**

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved by the City Manager under Part III, B(2) of this ordinance.

## **B. Other economic incentives within the City.**

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, and/or selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. A "qualified business" under this section means a business or project which is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the City that would be a benefit to the property to be developed and that would contribute to economic development within the City. The determination of whether a proposed project is a "qualified business" is at the sole discretion of the City.

3. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale

or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City.

- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the Strategic Investment Zone Grant Corridors, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City's other Strategic Investment Zones, as designated in Exhibit A, attached hereto and made a part hereof for all purposes. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City's Strategic Investment Zones.
- (d) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value.

### **C. Incentives in Certain Strategic Incentive Zones (SIZ)**

1. **Authority.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain of the City's Strategic Investment Zone Grant Corridors ("SIZ Grant Corridors" or "Grant Corridors"). The Strategic Investment Zone Grant Corridors consist of two zones: the Commercial Zone and the Downtown Core Zone. The zones are depicted in Exhibit B, attached hereto and made a part hereof for all purposes.

2. **Purpose.** The City is committed to establishing long-term economic vitality in Strategic Investment Zone Grant Corridors, encouraging redevelopment and diversification. Through the implementation of this incentive grant program, property owners who meet certain eligibility criteria may facilitate new public and private sector investments.

3. **Incentives.** For eligible Projects involving investment in real property, incentive grants are available on property located within a delineated Grant Corridor. The grants are provided as reimbursements, as a match to the funds disbursed by the applicant. Only the applicant's cash disbursements may be used as a grant match and in-kind contributions may not be used as part of the applicant's match.

4. **Application Process.** The funding cycle for SIZ grants shall be from October 1<sup>st</sup> to September 30<sup>th</sup>. For each funding cycle the City shall designate a specific amount of funding

available for that cycle. Upon exhaustion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future funding cycles.

Applications shall be submitted to the General Services Office for consideration by the City Council or the City Manager, depending on the amount of the grant request.

5. **Grant Tiers.** The City will consider making grants on a 1:1 matching basis for Projects completed on property located within a delineated Grant Corridor. Grant reimbursement and/or in-kind services will be considered by which tier an applicant is qualified under, tier I, II, or III. The City will also consider making grants for the inclusion of residential units in a Project, through Housing and Urban Development (HUD) – Community Development Block Grant (CDBG) funding, as Projects qualify.

- (a) **Tier I.** The City will consider making grants on a 1:1 matching basis for Projects that focus on exterior improvements under \$19,999. Activities eligible for reimbursement include, but are not limited to, minor façade improvements, signs, and decorative wall decals, as proposed and approved, to include permit fee waivers up to \$2,000. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.
- (b) **Tier II.** The City will consider making grants on a 1:1 matching basis for Projects that have an overall total Project investment between \$20,000 and \$499,999. Activities eligible for reimbursement include façade, sign, landscaping, sidewalk and life safety improvements; asbestos survey and abatement; design fees; and permit fee waivers up to \$2,000. To qualify for the grant funds, at least fifty-one percent (51%) of the improvements must be associated with exterior activities. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.
- (c) **Tier III.** The City will consider making grants on a 1:1 matching basis for Projects that have an overall total Project investment over \$500,000. Activities eligible for reimbursement include façade, sign, landscaping, sidewalk and life safety improvements; asbestos survey and abatement; design fees; and permit fee waivers up to \$2,000. To qualify for grant funds, at least fifty-one percent (51%) of the improvements must be associated with exterior activities. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.
- (d) **CDBG.** The City will consider making grants on a 1:1 matching basis for Tier II and III Projects that include a residential component(s) that encourages mixed-use development in the Downtown Core Zone. Activities eligible for reimbursement include code/property maintenance compliance, accessibility enhancements and others as proposed and approved by the City. Up to three (3) residential units may qualify per Project. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.

6. **Types of Eligible Activities.**

- (a) **Façade Improvements.** Replacement or upgrade of an existing façade with an eligible product or removal of an existing façade to expose the original façade are activities which qualify for grant funding. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs.

- (b) **Sign Improvements.** Installation of new signs or the replacement of a dilapidated sign are activities which qualify for grant funding. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and the City-approved material and construction (including labor) costs.
- (c) **Landscaping Improvements.** Installation of new or additional landscaping is an activity which qualifies for grant funding. Landscaping improvement costs eligible for reimbursement include:
- Ground preparation costs (including labor);
  - materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences);
  - material installation of a non-portable space conditioning device (heaters, fans, and misters);
  - curbed islands; and
  - material and construction (including labor) costs.

The City will also consider making grants of trees from the City's tree farm if requested by the Applicant.

- (d) **Asbestos Survey or Abatement.** Owner-initiated asbestos survey of a building and asbestos abatement for a building are activities which qualify for grant funding. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.
- (e) **Demolition.** The City will consider, when requested by the applicant, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City, in its sole discretion, determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abates asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
- (f) **Sidewalk Improvements.** Construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering are activities which qualify for grant funding. Sidewalk improvements costs eligible for reimbursement include demolition costs (where applicable and including labor), landfill costs, and material and construction (including labor) costs and equipment.
- (g) **Fee Waiver.** The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City cannot waive water and wastewater tap fees.
- (h) **Design.** Provision of design services, by a certified/licensed design professional or firm, to encourage increased aesthetics is an activity which qualifies for grant funding.



- (i) **Life Safety Improvements.** Installation of fire suppression systems and/or elevator systems, to meet Code requirements are activities which qualify for grant funding. Costs eligible for reimbursement include material, construction, and installation (including labor) costs and equipment.

7. **Maximum Amount of Grants.** The chart below shows the types and dollar amounts of grants available for a qualifying Project in each of the current SIZ Grant Corridors. An applicant can request consideration for up to the maximum for each type of grant applicable to the applicant's Project and application, but the total amount that an applicant can receive for any particular application and Project is limited by the size of the applicant's actual investment. The chart below shows the minimum required investment by a property owner for consideration of a SIZ grant. The value of grants of trees from the City's tree farm and demolition work performed by City crews, as determined by the City, is applied to the grant maximum.

TIER	TOTAL PROJECT INVESTMENT		MAXIMUM AMOUNT OF CITY MATCH			IMPROVEMENT TYPES
			COMMERCIAL	DOWNTOWN (SINGLE)	DOWNTOWN (DOUBLE)	
I	\$0	\$19,999	\$5,000	\$5,000	\$5,000	Exterior Improvements, excluding deferred maintenance
II	\$20,000	\$499,999	\$40,000	\$55,000	\$70,000	Façade, sign, landscaping, asbestos, demo, sidewalk, design, life safety fee waiver
III	\$500,000	AND UP	\$85,000	\$100,000	\$115,000	Façade, sign, landscaping, asbestos, demo, sidewalk, design, life safety fee waiver
CDBG	In conjunction with Tier II or III SIZ project – Residential Component		N/A	\$10,000 (per unit, up to 3 units)		Improvements that enable residential mixed-use areas downtown, to include code/property maintenance compliance, accessibility enhancements and others as proposed and approved

Total Project investment is measured during the grant application period and is subject to change based on verification of investment upon Project completion. Grant reimbursement related investment is measured at the time the Project is completed, and is subject to verification by the City.

8. **Eligible Property.** To be eligible for a SIZ grant, the applicant must be the owner or a lessee of property lying within the boundaries of one of the City's SIZ Grant Corridors. The current SIZ Corridors are "Commercial" and "Downtown Core." Please see Exhibit B for additional information regarding the Corridor boundaries.

9. **Application Form.** To be eligible for a SIZ grant an applicant must submit an application and receive approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on an application form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **General Services Division, 101 North Main Street, Temple, Texas 76501**, and must be submitted to the General Services office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect prior to the issuance of building permits, as applicable.

10. **Evaluation of Applications.** In evaluating whether to recommend an application for a grant for consideration by the City Council or the City Manager, the Staff will review and evaluate all SIZ incentive applications using the following criteria:

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations;
- (b) whether the proposed Project is at a higher level than exists on other properties in the SIZ Grant Corridor in which the property is situated;
- (c) whether the applicant has the financial resources to complete the improvements described in the application;
- (d) whether the property is unlikely to redevelop without an incentive by the City;
- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a Master Plan adopted by the City Council;
- (f) whether the development is in an overlay that requires higher standards than in other parts of the City;
- (g) whether the development remedies deteriorated City infrastructure;
- (h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan; and
- (i) whether there is a known occupant/tenant for the proposed development.

Applications that do not meet the above criteria will not be recommended by the Staff for approval by the City Council or City Manager.

11. **Approval of grants; duration of approval.** The City Council or the City Manager, depending on the amount of the grant request, may approve a request for a grant in whole or in part, or deny the same.

12. **No Vested Right to Receive a Grant.** The existence of the SIZ grant program does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this ordinance shall be at the sole discretion of the City Council or the City Manager, depending on the amount of the grant request. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

13. **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a Chapter 380 development agreement with the City prior to receiving any grant funds or in-kind services from the City. The agreement shall provide that the recipient agrees to: (1) complete proposed work within one-year of contract execution, unless otherwise agreed upon (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by recipient to satisfy all of the terms and conditions of the agreement shall relieve the City of any obligation to provide grant funds under this ordinance or as described in the agreement. The Staff is authorized to grant one extension of up to ninety (90) days for completion of the improvements.

Payment to grantees shall be made within thirty (30) days of the work described in the agreement being completed, inspected and a certificate of occupancy issued by the City. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

**Part 2:** 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 3:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21<sup>st</sup>** day of **June**, 2018.

PASSED AND APPROVED on Second and Final Reading on the **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(O)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, City Manager  
Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2018-2019 Budget for August 2, 2018 at 5:00 p.m. and August 24, 2018 at 8:30 a.m. in the City Council Chambers.

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

**ITEM SUMMARY:** This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 2, 2018 Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the August 24, 2018 Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2018-2019 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

**FISCAL IMPACT:** The proposed Fiscal Year 2018-2019 Budget for the City totals \$147,853,668 for all funds.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9194-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARINGS ON THE PROPOSED FISCAL YEAR 2018-2019 BUDGET FOR AUGUST 2, 2018 AT 5:00 P.M. AND AUGUST 24, 2018, AT 8:30 A.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE SETTING FORTH THE TIME AND PLACE THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Charter directs that the date, time and place of public hearings on the proposed budget be set at the first regular City Council meeting after the annual budget is filed;

**Whereas**, the public hearings must be scheduled for August 2, 2018 (Regular Council Meeting) at 5:00 p.m., and August 24, 2018 (Special Council Meeting) at 8:30 a.m. in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas;

**Whereas**, additional public hearings for the fiscal year 2018-2019 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate; 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 directs that public hearings on the City of Temple's Fiscal Year 2018-2019 Proposed Budget be held at meetings of the City Council at 5:00 p.m. on August 2, 2018 (Regular Council Meeting), and at 8:30 a.m. on August 24, 2018 (Special Council Meeting) in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

**Part 3:** The City Council directs the City Secretary to cause the publication of notice of said hearings setting forth the time and place thereof in a newspaper of general circulation within the City.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #4(P)  
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 2017-2018.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2017-2018 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$3,763,338.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
**June 28, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3500-552-6332	101862	Capital Buildings & Grounds / Park Fee Expenditures - Meadow Bend Park	\$ 33,862	
110-3500-552-6332	101863	Capital Buildings & Grounds / Park Fee Expenditures - Von Rosenberg Park	\$ 12,569	
110-3500-552-6332	101864	Capital Buildings & Grounds / Park Fee Expenditures - West Temple Park	\$ 15,786	
110-3500-552-6332	101865	Capital Buildings & Grounds / Park Fee Expenditures - Conner Park	\$ 8,323	
110-3500-552-6332	101866	Capital Buildings & Grounds / Park Fee Expenditures - Westridge Park	\$ 5,520	
110-3500-552-2232		Capital < \$5,000 / Park Fee Expenditures - Lions Park	\$ 2,203	
110-3500-552-2232		Capital < \$5,000 / Park Fee Expenditures - Miller Park	\$ 934	
110-0000-461-0830		Other / Other Revenue - Developer Fees		\$ 79,197
<p>To appropriate Developer Fees for new park amenities:  Meadow Bend Park - playground  Von Rosenberg Park - shade structure for swings and new a Ten Spin play feature  Conner Park - sculpture, doggie pots, a pollinator wildflower area and benches  Westridge Park - single post picnic shelter  West Temple Park - shade structure to cover swings and several spring riders with small shade structure  Lions Park - open area pollinator for wildflower fields  Miller Park - open area pollinator for wildflower fields</p>				
110-1800-525-2211		Capital < \$5,000 / Instruments/Special Equipment	\$ 801	
110-0000-317-0000		Reserved for Municipal Court Technology Fees		\$ 801
<p>To appropriate Municipal Court Technology Funds for replacement microphone system in the courtroom.</p>				
561-5200-535-6994	101949	Capital - Bonds / 57th Street - 43rd Street; Avenue R - Avenue Z Utility Improvements	\$ 500,000	
561-5200-535-6995	101950	Capital - Bonds / Garden District Utility Improvements	\$ 300,000	
561-5200-535-6996	101951	Capital - Bonds / West Temple Distribution Line	\$ 200,000	
561-5100-535-6954	101614	Capital - Bonds / Water Treatment Plant - Task 3 (Lagoon)		\$ 1,000,000
<p>To reallocate Utility Revenue Bond proceeds based on the FY 2018 review and reprioritization of water and wastewater projects as identified during the FY 2019 Budget process.</p>				
520-5900-535-6631	101629	Capital Water/Wastewater Projects - Knob Creek interceptor (Design All Phases)	\$ 1,020,000	
520-5900-535-6985	101713	Capital Water/Wastewater Projects - North Pea Ridge Utility Improvements (TCIP)	\$ 530,000	
520-5900-535-6521	101943	Capital Water/Wastewater Projects - Gateway Center Area Utility Improvements	\$ 500,000	
520-5900-535-6250	101173	Capital Water/Wastewater Projects - Advanced Metering Infrastructure	\$ 250,000	
520-5900-535-6211	101945	Capital Equipment / Instruments/Special Equipment - Upgrade Turbidity Analyzers (MWTP)	\$ 100,000	
520-5900-535-6211	101946	Capital Equipment / Instruments/Special Equipment - Waterline Pressure Monitors	\$ 100,000	
520-0000-373-0411		Unreserved - Retained Earnings		\$ 2,500,000
<p>To appropriate retained earnings to supplement the FY 2018 review and reprioritization of water and wastewater projects as identified during the FY 2019 Budget process.</p>				
520-5100-535-6310	101420	Capital Buildings & Grounds - Paint Piping and Floors (MWTP)	\$ 183,340	
520-5200-535-6357	101707	Capital Buildings & Grounds / Water Line Improvements - FY 2018 Water Line Projects Placeholder		\$ 183,340
<p>To reallocate water and wastewater project funding based on the FY 2018 review and reprioritization of water and wastewater projects as identified during the FY 2019 Budget process.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 3,763,338</b>	<b>\$ 3,763,338</b>



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
June 28, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	25,182
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(25,000)
		Net Balance of Judgments & Damages Contingency Account	\$	182
		Beginning <b>Compensation</b> Contingency	\$	343,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(343,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	182
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning <b>Contingency</b> Balance	\$	65,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(12,084)
		Net Balance of Contingency Account	\$	52,916
		Beginning <b>Compensation</b> Contingency	\$	63,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(63,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	52,916
		HOTEL/MOTEL TAX FUND		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	19,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(19,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	-
		DRAINAGE FUND		
		Beginning <b>Contingency</b> Balance	\$	807,065
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(694,864)
		Net Balance of Contingency Account	\$	112,201
		Beginning <b>Compensation</b> Contingency	\$	12,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(12,500)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	\$	112,201

CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2018 BUDGET  
June 28, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		FED/STATE GRANT FUND		
		Beginning <b>Contingency</b> Balance		\$ -
		Carry forward from Prior Year		39,299
		Added to Contingency Sweep Account		6,926
		Taken From Contingency		(37,343)
		<b>Net Balance Fed/State Grant Fund Contingency</b>		<b>\$ 8,882</b>

RESOLUTION NO. 2018-9195-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2017-2018 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 25<sup>th</sup> day of August, 2017, the City Council approved a budget for the 2017-2018 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2017-2018 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 2017-2018 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 28<sup>th</sup> day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #5  
Regular Agenda  
Page 1 of 2

**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 construction contract with Tex-Global Contractors, Inc., of Ft. Worth, in the amount of \$5,265,702.63 for services required to construct Phase 3B of the Outer Loop.

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

**ITEM SUMMARY:** West Temple is rapidly growing along the West Adams corridor. Roadway improvements to the Outer Loop (Old Waco Road) south of West Adams are needed to support continued development. Phase 3B of the Outer Loop extends from the Thompson Channel to Jupiter Drive. The infrastructure to be constructed in this phase includes approximately one half of a mile of arterial thoroughfare, sidewalks, and associated utility improvements and adjustments.

On June 14, 2018, the City received six bids for the project ranging from \$5,265,702.63 to \$6,636,515. The engineer's opinion of probable cost was \$6,190,000. The engineering consultant has evaluated bids, experience, and references and recommends award to the low bidder, Tex-Global Contractors, Inc.

The proposed timeline for construction is 240 calendar days from the Notice to Proceed.

The bid consists of:

Part A: Roadway & Drainage	\$ 4,116,157.93
Part B: Water & Wastewater	<u>\$ 1,149,544.70</u>
<b>Total</b>	<b>\$ 5,265,702.63</b>

**FISCAL IMPACT:** Funding for the construction contract with Tex-Global Contractors, Inc for services required to construct Outer Loop Phase 3B in the amount of \$5,265,702.63 is available for project 101121 as follows:

	<u>365-3400-531-6813</u>	<u>520-5900-535-6521</u>	<u>561-5200-535-6813</u>	<u>Total</u>
Project Budget	\$ 7,227,455	\$ 682,087	\$ 600,000	\$ 8,509,542
Encumbered/Committed to Date	(1,424,664)	-	-	(1,424,664)
<b>KPA Contract Amendment #8</b>	(164,351)	(45,899)	-	(210,250)
<b>Construction Award - Tex-Global</b>	(4,116,158)	(549,545)	(600,000)	(5,265,703)
<b>Remaining Project Funds</b>	<u><u>\$ 1,522,282</u></u>	<u><u>\$ 86,643</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 1,608,925</u></u>

**ATTACHMENTS:**

[Engineer's Recommendation Letter](#)  
[Engineer's Bid Tabulation](#)  
[Project Map](#)  
[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**  
**JOHN A. SIMCIK, P.E., CFM**

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

June 15, 2018

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

Re: City of Temple, Texas  
Outer Loop Phase III B

Dear Mr. Wilson:

On June 14, 2018, the City of Temple received bids from six (6) contractors for the Outer Loop III B Project.

The attached Bid Tabulation shows TexGlobal Contractors of Ft. Worth, Texas as the low bidder with a base bid of \$5,265,702.63. The base bids ranged from \$5,265,702.63 to \$6,636,515.00. Our final opinion of probable construction cost for the base bid was \$6,190,000.

TexGlobal Contractors has recently been awarded the Westfield Extension Project by the City of Temple and all of their references are positive. Therefore, we recommend that a contract be awarded to TexGlobal Contractors for the Base Bid for the Outer Loop III B Project in the amount of \$5,265,702.63.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. David Patrick'.

R. David Patrick, P.E., CFM

RDP/

xc: Belinda Mattke, City of Temple  
Joseph D. Coonrod TexGlobal Contractors.

BID TABULATION  
CITY OF TEMPLE  
OUTER LOOP ROADWAY IMPROVEMENTS PHASE IIIB  
Jupiter to Thompson Drainage Channel  
June 14, 2018; 2:00 PM

				BIDDER INFORMATION											
				TexGlobal Contractors Inc 115 W 7th, ste 1500 Fort Worth TX 76102		TTG Utilities LP PO Box 299 Gatesville TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513		Lonestar Grading & Materials LLC PO Box 1162 Salado TX 76571		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542		DeNucci Constructors LLC 8310-1 Capital TX Hwy N, Ste 275 Austin TX 78731	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A: ROADWAY & DRAINAGE															
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Total Bid	\$ 189,590.16	\$ 189,590.16	\$ 195,000.00	\$ 195,000.00	\$ 225,189.76	\$ 225,189.76	\$ 149,999.00	\$ 149,999.00	\$ 227,099.00	\$ 227,099.00	\$ 300,000.00	\$ 300,000.00
2	39	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	2,349.57	91,633.23	1,700.00	66,300.00	3,234.00	126,126.00	3,666.33	142,986.87	2,918.00	113,802.00	3,800.00	148,200.00
3	100%	LS	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	1,500.00	1,500.00	860.00	860.00	950.25	950.25	968.35	968.35	2,046.00	2,046.00	2,500.00	2,500.00
4	8,800	LF	Implement & Follow Trench Safety Plan (Pipe/RCB)	0.90	7,920.00	1.50	13,200.00	1.68	14,784.00	1.71	15,048.00	0.50	4,400.00	2.00	17,600.00
5	11,100	SF	Implement & Follow Trench Safety Plan (Structures)	0.40	4,440.00	0.75	8,325.00	0.84	9,324.00	0.86	9,546.00	0.70	7,770.00	0.50	5,550.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	3,956.24	3,956.24	805.00	805.00	2,500.00	2,500.00	1,605.00	1,605.00	1,995.00	1,995.00	3,500.00	3,500.00
7	100%	LS	Prepare & Submit Control Plan prepared & signed by a P.E. for Vehicular Traffic	1,745.40	1,745.40	2,800.00	2,800.00	1,500.00	1,500.00	535.00	535.00	1,314.00	1,314.00	3,500.00	3,500.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	25,646.19	25,646.19	16,500.00	16,500.00	23,600.00	23,600.00	15,121.52	15,121.52	14,748.00	14,748.00	27,000.00	27,000.00
9	100%	LS	Provide Project Record Drawings	1,306.86	1,306.86	1,250.00	1,250.00	500.00	500.00	535.00	535.00	863.00	863.00	1.00	1.00
10	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions	653.43	653.43	750.00	750.00	500.00	500.00	267.50	267.50	920.00	920.00	4,500.00	4,500.00
11	19,500	CY	Unclassified Roadway Excavation	6.22	121,290.00	6.60	128,700.00	5.80	113,100.00	8.86	172,770.00	7.40	144,300.00	4.00	78,000.00
12	12,800	CY	Unclassified Roadway Fill	4.65	59,520.00	4.00	51,200.00	7.10	90,880.00	14.35	183,680.00	5.00	64,000.00	3.00	38,400.00
13	38,900	SY	Furnish & Install 6" Stabilized Subgrade	0.70	27,230.00	1.70	66,130.00	1.00	38,900.00	0.50	19,450.00	0.80	31,120.00	8.00	311,200.00
14	31,000	SY	Furnish & Install 19" Crushed Limestone Base Material	15.10	468,100.00	19.70	610,700.00	15.30	474,300.00	16.00	496,000.00	16.60	514,600.00	16.00	496,000.00
15	900	SY	Furnish & Install 12" Crushed Limestone Base Material	12.83	11,547.00	14.00	12,600.00	10.00	9,000.00	12.37	11,133.00	14.00	12,600.00	14.00	12,600.00
16	7,000	SY	Furnish & Install 7" Type B HMAC	25.80	180,600.00	30.00	210,000.00	25.20	176,400.00	25.69	179,830.00	26.30	184,100.00	32.00	224,000.00
17	30,500	SY	Furnish & Install 4 5/8" Type B HMAC	16.50	503,250.00	19.30	588,650.00	16.20	494,100.00	16.51	503,555.00	17.00	518,500.00	22.00	671,000.00
18	30,500	SY	Furnish & Install 2" Type C HMAC	7.65	233,325.00	8.45	257,725.00	7.50	228,750.00	7.63	232,715.00	9.00	274,500.00	13.00	396,500.00
19	13,300	LF	Furnish & Install Concrete Curb & Gutter	10.84	144,172.00	14.65	194,845.00	11.00	146,300.00	17.38	231,154.00	13.10	174,230.00	20.00	266,000.00
20	1,450	SY	Furnish & Install Asphalt Driveway Section Including Base	41.02	59,479.00	22.00	31,900.00	20.60	29,870.00	23.77	34,466.50	42.70	61,915.00	20.00	29,000.00
21	750	SY	Furnish & Install Concrete Driveway Section Including 2" of Sand	47.50	35,625.00	54.00	40,500.00	50.00	37,500.00	78.98	59,235.00	52.10	39,075.00	54.00	40,500.00
22	240	SY	Furnish & Install Concrete Valley Gutter Section Including Base	57.86	13,886.40	59.00	14,160.00	50.00	12,000.00	125.28	30,067.20	68.00	16,320.00	54.00	12,960.00
23	7,400	SY	Furnish & Install Concrete Sidewalk	32.48	240,352.00	40.00	296,000.00	42.75	316,350.00	48.35	357,790.00	41.40	306,360.00	45.00	333,000.00
24	28	EA	Furnish & Install Type 7 Ramp	1,197.32	33,524.96	590.00	16,520.00	1,100.00	30,800.00	2,434.10	68,154.80	1,588.00	44,464.00	2,800.00	78,400.00
25	7	EA	Furnish & Install Stop Sign, R1-1, Including Pole & Base	319.99	2,239.93	430.00	3,010.00	341.25	2,388.75	577.80	4,044.60	591.00	4,137.00	600.00	4,200.00
26	5	EA	Furnish & Install One Way Sign, R6-1, Including Pole & Base	261.81	1,309.05	430.00	2,150.00	341.25	1,706.25	577.80	2,889.00	591.00	2,955.00	600.00	3,000.00
27	5	EA	Furnish & Install Yield Sign, R1-2, Including Pole & Base	261.81	1,309.05	430.00	2,150.00	341.25	1,706.25	577.80	2,889.00	591.00	2,955.00	600.00	3,000.00
28	3	EA	Furnish & Install Speed Limit Sign, R2-1, Including Pole & Base	261.81	785.43	430.00	1,290.00	341.25	1,023.75	577.80	1,733.40	591.00	1,773.00	600.00	1,800.00
29	1	EA	Furnish & Install Lane Direction Sign, R4-7, Including Pole & Base	261.81	261.81	430.00	430.00	341.25	341.25	577.80	577.80	591.00	591.00	600.00	600.00
30	1	EA	Furnish & Install Lane Direction Sign, SW6-3, Including Pole & Base	261.81	261.81	430.00	430.00	341.25	341.25	577.80	577.80	591.00	591.00	600.00	600.00
31	2	EA	Furnish & Install Lane Direction Sign, FW4-2L, Including Pole & Base	261.81	523.62	430.00	860.00	341.25	682.50	577.80	1,155.60	591.00	1,182.00	600.00	1,200.00
32	14	EA	Furnish & Install Wrong Way Sign, R5-1a, Including Pole & Base	261.81	3,665.34	430.00	6,020.00	341.25	4,777.50	577.80	8,089.20	591.00	8,274.00	600.00	8,400.00
33	14	EA	Furnish & Install Do Not Enter Sign, R5-1, Including Pole & Base	261.81	3,665.34	430.00	6,020.00	341.25	4,777.50	577.80	8,089.20	591.00	8,274.00	600.00	8,400.00
34	6	EA	Furnish & Install Bicycle Sign, R3-17, Including Pole & Base	261.81	1,570.86	430.00	2,580.00	341.25	2,047.50	577.80	3,466.80	591.00	3,546.00	600.00	3,600.00
35	5	EA	Furnish & Install Left Lane Must Turn Sign, R3-7L, Including Pole & Base	261.81	1,309.05	430.00	2,150.00	341.25	1,706.25	577.80	2,889.00	591.00	2,955.00	600.00	3,000.00
36	1	EA	Furnish & Install Pedestrian Crossing Signs, W11-2 (24") & W-16-9P (24"), Including Pole & Base	261.81	261.81	430.00	430.00	341.25	341.25	577.80	577.80	591.00	591.00	600.00	600.00
37	2	EA	Furnish & Install Pedestrian Stop Sign, R1-1 (18"), Including Pole & Base	261.81	523.62	430.00	860.00	341.25	682.50	577.80	1,155.60	591.00	1,182.00	600.00	1,200.00
38	8	EA	Furnish & Install Thermoplastic Bicycle Lane & Arrow Emblems	669.07	5,352.56	400.00	3,200.00	367.50	2,940.00	374.50	2,996.00	383.00	3,064.00	450.00	3,600.00
39	10	EA	Furnish & Install Thermoplastic "ONLY" Emblem Including Arrow	145.45	1,454.50	515.00	5,150.00	472.50	4,725.00	481.50	4,815.00	493.00	4,930.00	450.00	4,500.00
40	7,300	LF	Furnish & Install Thermo Solid White Striping	0.70	5,110.00	0.46	3,358.00	0.42	3,066.00	0.43	3,139.00	0.40	2,920.00	3.00	21,900.00
41	3,500	LF													



BID TABULATION  
CITY OF TEMPLE  
OUTER LOOP ROADWAY IMPROVEMENTS PHASE IIIB  
Jupiter to Thompson Drainage Channel  
June 14, 2018; 2:00 PM

				BIDDER INFORMATION																
				TexGlobal Contractors Inc 115 W 7th, ste 1500 Fort Worth TX 76102		TTG Utilities LP PO Box 299 Gatesville TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513		Lonestar Grading & Materials LLC PO Box 1162 Salado TX 76571		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542		DeNucci Constructors LLC 8310-1 Capital TX Hwy N, Ste 275 Austin TX 78731						
62	123	LF	Furnish & Install 2-7'x3' RCB	780.00	95,940.00	817.00	100,491.00	903.00	111,069.00	920.20	113,184.60	888.50	109,285.50	750.00	92,250.00					
63	483	LF	Furnish & Install 2-5'x2' RCB	559.00	269,997.00	635.00	306,705.00	703.50	339,790.50	716.90	346,262.70	623.00	300,909.00	450.00	217,350.00					
64	555	LF	Furnish & Install 7'x2' RCB	391.00	217,005.00	388.00	215,340.00	430.50	238,927.50	438.70	243,478.50	456.50	253,357.50	320.00	177,600.00					
65	19	LF	Furnish & Install 4'x2' RCB	220.00	4,180.00	225.00	4,275.00	248.85	4,728.15	253.59	4,818.21	344.00	6,536.00	280.00	5,320.00					
66	398	LF	Furnish & Install 3'x2' RCB	196.00	78,008.00	193.00	76,814.00	213.15	84,833.70	217.21	86,449.58	244.00	97,112.00	260.00	103,480.00					
67	1	EA	Furnish & Install 7'x2' RCB 45-Degree Bend	376.00	376.00	2,750.00	2,750.00	3,045.00	3,045.00	3,103.00	3,103.00	3,761.00	3,761.00	3,800.00	3,800.00					
68	2	EA	Furnish & Install 5'x2' RCB 45-Degree Bend	266.00	532.00	2,305.00	4,610.00	2,546.25	5,092.50	2,594.75	5,189.50	2,951.00	5,902.00	3,000.00	6,000.00					
69	1	EA	Furnish & Install Concrete Headwall for 5-7'x4' RCB	24,550.00	24,550.00	15,500.00	15,500.00	17,325.00	17,325.00	17,655.00	17,655.00	35,830.00	35,830.00	15,000.00	15,000.00					
70	1	EA	Furnish & Install Concrete Headwall for 2-7'x3' RCB & 1-7'x2' RCB	15,477.00	15,477.00	13,300.00	13,300.00	15,750.00	15,750.00	16,050.00	16,050.00	22,464.00	22,464.00	7,500.00	7,500.00					
71	1	EA	Connect Proposed 2-5'x2' RCB to Existing 2-5'x2' RCB	8,550.00	8,550.00	1,400.00	1,400.00	1,554.00	1,554.00	1,583.60	1,583.60	8,060.00	8,060.00	3,200.00	3,200.00					
72	1	EA	Remove Existing Headwall & Connect Existing 4'x2' RCB to Proposed Headwall	3,400.00	3,400.00	1,695.00	1,695.00	1,879.50	1,879.50	1,915.30	1,915.30	6,158.00	6,158.00	3,800.00	3,800.00					
73	4	EA	Furnish & Install SET for 3-18" CMP	900.00	3,600.00	1,500.00	6,000.00	1,648.50	6,594.00	1,679.90	6,719.60	2,479.00	9,916.00	4,500.00	18,000.00					
74	70	LF	Remove & Replace Asphalt Roadway Section Including Base as Needed For Utility Installation	100.00	7,000.00	52.00	3,640.00	57.75	4,042.50	58.85	4,119.50	53.30	3,731.00	110.00	7,700.00					
75	35	LF	Remove & Replace Gravel Roadway Section as Needed For Utility Installation	50.00	1,750.00	24.50	857.50	27.30	955.50	27.82	973.70	40.80	1,428.00	125.00	4,375.00					
76	115	LF	Remove & Replace Concrete Channel Section as Needed For Utility Installation	100.00	11,500.00	131.00	15,065.00	147.00	16,905.00	149.80	17,227.00	79.00	9,085.00	155.00	17,825.00					
77	4,100	LF	Furnish & Install 2" PVC Sch 40 Conduit By Open Cut Including Pull String	6.62	27,142.00	13.50	55,350.00	10.00	41,000.00	16.05	65,805.00	14.00	57,400.00	6.00	24,600.00					
78	190	LF	Furnish & Install 2" PVC Sch 80 Conduit By Bore Including Pull String	55.56	10,556.40	80.00	15,200.00	100.00	19,000.00	96.30	18,297.00	36.40	6,916.00	135.00	25,650.00					
79	18	EA	Install Street Light Connection Box/Pullbox Including Pull String, Box Provided by ONCOR	261.81	4,712.58	500.00	9,000.00	100.00	1,800.00	561.75	10,111.50	1,089.00	19,602.00	850.00	15,300.00					
80	13	EA	Install Street Light Foundation, Provided by ONCOR	610.89	7,941.57	500.00	6,500.00	300.00	3,900.00	588.50	7,650.50	1,089.00	14,157.00	850.00	11,050.00					
81	2	EA	Furnish, Install, Maintain, & Remove Stabilized Construction Entrance	1,388.13	2,776.26	3,650.00	7,300.00	1,000.00	2,000.00	1,218.95	2,437.90	1,533.00	3,066.00	1,400.00	2,800.00					
82	3,800	LF	Furnish, Install, Maintain, & Remove Silt Fence	2.62	9,956.00	4.15	15,770.00	2.20	8,360.00	2.53	9,614.00	2.20	8,360.00	3.00	11,400.00					
83	100	LF	Furnish, Install, Maintain, & Remove Rock Berm	29.09	2,909.00	30.00	3,000.00	10.00	1,000.00	26.75	2,675.00	43.80	4,380.00	40.00	4,000.00					
84	150	SY	Furnish & Install Concrete Riprap	33.40	5,010.00	51.00	7,650.00	52.00	7,800.00	113.30	16,995.00	41.20	6,180.00	65.00	9,750.00					
85	200	CY	Furnish & Install Class A Concrete	268.66	53,732.00	300.00	60,000.00	240.00	48,000.00	158.77	31,754.00	444.00	88,800.00	450.00	90,000.00					
86	1,200	LF	Remove & Replace Existing Fence	5.78	6,936.00	22.00	26,400.00	7.00	8,400.00	16.05	19,260.00	12.50	15,000.00	26.00	31,200.00					
87	350	CY	Unclassified Channel Excavation	2.66	931.00	14.00	4,900.00	10.00	3,500.00	14.50	5,075.00	3.00	1,050.00	12.00	4,200.00					
88	26,500	SY	Furnish & Install Hydromulch With Flexible Growth Medium, Including Watering & Fertilizing to Establish & Maintain Growth	2.73	72,345.00	2.25	59,625.00	4.10	108,650.00	4.58	121,370.00	2.60	68,900.00	3.00	79,500.00					
89	100%	LS	Furnish Irrigation Plan Signed by a Licensed Irrigator, & Provide All Materials, Equipment, & Labor to Install Irrigation Components Per the Plan	54,689.12	54,689.12	45,000.00	45,000.00	50,000.00	50,000.00	66,995.84	66,995.84	56,064.00	56,064.00	75,000.00	75,000.00					
90	28	EA	Furnish & Install Red Oak, 65 Gallon	831.97	23,295.16	1,050.00	29,400.00	590.00	16,520.00	1,284.00	35,952.00	783.00	21,924.00	1,800.00	50,400.00					
91	27	EA	Furnish & Install Live Oak, 65 Gallon	831.97	22,463.19	1,050.00	28,350.00	590.00	15,930.00	1,284.00	34,668.00	783.00	21,141.00	1,800.00	48,600.00					
PART A: ROADWAY & DRAINAGE AMOUNT - (Items 1 - 91)				\$	4,116,157.93		\$	4,623,272.50		\$	4,504,855.61		\$	4,976,066.02		\$	4,985,515.50		\$	5,371,086.00

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID B: WATER & WASTEWATER															
1	7,063	LF	Implement & Follow Trench Safety Plan (Pipe)	\$ 0.90	\$ 6,356.70	\$ 1.45	\$ 10,241.35	\$ 1.58	\$ 11,159.54	\$ 1.61	\$ 11,371.43	\$ 1.00	\$ 7,063.00	\$ 3.00	\$ 21,189.00
2	960	SF	Implement & Follow Trench Safety Plan (Structures)	2.50	2,400.00	0.70	672.00	0.79	758.40	0.80	768.00	2.00	1,920.00	0.50	480.00
3	2	EA	Connect to Existing 24" Waterline	8,235.00	16,470.00	12,950.00	25,900.00	14,332.50	28,665.00	14,605.50	29,211.00	13,002.00	26,004.00	1,800.00	3,600.00
4	3	EA	Connect to Existing 12" Waterline	1,450.00	4,350.00	2,890.00	8,670.00	3,192.00	9,576.00	3,252.80	9,758.40	2,294.00	6,882.00	1,200.00	3,600.00
5	5	EA	Connect to Existing 8" Waterline	850.00	4,250.00	2,450.00	12,250.00	2,693.25	13,466.25	2,744.55	13,722.75	1,493.00	7,465.00	850.00	4,250.00
6	1	EA	Connect to Existing 6" Waterline	750.00	750.00	2,125.00	2,346.75	2,346.75	2,391.45	2,391.45	1,112.00	1,112.00	800.00	800.00	800.00
7	2	EA	Connect to Existing PRV Vault	1,000.00	2,000.00	3,440.00	6,880.00	3,801.00	7,602.00	3,873.40	7,746.80	1,903.00	3,806.00	1,200.00	2,400.00
8	1	EA	Cut & Cap Existing 24" Waterline	2,069.00	2,069.00	1,780.00	1,780.00	1,968.75	1,968.75	2,006.25	2,006.25	1,903.00	1,903.00	2,400.00	2,400.00
9	3,350	LF	Furnish & Install 24" DIP Waterline	128.00	428,800.00	100.00	335,000.00	112.35	376,372.50	114.49	383,541.50	106.50	356,775.00	125.00	418,750.00
10	1,550	LF	Furnish & Install 12" PVC Waterline	48.00	74,400.00	34.00	52,700.00	37.80	58,590.00	38.52	59,706.00	57.00	88,350.00	85.00	131,750.00
11	1,350	LF	Furnish & Install 8" PVC Waterline	34.00	45,900.00	25.00	33,750.00	27.56	37,206.00	28.09	37,921.50	42.50	57,375.00	65.00	87,750.00
12	350	LF	Furnish & Install 2" PVC Waterline	24.00	8,400.00	31.00	10,850.00	33.86	11,851.00	34.51	12,078.50	23.00	8,050.00	45.00	15,750.00
13	320	LF	Furnish & Install 36" Steel Encasement By Open Cut	308.00	98,560.00	182.00	58,240.00	266.70	85,344.00	271.78	86,969.60	302.00	96,640.00	265.00	84,800.00
14	260	LF	Furnish & Install 24" Steel Encasement By Open Cut	175.00	45,500.00	120.00	31,200.00	176.40	45,864.00	179.76	46,737.60	165.00	42,900.00	225.00	58,500.00
15	300	LF	Furnish & Install 16" Steel Encasement By Open Cut	134.00	40,200.00	98.00	29,400.00	132.30	39,690.00	134.82	40,446.00	127.50	38,250.00	185.00	55,500.00
16	130	LF	Furnish & Install 16" Steel Encasement By Bore	557.00	72,410.00	169.00	21,970.00	210.00	27,300.00	214.00	27,820.00	290.00	37,700.00	450.00	58,500.00
17	2	EA	Furnish & Install 24" Tee	6,950.00	13,900.00	3,360.00	6,720.00	3,717.00	7,434.00	3,787.80	7,575.60	3,507.00	7,014.00	2,800.00	5,600.00
18	1	EA	Furnish & Install 24"x12" Tee	4,297.00	4,297.00	2,970.00	2,970.00	3,281.25	3,281.25	3,343.75	3,343.75	3,062.00	3,062.00	2,200.00	2,200.00
19	4	EA	Furnish & Install 24" Gate Valve	18,302.00	73,208.00	16,900.00	67,600.00	18,690.00	74,760.00	19,046.00	76,184.00	20,352.00	81,408.00	21,000.00	84,000.00
20	3	EA	Furnish & Install 24" Plug	2,069.00	6,207.00	1,310.00	3,930.00	1,443.75	4,331.25	1,471.25	4,413.75	1,835.00	5,505.00	1,200.00	3,600.00
21	2	EA	Furnish & Install 24" 22.5-Degree Bend	3,362.00	6,724.00	2,200.00	4,400.00	2,430.75	4,861.50	2,477.05	4,954.10	2,457.00	4,914.00	2,200.00	4,400.00
22	8	EA	Furnish & Install 24" 11.25-Degree Bend	3,191.00	25,528.00	2,150.00	17,200.00	2,362.50	18,900.00	2,407.50	19,260.00	2,418.00	19,344.00	2,200.00	17,600.00
23	2	EA	Furnish & Install 12" Tee	1,408.00	2,816.00	1,075.00	2,150.00	1,197.00	2,394.00	1,219.80	2,439.60	1,037.00	2,074.00	1,800.00	3,600.00
24	6	EA	Furnish & Install 12"x8" Tee	1,107.00	6,642.00	960.00	5,760.00	1,060.50	6,363.00	1,080.70	6,484.20	1,016.00	6,096.00	1,600.00	9,600.00
25	5	EA	Furnish & Install 12" Gate Valve	2,455.00	12,275.00	2,230.00	11,150.00	2,462.25	12,311.25	2,509.15	12,545.75	2,733.00	13,665.00	3,200.00	16,000.00
26	1	EA	Furnish & Install 12"x8" Reducer	709.00	709.00	480.00	480.00	530.25	530.25	540.35	540.35	768.00	768.00	900.00	900.00
27	5	EA	Furnish & Install 12" 45-Degree Bend	919.00	4,595.00	325.00	1,625.00	690.90	3,454.50	704.06	3,520.30	937.00	4,685.00	650.00	3,250.00



BID TABULATION  
CITY OF TEMPLE  
OUTER LOOP ROADWAY IMPROVEMENTS PHASE IIIB  
Jupiter to Thompson Drainage Channel  
June 14, 2018; 2:00 PM

				BIDDER INFORMATION																					
				TexGlobal Contractors Inc 115 W 7th, ste 1500 Fort Worth TX 76102		TTG Utilities LP PO Box 299 Gatesville TX 76528		RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513		Lonestar Grading & Materials LLC PO Box 1162 Salado TX 76571		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542		DeNucci Constructors LLC 8310-1 Capital TX Hwy N, Ste 275 Austin TX 78731											
28	2	EA	Furnish & Install 12" 11.25-Degree Bend	835.00	1,670.00	600.00	1,200.00	661.50	1,323.00	674.10	1,348.20	910.00	1,820.00	650.00	1,300.00										
29	1	EA	Furnish & Install 8" Tee	894.00	894.00	730.00	730.00	808.50	808.50	823.90	823.90	1,101.00	1,101.00	1,400.00	1,400.00										
30	7	EA	Furnish & Install 8" Gate Valve	1,423.00	9,961.00	1,255.00	8,785.00	1,391.25	9,738.75	1,417.75	9,924.25	1,458.00	10,206.00	1,800.00	12,600.00										
31	2	EA	Furnish & Install 8" Plug	379.00	758.00	300.00	600.00	327.60	655.20	333.84	667.68	437.00	874.00	650.00	1,300.00										
32	1	EA	Furnish & Install 8"x6" Reducer	491.00	491.00	325.00	325.00	357.00	357.00	363.80	363.80	563.00	563.00	600.00	600.00										
33	7	EA	Furnish & Install 8" 90-Degree Bend	584.00	4,088.00	400.00	2,800.00	446.25	3,123.75	454.75	3,183.25	679.00	4,753.00	600.00	4,200.00										
34	7	EA	Furnish & Install 8" 45-Degree Bend	540.00	3,780.00	385.00	2,695.00	425.25	2,976.75	433.35	3,033.45	661.00	4,627.00	600.00	4,200.00										
35	4	EA	Furnish & Install 8" 11.25-Degree Bend	522.00	2,088.00	375.00	1,500.00	415.80	1,663.20	423.72	1,694.88	652.00	2,608.00	900.00	3,600.00										
36	7	EA	Furnish & Install Fire Hydrant Assembly	5,237.00	36,659.00	5,100.00	35,700.00	4,551.75	31,862.25	4,638.45	32,469.15	4,747.00	33,229.00	4,800.00	33,600.00										
37	2	EA	Furnish & Install Air Release Valve Assembly & Vault	4,939.00	9,878.00	4,145.00	8,290.00	4,583.25	9,166.50	4,670.55	9,341.10	4,369.00	8,738.00	5,400.00	10,800.00										
38	5	EA	Furnish & Install Water Meter	1,758.00	8,790.00	1,960.00	9,800.00	2,168.25	10,841.25	2,209.55	11,047.75	2,507.00	12,535.00	2,800.00	14,000.00										
39	100%	LS	Furnish All Materials, Tools & Labor to Test Water Line According to Specifications	7,950.00	7,950.00	15,765.00	15,765.00	17,430.00	17,430.00	17,762.00	17,762.00	4,756.00	4,756.00	3,500.00	3,500.00										
40	1	EA	Connect to Existing 10" Wastewater Line	800.00	800.00	1,760.00	1,760.00	1,942.50	1,942.50	1,979.50	1,979.50	2,537.00	2,537.00	800.00	800.00										
41	1	EA	Connect to Existing Manhole	1,500.00	1,500.00	1,350.00	1,350.00	1,491.00	1,491.00	1,519.40	1,519.40	4,303.00	4,303.00	3,500.00	3,500.00										
42	3	EA	Furnish & Install 4' Diameter Manhole	1,992.00	5,976.00	3,600.00	10,800.00	3,948.00	11,844.00	4,023.20	12,069.60	2,108.00	6,324.00	4,800.00	14,400.00										
43	360	LF	Furnish & Install 10" PVC Wastewater Line	43.00	15,480.00	53.00	19,080.00	58.28	20,980.80	59.39	21,380.40	53.00	19,080.00	54.00	19,440.00										
44	160	LF	Furnish & Install 18" Steel Encasement by Open Cut	159.00	25,440.00	135.00	21,600.00	149.10	23,856.00	151.94	24,310.40	119.00	19,040.00	190.00	30,400.00										
45	85	LF	Remove & Dispose of Existing 10" Wastewater Line	25.00	2,125.00	22.00	1,870.00	24.15	2,052.75	24.61	2,091.85	61.00	5,185.00	12.00	1,020.00										
46	100%	LS	Furnish All Materials, Tools & Labor to Test Wastewater Line According to Specifications	1,500.00	1,500.00	2,470.00	2,470.00	2,730.00	2,730.00	2,782.00	2,782.00	2,537.00	2,537.00	4,000.00	4,000.00										
PART B: WATER & WASTEWATER AMOUNT (Items 1 - 46)				\$	1,149,544.70			\$	912,733.35			\$	1,051,224.39			\$	1,071,250.74			\$	1,075,546.00			\$	1,265,429.00

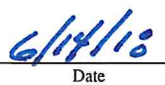
	BIDDER INFORMATION									
	TexGlobal Contractors Inc 115 W 7th, ste 1500 Fort Worth TX 76102	TTG Utilities LP PO Box 299 Gatesville TX 76528	RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513	Lonestar Grading & Materials LLC PO Box 1162 Salado TX 76571	McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542	DeNucci Constructors LLC 8310-1 Capital TX Hwy N, Ste 275 Austin TX 78731				
PART A: ROADWAY & DRAINAGE	\$ 4,116,157.93	\$ 4,623,272.50	\$ 4,504,855.61	\$ 4,976,066.02	\$ 4,985,515.50	\$ 5,371,086.00				
BASE BID B: WATER & WASTEWATER	\$ 1,149,544.70	\$ 912,733.35	\$ 1,051,224.39	\$ 1,071,250.74	\$ 1,075,546.00	\$ 1,265,429.00				
TOTAL PART A + PART B	\$ 5,265,702.63	\$ 5,536,005.85	\$ 5,556,080.00	\$ 6,047,316.76	\$ 6,061,061.50	\$ 6,636,515.00				

Did Bidder Acknowledge Addendum No. 1 & No. 2?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES
Did Bidder provide required documents?	YES	YES	YES	YES	YES	YES

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



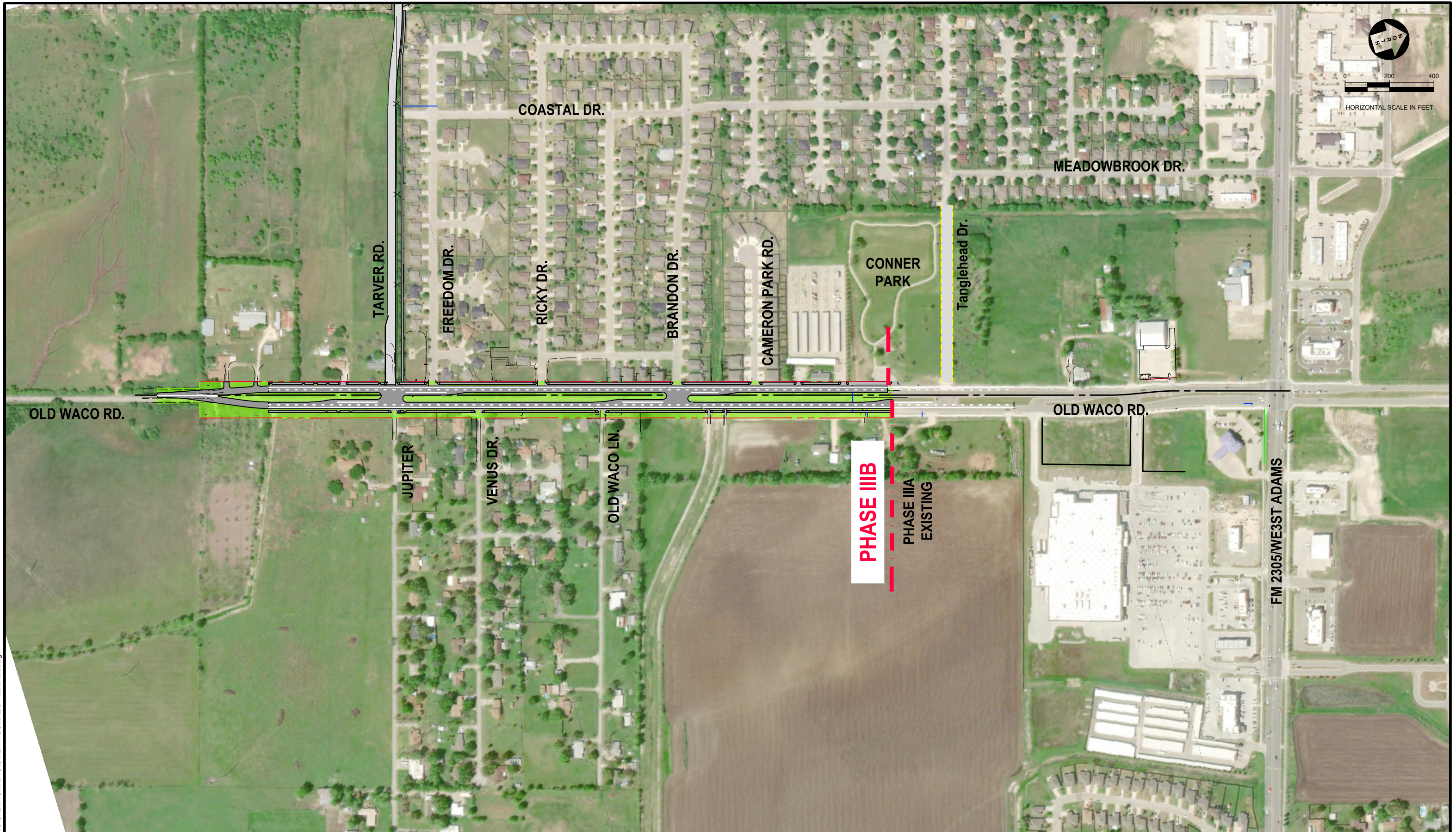
R. David Patrick, PE, CFM  
Kasberg, Patrick & Associates, LP

  
Date





P:\Temple\2014\2014-110\CAD\WORKING\UTILITY CONFLICT MAP ex.dwg



Plotted: Jun 18, 2018 - 10:10am By: FTG  
© 2018 Kasberg, Patrick & Assoc. LP

JUNE, 18 2018 UPDATE

- PROPOSED ROAD IMPROVEMENTS
- PROPOSED SIDEWALK



**City of Temple, Texas**  
**OUTER LOOP PHASE III B**



RESOLUTION NO. 2018-9196-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TEX-GLOBAL CONTRACTORS OF FORT WORTH, TEXAS IN THE AMOUNT OF \$5,265,702.63, FOR SERVICES REQUIRED TO CONSTRUCT PHASE 3B OF THE OUTER LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** West Temple is rapidly growing along the West Adams corridor and roadway improvements to the Outer Loop (Old Waco Rd) south of West Adams are needed to support continued development;

**Whereas,** Phase 3B of the Outer Loop extends from the Thompson Channel to Jupiter Drive and the infrastructure to be constructed in this phase includes approximately one half of a mile of arterial thoroughfare, sidewalks, and associated utility improvements and adjustments;

**Whereas,** on June 14, 2018, the City received six bids for the project – Staff and the City’s engineering consultant has evaluated bids, experience, and references and recommends Council authorize a construction contract to the low bidder, Tex-Global Contractors, Inc. of Fort Worth, Texas in the amount of \$5,265,702.63;

**Whereas,** funds are available for this construction contract in Account No. 365-3400-531-6813, Account No. 520-5900-535-6521, and Account No. 561-5200-535-6813, Project No. 101121; and

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

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

**Part 1: 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 Tex-Global Contractors, Inc. of Fort Worth, Texas in the amount of \$5,265,702.63 for services required to construct Phase 3B of the Outer Loop.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #6  
Regular Agenda  
Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with United Way of Central Texas in an amount not to exceed \$70,000 for Tier II (double facade) category improvements to property located at 4 North 3rd Street within the Downtown Strategic Investment Zone corridor.

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

**ITEM SUMMARY:** The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with United Way of Central Texas that would provide a SIZ 1:1 matching grant for a maximum amount of \$70,000 of a proposed total project cost of \$438,996 for United Way's new office facilities. This Tier II project scope consists of asbestos abatement, facade improvements, landscaping and exterior lighting, in addition to the proposed interior work. In a June 14, 2018 meeting with the SIZ Review Committee, the applicant agreed to also install additional windows and awnings along the West Central Avenue facade, as well as a few street trees. Fee waivers up to \$2,000 are also requested. Due to the recent allocation of RZ (Reinvestment Zone) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year. Two other SIZ grant applications (110 and 112 South 1<sup>st</sup> Street) qualifying for \$70,000 and \$90,530, respectively, will be considered by City Council on this same agenda. If all grant applications are approved, a balance of \$28,698 would remain for FY18.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant:

- Completes the work and total capital investment described in the agreement in a timely fashion;
- Gives the City the right to inspect the work and financial records;
- Performs all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- Maintains those improvements in the future.

**FISCAL IMPACT:** The total maximum grant match by the City is \$70,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 795-9500-531-2695 for Strategic Investment Zone grants as follows:

	Reinvestment Zone 795-9500-531-2695	General Fund 110-1500-515-2695	Total
Available Funding	\$ 250,000	\$ 162,000	\$ 412,000
Encumbered/Committed to Date	-	(152,772)	(152,772)
Short-Term Lending GP	(90,530)	-	(90,530)
Short-Term Lending GP	(70,000)	-	(70,000)
United Way of Central Texas	(70,000)	-	(70,000)
<b>Remaining Funds Available</b>	<b>\$ 19,470</b>	<b>\$ 9,228</b>	<b>\$ 28,698</b>

**ATTACHMENTS:**

[Cost Estimates](#)  
[Architectural Renderings](#)  
[Resolution](#)

**Project Name: United Way - Commercial Remodel**

Project Address: 4 N. 3rd Street

City: Temple

Zipcode: 76501

Date: 5/23/2018

Date of Plans: 5/10/2018

Architect / Designer: Neal Architectural Group

Engineer: N/A

**SIZ Grant Eligible Items - Exterior Façade**

Exterior Demolition	\$3,162.50
Windows	\$11,385.00
Exterior Doors	\$3,984.75
Parapet Framing	\$3,795.00
Canopies / Awnings	\$15,187.59
Parking Lot Asphalt / Striping	\$20,648.16
Masonry	\$15,812.50
Stucco	\$4,048.00
Exterior Painting	\$31,625.00
Storefront Glass	\$7,590.00
Roofing Repairs	\$6,325.00
Landscaping	\$5,692.50
Signage	\$9,487.50
<b>Subtotal</b>	<b>\$138,743.50</b>

**SIZ Grant Eligible Items - Other**

Plan Design / Blueprints	\$7,084.00
TDLR/ADA Registration & Inspections	\$1,094.23
Bldg Permit Fees	\$1,771.00
Asbestos Testing & Abatement	\$14,789.12
Interior Demolition	\$15,812.50
Fire Extinguishers	\$948.75
<b>Subtotal</b>	<b>\$41,499.60</b>

**Remaining Remodel Costs**

Lumber / Carpentry	\$15,180.00
Insulation / Drywall / Acoustic Ceiling	\$32,835.93
Plumbing	\$22,137.50
HVAC	\$3,162.50
Electrical	\$44,275.00
Interior Trim & Doors	\$25,553.00
Cabinets / Counter Tops	\$12,523.50
Interior Paint	\$15,180.00
Flooring / Base	\$42,674.78
Bldrs Hdwr / Toilet Partitions	\$11,940.34
Glass / Mirror	\$2,024.00
Appliances (Refrigerator)	\$1,518.00
Clean Up	\$7,216.42
General Conditions	\$22,532.18
<b>Subtotal</b>	<b>\$258,753.15</b>

Total For All:

**\$438,996.25**



# UNITED WAY

4 NORTH 3RD STREET  
TEMPLE, TEXAS 76501



## ARCHITECT

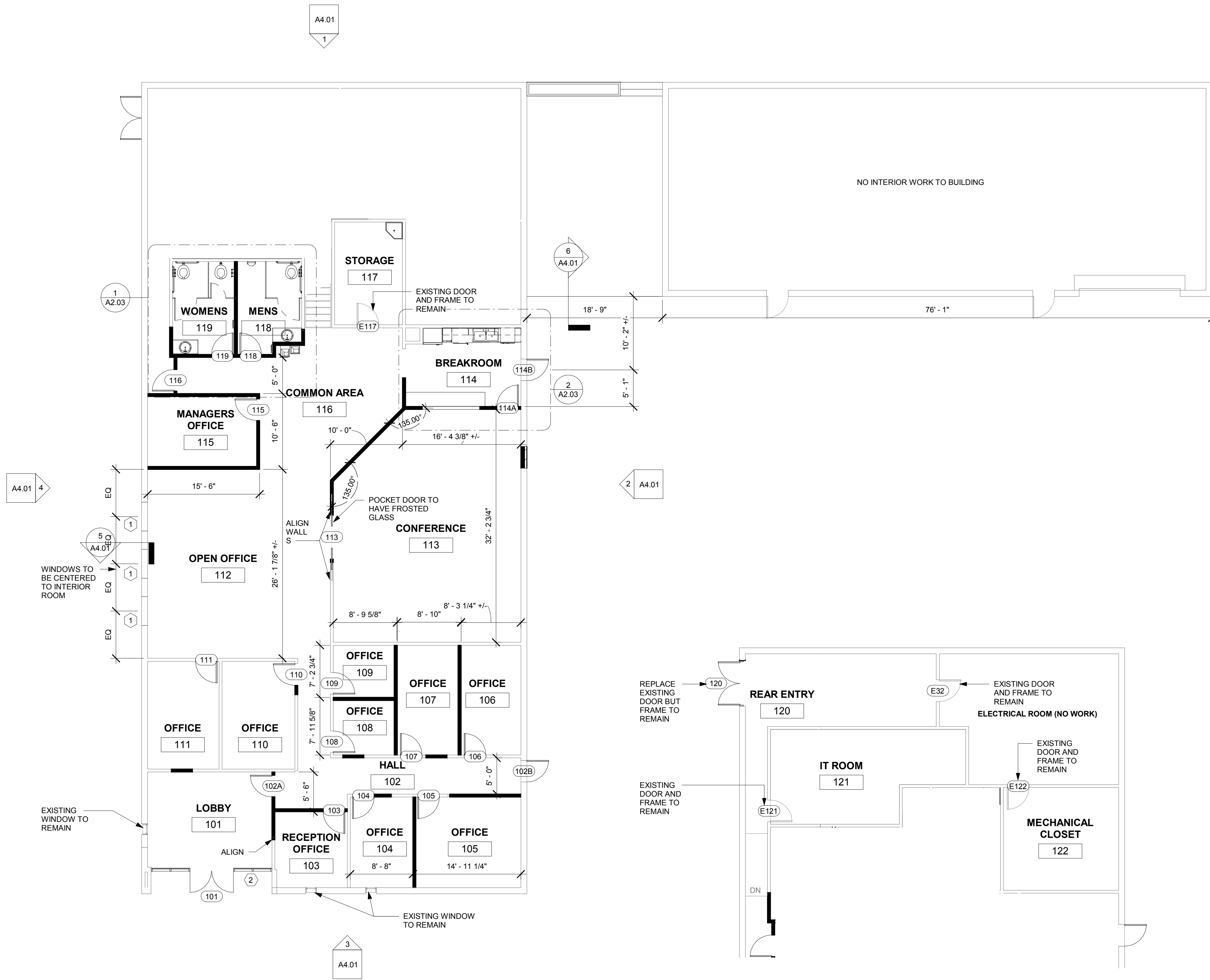
NEAL

ARCHITECTURAL  
GROUP

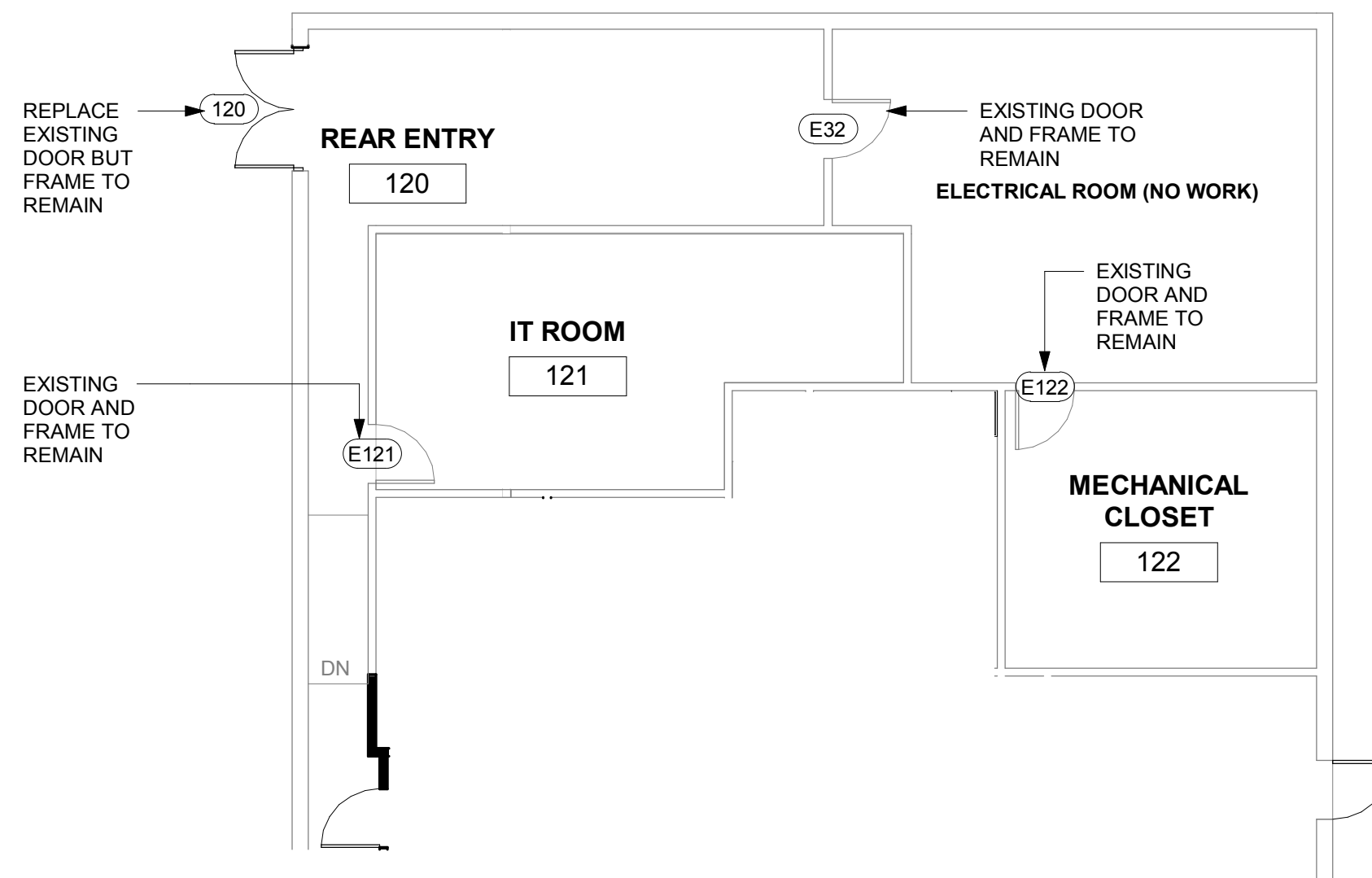
1023 CANYON CREEK DRIVE, SUITE 105  
TEMPLE, TEXAS 76502 \* 254.778.1466



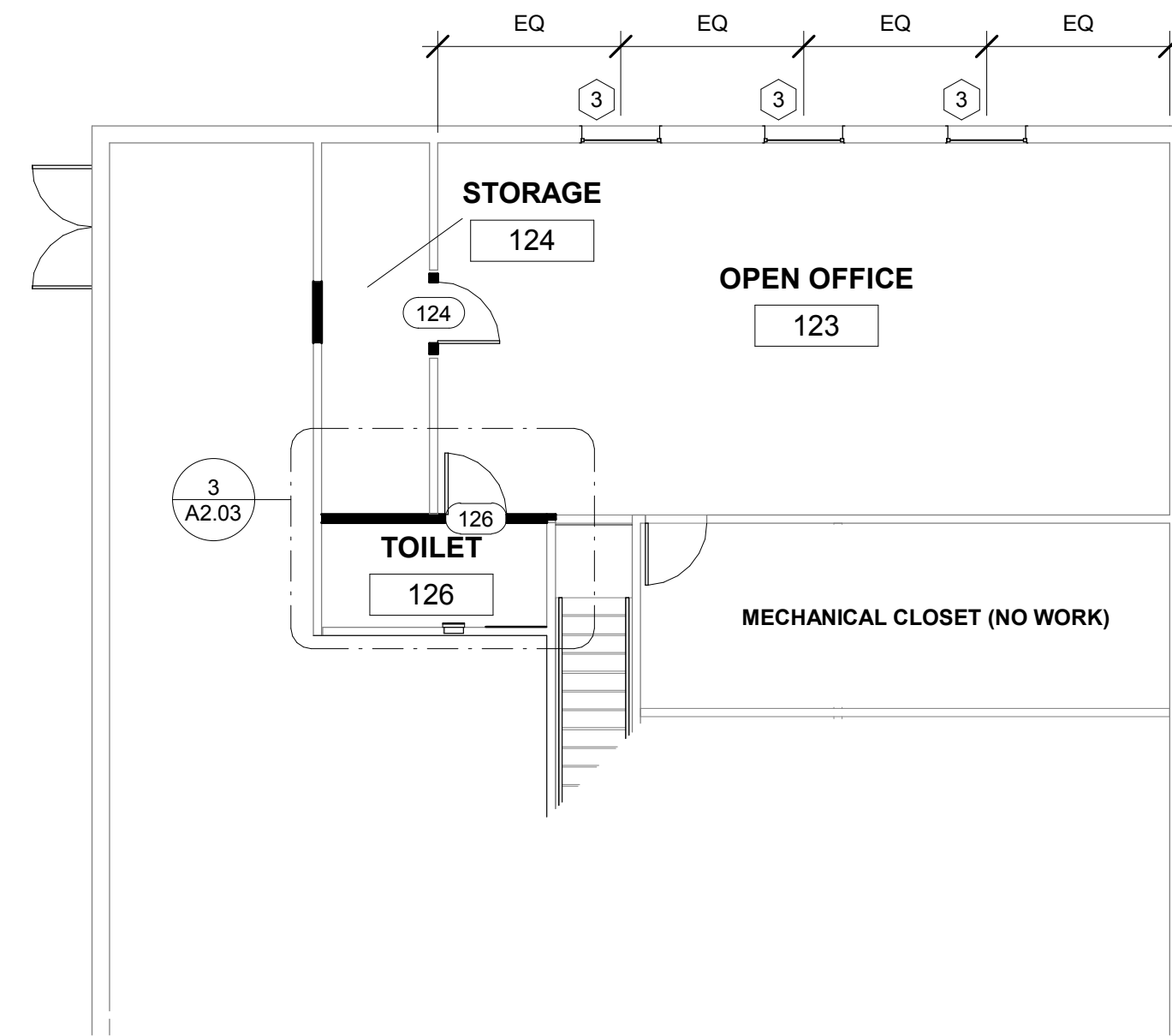




**1 ARCHITECTURAL FLOOR PLAN- GROUND FLOOR**  
1/8" = 1'-0"

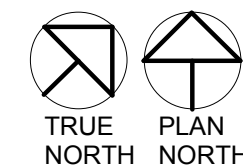


**2 ARCHITECTURAL FLOOR PLAN - BASEMENT**  
1/8" = 1'-0"



**3 ARCHITECTURAL FLOOR PLAN - SECOND FLOOR**  
1/8" = 1'-0"

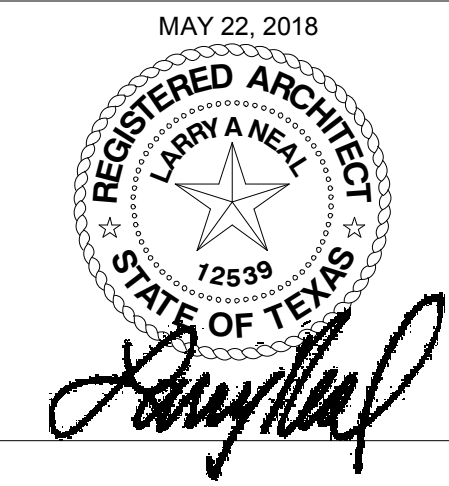
- PLAN LEGEND**
- EXISTING PARTITION
  - NEW PARTITION
  - EXISTING DOOR
  - NEW DOOR



**GENERAL NOTE:**  
1. REFER TO SHEET A2.04 FOR PARTITION TYPE INFORMATION

**NEAL**  
ARCHITECTURAL GROUP

REVISIONS		
Number	Description	Date



ARCHITECT  
NEAL ARCHITECTURAL GROUP  
1025 CANYON CREEK DRIVE  
SUITE 125  
TEMPLE, TEXAS 76502

**UNITED WAY**  
4 N 3RD ST  
TEMPLE, TEXAS 76501

ISSUE:  
**PERMIT DOCUMENTS**  
PROJECT NUMBER:  
**1804-1**  
DATE:  
**05/22/2018**  
SHEET TITLE:  
**FLOOR PLAN**

SHEET NO.:  
**A2.02**

5/30/2018 10:50:14 AM MP MP TR  
DRAWN BY: CHECKED BY:

REVISIONS		
Number	Description	Date
1	CANOPY DETAILS	5/30/18

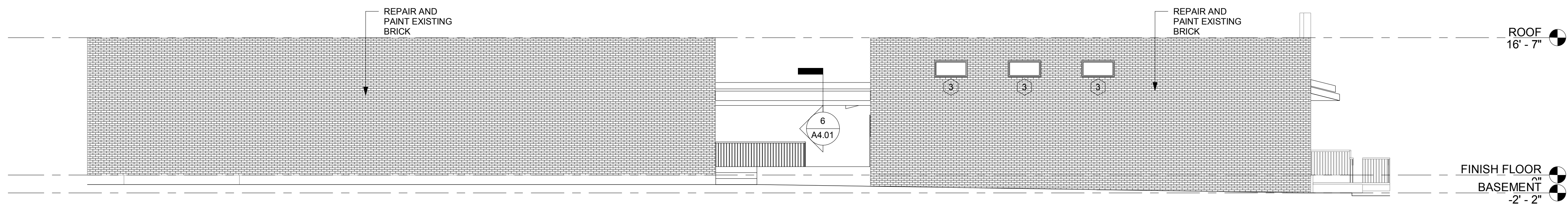


ARCHITECT  
NEAL ARCHITECTURAL GROUP  
1025 CANYON CREEK DRIVE  
SUITE 125  
TEMPLE, TEXAS 76502

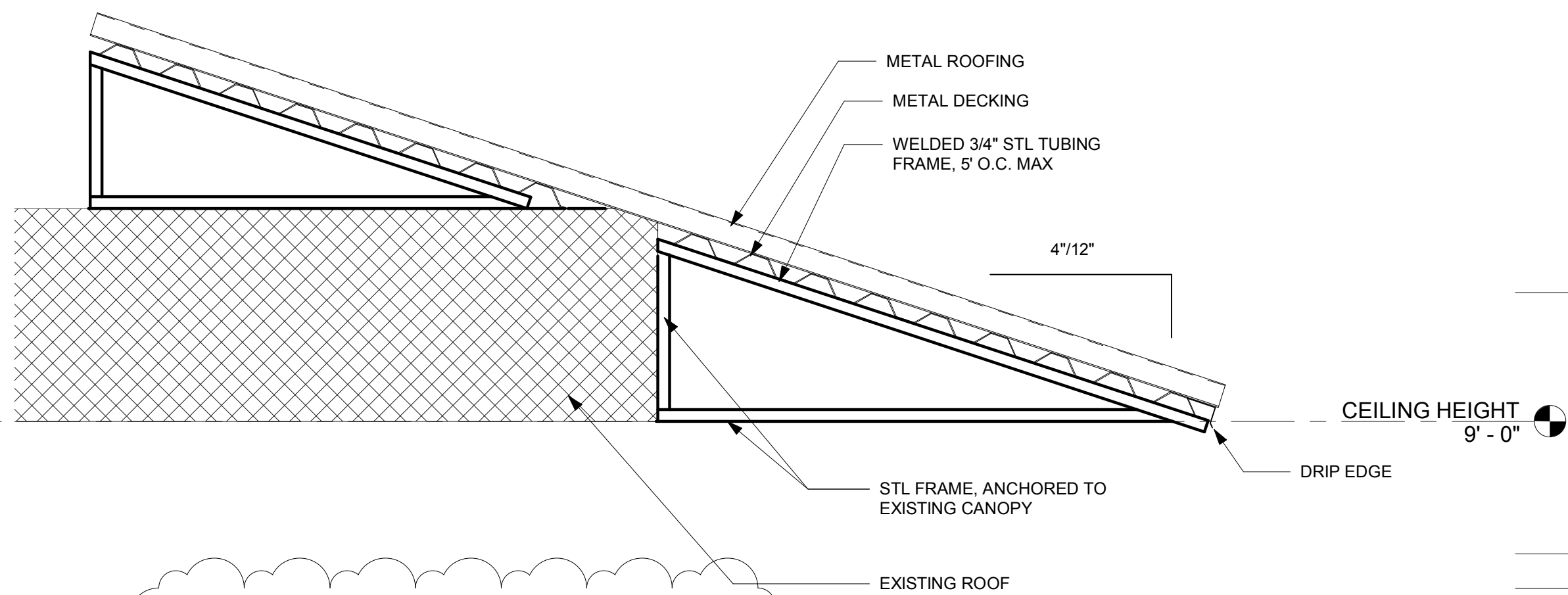
UNITED WAY  
4 N 3RD ST  
TEMPLE, TEXAS 76501

ISSUE:  
**PERMIT DOCUMENTS**  
PROJECT NUMBER:  
**1804-1**  
DATE:  
**05/22/2018**  
SHEET TITLE:  
**EXTERIOR ELEVATIONS**

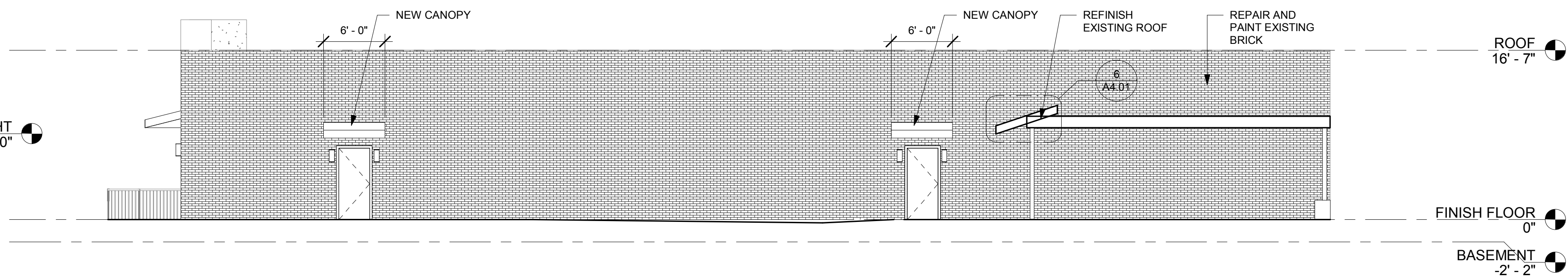
SHEET NO.:  
**A4.01**



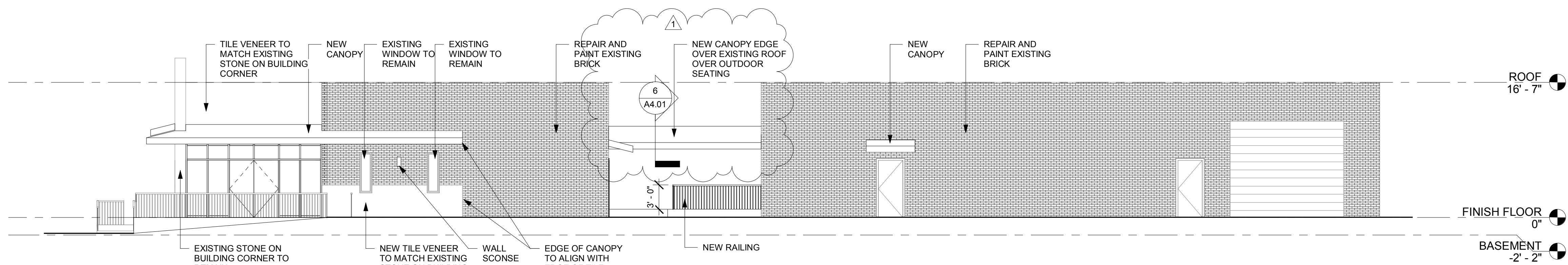
**1 NORTH EXTERIOR ELEVATION**  
1/8" = 1'-0"



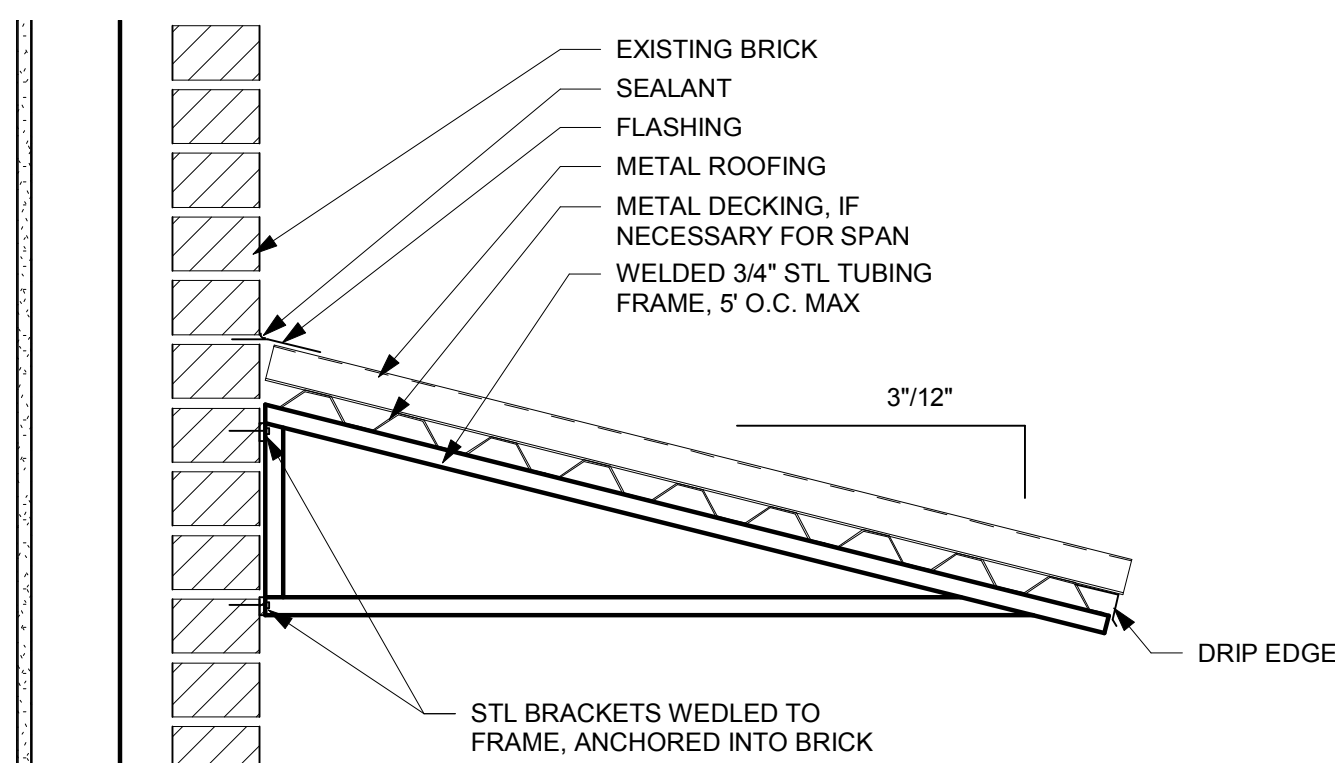
**6 CANOPY OVER PATIO**  
1 1/2" = 1'-0"



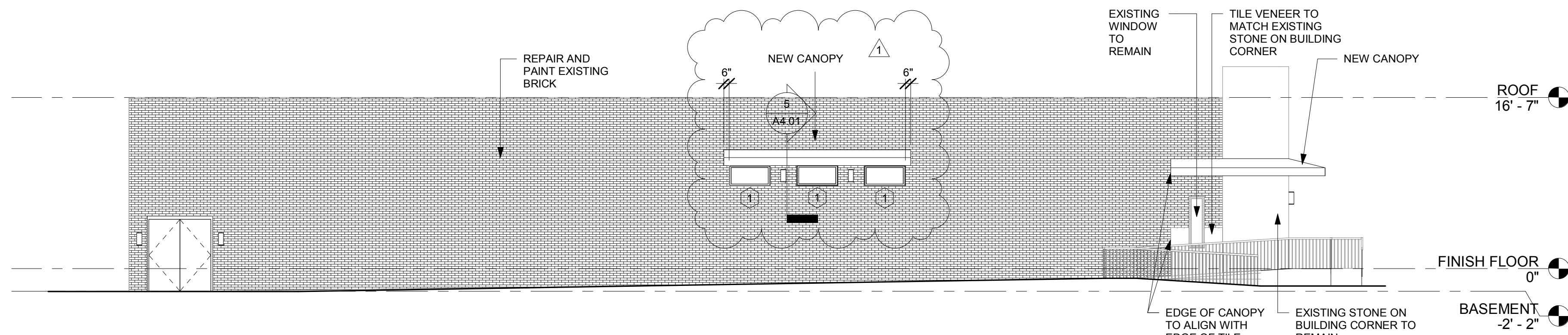
**2 EAST EXTERIOR ELEVATION**  
1/8" = 1'-0"



**3 SOUTH EXTERIOR ELEVATION**  
1/8" = 1'-0"



**5 TYPICAL CANOPY SECTION DETAIL**  
1 1/2" = 1'-0"



**4 WEST EXTERIOR ELEVATION**  
1/8" = 1'-0"

RESOLUTION NO. 2018-9197-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH UNITED WAY OF CENTRAL TEXAS IN AN AMOUNT NOT TO EXCEED \$70,000 FOR TIER II CATEGORY IMPROVEMENTS TO PROPERTY LOCATED AT 4 NORTH 3<sup>RD</sup> STREET WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, United Way of Central Texas has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone (“SIZ”) 1:1 matching grant of up to \$70,000 of an estimated total project cost of \$438,996 for Unite Way’s new office facilities;

**Whereas**, this Tier II (double façade) project scope consists of asbestos abatement, façade improvements, landscaping and exterior lighting, in addition to the proposed interior work, the installation of additional windows and awnings along the West Central Avenue façade, as well as a few street trees - fee waivers up to \$2,000 are also requested;

**Whereas**, due to the recent allocation of Reinvestment Zone (“RZ”) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year with two other SIZ grant applications qualifying for \$70,000 and \$90,530, respectively - if all grant applications are approved, a balance of \$28,698 would remain for fiscal year 2018;

**Whereas**, in order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant:

- Completes the work and total capital investment described in the agreement in a timely fashion;
- Gives the City the right to inspect the work and financial records associated with the project;
- Performs all of the work described in the agreement in accordance with all applicable City codes and regulations;
- Maintains those improvements in the future;

**Whereas**, Staff recommends Council authorize a Chapter 380 Development Agreement with United Way of Central Texas in an amount not to exceed \$70,000 for Tier II (double façade) category improvements to property located at 4 North 3<sup>rd</sup> Street within the Downtown Strategic Investment Zone corridor;

**Whereas**, payment of the grant matching funds will not be made until work and inspections are complete, and receipts are received by the City - funding for this Strategic Investment Zone grant is available in Account No. 795-9500-531-2695, and Account No. 110-1500-515-2695;

**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 Chapter 380 Development Agreement with United Way of Central Texas in an amount not to exceed \$70,000 for Tier II (double façade) category improvements to property located at 4 North 3<sup>rd</sup> Street within the Downtown Strategic Investment Zone corridor.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #7(A)  
Regular Agenda  
Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. in an amount not to exceed \$70,000 for Tier II (double facade) category improvements to property located at 110 South 1st Street within the Downtown Strategic Investment Zone corridor.

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

**ITEM SUMMARY:** The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. that would provide a SIZ 1:1 matching grant for a maximum amount of \$70,000 of an estimated total project cost of \$300,000 for a proposed coffee shop with outdoor dining and entertainment. This Tier II project scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area. Fee waivers up to \$2,000 are also requested. Due to the recent allocation of RZ (Reinvestment Zone) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year. Two other SIZ grant applications (112 South 1<sup>st</sup> Street and 4 North 3<sup>rd</sup> Street) qualifying for \$90,530 and \$70,000, respectively, will be considered by City Council on this same agenda. If all grant applications are approved, a balance of \$28,698 would remain for FY18.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant:

- Completes the work and total capital investment described in the agreement in a timely fashion;
- Gives the City the right to inspect the work and financial records associated with the project;
- Performs all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- Maintains those improvements in the future.

**FISCAL IMPACT:** The total maximum grant match by the City is \$70,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 795-9500-531-2695 for Strategic Investment Zone grants as follows:

	Reinvestment Zone 795-9500-531-2695	General Fund 110-1500-515-2695	Total
Available Funding	\$ 250,000	\$ 162,000	\$ 412,000
Encumbered/Committed to Date	-	(152,772)	(152,772)
Short-Term Lending GP	(90,530)	-	(90,530)
Short-Term Lending GP	(70,000)	-	(70,000)
United Way of Central Texas	(70,000)	-	(70,000)
<b>Remaining Funds Available</b>	<b>\$ 19,470</b>	<b>\$ 9,228</b>	<b>\$ 28,698</b>

**ATTACHMENTS:**

Cost Estimates  
Architectural Renderings  
Resolution

PROJECT EXTRACO  
LOCATION 110 S. 1st Street  
TAKE OFF

2,140 sq ft.

CLASSIFICATION  
ARCHITECT  
PRICES

SHEET NO.

DATE \_\_\_\_\_

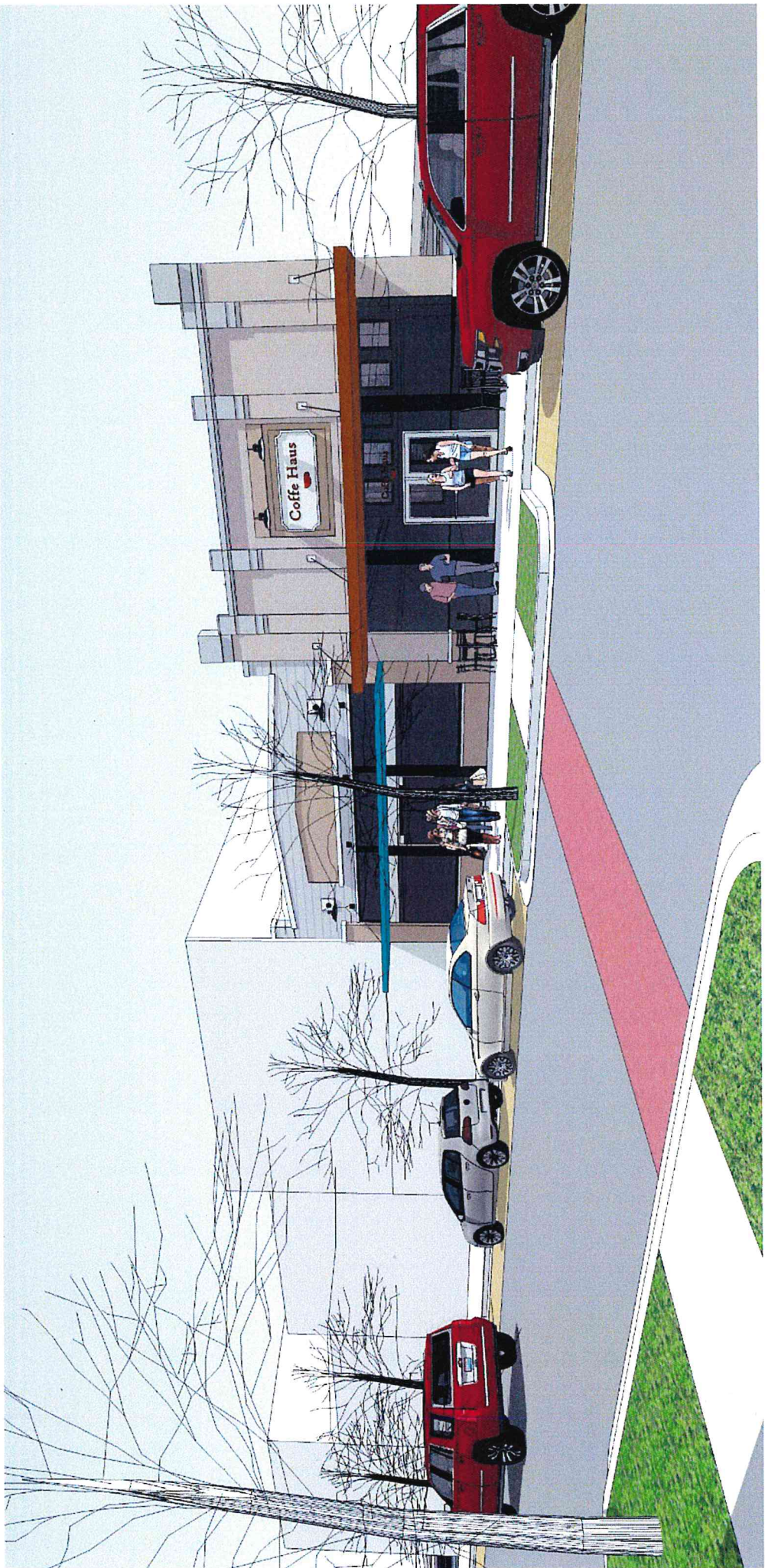
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EXTENSIONS BY

QTY BY

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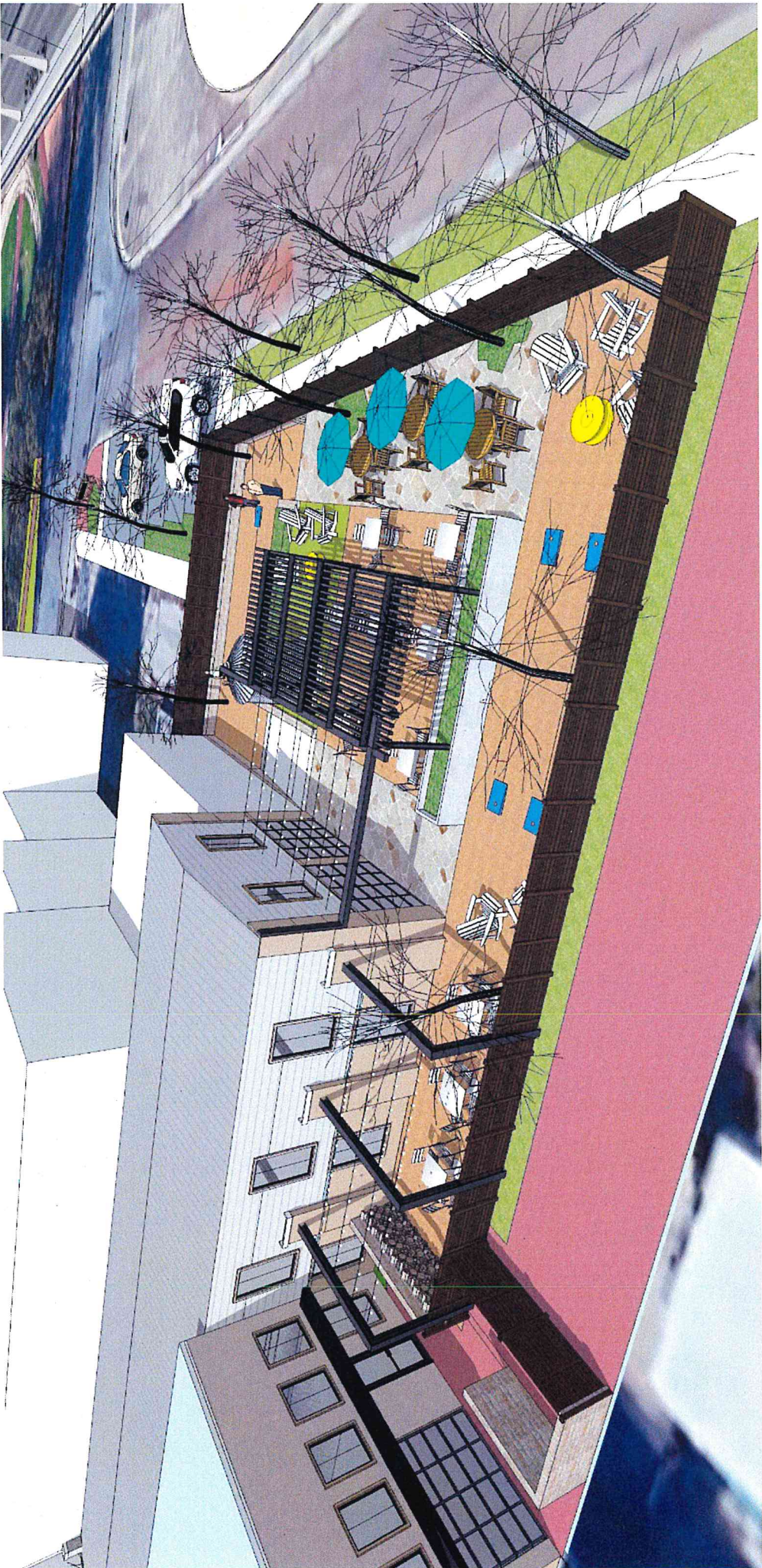




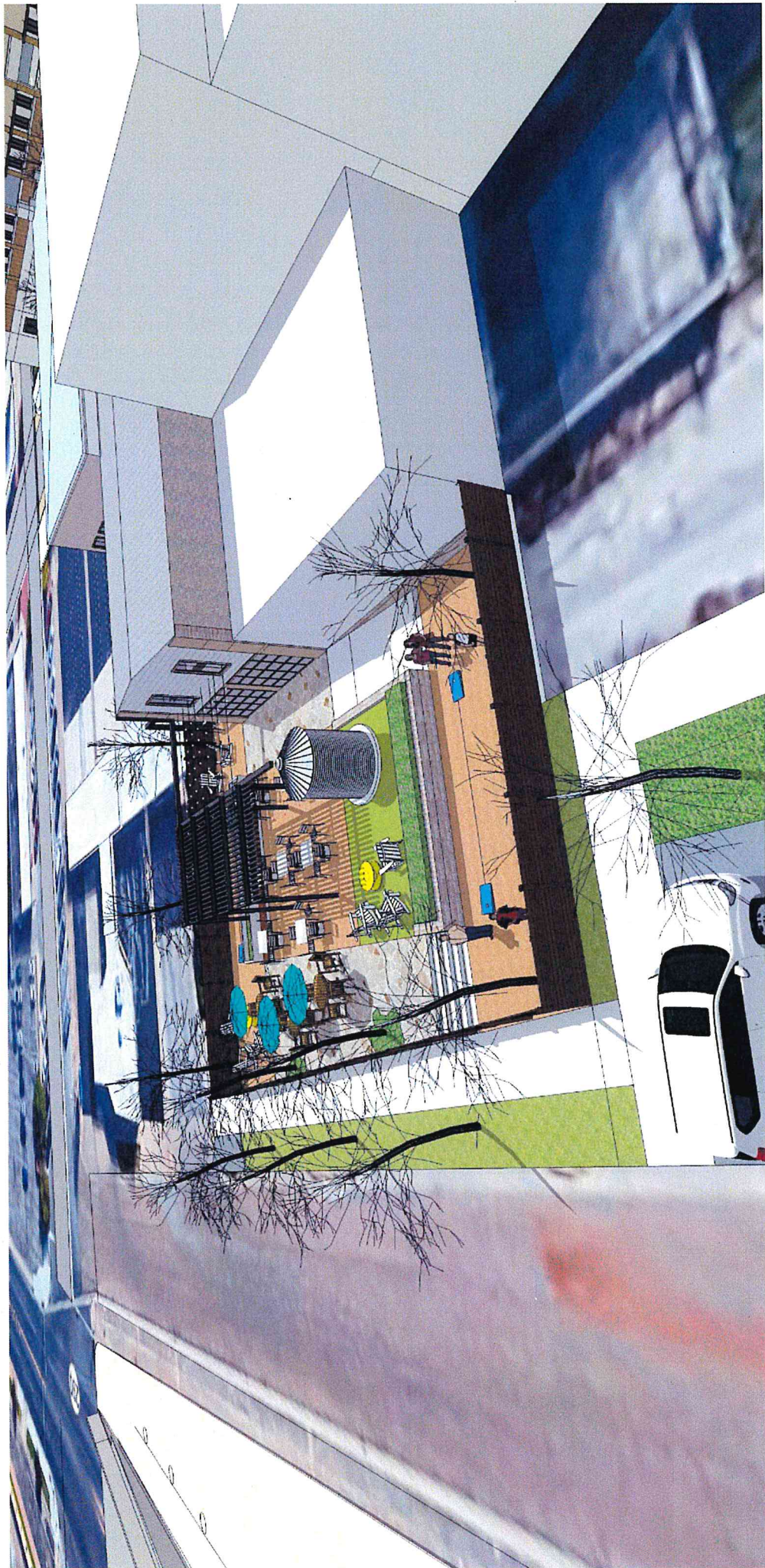




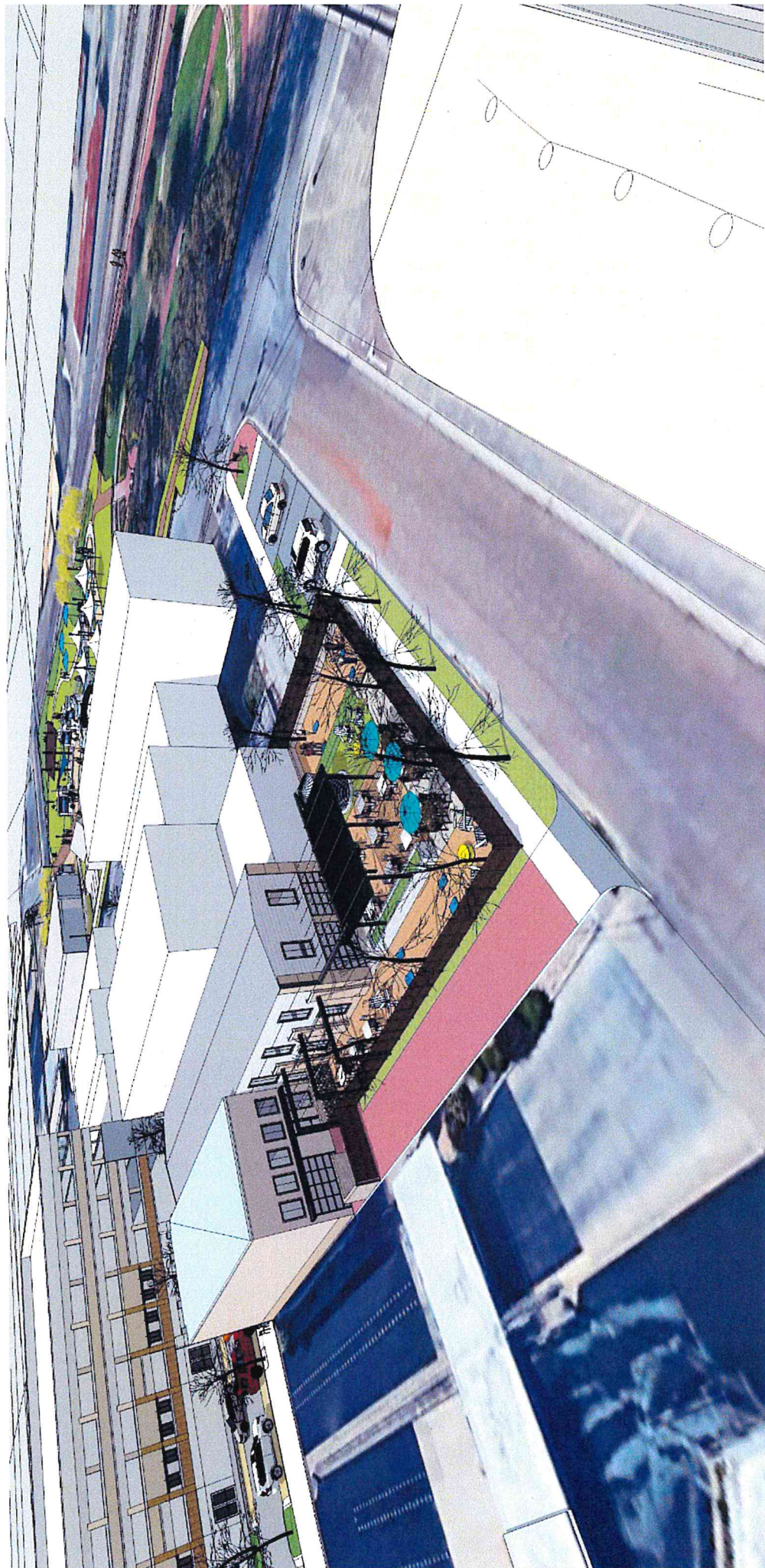
















RESOLUTION NO. 2018-9198-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH SHORT-TERM LENDING, GP, INC. IN AN AMOUNT NOT TO EXCEED \$70,000, FOR TIER II CATEGORY IMPROVEMENTS TO PROPERTY LOCATED AT 110 SOUTH 1<sup>ST</sup> STREET WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Short-Term Lending GP, Inc. has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone (“SIZ”) 1:1 matching grant of up to \$70,000 of an estimated total project cost of \$300,000 for a proposed coffee shop with outdoor dining and entertainment;

**Whereas**, this Tier II (double façade) project scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area - fee waivers up to \$2,000 are also requested;

**Whereas**, due to the recent allocation of Reinvestment Zone (“RZ”) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year with two other SIZ grant applications qualifying for \$90,530 and \$70,000, respectively - if all grant applications are approved, a balance of \$28,698 would remain for fiscal year 2018;

**Whereas**, in order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant:

- Completes the work and total capital investment described in the agreement in a timely fashion;
- Gives the City the right to inspect the work and financial records associated with the project;
- Performs all of the work described in the agreement in accordance with all applicable City codes and regulations;
- Maintains those improvements in the future;

**Whereas**, Staff recommends Council authorize a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. in an amount not to exceed \$70,000 for Tier II (double façade) category improvements to property located at 110 South 1<sup>st</sup> Street within the Downtown Strategic Investment Zone corridor;

**Whereas**, payment of the grant matching funds will not be made until work and inspections are complete, and receipts are received by the City - funding for this Strategic Investment Zone grant is available in Account No. 795-9500-531-2695, and Account No. 110-1500-515-2695;

**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 Chapter 380 Development Agreement with Short-Term Lending GP, Inc. in an amount not to exceed \$70,000 for Tier II (double façade) category improvements to property located at 110 South 1<sup>st</sup> Street within the Downtown Strategic Investment Zone corridor.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #7(B)  
Regular Agenda  
Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. in an amount not to exceed \$90,530 for Tier III (double façade) category improvements to property located at 112 South 1st Street within the Downtown Strategic Investment Zone corridor.

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

**ITEM SUMMARY:** The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. that would provide a SIZ 1:1 matching grant for a maximum amount of \$90,530 of an estimated total project cost of \$508,645 for a proposed restaurant with outdoor dining and entertainment. This Tier III project scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area. Fee waivers up to \$2,000 are also requested. Due to the recent allocation of RZ (Reinvestment Zone) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year. Two other SIZ grant applications (110 South 1<sup>st</sup> Street and 4 North 3<sup>rd</sup> Street) each qualifying for \$70,000, will be considered by City Council on this same agenda. If all grant applications are approved, a balance of \$28,698 would remain for FY18.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant:

- Completes the work and total capital investment described in the agreement in a timely fashion;
- Gives the City the right to inspect the work and financial records associated with the project;
- Performs all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- Maintains those improvements in the future.

**FISCAL IMPACT:** The total maximum grant match by the City is \$90,530. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 795-9500-531-2695 for Strategic Investment Zone grants as follows:

	Reinvestment Zone 795-9500-531-2695	General Fund 110-1500-515-2695	Total
Available Funding	\$ 250,000	\$ 162,000	\$ 412,000
Encumbered/Committed to Date	-	(152,772)	(152,772)
Short-Term Lending GP	(90,530)	-	(90,530)
Short-Term Lending GP	(70,000)	-	(70,000)
United Way of Central Texas	(70,000)	-	(70,000)
<b>Remaining Funds Available</b>	<b>\$ 19,470</b>	<b>\$ 9,228</b>	<b>\$ 28,698</b>

**ATTACHMENTS:**

[Cost Estimates](#)  
[Architectural Renderings](#)  
[Resolution](#)

PROJECT Church Building  
LOCATION 112 S. 1st Street

CLASSIFICATION  
ARCHITECT  
PRICES

SHEET NO.

DATE \_\_\_\_\_

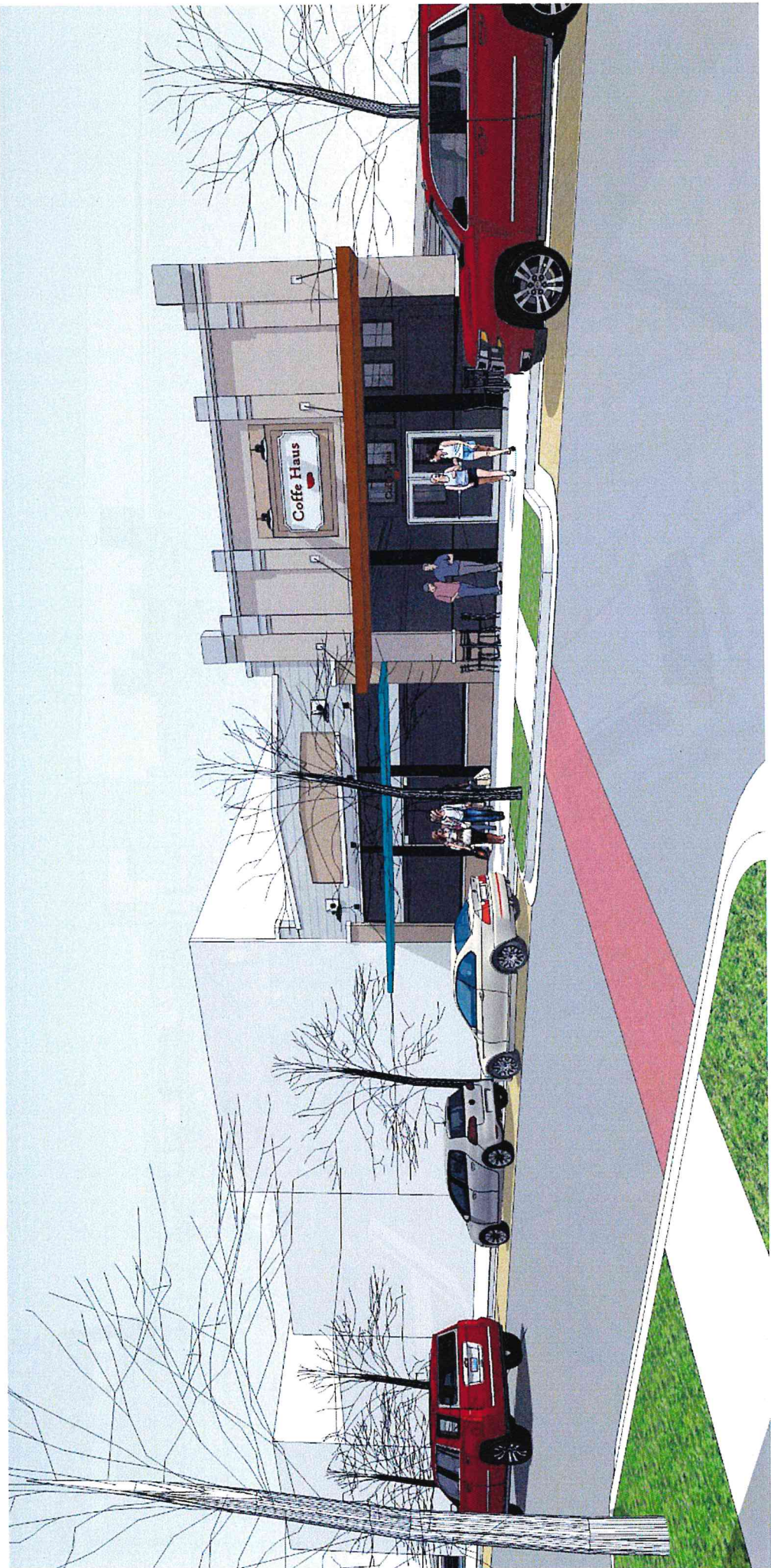
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EXTENSIONS BY

## PRICES

DESCRIPTION	NO.	DIMENSIONS		QUANTITY	UNIT	TOTAL COST		
						TOTAL	UNIT	TAX
Demolition	4 <sup>41</sup>							14,500
Plumbing	6 <sup>34</sup>							36,750
Electrical	13 <sup>74</sup>							58,627
HVAC	6 <sup>00</sup>							23,410
-walk in, hood vent, fire suppression				19K 20K 10K				45,000
Framing- Drywall	13 <sup>00</sup>							50,739
Roofing	5 <sup>50</sup>							21,500
Exterior Finishes	8 <sup>20</sup>							52,000
Interior Finishes								
Painting	4 <sup>00</sup>							15,612
Interior Millwork	6 <sup>00</sup>							23,418
Floor	7 <sup>00</sup>							27,321
ceilings	2 <sup>25</sup>							8,780
misc.	2 <sup>00</sup>							7,800
Fire suppression	4 <sup>00</sup>							13,612
Landscape + irr.								64,423
G + A								458,500
								50,145
								508,645

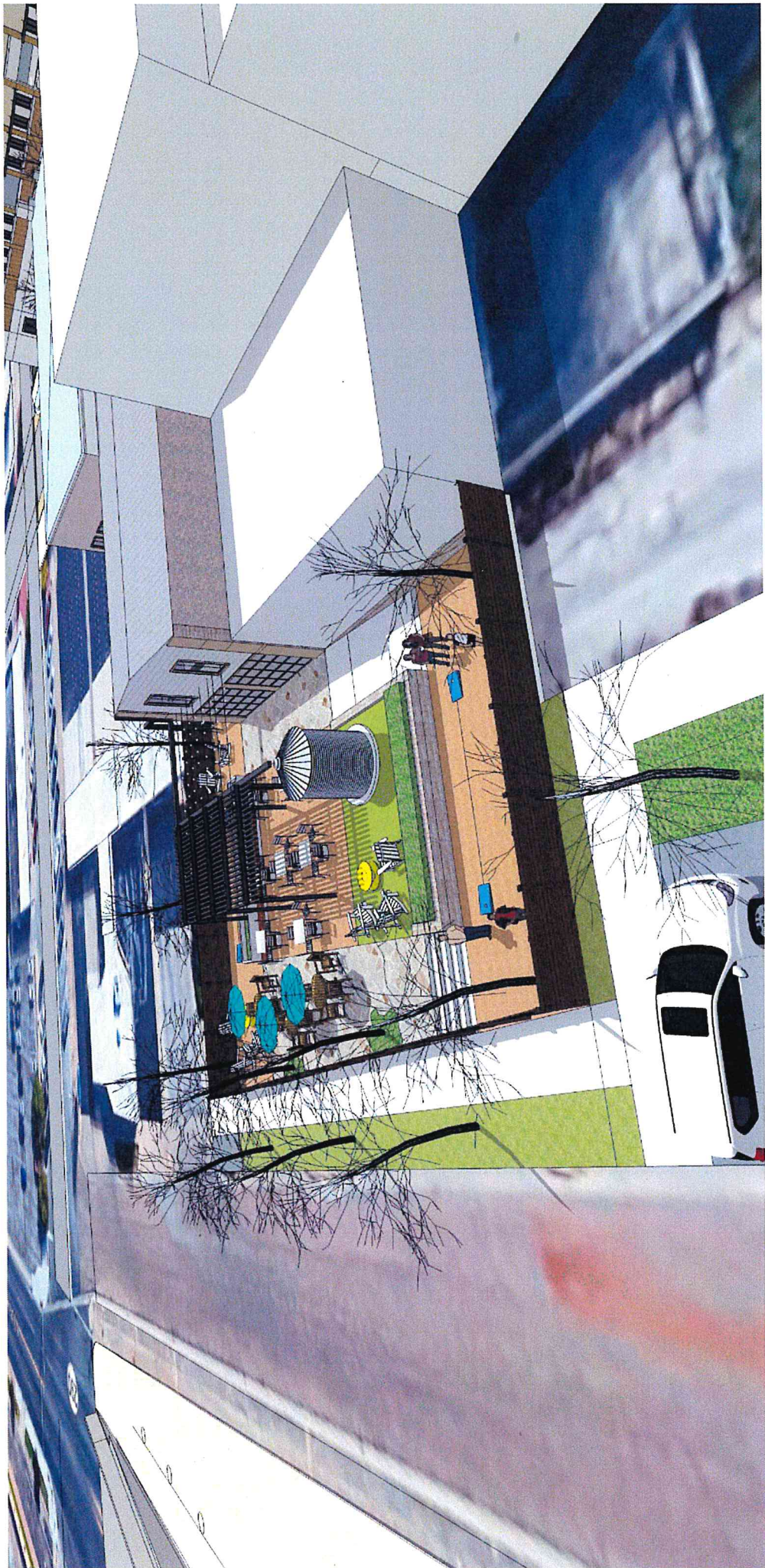








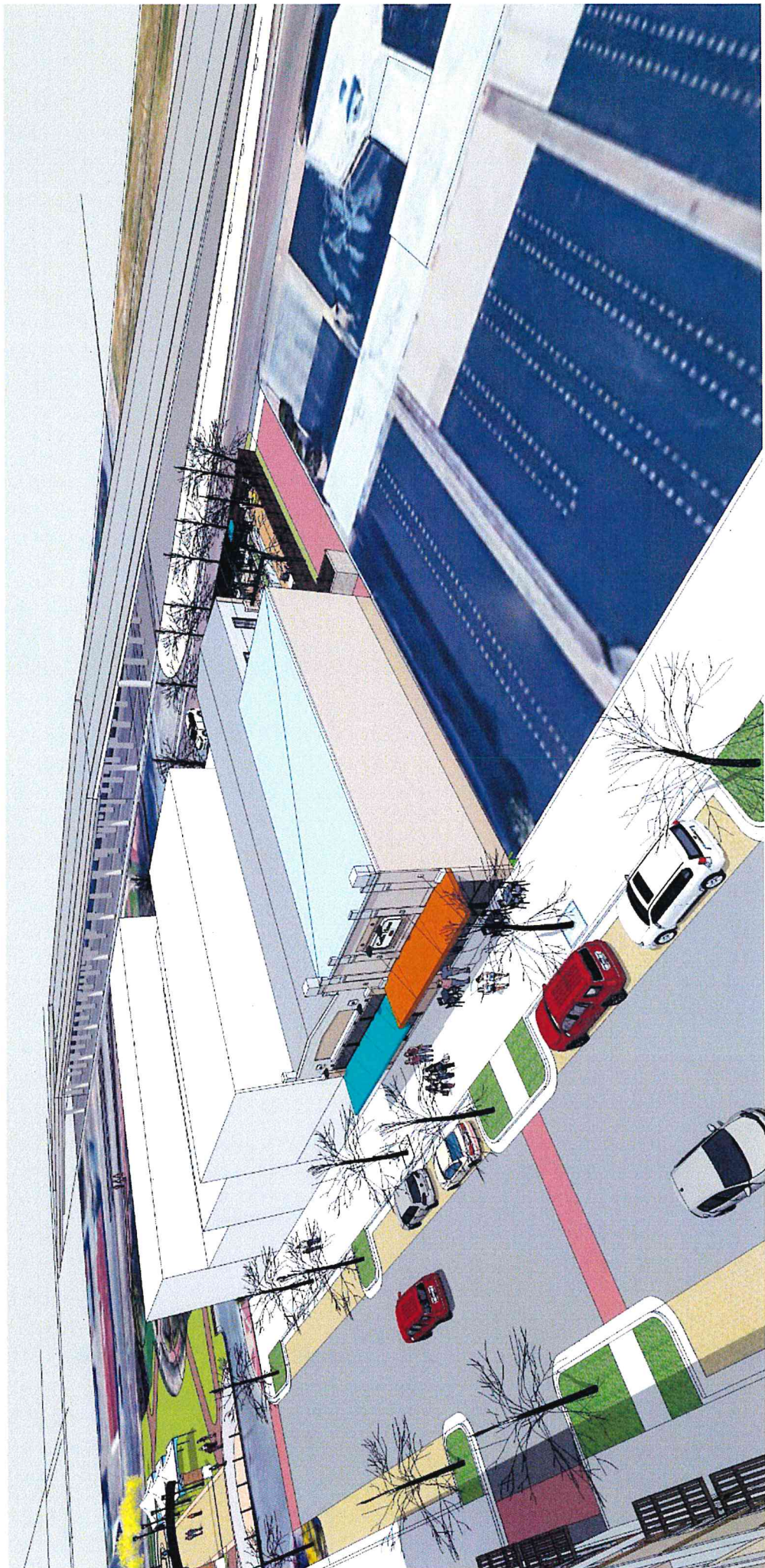












RESOLUTION NO. 2018-9199-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH SHORT-TERM LENDING, GP, INC. IN AN AMOUNT NOT TO EXCEED \$90,530, FOR TIER II CATEGORY IMPROVEMENTS TO PROPERTY LOCATED AT 112 SOUTH 1<sup>ST</sup> STREET WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Short-Term Lending GP, Inc. has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone (“SIZ”) 1:1 matching grant of up to \$90,530 of an estimated total project cost of \$508,645 for a proposed restaurant with outdoor dining and entertainment;

**Whereas**, this Tier II (double façade) project scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area - fee waivers up to \$2,000 are also requested;

**Whereas**, due to the recent allocation of Reinvestment Zone (“RZ”) funding to the SIZ program, \$259,228 is currently available for the remainder of this fiscal year with two other SIZ grant applications qualifying for \$70,000 each - if all grant applications are approved, a balance of \$28,698 would remain for fiscal year 2018;

**Whereas**, in order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds, which will ensure that the applicant:

- Completes the work and total capital investment described in the agreement in a timely fashion;
- Gives the City the right to inspect the work and financial records associated with the project;
- Performs all of the work described in the agreement in accordance with all applicable City codes and regulations;
- Maintains those improvements in the future;

**Whereas**, Staff recommends Council authorize a Chapter 380 Development Agreement with Short-Term Lending GP, Inc. in an amount not to exceed \$90,530 for Tier II (double façade) category improvements to property located at 112 South 1<sup>st</sup> Street within the Downtown Strategic Investment Zone corridor;

**Whereas**, payment of the grant matching funds will not be made until work and inspections are complete, and receipts are received by the City - funding for this Strategic Investment Zone grant is available in Account No. 795-9500-531-2695, and Account No. 110-1500-515-2695;



**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 Chapter 380 Development Agreement with Short-Term Lending GP, Inc. in an amount not to exceed \$90,530 for Tier II (double façade) category improvements to property located at 112 South 1<sup>st</sup> Street within the Downtown Strategic Investment Zone corridor.

**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 **28<sup>th</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #8  
Regular Agenda  
Page 1 of 5

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

Lynn Barrett, Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – FY-18-4-ZC: Consider adopting an ordinance authorizing a rezoning for 135.24 +/- acres, from Light Industrial and Agricultural zoning districts to Planned Development Multi-Family 2 zoning district with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval with conditions for a rezoning from the current AG zoning district to the PD-MF-2 zoning district for the following reasons:

1. That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The proposed zoning is compatible with area zoning;
3. The proposed development is compatible with future TMED zoning due to its added connectivity and interior streetscapes with trees;
4. The request complies with the Thoroughfare Plan and Trails Master Plan; and
5. Public facilities are nearby to serve the subject property.

### **PD Conditions:**

1. PD MF-2 on 135 acre property with three general areas of development standards:
  - a. Base zoning on 50% of area minimum to be SF-2
  - b. Base zoning on maximum of 30% of area to be 2F on 60 foot wide lots or single family attached or detached
  - c. Base zoning on maximum of 20% of area to be MF-2 with additional site plan approval required prior to development or single family attached or detached
2. HOA maintained improvements on SF-2 and 2F areas to include
  - a. Pavilion
  - b. Playground
  - c. Minimum ½ mile improved walking trail
  - d. Natural trails in drainage areas
  - e. Parkland dedication to the HOA will meet UDC minimum requirements with a minimum of five acres
  - f. Minimum of two Landscaped subdivision entry ways with monument signs

3. SF-2 and 2F Design Criteria

- a. Streets to be 55 feet ROW: with 31 feet back of curb to back of curb, including 12 foot wide public frontage on each side with five foot sidewalk on one side of non-cul-de-sac-streets and a minimum of seven foot landscaped transition behind the curb.
  - b. Trees (2" diameter at breast height) planted, one per lot, located in the public frontage on both sides of streets, and on the street side of the sidewalk. Each front yard shall be sodded. Landscaping will be installed when homes are constructed and will be maintained by the homeowners. The HOA shall also have oversight of public frontage landscape maintenance.
  - c. Landscaping on each lot installed prior to Certificate of Occupancy
  - d. Privacy or decorative fences on all boundary perimeters except South MLK, to be installed no later than at time of home construction.
  - e. Fencing along South MLK Drive frontage to consist of decorative fencing to complement the aesthetics of landscaped entry ways to be built by the developer with development of the phases of the subdivision. This perimeter fence must be constructed prior to first C of O being issued in each phase. The HOA shall maintain perimeter fencing and the landscaped area to the curb of the South MLK roadway.
  - f. Exposed walls of homes adjacent to a street will be 80% minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and windows are excluded from this requirement.
  - g. Minimum setbacks on SF-2 and 2F property to be:
    - i. 20' Front Setbacks
    - ii. 10' side setbacks adjacent to streets
    - iii. 5' side setbacks
4. Perimeter sidewalk along South MLK will be installed as required by City of Temple Ordinance.
  5. Trailhead with a minimum of 10 foot easement to be provided at the southern boundary of property
  6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and MLK sidewalk and will be determined during platting
  7. PD must comply with all other UDC code requirements unless exceptions are requested at platting.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the rezoning to PD MF-2 with development/site plan per staff's recommendation. Adjacent landowner, Ken Mitchell, of Country Lane Senior development requested a masonry wall be constructed to buffer or screen his PD O-2 property from the proposed Single Family 2 construction citing poor maintenance of wood privacy fences, and also requested the lots be SF-1 widths or larger. The developer, Josh Welch, observed buffering/screening is required of the more intense use (Country Lane lots are 48 feet in width and PD is for multi-family development) rather than for WBW's single family development and offered to sell the adjacent landowner a buffer strip.

**ITEM SUMMARY:** The applicant, WBW Land Investments, is proposing development of the subject property in three development standards phases per attached site plan: Single Family 2 (SF-2) for at least 50% of the area, Two Family (2F) for no more than 30% of the area and Multi Family Two (MF-2) or up to 20% of the area. Both single family and single family attached development would be allowed on the portions not developed for 2F or MF-2 uses. Since the property has existing trees and is adjacent to the VA property, the developer is proposing interior natural trails, sidewalks on one side of interior streets, entrance enhancements and decorative fencing along South MLK Avenue and other recreational amenities. A property owner's association would maintain the perimeter fence along South MLK, the entrances and signage as well as the recreational amenities and trails.

**This proposed development is in Temple Independent School District.**

**Planned Development**

UDC Section 3.4.1 defines a PD as:

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

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council and requires a binding site plan. In this case, the proposal would include a future site plan review and amendment prior to development of Multi Family development.

**SURROUNDING PROPERTIES 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
<b>Subject Property</b>	<b>Suburban Residential</b>	<b>AG</b>	<b>Under cultivation, wooded</b>
North	T-MED	LI	Vacant and undeveloped
South	TMED	PD-O-2, LI, PD-GR	Country Lane Senior Living, Commercial properties
East	Auto Urban Residential	PD-MF-1, AG, LI	Apartments, vacant, homes
West	T-MED	TMED,AG	Temple College, VA Tarrant Park

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

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	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*

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

In the FLUM, the subject property is designated as the TMED character district. The proposal is in partial compliance with the FLUM as future TMED since the subdivision is designed as a Planned Development to incorporate the elements of TMED: greater pedestrian connectivity, natural trails, additional trees and interior sidewalks. The development is planned to include recreational amenities also.

**Thoroughfare and Trails Plan (CP Map 5.2)**

The subject property takes access from South MLK Drive, which is designated as a Minor Arterial in the Thoroughfare Plan. All three development phases would access this street. A future trail is shown bisecting the property from east to west, and the developer plans multiple trails for connectivity.

**Availability of Public Facilities (CP Goal 4.1)**

Water and Sewer are available to service the subject property.

**DEVELOPMENT REVIEW COMMITTEE:** As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee on May 21<sup>st</sup> and 24<sup>th</sup>, 2018. Site characteristics, development areas and, traffic circulation and accesses to the property were discussed.

**PUBLIC NOTICE:** Fifty-three notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Thursday, May 31<sup>st</sup>, 2018, one notices representing 30 properties (Ken Mitchell of Country Lane Senior Community) along with two others were received in disagreement; and three notices in agreement (one with conditions) were returned, with zero notices returned undeliverable.

The newspaper printed notice of the public hearing on May 24, 2018 in accordance with state law and local ordinance.



**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Development/Site Plan

Aerial Map

Utility Map

Zoning Map

Site Photos

Future Land Use and Character Map

Thoroughfare & Trails Map

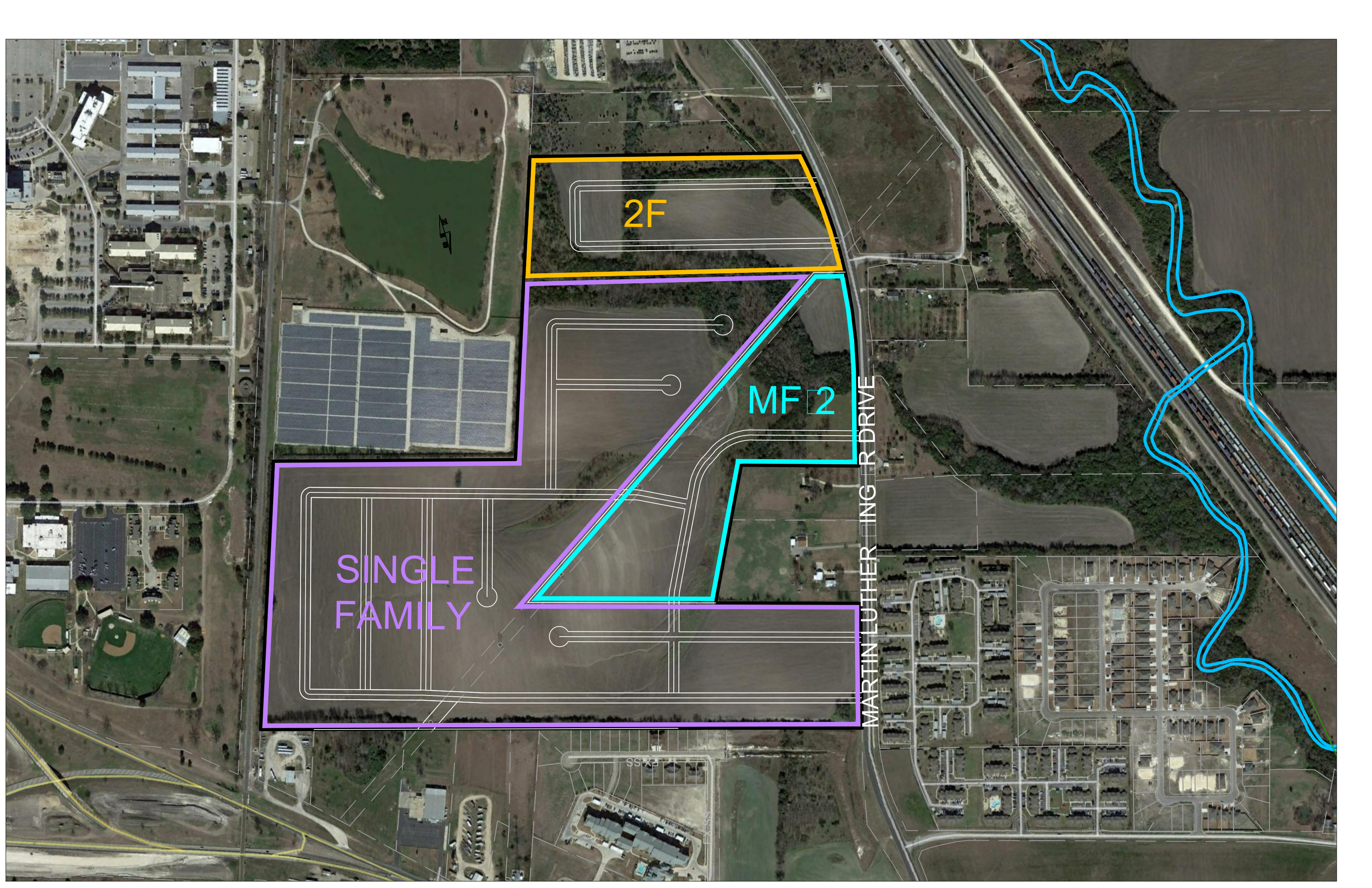
Notification Map

Returned Property Notices

P & Z Excerpts

Ordinance





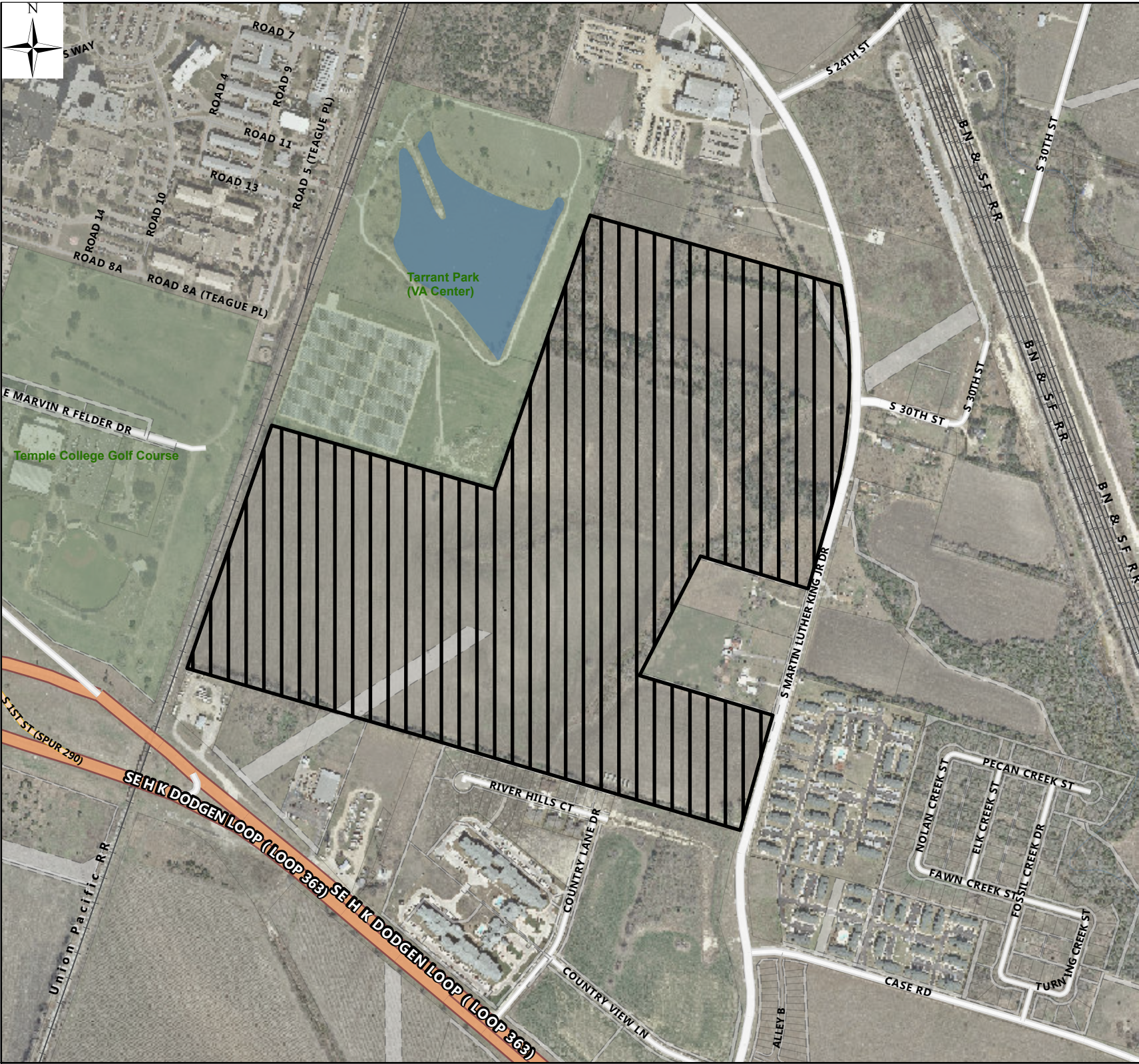
2F

MF 2

SINGLE  
FAMILY

MARTIN LUTHER KING DRIVE





AG to SF-2,  
2F and MF-3

## AERIAL MAP

Zoning Case :  
FY-18-4-ZC

Address :  
2610 MLK

### Transportation

Streets

EXPRESSWAY

MAJOR ARTERIAL

COLLECTOR

LOCAL STREET

MINOR ARTERIAL

PRIVATE

RAMP

Railroad

Temple Municipal Boundary

### Parcel Features

Parcels

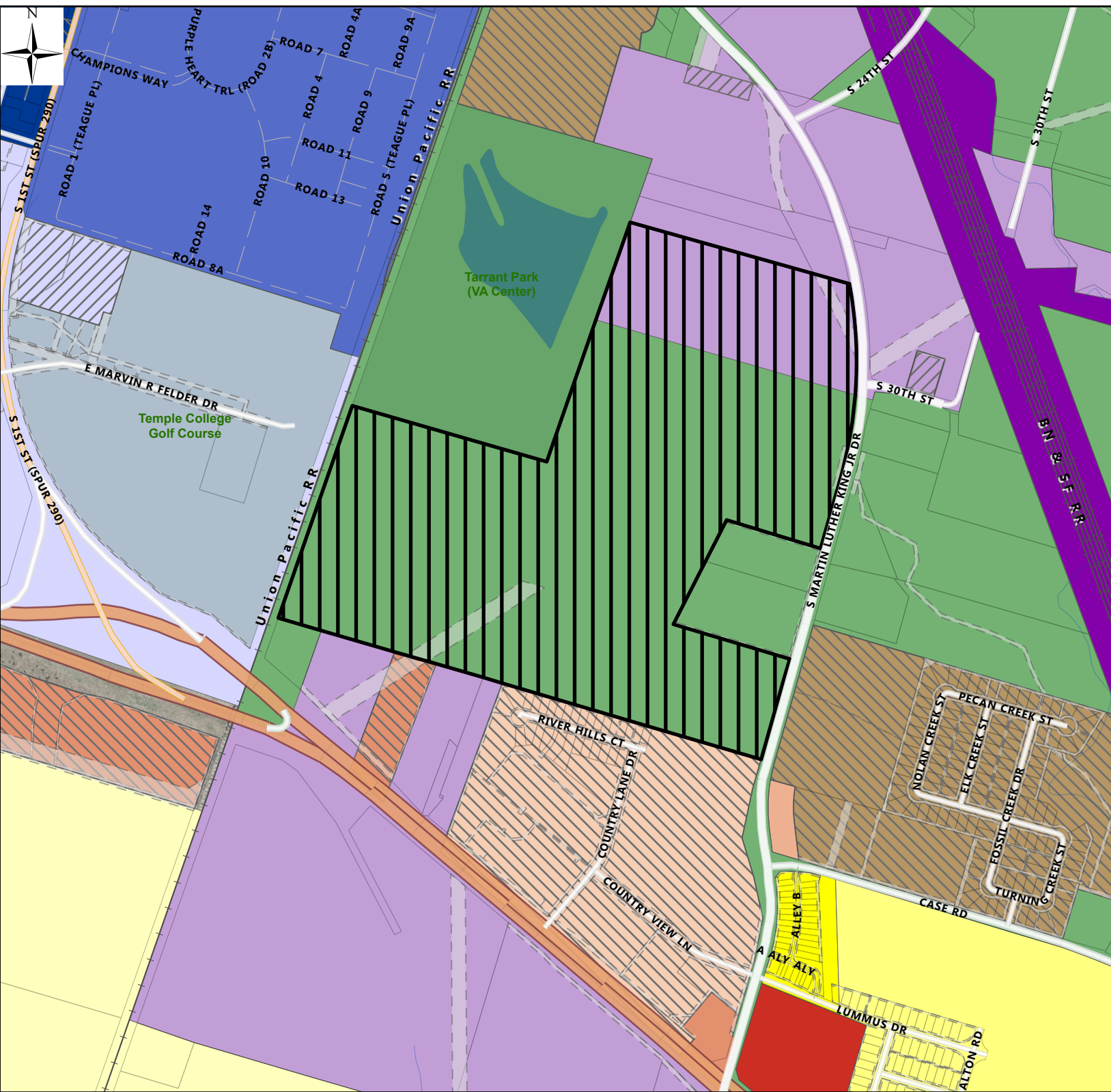
Production.SDE.Easement

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: 4/17/2018







AG AND LI TO SF-2, 2F, MF-3  
200'  
NOTIFICATION MAP

Zoning Case :  
FY-18-4-ZC  
Address :  
2610 S MLK Dr

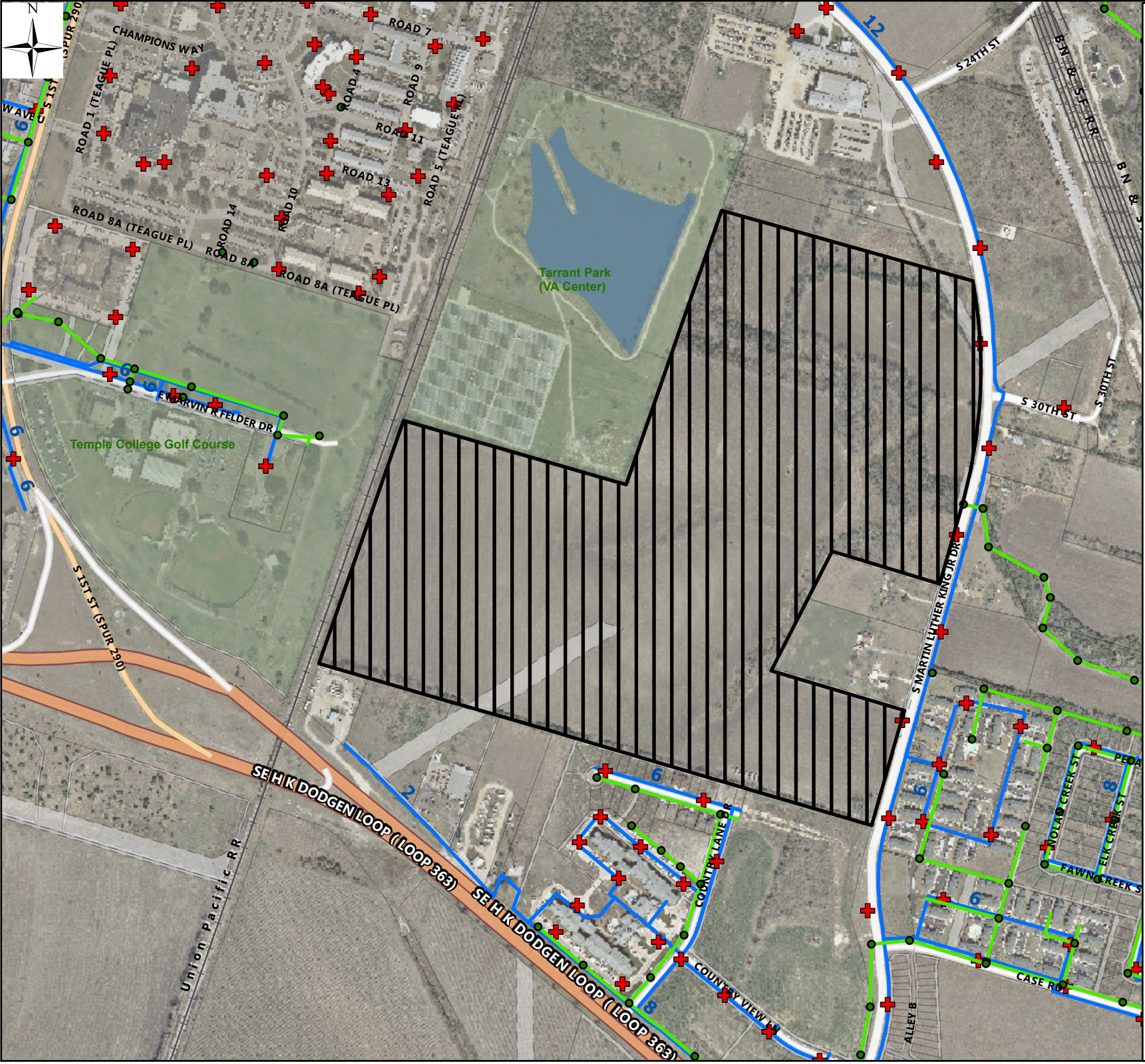
- | Current  | Zoning                    |
|----------|---------------------------|
| [Symbol] | CA                        |
| [Symbol] | CA - CUP                  |
| [Symbol] | CA - PD                   |
| [Symbol] | C                         |
| [Symbol] | C - CUP                   |
| [Symbol] | C - PD                    |
| [Symbol] | C - CUP, PD               |
| [Symbol] | LI                        |
| [Symbol] | LI - CUP                  |
| [Symbol] | LI - PD                   |
| [Symbol] | LI - CUP, PD              |
| [Symbol] | HI                        |
| [Symbol] | HI - PD                   |
| [Symbol] | AG                        |
| [Symbol] | AG - CUP                  |
| [Symbol] | MH                        |
| [Symbol] | MH - CUP                  |
| [Symbol] | MH - PD                   |
| [Symbol] | MU                        |
| [Symbol] | MU - CUP                  |
| [Symbol] | SD-C                      |
| [Symbol] | SD-C - CUP                |
| [Symbol] | SD-H                      |
| [Symbol] | SD-H - CUP                |
| [Symbol] | SD-T                      |
| [Symbol] | SD-V                      |
| [Symbol] | T4                        |
| [Symbol] | T4 - PD                   |
| [Symbol] | T4 - CUP                  |
| [Symbol] | TS-C                      |
| [Symbol] | TS-C - CUP                |
| [Symbol] | TS-C - PD                 |
| [Symbol] | TS-E                      |
| [Symbol] | TS-E - CUP                |
| [Symbol] | TS-E - PD                 |
| [Symbol] | NS                        |
| [Symbol] | NS - CUP                  |
| [Symbol] | NS - PD                   |
| [Symbol] | GR                        |
| [Symbol] | GR - CUP                  |
| [Symbol] | GR - PD                   |
| [Symbol] | GR - CUP, PD              |
| [Symbol] | NO BASE                   |
| [Symbol] | CUP                       |
| [Symbol] | PD                        |
| [Symbol] | Production, SDE, Easement |

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Irbarrett  
Date: 4/17/2018







AG TO SF-2,  
2F and MF-3  
UTILITY MAP

Zoning Case :  
FY-18-4-ZC

Address :  
2610 MLK Dr

- Sewer
- Manhole
  - Gravity Main
- WaterDistribution
- ✚ Hydrant
  - Main
- Parcel Features
- Parcels
  - Production.SDE.Easement

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Irbarrett  
Date: 4/17/2018





## Site Photos





Looking North



Across S MLK to S 30<sup>th</sup>

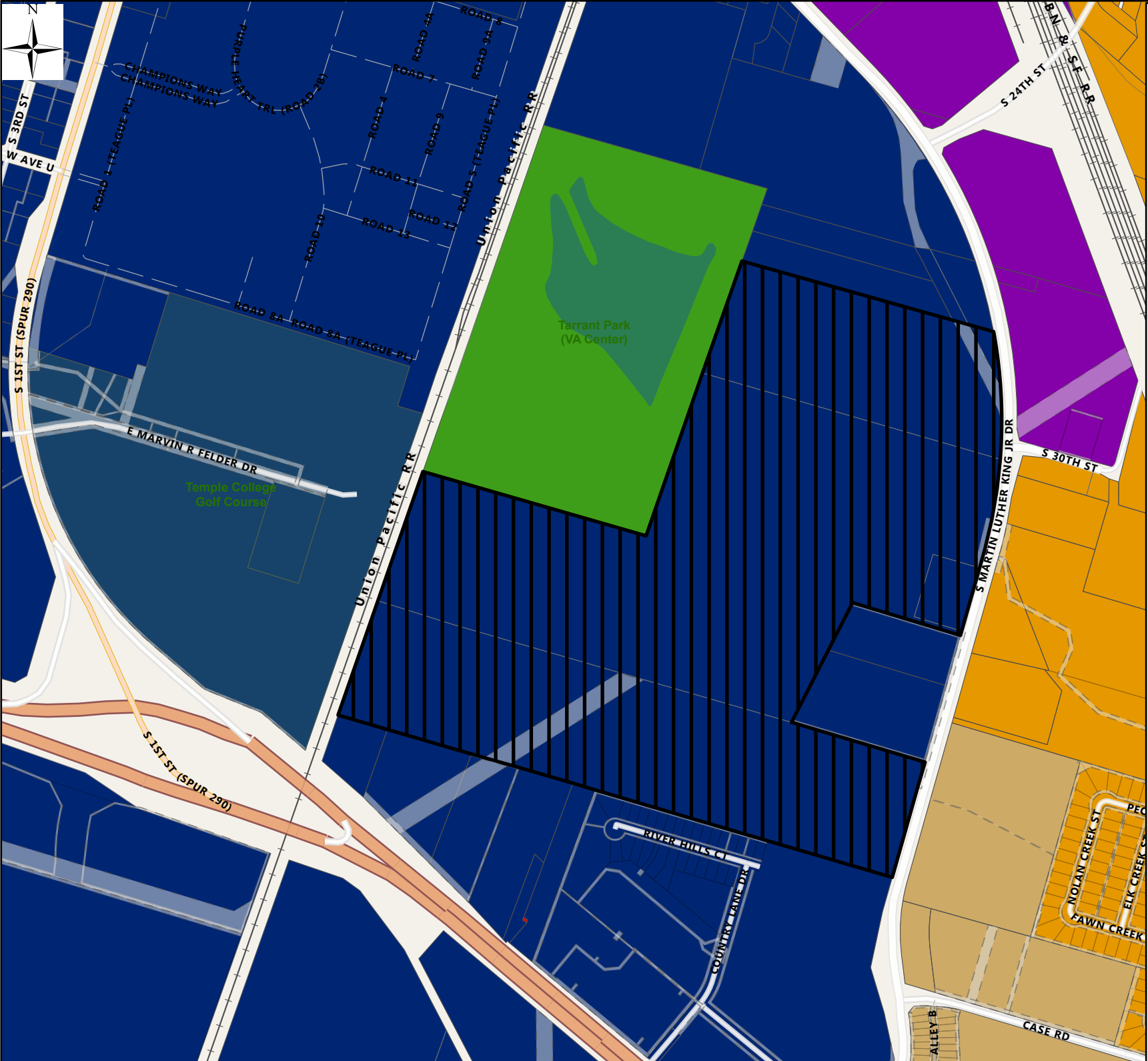




View North along S MLK



View South along S MLK



AG TO SF-2  
MF-3; LI TO 2F  
FUTURE LAND  
USE MAP

Zoning Case :  
FY-18-4-ZC

Address :  
2610 MLK

## Transportation

- EXPRESSWAY  
MAJOR ARTERIAL  
COLLECTOR  
LOCAL STREET  
MINOR ARTERIAL  
PRIVATE  
RAMP

## Parcel Features

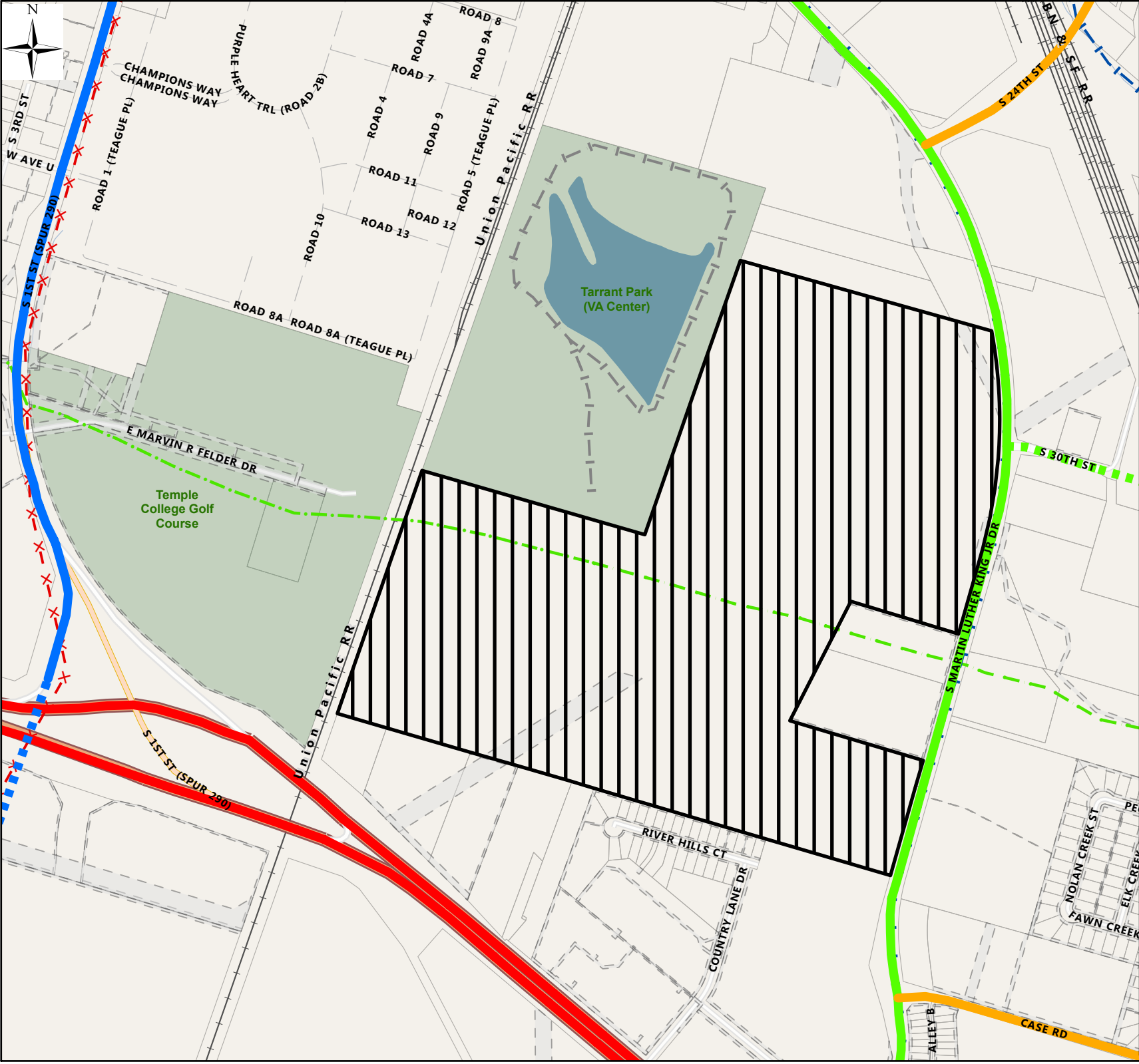
-  Parcels  
 Future LUP  
 Agricultural/Rural  
 Auto-Urban Commercial  
 Auto-Urban Mixed Use  
 Auto-Urban Multi-Family  
 Auto-Urban Residential  
 Business Park  
 Estate Residential  
 Industrial  
 Neighborhood Conservation  
 Parks & Open Space  
 Public Institutional  
 Suburban Commercial  
 Suburban Residential  
 Temple Medical Education District  
 Urban Center  
 Production.SDE.Easement

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Irbarrett  
Date: 4/17/2018







AG TO SF-2  
MF-3; LI TO 2F  
**THOROUGHFARE  
AND TRAILS MAP**

Zoning Case :  
FY-18-4-ZC  
Address :  
2610 MLK

- Parcel Features**
- Parcels
- Thoroughfare Plan**
- Expressway
  - Major Arterial
  - Proposed Major Arterial
  - Minor Arterial
  - Proposed Minor Arterial
  - Collector
  - Proposed Collector
- Trails Master Plan**
- EXISTING, CITY WIDE SPINE
- Legend**
- EXISTING, COMMUNITY WIDE CONNECTOR
  - EXISTING, LOCAL CONNECTOR
  - PROPOSED, CITY WIDE SPINE
  - PROPOSED, COMMUNITY WIDE CONNECTOR
  - PROPOSED, LOCAL CONNECTOR
  - Production.SDE

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Irbarrett  
Date: 4/17/2018





AG AND LI TO SF-2, 2F, MF-3  
200'  
NOTIFICATION MAP

Zoning Case :  
FY-18-4-ZC  
Address :  
2610 S MLK Dr

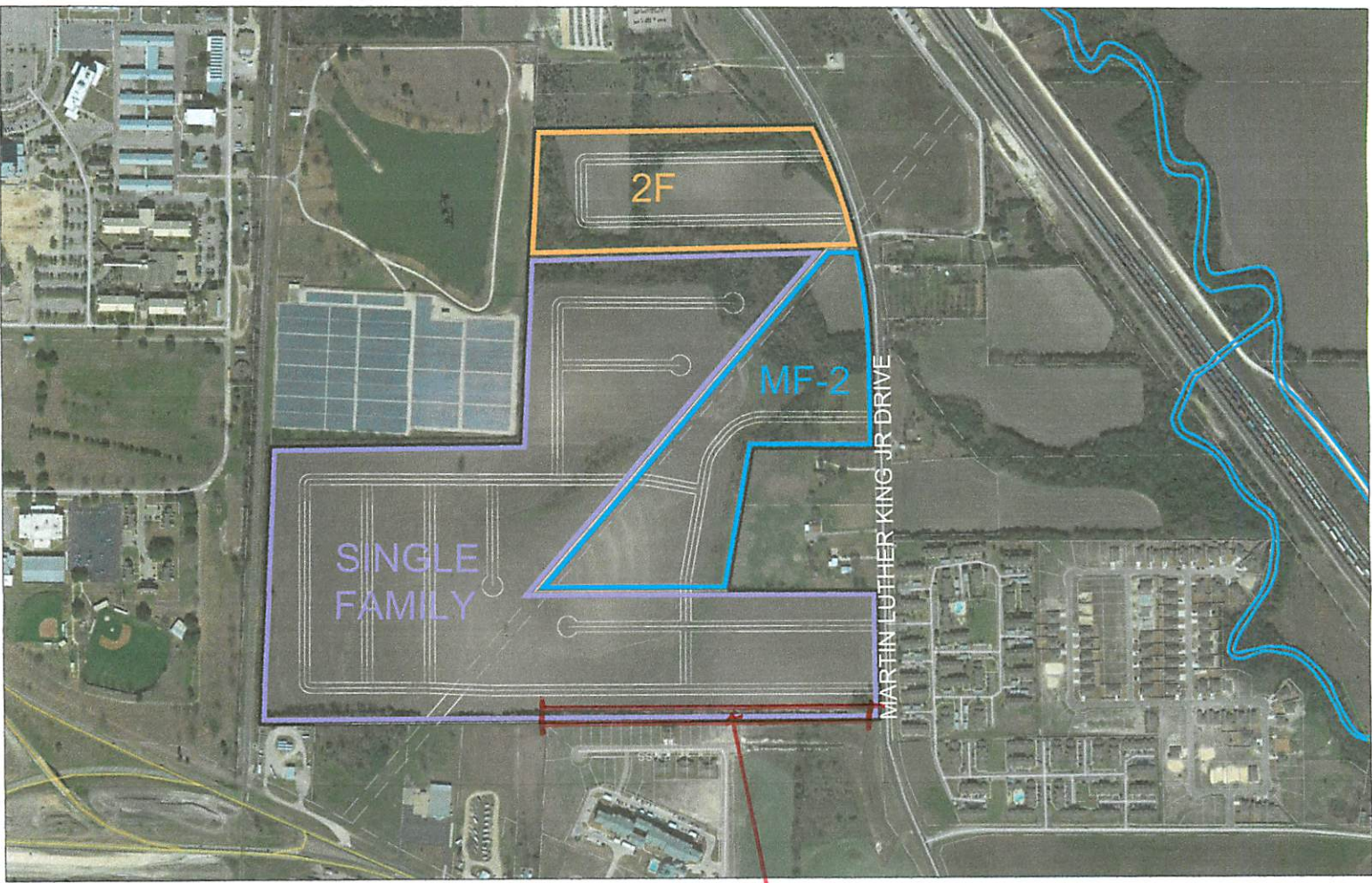
 Production.SDE.Easement

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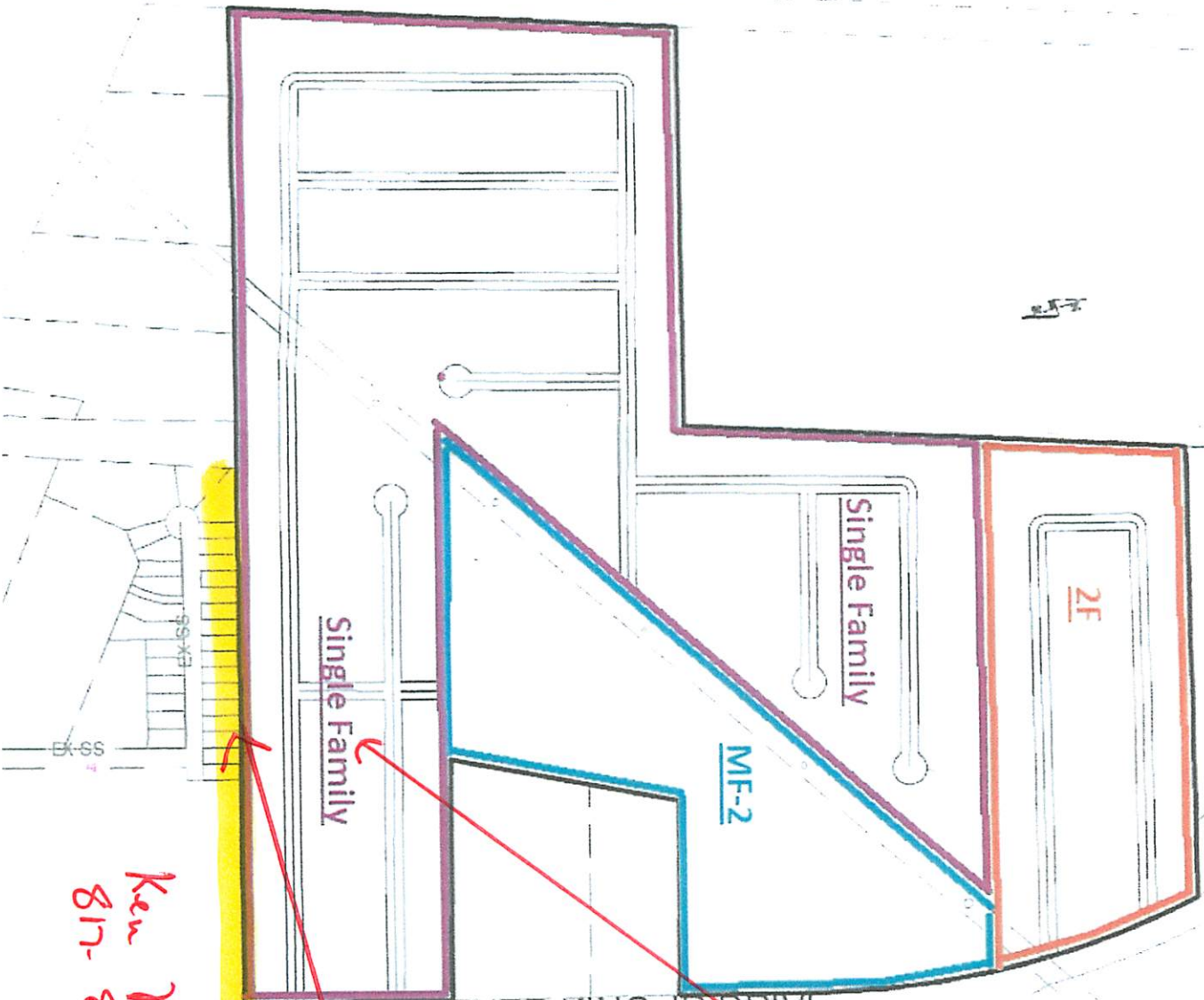
Irbarrett  
Date: 4/17/2018







Masonry fence  
needed here which  
borders Seniors Campus



MARTIN LUTHER KING JR DRIVE

Should  
lots  
be  
minimum  
100 foot  
frontage

Need  
Masonry  
fence between  
Project and  
Seniors  
Campus.

Ken Mitchell  
817-832-4296





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

396986  
MITCHELL, KEN SENIOR HOMES LLC  
1005 SHADY RIVER CT N  
BENBROOK, TX 76126-2900

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

Location: 2610 S Martin Luther King Drive

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

I ( ) agree

(☒) disagree with this request

**Comments:**

① Masonry fence should be required between single family project and Seniors Campus, behind River Hills Court.

② Minimum lots should be 60' rather than 50' to help with parking (front of lot) See attached.

Kenneth H. Mitchell  
Signature

Kenneth H. Mitchell  
Print Name  
817-832-4296

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](mailto:lrbartlett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 2018

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



**Properties Owned within  
200 Feet of Requested Rezoning**

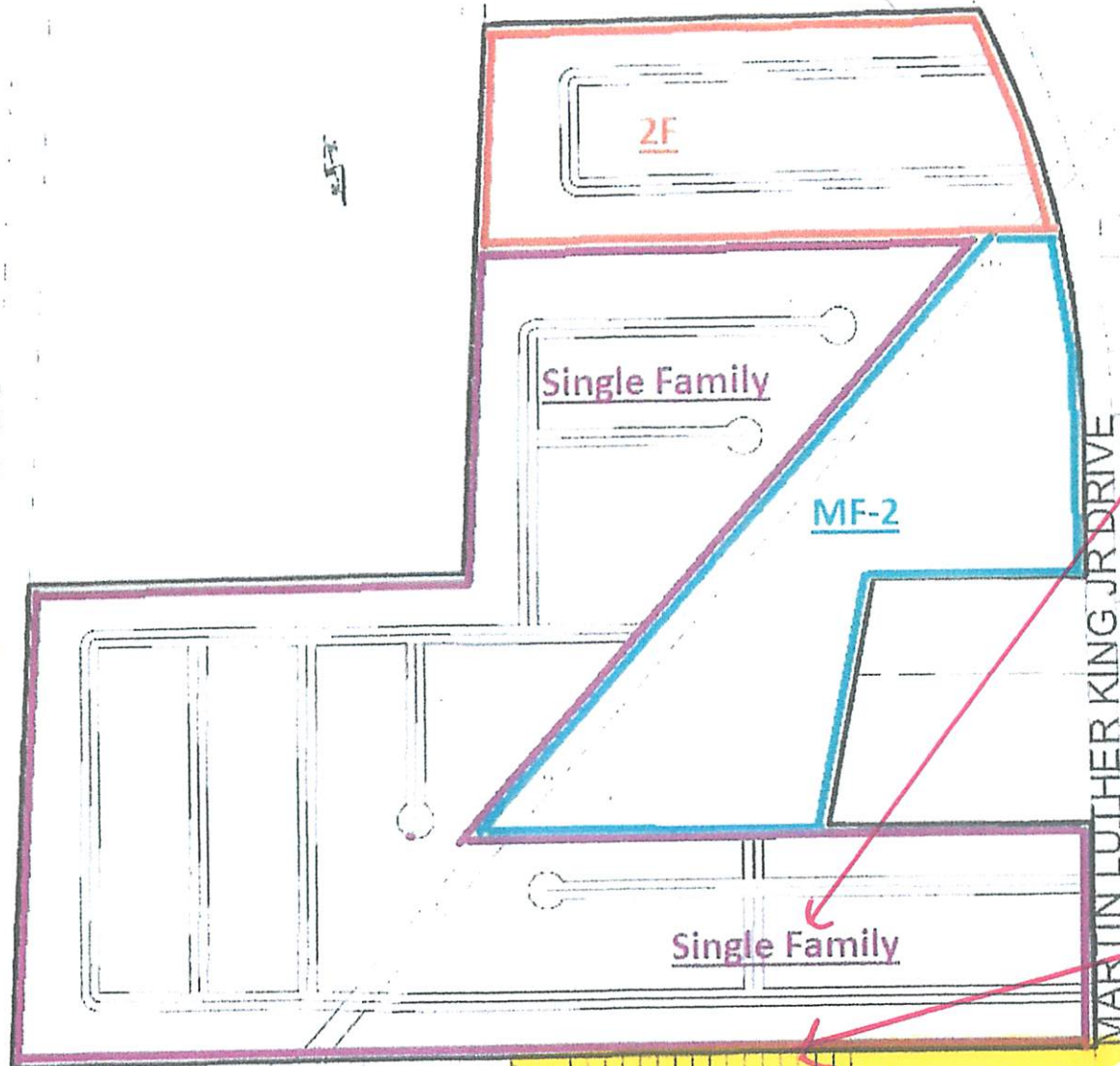
**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

MITCHELL, KEN SENIOR HOMES LLC			
#	Property ID #	Address	City
1	396986	1111 RIVER HILLS CT	Temple, TX
2	396961	1117 RIVER HILLS CT	Temple, TX
3	396962	1113 RIVER HILLS CT	Temple, TX
4	396963	1105 RIVER HILLS CT	Temple, TX
5	396964	1019 RIVER HILLS CT	Temple, TX
6	396965	1017 RIVER HILLS CT	Temple, TX
7	396966	1013 RIVER HILLS CT	Temple, TX
8	396968	1004 RIVER HILLS CT	Temple, TX
9	396969	1008 RIVER HILLS CT	Temple, TX
10	396970	1012 RIVER HILLS CT	Temple, TX
11	396971	1016 RIVER HILLS CT	Temple, TX
12	396972	1020 RIVER HILLS CT	Temple, TX
13	396973	1104 RIVER HILLS CT	Temple, TX
14	396974	1108 RIVER HILLS CT	Temple, TX

MITCHELL, KEN SENIOR HOMES LLC			
#	Property ID #	Address	City
15	396975	1112 RIVER HILLS CT	Temple, TX
16	396976	1116 RIVER HILLS CT	Temple, TX
17	396977	1120 RIVER HILLS CT	Temple, TX
18	396980	1204 RIVER HILLS CT	Temple, TX
19	396981	1208 RIVER HILLS CT	Temple, TX
20	396982	1212 RIVER HILLS CT	Temple, TX
21	396983	1216 RIVER HILLS CT	Temple, TX
22	396984	1220 RIVER HILLS CT	Temple, TX
23	396985	1224 RIVER HILLS CT	Temple, TX
24	398957	1209 RIVER HILLS CT	Temple, TX
25	396958	1205 RIVER HILLS CT	Temple, TX
26	396959	1125 RIVER HILLS CT	Temple, TX
27	396960	1121 RIVER HILLS CT	Temple, TX
28	396978	1124 RIVER HILLS CT	Temple, TX
29	396979	1128 RIVER HILLS CT	Temple, TX





lots should  
be minimum  
60 foot frontage

Need  
masonry  
fence between  
Project and  
Seniors  
Campus.

Ken Mitchell  
817- 832- 4296





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

396967  
MITCHELL, KENNETH H  
1005 SHADY RIVER CT N  
BENBROOK, TX 76126-2900

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

**Location:** 2610 S Martin Luther King Drive

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I ( ) agree

(☒) disagree with this request

**Comments:**

- ① Masonry fence should be required between single family project and seniors campus behind River Hills Court. Wood fence permitted now.
- ② Minimum lots should be 60' rather than 50' to help with parking. (front of lot) See attached.

Kenneth H. Mitchell  
Signature

Kenneth H. Mitchell  
Print Name  
817-832-4296

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](mailto:lrbartlett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 2018

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UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

FILE NO. 100-100000  
DATE 10-10-1910

REPORT OF THE SURVEYOR

TO THE SECRETARY OF THE INTERIOR  
FROM THE SURVEYOR GENERAL  
SUBJECT: REPORT OF THE SURVEYOR  
ON THE SURVEY OF THE LANDS  
IN THE STATE OF TEXAS

MADE UNDER THE ACT OF MARCH 3, 1879

AND OF OTHER ACTS

THE SURVEY OF THE LANDS IN THE STATE OF TEXAS  
WAS COMPLETED BY THE SURVEYOR GENERAL  
ON THE 10TH DAY OF OCTOBER, 1910  
AND THE RESULTS THEREOF ARE HEREBY  
REPORTED TO THE SECRETARY OF THE INTERIOR

BY THE SURVEYOR GENERAL

JOHN H. WATKINS

100-100000-100

THE SURVEY OF THE LANDS IN THE STATE OF TEXAS  
WAS COMPLETED BY THE SURVEYOR GENERAL  
ON THE 10TH DAY OF OCTOBER, 1910  
AND THE RESULTS THEREOF ARE HEREBY  
REPORTED TO THE SECRETARY OF THE INTERIOR

JOHN H. WATKINS  
SURVEYOR GENERAL  
WASHINGTON, D. C.

MADE UNDER THE ACT OF MARCH 3, 1879

AND OF OTHER ACTS

THE SURVEY OF THE LANDS IN THE STATE OF TEXAS  
WAS COMPLETED BY THE SURVEYOR GENERAL  
ON THE 10TH DAY OF OCTOBER, 1910  
AND THE RESULTS THEREOF ARE HEREBY  
REPORTED TO THE SECRETARY OF THE INTERIOR





## NOTICE OF PUBLIC HEARINGS

### CONSIDERATION OF A REZONING PLANNING AND ZONING COMMISSION MEETING

The Temple Planning and Zoning Commission will hold a public hearing in the City Council Chambers on the 2<sup>nd</sup> floor of the Municipal Building, 2 North Main Street, Temple, Texas 76501, on Monday, the **4th of June, 2018** at 5:30 p.m., for the purpose of *considering the following change* to the City of Temple's Official Zoning District Map:

Hold a public hearing to consider and recommend action on a rezoning from Light Industrial (LI) and Agricultural (AG) zoning districts to Planned Development Multi-Family 2 (PD-MF-2) zoning district with binding conditions and general site plan for 135.24 +/- acres

**Zoning Application No.**      **FY-18-4-ZC**

**Applicant:** Josh Welch of WBW

Maximo Moreno Survey, Abstract No. 14, Bell County, Texas  
A0014BC M MORENO, 319, 320 & 323, OB 1023, 1024, 1025 & 1027, ACRES 135.24  
*(legal description)*

2610 S Martin Luther King Jr. Drive, Temple, Texas  
*(address or physical location)*

This item is tentatively scheduled for a City Council public hearing (first reading) on **July 5, 2018**, in the Council Chambers on the 2<sup>nd</sup> floor of the Municipal Building at 5:00 p.m. The City Council will make its decision on the second reading of this request. The second reading of City Council is tentatively scheduled for **July 19, 2018**. If you plan to attend the public hearings, please call (254) 298-5668 to verify meeting dates.

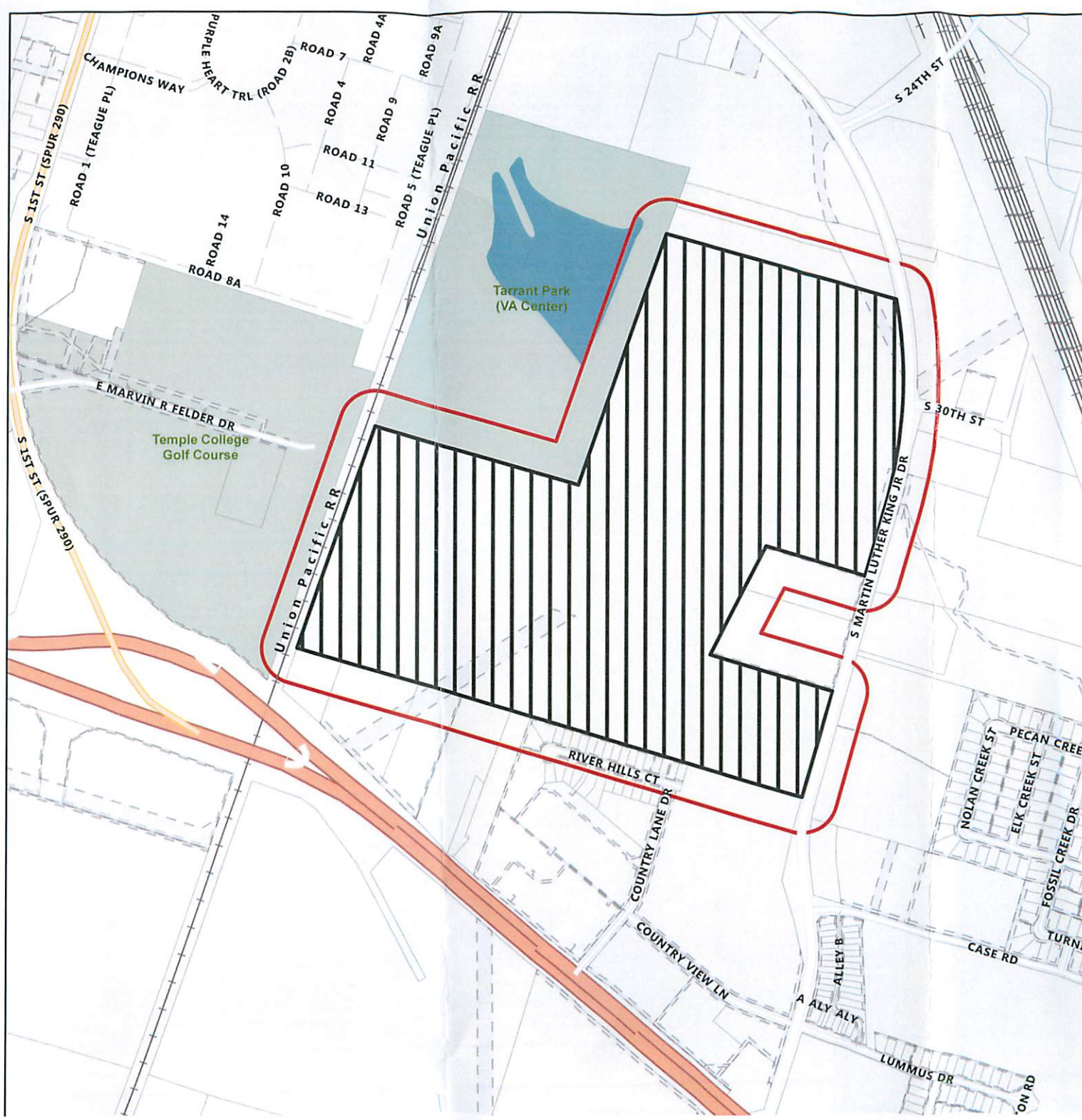
The Planning and Zoning Commission and City Council welcome your comments on this matter and will consider them in their deliberations. If you cannot be present at the public hearings, but desire to comment on this matter, or desire information on the proposed zoning change, please contact the City Planning Department, Suite 102, 1st Floor, Municipal Building, or by calling (254) 298-5668. When calling, please refer to the zoning application number shown above.

***In accordance with the Unified Development Code (UDC), Section 3.3.4, twenty percent (20%) or more of property ownership opposition by area within the 200-foot notification buffer would trigger a 4/5<sup>ths</sup> super majority approval vote at City Council.***

**Special Accommodations:** Persons with disabilities who have special communication or accommodation needs and desire to attend the meetings should notify City Staff by mail or telephone 48 hours prior to the meetings.


For more detailed information on this case, please go to [www.templetx.gov/planning](http://www.templetx.gov/planning), on the left side of the page select Boards, then select Planning and Zoning Commission Packet. The packet is updated on the website the Thursday afternoon prior to the next scheduled P&Z meeting. P&Z Commission meets on the first and third Monday of each month.





AG AND LI TO SF-2, 2F, MF-  
200'  
NOTIFICATION MAP

Zoning Case :  
FY-18-4-ZC  
Address :  
2610 S MLK Dr

 Production.SDE.Easement  
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: 4/17/2018







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

397012  
TEXVESTMENTS L L C  
1719 W AVENUE M STE C  
TEMPLE, TX 76504-6716

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

Location: 2610 S Martin Luther King Drive

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

I ☒ agree

( ) disagree with this request

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Ross Vest  
**Signature**

ROSS VEST  
**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](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 2018

**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**

316943  
HETZEL, WALTER EUGENE  
2630 S MARTIN LUTHER KING DR  
TEMPLE, TX 76504-8606

**Zoning Application Number:** FY-18-4-ZC

**Case Manager:** Lynn Barrett

Location: 2610 S Martin Luther King Drive

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

I ( ) agree

(☒) disagree with this request

**Comments:**

I will Redress my Property Value By  
Increasing Congestion

Walter Hetzel  
**Signature**

WALTER HETZEL  
**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](mailto:lrbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 53

Date Mailed: May 24, 2018

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

**RECEIVED**

**MAY 31 2018**

City of Temple  
Planning & Development

## Lynn R. Barrett

---

**From:** Ken Mitchell <kenmitchell@kennethmitchellpc.com>  
**Sent:** Wednesday, May 30, 2018 10:57 AM  
**To:** Lynn R. Barrett  
**Subject:** 135.24 Acres Zoning Case # FY-18-4-ZC  
**Attachments:** 135.24 Acres Zoning Temple 5-30-18.pdf

Lynn,

Attached is my form to indicate opposition to the rezoning of the 135.24 acre tract contiguous to the Country Lane Seniors Campus in Temple. My reasons for opposition are as follows:

1. The fencing between the zoning tract and the Country Lane Seniors Campus should be a masonry wall, which should be installed behind the Villas on River Hills Court and extended to MLK. The proposed fencing now is wood fencing which can rot and deteriorate.
2. I prefer 60' frontage on the single family home lots rather than 50' frontage lots as proposed. The wider lots will make this a better community for the residents and help in parking on the streets. Tiny lots have not worked well in the past for cities.

Please confirm that you received my Opposition Form. I appreciate your consideration of my comments.

Thanks,

Ken Mitchell  
817-832-4296

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, JUNE 4, 2018**

**ACTION ITEMS**

**Item 2: FY-18-4-ZC** – Hold a public hearing to consider and recommend action on a rezoning from Light Industrial (LI) and Agricultural (AG) zoning districts to Planned Development Multi-Family 2 (PD-MF-2) zoning district with binding conditions and general site plan for 135.24 +/- acres being out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive.

Ms. Lynn Barrett, Assistant Director of Planning, stated the subject property is located within the future TMED designated area. The applicant is Mr. Josh Welch on behalf of WBW Development, who represents the owner, Temple 135 MLK LP.

This item is scheduled to go forward to City Council for first reading on June 28, 2018 and second reading on July 19, 2018.

The subject property is bordered by Temple College, the Veterans Administration, and directly north of the Country Lane Senior Community development.

The property lies within Temple Independent School District (TISD).

Applicant proposes a mixed residential planned development with enhanced streetscapes, landscaping, recreation amenities, trails, and architectural standards with three base development types: 2F (to the north), MF-2 (eastern portion along MLK), and SF-2. The multi-family portion would require additional site plan approval prior to construction.

Location map shown.

Site photos shown. Transmission lines transect the property and will be used as a buffer area.

Zoning map shown.

The Future Land Use and Character Map designate the entire subject property as future TMED making the request in partial compliance. The surrounding areas are designated as Auto Urban Residential and Auto Urban Multi-Family.

Water and sewer is available to serve the property.

The UDC, Section 3.4 - Planned Development defines a PD as:

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



Per UDC, Section 3.4.3 and 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

The Planned Development Site Plan is shown with the three development areas planned:

- Phased for Two-Family (in gold), Multi-Family (blue), and Single Family (purple) development
- With Conditions
- Multi Family would have to come back for Site Plan Approval prior to construction

There are no TxDOT permits required at this stage.

The Thoroughfare Plan designates Martin Luther King Jr. Drive as an arterial.

A future trail will transect the property which will need to meet the requirements for trails and sidewalks.

The PD Conditions include:

1. PD MF-2 on 135 +/- acre property with three general areas of development standards:
  - Base zoning on 50 percent area minimum to be SF-2
  - Base zoning on maximum of 30 percent of area to be 2F on 60-foot wide lots or single family attached or detached
  - Base zoning on maximum of 20 percent of area to be MF-2 with additional site plan approval required prior to development or single family attached or detached
2. HOA maintained improvements on SF-2 and 2F areas to include:
  - Pavilion
  - Playground
  - Minimum ½ mile improved walking trail
  - Natural trails in drainage areas
  - Parkland dedication to the HOA will meet UDC minimum requirements with a minimum of five acres
  - Minimum of two landscaped subdivision entry ways with monument signs
3. SF-2 and 2F Design Criteria:
  - Streets 55-feet in right-of-way, 31-feet back-of-curb, and 12-foot wide public frontage on each side, five-foot sidewalk on one side of non-cul-de-sac-streets with minimum seven-foot landscaped transition behind curb
  - Trees include two-inch diameter breast height (dbh) with one per lot, in public frontage on street side of the sidewalk. The front yards will be sodded. Installed at home construction, maintained by owners. HOA shall also have oversight of public frontage landscape maintenance
  - Landscaping installed prior to Certificate of Occupancy (CO)

- Privacy/decorative fences on perimeters except for South Martin Luther King, installed at time of home construction
  - Fencing along South Martin Luther King Jr. Drive will be decorative fencing to complement landscaped entries built by developer at phases of the subdivision prior to first CO being issued each phase. HOA to maintain and landscape to the curb of the South Martin Luther King roadway
  - Exposed walls of homes adjacent to a street will be 80 percent minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and windows are excluded from this requirement.
  - Minimum setbacks on SF-2 and 2F property to be: 20-feet front, five-feet side, 10-feet side on corner
4. Perimeter sidewalk along South Martin Luther King will be installed as required by City of Temple Ordinance.
  5. Trailhead with a minimum of 10-foot easement to be provided at the southern boundary of property
  6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and Martin Luther King sidewalk and will be determined during platting stage
  7. PD must comply with all other UDC code requirements unless exceptions are requested at platting stage

Fifty-three notices were mailed in accordance with all state and local regulations with three responses returned in agreement (one with conditions) and 32 responses returned in disagreement (30 responses from one owner).

Staff recommends approval of the rezoning request to PD-MF-2 in accordance with Site Development Plan and the previously mentioned conditions.

Ms. Barrett confirmed that the masonry wall request from an adjoining property owner has not been included in the conditions nor agreed to by the developer.

Mr. Josh Welch, WBW Development, 3000 Illinois Avenue, Killeen, Texas, agreed there would be five entrances/exits. The landscaped entries would be the MF-2 in the middle, if installed, one on the southern portion and one where the 2F property is located. Potentially, the MF-2 portion will be apartments or townhomes; some type of mixed use.

Mr. Welch stated the developer was not agreeable to the masonry fence/wall requested by an adjoining property owner. However, Mr. Welch is willing to work with the property owner to come to a compromise.

Chair Fettig opened the public hearing.

Mr. Alan Koughl, 2916 Country Lane Drive, Temple, Texas, stated he is the General Manager of Country Lane Seniors Apartments, a planned senior community located directly to the south

of the subject property. Mr. Kougl represents Mr. Ken Mitchell, who owns Country Lane Seniors community and also the duplexes to the north of Country Lane Seniors.

Mr. Kougl explained the apartment community was not screened from the duplexes because the duplexes are part of the entire planned senior community. The people living in the duplexes have full access to all of the apartment amenities.

Mr. Mitchell is proposing another possible development in the future to the east of the duplexes.

Mr. Kougl and Mr. Mitchell are not opposed to SF homes being built; however, with the subject property bordering the back area of the duplexes, their concern is that a wooden fence would deteriorate rapidly and are typically not maintained over time. Therefore, a masonry fence would hold up better and look more presentable.

Mr. Kougl stated Mr. Mitchell is opposed to the 50-foot lot size since it tends to overcrowd the neighborhood and creates parking and neighbor issues which do not occur with 60-foot lots. It is preferred the developer have a 60-foot frontage for the SF to create good quality for the area. Also, this is why the masonry fence is requested from the developer.

Mr. Kougl is unable to respond about the possibility of having donated land instead of a fence and would need to confer with Mr. Mitchell first. Mr. Kougl stated he would get with Mr. Welch to exchange contact information.

Mr. Welch returns to address questions/comments and stated the developer has spent a considerable amount of time working with Staff to come up with a good plan for the subdivision and the conditions involved as previously mentioned.

With the property being located in the future TMED area, the quality and integrity of the subdivision will be long-term. This developer has been building all over the state for many years and has not seen any issues with 50-foot lots.

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

Vice-Chair Langley made a motion to approve Item 2, **FY-18-4-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

*Motion passed: (7:0)*

Commissioners Crisp and Ward absent.

ORDINANCE NO. 2018-4923  
(FY-18-4-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM LIGHT INDUSTRIAL AND AGRICULTURAL ZONING DISTRICTS TO PLANNED DEVELOPMENT MULTI-FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 135.24 ACRES, WITH BINDING CONDITIONS AND GENERAL SITE PLAN, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, ADDRESSED AS 2610 SOUTH MARTIN LUTHER KING JR. DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant, WBW Land Investments, proposes development of approximately 135.24 acres in three development standards as follows:

- Single Family 2 – at least 50% of 135.24 acres;
- Two Family – no more than 30% of 135.24 acres; and
- Multi Family 2 – up to 20% of 135.24 acres;

**Whereas**, the property, in the future TMED land use area, has existing trees and is adjacent to the VA property, and the developer is proposing interior natural trails, sidewalks on one side of interior streets, entrance enhancements and decorative fencing along South Martin Luther King Jr. Avenue, along with other recreational amenities;

**Whereas**, a property owner's association would maintain the perimeter fence and landscaped area along South Martin Luther King Jr. Avenue, along with the entrances, signage and recreational amenities and trails;

**Whereas**, the binding conditions for this rezoning are as follows:

1. Planned Development Multi-Family 2 on approximately 135.24 acre property with three general areas of development standards:
  - a. Base zoning on 50% of area minimum to be Single Family 2;
  - b. Base zoning on maximum of 30% of area to be 2 Family on 60-foot wide lots or single family attached or detached;
  - c. Base zoning on maximum of 20% of area to be Multi-Family 2 with additional site plan approval required prior to development or single family attached or detached;
2. HOA maintained improvements on Single Family 2 and 2 Family areas to include:
  - a. Pavilion;
  - b. Playground;
  - c. Minimum ½ mile improved walking trail;
  - d. Natural trails in drainage areas;
  - e. Parkland dedication to the HOA will meet Unified Development Code ("UDC") minimum requirements with a minimum of five acres;
  - f. Minimum of 2 landscaped subdivision entryways with monument signs;



3. Single Family 2 and 2 Family Design Criteria:
  - a. Streets to be 55-feet right of way with 31-foot back of curb to back of curb, including 12-foot wide public frontage on each side with 5-foot sidewalk on one side of non-cul-de-sac-streets and a minimum of 7-foot landscaped transition behind the curb;
  - b. Trees (2-inch in diameter at breast height) planted, one per lot, located in the public frontage on both sides of streets, and on the street side of the sidewalk. Each front yard shall be sodded. Landscaping will be installed when homes are constructed and will be maintained by the homeowners. The HOA shall also have oversight of public frontage landscape maintenance;
  - c. Landscaping on each lot installed prior to Certificate of Occupancy;
  - d. Privacy or decorative fences on all boundary perimeters except South Martin Luther King, Jr. Drive, to be installed no later than at the time of home construction;
  - e. Fencing along South Martin Luther King, Jr. frontage to consist of decorative fencing to complement the aesthetics of landscaped entry ways to be built by the developer with development of the phases of the subdivision. This perimeter fence must be constructed prior to first Certificate of Occupancy being issued in each phase. The HOA shall maintain perimeter fencing and the landscaped area to the curb of the South Martin Luther King, Jr. Drive roadway;
  - f. Exposed walls of homes adjacent to a street will be 80% minimum masonry (walls on first story behind privacy fence are excluded from this provision). Eaves, gables, walls above roof lines, porches, and windows are excluded from this requirement;
  - g. Minimum setbacks on Single Family 2 and 2 Family property to be:
    - i. 20-foot front setbacks;
    - ii. 10-foot side setbacks adjacent to streets;
    - iii. 5-foot side setbacks;
4. Perimeter sidewalk along South Martin Luther King, Jr. Drive will be installed as required by City of Temple Ordinance;
5. Trailhead with a minimum of 10-foot easement to be provided at the southern boundary of property;
6. Sidewalk connectivity to be provided inside subdivision to provide pedestrian access to trails and South Martin Luther King, Jr. Drive sidewalk and will be determined during platting;
7. PD must comply with all other UDC code requirements unless exceptions are requested at platting;

**Whereas**, at the June 4, 2018 Planning and Zoning Commission meeting, and after due consideration of the conditions, the Commission recommended approval of the rezoning from Light Industrial and Agricultural Zoning Districts to Planned Development Multi-Family Two Zoning District on approximately 135.24 acres, with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive; and

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

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

**Part 1: 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 approves the rezoning from Light Industrial and Agricultural Zoning Districts to Planned Development Multi-Family Two Zoning District on approximately 135.24 acres, with binding conditions and general site plan, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 2610 South Martin Luther King Jr. Drive, as more thoroughly described Exhibit 'A,' attached hereto and made a part hereof for all purposes.

**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 28<sup>th</sup> day of June, 2018.

PASSED AND APPROVED on Second Reading on the 19<sup>th</sup> day of July, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #9  
Regular Agenda  
Page 1 of 2

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

Jason Deckman, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – FY-18-6-ZC: Consider adopting an ordinance authorizing rezoning from Agricultural zoning district to General Retail zoning district, on 6.938 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7101 West Adams Avenue.

**STAFF RECOMMENDATION:** Staff recommends approval for a rezoning from AG to GR districts for the following reasons:

1. The proposed GR zoning is compatible with surrounding zoning, and anticipated uses;
2. The proposal is in compliance with the Future Land Use Map and Thoroughfare Plan from the Comprehensive Plan; and
3. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of rezoning from AG to GR.

**ITEM SUMMARY:** This is the current location of the Trinity Catholic Church. The church will be moving from this property to a new location on Airport Road. The applicant is anticipated to develop the property with non-residential uses, but no specific development has been identified at this time. A variety of uses are permitted by right or with a conditional use permit under a GR zoning designation. See the attached comparison of AG and GR uses. Development will require submission and review of a subdivision plat.

**BUFFERING & SCREENING:** Per UDC Section 7.7.4, buffering and screening standards apply along the common boundary between nonresidential and an agricultural use or residential zoning district or use. Standards are more detailed on 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 designated Suburban-Commercial in the Future Land Use Plan. Suburban Commercial 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 at "gateways" and high-profile corridor locations. This designation supports the proposed GR zoning and therefore the requested GR zoning **is** consistent with the Suburban Commercial designation. **Compliance**

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Adams Avenue (FM 2305), a major arterial. Future access is possible from Old Waco Road, currently shown as a proposed major arterial but was recently widened to a divided roadway as part of the Research Parkway / Temple Outer Loop corridor. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified. **Compliance**

Availability of Public Facilities (CP Goal 4.1)

Water is available through a 3" main to the north along West Adams, and an 8" main to the east along Old Waco Road. There is no direct access to sewer on this property but an 8" main is located west of the property along Meadowbrook Drive, and a 10" main is located across Old Waco Road, on the east side of the right-of-way. **Compliance**

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed City-wide Spine along Old Waco Road is shown on the Trails Master Plan, and a sidewalk exists along the recently widened section of Old Waco Road along the eastern boundary of the subject property. No sidewalk currently exists along Adams Avenue, but will be required under UDC 7.3.1 upon new construction. UDC 8.2.3 requires that sidewalks be constructed along both sides of arterial streets. **Compliance**

**DEVELOPMENT REGULATIONS:** The attached tables compare and contrast, the current development standards between AG and NS as provided for in UDC Section 4.5. A table with traffic counts associated with select NS & GR uses has also been attached.

**PUBLIC NOTICE:** Twenty-four notices, represented by sixteen separate property owners, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of June 4, 2018 at 12:00 PM, staff has received two notices in agreement, zero in disagreement, and two notices were returned as undeliverable.

The newspaper printed notice of the public hearing on May 24, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Boundary Map](#)

[Photos](#)

[Tables](#)

[Case Maps](#)

[Returned Property Notice](#)

[Ordinance](#)



## Background

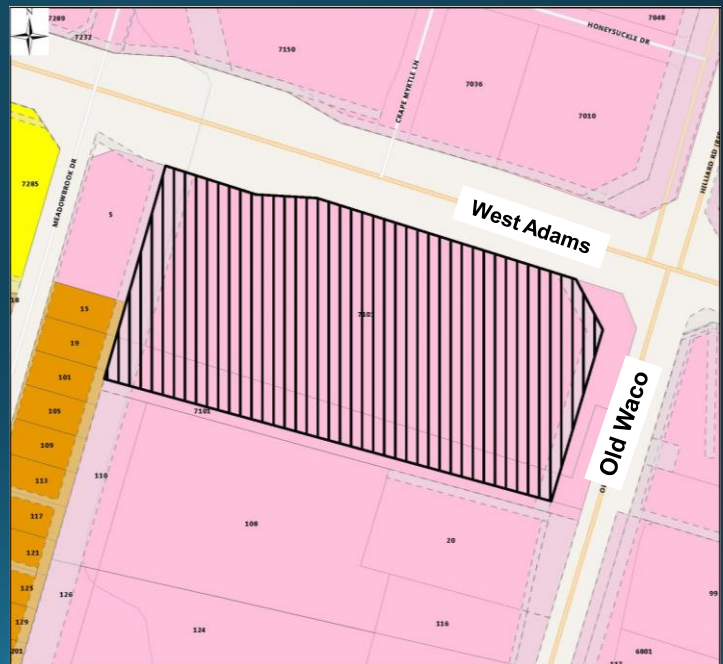
- Rezoning AG to GR
- 6.938 +/- acres
- Current site of Trinity Church
- Currently unplatted
- No specific use has been identified



## Future Land Use Map

- Suburban Commercial
- Office, retail and services uses adjacent to and abutting residential neighborhoods
- Supports GR

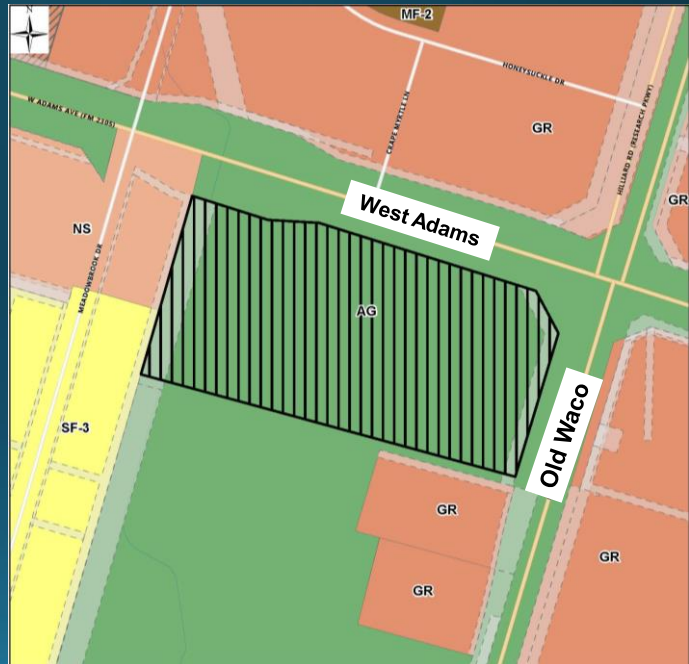
## COMPLIANCE



# Zoning Map

- General Retail (GR)
- Intended for Retail and Service Uses
- Fronts along West Adams Avenue (FM 2305)
- Adjacent to NS, GR, SF-3

## COMPLIANCE



# Existing Water & Sewer Map

## Water

- 3" on Adams
- 8" on Old Waco

## Sewer

- 8" on Meadowbrook
- 10" on Old Waco in east side of Right-of-Way

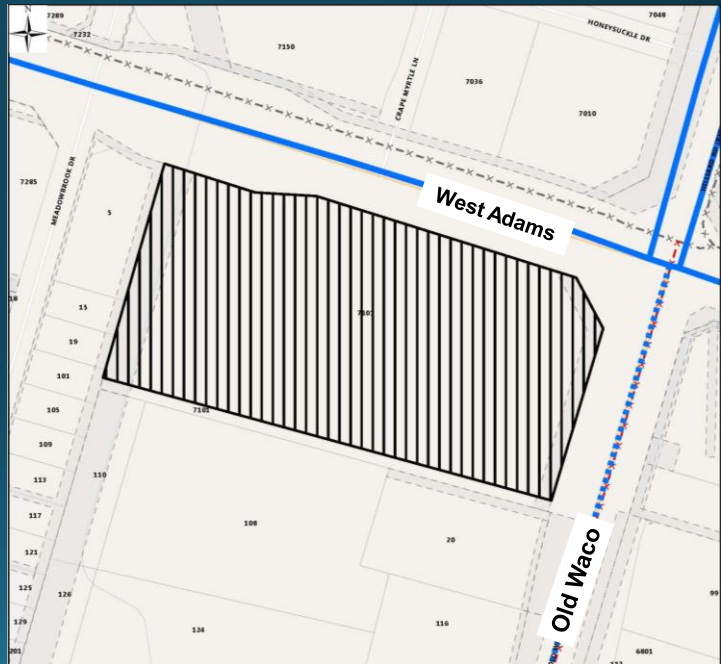
## COMPLIANCE



## Thoroughfare Plan & Trails

- **West Adams (FM 2305)**
  - Major arterial
  - Sidewalk required upon development
- **Old Waco Road**
  - Proposed major arterial
  - Recently widened to divided roadway
  - Existing sidewalk
- **Trails**
  - Proposed City-wide Spine along Old Waco
  - Existing sidewalk along east edge of property

## COMPLIANCE

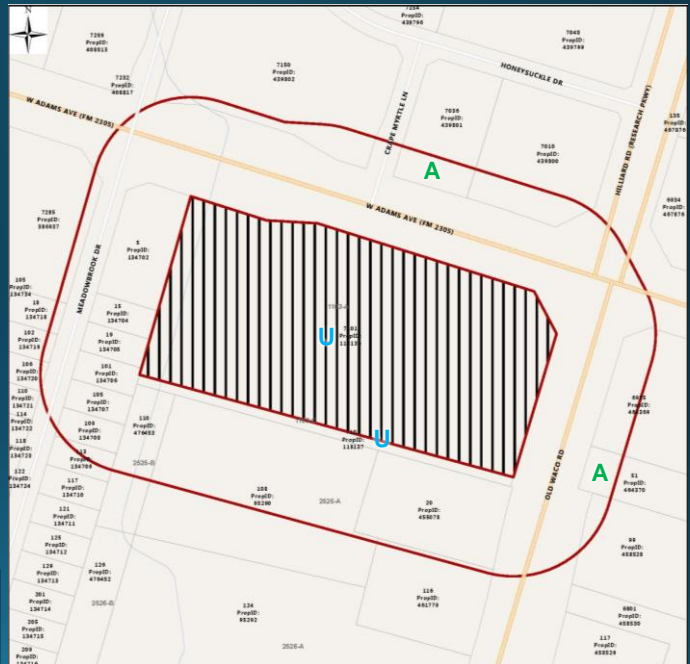


## PUBLIC NOTICE:

- 25 notices were sent out to property owners within 200 feet
- 2 notices in Agreement
- 0 notices in Disagreement
- 2 notice returned Undeliverable
- The newspaper printed notice of the public hearing on May 24, 2018, in accordance with state law and local ordinance

### ## Notices Mailed

1 Agree A  
0 Disagree D  
2 Undeliverable U





Site Photos – 7101 West Adams Avenue – Trinity Church



Facing west from corner of West Adams and Old Waco Road



Facing southwest along West Adams Ave





Facing south from West Adams showing drainage channel



Facing west showing adjacent properties





Facing southeast from West Adams



Facing south along Old Waco Road

Use Type		Agricultural (AG)		General Retail (GR)	
Agricultural Uses		Farm, Ranch or Orchard		Same as AG	
Residential Uses		Single Family Residence (Detached & Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)		Same as AG Townhouse	Duplex Home for the Aged (No CUP)
Retail & Service Uses		None		Most Retail & Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)	
Commercial Uses		None		Plumbing Shop Indoor Flea Market Kennel without Veterinary Hospital (CUP)	Upholstery Shop
Industrial Uses		Temporary Asphalt & Concrete Batching Plat (CUP)		Temporary Asphalt & Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location	
Recreational Uses		None		Park or Playground	Beer & Wine (On Premise Consumption) < 75%
Educational & Institutional Uses		Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care (CUP)		Same as AG Child Care (No CUP) Hospital	
Vehicle Service Uses		None		Auto Leasing, Rental Car Wash	Auto Sales - New & Used (Outside Lot) Vehicle Servicing (Minor)
Restaurant Uses		None		With & Without Drive-In	
Overnight Accommodations		RV Park (CUP)		Hotel or Motel	
Transportation Uses		Emergency Vehicle Service (CUP) Helistop (CUP)		Same as AG (No CUP)	

## Development standards for AG and GR zoning

	<u>Current</u> (AG) Residential	<u>Proposed</u> (GR) Non-Residential
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

\* a minimum rear yard of 10 feet is required adjacent where a nonresidential use abuts a residential zoning district or use. Where an alley exists, a rear yard is not required.





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

464370  
ROUF, EMRAN & RABEYA KHATUN  
1600 SANDBAR CIR  
BELTON, TX 76513

**Zoning Application Number: FY-18-6-ZC**

**Case Manager: Jason Deckman**

Location: 7101 W. Adams Avenue, Temple, Texas

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:**

Consider building service outlets,  
such as dentist office, city office, doctor's  
office. Would NOT recommend gas stations!!

**Signature**

**Print Name**

EMRAN ROUF

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [jdeckman@templetx.gov](mailto:jdeckman@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 25

Date Mailed: May 24, 2018

**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**

439801  
BOULEVARD PLAZA SAN DIEGO LLC  
PO BOX 217  
RANCHO SANTA FE, CA 92067

**Zoning Application Number:** FY-18-6-ZC

**Case Manager:** Jason Deckman

Location: 7101 W. Adams Avenue, Temple, Texas

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

I ☒ agree

( ) disagree with this request

**Comments:**

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*Boulevard Plaza SD, LLC*  
*Liane R. Leist*

**Signature**

*Boulevard Plaza SD*  
*LIANE R. LEIST*

**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, [jdeckman@templetx.gov](mailto:jdeckman@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

Number of Notices Mailed: 25

Date Mailed: May 24, 2018

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

ORDINANCE NO. 2018-4924  
(FY-18-6-ZC)

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 6.938 ACRES, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 7101 WEST ADAMS AVENUE; 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 6.938 acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, and located at 7101 West Adams Avenue, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 3:** 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 **28<sup>th</sup>** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #10  
Regular Agenda  
Page 1 of 4

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – FY-18-7-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Attached-Three zoning district on 9.036 +/- acres and Single Family-Two zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.

**STAFF RECOMMENDATION:** Staff recommends approval of a rezoning to SFA-3 on 9.036 +/- acres & SF-2 on 12.481 +/- acres for the following reasons:

1. The proposed single family detached and attached zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposed single family detached and attached zoning is compatible with the Future Land Use Map;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** During their June 4, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval for the requested rezoning from AG to SFA-3 & SF-2 on a total of 21.517 +/- acres.

**ITEM SUMMARY:** The applicant, Kiella Land Development request rezoning of 9.036 +/- acres from AG to SFA-3 and 12.481 +/- acres from AG to SF-2 for a total rezoning request of 21.517 +/- acres.

It is noteworthy that 17.95 +/- acres of the subject property was previously requested (Z-FY-14-07) for Two-Family (2F) but was withdrawn before City Council consideration. A revised request for the same acreage was submitted for 2F and Office-2 (O-2) on 3.64 +/- acres fronting along Old Waco Road. The request was modified at the Planning & Zoning Commission meeting to a Planned Development, restricting the 2F-portion to duplexes and single family homes only and non-residential uses on the O-2-portion. The Planned Development failed at City Council, since there was a motion to approve without the required second to that motion.



The current request provides opportunity for single family attached and single family detached housing product and townhomes limited to the SFA-3-portion only. It can be surmised that this rezoning may result in an additional phase of Westwood Estates, which was developed by the applicant or will become a future portion of the unplatted SF-3 zoned property immediately to the north, which is also currently owned by the applicant.

Further evidence of the area's increased residential development is by the recent rezoning from AG to Planned Development - Single-Family 2 (PD-SF-2) by Ordinance 2018-4907 on April 19, 2018 for the Reserve at Pea Ridge. The plat for the 1<sup>st</sup> phase of the Reserve at Pea Ridge with proposed exceptions was before the Planning & Zoning Commission on May 7, 2018. The plat was approved by City Council on June 7, 2018.

**SUBDIVISION PLAT:** A subdivision plat will be required prior to development for single family homes. The subdivision plat will address parcel tract lines, circulation as well as any needed right-of-way necessary along the Outer Loop (Old Waco Road).

**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 within both the Suburban Residential & Suburban Commercial Future Land Use Map (FLUM) designations. While the Suburban Residential designation is for mid-sized single family lots, the Suburban Commercial designation lends itself to non-residential development catering to office and retail service zoning designations. The following have been identified with regard to this request:

1. The proposed SF-2 zoning with its underlying Suburban Residential designation **is** consistent with the FLUM;
2. The proposed SFA-3 with its underlying Suburban Commercial **is not** consistent;
3. The Auto-Urban Residential and Multi-Family Residential designations are more accommodating to single family-attached & multi-family uses;
4. The proposed residential zoning is compatible with existing residential zoning within the immediate vicinity; and
5. The existing O-2 directly to the north, fronting along Old Waco Road, would be supported by proposed residential development fronting along this section of Old Waco Road.

It can be concluded that the Suburban Commercial FLUM designation is compatible with the proposed SFA-3 without requiring additional non-residential zoning along this section of Old Waco Road. Therefore the requested SF-2 & SFA-3 zoning is **partially** consistent with the FLUM designations.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along Lively Lane and Old Waco Road. Lively Lane is proposed as the realigned and renamed section of South Pea Ridge by the Reserve at Pea Ridge, Phase I final plat and is currently classified as a collector street. Frontage along this collector is a 55 +/- foot wide “panhandle” portion of the subject property and may lend itself to being a local street access point rather than being used for lot development.

On the other hand, Old Waco Road has been identified as the “Outer-Loop” and will be developed with a 163’ ROW. ROW acquisition is on-going and if necessary, any needed ROW adjacent to this tract will be addressed at the platting stage of review.

As part of on-going Transportation Capital Improvement Plan (TCIP) scheduled improvements, this section of Old Waco Road is part of Phase IV of the Outer Loop. According to Public Works, design is expected to be complete by April 2019 with construction commencing during the summer of 2019, pending ROW acquisition and franchise utility relocation.

Per Unified Development Code (UDC) Sec. 8.5.1 (Perimeter Streets), the developer will be responsible at the platting stage for right-of-way dedication for adjacent street improvements

Availability of Public Facilities (CP Goal 4.1)

Water is available through an eight inch waterline in South Pea Ridge Road, a 14-inch waterline along the north & west boundaries and a 24-inch water line along old Waco Road. Sewer is available through an eight inch sewer line in Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed City-wide spine trail is shown on the Trails Master Plan in Old Waco Road, as a minor arterial, a 6’ sidewalk is required. Ten-foot (10’) sidewalks will be built on both sides of Old Waco Road with TCIP improvements.

**DEVELOPMENT REGULATIONS:** The attached table show the required dimensional standards of the SFA-3 & SF-2 zoning districts.

**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 June 19, 2018 at 9:00 AM, one notice in agreement, representing three properties, and one notice in disagreement have been received.

The newspaper printed notice of the public hearing on May 24, 2018, in accordance with state law and local ordinance.

**SCHOOL DISTRICT:** Belton Independent School District (BISD)

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Survey Map (Exhibit A)

Photos

Tables

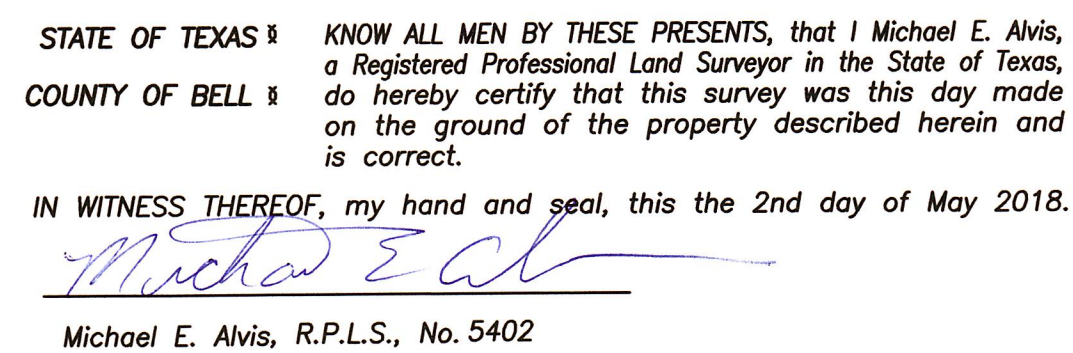
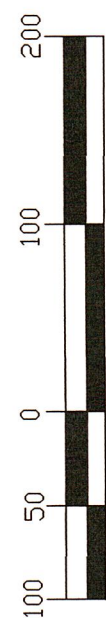
Maps

Returned Property Notice

P&Z Excerpts (June 4, 2018)

Ordinance



[illegible]

**12.481 AND 9.036 ACRES**  
1812 OLD WACO ROAD  
REZONING  
NANCY CHANCE SURVEY, ABSTRACT NO. 5  
TEMPLE, BELL COUNTY, TEXAS

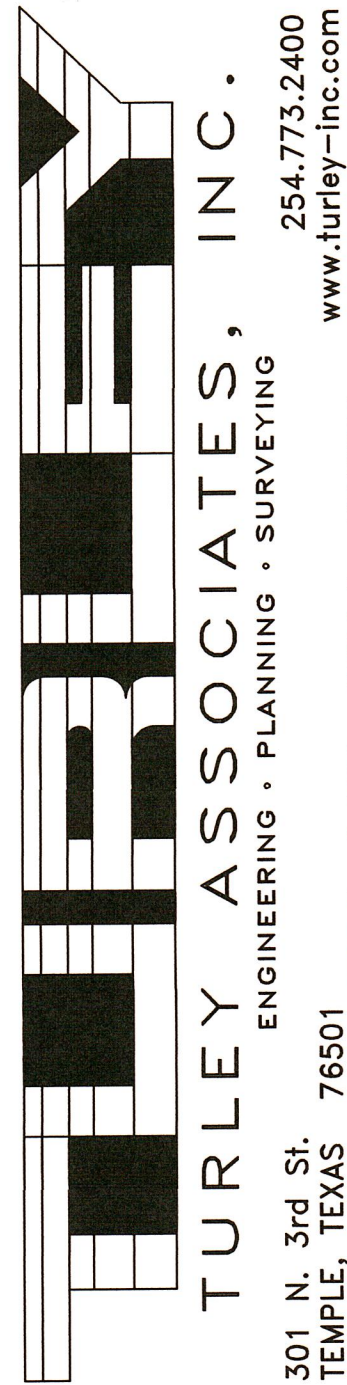
SURVEY OF:  
**12.481 AND 9.036 ACRES**  
1812 OLD WACO ROAD  
REZONING  
NANCY CHANCE SURVEY, ABSTRACT NO. 5  
TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:  
**KIELLA LAND INVESTMENTS**  
P.O. BOX 1344  
TEMPLE, TEXAS 76502

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301 N. 3rd St.  
TEMPLE, TEXAS 76501  
ENGINEERING • PLANNING • SURVEYING  
254.773.2400  
www.turley-inc.com



# Site & Surrounding Property Photos



**Site: Undeveloped - Looking West from Old Waco Road  
(AG)**



**Site: Undeveloped - Looking East from S. Pea Ridge Road  
(AG)**



**West: Looking across South Pea Ridge Road – The Reserve at Pea Ridge  
(PD-SF-2)**



**West: Single Family Residential Uses (Westwood Estates)  
(SF-3)**





**West: Water Tower along South Pea Ridge Rd  
(AG)**



**South: Existing SF Residence on Acreage  
(AG)**



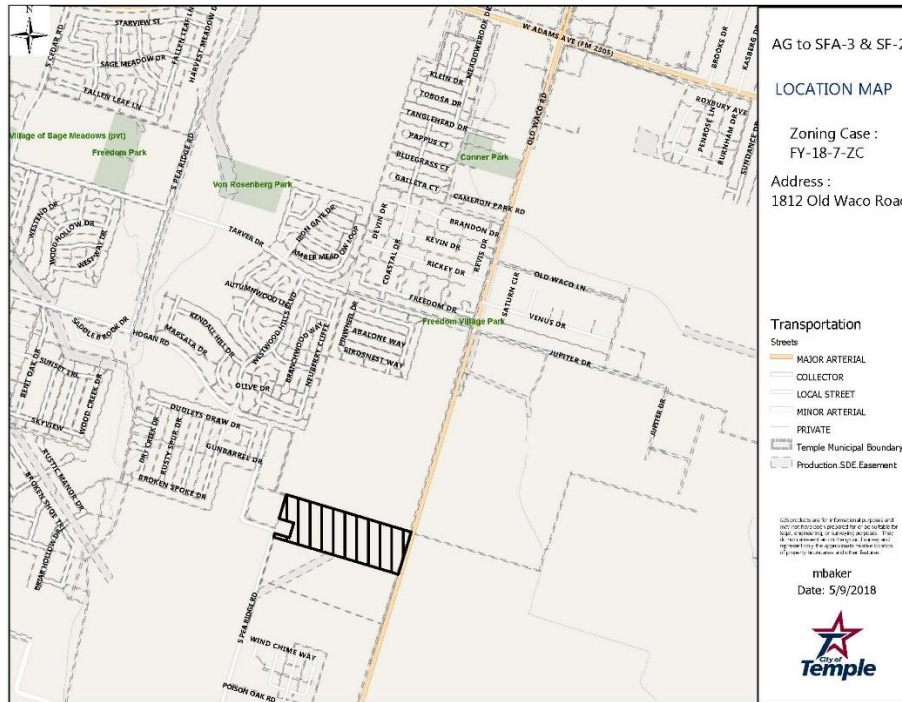
**North – As Seen from Old Waco Road – Note Power Line  
(AG)**



**East – Looking across Old Waco Road – Single Family Uses on Acreage  
(AG)**



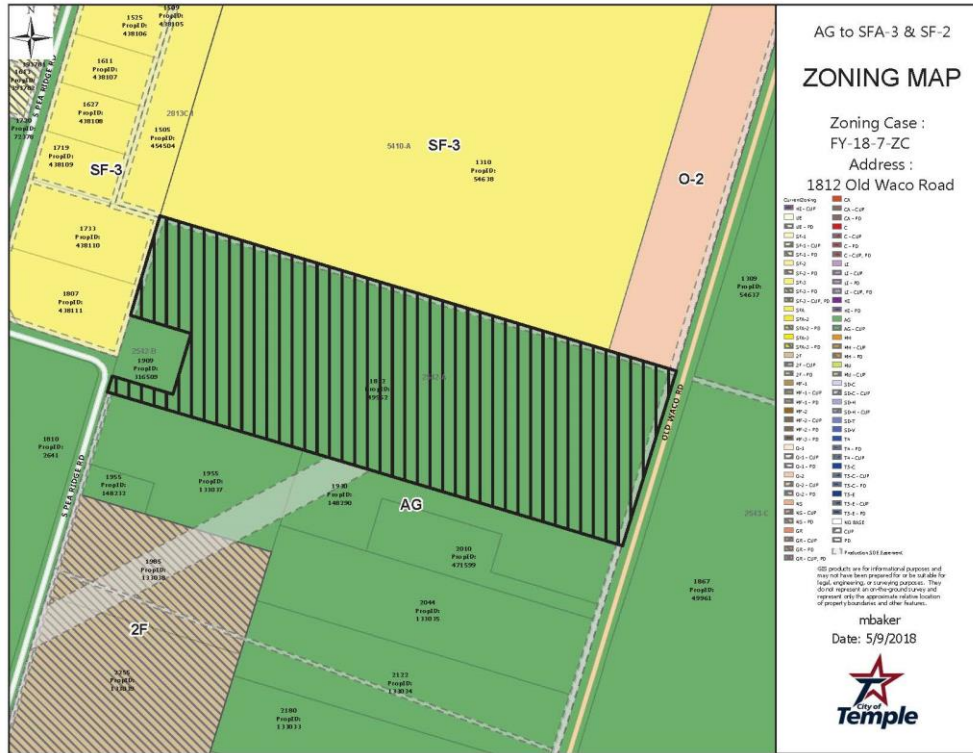
# Maps



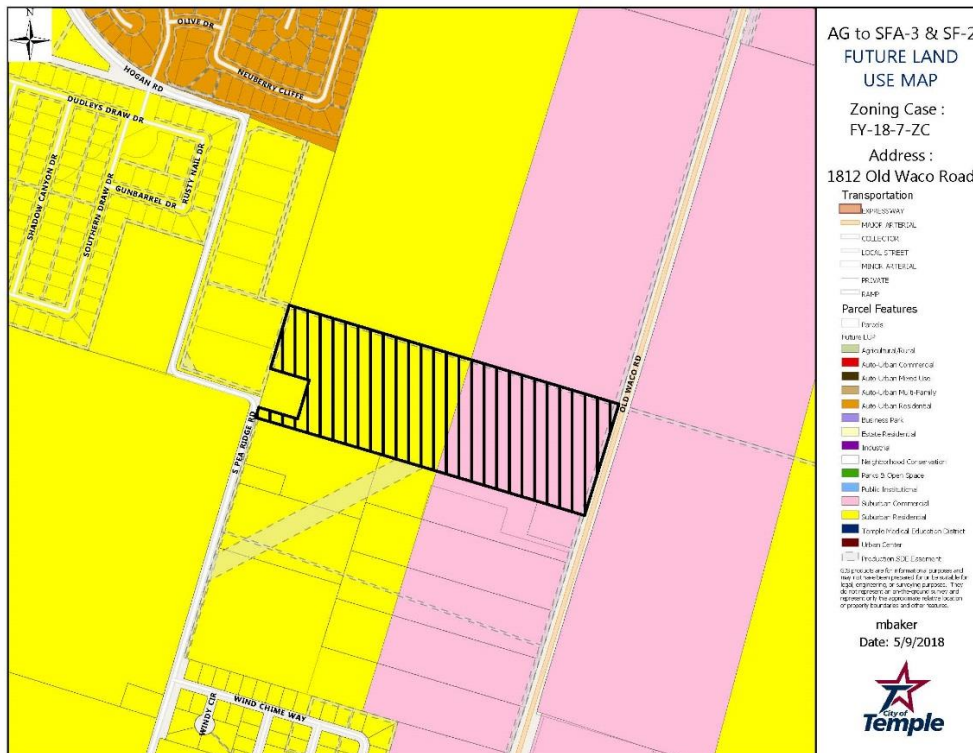
**Location Map**



**Aerial Map**



Zoning Map

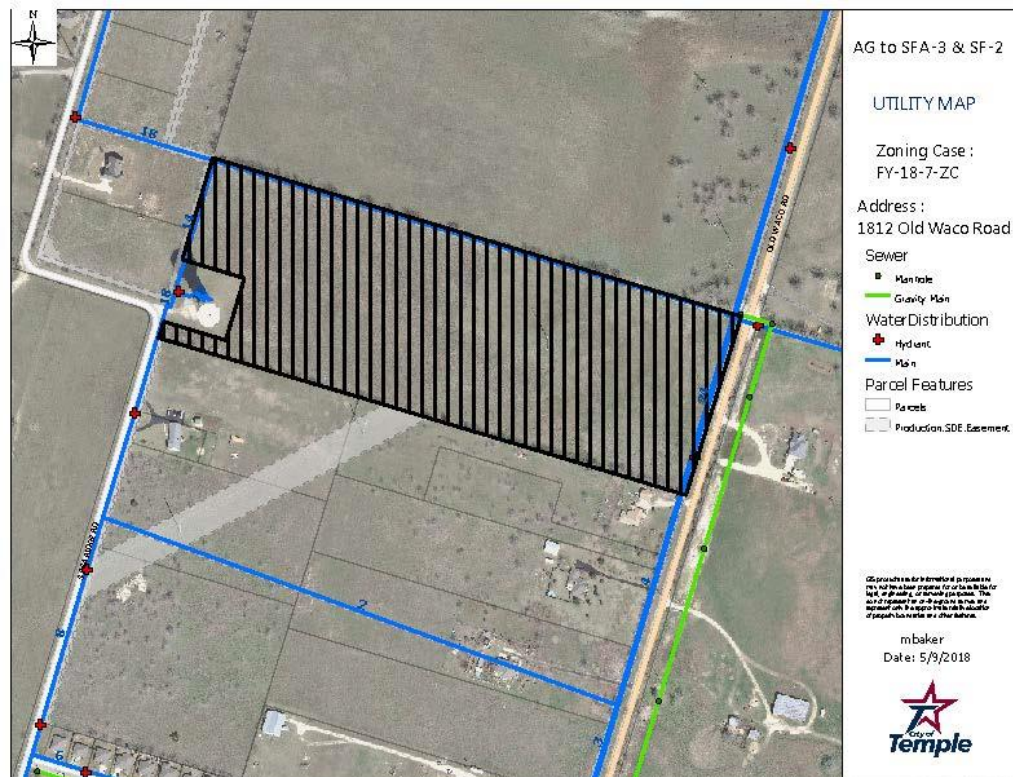


Future Land Use Map





**Thoroughfare & Trails Map**



**Utility Map**



Notification Map



# Tables

**Permitted & Conditional Uses Table  
Comparison between AG, SFA-3 & SF-2**

Use Type	Agricultural (AG)	Single-Family Attached-3 (SFA-3)	Single Family 2 (SF-2)
Agricultural Uses	Farm, Ranch or Orchard	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 Townhomes	Same as AG No CUP for Home for the Aged
Retail & Service Uses	None	Same as AG	Same as AG
Commercial Uses	None	Same as AG	Same as AG
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG	Same as AG
Recreational Uses	None	Same as AG	Same as AG
Vehicle Service Uses	None	Same as AG	Same as AG
Restaurant Uses	None	Same as AG	Same as AG
Overnight Accommodations	None	Same as AG	Same as AG
Transportation Uses	None	Same as AG	Same as AG

**Comprehensive Plan Compliance Table**

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		

## Surrounding Property Uses

Surrounding Property & Uses			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Residential & Suburban Commercial	AG	Undeveloped
North	Suburban Residential & Suburban Commercial	SF-3 & O-2	Undeveloped
South	Suburban Residential & Suburban Commercial	AG & PD-2F	Scattered SF Residential Uses on Acreage (Blue Bonnet Ridge Estates)
East	Suburban Commercial	AG	Scattered SF Residential Uses on Acreage
West	Suburban Residential	SF-3 & PD-SF-2	SF Residential Uses (Westwood Estates / The Reserve at Pea Ridge)

## Dimensional Standards (UDC Section 4.5)

	(SFA-3) SF (Attached)	(SF-2) SF (Detached)
Minimum Lot Size	15 Units per Acre (2,300 SF Lot)	7 Units per Acre (5,000 SF Lot)
Minimum Lot Width	20 Feet	50 Feet
Minimum Lot Depth	100 Feet	100 Feet
Front Setback	15 Feet	25 Feet
Side Setback	5 Feet / 0 Feet	5 Feet
Side Setback (corner)	15 Feet	15 Feet
Rear Setback	❖ 10 Feet (Only)	10 Feet
Max Building Height	2 ½ Stories	2 ½ Stories

❖ 10' rear setback - Non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) – Only applies at the time of development of the adjacent O-2 zoned property. The SFA-3 portion is not responsible for buffering & screening.

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).



**Representing Three Properties**

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

54638  
KIELLA LAND INVESTMENTS LTD  
PO BOX 1344  
TEMPLE, TX 76503-1344

**Zoning Application Number:** FY-18-7-ZC

**Case Manager:** Mark Baker, Senior Planner

Location: 1812 Old Waco Road, Temple, Texas

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

I ☒ agree

( ) disagree with this request

**Comments:**

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---

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**Signature**

**Print Name**

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

**RECEIVED**

MAY 31 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 15

Date Mailed: May 24, 2018

**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**

438110  
WIELAND, HELEN S  
1733 S PEA RIDGE  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-7-ZC

**Case Manager:** Mark Baker, Senior Planner

Location: 1812 Old Waco Road, Temple, Texas

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:**

LEAVE SO GREEN AREAS!!! THAT FIELD IS  
THE HOME TO SEVERAL DEER, THEY COME INTO OUR BACK  
YARD TO DRINK.  
LOOK HOW NICE MORGAN'S POINT IS!!! LOTS OF GREEN BEST  
THAN TOWN IS GOING TO END UP LOOKING LIKE CRAP

Helen Wieland  
Signature

HELEN WIELAND  
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **June 4, 2018**.

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

**RECEIVED**  
JUN 11 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 15

Date Mailed: May 24, 2018

**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, JUNE 4, 2018**

**ACTION ITEMS**

**Item 4: FY-18-7-ZC** – Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) zoning district to Single Family Attached-Three (SFA-3) zoning district on 9.036 +/- acres and Single Family-Two (SF-2) zoning district on 12.481 +/- acres, totaling 21.517 +/- acres, situated in the Nancy Chance Survey, Abstract No. 5 and addressed at 1812 Old Waco Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on June 28, 2018 and second reading on July 19, 2018.

This is for rezoning of 21.517 +/- acres: 12.81 +/- acres as SF-2 and 9.036 +/- acres as SFA-3.

Background: Approximately 17 acres of the subject property (in 2014) requested rezoning from AG to 2F and O-1. That request was modified at P&Z to a Planned Development. The PD failed at City Council for lack of a second to the motion.

The current request is adjacent to the recently approved The Reserve at Pea Ridge (PD-SF-2) (Ord. 2018-4907) which included the realignment of South Pea Ridge Road.

Phase I Final Plat (The Reserve) which included the realignment is scheduled for City Council on June 7, 2018.

The current request requires a subdivision plat for residential uses and the property lies within the Belton Independent School District (BISD).

Aerial and street view of the realignment portion of South Pea Ridge Road shown.

Zoning map shown. There is a variety of existing SF zoning in the vicinity. This is adjacent to recently approved PD-SF-2 (The Reserve at Pea Ridge). Proposed SF-2 & SFA-3 are compatible with surrounding area. Proposed residential uses would support the adjacent O-2.

The Future Land Use and Character Map designate the subject property as Suburban Commercial which is appropriate for retail and office uses, generally concentrated at intersections versus strip development along major roads.

SF attached/Townhome uses are more accommodated in the Auto-Urban Residential and Auto-Urban Multi-Family Future Land Use and Character Map designations.

Proposed residential zoning supports existing non-residential zoning along this section of Old Waco Road.

Suburban Residential is identified for mid-sized single family lots (primarily SF-1 & SF-2).

The request of the two zoning are in partial compliance with the land use.

Water and sewer is available to serve the property.

The Thoroughfare Plan designates Old Waco Road (Outer Loop) as a Major Arterial and has approximately 163-feet of right-of-way and will be addressed with the platting process. Phase IV Outer Loop Improvements has an anticipated start of the summer of 2019.

South Pea Ridge Road, proposed to be renamed as Lively Lane, is a Collector. Any needed right-of-way will be addressed at the platting stage.

A proposed City-Wide Spine Trail will be addressed with platting and timed with Phase IV Outer Loop improvements.

On-site photos shown.

Comparison chart of land uses and Development Standards for AG, SFA-3 and SF-2 shown.

Buffering and Screening Standards do not apply to the SFA-3 property. The developer of the adjacent O-2 property will be responsible for buffering and screening.

Per UDC Section 7.7.4 - Buffering

- 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

Along the common boundary (O-2 & SFA-3 Properties Only), continuous buffer and screening is required:

Between non-residential or multiple-family uses and an agricultural or residential zoning district or use

Fourteen notices were mailed in accordance with all state and local regulations with three responses returned in agreement and zero responses returned in disagreement.

Staff recommends approval of the request for a rezoning from AG District to SFA-3 and SF-2 Districts.

Chair Fettig opened the public hearing.

Mr. Josh Welch, WBW Development, 3000 Illinois Avenue, Killeen, Texas, stated WBW has property adjacent to this subject property. WBW feels this request would be compatible with the area, is a good use of the property, and support the request.

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

Commissioner Armstrong made a motion to approve Item 4, **FY-18-7-ZC**, per staff recommendation, and Commissioner Marshall made a second.

*Motion passed: (7:0)*

Commissioners Crisp and Ward absent.

ORDINANCE NO. 2018-4925  
(FY-18-7-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY ATTACHED-THREE ZONING DISTRICT ON APPROXIMATELY 9.036 ACRES, AND SINGLE FAMILY-TWO ZONING DISTRICT ON APPROXIMATELY 12.481 ACRES, TOTALING 21.517 ACRES, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 1812 OLD WACO 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: 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 approves a rezoning from Agricultural zoning district to Single Family Attached-Three zoning district on approximately 9.036 acres, and Single Family-Two zoning district on approximately 12.481 acres, totaling 21.517 acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, and located at 1812 Old Waco Road, as outlined in the map attached hereto as Exhibit 'A,' and as further described in the field notes attached as Exhibit 'B,' and made a part hereof for all purposes.

**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 **28<sup>th</sup>** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **July**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/28/18  
Item #11  
Regular Agenda  
Page 1 of 4

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** SECOND READING – FY-18-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Planned Development Single-Family One zoning district and a binding development/site plan on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning from Agricultural (AG) District to Planned Development Single Family-One (PD SF-1) District with the following conditions:

1. Development would require substantial compliance with the development/site plan;
2. Establishment of an HOA (homeowner's association) to maintain common areas, including the private park;
3. Implementation of the Citywide Trails Masterplan per the development/site plan within the HOA park;
4. A sidewalk will be constructed along the entry street connecting to the HOA park
5. Minimum lot size is 12,400 square feet and not to exceed 176 total lots;
6. Connection to the City's sanitary sewer system;
7. One 2-inch DBH (Diameter at Breast Height) canopy tree to be planted in the front yard of every lot. Species shall conform to the approved City of Temple Tree list, per the Unified Development Code (UDC);
8. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure; and
9. A fence along FM 93 shall be made of wood with masonry columns
10. The developer must limit homes to one
11. story along the west property line abutting the Valley Ranch properties; and
12. A new transparent metal fence along Friar's Creek (subject to approval of a floodplain development permit).

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their May 7, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

**ITEM SUMMARY:** The applicant, J.C. Wall III, requests this rezoning from Agricultural District to Planned Development Single-Family One District for property located along the south side of FM 93 and along Southwood Drive. He proposes a 176-lot single family residential development with minimum lot sizes of 12,400 square feet.

Since City Council approved the voluntary annexation of this property in January 2017, this is the third rezoning request that has gone before P&Z and the second to be reviewed by City Council. The other two requests could be summarized as follows:

- A Planned Development Single-Family One zoning district request with 280 proposed lots (7,500 sf minimum size)
  - P&Z recommended denial
  - Withdrawn by applicant
- A Planned Development Urban Estates zoning district request with 103 proposed lots (22,000 sf minimum size) with septic systems
  - P&Z recommended approval
  - Disapproved by City Council on July 20, 2017

The main differences between this and the previous 103-lot request are:

- A larger number of lots
- Connection to the City's sanitary sewer system (at the developer's cost)
- The fence along Friar's Creek

The proposed lot size of 12,400 sf is similar to the Legacy Ranch subdivision (smallest lots of 10,500 sf) located just across FM 93 and to the Valley Ranch Phase III subdivision (smallest lots of 11,011 sf). The property to the immediate west in Valley Ranch along Sun Valley Drive (Valley Ranch Phase II), however, consists of half-acre lots and is zoned PD Urban Estates. To the east on Boutwell Drive in the ETJ (extra-territorial jurisdiction) homes are located on larger lots. A creek and a vegetation buffer separates the subject property from the homes along Boutwell Drive. An existing home to the south along Forrester Road, and south of the electrical sub-station is also on a large property.

Per the PD, development would be required to substantially comply with the development site plan, including the minimum lot size of 12,400 sf, establishment of a Homeowner's Association park and five detention tracts for drainage.

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

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

As a Planned Development, a Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The applicant has provided a Site Development Plan in this rezoning request. The proposed trail and 13 acres of dedicated park land along the creek as well as the larger lot size are elements of the proposed Planned Development which take into account the unique character of the property.

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

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

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

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

The north portion of the subject property along FM 93 is within the Suburban Residential character district of the *Choices '08* City of Temple Comprehensive Plan. The Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways than more dense subdivisions of urban character. The applicant's requested Planned Development Urban Estate District (PD-UE) complies with the Suburban Residential character district.

The south portion of the subject property, annexed in 2016, is within the Agricultural / Rural character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested PD SF-1 zoning is compatible with some of the existing residential developments near the subject property but is not compatible with the Agricultural / Rural designation, which does apply to all areas outside city limits and this property was annexed in 2016.

**Thoroughfare (CP Map 5.2) and Temple Trails Master Plans**

The subject property fronts FM 93, a major arterial. Southwood Drive bisects the subject property at FM 93 and runs south to a cul-de-sac for the existing electrical substation at the south property line.

FM 93 is only appropriate as a subdivision entrance. Southwood Drive and the proposed local streets within the subject property, shown on the attached Planned Development Site Plan, are ideal for residential dwellings. The proposed development site plan reflects two ingress/egress points into the development along FM 93, for which TXDOT has given conceptual approval.

ITE (Institute of Transportation Engineers) car trip generation rate (potential traffic impact):

- 176 single family residences (178 PHT/Peak Hour Trips)
- Equivalent of:
  - A typical fast food drive-through restaurant (49.35 PHT per 1000 sf) or
  - A 15,000 sf supermarket (11.85 PHT per 1000 sf)

The Temple Trails Master Plan recommends a trail along the subject property's eastern boundary along the creek. Staff has worked with the applicant to implement the Trails Master Plan while also limiting the impact on adjacent neighbors by moving the trail system further into the interior of the property.



Availability of Public Utilities (CP Goal 4.1)

- Water and sewer – connections will be made to the north within the Legacy Ranch subdivision. The applicant proposes a sanitary sewer lift station at the low point of the property near Friar's Creek.
- Drainage – five detention ponds are proposed; City Engineering staff would confirm compliance at the platting and permitting stages.
  - The City is conducting a drainage study that includes the Friar's Creek drainage basin, which is projected for completion by the end of the year.

**DEVELOPMENT REVIEW COMMITTEE (DRC):** DRC reviewed the case on April 23, 2018 and identified no issues with the proposal.

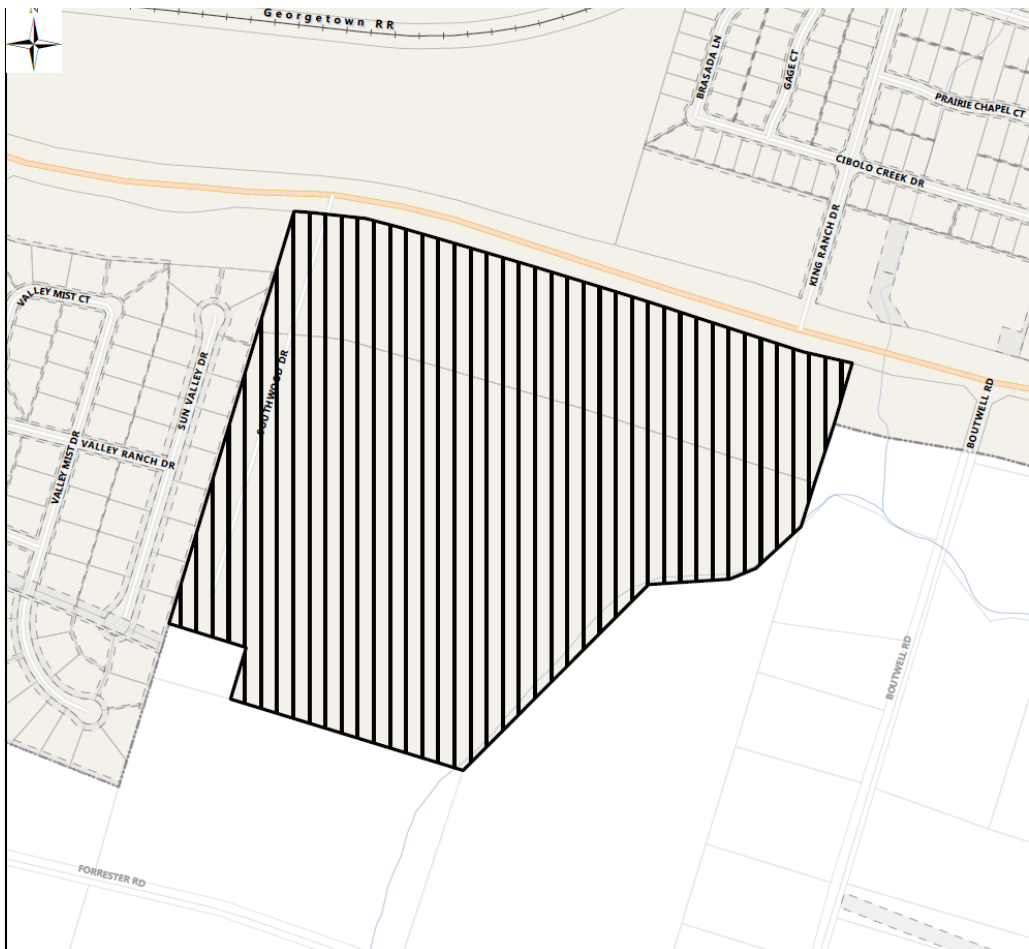
**PUBLIC NOTICE:** Thirty-six notices of the Planning and Zoning Commission public hearing were sent out to all property owners (including in the ETJ) within 200-feet of the subject property as required by State law and City Ordinance. As of Tue May 29, 2018 at noon, no notices were returned in favor of the proposed rezoning and 15 notices were received in opposition (including one outside notification area) to the proposed rezoning, which represents a calculation of 40.69% within the 200-foot notification area. Therefore, per Sec. 3.3.4 of the UDC, a protest has been triggered, which would require a supermajority vote (four out of five) by City Council to approve.

The newspaper printed notice of the public hearing on April 26, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Maps](#)  
[Site and Surrounding Property Photos](#)  
[Development Regulations](#)  
[Neighbor Responses](#)  
[Planned Development Site Plan](#)  
[Planned Development Topo Utility Plan](#)  
[P&Z Meeting Minutes \(May 7, 2018 excerpt\)](#)  
[Ordinance](#)



AG TO PD SF-1  
LOCATION MAP

Zoning Case :  
FY-18-2-ZC  
Address :  
3093 W FM 93 &  
6851 Southwood Dr

Transportation

Streets

MAJOR ARTERIAL

LOCAL STREET

Railroad

Temple Municipal Boundary

Parcel Features

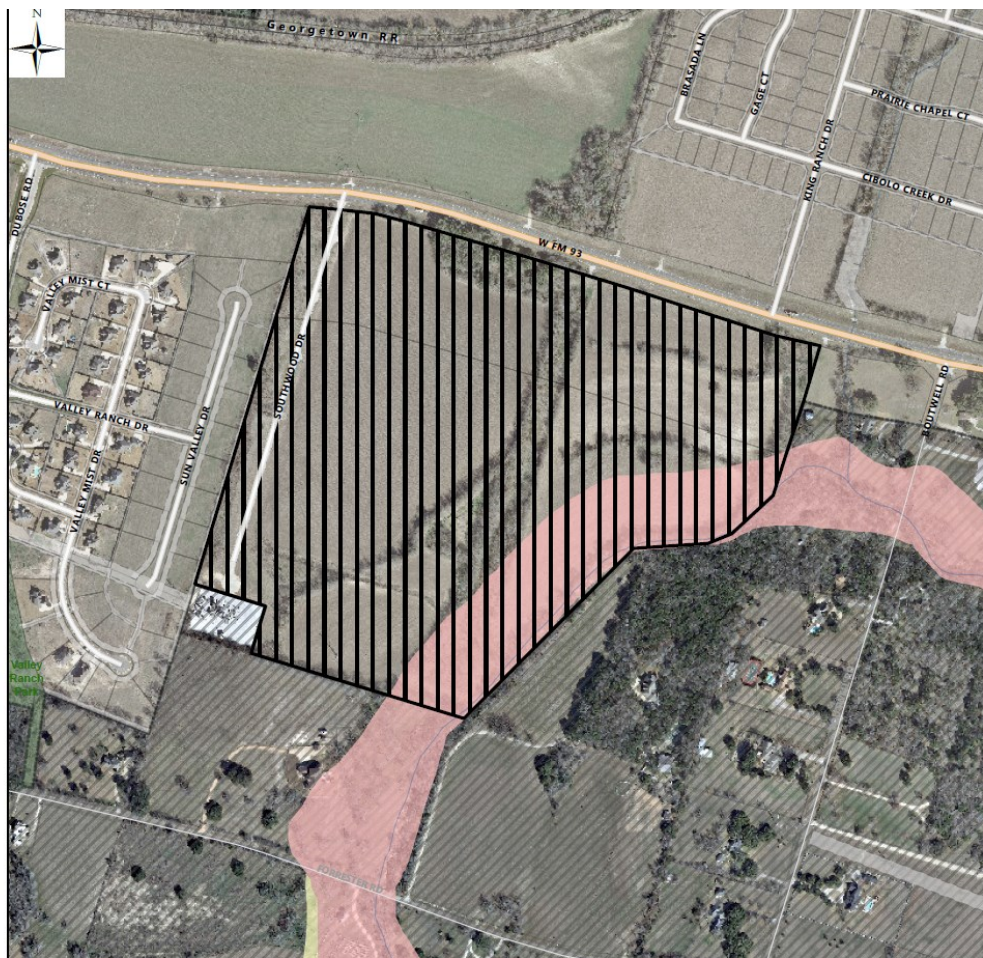
Parcels

ETJ Parcels

Production.SDE.Easement

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: 4/18/2018



AG TO PD SF-1  
LOCATION MAP

Zoning Case :  
FY-18-2-ZC  
Address :  
3093 W FM 93 &  
6851 Southwood Dr

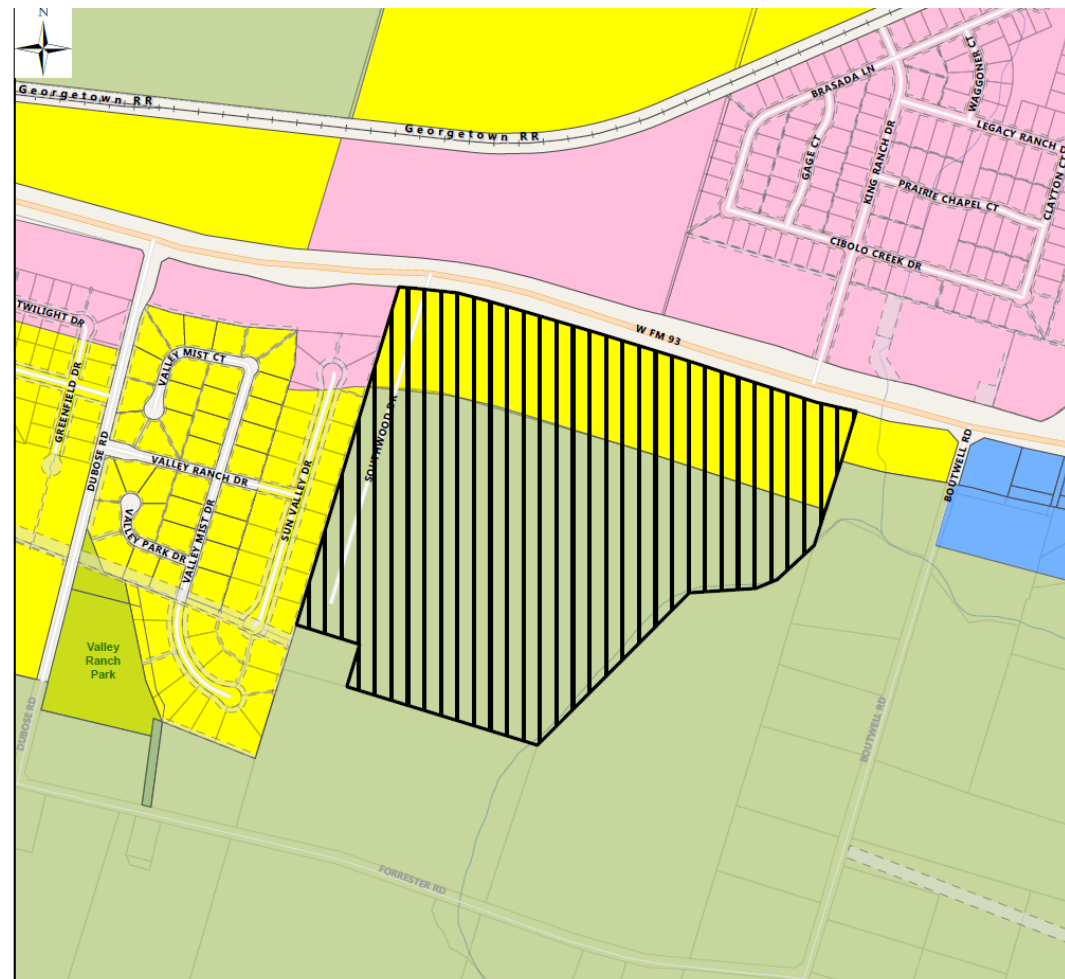
Production.SDE.Easement

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: 4/18/2018

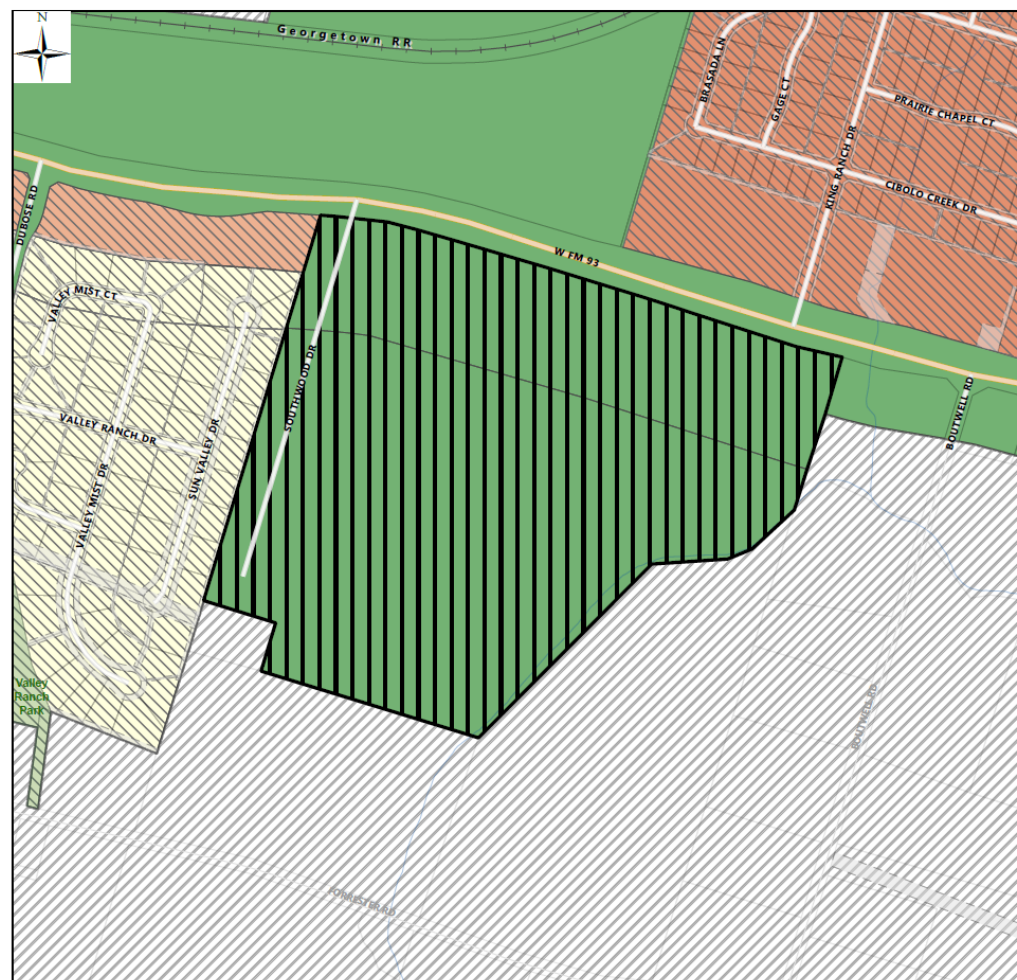






AG TO PD SF-1  
**FUTURE LAND USE MAP**  
 Zoning Case :  
 FY-18-2-ZC  
 Address :  
 3093 W FM 93 &  
 6851 Southwood Dr

Irbarrett  
 Date: 4/18/2018

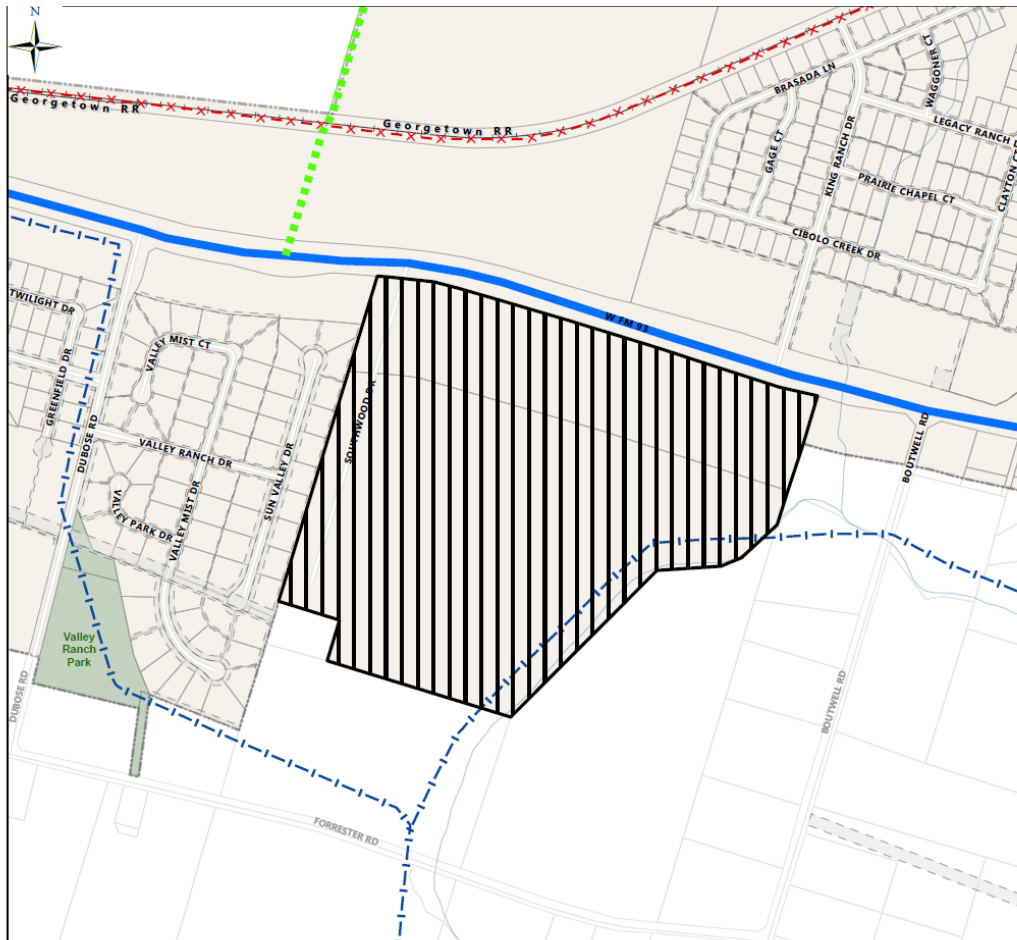


AG TO PD SF-1  
**ZONING MAP**  
 Zoning Case :  
 FY-18-2-ZC  
 Address :  
 3093 W FM 93 &  
 6851 Southwood Dr

Irbarrett  
 Date: 4/18/2018







# AG TO PD SF-1 THOROUGHFARE AND TRAILS MAP

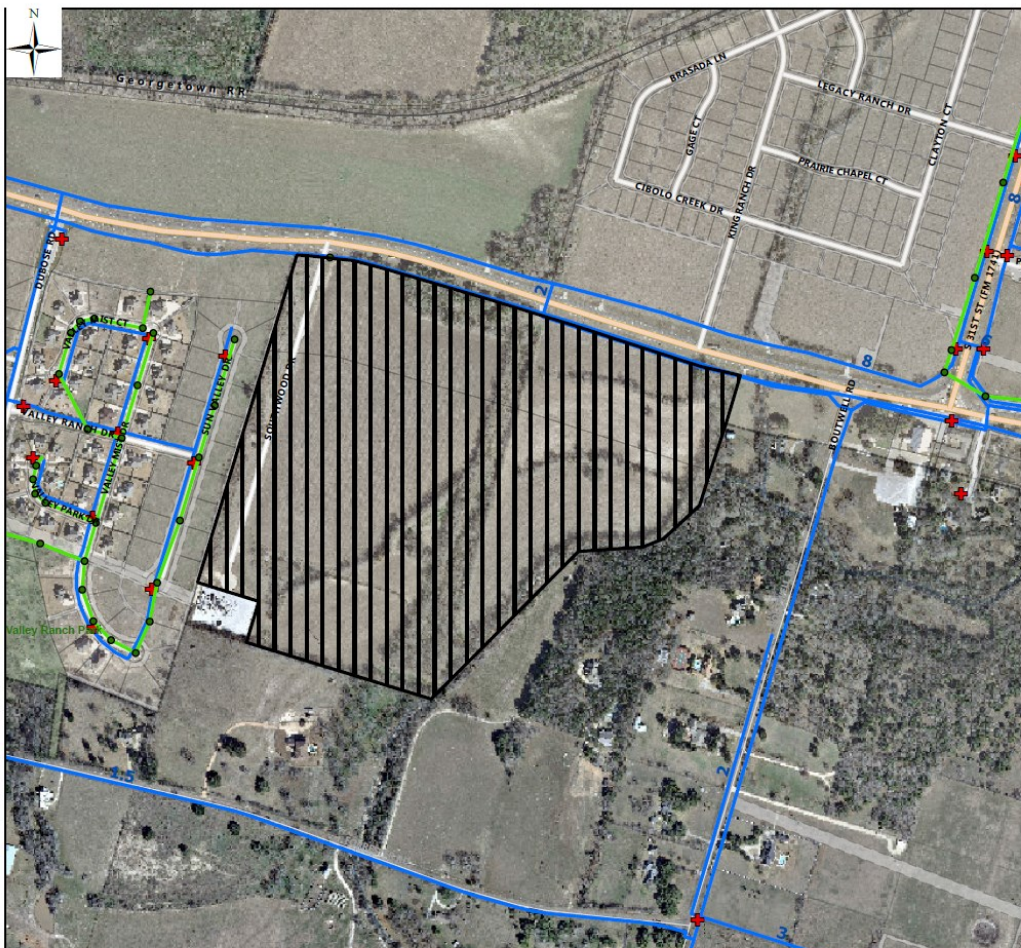
Zoning Case :  
FY-18-2-ZC

Address :  
3093 W FM 93 &  
6851 Southwood Dr

Parcel Features  
 Thoroughfare Plan  
 Expressway  
 Major Arterial  
 Minor Arterial  
 Proposed Major Arterial  
 Proposed Minor Arterial  
 Collector  
 Proposed Collector  
 Trails Master Plan  
 Existing, City Wide Spine  
 Proposed, City Wide Spine  
 Existing, Local Connector  
 Proposed, Local Connector  
 Production, SD

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: 4/18/2018



# AG TO PD SF-1

## UTILITY MAP

Zoning Case :  
FY-18-2-ZC

Address :  
3093 W FM 93 &  
6851 Southwood Dr

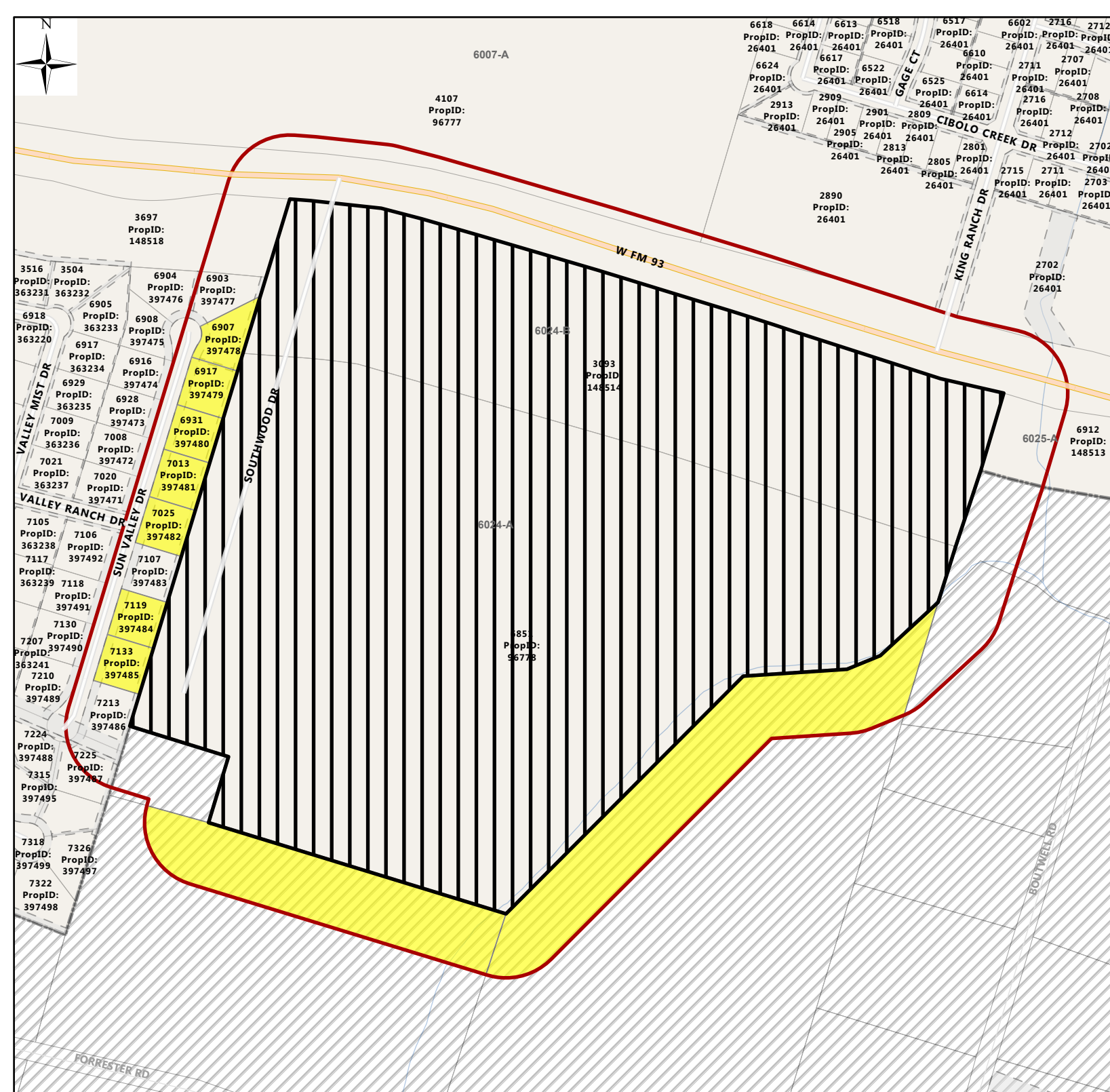
Sewer  
 Manhole  
 Gravity Main  
 Water Distribution  
 Hydrant  
 Main  
 Parcel Features  
 Parcels  
 Production, SDE, Easement

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: 4/18/2018







Address :  
3093 W FM 93 &  
6851 Southwood Dr.




 CaseArea

Date: 5/7/2018






**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Property	
East	No Zoning (ETJ)	Agricultural / Rural Residential/ Estate Homes	
			 <p>Creek – Boutwell Road View</p>



Direction	Zoning	Current Land Use	Photo
			 <p>Boutwell Road</p>
West	PD_UE	Single Family Residential	 <p>FM 93</p>
			

Direction	Zoning	Current Land Use	Photo
South	No Zoning (ETJ)	Agricultural/ Rural Residential	 <p>Southwood Drive Cul-De-Sac</p>
			
North	AG & PD-GR	Agricultural and Undeveloped Land (future apartments)	 <p>FM 93</p>



## Article 4: Zoning Districts

### Sec. 4.5. Residential Dimensional Standards

#### 4.5.1 Single-Family Detached Dwelling

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	1 ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	--	6,000	6,000	6,000	5,000	5,000	5,000	--	--
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50	--	50	50	50	50	50	50	--	--
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100	--	100	100	100	100	100	100	--	--
Min. Front Yard Setback (ft.)	50	30	25	25	15	25	15	15	15	25	25	25	--	25	25*	15	15	See 4.4.4F.1.d*		--	--
Min. Side Yard Setback (ft.)	15	15	10% of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		--	10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min				--	--
Min. Side (Corner) Yard Setback (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	--	15	15*	15	15	15	15	--	--
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	--	10	10	10	10	10	10	--	--
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	--	50	50	50	50	50	50	--	--
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	--	3	ALH	2 ½	3	ALH	ALH	--	--

ALH = Any Legal Height not prohibited by other laws    -- = Use not permitted    NA = Use permitted but standard does not apply    \* = See Sec. 4.4, Measurements and Special Cases



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

397484  
BROCKETTE, ALVIS ETUX LORNA  
7119 SUN VALLEY DR  
TEMPLE, TX 76502

**RECEIVED**  
MAY 04 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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:**

OPPOSED TO THIS REQUEST DUE TO TRAFFIC,  
SAFETY & ENVIRONMENTAL ISSUES.  
PLEASE SEE ATTACHMENT

  
**Signature**

ALVIS BROCKETTE 5-4-18  
**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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

Zoning Application Number: FY-18-2-ZC

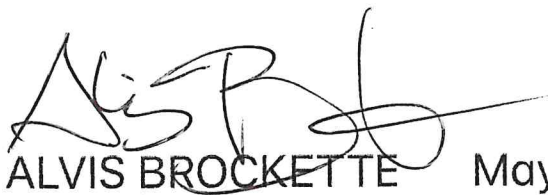
## ATTACHMENT

I am opposed to the rezoning of the area southeast of FM 93 and Southwood Drive proposed to be known as the Valor Trails subdivision.

The development of an additional 178 lots in the area will lead to traffic and environmental issues for the area. With the development of 178 additional homes, it is possible to increase traffic by approximately 360 cars and would exacerbate existing traffic issues. This area already faces heavy congestion during peak hours and will increase already existing traffic hazards to existing residents and children attending the Central Texas Christian School.

As it stands, traffic will increase with the development of Legacy Ranch and the expansion of Valley Ranch. Valor Trails will only make it worse and more hazardous.

The development of Valor Trails will pose environmental issues with the additional runoff/drainage into Fryers Creek. Runoff from an additional 178 lots will increase flooding concerns and will contribute significant and adverse impacts to exiting properties and residents.



ALVIS BROCKETTE May 4, 2018

7119 Sun Valley Drive

Temple, Texas



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

397482  
COX, BILL N JR & GAYLE  
7025 SUN VALLEY  
TEMPLE, TX 76502

**Zoning Application Number: FY-18-2-ZC**

**Case Manager: Brian Chandler**

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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:**

PLEASE SEE THE ATTACHED LETTER.

B. Cox Jr.  
Signature

Gayle Cox

Bill N. Cox Jr.  
Print Name

GAYLE COX

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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



May 5, 2018

RE: Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

The land abutted to the eastern edge of the Valley Ranch subdivision (Identified in the Conceptual Site Plan as the current primary entrance to the property and the land to the right as you drive south) should be designated as a "green belt area" to provide a transitional buffer between the subdivisions. As we have noted before, there are a number of trees in this specific area and these create a diverse animal habitat. From a variety of snakes to cotton-tail rabbits, possums, skunks, skinks, Spiny lizards, squirrels and multiple species of birds from Woodpeckers to Cardinals to Dove to Mockingbirds, hummingbirds, and many small, colorful species of birds. Destruction of this narrow parcel would greatly diminish the beauty of the area and create risks to family members, pets, visitors, and the wildlife itself. Temple has always encouraged the inclusion of natural areas to be enjoyed safely by all.

There is a major problem with rainwater drainage in the backyards of the homes located on Sun Valley Drive that back up to this property line. Building on this narrow parcel of land would definitely cause flooding issues to the existing homes and potentially the new homes built in this area if proper drainage is not addressed.

The proposed subdivision should have a Homeowners Association governing the residents just as Valley Ranch, Bentwood, Deerfield Estates, D'Antonis Crossing and Legacy Ranch to guarantee the proper maintenance of the homes, landscapes, and the neighborhood as a whole, to avoid issues such as animal control, loud music, improper use of the area (playgrounds, basketball courts, etc.) This would maintain the quiet, the beauty, and crime-free atmosphere residents are searching for in Temple TX.

We have concerns about the population density in this immediate area and its impact on the quality of life, crime potential, traffic and associated noise, and the potential of de-valuing our property if modifications are not implemented in this development plan.

Thank you for allowing us to voice our concerns regarding this rezoning and proposed development plan.

Sincerely,

A handwritten signature in blue ink that reads "Bill & Gayle Cox". The signature is written in a cursive, flowing style.

Bill & Gayle Cox  
7025 Sun Valley Dr.  
Temple, TX 76502  
254-231-3549

FY-18-2-ZC  
City of Temple  
Planning Department  
2 N Main Street, Suite 102  
Temple, Texas 7651

**PLANNING & ZONING COMMISSION ITEM MEMORANDUM**

**LOCATION: SOUTHEAST OF FM93 & SOUTHWOOD DRIVE, TEMPLE, TX**

**Item of Concern:** The proposed rezoning of 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.

( ) Agree

**( X ) Disagree**

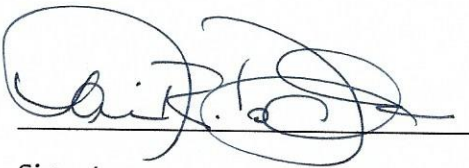
**Comments:**

1. **Wildlife and Fisheries that are unique and only known to Friar's Creek will be endangered;** has been determined that the fish found in Friar's creek cannot be found anywhere else in the nation
2. US Army Corps of Engineers have been brought in for evaluation of the concerns for the Friar's Creek preservation in 2017 and found there is 3 species of Fish that is only found in the Friar's Creek and the additional housing development will potentially endanger these wildlife creatures
3. **Connection to the City's sanitary sewer system:** will further cause damage / overload to the current piping system: **In the late winter / early spring of 2018 the sanitary / water piping failed and caused outage issues and flooding to the FM 93 extension from I-35 to 31<sup>st</sup> Street** with the current sanitary system piping- breakage in the water piping caused the housing of Valley Ranch and the businesses located on FM 93 to have no water / sanitary service for 18+ hours during a work week. Continuing to add additional water / sanitary pressure to this existing piping will further cause EPA damage to the current farm land, cattle land, horse farm, existing housing usage, and existing / future businesses.
4. **Planning for 176 Lots:** Should each house have minimum of 2 children per household= NOT ENOUGH SCHOOL ISDs to accommodate the single-family housing as 2 other housing developments are CURRENTLY UNDERWAY: 31<sup>st</sup> Street / FM 93 (Legacy Ranch Construction) and 5<sup>th</sup> Street / FM 93 (DR Horton Construction) sites. This number would count approximately 352 children needing a dedicated ISD for their educational needs. Belton ISD, Temple ISD, and Academy ISD are already at OVERFLOWING LIMITS. Belton ISD is having to build several additional schools to accommodate the increase housing developmental projects currently underway. How are the children to have a productive and decent educational experience when the existing schools / classrooms are overflowing as is?
5. **Legacy Ranch Construction:** Approximately 688 Homes are being constructed in this site... 2+ children per house hold equals, at minimum: 1,376 children in the Belton / Temple / Academy ISDs.
6. **Sun Valley Drive / Power Grid / Power Poles:** Each house existing on Sun Valley Drive – Valley Ranch aligned with the Southwood Drive Forestry has a **MINIMUM OF 2 POWER POLE LINES ON THE PRIVATE PROPERTIES (Backyards) OF THE EXISTING HOUSES.**



\*\*\*Currently, the only access to the power grid and Power Lines is via the Southwood Drive side!! Lining new, lower-valued housing on smaller lots will prevent Oncore from accessing the POWER LINES FOR POTENTIAL DAMAGES / REPAIRS should this construction be permitted!!!!\*\*\*

7. **Real Estate values:** in Valley Ranch and opposite adjacent to 86.91+/- acreage will be degraded tremendously due to the lower-valued housing proposed to be constructed.
8. **Size of Detention Pond:** Will not accommodate the necessary safety / EPA protections for the Sewer / Water Sanitary / Flood Plane locale.
9. **Fencing approval by the flood-plane:** This fencing idea may potentially cause harm / death to the wildlife should we have significant flooding issues with Friar's creek as it will trap the wildlife unable to escape the flood waters.
10. **PRESERVATION OF THE TREES:** Many of the Existing Trees are 100+ years old. Destroying these trees effect the environment in terms of wildlife and oxygen producing potential for the local area.
11. **Sidewalks: Safety of people / children is a grave concern;** the already high-volume traffic will be a safety hazard as FM 93 may futuristically become an extension of I-14. *Traffic volume safety is already in high demand as it is a major artery to the VA Hospital, Scott and White Hospital, Academy, Rogers, and Holland access.*
12. There is an existing Friar's Creek Trail emplaced; *there should not be an additional trail built*



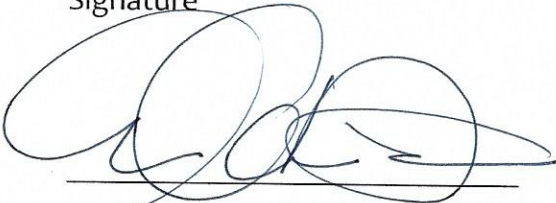
Signature

Laurissa R. Dodson

Printed Name

5/5/18

Date



Signature

Albert A. Dodson

Printed Name

5/5/18

Date



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

RECEIVED  
MAY 02 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

397474  
EARGLE, JOHN ETUX SANDRA  
6916 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I ( ) agree

(☒) disagree with this request

**Comments:**

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Signature

  
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

**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

397485  
HALL, TRAVIS WAYNE JR ETUX KATHY ELAINE  
7133 SAN VALLEY DR  
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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.

☐ ( ) agree

☒ disagree with this request

Comments:

There is a big drainage concern, this area behind me is raised above my property. Also property value concerns with the lesser value houses could devalue my property.

Travis W. Hall Jr  
Signature

Travis W. Hall Jr  
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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than May 7, 2018.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

397478  
HAMM, JAMES R ETUX KELLEY L  
6907 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

**Location:** Southeast of FM 93 and Southwood Drive, Temple, Tx

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:**

There are two huge housing developments going in off 93. Highway 93 barely handles the amount of traffic without several hundred extra vehicles. We also have half acre + lots. This many houses backed up to ours will decrease the value of our homes. There is also a freeline behind our property. What will happen to that greenspace?

Kelley L Hamm  
**Signature**

Kelley L. Hamm  
**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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

**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**

397483  
PARKER, JOSHUA  
7107 SUN VALLEY DR  
TEMPLE, TX 76502

**RECEIVED**  
MAY 07 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

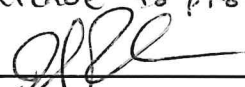
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ( ) agree

(✓) disagree with this request

**Comments:**

Very concerned about my home value being adversely affected by having multiple SFI homes directly adjacent to my home. Also very concerned with flooding on my property and surrounding properties which is already an issue in my neighborhood. I ask that you continue to protect my investment. Thank you.

  
Signature

Joshua Parker  
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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

**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**

397480  
PAVLISKA, STEVEN E ETUX AVERY D  
6931 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

**Location:** Southeast of FM 93 and Southwood Drive, Temple, Tx

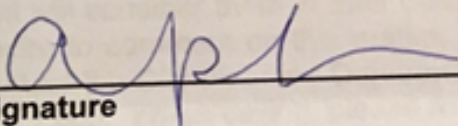
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ( ) agree

☒ disagree with this request

**Comments:**

This request has already been voted "NO" by City Council less than one year ago. Home owners have tirelessly voiced their opposition! the request should be denied as it was last year.

  
Signature

Avery Pavliska  
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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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





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

397490  
SCHRANK, LANCE BYRON ETUX MELISSA ANN  
7130 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number: FY-18-2-ZC**

**Case Manager: Brian Chandler**

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I ( ) agree

☒ disagree with this request

**Comments:**

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*Melissa Schrank* Melissa/Lance  
Signature Print Name *Schrank*

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

**RECEIVED**

MAY 07 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

**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**

397491  
SANDERS, SHIRLEY J ETVIR ROY K  
7118 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number: FY-18-2-ZC**

**Case Manager: Brian Chandler**

**Location: Southeast of FM 93 and Southwood Drive, Temple, Tx**

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I ( ) agree

☒ disagree with this request

**Comments:**

*I am strongly against this land being rezoned to allow this many houses being built on this property for the following reasons:*  
*1. Our houses are built on half acre lots. The proposed lot size is 12,400 S.F. There will be approximately three houses behind each house on the east side of Valley Dr.*

*Shirley Sanders*  
Signature

*SHIRLEY SANDERS*  
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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

**RECEIVED**

MAY 07 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

**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**

397481  
SANT, MIKE  
7013 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

**Location:** Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I ( ) agree

☒ disagree with this request

**Comments:**

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*Mike Sant*

**Signature**

Mike Sant

**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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

**From:** [Thomas, Scott](#)  
**To:** [Brian Chandler](#)  
**Cc:** [Thomas, Scott](#); [Kohl-Thomas, Belinda M M.D.](#)  
**Subject:** FY - 18-2-ZC rezoning request  
**Date:** Wednesday, May 02, 2018 10:25:18 AM

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Mr. Chandler

Due to being out of town at the current time, I wanted to insure my vote is counted regarding the above request. We live at 3352 Forrester Road, Temple, 76502.

My wife Belinda and I vote **NO**—we disagree with the request.

My concerns remain several and all have been detailed on two previous P&Z appearances and responses as well as City Council presentation and discussion in the past. I believe all of these are public record and I hope have been reviewed by the Committee in advance as this is not really a “new” request. In fact, the previous meetings led to an acceptable zoning decision of Urban Estates 1. While I personally would not like to have neighbors to the north, I realize development and progress can, will and probably should occur, but in an environmental, civic, and financially responsible way—the job of the P&Z committee. The lot size, population density, traffic, safety and water/environment issues I felt were reasonably addressed with urban estate sizing, and it was much more in line with surrounding home sites in the Valley Ranch subdivision. SF-1 is unacceptable with regards to all of the issues noted in my opinion, and in the opinion of the P&Z (twice) and City Council (once). Therefore, I feel revisiting the property at those lot sizes despite addition of retention ponds still poses poor planning and issues that will impact the neighborhoods immediately adjacent. Please note Bella Terra (SF-1) and Legacy Ranch subdivisions are in early stages and zoning discussions as well and impact to the area is not well defined either.

Personally, my property will devalue. I have concerns regarding future development and the prospect of FM 93 traffic and possible rebranding as I-14 in the future. The sidewalk and “trail” addition I feel is trivial and not accessible by anyone anyway to connect with a greater City of Temple trail/park system as it exists without the crossing of FM 93. Two of the proposed lots are partially drawn in the flood plain. Sewer and lift station concerns with overflow to Fryer’s Creek in power failures as well as the alternative septic system concerns remain.

Please consider this and likely other established City of Temple residents’ concerns regarding this development.

I would appreciate a reply that acknowledges my vote was received and accounted for, given implications regarding City Council votings.

Thank you.

Scott Thomas  
Belinda Kohl-Thomas





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

90422  
SHINE, HUGH D ETUX DEBRA H  
PO BOX 793  
TEMPLE, TX 76503-0793

**RECEIVED**  
APR 30 2018  
City of Temple  
Planning & Development

**Zoning Application Number: FY-18-2-ZC**

**Case Manager: Brian Chandler**

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I ( ) agree

☒ disagree with this request

**Comments:**

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**Signature**

**Print Name**

HUGH D. SHINE

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

**From:** [Verheyden, Charles N.M.D.](#)  
**To:** [Brian Chandler](#)  
**Cc:** [Susan Long](#); [Gale Verheyden \(auntgale@gmail.com\)](#); [Thomas, Scott](#)  
**Subject:** Bella Terra, Legacy Ranch  
**Date:** Wednesday, May 09, 2018 3:24:19 PM

---

Mr. Chandler,

Unfortunately, I missed the P and Z Committee meeting earlier this week. I live at 2271 River Ranch Road and Friar's Creek empties into the Leon River at the corner of my property. Over the last few years, we have lost 1-2 acres of land as the runoff from South Temple continues to carry our soil and a dozen or so large trees to the Brazos. Consequently, we have concerns about the property to be developed between Forrester Road and Highway 93.

1. Runoff: The density of the proposed development is much higher than was ultimately proposed in previous appearances at the P&Z Committee and City Council. We recognize that development must occur, but the higher the density, the more the runoff. Even a 2 inch rain can raise the level of the creek at our property as much as 8-10 FEET. I've not seen the latest diagram, but putting the sewer station in the flood plain also adds to the problem of contamination and the inability to handle sewage if power is interrupted.

The development across Highway 93—I think it is named Valley Ranch, has no provision for retention of runoff. We have looked at the areas that exist and, although the RATE of runoff may be affected by the concrete barriers on either side of the culverts, this would only delay the SAME VOLUME of runoff by a few minutes. We did not have the opportunity to comment on this, since we are more than 200 feet from the development!! The volume can only be changed by decreasing the size and/or number of the culverts or raising them to the TOP of the holding areas rather than the BOTTOM.

2. Traffic congestion: Whenever we pull out onto 93 from Boutwell Lane now, and don't have an accident, we comment, "Well, we make it one more time!" Just the addition of the corner store has increased the danger at that intersection considerably and the big development across the road is not even open yet! The long term plan for managing traffic along the intersections from 31<sup>st</sup> St. to Central Texas Christian School needs to be in place before any further development takes place. I'm not a traffic engineer and don't know what the best arrangement is, but I know that it is dangerous now and a couple of thousand more cars per day traveling around there makes the current arrangement untenable.

We understand that the areas cannot remain farmland forever, but there needs to be much more thought and planning in place before moving forward with additional development. We are firmly AGAINST the current plan for the development of that property and also feel that the water runoff situation on the north side of 93 needs to be addressed.

Again, I'm sorry for not being present at the P&Z meeting, but would greatly appreciate your forwarding this to them and to the City Council.

Charles Verheyden  
2271 River Ranch Road  
Temple, TX 76502  
254-718-8044  
[cverheyden@sw.org](mailto:cverheyden@sw.org)



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

RECEIVED  
MAY 02 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

397472  
WILLIFORD, RAY E ETUX CATHERINE A  
7008 SUN VALLEY DR  
TEMPLE, TX 76502

**Zoning Application Number:** FY-18-2-ZC

**Case Manager:** Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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:**

TOO MANY LOTS ON 87 ACRES  
MINIMUM LOT SIZE SHOULD BE 15 ACRES  
TO CONSIDER WITH VALLEY RANCH LOTS IN  
EVERGREEN ADDITION.

  
Signature

RAY WILLIFORD  
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, [bchandler@templetx.gov](mailto:bchandler@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

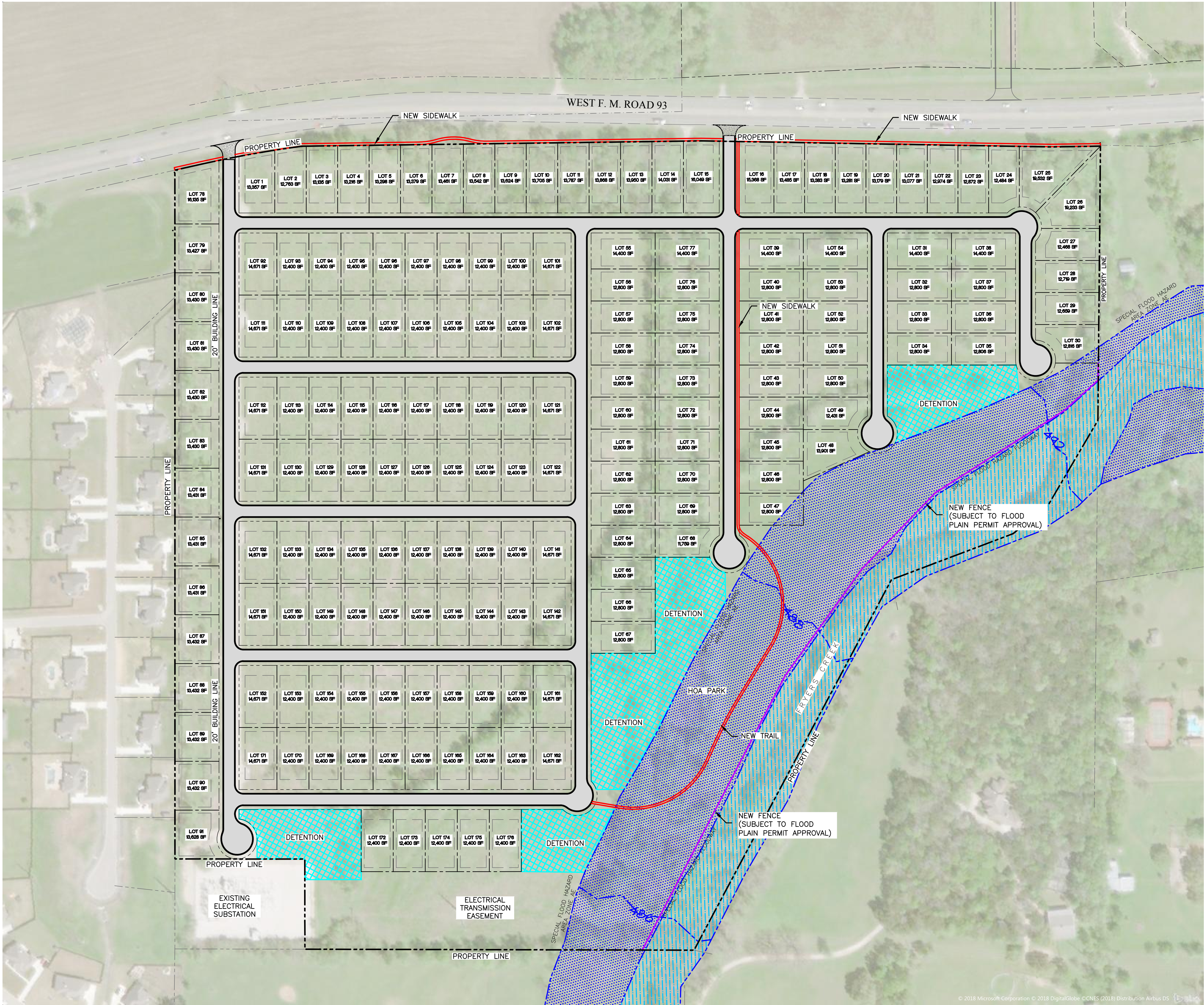
City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

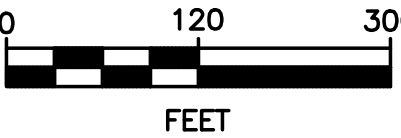
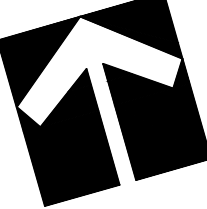
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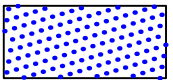
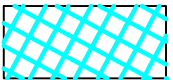
**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.







**LEGEND**

-  FEMA SPECIAL FLOOD HAZARD FLOODWAY
-  FEMA SPECIAL FLOOD HAZARD ZONE AE
-  NEW DETENTION AREA

**DEVELOPMENT STATISTICS**

TOTAL NUMBER OF LOTS = 176

MINIMUM LOT SIZE = 12,400 S.F.

**EASEMENTS AND BUILDING LINES (UNLESS OTHERWISE NOTED)**

FRONT BUILDING LINE = 25'


SIDE STREET BUILDING LINE = 15'

SIDE BUILDING LINES = 7.5'

REAR BUILDING LINE = 10'

**ADDITIONAL REQUIREMENTS:**

- ONE 2" CALIPER (AT BREAST HEIGHT) CANOPY TREE TO BE PLANTED IN THE FRONT YARD OF EVERY LOT. SPECIES SHALL CONFORM TO THE APPROVED CITY OF TEMPLE TREE LIST.
- FENCE ALONG FM 93 SHALL BE A WOOD FENCE WITH MASONRY COLUMNS.
- FENCE ADJACENT TO FRYERS CREEK IS SUBJECT TO FLOOD PLAIN PERMIT APPROVAL.



**VALOR TRAILS**  
NEW RESIDENTIAL DEVELOPMENT  
TEMPLE, TEXAS

**CONCEPTUAL SITE PLAN**

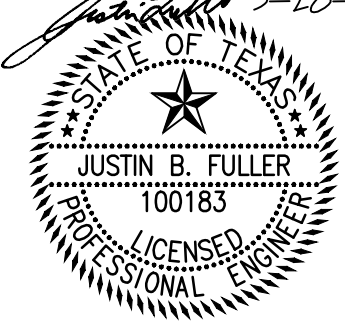
**DRAWING STATUS**

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

☒ FOR REVIEW  
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

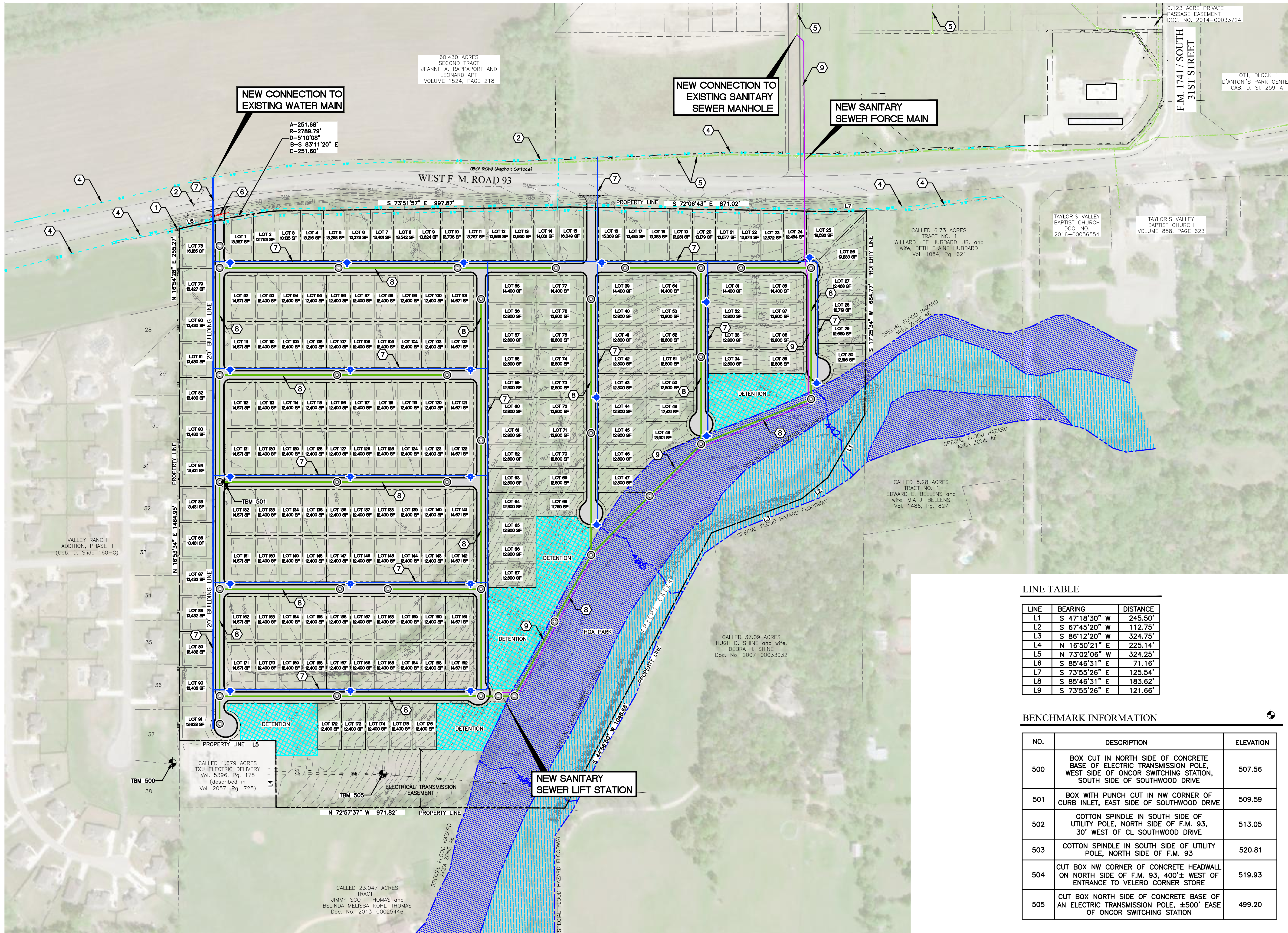
☐ FOR CONSTRUCTION  
FINAL DRAWINGS

Designed	JBF
Drafted	ECB
Project No	171724.00
Plot Date	3-28-18



1







**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, MAY 7, 2018**

**ACTION ITEMS**

**Item 3: FY-18-2-ZC** – Hold a public hearing to discuss and recommend action on a rezoning for 86.91 +/- acres, from Agricultural (AG) district to Planned Development Single Family-One (PD-SF-1) district and a binding development/site plan, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive.

Mr. Brian Chandler, Director of Planning, indicated this item is scheduled to go to City Council for first reading on June 7, 2018 and second reading on June 21, 2018.

Location and aerial maps shown.

The south portion of the applicant's property went through a Voluntary Annexation by the developer and property owner (Case No. X-FY-17-01). City Council approved this request on February 2, 2017 per Ordinance No. 2017-4820.

Located in Belton Independent School District (BISD).

There have been two previous requests on this property that were reviewed by P&Z. The first request was a Planned Development Single-Family One (PD SF-1) zoning district with 280 proposed lots (7,500 square foot minimum size). P&Z recommended denial on April 17, 2017 and as a result the applicant withdrew his request.

The second request was for a Planned Development Urban Estates (PD-UE) zoning district request with 103 proposed lots (22,000 square foot minimum size) with septic systems. P&Z recommended approval; however, City Council disapproved on July 20, 2017.

On-site photos shown.

Surrounding properties include FM 93 to the north, lift station and Southwood Drive (private road) to the south, Boutwell Road, undeveloped property, and creek to the east, and FM 93 and Valley Ranch Subdivision to the west.

The current proposal is for 176 lots (86.91 acres) with a minimum lot size of 12,400 square feet in a PD district. Substantial compliance with the site plan would be binding, including density, lot size, general access, etc.

There are two proposed access points from FM 93. The red line indicates proposed sidewalk.

A trail through a proposed Home Owners Association (HOA) privately maintained park connecting to another street would provide connectivity and compliance with the Trails Master Plan.

To the south along Friar's Creek lies a floodway (hatched) and floodplain. Five detentions ponds are indicated by turquoise

The Future Land Use and Character Map designate the subject property (northern portion) as Suburban-Residential which is characterized by mid-size single family lots. Agricultural/Rural (southern portion) is characterized by rural properties, zoning of newly annexed tracts

Zoning map shown.

The proposed PD SF-1 District with the proposed 12,400 square foot minimum lot size is comparable to nearby subdivisions. Valley Ranch II consists of half-acre lots. The more recent Valley Ranch phases to the west of Phase II include 10,500 square foot minimum, and to the north Legacy Ranch is comparable lot size of 10,500 square feet minimum. The request complies with zoning.

Mr. Chandler added that with the current AG zoning, the developer would be allowed to have HUD-Code manufactured homes by right per Sec. 5.3.2 with:

- A one-acre minimum platted lot size;

- With screening of each home by walls, fences or landscaping.

The Thoroughfare Plan designates FM 93 as a Major Arterial. The applicant's engineer has been in communication with TxDOT and they have given preliminary approval of the proposed development and the two access points.

The proposed sidewalks and trails would implement the City's Trails Master Plan which is designed to provide general connectivity throughout the town. As with the Thoroughfare Plan Staff is responsible for ensuring that connectivity can take place through new development. The applicant is willing to provide that connectivity through the main entryway into the neighborhood and through a trail system on the HOA park but also a sidewalk along FM 93.

Institute of Transportation Engineers (ITE) trip generation rate for the impact of 176 single family residential lots on FM 93:

- 176 single family residences (178 Peak Hour Trips-PHTs)

- Equivalent of:

  - A typical fast food drive-through restaurant (49.35 PHTs per 1000 square feet) or

  - A 15,000 square foot supermarket (11.85 PHTs per 1000 square feet)

Topo/Utilities layout shown.

Land Use Table / Development Standards for SF-1 shown.

The request complies with the Thoroughfare Plan, is compatible with surrounding uses and zoning and public facilities are available to serve the property.

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

Thirty-six notices were mailed in accordance with all state and local regulations with zero responses returned in agreement and thirteen responses returned in disagreement. Due to a 40.69 percent opposition, this item triggers a supermajority vote at City Council.

Staff recommends approval of a rezoning from AG to PD-SF-1 with the following conditions:

1. Substantial compliance with the development/site plan;
2. Implementation of the Citywide Trails Masterplan per the development/site plan within the HOA park;
3. Sidewalk along the entry street connecting to the HOA park trail;
4. Development would also be subject to all City code requirements during the platting and permitting process;
5. Minimum lot size is 12,400 square feet and maximum 176 total lots;
6. Connection to the City's sanitary sewer system;
7. One two-inch Diameter at Breast Height (DBH) canopy tree in each front yard per the approved City of Temple Tree list (UDC);
8. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure;
9. A fence along FM 93 shall be wood with masonry columns;
10. Limit homes to one-story along the west property line; and
11. A new metal fence along Friar's Creek (subject to approval of a floodplain development permit).

Chair Fettig asked if there had been any discussion about going back to the half-acre lots since the two major issues are population/traffic and runoff.

Mr. Chandler deferred to the developer to respond to that question but stated Staff did encourage the half-acre lots; however, Staff does support the 12,400 square foot lots based on the various metrics.

Chair Fettig opened the public hearing.

Mr. Bill DiGaetano, 2715 Forrester Road, Temple, Texas, stated his home is approximately one point two (1.2) miles from the previously discussed item and less than one-half a mile from this item. Mr. DiGaetano enjoys approximately 300-feet of Friar's Creek.

Mr. DiGaetano stated when City Council denied this request in August of 2017, at that time a drainage study was to be conducted for South Temple. Mr. DiGaetano asked if that study was available?

Zoning approvals seem to be based on individual merits rather than considering the whole climate. Approximately 650 homes will be added in the area to the approximately 650 existing homes today. This will create congestion, environmental issues, possible deterioration of home values, safety, and drainage.

The creek varies in depth and can cause major destruction of property, animals, and people.



Mr. DiGaetano commented there are already miles of wooden fences and brick columns that are already falling down in the City and feels it is the lowest common denominator in its budget.

Development is critical to communities but must be done properly, with prudence and planning, and does not cause harm to the development or to taxpayers.

The water runoff issue continues to have developers and engineers plan work on detention based on their individual developments and not taking everything into consideration is a big concern to Mr. DiGaetano. Otherwise, home/property owners living near or on Friar's Creek and Leon River would not be having water coming into their homes and/or losing significant agricultural acreage. Photos and videos have been submitted to the City of the torrential floods that occur on the creek as well.

Mr. DiGaetano had an EPA document that talked of the advantages of lift stations and cited "they are used to reduce the capital cost of sewer system construction." The disadvantages: "compared to sewer lines where gravity drives wastewater, lift stations require electric power." What if the power goes out; is there a diesel generator?

Odor control is frequently required for lift stations. "Chemicals typically used for odor control include chlorine, hydrogen peroxide, metal salts, and potassium permanganate."

Mr. DiGaetano commented he would like to see the developers be patient and the City Leadership commit to the regional studies relating to traffic and drainage. He is concerned that any developer would purchase land that must be rezoned without a contingency or a back door that forces pressure on both citizens and the City to compromise due to what could be described as a risky practice on an investor.

According to Mr. Chandler, Mr. Richard Wilson, Deputy City Engineer, just stated that the drainage study for South Temple is underway and may be ready by the end of the year.

Mr. Scott Thomas, 3352 Forrester Road, Temple, Texas, stated he has 23 acres in the area and agrees with all of Mr. DiGaetano's comments.

Mr. Thomas took issue with the proposed Trails Master Plan since it is drawn through his property in two different directions and does not see the Trails Master Plan coming to fruition as drawn. The proposed trails plan drawn by the developer does not provide much to anyone other than the residents of the specific development.

Mr. Thomas stated that P&Z has turned this down twice and asked the Commission to consider all of the comments made and vote no on this request.

Mr. Chandler clarified that P&Z weighed in on this subject twice and ultimately did recommend approval for the Urban Estates request; City Council disapproved it.

Ms. Laurissa Dodson, 6917 Sun Valley Drive, Temple, Texas, stated the Army Corps of Engineers came out last year on request of a resident along Friar's Creek. There are three fish species known only to that creek in the entire nation. Wildlife and trees/environment may be destroyed by installing a fence.

Ms. Dodson expressed concern about the sewer lines and water mains breaking. There are a lot of cattle to the west that are sold for beef and crops to the north that are affected by flooding from broken water mains and rains. The safety of the water is a huge concern.

With the potential of all the homes currently being built and potentially developed, where will all of these children go to school? Belton is adding three new schools and Temple has no plans to build any more schools.

Ms. Dodson would like the developer to retain the woods directly behind the fence to the east of Valley Ranch for the wildlife and because Southwood is the only way to maintain the power lines located in the back yards of several Valley Ranch residents.

Ms. Dodson also requests the developer make half acre lots equivalent to Valley Ranch so their property values will not drop.

The detention ponds and the sidewalks are a big concern. Making a pedestrian crossing on FM 93 is going to get people killed.

Ms. Beth Hubbard, 6920 Boutwell Road, Temple, Texas, stated she has lived in her home for 47 years. With the little amount of rain from last week's rain, they had issues on their property from across the road because the detention ponds are not doing the job.

Ms. Hubbard is concerned about depreciated taxes.

Mr. Lee Hubbard, 6920 Boutwell Road, Temple, Texas, stated the developer is projecting to build 3.5 houses per acre. Mr. Hubbard does not feel the neighbors are being considered and how it will affect them due to the density proposed. Mr. Hubbard is opposed to this type of development.

Mr. Hubbard asked what was the least amount of square footage per house the developer could build and Mr. Chandler responded Staff does not have minimum square footage requirements for houses and would defer to the developer.

Mr. Chandler responded the minimum side yard setback is 10 percent of the lot width, and with a lot width of this size it would be 7.5 feet to the side, 15-feet between houses minimum. One of the benefits of a PD, is if this was a concern, is it can be changed and become a condition; however, it has not been previously mentioned as a concern.

Mr. Hubbard is interested in a buffer zone on either side of the development for people to the west and east; it is heavily wooded now and would prevent the development off the back of surrounding neighbors.

The privacy fence along the creek has not been determined in height (minimum is six-feet); and possibly made of metal. Mr. Hubbard commented that with the water that runs through there, sometimes 16 to 19-feet deep, would totally take a six-foot fence out.

Who will be allowed to use the concrete walking path? Mr. Hubbard understood that people from Legacy Ranch would have access yet he heard it might be private and only the residents could use it. How will enforcement be done for late night hours.

Lift stations can and do malfunction. With a 16 to 19-foot rise of water it would take it out and the sewage will flow everywhere.

Mr. J.C. Wall, 515 Cottingham Drive, Temple, Texas, responded to Mr. Hubbard's question about home size by stating they would be setting a 2,000 square foot minimum deed restriction on the property and it will be a high end, 12,000 square foot lots with 3 to 4-sided brick homes.

Mr. Wall stated it was never proposed for one-half acre with sewer; it was proposed as a half acre with septic. Mr. Wall stated he only annexed into the City because he was lead to annex into the City. Before the property was purchased they knew what they could do with the property and could have already been developed on half acre lots with septic; but the neighbors did not want this. The property was then voluntarily annexed into the City to make this project work.

When it comes to the street plans and Thoroughfare Plan, Mr. Wall has done whatever the City, Staff, and neighboring properties have asked of him.

Mr. Chandler clarified he understands the residents would like the trees adjacent to Mr. Hubbard's property (to the west) and trees adjacent to Valley Ranch properties (to the east) be left alone entirely (approximately 15 feet).

Mr. Wall was receptive to do as many conditions that would help the neighbors feel comfortable about the project.

Mr. Wall stated on February 2, 2017, the property was annexed into the City. Six months prior to that they already had the property. At that time Mr. Wall could have submitted plans to the county for a subdivision with half acre standards with septic tanks. It was not wanted. Now the neighbors do not want a lift station or sewer; they do not want anything. But now the property is annexed because Staff wanted to annex and P&Z and City Council approved it.

Mr. Chandler clarified that voluntary annexation is property owner initiated; not because Staff asked.

Mr. Lee Hubbard returned and stated that 15 feet is a very short distance with such heavy timber and brush already there and requested a 20 to 30-foot buffer zone to keep all the woods.

Mr. Justin Fuller, Clark & Fuller, 215 North Main Street, Temple, Texas, stated the smallest lots are 12,400 square feet, 80-feet wide by 155-feet deep. The ones along Valley Ranch are larger being 122-feet wide and 110-feet deep. The lots against Mr. Hubbard are deeper.

Water and sewer will be through the City of Temple. Because of the topography on the site the applicant needs a sanitary sewer lift station for this to work. There is too much elevation drop between those lots and the closest sanitary sewer which is located in Legacy Ranch.

There is a sanitary sewer force main located on the north side of FM 93 but it cannot be tied into with a gravity line. The topography prevents gravity sanitary sewer to the closest available point.

The lift station has to be designed to be in compliance with Texas Commission on Environmental Quality (TCEQ) and the City of Temple standards.

There is a lot of water that comes through this area without the development. It is an existing flood plain and Friar's Creek drains water from up to Avenue E and 19<sup>th</sup> Street, the railyard just south of Whistle Stop is the furthest point north.

The subject property of 87 acres means it takes up about two percent of the entire drainage basin of the creek. Detention ponds are planned and will meet or exceed the City's requirements on detaining the water. TxDOT has reviewed the layout and concurred with the layout.

Mr. Fuller stated there was another lift station located in Valley Ranch.

Mr. Fuller explained the power line easement is not located on the subject property but on the abutting property.

Mr. Albert Dodson, 6917 Sun Valley Drive, Temple, Texas, stated they request the developer to leave the greenery. There is an access road in front of the greenery that goes to the power lines and the developer wants to take that road out and there will be no way to access the poles. We would want the buffer to stay and leave the roadway for people to access the poles. Mr. Dodson asked the Commission to vote no.

Mr. Justin Fuller returned and clarified the road is still in the same place to the lift station. It is an existing paved road in a private access easement that is planned to be turned into a public right-of-way and leave access to the sub station.

Mr. Lee Hubbard returned and stated the buffer zone he is proposing is 20 to 30 feet from his back fence line and the developer install a privacy fence for the lots which puts a fence up and will deter children from crawling into his back yard.

Mr. Hubbard commented the water study is not complete and this should not be approved and reiterated half acre lots make sense.

Mr. Chandler confirmed the proposed number is 2.022 dwelling units per acre for the record.

Ms. Avery Pavliska, 6931 Sun Valley Drive, Temple, Texas, stated the people living along the western border of Valley Ranch all support leaving the natural vegetation that is there. After taking a poll of the residents, Ms. Pavliska gather 33 signatures that agree there needs to be a natural border.

The residents also support half acre lots.

Ms. Pavliska agrees this item should wait until the study is done since all of the surrounding area is involved.

Mr. J.C. Wall returned and asked if another condition could be added in relation the two sides having a six-foot cedar fence. The buffer could be the setback lines which are already at 25-feet. Can a deeper buffer zone be added for the Valley Ranch side and Mr. Hubbard's side? Mr. Chandler responded that the P&Z could add an additional recommendation to City Council as part of the PD and it just needs to be defined.



Ms. Laurissa Dodson returned and asked to leave the wooded area on both sides of the proposed development as the buffer which is approximately 50 feet wide.

Ms. Belinda Cole-Thomas, 3352 Forrester Road, Temple, Texas, stated this development is not for the betterment of Temple and not to enhance or improve lives or the area. Ms. Cole-Thomas would like to see the erosion issue resolved first.

A proposed metal fence will not stand up with the creek water flooding.

Ms. Cole-Thomas commented on the traffic situation along FM 93 and asked the Commission to vote no on this project since all of the information is not available.

Ms. Debbie Shine, 3018 Forrester Road, Temple, Texas, stated she is all for development but it needs to be responsible development. Approximately 650 additional homes to the north will impact the area significantly along Friar's Creek. Legacy Ranch and Bella Terra are having drainage issues which is already impacting the area south of FM 93 and the houses are not yet built.

Ms. Shine is totally against the trail idea due to personal reasons and because it is dangerous and will be difficult to keep kids away from the water.

Ms. Shine sees that sewer has been put in but does not believe the neighbors knew it would include putting a lift station right on a creek that floods with the least amount of rain and does not like the idea of the chemicals involved or having to smell the odors emitted. The chemicals will end up in the creek which will affect wildlife and people living further downstream.

Ms. Shine asked the Commission to wait on a decision until the drainage study is available along with any traffic studies for FM 93 and 31<sup>st</sup> Street and to vote no on this request.

Mr. Josh Pearson, Esq., 6575 FM 479, Belton, Texas, stated he was an attorney in Bell County and has been working with Mr. Wall and Mr. Fuller on this project.

This is the third time the project has come forward and each time there has been improvements. The developer has heard and responded to the concerns and requests brought forward and the project has improved.

Mr. Pearson commented this developer is trying to improve this tract of land and to do it in a professional way by hiring professionals who have spent a lot of time and money being professionals in their specific areas. Mr. Fuller is a top engineer and has addressed the engineering issues. There are four separate detention ponds, a huge buffer along the floodplain along the creek area, larger lots have been placed on the west and east sides, 280 homes have been reduced to 176, and the drainage concerns have been addressed.

Developments need to be near major arteries that will provide flow and the infrastructure to handle it.

The developer is willing to put his own money into sewer for the entire development.

Mr. Wall has 11 conditions he needs to meet and is willing to add another condition; he is bending over backwards to make this work and address concerns. Mr. Wall is making more concessions tonight that Mr. Pearson would rather he did not make just to please everyone.

You cannot be a neighbor to a development and then dictate exactly what will go on that development or force implications/impositions on a developer.

Mr. Pearson pointed out the improvements and progress made on this project since it first came up. Mr. Pearson would like the Commission to recommend approval on this request.

Mr. Mark Cole, 7640 Boutwell Drive, Temple, Texas, stated he has about 2,000 feet of Friar's Creek on his property and when it floods he has debris all over his pasture.

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

Vice-Chair Langley made a motion to approve Item 3, **FY-18-2-ZC**, per staff recommendation, and Commissioner Castillo made a second.

*Motion passed: 7:0)*

Commissioners Armstrong and Marshall absent

ORDINANCE NO. \_\_\_\_\_  
(FY-18-2-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE-FAMILY ONE ZONING DISTRICT, AND A BINDING DEVELOPMENT / SITE PLAN LOCATED ON APPROXIMATELY 86.91 ACRES, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED SOUTHEAST OF FM 93 AND SOUTHWOOD DRIVE AND ADDRESSED AS 3093 WEST FM 93, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant, J.C. Wall III, requests a rezoning from Agricultural District to Planned Development Single-Family One District, for property located along the south side of FM 93 and along Southwood Drive where he proposes a 176-lot single family residential development with minimum lot sizes of approximately 12,400 square feet;

**Whereas**, on February 2, 2017, Council approved the voluntary annexation of this property;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommended approval of the rezoning and binding development/site plan from Agricultural zoning district to Planned Development Single-Family One zoning district on approximately 86.91 acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93, Temple, Texas; and

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

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

**Part 1: 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 approves the rezoning and binding development/site plan from Agricultural zoning district to Planned Development Single-Family One zoning district on approximately 86.91 acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93, Temple, Texas, as more thoroughly described Exhibit 'A,' attached hereto and made a part hereof for all purposes along with the following conditions:

1. Substantial compliance with the development/site plan
2. Establishment of a homeowner's association (HOA) to maintain common areas, including a private park;
3. Implementation of the Citywide Trails Masterplan per the development/site plan within the HOA park;
4. A sidewalk will be constructed along the entry street connecting to the HOA park;
5. The minimum lot size will be 12,400 square feet and will not exceed 176 total lots;
6. The development will connect to the City's sanitary sewer system at the developer's cost;
7. One 2-inch Diameter-at-Breast-Height canopy tree will be planted in the front yard of every lot; species shall conformed to the City's Tree list per the Unified Development Code;
8. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure;
9. A fence along FM 93 made of wood with masonry columns;
10. Developer must limit homes to 1-story along the west property line abutting the Valley Ranch properties; and
11. A new transparent metal fence will be installed along Friar's Creek (subject to approval of a floodplain development permit)

**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 7<sup>th</sup> day of **June**, 2018.



PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney