



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, OCTOBER 6, 2016  
3:30 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 6, 2016.
2. Discuss the City's current Emergency Medical Services Agreement and alternative options for the provision of Emergency Medical Services in the City.
3. Discuss the status of right-of-way acquisition for the expansion of Outer Loop Phase 3B (Old Waco Road) and the purchase of properties necessary for construction of the project.

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

4. Discuss the status of right-of-way acquisition for the proposed Santa Fe Plaza and the purchase of properties necessary for construction of the project.

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

**5:00 P.M.**  
**MUNICIPAL BUILDING**  
**2 NORTH MAIN STREET**  
**CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**  
**TEMPLE, TX**  
**TEMPLE CITY COUNCIL**  
**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Recognize the sponsors for the 9/11 Cen-Tex remembrance stair climb
4. National Colonial Heritage Month                      October 2016

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) [September 15, 2016 Special and Regular Meeting](#)

**Contracts, Leases, & Bids**

- (B) [2016-8367-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2016-2017 sole source maintenance contract with Sungard Public Sector in the amount of \$144,164.46.

- (C) [2016-8368-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2016-2017 sole source maintenance contract with Intergraph Public Safety in the amount of \$45,277.
- (D) [2016-8369-R](#): Consider adopting a resolution authorizing the single-source purchase of Heil repair parts and services during FY2017 from Heil of Texas in the estimated annual amount of \$60,000.
- (E) [2016-8370-R](#): Consider adopting a resolution authorizing the single-source purchase of Toro service and repair parts during FY2017 from Professional Turf Products, LP of Euless in the estimated annual amount of \$40,000.
- (F) [2016-8371-R](#): Consider adopting a resolution authorizing the single-source purchase and repair of public safety radios during FY2017 from Dailey-Wells Communications, Inc. of San Antonio in the estimated annual amount of \$25,000.
- (G) [2016-8372-R](#): Consider adopting a resolution authorizing the purchase of bunker gear during FY2017 from NAFECO of Decatur, AL and Dooley Tackaberry, Inc. of Deer Park in the estimated annual amount of \$52,050.
- (H) [2016-8373-R](#): Consider adopting a resolution authorizing the purchase of park amenities for Jaycee Neighborhood Park from The PlayWell Group Inc. of Albuquerque, New Mexico, in the amount of \$40,932.15.
- (I) [2016-8374-R](#): Consider adopting a resolution authorizing the purchase of a Vactor truck from Freightliner of Austin of Austin in the amount of \$344,990.
- (J) [2016-8375-R](#): Consider adopting a resolution authorizing a construction contract with Joel Brown & Co. LLC of Elm Mott in the amount of \$73,640.17 for the construction of a concrete slab for the relocation of the Temple Skate Park to Miller Park.
- (K) [2016-8376-R](#): Consider adopting a resolution authorizing a construction contract with Webuildfun, Inc. of Allen in the amount of \$263,943.21 for the purchase and installation of park amenities for Jaycee Neighborhood Park.
- (L) [2016-8377-R](#): Consider adopting a resolution authorizing a services agreement with Liberty Press of Springville, UT, in the estimated annual amount of \$26,000 for the printing and mailing of the Play-by-Play and summer camp brochures for FY2017.
- (M) [2016-8378-R](#): Consider adopting a resolution ratifying an agreement with National Joint Powers Alliance to enable the City to utilize contracts competitively procured by NJPA.
- (N) [2016-8379-R](#): Consider adopting a resolution authorizing contract amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$37,996, for additional services needed to phase the design of Research Parkway from IH35 to Central Pointe Parkway within the Reinvestment Zone No.1 in northwest Temple.

- (O) [2016-8380-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP in the amount not to exceed \$56,760 for final design and bid phase services for Water Treatment Plant Chlorine Storage Safety Improvements.
- (P) [2016-8381-R](#): Consider adopting a resolution entering into a services agreement with ASA District 17 in the estimated annual amount of \$50,000 for officiating/scorekeeping services as contracted for various sporting events.
- (Q) [2016-8382-R](#): Consider adopting a resolution authorizing an agreement with Turley Associates, Inc., in the amount of \$115,929.12, for professional services required to implement the Conner Park drainage channel improvements.
- (R) [2016-8383-R](#): Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group in an amount not to exceed \$66,000 for legislative lobbying services through September 30, 2017.
- (S) [2016-8384-R](#): Consider adopting a resolution approving a Memorandum of Understanding with the Bell/Lampasas Counties Community Supervision and Corrections Department in the amount of \$7,500.

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

- (T) [2016-4807](#): SECOND READING - Z-FY-16-38: Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.
- (U) [2016-4808](#): SECOND READING - Z-FY-16-42: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development – General Retail District with conditions, on Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

### **Misc.**

- (V) [2016-8385-R](#): A-FY-16-08: Consider adopting a resolution authorizing the abandonment of a 20 foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas
- (W) [2016-8386-R](#): Consider adopting a resolution authorizing a payment to Kinloch Equipment and Supply, Inc of Pasadena for the repair of a 2005 Vactor truck in the amount of \$29,903.33.

## **V. REGULAR AGENDA**

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

- 6. [2016-4809](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to align with the 2022 Master Plan for years FY 2016-2062.

7. [2016-4810](#): FIRST READING – PUBLIC HEARING - Z-FY-16-43: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service and General Retail Districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.
8. [2016-4768](#): FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, “Tattoo Shops.”
9. [2016-4769](#): FIRST READING – PUBLIC HEARING – Z-FY-16-23: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code: Article 5 – Use Standards, deleting “tattoo parlor” as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

## **RESOLUTION**

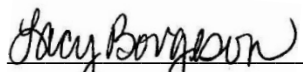
10. [2016-8387-R](#): Consider adopting a resolution authorizing a one-year renewal to a construction contract with APAC-Texas, Inc. of Cedar Park for FY2017 in an estimated annual amount of \$2,897,455 for the street overlay program.
11. [2016-8388-R](#): Consider adopting a resolution authorizing a Construction Manager-at-Risk guaranteed maximum price construction contract with RM Rodriguez Construction, LP, of Temple in the amount of \$1,577,100 for the renovations to Sammons Community Center.
12. [2016-8389-R](#): Consider adopting a resolution authorizing the purchase of six properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses.
13. [2016-8390-R](#): Consider adopting a resolution authorizing a services agreement with LIT Consultants, LLC, in the amount of \$22,500, for the completion of ASHRAE Level II Energy Audits at multiple City facilities.

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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 1:30 PM, on Friday, September 30, 2016.

  
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City Secretary, TRMC



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) September 15, 2016 Special and Regular Meeting

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[September 15, 2016 Special and Regular Meeting](#)

## TEMPLE CITY COUNCIL

**SEPTEMBER 15, 2016**

The City Council of the City of Temple, Texas conducted a Meeting on Thursday, September 15, 2016 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

**PRESENT:**

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

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 15, 2016.**

Justin Brantley, Assistant Director of Purchasing reviewed the options available to the Council.

- 2. Discuss various Board Appointments.**

The Council discussed the different nominees.

Mayor Dunn announced at approximately, 4:19 p.m., that the City Council would enter into an executive session.

- 3. Discuss the status of right-of-way acquisition for the proposed Santa Fe Plaza and the purchase of properties necessary for construction of the project.**

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

Mayor Dunn adjourned the executive session at approximately 4:54 p.m.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 15, 2016 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

**Absent:**

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

**I. CALL TO ORDER****1. Invocation**

Pastor Robert Curtis, New Life Fellowship Church voiced the Invocation.

**2. Pledge of Allegiance**

Mr. Jonathan Graham, City Manager, lead the Pledge of Allegiance.

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

Milton Hensley, 301 Mitchell Drive, addressed the council regarding the annual Life Chain event.

Ramon Carrasquillo, 4605 Ridge Way Drive addressed the Council regarding the renaming of Ridge Way Drive to Stone Ridge Drive. He asked the Council to vote against this request.

Lillie Knowles, 4709 Ridge Way Drive, addressed the Council regarding the renaming of Ridge Way Drive and asked the Council to vote against the request.

Brenda Beaudoin, 4704 Ridge Way Drive, addressed the Council regarding the renaming of Ridge Way Drive and asked the Council to vote against the request. This will be a burden to all involved.

David Rowe, addressed the Council regarding various code changes to include alley enforcement.

Duane Padgett, 4705 Ridge Way Drive, addressed the Council regarding the renaming of Ridge Way Drive. He asked the Council to vote favorably as this will help many issues, particularly with 9-1-1.

Wanda Williams, 4713 Ridge Way Drive, addressed the Council regarding



the renaming of Ridge Way Drive. She asked that the Council vote against this request, as it would cause an hardship on many.

### **III. PUBLIC APPEARANCE**

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

Mrs. Cummings expressed her concerns with the proposed renaming, and asked the Council to consider denying the request. A petition circulated by the neighborhood residents was submitted to the Council during this time.

### **IV. PROCLAMATIONS & SPECIAL RECOGNITIONS**

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

### **V. CONSENT AGENDA**

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

**(A) September 1, 2016 Special and Regular Meeting**

**(B) 2016-8333-R: Consider adopting a resolution authorizing the purchase of a portion of one property necessary for the expansion of Old Howard Road and authorizing closing costs associated with the purchase, in an amount not to exceed \$197,000.**

**(C) 2016-8334-R: Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$25,500.**

**(D) 2016-8335-R: Consider adopting a resolution authorizing a construction contract for the base bid and all bid alternates with Myers Concrete Construction, LP, of Wimberley in an amount not to exceed \$81,170.28 for the construction of Community Development Block Grant Hop Bus Stop Improvements.**

**(E) 2016-8336-R: Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of**

**Belton, in the amount of \$79,072 for the construction of improvements for Western Hills Neighborhood Park.**

**(F) 2016-8337-R: Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., in an amount not to exceed \$30,000, for the provision of legal services associated with various condemnation proceedings.**

**(G) 2016-8338-R: Consider a resolution authorizing entering into to an Inter-local Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.**

**(H) 2016-8339-R: Consider adopting a resolution authorizing a one-year lease with Marvin Brenek for lease of approximately 108 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.**

**(I) 2016-8340-R: Consider adopting a resolution authorizing Amendment No. Two for "Administration and Management Agreement" between the City of Temple, City of Belton, and the Brazos River Authority for administration of the Cities of Temple and Belton Industrial Pretreatment Programs.**

**(J) 2016-8341-R: Consider adopting a resolution authorizing one-year renewals to purchase agreements for various forms of rock and top soil with the following vendors during FY2017 in the estimated annual amount of \$104,000:**

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

**(K) 2016-8342-R: Consider adopting a resolution authorizing renewals to service agreements for the sale of scrap metal and non-curbside recyclables for FY2017 as follows:**

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

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

1. **2016-8343-R: Concrete Repair and Construction Services – Wilson Construction Services, LLC, in the in the estimated annual amount of \$138,900**
2. **2016-8344-R: Traffic Signal Equipment – various vendors, in the in the estimated annual amount of \$96,387.20**
3. **2016-8345-R: Signs and Traffic Control Supplies – various vendors, in the estimated annual amount of \$43,319.57**
4. **2016-8346-R: Herbicides and Insecticides – various vendors, in the estimated annual amount of \$39,049.90**
5. **2016-8347-R: Design and Printing of Cotton and Cotton-Blend T-Shirts – Holloway’s Sports Center, in the estimated annual amount of \$40,000**
6. **2016-8348-R: Building Materials – Lengefeld Lumber Company, in the estimated annual amount of \$35,000**
7. **2016-8349-R: Sodium Hypochlorite, Hydrochloric Acid, and Cyanuric Acid – HASA, Inc. and Brenntag Southwest, Inc., in the estimated annual amount of \$31,490**
8. **2016-8350-R: Automotive Batteries – Continental Battery Co., in the estimated annual amount of \$25,000**
9. **2016-8351-R: Bacteriological Sample Testing – Aqua-Tech Laboratories, Inc., in the estimated annual amount of \$25,000**
10. **2016-8352-R: Sale of Plastic Refuse Containers – Balcones Recycling, Inc.**

**(M) Consider adopting resolutions authorizing the following cooperative contract purchases during FY2017:**

1. **2016-8353-R: Cellular Services – Verizon Wireless, utilizing a State of Texas DIR contract, in the total estimated annual amount of \$250,000**
2. **2016-8354-R: Office Supplies – Perry Office Plus, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$170,000**
- 3.

**2016-8355-R: Janitorial Supplies – Gulf Coast Paper Company, utilizing a BuyBoard contract, in the estimated annual amount of \$110,000**

- 4. 2016-8356-R: Automotive Repair Parts – O’Reilly’s Auto Parts, utilizing a BuyBoard contract, in the estimated annual amount of \$70,000**
- 5. 2016-8357-R: Wastewater Line Chemical Root Control Services – Duke’s Root Control, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$65,000**
- 6. 2016-8358-R: Fire Department Uniforms – Miller Uniforms & Emblems, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$45,000**
- 7. 2016-8359-R: Online Auction Services – GovDeals, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$25,000**

**(N) 2016-4802: SECOND READING – Z-FY-16-39: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Commercial District, on Lots 14 & 15, Block 001, Honeycutt Subdivision, located at 7099 Airport Road.**

**(O) 2016-4803: SECOND READING - Z-FY-16-40: Consider adopting an ordinance authorizing a Conditional Use Permit to allow wholesale automobile auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, Bell County, Texas, located at 5615 SW H.K. Dodgen Loop.**

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

**(Q) 2016-4805: SECOND READING: Consider adopting an ordinance amending the classifications of certified firefighters and certified police officers.**

**(R) 2016-8360-R: Consider adopting a resolution designating the Temple Daily Telegram as the official newspaper for the City for fiscal year 2016-2017, in accordance with Section 4.18 of the Charter of the City of Temple.**

**(S) 2016-8361-R: Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability and workers' compensation insurance coverage for the City.**

**(T) 2016-8362-R: Consider adopting a resolution authorizing a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage and shipping material costs associated with the Interlibrary Loan program for an amount up to \$5,000.**

**(U) 2016-8363-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.**

Motion by Mayor Pro Tem Perry Cloud approve Consent Agenda as presented seconded by Councilmember Timothy Davis.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

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

- 6. 2016-4807: FIRST READING - PUBLIC HEARING - Z-FY-16-38: Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.**

Dessie Redmond, Planner, presented this case to the Council. This request is for a rezoning from the AG zoning district to the PD-2F zoning district to allow for future development of residential uses including duplexes. The subject property is located within the Bluebonnet Ridge Estates Subdivision and is on two lots with a total of 13.39 +/- acres. The property is currently vacant and undeveloped with existing easements.

The applicant proposes to build 32 duplexes with proposed lot width dimensions ranging from 70 to 84 feet and up to 130 feet in depth (with an average lot size of +/- 11,325 square feet). The proposal includes installation of a six foot wide interior sidewalk and +/- 1.5 acres of community green space. The proposal also includes overall neighborhood design, architectural design and landscaping to include:

- Monument sign with landscaping at entrance
- Privacy Fence with masonry columns along S. Pea Ridge Road
- HOA maintained yards and common areas
- Fully Sodded yards
- Fully irrigated yards
- Combination of brick, stone, and fiber cement siding on the duplex exteriors

Additionally, the proposal consist of conceptual elevations and floor plans. Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On August 1, 2016, the DRC met to discuss the proposal. Discussion included existing easements, infrastructure, and future requirements during the platting process. There is an existing 100 foot wide Oncor Transmission easement that intersects the property. The proposal shows utilizing this easement as community greenspace. Any encroachment into Oncor's Transmission easements must be reviewed by Oncor and handled through an encroachment request. There is also an existing 10 foot wide city utility easement that contains an old 2 inch water pipe no longer in use. As part of the platting process, the easement would be required to be abandoned. The applicant is aware of these requirements.

Other important infrastructure requirements will be addressed during the platting process. This includes sufficient right-of-way dedication, looping of waterlines, location of new city utility easements, drainage requirements and others. These details are outlined in the attachments (Pre-DRC Comments). The property will be required to be platted prior to any development of the property. The applicant is aware of this requirement.

The subject property is located within the Bluebonnet Ridge Estates Subdivision. Properties located in this subdivision are subject to restrictions, protective covenants and condition which are included in the Bluebonnet Ridge Estates Deed Restrictions and are enforced by private property owners rather than the city.

At their August 15<sup>th</sup> meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval with conditions, as presented by Staff and adding an additional condition to include a privacy fence barrier along the east side of the subject property prior to duplex construction.

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

James Stewart, 2300 Old Waco Road, addressed the Council and asked for a vote against this request. The increased traffic and crime is a concern.

Doug Isbel, 2044 Old Waco Road, addressed the Council regarding concerns for increase traffic and crime that will come from this rezoning. He asked for the Council to vote against this request.

Kay Stewart, 2300 Old Waco Road, addressed the Council and urged the Council to vote against the duplexes. There are many concerns with drainage and traffic.

Brad Dusek, the developer was available to answer questions. He advised those present, that development of this area will happen eventually. Mr. Dusek asked for favorable consideration by the Council.

Gail Lively, 1955 South Pea Ridge, addressed the Council and asked for a denial of the request. This development is not wanted in this area.

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

Motion by Councilmember Timothy Davis adopt ordinance as presented on first reading, with second and final reading set for October 6, 2016. seconded by Mayor Pro Tem Perry Cloud.

Motion passed unanimously.

7. **2016-4808: FIRST READING - PUBLIC HEARING - Z-FY-16-42: Consider adopting an ordinance authorizing a rezoning from General Retail District to Commercial District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue. (P&Z and Staff's Recommendation is the proposed rezoning from General Retail (GR) district to Planned Development – General Retail (PD-GR) district with conditions).**

Mark Baker, Senior Planner, presented this case to the Council. The subject property, Lot 1, is currently undeveloped and contains 6.19 +/- acres. It is being requested for rezoning for a proposed storage facility by a separate investor whose real

estate transaction is pending the approval of this rezoning application. While there are buffering and screening standards provided by UDC section 7.7, as discussed later in this report, they may be inadequate due to the proximity of residential uses and the impacts with potential building placement along the East Adams frontage. Since no site plan has been prepared, a Planned Development will retain General Retail uses while allowing the use as a storage facility to be pursued. This will provide opportunity for design considerations, such as additional screening and buffering, through a publically-reviewed development plan and take into account the existing residences on either side of the subject property.

This section of East Adams Ave has not seen the development demand as other parts of the City and based on rezoning and other development activity in the area, the existing residences may remain for some time adjacent to the storage facility. Further, as a Planned Development with the retained base-zoning of General Retail, the storage facility would be the only additional use. If approved, the allowance of the storage facility would be identified in the rezoning ordinance. The applicant is aware of the recommendation for a Planned Development.

While there is a pending real estate transaction for development of the property as a storage facility, there are a number of residential and non-residential uses that are permitted by right.

At their August 15, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning from General Retail (GR) district to Planned Development – General Retail (PD-GR) district as presented with staff recommended conditions and amending Condition No. 3 as follows (1) Condition #3 - to review the existing trees around the property line in total for preservation at the site plan review stage. During the meeting the Planning & Zoning Commission discussed the merits of landscaping as well as clarification of how specific tree preservation would be accomplished. Staff indicated that a tree survey or other method could be used to identify specific trees that would be suitable for incorporation into the development / site plan. This would be accomplished at the time the development plan is submitted for public review. In addition, noticing to property owners within 200 feet would occur to solicit adjacent property owner input.

Additional discussion focused on the access point at South 34<sup>th</sup> Street being limited to a one-way exit point. Site circulation will be addressed during the review of the development plan.

The applicant / property owner, Daniel Magana indicated



publically that he fully supports the alternative of the requested rezoning to a Planned Development to allow for increased buffering of the adjacent residential uses and tree preservation.

Mayor Dunn declared the public hearing open with regards to agenda item 7, and asked if anyone wished to address this item.

Mary Inbrock, 4 North 34th Street, concerned with the location of the proposed entrance.

Mr. Chandler, advised the site plan will come back for approval prior to development.

Mr. Magana, advised the entrance issues can be addressed to help mitigate the increased traffic concerns. He asked for favorable consideration.

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

Motion by Councilmember Timothy Davis adopt ordinance as presented on first reading, to approve rezoning from General Retail district to General Retail – Planned Development – General Retail, with three conditions, with second and final reading set for October 6, 2016. seconded by Councilmember Michael Pilkington.

Motion passed unanimously.

## RESOLUTION

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

Dessie Redmond, Planner, presented this case to the Council. This proposal was initiated by City staff because Stone Ridge Drive and Ridge Way Drive parallel each other and meet at their respective northern terminus. This causes confusion because houses on Stone Ridge Drive and Ridge Way have the exact same house numbers on both streets. Furthermore, there is a Ridgeway street between Hogan Road and Poison Oak Road just east of Highway 317 which also causes mail delivery issues with Ridge Way Drive. By eliminating Ridge Way Drive as a street name, City staff believes this will provide the best safety

and welfare for the residents of this area.

If the proposal is approved, the City will notify the U.S. Postal Service and the E-911 emergency system about the address changes. Residents, tenants and property owners are responsible for notifying all other correspondents about their address change. This includes, but is not limited to, utility and phone companies, mortgage companies, magazine subscriptions or any other company with your current address.

If approved, there will be 27 property owners affected by this change. Notification letters were sent out to all 27 property owners on August 18, 2016. As of Tuesday, September 6, one letter had been received by the planning department regarding concern for the proposed change.

Staff recommends approval for the renaming of Ridge Way Drive to Stone Ridge Drive and changing corresponding house numbers (1) The proposal should alleviate confusion because houses on Stone Ridge Drive and Ridge Way have the exact same house numbers on both street; (2) It should eliminate confusion with Ridgeway which is a street between Hogan Road and Poison Oak Road just east of Highway 31; (3) The proposal should provide the best safety and welfare for residents by eliminating Ridge Way Drive as a street name.

Mayor Pro Tem Cloud stated that it is apparent that the current addressing situation is not as big of an issue, as lead to believe.

Motion by Mayor Pro Tem Perry Cloud deny the ordinance as presented on first reading. seconded by Councilmember Judy Morales.

Motion passed unanimously.

9. **2016-8365-R: I-FY-16-02 – Consider action on a resolution for an appeal of standards to Section 6.75(j) of the Unified Development Code (UDC) related to the number of signs, height, square footage, and to allow a roof sign within the I-35 Corridor Overlay at 5141 North General Bruce Drive.**

Brian Chandler, Director of Planning, presented this case to the Council. The Baylor Scott & White distribution center, which is proposed to open in October, will consist of 104,188 square feet (for Phase 1; Phase 2 is proposed as a 49,333 square foot future addition) on 64 acres and will provide hospitals throughout the BS&W system with medical supplies.

An I-35 Corridor Overlay appeal for the project was approved by City Council on September 3, 2015 related to Overlay landscaping standards, due to the unique size, location and proposed use of the facility.

At their September 6, 2016 meeting, the Planning & Zoning Commission voted unanimously to approve the appeal as submitted. Staff also recommends approval of the request.

Mayor Dunn and Councilmember Pilkington both abstained from discussion and vote, while all others voted.

Motion by Councilmember Judy Morales adopt ordinance as presented on first reading, with second and final reading set for October 6, 2016. seconded by Councilmember Timothy Davis.

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

**10. 2016-8366-R: Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2017 with the following vendors in the estimated annual amount of \$284,271.01:**

Justin Brantley, Assistant Director of Purchasing presented this item to the Council. Authorization of this purchase agreement allows the stocking of commonly used utility repair parts in the Utility Warehouse during FY2017. The Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works and Parks departments. As shown on the attached bid tabulation, on August 9, 2016, the City received four bids for the annual purchase of utility supplies. The invitation to bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 66 sections.

Staff recommends award of the bids to the low bidders of each section, as noted in the item description above, and as highlighted in yellow on the attached 66-line bid tabulation.

The City has done business in the past with HD Supply Waterworks (HD) and ACT Pipe and Supply (ACT), and staff has found each to be a responsible vendor. The City has not done business with Techline Pipe (Techline) or Fortiline, Inc. (Fortiline); therefore, references were checked and staff believes that, based on the feedback received from customers of these two vendors, that they will be responsive and

responsible vendors. The proposed purchase agreements will not have options for annual renewals.

ACT is requesting that they be deemed a “local business” under the City’s Local Preference Policy. Per the Local Preference Declaration form submitted by ACT, ACT explained that there is economic development impact to the City through the award of purchases to ACT because ACT is a Temple taxpayer and citizens of Temple are employed at ACT-Temple.

Per the City’s Local Preference Policy, for non-construction expenditures less than \$500,000, if the City receives a competitive sealed bid from a bidder whose *principal place of business* is within the City limits and whose bid is within five percent of the lowest bid price, the **Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award.**

Motion by Mayor Pro Tem Perry Cloud adopt resolution authorizing annual purchase agreements for utility supplies for FY2017 with the following vendors in the estimated annual amount of \$284,271.01:

Techline Pipe of Hutto \$21,665.61; Fortiline Inc of Belton, \$65,275.85; HD Supply Waterworks of Belton \$83,519.17; and ACT Pipe & Supply of Temple \$113,810.38. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

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

Mayor Pro Tem Cloud nominated Mr. Harry Adams  
Councilmember Davis nominated Mr. Henry Jezek to represent the financial member

Councilmember Pilkington nominated Mr. Mark Groveunder

Councilmember Morales nominated Mr. Manuel Alaniz

Mayor Dunn nominated Mr. John Cunningham to represent the Attorney on the board

Motion by Councilmember Michael Pilkington adopt resolution appointing five regular members as recommended seconded by Councilmember Judy Morales.

Motion passed unanimously.

Mayor Dunn stated that Ms. Sue Hamby and Mr. Jason Parks were nominated to fill the alternate positions on the Ethics Review Committee.

Motion by Councilmember Judy Morales adopt resolution appointing two alternate members to the City of Temple Ethics Review Board. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a yearly 2016-2017 sole source maintenance contract with Sungard Public Sector in the amount of \$144,164.46.

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

**ITEM SUMMARY:** The City currently uses Enterprise Software from Sungard HTE for the following business applications in helping the City to conduct financial transactions:

General Ledger	Accounts Payable	Accounts Receivables
Fixed Assets	Inventory	Purchasing
Cash Receipts	Budgeting	Fleet Management
Work Orders	Payroll	Human Resources
Utility Billing	Permitting	Code Enforcement
Inspections	Zoning	Business Licenses
Municipal Court	Project Accounting	QREP
Looking Glass	HELP Pass	OnLine Business

Sungard HTE is the sole provider of maintenance for HTE application software. This is currently the 12th year of support for the current software

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 for FY 2017 in the amount of \$144,164.46 for continued annual support of these applications.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A YEARLY MAINTENANCE CONTRACT IN THE AMOUNT OF \$144,164.46, WITH SUNGARD PUBLIC SECTOR, FOR FISCAL YEAR 2016-2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City currently uses Enterprise Software from Sungard HTE for multiple business applications which assists the City in conducting financial transactions;

**Whereas**, Sungard HTE is the sole provider of maintenance for the HTE application software and Staff recommends purchasing an annual maintenance contract in the amount of \$144,164.46;

**Whereas**, this is the 12<sup>th</sup> year of support for this software and funds have been budgeted in Account No. 110-1900-519-2338 for the continued annual support of these applications; and

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

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

**Part 1:** The City Council authorizes the purchase of a yearly maintenance contract in the amount of \$144,164.46, with Sungard Public Sector, for fiscal year 2016-2017.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a yearly 2016-2017 sole source maintenance contract with Intergraph Public Safety in the amount of \$45,277.

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

**ITEM SUMMARY:** The Police and Fire Departments currently use Records Management Software from Intergraph Public Safety for the following public safety applications in helping the City to conduct management of Public Safety records and analysis:

SunPro Fire RMS  
I-LEADS RMS (Arrests, warrants, citations, evidence, calls for service, etc...)  
CAD Interface Software  
Oracle Software

Intergraph Public Safety is the sole provider of maintenance for Intergraph Public Safety application software. This is currently the 16th year of support for the current software.

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 for FY2017 in the amount of \$45,277 for continued annual support of these applications.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A YEARLY MAINTENANCE CONTRACT IN THE AMOUNT OF \$45,277, WITH INTERGRAPH PUBLIC SAFETY, FOR FISCAL YEAR 2016-2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Police and Fire Departments currently use Records Management Software from Intergraph Public Safety for certain public safety applications which help the City conduct management of public safety records and analysis;

**Whereas**, Intergraph Public Safety is the sole provider of maintenance for Intergraph Public Safety application software and Staff recommends purchasing an annual maintenance contract in the amount of \$45,277;

**Whereas**, this will be the City's 16<sup>th</sup> year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for the continued annual support of this software; and

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

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

**Part 1:** The City Council authorizes the purchase of an annual maintenance contract in an amount not to exceed \$45,277, with Intergraph Public Safety for Public Safety Software Applications.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the single-source purchase of Heil repair parts and services during FY2017 from Heil of Texas in the estimated annual amount of \$60,000.

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

**ITEM SUMMARY:** Approval of this agreement allows for the purchase of certified Heil parts and service for refuse trucks during FY2017.

The Solid Waste Department utilizes approximately 20 Heil bodies in its fleet of refuse trucks. The Solid Waste Department has found the Heil units to be durable and to operate efficiently. However, with any mechanized loaders, components wear out and the units have to be maintained with new parts.

Heil only distributes its parts through its full service dealers, and as such, the procurement of Heil parts is a single-source purchase as defined within the Local Government Code §252.022.

**FISCAL IMPACT:** Repair parts for Heil refuse trucks are purchased on an as needed basis by the Fleet Services department on behalf of the Solid Waste Department. The Solid Waste Department has budgeted for fleet repairs in its FY2017. Estimated repair part expenditures for FY2017 based on historical expenditures: \$60,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SINGLE-SOURCE PURCHASE OF HEIL REPAIR PARTS AND SERVICES, IN THE ESTIMATED ANNUAL AMOUNT OF \$60,000, FROM HEIL OF TEXAS, OF IRVING, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Solid Waste Department utilizes approximately 20 Heil bodies in its fleet of refuse trucks and has found the Heil units to be durable and to operate efficiently;

**Whereas**, as with any mechanized loader, components wear out and units have to be maintained with new parts;

**Whereas**, Heil of Texas only distributes its parts through full service dealers, and as such, the procurement of Heil parts is a single-source purchase as defined by Local Government Code §252.022;

**Whereas**, repair parts for Heil refuse trucks are purchased on an 'as-needed' basis by the Fleet Services department on behalf of the Solid Waste Department – the Solid Waste department has budgeted for fleet repairs in its fiscal year 2017 adopted annual budget; and

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

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

**Part 1:** The City Council authorizes a single-source purchase of Heil repair parts, in the estimated annual amount of \$60,000, from Heil of Texas of Irving, Texas,

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the single-source purchase of Toro service and repair parts during FY2017 from Professional Turf Products, LP of Euless in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** Approval of this agreement allows for the purchase of certified Toro repair parts, and when needed, the service of Toro equipment during FY2017.

The City owns and maintains many pieces of Toro mowing and turf equipment. Toro has designated Professional Turf Products, LP as the only authorized service and parts supplier for our geographical area. In order to maintain warranties on equipment, Fleet staff deems it important to use only certified Toro parts.

The single source bidding exemption is defined within the Texas Local Government Code §252.022.

**FISCAL IMPACT:** Repair parts and service for Toro equipment are purchased on an as needed basis by the Fleet Services, on behalf of several departments. Each respective department has budgeted for repairs in their adopted FY2017 budgets. Estimated Toro repairs and services for FY2017 based on historical purchases: \$40,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SINGLE-SOURCE PURCHASE OF TORO SERVICE AND REPAIR PARTS, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000, FROM PROFESSIONAL TURF PRODUCTS, LP, OF EULESS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City owns and maintains many pieces of Toro mowing and turf equipment and Toro has designated Professional Turf Products, LP of Euleless, Texas as the only authorized service and parts supplier in our geographical area;

**Whereas**, in order to maintain warranties on equipment, Staff deems it important to use only certified Toro parts;

**Whereas**, the single source purchasing exemption is defined within the Texas Local Government Code §252.022;

**Whereas**, repair parts and services for Toro equipment are purchased on an ‘as-needed’ basis – each department which utilizes Toro parts or services has budgeted for these purchases in their fiscal year 2017 annual budgets; and

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

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

**Part 1:** The City Council authorizes a single-source purchase of Toro service and repair parts from Professional Turf Products, LP, of Euleless, Texas, in the estimated annual amount of \$40,000.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the single-source purchase and repair of public safety radios during FY2017 from Dailey-Wells Communications, Inc. of San Antonio in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** Approval of this agreement allows for the continued purchase and repair of public safety radios for the City's Police and Fire departments during FY2017.

The Police Department and Fire Department utilize 298 and 80 radios, respectively, to communicate with Bell County Communications. Bell County Communications currently utilizes an Enhanced Digital Access Communications System manufactured by M/A-COM, Inc, whose property rights belong to Harris Corporation. In order for the agencies throughout Bell County to communicate with Bell County Communications, each entity must utilize radios that are compatible with Bell County's system, which are currently only available through Dailey-Wells Communication, Harris Corporation's only authorized sales and service support in our area.

The single source bidding exemption is defined within the Texas Local Government Code §252.022.

**FISCAL IMPACT:** The cost of maintaining the public radio fleet is included in the Police and Fire Departments' adopted FY2017 operating budgets. Estimated annual expenditures based on historical expenditures: \$25,000.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SINGLE SOURCE PURCHASE AGREEMENT WITH DAILEY-WELLS COMMUNICATIONS, INC. OF SAN ANTONIO, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000, FOR THE PURCHASE AND REPAIR OF PUBLIC SAFETY RADIOS FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Police Department and Fire Department both utilize radios to communicate with Bell County Communications (BCC) - BCC currently utilizes an Enhanced Digital Access Communications System manufactured by M/A-COM, Inc, whose property rights belong to Harris Corporation;

**Whereas**, in order for the agencies throughout Bell County to communicate with BCC, each entity must utilize radios that are compatible with Bell County's system - compatible radios are currently only available through Dailey-Wells Communication, of San Antonio, Texas, Harris Corporation's only authorized sales and service support in our area;

**Whereas**, the City has done business with Dailey-Wells Communications for several years and finds them to be a responsible vendor – the single source bidding exemption is defined within the Texas Local Government Code §252.022;

**Whereas**, the cost of maintaining the public radio fleet is included in the Police and Fire Departments' adopted fiscal year 2017 operating budgets; and

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

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

**Part 1:** The City Council authorizes a single-source purchase agreement with Dailey-Wells Communications of San Antonio, Texas in the estimated annual amount of \$25,000, for the purchase and repair of public safety radios.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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



## COUNCIL AGENDA ITEM MEMORANDUM

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

Mitch Randles, Fire Chief  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of bunker gear during FY2017 from NAFECO of Decatur, AL and Dooley Tackaberry, Inc. of Deer Park in the estimated annual amount of \$52,050.

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

**ITEM SUMMARY:** Authorization of this purchase will provide for the acquisition of bunker gear (i.e. personal protective coat and pant) for the City of Temple Fire Department fire fighters from NAFECO and Dooley Tackaberry, Inc. during FY2017.

During the past several years the City has entered into an interlocal agreement with the City of North Richland Hills to utilize their competitively bid contract for bunker gear. Based on recent bunker gear research conducted by staff, the Fire Department is recommending the purchase of bunker gear during FY2017 from NAFECO, utilizing Houston-Galveston Area Cooperative (H-GAC) Contract #EE08-15, and Dooley Tackaberry, Inc., utilizing BuyBoard Contract #432-13. Staff believes that the bunker gear provided by these two companies offers the best value to the City from the perspective of firefighter protection and safety, fit, freedom of movement, and cost.

Contracts awarded through H-GAC and BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for bunker gear is included in the adopted FY2017 Budget in account, 110-2230-522-2113 in the amount of \$52,050.

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF BUNKER GEAR IN THE ESTIMATED ANNUAL AMOUNT OF \$52,050, FROM NAFECO OF DECATUR, ALABAMA, AND DOOLEY TACKABERRY, INC. OF DEER PARK, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, during the past several years, the City has entered into an interlocal agreement with the City of North Richland Hills to utilize its competitively bid contract for bunker gear - based on recent bunker gear research conducted by Staff, the Fire Department is recommending the purchase of bunker gear during from NAFECO, utilizing Houston-Galveston Area Cooperative Contract No. EE08-15, and Dooley Tackaberry, Inc., utilizing BuyBoard Contract No. 432-13;

**Whereas**, Staff believes that the bunker gear provided by these two companies offers the best value to the City from the perspective of firefighter protection and safety, fit, freedom of movement, and cost;

**Whereas**, Contracts awarded through Houston-Galveston Area Cooperative and BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, funding for bunker gear is included in the adopted fiscal year 2017 budget in Account No. 110-2230-522-2113; and

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

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

**Part 1:** The City Council authorizes the purchase of bunker gear in the estimated annual amount of \$52,050 from NAFECO of Decatur, Alabama and Dooley Tackaberry, Inc. of Deer Park, Texas.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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### DEPT. /DIVISION SUBMISSION & REVIEW:

Chuck Ramm, CPRP, Assistant Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of park amenities for Jaycee Neighborhood Park from The PlayWell Group Inc. of Albuquerque, New Mexico, in the amount of \$40,932.15.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Jaycee Neighborhood Park located at 2302 West Avenue Z.

This portion of the project includes the purchase of ten park benches, 11 picnic tables, six trash receptacles with liners, and four exercise stations for the proposed trail in Jaycee Park. These park amenities will be installed by a contractor under a project that is currently out for bid by the Purchasing Department.

The City of Temple will be utilizing the BuyBoard cooperative purchasing contract #423-13 for this purchase, which meets the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for the contract with The PlayWell Group, Inc., in the amount of \$40,932.15, is appropriated in account 362-3500-552-64-03, project #101312, as follows:

Project Budget	\$	989,570
Encumbered/Committed to Date		(4,012)
Webuildfun, Inc.		(263,944)
The PlayWell Group, Inc.		(40,933)
<b>Remaining Project Funds</b>	<b>\$</b>	<b>680,681</b>

### ATTACHMENTS:

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PARK AMENITIES IN THE AMOUNT OF \$40,932.15, FROM THE PLAYWELL GROUP, INC. OF ALBUQUERQUE, NEW MEXICO, FOR JAYCEE NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, one of the projects approved in the 2015 Parks Bond was renovating the facilities located in Jaycee Neighborhood Park located at 2302 West Avenue Z, Temple;

**Whereas**, this portion of the project includes the purchase of multiple park amenities including 10 park benches, 11 picnic tables, 6 trash receptacles with liners, and 4 exercise stations for the proposed trail in Jaycee Park;

**Whereas**, the City will utilize the BuyBoard cooperative purchasing contract No. 423-13 for this purchase, which meets the statutory procurement requirements for Texas municipalities;

**Whereas**, funding for this purchase is available in Account No. 362-3500-552-6403, Project No. 101312; and

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

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

**Part 1:** The City Council authorizes the purchase of park amenities in the amount of \$40,932.15, from The Playwell Group, Inc. of Albuquerque, New Mexico, for Jaycee Neighborhood Park.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Damon Boniface, Utility Director  
Kirk Scopac, Interim Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a Vactor truck from Freightliner of Austin of Austin in the amount of \$344,990.

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

**ITEM SUMMARY:** The Utility Services Division of the Public Works Department regularly utilizes two sewer/hydro-evacuation trucks during the course of daily work. These specialized units unstop wastewater sewer lines, support regular and routine maintenance efforts and assist with potholing utilities for various situations. The oldest truck (11 years old) is in need of replacement and is scheduled to be passed onto the Drainage Division for use in maintaining drainage infrastructure, as required by increased BMP's established in regulatory compliance plans.

The proposed truck will have a Freightliner 114SD vocational chassis with a Cummins diesel engine and a Vactor mounted hydro-jet and vacuum. The expected gross vehicle weight capacity is 92,000 lbs. Other features of the truck chassis include:

- Allison 3000 RDS automatic transmission with PTO provisions
- Steel-reinforced aluminum day cab
- Increased visibility and enhanced ergonomics

The Vactor equipment will be supplied by Kinloch Equipment and will include:

- 12 yard debris tank and 1500 gallon fresh water tank
- Hydro excavation kit for potholing
- 10' Telescoping boom with 189 degree rotation
- 800' x 1" Piranha 2500 PSI sewer hose mounted on front of truck

The Vactor unit will be used primarily to sustain the sanitary sewer line maintenance program and TCEQ SSO Initiative Program. The equipment will also be used to locate underground utilities. The purchase price includes necessary training for city personnel.

The price received for replacement truck is based on BuyBoard contract #430-13 pricing. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for the purchase of the Vactor truck, equipment and accessories is appropriated in account 520-5400-535-6220, project #101410, in the amount of \$344,990, as follows:

Account Budget	\$	345,000
Encumbered/Committed to Date		-
Truck purchase - Freightliner		(344,990)
<b>Remaining Funds</b>	<b>\$</b>	<b><u>10</u></b>

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A VACTOR TRUCK IN THE AMOUNT OF \$344,990, FROM FREIGHTLINER OF AUSTIN, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Utility Services Division of the Public Works Department regularly utilizes two sewer/hydro-evacuation trucks during the course of daily work - these specialized units unstop wastewater sewer lines, support regular and routine maintenance efforts, and assist with potholing utilities for various situations;

**Whereas**, the oldest Vactor truck the City owns is 11 years old and is scheduled to be passed on to the Drainage Department for use in maintaining drainage infrastructure, as required by increased BMP's established in regulatory compliance plans;

**Whereas**, this new Vactor truck will be used primarily to sustain the sanitary sewer line maintenance program and TCEQ SSO Initiative Program - it will also be used to locate underground utilities;

**Whereas**, the price received for the replacement truck is based on BuyBoard contract Number 430-13 pricing - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, funding for this purchase is available in Account No. 520-5400-535-6220, Project No. 101410; and

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

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

**Part 1:** The City Council authorizes the purchase of a Vactor truck, in the amount of \$344,990, from Freightliner of Austin, utilizing the BuyBoard Local Government Online Purchasing Cooperative contract.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/6/16  
Item#5(J)  
Consent Agenda  
Page 1 of 1

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

Chuck Ramm, Assistant Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Joel Brown & Co. LLC of Elm Mott in the amount of \$73,640.17 for the construction of a concrete slab for the relocation of the Temple Skate Park to Miller Park.

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

**ITEM SUMMARY:** This contract will provide for the construction of a concrete slab approximately 80' X 120', a connecting sidewalk, and a smaller concrete slab approximately 15' X 15'. This new slab will provide for the relocation of existing Temple Skate Park now located 104 South 7<sup>th</sup> Street. On August 23, 2016 the City of Temple received nine bids for this project ranging from \$73,640.17 to \$118,351.05 with Joel Brown & Co. LLC submitting the low bid.

This project was presented to and approved for funding by the Reinvestment Zone No.1 Board at their September 28, 2016, meeting.

The construction phase for the project can be completed in 90 days from the Notice to Proceed.

This resolution will also waive any permit fees related to this project.

**FISCAL IMPACT:** Funding for the construction contract with Joel Brown & Co. LLC in the amount of \$73,640.17 is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 404, Santa Fe Plaza, in account # 795-9500-531-6870, project 101008.

### **ATTACHMENTS:**

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





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

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

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

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

August 25, 2016

Mr. Val Roming  
City of Temple Parks & Leisure  
2 North Main Street Ste. 201  
Temple, Texas 76501

Re: City of Temple, Texas  
Skate Park Slab at Miller Park

Dear Mr. Roming:

August 25, 2016, the City of Temple received competitive bids from nine (9) contractors for the Skate Park Slab at Miller Park Project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Joel Brown & Co LLC, of Elm Mott, Texas as the low bidder with a total bid of \$73,640.17. The bids ranged from this low bid to \$118,351.05. Our final opinion of probable construction (OPC) cost was \$100,000.

Joel Brown & Co LLC is currently constructing a project for the City of Temple and has the experience necessary to successfully complete this project. Therefore, we recommend that a contract be awarded to Joel Brown & Co LLC for the total Base Bid amount of \$73,640.17.

Sincerely,

R. David Patrick, P.E., CFM

2016-111-40

**BID TABULATION  
CITY OF TEMPLE  
SKATE PARK SLAB AT MILLER PARK  
August 23, 2016; 2:00 PM**

<b>BIDDER INFORMATION</b>													
			Joel Brown & Co LLC PO Box 246 Elm Mott TX 76640		Double T Construction Inc 3728 Pointer Street Belton TX 76513		Emerson Construction Company Inc 4502 Twin City Blvd Temple TX 76502		TCB Construction Inc PO Box 81642 Austin TX 78708		Wilson Construction Services LLC 1821 Landmark Drive Belton TX 76513		
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
<b>BASE BID</b>													
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 3,600.00	\$ 3,600.00	\$ 830.00	\$ 830.00	\$ 4,000.00	\$ 4,000.00	\$ 3,750.00	\$ 3,750.00	\$ 4,200.00	\$ 4,200.00
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	2,400.00	2,400.00	6,479.00	6,479.00	5,000.00	5,000.00	1,500.00	1,500.00	8,000.00	8,000.00
3	380	CY	Unclassified Excavation	17.30	* 6,574.00	10.51	3,993.80	18.00	6,840.00	25.00	9,500.00	30.00	11,400.00
4	1,100	SY	Furnish & Install Concrete Pad per detail including reinforcement	48.00	52,800.00	60.39	66,429.00	60.00	66,000.00	63.00	69,300.00	54.00	59,400.00
5	25	SY	Furnish & Install Concrete Sidewalk	73.92	1,848.00	60.39	1,509.75	48.00	1,200.00	45.00	1,125.00	49.50	1,237.50
6	213	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	3.09	* 658.17	6.82	1,452.66	5.00	1,065.00	3.00	639.00	6.00	1,278.00
7	800	SY	Furnish & Install Hydro Mulch Seeding For Permanent Erosion Control, Including water to establish & sustain growth	2.70	2,160.00	1.98	1,584.00	4.00	3,200.00	1.75	1,400.00	1.50	1,200.00
8	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	1,800.00	1,800.00	850.00	850.00	500.00	500.00	875.00	875.00	1,600.00	1,600.00
9	100%	LS	Provide Project Record Drawings	1,800.00	1,800.00	750.00	750.00	500.00	500.00	350.00	350.00	250.00	250.00
<b>BASE BID AMOUNT - (Items 1 - 9)</b>				**	\$ 73,640.17		\$ 83,878.21		\$ 88,305.00		\$ 88,439.00		\$ 88,565.50

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

<b>BIDDER INFORMATION</b>													
			National Native American Construction 1010 W Jaster Drive Suite 3 Killeen TX 76542		TTG Utilities LP PO Box 299 Gatesville TX 76528		Mitchell Construction Co Inc 139 Mid Tex Road Lorena TX 76655		Myers Concrete Construction LP PO Box 2928 Wimberly TX 78676				
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
<b>BASE BID</b>													
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the	\$ 4,400.00	\$ 4,400.00	\$ 8,500.00	\$ 8,500.00	\$ 5,000.00	\$ 5,000.00	\$ 4,389.10	\$ 4,389.10		
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete	8,300.00	8,300.00	3,600.00	3,600.00	20,000.00	20,000.00	4,058.69	4,058.69		
3	380	CY	Unclassified Excavation	43.00	16,340.00	19.00	7,220.00	9.75	3,705.00	42.43	16,123.40		
4	1,100	SY	Furnish & Install Concrete Pad per detail including	46.00	50,600.00	63.00	69,300.00	59.75	65,725.00	75.03	82,533.00		
5	25	SY	Furnish & Install Concrete Sidewalk	85.00	2,125.00	75.50	1,887.50	54.00	1,350.00	86.89	2,172.25		
6	213	LF	Furnish, Install, Maintain & Remove Silt Fence as required in	7.00	1,491.00	5.00	1,065.00	1.25	266.25	4.47	952.11		
7	800	SY	Furnish & Install Hydro Mulch Seeding For Permanent	5.00	4,000.00	2.85	2,280.00	0.75	600.00	5.13	4,104.00		
8	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including	2,000.00	2,000.00	1,150.00	1,150.00	2,200.00	2,200.00	3,304.10	3,304.10		
9	100%	LS	Provide Project Record Drawings	500.00	500.00	600.00	600.00	3,250.00	3,250.00	714.40	714.40		
<b>BASE BID AMOUNT - (Items 1 - 9)</b>					\$ 89,756.00		\$ 95,602.50		\$ 102,096.25		\$ 118,351.05		

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



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH JOEL BROWN & CO., LLC OF ELM MOTT, TEXAS, IN THE AMOUNT OF \$73,640.17, FOR THE CONSTRUCTION OF A CONCRETE SLAB FOR THE RELOCATION OF THE TEMPLE SKATE PARK TO MILLER PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, this project includes the construction of a concrete slab approximately 80-feet by 120-feet, a connecting sidewalk, a smaller concrete slab approximately 15-feet by 15-feet and will provide for the relocation of the existing Temple Skate Park now located 104 South 7<sup>th</sup> Street;

**Whereas**, on August 23, 2016 the City received 9 bids for this project with Joel Brown & Co. LLC submitting the low bid in the amount of \$73,640.17;

**Whereas**, also included in this project will be the waiver of all construction permit fees associated with the project;

**Whereas**, funding is available for this construction contract in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, Santa Fe Plaza, Account No. 795-9500-531-6870, Project No. 101008; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Joel Brown & Co., LLC of Elm Mott, Texas, in the amount of \$73,640.17, for the construction of a concrete slab for the relocation of the Temple Skate Park to Miller Park.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/6/16  
Item #5(K)  
Consent Agenda  
Page 1 of 1

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

Chuck Ramm, CPRP, Assistant Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Webuildfun, Inc. of Allen in the amount of \$263,943.21 for the purchase and installation of park amenities for Jaycee Neighborhood Park.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Jaycee Neighborhood Park located at 2302 West Avenue Z.

This portion of the project includes the demolition of the existing playground, installation of a new outer space themed playground with swings and shade structure, purchase and installation of five different play nodes to be locating along the proposed trail in Jaycee Park.

The City of Temple will be utilizing the BuyBoard cooperative purchasing contract #423-13 for these improvements to the park, which meets the statutory procurement requirements for Texas municipalities.

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

**FISCAL IMPACT:** Funding for the contract with Webuildfun, Inc. in the amount of \$263,943.21, is appropriated in account 362-3500-552-6403, project #101312, as follows:

Project Budget	\$	989,570
Encumbered/Committed to Date		(4,012)
Webuildfun, Inc.		(263,944)
The PlayWell Group, Inc.		(40,933)
<b>Remaining Project Funds</b>	<b>\$</b>	<b>680,681</b>

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WEBUILDFUN, INC. OF ALLEN, TEXAS, IN THE AMOUNT OF \$263,943.21, FOR THE PURCHASE AND INSTALLATION OF PARK AMENITIES FOR JAYCEE NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, one of the projects approved in the 2015 Parks Bond was renovation of the facilities located in Jaycee Neighborhood Park located at 2302 West Avenue Z, Temple;

**Whereas**, this portion of the project includes the demolition of the existing playground, installation of a new outer space themed playground with swings and shade structure, and the purchase and installation of 5 different play nodes which will be located along the proposed trail in Jaycee Park;

**Whereas**, the City will utilize the BuyBoard Cooperative Purchasing contract No. 423-13 for these improvements to the park, which meets the statutory procurement requirements for Texas municipalities;

**Whereas**, also included in this project will be the waiver of all construction permit fees associated with the project;

**Whereas**, funds are available for this project in Account No. 362-3500-552-6403, Project No. 101312; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Webuildfun, Inc. of Allen, Texas, in the amount of \$263,943.21 for the purchase and installation of park amenities for Jaycee Neighborhood Park.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(L)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a services agreement with Liberty Press of Springville, UT, in the estimated annual amount of \$26,000 for the printing and mailing of the Play-by-Play and summer camp brochures for FY2017.

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

**ITEM SUMMARY:** Authorization of this services agreement will provide for the printing and mailing of brochures to the citizens of Temple that includes activities offered by the Parks and Recreation Department (e.g. events, classes for all ages, summer camps, identifies all parks, pools & splash pads, and services provided by Summit, etc.)

The Play-by-Play brochure will include three editions printed and mailed in the winter, summer/spring and fall. Staff estimates that 12,000 copies of the brochure will be distributed via mail to Temple residents and 3,000 copies will be distributed to the Recreation department and other facilities around town. The City utilizes its bulk mail permit for mailing. This postage cost is paid directly to the USPS by the City.

The Summer Camp brochure is a one-time edition released in March to promote summer camps and events happening throughout the City in the summer. Liberty Press will deliver these brochures to the Recreation office, and City staff will distribute these brochures to children in Temple and Belton school districts, as well as to facilities throughout the City.

As shown on the attached bid tabulation, on September 20, 2016, the City received two bids for the printing and mailing of brochures for the Recreation Department. This bid was stated to be awarded to the company providing the "best value" to the City. The best value criteria used in the evaluation included price, reputation and quality of the bidder's products and services, and quality of printing.

A bid evaluation committee was formed to evaluate the two bids. It is the committee's unanimous recommendation to award the bid to Liberty Press of Springville, UT. The City has done business with Liberty Press and finds them to be a responsive and responsible vendor.

The recommended contract shall commence immediately upon award and shall continue through September 30, 2017, with the option of four additional one-year renewals, if so agreed to by both parties.

**FISCAL IMPACT:** Funding for this services agreement with Liberty Press in the estimated amount of \$26,000 is available in the FY2017 Budget in account 110-4100-551-2511, Other Services/Printing & Publications.

**ATTACHMENTS:**

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

Tabulation of Bids Received  
 on September 20, 2016 at 2:00 p.m.  
 Printing and Mailing of Brochures for the Recreation Department Re-Bid  
 (Play-by-Play and Summer Camp Brochures)  
 Bid# 32-04-17

	Bidders	
	Liberty Press Springville, Utah 800-296-6402	Integ Temple, Texas 254-778-9147
<b>Description:</b>		
<b>Printing of Play-By Play Brochure:</b>		
Option #1: Stock/Ink: 4 pg Cover - 80# Gloss/full color print with bleeds; Inside Pages - Hibrite Newsprint/full color print with bleeds	Price	Price
Price per issue for printing brochure - initial 15,000 copies	\$6,514.00	\$6,959.00
Price per thousand over the 15,000 copies	\$215.00	\$204.00
Price per thousand for an additional 4 pages per brochure (as needed)	\$13.40	\$213.00
<b>Description:</b>		
<b>Printing of Summer Camp Brochure:</b>		
Option #2: Stock/Ink: 4 pg Cover - 80# Gloss/full color print with bleeds; Inside Pages - 60# Offset White/full color print with bleeds	Price	Price
Price per issue for printing brochure - initial 15,000 copies	\$8,752.00	\$13,307.00
Price per thousand over the 15,000 copies	\$290.00	\$383.00
Price per thousand for an additional 4 pages per brochure (as needed)	\$21.13	\$404.00
<b>Description:</b>		
<b>Printing of Summer Camp Brochure:</b>		
Option #3: Stock/Ink: 4 pg Cover - 80# Gloss/full color print with bleeds; Inside Pages - Hibrite Newsprint/B&W with 1 additional color print with bleeds	Price	Price
Price per issue for printing brochure - initial 15,000 copies	\$5,439.00	\$6,844.00
Price per thousand over the 15,000 copies	\$210.00	\$185.00
Price per thousand for an additional 4 pages per brochure (as needed)	\$5.40	\$194.00
<b>Description:</b>		
<b>Printing of Summer Camp Brochure:</b>		
Option #4: Stock/Ink: 4 pg Cover - 80# Gloss/full color print with bleeds; Inside Pages - 60# Offset White/B&W with 1 additional color print with bleeds	Price	Price
Price per issue for printing brochure - initial 15,000 copies	\$7,999.00	\$13,187.00
Price per thousand over the 15,000 copies	\$290.00	\$369.00
Price per thousand for an additional 4 pages per brochure (as needed)	\$19.93	\$388.00
<b>Description:</b>		
<b>Printing of Summer Camp Brochure:</b>		
Option #1: Stock/Ink: 4 pg Cover - 80# Gloss/full color print with bleeds (magazine style stock); Inside Pages - 60# Offset White/full color print with bleeds (magazine style stock)	Price	Price
Price for printing brochure one (1) time per year (initial 18,000 copies)	\$4,620.00	\$7,544.00
Price Per thousand over the 18,000 copies	\$149.00	\$139.00
Price per thousand for an additional 4 pages per brochure (as needed)	\$54.40	\$167.00
<b>Description:</b>		
<b>Alternate Bid Options</b>		
Alternate Bid Option #1: Provide disclaimer label approx 1"x3" in size on approx 5,200 brochures; label shall be placed in area designated by City; disclaimer labeled brochures must be identified as such and bundled separately	Price	Price
Unit Price Per 100 Brochures	\$10.00	\$11.48
Total for 5,000 Brochures	\$520.00	\$597.00
Alternate Bid Option #2: Provide direct print disclaimer label on approx 5,200 brochures; label shall be placed in area designated by City; disclaimer labeled brochures must be identified as such and bundled separately	Price	Price
Unit Price Per 100 Brochures	no cost	\$4.41
Total for 5,000 Brochures	no cost	\$229.00
Delivery within 14 days?	Yes	Yes
Exceptions	No	Yes; postage not included
Addendum Acknowledged	Yes	Yes
Local Preference	No	No
Credit Check Authorization	Yes	Yes



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH LIBERTY PRESS OF SPRINGFIELD, UTAH, IN THE ESTIMATED ANNUAL AMOUNT OF \$26,000, FOR THE PRINTING AND MAILING OF THE PLAY-BY-PLAY SUMMER CAMP BROCHURES FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 20, 2016, the City received two bids for the printing and mailing of brochures for the Recreation Department - the bid was stated to be awarded to the company providing the “best value” to the City to include price, reputation, and quality of the bidder’s products and services, and quality of printing;

**Whereas**, an evaluation committee was formed to evaluate the bids and it is the committee’s unanimous recommendation to award the bid to Liberty Press of Springville, Utah – the City has done business with Liberty Press in the past and has found them to be a responsive and responsible vendor;

**Whereas**, the Play-by-Play publication is created quarterly to promote activities happening throughout the City and Staff estimates that approximately 12,000 copies of the publication will be distributed via mail to residents quarterly and 3,000 copies will be distributed to facilities around town, four times per year;

**Whereas**, the Summer Camp brochure is a one-time edition released in March to promote summer camps and events happening throughout the City in the summer - Liberty Press will deliver these brochures to the Recreation office, and staff will distribute these brochures to children in Temple and Belton school districts, as well as to facilities throughout the City;

**Whereas**, Staff recommends Council authorize a services agreement with Liberty Press in the estimated annual amount of \$26,000 - this agreement shall commence immediately upon award and shall continue through September 30, 2017, with the option of four additional one-year renewals, if so agreed to by both parties;

**Whereas**, funding for this services agreement is available in the adopted fiscal year 2017 budget in Account No. 110-4100-551-2511; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a services agreement with Liberty Press of Springfield, Utah, in the estimated annual amount of \$26,000, for the printing and mailing of the Play-by-Play brochures.

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

PASSED AND APPROVED this the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

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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10/06/16  
Item #5(M)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an agreement with National Joint Powers Alliance to enable the City to utilize contracts competitively procured by NJPA

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

**ITEM SUMMARY:** Ratification of this agreement will allow for staff to evaluate and purchase off of contracts competitively procured by NJPA, a political subdivision and government unit of the state of Minnesota.

It is staff's desire to be able to evaluate and consider purchasing off of cooperative contracts procured by NJPA. In order to facilitate the evaluation of these available cooperative contracts the City must exercise the attached "Joint Exercise of Powers" or "Interlocal" agreement with NJPA. NJPA currently has cooperative contracts available for flooring materials & installation, maintenance & construction equipment, playgrounds, etc.

State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars. As identified in the attached agreement, by the City executing the interlocal agreement, the City is agreeing to participate in any or all services that NJPA has to offer when it is in the best interest of the City.

The City Manager executed the attached agreement on September 12, 2016, to enable staff to proceed with the evaluation of a proposed purchase. In accordance with the Council-adopted Monetary Guidelines, staff will bring forth to Council any proposed purchase greater than \$25,000.

**FISCAL IMPACT:** There is no membership fee for the City to utilize contracts for goods and services procured through NJPA. NJPA is funded through an administrative fee that awarded vendors pay to NJPA.

### **ATTACHMENTS:**

[National Joint Powers Alliance Joint Powers Agreement Resolution](#)

**NATIONAL JOINT POWERS ALLIANCE®  
JOINT POWERS AGREEMENT**

This Agreement, made effective on the date hereof, is between the National Joint Powers Alliance® (hereinafter referred to as "NJPA") and City of Temple, Texas (hereinafter referred to as "Governmental Unit").

**Recitals**

NJPA is a Service Cooperative whose creation was authorized by Minn. Stat. § 123A.21; and

NJPA is a political subdivision and government unit of the state of Minnesota. Minn. Stat. § 471.59 authorizes NJPA to enter into agreements with other governmental units in the United States and Canada to jointly or cooperatively exercise any power common to the contracting powers or similar powers, as deemed necessary; and

Governmental Unit asserts it is authorized by its statutes to utilize contracts competitively solicited by another governmental unit; and

Governmental Unit and NJPA desire to enter into a "Joint Exercise of Powers Agreement" for the purpose of Governmental Unit accessing available contracts for goods and services from NJPA Awarded Vendors.


NJPA and the Governmental Unit hereby agree as follows:

**Agreement**

1. NJPA will make its contracts for goods and services and/or other NJPA services available to the Governmental Unit. The Governmental Unit will be a Participating Member.
2. The Governmental Unit may utilize the contracts or services procured or offered through NJPA to purchase supplies, equipment, materials and services.
3. The Parties to this Agreement will adhere to any and all applicable laws pertaining to the procurement of goods and services as they pertain to the laws of their state or nation.
4. This Agreement will become effective on the date hereof and shall remain in effect until canceled by either party upon thirty (30) days' written notice to the other party.
5. Each party agrees that it is responsible for its acts and the results thereof, to the extent authorized by law, and will not be responsible for the acts of the other party and the results thereof. The Governmental Unit will be responsible for all aspects of its purchase, including ordering its goods and services, inspecting and accepting the goods and services, and paying the Vendor who will have directly billed the Governmental Unit placing the order.
6. Both Parties to this Agreement agree to strict accountability of all public funds disbursed in connection with this joint exercise of powers as required by each party's respective laws.
7. To purchase goods and services from NJPA contracts, the Governmental Unit must enter into a purchase order or other subsequent agreement in accordance with the terms and conditions of NJPA contracts and any requirements applicable to the Governmental Unit's governing body. The Governmental Unit must send purchase orders directly to the applicable Vendor and will make payments directly to the Vendor in accordance with its established procedures and terms of the NJPA contract. The Governmental Unit will not use the goods available under NJPA contracts for purposes of resale.

8. Pursuant to Minn. Stat. § 471.59, Subd. 5, if applicable, the Parties shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the Agreement has been completed.
9. There shall be no financial remunerations by the Governmental Unit to NJPA for the use of NJPA procurements, contracts or agreements or the payment of any fees to NJPA.
10. Both Parties to this Agreement acknowledge their individual responsibility to gain ratification of this agreement through their governing body as required by law.
11. The NJPA contracts utilized by the Governmental Unit through this Agreement were procured or will be procured through the Uniform Municipal Contracting law, Minn. Stat. § 471.345.

The Parties have executed this Agreement effective the date hereof.

Governmental Unit  
 By   
 AUTHORIZED SIGNATURE  
 Its City Manager  
 TITLE  
9-12-16  
 DATE



National Joint Powers Alliance®  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE  
 \_\_\_\_\_  
 TITLE  
 \_\_\_\_\_  
 DATE

Approved As To Form

  
 City Attorney's Office

**GOVERNMENTAL UNIT INFORMATION**

Indicate an address to which correspondence may be delivered.

Name\* City of Temple, Texas

Address\* 3210 E. Avenue H, Bldg C

City, State, ZIP code\* Temple, TX 76501

Employer Identification Number 74-6002368

Contact person\* Belinda Matke

Title\* Director of Purchasing

E-mail\* bmatke@templetx.gov

Phone\* 254-298-5655

Website www.templetx.gov

**ORGANIZATION TYPE\***

- K-12 (Public or non-profit)
- Government or municipality (Specify: municipality)
- Higher education (Public or non-profit)
- Other (Specify: \_\_\_\_\_)

**REFERRED BY**

- Advertisement \_\_\_\_\_
- Current NJPA member \_\_\_\_\_
- Vendor representative Patcraft
- Trade show \_\_\_\_\_
- NJPA website \_\_\_\_\_
- Other \_\_\_\_\_

**Return completed agreement to**  
 National Joint Powers Alliance ®  
 202 12<sup>th</sup> Street NE  
 Staples, MN 56479

**Duff Erholtz**  
 Phone 218-894-5490  
 Fax 218-894-3045  
 E-mail duff.erholtz@njpacoop.org

*\*Denotes required information*

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN INTERLOCAL AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE TO ENABLE THE CITY OF TEMPLE TO UTILIZE CONTRACTS COMPETITIVELY PROCURED BY NATIONAL JOINT POWERS ALLIANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Staff desires to be able to evaluate and consider purchasing off of cooperative contracts procured by National Joint Powers Alliance (NJPA) and in order to facilitate the evaluation of these available cooperative contracts, the City must enter into a “Joint Exercise of Powers” or “Interlocal” agreement with NJPA - NJPA currently has cooperative contracts available for flooring materials & installation, maintenance & construction equipment, playgrounds, etc.;

**Whereas,** State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars - by the City executing an interlocal agreement with NJPA, the City is agreeing to participate in any or all services that NJPA has to offer when it is in the best interest of the City;

**Whereas,** Staff recommends Council ratify the Interlocal Agreement executed by the City Manager on September 12, 2016, which will enable Staff to proceed with evaluations of proposed purchases;

**Whereas,** there are no membership fees associated with utilizing contracts for goods and services through NJPA - NJPA is funded through an administrative fee that awarded vendors pay to NJPA; and

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

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

**Part 1:** The City Council ratifies the Interlocal Agreement executed by the City Manager on September 12, 2016, with National Joint Powers Alliance which enables the City to utilize contracts competitively procured by National Joint Powers Alliance.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(N)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, PE, Director of Public Works  
Don Bond, PE, CFM, City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing contract amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$37,996, for additional services needed to phase the design of Research Parkway from IH35 to Central Pointe Parkway within the Reinvestment Zone No.1 in northwest Temple.

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

**ITEM SUMMARY:** On August 15, 2013, Council authorized a professional services agreement with KPA in the amount of \$1,864,020 to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its current terminus at Central Pointe Parkway to IH35.

On August 20, 2015, Council authorized contract amendment #1 in the amount of \$105,255. This amendment realigned the geometry of Research Parkway from Central Pointe Parkway to the intersection with the McLane Parkway / Research Parkway Connector.

On October 15, 2015, the City executed contract amendment #2 in the amount of \$15,000. This amendment provided additional detailed surveys and exhibits required for appraisals for properties with structures in conflict.

On September 28, 2016, the Temple Reinvestment Zone #1 Board approved to recommend this contract amendment #3 to Council for a professional service agreement with KPA in an amount not to exceed \$37,996.

Plans for the project are complete from IH 35 to Central Pointe Parkway. Services added by this amendment will modify construction plans to separate a phase from IH 35 to just west of Wendland Road, which will be Phase 1. Consultant services recommended under this amendment include the following tasks and costs:



Professional Services to Modify Plans

General Sheets	\$ 2,800
Erosion Control Sheets	\$ 924
Grading Sheets	\$ 3,752
Phasing Sheets	\$ 5,376
Plan & Profile Sheets	\$ 10,600
Cross Section Sheets	\$ 6,624
Driveway Sheets	\$ 616
Storm Drain Sheets	\$ 6,072
Landscape Sheets	\$ 616
Electrical Sheets	<u>\$ 616</u>
<b>TOTAL</b>	<b><u>\$ 37,996</u></b>

The revised opinion of probable construction cost for Phase 1 is \$13,500,000. These plan modifications require 120 additional calendar days.

Construction of Phase I is proposed to be funded from Tax Increment Financing Revenue Bonds currently scheduled to be sold in the spring of 2017.

**FISCAL IMPACT:** Funding for the contract amendment with KPA in the amount of \$37,996 is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 305, Research Parkway, in account # 795-9800-531-6863, project 101000 as shown below:

Project Budget	\$ 7,465,000
Encumbered/Committed to Date	(3,417,779)
<b>Contract amendment #3-KPA</b>	<b>(37,996)</b>
<b>Remaining Project Funds</b>	<b><u>\$ 4,009,225</u></b>

Remaining project funds are to be used for bid phase services to be provided by KPA and for additional ROW needed to the full scope of the project.

**ATTACHMENTS:**

- [Engineer's Proposal](#)
- [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

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

September 9, 2016

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

Re: City of Temple  
Research Parkway (IH35 to Central Pointe Parkway)

Dear Mr. Billeck:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this contract amendment proposal for the above referenced project. The current plans for the project are complete with an incorporated design as a complete project from IH35 to Central Pointe Parkway. This amendment will modify the current plan set to phase the project from IH35 to just west of Wendland Road. Our Preliminary Opinion of Probable Construction Cost for the project phased as described above is \$13,500,000.

The work to be performed by KPA under this contract amendment consists of modifying the existing plans to meet the project phasing set out with the Temple Reinvestment Zone's current adopted financing plan. The current completed project plans will be modified to incorporate a connection to existing Moores Mill Road west of the intersection with Wendland Road.

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

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following modifications to the existing plans will be performed:

I. Plan Modifications

- A. General – The index sheets and all titles blocks will require modification to change the project from a full connection at Central Point Parkway to IH35 to a connection west of Wendland Road to IH35. The cost to modify these sheets is \$2,800.
- B. Erosion Control - The erosion control sheets will require modification for the revised connection and tie in west of Wendland Road. The cost to modify these sheets is \$924.
- C. Grading Sheets – The grading sheets will be modified for the connection west of Wendland Road along with revisions to the quantity calculations for the revisions to the project. This will include modification of the current proposed surface. The cost to modify these sheets is \$3,752.
- D. Phasing Sheets – The phasing sheets will need to be modified and re-designed to phase the project for the revisions. The cost to modify these sheets is \$5,376.
- E. Plan Profile Sheets – The roadway plan-profile sheets will require modification to both the horizontal and vertical geometry for a connection west of Wendland Road. This will require a design to transition from a four lane section with 122 feet from back of curb to back of curb, including underground storm sewer, to the connection with existing Moores Mill Road that is approximately 20 feet wide without curb or underground storm sewer. The design will meet the current design speed at the connection of Moores Mill Road. The cost to modify these sheets is \$10,600.
- F. Cross Sections – The cross sections will require modification from Wendland Road to the connection with Moores Mill Road. The transition will be lengthy due to a conversion from a 122 foot back of curb to back of curb transition to a ~20 foot asphalt edge. The cost to modify these sheets is \$6,624.
- G. Driveways – The driveway located ~Station 477+00 will require modification with the revised design. The cost to modify this sheet is \$616.
- H. Storm Drain Sheets – The project split occurs at an advantageous location in the drainage areas in that the project is splitting drainage areas. There will be design and modifications at the connection with Moores Mill Road with the roadside channel. This will need to include plan and profile. The cost to modify these sheets is \$6,072.
- I. Landscape Sheets – There will be minor modifications to the Landscape Sheets at the transition west of Wendland Road. The cost to modify these sheets is \$616.
- J. Electric Sheets – There will be minor modifications to the Electric Sheets for roadway lighting in the median. Consideration for future phasing and conduit will need to be designed. The cost to modify these sheets is \$616.

Mr. James Billeck, P.E.

September 9, 2016

Page 3

The revisions to the Research Parkway Plans to phase the project from IH35 to west of Wendland Road can be completed for the lump sum price of \$37,996. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

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

R. David Patrick, P.E., CFM

xc: File

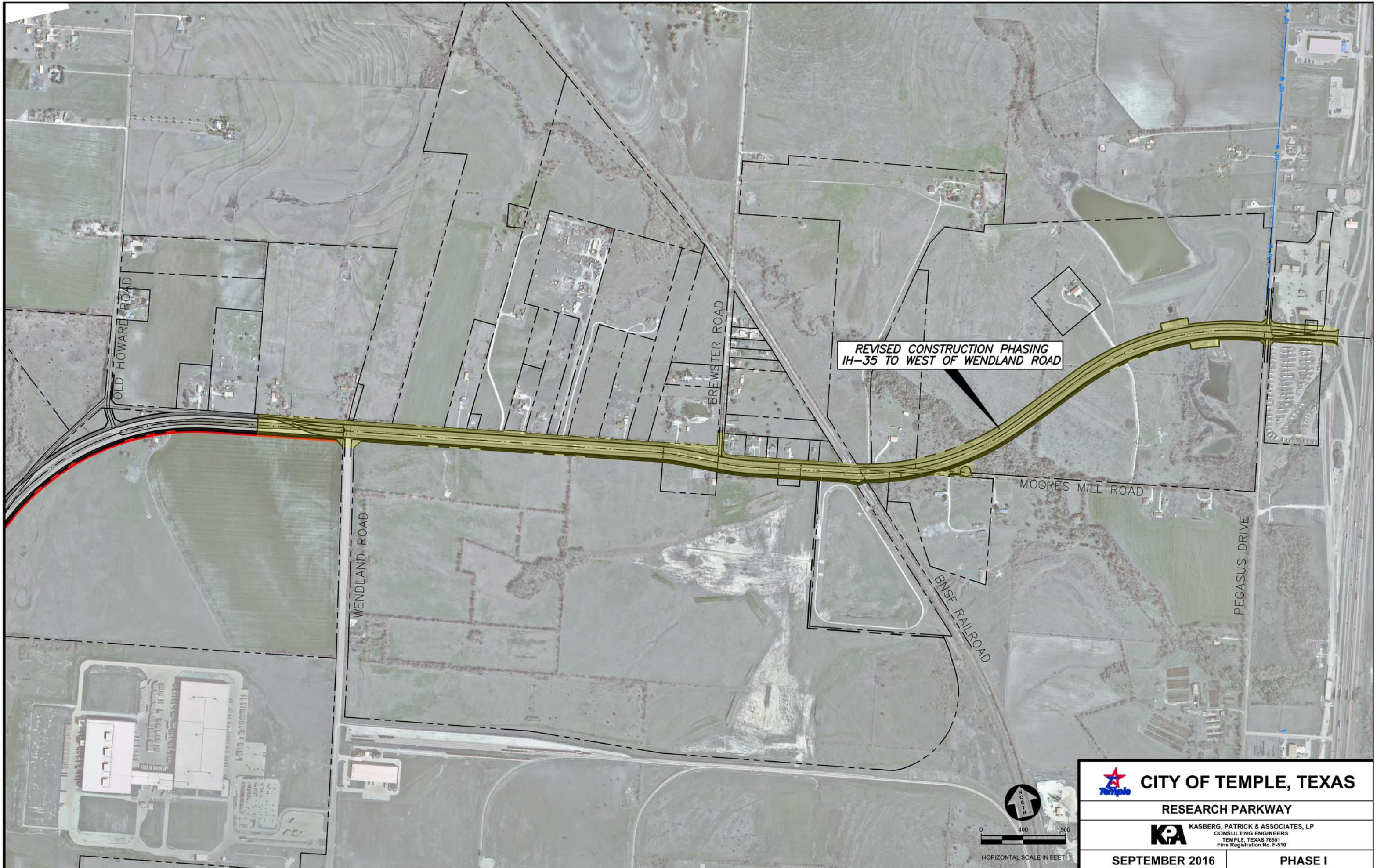
ATTACHMENT "C"

Charges for Additional Services



City of Temple  
Research Parkway (IH35 to Central Pointe Parkway)  
Phasing Amendment

<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

P:\Temple Reinvestment\2013\2013-130\cad\1-35 to Wendland\Exhibit\35 to Wendland OA.dwg - Phase I



REVISED CONSTRUCTION PHASING  
IH-35 TO WEST OF WENDLAND ROAD

	<b>CITY OF TEMPLE, TEXAS</b>
<b>RESEARCH PARKWAY</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
<b>SEPTEMBER 2016</b>	<b>PHASE I</b>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENT NUMBER 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$37,996, FOR ADDITIONAL SERVICES NEEDED FOR THE DESIGN OF RESEARCH PARKWAY FROM IH-35 TO CENTRAL POINTE PARKWAY WITHIN THE REINVESTMENT ZONE NUMBER ONE IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 15, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA) of Temple, Texas to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its current terminus at Central Pointe Parkway northward to I35;

**Whereas**, on August 20, 2015, Council authorized Contract Amendment No. 1 which realigned the geometry of Research Parkway from Central Pointe Parkway to the intersection with the McLane Parkway/Research Parkway Connector - on October 15, 2015, the City executed Contract Amendment No. 2 which provided additional detailed surveys and exhibits required for appraisals for properties with structures in conflict;

**Whereas**, on September 28, 2016, the Temple Reinvestment Zone No. 1 Board approved the recommendation that Council approve Contract Amendment No. 3 to the professional services agreement with KPA, in an amount not to exceed \$37,996, for additional services needed for the design of Research Parkway;

**Whereas**, plans for the project are complete from IH-35 to Central Pointe Parkway and the services to be added will modify construction plans to separate one phase from IH-35 to west of Wendland Road, which will be Phase 1;

**Whereas**, funding for Contract Amendment No. 3 is available in the Reinvestment Zone No. 1 Financing and Project Plan Account No. 795-9800-531-6863, Project No. 101000; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute Contract Amendment No. 3 to the professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas, in an amount not to exceed \$37,996, for additional services needed for the design of Research Parkway from IH-35 to Central Pointe Parkway within the Reinvestment Zone No. 1 in northwest Temple.

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

PASSED AND APPROVED this the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(O)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP in the amount not to exceed \$56,760 for final design and bid phase services for Water Treatment Plant Chlorine Storage Safety Improvements.

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

**ITEM SUMMARY:** In August 2016, KPA completed a hazard assessment of the chlorine storage building at the Conventional Water Treatment Plant, including recommendations for making safety and operational improvements. The building was constructed in 1977 with the last expansion in 2003 to accommodate adequate storage space for the required number of supply of one-ton chlorine cylinders as required by the Texas Commission on Environmental Quality. A chlorine scrubber system is currently used to extract the chlorine gas from the air inside the building in the event of a chlorine leak.

Due to the corrosive environment caused by chlorine, existing safety and operational equipment is in need of upgrade to provide adequate protection for employees and the public. Furthermore, identified improvements address safety precautions, operations and monitoring components outlined in the U.S. EPA Risk Management Plan Regulations, in which the City is required to participate according to Section 112(r) of the Clean Air Act Amendments.

To address necessary improvements, an engineering contract, followed by construction activities, will be required. Per the attached engineer's proposal, professional fees are as follows:

Contract for professional services:

Final Design	\$ 50,500
Bid Phase Services	\$ <u>6,260</u>
<b>Total</b>	<b>\$ <u>56,760</u></b>

Total time for KPA to complete final plans and specifications is 120 calendar days.

Once engineering is complete, bidding and construction phase activities will follow recommending award of a construction contract during spring 2017. KPA's Preliminary Opinion of Probable Construction cost is as follows.

Construction and Improvements	\$ 627,500
Contingency (15%)	<u>\$ 94,125</u>
<b>Total</b>	<b><u>\$ 721,625</u></b>

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval in the amount of \$56,760 to appropriate funding for the professional services agreement with KPA. Funding will be available in account 561-5100-535-6976, project #101591.

Funding for construction will be identified from project savings or reprioritization of projects and appropriated at a future date.

**ATTACHMENTS:**

[Proposal](#)  
[Fee Schedule](#)  
[Budget Adjustment](#)  
[Resolution](#)



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

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

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

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

September 19, 2016

Mr. Damon Boniface  
Utility Director  
3210 E. Avenue H  
Temple, Texas 76501

Re: City of Temple, Texas  
Temple Water Treatment Plant  
Chlorine Storage Safety Improvements

Dear Mr. Boniface:

The City of Temple owns and operates the Temple Water Treatment Plant (WTP). The WTP utilizes chlorine gas and liquid ammonium sulfate to form chloramines in its final, treated water for disinfection purposes. The existing chlorine storage building was constructed in 1977 and expanded in 2003. A recently completed analysis noted multiple opportunities to improve the operation and maintenance of the existing chlorine storage facility as well as improvements related to safety considerations. This letter proposal is in response to your request for engineering services required for the final design of the Water Treatment Plant Chlorine Storage Safety Improvements

The Scope of services consists of the civil, mechanical and electrical and controls services required to design the following improvements, noted in the August 25<sup>th</sup> Technical Memorandum (TM):

1. Replace existing supply fans with new fans incorporating automated louvers.
2. Replace existing fixed louvers with automated louvers.
3. Replace existing chlorine emergency shutoff valve system (on common header, downstream of pigtail) with new emergency shutoff system attached to the yoke of each chlorine cylinder.
4. Replace existing wet chemical scrubber with dry chemical scrubber.
5. Replace weigh scales on each of the chlorine "headers".
6. Replace existing chlorine sensors in the Chlorine Building and install new sensors throughout the Pipe Gallery to the Chlorine Dioxide Generator.
7. Interior lighting modifications.
8. Replace existing electric crane hoist with variable speed system.
9. Electrical and Controls improvements.
10. SCADA Modifications to incorporate improvements into the existing computer system.

Mr. Damon Boniface  
September 19, 2016  
Page Two

A preliminary opinion of probable construction cost was included in the referenced TM and is summarized below:

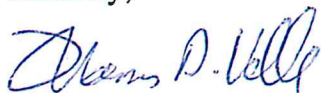
Preliminary OPC (August 26, 2016)	
Subtotal =	\$ 627,500
Contingency (15%) =	<u>\$ 94,124</u>
TOTAL =	\$ 721,625

KPA will prepare plans and specifications and provide bidding phase services for the improvements included in this proposal (and detailed in the referenced TM) for the following lump sum fees:

Summary of Professional Services	
Final Design =	\$ 50,500
Bid Phase Services =	<u>\$ 6,260</u>
TOTAL =	\$ 56,760

Please note that construction phase services are not included in this proposal and will be incorporated into the contract at a later date, under separate proposal. KPA will begin work once a written notice to proceed is received in our office and will submit the final plans and specifications within 120 calendar days. We appreciate the opportunity to submit a proposal for this work and are available to address any questions or comments that you may have concerning this proposal.

Sincerely,



Thomas D. Valle, P.E.

TDV/

EXHIBIT AA

**Scope of Services  
Chlorine Storage Safety Improvements**

I. Basic Services

A. Plans and Specifications

1. Provide Project Location Map;
2. Prepare plan and section views detailing existing structures and equipment;
3. Prepare plan and section views of recommended improvements;
4. Provide colored photographs in Bid Documents, where applicable;
5. Prepare specifications;
6. Develop time frame and sequence for project;
7. Develop bid schedule;
8. Provide Final Opinion of Probable of Construction Cost;
9. Submit to City for review;

B. Bidding

1. Assist in soliciting bidders;
2. Monitor status/number of bidders on plan holders list;
3. Answer potential bidders questions;
4. Conduct pre-bid conference;
5. Prepare addenda as required;
6. Attend bid opening;
7. Tabulate bids and recommend contract award.

**EXHIBIT B**

**Charges for Additional Services**

**City of Temple**

**Chlorine Storage Safety Improvements**

**Kasberg, Patrick & Associates, LP**

**September 19, 2016**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 70.00 – 90.00/hour
Project Manager	2.4	55.00 – 70.00/hour
Project Engineer	2.4	45.00 – 55.00/hour
Engineer-in-Training	2.4	35.00 – 45.00/hour
Engineering Technician	2.4	25.00 – 45.00/hour
CAD Technician	2.4	20.00 – 40.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	100.00 – 135.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

City of Temple, Texas Chlorine Storage Safety Improvements										Total Costs	
TASK 1 -- Final Design	Principal	Project Engineer	Graduate Engineer	Engineer (Specialist)	CAD Technician	Clerical	TOTAL	LABOR TOTAL	Direct Costs	Total Costs	
											35
1.1		2		4	2	2		10	\$ 1,468	\$ 150	\$ 1,618
1.2		1	4	12	12	8		37	\$ 5,484		\$ 5,484
1.3		16	24	32	12	40	4	128	\$ 17,844		\$ 17,844
1.4		4		8	40	40	4	96	\$ 14,396		\$ 14,396
1.5		2	2	8	8	24	4	48	\$ 6,166	\$ 309	\$ 6,475
1.6		8		8	8		2	18	\$ 3,350	\$ 309	\$ 3,659
1.7		2		2	2			6	\$ 1,024		\$ 1,024
<b>TASK 2 -- Bidding</b>		<b>11</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>15</b>	<b>46</b>	<b>\$ 6,082</b>	<b>\$ 178</b>	<b>\$ 6,260</b>
2.1		1		2		2	2	7	\$ 794		\$ 794
2.2							2	2	\$ 150		\$ 150
2.3		1		2			2	5	\$ 574		\$ 574
2.4		2		2	2		1	7	\$ 1,099		\$ 1,099
2.5		1	2		1		2	6	\$ 880		\$ 880
2.6		2					2	4	\$ 550		\$ 550
2.7		2					2	2	\$ 400		\$ 400
2.8		1	1				2	4	\$ 515	\$ 75	\$ 590
2.9		1	2			4	2	9	\$ 1,120	\$ 103	\$ 1,223
<b>TOTAL HOURS</b>		<b>46</b>	<b>35</b>	<b>72</b>	<b>87</b>	<b>120</b>	<b>29</b>	<b>389</b>			
<b>TASK 1 -- FINAL DESIGN</b>		<b>35</b>	<b>30</b>	<b>66</b>	<b>84</b>	<b>114</b>	<b>14</b>	<b>343</b>			
<b>TASK 2 -- BIDDING</b>		<b>11</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>15</b>	<b>46</b>			

TOTAL LABOR COSTS	\$ 9,200	\$ 5,775	\$ 8,064	\$ 17,400	\$ 13,200	\$ 2,175	\$ 55,814
TASK 1 -- FINAL DESIGN	\$ 7,000	\$ 4,950	\$ 7,392	\$ 16,800	\$ 12,540	\$ 1,050	\$ 49,732
TASK 2 -- BIDDING	\$ 2,200	\$ 825	\$ 672	\$ 600	\$ 660	\$ 1,125	\$ 6,082
<b>TOTAL FEE ESTIMATE</b>							<b>\$56,760</b>





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT, IN THE AMOUNT OF \$56,760, WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, FOR FINAL DESIGN AND BID PHASE SERVICES FOR WATER TREATMENT PLANT STORAGE SAFETY IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in August 2016, Kasberg, Patrick and Associates (KPA) completed a hazard assessment of the chlorine storage building at the Conventional Water Treatment Plant, including recommendations for making safety and operational improvements;

**Whereas**, the Conventional Water Treatment Plant was constructed in 1977 with the last expansion in 2003 to accommodate adequate storage space for the required number of supply of one-ton chlorine cylinders as required by the Texas Commission on Environmental Quality - a chlorine scrubber system is currently used to extract the chlorine gas from the air inside the building in the event of a chlorine leak;

**Whereas**, due to the corrosive environment caused by chlorine, existing safety and operational equipment is in need of an upgrade to provide adequate protection for employees and the public;

**Whereas**, the identified improvements address safety precautions, operations and monitoring components outlined in the U.S. EPA Risk Management Plan Regulations, in which the City is required to participate according to Section 112(r) of the Clean Air Act Amendments;

**Whereas**, funds are available for this professional services agreement, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 561-5100-535-6976, Project No. 101591; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement, in the amount of \$56,760, with Kasberg, Patrick & Associates, LP for final design and bid phase services for Water Treatment Plant Chlorine Storage Safety Improvements.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

**Part 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 **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor-

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(P)  
Consent Agenda  
Page 1 of 1

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

Chuck Ramm, Assistant Director, Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution entering into a services agreement with ASA District 17 in the estimated annual amount of \$50,000 for officiating/scorekeeping services as contracted for various sporting events.

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

**ITEM SUMMARY:** ASA District 17 provides officials for softball and kickball leagues, and scorekeepers for basketball, sports tournaments and the Corporate Challenge.

Beginning in FY 2013, the majority of all official payments began running through the association, and the association in turn pays the contracted officials. This approach is much simpler for the City as it prevents the need to process payments to a multitude of individual officials.

**FISCAL IMPACT:** Funding has been appropriated for officiating and scorekeeping services in the FY 2017 Operating Budget. Details of the allocation of the service for FY 2017 are shown below.

Services Agreement	Account #	Budget
Officiating & Scorekeeping	110-3291-551-2513	\$ 7,280
Officiating & Scorekeeping	110-3292-551-2513	\$ 77,262
<b>Total Officiating &amp; Scorekeeping</b>		<b>\$ 84,542</b>

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH ASA DISTRICT 17, IN THE ESTIMATED ANNUAL AMOUNT OF \$50,000, FOR OFFICIATING/SCOREKEEPING SERVICES FOR VARIOUS SPORTING EVENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Parks and Recreation Department uses ASA District 17 to provide officiating/scorekeeping services for adult sports leagues, tournaments and the Corporate Challenge;

**Whereas**, beginning fiscal year 2013, the majority of all officials' payments began running through the ASA District 17 Association who in turn pays the contracted officials – the City has found this approach much simpler as it prevents the processing of multiple payments to multiple people;

**Whereas**, Staff recommends Council authorize a service agreement with ASA District 17 for officiating/scorekeeping services – ASA District 17 is the only organization in the Temple area that provides these services;

**Whereas**, funds have been appropriated in the fiscal year 2017 Operating Budget and in Account Nos. 110-3291-551-2513 and 110-3292-551-2513; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a services agreement with ASA District 17, in an estimated annual amount of \$50,000, for officiating/scorekeeping services for various sporting events.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/6/16  
Item #5(Q)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with Turley Associates, Inc., in the amount of \$115,929.12, for professional services required to implement the Conner Park drainage channel improvements.

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

**ITEM SUMMARY:** A Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple. Smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties. The tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision. It reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road. A map is attached.

In the spring of this year, the City contracted Turley Associates to perform a preliminary assessment of the tributary reach from an upstream limit of Adams Avenue to the downstream culvert at Old Waco Road. Recommended improvements include widening the upstream grass channel, replacing the box culverts with a concrete channel, and lining the downstream channel with concrete.

Staff recommends implementing grass channel improvements using City crews and bidding construction of the concrete improvements. Turley Associates submitted a proposal to design construction plans and provide the necessary bid- and construction-phase services. Their proposal includes the following tasks and fees:

Design Survey	\$ 7,245.57
Civil Design	\$ 65,210.13
Bidding	\$ 14,491.14
Construction Survey	<u>\$ 28,982.28</u>
Total Recommended Services	<u>\$115,929.12</u>

The preliminary design concept anticipates approximately \$800,000 of constructed improvements. Staff has identified about \$240,000 of such that could be constructed with City crews. Several design and construction options are being assessed toward further reducing the remaining construction scope of \$560,000.

Time required for design is 120 calendar days.

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval in the amount of \$115,930 to appropriate funding for the professional services agreement with Turley Associates, Inc. from the Drainage Fund's Unallocated Fund Balance. Once the budget adjustment is approved, funding will be available in account 292-2900-534-6312, project #101592, as follows:

Project Budget	\$	-
Budget Adjustment		115,930
Turley Associates, Inc.		(115,930)
<b>Remaining Project Funds Available</b>	<b>\$</b>	<b>-</b>

**ATTACHMENTS:**

[Proposal](#)

[Map](#)

[Budget Adjustment](#)

[Resolution](#)



## TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

September 8, 2016

City Of Temple  
Attn: Don Bond, P.E.  
City Engineer  
3210 E. Ave H  
Temple, TX 76501

### RE: Conner Park Drainage Improvements, Phase II

Dear Mr. Bond,

Turley Associates, Inc. appreciates the opportunity to provide you with a proposal for the civil engineering and surveying on Conner Park Drainage Improvements, Phase II. The project consists of 2,000 linear feet of new grass channel, 1050 linear feet of concrete channel, and grading to match to existing grades.

Turley Associates, Inc. will prepare final plans, project specifications, and bid documents. Once plans have been completed and approved by your staff, plan sets, digital files, Engineers Opinion of Cost, specifications and bid quantities will be submitted to the City of Temple Purchasing Department. The design phase for this project shall be completed in 120 calendar days from the Notice to Proceed.

Our preliminary opinion of probable construction cost for this project is \$797,012.70.

Below, please find a more detailed description of our services along with our fee:

#### A. Design Survey

##### 1. Field Topographic Survey

- a. Survey crew will visit site to gather elevation data for area discussed. Any structures, fences, utilities, trees, or other improvements will be recorded by survey crew.

##### 2. Data Collection

- a. Collect all existing data from city and utility companies to prepare a base map.
- b. 811 locate will be called in to help determine location of any underground utilities.
- c. R.O.W. maps, property deeds, and subdivision plats will be researched to establish current ownership and R.O.W. maps.

#### B. Design Services

##### 1. Alignment

- a. Prepare an alignment for new grass channel and box culverts.

##### 2. Geometric Design

- a. Prepare a geometric design for grass and concrete channel.
- b. Plans will show all running and side slopes along with grades for channels.
- c. Cross sections.

##### 3. Drainage

- a. Prepare a complete drainage analysis for existing drainage flows and calculations.
- b. Prepare report and exhibits for drainage analysis.
- c. Determine conveyance method for flows.
- d. Analyze downstream conditions and determine necessary improvements.

VDT VDT Page 1 of 3

4. Grading Plan
    - a. Prepare a grading plan for channel and area around channel which will require grading to match into channel.
  5. Erosion Control Plan
    - a. Prepare an erosion control plan for project.
  6. Plan and Profiles
    - a. Prepare a complete set of plan and profiles for channel showing grades, slopes, and depth.
    - b. Show the 25 year and 100 year water surface elevations in the channel along with velocities.
  7. TxDOT
    - a. Submit plan to TxDOT to review channel work within TxDOT right-of-way.
  8. Land Acquisition
    - a. Prepare drawing and field notes for additional land needed for channel.
  9. Details
    - a. Prepare details for project bidding and construction to meet City of Temple requirements.
  10. Submittals
    - a. Submit progress prints and schedule regular progress meetings.
  11. Meetings
    - a. Attend all meetings as necessary.
- C. Construction Phase Services/Bidding
1. Bid Tabulations/Quantities
    - a. Quantities will be calculated for project.
    - b. A set of bid tabulations will be submitted to purchasing.
    - c. A digital set of plans will be submitted to purchasing.
  2. Pre-Bid
    - a. Turley Associates, Inc. will attend pre-bid meeting.
    - b. Agenda will be provided and notes from the meeting will be prepared.
  3. Bid Opening
    - a. We will attend the bid opening and prepare bid tabulations based on bids received.
    - b. Review bid tabulation for any erroneous calculations.
  4. Pre-Construction
    - a. Prepare agenda item for pre-construction meeting.
    - b. Review with contractor plans and expectations for project.
  5. Submittal/Pay Applications
    - a. All submittals will be reviewed for compliance to plan set and City specifications.
    - b. Contractor pay applications will be reviewed to confirm all work has been completed as shown on pay application.
    - c. We will forward both items to City once approved.
  6. Construction Surveying
    - a. Complete construction surveying as needed by the contractor.
    - b. Prepare exhibit for all temporary construction easements.
    - c. Prepare cut sheets to be issued to contractor.
    - d. Benchmarks will be established on site
    - e. As-built survey will be completed on project.
  7. Inspection Services
    - a. A representative from Turley Associates, Inc. will make daily inspections in the morning and afternoon. Notes will be made for daily progress and record any issues on site. Weekly reports will be issued to the City discussing progress for the week.
    - b. Inspector will be present for all testing done on-site.



8. Close-Out

- a. Once construction has been substantially completed, a final site observation will be performed and a punch list will be issued.
- b. Once all punch list items have been addressed, as-builts will be completed based on construction plan changes noted on inspection plans.
- c. Once all items have been completed, Turley Associates, Inc. will issue a recommendation of acceptance letter to the City.

The above listed services for the Conner Park Drainage Improvements, Phase II can be completed for the lump sum price of \$173,893.68. Below is a breakdown of project cost by individual items.

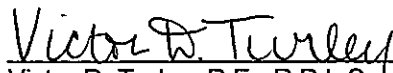
Design Survey.....	\$ 7,245.57
Design Services.....	\$ 65,210.13
Bidding.....	\$ 14,491.14
Construction Surveying.....	\$ 28,982.28
Construction Administration.....	\$ 21,736.71
Inspection Services.....	\$ 36,227.85

Turley Associates, Inc. will coordinate with the City of Temple staff during each stage of the design process. Once all parties have agreed on a layout and design, Turley Associates, Inc. will proceed. If changes are requested after approval from City Staff, these will be completed at an hourly rate. All Engineering and Surveying Services are to be performed in accordance with standard of due professional care.

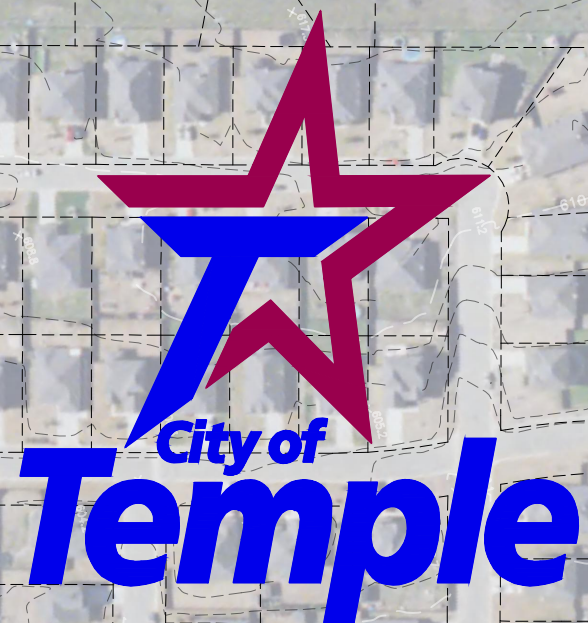
Additional items not shown above but can be provided at an additional cost

- Utility design
- Wetland Assessment
- Endangered Species Assessment
- Environmental report
- Archaeological report
- Acquisition services
- SWPPP
- Telephone, Oncor, TWC coordination/utility adjustment

Submitted:  
**TURLEY ASSOCIATES, INC.**

  
\_\_\_\_\_  
Victor D. Turley, P.E., R.P.L.S.  
President

VDT/sb



# Conner Park Drainage Improvements Phase II

**Concrete Channel**  
40' Wide  
7' Deep  
1:1 Sides

**Concrete Channel**  
40' Wide  
3.2' Deep  
1:1 Sides

**Grass Channel**  
Proposed  
Grass Channel  
Upgrades

**MEADOWBROOK DR**

**TANGLEHEAD DR**

**OLD WACO RD**

**F.M. 2305**



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. This does not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.  
© TURLEY ASSOCIATES, INC.  
THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES INC. [20160909]

### BUDGET ADJUSTMENT FORM

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

			+	-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
292-2900-534-63-12	101592	Capital Buildings & Grounds / Drainage	\$ 115,930		
292-0000-358-11-10		Drainage Fund Undesignated Fund Balance			\$ 115,930
		<b>DO NOT POST</b>			
<b>TOTAL.....</b>			\$ 115,930		\$ 115,930

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

To appropriate Drainage Fund Unallocated Fund Balance for the professional services agreement with Turley Associates for Conner Park drainage channel improvements in the amount of \$115,929.12.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?  Yes  No

DATE OF COUNCIL MEETING \_\_\_\_\_ 10/6/2016 \_\_\_\_\_

WITH AGENDA ITEM?  Yes  No

Department Head/Division Director	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$115,929.12, WITH TURLEY ASSOCIATES, INC. OF TEMPLE, TEXAS, TO IMPLEMENT THE CONNER PARK DRAINAGE CHANNEL IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, a Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple - smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties;

**Whereas**, the tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision and reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road;

**Whereas**, in the spring of this year, the City contracted with Turley Associates to perform a preliminary assessment of the tributary reach from an upstream limit of Adams Avenue to the downstream culvert at Old Waco Road – Turley recommended including the widening of the upstream grass channel, replacing the box culverts with a concrete channel, and lining the downstream channel with concrete;

**Whereas**, Staff recommends implementing grass channel improvements using City crews, bidding construction of the concrete improvements, and entering into a professional services agreement with Turley Associates for the design of construction plans and necessary bid- and construction-phase services;

**Whereas**, funds are available for this project, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 292-2900-534-6312, Project No. 101592; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement, in the amount of \$115,929.12, with Turley Associates, Inc. to implement the Conner Park drainage channel improvements.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit ‘A.’

**Part 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 **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor-

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(R)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group in an amount not to exceed \$66,000 for legislative lobbying services through September 30, 2017.

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

**ITEM SUMMARY:** The City has engaged the services of the Texas Lobby Group for the past several years for state legislative consulting services. The Texas Lobby Group monitors and engages in negotiations on behalf of the City related to legislation items of interest to the City as well as assisting in the communication of the City's position on legislative items to members of the Legislature and other Texas agencies.

The term of the contract is one year and will begin retroactively on October 1, 2016 and continue through September 30, 2017. Fees associated with this contract shall not exceed \$66,000

**FISCAL IMPACT:** The Texas Lobby Group fee for lobbying services is \$5,500 per month. Funding in the amount of \$66,000 is available in account 110-1000-511-2616 to fund the agreement through September 30, 2017.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT IN THE AMOUNT OF \$66,000, WITH THE TEXAS LOBBY GROUP FOR LEGISLATIVE LOBBYING SERVICES THROUGH SEPTEMBER 30, 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has engaged the services of the Texas Lobby Group for several state legislative sessions for state legislative consulting services – this group monitors and engages in negotiations on behalf of the City related to legislative items of interest to the City, as well as assists in the communication of the City’s position on legislative items to members of the Legislature and other Texas agencies;

**Whereas**, the term of this agreement is for one year and will begin retroactively on October 1, 2016, and continue through September 30, 2017;

**Whereas**, fees for these services shall not exceed \$66,000 and are available in Account No. 110-1000-511-2616; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to enter into an agreement with the Texas Lobby Group, in an amount not to exceed \$66,000, for legislative lobbying services through September 30, 2017.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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



## COUNCIL AGENDA ITEM MEMORANDUM

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10/6/16  
Item #5(S)  
Consent Agenda  
Page 1 of 1

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

Chuck Ramm, Parks and Recreation Department Assistant Director

**ITEM DESCRIPTION:** Consider adopting a resolution approving a Memorandum of Understanding with the Bell/Lampasas Counties Community Supervision and Corrections Department in the amount of \$7,500.

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

**ITEM SUMMARY:** The CSCD administers a community service program for the Temple Parks and Recreation Department. CSCD provides supervision for 18 – 20 probationers performing community service projects on Saturdays and Sundays for fifty weekends per year. CSCD also provides a van, gasoline, simple tools, trash bags and water during these projects.

The Parks and Recreation Department has utilized this service for many different projects in the past ranging from litter removal along roads and streets within Temple, replacing mulch in playground areas, weeding planter areas, beautification projects and minor park maintenance projects.

This has been a very successful and beneficial relationship for everyone involved.

**FISCAL IMPACT:** Funding in the amount of \$7,500 for this agreement is available in the Parks' Department FY 2017 operating budget, account 110-3500-552-2623.

### **ATTACHMENTS:**

[Memorandum of Understanding  
Resolution](#)



## **Memorandum of Understanding**

### **Between the**

### **Bell/Lampasas Counties Community Supervision & Corrections Department**

### **Parks and Recreation Department - City of Temple**

This memorandum of understanding is entered into between the Bell/Lampasas Counties Community Supervision and Corrections Department (hereinafter referred to as "CSCD"), the Parks and Recreation Department - City of Temple (hereinafter referred to as "Parks and Recreation Department") in order to administer a community service project for the Parks and Recreation Department.

#### **I.**

The Parks and Recreation Department has agreed to dedicate \$7,500.00 toward a community service project to maintain and enhance the parks and leisure services in the City of Temple.

#### **II.**

The CSCD has agreed to furnish one or more individuals to supervise the performance of community service projects for the beautification of the City of Temple. The individual(s) shall be utilized for ten hours during fifty weekends in the year. Four hours per Saturday and Sunday shall involve direct supervision of the performance of community service at project sites and two hours shall involve administrative matters, e.g., logistics and completion of necessary paperwork. In addition, the CSCD will contribute a van, gasoline, simple tools, trash bags and water in furtherance of this understanding.

#### **III.**

The CSCD will also make every diligent effort to have approximately 18 to 20 probationers report every Saturday and a same number report every Sunday to perform community service in accordance with this understanding. Employees with the Parks and Recreation Department will select teams of probationers to maintain various park and recreation sites, plant trees, shrubs, and flowers at locations throughout the city and perform right-of-way clean up.

#### **IV.**

The services provided under this understanding will be limited to the beautification of the City of Temple and the maintenance of the park system and leisure services in said city.

However on occasion members of the Temple police department may utilize the labor of probationers to remove public nuisances and to clean up surveillance sites. The community service projects administered under this grant shall be for civic improvements to the entire city and shall not be for the direct personal benefit of any private individual.

V.

The supervisor(s) furnished under this understanding shall be compensated at a rate of \$15.00 per hour. However, no more than a total of ten hours shall be billed per week. The supervisor(s) shall submit a report each week to the community service coordinator of the CSCD listing the various community service sites where work was performed, the names of probationers who participated in the beautification program during the previous weekend, and the number of hours they worked.

VI.

At the end of every month, the CSCD shall forward a report to the Parks and Recreation Department indicating the number of hours the supervisor(s) worked under this agreement. This report shall serve as an invoice for payment for the services of the supervisor. It shall be the responsibility of the Parks and Recreation Department to compensate the supervisor(s) in the same manner as other service providers are compensated through the Parks and Recreation Department.

VII.

The CSCD will provide the Parks and Recreation Department a year end report summarizing the total hours of service performed, indicating the yearly number of probationers who participated in this program, and describing the improvements made pursuant to this understanding. This year end report shall also indicate the aggregate value of the labor provided under this understanding.

VIII.

The CSCD, and the Parks and Recreation Department shall have the right to inspect all community service projects funded under this understanding and to observe the performance of any and all probationers/defendants at the project sites at all reasonable times and places.

IX.

The CSCD, and the Parks and Recreation Department shall for all purposes under this agreement be independent contractors. No party shall be deemed an employee, agent or representative of the other party and no party shall have authority to incur any obligation or make any representation on behalf of any other party.

X.

Any and all expenses incurred in the furtherance of and performance of this memorandum of understanding shall be borne by the party that incurred them.

No party shall be responsible or liable in whole or in part for the acts or omissions of another party, its agents, servants or employees.

No party to this understanding shall be required to indemnify the other or hold another harmless against any claim of any kind, including any claim asserted by a third party against a party to this understanding, resulting from an act or omission of a probationer/defendant who participated in a community service project funded under this grant.

Each party is responsible for determining the need for and for procuring any insurance that it may deem necessary in order to protect or indemnify itself from the consequences of any possible legal liability that it may incur in the performance of this understanding.

XI.

It is understood that the employees of the CSCD or individuals acting as agents of the CSCD are not authorized to receive any type of personal payment, reimbursement, compensation, commission, gratuity or gift for services provided under this memorandum of understanding. The Parks and Recreation Department warrant that no employee or agent of the CSCD has been retained to solicit or secure this memorandum and that the Parks and Recreation Department has paid or agreed to pay any employee of the CSCD any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon the signing of this memorandum or as an inducement for entering into this memorandum. The unauthorized offering or receipt of such payments may result in the immediate termination of this memorandum of understanding.

The term of this memorandum of understanding shall be for one year. However, this memorandum can be extended upon the mutual consent of all parties. In addition, this memorandum can be terminated earlier upon written notification of either party to that effect.

This Memorandum of Understanding is made and entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mr. Todd Jermstad  
Director  
Bell/Lampasas Counties Community  
Supervision & Corrections Department

\_\_\_\_\_  
Mr. Jonathan Graham  
City Manager  
City of Temple

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING IN THE AMOUNT OF \$7,500, WITH BELL AND LAMPASSAS COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Community Supervision and Corrections Department (CSCD) administers a community service program for the Temple Parks and Recreation Department to help beautify the City;

**Whereas**, CSCD provides supervision for probationers performing community service projects on Saturdays and Sundays for fifty weekends per year - CSCD also provides a van, gasoline, simple tools, trash bags and water during these projects;

**Whereas**, the Parks and Recreation Department has utilized this service for many different projects in the past, ranging from litter removal along trails and streets within Temple, replacing mulch in playground areas, weeding planter areas, beautification projects, and minor park maintenance projects;

**Whereas**, Staff has been very pleased with the community service program and believes it to be a very successful and beneficial relationship for everyone involved;

**Whereas**, funding for this Memorandum of Understanding is authorized in Account No. 110-3500-552-2623; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a Memorandum of Understanding with Bell and Lampasas Counties Community Supervision and Corrections Department in the amount of \$7,500.00, for a community service program for the Temple Parks and Recreation Department.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item 5(T)  
Consent Agenda  
Page 1 of 5

### DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-38: Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.



Figure 1: Aerial Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their August 15<sup>th</sup> meeting, the Planning & Zoning (P&Z) Commission voted 8 to 0 to recommend approval with conditions, as presented by Staff and adding an additional condition to include a privacy fence barrier along the east side of the subject property prior to duplex construction.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval with conditions for a rezoning from the AG zoning district to the PD-2F zoning district:

1. That the proposed Development/Site Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The proposed rezoning is in partial compliance with the Future Land Use Map's Suburban Residential District;
3. The request complies with the Thoroughfare Plan;
4. Public facilities are available to serve the subject property;
5. The request exceeds the minimum lot size (4,000 square feet) in a 2F zoning district as the smallest lot proposed is +/- 8,700 square feet.

Conditions:

1. Substantial compliance with the attached Development/Site plan.
2. Compliance with other items listed in proposed conditions.
3. The applicant shall comply with Oncor's requirements for encroachment into the existing Oncor easement.
4. Construction of a privacy fence barrier along the east side of the subject property prior to duplex construction (P&Z Commission recommendation of this additional condition).

**ITEM SUMMARY:** This request is for a rezoning from the AG zoning district to the PD-2F zoning district to allow for future development of residential uses including duplexes. The subject property is located within the Bluebonnet Ridge Estates Subdivision and is on two lots with a total of 13.39 +/- acres. The property is currently vacant and undeveloped with existing easements.

The applicant proposes to build 32 duplexes (attached Development/Site Plan) with proposed lot width dimensions ranging from 70 to 84 feet and up to 130 feet in depth (with an average lot size of +/- 11,325 square feet). The proposal includes installation of a six foot wide interior sidewalk and +/- 1.5 acres of community green space. The proposal also includes overall neighborhood design, architectural design and landscaping details which is located in the attachments (Edanbra Development, L.C. Proposed Details). These include:

- Monument sign with landscaping at entrance
- Privacy Fence with masonry columns along S. Pea Ridge Road
- HOA maintained yards and common areas
- Fully Sodded yards
- Fully irrigated yards
- Combination of brick, stone, and fiber cement siding on the duplex exteriors

Additionally, the proposal consist of conceptual elevations and floor plans also included in the attachments (Proposed Conceptual Elevations and Floor Plan). Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On August 1, 2016, the DRC met to discuss the proposal. Discussion included existing easements, infrastructure, and future requirements during the platting process. There is an existing 100 foot wide Oncor Transmission easement that intersects the property. The proposal shows utilizing this easement as community greenspace. Any encroachment into Oncor's Transmission easements must be reviewed by Oncor and handled through an encroachment request. There is also an existing 10 foot wide city utility easement that contains an old 2 inch water pipe no longer in use. As part of the platting process, the easement would be required to be abandoned. The applicant is aware of these requirements.

Other important infrastructure requirements will be addressed during the platting process. This includes sufficient right-of-way dedication, looping of waterlines, location of new city utility easements, drainage requirements and others. These details are outlined in the attachments (Pre-DRC Comments). The property will be required to be platted prior to any development of the property. The applicant is aware of this requirement.

The subject property is located within the Bluebonnet Ridge Estates Subdivision. Properties located in this subdivision are subject to restrictions, protective covenants and condition which are included in the attachments (Bluebonnet Ridge Estates Deed Restrictions) and are enforced by private property owners rather than the city. For example, some of the restrictions pertain to:

- Masonry requirements
- Minimum floor areas
- Animal regulations
- Setbacks
- Prohibited junk in yard

A summary table of the subject property and the surrounding properties is located in the attachments (Surrounding Properties & Uses Table).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (CP) and Sidewalk and Trails Plan. A summary table of CP compliance is located the attachments (Comprehensive Plan Compliance Table).

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

In the Future Land Use Map, the subject property is entirely within the Suburban Residential character district. The Suburban Residential designation is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. The applicant's request for a PD-2F zoning district partially complies with the Suburban Residential character district classification as it is proposing mid-size lots that allow for greater separation between dwellings. Also, the proposal includes an emphasis on +/- 1.5 acres of green space. However, it does not partially comply as the proposal is for duplexes and not single-family lots.

#### Thoroughfare Plan (CP Map 5.2)

The subject property is accessed from S. Pea Ridge Road, which is designated as a collector street in the Thoroughfare Plan, which requires 55 feet of right-of-way as well as a 4 foot wide sidewalk along one side of the street. The current width of the right-of-way and pavement is estimated to be: 1) 40 feet and 2) 18 feet. The dedication and sidewalk requirements will take place during the platting process.

This section of S. Pea Ridge is not currently on the Transportation Capital Improvement Program (TCIP) project list. However, City Council TCIP priorities can change based on changing development patterns.

#### Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property with a connection to the Windcrest Subdivision south of the property. Water is available through an existing 8 inch waterline in S. Pea Ridge Road. Public facilities will also be addressed through the platting process as there will likely be extensions of public facilities for the proposal.

#### Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed local connector trail along the southern property line. The Parks Department has indicated that the installation of a 6 foot wide interior sidewalk may comply with the proposed local connector for Trails Master Plan. These improvements will also be addressed during the platting process.



**DEVELOPMENT REGULATIONS:** A summary/comparison table for residential dimensional standards in the AG & 2F zoning districts is located in the attachments (Residential Dimensional Standards Table). On the Proposed Development/Site Plan the smallest lot size is approximately 8,700 square feet which exceeds the required minimum lot size of 4,000 square feet in the 2F zoning district. The proposal also exceeds the minimum lot width of 60 feet by 10 or more feet for each lot.

**UDC, Section 3.4 Planned Development**

This section defines a PD as:

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

**UDC, Section 3.4.5 PD Review Criteria**

A list of regulations is located in the UDC when determining whether to approve, approve with conditions or deny a PD application. The review bodies must consider the following criteria (a conclusive list is located in the attachments):

- Compliance with city codes
- Environmental impact
- Harmony with surrounding area
- Safe vehicular and pedestrian circulation
- Design of streets
- Landscaping
- Open space areas
- Infrastructure

**PUBLIC NOTICE:** There were 31 notices mailed to property owners within 200 feet of the subject property as required by State law and City Ordinance. As of Tuesday, September 16, 2016, two notices were returned in denial of the request (included in the attachments). The newspaper printed notice of the public hearing on August 4, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is scheduled for a first reading on September 15, 2016 and for a second reading on October 6, 2016.

**ATTACHMENTS:**

[Site Photos](#)

[Development/Site Plan](#)

[Edanbra Development, L.C. Proposed Details](#)

[Proposed Conceptual Elevations](#)

[Proposed Conceptual Floor Plan](#)

[Pre-DRC Comments, August 1, 2016](#)

[Bluebonnet Ridge Estates Deed Restrictions](#)

[Comprehensive Plan Summary Table / Residential Dimensional Standards Table](#)

[UDC, Section 3.4 Planned Development](#)

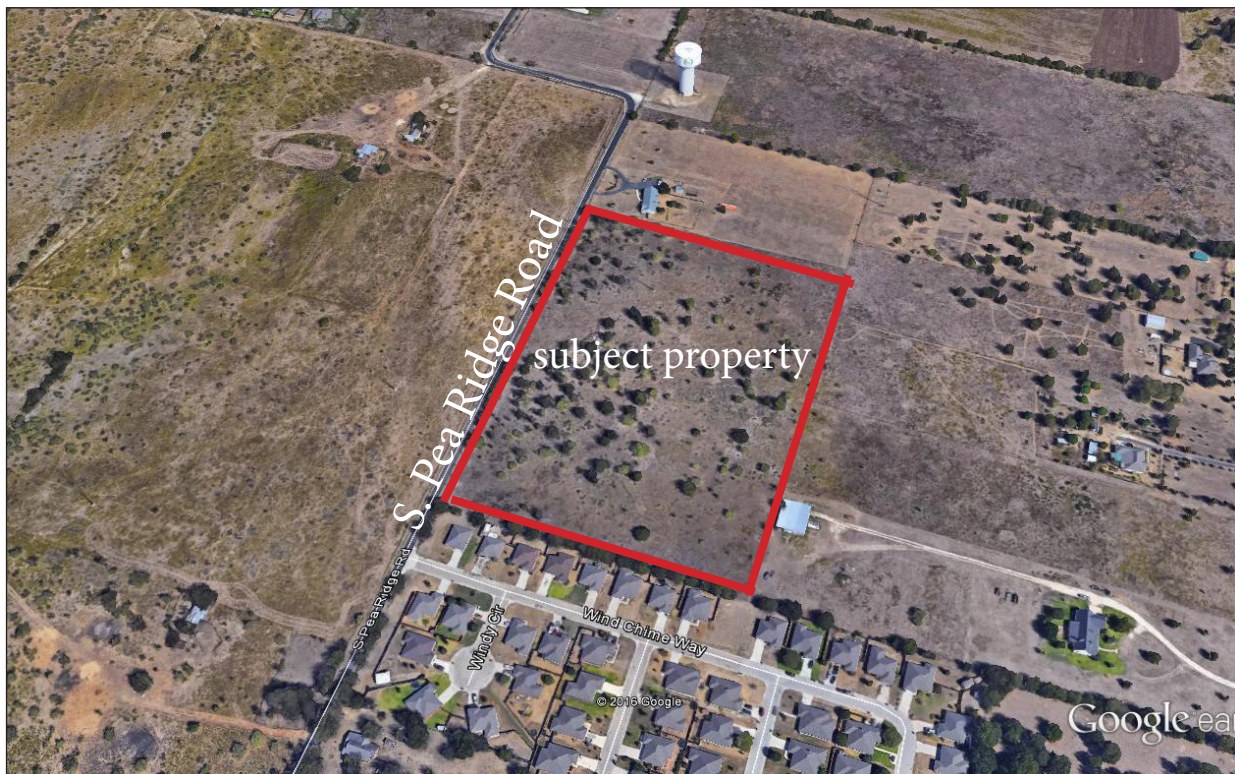
[Aerial Map / Location Map](#)

Zoning Map / Future Land Use and Character Map  
Thoroughfare & Trails Map / Utility Map  
Notification Map  
Returned Property Owner Letters  
Planning & Zoning Commission Excerpts, August 15, 2016  
Ordinance

Site Photos



Looking east into site



Aerial image

Site Photos



Property to the south (single-family residential)



Property to the north (single-family residential)

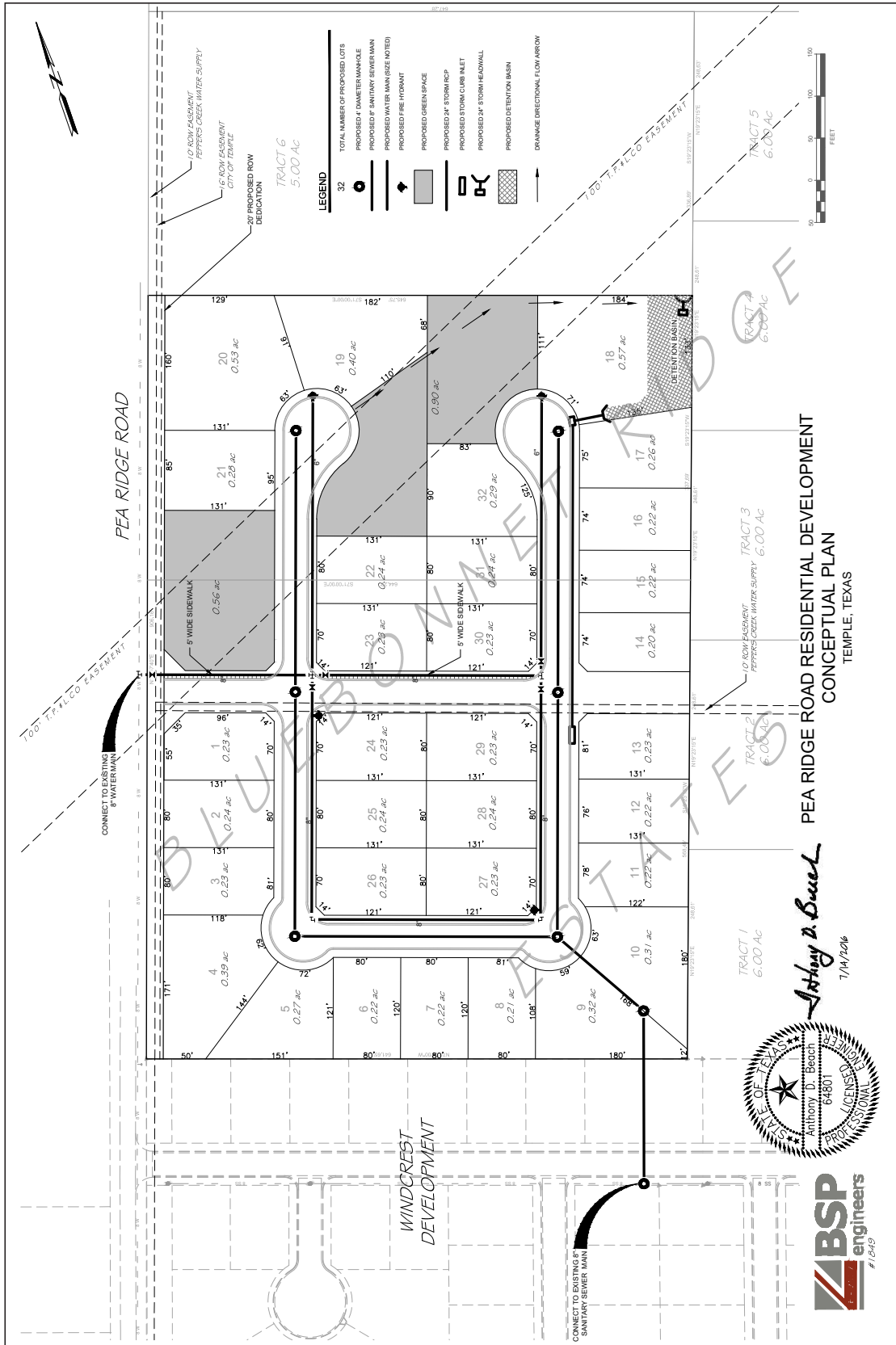
Site Photos



Property to the west (vacant)



Property to the east (single-family residential)



Development/Site Plan

**PEA RIDGE ROAD RESIDENTIAL DEVELOPMENT  
CONCEPTUAL PLAN  
TEMPLE, TEXAS**

Edanbra Development, L.C. Proposed Details

Edanbra Development L.C.

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## **Proposed PD-2F Re-Zoning Pea Ridge RD. Temple, TX**

### **Overall Neighborhood Design**

- Large lots ranging for 70ft to 84ft wide and 130ft deep.
- 5' Sidewalk along main street to accommodate future development
- Installation of Stub-out and 50ft Easement at the end of main road to accommodate for future development to the east.
- Monument sign with landscaping at entrance to define the entrance and create a welcoming characteristic.
- Privacy Fence along S. Pea Ridge Rd. to create barrier between Duplexes and Rd.
- 1.5 (approximately) acres of green space with space to install a community playscape.

### **Architectural Design**

- Combination of Brick , Stone, and Fiber Cement Siding exteriors
- Alternating elevations throughout neighborhood with a variety of rooflines including but not limited to: Gables, Hips, and Eyebrows.

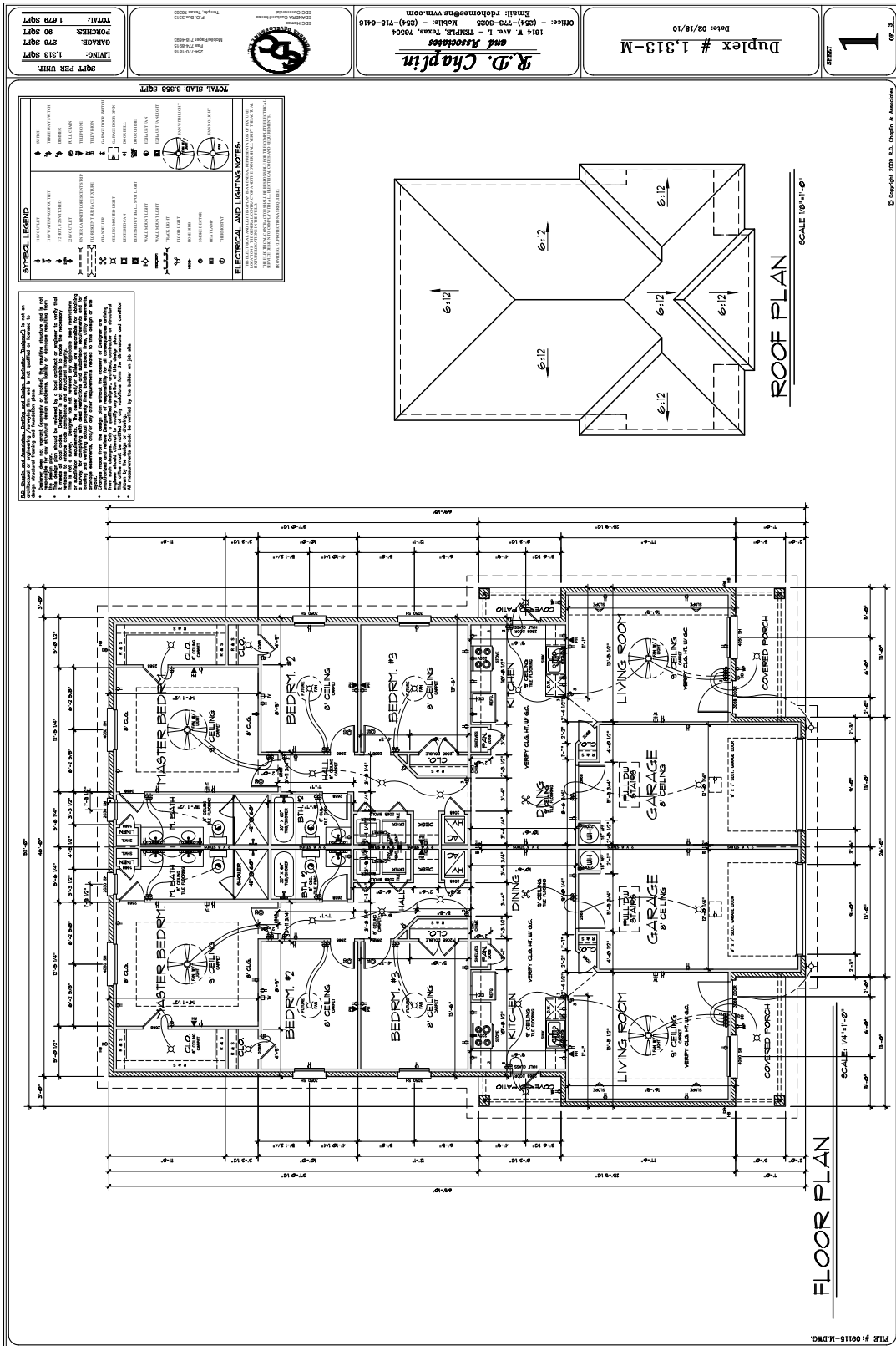
### **Landscaping**

- Fully Sodded yards
- Fully irrigated yards
- HOA maintained yards and common areas
- 2" DBH (diameter-at-breast-height) trees in each yard (2 per lot)

Proposed Conceptual Elevations







Proposed Conceptual Floor Plan

Pre-DRC Comments, August 1, 2016

Pre-DRC Comments

August 1, 2016

Rezoning from AG to PD-2F

Z-FY-16-38

Planning Comments:

- Pea Ridge ROW dedication needs to match ROW dedication for Dove Meadows Phase I (42')
- The east stub out will be required to be built at time of development
- If all comments are addressed now, the plat process should proceed smoothly

Engineering Comments:

- Existing 2" water pipe that runs west-east in Lot, track 7, is no longer in use
  - An application for abandonment could possibly be supported by staff (line would need to be capped off)
- Water lines must be looped
- Need 20' wide utility easements from both cul-da-sacs extending north to the property line
- [Richard Wilson] Some of the existing drainage flows to the southeast. The drainage improvements appear to redirect all flow to the northeast.
- The concentrated flow is then discharged to the property to the north. Please justify.
- [Richard Wilson] Drainage across lot lines is shown. What area flows to the rear yard at the northeast corner?
- A private drainage easement maintained by the HOA will be required.

Legal Comments:

- Provide copies of recorded documents for existing easements within and abutting the proposed PD
- The submitted covenants (Volume 3151/Page 665) do not prohibit re-subdivision. Vacation of a portion of the current plat would require approval of all owners of property in the subdivision. The proposed PD could be submitted for plat approval under Local Government Code Sec. 212.014, replatting without vacating preceding plat. A plat approved under Sec. 212.014 may not attempt to amend or remove any covenants or restrictions.

Parks Comments:

- Need to have a better understanding of what they want to do in the greenspace (will there be any recreational amenities?)
- Proposal would need to show Oncor is in agreement (Oncor could be restrictive on what they may/may not allow)
- Depending on what the applicant plans to do with the space would determine if parks fees could be waived
- If no waiver, park fees would be \$225 per dwelling unit
- The Trails MP shows a proposed local connector along the south side of the property. If there is installation of a 6' wide sidewalk along the entire main road, that will accommodate the Trails MP

Bluebonnet Ridge Estates Deed Restrictions

DEDICATION AND PLAT BLUEBONNET RIDGE ESTATES  
A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION  
OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BELL

KNOWN TO ALL MEN BY THESE PRESENTS:

That We, Henry O. Tomasek and W. C. Patterson, being the owners of the tract of land described in "Exhibit A," which exhibit is attached hereto and made a part of hereof for all purposes, do subdivide said land into tracts to be known as "Bluebonnet Ridge Estates, a subdivision in the extraterritorial jurisdiction of the City of Temple", as shown by the plat thereof attached hereto and made a part hereof, and we do hereby adopt said plat as a subdivision of said land for the purpose of selling tracts of land by reference to said plat.

This Dedication, however, is subject to the following restrictions, protective covenants and conditions which are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2016, at which time said restrictions, protective covenants and conditions shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of said property providing for a change in whole or in part of said restrictions, protective covenants and conditions, shall be executed and recorded in Deed Records of Bell County, Texas:

1. The premises shall be used primarily for residential purposes
2. No mobil home, trailer, tent, shack, garage, barn or other building or structure of temporary character shall be used as a residence temporarily or permanently. No outside toilet shall be allowed on said acreage, or in connection therewith.
3. Each residence shall have a minimum floor area of 1200 square feet, exclusive of porches, stoops, open or closed carports, patios, or garages, and be constructed of 60% masonry. All residences must be constructed of new materials, except that used bricks will be allowed.
4. No prefabricated or pre-built residences will be allowed without the written consent of the seller.
5. Nothing contained within the restrictions shall prevent the buyer from constructing a barn of any material as long as the material is of good quality and the structure is safely constructed and is stained or painted with two (2) coats of paint or stain.
6. There shall not be placed on said acreage any building nearer than 30 feet from the street line, or within 15 feet from the property line and any abutting property owner.
7. On any five (5) acre tract, no more than three (3) large stock animals, (i.e. horses, cows, calves etc.) shall be allowed. NO HOGS will be allowed.

VOL. 315 / PAGE 665

Bluebonnet Ridge Estates Deed Restrictions, continued

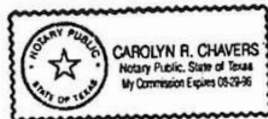
- 8. No junk yard may be maintained on any part of the premises.
- 9. No noxious or offensive activity shall be carried on said acreage, nor shall anything be done thereon which may be or become an annoyance to the neighborhood. All sanitary arrangements must comply with all state and local health laws and regulations.
- 10. No old, used or existing building or structure of any kind and no part of an old, used or existing building or structure shall be moved onto, placed on, or permitted to remain on any tract.
- 11. No unusable or abandoned motor vehicles or machinery shall be permitted on any part of the premises.
- 12. If the owner of said property or any other person, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning real property situated adjacent to or near the said property to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate against such covenants and either prevent him/her or them from doing or to recover damages or other dues for such violation.

WITNESS the execution hereof this 5<sup>th</sup> day of May 1994.

Henry O. Tomasek  
HENRY O. TOMASEK  
W. C. Patterson  
W. C. PATTERSON

STATE OF TEXAS  
COUNTY OF BELL

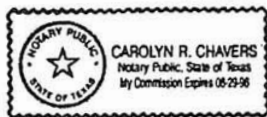
This instrument was acknowledged before me on this the 5 day of May 1994 by Henry O. Tomasek.



Carolyn R. Chavers  
Notary Public, State of Texas

STATE OF TEXAS  
COUNTY OF BELL

This instrument was acknowledged before me on this the 5 day of May 1994 by W. C. PATTERSON.



Carolyn R. Chavers  
NOTARY PUBLIC, State of Texas

Comprehensive Plan Summary Table

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
UDC	UDC, Section 3.4.5 Planned Development Criteria	Yes
CP	Map 3.1 - Future Land Use Map	Partial
CP	Map 5.2 - Thoroughfare Plan	Partial
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Residential Dimensional Standards Table

	<b>Existing Agricultural</b>	<b>Proposed Two-Family</b>
<b>Minimum Lot Size</b>	--	4000 sq ft
<b>Minimum Lot Width</b>	--	60 ft
<b>Minimum Lot Depth</b>	--	100 ft
<b>Front Setback</b>	--	25 ft
<b>Side Setback</b>	--	5 ft
<b>Side Setback (corner)</b>	--	15 ft
<b>Rear Setback</b>	--	10 ft
<b>Max Building Height</b>	--	2.5 stories

-- = use not permitted

UDC, Section 3.4 Planned Development

**Article 3: Development Review Procedures**

Sec. 3.4. Planned Development

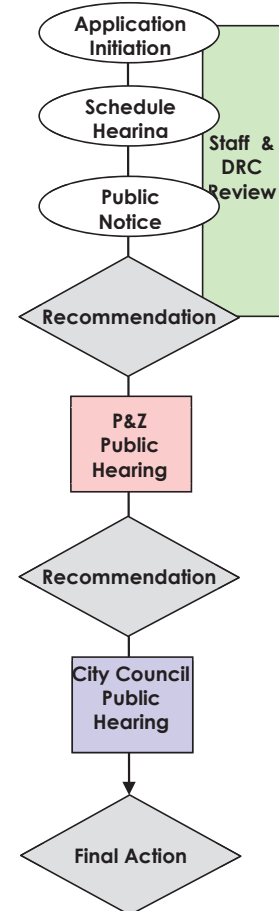
**Sec. 3.4. Planned Development**

**3.4.1 Applicability**

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

**3.4.2 Review Process**

- A. Except as described below, the Planning and Zoning Commission and City Council review of a Planned Development application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. The Director of Planning must review the Planned Development application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the design elements of the submitted Development Plan.
- C. In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.



**3.4.3 Development Plan**

- A. A Development Plan of the entire property within the Planned Development must be submitted concurrently with a Planned Development application.

UDC, Section 3.4 Planned Development, continued

**Article 3: Development Review Procedures**

Sec. 3.4. Planned Development

- B.** A Development Plan may be approved for a portion of a Planned Development district where the district is divided by a major thoroughfare and the Development Plan includes all the property located on one side of the street.
- C.** In approving a Planned Development district, a standard may not be modified unless this UDC expressly permits such modification, and in no case may a standard be modified if this UDC prohibits such modifications.
- D.** Approval of a Development Plan will determine the design elements listed in 3.4.2C above.

**3.4.4 Binding Nature of Approved Development Plan**

Development Plan conditions must be complied with before a Certificate of Occupancy is issued for the Planned Development.

**3.4.5 Review Criteria**

In determining whether to approve, approve with conditions or deny a Planned Development application, the review bodies in Sec. 3.4.2 above must consider the following criteria.

- A.** The plan complies with all provisions of the Design and Development Standards Manual, this UDC and other ordinances of the City.
- B.** The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood is mitigated.
- C.** The development is in harmony with the character, use and design of the surrounding area.
- D.** Safe and efficient vehicular and pedestrian circulation systems are provided.
- E.** Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.
- F.** Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

UDC, Section 3.4 Planned Development, continued

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**Article 3: Development Review Procedures**

Sec. 3.4. Planned Development

- G.** Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
- H.** Landscaping and screening are integrated into the overall site design:
  - 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
  - 2. To complement the design and location of buildings.
- I.** Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.
- J.** Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.

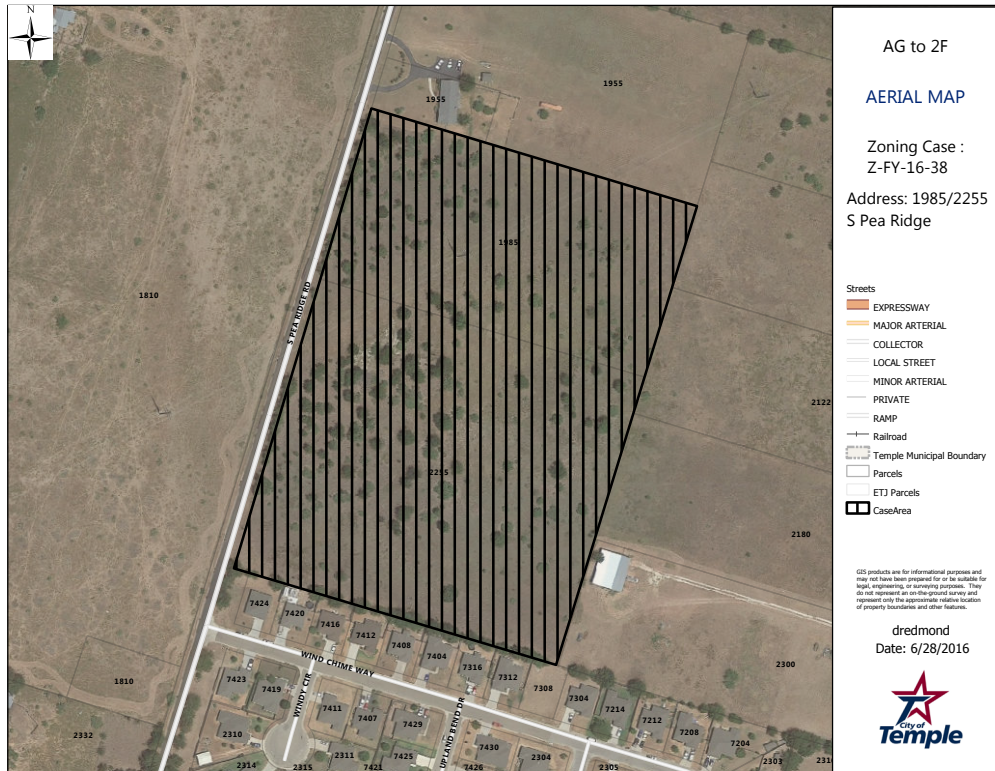
**3.4.6 Modification of Approved Development Plan**

- A.** Consideration of modification to an approved Development Plan must take into consideration the effect of the proposed modification on the remainder of the property. Amendments to the approved Development Plan or any Planned Development conditions which are substantive require public hearings in the routine manner required for a Zoning District Map Amendment.
- B.** The Planning and Zoning Commission and City Council, in approving modifications to the Development Plan or Planned Development conditions, must be guided by the purpose intended by the base zoning district and general intent of this UDC.

**3.4.7 Expiration**

If no development has occurred on a Planned Development zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.

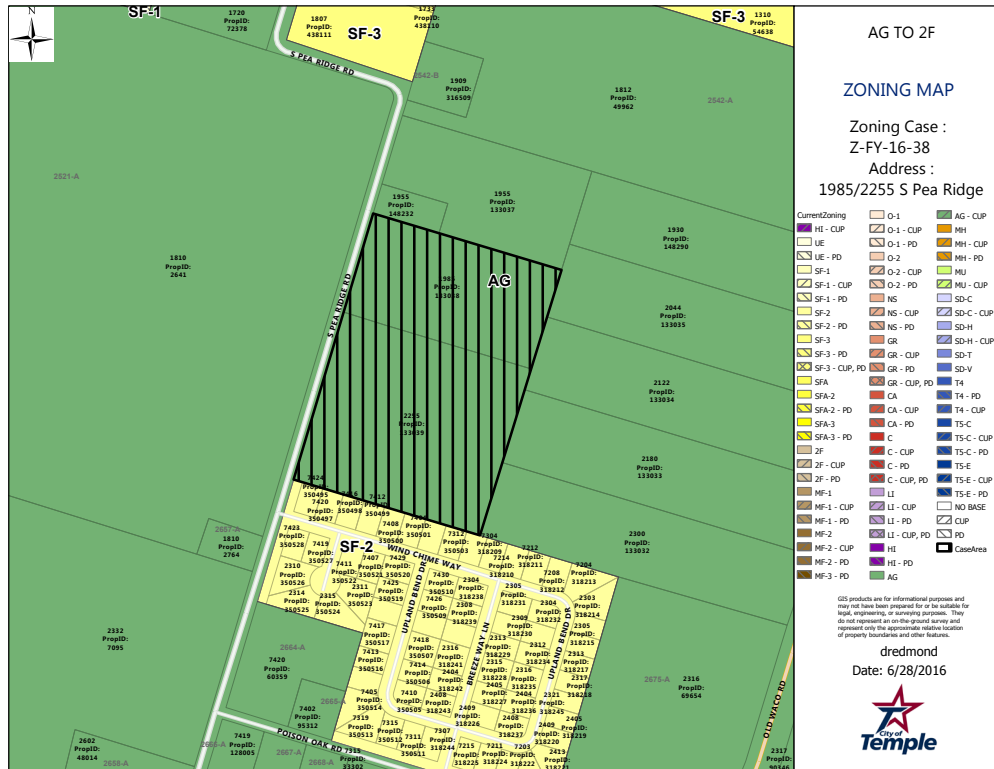




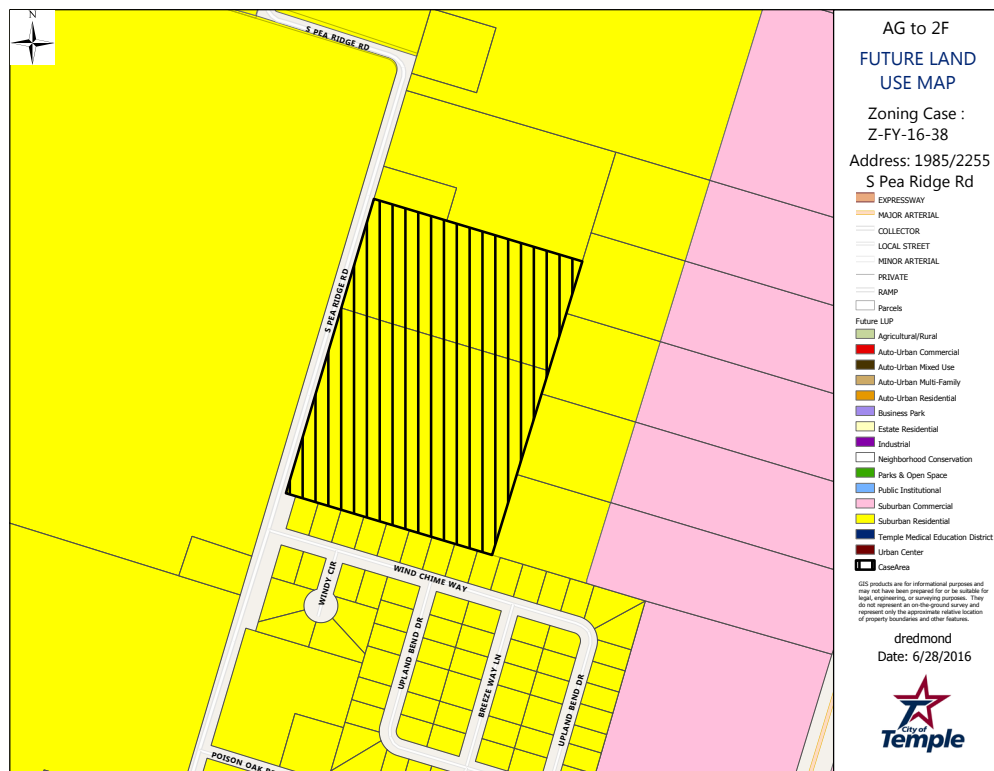
Aerial Map



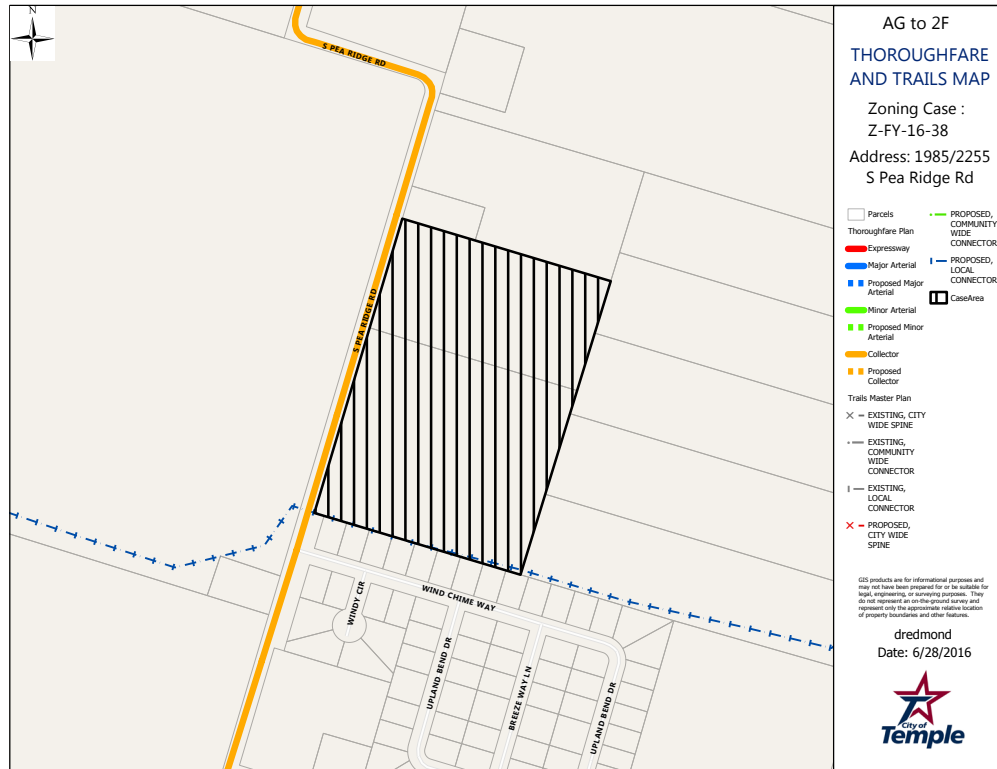
Location Map



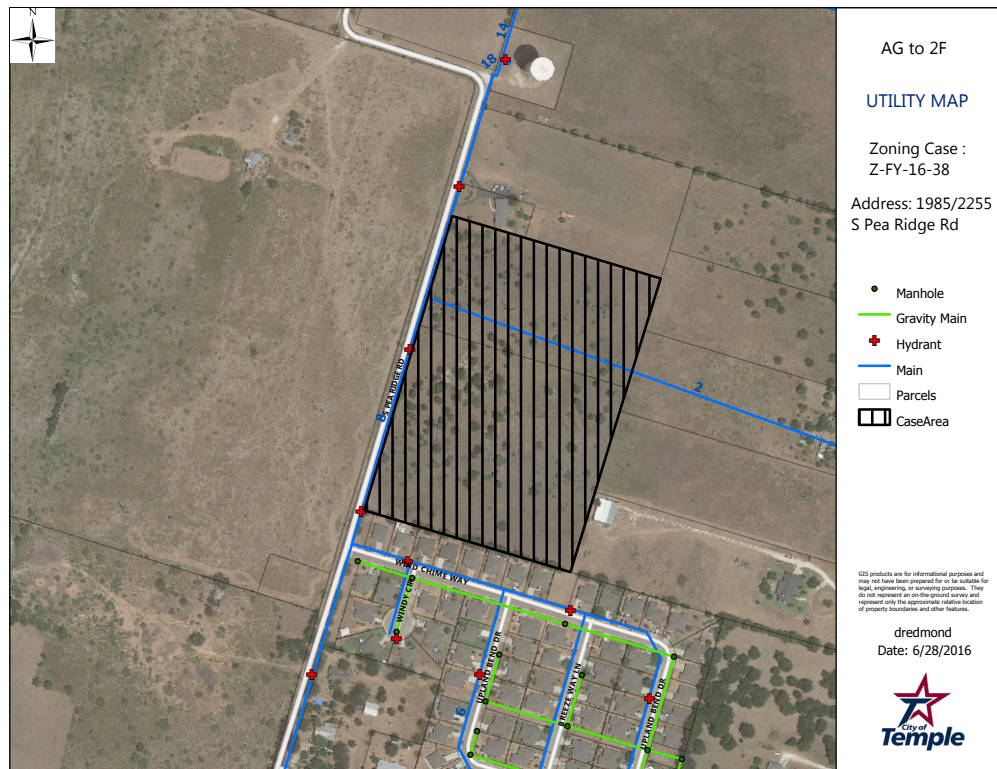
Zoning Map



Future Land Use Character Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Returned Property Owner Letter: Hentschel - Property ID: 148290



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

HENTSCHEL, KURT WALTER  
1930 OLD WACO RD  
TEMPLE, TX 76502-5538

**Zoning Application Number:** Z-FY-16-38

**Project Manager:** Dessie Redmond

Location: 1985 South Pea Ridge and 2255 South Pea Ridge

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

I  agree

disagree with this request

**Comments:**

\*will depreciate

Here we go again, why do you continue to try to put duplexes around here? The value of all the homes in the area. There is a list of restrictions for Bluebonnet Ridge Estates in which stipulates that homes should be single family homes 1500 sq ft and 100% masonry around the outside minimum

Signature

Kurt W. Hentschel  
Print Name

Please email [dredmond@templetx.gov](mailto:dredmond@templetx.gov), mail, or hand-deliver this comment form to the address shown below, no later than **August 15, 2016**.

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

**RECEIVED**  
AUG - 9 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 31

Date Mailed: August 4, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 254-541-3298 and/or Email: kwahcee@att.net

Returned Property Owner Letter: Stewart - Property ID 133032



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

STEWART, JAMES A ETUX PRISCILLA K  
PO BOX 1905  
BELTON, TX 76513-5905

**Zoning Application Number:** Z-FY-16-38

**Project Manager:** Dessie Redmond

Location: 1985 South Pea Ridge and 2255 South Pea Ridge

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

I ( ) agree

disagree with this request

Comments:

**RECEIVED**

AUG 11 2016

City of Temple  
Planning & Development

*See attached paper*

*Kay Stewart*  
Signature

*Kay Stewart James Stewart*  
Print Name

Please email [dredmond@templetx.gov](mailto:dredmond@templetx.gov), mail, or hand-deliver this comment form to the address shown below, no later than **August 15, 2016**.

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

Number of Notices Mailed: 31

Date Mailed: August 4, 2016

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

*Kay Stewart 254-534-1330*

Returned Property Owner Letter, continued: Stewart - Property ID 133032

If they are built, will owner plan to maintain ownership?

Will the owner keep the properties they rent out maintained and looking good?

- i.e. fencing, what “type” of fencing will there be between our property and the proposed duplexes. Wood fencing that I see on Vineyards on Old Waco Rd is in disrepair and not maintained.
- Original deed requirement required 60% masonry on all resident structures also states no more than 3 residences per tract all single family
- We, residences of Bluebonnet Ridge Estates, purchased our tracts based on these deed restrictions.

I have nothing against people who rent, although you usually don't get the type of people who want to maintain lots; lots of noise.

We have grave concerns about our property value.

Congested and dangerous driving situation.

- i.e., both Old Waco Rd and Pea Ridge Rd are over traveled and dangerous do to traffic and to multiple new subdivisions being approved with no road improvement being done.
- They say Old Waco Rd is to be widened and improved; they have being saying this for over 10 years and have done nothing.
- If more subdivisions are approved there will be a fatal accident between a car and a semi-truck in the future and it will be the city's fault for not acting sooner on the road before approving subdivisions.

In general, renters don't participate in their neighborhoods the same way that homeowners do.

Homeowners have a greater ability to effect the kinds of changes that make a neighborhood desirable.

Planning & Zoning Commission Excerpts, August 15, 2016

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 15, 2016**

**ACTION ITEMS**

**Item 2: Z-FY-16-38** – Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) district to Planned Developed Two-Family (PD-2F) district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.

Ms. Dessie Redmond, Planner, stated this item was scheduled to go forward to City Council for first reading on September 15, 2016 and second reading on October 6, 2016.

The applicant and property owner is Brad Dusek. This request is for two lots within the Bluebonnet Estates Subdivision for a total of 13.39 +/- acres and the subject property is currently vacant and undeveloped.

Site photos shown.

Surrounding properties include the Windcrest Subdivision to the south, a single family residence to the north, vacant property to the west, and a single family residence to the east.

The applicant is proposing 32 duplexes with lot widths ranging from 70 to 84 feet and up to 130 feet in depth. The average lot size would be approximately 11,325 square feet with the smallest lot size of 8,700 square feet.

Applicant is proposing single car garages with a combination of exterior façade of brick, stone, and hardy board along with a variety of elevations/rooflines.

An HOA is proposed in order to maintain yards and common areas.

Two two-inch diameter trees would be in each yard/lot with fully sodded and irrigated yards.

An interior six-foot wide sidewalk is proposed which would comply with the Trails Master Plan and approximately a 1.5 +/- acres of community green space that would include a playscape.

An entryway monument sign with landscaping is proposed.

The Unified Development Code (UDC), Section 3.4 Planned Development (PD) defines a PD as:

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

Per UDC, Section 3.4.3 and 3.4.4, a PD requires approval of a Development/Site plan to be submitted which becomes a binding document to the property.



Planning & Zoning Commission Excerpts, August 15, 2016, continued

Zoning map shown.

The Future Land Use and Character Map designate the property as Suburban-Residential which is the same for the surrounding properties. The Comprehensive Plan defines Suburban-Residential as including mid-sized single family lots with an emphasis on green space. The request partially complies with the UDC since the request is for duplexes versus single family lots.

The property is accessed off of South Pea Ridge Road designated as a collector street on the Thoroughfare Plan. Currently the width is inadequate and right-of-way dedication is currently estimated to be approximately 15 feet and will take place during the platting process.

South Pea Ridge Road is not on the current Transportation Capital Improvement Program list (TCIP). The TCIP is a moving document and may shift due to growth.

Since Pea Ridge Road is designated a collector street a sidewalk is required on one side of the road.

A local connector trail along the southern property line is proposed. The applicant is also proposing an interior six-foot wide sidewalk to comply with the Trails Master Plan.

Sewer and water are available to serve the property. Facility extensions are necessary for the property and will be addressed during the platting phase.

The request is in compliance with the UDC, Section 3.4.5 Planned Development Criteria, and the growth and development patterns consistent with the City's infrastructure and public service capacities. The request is in partial compliance with the Future Land Use and Character Map and Thoroughfare Plan.

Site plan shown.

The subdivision would enter off of Pea Ridge Road. The interior sidewalk would connect throughout the neighborhood. There are two existing easements: a 100-foot wide Oncor transmission easement which runs diagonally through the property. Oncor has stipulations as to what may be built in their easements so the shaded areas on the site plan are proposed for community green space. A ten-foot wide City utility easement bisects the property and contains an old two-inch water pipe which is no longer in use. It will require abandonment for the property.

The Development Review Committee (DRC) met on August 1, 2016 and discussed the existing easements and infrastructure. These items will be addressed in more detail during the platting process.

The subject property is located within the Bluebonnet Ridge Estates Subdivision and would be subject to the restrictions, protective covenants, and conditions which include (but not limited to) masonry requirements, minimum floor areas, animal regulations, setbacks, and prohibited junk in yard. These regulations would be enforced by private property owners, not the City.

Thirty-one notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and two notices returned in disagreement.

Planning & Zoning Commission Excerpts, August 15, 2016, continued

Staff recommends approval with the following conditions:

1. The proposal is in substantial compliance with the development/site plan and elevations;
2. It is in compliance with other items listed in proposed conditions (Edanbra Development, L.C., Proposed Details) which include the following:

**Overall Neighborhood Design**

- Large lots ranging from 70 to 84 feet wide and 130 feet deep
- Six-foot sidewalk along main street to accommodate future development
- Construction of stub-out during development and 50 foot easement at the end of main road to accommodate for future development to the east
- Monument sign with landscaping at entrance to define the entrance and create a welcoming characteristic
- Privacy fence with masonry columns along South Pea Ridge Road to create barrier between duplexes and road
- One point five (1.5) approximately acres of green space with space to install a community playscape

**Architectural Design**

- Combination of brick, stone and fiber cement siding exteriors
- Alternating elevations throughout neighborhood with a variety of rooflines including but not limited to, gables, hips, and eyebrows.

**Landscaping**

- Fully sodded yards
- Fully irrigated yards
- HOA maintained yards and common areas
- Two two-inch diameter trees in each yard/two per lot

3. The applicant shall comply with Oncor's requirements for encroachment into the existing Oncor easement.

Chair Jones opened the public hearing.

Mr. Brad Dusek, 8311 FM 2086, Temple, Texas, stated he was the owner and developer of the subject property. Mr. Dusek agreed there would be 32 lots, 64 residences and Bluebonnet Ridge Estates consists of eight lots. The property is between Pea Ridge and Old Waco Road.

Mr. Dusek commented development would probably begin late Fall of 2016, November/December time frame and done in three phases. Mr. Dusek also developed Windcrest Subdivision.

Mr. Dusek explained they wanted larger lots on this proposal along with a play area and some type of walking path where the Oncor easement is located; however, Oncor may have additional requirements.

Planning & Zoning Commission Excerpts, August 15, 2016, continued

Ingress and egress was briefly discussed; however, since discussions with Oncor have not taken place yet it was difficult to give a definite response.

Mr. Dusek stated he would probably sell some of the duplex units and keep some, a combination. An HOA would be created to maintain the property, similar to Sarah's Glenn.

Ms. Kay Stewart, 2300 Old Waco Road, Temple, Texas, purchased her property in 1994. Ms. Stewart is totally against this request especially after seeing the presentation. When people moved to the area they wanted to live in the country with plenty of room and no neighbors or duplexes nearby.

Pea Ridge Road is in very bad shape and very narrow. Bicycles do not have enough room for cars to pass and the area is very dangerous.

Ms. Stewart stated the neighbors she had discussed this request with are not in favor of it due to many concerns such as congestion, dangerous road conditions, traffic, high population, and more subdivisions coming in. The roads do not accommodate the current residents living in the area.

Ms. Stewart is not against duplexes or renters but they do not participate as homeowners would. Since Ms. Stewart's lot is the first tract and this proposal would greatly affect her property especially since Windcrest is also located right next to her. Her property would also abut the proposed subdivision.

Ms. Stewart does not see any good coming out of this request.

Mr. Kurt Hentschel, 1930 Old Waco Road, Temple, Texas, stated his subdivision has a restriction of 1,200 square feet and Mr. Dusek's home do not meet that restriction. The value of the homes will decrease if this duplex subdivision is built.

Mr. Hentschel commented there would be 64 families coming out of one entrance/exit which is a concern. He asked if there were any future plans for the other road and the neighboring owner's property.

Mr. Hentschel shared Ms. Stewart's comments about rental properties and that the area should be improved to increase property values. Mr. Hentschel is against this request.

Mr. Brian Chandler, Director of Planning, addressed some of the questions raised by the speakers. Ms. Redmond's presentation represented the average lot size of 11,325 square feet not the structure size; the developer would need to address the size of the structure. Staff's understanding from the meetings with the developer was that the 1,200 square foot minimum size (per side) would be met.

The road shown on the site plan that connects to the neighbor's property would only occur if that property were ever sold to a developer and a new subdivision were built on that property. Until that occurs no road will be built through there.

When asked what the buildings would cost, Mr. Chandler deferred to the applicant/developer for a response.

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

Planning & Zoning Commission Excerpts, August 15, 2016, continued

The Commission had further specific questions for the developer so the public hearing was reopened.

Mr. Dusek returned for response and stated each unit will be at least 1,200 square feet, maybe 1,250 square feet, three bedroom, two bath, and one car garage for each unit. These lots are also wide—70 to 80 foot wide. This would comply with the restrictions of the subdivision.

Discussion about street parking and width of concrete. Different options are being considered.

Mr. Dusek stated the value of these lots will not bring down property values; it will be a good product and fits in the area.

Mr. Hentschel returned to the podium and asked Mr. Dusek where the water would flow to. Mr. Dusek responded a retention pond in the northeast corner would be designed to hold the water.

Commissioner Sears asked about a barrier on the back side of the property and what would be there. Mr. Dusek replied a wooden fence is typically installed. Mr. Dusek was agreeable to providing additional barriers, such as shrubbery or fence, along the back side in order to partition off the subdivision and address some of the neighbors' concerns.

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

Commissioner Rhoads asked if a road update for Pea Ridge or Old Waco was available.

Mr. Richard Wilson, Deputy City Engineer, responded Old Waco Road Phase 3A was just finished. The next phase will go to Jupiter and extension of Tarver will go under construction in the Fall with phases all the way to I-35 planned.

Mr. Wilson did not believe this section of Pea Ridge Road was planned for expansion. The City tries to build the roads where the demand is the greatest but sometimes the funding is not always available.

Chair Jones stated the Planning and Zoning Commission does not and should not control where the streets are; this would be up to City Council. However, the roads are not built until the population is there. Commissioner Crisp agreed with Chair Jones' comments.

Commissioner Sears made a motion to approve Item 2, **Z-FY-16-38**, as presented with Staff recommendations, including a privacy fence barrier all the way across the east side of the subject property prior to duplex construction and Commissioner Crisp made a second.

*Motion passed: (8:0)*

Commissioner Pitts absent

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

(PLANNING NO. Z-FY-16-38)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT TWO-FAMILY DISTRICT ON APPROXIMATELY 13.39 ACRES OF LOT TRACT 7 AND LOT TRACT 8, BLUEBONNET RIDGE ESTATES AND LOCATED AT 1985 SOUTH PEA RIDGE AND 2255 SOUTH PEA RIDGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Agricultural District to Planned Development Two Family District on lot tract 7 and lot tract 8, Bluebonnet Ridge Estates, located at 1985 South Pea Ridge and 2255 South Pea Ridge, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes, with the condition that a privacy fence barrier be constructed along the east side of the subject property prior to duplex construction.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15<sup>th</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(U)  
Consent Agenda  
Page 1 of 4

### DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-42: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development – General Retail District with conditions, on Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

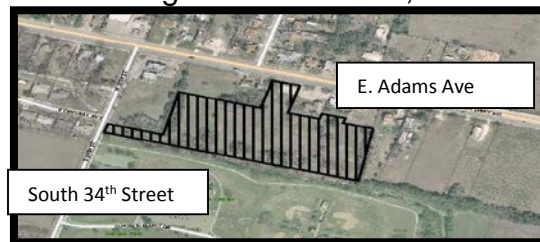


Figure 1; Aerial Location Map

**STAFF RECOMMENDATION:** Based on the following reasons and discussion, staff recommends approval for a rezoning from General Retail (GR) district to General Retail – Planned Development – General Retail (PD-GR) district:

1. A Planned Development retains the underlying base-zoning of General Retail;
2. A storage facility is in compliance with the Future Land Use Map's Auto-Urban Commercial District;
3. An adequately buffered and screened storage facility is compatible with surrounding zoning, existing residential and anticipated general retail service uses;
4. The request complies with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

As a Planned Development, staff recommends the following conditions:

1. That the additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the 6.19 +/- acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. That a detailed development / site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal for a building permit;
3. That existing trees adjacent to Wilson Park on the south be preserved and included in the overall development plan to screen the park from the storage facility.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their August 15, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning from General Retail (GR) district to Planned Development – General Retail (PD-GR) district as presented with staff recommended conditions and amending Condition No. 3 as follows:

Condition #3: To review the existing trees around the property line in total for preservation at the site plan review stage.

During the meeting the Planning & Zoning Commission discussed the merits of landscaping as well as clarification of how specific tree preservation would be accomplished. Staff indicated that a tree survey or other method could be used to identify specific trees that would be suitable for incorporation into the development / site plan. This would be accomplished at the time the development plan is submitted for public review. In addition, noticing to property owners within 200 feet would occur to solicit adjacent property owner input.

Additional discussion focused on the access point at South 34<sup>th</sup> Street being limited to a one-way exit point. Site circulation will be addressed during the review of the development plan.

The applicant / property owner, Daniel Magana indicated publically that he fully supports the alternative of the requested rezoning to a Planned Development to allow for increased buffering of the adjacent residential uses and tree preservation.

**ITEM SUMMARY:** The subject property, Lot 1, is currently undeveloped and contains 6.19 +/- acres. It is being requested for rezoning for a proposed storage facility by a separate investor whose real estate transaction is pending the approval of this rezoning application.

While there are buffering and screening standards provided by UDC section 7.7, as discussed later in this report, they may be inadequate due to the proximity of residential uses and the impacts with potential building placement along the East Adams frontage. Since no site plan has been prepared, a Planned Development will retain General Retail uses while allowing the use as a storage facility to be pursued. This will provide opportunity for design considerations, such as additional screening and buffering, through a publically-reviewed development plan and take into account the existing residences on either side of the subject property.

This section of East Adams Ave has not seen the development demand as other parts of the City and based on rezoning and other development activity in the area, the existing residences may remain for some time adjacent to the storage facility. Further, as a Planned Development with the retained base-zoning of General Retail, the storage facility would be the only additional use. If approved, the allowance of the storage facility would be identified in the rezoning ordinance. The applicant is aware of the recommendation for a Planned Development.

As stated, while there is a pending real estate transaction for development of the property as a storage facility, there are a number of residential and non-residential uses that are permitted by right.

A table comparing the General Retail (GR) and the Commercial (C) district can be found in the attachments.



Prohibited uses include HUD-Code manufactured homes and land lease communities, most industrial uses.

**COMPREHENSIVE PLAN (CP) COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached.

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Auto-Urban Commercial land use district. The Auto-Urban Commercial district is intended for the majority of the areas identified for commercial use, generally concentrated at intersections along the major roads. It should be noted that although this section of East Adams Avenue contains a mixture of existing single-family residential uses, there are established commercial and other non-residential uses along this section of East Adams as well. While this section of East Adams Avenue contains a mixture of residential and non-residential zoning and uses, both the requested C-zoning and the Planned Development are in-compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

Lot 1 takes direct access from East Adams Avenue, a major arterial and South 34th Street, a local street. Access could also be taken through Lot 2 from East Adams Ave, a major arterial. No Thoroughfare Plan compliance issues have been identified and there are no TCIP improvements scheduled through FY 2024.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through an 8-inch sewer line in East Adams Avenue. It is also available from an 8-inch sewer line extended from South 34<sup>th</sup> Street. An 8-inch sewer line is available at the southern boundary that crosses over Little Elm Creek Tributary No. 1. Water is available through a 6-inch waterline in East Adams Ave.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts a proposed City-wide spine trail along East Adams Avenue. Accommodations for a 6-foot along the project's frontage of East Adams Avenue will need to be provided with the construction drawings. The City may participate in the upsizing of the sidewalk / trail to accommodate a 10-foot wide trail.

**DEVELOPMENT REGULATIONS:** While both residential and non-residential setbacks are provided for in UDC Section 4.5, the attached table compares non-residential setbacks in the GR and C zoning districts.

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

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

Further, the development plan will be required to demonstrate compliance with the masonry requirements and the landscape requirements as set forth by UDC Sections 7.4 and 7.8.

**PUBLIC NOTICE:** Twenty-two notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday September 6, 2016 at 9:00 AM, one notice in disagreement has been received. In addition, staff has spoken to a residential property owner immediately adjacent who was supportive of the planned development concept.

The newspaper printed notice of the public hearing on August 4, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos

Final Plat – Daniel A. Magana subdivision (Exhibit A)

List of Maps:

Aerial Map / Location Map

Zoning Map / Future Land Use Map

Thoroughfare & Trails Map / Utility Map

Notification Map

Returned Property Notices

List of Tables:

Permitted Uses

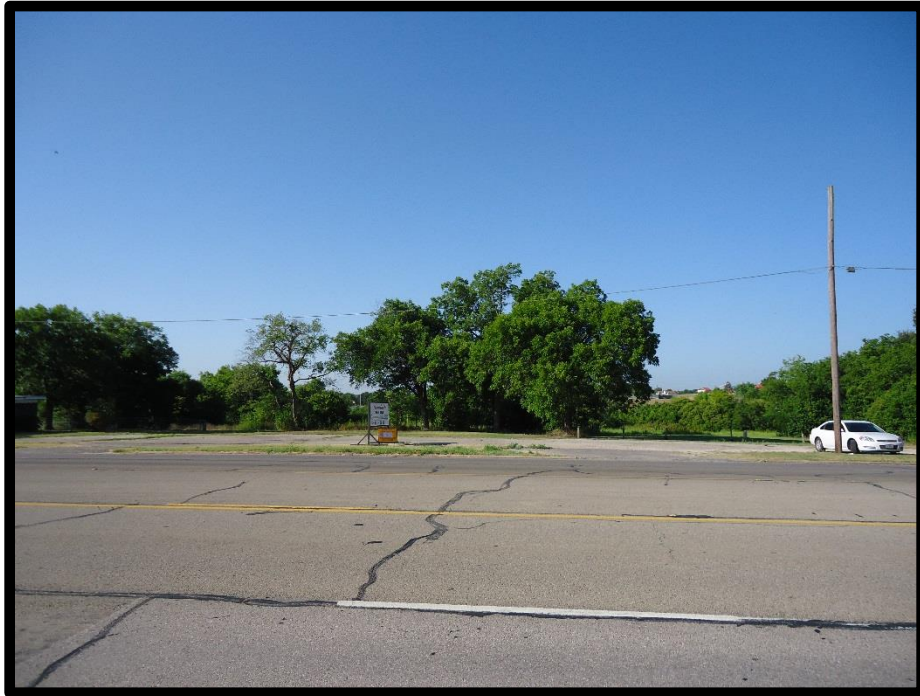
Surrounding Property Uses / Comprehensive Plan Compliance

Development Standards

P&Z Meeting Excerpts (August 15, 2016)

Ordinance

# Site & Surrounding Property Photos



**Site: Undeveloped - Daniel A. Magana, subdivision (GR)**



**Site: Undeveloped – Google Earth Image (GR)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR & C)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR, AG & C)**



**East: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR, AG & C)**



**West: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR)**



**West: South 34<sup>th</sup> Street Frontage  
Daniel A. Magana, subdivision (GR)**

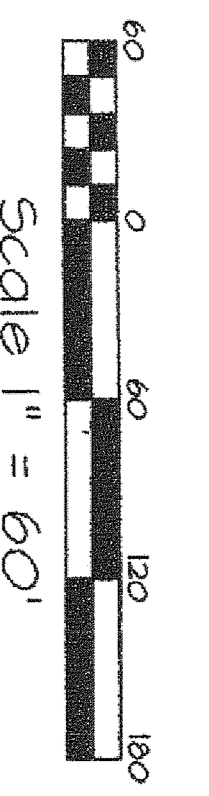
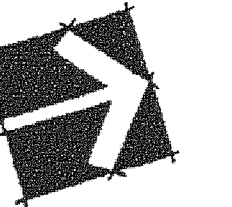


**West: SF Uses across South 34<sup>th</sup> Street Frontage  
Vanicek 2<sup>nd</sup> Addition Replat, subdivision – East Central Ave  
(2F)**



**South: Wilson Park – Trail & Ballfields  
Wilson Community Park, subdivision (AG)**

287-C



STATE OF TEXAS  
COUNTY OF BELL

1. THE UNDERSIGNED BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS DANIEL A. MAGANA SUBDIVISION, AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AMENDING REPLAT OF A PORTION OF LOTS 2, 3, 4 & 5, IN THE WALTON ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND BEING PART OF THE MAXIMO MORENO SURVEY, PART OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, PAVES, EASEMENTS, AND PUBLIC PLACES SHOWN HEREIN WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION

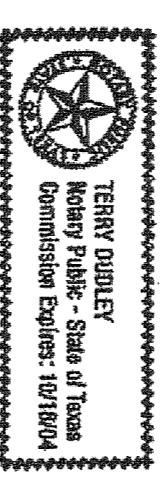
BY: *Daniel Magana*  
DANIEL MAGANA  
DANIEL MAGANA  
TEMPLE, TX 76504

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DANIEL MAGANA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 14th DAY OF April 2002.

*Blair D. Wells*  
BLAIR D. WELLS  
NOTARY PUBLIC, STATE OF TEXAS



HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF DANIEL A. MAGANA SUBDIVISION, AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AMENDING REPLAT OF A PORTION OF LOTS 2, 3, 4 & 5, IN THE WALTON ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND BEING PART OF THE MAXIMO MORENO SURVEY, PART OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, PAVES, EASEMENTS, AND PUBLIC PLACES SHOWN HEREIN WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION OF THE CITY OF TEMPLE, TEXAS.

WITNESSE MY HAND THIS 3rd DAY OF May 2002.

*William E. Gagnier*  
WILLIAM E. GAGNIER  
CITY SECRETARY



ADJUTANT:

The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas, has reviewed this plat and certifies that the same conforms to all laws and ordinances relating to the property described by this plat.

Dated this the 22 day of April, 2002 A.D.

CARL MOORE, City Appraiser  
By: *Shirley L. Linder*, Deputy

STATE OF TEXAS  
COUNTY OF BELL

1. THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER DIMENSIONS COMPARISON HAS BEEN MADE BETWEEN THE DIMENSIONS SHOWN ON THIS PLAT AND THE DIMENSIONS SHOWN ON THE ORIGINAL SURVEY PLANS AND CORRECTIONS, IF ANY, ARE INDICATED THEREON.

*Walter B. Anderson*  
WALTER B. ANDERSON  
Registration Number 800993



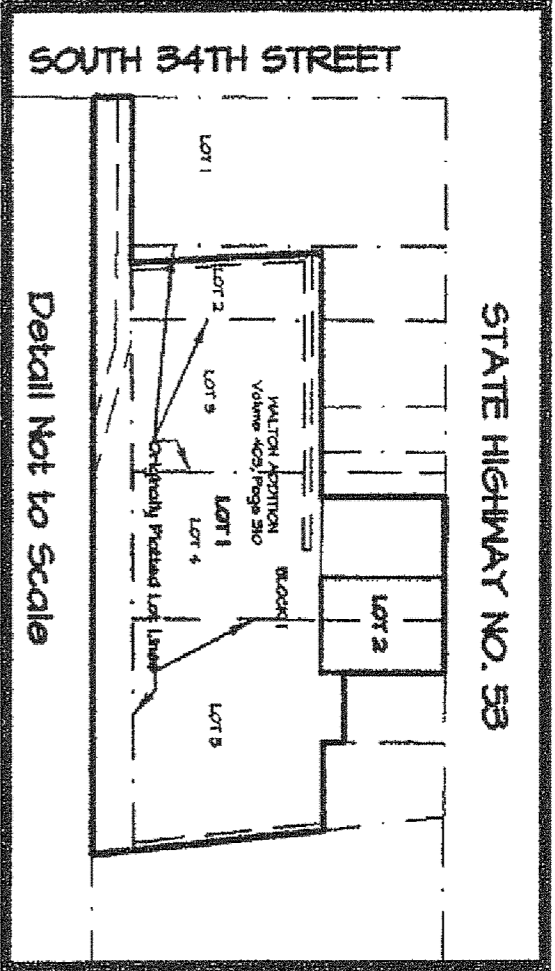
STATE OF TEXAS  
COUNTY OF BELL

1. THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT I HAVE KNOWLEDGE AND BELIEVE THAT THIS PLAT IS TRUE AND CORRECT, THAT I AM A MEMBER IN GOOD STANDING OF THE TEXAS SURVEYORS ASSOCIATION, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN HEREON.

*Chas E. Lusk*  
CHAS. E. LUSK  
Registration No. 4658



ORIGINAL LOT LAYOUT OF  
WALTON ADDITION.



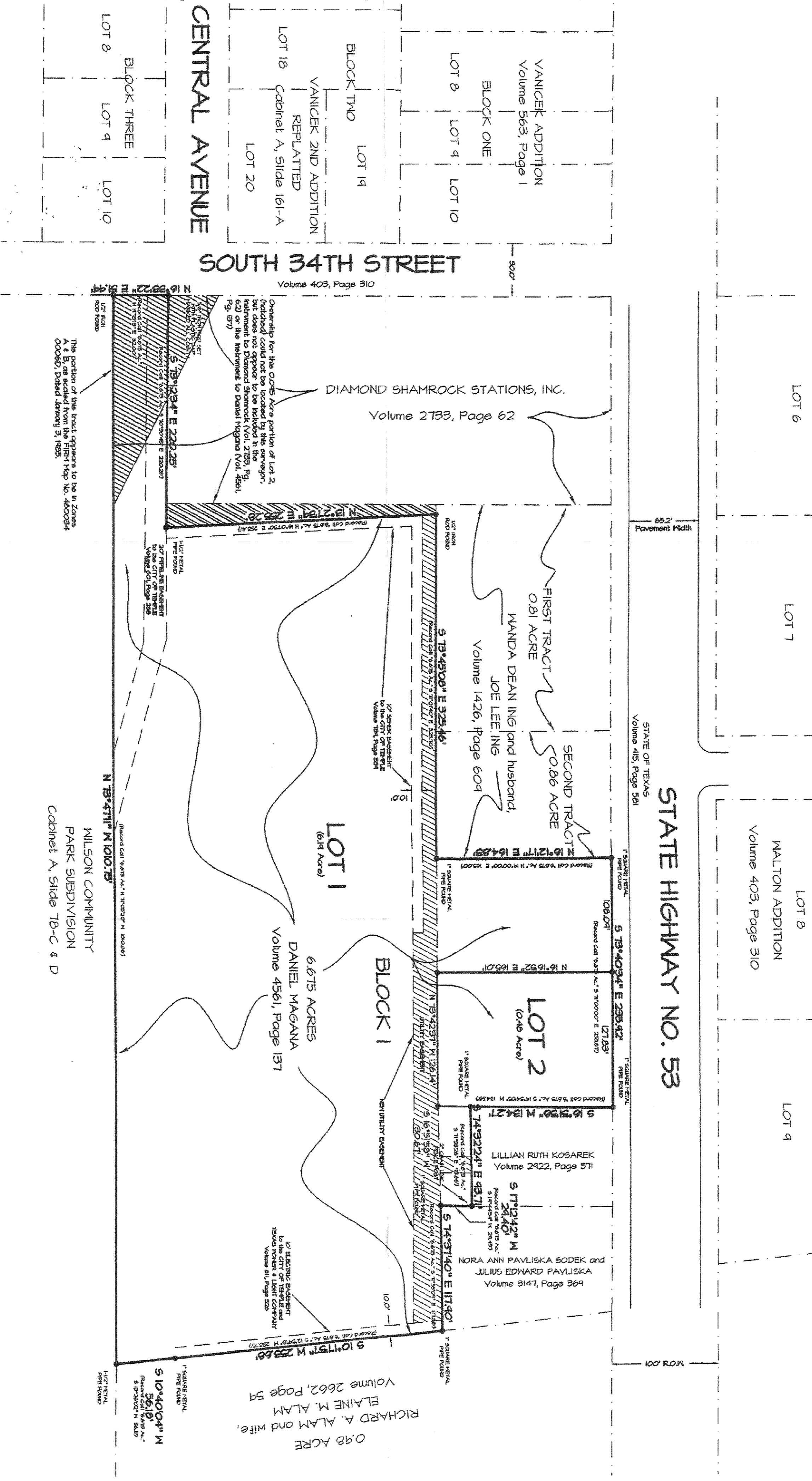
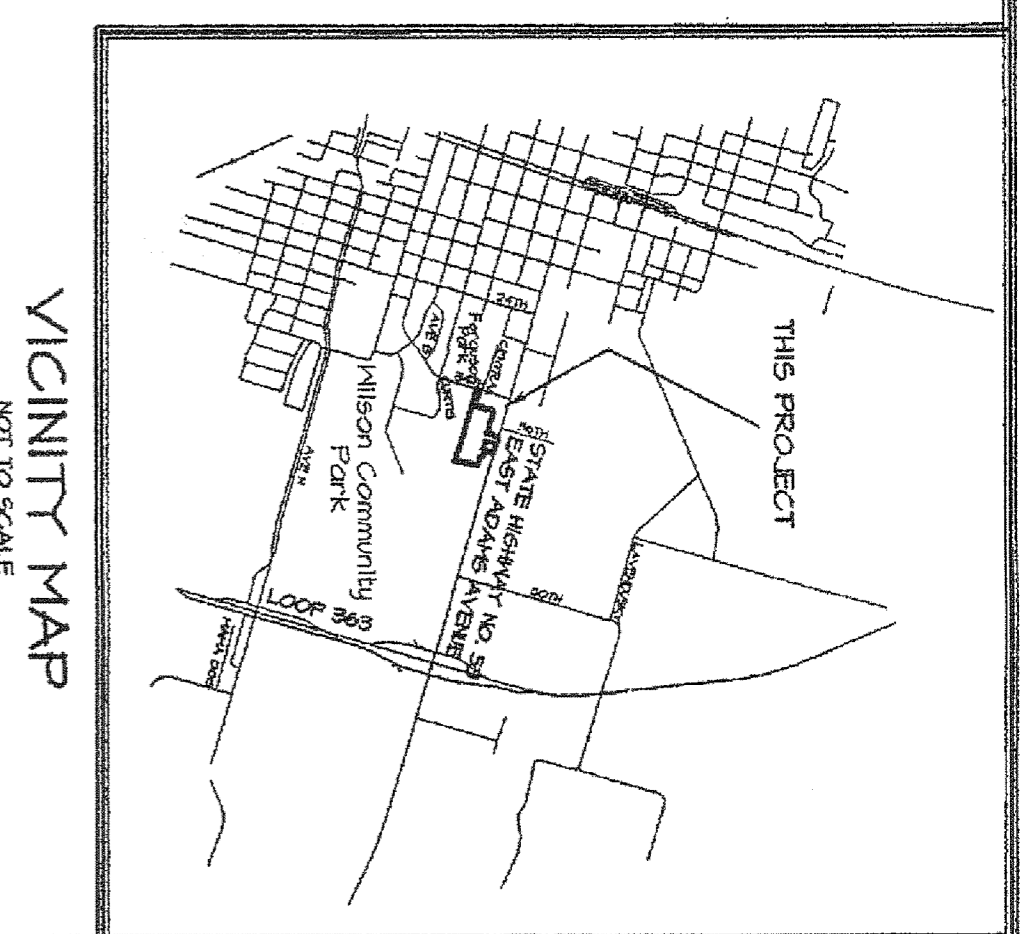
# DANIEL A. MAGANA SUBDIVISION

Final Plat of  
AN ADDITION TO THE CITY OF  
TEMPLE, BELL COUNTY, TEXAS,  
AN AMENDING REPLAT OF A PORTION OF LOTS 2,  
3, 4 & 5, IN THE WALTON ADDITION TO THE CITY  
OF TEMPLE, BELL COUNTY, TEXAS AND BEING  
PART OF THE MAXIMO MORENO SURVEY,  
ABSTRACT NO. 14, BELL COUNTY, TEXAS.

LOTS - TWO (2)  
BLOCKS - ONE (1)  
AREA - 6.67 ACRES

OWNER:  
DANIEL MAGANA  
1826 SOUTH 35TH STREET  
Temple TX 76504

This plat is to accompany a map and  
boundary description of this herein shown  
6.67 acre block.



1. THE UNDERSIGNED DIRECTOR OF PLANNING OF THE CITY OF TEMPLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO THE WATER AND SEWERAGE DEPARTMENT HIGHER PLANS AND APPLICABLE ORDINANCES AND HEREBY RECOMMEND APPROVAL.

*Mickey Baul*  
MICKY BAUL  
Registration No. 485-03

1. THE UNDERSIGNED DIRECTOR OF PUBLIC WORKS OF THE CITY OF TEMPLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, AS APPROVED BY THE CITY COUNCIL, AND HEREBY RECOMMEND APPROVAL.

*T.S. Maff*  
T.S. MAFF  
5-2-02

1. THE UNDERSIGNED CITY ENGINEER OF THE CITY OF TEMPLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, AS APPROVED BY THE CITY COUNCIL, AND HEREBY RECOMMEND APPROVAL.

*Thomas S.M.D.*  
THOMAS S.M.D.  
5-2-02

Job No. 043423  
Date: 02-11-02  
Scale: 1" = 60'  
Drawing No. 043423.dwg  
Drawn By: DMF  
Checked By: CCL #4606

**ALL COUNTY SURVEYING, INC.**  
1303 South 21st Street, Temple, Texas 76504  
(254) 718-2272 FAX (254) 714-1608

Final Plat of  
**DANIEL A. MAGANA SUBDIVISION**  
AN ADDITION TO THE CITY OF TEMPLE,  
BELL COUNTY, TEXAS

REVISIONS:

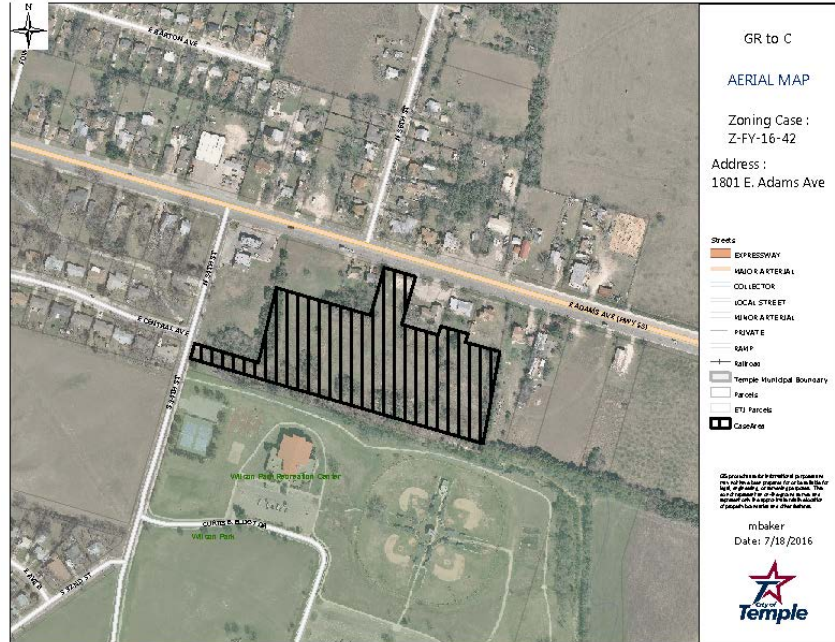
Dedication Vol. 4677 Page 425

287-C

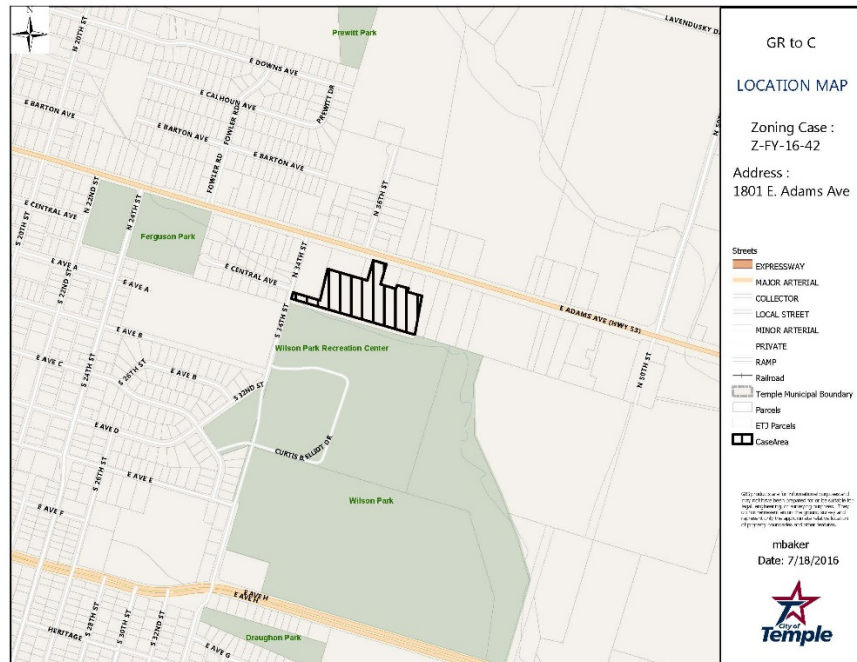


# Maps

## Aerial Map



## Location Map

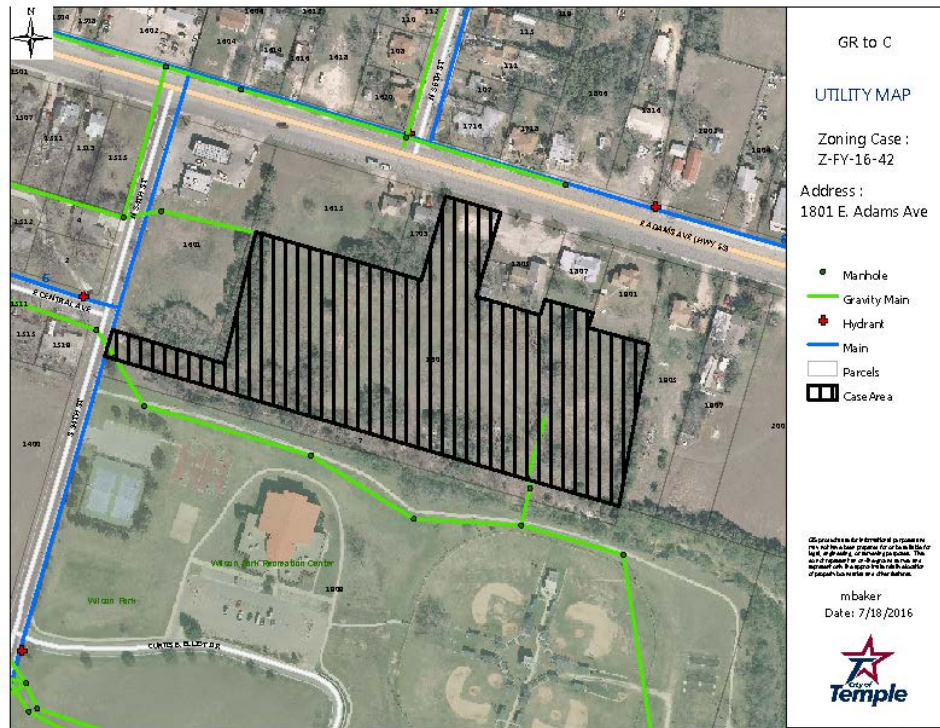




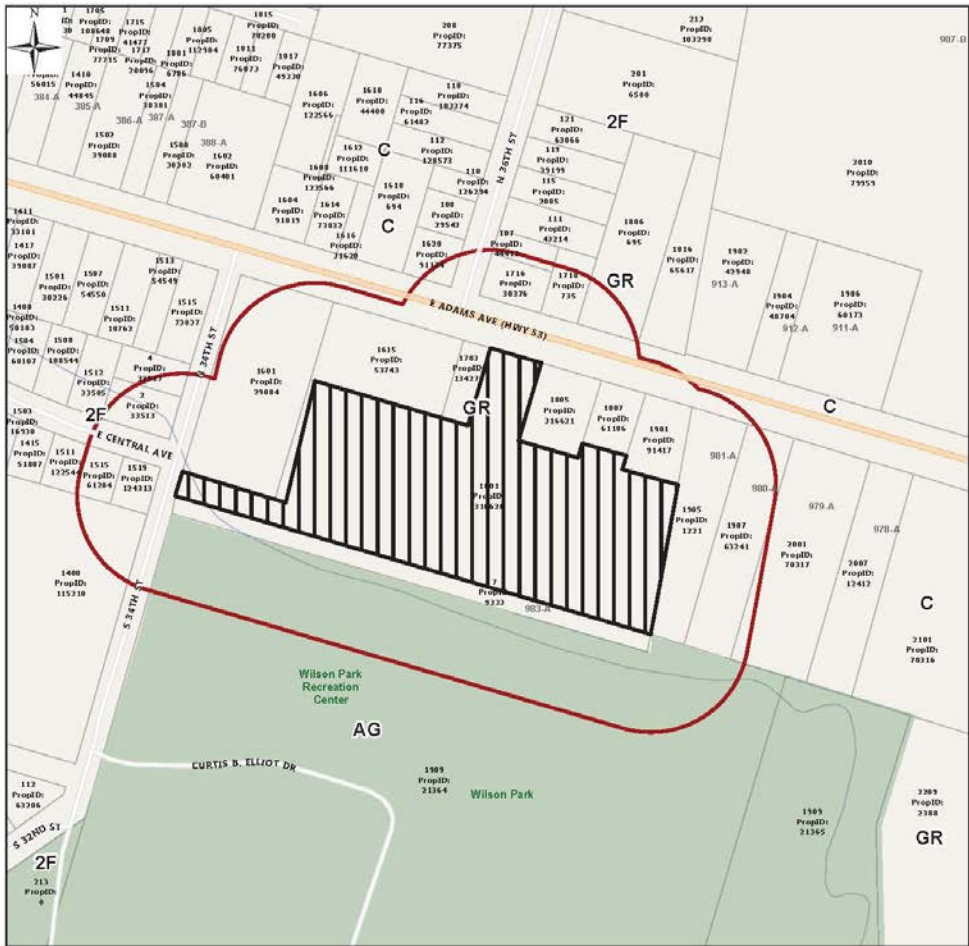
# Thoroughfare & Trails Map



# Utility Map



# Notification Map



GR to C  
 200'  
 NOTIFICATION MAP  
 Zoning Case :  
 Z-FY-16-42  
 Address :  
 1801 E. Adams Ave

(25) 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-site ground survey and represent only the approximate relative location of property boundaries and other features.

mbaker  
 Date: 7/18/2016





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

BURRIER, MAXINE FAYKUS  
1807 E ADAMS AVE  
TEMPLE, TX 76501-4633

**Zoning Application Number:** Z-FY-16-42

**Case Manager:** Mark Baker, Senior Planner

Location: 1801 East Adams Avenue

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

( ) agree

( ) disagree with this request

**Comments:**

I did see the indication for GRS As a home owner I would need to know what the planned use for the property for which the request is being made for. without further information I will be opposed.

Maxine R. Burrier  
Signature

maxine R. Burrier  
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **August 15, 2016.**

**RECEIVED**

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

AUG 18 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 22

Date Mailed: August 4, 2016

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

# Tables

Permitted Uses Table (Comparison between GR & C)

Use Type	General Retail (GR)	Commercial (C)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as GR * Animal Shelter (CUP)
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home (CUP) * Home for the Aged	* Same as GR
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, Package Store (CUP)	* All Retail & Service Uses * Veterinary Hosp. (Kennels (CUP))
Commercial Uses	* Plumbing Shop * Upholstery Shop * Indoor Flea Market * Lithographic or Print Shop	* Bakery / Confectionary * Cabinet Shop * Open Storage of furniture, appliances or machinery
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location * Office Warehouse (CUP)	* Same as GR * Laboratory Manufacturing * Storage Warehouse * Wholesale storage & sales
Recreational Uses	* Park or Playground * All Alcohol (On Premise Consumption) > 75% (CUP)	* Same as GR
Vehicle Service Uses	* Auto Leasing, Rental * Auto Sales - New & Used * Car Wash * Vehicle Servicing (Minor)	* Same as GR
Residential Uses	* With & Without Drive-In	* Same as GR
Overnight Accommodations	* Hotel or Motel	* Same as GR
Transportation Uses	* Emergency Vehicle Service	* Same as GR

### Surrounding Property Uses

<b>Surrounding Property &amp; Uses</b>			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
<b>Site</b>	Auto-Urban Commercial	GR	Undeveloped
<b>North</b>	Auto-Urban Residential	GR & C	Scattered Residences & Existing Businesses
<b>South</b>	Parks & Open Space	AG	Wilson Park
<b>East</b>	Auto-Urban Commercial	AG & C	Scattered Residences & Existing Businesses
<b>West</b>	Auto-Urban Commercial & Neighborhood Conservation	GR & 2F	Scattered Residences & Existing Businesses

### Comprehensive Plan Compliance

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

### Development Standards

	<u>Current (GR)</u>	<u>Proposed (C)</u>
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	15 Feet	30 Feet Centerline (UDC Sec. 4.4.4F.d)
Side Setback	10 Feet	10 Feet
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	0 Feet	0 Feet
Max Building Height	3 Stories	* ALH
* ALH - Any Legal Height not Prohibited by other Laws		



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 15, 2016**

**ACTION ITEMS**

**Item 3: Z-FY-16-42** - Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) District to Commercial (C) District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on September 15, 2016 and second reading on October 6, 2016.

This is a rezoning request for 6.19 +/- acres for a proposed storage facility and would be located within Lot 1 which includes two frontages; one on East Adams and one on South 34<sup>th</sup> Street. The subject property is adjacent to several residential uses and Staff is recommending through a Planned Development (PD) the need for enhanced buffering, screening, and site design oversight.

Consideration as a PD would provide opportunities for:

Enhanced Screening

Tree Preservation

Retain GR base-zoning

Site Design

Public review of development / Site Plan (P&Z and City Council)

Development demand along this section of East Adams is not as high as other parts of the City so the residential uses could remain adjacent to the facility for an unforeseeable future before transitioning to another service or use.

Zoning map is shown.

The C zoning permits storage facilities as well as other uses which may be undesirable at this location. The GR pertains to existing retail and service uses. Through the PD, the existing retail and service uses would be retained and allows public oversight of site design and increases compatibility with the area.

The Future Land Use and Character Map designates this property as Commercial which provides opportunity for office, retail service, and commercial uses, supports storage facility and supports both C and PD-GR zoning.

Auto-Urban Residential is across East Adams and supports Single Family (SF) and Single Family Attached (SFA) zoning which currently exists in the area.

Parks and Open Space include Wilson Park.

Water and sewer are available to serve the property.

The Thoroughfare Plan designates East Adams Avenue as a major arterial and South 34<sup>th</sup> Street is a local street. No anticipated TCIP improvements are funded or scheduled for either of these roads.

A community wide connector trail is located on the western boundary of the subject property and a proposed city-wide spine trail will be located along East Adams.

Surrounding properties include scattered residential and non-residential uses along East Adams Avenue zoned GR and C to the north, scattered residential and non-residential uses zoned GR, AG and C to the east, scattered residential and non-residential uses zoned GR to the west, and Wilson Community Park zoned AG to the south.

Comparisons between allowed and prohibited uses in GR and C, along with current and requested development standards.

Twenty-four notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and zero notices returned in disagreement. For the record, Mr. Baker did speak with the property owner to the immediate west of one of the residences and discussed the alternate recommendation Staff would present between GR zoning and the PD. The property owner was not supportive of the Commercial zoning; however, did feel the PD with some of the opportunities available was a better option. No formal correspondence has been received to support this information.

The rezoning request is compatible with the PD retaining the underlying GR based zoning, the Future Land Use and Character Map, the Thoroughfare Plan, surrounding uses and zoning with adequate screening and buffering for existing residential and non-residential uses, and public facilities are available to serve the property.

Staff recommends approval of the proposed storage facility as a Planned Development - Rezoning from General Retail "GR" District to Planned Development – General Retail "PD-GR" District, subject to the following three conditions:

1. That the additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the 6.19 +/- acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. That a detailed development/site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal for a building permit; and
3. That existing trees adjacent to Wilson Park on the south and the adjacent residential uses be preserved and included in the overall development plan to screen the storage facility.

Mr. Baker confirmed there is no current site plan. The sale of the property is pending on the rezoning so site design has not been prepared. The existing trees will be incorporated into the site plan.

No discussion has taken place with the applicant or representative of the storage facility to indicate whether the narrow strip off of 34<sup>th</sup> Street would provide ingress or egress. That is something the site plan approval process would cover.

Vice-Chair Johnson wanted clarification on how it would be determined what trees would stay or go since the current information was rather vague.

Mr. Chandler responded by citing a recent case that came before the Planning & Zoning Commission where, at the site plan stage, Staff worked with the applicant to identify and determine which trees would stay for screening. The goal was to preserve the trees that provide screening. Mr. Chandler suggested the P&Z Commission could make a recommendation regarding all of the trees and how the screening would be affected for the perimeter and both residential and non-residential uses.

It was asked if there would be long-term effects from putting a PD on a GR zoning to allow storage facilities as opposed to letting the zoning go to Commercial since the use is not allowed in GR. Mr. Chandler responded he felt this was a good thing; the market for storage facilities are here and people want to build them. If this sets a precedent it would be a good precedent especially having the ability to evaluate a site plan and look beyond the standard code. For example, if the property were just rezoned to C and the storage building was built right up to the property line, the impact would be much different to the surrounding area and neighbors than to have a negotiated PD which could help restrict unwanted end results. The PD allows a case-by-case evaluation and for negotiation of standards that may not be applicable from a general based zoning perspective.

The Planning Department and the Development Review Coordinator work together to try and enforce preservation of trees. This can be done both with aerial maps and from ground level. If a PD is attached Staff has more ability to help protect the neighborhoods.

Mr. Chandler suggested the wording on the motion could be done by amending Condition No. 3 to evaluate all perimeter trees for proper screening and buffering. Staff has no site plan available so the objective is to screen the use from surrounding neighbors, park visitors, the public right-of-way where appropriate, and provide Staff with reasonable interpretations of the Code.

Discussion about setbacks and maintenance of the areas.

Mr. Baker confirmed the PD would apply only to Lot 1 which would specifically allow the storage facility.

Chair Jones opened the public hearing.

Mr. Daniel Magana, 1116 Wildwood, Temple, Texas, stated he was the owner of the subject property and would like to rezone the property for potential buyers who are interested in having a storage facility. Mr. Magana agrees with and likes the idea of GR zoning with a PD in order to keep the tree line and prevent the facility from being built on the property line.

Mr. Rick Vidro, 4 North 34<sup>th</sup> Street, Temple, Texas, stated a laundromat was being constructed near the Valero and the small road going to 34<sup>th</sup> Street will be located on the back side of that laundromat. Mr. Vidro has concerns because he has recently observed individuals using the lot across from Valero as a hang out and Mr. Vidro's house is the only house on 34<sup>th</sup> Street. Mr. Vidro likes the idea of a storage facility.

Mr. Baker confirmed the site plan would be coming back.

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

Vice-Chair Johnson made a motion to approve Item 3, **Z-FY-16-42**, as presented with Staff recommended conditions, and amending Condition No. 3 to review the existing trees around the property line in total for preservation at the site plan review stage. Commissioner Alaniz made a second.

*Motion passed: (8:0)*

Commissioner Pitts absent

ORDINANCE NO. \_\_\_\_\_  
(PLANNING NO. Z-FY-16-42)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL DISTRICT TO PLANNED DEVELOPMENT – GENERAL RETAIL DISTRICT ON LOT 1, BLOCK 1, DANIEL A. MAGANA SUBDIVISION, LOCATED AT 1801 EAST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a rezoning from General Retail District to Planned Development – General Retail (PD-GR) District on Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 3:** As a Planned Development, the following conditions apply:

1. The additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the approximately 6.19 acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. A detailed development/site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal of a building permit; and
3. Review of the existing trees around the property line in total for preservation at the site plan review stage.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15<sup>th</sup>** day of **September**, 2016.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/06/16  
Item #5(V)  
Consent Agenda  
Page 1 of 1

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

Dessie Redmond, Planner

**ITEM DESCRIPTION:** A-FY-16-08: Consider adopting a resolution authorizing the abandonment of a 20 foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas.

**STAFF RECOMMENDATION:** Staff recommends approval of the abandonment of a 20 foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas, and is more particularly described in Exhibit A. This is a recommendation for approval since the easement contains no existing public facility or utilities and is not used for other public services or access.

**ITEM SUMMARY:** The applicant, Jeff Byrd and Tom Vincent, submitted a request on behalf of Wapiti Investment Properties, LLC, for the abandonment of a 20 foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas, and is more particularly described in Exhibit A to this resolution. The purpose of this abandonment is to accommodate proposed retail and office uses that were approved by Ordinance No. 2016-4780 for a Planned Development District.

Planning staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to abandoning the easement because it is not needed for other public services.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Exhibit A](#)

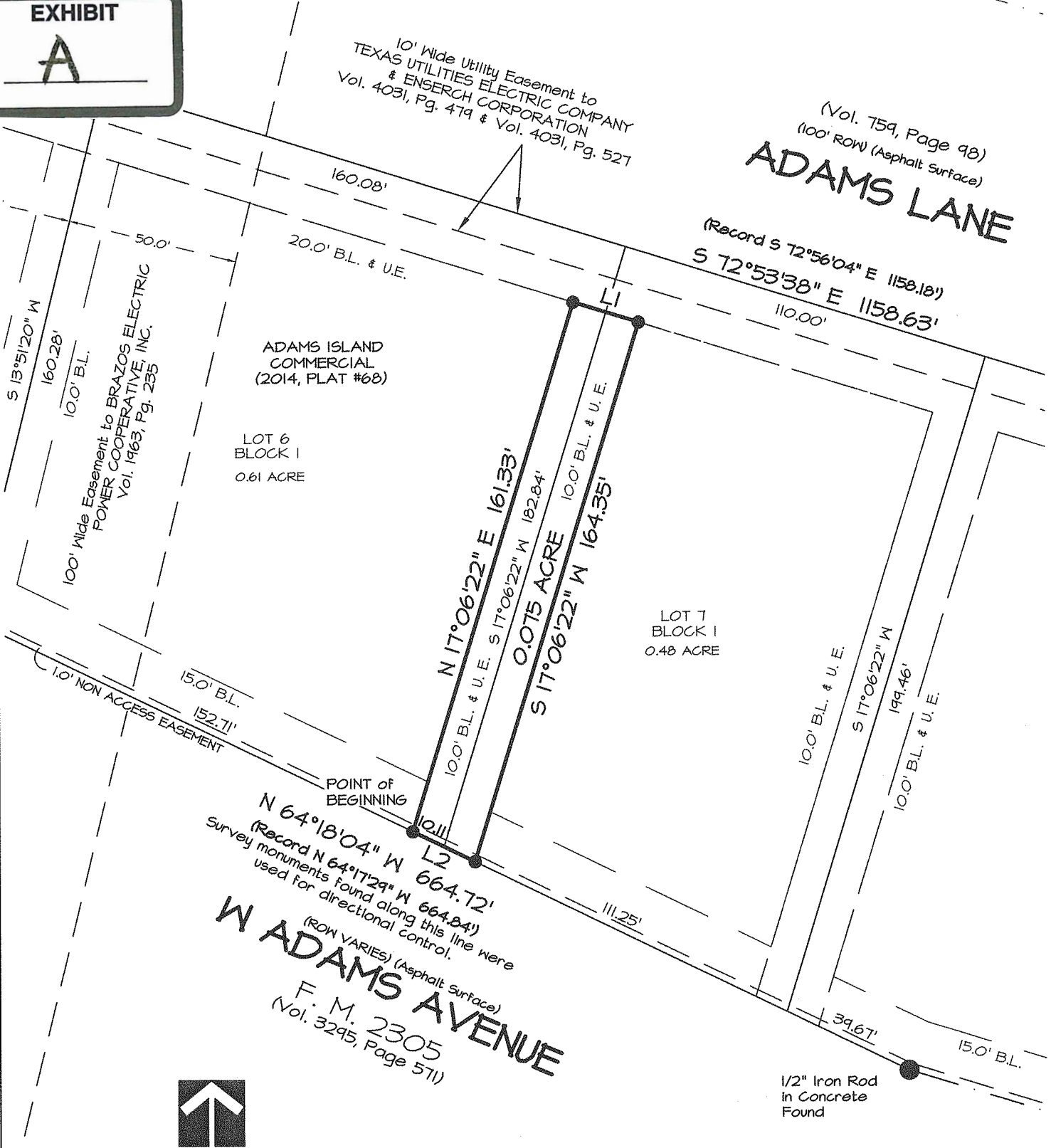
[Ordinance No. 2016-4780](#)

[Resolution](#)

Survey showing 0.075 ACRE, being a Portion of LOT SIX (6), BLOCK ONE (1) and a portion of LOT SEVEN (7), BLOCK ONE (1), of ADAMS ISLAND COMMERCIAL, in the City of Temple, Bell County, Texas, according to the plat of record in Year 2014, Plat# 68, Plat Records of Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.075 Acre tract.

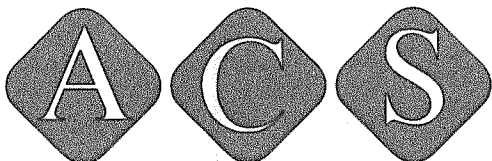
EXHIBIT  
A



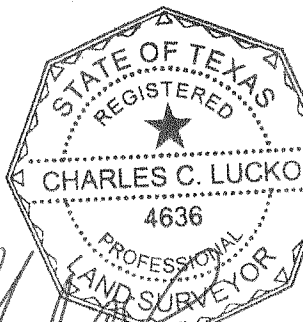
● Denotes Calculated Point

LINE	BEARING	DISTANCE
L1	S 72°53'38" E	20.00'
L2	N 64°18'04" W	20.23'

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



**ALL COUNTY SURVEYING, INC.**  
1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-1608  
Tx. Firm Lic. No. 10023600



*Charles C. Lucko*

Survey completed: 03-15-2016  
Scale: 1" = 40'  
Job No.: 160178  
Dwg No.: Esmt Abandonment  
Drawn by: MDH  
Surveyor: CCL # 4636  
Copyright 2016 All County Surveying, Inc.

Plot Date: 10-06-2015



ORDINANCE NO. 2016-4780

(PLANNING NO. Z-FY-16-27)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2005-4025 FOR THE EXISTING PLANNED DEVELOPMENT-GENERAL RETAIL DISTRICT WITH THE PLANNED DEVELOPMENT SITE PLAN FOR LOTS 6 & 7, BLOCK 1, ADAM'S ISLAND COMMERCIAL SUBDIVISION, FOR A NEW BUILDING WITH PARKING LOT AND SIDEWALKS, NEW WATER AND SEWER SERVICES, AND NEW STORM SEWER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, this Planned Development site plan request is associated with property located on lots 6 and 7, block 1, Adam's Island Commercial Subdivision - the original Planned Development (General Retail) District for this property, approved by Ordinance No. 2005-4025, did not include a Planned Development site plan for this portion of the Planned Development;

**Whereas**, the applicants are requesting the City amend the existing Planned Development-General Retail District for this property, approved by Ordinance No. 2005-4025, to allow construction of a new retail building with parking lot and sidewalks, new water and sewer services, and new storm sewer;

**Whereas**, the Planning and Zoning Commission recommended on May 2, 2016, that Ordinance No. 2005-4025, be amended to allow construction of a new retail building and parking lot - the proposed site plan not only exceeds parking space requirement, it also exceeds the 5% landscaping plan requirements for non-residential development, per the Unified Development Code, and is consistent with the adjacent site plan for lot 1 through lot 5; and

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

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

**Part 1:** The City Council amends Ordinance No. 2005-4025, to allow construction of a new retail building with parking lot and sidewalks, new water and sewer services, and new storm sewer associated with property located on lots 6 and 7, block 1, Adam's Island Commercial Subdivision that is more particularly described in field notes attached as Exhibit A to this Ordinance.

**Part 2:** The City Council approves the Planned Development site plan depicted in Exhibit B to this Ordinance, and the Planning Director is authorized to approve minor changes to the elements of the site plan, including but not limited to screening, buffering, landscaping, signage, exterior building materials, building elevations and modification of the overall site layout. Substantial changes require approval by City Council.

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

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

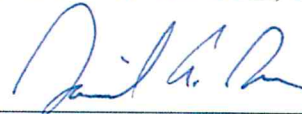
**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 2<sup>nd</sup> day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the 16<sup>th</sup> day of **June**, 2016.

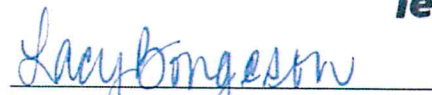
THE CITY OF TEMPLE, TEXAS



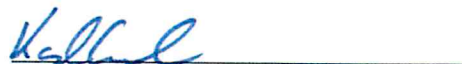
DANIEL A. DUNN, Mayor

ATTEST:



  
Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

  
Kayla Landeros  
City Attorney

# EXHIBIT A

## PD-GR Site Plan

Zoning Case :  
Z-FY-16-27

Address :

9100 & 9108 Adams Ln

Current Zoning	0-1	AG - CUP
HI - CUP	0-1 - CUP	MH
UE	0-1 - PD	MH - CUP
UE - PD	0-2	MH - PD
SF-1	0-2 - CUP	MU
SF-1 - CUP	0-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	CaseArea
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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

tlyerly

Date: 4/20/2016



8850  
PropID:  
63067

ADAMS LN

9121  
PropID:  
457397

9201  
PropID:  
457396

9219  
PropID:  
457395

9108  
PropID:  
447358

9101  
PropID:  
457398

GR

9017  
PropID:  
457400

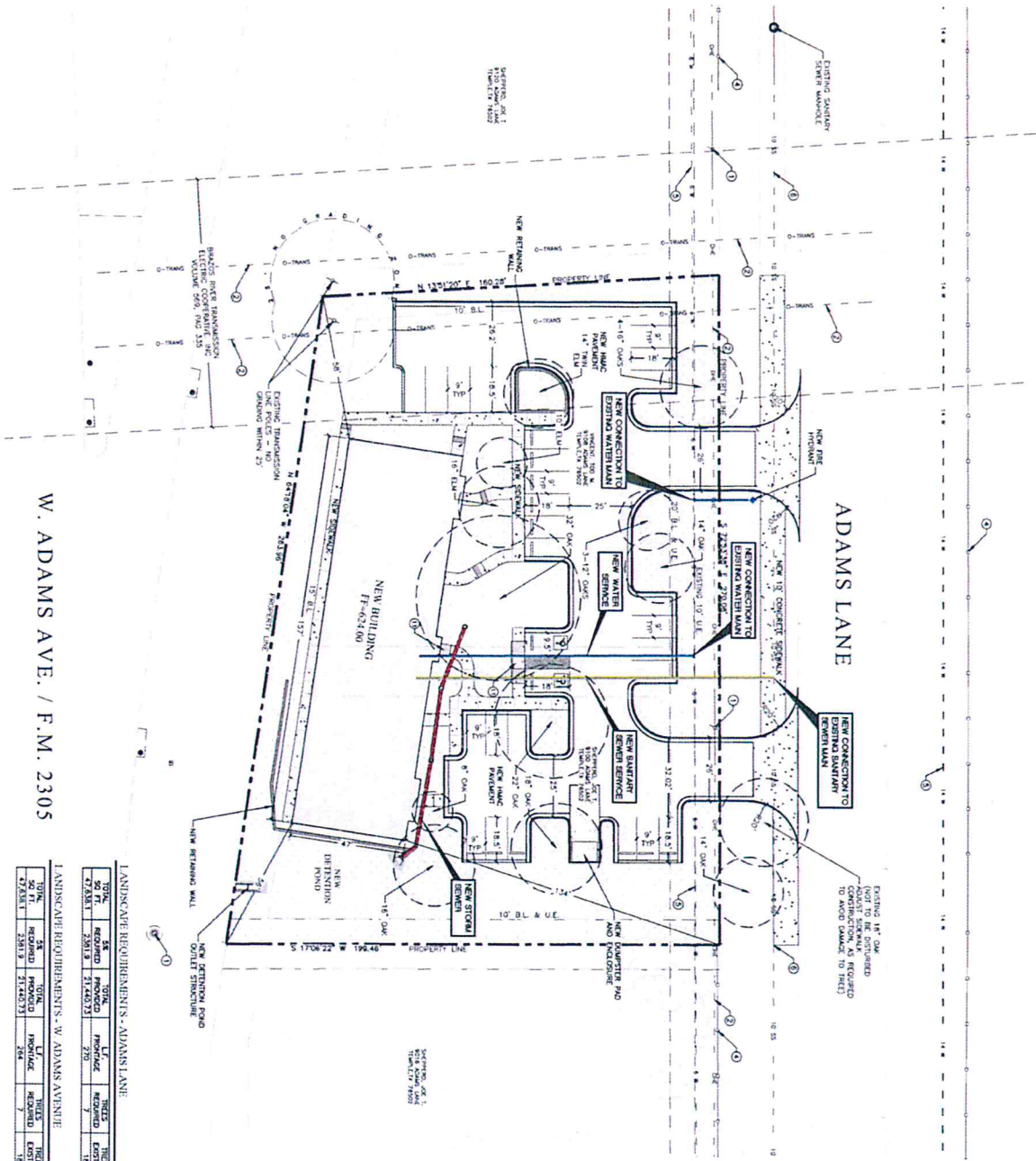
9012  
PropID:  
387768

AG

W ADAMS AVE

8901  
PropID:  
69482





W. ADAMS AVE. / F.M. 2305

LANDSCAPE REQUIREMENTS - ADAMS LANE

NO.	REQUIREMENT	PROVIDED	REQUIREMENT	PROVIDED	REQUIREMENT	PROVIDED	REQUIREMENT	PROVIDED
1	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
2	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
3	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
4	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
5	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
6	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
7	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
8	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
9	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
10	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5

LANDSCAPE REQUIREMENTS - W. ADAMS AVENUE

NO.	REQUIREMENT	PROVIDED	REQUIREMENT	PROVIDED	REQUIREMENT	PROVIDED	REQUIREMENT	PROVIDED
1	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
2	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
3	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
4	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
5	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
6	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
7	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
8	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
9	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5
10	5' WIDE	5	5' WIDE	5	5' WIDE	5	5' WIDE	5

PARKING CALCULATOR

NO.	BUILDING	PARKING	SPACES	SPACES
1	NO	NO	NO	NO
2	NO	NO	NO	NO
3	NO	NO	NO	NO
4	NO	NO	NO	NO
5	NO	NO	NO	NO
6	NO	NO	NO	NO
7	NO	NO	NO	NO
8	NO	NO	NO	NO
9	NO	NO	NO	NO
10	NO	NO	NO	NO

- GENERAL NOTES**
1. STIPPLED AREAS SHALL BE ACCORDANT WITH THE CITY OF TEMPLE SPECIFICATIONS.
  2. BASED ON INFORMATION AVAILABLE FROM THE FINAL SITE MAP NUMBER 440703036, DATED SEPTEMBER 26, 2006, THE "ACTUAL" FLOOR FINISH OF THE EXISTING BUILDING SHALL BE WITHIN THE "TYPICAL" FLOOR FINISH OF THE EXISTING BUILDING (REFER TO SUBDIVISION PLAN FOR LOCATION).
- LANDSCAPE NOTES**
1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL CONDUCT A FIELD SURVEY OF THE EXISTING CONDITIONS, INCLUDING THE LOCATION OF ALL UTILITIES, AND SHALL PROVIDE A FIELD SURVEY REPORT TO THE CITY OF TEMPLE.
  2. EXISTING UTILITIES WERE LOCATED BY FIELD SURVEY/OPERATION FROM TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY OWNER AND APPROPRIATE UTILITY COMPANY.
  3. PRIOR TO INSTALLATION, LANDSCAPE CONTRACTOR SHALL CONDUCT THE TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.
  4. NO REQUIRED LANDSCAPING SHALL BE PLANTED IN SUCH A MANNER TO INTERFERE WITH THE CONSTRUCTION OF THE PROJECT.
  5. ALL AREAS NOT COVERED BY RESURFACE SHALL HAVE NEW 2" GRADE 500-GRASS SEEDING, MATCH EXISTING GRADE, BROWN SAND OR OTHER DECORATIVE COVER.
  6. TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.
  7. TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.
  8. TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.
  9. TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.
  10. TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.
  11. TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBS WITH OWNER.

- KEYNOTES**
1. EXISTING POWER SERVICE TO UTILITY SHEET FOR ELECTRICAL
  2. EXISTING TELEPHONE/FIBER OPTIC
  3. EXISTING FIBER OPTIC (NOT TO BE DISTURBED)
  4. EXISTING WATER MAIN/WATER SERVICE
  5. EXISTING SANITARY SEWER
  6. EXISTING STORM SEWER
  7. EXISTING STORM SEWER
  8. NEW SANITARY SEWER SERVICE TO UTILITY SHEET FOR ELECTRICAL
  9. NEW WATER SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
  10. NEW STORM SEWER SERVICE TO UTILITY SHEET FOR ELECTRICAL
  11. FINISH AND INSTALL NEW (PER AS SHOWN/NOTED)

- LEGEND**
- NEW HAZARDOUS WASTE (PER DETAIL)
  - NEW CONCRETE DRIVEWAY (PER PRODUCT DETAILS)
  - NEW REINFORCED CONCRETE (PER DETAIL REPORT)
  - NEW CURB AND GUTTER (PER PRODUCT DETAILS)
  - NEW CONCRETE DRIVEWAY (PER DETAIL)
  - FINISH AND INSTALL (PER DETAIL)
  - NEW REINFORCED CONCRETE DRIVEWAY WITH CONCRETE REINFORCEMENT (PER DETAIL)



1

Plot Date:	Project No.:
3-16-18	151624.00
Drawn By:	Designed By:
LLM	MCC

**CLARK & FULLER**  
CIVIL ENGINEERING • DESIGN • PLANNING  
215 North Main Street, Temple, TX 76788

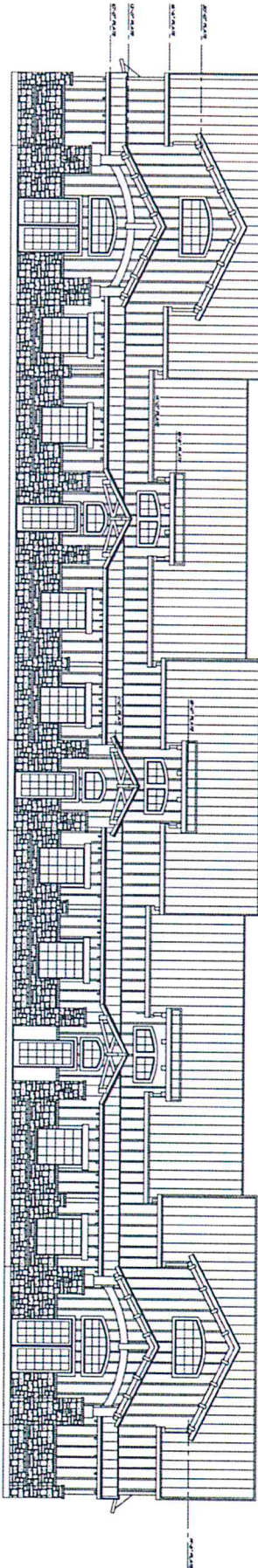


**ADAMS ISLAND**  
**BLOCK 1 LOT 6 AND 7**  
**NEW SITE DEVELOPMENT**  
Temple, Texas

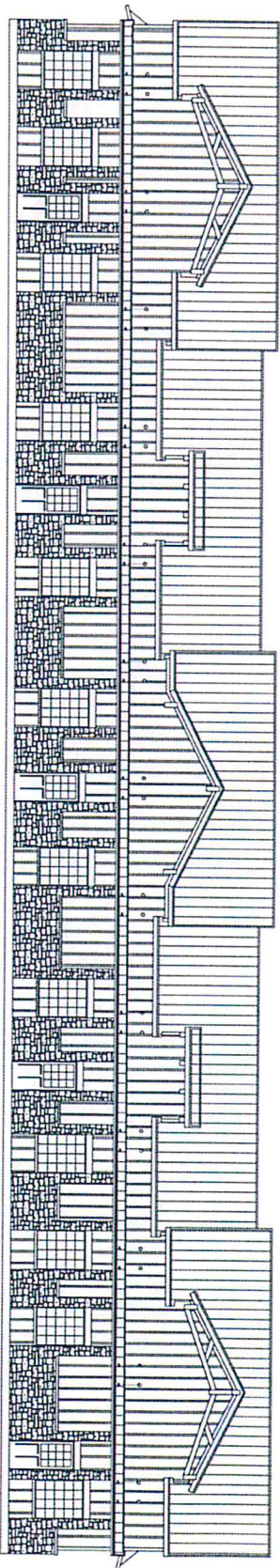
**DRAWING STATUS**

THIS DRAWING WAS PREPARED UNDER THE AUTHORITY OF THE CITY OF TEMPLE, TEXAS, AND IS SUBJECT TO THE CITY OF TEMPLE, TEXAS, ORDINANCES AND REGULATIONS. THE CITY OF TEMPLE, TEXAS, IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS ON THE GROUND PRIOR TO CONSTRUCTION.





FRONT ELEVATION  
1/8" = 1'-0"



REAR ELEVATION  
1/8" = 1'-0"

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

(A-FY-16-08)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT OF A 20 FOOT WIDE UTILITY EASEMENT ENCOMPASSING APPROXIMATELY .075 ACRES, LOCATED ON A PORTION OF LOT 6, BLOCK 1, AND A PORTION OF LOT 7, BLOCK 1, OF ADAMS ISLAND COMMERCIAL IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicants, Jeff Byrd and Tom Vincent, submitted a request on behalf of Wapiti Investment Properties, LLC, for the abandonment of a 20 foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas, and is more particularly described in Exhibit A to this resolution;

**Whereas**, Wapiti Investment Property, LLC owns all of Lot 6, Block 1 and all of Lot 7, Block of Adams Island Commercial properties;

**Whereas**, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to abandoning the easement because it is not needed for other public services;

**Whereas**, pursuant to Texas Local Government Code §272.001, a municipality may convey a real property interest without obtaining fair market value for the interest when the interest is conveyed to property owners who own the underlying fee simple title.;

**Whereas**, the City Council finds that all of these statements are true with regard to the property in question; and

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

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

**Part 1:** The City Council abandons the 20 foot wide utility easement located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, and more particularly described in Exhibit A to this resolution.

**Part 2:** Pursuant to Texas Local Government Code §272.001, the City abandons the easement described in Exhibit A to this resolution at no cost to the property owners.

**Part 3:** If any provision of this resolution 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

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

PASSED AND APPROVED on First Reading on the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

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

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

*[Add certificate of acknowledgment so that the resolution can be recorded.]*

STATE OF TEXAS           §

COUNTY OF BELL           §

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

\_\_\_\_\_  
Notary Public, State of Texas



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT OF A 20-FOOT WIDE CITY UTILITY EASEMENT ENCOMPASSING APPROXIMATELY .075 ACRES, LOCATED ON A PORTION OF LOT 6, BLOCK 1, AND A PORTION OF LOT 7, BLOCK 1, OF ADAMS ISLAND COMMERCIAL IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicants, Jeff Byrd and Tom Vincent, submitted a request on behalf of Wapiti Investment Properties, LLC, for the abandonment of a 20-foot wide City utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas, and more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

**Whereas**, the applicants' use of this abandonment is to accommodate proposed retail and office uses that were approved by Council on June 16, 2016 (Ordinance No. 2016-4780) for a Planned Development District;

**Whereas**, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicated there are no existing public facilities or utilities in the easement and there are no objections to abandoning the easement; and

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

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

**Part 1:** The City of Temple, Texas permanently abandons a 20-foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas.

**Part 2:** Upon request, the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

**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 on the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

STATE OF TEXAS §

COUNTY OF BELL §

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

\_\_\_\_\_  
Notary Public, State of Texas

**Return Recorded Document to:**

*City Attorney's Office  
2 North Main Street, Suite 308  
Temple, TX 76501*



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #5(W)  
Consent Agenda  
Page 1 of 1

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

Damon Boniface, Utility Director  
Kirk Scopac, Interim Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a payment to Kinloch Equipment and Supply, Inc of Pasadena for the repair of a 2005 Vactor truck in the amount of \$29,903.33.

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

**ITEM SUMMARY:** A 2005 Vactor truck that is used by the Utility Services Division of the Public Works Department for cleaning wastewater systems and potholing, is out of service with a rodder pump failure. Replacement of the pump, hydraulic directional valve and gate valves is required to return the unit back to service.

An additional year of front line use by the Utility Services Division will be required until a replacement unit arrives. Once the new unit is placed into service for the Utility Services Division, this unit will be transferred to the Drainage Department for service. It is estimated that this repair will extend the life of the equipment by ten years.

Based on the tear-down and hands-on evaluation required to repair the truck, competitive sealed bids were not received for this work. Fleet Services staff deems the repair cost to be reasonable based on the extent of repairs required.

**FISCAL IMPACT:** Funding for the repair of the 2005 Vactor truck, is appropriated in account 520-5400-535-2333, in the amount of \$29,903.33, as follows:

Account Budget	\$	86,000
Encumbered/Committed to Date		-
Repair rodder pump-Kinloch Equipment		(29,904)
<b>Remaining Funds</b>	<b>\$</b>	<b><u>56,096</u></b>

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT IN THE AMOUNT OF \$29,903.33, TO KINLOCH EQUIPMENT OF PASADENA, TEXAS, FOR THE REPAIR OF A 2005 VACTOR TRUCK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, a 2005 Vactor truck that is used by the Utility Services Division of the Public Works Department for cleaning wastewater systems and potholing, is out of service and replacement of the rodder pump, hydraulic directional valve, and gate valve is required to return the unit back to service;

**Whereas**, an additional year of front line use by the Utility Services Division will be required until a replacement unit arrives - once the new unit is placed into service, this unit will be transferred to the Drainage Department in which it is estimated that this repair will extend the life of this truck by ten years;

**Whereas**, based on the tear-down and hands-on evaluation required to repair the truck, competitive sealed bids were not received for this work and Fleet Services Staff deems the repair cost to be reasonable based on the extent of repairs required;

**Whereas**, funds are available for this payment to Kinloch Equipment in Account No. 520-5400-535-2333; and

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

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

**Part 1:** The City Council authorizes payment in the amount of \$29,903.33 to Kinloch Equipment of Pasadena, Texas, for the repair of a 2005 Vactor truck.

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

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

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor-

APPROVED AS TO FORM:

ATTEST:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #6  
Regular Agenda  
Page 1 of 3

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to align with the 2022 Master Plan for years FY 2016-2062.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented on first reading; and set second and final reading for October 20, 2016.

**ITEM SUMMARY:** The Reinvestment Zone No. 1 Finance and Project Committees have met and discussed the 2022 Master Plan Projects. The result of the meeting is recommended changes to the Financing and Project Plans to continue with the execution of the 2022 Master Plan. The focus of the proposed amendment is for the fiscal years 2016-2020, however, state law requires a financing and project plan to span the life of the Zone.

At their September 28, 2016, regular meeting, the Reinvestment Zone No. 1 Board approved the recommendation of this amendment.

Below is a summary of the proposed amendment:

**Zone Park Maintenance:** Beginning in FY 2017 through FY 2062, Zone Park Maintenance was increased \$75,000 per year to \$330,000 to cover the increased cost of maintenance.

**Debt Service:** Beginning in FY 2016 through FY 2022, Paying Agent fees were increased by \$500 to \$1,700 per year. This will cover the actual costs of escrow fees for related to annual bond payments.

**Projects:** The following is a summary of funding for the 2022 Master Plan projects:

Project Description	2016	2017	Bond Issue		2019	2020	TOTAL
			2017	2018			
Temple Industrial Park	\$ 622,482	\$ -	\$ -	\$ 400,000	\$ -	\$ -	\$ 1,022,482
Corporate Campus Park	1,700,000	-	-	-	-	-	1,700,000
Bioscience Park	2,425,000	-	-	-	-	-	2,425,000
Research Parkway/Outer Loop	2,925,000	-	16,000,000	-	-	10,750,000	29,675,000
Downtown	4,655,400	14,950,000	3,000,000	2,700,000	450,000	450,000	26,205,400
TMED	4,005,000	-	-	-	6,460,000	-	10,465,000
Airport Park	450,000	100,000	-	1,310,000	-	-	1,860,000
<b>MASTER PLAN PROJECT FUNDING</b>	<b>\$ 16,782,882</b>	<b>\$ 15,050,000</b>	<b>\$ 19,000,000</b>	<b>\$ 4,410,000</b>	<b>\$ 6,910,000</b>	<b>\$ 11,200,000</b>	<b>\$ 73,352,882</b>

The following projects have been adjusted as part of the TRZ Master Plan Project Funding:

Line #	Description	FY 2016	FY 2019
50	Professional fees	\$ (150,000)	\$ -
56	Rail Maintenance	\$ (250,000)	\$ -
58	Road Maintenance	\$ (250,000)	\$ -
207	Crossroads Park	\$ 300,000	\$ -
408	MLK Festival Fields	\$ 350,000	\$ -
506	Airport Improvements	\$ (15,000)	\$ -
508	Airport Corporate Hangar	\$ 15,000	\$ -
464	Veteran's Memorial Blvd Phase II	\$ -	\$ 6,460,000
465	Avenue R - 25th to 31st Street	\$ -	\$ (2,300,000)
466	Avenue R - 25th to 1st Street	\$ -	\$ (4,160,000)
	<b>Net change in projects</b>	<b>\$ -</b>	<b>\$ -</b>

See the attached "TRZ Master Plan Project Funding (2016-2020)" for more detail on the projects. All changes have been highlighted in yellow.

**Public Improvements:** Beginning in FY 2021 through 2062, the balance of funding for general "non-project specific" improvements is allocated to this line item. The amount was determined based on the remaining funds available after amounts were allocated for operating expenditures, debt service, projects and maintaining an amount of fund balance of no less than \$2,000,000.

**FISCAL IMPACT:** Below is a table summarizing the Source and Use of funds included in the Financing and Project Plans.

Description	2016	2017	2018	2019	2020	Future Years
Available FB @ B-O-Y <sup>(1)</sup>	\$ 21,507,581	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148
<b>Total Source of Funds</b>	25,102,382	38,216,879	16,107,144	15,303,122	15,500,830	894,608,238
<b>Total Debt &amp; Operating Exp.</b>	5,486,906	7,052,573	8,153,914	8,158,180	8,250,801	95,772,667
<b>Total Planned Project Exp.</b>	37,376,416	34,050,000	4,410,000	6,910,000	11,200,000	799,524,719
Available FB @ E-O-Y <sup>(2)</sup>	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	\$ -

<sup>(1)</sup> - Beginning of Year

<sup>(2)</sup> - End of Year

**ATTACHMENTS:**

[Financing Plan](#)

[Summary Financing Plan with Detailed Project Plan](#)

[Summary - TRZ Master Plan Project Funding \(2016 - 2020\)](#)

[TRZ Master Plan Project Funding \(2016 - 2020\)](#)

[Ordinance](#)

DESCRIPTION	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1 "Taxable Increment"	\$ 670,071,846	\$ 435,432,974	\$ 382,863,680	\$ 370,649,604	\$ 377,916,559	\$ 382,213,195	\$ 427,532,778
1 FUND BALANCE, Begin	\$ 21,507,581	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	\$ 2,138,714
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 21,507,581	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	\$ 2,138,714
<b>SOURCES OF FUNDS:</b>							
4 Tax Revenues	23,553,306	19,371,450	16,265,121	15,459,007	15,659,726	15,823,016	16,519,039
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(353,300)	(290,572)	(243,977)	(231,885)	(234,896)	(237,345)	(247,786)
8 Interest Income-Other	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10 Grant Funds	970,000	50,000	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	846,376	-	-	-	-	-	-
17 Bond Proceeds	-	19,000,000	-	-	-	-	-
20 Total Sources of Funds	\$ 25,102,382	\$ 38,216,878	\$ 16,107,144	\$ 15,303,122	\$ 15,500,830	\$ 15,651,671	\$ 16,317,253
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 46,609,963	\$ 41,963,520	\$ 16,968,091	\$ 19,707,299	\$ 20,139,949	\$ 16,340,819	\$ 18,455,967
<b>USE OF FUNDS:</b>							
<b>DEBT SERVICE</b>							
27 2009 Bond Refunding	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
28 2008 Bond Issue-Taxable (\$10.365 mil)	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29 Debt Service - 2011A Issue {Refunding}	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30 Debt Service - 2012 Issue {Refunding}	82,700	76,400	79,600	77,650	80,050	77,250	78,750
31 Debt Service - 2013 Issue {\$25.260 mil}	924,894	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494
32 Debt Service - 2017 Issue {\$19 mil}	-	344,583	1,452,000	1,454,500	1,451,700	1,452,200	1,452,100
35 Paying Agent Services	1,700	1,700	1,700	1,700	1,700	1,700	1,700
40 Subtotal-Debt Service	4,672,473	6,120,023	7,220,051	7,224,317	7,316,938	7,316,864	7,301,416
<b>OPERATING EXPENDITURES</b>							
50 Prof Svcs/Proj Mgmt	36,425	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	131,645	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	163,913	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	26,250	26,250	27,563	27,563	27,563	28,941	28,941
65 Subtotal-Operating Expenditures	814,433	932,550	933,863	933,863	933,863	935,241	935,341
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 5,486,906	\$ 7,052,573	\$ 8,153,914	\$ 8,158,180	\$ 8,250,801	\$ 8,252,105	\$ 8,236,757
80 Funds Available for Projects	\$ 41,123,057	\$ 34,910,947	\$ 8,814,177	\$ 11,549,119	\$ 11,889,148	\$ 8,088,714	\$ 10,219,210
<b>PROJECTS</b>							
150 Temple Industrial Park	2,703,471	-	400,000	-	-	-	-
200 Corporate Campus Park	4,347,341	-	-	-	-	-	-
250 Bioscience Park	3,967,971	-	-	-	-	-	-
350 Research Parkway	7,258,929	16,000,000	-	-	10,750,000	-	-
400 Synergy Park	635,497	-	-	-	-	-	-
450 Downtown	7,168,162	17,950,000	2,700,000	450,000	450,000	450,000	450,000
500 TMED	8,674,261	-	-	6,460,000	-	-	-
550 Airport Park	2,620,784	100,000	1,310,000	-	-	-	-
610 Public Improvements	-	-	-	-	-	5,500,000	7,000,000
Subtotal-Projects	37,376,416	34,050,000	4,410,000	6,910,000	11,200,000	5,950,000	7,450,000
TOTAL USE OF FUNDS	\$ 42,863,322	\$ 41,102,573	\$ 12,563,914	\$ 15,068,180	\$ 19,450,801	\$ 14,202,105	\$ 15,686,757
700 FUND BALANCE, End	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	\$ 2,138,714	\$ 2,769,210



DESCRIPTION	2023 41	2024 42	2025 43	2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1 "Taxable Increment"	\$ 450,142,634	\$ 496,141,511	\$ 537,771,984	\$ 660,938,023	\$ 689,548,837	\$ 696,444,325	\$ 703,408,769	\$ 710,442,856	\$ 717,547,285	\$ 724,722,758
1 FUND BALANCE, Begin	\$ 2,769,210	\$ 2,612,078	\$ 2,152,104	\$ 2,322,144	\$ 2,163,870	\$ 2,224,822	\$ 2,232,337	\$ 2,448,280	\$ 2,357,693	\$ 2,469,728
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,769,210	\$ 2,612,078	\$ 2,152,104	\$ 2,322,144	\$ 2,163,870	\$ 2,224,822	\$ 2,232,337	\$ 2,448,280	\$ 2,357,693	\$ 2,469,728
<b>SOURCES OF FUNDS:</b>										
4 Tax Revenues	16,921,830	17,628,841	18,280,346	19,989,672	20,474,693	20,679,426	20,886,206	21,095,054	21,305,990	21,519,035
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(253,827)	(264,433)	(274,205)	(299,845)	(307,120)	(310,191)	(313,293)	(316,426)	(319,590)	(322,786)
8 Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 16,714,003	\$ 17,410,408	\$ 18,052,141	\$ 19,735,827	\$ 20,213,573	\$ 20,415,235	\$ 20,618,913	\$ 20,824,628	\$ 21,032,400	\$ 21,242,249
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 19,483,213	\$ 20,022,486	\$ 20,204,245	\$ 22,057,971	\$ 22,377,443	\$ 22,640,057	\$ 22,851,250	\$ 23,272,908	\$ 23,390,093	\$ 23,711,977
<b>USE OF FUNDS:</b>										
<b>DEBT SERVICE</b>										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable (\$10.365 mil)	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
32 Debt Service - 2017 Issue {\$19 mil}	1,454,500	1,455,700	1,455,700	1,454,500	1,454,000	1,456,500	1,451,750	1,455,000	1,455,750	1,454,000
35 Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40 Subtotal-Debt Service	3,485,794	3,483,594	3,495,313	3,507,313	3,514,313	3,519,413	3,514,663	3,525,313	3,530,463	3,540,113
<b>OPERATING EXPENDITURES</b>										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65 Subtotal-Operating Expenditures	935,341	936,788	936,788	936,788	938,307	938,307	938,307	939,902	939,902	939,902
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 4,421,135	\$ 4,420,382	\$ 4,432,101	\$ 4,444,101	\$ 4,452,620	\$ 4,457,720	\$ 4,452,970	\$ 4,465,215	\$ 4,470,365	\$ 4,480,015
80 Funds Available for Projects	\$ 15,062,078	\$ 15,602,104	\$ 15,772,144	\$ 17,613,870	\$ 17,924,822	\$ 18,182,337	\$ 18,398,280	\$ 18,807,693	\$ 18,919,728	\$ 19,231,962
<b>PROJECTS</b>										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park	-	-	-	-	-	-	-	-	-	-
350 Research Parkway	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
610 Public Improvements	12,000,000	13,000,000	13,000,000	15,000,000	15,250,000	15,500,000	15,500,000	16,000,000	16,000,000	16,500,000
Subtotal-Projects	12,450,000	13,450,000	13,450,000	15,450,000	15,700,000	15,950,000	15,950,000	16,450,000	16,450,000	16,950,000
TOTAL USE OF FUNDS	\$ 16,871,135	\$ 17,870,382	\$ 17,882,101	\$ 19,894,101	\$ 20,152,620	\$ 20,407,720	\$ 20,402,970	\$ 20,915,215	\$ 20,920,365	\$ 21,430,015
700 FUND BALANCE, End	\$ 2,612,078	\$ 2,152,104	\$ 2,322,144	\$ 2,163,870	\$ 2,224,822	\$ 2,232,337	\$ 2,448,280	\$ 2,357,693	\$ 2,469,728	\$ 2,281,962

Financing Plan - 09/28/16 to Zone Board

DESCRIPTION	2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
1 "Taxable Increment"	\$ 731,969,985	\$ 739,289,685	\$ 746,682,582	\$ 754,149,408	\$ 761,690,902	\$ 769,307,811	\$ 777,000,889	\$ 784,770,898	\$ 792,618,607	\$ 800,544,793
1 FUND BALANCE, Begin	\$ 2,281,962	\$ 2,295,720	\$ 2,118,459	\$ 2,157,156	\$ 2,160,215	\$ 2,136,030	\$ 2,288,854	\$ 2,164,818	\$ 2,268,019	\$ 2,100,730
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,281,962	\$ 2,295,720	\$ 2,118,459	\$ 2,157,156	\$ 2,160,215	\$ 2,136,030	\$ 2,288,854	\$ 2,164,818	\$ 2,268,019	\$ 2,100,730
<b>SOURCES OF FUNDS:</b>										
4 Tax Revenues	21,734,211	21,951,539	22,171,040	22,392,736	22,616,650	22,842,802	23,071,215	23,301,913	23,534,918	23,770,253
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(326,013)	(329,273)	(332,566)	(335,891)	(339,250)	(342,642)	(346,068)	(349,529)	(353,024)	(356,554)
8 Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 21,454,198	\$ 21,668,266	\$ 21,884,474	\$ 22,102,845	\$ 22,323,400	\$ 22,546,160	\$ 22,771,147	\$ 22,998,384	\$ 23,227,894	\$ 23,459,699
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 23,736,160	\$ 23,963,986	\$ 24,002,933	\$ 24,260,001	\$ 24,483,616	\$ 24,682,190	\$ 25,060,000	\$ 25,163,202	\$ 25,495,913	\$ 25,560,429
<b>USE OF FUNDS:</b>										
<b>DEBT SERVICE</b>										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable (\$10.365 mil)	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,092,913	-	-	-	-	-	-	-	-	-
32 Debt Service - 2017 Issue {\$19 mil}	1,454,750	1,452,750	1,453,000	1,455,250	1,454,250	-	-	-	-	-
35 Paying Agent Services	1,200	1,200	1,200	1,200	-	-	-	-	-	-
40 Subtotal-Debt Service	3,548,863	1,453,950	1,454,200	1,456,450	1,454,250	-	-	-	-	-
<b>OPERATING EXPENDITURES</b>										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65 Subtotal-Operating Expenditures	941,577	941,577	941,577	943,336	943,336	943,336	945,183	945,183	945,183	947,122
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 4,490,440	\$ 2,395,527	\$ 2,395,777	\$ 2,399,786	\$ 2,397,586	\$ 943,336	\$ 945,183	\$ 945,183	\$ 945,183	\$ 947,122
80 Funds Available for Projects	\$ 19,245,720	\$ 21,568,459	\$ 21,607,156	\$ 21,860,215	\$ 22,086,030	\$ 23,738,854	\$ 24,114,818	\$ 24,218,019	\$ 24,550,730	\$ 24,613,307
<b>PROJECTS</b>										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park	-	-	-	-	-	-	-	-	-	-
350 Research Parkway	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
610 Public Improvements	16,500,000	19,000,000	19,000,000	19,250,000	19,500,000	21,000,000	21,500,000	21,500,000	22,000,000	22,000,000
Subtotal-Projects	16,950,000	19,450,000	19,450,000	19,700,000	19,950,000	21,450,000	21,950,000	21,950,000	22,450,000	22,450,000
TOTAL USE OF FUNDS	\$ 21,440,440	\$ 21,845,527	\$ 21,845,777	\$ 22,099,786	\$ 22,347,586	\$ 22,393,336	\$ 22,895,183	\$ 22,895,183	\$ 23,395,183	\$ 23,397,122
700 FUND BALANCE, End	\$ 2,295,720	\$ 2,118,459	\$ 2,157,156	\$ 2,160,215	\$ 2,136,030	\$ 2,288,854	\$ 2,164,818	\$ 2,268,019	\$ 2,100,730	\$ 2,163,307

Financing Plan - 09/28/16 to Zone Board

DESCRIPTION	2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
1 "Taxable Increment"	\$ 808,550,241	\$ 816,635,743	\$ 824,802,101	\$ 833,050,122	\$ 841,380,623	\$ 849,794,429	\$ 858,292,373	\$ 866,875,297	\$ 875,544,050	\$ 884,299,491
1 FUND BALANCE, Begin	\$ 2,163,307	\$ 2,246,434	\$ 2,229,940	\$ 2,213,692	\$ 2,151,750	\$ 2,246,156	\$ 2,046,835	\$ 2,058,010	\$ 2,331,786	\$ 2,268,043
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,163,307	\$ 2,246,434	\$ 2,229,940	\$ 2,213,692	\$ 2,151,750	\$ 2,246,156	\$ 2,046,835	\$ 2,058,010	\$ 2,331,786	\$ 2,268,043
<b>SOURCES OF FUNDS:</b>										
4 Tax Revenues	20,334,364	20,537,694	20,743,056	20,950,473	21,159,963	21,371,548	21,585,250	21,801,088	22,019,084	22,239,261
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(305,015)	(308,065)	(311,146)	(314,257)	(317,399)	(320,573)	(323,779)	(327,016)	(330,286)	(333,589)
8 Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 20,075,349	\$ 20,275,629	\$ 20,477,910	\$ 20,682,216	\$ 20,888,564	\$ 21,096,975	\$ 21,307,471	\$ 21,520,072	\$ 21,734,798	\$ 21,951,672
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 22,238,656	\$ 22,522,062	\$ 22,707,850	\$ 22,895,908	\$ 23,040,314	\$ 23,343,131	\$ 23,354,306	\$ 23,578,082	\$ 24,066,583	\$ 24,219,715
<b>USE OF FUNDS:</b>										
<b>DEBT SERVICE</b>										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable (\$10.365 mil)	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32 Debt Service - 2017 Issue {\$19 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
<b>OPERATING EXPENDITURES</b>										
50 Prof Svcs/Proj Mgmt	175,100	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65 Subtotal-Operating Expenditures	792,222	792,122	794,158	794,158	794,158	796,296	796,296	796,296	798,541	798,541
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 792,222	\$ 792,122	\$ 794,158	\$ 794,158	\$ 794,158	\$ 796,296	\$ 796,296	\$ 796,296	\$ 798,541	\$ 798,541
80 Funds Available for Projects	\$ 21,446,434	\$ 21,729,940	\$ 21,913,692	\$ 22,101,750	\$ 22,246,156	\$ 22,546,835	\$ 22,558,010	\$ 22,781,786	\$ 23,268,043	\$ 23,421,174
<b>PROJECTS</b>										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park	-	-	-	-	-	-	-	-	-	-
350 Research Parkway	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
610 Public Improvements	18,750,000	19,050,000	19,250,000	19,500,000	19,550,000	20,050,000	20,050,000	20,000,000	20,550,000	20,550,000
Subtotal-Projects	19,200,000	19,500,000	19,700,000	19,950,000	20,000,000	20,500,000	20,500,000	20,450,000	21,000,000	21,000,000
TOTAL USE OF FUNDS	\$ 19,992,222	\$ 20,292,122	\$ 20,494,158	\$ 20,744,158	\$ 20,794,158	\$ 21,296,296	\$ 21,296,296	\$ 21,246,296	\$ 21,798,541	\$ 21,798,541
700 FUND BALANCE, End	\$ 2,246,434	\$ 2,229,940	\$ 2,213,692	\$ 2,151,750	\$ 2,246,156	\$ 2,046,835	\$ 2,058,010	\$ 2,331,786	\$ 2,268,043	\$ 2,421,174

Financing Plan - 09/28/16 to Zone Board

DESCRIPTION	2053 71	2054 72	2055 73	2056 74	2057 75	2058 76	2059 77	2060 78	2061 79	2062 80
1 "Taxable Increment"	\$ 893,142,486	\$ 902,073,910	\$ 911,094,650	\$ 920,205,596	\$ 929,407,652	\$ 938,701,729	\$ 948,088,746	\$ 957,569,633	\$ 967,145,330	\$ 976,816,783
1 FUND BALANCE, Begin	\$ 2,421,174	\$ 2,343,347	\$ 2,434,396	\$ 2,248,891	\$ 2,289,066	\$ 2,054,703	\$ 2,050,556	\$ 2,278,927	\$ 2,239,542	\$ 2,237,349
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,421,174	\$ 2,343,347	\$ 2,434,396	\$ 2,248,891	\$ 2,289,066	\$ 2,054,703	\$ 2,050,556	\$ 2,278,927	\$ 2,239,542	\$ 2,237,349
<b>SOURCES OF FUNDS:</b>										
4 Tax Revenues	22,461,639	22,686,241	22,913,089	23,142,206	23,373,614	23,607,336	23,843,395	24,081,814	24,322,618	24,565,830
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(336,925)	(340,294)	(343,696)	(347,133)	(350,604)	(354,110)	(357,651)	(361,227)	(364,839)	(368,487)
8 Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 22,170,714	\$ 22,391,947	\$ 22,615,393	\$ 22,841,073	\$ 23,069,010	\$ 23,299,226	\$ 23,531,744	\$ 23,766,587	\$ 24,003,779	\$ 24,243,343
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,591,888	\$ 24,735,294	\$ 25,049,789	\$ 25,089,964	\$ 25,358,076	\$ 25,353,929	\$ 25,582,300	\$ 26,045,514	\$ 26,243,321	\$ 26,480,691
<b>USE OF FUNDS:</b>										
<b>DEBT SERVICE</b>										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable (\$10.365 mil)	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32 Debt Service - 2017 Issue {\$19 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
<b>OPERATING EXPENDITURES</b>										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65 Subtotal-Operating Expenditures	798,541	800,898	800,898	800,898	803,373	803,373	803,373	805,972	805,972	805,972
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 798,541	\$ 800,898	\$ 800,898	\$ 800,898	\$ 803,373	\$ 803,373	\$ 803,373	\$ 805,972	\$ 805,972	\$ 805,972
80 Funds Available for Projects	\$ 23,793,347	\$ 23,934,396	\$ 24,248,891	\$ 24,289,066	\$ 24,554,703	\$ 24,550,556	\$ 24,778,927	\$ 25,239,542	\$ 25,437,349	\$ 25,674,719
<b>PROJECTS</b>										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park	-	-	-	-	-	-	-	-	-	-
350 Research Parkway	-	-	-	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
610 Public Improvements	21,000,000	21,050,000	21,550,000	21,550,000	22,050,000	22,050,000	22,050,000	22,550,000	22,750,000	25,224,719
Subtotal-Projects	21,450,000	21,500,000	22,000,000	22,000,000	22,500,000	22,500,000	22,500,000	23,000,000	23,200,000	25,674,719
TOTAL USE OF FUNDS	\$ 22,248,541	\$ 22,300,898	\$ 22,800,898	\$ 22,800,898	\$ 23,303,373	\$ 23,303,373	\$ 23,303,373	\$ 23,805,972	\$ 24,005,972	\$ 26,480,691
700 FUND BALANCE, End	\$ 2,343,347	\$ 2,434,396	\$ 2,248,891	\$ 2,289,066	\$ 2,054,703	\$ 2,050,556	\$ 2,278,927	\$ 2,239,542	\$ 2,237,349	\$ 0

TIF Reinvestment Zone #1  
**Summary Financing Plan with Detailed Project Plan**

Project Plan - 09/28/16 - to Zone Board

**\$ 19,000,000**  
**Bond Proceeds**

<b>SUMMARY FINANCING PLAN</b>					
	2016	2017	2018	2019	2020
1 <b>Beginning Available Fund Balance, Oct 1</b>	\$ 21,507,581	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119
20 Total Sources of Funds	25,102,382	38,216,878	16,107,144	15,303,122	15,500,830
2 Adjustments to Debt Service Reserve	-	-	-	-	-
25 <b>Net Available for Appropriation</b>	<b>46,609,963</b>	<b>41,963,520</b>	<b>16,968,091</b>	<b>19,707,299</b>	<b>20,139,949</b>
50/52 General Administrative Expenditures	37,625	176,300	176,300	176,300	176,300
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	131,645	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	163,913	100,000	100,000	100,000	100,000
60 Contractual Payments (TEDC - Marketing)	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	26,250	26,250	27,563	27,563	27,563
27 Debt Service - 2009 Issue (Refunding)	1,508,775	1,510,150	1,488,750	1,485,000	-
28 Debt Service - 2008 Taxable Issue (\$10.365 mil)	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744
29 Debt Service - 2011A Issue (Refunding)	913,550	912,200	908,350	915,950	2,497,800
30 Debt Service - 2012 Issue (Refunding)	82,700	76,400	79,600	77,650	80,050
31 Debt Service - 2013 Issue (\$25.260 mil)	924,894	2,034,894	2,047,694	2,048,344	2,047,944
32 Debt Service - 2017 Issue (\$19 mil)	-	344,583	1,452,000	1,454,500	1,451,700
33 <b>Paying Agent Services</b>	<b>1,700</b>	<b>1,700</b>	<b>1,700</b>	<b>1,700</b>	<b>1,700</b>
70 <b>Total Debt &amp; Operating Expenditures</b>	<b>5,486,906</b>	<b>7,052,573</b>	<b>8,153,914</b>	<b>8,158,180</b>	<b>8,250,801</b>
80 <b>Funds Available for Projects</b>	<b>\$ 41,123,057</b>	<b>\$ 34,910,947</b>	<b>\$ 8,814,177</b>	<b>\$ 11,549,119</b>	<b>\$ 11,889,148</b>

<b>PROJECT PLAN</b>					
	2016	2017	2018	2019	2020
<b>TEMPLE INDUSTRIAL PARK:</b>					
100 Northern "Y" Phase I	78,400	-	-	-	-
101 Receiving & Delivery (R&D) Tracks	150,000	-	400,000	-	-
102 North Lucius McCelvey Extension	1,289,983	-	-	-	-
103 Pepper Creek Main Stem Regional Detention Pond	760,231	-	-	-	-
107 Property Acquisition - North Industrial Park	-	-	-	-	-
108 31st Street Sidewalks Grant Match	74,857	-	-	-	-
109 31st Street Sidewalks	350,000	-	-	-	-
150 <b>Total North Zone/Rail Park (including Enterprise Park)</b>	<b>2,703,471</b>	<b>-</b>	<b>400,000</b>	<b>-</b>	<b>-</b>
<b>CORPORATE CAMPUS PARK:</b>					
155 Pepper Creek Trail Hwy 36 to McLane Parkway	1,926,800	-	-	-	-
156 McLane Pkwy/Research Pkwy Connection	2,420,541	-	-	-	-
200 <b>Total Corporate Campus Park</b>	<b>4,347,341</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>BIOSCIENCE PARK:</b>					
204 Pepper Creek Trail Connection to S&W	-	-	-	-	-
205 Bioscience Park Service Road & Utility Extensions	-	-	-	-	-
207 <b>Cross Roads Park @ Pepper Creek Trail</b>	<b>3,967,971</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
250 <b>Total Bio-Science Park</b>	<b>3,967,971</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>RESEARCH PARKWAY</b>					
305 Research Pkwy (IH 35 to Wendland Ultimate) STAG grant	1,925,000	-	-	-	-
305 Research Pkwy (IH 35 to Wendland Ultimate)	2,434,039	13,500,000	-	-	-
310 Research Pkwy (Wendland to McLane Pkwy)	1,760,764	-	-	-	-
315 Research Pkwy (McLane Pkwy to Central Point Pkwy)	1,139,126	-	-	-	-
320 Outer Loop (I35 South)	-	2,500,000	-	-	10,750,000
350 <b>Total Research Parkway</b>	<b>7,258,929</b>	<b>16,000,000</b>	<b>-</b>	<b>-</b>	<b>10,750,000</b>
<b>SYNERGY PARK:</b>					
351 Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	102,675	-	-	-	-
352 Entry Enhancement	500,000	-	-	-	-
353 Lorraine Drive/Panda Drive Asphalt	32,822	-	-	-	-
354 Lorraine Drive - Commitment to Panda	-	-	-	-	-
400 <b>Total Synergy Park</b>	<b>635,497</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>DOWNTOWN:</b>					
401 Downtown Improvements (Transformation Team)	375,500	450,000	450,000	450,000	450,000
402 Rail Safety Zone Study	68,210	-	-	-	-
403 Lot Identification & Signage	-	-	-	-	-
404 Santa Fe Plaza	4,964,952	4,500,000	1,500,000	-	-
404 Santa Fe Plaza (bond funded)	-	1,500,000	-	-	-
405 Downtown Master Plan	19,500	-	-	-	-
406 Intersection Improvements at Central & North 4th Street	-	-	750,000	-	-
407 Santa Fe Market Trail	1,390,000	1,500,000	-	-	-
408 <b>MLK Festival Fields</b>	<b>350,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
409 TISD-Obligation per Contract	-	10,000,000	-	-	-
450 <b>Total Downtown</b>	<b>7,168,162</b>	<b>17,950,000</b>	<b>2,700,000</b>	<b>450,000</b>	<b>450,000</b>
<b>TMED:</b>					
451 TMED - 1st Street @ Temple College - STEP Grant Match	1,262	-	-	-	-
452 Master Plan Integration 2010	1,550	-	-	-	-
453 TMED - 1st Street @ Loop 363 Design/Construction - Design only	-	-	-	-	-
454 <b>TMED - Friars Creek Trail 5th Street to S&amp;W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
455 Avenue R - S&W Blvd, Ave R - 19th Intersections	1,165,773	-	-	-	-
456 Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363	5,270	-	-	-	-
457 South 1st Street Improvements from the Temple College Apartments to Ave O	-	-	-	-	-
458 Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	590,657	-	-	-	-
459 31st Street/Loop 363 Improvements/Monumentation	2,081,573	-	-	-	-
460 Ave U TMED Ave. to 1st Street	3,566,419	-	-	-	-
461 TMED Master Plan (Health Care Campus)	33,209	-	-	-	-
462 TMED Master Plan & Thoroughfare Plan	55,000	-	-	-	-
463 Friars Creek Trail to Ave. R Trail	248,548	-	-	-	-
464 <b>Veteran's Memorial Blvd. Phase II</b>	<b>925,000</b>	<b>-</b>	<b>-</b>	<b>6,460,000</b>	<b>-</b>
465 Avenue R - 25th to 31st Street	-	-	-	-	-
466 Avenue R - 25th to 1st Street	-	-	-	-	-
500 <b>Total TMED</b>	<b>8,674,261</b>	<b>-</b>	<b>-</b>	<b>6,460,000</b>	<b>-</b>
<b>AIRPORT PARK:</b>					
506 <b>Airport Improvements (roadway, drainage, parking, lighting, fencing, landscaping, fuel farm impr, entrance impr, guard facility)</b>	<b>2,155,784</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
507 Taxiway for Airport	90,000	-	1,310,000	-	-
508 <b>Corporate Hangar Phase II</b>	<b>375,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
509 Airport RAMP Grant	-	100,000	-	-	-
550 <b>Total Airport Park</b>	<b>2,620,784</b>	<b>100,000</b>	<b>1,310,000</b>	<b>-</b>	<b>-</b>
610 <b>Public Improvements</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Planned Project Expenditures</b>	<b>37,376,416</b>	<b>34,050,000</b>	<b>4,410,000</b>	<b>6,910,000</b>	<b>11,200,000</b>
700 <b>Available Fund Balance at Year End</b>	<b>\$ 3,746,641</b>	<b>\$ 860,947</b>	<b>\$ 4,404,177</b>	<b>\$ 4,639,119</b>	<b>\$ 689,148</b>

TIF Reinvestment Zone #1  
**Summary Financing Plan with Detailed Project Plan**

Project Plan - 09/28/16 - to Zone Board

<b>SUMMARY FINANCING PLAN</b>			
		2021	2022
1	Beginning Available Fund Balance, Oct 1	\$ 689,148	\$ 2,138,714
20	Total Sources of Funds	15,651,671	16,317,253
2	Adjustments to Debt Service Reserve	-	-
25	<b>Net Available for Appropriation</b>	<b>16,340,819</b>	<b>18,455,967</b>
50/52	General Administrative Expenditures	176,300	176,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000
56	Rail Maintenance	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	200,000	200,000
62	TISD-Reimbursement [per contract]	28,941	28,941
27	Debt Service - 2009 Issue (Refunding)	-	-
28	Debt Service - 2008 Taxable Issue (\$10.365 mil)	1,241,670	1,242,422
29	Debt Service - 2011A Issue (Refunding)	2,497,550	2,494,950
30	Debt Service - 2012 Issue (Refunding)	77,250	78,750
31	Debt Service - 2013 Issue (\$25.260 mil)	2,046,494	2,031,494
32	Debt Service - 2017 Issue (\$19 mil)	1,452,200	1,452,100
33	Paying Agent Services	1,700	1,700
70	<b>Total Debt &amp; Operating Expenditures</b>	<b>8,252,105</b>	<b>8,236,757</b>
80	<b>Funds Available for Projects</b>	<b>\$ 8,088,714</b>	<b>\$ 10,219,210</b>

<b>PROJECT PLAN</b>			
		2021	2022
<b>TEMPLE INDUSTRIAL PARK:</b>			
100	Northern "Y" Phase I	-	-
101	Receiving & Delivery (R&D) Tracks	-	-
102	North Lucius McCelvey Extension	-	-
103	Pepper Creek Main Stem Regional Detention Pond	-	-
107	Property Acquisition - North Industrial Park	-	-
108	31st Street Sidewalks Grant Match	-	-
109	31st Street Sidewalks	-	-
150	<b>Total North Zone/Rail Park (including Enterprise Park)</b>	<b>-</b>	<b>-</b>
<b>CORPORATE CAMPUS PARK:</b>			
155	Pepper Creek Trail Hwy 36 to McLane Parkway	-	-
156	McLane Pkwy/Research Pkwy Connection	-	-
200	<b>Total Corporate Campus Park</b>	<b>-</b>	<b>-</b>
<b>BIOSCIENCE PARK:</b>			
204	Pepper Creek Trail Connection to S&W	-	-
205	Bioscience Park Service Road & Utility Extensions	-	-
207	Cross Roads Park @ Pepper Creek Trail	-	-
250	<b>Total Bio-Science Park</b>	<b>-</b>	<b>-</b>
<b>RESEARCH PARKWAY</b>			
305	Research Pkwy (IH 35 to Wendland Ultimate) STAG grant	-	-
305	Research Pkwy (IH 35 to Wendland Ultimate)	-	-
310	Research Pkwy (Wendland to McLane Pkwy)	-	-
315	Research Pkwy (McLane Pkwy to Central Point Pkwy)	-	-
320	Outer Loop (I35 South)	-	-
350	<b>Total Research Parkway</b>	<b>-</b>	<b>-</b>
<b>SYNERGY PARK:</b>			
351	Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	-	-
352	Entry Enhancement	-	-
353	Lorraine Drive/Panda Drive Asphalt	-	-
354	Lorraine Drive - Commitment to Panda	-	-
400	<b>Total Synergy Park</b>	<b>-</b>	<b>-</b>
<b>DOWNTOWN:</b>			
401	Downtown Improvements (Transformation Team)	450,000	450,000
402	Rail Safety Zone Study	-	-
403	Lot Identification & Signage	-	-
404	Santa Fe Plaza	-	-
404	Santa Fe Plaza (bond funded)	-	-
405	Downtown Master Plan	-	-
406	Intersection Improvements at Central & North 4th Street	-	-
407	Santa Fe Market Trail	-	-
408	MLK Festival Fields	-	-
409	TISD-Obligation per Contract	-	-
450	<b>Total Downtown</b>	<b>450,000</b>	<b>450,000</b>
<b>TMED:</b>			
451	TMED - 1st Street @ Temple College - STEP Grant Match	-	-
452	Master Plan Integration 2010	-	-
453	TMED - 1st Street @ Loop 363 Design/Construction - Design only	-	-
454	TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	-	-
455	Avenue R - S&W Blvd, Ave R - 19th Intersections	-	-
456	Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363	-	-
457	South 1st Street Improvements from the Temple College Apartments to Ave O	-	-
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	-	-
459	31st Street/Loop 363 Improvements/Monumentation	-	-
460	Ave U TMED Ave. to 1st Street	-	-
461	TMED Master Plan (Health Care Campus)	-	-
462	TMED Master Plan & Thoroughfare Plan	-	-
463	Friars Creek Trail to Ave. R Trail	-	-
464	Veteran's Memorial Blvd. Phase II	-	-
465	Avenue R - 25th to 31st Street	-	-
466	Avenue R - 25th to 1st Street	-	-
500	<b>Total TMED</b>	<b>-</b>	<b>-</b>
<b>AIRPORT PARK:</b>			
506	Airport Improvements (roadway, drainage, parking, lighting, fencing, landscaping, fuel farm impr, entrance impr, guard facility)	-	-
507	Taxiway for Airport	-	-
508	Corporate Hangar Phase II	-	-
509	Airport RAMP Grant	-	-
550	<b>Total Airport Park</b>	<b>-</b>	<b>-</b>
610	<b>Public Improvements</b>	<b>5,500,000</b>	<b>7,000,000</b>
<b>Total Planned Project Expenditures</b>		<b>5,950,000</b>	<b>7,450,000</b>
700	<b>Available Fund Balance at Year End</b>	<b>\$ 2,138,714</b>	<b>\$ 2,769,210</b>

SUMMARY TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

			2013-2015 $\longleftrightarrow$					\$ 44,736,460			FY2016-2020
Available for allocation		\$ 25,361,960	\$ 19,374,500	\$ 18,863,095	\$ 12,164,306	\$ 19,000,000	\$ 7,953,230	\$ 7,144,942	\$ 7,250,029	\$ 72,375,602	

	**2013 Bond Issue**		**See note**			Bond Issue		2018	2019	2020	TOTAL
	2013	2014	2015	2016	2017	2017					
Temple Industrial Park	\$ -	\$ 114,275	\$ 7,350,277	\$ 622,482	\$ -	\$ -	\$ 400,000	\$ -	\$ -	\$ -	\$ 8,487,034
Corporate Campus Park	127,600	1,037,300	3,175,108	1,700,000	-	-	-	-	-	-	6,040,008
Bioscience Park	245,000	1,505,000	-	2,425,000	-	-	-	-	-	-	4,175,000
Research Parkway	5,665,000	800,000	-	2,925,000	-	16,000,000	-	-	-	10,750,000	36,140,000
Synergy Park	-	871,400	653,280	-	-	-	-	-	-	-	1,524,680
Downtown	663,600	-	2,389,450	4,655,400	14,950,000	3,000,000	2,700,000	450,000	450,000	450,000	29,258,450
TMED	950,000	7,975,000	6,026,245	4,005,000	-	-	-	6,460,000	-	-	25,416,245
Airport Park	170,000	1,150,000	2,186,497	465,000	100,000	-	1,310,000	-	-	-	5,381,497
<b>MASTER PLAN PROJECT FUNDING</b>	<b>\$ 7,821,200</b>	<b>\$ 13,452,975</b>	<b>\$ 21,780,857</b>	<b>\$ 16,797,882</b>	<b>\$ 15,050,000</b>	<b>\$ 19,000,000</b>	<b>\$ 4,410,000</b>	<b>\$ 6,910,000</b>	<b>\$ 11,200,000</b>	<b>\$ 11,200,000</b>	<b>\$ 116,422,914</b>

	2013	2014	2015	2016	2017	2017	2018	2018	2020	TOTAL
Favorable (Unfavorable) Balance		\$ 4,087,785	\$ (2,406,357)	\$ 2,065,213	\$ (2,885,694)	\$ -	\$ 3,543,230	\$ 234,942	\$ (3,949,971)	\$ 689,148
Cumulative Favorable (Unfavorable)		\$ 4,087,785	\$ 1,681,428	\$ 3,746,641	\$ 860,947	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	

\*\*Note\*\*: The amounts shown in FY 2016 for projects will not be the same as in the Financing Plan. The Financing Plan is a cumulative amount that includes previous years allocations. The cumulative balance available at the end of FY 2016 of \$3,746,641 balances to Line 700 of the Financing Plan.

TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

			2013-2015 ← →					\$ 44,736,460			FY 2016-2020
<b>Available for allocation</b>		\$ 25,361,960	\$ 19,374,500	\$ 18,863,095	\$ 12,164,306	\$ 19,000,000	\$ 7,953,230	\$ 7,144,942	\$ 7,250,029	\$ 72,375,602	

<b>Temple Industrial Park</b>		<b>**2013 Bond Issue**</b>		<b>Bond Issue</b>							
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
1	North Lucius McCelvey Ext. (1/2) Design	-	114,275	-	-	-	-	-	-	-	114,275
2	North Lucius McCelvey Ext. (1/2) Constr	-	-	2,180,301	-	-	-	-	-	-	2,180,301
3	Northern Y Design				78,400	-	-	-	-	-	78,400
4	Northern Y Construction				-	-	-	-	-	-	-
5	Receiving & Delivery Tracks Preliminary Design				150,000	-	-	-	-	-	150,000
6	Receiving & Delivery Tracks ROW				-	-	-	400,000	-	-	400,000
7	Pepper Creek Main Stem Regional Detention Pond Constr	-	-	1,139,201	-	-	-	-	-	-	1,139,201
8	Property Acquisition	-	-	4,000,000	-	-	-	-	-	-	4,000,000
9	N 31st Street Sidewalks Grant Match	-	-	30,775	44,082	-	-	-	-	-	74,857
10	N 31st Street Sidewalks Construction	-	-	-	350,000	-	-	-	-	-	350,000
<b>SUBTOTAL</b>		-	114,275	7,350,277	622,482	-	-	400,000	-	-	8,487,034

<b>Corporate Campus Park</b>		<b>Bond Issue</b>									
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
11	Pepper Creek Trail Hwy 36 to McLane Prkwy Design	93,700	256,300	-	-	-	-	-	-	-	350,000
12	Pepper Creek Trail Hwy 36 to McLane Prkwy ROW	33,900	-	-	-	-	-	-	-	-	33,900
13	Pepper Creek Trail Hwy 36 to McLane Prkwy Constr	-	71,000	-	1,700,000	-	-	-	-	-	1,771,000
14	McLane Prkwy/Research Pkwy Connection Design	-	710,000	-	-	-	-	-	-	-	710,000
15	McLane Prkwy/Research Pkwy Connection Constr	-	-	3,175,108	-	-	-	-	-	-	3,175,108
<b>SUBTOTAL</b>		127,600	1,037,300	3,175,108	1,700,000	-	-	-	-	-	6,040,008

<b>Bioscience Park</b>		<b>Bond Issue</b>									
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
16	Cross Roads Park @ Pepper Creek Trail	245,000	-	-	-	-	-	-	-	-	245,000
17	Cross Roads Park @ Pepper Creek Trail	-	1,505,000	-	2,425,000	-	-	-	-	-	3,930,000
<b>SUBTOTAL</b>		245,000	1,505,000	-	2,425,000	-	-	-	-	-	4,175,000

<b>Research Parkway</b>		<b>Bond Issue</b>									
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
18	Research Pkwy (IH35 to Wendland At Grade) Design	1,610,000	-	-	-	-	-	-	-	-	1,610,000
19	Research Pkwy (IH35 to Wendland Ultimate) ROW	301,364	-	-	1,000,000	-	-	-	-	-	1,301,364
20	Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer}	793,636	-	-	1,925,000	-	-	-	-	-	2,718,636
21	Research Pkwy (IH35 to Wendland At Grade) Constr	-	-	-	-	-	13,500,000	-	-	-	13,500,000
22	Research Pkwy (Wendland to McLane Prkwy) Design	960,000	-	-	-	-	-	-	-	-	960,000
23	Research Pkwy (Wendland to McLane Prkwy) ROW	1,300,000	-	-	-	-	-	-	-	-	1,300,000
24	Research Pkwy (Wendland to McLane Prkwy) Constr	-	-	-	-	-	-	-	-	-	-
25	Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Design	700,000	-	-	-	-	-	-	-	-	700,000
26	Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW	-	800,000	-	-	-	-	-	-	-	800,000
27	Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Constr	-	-	-	-	-	-	-	-	-	-
28	Outer Loop (I35 South) Design	-	-	-	-	-	1,200,000	-	-	750,000	1,950,000
29	Outer Loop (I35 South) ROW	-	-	-	-	-	1,300,000	-	-	-	1,300,000
30	Outer Loop (I35 South) Construction	-	-	-	-	-	-	-	-	10,000,000	10,000,000
<b>SUBTOTAL</b>		5,665,000	800,000	-	2,925,000	-	16,000,000	-	-	10,750,000	36,140,000



TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

							Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
31	Entry Enhancement Design	-	75,000	-	-	-	-	-	-	-	75,000
32	Entry Enhancement Constr	-	425,000	-	-	-	-	-	-	-	425,000
33	Lorraine Drive/Panda Drive Service Road Design	-	-	8,700	-	-	-	-	-	-	8,700
34	Lorraine Drive/Panda Drive Service Road Constr	-	371,400	80,000	-	-	-	-	-	-	451,400
35	Lorraine Drive/Panda Drive {Panda Commitment}	-	-	564,580	-	-	-	-	-	-	564,580
<b>SUBTOTAL</b>		-	<b>871,400</b>	<b>653,280</b>	-	-	-	-	-	-	<b>1,524,680</b>

		**2013 Bond Issue**					Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
36	Santa Fe Plaza Design	538,600	-	76,400	261,400	-	-	-	-	-	876,400
37	Santa Fe Plaza ROW	-	-	1,750,000	1,600,000	500,000	-	-	-	-	3,850,000
38	Santa Fe Plaza Constr	-	-	-	1,100,000	4,000,000	1,500,000	1,500,000	-	-	8,100,000
39	Downtown Master Plan ROW	-	-	-	-	-	-	-	-	-	-
40	Downtown Master Plan	125,000	-	-	-	-	-	-	-	-	125,000
41	TISD-Obligation per Contract	-	-	-	-	10,000,000	-	-	-	-	10,000,000
42	Intersection improvements at Central and N. 4th Street	-	-	-	-	-	-	750,000	-	-	750,000
43	Santa Fe Market Trail Design	-	-	190,000	-	-	-	-	-	-	190,000
44	Santa Fe Market Trail ROW	-	-	-	1,200,000	-	-	-	-	-	1,200,000
45	Santa Fe Market Trail Construction	-	-	-	-	-	1,500,000	-	-	-	1,500,000
46	MLK Festival Fields Design	-	-	-	35,600	-	-	-	-	-	35,600
47	MLK Festival Fields Construction	-	-	-	314,400	-	-	-	-	-	314,400
48	Downtown Transformation Team	-	-	373,050	144,000	450,000	-	450,000	450,000	450,000	2,317,050
49	North General Bruce Drive Enhancements	-	-	-	-	-	-	-	-	-	-
<b>SUBTOTAL</b>		<b>663,600</b>	-	<b>2,389,450</b>	<b>4,655,400</b>	<b>14,950,000</b>	<b>3,000,000</b>	<b>2,700,000</b>	<b>450,000</b>	<b>450,000</b>	<b>29,258,450</b>

							Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
50	Loop 363 FR (UPRR to 5th TRZ Portion) Design	330,000	-	-	-	-	-	-	-	-	330,000
51	Loop 363 FR (UPRR to 5th TRZ Portion) ROW	120,000	-	-	-	-	-	-	-	-	120,000
52	Loop 363 FR (UPRR to 5th TRZ Portion) Constr	-	6,000,000	-	300,000	-	-	-	-	-	6,300,000
53	31st Street/Loop 363 Improvements/Monumentation Design	70,000	-	-	-	-	-	-	-	-	70,000
54	31st Street/Loop 363 Improvements/Monumentation Constr	-	450,000	1,650,000	-	-	-	-	-	-	2,100,000
55	Ave U TMED Ave. to 1st Design	175,000	-	-	-	-	-	-	-	-	175,000
56	Ave U TMED Ave. to 1st ROW	-	1,100,000	1,125,000	180,000	-	-	-	-	-	2,405,000
57	Ave U TMED Ave. to 1st Constr	-	-	250,000	2,600,000	-	-	-	-	-	2,850,000
58	TMED Master Plan (Health Care Campus) Design	125,000	-	-	-	-	-	-	-	-	125,000
59	TMED Master Plan &Thoroughfare Plan * Design	55,000	-	-	-	-	-	-	-	-	55,000
60	Friars Creek Trail to Ave. R Trail Design	75,000	-	-	-	-	-	-	-	-	75,000
61	Friars Creek Trail to Ave. R Trail Constr	-	425,000	72,759	-	-	-	-	-	-	497,759
62	1st Street @ Loop 363 Design	-	-	-	-	-	-	-	-	-	-
63	Friars Creek Trail to S&W	-	-	-	-	-	-	-	-	-	-
64	Ave R Intersections Constr	-	-	2,928,486	-	-	-	-	-	-	2,928,486
65	Veteran's Memorial Blvd. Phase II Design	-	-	-	675,000	-	-	-	-	-	675,000
66	Veteran's Memorial Blvd. Phase II ROW	-	-	-	250,000	-	-	-	-	-	250,000
67	Veteran's Memorial Blvd. Phase II Constr	-	-	-	-	-	-	-	6,460,000	-	6,460,000
68	Ave R - 25th to 31st Street Design	-	-	-	-	-	-	-	-	-	-
69	Ave R - 25th to 31st Street Construction	-	-	-	-	-	-	-	-	-	-
70	Ave R - 25th to 1st Street Design	-	-	-	-	-	-	-	-	-	-
71	Ave R - 25th to 1st Street ROW	-	-	-	-	-	-	-	-	-	-
72	Ave R - 25th to 1st Street Construction	-	-	-	-	-	-	-	-	-	-
<b>SUBTOTAL</b>		<b>950,000</b>	<b>7,975,000</b>	<b>6,026,245</b>	<b>4,005,000</b>	-	-	-	<b>6,460,000</b>	-	<b>25,416,245</b>

TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

							Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
73	Airport Enhancement Projects Design	170,000	-	-	-	-	-	-	-	-	170,000
74	Airport Enhancement Projects Constr	-	1,150,000	2,186,497	-	-	-	-	-	-	3,336,497
75	Taxiway for Airport {60 ft width}	-	-	-	90,000	-	-	1,310,000	-	-	1,400,000
76	Corporate Hangar Phase II	-	-	-	375,000	-	-	-	-	-	375,000
77	Airport RAMP Grant	-	-	-	-	100,000	-	-	-	-	100,000
<b>SUBTOTAL</b>		<b>170,000</b>	<b>1,150,000</b>	<b>2,186,497</b>	<b>465,000</b>	<b>100,000</b>	<b>-</b>	<b>1,310,000</b>	<b>-</b>	<b>-</b>	<b>5,381,497</b>

<b>MASTER PLAN PROJECT FUNDING</b>	<b>\$ 7,821,200</b>	<b>\$ 13,452,975</b>	<b>\$ 21,780,857</b>	<b>\$ 16,797,882</b>	<b>\$ 15,050,000</b>	<b>\$ 19,000,000</b>	<b>\$ 4,410,000</b>	<b>\$ 6,910,000</b>	<b>\$ 11,200,000</b>	<b>\$ 116,422,914</b>
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							Bond Issue				
	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL	
<b>Favorable (Unfavorable) Balance</b>		4,087,785	(2,406,357)	2,065,213	(2,885,694)	-	3,543,230	234,942	(3,949,971)	689,148	
<b>Cumulative Favorable (Unfavorable)</b>		4,087,785	1,681,428	3,746,641	860,947	860,947	4,404,177	4,639,119	689,148		

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

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO ALIGN WITH THE 2022 MASTER PLAN WHICH INCLUDES APPROPRIATING BOND PROCEEDS, ADJUSTING TAX REVENUES AND ALLOCATING EXPENDITURES FOR PUBLIC IMPROVEMENTS FOR FISCAL YEARS 2016-2062; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

**Whereas**, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003-3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No. 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20<sup>th</sup> day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21<sup>st</sup> day of February, 2008; and Ordinance No. 2008-4217 the 15<sup>th</sup> day of May, 2008; Ordinance No. 2008-4242 the 21<sup>st</sup> day of August, 2009; Ordinance No. 2009-4290 on the 16<sup>th</sup> day of April, 2009; Ordinance No. 2009-4294 on the 21<sup>st</sup> day of May, 2009; Ordinance No. 2009-4316 on the 17<sup>th</sup> day of September, 2009; Ordinance No. 2009-4320 on the 15<sup>th</sup> day of October, 2009; Ordinance No. 2010-4338 on the 18<sup>th</sup> day of February, 2010; Ordinance No. 2010-4371 on the 19<sup>th</sup> day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17,

2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014; Ordinance No. 2014-4676 on July 17, 2014; Ordinance No. 2014-4683 on September 18, 2014; Ordinance No. 2014-4695 on December 18, 2014; Ordinance No. 2015-4705 on April 16, 2015; Ordinance No. 2015-4734 on October 15, 2015; Ordinance No. 2016-4789 on July 21, 2016; October 20, 2016;

**Whereas**, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

**Whereas**, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

**Whereas**, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

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

**Part 1: Findings.** The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

**Part 2: Reinvestment Zone Financing and Project Plans.** The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

**Part 3: Plans Effective.** The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

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

**Part 5: Effective Date.** 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: Open Meetings.** 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 Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## CITY COUNCIL ITEM MEMORANDUM

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10/06/16  
Item #7  
Regular Agenda  
Page 1 of 5

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-16-43 Consider adopting an ordinance authorizing a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service and General Retail Districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at [8015 West Adams Avenue](#).

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from Agricultural (AG) district to Multi-Family Two (MF-2), Single-Family Attached Three (SFA-3), Neighborhood Service (NS) and General Retail (GR) districts:

1. Enhanced landscaping and buffering standards enforced through a private sales contract and anticipated restrictive covenants, would provide improved screening for existing single-family residential uses;
2. The request complies with the Thoroughfare Plan upon future extension of Westfield Boulevard; and
3. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their September 6, 2016 meeting, the Planning & Zoning Commission voted 6 to 1 to recommend approval of the proposed rezoning from Agricultural (AG) district to Single-Family Attached Three (SFA-3), Multi-Family Two (MF-2), General Retail (GR) and Neighborhood Service (NS) districts as recommended by Planning staff.

During the meeting the following topics were discussed:

1. Traffic and Circulation
  - a. Extension of Westfield Boulevard.
  - b. Extension Tanglehead Drive.
  - c. Connection point with Iron Gate
2. Landscaping and buffering
  - a. Incorporation of enhanced landscaping and buffering into sales contract and restrictive covenants.
3. Site & Area Drainage
4. Impacts to City facilities
  - a. Water Pressure
  - b. Sewer

The applicant / developer has indicated to staff the maximum building height would likely be three-stories, staff has suggested limiting the height to three stories at the property line rather than the four stories allowed by the MF-2 zoning district. To date, staff has not received any response to this suggested recommendation.

**ITEM SUMMARY:** The subject property, being a portion of Lot 1 of the recorded First Baptist Church-Temple West Campus subdivision plat, specifically, contains approximately 42.066 +/- acres. It is being proposed for rezoning from Agricultural (AG) district to the four zoning districts described in the above referenced Item Description. While Exhibit A shows the proposed district locations and the approximate acreage breakdown for each, detail survey sketches for each district as well as the applicable field notes will be attached to the rezoning ordinance.

The property is currently undeveloped but is anticipated to be developed by zoning district in the following manner by separate investors:

1. General Retail (GR) / Neighborhood Service (NS): Non-Residential permitted and conditionally-permitted uses as allowed by UDC Section 5.1,
2. Single-Family Attached-Three (SFA-3), such as single family (attached & detached), townhomes & patio homes): Potential for single-family attached or extension of detached residential uses consistent with existing housing stock in the adjacent Meadows subdivision,
3. Multi-Family Two (MF-2): An apartment complex, pending this rezoning request.

It should be noted however that while uses are anticipated, in particular the apartment complex, there are a number of residential and non-residential uses that are permitted by right between the four districts. A table comparing the four zoning districts can be found in the attachments. In addition, conceptual building elevation designs from other Texas apartment complexes, likely to be considered by the developer, have been attached for review and includes one example with five stories. It should be further noted however that the proposed MF-2 zoning has a height restriction of four stories. The applicant has indicated that the apartment complex will likely be three stories.

Prohibited uses include HUD-Code manufactured homes and land lease communities most commercial & industrial uses.

**COMPREHENSIVE PLAN (CP) COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached.

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

The subject property is entirely within the Suburban Residential land use district. The Suburban Residential district is intended for mid-sized single family lots with an emphasis on green spaces and a separation between dwelling units. The district does not support the four zoning districts proposed for this property. If the rezoning is approved, the Future Land Use Map will need to be updated.

Appropriate designations for the four zoning districts could be accommodated by the Suburban Commercial (NS &GR) and the Auto-Urban Residential (SFA-3 & MF-2) districts.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Adams Avenue (FM2305), an arterial which will only provide immediate access to the GR-zoned portion. Access to the three remaining portions would be from the anticipated extension of Westfield Boulevard, a proposed minor arterial. Design for the future extension of Westfield Boulevard has been taken into consideration based on preliminary discussion between the applicant's development team and planning staff. An attached conceptual circulation plan shows the proposed extension of Westfield Boulevard. Additionally, it identifies the division between the proposed SFA-3 and MF-2 zoning districts following the centerline of a potential extension of Tanglehead Drive.

Circulation from the extension of Westfield Boulevard into the Hills of Westwood, subdivision to the south of the subject property, is proposed to connect through an undeveloped lot at Iron Gate Drive and ultimately connect to Tarver Drive. Conceptual design from the engineer indicates that Westfield Boulevard would be extended across West Adams Avenue as a minor arterial (92-foot ROW) and reduce down to 60-foot ROW as an oversized collector at its connection with Iron Gate Drive on the southern boundary of the development. It should be noted that no homes front on Iron Gate Drive between this access point and its intersection with Tarver Drive.

The developer, at this time, is not proposing improvements to a potential Tanglehead Drive extension which is currently classified as a local street. However, there is a cost-sharing improvement with a separate developer to extend Tanglehead Drive from Meadowbrook Drive to its intersection with Old Waco Road (Outer Loop). Improvements are currently in the design stage with the Public Works Department. No other City improvements are proposed to Tanglehead Drive at this time. Discussion about sidewalk on the cost-shared section of Tanglehead Drive is on-going but are currently not proposed.

In the case of Tanglehead Drive, increased circulation demands and future development could be reduced by the extension of Tanglehead Drive as well as scheduled TCIP improvements may provide functionality as a collector and warrant reclassification to a collector. Reclassification to a collector street requires a Thoroughfare Plan amendment. Discussion and design is on-going but will be addressed formally with the review of the subdivision plat. No other issues at this time have been identified.

As a result, the request is compliant with the Thoroughfare Plan, due to the applicant's commitment to extend Westfield Boulevard. The extension of Westfield Boulevard as well as considerations for the extension of Tanglehead Drive would be addressed and finalized during the subdivision plat review following the rezoning determination by City Council. In summary:

At a minimum, Improvements to the extension of Westfield Boulevard. include:

- 70-foot ROW – 49-feet of Pavement
- 6-foot sidewalks on both sides

Additionally, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Ed., an apartment will generate 0.62 trips per unit. Based on 250 units, the peak hour trip rate would generate 155 trips.



Availability of Public Facilities (CP Goal 4.1)

Water is available through an existing 3-inch water line in West Adams Avenue. Water is also available through the anticipated extension of an 8-inch water line in Tanglehead Drive. Sewer is available through the extension of a 12-inch sewer line in West Adams Avenue. Sewer is also available from an 8-inch sewer line that would need to be extended from Tanglehead Drive.

While additional options available, due to the overall complexity of the project, final consideration will be addressed with the forthcoming subdivision plat.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts an existing City-Wide Spine Trail on the north side of West Adams Avenue. However, arterials streets require, a 6-foot sidewalk on both sides. The extension of Westfield Boulevard as an arterial also requires 6-foot sidewalks on both sides. No trail however is designated.

Accommodations for sidewalk improvements on both West Adams Avenue and the Westfield Boulevard extension will be addressed at the platting stage. Additionally, sidewalk improvements for the potential extension of Tanglehead Drive would be addressed during the platting stage.

**DEVELOPMENT REGULATIONS:** While both residential and non-residential setbacks are provided for in UDC Section 4.5, the attached table compares residential setbacks in the MF-2, SFA-3 and non-residential setbacks in the NS and GR zoning districts.

**Enhanced Buffering and Screening:** The development of the apartment complex within the multi-family-zoned portion of the request warrants consideration for enhanced screening for the single family lots of the adjacent Hills of Westwood subdivision. While enhanced screening and buffering standards cannot be required without the use of a Planned Development, after meeting with planning staff, the applicant agreed to enhanced landscape standards adopted for the Master Zoning for the Westfield Planned Development. The enhanced standards will be incorporated into the private deed restrictions.

The Master Zoning for the Westfield development was adopted by Ordinance 2015-4717 and addressed the overall 224.549 +/- acre Westfield Planned Development, north of West Adams and east and west of Westfield Boulevard. The Addendum to the Purchase Contract between the developer and the First Baptist Church has been attached, which provide for the enhanced buffer and screening standards. The language in the addendum is acceptable to Planning staff. The attached concept is found and illustrated on page 3-7 of the Choice 08 - Comprehensive Plan.

Staff will anticipate a copy of the draft deed restrictions during the plat review stage at design review (DRC). This enhanced landscaping and buffering is anticipated to reduce the impacts of the apartment complex to the adjacent Hills of Westwood subdivision. The Planning & Zoning Commission would be the final approval authority unless an exception is requested.

In addition to the performance standards discussed above, general provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

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

**PUBLIC NOTICE:** Ninety 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 September 27, 2016 at 10:00 AM, Ten notices (representing 16 properties) in agreement and eight notices (representing 10 properties) in disagreement have been received. In addition, staff has received numerous emails (attached) and several phone calls from residents outside the notification area regarding the proposal.

The newspaper printed notice of the public hearing on August 25, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)

[Maps](#)

[Tables](#)

[Addendum to Purchase Contract \(Provisions for Enhanced Landscaping & Buffering\)](#)

[Conceptual Apartment Building Elevation Designs](#)

[Conceptual Circulation Plan with Future Road Extension](#)

[Comprehensive Plan - Landscape Buffer Concept Illustration](#)

[Returned Property Notices](#)

[P&Z Excerpts \(Sept 6, 2016\)](#)

[Ordinance](#)

# Site & Surrounding Property Photos



**Site: Undeveloped – Adams (Looking West) (AG)**



**Site: Undeveloped – Adams (Looking East) (AG)**



**South: Undeveloped – Potential Iron Gate Drive Access Point,  
Hills of Westwood, subdivision (SF-3)**



**South: Iron Gate Drive  
Hills of Westwood, subdivision (SF-3)**



**South: Existing Single-Family Residential Uses  
Hills of Westwood, subdivision (SF-3)**



**East: Potential Future Tanglehead Drive Access Point  
The Meadows, subdivision (SF-3)**



**East: Existing Single Family Residential Uses on Tanglehead Drive  
The Meadows, subdivision (SF-3)**



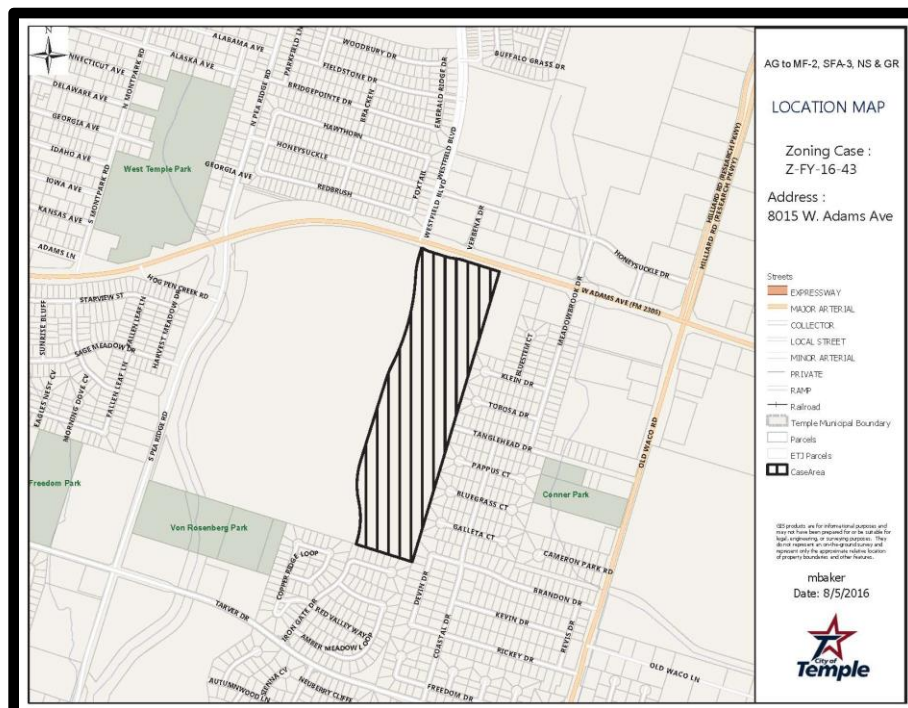
**North: Existing Retail and Service Uses along West Adams Ave  
(GR & PD-GR)**

# Maps

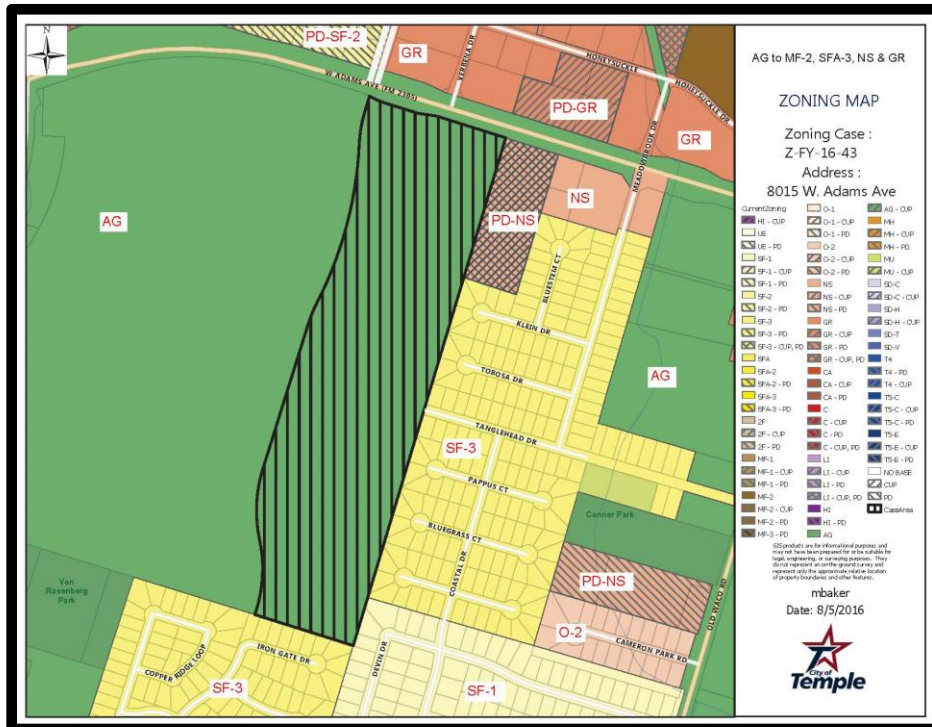
## Aerial Map



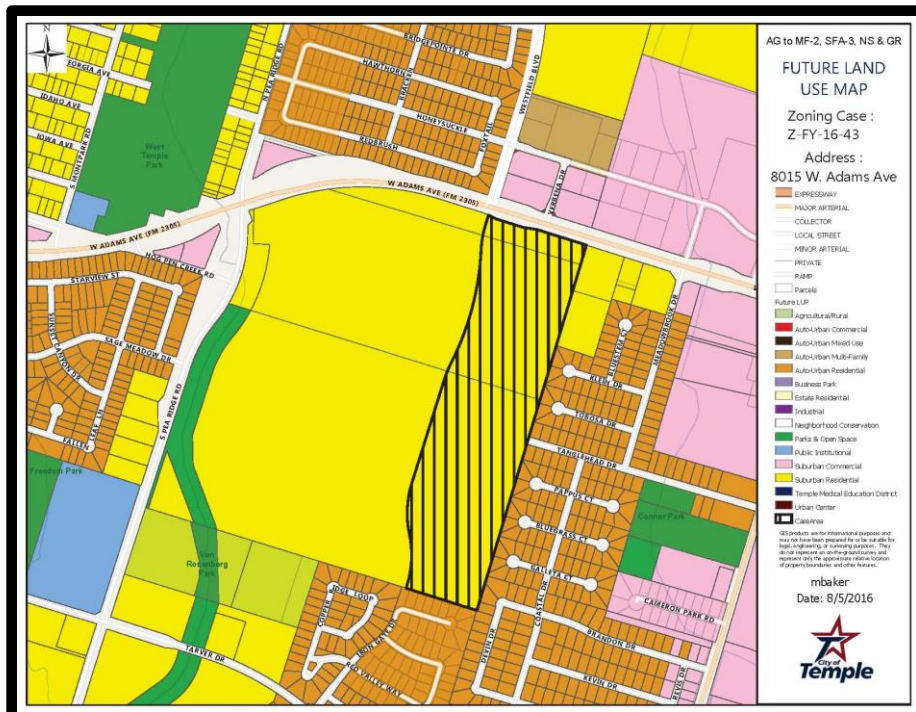
## Location Map



# Zoning Map

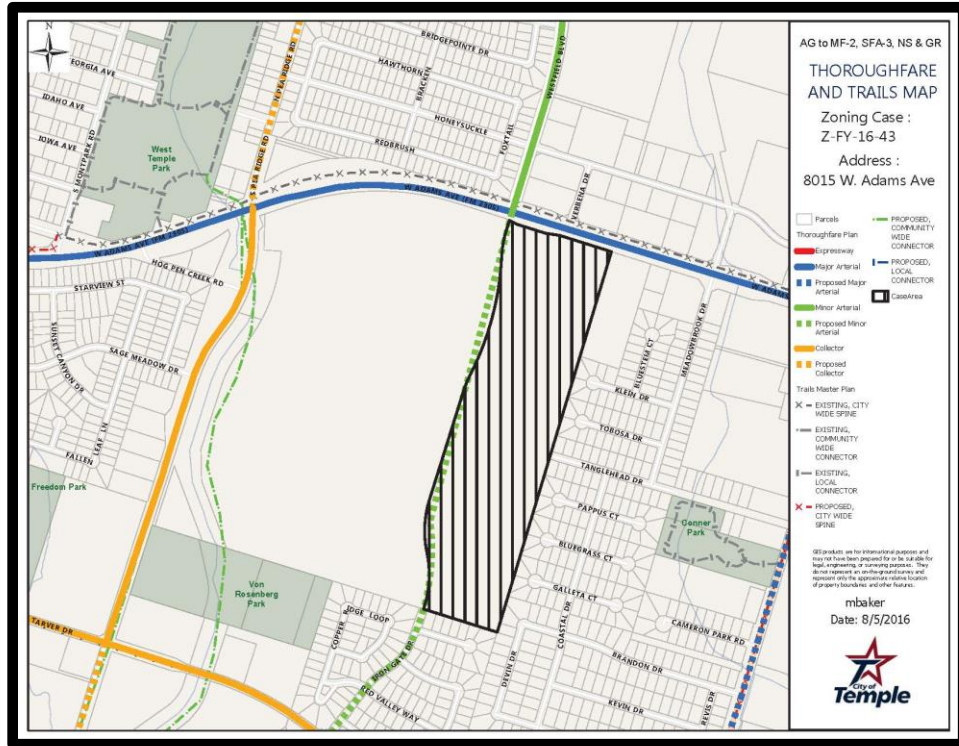


# Future Land Use Map





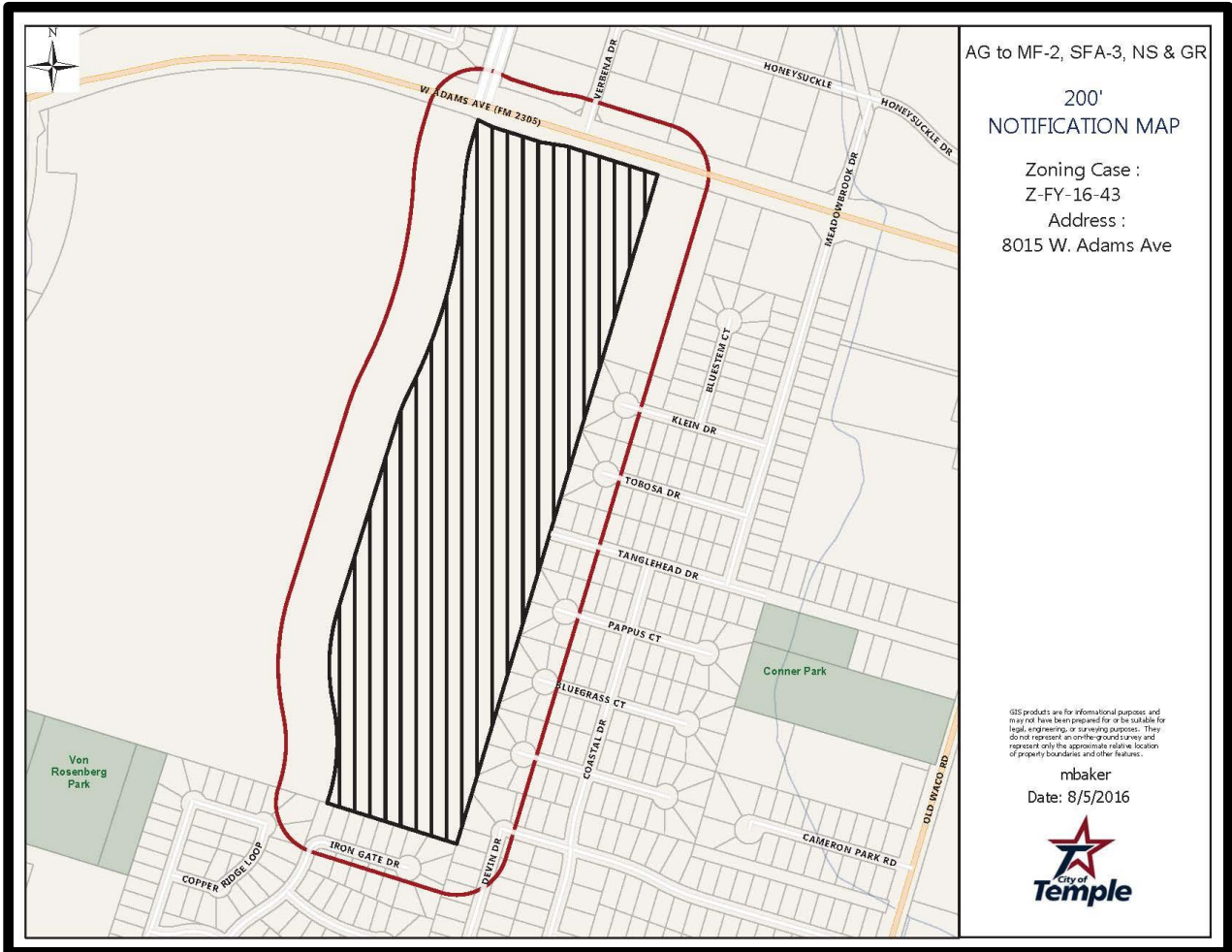
# Thoroughfare & Trails Map

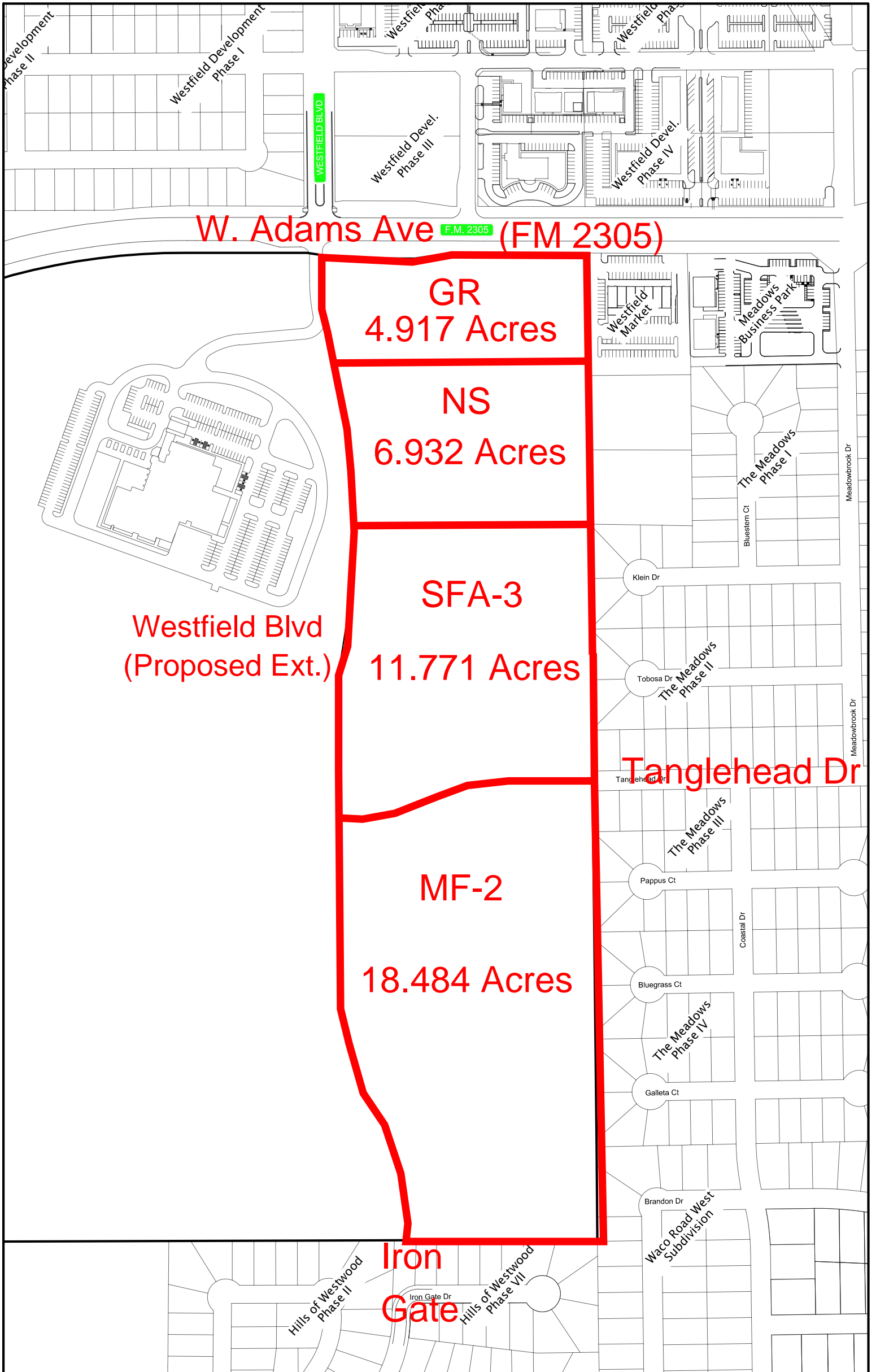


# Utility Map



# Notification Map





**W. Adams Ave (F.M. 2305) (FM 2305)**

**GR  
4.917 Acres**

**NS  
6.932 Acres**

**SFA-3  
11.771 Acres**

**MF-2  
18.484 Acres**

**Westfield Blvd  
(Proposed Ext.)**

**Tanglehead Dr**

**Iron Gate**

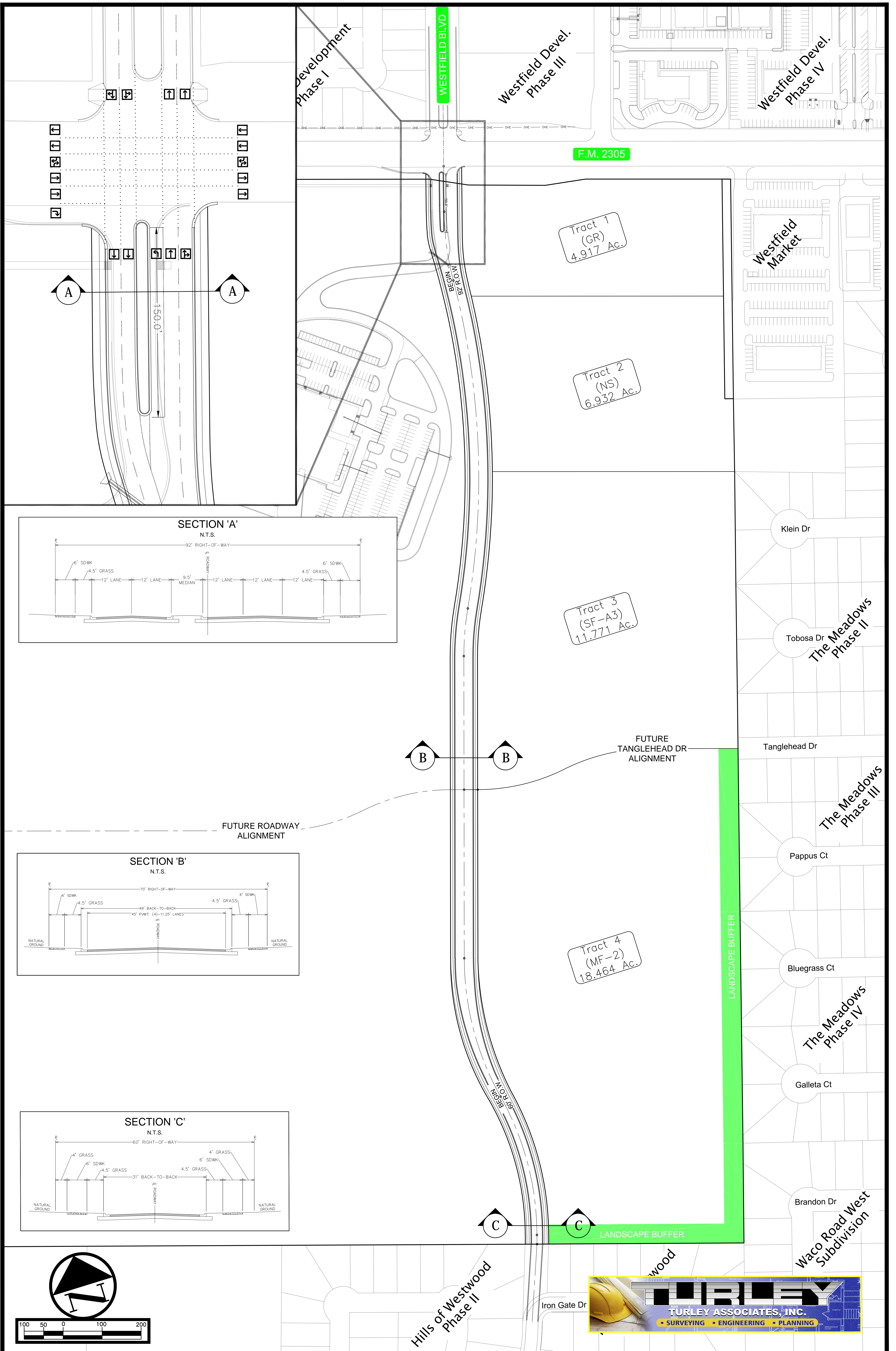
**TURLEY ASSOCIATES, INC.**  
ENGINEERING • PLANNING • SURVEYING  
501 N. 3rd St. Temple, Texas 76501  
www.turley-inc.com  
254.773.2400  
254.773.3998  
SURVEY FIRM NO. 10058000 • ENGINEERING FIRM NO. 1688

FIRST BAPTIST TEMPLE  
ZONING EXHIBIT

ADDRESS:  
8015 WEST ADAMS AVE  
SUBDIVISION:  
FIRST BAPTIST-TEMPLE, WEST  
CITY:  
TEMPLE

LOT: 01  
BLOCK: 01  
SCALE:  
1:300  
STATE:  
TX  
PLAN:

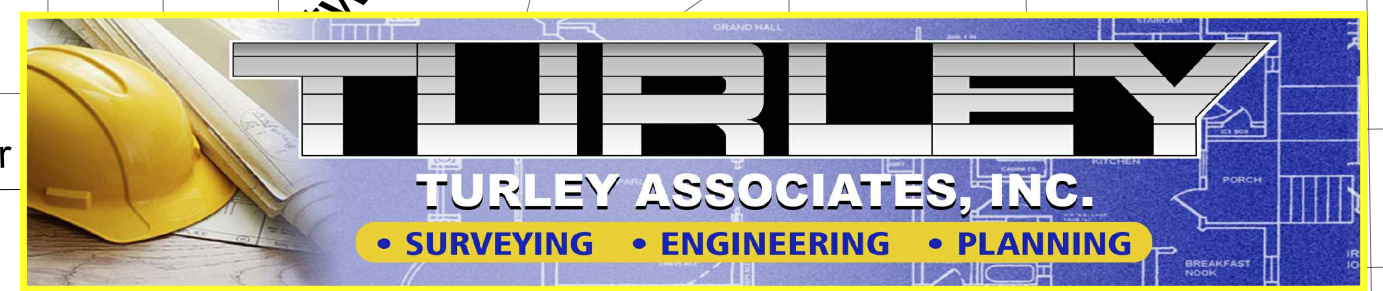
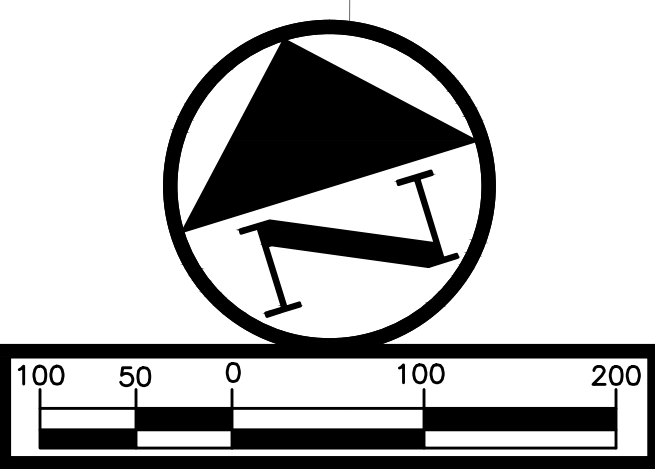
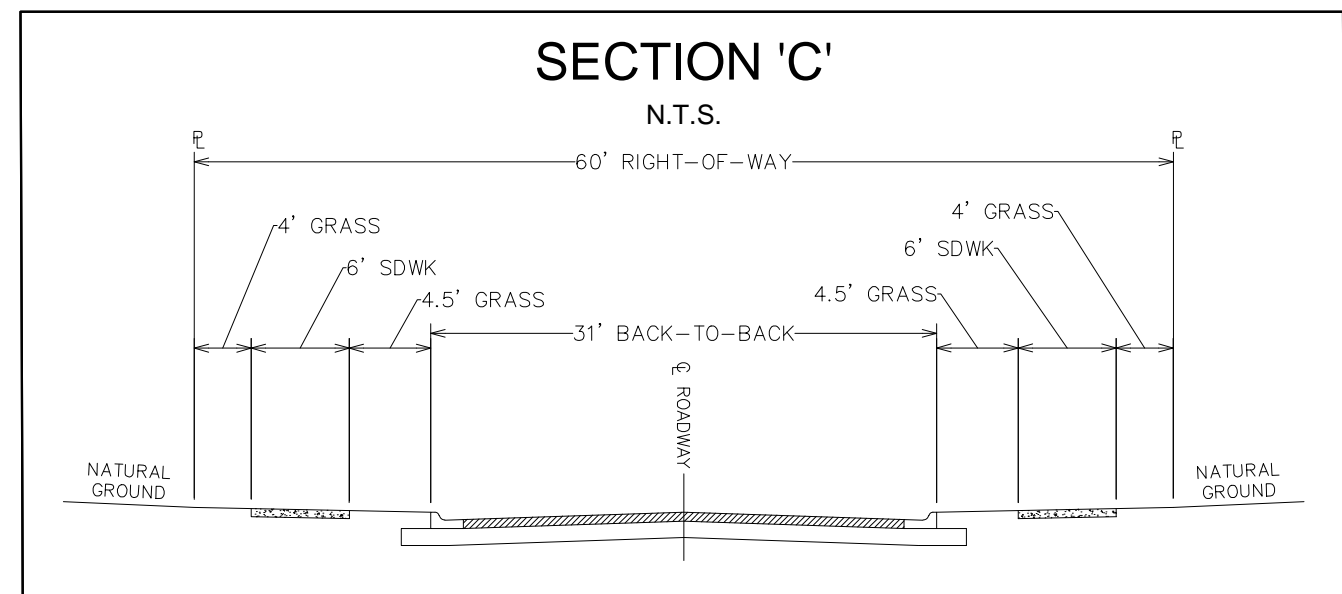
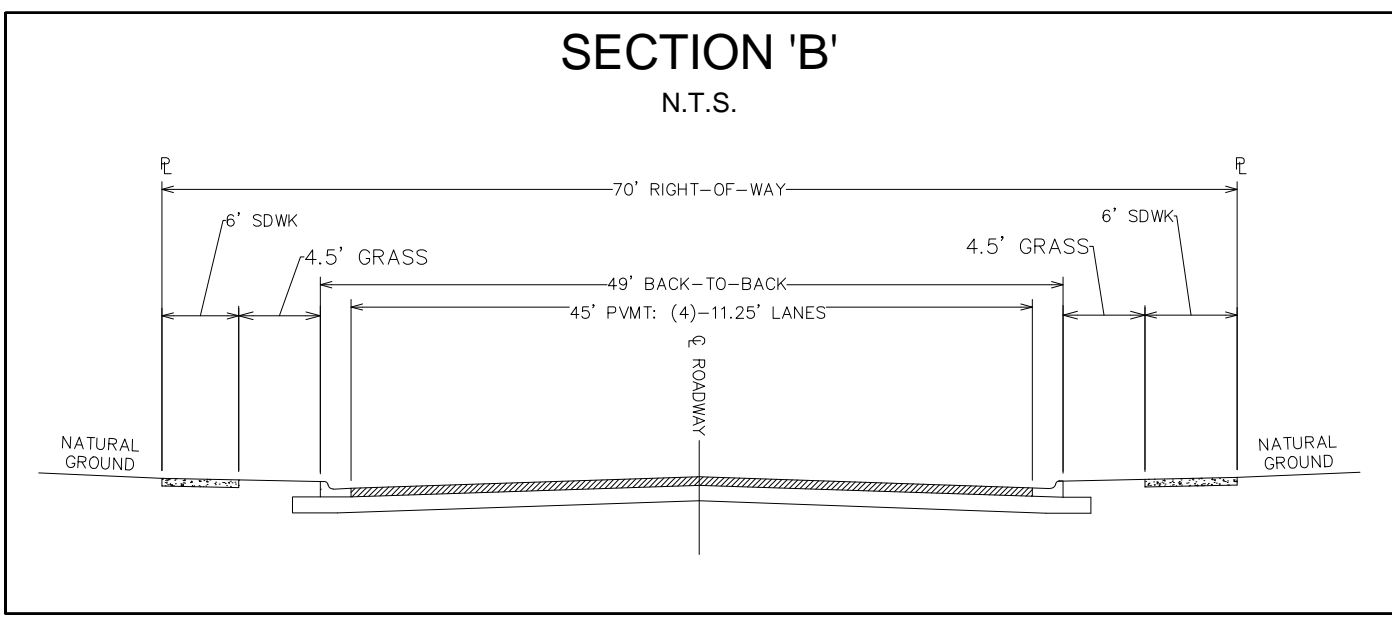
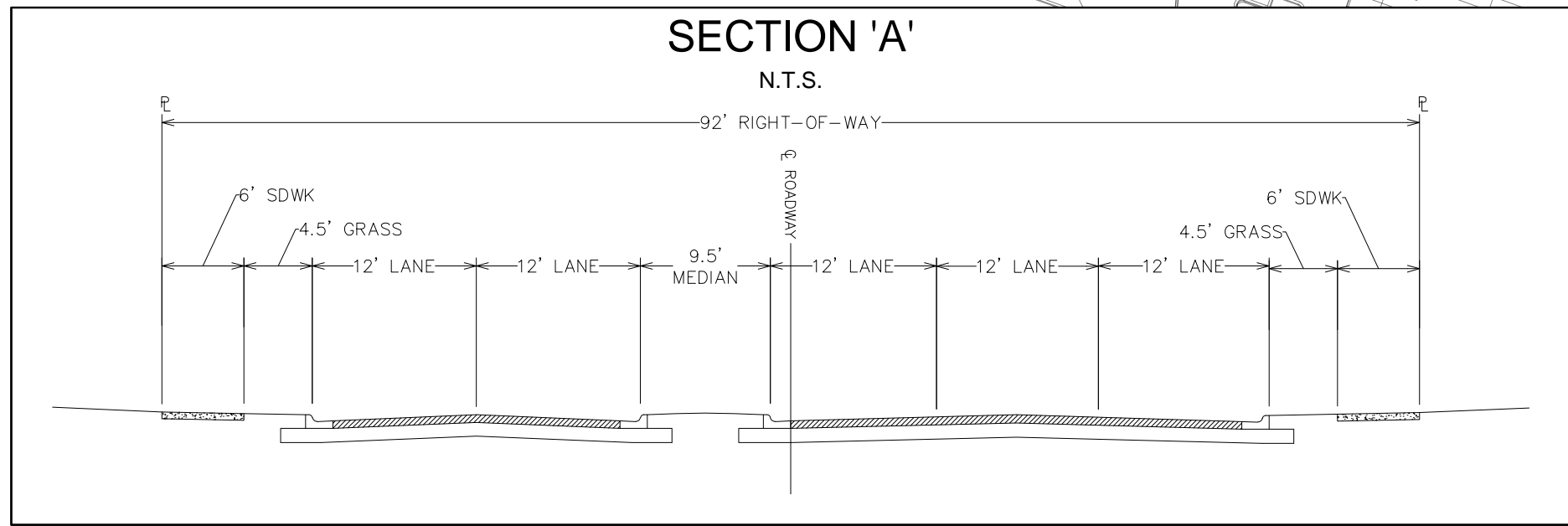
DATE:  
07/13/15  
JOB NO.:  
16-676  
DWN. BY:  
TJJ



A

B

C



# Tables

**Permitted Uses Table (Comparison between SFA-3 & MF-2)**

Use Type	Single-Family Three (SFA-3)	Multi-Family Two (MF-2)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as SFA-3
Residential Uses	* Single Family Residence (Detached & Attached) * Industrialized Housing * Family or Group Home * Townhouse * Zero-Lot Line Dwelling * Patio Home	* Same as SFA-3 * Apartment * Duplex * Townhouse * Home for the Aged
Retail & Service Uses	* None	* Same as SFA-3
Commercial Uses	* None	* Same as SFA-3
Industrial Uses	* Temporary Asphalt & Concrete Batching Plant (CUP)	* Same as SFA-3
Recreational Uses	* None	* Same as SFA-3
Vehicle Service Uses	* None	* Same as SFA-3
Residential Uses	* None	* Same as SFA-3
Overnight Accommodations	* None	* Same as SFA-3
Transportation Uses	* None	* Same as SFA-3

**Permitted Uses Table (Comparison between NS & GR)**

Use Type	Neighborhood Service (NS)	General Retail (GR)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as NS
Residential Uses	* SF Residence (Detached & Attached) * Townhouse * Industrialized Housing	* Same as NS * Duplex
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, (CUP)	* All Retail & Service Uses * Package Store (CUP) * Tool Rental (Indoors)
Commercial Uses	* None	* Kennel w/o vet. hosp. (CUP) * Contractor Storage Yard
Industrial Uses	* Temporary Asphalt & Concrete Batching Plant (CUP)	* Same as NS * Laboratory, medical, dental, scientific or research
Recreational Uses	* All Alcohol (On Premise Consumption) > 50% < 75% (CUP)	* Beer & Wine Only < 75% (CUP) * All Alcohol > 75% (CUP)
Vehicle Service Uses	* Fuel Sales (CUP)	* Auto Leasing & Rental * Auto Sales - New & Used
Restaurant Uses	* Without Drive-In	* With & W/O Drive-In
Overnight Accommodations	* None	* Motel / Hotel

### Surrounding Property Uses

<u>Surrounding Property &amp; Uses</u>			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Residential	AG	Undeveloped
North	Auto-Urban Residential	GR & SF-2 (PD)	Sf Residential & Retail / Service Uses
South	Auto-Urban Residential	SF-3	Undeveloped & SF Residential Uses
East	Auto-Urban Residential	NS (PD) & SF-1 & SF-3	Retail Service & SF Residential Uses
West	Suburban Residential	AG, GR & SF-2	Church, SF Residential Uses & Undeveloped Land

### Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	NO
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan    STP = Sidewalk and Trails Plan		

**Development Standards (SFA-3 & MF-2)**

	<b><u>Proposed (SFA-3)</u></b>	<b><u>Proposed (MF-2)</u></b>
<b>Minimum Lot Size</b>	<b>2,300 SF</b>	<b>Approximately 20 Dwelling Units Per Acre (DUAC)</b>
<b>Minimum Lot Width</b>	<b>20 Feet</b>	<b>60 Feet</b>
<b>Minimum Lot Depth</b>	<b>100 Feet</b>	<b>120 Feet</b>
<b>Front Setback</b>	<b>15 Feet</b>	<b>25 Feet</b>
<b>Side Setback</b>	<b>5 Feet &amp; 0 Feet</b>	<b>15 Feet (Per UDC 5.3.3)</b>
<b>Side Setback (corner)</b>	<b>15 Feet</b>	<b>15 Feet</b>
<b>Rear Setback</b>	<b>10 Feet</b>	<b>10 Feet</b>
<b>Max Building Height</b>	<b>2 1/2 Stories</b>	<b>4 Stories</b>

**Development Standards (NS & GR)**

	<b><u>Proposed (NS)</u></b>	<b><u>Proposed (GR)</u></b>
<b>Minimum Lot Size</b>	<b>N/A</b>	<b>N/A</b>
<b>Minimum Lot Width</b>	<b>N/A</b>	<b>N/A</b>
<b>Minimum Lot Depth</b>	<b>N/A</b>	<b>N/A</b>
<b>Front Setback</b>	<b>15 Feet</b>	<b>15 Feet</b>
<b>Side Setback</b>	<b>10 Feet</b>	<b>10 Feet</b>
<b>Side Setback (corner)</b>	<b>10 Feet</b>	<b>10 Feet</b>
<b>Rear Setback</b>	<b>10 Feet</b>	<b>0 Feet</b>
<b>Max Building Height</b>	<b>2 1/2 Stories</b>	<b>3 Stories</b>

## AMENDED and RESTATED SPECIAL PROVISIONS ADDENDUM

This Amended and Restated Special Provisions Addendum to Commercial Contract – Unimproved Property ("Contract") executed between First Baptist Church Temple, Tx ("Seller") and American Realty Services, Inc. and/or assigns ("Buyer") concerning the property described in the Contract ("Property") is hereby incorporated to supplement and amend the Contract, and replaced in its entirety the previously executed Special Provisions Addendum, as follows:

**Notwithstanding anything in the Contract to the contrary, the Buyer and Seller hereby agree as follows:**

1. During the Feasibility Period, Buyer will negotiate an agreement with the City of Temple for the placement and construction of a public road, to include an access easement (the "Right of Way"). Seller hereby agrees to dedicate an amount of acreage not to exceed 50% of the Right of Way. Any such designated acreage will have to be acceptable to Seller, and in size and location such that it does not affect Seller's remaining property or access thereto. All expenses pertaining to the Right of Way, including approvals, design, supervision, and construction of the Right of Way as a public street, including accompanying infrastructure such as drainage and utilities required by the City of Temple, will be at the sole cost and expense of Buyer. Final terms and details pertaining thereto will be agreed upon by Seller and Buyer, and memorialized prior to the end of the Feasibility Period.

2. The deed from Seller will incorporate the following restrictions, which restrictions will run with the land:

- a. The maximum height for improvements located in the first 250 feet of frontage on FM 2305 (Adams Ave) shall be 1 story, with the roofline not to exceed 25 feet in height.
- b. No apartments may be located or permitted on the Property that participate in any tax credits programs. Any multi-family improvements must be developed for the purpose of receiving full market rents comparable to similar projects within a 3 mile radius, and with no possibility of subsidies from any organization or governmental entity.
- c. No liquor stores, bars or cocktail lounges that sell alcoholic beverages shall be located or permitted on the Property. Notwithstanding the foregoing, restaurants and businesses that derive not more than 50% of their revenue from alcohol sales may be located or permitted on the Property.
- d. No adult stores, adult theatres, businesses that provide adult entertainment or services (including any entertainment providing partial or full nudity), or facilities selling or displaying pornographic materials shall be located or permitted on the Property.
- e. No carnivals or amusement parks shall be located (even temporarily) or permitted on the Property.



- f. No facilities selling paraphernalia for use with illicit drugs, or marijuana (even if the sale of marijuana is legalized for recreational or medicinal purposes) shall be located or permitted on the Property.
- g. No medical facility that encourages abortions or provides abortion services shall be located or permitted on the Property.
- h. No tattoo parlors shall be located or permitted on the Property.
- i. No facility that derives more than 50% of its revenue from the sale of tobacco products in any form, including electronic cigarettes or vapor inhaled products, shall be located or permitted on the Property.
- j. No noxious, offensive, or unlawful business or use shall be located or permitted on the Property.
- k. There shall be a continuous buffer, along the common boundary between nonresidential or multiple-family uses and an agricultural or residential district in accordance with the following:

TYPE	Minimum Width	Minimum Planting Per 100* feet
I**	30 feet	<ul style="list-style-type: none"> <li>- 3 canopy trees</li> <li>- 10 small trees; (50% evergreen)</li> <li>- 14 supplemental shrubs (50% evergreen)</li> </ul>
II**	20 feet	<ul style="list-style-type: none"> <li>- 3 canopy trees</li> <li>- 13 small trees; (50% evergreen)</li> <li>- 16 supplemental shrubs (50% evergreen)</li> </ul>
III**	15 feet	<ul style="list-style-type: none"> <li>- 3 canopy trees</li> <li>- 16 small trees; (50% evergreen)</li> <li>- 18 supplemental shrubs (50% evergreen)</li> </ul>

\* The required landscaping may be reduced by 30% when used in a combination with a decorative fence that is a minimum of 6 feet in height; constructed of wood, wrought iron or galvanized ornamental steel; and located behind the landscaped area.

\*\* All planting shall be in conformance with planting standards located in Section 7.4: Landscaping in the City of Temple Unified Development Code

[[SIGNATURES ON FOLLOWING PAGE]]

Seller:

First Baptist Church- Temple, Tx

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Buyer:

American Realty Services Inc.

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

# Conceptual Apartment Bldg. Elevations

## Echo Station Apartments, Temple, Texas

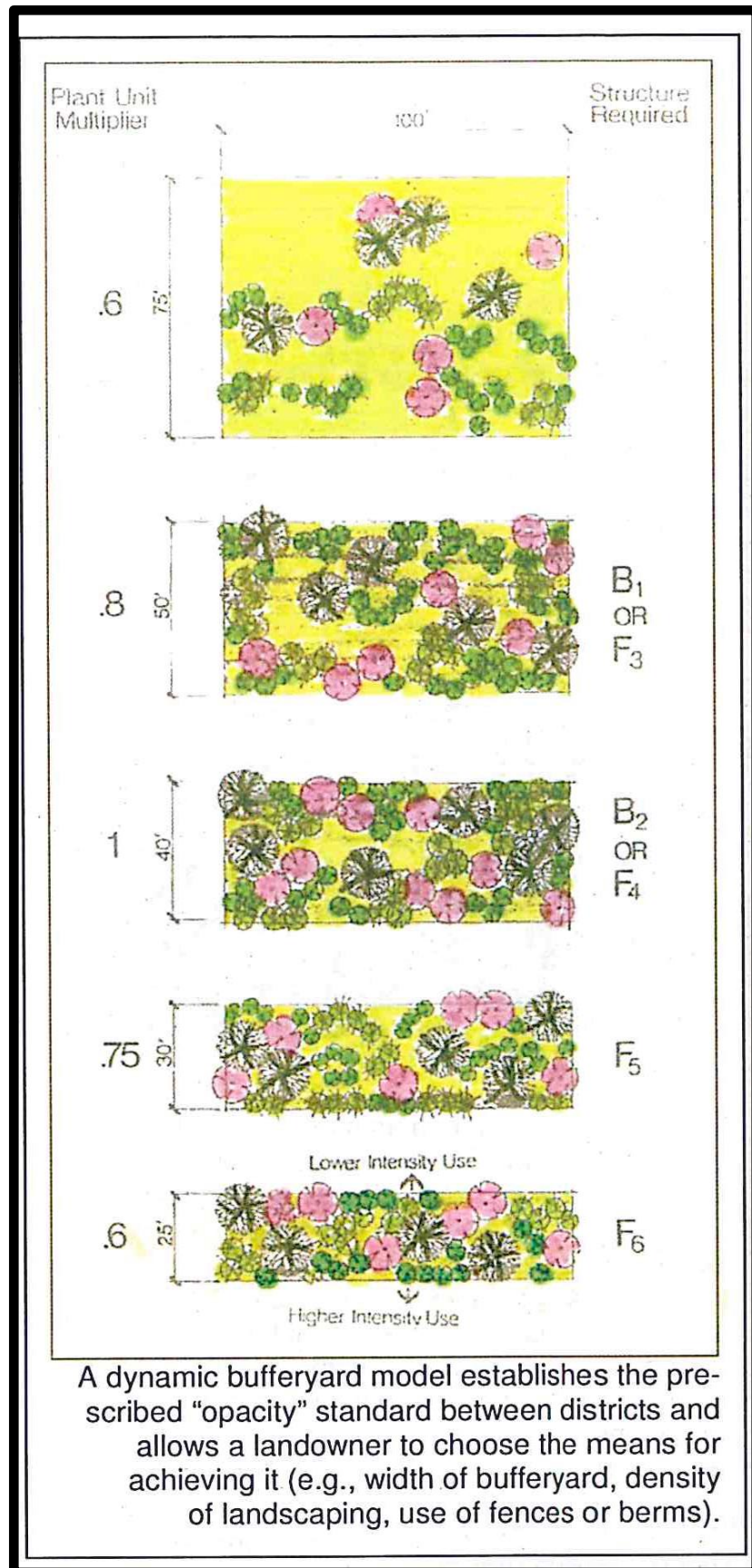


## McKinney Point, McKinney, Texas



# Landscape Buffer Illustration

Choices 08 – Comprehensive Plan – Page 3-9)



A dynamic bufferyard model establishes the prescribed "opacity" standard between districts and allows a landowner to choose the means for achieving it (e.g., width of bufferyard, density of landscaping, use of fences or berms).



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

PLOTTS, ROBT R ETUX REBECCA D  
8110 IRON GATE DR  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree  disagree with this request

**Comments:**

*The agricultural zoning immediately behind our back fence on Iron Gate was the major selling point of our property and home. The proposed re-zoning would negatively impact our quality of living in a significant manner. The proposed re-zoning would affect our privacy, safety, and tranquility. It would decrease our property value, make re-sale more difficult, and add significant noise and light pollution. It would obstruct our view. Right now we look out our back yard to a beautiful natural Texas landscape. We hope to not lose this treasure.*

*Robert Plotts*

*Robert Plotts*

**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, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

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

**RECEIVED  
CITY OF TEMPLE  
PLANNING DEPT.  
AUGUST 30, 2016**

Number of Notices Mailed: 90

Date Mailed: August 25, 2016

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



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

*8102 IRON GATE*

FIRST OMEGA  
7353 W. ADAMS AVENUE  
TEMPLE, TX 76502-5539

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree

disagree with this request

**Comments:**

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---

---

---

---

**Signature**

**Print Name**

*John C. Howe*

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

**RECEIVED**

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

**AUG 31 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016

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



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

8117 IRON GATE

FIRST OMEGA  
7353 W. ADAMS AVENUE  
TEMPLE, TX 76502-5539

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree

( ) disagree with this request

**Comments:**

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**Signature**

**Print Name**

John Howe

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

**RECEIVED**

**AUG 31 2016**

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

City of Temple  
Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016

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



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

8121 IRON GATE

FIRST OMEGA  
7353 W. ADAMS AVENUE  
TEMPLE, TX 76502-5539

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree

( ) disagree with this request

**Comments:**

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**Signature**

**Print Name**

John C. Howe

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

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

**RECEIVED**  
AUG 31 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016

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

8114 IRON GATE

FIRST OMEGA  
7353 W. ADAMS AVENUE  
TEMPLE, TX 76502-5539

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree

( ) disagree with this request

**Comments:**

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---

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Signature

Print Name

John C. Howe

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

NIEMEIER, STEPHEN H & LISA D  
2619 TIMBER RIDGE DR  
TEMPLE, TX 76502-8804

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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I ( ) agree

disagree with this request

Comments:

*drainage is a problem and high density zoning will make it worse. a two story structure at a higher elevation will ensure no privacy to the women built behind them.*

*Steph Niemcier*

Stephen Niemcier

Signature

Print Name

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

CENTRAL NATIONAL BANK  
938 CANYON CREEK DR  
TEMPLE, TX 76502-3232

**Zoning Application Number:** Z-FY-16-43

**Case Manager:** Mark Baker

Location: 8015 West Adams Avenue

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

I  agree

( ) disagree with this request

Comments:

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Denndel C. Williams, Chairman  
Signature Central National Bank-Temple

DENDELL C. WILLIAMS  
Print Name

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RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

HENDRIX, SANDRA G
7322 PAPPUS CT
TEMPLE, TX 76502-8512

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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

I ( ) agree

(X) disagree with this request

Comments:

Rezoning the land behind my house will drop the property value of my home. The value of my my home is already less than what I paid for it and the repairs I had to make to the house.

Sandra Hendrix
Signature

Sandra Hendrix
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, at mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than September 6, 2016.

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

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City of Temple
Planning & Development

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

WESTFIELD CAPITAL LLC & KIELLA DEVELOPMENT INC  
15 N MAIN ST  
TEMPLE, TX 76501-7629

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree

( ) disagree with this request

**Comments:**

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Paul Branch, President  
Signature

WESTFIELD CAPITAL LLC  
by: Paul Branch, President  
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

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

BARROWS, DAVID ETUX CAROL  
7317 TANGLEHEAD DR  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

I  agree

disagree with this request

**Comments:**

An existing entrance/egress road is under construction  
to an adjoining neighborhood. It would allow residents  
and others access to Old Waco and to Pea Ridge.  
Extending Tanglehead into a new area would increase  
motor vehicle traffic risking children enroute to & from  
the Park area.

*David F. Barrows*  
**Signature**

David F. Barrows  
**Print Name**

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

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City of Temple  
Planning & Development

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Date Mailed: August 25, 2016

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

HARMON, LARRY K SR ETUX KAREN K  
7318 TANGLEHEAD DR  
TEMPLE, TX 76502-8509

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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

( ) agree

( ) disagree with this request

**RECEIVED**

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEP - 1 2016

City of Temple  
Planning & Development

*Karen Kaye Harmon*  
Signature

KAREN KAYE HARMON  
Print Name

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Temple, Texas 76501**

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

FIRST BAPTIST CHURCH TEMPLE TEXAS  
8015 W ADAMS AVE UNIT A  
TEMPLE, TX 76501-5510

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

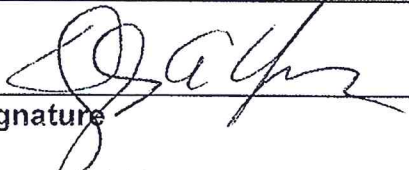
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I  agree

( ) disagree with this request

**Comments:**

This rezoning will allow First Baptist Church to proceed with its Master Plan for The property.

  
Signature

Douglas A Young  
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, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

City of Temple  
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RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

BLACK, ROSALVA CASTRO  
2691 SALORN WAY  
ROUND ROCK, TX 78681-2382

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

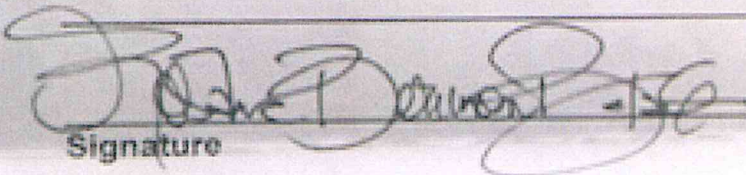
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I ( ) agree

() disagree with this request

Comments:

Do not agree with the MF-2 zoning, but would be  
ok with SFA-3 zoning.



Signature

Rosalva Black

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, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than September 6, 2016.

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

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SEP - 6 2016

City of Temple  
Planning & Development

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

DOUGLAS, MARK A & ELDA MARTEL FAMILY TRUST  
C/O DOUGLAS, MARK A & ELDA MARTEL, TRUSTEES  
265 SPRECKELS DR  
APTOS, CA 95003-3936

**Zoning Application Number:** Z-FY-16-43

**Case Manager:** Mark Baker

Location: 8015 West Adams Avenue

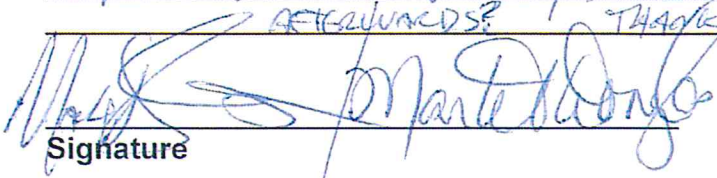
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I ( ) agree

disagree with this request

**Comments:**

I WOULD FIRST LIKE TO SEE HOW THIS REZONING AND SUBSEQUENT  
DEVELOPMENT TIES TO SPECIFIC ELEMENTS OF THE "TEMPLE TOMORROW"  
STRATEGIC PLAN. WILL THE 'QUALITY OF LIFE' OF CURRENT RESIDENTS  
IN THE IMMEDIATE VICINITY BE IMPACTED DURING CONSTRUCTION OR  
RETROFITS? THANK YOU.

  
Signature

Mark Douglas / Martel Douglas  
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, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016.**

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

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Planning & Development

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

THOMAS, JOHN W ETUX KELSEY B  
8106 IRON GATE DR  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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I  agree

disagree with this request

**Comments:**

If the land behind our fence is developed, we ask kindly, could we please keep the trees along the fence-line? We sacrificed a foot of yard space to ensure the trees wouldn't have to be cut down in order to construct our fence. We have 3 young boys and 2 dogs that appreciate the shade on hot summer days. Thank you for your consideration.

Kelsey B. Thomas  
Signature

Kelsey B. Thomas  
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, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

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

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Planning & Development

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

RODRIGUEZ, GRACIELA  
2705 PACE BEND RD S UNIT 7  
SPICEWOOD, TX 78669

**Zoning Application Number:** Z-FY-16-43

**Case Manager:** Mark Baker

Location: 8015 West Adams Avenue

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I ( ) agree

disagree with this request

**Comments:**

*We moved out of Austin area due to congestion, too many people/traffic. This area is untouched right now and we were drawn. Don't spoil the open spaces that are left. Don't become the next Pancel Rock.*

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

*Graciela Rodriguez*  
\_\_\_\_\_  
Print Name

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

KIELLA DEVELOPMENT INC  
PO BOX 1344  
TEMPLE, TX 76503-1344

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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I  agree

( ) disagree with this request

Comments:

*DK*

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Signature

*John Kiella*

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, at [mbaker@templetx.gov](mailto:mbaker@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

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

TEM-TEX INVESTMENTS LTD  
PO BOX 1344  
TEMPLE, TX 76503-1344

**Zoning Application Number: Z-FY-16-43**

**Case Manager: Mark Baker**

Location: 8015 West Adams Avenue

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I  agree

( ) disagree with this request

Comments:

*2x*

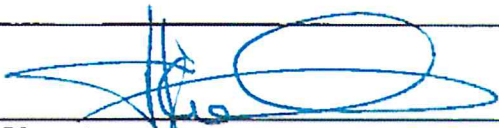
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Signature

*John Keller*  
Print Name

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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.*

**From:** [Karen Flores](#)  
**To:** [Mark Baker](#)  
**Subject:** Apartment complex between Iron gate and the church on West Adams  
**Date:** Thursday, September 15, 2016 12:06:00 PM

---

Mr Baker

I am emailing to voice my concerns about the supposed apartment complex that they are wanting to build behind Iron Gate. We the residents of The Vista at Westwood are not in favor of this project. This is a very quiet community of elderly and young families. The traffic will already increase with the expansion of Tarver and expanding Iron gate to Adams will only bring more danger to the small children who ride their bikes and scooters on Iron Gate. There has already been a child hit by a car on Iron Gate a few weeks ago. The city is already aware of the number of small children in our area because the 8ft sidewalk that was installed over the summer was for the safety of the school children. This will probably affect our property value as well and with the increased traffic more crime. Our neighborhood is not easily accessed by West Adams and therefore our overall crime has been low compared to that of neighborhoods like Sage Meadows. If that road goes through that will certainly change. The thing I loved about West Temple the most was the land, and as usual it is being taken away. What happened to keep Temple beautiful? Soon we'll be just a bunch of buildings like any other city. Not to mention the over crowding of Belton schools located in West Temple. Adding an apartment complex in an already overcrowded area seems irresponsible. Does no one care about our children's education? The school district is having a hard enough time keeping up with the growth of West Temple as it is. There are plenty of homes reasonably priced in the area that there should be no need for another apartment complex.

--

Karen Flores  
Copper Ridge Loop

**From:** [Matthew](#)  
**To:** [Mark Baker](#)  
**Subject:** Planned development in West Temple  
**Date:** Sunday, September 18, 2016 2:37:02 PM

---

Mr. Baker,

I am writing to voice my concern with the planned development in west Temple on Iron Gate. I live in the Hills of Westwood subdivision and my concerns are as follow:

- increased traffic in the area during morning and afternoon rush hours.
- decreased property values for the existing homes in the area.
- increased crime rates attributed to transient historically lower income population.
- increased pressure on the school system to handle the increase in students.

Thank you in advance for any information you can provide to alleviate my concerns.

Matthew Baird



**From:** [Noetzel, Jennifer M CPT USARMY MEDCOM CRDAMC \(US\)](mailto:Jennifer.M.Noetzel@army.mil)  
**To:** [Mark Baker](mailto:mbaker@templetx.gov)  
**Subject:** First Baptist Church Land Re-zoning proposal  
**Date:** Monday, September 19, 2016 11:23:29 AM

---

Good Morning Sir,

This is my response to the proposed rezoning of First Baptist Church Land.

My opposition is the creation of the through road that will be created with Iron Gate Drive and Westfield Blvd connecting. This road will connect to a residential area with no sidewalks. Additionally there are multiple mailboxes posted on that road that not only do residents frequently stop at, but mail vendors as well. Creating this as a full connector road I believe will be dangerous for the residents of that area. There have already been 2 accidents this school year with children being hit by vehicles. By keeping these areas distinct and separate I believe the communities can maintain their property value.

If the connector road stands I will oppose the whole development. For reasons of increased traffic and danger to the community, decreased property value (multi-family units <2 miles from my resident), increased people (both residents and their visitors) leads to reduced privacy. There will also be increased noise and the potential for added crime. Our neighborhood pool already has issue with people and kids breaking and vandalizing the area.

v/r

Jennifer Noetzel  
859-466-7820  
719 Copper Ridge Loop Temple, TX 76502

-----Original Message-----

From: Mark Baker [<mailto:mbaker@templetx.gov>]  
Sent: Thursday, September 15, 2016 12:10 PM  
To: Noetzel, Jennifer M CPT USARMY MEDCOM CRDAMC (US)  
Subject: [Non-DoD Source] RE: test email

Hi Jennifer:

Staff report and attachments for your review. Please feel free to forward any comments that you would like to be included into the public record to my attention so they can be included for City Council consideration.

Thank you for you participation,  
Mark

-----Original Message-----

From: Noetzel, Jennifer M CPT USARMY MEDCOM CRDAMC (US)  
[\[mailto:jennifer.m.noetzel.mil@mail.mil\]](mailto:jennifer.m.noetzel.mil@mail.mil)  
Sent: Thursday, September 15, 2016 12:05 PM  
To: Mark Baker <[mbaker@templetx.gov](mailto:mbaker@templetx.gov)>  
Subject: test email

Jennifer M. Noetzel  
CPT, MS  
Ft. Hood Army Hearing Program  
(O) 254.285.6168  
(SRP) 254.553.3097

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, SEPTEMBER 6, 2016**

**ACTION ITEMS**

**Item 2: Z-FY-16-43** – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to Single-Family Attached-Three (SFA-3), Multi-Family-Two (MF-2), Neighborhood Service (NS) and General Retail (GR) districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on October 6, 2016 and second reading October 20, 2016.

The applicant is proposing four separate zoning districts: General Retail (GR), Neighborhood Service (NS), SFR – Attached-Three (SFA-3), and Multi-Family (MF-2) for a proposed apartment complex. There are no proposed site or development plans available for the remaining three districts.

With the number of zoning districts proposed, enhanced buffering and screening considerations are very important due to the proximity to existing single family residences. Applicant has agreed to incorporate enhanced buffering and screening into their development and will be included in the sales contract and Deed Restrictions, which is also modeled after the Westfield Master Development Plan (Ordinance No. 2015-4717).

The enhanced buffering and screening standards are identified in the Comprehensive Plan, Choices '08, page 3-7, referred to as Dynamic Buffer Yard Modeling:

Increased Plant Density based on:

Buffer yard width;

Landscape Material Selection;

Density'

Earthen Berms; and

Fences or Walls.

Wider Buffer yard with Limited Plant Density or

Narrow Buffer yard with or without fence/wall & increased plant density

Circulation is a big consideration for a development this size. There are four areas that could be created for circulation; otherwise circulation would be limited without a series of easements and/or circulation elements. A plat will come forward after the zoning that would define in more detail circulation issues, particularly the extension of Westfield Boulevard.

Westfield Boulevard would be built to arterial standards which includes a minimum of 70-foot right-of-way and 49-foot pavement and include six-foot sidewalks on both sides. This would also be addressed during the plat process.

Potential improvements would include an extension of Tanglehead Drive. Tanglehead Drive is currently designated as a local street and would function as a collector.

There is currently a Cost-Share Improvement for the section of Tanglehead from Meadowbrook to Old Waco Road (Outer Loop) and is currently in the design stage.

In terms of the Zoning Map, the Single-Family Three (SF-3) and GR are consistent with the SF-3 that is adjacent to the subject property. The NS and GR zoning districts are already established along West Adams.

The Future Land Use and Character Map designates the subject property as Suburban-Residential, which is primarily for single family detached residential uses, specifically SF-1, SF-2. The Suburban-Residential designation does not support the four zoning districts and would be more consistent under a Suburban-Commercial designation which supports office, retail and services uses.

The subject property is located at the intersection between two arterials, Westfield Boulevard and West Adams Avenue and Single Family residential is not likely to occur within this corridor.

A 12-inch water line along West Adams Avenue and an eight-inch sewer line along Tanglehead Drive are available to serve the property. These would be addressed in more detail during the platting process.

West Adams Avenue (FM 2305) would require a six-foot sidewalk on the south side.

The proposed arterial for Westfield Boulevard would be a minimum of 70-foot right-of-way and 49-foot pavement section. This would extend to Iron Gate and ultimately connect to Tarver Road leading south of the project site.

An existing City-Wide Spine Trail is located on West Adams Avenue.

Anticipated roadway extension of Westfield Blvd (across West Adams and connect to Iron Gate Drive) would anticipate a right-of-way width to vary from 92-feet to 60-feet. A six-foot sidewalk on both sides of Westfield Boulevard.

Potential Extension of Tanglehead Drive:

- Functions as a future collector and needs to be built to collector street standards: 55-foot right-of-way and 36-foot pavement

- Six-foot sidewalk on one side of Tanglehead Extension

- Cost-Sharing improvements to Tanglehead Drive from Meadowbrook to Old Waco Road

The final design of "Project-Related" improvements to be addressed by subdivision plat.

The developer efforts for Westfield Boulevard extension provide compliance to Thoroughfare Plan.

Cross-sections of various streets/roads and different right-of-ways are shown and briefly explained.

Surrounding properties include existing retail and service uses along West Adams Avenue, zoned PD-GR and GR to the north, existing retail and service uses along West Adams Avenue, zoned PD-NS, and Tanglehead Drive Access Point, zoned SF-3, to the east, First Baptist Church, zoned AG to the west, and existing single family residences (Hills of Westwood Subdivision), zoned SF-3, and potential access point at Iron Gate Drive to the south.

Several NS, GR, SFA-3 and MF-2 allowed uses are briefly covered, along with current and proposed development standards for all four districts.

Ninety notices were mailed in accordance with all state and local regulations with 10 notices returned in agreement and nine notices returned in disagreement.

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

Developer examples are shown for similar apartment projects.

Staff recommends approval of the request from AG to GR, NS, SFA-3 and MF-2.

Mr. Baker explained it was Staff's understanding a request was made in the design review process for a portion of that lot to remain available for potential access for Westfield to extend through.

Mr. Brian Chandler, Director of Planning, added that a proposed extension of Westfield is shown through Iron Gate on the Thoroughfare Plan, so the residential phase of the plat included dedication of the lot for future connectivity. It is shown as a minor arterial but may serve as a collector instead. Mr. Baker stated the extension would be looked at through the subdivision plat.

Mr. Chandler added if it was not proposed to connect to Iron Gate, it would come back to P&Z. A change in the Thoroughfare Plan would come back to P&Z if that were part of the development proposal.

It was stated that Iron Gate is a Kiella development.

Commissioner Sears was concerned that if this connection were not done, there would only be one way in and one way out on Westfield and did not feel Tanglehead Drive was a good idea.

Mr. Chandler stated Staff supports the Thoroughfare Plan alignment that the additional connectivity does affect some existing houses at Iron Gate; however, Tanglehead could be an additional option but would provide alternate options and not feed all of the traffic in and out of 2305.

Mr. Chandler commented there are currently no connections proposed for South Pea Ridge as part of this project.

Commissioner Pitts stated his concern was that a lot of traffic would be dumped in the neighborhood, especially as busy as 2305 is, which was not anticipated.

Commissioner Sears commented that last year approximately 2,000 houses were platted in west Temple that had not yet started construction and wondered if Staff had any idea of what has been platted versus being built. Mr. Chandler was not certain of any numbers, but some of the developments are currently active with permitting.

Commissioner Rhoads asked about road updates in the area.

Mr. Chandler did not have a list of the projects but mentioned Tarver is being extended and will eventually reach Old Waco Road and Hogan Road is scheduled on the Temple Capital Improvement Projects (TCIP) for east/west connectivity.

Mr. Chandler believed Crossroads Regional Park, Phase I, should be bidding site work within the next couple of months and Phase II for the actual improvements should be within the next year.

Chair Jones opened the public hearing.

Mr. Scott Motsinger, 506 Northcliffe Drive, Belton, Texas, stated he was the broker of record, represents First Baptist Church, and believes the development will be a huge benefit to the community.

The applicant would like to have retail use at the front along with some neighborhood services, and residential to the rear, similar to the Westfield development. The applicant wants to provide a lot of buffering to the residential areas for privacy which is why the enhanced landscaping was offered and included.

Each time a parcel is sold, the applicant will need to go through the platting process which would address utility and drainage issues.

Mr. Motsinger explained Westfield is needed in order to get people to 2305. The estimated bridge cost across the drainage easement from Tanglehead to Pea Ridge would cost in the \$500,000 range, which would be cost prohibitive and Mr. Motsinger is not certain if or when it would ever connect to Pea Ridge.

Tarver would be a major relief from an east/west standpoint.

Mr. Motsinger stated leaving the trees for the developer would be great; otherwise, the developer would need to buy and replant new trees. If the City allowed the trees to remain it will help fulfill the buffer requirements and save the developer additional expense.

Currently, there is no site plan or design for the residential portion of the request. Mr. Motsinger stated it could be townhomes, single family garden homes, or something like that.

Mr. Robert Murray, 4689 Old Pond Drive, Plano, Texas, stated only 15 acres would be needed for the MF-2 portion for 240-250 units. The City was planning on putting in the extension on

Westfield in the future (through the platting process) and the developer would pay half of that cost. An easement on Tanglehead would be given to the City.

As the trees grow, the apartments will most likely not be seen from the neighboring residences and the buildings will only be three stories.

Mr. Jon Burrows, 709 Clover Lane, Temple, Texas, stated he was the Chairman of the Property Committee for First Baptist. Several members of First Baptist were in attendance.

Mr. Burrows commented this is their neighborhood and in the contract with buyers there are very strict restrictions on what can go in there and would be comparable and acceptable for the area.

The apartments would be market rate apartments and are not subsidized. The Church likes the look of the Kiella development across the street and what their aim would be. Access easements are being worked on for the retail section of the development. The Church has a vested interest in this project, will not be going anywhere, and it will benefit the community.

The long-term plan for the Church will need approximately 60 acres for future development.

Mr. Burrows responded to the objections made on the responses and believes the developer is working on those issues. Buffering, trees, and landscaping would be included to create a first class development for the City of Temple.

Mr. David G. Marsh, 662 Devon Drive, Temple, Texas, stated he lived at the southeast corner of the subject development. Mr. Marsh was concerned about the future expansion of Old Waco Road. There are currently three other projects off of Old Waco Road (south toward Belton). Old Waco Road is not complete yet and here is another project.

There was extensive flooding with the existing two drainage ditches just north of Tanglehead due to all the heavy rains this year causing major traffic issues.

Staff and the developer confirmed that at this time Tanglehead is not proposed to be extended through to Westfield. Mr. Marsh was concerned there would only be one exit. Mr. Baker clarified the extension of Tanglehead would be reviewed during the platting process but is not currently part of a City proposed project nor is the applicant proposing any extension.

Mr. Marsh is very concerned about the traffic, especially south, along Old Waco Road due to his past and current construction experiences. Mr. Marsh asked that roads in the area would be reviewed due to all of the projects being developed.

Another immediate concern was the water pressure for the area, and this does not even include the upcoming projects. Perhaps a new pumping station could be installed. Other concerns were Police, Fire, and emergency vehicles.

Mr. Marsh is all for growth but requested the City needs to consider the hidden, in-depth details which would also be involved and affect the current and future residents.

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

Mr. Baker confirmed this item would go forward to City Council on October 6, 2016 for first reading.

Chair Jones encouraged the public to bring their concerns to the City Council as well.

Mr. Chandler explained that Public Works, on the TCIP plan, shows the different timing and projects, bonds, phasing, and other information should be on the City's website.

Mr. Chandler informed Mr. Marsh he would get the information requested and contact him.

Commissioner Sears stated he had no problem with the GR/NS portion of the project but was very apprehensive about the apartment portion. Placing approximately 240 units in that little section would lead to continued drainage issues and add more traffic problems. The entire area is not designed very well considering the expansion planned. Commissioner Sears did not feel this project fit the Comprehensive Plan at all.

Commissioner Crisp was in agreement with Commissioner Sears.

Commissioner Pitts had issues with the Iron Gate portion but agreed outlets were needed, preferably in different areas.

Commissioner Rhoads commented the subject area needs to be well-planned out in order to accommodate the fast growth it is experiencing and to take a close look at the Thoroughfare Plan.

Chair Jones reopened the public hearing.

Mr. Will Sisco, Turley Associates, 911 North 9th Street, Temple, Texas, addressed the Iron Gate issue and pointed out that on the west side there are no houses fronting Iron Gate. There are houses adjacent to it but the driveways are not off of Iron Gate. Where Iron Gate connects to Tarver Road, it has a traffic calming median between the entrance and exit lanes and on the west side of Iron Gate there are no houses at all, so some provisions have been designed and planned for on the extension of Westfield Boulevard.

Also, there are existing drainage issues along and behind the existing development east of the subject property where Tanglehead crosses and currently some of those issues are being worked out by the pertinent entities involved. These items are being reviewed and the current projects that Turley Associates and the City are working on will be cleaned up as projects progress and develop.

Mr. Chandler confirmed Tanglehead was not on the Thoroughfare Plan. Tanglehead to the east, Old Waco Road, is a developer participation agreement, to make that connection. To the west to Westfield, that project is not on the Thoroughfare Plan. If this development were to happen it would change the dynamics and the need for that connection. The developer is not proposing to build that.

Mr. Chandler informed the Commission that while this is a base zoning case, conditions may not be added; however, a Planned Development (PD) District could be added to the request or the Commission could continue the item to another date. This would allow the opportunity for staff to get additional direction about the case and perhaps add a PD which could address the extension for Tanglehead.



Mr. Chandler confirmed the extension issue could be addressed at the platting phase.

Chair Jones closed the public hearing.

Commissioner Rhoads made a motion to approve Item 2, Z-FY-16-43, as presented, and Commissioner Langlely made a second.

Chair Jones reminded the audience that the Commission was taking action on the zoning request only.

*Motion passed: (6:1:0)*

Commissioner Sears voted Nay; Vice-Chair Johnson and Commissioner Fettig absent

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

(PLANNING NO. Z-FY-16-43)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY ATTACHED-THREE, MULTI-FAMILY-TWO, NEIGHBORHOOD SERVICE, AND GENERAL RETAIL DISTRICTS ON APPROXIMATELY 42.066 ACRES, LOT 1, BLOCK 1, FIRST BAPTIST-TEMPLE WEST CAMPUS, LOCATED AT 8015 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service, and General Retail Districts on approximately 42.066 acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue, as outlined in the map and field notes 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:** The applicant/developer has agreed to enhanced landscaping and buffering standards as provided for in the private sales contract and further provided for in the private deed restrictions for a proposed apartment complex within the Multi-Family Two zoning designation.

**Part 4:** The applicant/developer proposes to extend Westfield Boulevard from West Adams Avenue (FM 2305) and connect to Iron Gate Drive as conceptually depicted by the attached Exhibit ‘B.’

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, 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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Item #8  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, “Tattoo Shops.”

**STAFF RECOMMENDATION:** Conduct a public hearing, and adopt ordinance as presented in item description on first reading, with second and final reading set for October 20, 2016.

**ITEM SUMMARY:** Chapter 16, Article VIII of the Code of Ordinances currently states:

### **ARTICLE VIII. TATTOO SHOPS**

#### **Sec. 16-108. Definitions.**

For the purposes of this article, the following words and phrases shall be construed as follows:

*Tattooing* or *Tattoo* means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

*Tattoo operator* means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

*Tattoo shop* means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

#### **Sec. 16-109. Tattooing Prohibited.**

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

In a separate item, Staff is proposing amendments to the Unified Development Code which, if approved by Council, would allow “tattoo studios” and “body piercing studios” by right in certain zoning districts. In conjunction with those proposed amendments, Chapter 16 of the Code of Ordinances must be amended to delete Article VIII, “Tattoo Shops.”

**FISCAL IMPACT:** Not applicable.

### **ATTACHMENTS:**

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO DELETE ARTICLE VIII, "TATTOO SHOPS;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Chapter 16, Article VIII of the Code of Ordinances currently states:

**ARTICLE VIII. TATTOO SHOPS**

**Sec. 16-108. Definitions.**

For the purposes of this article, the following words and phrases shall be construed as follows:

*Tattooing* or *Tattoo* means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

*Tattoo operator* means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

*Tattoo shop* means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

**Sec. 16-109. Tattooing Prohibited.**

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

**Whereas**, Staff recommends Council approve certain amendments to the City of Temple Unified Development Code which, if approved by Council, would allow "tattoo studios" and "body piercing studios" in certain zoning districts by right;

**Whereas**, in conjunction with those proposed amendments, Chapter 16 of the Code of Ordinances of the City of Temple, Texas must be amended to delete Article VIII, "Tattoo Shops"; and

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

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

**Part 1:** The City Council amends Chapter 16, of the Code of Ordinances of the City of Temple, Texas to delete Article VIII, "Tattoo Shops," as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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

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



## CITY COUNCIL ITEM MEMORANDUM

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10/06/16  
Item #9  
Regular Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-16-23: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code: Article 5 – Use Standards, deleting “tattoo parlor” as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

**P&Z RECOMMENDATION:** At the April 18, 2016 Planning and Zoning Commission meeting, P&Z recommended unanimous approval per staff recommendation.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, with second and final reading set for October 20, 2016.

### **BACKGROUND**

- Tattoo studios are currently prohibited in the City limits according to Sec. 5.1.1.C. “Prohibited Uses” of the UDC
- Chris Simmons, owner of Lucky in Love tattoo studio in Morgan’s Point, is a Temple resident
- He has previously addressed City Council requesting the ability to open a studio in Temple
- Legal and Planning agreed to meet with him to discuss and educate ourselves about his business and the industry in general
- Met in July 2015
- Took a site visit in October 2015 (photos included in attachments) to see his studio and to learn about their operations
- Tattoo and body piercing studios are regulated by the Texas Health and Safety Code (Chapter 146. Tattoo and Certain Body Piercing Studios)
- Body piercing studios would currently be allowed in any of the following zoning districts and classified as a “retails sales and service use other than those listed”:
  - NS (Neighborhood Services)
  - GR (General Retail)
  - C (Commercial)
  - CA (Central Area)
  - LI (Light Industrial)
  - HI (Heavy Industrial)

**CITY COUNCIL**

The Tattoo Studios topic was discussed with City Council at their February 4, 2016 workshop. The recommended amendments were presented to Council at its May 5, 2016 meeting, but were not approved at that time.

Staff is proposing amending the following articles of the UDC.

**Article 5 Use Standards**

Staff is proposing amending section 5.1 to allow for both Body Piercing and Tattoo Studios by right in GR (General Retail), C (Commercial), LI (Light Industrial) and HI (Heavy Industrial) zoning districts with the limitations listed below.

P = Permitted by Right L = Permitted by Right Subject to Limitations  
 [blank cell] = Prohibited C = Conditional Use Permit

Specific 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	C	CA	LI	HI	Standards	
consumption, beer and wine store																							
Alcohol beverage sales, off-premise consumption, package store																		O	C	O	O	O	5.3.17, 5.3.17
Antique shop															P		P	P	P	P	P	P	
Art supply store															P		P	P	P	P	P	P	
Bakery or confectionary shop (retail)															P		P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	P	
Barber shop or beauty shop															P		P	P	P	P	P	P	
<u>Body Piercing Studio</u>																	P	P		P	P	P	5.3.27
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	L	5.3.18, 5.3.18
Cleaning plant (commercial)																		P	P				
Discount or department store																	P	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	P	
Exercise gym	C										C	C	C		P	C	P	P	P	P	P	P	
Fabric store																	P	P	P	P	P	P	
Florist or garden shop															P	P	P	P	P	P	P	P	
Food or beverage sales store without fuel sales																	P	P	P	P	P	P	
Furniture and appliance sales and service																	P	P	P	P	P	P	
Greenhouse or nursery (retail)																	P	P	P	P	P	P	
Handcraft and art objects shop																	P	P	P	P	P	P	
Hardware store or hobby shop																	P	P	P	P	P	P	
Key shop															P	P	P	P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	L	Sec. 5.3.25
Laundry and cleaning (self-service)															P	P	P	P	P	P	P	P	
Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P	P	
Mixed media store or newsstand															P	P	P	P	P	P	P	P	
Mortuary or funeral home															P		P	P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	P	
Pet shop																	P	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																	P	P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	P	
<u>Tattoo Studio</u>																	P	P		P	P	P	5.3.27
Tool rental (indoors)																	P	P	P	P	P	P	



**Sec. 5.3.27 Body Piercing Studio and Tattoo Studio standards**

A Body Piercing Studio or Tattoo Studio may be permitted in accordance with the use table in **Error! Reference source not found.** subject to the following standards:

- A. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of a School, Public or Private, as that term is defined in this Code.
- C. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- D. A Body Piercing Studio or Tattoo Studio may not be located on property that falls within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (SIZ) Corridor.
- E. A handwashing sink is required that is separate from restroom sinks.

**Article 11 Definitions** would be amended to add the following definitions:

**Body Piercing.** The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

**Body Piercing Studio.** A facility in which body piercing is performed.

**Tattoo.** The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

**Tattoo Studio.** An establishment or facility in which tattooing is performed.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on April 7, 2016, in accordance with state law and local ordinance.

The newspaper printed notice of the City Council's public hearing on September 18, 2016, in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

- Attachment 1: UDC Draft Amendments (Body Piercing and Tattoo Studios)
- Attachment 2: Chapter 146 Texas Health and Safety Code (relevant pages)
- Attachment 3: GR, C, LI and HI Zoned Property Map
- Attachment 4: Strategic Investment Zone (SIZ) Map Ordinance

## Article 5 Use Standards

### Sec. 5.1. Use Table

#### 5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- B. Temporary sales that are unrelated and accessory to the primary use of the property except as provided for below:
  1. Temporary uses identified in Section 5.6 Temporary Uses; and
  2. Temporary sales associated with fundraising campaigns sponsored by non-profit organizations subject to the general conditions identified in Section 5.6.2.

~~C. Tattoo parlor.~~

#### 5.1.2 Legend for Interpreting Use Table

#### 5.1.3 Use Table

The following table sets forth the meaning of the symbols used in the use table below.

P= Permitted by Right L = Permitted by Right Subject to Limitations  
 [blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	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	C	CA	LI	HI	Standards	
<b>INDUSTRIAL USES</b>																							
Animal feedlot	C																					C	
Asphalt or concrete batching plant (permanent)																				C	P		
Asphalt or concrete batching plant (temporary)	See <a href="#">Section 5.6</a> Temporary Uses																						
Brick kiln or tile plant																						C	
Cement or hydrated lime plant																						C	
Compost operations																				C	C		5.3.13
Distribution Center																				P	P		
Laboratory Manufacturing																		P		P	P		

**Article 5: Use Standards**

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations  
 [blank cell] = Prohibited C= Conditional Use Permit

Specific 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	C	CA	LI	HI	Standards	
consumption, beer and wine store																							
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C		<a href="#">5.3.175-3.17</a>
Antique shop															P	P	P	P	P	P	P		
Art supply store															P	P	P	P	P	P	P		
Bakery or confectionary shop (retail)															P	P	P	P	P	P	P		
Bank or savings and loan														P	P	P	P	P	P	P	P		
Barber shop or beauty shop															P	P	P	P	P	P	P		
Body Piercing Studio																	P	P		P	P		<a href="#">5.3.27</a>
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L		<a href="#">5.3.185-3.18</a>
Cleaning plant (commercial)																		P	P				
Discount or department store																	P	P	P	P	P		
Drug store or pharmacy															P	P	P	P	P	P	P		
Exercise gym	C										C	C	C		P	C	P	P	P	P	P		
Fabric store																	P	P	P	P	P		
Florist or garden shop															P	P	P	P	P	P	P		
Food or beverage sales store without fuel sales																	P	P	P	P	P		
Furniture and appliance sales and service																	P	P	P	P	P		
Greenhouse or nursery (retail)																	P	P	P	P	P		
Handcraft and art objects shop															P	P	P	P	P	P	P		
Hardware store or hobby shop																	P	P	P	P	P		
Key shop															P	P	P	P	P	P	P		
Kiosk														L	L	L	L	L	L	L	L		Sec. <a href="#">5.3.25</a>
Laundry and cleaning (self-service)															P	P	P	P	P	P	P		
Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P		

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**Temple, Texas Unified Development Code**

Effective 12/16/10 • Last Amended 02/04/05/16/15

**Article 5: Use Standards**

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific 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	C	CA	LI	HI	Standards
Mixed media store or newsstand															P	P	P	P	P	P	P	
Mortuary or funeral home															P		P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																P	P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	
<u>Tattoo Studio</u>																	P	P		P	P	<u>5.3.27</u>
Tool rental (indoors)																	P	P	P	P	P	
Tool rental (outside equipment storage)																		P		P	P	
Travel agency														P	P	P	P	P	P	P	P	
Upholstery shop																	P	P	P	P	P	
Veterinary office (no animal hospital)														P	P	P	P	P	P	P	P	
Veterinary hospital (no kennels)																	P	P	P	P	P	
Veterinary hospital (kennels)	C																	C		P	P	
<b>TRANSPORTATION AND RELATED USES</b>																						
Airport or landing field	C	C																C		P	P	
Bus station or terminal																		P	P	P	P	
Emergency vehicle service														C	P		P	P	P	P	P	
Hauling or storage company																		P	P	P	P	
Heliport	C	C													C			C	C	P	P	
Helistop	C	C												C	C	C	C		C	P	P	

**Temple, Texas Unified Development Code**

Effective 12/16/10 • Last Amended 02/04/0516/15

### 5.3.25 Kiosk

A kiosk is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

[Ord. 2012-4516]

### 5.3.26 Body Piercing Studio and Tattoo Studio

A Body Piercing Studio or Tattoo Studio is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of School, Public or Private, as that term is defined in this Code.
- C. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- D. A Body Piercing Studio or Tattoo Studio may not be located on property within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (“SIZ”) Grant Corridor.
- E. A handwashing sink is required that is separate from restroom sinks.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.
2. In addition to those trees already required ornamental trees must be used in the landscape buffer. One, minimum two-inch caliper, ornamental tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

**6.7.8 Industrial Sub-District**

The industry component of Temple’s economy has been and should continue to be a major factor in the City’s growth and employment. These Industrial Sub-District standards will keep the City’s industrial base strong and growing while protecting the City’s image and enhancing the I-35 Corridor.

**A. Permitted Uses**

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

**B. Prohibited and Conditional Uses**

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
<b>Residential</b>			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:		✓	5.3.1 through 5.3.7
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		
Bottling works		✓	
Building material sales		✓	
Car wash		✓	
Child care facility	✓		
Contractor storage and equipment yard		✓	
Correctional facility	✓		
Day camp for children	✓		

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
<b>Tattoo Studio</b>	<b>✓</b>		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
Transitional or emergency shelter	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

[Ord. 2012-4505]

**C. Dimensional Standards**

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
<b>Residential</b>			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Tattoo Studio	✓		



**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
<b>Residential</b>			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Body Piercing Studio	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Tattoo Studio	✓		
Trailer, recreational vehicle, portable building or HUD-	✓		

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

non-industrial organic material, such as grass clippings, leaves, brush, clean wood material or vegetative food material, generated by a homeowner, tenant of a single to multi-family residential or apartment complex, or a commercial or institutional complex where the composting, land application or mulching occurs on the dwelling property and the final product is utilized on the same property. Backyard operations includes neighborhood composting demonstration sites that generate less than 50 cubic yards of final product per year.

**Barber Shop or Beauty Shop.** A business of cutting or dressing hair, shaving or trimming beards, performing manicures, facials or other grooming services including the performing of other related services or the selling of related goods for human beings or animals.

**Basement.** A building story that is partly underground, but having a minimum of one-half of its height above the average level of the adjoining ground.

**Block.** A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

**Block Face.** The aggregate of all the building facades on one side of a block. [Ord. 2010-4415]

**Board or Zoning Board.** Zoning Board of Adjustment.

**Boarding House/Rooming House.** A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.

**Body Piercing.** The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

**Body Piercing Studio.** A facility in which body piercing is performed.

**Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. If subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. This term is synonymous with "structure".

**Building Line.** A line parallel or approximately parallel to the street line at a specified distance therefrom creating the minimum distance from the street line that a

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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**Structure.** (Same as Building)

**Substance Abuse Treatment Facility.** An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

**Swimming Pool, Commercial.** A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

**Swimming Pool, Private.** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City. A private swimming pool must not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

**Street Width.** The distance from back-of-curb to back to back-of-curb. For a rural street, the distance between the outer edges of asphalt pavement.

**Subdivider.** Any person or authorized agent dividing or proposing to divide land so as to constitute a subdivision, as defined in this Section, The term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be divided.

**Subdivision.** A division of any tract of land, situated within the corporate limits of the City or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any addition to the City, or for laying out lots, streets, alleys, access easements, public utility easements or parks or other portions intended for public use or the use of purchasers or owners of adjacent or fronting lots. The term "Subdivision" also means the development, within the corporate limits of the City or within its extraterritorial jurisdiction, of a HUD-Code manufactured home land lease community.

**Surveyor.** A registered public surveyor authorized by state statute to practice the profession of surveying.

**Tattoo.** The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

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Article 11: Definitions

Sec. 11.2. Defined Terms

**Tattoo Studio.** An establishment or facility in which tattooing is performed.

**Teaser Parking.** A technique to include a few parking spaces located in front of a business to lure customers with their apparent convenience. Teaser parking acts as a visual cue, leading drivers to the access points for larger parking lots or parking structures that provide the remaining required parking to be placed behind or below buildings, with the option of a small amount of “teaser” parking visible from the street in more automobile-oriented areas. [Ord. 2010-4415]

**Telephone Exchange.** Switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

**Temporary Field or Construction Office.** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

**Temporary Use.** A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

[Ord. 2015-4701]

**Thoroughfare Plan.** A general graphic presentation, accompanied by written text, describing the proposed arrangement of various classes of streets in the City at some future date. A thoroughfare plan is a component of the City's adopted Comprehensive Plan.

**Townhouse.** A structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy, with dwelling units that are structurally connected or immediately adjacent to and abutting each other between individual dwelling units. An apartment in a condominium may be deemed a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses is deemed a "Townhouse Project".

**Trail.** A walking path composed of concrete, crushed granite or improved natural surfaces that traverses land, does not generally run parallel with a street and that is located in a public right-of-way or a public access easement. [Ord. 2011-4430]

## HEALTH AND SAFETY CODE

## TITLE 2. HEALTH

## SUBTITLE G. LICENSES

## CHAPTER 146. TATTOO AND CERTAIN BODY PIERCING STUDIOS

Sec. 146.001. DEFINITIONS. In this chapter:

(1) "Body piercing" means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(1-a) "Body piercer" means a person who performs body piercing.

(2) "Body piercing studio" means a facility in which body piercing is performed.

(3) "Tattoo" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

(4) "Tattooist" means a person who performs tattooing.

(5) "Tattoo studio" means an establishment or facility in which tattooing is performed.

(6) "Temporary location" means a fixed location at which an individual operator performs tattooing or body piercing for a specified period of not more than seven days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing or body piercing.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.  
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 2, eff. Sept. 1, 1995;  
Acts 1999, 76th Leg., ch. 516, Sec. 2, eff. Sept. 1, 1999; Acts 2003,  
78th Leg., ch. 1226, Sec. 1, eff. Sept. 1, 2003.

Sec. 146.002. LICENSE REQUIRED. (a) A person may not conduct, operate, or maintain a tattoo studio unless the person holds a license issued by the department to operate the tattoo studio. Except as provided by Section [146.0025](#), a person may not conduct, operate, or

maintain a body piercing studio unless the person holds a license issued by the department to operate the body piercing studio.

(b) Except as provided by Section 146.0025, a person may not practice tattooing or body piercing at a temporary location unless the person holds a temporary location license for tattooing or body piercing, as appropriate, issued by the department.

(c) The license must be displayed in a prominent place in the tattoo or body piercing studio or temporary location.

(d) Tattooing and body piercing are permitted only at a location that is in compliance with this chapter and rules adopted under this chapter.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.  
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 3, eff. Sept. 1, 1995;  
Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

Sec. 146.0021. EMPLOYMENT OF TATTOOISTS AND BODY PIERCERS; REGISTRATION REQUIRED. A tattoo studio or a body piercing studio may not employ a tattooist or a body piercer unless the person is registered with the department under this chapter.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 2, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.0025. EXEMPTIONS FROM LICENSING REQUIREMENTS; EAR PIERCING ESTABLISHMENTS EXEMPT. (a) This chapter does not apply to:

- (1) a medical facility licensed under other law;
- (2) an office or clinic of a person licensed by the Texas State Board of Medical Examiners;
- (3) a person who performs only ear piercing; or
- (4) a facility in which only ear piercing is performed.

(b) A person who conducts, operates, or maintains a facility, office, or clinic described by Subsection (a)(1), (2), or (4) is not required to obtain a license under this chapter to operate that facility.

Added by Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.003. LICENSE APPLICATION. (a) To receive a tattoo studio license, body piercing studio license, or temporary location license, a person must submit a signed, verified license application to the department on a form prescribed by the department and must submit an application fee. In addition, the person must submit evidence from the appropriate zoning officials in the municipality or county in which the studio is proposed to be located that confirms that the studio is in compliance with existing zoning codes applicable to the studio.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 516, Sec.

4

(b) On receipt of a tattoo studio or body piercing studio license application, the department shall inspect the proposed tattoo or body piercing studio to determine compliance with this chapter and rules adopted by the board under this chapter. In addition, the department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the studio is proposed to be located to determine compliance with existing building and zoning codes applicable to the studio. The department may issue a license for a tattoo or body piercing studio after determining that the studio is in compliance with applicable statutes, rules, and building and zoning codes.

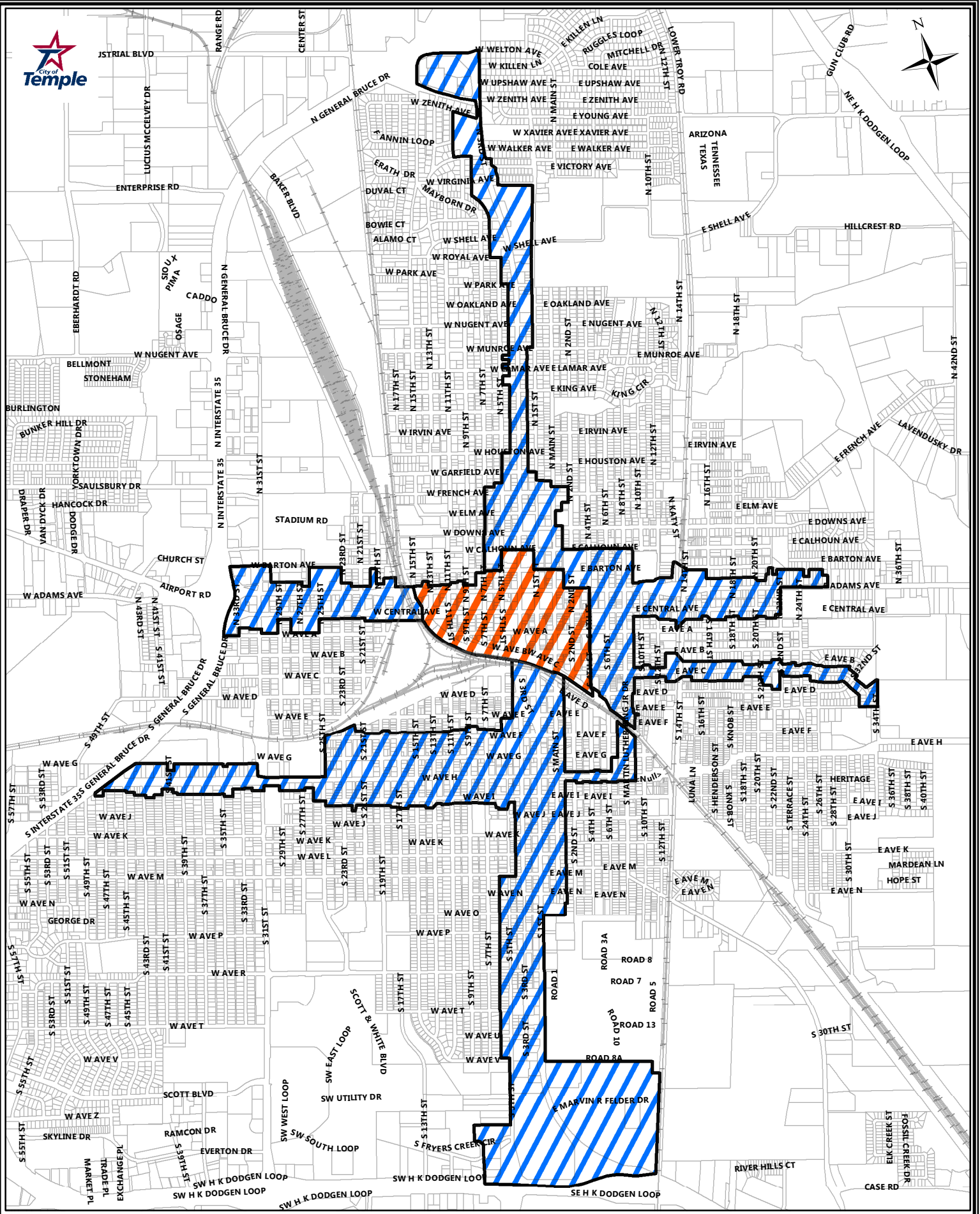
Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 1528, Sec.

1



(b) The department may issue a license or temporary location license for a tattoo studio after determining that the studio is in compliance with applicable statutes, rules, and zoning codes.

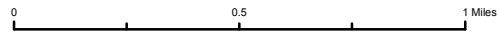






# SIZ AREAS

-  DOWNTOWN ZONE
-  COMMERCIAL ZONE



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.

ORDINANCE NO. \_\_\_\_\_  
[Z-FY-16-23]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO TEMPLE UNIFIED DEVELOPMENT CODE, ARTICLE 5 – USE OF STANDARDS, DELETING ‘TATTOO PARLOR’ AS A PROHIBITED USE; ALLOWING BODY PIERCING STUDIOS AND TATTOO STUDIOS BY RIGHT IN LIGHT INDUSTRIAL, HEAVY INDUSTRIAL, GENERAL RETAIL AND COMMERCIAL ZONING DISTRICTS AND PROVIDING CERTAIN LIMITATIONS; AMENDING ARTICLE 6 – SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS; PROHIBITING BODY PIERCING STUDIOS AND TATTOO STUDIOS IN THE INTERSTATE 35 CORRIDOR OVERLAY; AND AMENDING ARTICLE 11 – DEFINITIONS; PROVIDING DEFINITIONS FOR BODY PIERCING, BODY PIERCING STUDIO, TATTOO, AND TATTOO STUDIO; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, tattoo studios are currently prohibited in the City limits according to Section. 5.1.1.C. “Prohibited Uses” of the Temple Unified Development Code (“UDC”);

**Whereas**, at its April 18, 2016 meeting, the Planning and Zoning Commission voted unanimously to amend Article 5, Article 6, and Article 11 of the UDC - the recommended changes are as follows:

- **ARTICLE 5: USE STANDARDS:** The amendment will allow for both body piercing and tattoo studios, by right, in General Retail, Commercial, Light Industrial and Heavy Industrial zoning districts with the following limitations:
- **ARTICLE 5, SECTION 5.3.27 – Body Piercing Studio and Tattoo Studio Standards:**
  - a body piercing studio or tattoo studio may not be located within 1000 feet of another body piercing studio or tattoo studio;
  - A body piercing studio or tattoo studio may not be located within 1000 feet of a School, Public or Private, as that term is defined in this Code;
  - for purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line;
  - a body piercing studio or tattoo studio may not be located on property that falls within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone Corridor; and
  - a handwashing sink is required that is separate from restroom sinks.
- **ARTICLE 11: DEFINITIONS – Article 11 has been amended to add a definition for:**
  - *Body Piercing – The creation of an opening in an individual’s body, other than in an individual’s earlobe, to insert jewelry or another decoration;*
  - *Body Piercing Studio – A facility in which body piercing is performed;*

- *Tattoo – The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics; and*
- *Tattoo Studio – An establishment or facility in which tattooing is performed.*

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

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

**Part 1:** The City Council approves amendments to Temple Unified Development Code Article 5, Article 6, and Article 11, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, MAYOR

APPROVED AS TO FORM:

ATTEST:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #10  
Regular Agenda  
Page 1 of 2

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

Kenny Henderson, Transportation Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to a construction contract with APAC-Texas, Inc. of Cedar Park for FY2017 in an estimated annual amount of \$2,897,455 for the street overlay program.

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

**ITEM SUMMARY:** Authorization of this one year contract extension will provide continued street overlay improvements during FY2017 under the City's Street Legacy Program at the following costs:

Installation of hot mix asphalt	\$100.60 per ton
Milling	\$3.10 per square yard
4" yellow striping	\$1.05 per linear foot
4" white striping	\$2.50 per linear foot
8" white striping	\$3.30 per linear foot
24" white striping	\$11.50 per linear foot
Directional arrows	\$160-\$200 each
Traffic buttons	\$3.85 per linear foot

On March 3, 2016, Council authorized a construction contract with APAC-Texas for the 2016 Overlay Program. The current contract expired on September 30, 2016. The original bid allowed for four additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by APAC-Texas, and staff believes that the pricing is still a good value.

Pavement assessment and evaluation criteria have been established to identify the roadways which will receive the maintenance work. Attached is the FY2017 Legacy Pavement Preservation Program Plan that outlines the anticipated roadways that will have overlay improvements installed during FY2017. It is important to note that this list is subject to change based on other capital project needs that may arise during the fiscal year.

**FISCAL IMPACT:** The street overlay project was funded with the issuance of CO Bonds sold in January 2016. The overlay project was originally funded in the amount of \$5,425,000, which funded the street overlay project for FY2016 and FY2017.

Funding is appropriated in account 365-3400-531-6527, project #101587, as follows:

Project Budget	\$5,425,000
Encumbered/Committed in FY2016	(2,527,545)
<b>FY2017 Construction Contract Award - APAC-Texas, Inc.</b>	<b>(2,897,455)</b>
<b>Remaining Funds Available</b>	<b><u><u>\$0</u></u></b>

**ATTACHMENTS:**

[FY2017 Legacy Pavement Preservation Program Plan Resolution](#)

## FY 2017 Legacy Pavement Preservation Program Plan

Address	To/From	Approx Length	Approx Width	Estimated Sq. Yards	Estimated Tons
Saulsbury	Airport Rd to General Bruce	4,870	48	25,973	2,361
Zenith Ave	N 3rd to N 8th st	2800	36	11,200	1,018
Young Ave	Zenith to RxR	3500	30	11,667	1,061
Xavier Ave	N 1st to N 10th st	3000	30	10,000	909
Walker Ave	N 3rd st to N 10th st	2075	30	6,917	629
N 4th st	Cole to Dead End	2000	30	6,667	606
N Main St	Upshaw to Dead End	1630	30	5,433	494
N 1st st	Upshaw to Young	600	30	2,000	182
Upshaw Ave	N 3rd to N 10th st	3400	30	11,333	1,030
Cole Ave	Creasey to 12th st	1700	30	5,667	515
S 7th st	W Ave R to W Ave V	1600	30	5,333	485
S 9th st	W Ave R to W Ave V	1600	30	5,333	485
s 11th st	W Ave R to W Ave V	1600	30	5,333	485
S 13th st	W Ave R to W Ave V	1200	30	4,000	364
S 15th	W Ave R to W Ave V	700	30	2,333	212
S 17th st	W Ave R to W Ave T	700	30	2,333	212
W Ave T	S 5th to Dead end	2500	30	8,333	758
W Ave U	S 5th to Dead end	1000	30	3,333	303
W Ave V	S 5th to S 15th	2200	30	7,333	667
S 19th st	W Ave R to W Ave T	700	30	2,333	212
S 43rd st	W Ave T to Scott	1300	30	4,333	394
S 45th st	W Ave T to Scott	1300	30	4,333	394
S 49th st	W Ave T to Scott	1400	30	4,667	424
S 51st st Terrace	S 51st to Scott	700	30	2,333	212
S 51st st	W Ave T to Scott	1400	30	4,667	424
Ave H	HK dodgen Lp to Overpass	8320	60	55,467	5,042
Calle Nogal	Paseo Del Oro to Waters D	700	30	2,333	212
Calle Omo	Paseo Del Oro to Dead end	300	30	1,000	91
Pino Circulo	Paseo Del plata to Cul de Sac	300	30	1,000	91
Paseo Del Plata	S 31st to Stone Point	2300	30	7,667	697
Stone Ridge	Waters Dairy to Ridgeway	700	30	2,333	212
Ridgeway	Stone Ridge to Waters Dairy	700	30	2,333	212
Stone Point	Paseo Del Plata to cul de sac	800	30	2,667	242
High Point	Stone Point to Waters Dairy	825	30	2,750	250

**Note:** This list is subject to change based on other capital needs that may arise during FY2017.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONSTRUCTION CONTRACT WITH APAC-TEXAS, INC. OF CEDAR PARK, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,897,455, FOR THE STREET OVERLAY PROGRAM FOR FISCAL YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 3, 2016, Council authorized a construction contract with APAC-Texas for the 2016 Overlay Program and the current contract expired September 30, 2016 - the original bid allowed for four additional one-year renewals and in order to renew the contract, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

**Whereas**, pavement assessment and evaluation criteria have been used to identify roadways which will receive scheduled maintenance work;

**Whereas**, Staff has been pleased with the services provided by APAC-Texas and believes that the pricing offered is still a good value for the City;

**Whereas**, this project is funded with the issuance of CO Bonds sold in January 2016 and available in Account No. 362-3400-531-6527, Project No. 100955; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a one-year renewal to the construction contract with APAC-Texas, Inc. of Cedar Park, Texas, in an amount not to exceed \$2,897,455, for the street overlay program for fiscal year 2017.

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #11  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Construction Manager-at-Risk guaranteed maximum price construction contract with RM Rodriguez Construction, LP, of Temple in the amount of \$1,577,100 for the renovations to Sammons Community Center.

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

**ITEM SUMMARY:** On November 5, 2015, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for two projects approved in the 2015 Parks Bond: renovations to the Wilson Park Recreation Center and the Sammons Community Center. Then on February 18, 2016, Council authorized a CMAR contract for both projects with RM Rodriguez Construction, LP, (RMR) with the following fees related to the Sammons Community Center project: pre-construction phase fee of \$2,500, on-site management fee (general conditions) of \$7,425 per month for 3 months and \$8,325 per month for the final 3 months, and a profit and overhead fee (construction phase services fee) of 2.75%.

On September 19, 2016, RMR opened proposals for the construction services for the Sammons Community Center project, and has presented to the City a proposed Guaranteed Maximum Price (GMP) proposal in the amount of \$1,577,100. The GMP includes general condition fees and a construction phase service fee of \$47,250 and \$41,540, respectively. RMR's line item cost sheet detailing the GMP is attached.

The Sammons Community Center project includes the following: the addition of an approximate 2,000 sf community room in the northwest corner of the facility, the addition of an approximate 2,900 sf Trex deck off of the Morris Ballroom, the incorporation of several of the patio areas into interior space on the east side of the facility, flooring replacement throughout the facility, roof replacement, parking lot and vehicular entrance improvements (including the removal of the tennis courts), and other interior improvements throughout.



It is anticipated that the Wilson Park Recreation Center will close to the public by October 31, 2016, to allow for the 6-month renovation project to commence by November 1, 2016. It is anticipated that the project will be complete by April 30, 2017, at which time it will re-open to the public.

**FISCAL IMPACT:** This project is funded primarily by the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015. Additional funding is available for the previously scheduled routine replacement of the roof in the amount of \$46,478 in account 110-3270-551-6310, project #101444. A summary of the funding is as follows:

	<u>110-3270-551-6310, Project 101444</u>	<u>362-3500-552-6413, Project 101322</u>	<u>Total</u>
Project Budget	\$ 46,478	\$ 1,750,000	\$ 1,796,478
Encumbered/Committed to Date	-	(136,739)	(136,739)
Construction GMP Award– RM Rodriguez Construction LP	(46,478)	(1,530,622)	(1,577,100)
<b>Remaining Project Funds</b>	<b>\$ -</b>	<b>\$ 82,639</b>	<b>\$ 82,639</b>

The remaining GO Bond funds will be used to purchase furniture and technology items necessary to complete the Sammons Community Center project.

**ATTACHMENTS:**

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

**SAMMONS COMMUNITY CENTER  
RM RODRIGUEZ CONSTRUCTION, LP  
Tuesday, September 27, 2016**

BID PKG	DESCRIPTION	PROPOSED SUBCONTRACTOR	CONTRACT AMOUNT
1A	PROJECT SIGN	***	\$ 1,000
1B	TEMPORARY STORAGE CONTAINERS	***	\$ 4,000
1C	TEMPORARY LAYDOWN AREA PREP AND RESTORATION	***	\$ 2,000
1D	TEMPORARY SECURITY FENCING	***	\$ 4,500
1E	TEMPORARY WATER HOOK UPS	***	\$ 800
1F	TEMPORARY POWER HOOK UPS	***	\$ 1,000
1G	TEMPORARY LIGHTING	***	\$ 1,250
1H	TEMPORARY UTILITY FEES	***	BY OWNER
1I	JOB PHONE	***	\$ 1,200
1J	TEMPORARY FIRE PROTECTION	***	\$ 250
1K	TEMPORARY WEATHER / SECURITY PROTECTION	***	\$ 2,000
1L	PROTECTION OF EXISTING SURFACES	***	\$ 1,000
1M	TRAFFIC AND PEDESTRIAN CONTROL, BARRICADES	***	\$ 750
1N	SWPPP MEASURES	***	\$ 1,500
1O	TEMPORARY TOILETS	***	\$ 3,375
1P	DUMPSTER RENTAL AND HAUL OFFS	***	\$ 16,000
1Q	PRECONSTRUCTION PHOTO DOCUMENTATION	***	\$ 100
1R	PROGRESS PHOTOS	***	\$ 500
1S	JOB SITE OFFICE SUPPLIES	***	\$ 300
1T	DRINKING WATER & SUPPLIES	***	\$ 400
1U	SMALL TOOLS AND CONSUMABLES	***	\$ 1,200
1V	PROGRESSIVE CLEANING, BUILDING AND SITE	***	\$ 2,500
1W	FINAL CLEANING, BUILDING AND SITE	***	\$ 6,500
1X	PLAN REPRODUCTION COSTS	***	\$ 500
1Y	AS-BUILT AND RECORD DOCUMENT PREPARATION	***	\$ 1,000
1Z	SAFETY PROGRAM ADMIN, SIGNAGE AND FIRST AID	***	\$ 1,500
2A	ASBESTOS ABATEMENT	BAD CO.	\$ 11,750
2B	SELECT INTERIOR DEMOLITION	RM RODRIGUEZ	\$ 40,800
2C	SITE WORK AND SITE DEMOLITION	YOKO EXCAVATING	\$ 99,770
2D	CONCRETE PAVING	YOKO EXCAVATING	\$ 98,291
2E	PAVEMENT MARKINGS AND EXTERIOR SIGNAGE	ALLOW	\$ 12,000
2F	GOLF NETTING	RM RODRIGUEZ	\$ 31,211
2G	DECK AND RAILING	RM RODRIGUEZ	\$ 82,250
2H	LANDSCAPING AND SITE RESTORATION	ALLOW	\$ 10,000
3A	CONCRETE SLAB AND SIDEWALKS	RM RODRIGUEZ	\$ 70,620
5A	HANDRAILS AND STEEL SUPPORTS	RM RODRIGUEZ	\$ 9,480
6A	FRAMING	RM RODRIGUEZ	\$ 85,239
6B	MILLWORK	PECHAL	\$ 24,700
6C	LAVATORY TOPS	ALLOW	\$ 3,000
7A	JOINT SEALANTS	RM RODRIGUEZ	\$ 1,500
7B	ROOFING	PEERLESS	\$ 71,040
7C	ABOVE CEILING INSULATION	RM RODRIGUEZ	\$ 14,835
8A	DOORS, FRAMES AND HARDWARE	RM RODRIGUEZ	\$ 19,804
	HARDWARE ALLOW	ALLOW	\$ 10,000
8B	GLASS AND GLAZING	JIMSCO	\$ 9,375
8C	WINDOWS, INSTALLED	PEERLESS	\$ 37,242
9A	GYPSUM BOARD	RM RODRIGUEZ	\$ 29,700
9B	ACOUTICAL CEILINGS	RM RODRIGUEZ	\$ 49,450
9C	ROPPE ATHLETIC FLOORING	ALLOW	\$ 10,400
9D	RESILIENT FLOORING, CARPET AND BASE	CTC FLOORING	\$ 76,177
9E	FLOOR LEVELING ALLOW	ALLOW	\$ 4,000
9F	CERAMIC TILE	CTC FLOORING	WITH FLOOR
9G	TAPE, FLOAT, TEXTURE AND PAINT, INCLUDING EXTERIOR	GRANT GOSS	\$ 104,150
10A	TOILET PARTITIONS	KLINGER	\$ 9,976
10B	TOILET ACCESSORIES	KLINGER	\$ 4,304
10C	FIRE EXTINGUISHERS AND CABINETS	RM RODRIGUEZ	\$ 2,852
10D	PROJECTION SCREENS	RM RODRIGUEZ	\$ 11,443
10E	WINDOW TREATMENTS	CAPITOL	\$ 9,777
11A	FF&E MOVING (remaining furnishings after move out)	RM RODRIGUEZ	\$ 2,944
15A	PLUMBING	RW PLUMBING	\$ 85,250

**SAMMONS COMMUNITY CENTER  
RM RODRIGUEZ CONSTRUCTION, LP  
Tuesday, September 27, 2016**

BID PKG	DESCRIPTION	PROPOSED SUBCONTRACTOR	CONTRACT AMOUNT
15B	HVAC, NEW	TEMPLE H&A	\$ 38,735
15C	MEP CONTINGENCY FOR DUCT CLEANING, EXISTING SYSTEM REPAIRS AND UTILITY R	ALLOW	\$ 15,000
15D	TEST AND BALANCE, SYSTEM CHECK	CENTEX AIR BALANCE	\$ 7,850
16A	ELECTRICAL AND DATA ROUGH IN	AMOS	\$ 103,270
16B	FIRE ALARM	ALLOW	\$ 25,000
16C	DATA CABLING	ALLOW	\$ 15,000
***	DESIGN AND CONSTRUCTION CONTINGENCY ALLOWANCE		\$ 30,000
***	OWNER CONTINGENCY ALLOWANCE		\$ 30,000
	CONSTRUCTION COST		\$ 1,463,310
	GENERAL CONDITIONS (\$8325.00/MO X 3 MOS; \$7425.00/MO x 3 MOS)		\$ 47,250
	COST OF WORK SUB TOTAL		\$ 1,510,560
	CONTRACTOR FEE (2.75% X COST OF WORK)		\$ 41,540
	BONDS AND INSURANCE		\$ 25,000
	<b>GUARANTEED MAXIMUM PRICE</b>		<b>\$ 1,577,100</b>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION MANAGER-AT-RISK GUARANTEED MAXIMUM PRICE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,557,100, WITH RM RODRIGUEZ CONSTRUCTION, LP OF TEMPLE, TEXAS, FOR RENOVATIONS TO SAMMONS COMMUNITY CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 5, 2015, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for two projects approved in the 2015 Parks Bond: renovations to the Wilson Park Recreation Center and the Sammons Community Center;

**Whereas**, on February 18, 2016, Council authorized a CMAR contract for both projects with RM Rodriguez Construction, LP with the following fees related to the Sammons Community Center project: pre-construction phase fee of \$2,500, on-site management fee (general conditions) of \$7,425 per month for 3 months and \$8,325 per month for the final 3 months, and a profit and overhead fee (construction phase services fee) of 2.75%;

**Whereas**, on September 19, 2016, RM Rodriguez Construction opened proposals for the construction services for the Sammons Community Center project, and has presented to the City a proposed Guaranteed Maximum Price (GMP) proposal in the amount of \$1,577,100 - this GMP includes general condition fees and a construction phase service fee of \$47,250 and \$41,540, respectively;

**Whereas**, the Sammons Community Center project includes the addition of an approximate 2,000 square foot community room in the northwest corner of the facility, the addition of an approximate 2,900 square foot Trex deck off of the Morris Ballroom, the incorporation of several of the patio areas into interior space on the east side of the facility, flooring replacement throughout the facility, roof replacement, parking lot and vehicular entrance improvements (including the removal of the tennis courts), and other interior improvements throughout;

**Whereas**, this project is funded primarily by the 2015 Parks GO Bonds that were approved by the voters on May 9, 2015 and sold on September 24, 2015 - additional funding is available for the previously scheduled routine replacement of the roof in Account No. 110-3270-551-6310, Project No. 101444; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a Construction Manager-at-Risk guaranteed maximum price construction contract in the amount of \$1,557,100, with RM Rodriguez Construction, LP of Temple, Texas, for renovations to Sammons Community Center.

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

PASSED AND APPROVED this the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #12  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of six properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed Santa Fe Plaza. The design requires the acquisition of 19 parcels from 13 different property owners. Appraisals and relocation studies, if required, have been performed on the parcels. On March 3, the City Council authorized the purchase of 10 parcels, in an amount not to exceed \$813,804. On March 17, the City Council authorized the purchase of three additional parcels, in an amount not to exceed \$525,000. Staff is asking for authorization to purchase the six remaining properties, pay closing costs, and pay any relocation expenses that may be required by law. The addresses of the six properties are listed below:

Owner	Address
J.W. Perry Properties, Ltd.	10 South 7 <sup>th</sup> Street 14 South 7 <sup>th</sup> Street 402 West Avenue A
Temple Chamber of Commerce	2 North 5 <sup>th</sup> Street 8 North 5 <sup>th</sup> Street 314 West Central Avenue

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008, Santa Fe Plaza, to fund the purchase of six properties necessary for the construction of the Santa Fe Plaza.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SIX PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE PLAZA, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THESE PURCHASES, AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed Santa Fe Plaza and the design requires the acquisition of 19 parcels from 13 different property owners - appraisals and relocation studies, if required, have been performed on the parcels;

**Whereas**, on March 3, 2016, Council authorized the purchase of 10 parcels, in an amount not to exceed \$813,804 - on March 17, 2016, Council authorized the purchase of three additional parcels, in an amount not to exceed \$525,000;

**Whereas**, Staff recommends Council authorize the purchase of the six remaining properties, pay closing costs, and pay any relocation expenses that may be required by law - the addresses of the six properties are listed below:

10 South 7 <sup>th</sup> Street	14 South 7 <sup>th</sup> Street	402 West Avenue A
2 North 5 <sup>th</sup> Street	8 North 5 <sup>th</sup> Street	314 West Central Avenue

**Whereas**, funding for the purchase of these properties is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, Account No. 795-9500-531-6870, Project No. 101008; and

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

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

**Part 1:** The City Council authorizes the purchase of the six properties listed above which are necessary for the construction of the proposed Santa Fe Plaza, authorizes the payment of closing costs associated with these purchases, and authorizes the payment of relocation expenses.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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10/06/16  
Item #13  
Regular Agenda  
Page 1 of 3

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

Brynn Myers, Assistant City Manager  
Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a services agreement with LIT Consultants, LLC, in the amount of \$22,500, for the completion of ASHRAE Level II Energy Audits at multiple City facilities.

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

**ITEM SUMMARY:** The project will result in the performance of an ASHRAE Level II Energy Audit, performed by an experienced Certified Energy Manager and a Professional Engineer. Staff is currently evaluating numerous facility improvement projects that have the option to be funded through the State Energy Conservation Office LoanSTAR Revolving Loan Program. In order to apply energy audits must be completed.

The ASHRAE Level II Energy Audit includes an energy analysis of the following:

1. HVAC related equipment (Chillers, Boilers, Pumps, AHU's, RTU's, VFD's and more),
2. HVAC and Lighting Control Systems,
3. Lighting (de-lamping, Illumination, lamp type, ambient light assessment),
4. Building Envelop (insulation, windows, doors, building orientation, weather stripping),
5. Sequence of operations (start up, temperature set points, building schedule and more),
6. Building Occupant Practices (Load Shift opportunities vs Peak Demand),
7. Water (Water Use Analysis, Domestic Hot Water, Irrigation, Faucets, commodes, and more),
8. Plug Load Assessment, and
9. Thermal Imaging Scan of electric panels, building envelope, and insulation.

In FY 2016 staff had the following buildings assessed, under a previous agreement totaling \$15,000:

1. Police Station
2. Santa Fe Depot
3. Animal Shelter
4. Mayborn Convention Center
5. Library

These buildings were chosen based off of higher maintenance and energy costs. The provided Energy Audit report discussed a high level of information for staff to use in order to improve the operations, maintenance and energy use of the above City facilities.

LIT Consulting, LLC discussed the option of funding projects through the SECO LoanSTAR program. The program finances energy-related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction efforts. In the next three years the City has numerous HVAC and lighting upgrade/replacement projects that can be funded through this program, enabling the City to be more proactive, increase comfort and save energy/funding.

In order to fully identify and account for future projects that are eligible under this program, staff is recommending to have Energy Audits completed on the following additional buildings, in the amount of \$22,500:

1. Historic Post Office
2. City Hall
3. Municipal Court/Utility Billing Office
4. Summit Family Fitness
5. Airport
6. Service Center A
7. Service Center B
8. Service Center C
9. Gober Party House
10. Central Fire Station
11. Fire Station 8
12. Fire Station 2
13. Fire Station 3
14. Fire Station 4
15. Fire Station 5
16. Fire Station 6
17. Fire Station 7
18. Sammons Golf Course - Club House
19. Sammons Indoor Pool
20. Blackmon Center
21. Patsy Luna Building
22. PARD Shop
23. Clarence Martin
24. Code Enforcement

The application for the SECO LoanSTAR program is due November 15, 2016. Therefore, work needs to begin as soon as possible in order to assess each potential project and complete the application. With the addition of the above buildings, the combined contracts total \$37,500. Therefore, staff is seeking approval of the additional contract.

These services are being recommended without a competitive bidding process under the professional services exemption under the Local Government Code 252.022.

**FISCAL IMPACT:** Funding for the services agreement with LIT Consultants, LLC for FY 2016 in the amount of \$15,000 and FY 2017 in the amount of \$22,500 is identified below:

<b>LIT Consultants, LLC – FY 2016</b>		
<b>Description</b>	<b>Account Number</b>	<b>Funding</b>
Energy audit for General Fund facilities	110-6000-513-2616	\$ 9,938
Energy audit for Hotel/Motel Tax Fund facilities	240-4400-551-2616	5,062
<b>Total Funding</b>		<b>\$ 15,000</b>

<b>LIT Consultants, LLC – FY 2017</b>		
<b>Description</b>	<b>Account Number</b>	<b>Funding</b>
Energy audit for General Fund facilities	110-2400-519-2616	\$ 20,380
Energy audit for Drainage Fund facilities	292-2900-534-2616	83
Energy audit for Water/Wastewater Fund facilities	520-5000-535-2616	2,037
<b>Total Funding</b>		<b>\$ 22,500</b>

The funding for the services agreement in the amount of \$22,500 will be carried forward from FY 2016 to FY 2017 in the accounts identified in the table above.

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH LIT CONSULTANTS, LLC, IN THE AMOUNT OF \$22,500, FOR THE COMPLETION OF AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR-CONDITIONING ENGINEERS LEVEL II ENERGY AUDITS AT MULTIPLE CITY FACILITIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Staff has asked to have an American Society of Heating, Refrigerating, and Air-Conditional Engineers (“ASHRAE”) Level II Energy Audit performed by an experienced Certified Energy Manager and a Professional Engineer on multiple City facilities;

**Whereas**, Staff is currently evaluating numerous facility improvement projects that have the option to be funded through the State Energy Conservation Office (SECO) LoanSTAR Revolving Loan Program - in order to apply, energy audits must be completed;

**Whereas**, an ASHRAE Level II Energy Audit includes an energy analysis of HVAC related equipment (Chillers, Boilers, Pumps, AHU’s, RTU’s, VFD’s and more), HVAC and Lighting Control Systems, Lighting (de-lamping, Illumination, lamp type, ambient light assessment), Building Envelop (insulation, windows, doors, building orientation, weather stripping), Sequence of operations (start up, temperature set points, building schedule and more), Building Occupant Practices (Load Shift opportunities vs Peak Demand), Water (Water Use Analysis, Domestic Hot Water, Irrigation, Faucets, commodes, and more), Plug Load Assessment, and Thermal Imaging Scan of electric panels, building envelope, and insulation;

**Whereas**, buildings are chosen based off of high maintenance and energy costs and the Energy Audit report will outline a high level of information for Staff to use in order to improve the operations, maintenance and energy use of City facilities;

**Whereas**, LIT Consulting, LLC discussed with Staff, the option of funding projects through the SECO LoanSTAR program - the program finances energy-related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction efforts;

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

**Whereas**, the application for the SECO LoanSTAR program is due November 15, 2016 so that work can begin as soon as possible in order to assess each potential project and complete the application and Staff recommends Council award a services agreement to LIT Consultants, LLC in the amount of \$22,500 for the ASHRAE Level II Energy Audits;

**Whereas**, these services are being recommended without a competitive bidding process under the professional services exemption under the Local Government Code 252.022;

**Whereas**, funding for this services agreement is available in the following Accounts:

Account No. 110-6000-513-2616

Account No. 240-4400-551-2616

Account No. 110-2400-519-2616

Account No. 292-2900-534-2616

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:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a services agreement with LIT Consultants, LLC, in the amount of \$22,500, for the completion of American Society of Heating, Refrigerating, and Air-Conditioning Engineers Level II Energy Audits at multiple city facilities.

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

PASSED AND APPROVED this the **6<sup>th</sup>** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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