



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, JULY 19, 2007

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive a briefing on the Municipal Court/Utility Business Office relocation.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of real property related to this project.

2. Discuss the Proposed FY 2007-2008 City of Temple budget.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 19, 2007 as follows:

5:00 P.M.
CITY COUNCIL CHAMBERS – 2ND FLOOR

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 3 minutes. No discussion or final action will be taken by the City Council.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [Recognition of 2007 Junior Fire Cadet Program](#)
(B) [Recognition of Fire Safety Poster Contest Winner](#)

IV. PUBLIC HEARING

4. Conduct a public hearing to receive comments and questions concerning the 2006 Drinking [Water Quality Report](#) (Consumer Confidence Report).

V. CONSENT AGENDA

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

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

Minutes:

- (A) [July 5, 2007 Special Called Meeting](#)
- (B) [July 5, 2007 Regular Meeting](#)

Contracts, Leases & Bids:

- (C) [2007-5094-R](#): Consider adopting a resolution authorizing a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, L.P. (KPA) for engineering services to include design, right of way acquisition services, construction administration, and on-site representation in an amount not to exceed \$268,620 required for Outer Loop Phase 3 (from FM2305 to approximately 950 feet south of Jupiter Drive) and right of way acquisition services for Outer Loop Phases 4, 5 & 6 (from approximately 950 feet south of Jupiter Drive to IH 35) in an amount not to exceed \$363,720, for a total not to exceed amount of \$632,340 and authorizing the City Manager to acquire right of way to the extent of appropriated funds.
- (D) [2007-5095-R](#): Consider adopting a resolution authorizing a contract with Trac-Works, Inc. of Ennis for the rehabilitation of the Industrial Rail Road from Industrial Blvd. across Lucius McCelvey to N W HK Dodgen Loop in the amount of \$118,176.
- (E) [2007-5096-R](#): Consider adopting a resolution authorizing a construction contract with Alpha Constructors, Inc. of Temple for improvements to Baker Baseball Field and replacement restrooms in Lions Community Park in the amount of \$384,360, and rejecting all initial bids received for this project on May 22, 2007.
- (F) [2007-5097-R](#): Consider adopting a resolution authorizing a construction contract with JHL Construction of Gatesville to install park trails in South Temple Community Park and Woodbridge Neighborhood Park in the amount of \$123,563.25 and authorizing a deductive change order in the amount of \$6,685.25 for Woodbridge Neighborhood Park for a net contract award of \$116,878.

Ordinances – Second & Final Reading:

- (G) [2007-4155](#): SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 in the amount of \$125,000 to fund acquisition of land in the North Zone.
- (H) [2007-4156](#): SECOND READING – Z-FY-07-40: Consider adopting an ordinance authorizing the approval of a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II.

Misc:

- (I) [2007-5098-R](#): Consider adopting a resolution authorizing a Declaration of Trust establishing the City of Temple Employee Benefits Trust in order to reduce the cost of medical insurance, dental insurance, life insurance, and long term disability insurance for both the City and employees electing dependent coverage.

- (J) [2007-5099-R](#): Consider adopting a resolution authorizing funding from the Child Safety Fees for the purchase of equipment for the “Kids Fire Safety Challenge” in the amount of \$23,872.
- (K) 1. [2007-5088-R](#): Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract with improvements located at 5217 Wendland Road in the City’s Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.
2. [2007-5089-R](#): Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract of unimproved property located on the east side of Wendland Road, about one-half mile south of Moores Mill Road, in the City’s Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.
- Executive Session.* The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.
- (L) [2007-5100-R](#): Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.
- (M) [2007-5101-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.
- (N) [2007-5102-R](#): Consider adopting a resolution authorizing the nomination of a member to serve on the Brazos G Regional Water Planning Group.

VI. REGULAR AGENDA

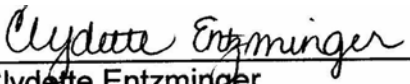
RESOLUTIONS

6. (A) [2007-5103-R](#): P-FY-07-15: Consider adopting a resolution authorizing the preliminary plat of Hidden Villages, a 26.59 acre, 77 lot residential plat located at the southeast corner of the Hartrick Bluff Road and Georgetown Railroad intersection, with the following developer requested exceptions to the Subdivision Ordinance:
1. Section 33-98 (c) to waive the required 4 feet wide sidewalk along the collector known as Hartrick Bluff Road;
 2. Section 33-93 (h) to allow a cul-de-sac length of 600 feet instead of the maximum allowed 500 feet length for Hideaway Villages Drive;
 3. Section 33-102 to allow staggered park fee payments with the use of a developer’s agreement; and
 4. Section 33-93 (e) to allow center line curve radii of 220 feet and 320 feet along the collector sized Hartrick Bluff Road (60’ of right-of-way, 36’ pavement width) instead of the minimum required center line curve radius of 375 feet.

- (B) [2007-5104-R](#): Consider adopting a resolution authorizing a Street Use License to allow a gated entrance in the right-of-way of Hidden Villages Drive, a proposed street within a proposed 26.59 acre, 77-lot residential subdivision to be known as Hidden Villages, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:30 AM, on July 13, 2007.


Clydette Entzminger
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____
2007. _____



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #3(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief

ITEM DESCRIPTION:

- (A) Recognition of 2007 Junior Fire Cadet Program
- (B) Recognition of Fire Safety Poster Contest Winner

STAFF RECOMMENDATION: Present special recognitions as presented in item description.

ITEM SUMMARY: Thomas Pechal would like to recognize the participants in the 2007 Junior Fire Cadet Program and the winner of this year's Fire Safety Poster Contest.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Conduct a public hearing to receive comments and questions concerning the 2006 Drinking Water Quality Report (Consumer Confidence Report).

STAFF RECOMMENDATION: Conduct public hearing; no action required.

ITEM SUMMARY: The Consumer Confidence Report (CCR) is an annual water quality analysis of the City's drinking water. The Texas Commission on Environmental Quality (TCEQ), under Title 30 of the Texas Administrative Code §290.271-290.275, requires that community water systems deliver the 2006 CCR to all of their customers, making a good faith effort to reach non bill-paying customers by appropriate methods. This has been done through including the CCR in all three utility billing cycles and by posting the CCR on the City's internet web site and in public places. The Code also requires that a public forum be provided to any citizen who may wish to comment or ask questions about the CCR. The July 19, 2007, meeting has been designated as the public participation opportunity for this purpose.

FISCAL IMPACT: N/A

ATTACHMENTS:

[2006 Drinking Water Quality Report](#)



2006 Drinking Water Quality Report

(Consumer Confidence Report)

City of Temple



Ph: (254) 298-5621 Fax: (254) 298-5479

www.ci.temple.tx.us

Special Notice for the ELDERLY, INFANTS CANCER PATIENTS, people with HIV/AIDS or other immune problems:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

Our Drinking Water Meets or Exceeds all Federal (EPA) Drinking Water Requirements

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about what's in your drinking water.

En Español Este reporte incluye información importante sobre el agua potable. Para obtener una copia de ésta información traducida al Español, favor de llamar al teléfono (254) 298-5621.

WATER SOURCES: The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water before treatment include: microbes, inorganic contaminants, pesticides, herbicides, radioactive contaminants, and organic chemical contaminants.

Where do we get our drinking water?

Our drinking water is obtained from Surface water sources. It comes from Lake Belton by way of the Leon River. TCEQ completed an assessment of our source water and results indicate that some of our sources are susceptible to certain contaminants. The sampling requirements for our water system are based on this susceptibility and previous sample data. Any detections of these contaminants will be found in this report. For more information on source water assessments and protection efforts at our system, please contact us.

ALL drinking water may contain contaminants.

When drinking water meets federal standards, there may not be any health-based benefits to purchasing bottled water or point of use devices.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).

Secondary Constituents

Many constituents (such as calcium, sodium, or iron) which are often found in drinking water can cause taste, color, and odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas, not the EPA. These constituents are not causes for health concern. Therefore, secondaries are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

About The Following Pages

The pages that follow list all of the federally regulated or monitored contaminants which have been found in your drinking water. The U.S. EPA requires water systems to test up to 97 contaminants.

Public Participation Opportunities

Date: July 19, 2007
Time: 5:00 p.m.
Location: Regular Council Meeting, Council Chambers
Municipal Building
2 North Main
Phone No: (254) 298-5700

Maximum Contaminant Level (MCL)

The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG)

The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL)

The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG)

The level of drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (AL)

The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

NTU – Nephelometric Turbidity Units

pCi/L – picocuries per liter (a measure of radioactivity)

ppm – parts per million, or milligrams per liter (mg/L)

ppb – parts per billion, or micrograms per liter (ug/L)

Inorganic Contaminants

Year	Contaminant	Average Level	Minimum Level-Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2004	Barium	0.047	0.047 – 0.047	2	2	ppm	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
2006	Fluoride	0.2	0.2 – 0.2	4	4	ppm	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
2006	Nitrate	0.38	0.38 – 0.38	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
2005	Gross beta emitters	2.9	2.9 – 2.9	50	0	pCi/L	Decay of natural and man-made deposits.

Organic Contaminants TESTING WAIVED, NOT REPORTED, OR NONE DETECTED**Maximum Residual Disinfectant Level**

Year	Disinfectant	Average Level	Minimum Level-Maximum Level	MRDL	MRDLG	Unit of Measure	Source of Chemical
2006	Chloramines	2.5	0.5 – 5.5	4.0	<4.0	ppm	Disinfectant used to control microbes.

Disinfection By-Products

Year	Contaminant	Average Level	Minimum Level-Maximum Level	MCL	Unit of Measure	Source of Contaminant
2006	Total Haloacetic Acids	14.08	3.5 – 22.3	60	ppb	By-product of drinking water disinfection
2006	Total Trihalomethanes	41.25	11.5– 60.6	80	ppb	By-product of drinking water disinfection.

Unregulated Contaminants

Bromoform, chloroform, dichlorobromomethane and dibromochloromethane are disinfection byproducts. There is no maximum contaminant level for these chemicals at the entry point to distribution.

Year	Contaminant	Average Level	Minimum Level-Maximum Level	Unit of Measure	Source of Contaminant
2006	Chloroform	7.8	7.8 – 7.8	ppb	By-product of drinking water disinfection.
2006	Bromoform	9.0	9.0 – 9.0	ppb	By-product of drinking water disinfection.
2006	Bromodichloromethane	15	15 – 15	ppb	By-product of drinking water disinfection.
2006	Dibromochloromethane	22	22 – 22	ppb	By-product of dinking water disinfection.

Lead and Copper

Year	Contaminant	The 90th Percentile	Number of Sites Exceeding AL	Action Level	Unit of Measure	Source of Contaminant
2006	Lead	0.0039	0	0.015	ppm	Corrosion of household plumbing systems; erosion of natural deposits.
2006	Copper	0.186	0	1.3	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Turbidity

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

Year	Contaminant	Highest Single Measurement	Lowest Monthly % of Samples Meeting Limits	Turbidity Limits	Unit of Measure	Source of Contaminant
2006	Turbidity	0.35	99.40	0.3	NTU	Soil runoff.

Total Organic Carbon

Total organic carbon (TOC) no health effects. The disinfectant can combine with TOC to form disinfection by-products. Disinfection is necessary to ensure that water does not have unacceptable levels of pathogens. By-products of disinfection include trihalomethanes (THMs) and haloacetic acids (HAA) which are reported elsewhere in this report.

Year	Contaminant	Average Level	Minimum Level-Maximum Level	Unit of Measure	Source of Contaminant
2006	Source Water	3.64	2.96 – 4.08	ppm	Naturally present in environment.

Total Coliform

Total coliform bacteria are used as indicators of microbial contamination of drinking water because testing for them is easy. While not disease-causing organisms themselves, they are often found in association with other microbes that are capable of causing disease. Coliform bacteria are harder than many disease-causing organisms; therefore, their absence from water is a good indication that the water is microbiologically safe for human consumption.

Year	Contaminant	Highest Monthly % of Positive Samples	MCL	Unit of Measure	Source of Contaminant
2005	Total Coliform Bacteria	0.0	*	Presence	Naturally present in the environment.

***Presence of coliform bacteria in 5% or more of the monthly samples.**

Fecal Coliform: REPORTED MONTHLY TESTS FOUND NO FECAL COLIFORM BACTERIA.

Secondary and Other Constituents Not Regulated

(No associated adverse health effects)

Year	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit	Unit of Measure	Source of Constituent
2004	Aluminum	0.027	0.027	0.027	50	ppm	Abundant naturally occurring element.
2006	Bicarbonate	162	162	162	NA	ppm	Corrosion of carbonate rocks such as limestone.
2004	Calcium	41.5	41.5	41.5	NA	ppm	Abundant naturally occurring element.
2006	Chloride	31	31	31	300	ppm	Abundant naturally occurring element; used in water purification; by-product of oil field activity.
2004	Copper	0.013	0.013	0.013	NA	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
2004	Hardness as Ca/Mg	140	140	140	NA	ppm	Naturally occurring calcium and magnesium
2004	Magnesium	8.8	8.8	8.8	NA	ppm	Abundant naturally occurring element.
2006	pH	7.3	7.3	7.3	7	Units	Measure of corrosivity of water
2004	Sodium	16	16	16	NA	ppm	Erosion of natural deposits; by-product of oil field activity.
2006	Sulfate	38	38	38	300	ppm	Naturally occurring; common industrial by-product; by-product of oil field activity.
2006	Total Alkalinity as CaCO ₃	133	133	133	NA	ppm	Naturally occurring soluble mineral salts.
2006	Total Dissolved Solids	260	260	260	1000	ppm	Total dissolved mineral constituents in water.
2003	Total Hardness as CaCO ₃	168	168	168	NA	ppm	Naturally occurring calcium.



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) July 5, 2007 Special Called Meeting
- (B) July 5, 2007 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:

[July 5, 2007 Special Called Meeting](#)
[July 5, 2007 Regular Meeting](#)

SPECIAL CALLED MEETING

TEMPLE CITY COUNCIL

JULY 5, 2007

The Temple City Council conducted a Special Called Meeting on Thursday, July 5, 2007 at 4:00 p.m. in the Third Floor Conference Room, Municipal Building, 2 North Main Street, Temple, TX.

City Council & Staff Present:

Mayor William A. Jones, III
Mayor Pro Tem Martha Tyroch
Councilmember Tony Jeter
Councilmember Patsy E. Luna

David Blackburn, City Manager
Jonathan Graham, City Attorney
Traci Barnard, Director of Finance
Clydette Entzminger, City Secretary

Absent:

Councilmember Russell Schneider

The agenda for this meeting was posted on the bulletin board at the Municipal Building on June 15, 2007 at 9:00 am in compliance with the Open Meetings Law.

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

Mayor Jones called the Special Called Meeting of the Temple City Council to order at 4:00 p.m. in the Third Floor Conference Room, Municipal Building.

1. Receive a briefing on the Proposed FY 2007-2008 City of Temple Budget.

David Blackburn, City Manager, provided an overview of the proposed FY 2007-2008 budget. He discussed his approach to the budget and budget process which is to maintain or lower the tax rate, be fiscally sound, align the budget with the strategic plan and continue the CIP efforts. The preliminary budget maintains the current programs and services, maintains a priority emphasis on our people, maintains planning efforts and increases the emphasis on economic development.

Mr. Blackburn continued with a 'big picture' look at the General Fund revenues and expenditures. He explained that he has added placeholders to the budget for the ECI adjustment, performance pay, the compensation study and the fire study master plan implementation. Items proposed to be funded with Fund Balance Designated for Capital –Unallocated are capital, transit funding (20% match plus capital), increased TEDC funding and the Strategic Investment Zone program.

Other items reviewed by Mr. Blackburn included General Fund revenues and historical information relating to assessed value of taxable property, adopted tax rate versus effective tax rate, and sales tax analysis. The increases in proposed General Fund expenditures were also noted, including a 4.90% increase in personnel and a 14.08% increase in operations.

Next, the additional and expanded programs and services were discussed. These include:

- Compensation and Benefits (Airport Certification Pay, Fleet Services Certification Pay and Fleet Services Tool Allowance Adjustment)
- Strategic Investment Zone
- Fire radio/cell phones for trucks
- Golf Course Junior Golf Program
- Municipal court City Marshal Program
- Parks contract mowing
- Parks irrigation water costs
- Street maintenance for continuous lighting system on I-35

Mr. Blackburn noted the proposed budget also includes 5.5 additional full time equivalent employees - Operations Specialist Part Time and Maintenance Technician at the Airport; Code Enforcement Officer and Plans Examiner/Inspector for Construction Safety; Assistant City Attorney for Legal; and Automated Route Operator (Brush/Bulk) for Solid Waste.

Of the total \$10,967,882 requested funding, \$6,020,533 has been funded in the proposed budget, leaving \$4,947,349 unfunded.

Regarding the Water and Wastewater Fund, Mr. Blackburn reviewed the non-operating revenues and expenses. The additional and expanded programs and services include a sewer collection construction crew (4 full time employees plus equipment and materials). The proposed budget also includes four additional full time employees – a meter changer, a senior operator for the Water Treatment Plant and two utility technicians for Water Distribution.

The current rate proposed is for a 3.82% increase to the average residential water and sewer rates and a 2.65% increase to the average commercial rates. Mr. Blackburn showed the customer impact of this rate increase, as well as a comparison of our water and sewer rates with surrounding cities.

The last portion of the proposed budget was a brief discussion of the Capital Improvement Projects, which totals \$43,691,933. Mr. Blackburn reviewed the proposed projects by funding source – Certificates of Obligation and General Obligation Bonds. He presented the timetable for a possible November 2007 bond election, which would require the election to be called by August 23rd.

2. Receive a briefing on the City's Water and Wastewater Master Plan.

Ginger Tolbert, Kasberg, Patrick & Associates, presented this report to the City Council. She reviewed the contents of the Master Plan Update and provided the status of each, as follows:

- Introduction (complete)
- Summary of Existing Utility Related Contracts (complete)
- Extension Policies (City Reviewing)
- Governing Agencies (Complete)
- Planning (Complete)
- Water System Analysis (80% Complete)
- Wastewater System Analysis (70% Complete)
- Project Phasing Plan (70% Complete – City Reviewing)

Next, Ms. Tolbert reviewed diagrams showing the existing water and sewer transmission lines and the improvement projects that are being proposed.

Mr. Blackburn discussed the policy issues that need to be addressed as part of the Water and Wastewater Master Plan. These include: service outside the City, wholesale customers, OSSFs, 'to and through', oversizing, and extensions. He provided several issues that need to be considered regarding these policies and ordinances. Mr. Blackburn noted he is anticipating bringing these forward for Council approval in conjunction with budget adoption on August 23rd.

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 5, 2007.

Jonathan Graham, City Attorney, as that items 5 (T) 1 and 2 be tabled during the regular meeting. Negotiations are still underway on these properties. Item 5(T) 3 is ready for Council approval.

There being no further business, Mayor Jones adjourned the Special Called Meeting at 4:58 pm.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

REGULAR MEETING OF THE TEMPLE CITY COUNCIL

JULY 5, 2007

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 5, 2007 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Tony Jeter
Mayor Pro Tem Martha Tyroch
Councilmember Patsy E. Luna
Mayor William A. Jones, III

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Pastor Quincey Evans, House of Faith Church, voiced the Invocation.

2. Pledge of Allegiance

Kevin Beavers, Recreation Superintendent for the City of Temple, led the Pledge of Allegiance.

II. PUBLIC APPEARANCE

3. Receive comments from Mike Ringstaff, A+ Mobile Home Sales, regarding the ability to move a single section home into a rental community.

Mayor Jones stated Mr. Ringstaff has been meeting with City Staff concerning his issues and has withdrawn his request for a public appearance at this time.

III. PUBLIC COMMENTS

There were no public comments.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Parks and Recreation Month July, 2007

Ken Cicora, Parks and Leisure Services Director, and department staff were present to accept this proclamation from Mayor Jones.

Mr. Cicora introduced his staff members and noted some of the upcoming events this summer.

V. CONSENT AGENDA

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

(A) June 21, 2007 Special Called Meeting

(B) June 21, 2007 Regular Meeting

(C) 2007-5078-R: Consider adopting a resolution authorizing a month to month lease with Focus on Hope Outreach Services at Casa Hispanica located at 801 South Main Street.

(D) 2007-5079-R: Consider adopting a resolution authorizing a lease agreement with Mr. Kyle McQueen to include property and construction of an aircraft hangar at the Draughon-Miller Central Texas Regional Airport.

(E) 2007-5080-R: Consider adopting a resolution authorizing a contract with BW Fabricators, LP, of Wichita Falls for the replacement of Aerator Rotor Shaft Bearings at the Doshier Farm Wastewater Treatment Plant in the amount of \$225,000.

(F) 2007-5081-R: Consider adopting a resolution authorizing a contract with TTG Utilities of Gatesville for the replacement of Pump #2 and three variable frequency drives (VFDs) at the Williamson Creek Lift Station in the amount of \$209,965.

(G) 2007-5082-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc. of Gatesville for construction services required for Phase I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr. (MLK) Drive Sidewalk and Lighting Improvements in the amount of \$175,255.50.

(H) 2007-5083-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, construction administration, on-site representation, and right-of-way (ROW) acquisition services, required for the expansion of West Temple water and wastewater utilities north of FM 2305, Phase I, in an amount not to exceed \$327,090.

(I) 2007-5084-R: Consider adopting a resolution authorizing an agreement with CenturyTel Fiber Company II, LLC d/b/a LightCore, A CenturyTel company, for the purpose of constructing, maintaining and operating a data/communications

line in the public rights-of-way in the City of Temple.

(J) 2007-5085-R: Consider adopting a resolution authorizing a development agreement with the owners of a 26.547 acre tract located at the northwest corner of FM 2305 and Hilliard Road.

(K) 2007-4148: SECOND READING - Z-FY-07-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.

(L) 2007-4149: SECOND READING - Z-FY-07-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road.

(M) 2007-4150: SECOND READING - Z-FY-07-33: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road.

(N) 2007-4151: SECOND READING - Z-FY-07-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive.

(O) 2007-4152: SECOND READING - Z-FY-07-38: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H.

(P) 2007-4153: SECOND READING - Z-FY-07-39: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road.

(Q) 2007-4154: SECOND READING - Z-FY-07-42: Consider adopting an ordinance amending the Thoroughfare Plan to realign a portion of the collector sized road known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way.

(R) 2007-5086-R: Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement (CWA) with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

(S) 2007-5087-R: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2007 Byrne Justice Assistance Grant program award.

(T) 1. 2007-5088-R: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract with improvements located at 5217 Wendland Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

2. 2007-5089-R: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract of unimproved property located on the east side of Wendland Road, about one-half mile south of Moores Mill Road, in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

3. 2007-5090-R: Consider adopting a resolution authorizing the purchase of an approximately 6 acre tract located at 2005 Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes. Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

(U) 2007-5091-R: Consider adopting a resolution denying Atmos Energy Corporation's (Mid-Tex Division) request for an interim rate adjustment in the City of Temple.

(V) 2007-5092-R: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2007-2008 budget for August 2, 2007 and August 23, 2007 at 5:00 p.m. in the City Council Chambers.

(W) 2007-5093-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

Motion by Councilmember Patsy E. Luna to adopt resolution approving Consent Agenda, with exception of items (T) 1 and 2, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

(T) 1. 2007-5088-R: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract with improvements located at 5217 Wendland Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

2. 2007-5089-R: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract of unimproved property located on the east side of Wendland Road, about one-half mile south of Moores Mill Road, in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Motion by Councilmember Patsy E. Luna to table items (T) 1 and 2, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

6. 2007-4155: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 in the amount of \$125,000 to fund acquisition of land in the North Zone.

Traci Barnard, Director of Finance Director, presented this item to the City Council. She stated the RZ No. 1 has acquired several tracts of land in the North Zone for various public improvement projects. Additional tracts have been identified as critical to the completion of some of those projects. There is currently \$350,000 in the financing plan for land acquisition and Mrs. Barnard recommended \$125,000 be added to supplement those funds.

The RZ No. 1 Board of Directors recommended approval of the proposed amendment to the Financing Plan at their June meeting.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinance on first reading, with second reading set for July 19, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

- 7. 2007-4156: FIRST READING - PUBLIC HEARING - Z-FY-07-40: Consider adopting an ordinance authorizing the approval of a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II.**

Tim Dolan, Planning Director, gave a brief presentation to the City Council regarding this item. This plat was approved on June 21st by the City Council. He reviewed the CUP conditions to be considered before authorization of this request. Mr. Dolan showed the location of the property along South General Bruce Drive and South Loop 363, noting the proposed parking, signage and lighting. Two notices were mailed to surrounding property owners and none were returned in opposition. Both the Planning and Zoning Commission and Staff recommended approval of the requested Conditional Use Permit.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Patsy E. Luna to adopt ordinance on first reading, with second reading set for July 19, 2007, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(C)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Michael C. Newman, P.E., CFM, City Engineer
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to the professional services agreement contract with Kasberg, Patrick & Associates, L.P. (KPA) for engineering services to include design, right of way acquisition services, construction administration, and on-site representation in an amount not to exceed \$268,620 required for Outer Loop Phase 3 (from FM2305 to approximately 950 feet south of Jupiter Drive) and right of way acquisition services for Outer Loop Phases 4, 5 & 6 (from approximately 950 feet south of Jupiter Drive to IH 35) in an amount not to exceed \$363,720, for a total not to exceed amount of \$632,340 and authorizing the City Manager to acquire right of way to the extent of appropriated funds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 2, 2006 City Council adopted a resolution authorizing professional services with KPA for preliminary design services required for the Outer Loop Phases 3, 4, 5, and 6 from FM 2305 to IH35. Preliminary engineering is complete for Phase 3 and its alignment does not vary for any of the alternatives identified in the draft preliminary engineering report. The City is still finalizing the alignment of Phases 4, 5 & 6 of the Outer Loop.

Outer Loop Phase 1 (Old Howard Road from Industrial Boulevard to SH 36) is complete. Outer Loop Phase 2 (SH 36 to FM 2305) design phase is complete and the City has contracted with KPA to acquire the necessary right of way for Phase 2 of the project.

The proposed Outer Loop Phase 3 generally follows Old Waco Road from FM 2305 (West Adams Road) to approximately 950 feet south of Jupiter. The extension past Jupiter Drive allows use of an existing drainage channel, which avoids unnecessary added expenses for temporary drainage improvements that would be required if this phase were terminated at Jupiter Drive. This roadway improvement project comprises approximately 5,000 linear feet of 86' wide (120' ROW) road section and provides improved traffic mobility in West Temple growth areas. This project also includes about 1,800 linear feet of water line relocation which is currently estimated to be \$200,000.

Outer Loop Phase 3 design will align with Hilliard Road across (northward) the FM 2305 Intersection. The estimated construction cost for Phase 3 is approximately \$2.1 million. Per KPA's proposed timeline, the design revision can be completed within 120 days of notice to proceed with a total project length of approximately 20 months. Outer Loop Phases 4, 5 & 6 will extend the Loop to south I-35.

The alignment of Phases 4, 5 & 6 has not been finalized, but portions of the alignment have been identified. The proposed amendment to KPA's preliminary design services agreement with the City allows us to move forward with right of way acquisitions with all Phases 3-6 of the project, focusing initially on Phase 3, and those portions of Phases 4, 5 & 6 of the project that have been firmly identified. As with Phase 2, we are proposing that KPA's services include right of way acquisition. KPA is using Lone Star Right of Way Services, Inc., as a subcontractor to acquire right of way needed for the remaining phases of the project—with the exception of right of way that is or will be acquired directly by the City.

The resolution also authorizes the City Manager to purchase needed right of way in all of the identified phases, and will assist us in identifying parcels that we can acquire through platting or development agreements. Should we have to proceed to condemnation on specific properties (a likely scenario) we will bring a more specific resolution to the City Council identifying the properties we will acquire with a full legal description. We will also amend our agreement with KPA for Phases 4, 5 & 6 at a latter date to include final design, construction administration, and on-site representation once we are ready to proceed on those phases and have negotiated an appropriate fee for those additional services.

Per attachments, KPA's contract amendment includes the following:

Basic Services	
Civil Design (roadway)	\$ 100,000
Civil Design (water line)	\$ 12,500
Bidding	\$ 6,500
Construction Administration	<u>\$ 39,500</u>
Total Basic Services	\$ 158,500
Special Services	
Design Surveys	\$ 9,000
Construction Staking	\$ 16,000
Geotechnical Services	\$ 9,500
ROW Acquisition Services (Ph. 3)	\$ 78,120
ROW Acquisition Services (Ph. 4,5,6)	<u>\$ 329,220</u>
Total Special Services	\$ 441,840
Optional Services	
On-site Representation (4hrs/day)	\$ 32,000
TOTAL	\$ 632,340

FISCAL IMPACT: The cost of this professional services contract amendment is \$632,340 for Phase 3 (design, right of way acquisition services, construction administration, and on-site representation) and Phase 4,5,6 (right of way acquisition services). This cost includes basic services of \$158,500, special services of \$441,840 and optional services of \$32,000. (The cost of adding right of way acquisition for Phases 4, 5 & 6 is \$329,220).

Funding in the amount of \$2,000,000 is budgeted in account 361-3400-531-6813, project #100089 in the 2006 Certificates of Obligation bond issue for the preliminary design and ROW acquisition for phases 3-6 of this project. Currently, \$1,808,000, remains available after the award of the preliminary design contract to fund these contract amendments in the amount of \$619,840 for the amount of the amendments related to the roadway portion of the project.

A budget amendment is attached appropriating \$12,500 to account 561-5200-535-6930, project #100089, available from accumulated interest earnings from the 2006 Utility Revenue Bonds issued in the fall of 2006. Total amount available for the contract amendment is \$632,340.

Funding for the construction of the 1,800 linear feet of water line relocations related to Phase 3 of the Outer Loop will be programmed into the FY 2008 CIP anticipated to be funded with 2007 Utility Revenue Bonds.

Additional funding in the amount of \$5.28 million is identified in the proposed FY 2008 CIP, anticipated to be funded with 2007 Certificates of Obligation bond issue, for the final design and construction of the road for Phases 3 and 4.

ATTACHMENTS:

[KPA Proposals](#)
[Exhibit "A" Right of Way Acquisition Maps](#)
[Budget Adjustment](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., C.F.M.
THOMAS D. VALLE, P.E.

June 19, 2007

Mr. Michael C. Newman, P.E., C.F.M.
City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Outer Loop Phase III Final Design

Dear Mr. Newman:

At the request of the Temple City Council, we were directed to prepare a proposal for the above referenced project. The project will develop the streets, drainage and relocate utilities for the Outer Loop Phase III Project. We have attached Exhibit A to illustrate the project.

This project will consist of approximately 5,000 linear feet of construction of the proposed Outer Loop from F.M. 2305 south past Jupiter Road. There will also be approximately 1,800 linear feet of water line relocation associated with this project.

Kasberg, Patrick & Associates, LP will complete design surveys, geotechnical analysis, drainage analysis and design of the project area drainage, conveyance of storm water, street design, water utility design, bidding of the project, acquisition of rights-of way, construction administration and on-site representation. The proposed design timeline for the design portion of the project is one hundred twenty days from the notice to proceed with a total project length of twenty months.

Rights-of-way acquisition services for phases III through VI have been included in this proposal for your review. We have attached exhibit B which illustrates the parcels, services and fees associated with rights-of-way acquisition services for this project. Please also note there are additional services shown on the exhibit that are pass through costs. These pass through services will be paid by the City of Temple at the actual cost of the service. We will bill these with the monthly invoices. The table below illustrates costs associated with each task and Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

Mr. Michael C. Newman, P.E., C.F.M.

June 19, 2007

Page Two

The scope of services for this project will include the following:

- Layout of the proposed roadway.
- Re-alignment of water utilities.
- Detailed design surveys for the project.
- Geotechnical design for the roadway.
- Hydrological investigations for the project.
- Development of storm water flows.
- Design of storm water conveyance to existing waterways.
- Design of the horizontal and vertical geometry for the proposed roadway.
- Design of the horizontal and vertical geometry for the relocated water utilities.
- Bidding services.
- Rights-of-way acquisition services.
- Recommendation of contract award.
- Construction administration services.
- Construction staking.
- On-site representation of the project.
- Delivery of record drawings.

Temple Reinvestment Zone Airport Park Streets, Drainage, Water and Wastewater

Basic Services

Civil Design (Roadway)	\$	100,000.
Civil Design (Water)	\$	12,500.
Bidding	\$	6,500.
Construction Administration	\$	39,500.
Total Basic Services	\$	158,500.

Special Services

Design Surveys	\$	9,000.
Construction Staking	\$	16,000.
Geotechnical Services	\$	9,500.
ROW Acquisition Services (Phase III - VI)	\$	407,340.
Total Special Services	\$	441,840.

Optional Services

On-Site Representation (4hrs/day)	\$	32,000.
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We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E.

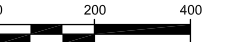
RDP/crc

EXHIBIT C

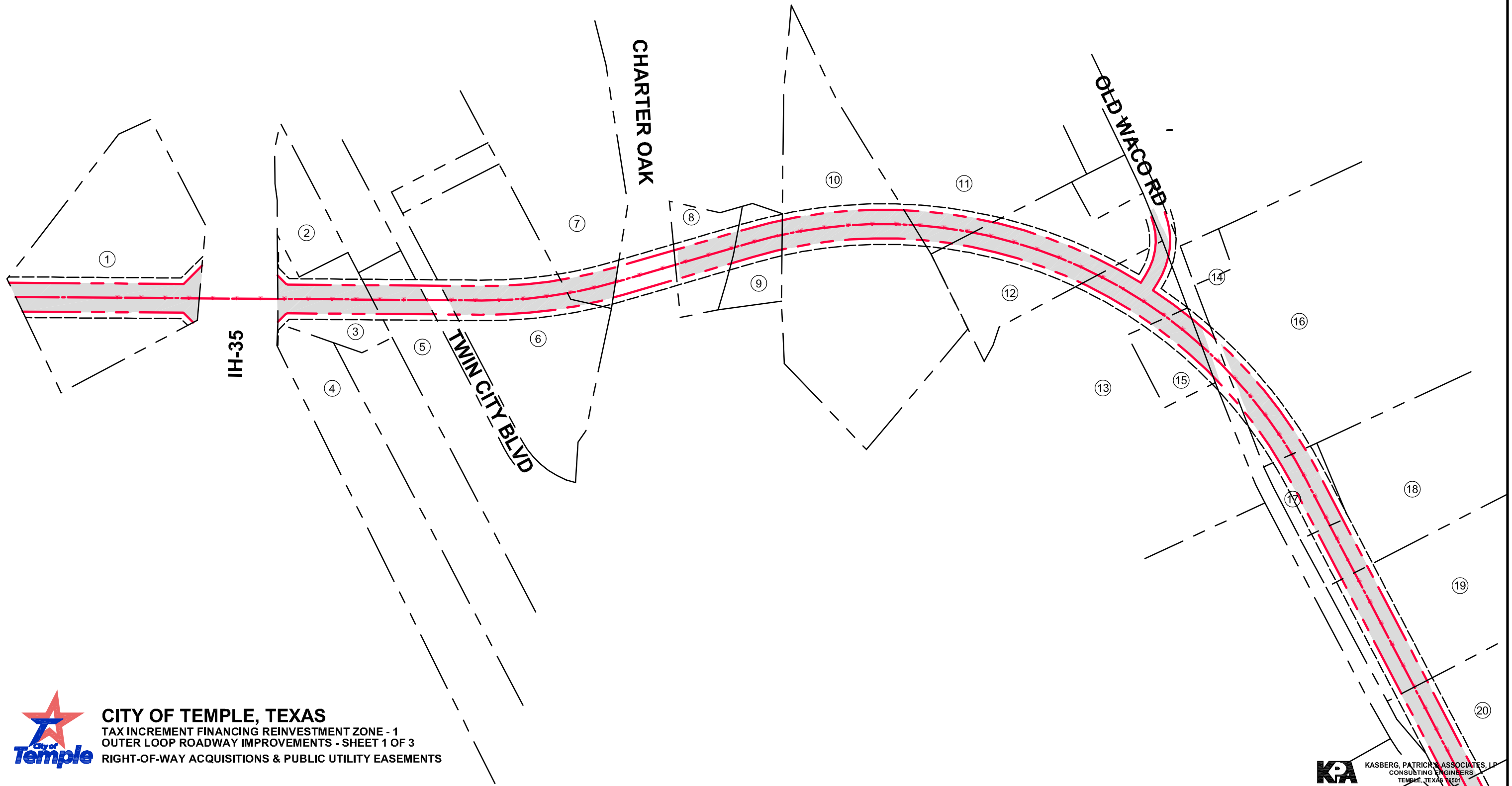
Charges for Additional Services

**City of Temple
Outer Loop Phase III**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 45.00 – 60.00/hour
Project Manager	2.4	38.00 – 48.00/hour
Project Engineer	2.4	30.00 – 40.00/hour
Engineer-in-Training	2.4	24.00 – 35.00/hour
Engineering Technician	2.4	18.00 – 32.00/hour
CAD Technician	2.4	18.00 – 32.00/hour
Clerical	2.4	10.00 – 16.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	85.00 – 100.00/hour
Registered Public Surveyor	1.0	60.00/hour
On-Site Representative	2.1	31.00/hour

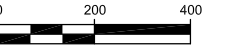


GRAPHIC SCALE IN FEET

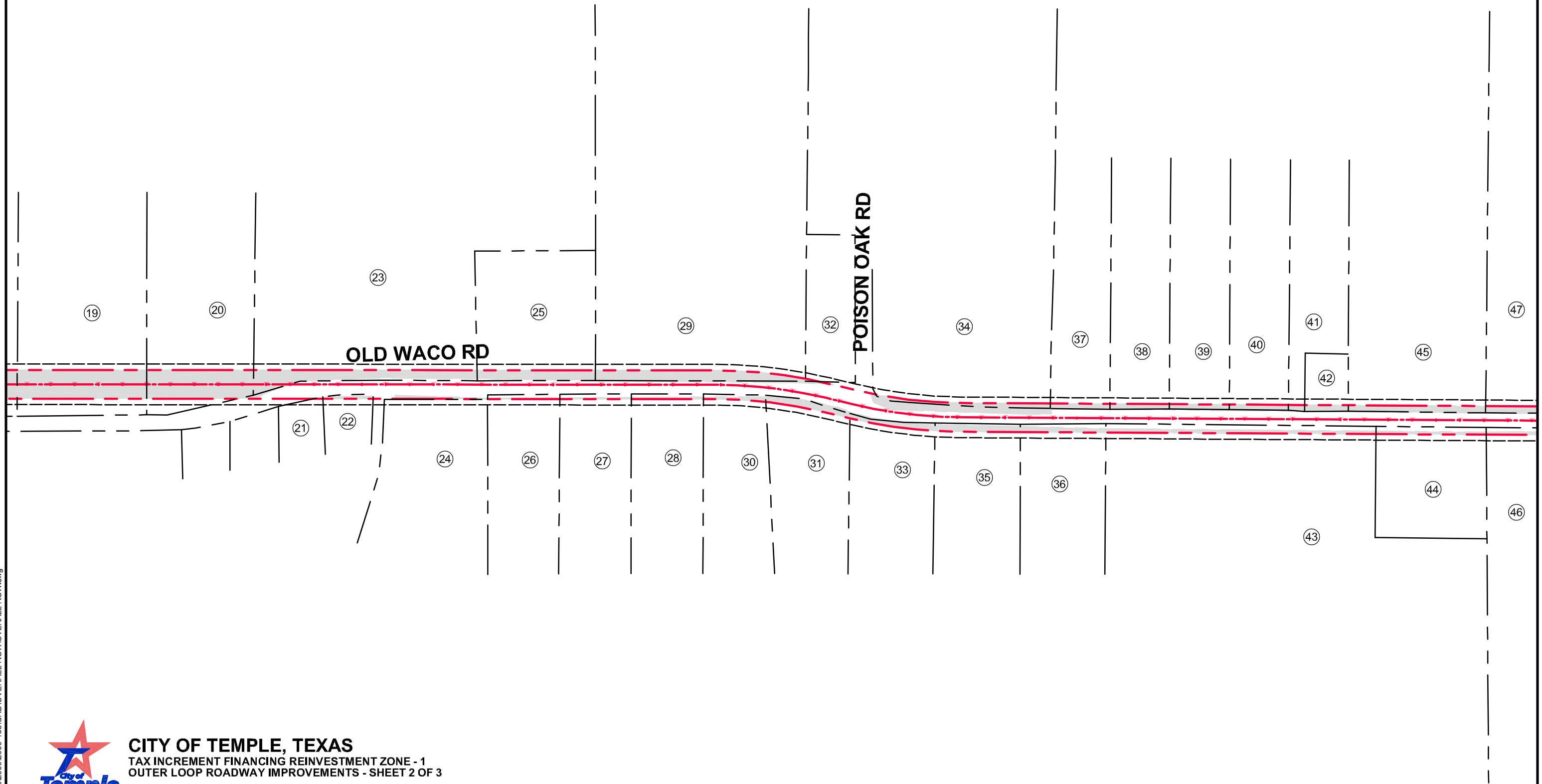


CITY OF TEMPLE, TEXAS
TAX INCREMENT FINANCING REINVESTMENT ZONE - 1
OUTER LOOP ROADWAY IMPROVEMENTS - SHEET 1 OF 3
RIGHT-OF-WAY ACQUISITIONS & PUBLIC UTILITY EASEMENTS

KPA KASBERG, PATRICK & ASSOCIATES, L.P.
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701



GRAPHIC SCALE IN FEET



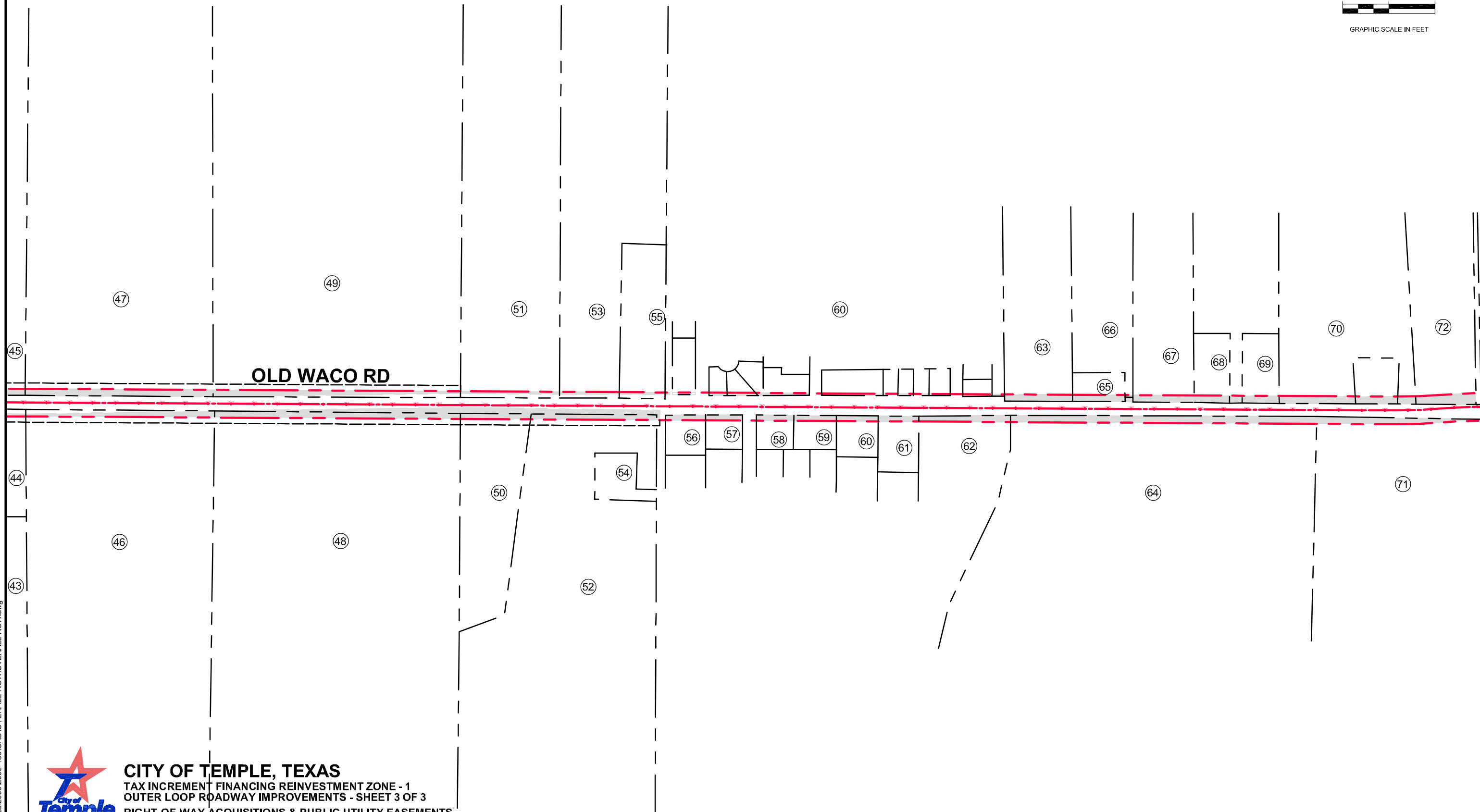
CITY OF TEMPLE, TEXAS
TAX INCREMENT FINANCING REINVESTMENT ZONE - 1
OUTER LOOP ROADWAY IMPROVEMENTS - SHEET 2 OF 3
RIGHT-OF-WAY ACQUISITIONS & PUBLIC UTILITY EASEMENTS



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



GRAPHIC SCALE IN FEET



CITY OF TEMPLE, TEXAS
TAX INCREMENT FINANCING REINVESTMENT ZONE - 1
OUTER LOOP ROADWAY IMPROVEMENTS - SHEET 3 OF 3
RIGHT-OF-WAY ACQUISITIONS & PUBLIC UTILITY EASEMENTS



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

FY **2007****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
561-5200-535-69-30	100089	Waterline Relocation-Outer Loop	\$ 12,500	
561-0000-461-01-11		Interest Income	12,500	
TOTAL.....			\$ 25,000	\$ -

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

To appropriate accumulated interest earnings from the 2006 Utility Revenue Bonds to fund the portion of the contract amendment with KPA related to the waterline relocation design for the Outer Loop Phase 3. Funding for the construction of the 1,800 linear fee of water line which is currently estimated to be \$200,000 will be programmed into the FY 2008 proposed CIP.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/19/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE CONTRACT AGREEMENT FOR PROFESSIONAL SERVICES WITH KASBERG, PATRICK & ASSOCIATES, LP, FOR THE OUTER LOOP PHASE 3 TO ADD RIGHT OF WAY ACQUISITION SERVICES, CONSTRUCTION ADMINISTRATION, AND ON-SITE REPRESENTATION, AND RIGHT OF WAY ACQUISITION FOR OUTER LOOP PHASES 4, 5, AND 6, FOR A TOTAL AMOUNT NOT TO EXCEED \$632,340; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 2, 2006, the City Council authorized a Contract Agreement for Professional Services with Kasberg, Patrick & Associates, LP, for preliminary design services required for the Outer Loop Phases 3, 4, 5 and 6 from FM 2305 to IH35;

Whereas, the Staff recommends amending the agreement to add acquisition of right of way services, construction administration, and on-site representation for Phase 3 (\$268,620) and right of way acquisition for Phases 4, 5, and 6 (\$363,720) for a total amount not to exceed \$632,340;

Whereas, funds are available for this project but an amendment to the FY 2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes an amendment to the Contract Agreement for Professional Services between the City of Temple and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, to add acquisition of right of way services, construction administration, and on-site representation for the Outer Loop Phase 3 (\$268,620), and right of way acquisition for the Outer Loop Phases 4, 5, and 6 (\$363,720), for a total amount not to exceed \$632,340.

Part 2: The City Council authorizes an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this contract amendment.

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

PASSED AND APPROVED this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Trac-Works, Inc. of Ennis for the rehabilitation of the Industrial Rail Road from Industrial Blvd. across Lucius McCelvey to N W HK Dodgen Loop in the amount of \$118,176.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In January 2007 Trac-Works, Inc. was awarded a contract to perform a track inspection and submit a report to the City of Temple indicating necessary repairs. After review of the report, staff solicited bids to repair the identified problems on the Industrial Rail Road Spur 308 and 322 lead. These were the only problem areas identified in the report.

On July 3, 2007, the City received seven (7) bids for the rehabilitation of the Industrial Rail Road Spur 308 and 322 lead. The bid tabulation is attached.

This set of tracks is in the Industrial Park, is owned by the City of Temple and is in need of extensive rehabilitation. These tracks serve several different businesses in the Industrial Park, including Doane Products and LJT, in their receiving and shipping needs.

The low bidder was Trac-Works, Inc. of Ennis, Texas. The City has done business with Trac-Works, Inc. in the past and finds them to be a responsible bidder.

FISCAL IMPACT: Funds in the amount of \$202,000 are budgeted in account 795-9500-531-6514, project # 100167 which are available from the Reinvestment Zone No. 1. Funds in the amount of \$7,823 have been previously expended for emergency repairs and rail analysis leaving a balance currently available of \$194,177 from the original appropriation. After the award of this contract with Trac-Works, in the amount of \$118,176. \$76,001 will be available for future rehabilitation of rail spurs and tracks.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 3, 2007 at 2:30 p.m.
Rehabilitation Work for Industrial RR Spur 308 and 322 Lead

Description	Bidders						
	Lone Star Railroad Contractors, Inc. Ennis, TX	Gulf Coast Rail Group, Inc. Magnolia, TX	CW&W Contractors, Inc. Sibley, LA	Balfour Beatty Rail, Inc. Tulsa, OK	American Track Generations Ft Worth, TX	Railworks Track Systems-Texas, Inc. Houston, TX	Trac-Work, Inc. Ennis, TX
Total bid price for work to be done to track section from Industrial Boulevard to the first switch #310	\$14,664.00	\$19,000.00	\$13,400.00	\$30,351.14	\$15,777.37	\$21,600.00	\$13,000.00
Total bid price for work to be done to switch #310	\$7,163.00	\$7,500.00	\$7,500.00	\$2,986.40	\$6,479.88	\$9,400.00	\$6,720.00
Total bid price for work to be done to track section from switch #310 to Lucius McCalvey Drive Crossing	\$2,645.00	\$2,600.00	\$3,900.00	\$3,291.56	\$1,228.98	\$4,000.00	\$1,487.00
Total bid price for work to be done to Lucius McCalvey Drive Road Crossing	\$13,709.00	\$21,000.00	\$20,800.00	\$12,637.97	\$12,490.54	\$12,500.00	\$7,521.00
Total bid price for work to be done to track section from Lucius McCalvey Drive to switch #311	\$6,454.00	\$2,500.00	\$4,200.00	\$5,616.16	\$1,937.49	\$3,300.00	\$2,030.00
Total bid price for work to be done to switch #311	\$2,733.00	\$8,600.00	\$6,800.00	\$16,888.93	\$6,537.96	\$8,600.00	\$5,105.00
Total bid price for work to be done to track section from switch #311 to switch #320	\$21,284.00	\$20,000.00	\$13,200.00	\$40,249.07	\$13,223.02	\$21,700.00	\$12,105.00
Total bid price for work to be done to switch #320	\$3,306.00	\$6,500.00	\$3,800.00	\$7,391.57	\$5,073.71	\$12,700.00	\$4,655.00
Total bid price for work to be done to track section from Doane's switch #320 to TLJT switch #319	\$32,759.00	\$43,000.00	\$18,000.00	\$11,054.35	\$28,525.10	\$48,150.00	\$29,917.00
Total bid price for work to be done to switch #319	\$484.00	\$1,400.00	\$3,000.00	\$2,519.72	\$1,538.27	\$4,400.00	\$1,514.00
Total bid price for work to be done to track section from Texas Lock Joint Tube's switch #319 to Loop 368 grade crossing	\$21,030.00	\$28,000.00	\$25,400.00	\$48,816.89	\$23,554.32	\$32,100.00	\$16,876.00
Total bid price for work to be done to switch #318	\$1,508.00	\$1,400.00	\$3,000.00	\$26,642.40	\$2,568.14	\$4,600.00	\$1,777.00
Total bid price for work to be done to right side of switch to #318 to end of rail	\$2,451.00	\$4,500.00	\$2,900.00	\$3,838.47	\$2,750.01	\$2,450.00	\$481.00
Total bid price for surfacing and tamping	\$19,779.00	\$18,000.00	\$35,000.00	\$10,133.06	included in prices above	\$15,000.00	\$14,988.00
Total bid price for all items listed above	\$149,969.00	\$184,000.00	\$160,900.00	\$222,417.69	\$121,684.79	\$200,500.00	\$118,176.00
Cost for additional crosstie replacement	\$78.00 each	\$95.00 each	\$50.00 each	\$133.21 each	\$75.00 each	\$90.00 each	\$72.00 each
Cost for additional joint bar replacement on 90 pound rail	\$20.00 each	\$70.00 each	\$30.00 each	\$38.00/pair	\$75.00 each	\$100.00 each	\$28.00 each
Guarantee completion of project within 90 days	No	Yes	Yes	Yes	Yes	Yes	Yes
Exceptions	Will not guarantee completion within 90 days	none	none	none	none	none	No new ties under crossing; no paving
Acknowledgement of Addendum	x	x	x	x	x	x	x
CIO Form	x	x	x	x	x	x	x
Bid Bond	5%	5%	5%	5%	5%	5%	5%
Bond Affidavit	x	x	x	x	x	x	x
Insurance Affidavit	x	x	x	x	x	x	x
Credit Check Authorization Form	x	x	x	x	x	x	x

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

Belinda Matthe, Director of Purchasing
Belinda Matthe, Director of Purchasing

5-Jul-07
Date

*Note: Highlighted bid is recommended
for Council approval.*

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH TRAC-WORKS, INC., OF ENNIS, TEXAS, FOR THE REHABILITATION OF THE INDUSTRIAL RAILROAD FROM INDUSTRIAL BOULEVARD ACROSS LUCIUS MCCELVEY TO NW H.K. DODGEN LOOP, FOR AN AMOUNT NOT TO EXCEED \$118,176; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 3, 2007, the City received 7 bids for the rehabilitation of the Industrial Railroad Spur 308 and 322 lead;

Whereas, the Staff recommends accepting the bid from Trac-Works, Inc., of Ennis, Texas, in the amount of \$118,176;

Whereas, funds are available for this project in Account No. 795-9500-531-6514; 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 contract, for an amount not to exceed \$118,176, between the City of Temple and Trac Works, Inc., of Ennis, Texas, after approval as to form by the City Attorney, for the rehabilitation of the Industrial Railroad from Industrial Boulevard across Lucius McCelvey to NW H.K. Dodgen Loop.

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

PASSED AND APPROVED this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Alpha Constructors, Inc. of Temple for improvements to Baker Baseball Field and replacement restrooms in Lions Community Park in the amount of \$384,360, and rejecting all initial bids received for this project on May 22, 2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 22, 2007, the City received bids for the Lions Park and Baker Baseball Field CIP projects. The bids were not within the budget. The City re-bid the projects on July 3, 2007. As shown on the attached bid tabulation sheet, two bids were received for the re-bid of the project with Alpha Constructors having the low bid on the project.

These projects are part of the FY 06/07 CIP program adopted by City Council. The Baker Baseball Field project will demo existing concession and restroom buildings, remove existing bleachers and perimeter fencing, and add a new restroom/concession/storage facility, including ADA access to the new facilities from an existing parking lot. The Lions Park project will remove the two existing outdoor restrooms that serve the park, including the two adjacent picnic pavilions. The new restrooms will be similar in style to the new restroom constructed in Jeff Hamilton Park and will be ADA accessible.

Staff recommends awarding the base bid of \$249,874 for the Baker Field Improvements with the proposed deductive alternate of \$12,760. This alternate will use a colored split face block instead of a colored smooth faced block with an applied stone surface treatment. With approval of the deductive alternate, this project will total \$237,114.

Staff recommends awarding the base bid of \$151,906 for the Lions Park Restrooms with the proposed deductive alternate of \$4,660. This alternate will use a colored split face block instead of a colored smooth faced with an applied stone surface treatment. With approval of the deductive alternate this project will total \$147,246.

There will be remaining funds from the Lions Park budget in the amount of \$28,679. Staff is requesting authorization to use \$25,000 of those funds to cover the costs of the Baker Field project and to supplement the future purchase of bleachers and sun shades at Baker Field.

FISCAL IMPACT: Funding for these projects in the amount of \$440,000 was included in the 2006 Certificate of Obligation bond issue and is appropriated as follows:

Baker Field Improvements – Account 361-3500-552-6823, Project #100203	\$250,000
Lions Park Restrooms – Account 361-3500-552-6822, Project #100202	\$190,000

To date \$18,385 and \$14,075 has been expended for architectural services for the Baker Field and Lions Park projects, respectively, leaving a balance of \$231,615 for the Baker Field Project construction and \$175,925 for the Lions Park project construction.

Attached is a budget amendment for Council's approval reappropriating \$25,000 of the savings on the Lions Park project to the Baker Field project. After award of the construction contract in the amount of \$384,360, \$19,501 will remain in the Bakers Field budget for the future purchase of bleachers and sun shades.

ATTACHMENTS:

[Bid Tabulation](#)

[Budget Amendment](#)

[Resolution](#)

Tabulation of Bids Received
on July 3, 2007 at 2:00 p.m.

Baker's Field Baseball Complex Renovations & Replacement of Lions Park Restrooms (Re-Bid)

	Bidders	
	Alpha Constructors, Inc. Temple, TX	Vanguard Contractors, LP Temple, TX
Description		
Total Base Bid Price - Bakers Field	\$249,874.00	\$267,000.00
Total Base Bid Price - Lions Park	\$151,906.00	\$191,500.00
Add Alternate 1 - Bakers Field	\$13,570.00	\$16,000.00
Add Alternate 2 - Bakers Field	\$33,789.00	\$32,700.00
Add Alternate 3 - Bakers Field	\$8,050.00	\$8,800.00
Add Alternate 4 - Bakers Field	\$8,508.00	\$9,200.00
Contractor Proposed Alternates	1) Delete stone @ Bakers; use split face block, colored, deduct \$12,760 2) Delete stone @ Lions; use split face block, colored, deduct \$4,660	Add transformer & pole to Lions Park (if required); Add \$5,000
Acknowledgement of Addendum #1	x	x
CIQ Form	x	x
Bid Bond	5%	5%
Bond Affidavit	x	x
Insurance Affidavit	x	x
Acknowledge Addendum	x	x
Credit Check Authorization Form	x	x

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

Belinda Matthe, Director of Purchasing

3-Jul-07

Belinda Matthe, Director of Purchasing

Date

FY **2007****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
361-3500-552-68-23	100203	Baker Field Improvements	\$ 25,000			
361-3500-552-68-22	100202	Lions Park Restrooms			\$ 25,000	
TOTAL.....			\$ 25,000		\$ 25,000	

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

To reallocate funds remaining from the Lions Park Restroom project to the Baker Field project to supplement the future purchase of bleachers and sun shades.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/19/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ALPHA CONSTRUCTORS, INC., OF TEMPLE, TEXAS, FOR IMPROVEMENTS TO BAKER BASEBALL FIELD AND REPLACEMENT RESTROOMS IN LIONS COMMUNITY PARK, FOR AN AMOUNT NOT TO EXCEED \$384,360; REJECTING ALL INITIAL BIDS RECEIVED ON MAY 22, 2007, FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 22, 2007, the City received bids for improvements to Baker Baseball Field and replacement restrooms in Lions Community Park – the bids were not within the budget so the project was rebid;

Whereas, on July 3, 2007, the City received 2 bids for the project, and the Staff recommends accepting the bid from Alpha Constructors, Inc., in the amount of \$384,360;

Whereas, funds are available for this project but an amendment to the FY2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$384,360, between the City of Temple and Alpha Constructors, Inc., of Temple, Texas, after approval as to form by the City Attorney, for the improvements to Baker Baseball Field and replacement restrooms in Lions Community Park.

Part 2: The City Council rejects all bids received on May 22, 2007, for the improvements to Baker Baseball Field and replacement restrooms in Lions Community Park.

Part 3: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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 this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with JHL Construction of Gatesville to install park trails in South Temple Community Park and Woodbridge Neighborhood Park in the amount of \$123,563.25 and authorizing a deductive change order in the amount of \$6,685.25 for Woodbridge Neighborhood Park for a net contract award of \$116,878.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 3, 2007 the City of Temple received three bids for this project. The bids are shown on the attached bid tabulation sheet. The total bid price for Woodbridge Park was \$53,813.25 and the total base bid for South Temple Park was \$76,725.00 for a 6 foot wide trail with an alternate bid of \$69,750.00 for a 5 foot wide trail. We are recommending the 5 foot trail for the project.

These projects will be to develop hiking trails in both parks. For the past several years, constructing new hiking trails continues to be a very high priority with Temple residents. At South Temple Community Park, the trail will be approximately a half mile long. The trail will go from the parking lot to along the creek in the park. At Woodbridge Neighborhood Park, the trail will also be approximately a half mile long. The trail will go the length of the park – through the wooded area and up to Fire Station #5.

Staff recommends awarding the base bid for Woodbridge Park in the amount of \$53,813.25 with a deductive change order for item #1 - removal of existing granite trail which will be done with Parks forces valued at \$6,685.25 for a net contract amount of \$47,128. Staff also recommends awarding the alternate bid #1 (5 foot trail) for South Temple Park in the amount of \$69,750.00

FISCAL IMPACT: Total amount of the construction contract with JHL Construction that is being recommended is \$116,878. This contract amount is allocated between two projects, South Temple Community Park in the amount of \$69,750 and Woodbridge Neighborhood Park in the amount of \$47,128.

A budget amendment is presented for Council's approval appropriating park fees for the South Temple Community Park in the amount of \$62,955 to account 351-3500-552-6543, project # 350013. Council previously approved \$42,000, as part of the City Manager's FY 2007 CIP on January 18, 2007, for the South Temple Community Park, for a total budget of \$104,955. After the approval of this construction contract in the amount of \$69,750, and the purchase of a bridge and advertising, \$22,278 is remaining. This amount, \$22,278, is needed to supplement funding for the Woodbridge Neighborhood Park.

A budget amendment is also presented for Council's approval appropriating park fees for Woodbridge Neighborhood Park in the amount of \$19,686 and \$5,000 from the City Manager's FY 2007 CIP approved by Council on January 18, 2007, to account 351-3500-552-6541, project #350012, for a total of \$24,686. An additional \$22,442 is needed to fund the construction contract in the amount of \$47,128. These additional funds will come from the remaining funds from the South Temple Community Park in the amount of \$22,278, account 351-3500-552-6543, project #350013, and from the Parks Deferred Maintenance account, 351-3500-552-2324, project # 350009 in the amount of \$164

ATTACHMENTS:

[Bid Tabulation](#)

[Budget Amendments](#)

[Resolution](#)

Tabulation of Bids Received
on July 3, 2007 at 2:00 p.m.
South Temple Park and Woodbridge Park Trails Project

	Bidders		
	Westar Construction, Inc. Georgetown, TX	Myers Concrete Construction, LP Wimberly, TX	JHL Construction Gatesville, TX
Description			
Total bid price for Woodbridge Park	\$89,465.02	\$153,348.38	\$53,813.25
Total bid price for South Temple Park	\$95,418.00	\$149,990.40	\$76,725.00
Alternate Bid #1 - South Temple Park	\$79,515.00	\$124,992.00	\$69,750.00
Exceptions	none	none	none
CIQ Form	x	x	x
Bid Bond	5%	5%	5%
Bond Affidavit	x	x	x
Insurance Affidavit	x	x	x
Credit Check Authorization Form	x	x	x

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

Belinda Mattke, Director of Purchasing

Belinda Mattke, Director of Purchasing

3-Jul-07

Date

*Note: Highlighted bid is recommended
for Council approval.*

FY **2007****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	
351-3500-552-65-43	350013	South Temple Park Improvements	\$ 62,955			
351-0000-490-25-82		Transfer in - General Fund	62,955			
110-9100-591-81-51		Transfer out-Capital Projects Fund	62,955			
110-0000-461-08-30		Miscellaneous Revenue - Park fees for			62,955	
		South Temple Park Improvements				
TOTAL.....			\$ 188,865		\$ 62,955	

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

To appropriate park fees from Echo Village I (\$16,842), Echo Village II (\$18,211), Stonegate (\$18,234), and Stone Brook Estates (\$9,668) for a total amount of park fees available for appropriation of \$62,955.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/19/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

FY 2007**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

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-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
351-3500-552-65-41	350012	Woodbridge Park Improvements	\$ 47,128		
351-0000-490-25-82		Transfer in - General Fund	24,686		
351-3500-552-65-43	350013	South Temple Community Park		\$ 22,278	
351-3500-552-23-24	350009	Parks Deferred Maintenance		\$ 164	
110-9100-591-81-51		Transfer out-Capital Projects Fund	24,686		
110-0000-461-08-30		Misc Rev-park fees for Woodbridge Park	19,686		
110-0000-352-13-45		Des Cap Projects-FY 2007 City Mgr		5,000	
		CIP - Woodbridge Neighborhood Park			
		<i>Do not post</i>			
TOTAL.....			\$ 116,186	\$ 27,442	

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

On 01/18/07, the City Council approved \$382,000 in City Manager's CIP for various park projects. The Woodbridge Neighborhood Park project was one of the projects that was part of the CIP approved by Council. CIP funds in the amount of \$5,000 will be added to park fees from Liberty Hill Phase I and II in the amount of \$19,686 for a total available of \$24,686 will be used to fund various improvements at Woodbridge Park. An additional \$22,442 is also needed to fund the

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/19/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH JHL CONSTRUCTION OF GATESVILLE, TEXAS, TO INSTALL PARK TRAILS IN SOUTH TEMPLE COMMUNITY PARK AND WOODBRIDGE NEIGHBORHOOD PARK IN THE AMOUNT OF \$123,563.25; AUTHORIZING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$6,685.25 FOR WOODBRIDGE NEIGHBORHOOD PARK, FOR A NET CONTRACT AWARD OF \$116,878; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 3, 2007, the City received 3 bids for installing park trails in South Temple Community Park and Woodbridge Neighborhood Park;

Whereas, the Staff recommends accepting the bid (\$123,563.25) received from JHL Construction of Gatesville, Texas, and also approving a deductive change order in the amount of \$6,685.25 for Woodbridge Neighborhood Park, for a net contract award of \$116,878;

Whereas, funds are available for this project but an amendment to the FY2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$123,563.25, between the City of Temple and JHL Construction of Gatesville, Texas, after approval as to form by the City Attorney, for installing park trails in South Temple Community Park and Woodbridge Neighborhood Park.

Part 2: The City Council authorizes a deductible change order in the amount of \$6,685.25 for Woodbridge Neighborhood Park, for a net contract award for this project of \$116,878.

Part 3: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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 this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 in the amount of \$125,000 to fund acquisition of land in the North Zone.

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

ITEM SUMMARY: The Tax Increment Financing (TIF) RZ #1 has acquired several tracts of land in the North Zone in order to construct a detention pond, rail spur improvements, rail park construction and other infrastructure improvements. Additional tracts have been identified as critical to the project(s) completion. Additional funds are needed to complete the land acquisition in the amount of \$125,000.

FISCAL IMPACT: A budget amendment is presented for Council's approval transferring the appropriation of \$125,000 from Unreserved Fund Balance, account number 795-0000-358-1110, to account number 795-9500-531-6110, project 950004. The budget amendment also reclassifies funds from the Gilmore Tract project to the other two tracts to be acquired.

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detail Project Plan](#)
[Budget Amendment](#)
[Resolution](#)

DESCRIPTION	Y/E 9/30/07 Year 25 (1)	Y/E 9/30/08 Year 26	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	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 Appraised Value	\$ 130,843,229	\$ 131,319,602	\$ 130,632,848	\$ 133,959,177	\$ 135,298,769	\$ 136,651,756	\$ 138,018,274	\$ 139,398,457	\$ 140,792,441	\$ 142,200,366	\$ 143,622,369	\$ 145,058,593	\$ 146,509,179	\$ 147,974,271	\$ 149,454,013	\$ 150,948,554
5 FUND BALANCE, Begin	\$ 12,400,571	\$ 1,077,108	\$ 1,382,873	\$ 2,267,853	\$ 2,623,589	\$ 2,512,448	\$ 1,884,091	\$ 1,563,323	\$ 3,172,073	\$ 4,813,879	\$ 6,497,034	\$ 8,209,697	\$ 9,960,636	\$ 11,733,503	\$ 13,542,461	\$ 15,376,562
SOURCES OF CASH:																
10 Tax Revenues	3,366,807	3,504,856	3,616,853	3,744,715	3,817,237	3,855,121	3,893,383	3,932,029	3,971,061	4,010,483	4,050,299	4,090,514	4,131,131	4,172,154	4,213,587	4,255,434
15 Allowance for Uncol. Taxes	(101,004)	(105,146)	(108,506)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20 Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Interest Income-Other	300,000	440,000	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30 Other-Bond Proceeds	-	9,100,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 TOTAL SOURCES	3,565,803	12,930,710	3,548,347	3,682,374	3,752,720	3,789,466	3,826,582	3,884,068	3,907,929	3,940,169	3,978,790	4,017,799	4,047,197	4,086,989	4,117,179	4,137,771
USES OF CASH:																
Operating Expenses																
50 Prof Svcs/Proj Mgmt	125,740	88,434	90,202	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51 Legal/Audit	1,100	1,100	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55 Zone Mtc	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60 TERC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65 TUSD-Joint Use facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90 Subtotal-Operating Expenses	800,656	286,515	288,503	290,530	292,594	294,797	296,940	299,124	301,350	303,617	306,027	308,382	310,780	313,225	315,715	318,354
Projects (2)																
199 North Zone (3)	3,328,348	2,340,000	40,000	790,000	-	-	800,000	-	-	-	-	-	-	-	-	-
299 Western Aviation Zone (3)	877,499	2,600,000	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399 Western Bio-Science & Medical Zone (3)	6,201,150	3,865,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
499 Southeast Industrial Park Zone (3)	185,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
495 General Roadway Improvements	318,050	200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
410 Major Gateway Entrances	-	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415 Downtown Improvements	7,197	13,612	185,779	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420 Loop 363 Improvements	2,300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Public Improvements	-	275,100	-	-	-	-	-	-	-	-	-	-	-	-	-	17,349,468
600 Subtotal-Projects	13,217,244	10,493,712	625,779	1,282,113	1,820,897	2,373,541	2,099,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	17,567,709
Debt Service																
605 2003 Bond Issue	870,166	867,935	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
606 2007 Bond Issue	-	964,583	881,500	884,250	880,750	881,250	880,500	883,500	885,000	880,000	883,750	880,750	881,250	880,000	882,000	882,000
630 Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635 Subtotal-Debt Service	871,366	1,853,718	1,749,085	1,753,995	1,750,370	1,749,485	1,750,755	1,754,555	1,755,130	1,747,730	1,752,390	1,748,703	1,751,699	1,750,840	1,751,270	1,753,270
690 TOTAL USES	14,889,266	12,633,945	2,663,367	3,326,638	3,863,861	4,417,823	4,147,350	2,255,318	2,260,123	2,257,014	2,266,127	2,266,880	2,274,330	2,278,031	2,283,078	19,639,333
699 FUND BALANCE, End	1,077,108	1,382,873	2,267,853	2,623,589	2,512,448	1,884,091	1,563,323	3,172,073	4,813,879	6,497,034	8,209,697	9,960,636	11,733,503	13,542,461	15,376,562	(125,000.00)
700 AVAILABLE FUND BALANCE	\$ 109,108	\$ 414,873	\$ 1,299,853	\$ 1,655,589	\$ 1,544,448	\$ 916,991	\$ 595,323	\$ 2,204,073	\$ 3,845,879	\$ 5,528,034	\$ 7,241,697	\$ 8,992,636	\$ 10,765,503	\$ 12,574,461	\$ 14,408,562	\$ (125,000)
800 FUND BALANCE, Begin	12,400,571	1,077,108	1,382,873	2,267,853	2,623,589	2,512,448	1,884,091	1,563,323	3,172,073	4,813,879	6,497,034	8,209,697	9,960,636	11,733,503	13,542,461	15,376,562
805 Revenue over/under/expense	(11,323,463)	305,765	884,980	355,736	(111,141)	(628,357)	(320,768)	1,608,750	1,641,808	1,683,155	1,712,663	1,750,840	1,772,867	1,808,958	1,834,101	(15,501,562)
810 FUND BALANCE, End	\$ 1,077,108	\$ 1,382,873	\$ 2,267,853	\$ 2,623,589	\$ 2,512,448	\$ 1,884,091	\$ 1,563,323	\$ 3,172,073	\$ 4,813,879	\$ 6,497,034	\$ 8,209,697	\$ 9,960,636	\$ 11,733,503	\$ 13,542,461	\$ 15,376,562	\$ (125,000)
900 Bond Proceeds - beginning	\$ 2,847,697	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
901 New Bond Issue	-	9,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
905 Interest Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
910 Expenditures	(2,847,697)	(9,000,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
915 Bond Proceeds - ending	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Proposed Amendment

- (1) The Financing Plan for FY 2007 reflects the carry forward of the balance on several contracted projects in which funds were encumbered in FY 2006, but will not be paid until FY 2007.
(2) The Project Plan for FY 2007 thru 2015, as approved by the Redevelopment Zone #1 Board, is an integral part of this Financing Plan.
(3) Projects that are eligible for use of bond funds in FY 2007 will use bond funds on a "first in, first out" basis until all bond funds are liquidated.

TIF Reinvestment Zone #1
Summary Financing Plan with Detailed Project Plan
As Proposed to Council on July 5, 2007

SUMMARY FINANCING PLAN									
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5 Beginning Available Fund Balance, Oct 1	\$ 11,624,571	\$ 109,108	\$ 414,873	1,299,853	1,655,589	1,544,448	916,091	595,323	2,204,073
40 Revenues, net	3,565,803	12,939,710	3,548,348	3,682,374	3,752,720	3,789,466	3,826,582	3,864,068	3,901,929
45 Less Required Debt Reserve(Increase after FY2006)	(192,000)	-	-	-	-	-	-	-	-
49 Net Available for Appropriation	14,998,374	13,048,818	3,963,221	4,982,227	5,408,309	5,333,914	4,742,673	4,459,391	6,106,002
50 General Administrative Expenditures	126,840	89,534	91,303	93,107	94,947	96,924	98,838	100,791	102,783
55 Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60 Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65 TISD - Joint Use Facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,567
70 Debt Service - 2003 Issue	871,366	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71 Debt Service - Proposed 2007 Issue	-	984,583	881,500	884,250	880,750	881,250	880,500	883,500	885,000
75 Total Operating & Committed Expenditures	1,672,022	2,140,233	2,037,589	2,044,525	2,042,964	2,044,282	2,047,695	2,053,679	2,056,480
99 Net Available for Projects	\$ 13,326,352	\$ 10,908,585	\$ 1,925,632	\$ 2,937,702	\$ 3,365,345	\$ 3,289,632	\$ 2,694,978	\$ 2,405,712	\$ 4,049,522

PROJECT PLAN									
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):									
100 Railroad Spur Improvements	3,026,348	2,200,000	-	-	-	-	-	-	-
105 Elm Creek Detention Pond	100,000	-	-	750,000	-	-	-	-	-
110 Railroad Improvements Engineering Analysis	2,000	-	-	-	-	-	-	-	-
115 Railroad Repairs/Maintenance based on Analysis	200,000	140,000	40,000	40,000	-	-	-	-	-
120 Enterprise Park Water Tank	-	-	-	-	-	-	800,000	-	-
125 Wendland Road Improvements	-	-	-	-	-	-	-	-	-
199 Total North Zone (including Enterprise Park)	3,326,348	2,340,000	40,000	790,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:									
200 Detention Pond #2 including W 1-A	12,559	-	-	-	-	-	-	-	-
205 Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-	-
210 Old Howard Road Gateway Entrance Project	520,000	-	-	-	-	-	-	-	-
215 WWI--Waste Water Ext SH36 to Ind Blvd	33,000	632,000	-	-	-	-	-	-	-
220 R I-B, W I-B--Industrial Blvd Extension	54,940	1,054,425	-	-	-	-	-	-	-
221 Airport Park Infrastructure Construction	157,000	913,575	-	-	-	-	-	-	-
225 Airport Study	100,000	-	-	-	-	-	-	-	-
230 Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	-	-	-	115,500	654,500	-	-	-
235 Airport Trail Utilities (W-V, W II, W III)	-	-	-	-	109,650	621,350	-	-	-
240 Old Howard North (R II)	-	-	-	300,000	1,000,000	700,000	-	-	-
245 Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	-	-	200,000	1,100,000	-	-
299 Total Western Aviation Zone	877,499	2,600,000	-	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:									
300 Greenbelt Development along Pepper Creek	658,000	1,440,000	-	-	-	-	-	-	-
305 Outer Loop Phase 2	3,383,650	-	-	-	-	-	-	-	-
306 Bio-Science Park Phase 1	284,500	1,800,000	-	-	-	-	-	-	-
310 Bio-Science Institute	1,875,000	625,000	-	-	-	-	-	-	-
399 Total Western Bio-Science & Medical Zone	6,201,150	3,865,000	-	-	-	-	-	-	-
OTHER PROJECTS:									
400 Southeast Ind Park (Lorraine Drive)	185,000	1,200,000	-	-	-	-	-	-	-
405 Roadway Maintenance/Improvements	318,050	200,000	-	-	-	-	-	-	-
410 Gateway Entrance Projects (after Old Howard)	-	-	400,000	-	400,000	-	-	-	-
415 Downtown Improvements	7,197	13,612	185,779	192,113	195,747	197,691	199,655	201,639	203,643
420 Loop 363 Improvements (TxDOT commitment)	2,300,000	-	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-
499 Total Other Projects	2,810,247	1,413,612	585,779	192,113	595,747	197,691	199,655	201,639	203,643
500 Undesignated Funding for Public Improvements	-	275,100	-	-	-	-	-	-	-
600 Total Planned Project Expenditures	13,217,244	10,493,712	625,779	1,282,113	1,820,897	2,373,541	2,099,655	201,639	203,643
700 Planned Available Fund Balance at Year End	\$ 109,108	\$ 414,873	\$ 1,299,853	\$ 1,655,589	\$ 1,544,448	\$ 916,091	\$ 595,323	\$ 2,204,073	\$ 3,845,879

LEGEND:
Proposed Change to Project Plan
Amounts in *italics* reflect values that have been committed either by contract or formal commitment.

FY 2007

BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
795-9500-531-61-10	950004	Land	\$ 125,000			
795-0000-358-11-10		Unreserved Fund Balance			\$ 125,000	
795-9500-531-61-10	950002	Land	\$ 62,578			
795-9500-531-61-10	950001	Land			\$ 62,578	
TOTAL.....			\$ 187,578		\$ 187,578	

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

To appropriate \$125,000 from the Reinvestment Zone No. 1 Unreserved Fund Balance to supplement funding needed for the acquisition of property within the Reinvestment Zone. This budget amendment also reclassifies funds from the Gilmore Tract (93.775 acres) project to the two 10 acre tracts to be acquired.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X	Yes
----------	-----

	No
--	----

DATE OF COUNCIL MEETING

7/5/2007

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

☐ Approved

	Disapproved
--	-------------

Finance

Date _____

☐ Approved

	Disapproved
--	-------------

City Manager

Date _____

☐ Approved

	Disapproved
--	-------------

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2007 IN THE AMOUNT OF \$125,000 TO FUND ACQUISITION OF LAND IN THE NORTH ZONE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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 18th day of May, 2006; Ordinance No. 2006-4118; and Ordinance No. 2007-4141 on the 19th day of April, 2007;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan 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 Plan for the Zone to include financial information as hereinafter set forth; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City.

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 Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, 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 Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2006-2007 budget, a copy of which is attached as Exhibit B.

Part 3: Plans Effective. The Financing Plan 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: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: 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 6: 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 7: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading on the 5th day of **July**, 2007.

PASSED AND APPROVED on Second and Final Reading on the 19th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-07-40: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II. (Applicant – Will Morris)

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of the Conditional Use Permit at its meeting on June 18, 2007.

STAFF RECOMMENDATION: Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

ITEM SUMMARY: At the June 4th regular meeting, the Planning & Zoning Commission recommended approval of the final plat of Wildflower Court II with a requested exception to lot access for Lot 4. The City Council approved this plat and requested exception at its regular meeting on June 21st. The CUP request is to allow the sale and on-premise consumption of alcoholic beverages in a future restaurant to be located on the proposed Lot 5 of this proposed addition. The applicant states that sales of alcoholic beverages will total less than 50% of the gross sales of the restaurant.

The subject property is zoned LI, Light Industrial which permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. This application is compatible with the both existing and future surrounding land uses. This application also conforms to the Thoroughfare Plan. Adequate public facilities serve this site.

The Zoning Ordinance, Section 7-611(b) places 10 conditions on CUPs allowing the on-premise consumption of beer or mixed drinks. The Staff Recommendation section lists these conditions. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

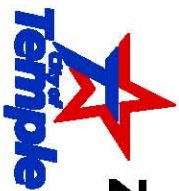
Staff mailed two notices on June 8, 2007. No notices were returned in favor of or in opposition to the request. The newspaper printed the legal notice of the public hearing on June 8, 2007 in accordance with state law and local ordinance.

Please refer to the Staff Report and draft minutes of case Z-FY-07-40 from the Planning and Zoning meeting, June 4, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Site Plan](#)
[Applicant's Letter](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-40

3629 S. General Bruce Dr. - OB #456-A & Pt of OB #456B-A 2.08 AC

AGRICULTURAL

(A)
Agricultural

RESIDENTIAL

(R)
Low Density
(0.2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(L, HI)

RZ

**COMMUNITY
FACILITIES**

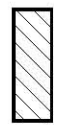
CF-E (Schools)

CF-G (General)

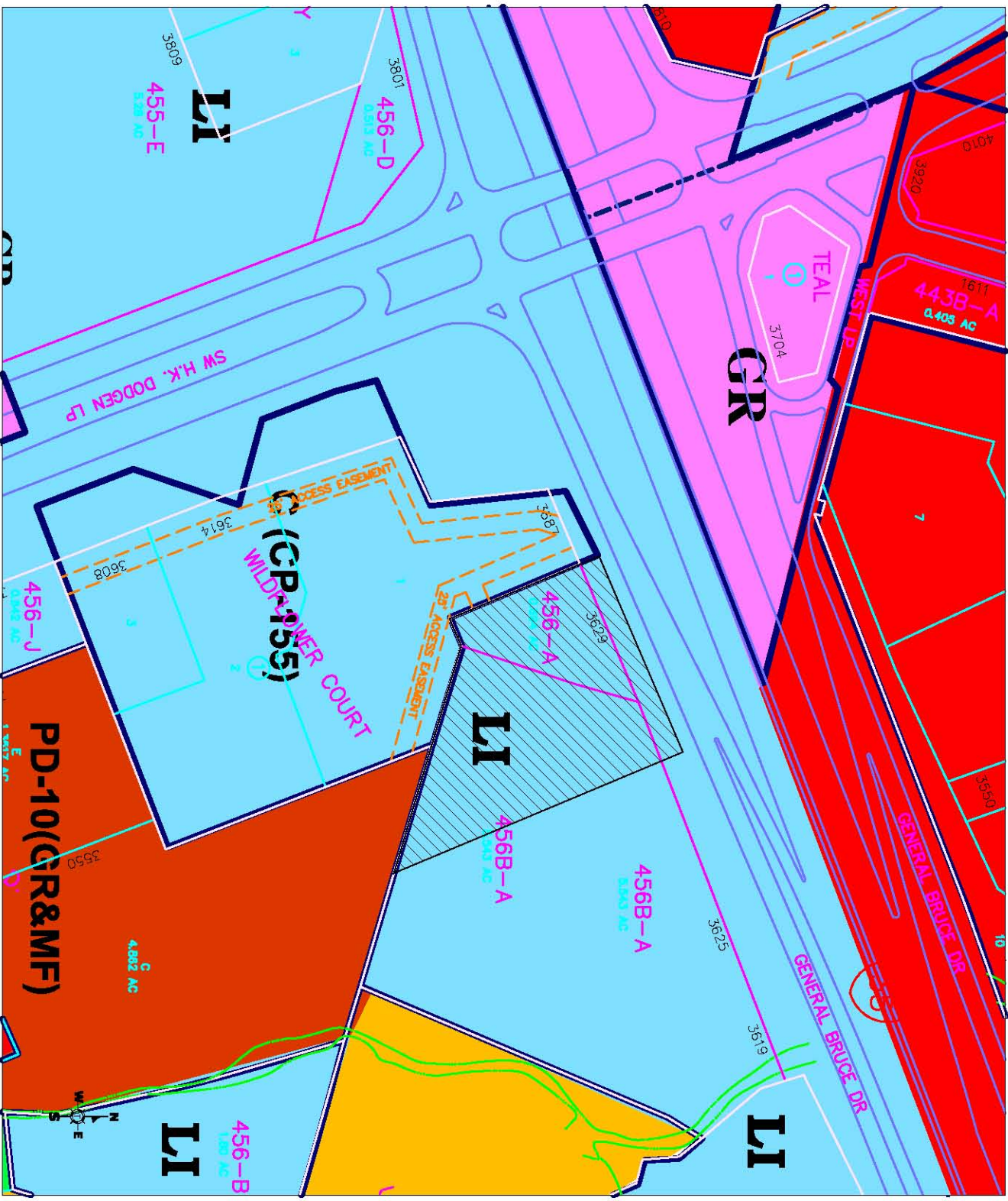
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



LI - LI-CUP

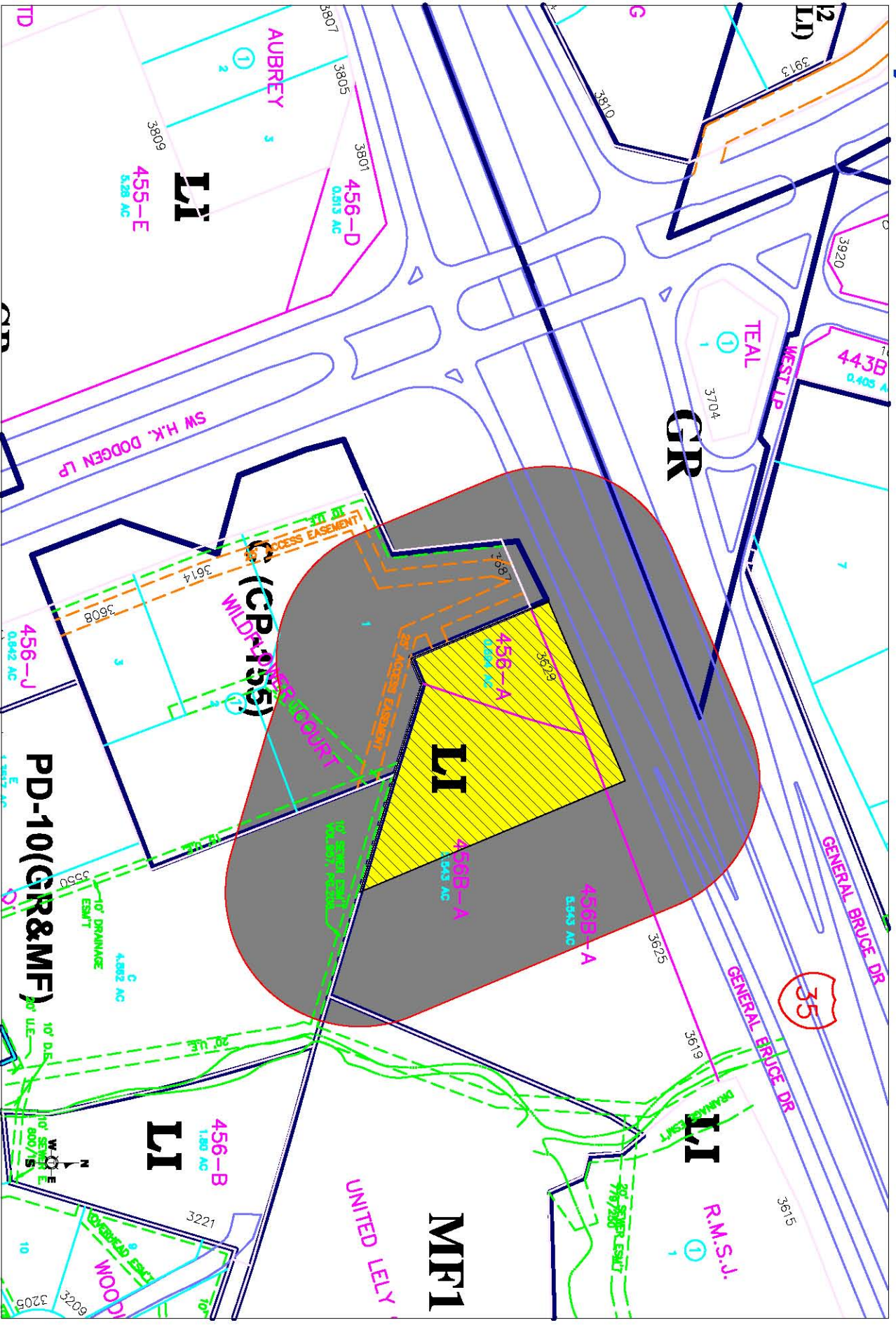
PD-10(GR&MF)

**S. Vybiral/GIS Mapping
05-30-07**



Z-FY-07-40

3629 S. General Bruce Dr. - OB #456-A & Pt of OB # 456B-A 2.08 AC



**Area of Proposed
Zone Change**



200' Radius

LI - LI-CUP

PD-10(CR&MF)

**S. Vybiral/GIS Mapping
05-30-07
Scale: 1"=200'**

MORRIS Venture Partners II, Ltd.

Post Office Box 676 ~ Salado, Texas 76571 ~ USA
Phone 254-624-5830 ~ Fax 254-947-3931

May 16, 2007

Attn: Ms. Aaron Adel
City of Temple
Planning Department and City Council
2 North Main
Temple, Texas 76501

**RE: Conditional Use Permit – Lot 5
Wildflower Court Development**

Dear Madams and Sirs:

The Conditional Use Permit requested for Lot 5 of Wildflower Court II is being requested for a national restaurant which will be a welcome addition to our city's limited restaurant selection. The restaurant serves excellent food along with serving beer, wine, and some mixed drinks on its beverage menu which accounts for approximately 30% to 40% of gross sales. This is a similar percentage to other restaurants in town such as: Chili's, El Chico, Applebee's, Cotton Patch, and Pignetti's. The proposed restaurant's quality is on par or slightly better than the restaurants just mentioned. With regard to the Zoning Ordinance Section 7-611(b) item 4, I do not believe this restaurant will be detrimental to the public welfare of the citizens of Temple in any way. Additionally, item 2 of the same section, will be requested to be extended for a period of nine (9) to fourteen (14) months, since the construction will not start for another six (6) to nine (9) months.

Respectfully submitted,

William C. Morris IV
President



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/18/07
Item 3
Page 1 of 2

APPLICANT / DEVELOPMENT: Will Morris, Morris Venture Partners IIA, LLC / Proposed Wildflower Court II, Lot 5

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: Z-FY-07-40 Hold a public hearing and consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II. (Applicant – Will Morris)

BACKGROUND: At the June 4th regular meeting, the Commission recommended approval of the final plat of Wildflower Court II with a requested exception to lot access for Lot 4. City Council will consider this recommendation and take final action on June 21st. The CUP request is to allow the sale and on-premise consumption of alcoholic beverages in a future restaurant to be located on the proposed Lot 5 of this proposed addition. The applicant states that sales of alcoholic beverages will total less than 50% of the gross sales of the restaurant.

Surrounding Property and Uses - The subject property is zoned LI, Light Industrial. The LI District permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. This application is compatible with the surrounding uses.

Zoning		Use	Description
SW	C, Commercial	Vacant due to TXDOT construction project; has the same type of CUP requested in this item	Wildflower Court, Block 1, Lots 1-3
E	PD (GR & MF)	Apartment complex	Creekside P.D., Tract C
NE	LI, Light Industrial	Empty buildings that were formerly a car dealership	Proposed Lot 6 & Lot 7 of Wildflower Court II

Future Land Use Plan & Future Trends – This application conforms to the Future Land Use Plan.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan.

Adequacy of Public Facilities – Adequate public facilities serve this site.

Development Regulations - This application conforms to the area requirements and uses permitted in the LI District. The Zoning Ordinance, Section 7-611(b) places 10 conditions on CUPs allowing the on-premise consumption of beer or mixed drinks. The Staff Recommendation section below lists these conditions. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

Public Notice – Staff mailed two notices on June 8, 2007. As of June 13th at 5 PM, no notices were returned in favor of or in opposition to the request. The newspaper printed the legal notice of the public hearing on June 8, 2007 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

City Council First Reading..... July 5, 2007

City Council Second Reading & Final Action July 19, 2007

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

Zoning Map

Site Plan

Application

Applicant's Letter

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, JUNE 18, 2007

ZONE CHANGE

- 3. Z-FY-07-40** Hold a public hearing and consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II. (Applicant: Will Morris)

Ms. Aaron Adel, Special Projects Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. She said the Commission recommended approval of the final plat of the proposed Wildflower Court II subdivision with a requested exception to lot access for Lot 4 on June 4, 2007. The Conditional Use Permit request is for Lot 5 of that proposed addition. City Council will consider this recommendation and take final action on June 21, 2007. Ms. Adel said this application is compatible with the surrounding uses since the subject property is zoned Light Industrial (LI). In addition, this application conforms to the Future Land Use Plan, the Thoroughfare Plan, and has adequate public facilities serving this site. Ms. Adel explained that in addition to the above requirements for a CUP the ordinance also requires other conditions which she displayed to the Commission. She emphasized on item #2 "The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City". Ms. Adel said two notices were mailed to surrounding property owner within 200 feet of the subject property. No notices were returned in favor or in opposition to the request. She said Staff is recommending approval of the Conditional Use Permit with the 11 conditions that are spelled out in the staff report.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to approve Z-FY-07-40 to include the 11 conditions spelled out in the staff report, by Commissioner Hurd; seconded by Commissioner Carothers.

Motion passed (7/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-40)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A FUTURE RESTAURANT, WHERE THE GROSS REVENUE FROM THE SALE OF ALCOHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE FOR THE RESTAURANT TO BE LOCATED ON PROPOSED LOT 5, BLOCK 1, WILDFLOWER COURT II; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the future establishment to be located on proposed Lot 5, Block 1, Wildflower Court II, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in the future restaurant where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue for the future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II in the

City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. The sale and consumption of alcoholic beverages (beer and mixed drinks) shall occur only within the restaurant area, in accordance with the site plan attached as Exhibit B.
- B. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than the number required for similar uses in the zoning district where the establishment is located.
- C. The permittee shall be responsible for providing on-site security to the facilities in a manner which minimizes any conflict to the surrounding residential neighborhood. An adequate number of employees shall be provided for security purposes to adequately control the establishment's premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- D. That the permittees shall make every reasonable effort to minimize the noise impact of this use to surrounding development.
- E. That the permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- F. That the permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within fourteen (14) months from the date of the issuance of this conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- G. That the permittee must maintain the premises in a manner that will not be detrimental to the public welfare of the citizens of the City.
- H. That the permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishments or in the

surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

- I. That the City Council may revoke a conditional use permit if it affirmatively determines that the issuance of the same is (1) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- J. That conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- K. That a conditional use permit may be canceled, suspended, or revoked in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2007.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Declaration of Trust establishing the City of Temple Employee Benefits Trust in order to reduce the cost of medical insurance, dental insurance, life insurance, and long term disability insurance for both the City and employees electing dependent coverage.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In an effort to decrease employee insurance costs, Staff desires to implement a trust to offset a premium tax that is passed on by insurance carriers. The City of Temple is exempt from state and federal taxes. However, the City of Temple is indirectly paying state insurance premium tax because the insurance carriers must pay a 1.75% premium tax, which the insurance carrier passes on to the City. The Texas Legislature amended Chapter 222.02 (c)(5)(A) of the Texas Insurance Code effective in 2006. This amendment exempts carriers from paying the 1.75% premium tax on insurance policies issued to a municipal Trust which provides employee benefits. This action by the Council will establish the trust naming the Councilmembers as the Trustees. The Mayor is named as the Chairman and will preside at the meetings, the Mayor Pro Tem is the Vice Chairman and will preside over the meetings in the absence of the Chairman, and the Secretary will rotate each Fiscal Year between the Councilmember Districts, skipping the Mayor Pro Tem District, beginning with District 1. The Trust meetings will coincide with Council meetings. The Council meeting will recess, and the Trust meeting will open to conduct business. When the trust has completed their business, their meeting will recess, and the Council meeting will resume. It is anticipated that the Trust will meet once per year to award contracts for employee benefits. The schedule for this Fiscal Year includes establishing the trust at this meeting, having the Trust award the benefit contracts at the Council meeting on 8/2, and then the City will fund the benefits at the 8/23 meeting when Council adopts the budget.

For the 2007-2008 Fiscal Year, it is estimated that the City of Temple will pay a little over \$50,000 unnecessarily to insurance carriers in additional premiums for Medical Insurance, Dental Insurance, Life Insurance, and Long Term Disability Insurance due to the carriers including the premium tax in their rates.

Adoption of the Declaration of Trust establishing the City of Temple Employee Benefits Trust will save the City \$30,500 in FY2007-2008, and will save employees electing dependent coverage \$19,500. These estimated annual savings will increase in the future as premiums increase and/or as the number of employees increase.

FISCAL IMPACT: If the City of Temple establishes the City of Temple Employee Benefits Trust, we are estimating a savings of \$30,500 in FY 2007-2008 for City of Temple's share of employer paid benefits. We are also estimating a savings of \$19,500 in FY 2007-2008 for employees electing dependent coverage. There is a cost of \$3,000 for legal documents relating to the creation of trust. Funds are available in the Human Resources Departmental budget to cover the fee associated with the creation of the trust.

ATTACHMENTS:

[Declaration of Trust](#)
[Resolution](#)

DECLARATION OF TRUST

I.

The City of Temple (“City”), as settlor, designates the members of the City of Temple City Council to be Trustees and declares that the City holds in trust the funds described in Schedule A attached hereto and incorporated herein by reference, which is the property of the City, and all substitutions and additions to such funds, for the purpose of providing life, disability, sick, accident, and other health benefits to the City’s officers, employees, and qualified retirees and their dependents.

II. PURPOSE

This is a nonprofit trust created for the purpose of providing City officers, employees, and qualified retirees and their dependents with life, disability, sickness, accident, and other health benefits either directly or through the purchase of insurance and to perform operations in furtherance thereof.

III. DURATION

The Trust shall continue until terminated by operation of law or by majority vote of the Trustees.

IV. TRUSTEES: COMPOSITION, OFFICERS, COMPENSATION, AND MEETINGS

COMPOSITION. The Trustees are the members of the City of Temple City Council, and the term of each Trustee is cotemporaneous with his or her term of office as a Member of the City Council. Whenever a Trustee ceases to be a member of the City of Temple City Council, the person succeeding him or her in office will serve as a successor Trustee of the Trust.

OFFICERS. The Mayor shall serve as Chairman and shall preside at meetings of the Trustees and shall have all such other powers as are conferred herein or by majority vote of the Trustees. The Mayor Pro Tem shall serve as Vice Chairman and shall preside at meetings of the Trustees whenever the Chairman is absent. The Secretary shall rotate, coinciding with the City of Temple's Fiscal Year, between the Councilmember Districts, skipping the Mayor Pro Tem District, beginning with District 1. The Secretary will oversee the preparation of meeting agendas, oversee giving notice of meetings to the Trustees, and oversee the minutes of the meetings of the Trustees.

COMPENSATION. The Trustees shall be reimbursed for all reasonable and necessary expenses incurred by them in the performance of their duties and will otherwise receive no compensation for their service as Trustees.

MEETINGS. A meeting of the Trustees may be called by the Chairman or on written request to the Chairman by two or more Trustees. Trustees shall have at least three days written notice of any meeting. For purposes of this section, electronic mail notice is written notice.

**V.
RIGHTS, POWERS, AND DUTIES OF TRUSTEES; QUORUM AND VOTING**

RIGHTS, POWERS, AND DUTIES. In addition to all other powers and duties conferred on them by this Trust document and imposed or authorized by law, the Trustees shall have the following powers and duties:

1. The Trustees shall carry out all of the duties necessary for the proper operation and administration of the Trust on behalf of the covered persons and shall have all the powers necessary and desirable for the effective administration of the affairs of the Trust.

2. The Trustees have the general power to make and enter into all contracts, leases, and agreements necessary or convenient to carry out any of the powers granted by this Trust document or by law or to effectuate the purpose of the Trust. All such contracts, leases, and agreements or any other legal documents herein authorized shall be approved by the Trustees and signed by the Chairman on behalf of the Trust. The Trustees may also designate another Trustee to sign such documents.
3. The Trustees shall use the Trust's funds to accomplish the purpose of the Trust, as described in Paragraph II herein, and to operate and administer the Trust solely in the interest of the covered City officers, employees, and qualified retirees and dependents thereof and for the exclusive purpose of providing benefits to such persons and defraying the reasonable expenses of administration of the Trust. To this end, the Trustees may purchase life, disability, or accident and health insurance to provide coverage for participating City officers, employees, and qualified retirees and their dependents. The Trustees may also adopt a health benefits plan that covers eligible City officers, employees, and qualified retirees, and their dependents.
4. The Trustees may accept contributions to the Trust funds from any source including contributions from covered persons receiving benefits from the Trust.
5. The Trustees shall be authorized to contract with any qualified organization to perform any of the functions necessary for providing life, disability, sick, accident, and other health benefits, including but not limited to excess loss insurance, stop loss insurance, claims administration, administrative services, and any other services that the Trustees shall deem expedient for the proper operation

of the Trust. When required by law or desired by the Trustees, the Trustees may seek sealed competitive bids or sealed competitive proposals with respect to contracts required to carry out the operations of the Trust and to effect the purpose of the Trust.

6. The Trustees shall arrange for the investing of the funds of the Trust so as to keep the same invested according to law and at the best interest rates obtainable for the benefit of the covered persons. The Trustees may hire money managers and shall adopt an investment policy for its own use and that of its agents in making investments. The Trustees shall select a depository for the Trust's funds and provide for the proper security of any and all investments. The Trustees shall designate signatories for the Trust's depository accounts.
7. The Trustees may purchase out of the Trust funds insurance for the Trustees and any other fiduciaries appointed by the Trustees and for the Trust itself to cover liability or losses occurring by reason of the act or omission of any one or more of the Trustees or any other fiduciary appointed by them. Any insurance purchased by the Trustees must give the insurer recourse against the Trustees or other fiduciaries concerned for breach of any fiduciary obligation or fiduciary duty owed to the Trust.
8. The Trustees shall arrange for proper accounting and reporting procedures for the Trust's funds and shall also provide for an annual audit of the Trust's financial affairs by a certified public accountant.

9. The Trustees may retain legal counsel to represent the Trust and the Trustees in all legal proceedings as well as to advise the Trust and the Trustees on all matters pertaining to the operation and administration of the Trust.
10. The Trustees have the authority to terminate the Trust at any time.
11. Upon termination of the Trust, the Trustees shall provide for the payment of Trust obligations, debts, losses, and other liabilities and shall provide for the disposition of the remaining Trust funds in accordance with Paragraph IX herein.
12. The Trustees shall have the power to acquire, by purchase or otherwise, retain, invest, reinvest, and manage, temporarily or permanently, any interest (including an undivided interest) in any realty or personalty; to alter, improve, repair, replace, abandon, and demolish assets; to sell, exchange, encumber, lease for any period, or otherwise dispose of any asset of the Trust, publicly or privately, with or without notice, wholly or partly for cash or credit, without appraisal, and to give options for those purposes; to abandon, compromise, contest, and arbitrate claims; to hold title in the name of a nominee; to adopt policies and regulations for the efficient operation of the Trust; to determine all matters of trust accounting as established by controlling law or customary practices; to set up and maintain reasonable reserves for taxes, assessments, insurance premiums, repairs, improvements, depreciation, depletion, amortization, obsolescence, general maintenance of buildings or other property, and any other purpose; to employ agents, accountants, brokers, attorneys-in-fact, attorneys-at-law, tax specialists, realtors, investment counsel, and other assistants and advisers; and to delegate powers and duties to other persons, partnerships, corporations, and financial or business organizations.

QUORUM AND VOTING. A majority of the Trustees shall constitute a quorum for the transaction of business at any meeting of the Trustees and the vote of a majority of the Trustees present shall be required for approval of any action at such meeting. The vote of such majority of the Trustees at such meeting shall constitute action of the Trustees as a group.

VI. BENEFICIARIES

The beneficiaries of the Trust are the City officers, employees, and qualified retirees and their dependents who are covered by a life, disability, sick, accident, or other health benefits plan purchased or adopted by the Trust (also called “covered persons” herein). Beneficiaries may make contributions to the Trust for use by the Trustees in fulfilling the purposes of the Trust. No beneficiary shall have any claim against the funds or any other property of the Trust. The rights and interests of the beneficiaries are limited to the insurance or health benefits specified in any policy purchased or plan adopted by the Trustees.

VII. TRUST FUNDS

The Trust funds consist of the funds described in Schedule A hereto as provided by the Settlor to institute this Trust, future contributions by the Settlor, beneficiary contributions, investment income, and any other money or property which shall come into the hands of the Trustees in connection with the administration of the Trust. The Trustees may use the Trust’s funds as follows:

1. to pay all expenses which the Trustees consider necessary in establishing the Trust and in administering the Trust and all reasonable expenses incurred by the Trustees in the performance of their duties;
2. to pay premiums on any insurance policies purchased by the Trust;

3. to make authorized investments;
4. to pay claims under any health benefits plan adopted by the Trustees;
5. to pay for all necessary professional services, property, and equipment required for the proper operation of the Trust;
6. to pay all legal obligations of the Trust; and
7. to pay any judgment entered against the Trust or to compromise and settle litigation in which the Trust is a party.

VIII. LIABILITY OF TRUSTEES AND OFFICERS

The Trustees shall use ordinary care and reasonable diligence in the exercise of their powers and the performance of their duties hereunder; and they shall not be liable for any mistake of judgment or other action made, taken or omitted by them in good faith, nor for any action taken or omitted by any agent, employee or independent contractor selected with reasonable care; nor for loss incurred through investment of the Trust funds or failure to invest. No Trustee shall be liable for any action taken or omitted by any other Trustee. No Trustee shall be required to give a bond or other security to guarantee the faithful performance of his or her duties hereunder. To the fullest extent permitted by law: (a) the Trust shall indemnify each Trustee who was, is, or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding (“*Proceeding*”), any appeal therein, or any inquiry or investigation preliminary thereto, by reason of the fact that the Trustee is or was a Trustee; (b) the Trust shall pay or reimburse a Trustee for expenses incurred (i) in advance of the final disposition of a Proceeding to which such Trustee was, is or is threatened to be made a party, and (ii) in connection with such Trustee’s appearance as a witness or other participation in any Proceeding.

IX.
AMENDMENT, REVOCATION AND TERMINATION

This Declaration of Trust and the Trust created herein shall terminate when and if required by operation of law. The Trustees shall have the power to amend, modify, terminate or revoke, in whole or in part, this Declaration of Trust and the Trust created herein by majority vote at a duly called meeting at which a quorum is present. Notwithstanding the foregoing, the Trustees shall have no power to amend Paragraph II of this Declaration of Trust. Beneficiaries of the Trust shall have no right to amend this Declaration of Trust, and their approval shall not be a condition or requirement for an authorized amendment by the Trustees.

Upon termination of the Trust, the Trustees shall pay all obligations, debts, losses, and other liabilities of the Trust. Thereafter, the Trustees shall first use the remaining trust funds to pay covered claims of persons covered under the City's health benefits plan that may be in effect at the time of termination of the Trust and, then, either apply any remaining balance of the funds for the benefit of those covered persons in such manner as the Trustees determine shall best carry out to purposes of this Trust or pay such balance over to such covered persons on a per capita basis. Notwithstanding the foregoing, the Trustees, upon termination of the Trust and payment of all Trust obligations may, by vote of a majority of the Trustees, transfer the remaining funds or any portion thereof to the trustees of any trust or trusts established for a substantially similar purpose to be applied for uses substantially similar to those set forth in Paragraph II herein.

X.
GOVERNING LAW

This Declaration of Trust and the Trust created herein shall be construed and governed by the laws of the State of Texas in force from time to time.

XI.
MISCELLANEOUS

Whenever the context so admits and such treatment is necessary to interpret this Declaration of Trust in accordance with its apparent intent, the use herein of the singular shall include the plural, and vice versa, and the use of the feminine, masculine, or neuter gender shall be deemed to include the other genders.

The captions or headings above the various Paragraphs of this Declaration of Trust have been included only to facilitate the location of the subjects covered by each Paragraph but shall not be used in construing this Declaration of Trust.

If any clause or provision of this Declaration of Trust proves to be or is adjudged invalid or void for any reason, such invalid or void clause, provision, or portion shall not affect the whole, but the balance of the provisions hereof shall remain operative and shall be carried into effect insofar as is legally possible.

IN WITNESS WHEREOF, the undersigned parties have executed this Declaration of Trust, consisting of twelve (12) pages and Schedule A attached hereto, on the dates of their respective acknowledgments below. By joining in the execution of this Declaration of Trust, the Trustees acknowledge receipt of the property described in Schedule A, signify acceptance of the Trust created hereunder, and covenant that the Trust will be executed with all due fidelity. This Trust is effective as of the last date of signature below.

Settlor, Mayor William A. Jones, III

William A. Jones, III, Trustee

Martha Tyroch, Trustee

Patsy Luna, Trustee

Anthony "Tony" Jeter, Trustee

Russell Schneider, Trustee

Trustee

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on _____, 2007, by William A. Jones, III, Mayor of the City of Temple on behalf of Settlor.

Notary Public, State of Texas

Print Name: _____

My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

This instrument was acknowledged before me on _____, 2007, by William A. Jones, Trustee.

Notary Public, State of Texas

Print Name: _____

My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

 This instrument was acknowledged before me on _____, 2007, by
Martha Tyroch, Trustee.

Notary Public, State of Texas
Print Name: _____
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

 This instrument was acknowledged before me on _____, 2007, by Patsy
Luna, Trustee.

Notary Public, State of Texas
Print Name: _____
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

 This instrument was acknowledged before me on _____, 2007, by
Anthony “Tony” Jeeter, Trustee.

Notary Public, State of Texas
Print Name: _____
My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

 This instrument was acknowledged before me on _____, 2007, by
Russell Schneider, Trustee.

Notary Public, State of Texas
Print Name: _____
My Commission Expires: _____

SCHEDULE A

The following is a list of the assets initially transferred by the City of Temple, Settlor, to the Trust:

City of Temple's October 2007 contributions for employee, dependent and retiree medical benefits, dental benefits, life benefits, and Long Term Disability benefits.

City of Temple Employee, Retiree, and Dependents October 2007 payroll deductions or contributions for medical benefits, dental benefits and life benefits.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST IN ORDER TO REDUCE THE COST OF MEDICAL INSURANCE, DENTAL INSURANCE, LIFE INSURANCE, AND LONG TERM DISABILITY INSURANCE FOR BOTH THE CITY AND EMPLOYEES ELECTING DEPENDENT COVERAGE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in an effort to decrease employee insurance costs, Staff desires to implement a trust to offset a premium tax that is passed on by insurance carriers;

Whereas, even though the City is exempt from state and federal taxes, the City is indirectly paying state insurance premium tax because the insurance carriers must pay a 1.75% premium tax which the insurance carrier passes on to the City;

Whereas, the Texas Insurance Code exempts carriers from paying the 1.75% premium tax on insurance policies issued to a municipal trust which provides employee benefits – for FY2007-08 it is estimated that the City will pay a little over \$50,000 unnecessarily to insurance carriers in additional premiums for medical insurance, dental insurance, life insurance, and long term disability due to carriers including the premium tax in their rates – adoption of the trust will save the City \$30,500 in FY2007-08 for the City's share of employer paid benefits, and will save employees electing dependent coverage an estimated \$19,500;

Whereas, there is a cost of \$3,000 for legal documents relating to creation of the trust and funds are available for this expense in the Human Resources Department 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 adopts a Declaration of Trust establishing the City of Temple Employee Benefits Trust in order to reduce the cost of medical insurance, dental insurance, life insurance, and long term disability insurance for both the City and employees electing dependent coverage.

Part 2: The City Council authorizes the Mayor and Councilmembers to execute any documents, after approval as to form by the City Attorney, that may be necessary for this trust.

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

PASSED AND APPROVED this the 19th day of July, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Jr., Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing funding from the Child Safety Fees for the purchase of equipment for the “Kids Fire Safety Challenge” in the amount of \$23,872.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Under the authority of the Texas Transportation Code, in 2001, the Bell County Commissioners Court imposed a \$1.50 per vehicle Child Safety registration fee to be collected by our County Tax Assessor-Collector. The City of Temple’s allocation is based on population. These funds must be used for a school crossing guard program if the City operates one. Since the City does not operate a crossing guard program, the funds may be spent on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention.

We are recommending that \$23,872 of the child safety fees collected be provided for the purchase of equipment for the “Kids Fire Safety Challenge”. Students will actively participate in numerous stations which reinforce fire safety skills. The stations are:

- *Home Escape Plan, 2 Ways Out.* Children climb up steps of an inflatable 22’ slide. The slide will be the likeness of Quint 6. Once at the top, they must choose to exit through a “door” or “window” slide. This activity emphasizes the importance of having an escape plan with two ways out of the home.
- *Sound the Alarm – Test your Detector.* Children press the test button of an oversized smoke alarm to confirm the alarm is working. This activity shows the importance of early warning in case of a fire.
- *Don’t Be A Dummy-* Children carry or drag a dummy/manikin from a home that didn’t have a working smoke alarm and escape plan. The message is to be smart and have an escape plan with working smoke alarms.
- *Get Low and Go-* Children crawl on their hands and knees under a fabric curtain which represents smoke. The activity can use theatrical smoke for older elementary-aged student. This activity teaches the importance of staying low when escaping a smoke filled home.

- *Stop, Drop, and Roll*- Children practice rolling on a gymnasium mat until their clothing is no longer “on fire”. The lesson teaches children not to panic should their clothing catch on fire. A traffic light flashes “stop”, “drop”, “roll” to remind the children what to do.
- *Cool a Burn*- Children practice cooling a burn while using fire hose. The lesson teaches the importance of first aid treatment by cooling a burn with water.
- *Let’s Hear It for Fire Safety*- After completing the activities, children ring the bell using a mallet to hit the striker.

These educational tools are another resource for the department to use in teaching Fire and Life Safety skills to children and their parents. The department has identified a number of City sponsored events where large crowds attend such as Bloomin’ Temple Festival, Temple Air Show, Fourth of July, and Train Festival. Fire Prevention Week in October is also another time we anticipate using the Educational Equipment.

FISCAL IMPACT: A budget amendment is presented for Council’s approval appropriating \$23,872 to account 110-0000-452-0164, from the Child Safety Fees collected by the County on behalf of the City to the Fire Department’s operating budget, accounts 110-2200-522-6211 in the amount of \$10,999 and account 110-2200-522-2211 in the amount of \$12,873 to fund the purchase of the equipment for the Kids Fire Safety Challenge program.

If funding for this expenditure is approved, there will be \$172,406 available in Child Safety Funds for future eligible expenditures.

ATTACHMENTS:

[Detail expense budget for the program](#)
[Budget amendment](#)
[Resolution](#)



Budget Expenses for equipment for “Kid Fire Safety Challenge”

Item	Expense
Slide	\$ 10,999.00
Hi Striker (2) (Small child & teenager versions)	2,862.46
Trailer	3,945.00
Tarps (3)	250.00
Gym Mats (2)	600.00
Smoke Machine & Liquid Smoke	1,005.00
Turn Outs	600.00
Ply Wood/Paint	350.00
Generator	1,000.00
Forestry Fire Hose & Nozzle	200.00
Graphics	750.00
Siren	120.00
Child Size Rescue Manikin	350.00
Safety Gas Can	40.00
Extension Cords	200.00
Plastic Fire Hydrants	600.00
Total for Expenses:	<u>\$ 23,871.46</u>

FY **2007****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	
110-0000-452-01-64		Child Safety Fee Revenue	\$ 23,872			
110-2200-522-62-11		Instruments/Special Equipment > \$5,000	10,999			
110-2200-522-22-11		Instruments/Special Equipment < \$5,000	12,873			
TOTAL.....			\$ 47,744		\$ -	

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

To appropriate Child Safety Fees received from Bell County to fund the Kid Fire Safety Challenge program. The child safety fees must be used on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention. The Kid Fire Safety Challenge program will allow students to actively participate in numerous stations which reinforce fire safety skills.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/19/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING FUNDING FROM THE CHILD SAFETY FEES FOR THE PURPOSE OF EQUIPMENT FOR THE "KIDS FIRE SAFETY CHALLENGE," IN THE AMOUNT OF \$23,872; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

Whereas, these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

Whereas, from those funds, the Fire Department requests an amount of \$23,872 for the purpose of purchasing equipment for the "Kids Fire Safety Challenge;"

Whereas, an amendment to the FY2006-2007 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council approves providing funding from the Child Safety Fees-Bell County for the purchase of equipment for the "Kids Fire Safety Challenge" in the amount of \$23,872.

Part 2: The City Council approves an amendment to the FY2006-2007 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(K)-(1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract with improvements located at 5217 Wendland Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract in the reinvestment zone. The property is on Wendland Road and addressed as 5217 Wendland Road, about a half mile south of Moores Mill Road, and is on the east side of Wendland Road. The property has a house and accessory structures improvements on it.

TEDC is requesting that the City acquire the project for economic development purposes, and is prepared to assign the purchase contract to the City. The Board of Directors for City of Temple Tax Increment Financing Reinvestment Zone Number One has allocated funds for the acquisition of this property in the Financing Plan for the Zone, and the Board recently voted to recommend that the City accept assignment of the purchase contract for the 10 acre tract, and proceed with acquiring the property.

The purchase price for the land is still being negotiated. Closing costs will be approximately \$3,000-5,000. We hope to have the final purchase price prior to the City Council meeting.

FISCAL IMPACT: The Financing Plan for TIFRZ #1 has \$328,000 set aside in account # 795-9500-531-6110, project # 950002, for the acquisition of this property and related expenses.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2007-5088-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN APPROXIMATELY 10 ACRE TRACT WITH IMPROVEMENTS LOCATED AT 5217 WENDLAND ROAD IN THE CITY'S TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract of land with improvements located at 5217 Wendland Road about a half mile south of Moores Mill Road, in the City's tax increment financing reinvestment zone;

Whereas, the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One allocated funds for the acquisition of this property in the Financing Plan for the Zone and the Board recently voted to recommend that the City accept assignment and the purchase contract for the tract and proceed with acquiring the property;

Whereas, funds are available for the acquisition of this property and related expenses in Account No. 795-9500-531-6110; 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 acquisition of an approximately 10 acre tract of land with improvements located at 5217 Wendland Road about a half mile south of Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone Number One for economic development purposes.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval 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 is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 19th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(K)-(2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract of unimproved property located on the east side of Wendland Road, about one-half mile south of Moores Mill Road, in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract in the reinvestment zone. The property is on the east side of Wendland Road, about one-half mile south of Moores Mill Road. The property has no improvements on it.

TEDC is requesting that the City acquire the project for economic development purposes, and is prepared to assign the purchase contract with the City. The Board of Directors for City of Temple Tax Increment Financing Reinvestment Zone Number One has allocated funds for the acquisition of this property in the Financing Plan for the Zone, and the Board recently voted to recommend that the City accept assignment of the purchase contract for the 10 acre tract, and proceed with acquiring the property.

The purchase price for the land is still being negotiated. Closing costs will be approximately \$3,000-5,000. We hope to have the final purchase price prior to the City Council meeting.

FISCAL IMPACT: The Financing Plan for TIFRZ #1 has \$67,000 set aside in account # 795-9500-531-6110, project # 950002, for the acquisition of this property and related expenses.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2007-5089-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN APPROXIMATELY UNIMPROVED 10 ACRE TRACT LOCATED AT WENDLAND ROAD IN THE CITY'S TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract of land located on the east side of Wendland Road about a half mile south of Moores Mill Road;

Whereas, the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One allocated funds for the acquisition of this property in the Financing Plan for the Zone and the Board recently voted to recommend that the City accept assignment and the purchase contract for the tract and proceed with acquiring the property;

Whereas, funds are available for the acquisition of this property and related expenses in Account No. 795-9500-531-6110; 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 acquisition of an approximately unimproved 10 acre tract of land located on the east side of Wendland Road about a half mile south of Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone Number One for economic development purposes.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval 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 is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 19th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to remove the authority for Belinda Mattke, the former Senior Accountant, to conduct cash management and investment functions for the City. Belinda was serving as secondary for the Treasury Manager's responsibilities until the new Senior Accountant, Sara Sadler, was fully cross-trained in the Treasury Manager's responsibilities. Council authorized Sara to conduct cash management and investment functions on May, 17, 2007 and Sara is now serving as secondary for the Treasury Manager's responsibilities.

A new resolution is required any time a change occurs in any of the positions authorized to conduct financial transactions. Approval of this item will remove authorization from Belinda Mattke, the former Senior Accountant. The following employees will retain authorization to conduct cash management and investment functions for the City:

David A. Blackburn – City Manager
Traci L. Barnard – Director of Finance
Melissa Przybylski – Assistant Director of Finance
Stacey Reisner – Treasury/Grants Manager
Sara Sadler – Senior Accountant
Clydette Entzminger – City Secretary

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING THE CITY MANAGER AND DIRECTOR OF FINANCE AND DESIGNATED DEPUTIES AUTHORITY TO CONDUCT INVESTMENT TRANSACTIONS, TRANSFER FUNDS, AND REPRESENT THE CITY OF TEMPLE IN OTHER FINANCIAL TRANSACTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council desires to grant City Manager, David A. Blackburn, and Director of Finance, Traci L. Barnard, and certain designated deputies named herein, the authority to conduct investment transactions, transfer funds, and represent the City in other financial transactions; 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 David A. Blackburn, City Manager; Traci L. Barnard, Director of Finance; Melissa Przybylski, Assistant Director of Finance; Stacey Reisner, Treasury/Grants Manager; Sara Sadler, Senior Accountant; and Clydette Entzminger, City Secretary, full authority and empowers them to take all actions and execute all documents necessary or incidental to such direct security repurchase agreements, reverse security repurchase agreements, U.S. Treasury Securities, and U.S. Government Agency Securities to the full extent they may exercise that authority consistent with the Texas Depository Act and other applicable state and federal laws and regulations. **Their true signatures appear at the bottom of this resolution.**

Part 2: The City Council authorizes the above named individuals, on behalf of the City of Temple and as its own act, to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money; to endorse any checks, notes, bills, or other instruments owned, held, or endorsed to the City of Temple; to issue instructions regarding deposits, withdrawal, orders for payment or transfer of funds whether oral, by telephone, or electronic means; or to do any other convenient or necessary acts to the opening, maintenance, and closing of the accounts in accordance with the charter and ordinances of the City of Temple.

Part 3: Controls will remain in place to assure compliance with the City of Temple Fiscal and Budgetary Policies and Investment Policies to assure that assets are safeguarded against loss from unauthorized use or disposition; and that transactions are executed in accordance with management authorization are recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles.

Part 4: This authority shall remain in full force and effect until written notice revoking or modifying same has been given by the City Council and received by all other parties to this transaction.

Part 5: The City Manager and Director of Finance and the deputies herein named shall have an official bond in the sum adequate to protect the City, but of not less than Five Hundred Thousand

(\$500,000) Dollars, each which fully meets the bonding requirements of Article 4, Section 4.28 and 4.29 of the City Charter.

Part 6: This Resolution 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 Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

David A. Blackburn
City Manager

Traci L. Barnard
Director of Finance

Melissa Przybylski
Assistant Director of Finance

Stacey Reisner
Treasury/Grants Manager

Sara Sadler
Senior Accountant

Clydetta Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2006-2007 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$150,761.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
July 19, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-2129		Advertising/Marketing (Police)	\$ 2,129	
110-0000-442-0722		Police Donations from LULAC		\$ 629
110-0000-442-0722		Police Donations from Citizens Police Academy of Temple		\$ 1,500
Donations given to the Police Department for use in purchasing a recruiting display.				
110-2310-540-2649		Landfill Tipping Fees (Solid Waste Administration)		\$ 1,000
110-2320-540-2649		Landfill Tipping Fees (Solid Waste Brush/Bulk)		\$ 62,000
110-2330-540-2649		Landfill Tipping Fees (Solid Waste Residential)	\$ 43,000	
110-2350-540-2649		Landfill Tipping Fees (Solid Waste Frontload)	\$ 33,000	
110-2360-540-2649		Landfill Tipping Fees (Solid Waste Sideload)		\$ 3,000
110-2370-540-2649		Landfill Tipping Fees (Solid Waste Rolloff)	\$ 52,000	
110-0000-444-1051		Solid Waste/ Residential		\$ 9,000
110-0000-444-1570		Solid Waste Commercial/ Frontload		\$ 5,000
110-0000-444-2053		Solid Waste Commercial/ Rolloff		\$ 48,000
To reallocate disposal cost between systems and increase rolloff, residential and frontload disposal cost and rolloff, residential and frontload revenues to reflect additional volume in these systems.				
110-2370-540-2516		Judgments & Damages (Solid Waste)	\$ 2,978	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,978
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Willie Baldwin seeking reimbursement for damage to his vehicle after it was struck by a Solid Waste Dept. rolloff truck on April 17, 2007, in the 1600 Block of West Avenue H.				
110-2350-540-2516		Judgments & Damages (Solid Waste)	\$ 1,066	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,066
Deductible reimbursement to Texas Municipal League for settlement of claim filed against the City by the Texas A&M College of Medicine for damage to a brick dumpster enclosure that was struck by a garbage truck on July 28, 2006.				
110-2000-521-2333		Auto Repair (Police)	\$ 1,017	
110-0000-461-0554		Insurance Claims		\$ 1,017
On 03/26/07, the city received payment from the insurance company for damages to unit # 12150. These funds will be used to repair the vehicle.				
110-2000-521-1119		Overtime (Police)	\$ 7,936	
110-0000-442-0718		Police revenue		\$ 7,936
To appropriate funds received as reimbursement for overtime incurred during the Bloomin' Temple Festival. This reimbursement was received by the Temple Chamber of Commerce.				
110-2000-521-1119		Overtime (Police)	\$ 1,335	
110-0000-452-0141		Traffic and Criminal Fines		\$ 1,335
To appropriate funds to reimburse overtime for five officers that worked the Warrant Round up on March 3, 2007. Funds are available from additional revenues received during from the round up program.				
520-5400-535-2516		Judgments and Damages (Sewer)	\$ 6,300	
520-5000-535-6536		Contingency		\$ 6,300
To appropriate funds in the amount of \$6,300 to pay the order issued by the Texas Commission on Environment Quality which assesses an administrative penalty related to violations that occurred on 12/28/06, 01/31/07 and 02/23/07.				
TOTAL AMENDMENTS			\$ 150,761	\$ 150,761

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
July 19, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
July 19, 2007

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
FED/STATE GRANT FUND				
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	155,068
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(128,096)
		Net Balance of Contingency Account	\$	26,972

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2006-2007
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

Whereas, on the 31st day of August, 2006, the City Council approved a budget for the 2006-2007 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2006-2007 City Budget.

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

Part 1: The City Council approves amending the 2006-2007 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 19th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #5(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the nomination of a member to serve on the Brazos G Regional Water Planning Group.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Brazos G Regional Water Planning Group (Brazos G) was established in 1998, as the result of the passage of Senate Bill 1, to develop a comprehensive regional water plan for its 37-county planning area, which extends generally along the Brazos River from Ken, Stonewall and Knox Counties in the northwest to Washington and Lee Counties in the southeast. The goal of the planning process is to assure that sufficient water will be available at a reasonable cost to ensure public health, safety and welfare, further economic development and protect agricultural and natural resources. The Brazos G submitted its first regional water plan to the State in 2001 and has just completed the development of the 2006 Brazos G Regional Water Plan.

The Brazos G is soliciting nominations for two voting members representing various interests – one representing ‘Environmental Interest’ and one representing ‘Small Businesses’. The appointed members will fill terms that expire at the last meeting of calendar year 2007 and will be eligible to serve a maximum of five consecutive two-year terms.

We are recommending the City of Temple submit a nomination for a member to serve on the Brazos G, representing the Small Business interests. Bell County resident Horace Grace recently resigned from this position and it would be in our best interest to continue to have this position filled by a Bell County resident.

_____ has been contacted and has expressed an interest in serving on this Group. Accordingly, I would recommend submitting _____ as a nomination for the position representing small business on the Brazos G Regional Water Planning Group.

FISCAL IMPACT: None

ATTACHMENTS:

Brazos G Voting Members

BRAZOS G RWPG VOTING MEMBERS (19): (updated 2/1/07)			
NAME / TITLE	PHYSICAL ADDRESS ----- COUNTY	MAILING ADDRESS	TELEPHONE
Scott Mack, Dentist CHAIR	P.O. Box 148 Mexia, TX 76667 (LIMESTONE COUNTY)	SAME	Home: (254) 562-9111 Fax: (254) 562-9111
Dale Spurgin Judge, Jones County VICE-CHAIR	P.O. Box 148 Anson, TX 79501 (JONES COUNTY)	SAME	Office: (325) 823-3741 Fax: (325) 823-4223
Phil Ford, General Manager/ CEO SECRETARY / TREASURER	Brazos River Authority 4600 Cobbs Drive Waco, TX 76714-7555 (MCLENNAN COUNTY)	Brazos River Authority P.O. Box 7555 Waco, TX 76714-7555	Office: (254) 761-3194 Fax: (254) 761-3203
Jon Burrows, County Judge	Bell County 101 E. Central Belton, TX 76513 (BELL COUNTY)	Bell County P.O. Box 768 Belton, TX 76513	Office: (254) 933-5105 Fax: (254) 933-5179
Tom Clark General Manager	Brushy Creek MUD 2008 Enterprise Drive Round Rock, TX 78664 (WILLIAMSON COUNTY)	SAME	Office: (512) 255-7871 x211 Fax: (512) 255-0332
Alva Cox Public Works Director	City of Granbury P.O. Box 969 Granbury, TX 76048 (HOOD COUNTY)	SAME	Office: (817) 573-7030 Fax: (817) 573-5591
Scott Diermann, Plant Manager	TXU Tradinghouse SES 1868 Lake Felton Pkwy. Waco, TX 76705-5025 (MCLENNAN COUNTY)	SAME	Office (254) 863-4901 Fax: (254) 863-4936
Tim Fambrough, County Judge	Nolan County 100 E. 3rd Street, S-105 Sweetwater, TX 79556 (NOLAN COUNTY)	SAME	Office: (325) 235-2263 Fax: (325) 236-9416
Horace R. Grace Owner	AMG Enterprises, Inc. Route 1, Box 25, Mighty Oak Lane Killeen, TX 76542 (BELL COUNTY)	AMG Enterprises, Inc. P.O. Box 10065 Killeen, TX 76542	Office: (254) 526-9200 Fax: (254) 526-9200
Terry Kelley, General Manager	Johnson County SUD 2849 Highway 171 South Cleburne, TX 76031 (JOHNSON COUNTY)	Johnson County SUD P.O. Box 509 Cleburne, TX 76033-0509	Office: (817) 645-6646 Fax: (817) 641-6916
Mike McGuire General Manager	Rolling Plains GCD 135 N. Munday Ave. P.O. Box 717 Munday, Texas 76371 (KNOX COUNTY)	SAME	Office: (940) 422-1095 Fax: (940) 422-1094

BRAZOS G RWPG VOTING MEMBERS (19): (updated 2/1/07)			
NAME / TITLE	PHYSICAL ADDRESS ----- COUNTY	MAILING ADDRESS	TELEPHONE
Tommy O. O'Brien, Director of Water Utilities	City of Abilene 555 Walnut, Suite 203 Abilene, TX 79604 (TAYLOR COUNTY)	City of Abilene P.O. Box 60 Abilene, TX 79604-0060	Office: (325) 676-6416 Fax: (325) 676-6458
Stephen L. Stark, Retired, PhD, Professor	4719 St. Andrews Drive College Station, TX 77845 (BRAZOS COUNTY)	SAME	Home: (979) 690-6459
Mike Sutherland County Judge	Burleson County 100 W. Buck, S-306 Caldwell, TX 77836 (BURLESON COUNTY)	SAME	Office: (979) 567-2333 Fax: (979) 567-2372
Wiley Stem III, Assistant City Manager	City of Waco 300 Austin Avenue Waco, TX 76701 (MCLENNAN COUNTY)	City of Waco P.O. Box 2570 Waco, TX 76702-2570	Office: (254) 750-5640 Fax: (254) 750-5880
Randy Wacławczyk Principal Geologist	LFR, Inc. 15808 Ranch Road, 620 North, Suite 205 Austin, TX 78717 (MILAM COUNTY; Alcoa Consultant)	SAME	Office: (512) 238-3318 Fax: (512) 238-3001
Kent Watson, General Manager	Wickson Creek Special Utility District 8770 Highway 21 E Bryan, TX 77808 (BRAZOS COUNTY)	Wickson Creek Special Utility District P.O. Box 4756 Bryan, TX 77805	Office: (979) 589-3030 Fax: (979) 589-3275
Kathleen J. Webster Retired Real Estate Broker	6 Glen Abbey Court Abilene, Texas 79606-5046 (TAYLOR COUNTY)	SAME	Office: (325) 698-7206 Fax: (324) 695-8210
Wayne Wilson Self-employed; ranching & insurance	Wilson Cattle Company P. O. Box 365 Wheelock, Texas 77882 (BRAZOS COUNTY)	SAME	Office: (979) 589-2136 Fax: (979) 589-1896

BRAZOS G RWPG		NON-VOTING MEMBERS (9):	(updated 2/1/07)
NAME / TITLE	MAILING ADDRESS	TELEPHONE	E-MAIL ADDRESS
John Baker, Technical Services Manager and Assistant General Manager	Brazos River Authority 4600 Cobbs Dr. P.O. Box 7555 Waco, TX 76714-7555	Office: (254) 761-3166 Fax: (254) 761-3204	jbaker@brazos.org
James Kowis Manager, Water Supply Planning Sec.	Lower Colorado River Authority P.O. Box 220 Austin, TX 78767-0220	Office: (512) 498-1551 Fax: (512) 473-3551	james.kowis@lcra.org
John Grant, Chair of Region F; and, General Manager, Colorado River Municipal Water District	c/o Colorado River Municipal Water District P.O. Box 869 Big Spring, TX 79721-0869	Office: (432) 267-6341, Ext. 301 Fax: (432) 267-3121	jgrant@crmwd.org
Terry Lopas Special Projects Manager	Brazos River Authority 4600 Cobbs Dr. P.O. Box 7555 Waco, TX 76714-7555	Office: (254) 761-3181 Fax: (254) 761-3207	tlopas@brazos.org
Mark Jordan, Manager, River Management	LCRA P O Box 220 Austin, TX 78767	Office: (512) 473-4023 Fax: (512) 473-3551	mark.jordan@lcra.org
Kevin Kluge, Project Manager	Texas Water Development Board 1700 N. Congress Ave. Austin, TX 78711	Office: (512) 936-0829 Fax: (512) 936-0889	kkluge@twdb.state.tx.us
Dan Opdyke, Water Planning Coordinator	Texas Parks and Wildlife Department 3000 IH-35 South, Suite 320 Austin, TX 78704	Office: (512) 939-0829 Fax: (512) 936-0889	Dan.Opdyke@tpwd.state.tx.us
E. W. Wesley, North Texas Regional Director	Texas Department of Agriculture 1720 Regal Row, Suite 118. Dallas, TX 75235	Office: (214) 631-0265 Fax: (214) 631-0271	ew.wesley@agr.state.tx.us
Paul Zweiacker, Manager, Environmental Permitting	Texas Utilities 1601 Bryan Street, Energy Plaza Dallas, TX 75201-3411	Office: (214) 812-4345 Fax: (214) 812-5695	pzweiac1@txu.com



COUNCIL AGENDA ITEM MEMORANDUM

07/19/07
Item #6(A)
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: P-FY-07-15: Consider adopting a resolution authorizing the preliminary plat of Hidden Villages, a 26.59 acre, 77 lot residential plat located at the southeast corner of the Hartrick Bluff Road and Georgetown Railroad intersection, with the following developer requested exceptions to the Subdivision Ordinance:

1. Section 33-98 (c) to waive the required 4 feet wide sidewalk along the collector known as Hartrick Bluff Road;
2. Section 33-93 (h) to allow a cul-de-sac length of 600 feet instead of the maximum allowed 500 feet length for Hideaway Villages Drive;
3. Section 33-102 to allow staggered park fee payments with the use of a developer's agreement; and
4. Section 33-93 (e) to allow center line curve radii of 220 feet and 320 feet along the collector sized Hartrick Bluff Road (60' of right-of-way, 36' pavement width) instead of the minimum required center line curve radius of 375 feet.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 4/3 (Vice-Chair Luck and Commissioners Pope and Kjelland opposed the plat; Chair Thomas abstained) to recommend approval of the Preliminary Plat of Hidden Villages with exceptions to Subdivision Ordinance Sections 33-98 (sidewalk requirement); 33-93 (cul-de-sac length); and 33-102 (park land dedication/ fee payment). Please refer to the Staff Report and draft minutes of case P-FY-07-15, from the Planning and Zoning Commission meeting, April 2, 2007.

STAFF RECOMMENDATION: Staff recommends the Council consider several stipulations to the Resolution for preliminary plat approval for the proposed Hidden Villages Subdivision:

1. The Council requires improvements to Hartrick Bluff Road to be built to collector street standards (60 feet of right-of-way, 36 feet pavement width) containing the traffic calming devices be made prior to beginning the final plat process.
2. The Council requires Hartrick Bluff Road contain traffic calming devices, in the form of two traffic circles as shown in an exhibit to the Resolution.
3. The Council grants an exception to the centerline radius requirement of 375 feet for Hartrick Bluff Road to allow the measurements of 220 feet and 320 feet.
4. The Council requires that the sidewalk should be constructed along Hartrick Bluff Road as part of the perimeter street fees. (The Commission recommended an exception to this requirement.)

5. The Council grants an exception for the cul-de-sac length from 500 feet to 600 feet for Hideaway Villages Drive.
6. The Council grants an exception for park land dedication, and approves the development agreement, allowing a staggered payment of park fees.

ITEM SUMMARY: At its last meeting, July 19th, the City Council approved an amendment to the Thoroughfare Plan for Hartrick Bluff Road, using the current alignment for the area next to the proposed subdivision. The developer's engineer, Victor Turley, submitted the attached exhibit showing the proposed realignment of Hartrick Bluff Road with medians for traffic safety. Staff recommends the use of two traffic circles instead of the serpentine shaped medians because of the reduced speed and the need to allow traffic to slow near the circles. (Shown on attached exhibit) The Public Works Department will post speed limit signs in this area, reducing the speed to 25 miles per hour.

Perimeter street fees are required. The applicant's initial estimate of \$44,635 for 550 linear feet of improvements for Hartrick Bluff Road will need to be revised and resubmitted to the Public Works Department for review.

The Preliminary Plat of Hidden Villages is proposed for a 77 lot, residential subdivision fronting Hartrick Bluff Road. The proposed preliminary plat was removed, at the developer's request, from the May 3, 2007, City Council Agenda to allow the resolution of Hartrick Bluff Road's realignment issues. The Preliminary Plat of Hidden Villages, recommended by the Planning and Zoning Commission on April 2, 2007, had not been designed according to Ordinance 2004-4053-R, which recommended the realignment of Hartrick Bluff Road to straighten the current "S"-curve design. Ordinance 2004-4053-R was adopted with the preliminary plat of Stonegate Addition on May 20, 2004. Stonegate Addition is located at the northwest corner of Hartrick Bluff Road and the Georgetown Railroad.

Staff met several times with the developer (Mr. Will Sears), his engineer (Mr. Victor Turley), and a representative from Aldrich-Thomas Group (Mr. Isaac Fleener) to discuss several realignment options for Hartrick Bluff Road, as well as the one shown in Exhibit "A" of Resolution 2004-4053-R. The realignment options were presented to the Planning and Zoning Commission and City Council during public hearings for a Thoroughfare Plan amendment for Hartrick Bluff Road. At its July 5th meeting, the City Council granted approval of the realignment of Hartrick Bluff Road with Ordinance 2007-4154. The present design of the Preliminary Plat of Hidden Villages agrees with the Hartrick Bluff Road realignment shown in Ordinance 2007-4154.

During the April 2, 2007, Planning and Zoning meeting, Commissioner Kjelland expressed opposition to waiving the required 4 foot wide side walk along Hartrick Bluff Road, a collector. Commissioner Pope questioned the request to allow the proposed Hideaway Villages Drive to exceed the maximum allowed cul-de-sac length of 500 feet.

Commissioner Carothers questioned the use of a developer's agreement for park fee payments. Park Planner, Kim Mettenbrink, explained the calculations derived for the developer's agreement and its link to developing connectivity to trails proposed in the adjacent South Temple Park. Park fees in the sum of \$17,325 (\$225 per new residential lot) are required for this development. Hidden Villages

proposes three phases of development. The first phase includes 36 lots requiring \$8,100 in park fees. The second phase includes 21 lots requiring \$4,725 in park fees. The third phase includes 20 lots requiring \$4,500 in park fees.

The developer requests an exception to the required park fees and requests a developer's agreement in lieu of dedicating public park land or paying the required sum of \$17,325. The proposed developer's agreement would only require park fees in the sum of \$2000 for the first phase of development to allow Hidden Villages' connectivity to the hike/nature trail proposed for the adjacent South Temple Park from the subdivision's proposed southern access gate at its eastern border. Furthermore, if the developer chooses to connect a private trail at the north end of Hidden Villages with an access gate to South Temple Park, he will pay the City the remaining \$15,325 for development of connectivity to the South Temple Park's hike/nature trail. In the event the developer opts for a northern connectivity to South Temple Park, the City would agree to extend the proposed hike/nature trail to the developer's northern trail/access gate within 180 days from receipt of \$15,325.

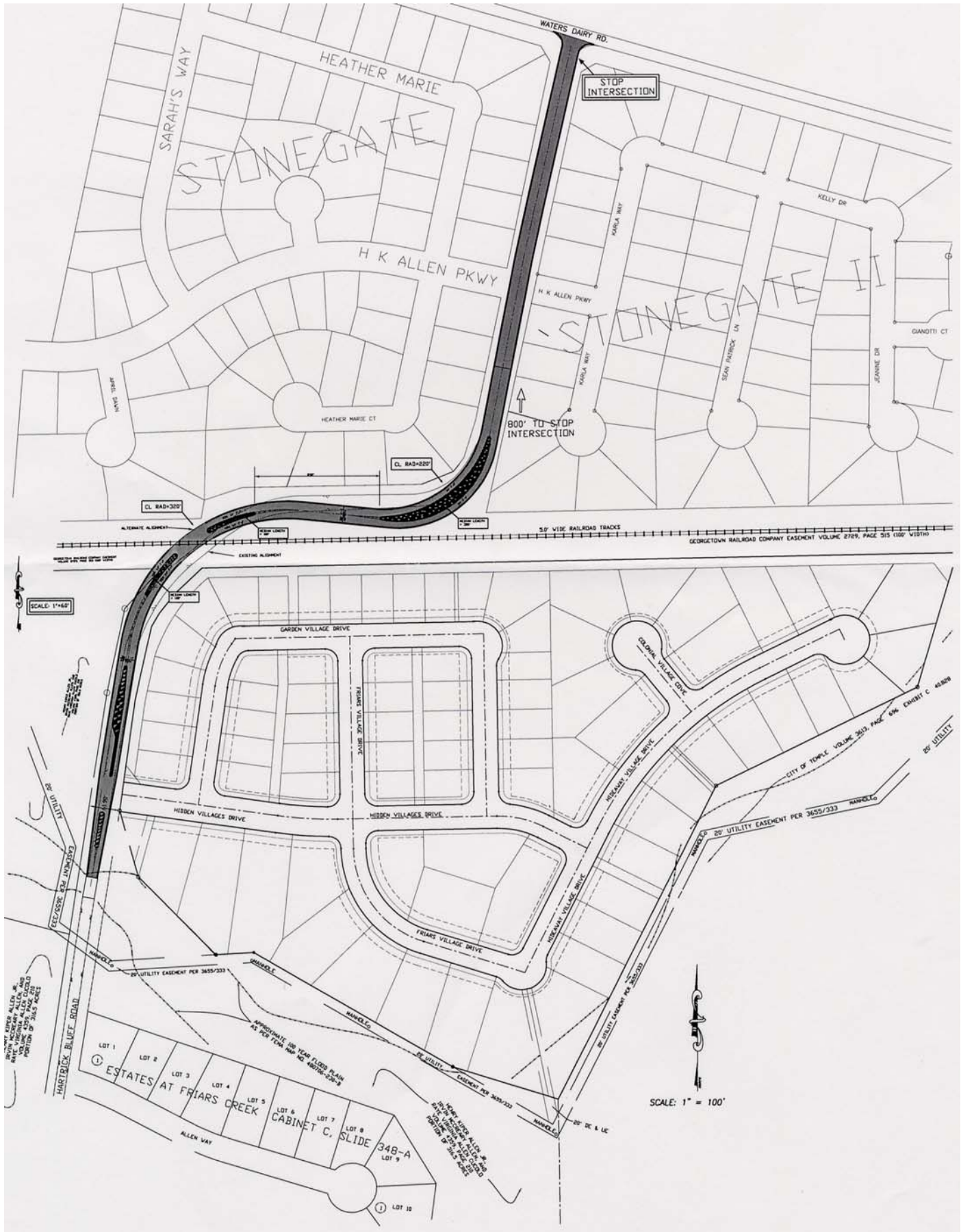
FISCAL IMPACT: Prior to the submittal of a final plat for any phase the developer shall;

1. Pay park fees subject to the attached Park Development Agreement.
2. Pay the perimeter street fees for Hartrick Bluff Road to include 60 feet of right-of-way, 36 feet wide street paving, 6" raised curbs, storm drainage, sidewalks, and two traffic circles.

ATTACHMENTS:

Plat
Hartrick Bluff Realignment Exhibit
Traffic Circle Exhibit
Park Development Agreement
P&Z Staff Report
P&Z Minutes
Resolution





[illegible]

Hidden Villages

Park Development Agreement between the City of Temple and Sears Builders and Development, L.L.C.

1. Purpose. This development agreement is intended to facilitate the construction and shared use of a looped hike/nature trail within the City-owned South Temple Park, adjacent to 26.59 acres that is proposed to be developed as a 77-lot gated, residential development named Hidden Villages. The parties' intention is that performance of this agreement will satisfy the park land dedication requirements for Hidden Villages, meeting the recreational needs of the residents through a combination of public and private park facilities.

2. Parties. The parties to this Agreement are: (1) the City of Temple, a home rule city in Bell County, Texas ("City") and (2) Sears Builders & Development, L.L.C., a Texas limited liability corporation, 4205 Woodland Park Boulevard, #190, Arlington TX 76013. ("Developer").

3. Background. Developer has applied for approval of the Preliminary Plat of Hidden Villages, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad. The proposed preliminary plat and draft of restrictive covenants, if implemented, will establish common areas to be owned and maintained by a homeowners' association. Common areas consist of strips of land suitable for construction of walking paths, and two tracts designated as private parks, one containing 0.133 acres, and the other containing 0.424 acres. Developer envisions creating a walkable community within the development by providing sidewalks in public rights-of-way, trails in private common areas, and pedestrian gates for residents to access the adjoining public park.

If the development's park land requirements were met through fees only, the fees would be payable prior to City's acceptance of public infrastructure for each phase of the subdivision, calculated as follows:

Phase I	36 lots x \$225 =	\$ 8,100
Phase II	21 lots x \$225 =	4,725
Phase III	20 lots x \$225 =	<u>4,500</u>
		\$17,325

4. Obligations of Developer.

- A. Hidden Villages, Phase I—Contribution to public hike/nature trail for southern trail connectivity.** Developer agrees to pay park land fees of \$2,000 to City prior to City's acceptance of public infrastructure for Phase I of Hidden Villages.

- B. **Hidden Villages, Phase II—Private park amenities.** Developer agrees to submit to City prior to City's acceptance of public infrastructure for Phase II, proof of installation or secured funding for installation of private park amenities, such as playground equipment, outdoor furniture, and improved trails, having a value of at least \$17,325.
- C. **Hidden Villages, Phase III—Contribution to public hike/nature trail for northeastern trail connection.** Developer has the option of connecting the proposed north trail of Hidden Villages to the South Temple Park Trail and agrees to pay park fees of \$15,325 to City for exercising this option.

5. Obligations of the City of Temple.

- A. **Extension of hike/nature trail to southern trail/access gate.** The estimated cost to the City is \$2,000 for extending Phase I of the South Temple Park Trail Project to reach the proposed common area between Lots 42 and 43, Block 1, in Phase I of Hidden Villages. City agrees to build the southern trail extension during the construction of Phase I of the trail, as shown on the drawing attached as Exhibit A to this agreement.
- B. **Extension of hike/nature trail to northern trail/access gate.** City agrees to extend Phase II of the South Temple Park Trail Project to reach the potential Northeastern Trail Connection Location shown on the drawing attached as Exhibit A to this agreement. City agrees to begin constructing Phase II of the trail within 180 days from receipt of (1) \$15,325 in park fees for Phases II and III of Hidden Villages, and (2) proof of construction or secured funding for construction of an improved pedestrian trail along the north side of Hidden Villages up to the Northeastern Trail Connection Location.

6. Binding Effect. his agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.

Executed on this the ____ day of _____, 2007.

City of Temple, Texas

David A. Blackburn
City Manager

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

Sears Builders & Development, L.L.C.
a Texas Limited Liability Corporation

Will Sear
President

Exhibit A:

Hidden Villages Park Development Agreement

Not to Scale

Possible Northeastern Trail Connection Location

Hidden Villages Subdivision

Southern Trail Connection Location

Phase II : This phase will be completed when the developer of Hidden Villages takes the option of connecting a trail at the northeastern trail connection shown above.

Phase I : currently proposed trail development

Parking

5th Street

Friar's Creek

Georgetown Railroad

General Specifications:

The previous concrete trail will be 6' in width. The Park Planner will aid in scaling and/or approving the center line layout of the trail. The Park Planner, Kim Meyerink, may be contacted at 254-286-5411.

No part of the trail shall be closer than 25' to the edge of the creek. No portion of the trail shall have a cross slope to exceed 2% or a vertical slope of more than 5%.


The trail shall be constructed of Agency Creek previous pavement or the material and shall be installed according to the written specifications that accompany this plan.

The trail shall carry a minimum one year warranty after completion of the project. This warranty shall cover imperfections or repairs needed from the normal use (normal use being light traffic and typical pedestrian use).

Separation for the trail shall be a minimum depth of 4". After back filling the trail edges to allow a smooth transition from the trail to adjacent grade, all edges shall be beveled from the site.

The trail itself shall be a minimum 4" thickness uniformly through out the trail.

Scale: 1" = 100.0'

North : 

South Temple Park:

Trail Project

Drawn by :
Kim Meyerink, ACP
Park Planner
City of Georgetown
Parks and Leisure Services
P.O. Box 278-5411
Sheet 1 of 1



PLANNING AND ZONING COMMISSION AGENDA ITEM

4/02/07
Item#2b
Page 1 of 2

APPLICANT / DEVELOPMENT: Will Sears c/o Sears Builders and Development

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-07-15 Request to conditionally approve the preliminary plat for Hidden Villages, a 77-lot residential subdivision on 26.59 acres, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad.

BACKGROUND: The proposed subdivision contains 77 single-family lots, planned in three phases, with exterior access from Hartrick Bluff Road and interior access from a planned collector road named Hidden Villages Drive, and several residential sized roads. All the lots meet the residential setbacks and lot area for the requested Single Family-2. The lot area size varies from 6,000 to 10,000 square feet. A planned linear hike and bike trail will provide access to a planned private park and access to the South Temple Park, east of the requested subdivision.

The applicant requests several exceptions to the Subdivision Ordinance for a sidewalk along Hartrick Bluff Road, park land dedication, and for an over length cul-de-sac. Any type of recommendation for approval by the Commission for any or all of the exceptions will require City Council review and approval.

Exceptions to a sidewalk on Collector Sized Roadways – Section 33-98

The applicant requests an exception to Subdivision Ordinance Section 33-98 requiring a 4 foot wide sidewalk along Hartrick Bluff Road. The applicant's request explains that the planned realignment of Hartrick Bluff Road would destroy any sidewalk constructed at this time. The Subdivision Ordinance does not contain the provisions for escrowing funds for sidewalks. There are no sidewalks on other subdivisions fronting Hartrick Bluff Road, including another exception to the south for Wyndham Hill.

Hartrick Bluff Road is classified as a collector-sized roadway, yet it is built with a 20-foot pavement width, lacking the required 36 feet of pavement width. Right-of-way width is sufficient for a collector roadway. A total of 550 linear feet will need improvement to provide a collector sized pavement width, including its realignment. The Public Works Department is reviewing the applicant's estimate of \$44,635 for Hartrick Bluff Road's improvements to collector sized status and its realignment, conforms to the Subdivision Ordinance Section 33-93 (P) of perimeter street fees for these improvements. These improvements do not include the required sidewalk along one side of Hartrick Bluff Road.

Staff requests the Commission recommend waiving the sidewalk requirement along Hartrick Bluff Road. The road will be widened and realigned, and the Subdivision Ordinance does not allow an escrow policy for exterior sidewalks. The applicant will provide interior sidewalks along one side of Hidden Villages Drive in conformance to the Subdivision Ordinance requirements.

Exceptions to the Park Land Dedication – Section 33-102 & Proposed Developer's Agreement

The applicant requests a modified exception to the Subdivision Ordinance Section 33-102 requirement Park Land Dedication Ordinance to allow the use of a developer's agreement for a staggered park fee payment. The calculated park fees equal \$17,325 (\$225 per new residential lot developed). The developer requests the Commission consider the proposed modifications:

1. The applicant, Will Sears, has agreed to pay \$2,000 of the calculated park fees in Phase 1 Final Plat to allow subdivision trail connectivity to the hike/nature trail proposed for South Temple Park at Hidden Villages' southern most trail/access gate.
2. The applicant has also requested that if he opts for a connection of the hike/nature trail in South Temple Park, from a proposed improved trail at the north end of Hidden Villages, he will agree to pay the remaining \$15,325 in park fees when final plats are accepted for Phases 2-3, dependent upon certain improvements from the Parks and Leisure Department.

The Parks and Leisure Department has plans for a looped hike/nature trail within South Temple Park with several gathering places. The subject preliminary plat shows two connections to the South Temple Park from the northern edge of Phase 1-3 and between lots 42-43 of Phase 1. If the applicant builds the private connectivity, he will pay the remaining \$15,325 in park fees for a total of \$17,325. In return the Parks and Leisure Department will develop a hike/nature trail within South Temple Park to the northern access gate of Hidden Villages within 180 days of receiving park fees for that phase of development.

If the developer of Hidden Villages declines connecting the private trail at the north end of Hidden Villages to the hike/nature trail in South Temple Park, payment of the remaining \$15,325 in park fees will not be requested by the Parks Department.

The Legal Department is drafting the Developer's Agreement in association with the developer and the Parks and Leisure Department, and it will be a condition to approval of the preliminary plat. A plat note has been added to the preliminary plat regarding this applicant's agreement. Mention of the applicant's agreement will be included in the plat's resolution.

Staff requests the Commission recommend stipulating the requirement of the developer's agreement to include language of connecting the private trails to park standards and linked to the South Temple Park in return of the City constructing the improvements within 180 days of acceptance of the phased final plats.

Exception to the Cul-De-Sac Length – Section 33-93

The applicant requests an exception to the cul-de-sac length from the maximum 500 linear feet to 600 linear feet to the planned end of Hidden Villages Drive. A total of 23 lots (30%, of the total 77 lots) receive access from the cul-de-sac. The remaining 54 lots are designed with two points of access and are within 500 linear feet of an intersection providing two-way direction.

While Staff typically recommends two points of access for a single-family subdivision, the Friars Creek to the south and southeast and the Georgetown Railroad along the northern edge impact the areas for a secondary access. The Fire Department is on record and the City DRC Staff agree with a subdivision design of additional points of access for emergency vehicle access and circulation. Staff requests the Commission recommend approval for the over-length cul-de-sac, because of the limitations of the creek and the railroad.

The proposed 77-lot residential subdivision will service water to residents from 6" and 8" water lines. Water service will be obtained by boring underneath the Georgetown Railroad and connecting to an existing 10" water line on the west side of Hartrick Bluff Road, north of Georgetown Railroad. Lots within the development will have sewer services from proposed 8" sewer mains. The proposed sewer system will connect to an existing City of Temple sewer manhole located in an existing 20 foot wide utility easement along the southern boundary of Hidden Villages. Hidden Villages proposes drainage to the south and east of the subdivision. Specific utility and drainage plans will be reviewed and discussed during the final plat process. The Design Review Committee (DRC) reviewed the Hidden Villages Preliminary Plat on December 19, 2006, February 6, 2007, and March 23, 2007. Staff considered the proposed plat administratively complete on March 28, 2007.

STAFF RECOMMENDATION: Staff recommends conditional approval of the preliminary plat for a 77-lot residential subdivision on 26.59 acres, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad, Case #P-FY-07-15, known as Hidden Villages subject to:

1. Waving the requirement of the Subdivision Ordinance Section 33-98 requiring a 4 foot wide sidewalk along one side of a Hartrick Bluff Road, provided the approval of the Public Works Department for the perimeter street fees and engineering design for the Hartrick Bluff Road's improvements to collector sized status and its realignment,
2. Approval of the developer's agreement by the Legal Department to include language of connecting the private trails to park standards and linked to the South Temple Park in return of the City constructing the improvements of a looped trail with access to the subject subdivision within 180 days of acceptance of the phased final plats,
3. Waiving the requirement of the Subdivision Ordinance Section 33-93 (cul-de-sacs) to allow a length of 700 linear feet for Hidden Villages Drive and Hideaway Village Drive, and
4. Any additions and/or alterations to the engineering plans as required by the Engineering Department prior to acceptance and review of a phased final plat.

The City Council is the final plat authority since exceptions to the Subdivision Ordinance have been requested.

ATTACHMENTS:

Exceptions Letter
Amenities Letter
Plat

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, APRIL 2, 2007

ACTION ITEMS

- 2b. P-FY-07-15** Consider a recommendation to approve the preliminary plat of Hidden Villages, a 26.59 acre, 77 lot residential plat located on the east side of Hartrick Bluff Road, adjacent to and south of the Georgetown Railroad.

Ms. Tammy Lyerly, Planner, presented both items to the Commission. She displayed a map of the southeast corner of the property, an aerial of the site, a zoning map of the property, a land use map, the purpose of SF2 zoning, regulations for SF2 zoning, example of uses allowed in SF2 zoning and an example of uses not allowed in SF2 zoning, and a thoroughfare map of the area. Ms. Lyerly said four notices were mailed to surrounding property owners within 200 feet. One notice was returned in favor of the request and none in opposition to the request. She explained the reasons for the staff recommendation as displayed in the presentation.

Ms. Lyerly said City Council will have final plat authority on the Hidden Villages plat since there are requested exceptions. She said the Hidden Villages plat was reviewed by DRC (Design Review Committee) on December 19, 2006, February 6, 2007, and March 23, 2007. It was considered administratively complete on March 28, 2007. She displayed the map of Hidden Villages and the requested exceptions by the developer. Exceptions are 1) exceptions to a sidewalk on collector sized roadways – Section 33-98, 2) exceptions to the Park Land dedication – Section 33-102 with use of a proposed developer's agreement, and 3) exception to the cul-de-sac length – Section 33-93. Ms. Lyerly said staff recommends conditional approval of the preliminary plat as shown in the staff recommendation.

Commissioner Kjelland asked about the additional access gate that the Fire Department wanted. Ms. Lyerly explained that the Fire Department had originally asked for an additional access during the planned development process, but is no longer pursuing it since the development is no longer a Planned Development District. She said the residential subdivision is planned for a gated community and has only one access point into the development. The Fire Department has stated that they would like to see two entry points into neighborhoods or proposed developments with more than 75 lots.

Commissioner Kjelland asked Ms. Lyerly to explain the exception to the sidewalks and staffs recommendation. Ms. Lyerly explained that in this particular case the developer made a good point in the fact that Hartrick Bluff Road has not been improved in this area; therefore any sidewalk going in now would likely be ripped up when Hartrick Bluff Road is improved. Also, Windham Hill Subdivision to the south of the proposed development received a sidewalk waiver along Hartrick Bluff Road when it went through the platting process. Ms. Lyerly pointed out that this development has sidewalks planned internally throughout the entire development. Commissioner Kjelland stated that if the sidewalk requirement is taken out now and Hartrick Bluff Road is improved in the future there will not be a sidewalk. Ms. Lyerly said another concern was the sidewalk leading to the railroad tracks.

Commissioner Carothers asked for explanation for the staggered park fee payments. Ms. Lyerly called on Ms. Kim Mettenbrink, Parks and Leisure Planner, to explain the calculations used in the developers agreement for park fee payment.

Ms. Kim Mettenbrink, AICP, Parks and Leisure Planner, addressed the Commission. She explained that the \$2000 requested with Phase One of the development is to allow subdivision trail connectivity to the hike/nature trail proposed for South Temple Park at the southern most trail/access gate. Ms. Mettenbrink said the Parks and Leisure Department has plans for a looped hike/nature trail within the South Temple Park with several gathering places and would like to connect this trail to the proposed trail at the southern section of the park.

There was further discussion regarding the park fees, perimeter street fees, the cul-de-sac length, and timelines.

Vice-Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to this zone change request to address the Commission. Seeing none, Vice-Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-08, by Commissioner Carothers; seconded by Commissioner Pilkington.

Motion passed (7/0). Chair Thomas abstained.

Motion to approve P-FY-07-15 with requested exceptions, by Commissioner Carothers; seconded by Commissioner Hurd.

Motion passed (4/3). Chair Thomas abstained. Commissioner Pope, Commissioner Kjelland, and Vice-Chair Luck voted nay.

RESOLUTION NO. _____

(Zoning No. P-FY-07-15)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF HIDDEN VILLAGES, A 26.59 ACRE, 77 LOT RESIDENTIAL PLAT LOCATED AT THE SOUTHEAST CORNER OF THE HARTRICK BLUFF ROAD AND GEORGETOWN RAILROAD INTERSECTION, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 2, 2007, the Planning and Zoning Commission approved the preliminary plat of Hidden Villages, a 26.59 acre, 77 lot residential plat located at the southeast corner of the Hartrick Bluff Road and Georgetown Railroad, subject to the developer's requested exceptions to the Subdivision Ordinance regarding sidewalk requirement, cul-de-sac length, and parkland dedication/fee payment;

Whereas, there was no citizen opposition expressed at the April 2, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the preliminary plat of Hidden Villages.

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

Part 1: The City Council approves the preliminary plat of Hidden Villages, a 26.59 acre, 77 lot residential plat located at the southeast corner of the Hartrick Bluff Road and Georgetown Railroad, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(h)* to allow a cul-de-sac length of 600 feet instead of the maximum allowed 500 feet for Hideaway Villages Drive; *Section 33-102* to allow staggered park fee payments with the use of a developer's agreement; and *Section 33-93(e)* to allow center line curve radii of 220 feet and 320 feet along the collector sized Hartrick Bluff Road (60 feet of right-of-way, 36 feet of pavement width) instead of the minimum required center line curve radius of 375 feet.

Part 2: Approval of this preliminary plat is also conditioned upon the following requirements:

- (a) Improvements to Hartrick Bluff Road must be built to collector street standards (60 feet of right of way, 36 feet pavement width) containing the traffic calming devices and must be complete prior to the final plat process;
- (b) Hartrick Bluff road must contain traffic calming devices in the form of two traffic circles as shown on Exhibit A, attached hereto and made a part hereof for all purposes; and

(c) The sidewalk must be constructed along Hartrick Bluff Road as part of the perimeter street fees.

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

PASSED AND APPROVED this the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORADUM

07/19/07
Item #6(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Street Use License to allow a gated entrance in the right-of-way of Hidden Villages Drive, a proposed street within a proposed 26.59 acre, 77-lot residential subdivision to be known as Hidden Villages, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The applicant, Will Sears, requests a Street Use License to allow a gated entrance for his proposed residential subdivision to be known as Hidden Villages. This request will allow encroachments across the entire 60 foot right-of-way of Hidden Villages Drive, near its intersection with Hartrick Bluff Road. The applicant proposes an electronic gate to be used during the hours of 7:00 pm to 7:00 am. Although the type, style, and construction details for the gated entry are not available at this time, the conceptual plan for the gated entry proposes a queuing of twelve cars in the inbound lane with a turnaround in front of the entry gate.

All utility providers, including divisions within the City's Public Works Department, were notified of this request. Although there were no objections to a gated entry, there were several comments. The Fire Department, as well as the Public Works Department, requires a lock box at the gate's entrance for access during the gate's usage. The Solid Waste Division requested that any top to the gated area be higher than 12 feet for truck clearance. AT&T Texas requests that the developer place a 4 foot PVC conduit for 50 feet-24 inches in depth on the north side of Hidden Villages Drive so they can pull through telephone facilities in this area. TXU Electric Delivery requests underground conduits at the medians for service to median street lighting. TXU Electric Delivery also requests that if the developer chooses to install signs and landscaping prior to the installation of electric facilities that conduit be installed to prevent damage.

FISCAL IMPACT: Street Use Licenses require a fee of \$150 for every 15 year term.

ATTACHMENTS:

[Application](#)
[Location Maps](#)
[Gated Entry Conceptual Plan](#)
[Resolution](#)

RECEIVED

MAR 14 2007

City of Temple
Planning & Development

APPLICATION FOR
STREET USE LICENSE

Name, address, telephone no., and fax no. of individual or entity applying for license

Will Sears 254-913-2485
4616 Box Canyon Road 254-773-1018
Temple, TX 76502

Name, address, telephone no., and fax no. of agent representing applicant

TURLEY ASSOCIATES (254) 773-2400
301 N. 3rd Street (254) 773-3998
Temple, TX 76501

Capacity of agent: ☐ Officer ☐ Broker ☐ Prospective Buyer ☒ Engineer

Does applicant own real property affected by the encroachment? ☒ Yes ☐ No

Address and legal description of applicant's real property Hidden Villages

Maximo Moreno Survey, Abstract No. 14

Current status of encroachment: ☐ Existing ☒ Proposed ☐ Expansion proposed

If existing, date encroachment was constructed _____

Encroachment location: ☐ Alley ☒ Street ☐ Utility easement ☐ Drainage easement

Encroachment description (type of structure, use, composition, dimensions)

Requesting a 15-year Street Use License for gates entries for Hidden Villages Drive.

Requested time frame for gated entry usage is 7:00 p.m. to 7:00 a.m. to provide safety and

security for the residents of Hidden Villages. This will be an electronic gate. The type, style

and construction details will be determined during the design phase.

Construction area (description of any additional area needed during construction, including

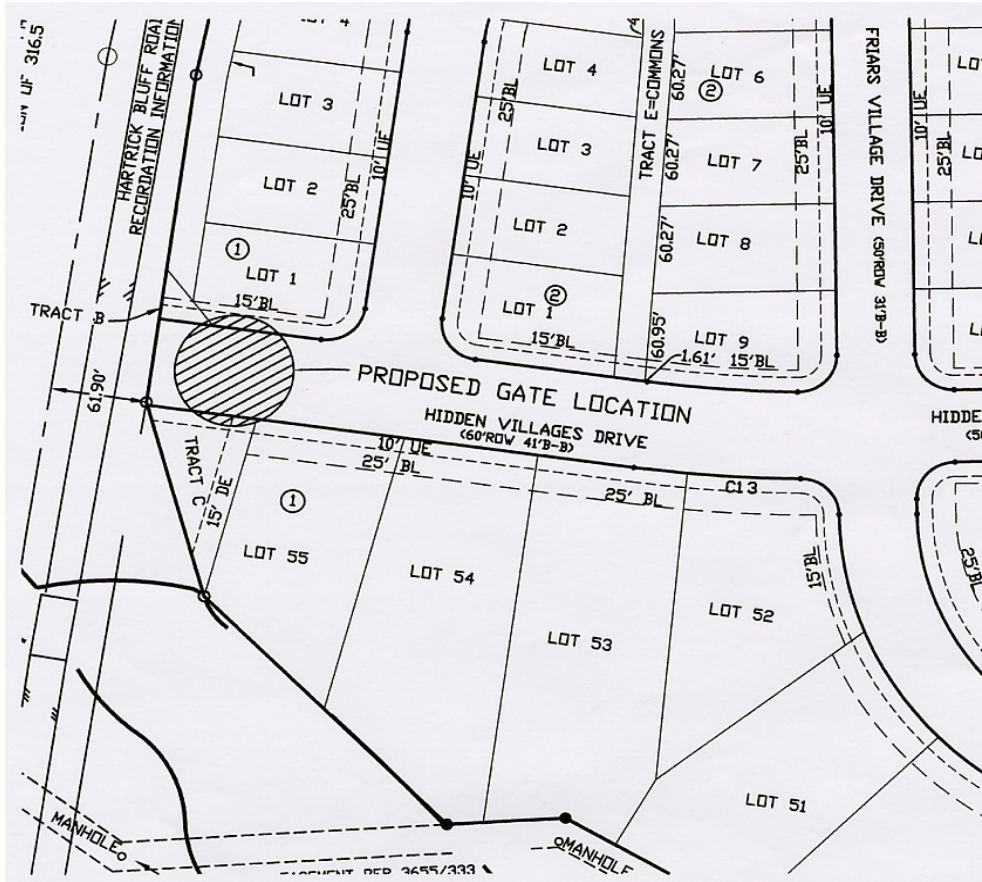
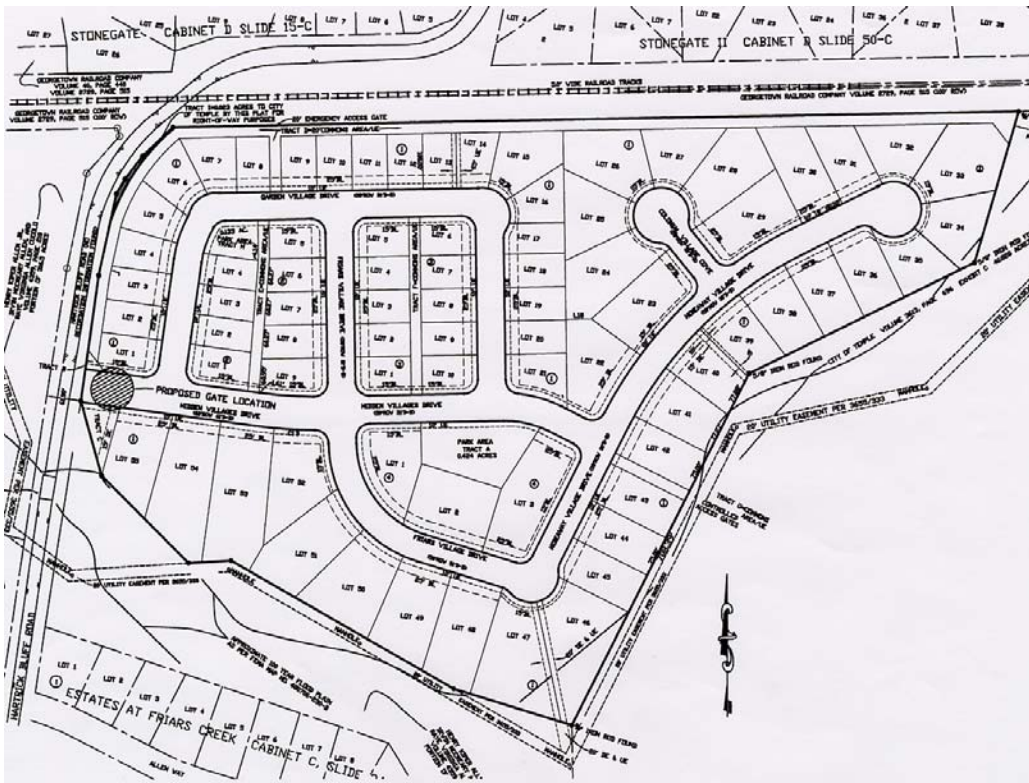
excavation depth) The area needed during construction is approximately 1800 S.F.

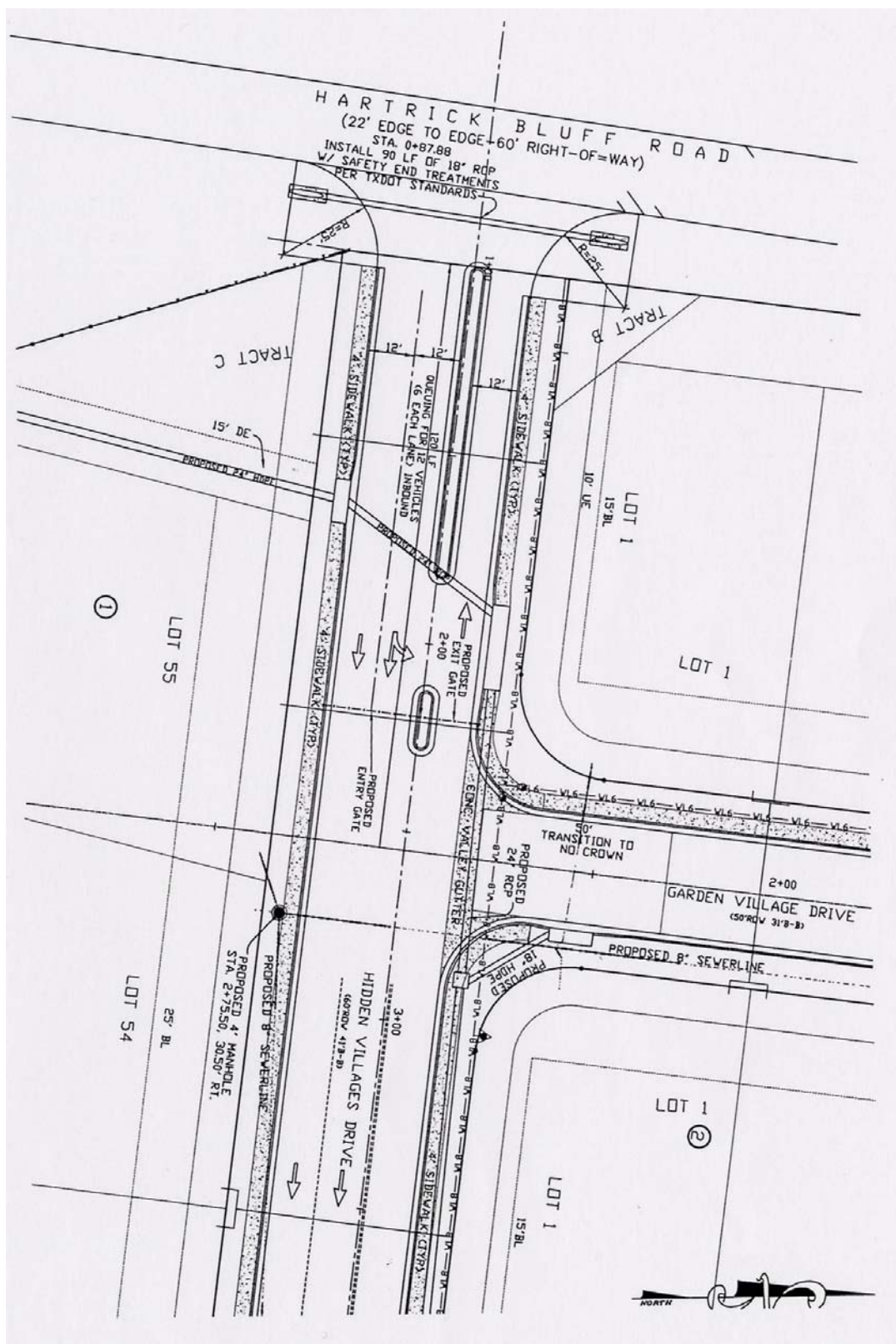
for installation purposes.

Attached: ☒ Survey ☐ Building plans for proposed construction ☒ Fee (\$150)

Applicant's name (typed) Victor D. Turley

Applicant's signature Victor D. Turley





RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO WILL SEARS TO ALLOW A GATED ENTRANCE IN THE RIGHT-OF-WAY OF HIDDEN VILLAGES DRIVE, A PROPOSED STREET WITHIN A PROPOSED 26.59 ACRE, 77-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HIDDEN VILLAGES, LOCATED AT THE SOUTHEAST CORNER OF HARTRICK BLUFF ROAD AND THE GEORGETOWN RAILROAD; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for a gated entrance to be located in the right-of-way of Hidden Villages Drive, a proposed street within a proposed 26.59 acre, 77-lot residential subdivision to be known as Hidden Villages, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

Part 1: A Street Use License is granted to **Will Sears**, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a gated entrance to be located in the right-of-way of Hidden Villages Drive, a proposed street within a proposed 26.59 acre, 77-lot residential subdivision to be known as Hidden Villages, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to occupy, maintain, and utilize property for a gated entrance to be located in the right-of-way of Hidden Villages Drive.

IV. Conditions of License

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(4) The electronic gate will be used between the hours of 7:00 p.m. and 7:00 a.m.

(5) The Fire Department and Public Works Department require a lock box at the gate's entrance for access during the gate's usage.

(6) Any top to the gated area must be higher than 12 feet for Solid Waste truck clearance.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) **Hold Harmless.**

(1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

Part 2: 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 the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of July, 2007, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

AGREEMENT OF LICENSEE

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

I, Will Sears, hereby accept the terms and conditions of Resolution No. _____ granting a Street Use License to allow a gated entrance to be located in the right-of-way of Hidden Villages Drive, a proposed street within a proposed 26.59 acre, 77-lot residential subdivision to be known as Hidden Villages, located at the southeast corner of Hartrick Bluff Road and the Georgetown Railroad.

Will Sears

County of Bell §

State of Texas §

This instrument was acknowledged before me on the ____ day of _____, 2007, by Will Sears.

Notary Public, State of Texas