



## **TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**TEMPLE, TX**

### **NOTICE OF MEETING**

**THURSDAY, SEPTEMBER 20, 2007**

**3:30 P.M.**

**3<sup>RD</sup> FLOOR CONFERENCE ROOM**

### **WORKSHOP AGENDA**

1. Receive an update from Kendig Keast Collaborative on the Comprehensive Plan.
2. Receive an update from Kasberg, Patrick & Associates, LLP on the Water and Wastewater Master Plan.
3. Receive a presentation on the proposed historic marker program.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 20, 2007 as follows:



**5:00 P.M.**  
**CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Constitution Week                      September 17—23, 2007

**III. 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.

**IV. CONSENT AGENDA**

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

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

**Minutes:**

- (A) September 6, 2007 Special Called Meeting
- (B) September 6, 2007 Regular Called Meeting



## **Contracts, Leases & Bids:**

- (C) [2007-5184-R](#): Consider adopting a resolution authorizing annual purchase agreements for the purchase of herbicides and insecticides with various vendors in the estimated annual amount of \$42,894.69.
- (D) [2007-5185-R](#): Consider adopting a resolution authorizing an annual purchase agreement with Southern Tire Mart of Dallas for the purchase of tires and tubes on an as-needed basis in the estimated annual amount of \$75,366.40.
- (E) [2007-5186-R](#): Consider adopting a resolution authorizing annual purchase agreements with various vendors for utility supplies for FY 07-08 in the estimated amount of \$330,299.57.
- (F) [2007-5187-R](#): Consider adopting a resolution authorizing:
  - 1. One-year renewals to the annual purchase agreements for the purchase of water meters for FY 07-08 with the following vendors:
    - a. Master Meter of Mansfield, Texas for 6" Turbine Type Meters and the 3: Fire Hydrant Turbo Meters in the estimated annual amount of \$4,073;
    - b. Badger Meter, Inc. of Milwaukee, Wisconsin for Turbine Type Meters 3" & 4", FM or UL Approved Fire Service Meters 4", 6" and 8" in the estimated amount of \$16,202.90; and
    - c. Municipal Water Works Supply, LP of Royce City, Texas for Positive Displacement Meters 5/8" x 3/4", full 3/4", 1" 1-1/2" & 2", Turbine Type Meters 1-1/2", and Dual Body Compound Meters 2" to 6" in the estimated annual amount of \$58,337.50
  - 2. Annual purchase agreement for the purchase of water meters for FY 07-08 with Hersey Meters of Cleveland, NC for 2" & 8" Turbine Type Meters in the estimated annual amount of \$3,120.
- (G) [2007-5188-R](#): Consider adopting a resolution authorizing a one-year renewal to the contract with Verizon Wireless through the General Services Administration's Federal Supply Schedule 70 contract, or a new annual contract with Verizon Wireless if better pricing becomes available under an alternative State contract before September 30, 2007, for cellular equipment and services in the estimated annual amount of \$163,426.
- (H) [2007-5189-R](#): Consider adopting a resolution authorizing a renewal to the lease with Central Texas 4C, Inc. for 4,200 sq. ft. of space at the Robert M. Blackmon, Jr. Neighborhood Center for preschool programs.
- (I) [2007-5190-R](#): Consider adopting a resolution authorizing a construction contract with Iseler Demolition, Inc., of Romeo, Michigan for demolition of the Ave P Elevated Storage Tank at the intersection of Ave P and 7<sup>th</sup> Street in the amount of \$62,685.



- (J) [2007-5191-R](#): Consider adopting a resolution authorizing a construction-manager-at-risk agreement with Vanguard Contractors, LP of Temple for the new municipal court and utility business office facility, which includes pre-construction services in the amount of \$6,400.
- (K) [2007-5148-R](#): Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Temple Economic Development Corporation for economic development services.
- (L) Consider adopting a resolution authorizing:
  - 1. [2007-5192-R](#): a contract with World Energy Solutions, Inc. to provide electricity reverse auction and procurement services.
  - 2. [2007-5193-R](#): the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc. platform, and if in the best interest of the City, enter into a contract for a period of 3 to 24 months for the supply of electricity with the lowest bidder.
  - 3. [2007-5194-R](#): the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity by TXU Energy Retail Company LP, and if in the best interest of the City, enter into a contract for a period of 3 to 24 months for the supply of electricity with TXU Energy Retail Company LP.

**Ordinances – Second & Final Reading:**

- (M)
  - 1. [2007-4167](#): SECOND READING – Z-FY-07-54(A): Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan from Moderate Density Residential Use to Office Use on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane.
  - 2. [2007-4168](#): SECOND READING – Z-FY-07-54(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Office One District on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane.
- (N) [2007-4169](#): SECOND READING – Z-FY-07-55: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately six (6.0) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road.
- (O)
  - 1. [2007-4170](#): SECOND READING – Z-FY-07-56(A): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.



2. [2007-4171](#): SECOND READING – Z-FY-07-56(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.
- (P)
1. [2007-4172](#): SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 to fund engineering services related to projects in the North Rail Park in the amount of \$266,000.
  2. [2007-4195-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, design surveys, geotechnical services, environmental services, and archaeological services required to implement stormwater detention for the northwest Rail Park between H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$104,500.
  3. [2007-4196-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, design surveys, and geotechnical services, required to implement streets and wastewater and water utilities for the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$261,500.

**Misc:**

- (Q) [2007-5197-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

## **V. REGULAR AGENDA**

### **ORDINANCES – SECOND & FINAL READING**

5. (A) [2007-4166](#): SECOND READING – Z-FY-07-52: Consider adopting an ordinance authorizing a zoning change from a portion of the General Retail District and Office One District to the Single Family Three District on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31<sup>st</sup> Street and FM 93.
- (B) [2007-5198-R](#): P-FY-07-43: Consider adopting a resolution authorizing the Preliminary Plat for The Residences at D'Antoni's Crossing, 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93, subject to the developer's requested exception of 900 linear feet for the cul-de-sac at the planned end of Sorento Circle, from the allowed maximum 500 linear feet.
- (C) [2007-5199-R](#): Consider adopting a resolution authorizing a Street Use License for a private entrance in the right-of-way for the proposed Residences at D'Antoni's Crossing, a proposed street in the planned 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93.



## **BOARD APPOINTMENTS**

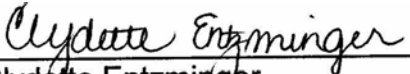
6. [2007-5200-R](#): Consider adopting resolutions appointing members to the following City boards and commissions:
- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2008
  - (B) Convention Center and Tourism Advisory Board – one member to fill expiring term through September 1, 2010
  - (C) Temple Economic Development Corporation – one member to fill expiring term through September 1, 2010 (Temple Chamber of Commerce Representative)
  - (D) Temple Public Safety Advisory Board – two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009
  - (E) Transit Advisory Committee – one member to fill expiring term through September 1, 2010

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:00 PM, on September 14, 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

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09/20/07  
Item #3  
Regular Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

Constitution Week                      September 17—23, 2007

**STAFF RECOMMENDATION:** Present proclamation as presented in item description.

**ITEM SUMMARY:** This proclamation was requested by Mrs. Sammie Marshall on behalf of the Betty Martin Chapter of the Daughters of the American Revolution (DAR) and will be received by Marjorie Croninger, Regent, Mary Lambert, Chaplain, and Mrs. Marshall, as well as other representatives from the local DAR chapter.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

None





## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(A)-(B)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Clydetta Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) September 6, 2007 Special Called Meeting
- (B) September 6, 2007 Regular Called Meeting

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

September 6, 2007 Special Called Meeting  
September 6, 2007 Regular Called Meeting



## TEMPLE CITY COUNCIL

**SEPTEMBER 6, 2007**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 6, 2007 at 3:30 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

**Present:**

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

**1. Receive presentation regarding the City's updated web site and government television channel, Channel 10.**

David Blackburn, City Manager, stated the City has maintained a web site for approximately ten years. There has been one previous update and it is time for a new look. The new web site is scheduled to go live tomorrow.

Shannon Gowan, Director of Communications, stated two of the main ways the City distributes information is via the City web page and our government television channel. Mrs. Gowan showed a video highlighting various pages on the new web site. She also showed a clip from a video that has been developed in-house for the new government television channel, TemTV. The video clip is part of the Parks and Leisure Services 'Come Out & Play' series about various events the department is sponsoring. Mrs. Gowan added their goal is to develop two videos per month for TemTV.

**2. Receive briefing on process and procedures relating to annual contracts for the purchase of goods and services.**

Traci Barnard, Director of Finance, discussed the process used by staff in developing recommendations for annual or multi-year contracts for goods and services. She also addressed some of the questions and concerns from prior years. The City currently has 68 annual contracts, with 21 being on the regular agenda for tonight's meeting (9 new agreements and 12 renewals) and 9 more new agreements coming on future agendas. The remaining contracts are less than \$25,000 or not up for renewal or re-bid at this time.

Mrs. Barnard discussed the advantages of annual or multi-year contracts, which are to ensure compliance with purchasing guidelines and state laws, provide effective budgeting and cost control, efficient ordering and vendor proficiency and reliability.

**3. Discuss the proposed ordinance changes relating to non residential metal buildings.**



David Blackburn, City Manager, reviewed the proposed changes for non-residential metal buildings. He discussed why this issue is being discussed at this time. There are no current provisions regulating to metal buildings. The proposed draft ordinance does not prohibit metal buildings anywhere but does propose regulations and process for how they are considered. Mr. Blackburn discussed both the non-special permit route and the special permit route proposals. He also presented the stakeholders feedback received to date.

Mr. Blackburn showed some photos of existing non-residential metal buildings and noted some of the standards in place in other Texas cities. He asked for direction from the Council on how to proceed with this proposed ordinance.

The Councilmembers discussed how to set the criteria without limiting development and agreed a direct discussion with the stakeholders was desired to solicit from them what they would like to see.

**4. Discuss appointing members to the following City boards and commissions:**

**(A) Airport Advisory Board - five members to fill expiring terms through September 1, 2010**

**(B) Animal Services Advisory Board - two members to fill expiring terms through September 1, 2010 and appoint Chair for the period of September 1, 2007 through August 31, 2008**

**(C) Civil Service Commission - one member to fill expiring term through September 1, 2010**

**(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2010**

**(E) Comprehensive Plan Advisory Committee - one member representing Temple College to fill an unexpired term**

**(F) Convention Center and Tourism Advisory Board - three members to fill expiring terms through September 1, 2010**

**(G) Library Board - three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009**

**(H) Parks and Recreation Board - one member to fill an unexpired term through March 1, 2009**

**(I) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2010**

**(J) Reinvestment Zone No. 1 Board of Directors - five members to fill expiring terms**



**through September 1, 2009**

**(K) Temple Economic Development Commission - four members to fill expiring terms through September 1, 2010**

**(L) Temple Public Safety Advisory Board - six members to fill expiring terms through September 1, 2010 and two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009**

**(M) Transit Advisory Committee - three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2008**

Councilmember Jeter addressed the appointments to the Planning & Zoning Commission. He stated he was originally in favor of reappointing all three members since they are eligible for reappointment, even that has not been occurring in the past. However, after further review he is in agreement with the practice to not reappoint Planning Commission members for more than one three-year term.

Councilmember Luna agreed that two three-year terms is a long time to serve on this particular board and it doesn't allow others that might be interested to serve.

Mayor Pro Tem Tyroch stated she served on the Planning Commission in 1990. She felt the members on this board should serve on another City board before being appointed to the Planning & Zoning Commission.

**5. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 6, 2007 as follows:**

Councilmember Jeter addressed item 4(II) on the consent agenda, rejecting the bids for the roller hockey court at Wilson Park. He stated the City should not have spent \$16,000 to engineer a slab if this was a poor place to construct the court.

Ken Cicora, Director of Parks and Leisure Services, stated there were other discussions that occurred outside the Council meeting. He recommended the bids be rejected and the project either re-designed for another location or eliminated.

Councilmember Luna stated she is in favor of rejecting the bids and will work with Mr. Cicora to come up with another project.

Regarding consent agenda item 4(G), the parking study for the downtown area, Mayor Pro Tem Tyroch asked why we were authorizing a study when we already know what the problem is.

Mr. Blackburn replied this study includes an expanded scope which will provide some alternatives to address the problems.



The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 6, 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  
Councilmember Russell Schneider  
Mayor William A. Jones, III

**I. CALL TO ORDER**

**1. Invocation**

Reverend Gary Anthony, Associate Pastor with First Baptist Church, voiced the Invocation.

**2. Pledge of Allegiance**

Erin Gaines, Children's Librarian at the Temple Public Library, led the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

Mayor Jones recognized Charlie Borgeson who is celebrating her third birthday today.

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. Recognize 2007 Summer Reading Program Sponsors**

Judy Duer, Library Director and Erin Gaines, Children's Librarian, thanked the Summer Reading Program sponsors. Mayor Jones recognized the sponsors that were present with a proclamation.

**IV. CONSENT AGENDA**

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

**(A) August 10, 2007 Special Called Meeting**

**(B) August 16, 2007 Special Called Meeting**

**(C) August 16, 2007 Regular Called Meeting**



**(D) August 23, 2007 Special Called Meeting**

**(E) 2007-5152-R: Consider adopting a resolution authorizing an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS) for the purchase of alcohol and drug testing supplies by the Temple Police Department.**

**(F) 2007-5153-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc. for construction services required to build street, drainage, and utility improvements at Avenue E from MLK Blvd. to the Union Pacific Railroad in the amount of \$589,046.50.**

**(G) 2007-5154-R: Consider adopting a resolution authorizing an agreement with Rich and Associates, Inc. of Southfield, Michigan to perform a parking supply/demand analysis and site alternatives analysis for the Temple downtown area for an amount not to exceed \$62,510.**

**(H) 1. 2007-5155-R: Consider adopting a resolution authorizing a developer participation agreement with Kiella Development to reimburse the developer for half of the cost of constructing sidewalks on both sides of Westfield Boulevard and Stonehollow Drive at the request of City, in the amount of \$36,794.25.**

- 2. 2007-5156-R: Consider adopting a resolution authorizing a developer participation agreement with First Omega Partners, LTD to reimburse the developer for the cost of constructing sidewalks on South 5th Street for the Wyndham Hill, Phase I subdivision in the amount of \$27,129.08.**

**(I) 2007-5157-R: Consider adopting a resolution authorizing the purchase of various replacement parts for the Water Treatment Plant Membrane Facility from Pall System Services of Cortland, NY, as a sole source provider, in the estimated amount of \$55,208.52.**

**(J) 2007-5158-R: Consider adopting a resolution authorizing a professional services agreement with Kleinfelder Central, Inc. of Waco to provide construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for FY 07-08 in the estimated annual amount of \$60,000.**

**(K) 2007-5159-R: Consider adopting a resolution authorizing an annual purchase agreement with Naztec, Inc. of Sugarland for traffic signal equipment and supplies for FY 07-08 in the estimated amount of \$26,121.**

**(L) 2007-5160-R: Consider adopting a resolution authorizing an annual purchase agreement with Rexel Summers Electric of Temple for electrical**



supplies for FY 07-08 in the estimated annual amount of \$25,000.

**(M) 2007-5161-R:** Consider adopting a resolution authorizing an annual purchase agreement with Lengefeld Lumber Company, LLC of Temple for building materials for FY 2007-08 in the estimated annual amount of \$25,000.

**(N) 2007-5162-R:** Consider adopting a resolution authorizing a three year contract with Siemens Water Technologies Corp. of Sarasota, Florida for the service/supplier of chlorine dioxide/sodium chlorite in the estimated annual amount of \$112,247.

**(O) 2007-5163-R:** Consider adopting a resolution authorizing an annual contract with Smith Pump Company, Inc. of Waco for electric motor and pump repair services needed at the Water Treatment Plant for FY 07-08 in the estimated annual amount of \$60,000.

**(P) 2007-5164-R:** Consider adopting a resolution authorizing an annual contract with Alpha Constructors, Inc. of Temple for concrete repair and construction services for FY 07-08 in the estimated amount of \$40,737.50.

**(Q) 2007-5165-R:** Consider adopting a resolution authorizing an annual contract with Able Body Labor of Clear Water, Florida for temporary employment services for FY 07-08 in the estimated annual amount of \$25,000.

**(R) 2007-5166-R:** Consider adopting a resolution authorizing an annual contract with T. Morales Company of Florence for electrical services for all City facilities on an as-needed basis for FY 07-08 in the estimated amount of \$43,000.

**(S) 2007-5167-R:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreements with Ingram Library Services of Laverne, TN, and Baker and Taylor of Reno, NV, for the purchase of library books, library bindings, DVDs, videos and compact discs for FY 07-08 in the estimated amount of \$85,000.

**(T) 2007-5168-R:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreements with Carquest Auto Parts of Temple and Austin Distributing & Manufacturing of Amarillo for the purchase of auto repair parts for FY 07-08 in the estimated amount of \$50,000.

**(U) 2007-5169-R:** Consider adopting a resolution authorizing a one-year renewal to the existing purchase agreement with Franklin Minerals of Belton for aggregate base for FY 07-08 in the estimated amount of \$40,000.

**(V) 2007-5170-R:** Consider adopting a resolution authorizing a one-year renewal to the existing purchase agreement with Hopkins Oil Company of Mart for oils and lubricants for FY07-08 in the estimated amount of \$65,000.



**(W) 2007-5171-R: Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreements with various companies for the purchase of Water Treatment Chemicals for FY 07-08 in the estimated amount of \$157,531.**

**(X) 2007-5172-R: Consider adopting a resolution authorizing a one-year renewal to the annual contract with S&M Vacuum & Waste, LTD of Killeen for the hauling and disposal of sludge in the estimated annual amount of \$45,000.**

**(Y) 2007-5173-R: Consider adopting a resolution authorizing a one-year renewal to the annual contract with Duke's Root Control, Inc. of Syracuse, New York, for sewer line chemical root control for FY 07-08 in the estimated annual amount of \$65,000.**

**(Z) 2007-5174-R: Consider adopting a resolution authorizing a one-year renewal to the contract with the Temple Daily Telegram of Temple for the graphics design, printing and mailing of the Play-by-Play brochures for the Parks and Leisure Services Department for FY 07-08 in the estimated amount of \$46,000.**

**(AA) 2007-5175-R: Consider adopting a resolution authorizing a one-year renewal to the contract with Temple Heat & Air of Temple for HVAC repair and preventative maintenance services for FY 07-08 in an estimated amount of \$60,000.**

**(BB) 2007-5176-R: Consider adopting a resolution authorizing a one-year renewal to the annual contract with MailMax Direct of Waco for the printing, folding, stuffing, and mailing of water bills and the folding, stuffing, and mailing of accounts receivable statements for FY 07-08 in the estimated annual amount of \$170,000.**

**(CC) 2007-5177-R: Consider adopting a resolution authorizing a one-year renewal to the annual contracts for bacteriological sample testing for FY 07-08 in the estimated amount of \$31,700 with the following companies:**

- 1. Coliform sample testing with Waco Regional Water Quality Lab of Waco at \$13.00/sample.**
  - 2. Cryptosporidia sample testing to EMSL Analytical, Inc. of Houston at \$525/sample**
- (DD) 2007-5178-R: Consider adopting a resolution authorizing one-year renewals to the contracts for the following services:**

**(DD) 2007-5178-R: Consider adopting a resolution authorizing one-year renewals to the contracts for the following services:**



1. **W. Howard Wright Real Estate for broker's opinions - \$65 per unit;**
2. **Centraland Title Company for title work services - title letters \$100 each; runsheets \$125 each; and**
3. **Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals - prices varies.**

**(EE) 2007-5179-R: Consider adopting a resolution authorizing the an amendment to a lease contract with the Health and Human Services Commission (HHSC), formerly the Texas Department of Human Services, for 19,617 sq. ft. in the Public Services Annex, 102 East Central Avenue.**

**(FF) 2007-4162: SECOND READING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.**

**(GG) 2007-4163: SECOND READING – Z-FY-07-50: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 7-625 regarding HUD-Code Manufactured Home Design Standards and adding Section 7-626 for existing land lease communities.**

**(HH) 2007-4164: SECOND READING – Z-FY-07-51: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Sections 7-103, 8-902, 10-101, and 21-101 regarding accessory dwelling units in a non-residential zoning district and associated design standards.**

**(II) 2007-5180-R: Consider adopting a resolution rejecting all bids received for the construction of a roller hockey court concrete slab in Wilson Community Park.**

**(JJ) 2007-5181-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.**

Motion by Councilmember Russell Schneider to adopt resolution approving Consent Agenda, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

## **V. REGULAR AGENDA**

### **ORDINANCES**

5. **2007-4166: FIRST READING - PUBLIC HEARING - Z-FY-07-52: Consider adopting an ordinance authorizing a zoning change from a portion of the General Retail District and Office One District to the Single Family Three**



**District on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31st Street and FM 93.**

Tim Dolan, Planning Director, presented this item to the Council. He showed the aerial map of this location and a map showing the number of residential lots in the vicinity. Mr. Dolan also showed the permitted uses and prohibited uses in the SF-3 zoning district. The staff and the Planning & Zoning Commission recommended approval. None of the notices to surrounding property owners were returned in support or opposition of this requested rezoning.

Mayor Jones declared the public hearing open with regard to agenda item 5 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 September 20, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

6. **(A) 2007-4167: FIRST READING - PUBLIC HEARING - Z-FY-07-54(A): Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan from Moderate Density Residential Use to Office Use on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane.**

**(B) 2007-4168: FIRST READING - PUBLIC HEARING - Z-FY-07-54(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Office One District on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane.**

Aaron Adel, Special Projects Planner, presented agenda items 6(A) and (B) to the Council. She showed the uses in the surrounding area, and uses allowed by right in the O-1 and O-2 districts. One issue is the condition of Kegley Road, the minor arterial shown on the Thoroughfare Plan. Kegley is two lane with an open ditch section and does not meet the subdivision regulations for an arterial. Mrs. Adel provided some background information on Kegley Road which is still on the KTUTS Metropolitan Transportation Plan. Mrs. Adel recommended approval of the amendment to the West Temple Comprehensive Plan since office uses are compatible with the planned future use of the adjacent properties. The use is also compatible with the classification and planned improvements.

Mayor Jones explained it is the City's responsibility to fund the improvements to Kegley Road. The County provided \$500,000 for right of way costs and some has



been obtained.

Councilmember Schneider stated the City needs to re-start the conversations about obtaining the remaining right of way due to drainage issues in this area.

Councilmember Jeter stated he did not see this roadway being improved for quite some time. He asked if the road, in its current condition, can accommodate any type of business development.

Mrs. Adel stated the applicant indicated the property would be developed for an office park but at the Planning Commission meeting the owner's representative suggested townhouse development. They own adjacent property and want the zoning to be consistent across all of their property.

Mrs. Adel discussed item (B), the zoning change request to Office One use. The 12-acre tract to the north is also owned by the same property owner, and was rezoned to Office One in October 2006. Mrs. Adel presented the intention of the Office One district and discussed the setback and screening requirements when property is adjacent to residential uses. According to a survey done in May, 5000 vehicles travel down Kegley Road per day. Eight notices were mailed to surrounding property owners, with one being returned in denial and none in support. Staff recommended approval of the zone change. Mrs. Adel added that thoroughfare and infrastructure deficiencies can be addressed at the platting stage.

Councilmember Jeter expressed his concern with the amount of traffic that could be generated by this type of development.

Mrs. Adel shared that concern, but noted the developer would be required to improve the segment of Kegley Road along this development.

Mayor Jones compared Kegley Road to Hartrick Bluff and Old Waco Road where similar conditions exist with increasing amounts of traffic.

Mrs. Adel showed the future extension of Sundance and Hogan Roads to Kegley Road. Sundance cuts through the northern tract previously rezoned. This is a guide only and can be adjusted as development occurs.

Mr. Blackburn stated the City has multiple opportunities with capacity issues on various roadways in the community. We will be looking to developers to participate in mitigating traffic issues. The Comprehensive Plan discussions will touch on this issue, as well.

Councilmember Schneider stated he felt that is a good reason to get the right of way now and engineer the road so plans are in place before the development occurs.

Mayor Jones declared the public hearing open with regard to Agenda Items 6(A) and (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones closed the public hearing.



Motion by Councilmember Russell Schneider to adopt ordinance on first reading, with second reading set for September 20, 2007, seconded by Mayor Pro Tem Martha Tyroch.

Councilmember Tony Jeter voted nay. The other Councilmembers voted aye. The motion passed.

7. **2007-4169: FIRST READING - PUBLIC HEARING - Z-FY-07-55: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately six (6.0) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road.**
8. (A) **2007-4170: FIRST READING - PUBLIC HEARING - Z-FY-07-56(A): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.**  
  
(B) **2007-4171: FIRST READING - PUBLIC HEARING - Z-FY-07-56(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.**

Tim Dolan, Planning Director, addressed Agenda items 7, 8(A) and 8(B) together due to their close proximity in the Industrial Park. These tracts will become part of the Industrial Park in the future. There was no opposition to these rezoning requests from surrounding property owners.

Mayor Jones declared the public hearing open with regards 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 Mayor Pro Tem Martha Tyroch to adopt ordinance on first reading, with second reading set for September 20, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Mayor Jones declared the public hearing open with regards to agenda items 8(A) and (B) and asked if anyone wished to address these items. 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 September 20, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

9. **2007-4172: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 to fund engineering services related to projects in the North Rail Park in the amount of \$266,000.**

Traci Barnard, Director of Finance, presented this item to the Council, which is an amendment to the RZ No. 1 financing plan. The City has acquired several tracts in the northern zone to construct a detention pond, certain rail improvements, a rail park and other infrastructure improvements. This amendment would appropriate funds for design services to extend Wendland Road and for a storm water detention pond to serve the drainage basin in the rail park. \$366,000 is needed for the design and this amendment is in the amount of \$266,000. This amendment will only fund the design and no construction dollars have been identified at this time for these projects, Mrs. Barnard stated.

Mayor Jones declared the public hearing open with regards to agenda item 9 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 September 20, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

## RESOLUTIONS

10. **2007-5132-R: P-FY-07-44: Consider adopting a resolution authorizing the final plat of Hills of Westwood Phase III, Section 3, a 1.508 acre, 10 lot, 2 block residential replat of Common Area "F", Block 5, Lots 21 & 22, Block 5 and Lots 3,4,17& 18, Block 8, Hills of Westwood Phase III, located south of Tarver Drive; and abandonment of the existing 0.585 acre utility and drainage easement previously platted on Common Area "F", Block 5, Hills of Westwood Phase III.**

Tammy Lyerly, Senior Planner, presented this item to the City Council. This item was tabled at the last Council meeting due to some drainage concerns. There are no requested exceptions to the Subdivision Ordinance but it does require an easement abandonment, which only Council can grant. Ms. Lyerly showed the vicinity map of the property, as well as the aerial map. She also displayed the plat, which is a replat of the Hills of Westwood Phase III, and compared the existing plat with the proposed replat.



The question that arose at the previous Council meeting was regarding whether the drainage would be above ground or underground. It is underground, with curb inlets in the street that will carry the stormwater through the proposed development underground, south to another set of curb inlets carrying the water underground. The developer will install the underground system to intercept a 100-year storm event, exceeding our requirement for a 10-year event. All lots adjacent to the drainage area will be one foot above the flood plain. The park requirement was satisfied with the prior platting of the subdivision.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

### **11. 2007-5133-R: Consider adopting resolutions appointing members to the following City boards and commissions:**

#### **(A) Airport Advisory Board - five members to fill expiring terms through September 1, 2010**

It was recommended that Don Gidden, David Brown, Timm White, Hugh Shine and Clark Potter be reappointed to this board.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution appointing members as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

#### **(B) Animal Services Advisory Board - two members to fill expiring terms through September 1, 2010 and appoint Chair for the period of September 1, 2007 through August 31, 2008**

It was recommended that Dr. Lance Crews and Twila Coley be reappointed to this board and that Walter Hetzel be reappointed as Chair through September 1, 2008.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution appointing members as recommended, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.



**(C) Civil Service Commission - one member to fill expiring term through September 1, 2010**

It was recommended that Sonjanette Crossley be reappointed to this board.

Motion by Councilmember Patsy E. Luna to adopt resoltuion appointing members as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2010**

It was recommended that Sharon Holleman and Robert Beamon be reappointed and Corey Richardson be appointed to this board.

Motion by Councilmember Patsy E. Luna to adopt resolution appointing members as recommended, seconded by Councilmember Russell Schneider.

Mayor Pro Tem Martha Tyroch voted nay. The other Councilmembers voted aye. The motion passed.

**(E) Comprehensive Plan Advisory Committee - one member representing Temple College to fill an unexpired term**

it was recommended that Dr. Karen Bleeker be appointed to this board.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution appointing members as recommended, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

**(F) Convention Center and Tourism Advisory Board - three members to fill expiring terms through September 1, 2010**

It was recommended that Linda Grisham and Dean Mohlstrom be reappointed to this board, with one position to be filled at a later date.

Motion by Councilmember Patsy E. Luna to adopt resolution appointing members as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.



**(G) Library Board - three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009**

It was recommended that Twila Coley, Dr. Harry Macey, Jr. and Sammie Marshall be reappointed and Tyler Young be appointed to fill the unexpired term on this board.

Motion by Councilmember Patsy E. Luna to adopt resolution appointing members as recommended, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

**(H) Parks and Recreation Board - one member to fill an unexpired term through March 1, 2009**

It was recommended that Doug Smith be appointed to this board.

Motion by Councilmember Tony Jeter to adopt resolution appointing members as recommended, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

**(I) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2010**

It was recommended that Derek Martin, Jamey Secrest and Allan Talley be appointed to this board.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution appointing members as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(J) Reinvestment Zone No. 1 Board of Directors - five members to fill expiring terms through September 1, 2009**

It was recommended that John Bailey, David Patterson, Randy Ramsey and Mark Whitaker be reappointed to this board, with one position to be filled at a later date.

Motion by Councilmember Patsy E. Luna to adopt resolution reappointing members as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.



**(K) Temple Economic Development Commission - four members to fill expiring terms through September 1, 2010**

It was recommended that Dell Martin and David Kessler be reappointed as at-large members and that John Kiella be reappointed as the Bioscience District representative, with the Chamber of Commerce representative position to be filled at a later date.

Motion by Councilmember Russell Schneider to adopt resolution reappointing members as recommended, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

**(L) Temple Public Safety Advisory Board - six members to fill expiring terms through September 1, 2010 and two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009**

It was recommended that Sylvia Chesser, John Bush and Pat Smith be reappointed and that Luis Montero, Corey Richardson and Doris Easter be appointed to this board, with two unexpired terms to be filled at a later date.

Motion by Councilmember Patsy E. Luna to adopt resolution appointing members as recommended, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

**(M) Transit Advisory Committee - three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2008**

It was recommended that Todd Adams and Esther Roque be reappointed and that Vickie Gideon be appointed to fill an unexpired term through September 1, 2008, with one position to be filled at a later date.

Motion by Councilmember Russell Schneider to adopt resolution appointing members as recommended, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary





## COUNCIL AGENDA ITEM MEMORANDUM

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

Ken Cicora, Director of Parks & Leisure Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual purchase agreements for the purchase of herbicides and insecticides with various vendors in the estimated annual amount of \$42,894.69.

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

**ITEM SUMMARY:** On August 28, 2007, the City received six (6) bids for herbicides and insecticides. The bids are shown on the attached tabulation sheet.

The low bidder meeting specifications for the following products was BWI of Schulenburg. The City has done business with BWI in the past, and finds them to be a responsible bidder. The total estimated annual amount for these products is \$8,570.01.

- Trimec 992
- Prosecutor
- Image
- Spray Pattern Indicator Dye (water soluble packs)
- Sim-Trol 4L

The low bidder meeting specifications for the following products was Estes, Inc. of Waco. The City has done business with Estes in the past, and finds them to be a responsible bidder. The total estimated annual amount for these products is \$27,363.80.

- MSMA-Bueno 6
- Surflan
- Pendulum 3.3 EC
- Dimension Ultra WSP
- Heritage
- 28 GT Fungicide
- Illoxan



The low bidder meeting specifications for the following products was Red River Specialties, Inc. of Houston. The City has done business with Red River Specialties, Inc. in the past, and finds them to be a responsible bidder. The total estimated annual amount for these products is \$1,550.00.

- Barricade 65 WG
- Blue Spray pattern indicator dye (liquid-quarts)

The low bidder meeting specifications for Cleary 3336F was Virkim, Inc. of Hewitt. The City has done business with Virkim Inc. in the past, and finds them to be a responsible bidder. The total estimated annual usage of this product is \$2,360.00.

The low bidder meeting specifications for the following products was Lesco, Inc. of Cleveland, OH. The City has done business with Lesco Inc. in the past, and finds them to be a responsible bidder. The total estimated annual amount for this product is \$3,050.88

- Award Fire Ant Bait
- Manicure 6 Flowable Fungicide

The recommended contracts are for a period of one (1) year commencing on October 1, 2007, with the option of four (4) additional one-year renewals, if agreeable to the City and each of the vendors.

**FISCAL IMPACT:** Budgeted amount: Sufficient amounts in various accounts\*  
Estimated annual expenditure: \$42,894.69

\*These items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases.

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



Tabulation of Bids Received  
on August 28, 2007 at 2:15 p.m.  
Herbicides and Insecticides

Description	Bidders					
	Lesco, Inc. Cleveland, OH	Red River Spec, Inc Houston	Virkim, Inc. Hewitt	Univar USA Grand Prairie	BWI Schulenburg	Estes, Inc. Waco
	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
Trimec 992 (Vessel)	48.50/2.5 gal	No Bid	\$49.75	No Bid	\$48.00/2.5 gal	\$50.00
Prosecutor (Honch Plus)	76.33/2.5 gal	42.50/2.5 gal	37.50/2.5 gal	No Bid	\$35.52/2.5 gal	\$50.00
MSMA-Bueno 6	40.90/2.5 gal	\$35.60	\$36.50	No Bid	\$32.89	\$31.88/2.5 gal
Surflan (Prozalin)	172.50/2.5 gal	\$140.00	\$155.00	No Bid	\$152.77	\$105/2.5 gal
Image (AM 59015058)	85.35/11.43 oz	No Bid	\$75.00	No Bid	\$65.37/bottle	\$72.50
Barricade 65 WG (Prodiamine 65 WDG)	270.00/10#	\$210.00/10#	\$250.00	No Bid	\$258.00	\$265.00
Pendulum 3.3 EC	95.00/2.5 gal	No Bid	\$95.00	No Bid	\$83.29	\$81.80/2.5 gal
Award Fire Ant Bait (Cease Fire)	147.68/case	No Bid	\$165.00	200.00/bag	\$168.75	\$168.75
Spray pattern indicator dye, water soluble packs 40 pkg/case (BCTMBWSB)	151.07/case	No Bid	\$132.00	No Bid	\$131.11/case	No Bid
Blue spray pattern indicator dye, liquid (quart)(1VM Marking Dye)	26.75/gal	\$6.25/quart	\$13.50	No Bid	\$9.84	\$12.00
Sim-Trol 4L (Princepl 41.9 Simaz SY59200)	44.95/2.5 gal	\$33.20	\$39.00	No Bid	\$29.04/2.5 gal	\$29.65
Dimension Ultra WSP	1039.00/case	No Bid	\$1,014.00	No Bid	\$932.00	\$916.00/case
Heritage	1040.00/2.5 gal	\$1,570.00	\$628.00	No Bid	\$628.00	\$552.64/gal
Cleary 3336F (Quali Pro TM 4.5)	302.50/2.5gal	No Bid	\$295/2.5 gal	No Bid	\$323.13	\$372.00
26 GT Fungicide	232.50/2.5 gal	No Bid	\$310.00	No Bid	\$293.12	\$281.50/2.5 gal
Manicure 6 Flowable Fungicide	86.00/2.5 gal	No Bid	\$109.00	No Bid	\$97.36	No Bid
Illoxan	161.67/gal	No Bid	\$148.00	No Bid	\$142.67	\$139.75/gal
<b>Delivery</b>	No	Yes	Yes	No	No	Yes
<b>Local Preference</b>	No	No	Yes	No	No	No
<b>CIQ Form</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Credit Check Authorization</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Exceptions</b>	Yes	None	Yes	No	None	None

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

Will not hold prices firm

Note: Highlighted bid is recommended  
for Council approval

*Belinda Matthe*

*28-Aug-07*

Belinda Matthe, Director of Purchasing

Date



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING ANNUAL PURCHASE AGREEMENTS FOR THE PURCHASE OF  
HERBICIDES AND INSECTICIDES IN THE ESTIMATED ANNUAL AMOUNT OF  
\$42,894.69; PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 28, 2007, the City received six (6) bids for herbicides and insecticides for Fiscal Year 2007-08;

**Whereas**, the Staff recommends accepting the bids which are more fully described below;

**Whereas**, these items are ordered on an as-needed basis and funds are available in each department's budget; and

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

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

**Part 1:** The City Council authorizes annual purchase agreements with various vendors, for an estimated annual expenditure of \$42,894.69 for the purchases of herbicides and insecticides, as follows:

1. Trimec 992 with **BWI** of Schulenburg for \$48.00/2.5 gallons;
2. Prosecutor with **BWI** of Schulenburg for \$35.52/2.5 gallons;
3. MSMA-Bueno 6 with **Estes, Inc.** of Waco for \$31.88/2.5 gallons;
4. Surflan with **Estes, Inc.** of Waco for \$105.00/2.5 gallons;
5. Image with **BWI** of Schulenburg for \$65.37/bottle;
6. Barricade 65 WG pre-emerge herbicide with **Red River Specialties, Inc.** of Houston for \$210.00/10# bag;
7. Pendulum 3.3 EC with **Estes, Inc.** of Waco for \$81.80/2.5 gallons;
8. Award Fire Ant Bait with **Lesco, Inc.** of Cleveland, OH for \$147.68/24# case;
9. Spray pattern indicator dye, water soluble packs with **BWI** of Schulenburg for \$131.11/case;
10. Blue spray pattern indicator dye; liquid with **Red River Specialties, Inc.** of Houston for \$6.25/quart;
11. Sim-Trol 4L with **BWI** of Schulenburg for \$29.04/2.5 gallons;
12. Dimension Ultra WSP with **Estes, Inc.** of Waco for \$916.00/case;
13. Heritage with **Estes, Inc.** of Waco for \$552.64/gal;
14. Cleary 3336F with **Virkim, Inc.** of Hewitt for \$295.00/2.5 gallons;
15. 26 GT Fungicide with **Estes, Inc.** of Waco for \$281.50/2.5 gallons;
16. Manicure 6 Flowable Fungicide with **Lesco, Inc.** of Cleveland, OH for \$86.00/2.5 gal;



and

17. Illoxan with **Estes, Inc.** of Waco for \$139.75/gal.

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

**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 **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Bruce Butscher, Director of Public Works  
Sam Weed, Fleet Superintendent  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual purchase agreement with Southern Tire Mart of Dallas for the purchase of tires and tubes on an as-needed basis in the estimated annual amount of \$75,366.40.

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

**ITEM SUMMARY:** On August 28, 2007, the City received four (4) bids for the purchase of tires and tubes. Bidders were required to bid on every item to be considered for award. The bid tabulation is attached.

The low bidder on the bid was Southern Tire Mart of Dallas. Southern Tire Mart will provide service to the City out of their Waco store. The City has not done business with Southern Tire Mart in the past. Accordingly, references were checked and they were found to be a responsible vendor.

The proposed purchase agreement is for a period of one (1) year commencing on October 1, 2007, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and Southern Tire Mart.

**FISCAL IMPACT:** Each department with vehicles has budgeted for tires and/or tubes. These items will be ordered on an as-needed basis. Staff estimates that it will spend approximately \$75,366.40 over the next 12 months for tires and tubes.

### **ATTACHMENTS:**

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



Tabulation of Bids Received  
on August 28, 2007 at 2:45 p.m.  
Tires and Tubes

Bidders				
	Southern Tire Mart Dallas	Southern Tire Mart Waco	A to Z Amarillo	Grays Wholesale Tire Fort Worth
Total for Section 1	\$888.00	Provided TXMAS Pricing	\$656.00	\$838.72
Total for Section 2	\$12,794.00	Provided TXMAS Pricing	\$14,664.08	\$12,894.76
Total for Section 3	\$17,362.40	Provided TXMAS Pricing	\$17,628.00	\$17,858.04
Total for Section 4	\$28,196.20	Provided TXMAS Pricing	\$30,642.00	\$28,862.50
Total for Section 5	\$12,110.60	Provided TXMAS Pricing	\$10,696.00	\$10,446.27
Total for Section 6	\$761.40	Provided TXMAS Pricing	\$842.00	\$1,019.80
Total for Section 7	\$2,779.00	Provided TXMAS Pricing	\$3,088.00	\$2,653.40
Total for Section 8	\$474.80	Provided TXMAS Pricing	\$500.50	\$433.40
<b>Total for all Tires/Tubes</b>	\$75,366.40	Provided TXMAS Pricing	\$78,716.58	\$75,006.89
Disposal Fee	Various Prices	Provided TXMAS Pricing	Various Prices	Various Prices
Delivery	No	Provided TXMAS Pricing	Yes	Yes
Local Preference	No	Provided TXMAS Pricing	No	No
CIQ Form	Yes	Provided TXMAS Pricing	Yes	Yes
Credit Check Authorization	Yes	Provided TXMAS Pricing	Yes	Yes
Exceptions	Yes	Provided TXMAS Pricing	None	Yes

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

*Belinda Mattke*

Belinda Mattke, Director of Purchasing

*8/28/07*

Date

Recommended for award

Not of specified quality

Did not bid on every item

TXMAS pricing higher than low bid



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR FISCAL YEAR 2007-2008 FOR TIRES AND TUBES WITH SOUTHERN TIRE MART OF DALLAS, TEXAS, FOR AN ESTIMATED EXPENDITURE OF \$75,366.40; PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 28, 2007, the City received 4 bids for the purchase of tubes and tires for FY2007-08;

**Whereas**, the staff recommends accepting the bid from Southern Tire Mart of Dallas, Texas;

**Whereas**, each department with vehicles has budgeted for tires and/or tubes and the items will be ordered on an as-needed basis;

**Whereas**, the estimated annual expenditure is \$75,366.40; 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 accepts the bid for tires and tubes for Fiscal Year 2007-08 from Southern Tire Mart of Dallas, Texas, for an estimated expenditure of \$75,366.40.

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

**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 **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS



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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing annual purchase agreements with various vendors for utility supplies for FY 07-08 in the estimated amount of \$330,299.57.

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

**ITEM SUMMARY:** On August 7, 2007, the City received five (5) bids for the annual purchase of utility supplies. Staff recommends award of the bids to the following vendors as highlighted in yellow on the attached 79 line-item bid tabulation: ACT Pipe & Supply of Temple; Ferguson Waterworks of Temple; Municipal Water Works Supply, LP of Royse City; HD Supply Waterworks of Belton; and Morrison Supply of Waxahachie.

As allowed by Chapter 271 of the Local Government Code, local preference was enacted on twelve line item bids. The Local Preference Policy allows the City to give preference to the local bidder if they have a storefront within the city limits of Temple, and whose bid is within three (3) percent of the lowest bid received from a bidder who does not have a physical presence or storefront within the incorporated limits of Temple. Low bids that were overridden by a local preference bid are highlighted in pink on the attached bid tabulation and accumulate to an additional cost based on estimated annual usage of \$1,317.96.

The City has done business in the past with all of the vendors being recommended for award, and has found each to be a responsible vendor. The proposed contracts will not have options for annual renewals.

**FISCAL IMPACT:** Budgeted amount: \$0 (inventory purchase that will be ordered as needed throughout the year)  
Estimated expenditure: \$330,299.57 \*

\*The estimated expenditure reflects the cost if all the items bid are actually purchased. Items will be purchased as needed.

### **ATTACHMENTS:**

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



**Bid Opening**  
**August 7, 2007 - 3:00 p.m.**  
**Annual Utility Supplies**

Description	BIDDERS				
	ACT Pipe & Supply Temple	Ferguson Water Works Waco (Temple Store)	Municipal Water Works Royse City	HD Supply Belton	Morrison Supply Waxahachie
Water Pipe	\$4,363.80	\$4,886.60	\$4,414.00	No Bid	No Bid
Brass Ball Valves	\$24,112.45	\$23,984.69	\$25,220.19	\$25,047.20	No Bid
Brass Corporation Stops	\$5,319.94	\$4,855.08	\$5,256.93	\$5,069.06	No Bid
Brass Meter Couplings	\$14,379.60	\$19,595.60	\$14,628.00	\$18,846.00	No Bid
Brass Straight Couplings	\$3,275.92	\$2,948.20	\$3,182.60	\$3,080.56	No Bid
Brass Bell Reducer Couplings FIPT x FIPT	\$753.34	\$814.30	\$773.78	\$650.82	\$952.12
Elbow Brass 90 deg PJ x PJ	\$2,051.61	\$1,684.71	\$1,838.26	\$1,759.96	No Bid
Elbow Brass 90 deg FIPT x FIPT	\$391.80	\$340.28	\$369.08	\$309.88	\$453.40
Brass Threaded Nipples	\$1,760.47	\$2,478.11	\$2,474.99	\$1,936.20	\$3,551.43
Copper Tubing Type K Soft	\$32,029.60	\$51,801.60	\$31,101.60	No Bid	No Bid
Polyethylene Tubing	\$2,308.00	\$2,309.96	\$2,489.00	No Bid	\$2,339.80
Stainless Steel Stiffeners	\$920.25	\$1,093.35	\$757.20	\$1,113.60	No Bid
Full Circle Clamps (Single Band) (With Removable Lugs)	\$14,949.59	\$13,055.37	\$12,880.51	\$13,429.29	No Bid
Full Circle Clamps (Double Band) (With Removable Lugs)	\$3,976.08	\$3,875.76	\$5,180.80	\$5,176.74	No Bid
Collar Leak Clamps	\$693.66	\$1,114.32	\$821.40	\$789.40	No Bid
Tapping Saddles DI or CI with CC Threads	\$6,311.02	\$6,005.43	\$7,582.61	\$7,523.65	No Bid
Multi-Range Repair Couplings	\$31,750.50	No Bid	\$28,093.85	\$27,024.10	No Bid
Adjustable Valve Box Bottom	\$600.60	\$1,080.00	\$741.30	\$1,446.90	\$762.60
Adjustable Valve Box Top	\$827.40	\$1,139.25	\$708.75	\$1,426.25	\$696.15
Valve Box Lid	\$640.00	\$576.00	\$600.00	\$814.40	\$619.20
MJ x MJ Gate Valve DI	\$28,381.24	\$33,143.76	\$32,958.93	\$34,839.19	\$33,335.00
MJ X Flange Gate Valve DI	\$3,602.07	\$3,754.77	\$3,886.20	\$3,869.73	\$3,930.00
Threaded Gate Valve DI	\$1,580.00	\$1,527.60	\$1,910.00	\$1,570.50	\$1,535.50
MJ Bends 22-1/2 deg DI	\$962.72	\$971.52	\$952.10	\$907.12	\$1,000.30
MJ Bends 45 deg DI	\$1,310.62	\$1,310.64	\$1,339.54	\$1,235.56	\$1,361.86
MJ Bends 90 deg DI	\$1,628.00	\$1,468.72	\$1,659.90	\$1,533.64	\$1,691.62
Flange x Flange Bends 22-1/2 deg DI	\$1,009.78	\$1,019.04	\$998.26	\$951.28	\$1,049.24
Flange x Flange Bends 45 deg DI	\$924.75	\$933.64	No Bid	\$859.44	No Bid
Description	BIDDERS				
	ACT Pipe & Supply Temple	Ferguson Water Works Waco	Municipal Water Works Royse City	HD Supply Belton	Morrison Supply Waco
Flange x Flange Bends 90 deg DI	\$1,004.11	\$1,005.08	\$983.23	\$945.76	\$1,042.86
Reducer MJ x MJ DI	\$1,478.92	\$1,469.36	\$1,448.76	\$1,391.96	\$1,536.75
MJ Tees DI	\$3,528.06	\$3,702.64	\$3,456.00	\$3,324.88	\$3,665.94
MJ x Flange Tees DI	\$170.04	\$171.60	\$166.57	\$160.08	\$176.69
Flange x Flange x Flange Tees DI	\$118.16	\$138.16	\$134.11	\$128.80	\$142.25
Cap MJ	\$444.72	\$470.64	\$435.66	\$419.52	\$462.08
Plug MJ Solid	\$426.38	\$430.32	\$417.74	\$402.04	\$443.08
Tapped Plugs	\$299.08	\$301.84	\$293.01	\$281.52	\$310.79
MJ Solid Sleeves (Long)	\$2,900.35	\$2,915.52	\$2,840.81	\$2,730.56	\$3,013.57
MJ Solid Sleeves (Short)	\$966.12	\$953.60	\$946.70	\$910.80	\$1,003.92
CI Valve Box Riser	\$962.90	\$2,251.30	\$860.00	\$2,288.90	\$861.70
Swive x Solid Anchor Couplings	\$4,180.84	\$4,219.16	\$4,095.95	\$3,938.98	\$4,344.13



PVC Compression Coupling	\$646.90	\$462.45	\$535.95	\$583.65	\$639.20
All Thread Rods and Couplings	\$449.40	\$362.80	\$359.50	No Bid	\$354.45
Gland Packs (complete with gaskets and bolts)	\$3,253.00	\$3,866.40	\$4,616.63	\$4,247.52	\$4,692.59
PVC Mega Lugs - Packs (with MJ Gaskets and bolts)	\$2,133.04	\$2,625.46	\$2,365.50	\$2,490.69	\$2,587.56
DI Mega Lugs - Packs (with MJ Gaskets)	\$471.66	\$607.32	\$545.00	\$575.56	\$597.58
CI Lug Washers	No Bid	\$30.00	\$29.88	No Bid	\$20.26
Underground Clamps	No Bid	\$105.50	\$105.44	No Bid	\$119.40
Brass Pack Joint or Compression Tee	\$2,045.90	\$1,824.34	\$1,774.94	\$3,011.74	No Bid
Brass Tees (FIPT)	\$360.78	\$324.40	\$314.68	\$285.20	\$417.38
Flanged Coupling Adapters	\$1,358.70	\$771.41	\$937.94	\$981.56	No Bid
Brass Threaded Bushing	\$2,567.15	\$2,315.60	\$2,102.70	No Bid	\$2,932.85
Redi-Clamps	\$509.68	\$499.40	\$384.10	\$325.21	No Bid
Bell Joint Leak Clamps	No Bid	\$610.09	\$757.19	\$788.21	No Bid
Brass Sleeve Coupling FIPT	\$668.20	\$604.50	\$626.20	\$528.10	\$772.65
Fire Hydrants	\$18,712.02	\$20,480.00	\$20,440.00	\$20,662.00	\$19,325.38
Meter Risers	\$33,823.39	\$34,150.58	\$33,237.69	\$32,131.36	No Bid
Brass Meter Flange Complete Kits	\$276.00	\$788.08	\$274.00	No Bid	No Bid
Concrete Meter Box (Box Only)	\$3,514.40	\$4,067.50	\$4,192.70	\$3,646.60	\$3,510.50

**BIDDERS**

ACT Pipe & Supply	Ferguson Water Works	Municipal Water Works	HD Supply	Morrison Supply
Temple	Waco	Royse City	Belton	Waco

Description					
CI Reader Lid Only (for Concrete Meter Box)	\$6,576.95	\$7,415.00	\$7,007.00	\$7,244.70	\$7,026.70
PE Meter Box with Overlapping Lid and CI Reader	\$13,300.50	\$14,281.00	\$17,398.00	\$13,426.90	\$20,381.75
CI Reader Lid Only (for PE Meter Box)	\$299.15	\$321.43	\$820.50	\$311.91	\$514.09
Meter Washers	\$900.00	\$1,425.00	\$1,190.00	No Bid	\$702.00
Sewer Supplies - SDR 35 Deep Bell	\$289.43	\$234.67	\$246.94	\$246.04	\$285.98
Non-Shear Flex Boot Coupling	\$7,099.50	\$17,078.94	\$16,390.00	\$14,011.70	\$11,834.30
Sewer Caps Threaded PVC with Sleeve - SDR35	\$712.50	\$480.00	\$448.50	\$448.50	\$568.50
Sewer Pipe	\$6,187.22	\$7,582.46	\$6,230.17	No Bid	No Bid
Sewer Clean Outs	\$788.84	\$1,313.62	\$1,258.40	\$1,426.82	\$1,651.54
Sewer Wyes GxGxG (with Deep Bell)	\$1,445.62	\$1,325.42	\$1,467.52	\$1,469.58	\$1,622.46
Sewer Tee Wyes GxGxG (with Deep Bell)	\$1,494.30	\$1,225.10	\$1,286.10	\$1,202.38	\$1,499.64
Type M2 Adjustable Steel Manhole Risers	No Bid	\$8,705.00	\$11,964.00	\$8,842.53	No Bid
Cast Iron Manhole Rings & Covers	\$10,212.60	\$11,025.00	\$14,702.85	\$10,102.95	\$16,764.00
Concrete Manhole Ring Risers	\$77.50	\$78.00	\$66.80	\$65.72	No Bid
Concrete Manhole Cones - 24-inch	\$1,230.02	\$1,430.00	\$1,154.00	\$1,383.52	No Bid
Concrete Manhole Risers - 48-inch	\$2,218.05	\$2,536.94	\$2,209.60	\$2,853.51	No Bid
Sewer SDR35 Gasketed PVC Bends	\$2,527.43	\$1,356.96	\$1,375.00	\$1,406.73	\$1,660.96
PVC Sewer Tapping Saddles (Gasketed with Bands)	\$825.85	\$446.40	\$434.60	No Bid	\$679.35
Flexible Saddle Wyes for Use on Clay Pip	\$1,018.30	\$660.00	\$1,281.00	No Bid	\$1,060.20
Mushroom Valve Box Cover	\$670.20	\$840.00	\$555.00	\$688.80	\$1,001.40
Eye Bolts with Washers and Nuts	\$310.00	\$267.00	\$260.00	No Bid	No Bid
Delivery within 14 days?	Yes	Yes	Yes	Yes	Yes
Invoicing	Yes	Yes	Yes	Yes	Yes
Local Preference	Yes	Yes	No	No	No
CIQ Form	Yes	Yes	Yes	Yes	Yes
Exceptions	Yes	Yes	No	Yes	Yes

Recommended Bid  
Doesn't meet specifications



Low bid, but another vendor who has local preference is being recommended for award.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING THE PURCHASE OF UTILITY SUPPLIES FOR THE WATER  
UTILITIES DEPARTMENT FOR FY2007-2008; PROVIDING AN OPEN  
MEETINGS CLAUSE.

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**Whereas**, on August 7, 2007, the City received 5 bids for the purchase of utility supplies for FY2007-2008;

**Whereas**, the bid stated it would be awarded to the lowest vendor per section, and the Staff recommends authorizing the purchase of utility supplies in accordance with the attached bid tabulation sheet;

**Whereas**, sufficient funds for these purchases are available in the utility accounts; 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 accepts the bids for the purchase of utility supplies for the Water Utilities Department for FY2007-08 in accordance with the bid tabulation sheet attached as Exhibit A.

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

**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 5<sup>th</sup> day of **October**, 2006.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Belinda Mattke, Director of Purchasing  
Heather Mikulas, Water Business Manager

### **ITEM DESCRIPTION:** Consider adopting a resolution authorizing:

1. One-year renewals to the annual purchase agreements for the purchase of water meters for FY 07-08 with the following vendors:
  - a. Master Meter of Mansfield, Texas for 6" Turbine Type Meters and the 3: Fire Hydrant Turbo Meters in the estimated annual amount of \$4,073;
  - b. Badger Meter, Inc. of Milwaukee, Wisconsin for Turbine Type Meters 3" & 4", FM or UL Approved Fire Service Meters 4", 6" and 8" in the estimated amount of \$16,202.90; and
  - c. Municipal Water Works Supply, LP of Royce City, Texas for Positive Displacement Meters 5/8" x 3/4", full 3/4", 1" 1-1/2" & 2", Turbine Type Meters 1-1/2", and Dual Body Compound Meters 2" to 6" in the estimated annual amount of \$58,337.50
2. Annual purchase agreement for the purchase of water meters for FY 07-08 with Hersey Meters of Cleveland, NC for 2" & 8" Turbine Type Meters in the estimated annual amount of \$3,120.

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

### **ITEM SUMMARY:**

1. On September 7, 2006, the Council awarded annual purchase agreements to Master Meter, Badger Meter, Inc., Hersey Meters, and Municipal Water Works for water meters.

The current agreements will expire on September 30, 2007. The original bid allowed for four (4) one-year extensions to the contract. All vendors except Hersey Meters were willing to renew their contract for an additional year. In order to renew, the vendors must agree to hold their prices firm for an additional year, which Master Meter, Badger Meter, and Municipal Water Works Supply were willing to do. Staff has been pleased with the products and prices provided by Master Meter, Badger Meter, and Municipal Water Works and recommends Council authorize one year extensions to their contracts.



2. Hersey Meters was not willing to renew their contract for the 2" and 8" turbine meters based on their bidded prices in 2006. Accordingly, these 2 meters were re-bid. On August 28, 2007, the City received six (6) bids for the purchase of the 2" and 8" turbine water meters. The bids are shown on the attached tabulation.

The low bidder was Hersey Meters of Cleveland, NC. The City has done business with Hersey Meters in the past and finds them to be a responsible bidder.

**FISCAL IMPACT:** Budgeted amount: \$0 (inventory purchase)\*  
Estimated annual expenditure: \$81,733.40.

\*The metering department has budgeted funds for the purchase of these meters from inventory. These items will be stocked at minimum levels and will be issued to the department as needed.

**ATTACHMENTS:**

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



Tabulation of Bids Received  
on August 28, 2007 at 3:00 p.m.  
Turbine Type Water Meters

	Bidders		
	HD Supply Waterworks Belton	Master Meter, Inc. Mansfield, TX	Municipal Water Works Supply Royse City , TX
Description			
Turbine Type Meters 2"	\$597.00	\$502.50	\$469.00
Turbine Type Meters 8"	\$4,710.00	\$3,398.25	\$2,650.00
30 Day Delivery	Yes	Yes	Yes
CIQ Form	No	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes
Exceptions	Yes	Yes	None

	Bidders		
	Badger Meter, Inc Milwaukee, Wisconsin	Hersey Meters Cleveland	ACT Pipe and Supply Temple
Description			
Turbine Type Meters 2"	\$365.00	\$360.00	\$636.00
Turbine Type Meters 8"	\$2,675.00	\$2,400.00	\$2,783.00
30 Day Delivery	Yes	Yes	Yes
CIQ Form	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	No
Exceptions	Yes	None	Yes

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

*Belinda Matthe*

*28-Aug-07*

Belinda Matthe, Interim Director of Pu

Date



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS FOR  
VARIOUS WATER METERS FOR FY2007-2008; AND PROVIDING AN  
OPEN MEETINGS CLAUSE.

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**Whereas**, on September 7, 2006, the City Council awarded annual purchase agreements to Master Meter, Badger Meter, Inc., Hersey Meters, and Municipal Water Works for water meters;

**Whereas**, the Staff recommends a one year extension to all the agreements except the agreement with Hersey Meters who was not willing to renew the contract for 2" and 8" turbine meters for an additional year;

**Whereas**, on August 27, 2007, the City received 6 bids for 2" and 8" turbine meters and the Staff recommends award to Hersey Meters of Cleveland, NC;

**Whereas**, the Water Department has budgeted funds for the purchase of these meters from inventory – the items will be stocked at minimum levels and will be issued to the department as needed; 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 annual purchase agreements for the following water meters:

- a. Master Meter of Mansfield, Texas for 6" Turbine Type Meters and the 3: Fire Hydrant Turbo Meters in the estimated annual amount of \$4,073;
- b. Badger Meter, Inc. of Milwaukee, Wisconsin for Turbine Type Meters 3" & 4", FM or UL Approved Fire Service Meters 4", 6" and 8" in the estimated amount of \$16,202.90;
- c. Municipal Water Works Supply, LP of Royce City, TX for Positive Displacement Meters 5/8" x 3/4", full 3/4", 1" 1-1/2" & 2", Turbine Type Meters 1-1/2", and Dual Body Compound Meters 2" to 6" in the estimated annual amount of \$58,337.50; and
- d. Hersey Meters of Cleveland, NC, for 2" and 8" Turbine Type Meters in the estimated annual amount of \$3,120.



**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 **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(G)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing  
Alan DeLoera, Director of Information Technology

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the contract with Verizon Wireless through the General Services Administration's Federal Supply Schedule 70 contract, or a new annual contract with Verizon Wireless if better pricing becomes available under an alternative State contract before September 30, 2007, for cellular equipment and services in the estimated annual amount of \$163,426.

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

**ITEM SUMMARY:** The City currently has 155 cellular phones and 118 wireless data cards serviced through Verizon Wireless. Purchasing and I.T. have reviewed the current Verizon contract and have done some comparisons with other plans and vendors and is confident that the current contracts offer the lowest rates available with the best service coverage.

On September 2, 2004, the City Council authorized a contract with Verizon Wireless for cellular equipment and services. On September 15, 2005 and October 5, 2006, Council authorized one-year extensions to the contract. Staff is pleased with the services provided by Verizon and desires to renew the contract for an additional year. However, based on discussion with our service representative at Verizon there is the possibility that a lower cost contract may become available through a Verizon State contract through the Texas Department of Information Resources (i.e. a DIR contract), of which municipalities have the ability to buy from also. Accordingly, staff would like to have the flexibility to enter into a lower cost contract if one becomes available before September 30, 2007.

**FISCAL IMPACT:** Each department with cellular phones and wireless data cards has budgeted for these services totaling approximately \$163,426.

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



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONTRACT WITH VERIZON WIRELESS THROUGH THE GENERAL SERVICES ADMINISTRATION'S FEDERAL SUPPLY SCHEDULE 70 CONTRACT, OR A NEW CONTRACT WITH VERIZON WIRELESS IF BETTER PRICING BECOMES AVAILABLE UNDER AN ALTERNATIVE STATE CONTRACT BEFORE SEPTEMBER 30, 2007, FOR CELLULAR EQUIPMENT AND SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 2, 2004, the City Council authorized a contract with Verizon Wireless for cellular equipment and services – on September 15, 2005, and October 5, 2006, the City Council authorized one-year extensions to the contract;

**Whereas**, the Staff is pleased with the services provided by Verizon and desires to renew the contract for an additional year, or approve a new contract with Verizon Wireless if better pricing becomes available under an alternative State contract before September 30, 2007;

**Whereas**, each department with cellular equipment has budgeted for the service – Staff estimates it will spend no more than the approximately \$163,426 budgeted for cellular services over the next 12 months; and

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

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

**Part 1:** The City Council authorizes a one-year renewal to the contract with Verizon Wireless through the General Services Administration's Federal Supply Schedule 70, after approval as to form by the City Attorney, for cellular equipment and services (estimated annual expenditure is \$163,426).

**Part 2:** The City Council authorizes a new contract with Verizon Wireless if better pricing becomes available under an alternative State contract before September 30, 2007, for cellular equipment and services.

**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 20<sup>th</sup> day of **September, 2007**.



THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Donna McClain, Right of Way Agent

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a renewal to the lease with Central Texas 4C, Inc. for 4,200 sq. ft. of space at the Robert M. Blackmon, Jr. Neighborhood Center for preschool programs.

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

**ITEM SUMMARY:** The annual lease for the Robert M. Blackmon, Jr. Neighborhood Center, located in Wilson Park, expires September 30, 2007. Central Texas 4C, Inc. would like to continue leasing the facility for their preschool programs.

4C has been occupying the Blackmon Center since May of 1986. Under the lease the City of Temple pays for water, sewer, and garbage. 4C pays for electrical services. The City also maintains the exterior walls, drives, etc. of the building and pipes and wiring which are internal to the walls of the building. 4C pays for plumbing and electrical within the building such as toilets, light fixtures, etc. The total cost anticipated to be expended for FY 07-08 for all costs by the City at the Blackmon Center, to include water, sewer, and garbage pickup, is budgeted at \$6,775. The total annual rent will be \$9,261.46.

**FISCAL IMPACT:** Total annual rent of \$9,261.46 with City expenditures estimated at \$6,775.

### **ATTACHMENTS:**

[Drawing showing configuration of building space](#)

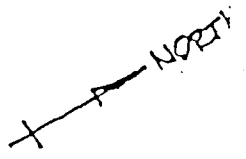
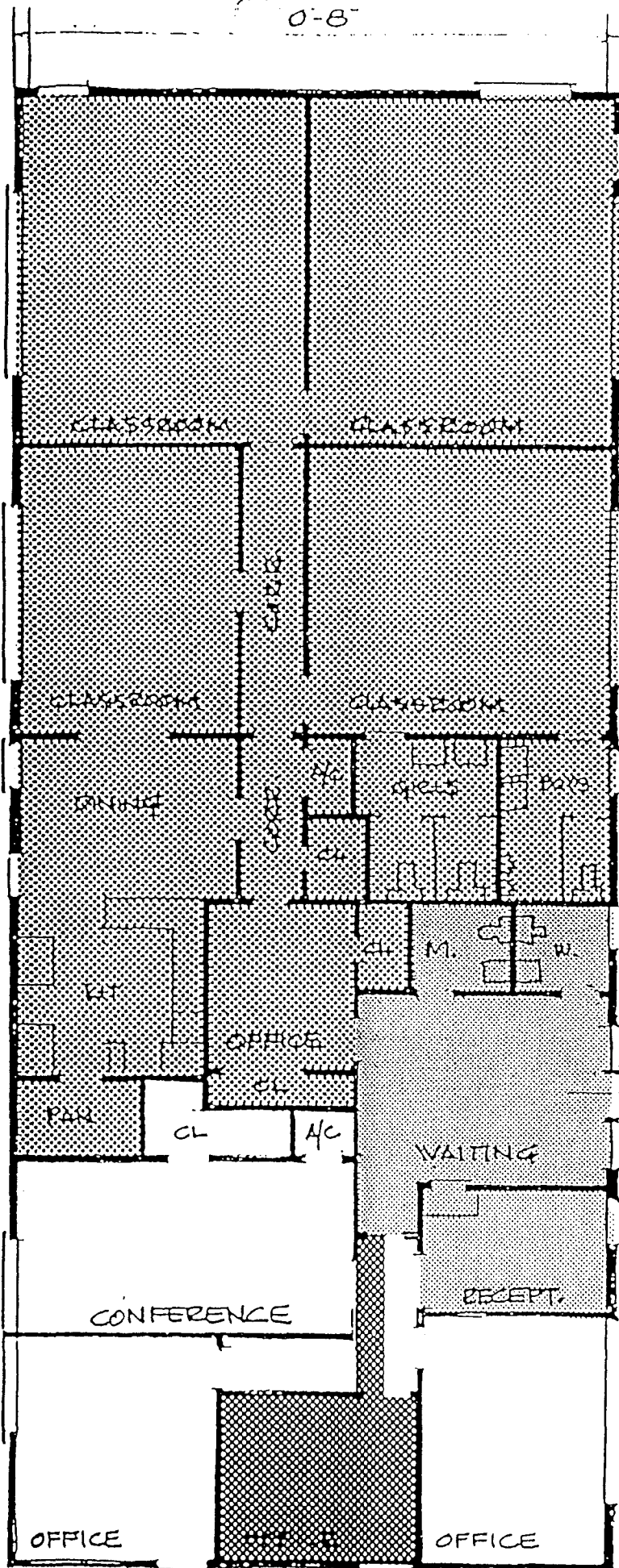
[Location map](#)

[Resolution](#)



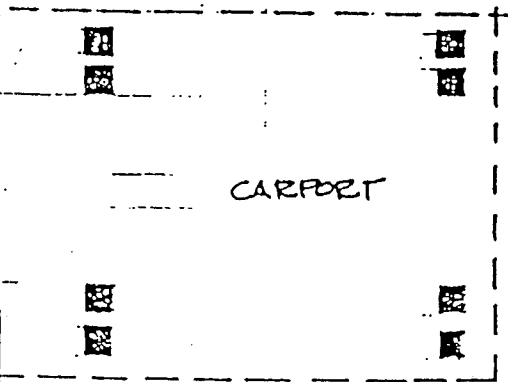
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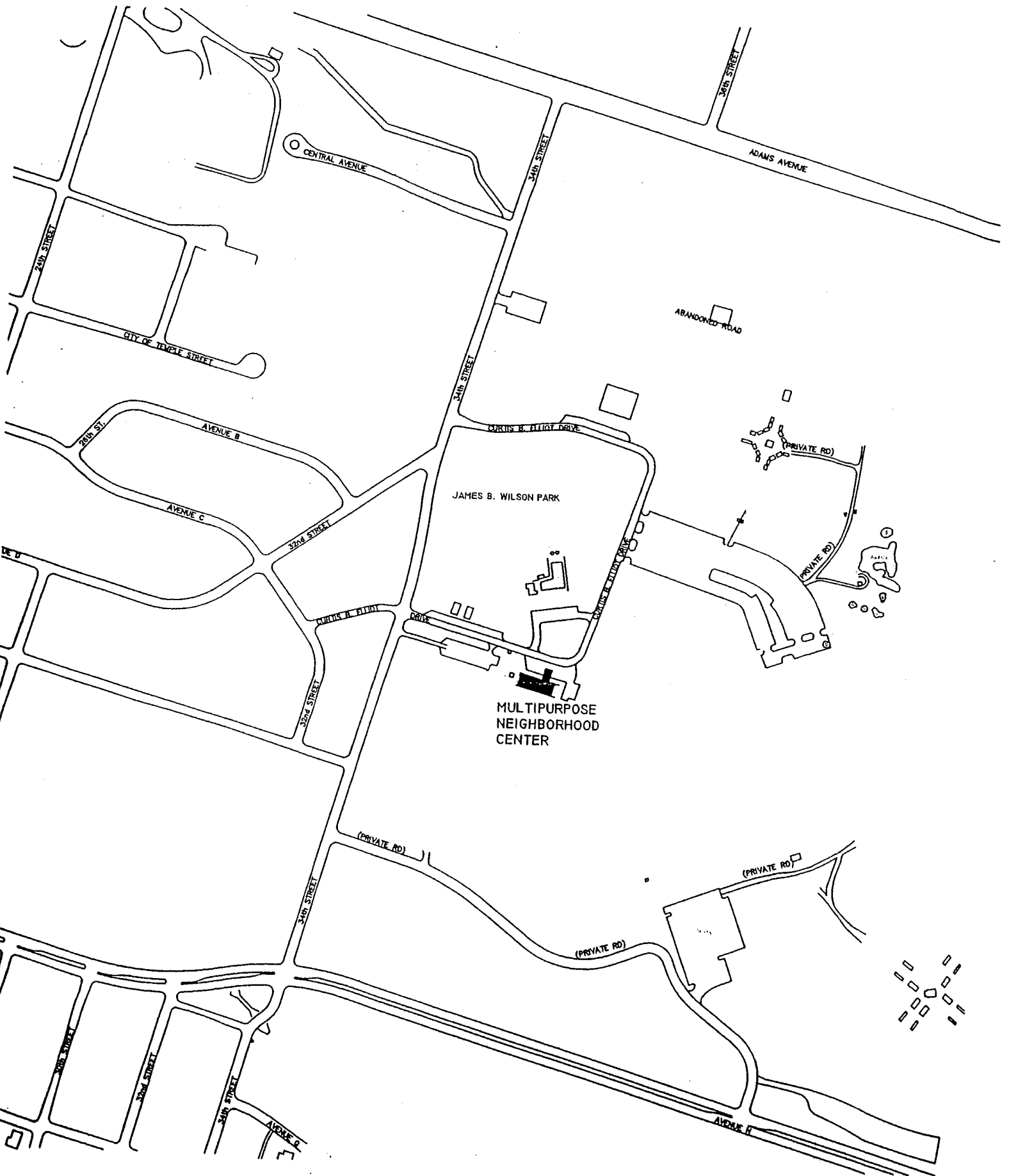


# MULTIPURPOSE NEIGHBORHOOD CENTER

3/32" = 1'









**RESOLUTION. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND THE CENTRAL TEXAS 4C, INC., FOR LEASE OF SPACE AT THE ROBERT M. BLACKMON, JR., NEIGHBORHOOD CENTER FOR PRESCHOOL PROGRAMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Central Texas 4C, Inc., has requested a renewal of the lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs;

**Whereas**, the Staff recommends approval of the renewal lease at the rate of \$771.79 per month (\$9,261.46 per year); and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a lease agreement between the City of Temple and the Central Texas 4C, Inc., after approval as to form by the City Attorney, for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.

**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 **20<sup>th</sup>** day of **September**, 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

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

Bruce A. Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Iseler Demolition, Inc., of Romeo, Michigan for demolition of the Ave P Elevated Storage Tank at the intersection of Ave P and 7<sup>th</sup> Street in the amount of \$62,685.

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

**ITEM SUMMARY:** On September 13, 2007, bids were received for demolition of the existing 500,000 gallon elevated storage tank at the intersection of Ave P and 7<sup>th</sup> Street. This tank, serving the 876' pressure zone, was constructed in 1939. The City of Temple is currently under TCEQ enforcement action to remove or rehabilitate the tank by December 31, 2007. A bid tabulation for the tank demolition is attached.

In December, 2003, Council authorized a professional services agreement with Lockwood, Andrews & Newnam, Inc. (LAN) of Temple to analyze the existing water distribution infrastructure in the 876' Pressure Plane. The results of this study concluded that replacement of the existing 500,000 gallon tank located at Avenue P and 7<sup>th</sup> Street with a new 1.0 MG tank located on 25<sup>th</sup> Street on the north end of the Scott and White Hospital property would result in better water quality, higher efficiencies and lower operational costs in the 876' pressure plane.

In addition to water pressure and quantity issues, the City of Temple has been under enforcement action since 2004 from the Texas Commission on Environmental Quality (TCEQ) to repair or replace the existing tank on Avenue P due to the poor condition of the tank. TCEQ has granted the City an extension until December 2007 to either rehabilitate or replace the Avenue P tank.

In March, 2006, Council entered into a professional services agreement with Lockwood, Andrews & Newnam, Inc. (LAN) for engineering services related to construction of a new tank located a few blocks west of the existing tank. The new 25<sup>th</sup> Street Tank is now 95% complete and is scheduled to be placed into service the week of September 24, 2007. Award of this contract will allow the old tank to be demolished during the fall, meeting the TCEQ enforcement deadline of December 31, 2007.



**FISCAL IMPACT:** Funding in the amount of \$2,300,000 is in account 561-5100-535-6919, project #100041 for the engineering and construction of this project in the 2006 Utility Revenue Bond issue. After funding of engineering-related services in the amount of \$238,049.12, and new tank construction contract in the amount of \$1,844,000, \$217,950.88 remains available to complete demolition of the Avenue P tank.

**ATTACHMENTS:**

Engineer's Letter of Recommendation  
Bid Tabulation  
Resolution





**Lockwood, Andrews  
& Newnam, Inc.**

A LEO A DALY COMPANY

September 13, 2007

Mr. Bruce Butscher, P.E.  
Director of Public Works  
City of Temple  
3210 E. Avenue H, Building A  
Temple, Texas 76501

**RE: Contractor Recommendation for Avenue P Elevated Storage Tank Demolition**

Dear Mr. Butscher:

Four (4) bids were received on September 13, 2007, for the Avenue P Elevated Storage Tank Demolition project. Iseler Demolition, Inc. (IDI) of Romeo, Michigan was the low bidder. Although IDI did not provide the standard City of Temple form for the Bid Bond, the Bid Bond documentation was provided on an alternate form. Therefore, it is recommended that the alternate form be reviewed by the City Attorney for acceptance.

IDI also provided several reference contacts. LAN contacted and left messages with the references for the most recent projects. Those phone calls have not been returned as of the date of this letter.

Based upon the work experience provided within IDI's bid package, and based upon the acceptance of the alternate form for the Bid Bond documentation, LAN recommends the award of the contract to Iseler Demolition, Inc. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Kimberly Carter'.

Kimberly Carter, P.E.  
Project Engineer

Attachment

CC: Nicole Torralva, P.E., City of Temple





CITY OF TEMPLE AVE. P TANK DEMOLITION

Bid Tabulation

Bid Date: SEPTEMBER 13, 2007 @ 2:00 pm

Bid Item	Quantity	Unit	Item Description	1			2			3			4		
				Isler Demolition, Inc.		Amount	Hunter Demolition & Wrecking		Amount	A&R Demolition		Amount	Allstate Tower		Amount
				Unit Price	Amount		Unit Price	Amount		Unit Price	Amount		Unit Price	Amount	
MOBILIZATION															
1	1	LS	MOBILIZATION	\$0.00	\$0.00		\$15,000.00	\$15,000.00		\$25,000.00	\$25,000.00		\$2,000.00	\$2,000.00	
2	1	LS	EST Demolition	\$62,685.00	\$62,685.00		\$62,000.00	\$62,000.00		\$100,000.00	\$100,000.00		\$62,400.00	\$62,400.00	
BID TOTAL				\$62,685.00			\$77,000.00			\$125,000.00			\$64,400.00		
Bid Irregularities (See descriptions below):															
				1			3			4			2, 3		

- 1. Bid Bond not on City of Temple Form
- 2. No Bond Affidavit Provided
- 3. No Insurance Affidavit Provided
- 4. Only 2 of 3 Addendum Acknowledged



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ISELER DEMOLITION, INC., OF ROMEO, MICHIGAN, FOR THE DEMOLITION OF THE AVENUE P ELEVATED STORAGE TANK AT THE INTERSECTION OF AVENUE P AND 7<sup>TH</sup> STREET, FOR A COST NOT TO EXCEED \$62,685; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 13, 2007, the City received 4 bids for the demolition of the Avenue P Elevated Storage Tank located at the intersection of Avenue P and 7<sup>th</sup> Street;

**Whereas**, the Staff recommends accepting the bid (\$62,685) from Iseler Demolition, Inc., of Romeo, Michigan, for this project;

**Whereas**, funds are available for this project in Account No. 561-5100-535-6919; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, for a cost not to exceed \$62,685, with Iseler Demolition, Inc., of Romeo, Michigan, after approval as to form by the City Attorney, for the demolition of the Avenue P Elevated Storage Tank located at the intersection of Avenue P and 7<sup>th</sup> Street.

**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 20<sup>th</sup> day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(J)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction-manager-at-risk agreement with Vanguard Contractors, LP of Temple for the new municipal court and utility business office facility, which includes pre-construction services in the amount of \$6,400.

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

**ITEM SUMMARY:** On August 16, 2007, four (4) proposals were received for providing construction-manager-at-risk (CMAR) services for the construction of the new municipal court and utility business office facility. The proposals included amounts for pre-construction phase services, construction phase services, and general conditions. These amounts are shown on the attached proposal tabulation.

A committee comprised of staff from the Construction Safety, Legal, Information Technology, Finance, and Purchasing departments, as well as the architect of record for this project, Architectural Edge, reviewed the proposals. Three firms were invited to interview with the committee. These firms were Vanguard Contractors, Cloud Construction, and Emerson Construction Company. The committee felt that Vanguard Contractors was best suited to construct this project for the City.

This agenda item is for authorization of the pre-construction phase services with a corresponding fee of \$6,400. The pre-construction phase includes working with the architectural firm to aid in the design of the facility, continual pricing to make sure that the project will be within the budget, developing a critical path schedule, and bidding the trades for this project. Following the trade bids, Vanguard will provide the City with a guaranteed maximum price (GMP) proposal for construction of the facility. This GMP will include Vanguard's fee for their construction phase services and the general conditions of their contract as stated in the attached proposal tabulation worksheet. If the GMP is not acceptable to the City, the City has the option to reject the GMP proposal and end the CMAR contract with Vanguard.

Vanguard has done an excellent job in providing construction services to the City on previous engagements. Accordingly, staff recommends award of this CMAR contract to Vanguard.



**FISCAL IMPACT:** Funding for the pre-construction services related to this contract in the amount of \$6,400 is available in the 1997/98 GO Bond Fund account 350-8200-525-6779. Per the attached Municipal Court & Utility Business Office Facility Available Funding worksheet, the anticipated funding available for the land acquisition and construction of this facility is \$3,006,257.

**ATTACHMENTS:**

[Proposal Tabulation](#)  
[Municipal Court & Utility Business Office Facility Available Funding](#)  
[Resolution](#)



Tabulation of Proposals Received  
on August 16, 2007 at 1:30 p.m.  
CMAR Services for the New Municipal Court/Utility Business Office Facility

Description	Proposers			
	Workman Commercial Austin, TX	Vanguard Contractors Temple, TX	Cloud Construction Co Temple, TX	Emerson Construction Co Temple, TX
Pre-Construction Services	\$10,000.00	\$6,400.00	\$5,000; waived upon acceptance of GMP	\$12,500.00
Construction Phase Services	4% of construction cost	\$91,500.00	\$125,000.00	4% of cost of work
General Condition Fees	\$224,738.00	\$190,660.00	\$215,000.00	\$216,000.00
Execution of Offer	Yes	Yes	Yes	Yes
CIQ Form	Yes	Yes	Yes	Yes
Bond Affidavit	Yes	Yes	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes
Proposal Affidavit	Yes	Yes	Yes	Yes

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

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

*Belinda Mattke* *16-Sep-07*  
Belinda Mattke, Director of Purchasing Date



***Municipal Court & Utility Business Office Facility Available Funding***

As of 8/31/07

**Municipal Court Facility Available Funding:**

June 2003 - GO Bonds - Original allocation (Fund 359)	\$ 700,000	
Plus accumulated interest earnings	272,602	
Less Architectural & other expenditures incurred prior to FY07	(152,570)	
Less Architectural fees authorized on 4/19/07	<u>(295,150)</u>	
		\$ 524,882
1997/98 - GO Bonds (Fund 350)		402,105
Restricted Municipal Court Funds:		
Technology Fees	\$ 162,550	
Security Fund	199,597	
Judicial Efficiency Fees	<u>17,123</u>	
		379,270
<b>Total Available MC Funds as of 8-31-07</b>		<b>\$ 1,306,257</b>
Planned FY 2008 CO Issue designated for MC		800,000
<b>Total Anticipated Available MC Funds as of 10-1-07</b>		<b>\$ 2,106,257</b>

**Utility Business Office Facility Available Funding:**

October 2006 UR Bonds (Fund 561)	\$ 700,000	
<b>Total Available WBO Fund as of 8-31-07</b>	<b>\$ 700,000</b>	
Planned FY 2008 UR Bond Fund Issue designated for the Utility Business Office	\$ 200,000	
<b>Total Anticipated Available WBO Funds as of 10-1-07</b>	<b>\$ 900,000</b>	

\*\*\*Assuming no expenditures during FY2007\*\*\*

**TOTAL FUNDS AVAILABLE for Both Departments:**

<b>Total Available Funds as of 8-31-07</b>	<b>\$ 2,006,257</b>
<b>Total Anticipated Available Funds as of 10-1-07</b>	<b>\$ 3,006,257</b>

\*\*\*Assumes no expenditures and no additional interest/restricted revenue earnings during FY2007\*\*\*



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION-MANAGER-AT-RISK AGREEMENT WITH VANGUARD CONTRACTORS, LP, OF TEMPLE FOR THE NEW MUNICIPAL COURT AND UTILITY BUSINESS OFFICE FACILITY, WHICH INCLUDES PRE-CONSTRUCTION SERVICES IN THE AMOUNT OF \$6,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 16, 2007, the City received 4 proposals for providing construction-manager-at-risk (CMAR) services for the construction of the new municipal court and utility business office facility;

**Whereas**, a Staff committee, as well as the architect of record for the project, reviewed the proposals and recommend Vanguard Contractors, LP, of Temple as being the best suited to construct this project for the City;

**Whereas**, funds are available for this project in the 1997-98 go Bond Fund Account No. 350-8200-525-6779; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction-manager-at-risk agreement with Vanguard Contractors, LP, of Temple, after approval as to form by the City Attorney, for the new municipal court and utility business office facility, which includes pre-construction services in the amount of \$6,400.

**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 20<sup>th</sup> day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(K)  
Consent Agenda  
Page 1 of 2

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

Jonathan Graham, City Attorney  
D. Blackburn, City Manager  
Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Temple Economic Development Corporation for economic development services.

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

**ITEM SUMMARY:** The City of Temple has a current contract with the Temple Economic Development Corporation for economic development services. The **current** contract was authorized in 2004. The current contract provides, generally, for:

- TEDC to be the primary economic development mechanism for the City of Temple
- funding to be based upon 7.5% of the City's sales tax revenue
- contract to be renewed automatically unless parties agree to terminate or modify

Over the past several months multiple changes have occurred at TEDC, to include the appointment of a new President and the addition of new staff and a new building. This expanded effort and emphasis has been at the direction of the TEDC Board and represents a new level of commitment to economic development efforts. This expanded effort also comes with a need for additional resources to fund such.

Over the past several weeks, the TEDC Chairman and TEDC President and city staff have been meeting to discuss the potential terms and conditions of a new agreement between the TEDC and the City. A consensus has been achieved in the discussions and the proposed agreement would:

- provide funding for base operating expenses and for 'incentive matrix' funding
  - base operating funding is intended to cover reoccurring expenses (salaries, office space, supplies, travel, etc.)...funding for this component is recommended at \$993,524.



- incentive matrix funding ('IMF') is intended to cover actual economic development incentive expenditures based upon TEDC's pre-determined incentive matrix...funding for this component is recommended at \$800,000

→ provide for the City's commitment is to 'refill' the IMF each year, as may be warranted based upon expenditures

→ put into place performance-based standards that will allow tracking of progress and potential additional one-time financial contributions based upon performance...the 4 performance measures are:

- √ annual percentage growth in sales tax revenue
- √ annual percentage growth in jobs
- √ annual percentage growth in median income
- √ annual percentage increase in taxable property

→ make some other minor changes to clarify appointments to the TEDC Board, for example, the immediate past chair of the TEDC Board is made an ex-officio member of the Board (should his/her term otherwise expire) and an ex-officio member of the Executive Committee

This proposed agreement represents a significant upward step by both TEDC and the City in our economic development efforts. While both entities have made significant commitments in the past to economic development, this agreement "raises the bar." Pending favorable consideration by Council, a new era of commitment and collaboration will commence with this arrangement...one aimed at growing our tax base, our jobs, our income levels and our overall economy.

The proposed agreement does not address the sale or conveyance of City property to TEDC (or reconveyance by TEDC to a third party) and how the proceeds of a sale to a third party should be handled, how expenses related to a sale or conveyance are handled, and several related issues. The City and TEDC believe that further discussions are needed—which would involve representatives of the TIFRZ—and that a solution/protocol can be developed outside the scope of this funding agreement.

**FISCAL IMPACT:** Current year funding level to TEDC is \$1,020,000. Under the proposed agreement, funding levels would be \$1,793,524 which is included in the proposed FY 2008 operating budget.

**ATTACHMENTS:**

[Contract](#)  
[Resolution](#)



# 2007 FUNDING AND OPERATING AGREEMENT CITY OF TEMPLE AND TEDC

STATE OF TEXAS     §

COUNTY OF BELL     §

This **Agreement** is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between the **City of Temple**, Texas, a home rule city in Bell County, Texas ("City"), and the **Temple Economic Development Corporation**, a Texas non-profit corporation ("TEDC").

## W I T N E S S E T H:

WHEREAS, TEDC's Board of Directors and the City Council of the City of Temple passed or will pass resolutions authorizing TEDC and the City, respectively, to enter into an agreement whereby TEDC receives funding from the City to promote economic development within the City;

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, the parties hereto hereby agree as follows:

### Section 1: **City's Obligations**

(a) **Funding of TEDC.** City will annually budget and contribute to TEDC a portion of its annual revenue from sales taxes, beginning with the City's fiscal year commencing on October 1, 2007, to promote economic development within the City. The City's contribution shall include a "Base Contribution" and may include a "Performance-based Additional Contribution."

(b) **Amount of Base Contribution.** The Base Contribution has two components: (1) an "Operating Expense Component;" and (2) "Incentive Matrix Component." The City's Base Contribution in fiscal year 2007-08 shall be One Million, Seven Hundred and Ninety Three Thousand, Five Hundred and Twenty-four dollars (\$1,793,524.00), with \$993,524 of that designed as the Operating Expense Component" and \$800,000 designated as the "Incentive Matrix Component."

(c) **Adjustment of Base Contribution in future years.** In successive fiscal years under this Agreement, the City's both components of the Base Contribution to TEDC shall be increased or decreased by the percentage change in the amount of sales tax received by the City during the most recent fiscal year. In calculating the percentage change in the amount of sales tax received by the City, the City will exclude from the calculation an amount equal to payments made to third parties by the City under economic development agreement which index an incentive



payment to the amount of sales tax revenue received by the City from a portion or all of the City. The “most recent fiscal year” is measured from July 1<sup>st</sup> of the preceding fiscal year to the June 30<sup>th</sup> preceding the beginning of the City’s fiscal year on October 1<sup>st</sup> of each year of this Agreement.

- (1) Calculation of the Operating Expense Component. Each year, the City shall contribute the full amount of the Operating Component of the Base Contribution to TEDC increased or decreased by the percentage change in the amount of sales tax received by the City during the most recent fiscal year.
- (2) Calculation of the Incentive Matrix Component. The City’s obligation to TEDC with respect to Incentive Matrix Component is to ensure that TEDC starts each fiscal year with available funds on hand equal to the Incentive Matrix Component amount as that amount may be adjusted each year by the percentage change in the amount of sales tax received by the City during the most recent fiscal year (the “Incentive Matrix Fund Level”). TEDC agrees to use Incentive Matrix Component funding only as incentives for economic development purposes each year, and to account for such funds separately. Within 10 days of the end of each fiscal year, TEDC shall report to the City their fiscal year end fund balance of Incentive Matrix Component dollars. For purposes of this Agreement, Incentive Matrix Component dollars are expended for economic development purposes if they are: used to provide a cash incentive to an economic development prospect; used to purchase land or equipment given to an economic development prospect; used to pay for services directly related to providing an incentive to a prospect; or legally accrued to satisfy an obligation owed by TEDC to an economic development prospect under a written development agreement. In each succeeding year of this Agreement, the City shall contribute, in addition to its Operating Expense Component contribution, an amount sufficient to bring TEDC’s available incentive matrix dollars to an amount equal to the calculated Incentive Matrix Fund Level for that fiscal year. If at the end of any fiscal year, TEDC’s “fund balance” for Incentive Matrix Component dollars is equal to or exceeds the amount, adjusted for the percentage increase in sales tax dollars from the prior fiscal year, than the City would otherwise maintain in TEDC’s Incentive Matrix Component account, the City will not be obligated to make an Incentive Matrix Component contribution to TEDC for that year. TEDC may, from time to time, accumulate Incentive Matrix Component dollars in excess of the Incentive Matrix Fund Level for a particular fiscal year, when, for example, funds that we’re encumbered by TEDC under a development agreement from a prior year become available to TEDC again when the proposed development that the funds were targeted for does not occur.



(d) Performance-based Additional Contribution. The City's Base Contribution under Sections 1(b)-(c) above, may be augmented by the City for any fiscal year under this Agreement based on performance measurements established by the City in Section 2 of this Agreement. Performance-based Additional Contribution criteria are measured from July 1st of the preceding year to the June 30th preceding the beginning of the City's fiscal year on October 1<sup>st</sup> of each succeeding year of this Agreement. Performance-based Additional Contributions may add 1, 2 or 3% of the Base Contribution from the prior fiscal year to the City's contribution in any succeeding fiscal year, but only apply for that fiscal year, and are not added to or reflected in the City's Base Contribution calculation in future years. For example, if the City's sales tax revenue from July 1, 2007 until June 30, 2008, increases by 3.2%, and the Performance-based Additional Contribution calculated under Section 2 July 1, 2007 until June 30, 2008 qualifies TEDC for a 2% Performance-based Contribution, the City's total contribution to TEDC in FY 2008-09 would increase by 5.2% (3.2% base increase plus 2% performance-based). In our example, the City would contribute \$1,893,600 to TEDC for FY 2008-09. For purposes of our example, the Base Contribution calculation for 2009-10 would be based on \$1,857,600, rather than \$1,893,600, because Performance-based Additional Contributions don't alter the City's Base Contribution in successive years of the Agreement.

(c) The Director of Finance shall establish a special segregated account for the purpose of funding the City's contributions to TEDC under this contract. This account will be used to make monthly disbursements to TEDC for its promotion of economic development within the City.

## Section 2: **Performance-based Standards**

(a) Target factors. The City and TEDC agree that the effectiveness of TEDC's efforts to promote economic development shall be judged in part in measuring the following factors:

1. The annual percentage growth in sales tax revenue within the City limits;
2. The annual percentage growth in the number of jobs created within the City limits;
3. The annual percentage growth in median income within the City limits; and
4. The annual percentage increase in taxable property (real and personal) within the City limits.

(b) Base line values for Target factors. The Director of Finance has determined the following values for target factors listed in Section 2(a) as of June 30, 2007:

1. **Sales Tax Revenue** within the City for 12 month period ending June 30, 2007: \$\_\_\_\_\_. The average annual percentage growth in sales tax revenue



with in the City for the preceding decade ending June 30, 2007 was: \_\_\_\_\_%.

2. **Number of Jobs** in City as of June 30, 2007: \_\_\_\_\_. The average annual percentage growth in the net number of jobs within the City for the preceding decade ending June 30, 2007 was: \_\_\_\_\_%.
3. **Median income** within the City as of August 30, 2007: \$\_\_\_\_\_. The average annual percentage growth in median income within the City for the preceding decade ending June 30, 2007 was: \_\_\_\_\_%.
4. **Total appraised value** of taxable real and personal property within the City as of June 30, 2007: \$\_\_\_\_\_. The average annual percentage growth in taxable real and personal property within the City for the preceding decade ending June 30, 2007 was: \_\_\_\_\_%.

In successive years of the Agreement, the Director of Finance will calculate a new “average annual change” for each target value for the preceding decade (dropping one year and adding the most recent year).

(c) Performance ratings. For purposes of computing the amount, if any, of any performance-based additional contribution that TEDC may earn in any succeeding fiscal year under this Agreement, the City will evaluate TEDC’s success on a point system as follows:

1. **Percentage growth in sales tax revenue**. TEDC will earn one point for each full percentage point that the increase in sales tax revenue for the preceding fiscal year exceeds the average annual percentage growth shown in Section 3(b)(1) above.
2. **Percentage growth in jobs**. TEDC will earn one point for each full percentage point that the increase in new jobs for the preceding fiscal year exceeds the average annual percentage growth shown in Section 3(b)(1) above.
3. **Percentage growth in Median Income**. TEDC will earn one point for each full percentage point that the increase in new jobs for the preceding fiscal year exceeds the average annual percentage growth shown in Section 3(b)(1) above.
4. **Percentage growth in total appraised value**. TEDC will earn one point for each full percentage point that the increase in new jobs for the preceding fiscal year exceeds the average annual percentage growth shown in Section 3(b)(1) above.

(d) Calculation of Performance-based Additional Contribution. If in any measurement year, TEDC earns two or more points under the Performance ratings set out in Section 3(c) above, the City will add a Performance-based additional contribution to its base contribution as provided for in Section 1(c), according to this formula:

1. If TEDC earns 2 points, the City will add 1%;



2. If TEDC earns 3 points, the City will add 2%; or
3. If TEDC earns 4 or more points, the City will add 3%.

### Section 3: **TEDC's Obligations**

(a) Promote economic development within the City. TEDC shall use its best efforts to promote economic development within the City. In doing so, TEDC agrees to work diligently to achieve goals established for TEDC, from time to time, by the City in its Strategic Plan. Allowable uses of funds provided to TEDC under this Agreement shall include, but not be limited to, expenditures for:

- 1. Business attraction and retention:** advertising, promotion, marketing, trade show participation, direct mail, brochures, signs and billboards, and preparation of long term planning documents;
- 2. Incentives to Businesses:** loans, guarantees, business incubator programs, grants for capital improvements, relocation and moving expense reimbursement, and grants for land purchases;
- 3. Land and Building Purchase, Sale, Lease and Upgrade:** land purchase for industrial parks and sites, construction of buildings, environmental equipment and projects, site preparation, purchase of land for assembly or resale, drainage projects;
- 4. Infrastructure Improvements and Creation:** rail spurs, water and wastewater lines, drainage projects, odor control projects, landscaping, identification signs, and engineering and construction of streets, bridges, and related facilities;
- 5. Training and education:** job training programs, cooperation with educational institutions, and related programs; and
- 6. Salaries and General Office Expense:** salaries for TEDC's staff and general office expenses.

(b) Annual Report to the City Council. TEDC shall provide an annual report to the City Council on its activities and expenditures to promote economic development within the City. TEDC's report shall, among other things: (1) address TEDC's effort to achieve goals established by the City from time to time; (2) summarize incentives provided by TEDC in the prior year; and (3) document (in a form acceptable to the City) TEDC's success in meeting the performance guidelines established for TEDC under this Agreement. TEDC shall keep adequate records of all its activities and expenditures incurred hereunder sufficient to satisfy the auditing firm that conducts the annual audit under Section 3(d) below that the funds provided under this Agreement by the City were expended to promote economic development within the City.

(c) Other Use of City Funds Prohibited. TEDC shall never expend funds for any purpose or activity not directly or indirectly related to the promotion of economic development within the City.



(d) Annual Audit. TEDC shall, at its own expense, provide the City with a comprehensive annual audit of the use of all funds received by TEDC under this Agreement. The audit shall be performed by the auditing firm which does the annual City audit or by some other qualified public accounting firm approved by the City.

(e) Recapture of funds by City for Misuse. Should either the independent audit or a decision of any court of competent jurisdiction in the State of Texas determine that funds provided to TEDC by City under this Agreement have been spent improperly, TEDC shall immediately return all said funds plus a reasonable rate of interest from the time of original disbursement to the time of return to the City. Any such misuse of funds shall be considered a material breach of this contract and the City, at its sole option, may immediately declare this Agreement null and void.

(f) Separate accounting of City funds. For accounting purposes, TEDC shall separately account for funds received from the City under this Agreement. All funds received from the City under this Agreement shall be separately accounted for from any funds or revenue TEDC receives from other sources. Funds deposited by TEDC in banks shall be deposited in fully collateralized accounts in a form acceptable to the Director of Finance. TEDC also agrees to adopt an investment policy

(g) Management of TEDC. This Agreement is expressly conditioned upon TEDC amending its articles of incorporation and bylaws, *as necessary*, to provide the following:

- (1) Board of Directors; composition. The Board of Directors shall consist of fifteen voting members appointed by the City, acting through its City Council. Two councilmembers (one of whom may be the Mayor) periodically designated by resolution of the City Council, the City Manager, and the Chair of the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One shall be voting members of the TEDC Board. Of the remaining eleven positions on the TEDC Board (the "Public Directors"), the City Council shall appoint four voting members from the membership of Board of Directors of the Temple Chamber of Commerce, one representative from the Temple Health & Bioscience Economic Development District, one representative (in addition to the chairperson) from the City of Temple Tax Increment Financing Reinvestment Zone Number One. The remaining five Directors shall be chosen by the City Council from the public at large. The immediate Past Chair of the TEDC Board, if his/her term shall otherwise have expired, shall be an *ex officio* (non-voting) member of the TEDC Board of Directors with the right to have notice of, to attend, and to speak at all meetings of the Board of Directors. (See Table below.) From time to time, the Board of



Directors may invite other members of the community, such as the Bell County Judge, the President of Temple College, representatives of the school districts located within the City, the executive director of the Temple Health & Bioscience Economic Development District, or such other individuals as the Board of Directors determines would be advantageous to have present at a particular board meeting.

<b>Composition of Board of Directors of TEDC</b>		
<b>Sponsoring Entity:</b>		<b>Position (all appointed by City Council)</b>
1.	For City of Temple:	Mayor or Councilmember (designated by CC)
2.		Councilmember (designated by CC)
3.		City Manager
4.	For TIFRZ #1:	Chair of TIRZ Board
5.		Additional TIFRZ Board Member
6.	For Temple Chamber of Commerce:	Representative from Chamber Board
7.		Representative from Chamber Board
8.		Representative from Chamber Board
9.		Representative from Chamber Board
10.	For Temple Health & Bioscience Economic. Dev. Dist.	One Board Member
11.	At large representatives:	Unrestricted Appointment
12.		Unrestricted Appointment
13.		Unrestricted Appointment
14.		Unrestricted Appointment
15.		Unrestricted Appointment
<b>Ex-officio:</b>		Immediate Past Chair of TEDC Board

- (2) Appointment process. The two City of Temple councilmembers (one of whom may be the Mayor), the City Manager and the chair of the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One shall serve until changed by the City Council. For those TEDC Directors serving from either the Temple Chamber of Commerce, no more than two such directors' terms shall expire in any one year. In July of each year, the Boards of Directors of the Temple Chamber of Commerce and the Temple Health & Bioscience Economic Development District may make recommendations to the City Council as to who the City Council should appoint to fill the vacancy or vacancies created by the expiration of the term of TEDC Directors originally appointed from the membership of such Boards. The City Council may appoint whoever it chooses so long as such person is then serving on the applicable Board of Directors of the Temple Chamber of Commerce or the Temple Health & Bioscience Economic Development District or its advisory board. Once appointed, a TEDC Director shall serve his or her entire term on TEDC's board even though such person's term on the Board of Directors of the Temple



Chamber of Commerce or the Temple Health & Bioscience Economic Development District (or its advisory board) shall expire or be terminated.

- (3) Executive Committee. TEDC shall have an Executive Committee with the power to act for and on behalf of TEDC in the same manner as may the TEDC Board. The Executive Committee shall be composed of five voting members, the Chair of TEDC's Board, the Vice Chair of TEDC's Board, the Treasurer of TEDC, the Mayor or City Manager of the City, and the Chair of the City of Temple Tax Increment Financing Reinvestment Zone Number One, and one *ex officio* member, the immediate past Chair of the TEDC's Board.
- (4) Confidentiality Oath. All members of the Board of Directors and the Executive Committee must, as a condition of service on the Board or Committee, execute oath of confidentiality in a form approved by the Board of Directors from time to time. A violation of the oath of confidentiality as determined by the Board of Directors shall be sufficient cause for removal from the Board of Directors and/or the Executive Committee. The City Council representatives or the City Manager may discuss matters discussed in confidence by the Board of Directors or the Executive Committee with City Councilmembers not sitting on the TEDC Board from time to time provided that those councilmembers also execute the oath of confidentiality required of all Board and Executive Committee members.
- (5) Dissolution. All funding received from the City under this Agreement shall be maintained in a separate account as provided for in Section 3(f) above. In the event of the dissolution of TEDC, all funds in this account shall be the property of, and returned to, the City.
- (6) Attendance Requirements for TEDC Board of Directors. Board members appointed to the TEDC Board of Directors pursuant to subsection 3(g)(2) above, are subject to the City Council's attendance requirements for board members set out in Resolution Number 2004-4025-R. Board members, exclusive of councilmembers appointed to the TEDC Board, shall automatically forfeit their position on the Board for failing to attend at least 50% of all scheduled meetings during a twelve-month period or for missing three or more consecutive meetings. The City Secretary shall serve such notice. In the event that a city councilmember appointed to the TEDC Board fails to attend at least 50% of the scheduled meetings in a twelve-month period or misses three or more consecutive meetings, the City Secretary shall so advise the City Council, and the City Council shall take such action as the Council deems appropriate.

#### Section 4: **Mutual Cooperation**



City and TEDC agree to cooperate fully with one another and to coordinate their efforts in order to ensure that the conditions of this contract are fulfilled and to ensure optimal economic development within the City. In order to expedite the conditions of the contract and to effect economies of scale, the parties agree to keep each other fully informed of their plans, operations and activities and wherever possible to coordinate fully their efforts to promote and otherwise undertake economic development within the City.

#### Section 5: **No Obligation for Additional Funds**

Nothing in this Agreement shall in any way place any obligation on any other funds or sources of revenue of the City and nothing herein shall create any lien or other obligation on any other sources of income, revenues or funds of the City. The obligations of the City provided by this Agreement are payable from sales tax revenue received by the City. The City, at its sole option, may further subordinate the obligations of the City hereunder to other present and future obligations of the City.

#### Section 6: **Ability to Contract With Others**

Nothing in this Agreement shall in any way limit either party to this Agreement from contracting with other persons or organizations for economic development within the City.

#### Section 7: **Term**

The term of this contract shall be five years commencing on October 1, 2007, but shall be renewed automatically thereafter for five year terms, unless either party indicates its intent not to renew the Agreement at least thirty days prior to the expiration of the current (or future) five year terms.

#### Section 8: **Termination**

(a) **Termination by Right.** Either party to the contract may terminate same as a matter of right by giving ninety (90) days written notice to the other parties of its intent to so terminate. All reasonable expenses of the TEDC under the contract shall be paid and reimbursed up to the effective date of termination.

(b) **Non-appropriation.** The City reserves the right to terminate immediately this Agreement in the event that the City Council determines, in its sole judgment, that circumstances require that funds presently, or proposed to be, budgeted for the purposes of this Agreement, should be reappropriated for another purpose. All reasonable expenses of the TEDC under the contract shall be paid and reimbursed up to the effective date of termination.



(c) Termination From Material Breach. Any party hereunder may terminate the contract for material breach hereof by notifying the defaulting party in writing of such material breach. If the defaulting party fails to correct the breach within thirty (30) days of the date of receipt of said notice, the contract will be immediately and automatically terminated and declared void at the option of the non-defaulting party. Nothing herein shall waive any rights of any party hereto to pursue any legal remedies they may have to seek damages for a material breach or to seek specific enforcement of this Agreement.

Section 9: **Assignment**

This Agreement is not assignable by either party without the prior written consent of the governing body of the other party.

Section 10: **Notices**

All written notices must be made by certified mail, return receipt requested, and shall be addressed to the parties, or their successors in office, at the following addresses:

Lee Peterson  
President  
Temple Economic Development Corporation  
One South First Street  
P.O. Box 1343  
Temple Texas 76503-1343

David A. Blackburn  
City Manager  
City of Temple  
Municipal Building  
Temple, Texas 76501

Section 11: **Applicable Law**

This Agreement is executed in Bell County, Texas, is performable in Bell County, Texas, and shall be construed under the laws of the State of Texas.

Section 12: **Severability**

If any provision of this Agreement or the application thereof to any person or circumstances shall, for any reason and to any extent, be invalid or unenforceable, neither the application of such provision to any other person or circumstance nor the remainder of the instrument in which such provision is contained shall be affected thereby, but rather shall be enforced to the greatest extent permitted by law.

Section 13: **Conflict of Interest**



No member of the City Council, the Board of Directors of the TEDC, nor any member of any other City board or any appointive officer or employee of the City shall ever be pecuniarily interested, directly or indirectly, in this Agreement or in any transaction involving TEDC; however, such persons may be compensated in reasonable amounts for services or products provided to TEDC other than their services as TEDC directors. Any such person with a pecuniary interest in a transaction involving TEDC or proposing to provide services or products to TEDC shall disclose such person's interest to the TEDC Board of Directors and such person shall not vote on the decision, or involve themselves in the discussion, as to whether TEDC should enter into such transaction. TEDC's Board of Directors shall be the sole and final judge of whether a conflict of interest exists with respect to a Director. A Director with a conflict of interest shall be counted for the purpose of determining whether a quorum exists at any meeting. The transaction shall be approved by the affirmative vote of the majority of the disinterested Directors.

DULY AUTHORIZED by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2007, of the Board of Directors of the Temple Economic Development Corporation, acting by and through its Chair of its Board of Directors, and by Resolution Number \_\_\_\_\_ dated the \_\_\_\_ day of \_\_\_\_\_, 2007, of the City Council of the City of Temple.

## **CITY OF TEMPLE**

By: \_\_\_\_\_  
William A. Jones, III  
Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

## **TEMPLE ECONOMIC DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Chair of the Board



ATTEST:

\_\_\_\_\_ (Corporate Seal)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City has an agreement which was authorized in 2004 with the Temple Economic Development Corporation for economic development services;

**Whereas,** the City and TEDC desire to continue to cooperate fully with one another and to coordinate their efforts to ensure optimal economic development within the city;

**Whereas,** funding for the proposed agreement is included in the FY 2007-08 operating budget;

**Whereas,** the Staff recommends entering into the agreement with TEDC in an effort to continue to grow the City's tax base, jobs, income levels and the overall economy; 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 an agreement with the Temple Economic Development Corporation, after approval as to form by the City Attorney, for economic development services.

**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 **20<sup>th</sup>** day of **September**, 2007.



THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(L)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

### **ITEM DESCRIPTION:** Consider adopting a resolution authorizing:

1. a contract with World Energy Solutions, Inc. to provide electricity reverse auction and procurement services.
2. the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc. platform, and if in the best interest of the City, enter into a contract for a period of 3 to 24 months for the supply of electricity with the lowest bidder.
3. the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity by TXU Energy Retail Company LP, and if in the best interest of the City, enter into a contract for a period of 3 to 24 months for the supply of electricity with TXU Energy Retail Company LP.

### **STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

**ITEM SUMMARY:** On September 21, 2006, Council approved a resolution authorizing the City to become a member of the Houston Galveston Area Council of Governments (HGAC) Energy Purchasing Corporation with the intent of minimizing electrical service rates through aggregation with other municipalities. TXU did not elect to participate in the HGAC, but the program allowed for the City to choose up to three (3) additional service providers to solicit pricing from. Accordingly, the City solicited pricing from TXU at the same time that pricing was solicited from HGAC, and in October 2006, the City locked in a rate of \$.0748717 per kWh for a period of 12 months ending October 31, 2007, with TXU based on TXU's rate being less than what could be achieved through HGAC.

This year staff would like to explore a new procurement approach and engage World Energy Solutions, Inc. to provide the City with reverse auction and procurement services for the acquisition of electrical service. Staff believes that this procurement method lends itself to a higher level of competitive bidding than what can be achieved through HGAC.



World Energy uses its World Energy Exchange online reverse auction platform to procure retail energy needs, which has been shown to save customers an average of 11% compared with traditional paper-based approaches to energy procurement. In essence, based on feedback from the City with regards to selecting the specific vendors to participate in the auction and the timing of the auction, typically just a few hours, World Energy will assist the City in creating an RFP and performing an on-line auction. Once the auction commences, the City and the bidders see bid prices in real-time, which ultimately creates high competition, and conceptually the best price. The City has no financial obligation to World Energy until a bid is accepted using their services. Should the City accept a bid provided through World Energy's reverse auction process, a fee no greater than \$.001/kWh will be embedded in the supplier's price that will be paid by the electrical service provider to World Energy.

TXU Energy Retail Company LP will not participate as a vendor in the World Energy Exchange platform. Accordingly, at the same time that the City performs the auction using the World Energy on-line auction platform, the City will have the option to request pricing from TXU. If the pricing provided by TXU is lower than the pricing achieved through the World Energy auction, staff would like the ability to enter into a contract with TXU if the price is more favorable to the City.

Bids will be requested for periods ranging from 3 to 24 months. Hence, staff is requesting that Council give the City Manager and Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City.

The rates for this commodity are typically only valid for a few hours after the bids close. Accordingly, it is necessary to obtain authorization from the City Council to enter into a contract with a vendor whose bid is solicited using the World Energy Exchange online auction or with TXU.

**FISCAL IMPACT:** There is no cost to the City for engaging World Energy Exchange. If their platform is successful in identifying the lowest cost electrical provider, the successful bidder's rate will include a fee that will be transferred by the electrical service provider to World Energy.

In preparing the budget for FY 2008, all electric meters on the current contract were estimated with a 10% increase. The FY 2008 adopted budget for electricity is as follows:

General Fund	\$2,084,877
Hotel/Motel Tax Fund	110,653
Water & Wastewater Fund	1,743,188
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Total FY 2008 Budget	\$3,938,718

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH WORLD ENERGY SOLUTIONS, INC., TO PROVIDE ENERGY AUCTION AND PROCUREMENT SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple desires energy cost reductions, better energy risk management, and more budget certainty;

**Whereas**, engaging World Energy Solutions, Inc., and its auction platform will help the City of Temple achieve these objectives;

**Whereas**, the Staff recommends that the contract with World Energy Solutions, Inc., be approved; 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 with World Energy Solutions, Inc., after approval as to form by the City Attorney, to provide energy auction and procurement services.

**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 **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO ACT ON BEHALF OF THE CITY TO REVIEW PRICING OFFERS SUBMITTED FOR THE SUPPLY OF ELECTRICITY USING THE WORLD ENERGY SOLUTIONS, INC., PLATFORM, AND IF IN THE BEST INTEREST OF THE CITY, ENTER INTO A CONTRACT FOR A PERIOD OF 3 TO 24 MONTHS FOR THE SUPPLY OF ELECTRICITY WITH THE LOWEST BIDDER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City's current contract with TXU for the supply of electricity for City-owned facilities will expire on October 31, 2007;

**Whereas**, the Staff recommends exploring a new procurement approach by engaging World Energy Solutions, Inc., to provide the City with reverse auction and procurement services for the acquisition of electrical service since this procurement method lends itself to a higher level of competitive bidding than what can be achieved through HGAC Energy Purchasing Corporation and TXU;

**Whereas**, since the rates for this commodity are only valid for 48 hours, it is necessary to obtain authorization from the City Council so that the contract can be executed immediately by the City Manager or the Finance Director upon the conclusion of a successful negotiation; 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 the Director of Finance to act on behalf of the City of Temple to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc., platform, and if in the best interest of the City, to enter into a contract for a period of 3 to 24 months for the supply of electricity with the lowest bidder.

**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 **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO ACT ON BEHALF OF THE CITY TO REVIEW PRICING OFFERS SUBMITTED FOR THE SUPPLY OF ELECTRICITY BY TXU ENERGY RETAIL COMPANY LP, AND IF IN THE BEST INTEREST OF THE CITY, ENTER INTO A CONTRACT FOR A PERIOD OF 3 TO 24 MONTHS FOR THE SUPPLY OF ELECTRICITY WITH TXU ENERGY RETAIL COMPANY, LP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City's current contract with TXU for the supply of electricity for City-owned facilities will expire on October 31, 2007;

**Whereas,** on September 21, 2006, the City Council approved a resolution authorizing the City Manager or the Director of Finance to execute a contract with Houston-Galveston Council of Governments (HGAC) – although TXU is not an approved HGAC REP, the program allows for the City to choose up to 3 additional REPS and HGAC will solicit pricing from them;

**Whereas,** the City will solicit pricing offers from HGAC Energy Purchasing Corporation and TXU – Staff will review the offers and negotiate the most favorable contract for the supply of electricity;

**Whereas,** since the rates for this commodity are only valid for 48 hours, it is necessary to obtain authorization from the City Council so that the contract can be executed immediately by the City Manager or the Finance Director upon the conclusion of a successful negotiation; 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 the Director of Finance to act on behalf of the City of Temple to review pricing offers submitted for the supply of electricity by TXU Energy Retail Company, LP, and if in the best interest of the City, to enter into a contract for a period of 3 to 24 months for the supply of electricity with TXU Energy Retail Company, LP.



**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 **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item # 4(M)-(1)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Aaron Adel, AICP, Special Projects Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-54(A): Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan from Moderate Density Residential Use to Office Use on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7/0 to recommend approval August 20, 2007, on Staff's request because the future Office use is compatible with the planned future use of the adjacent property and compatible with the minor arterial classification of Kegley Road.

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

**ITEM SUMMARY:** The West Temple Comprehensive Plan shows Moderate Density Residential uses planned for the area surrounding the subject site with the exception of property adjacent to the north that the City reclassified for future Office use in October 2006. The applicant is seeking O-1 zoning for this property. The Thoroughfare Plan designates Kegley Road as a minor arterial. The pavement width of Kegley Road is 25 feet with 40 feet of right-of-way. This does not meet arterial standards of 49 feet of pavement with 70 feet of right-of-way.

Please refer to the Staff Report and minutes attached. This proposal is associated with zone change case Z-FY-07-54(b), a zone change from the A-Agriculture District to the O-1 Office District.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

Land Use Map  
P&Z Staff Report (Z-FY-07-54(a))  
P&Z Minutes (August 20, 2007)  
Ordinance









# PLANNING AND ZONING COMMISSION AGENDA ITEM

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08/20/07  
Item 5a  
Page 1 of 1

**APPLICANT:** Scott Motsinger/Milton Trojan

**CASE MANAGER:** Aaron Adel, AICP – Special Projects Planner

**ITEM DESCRIPTION:** Z-FY-07-54 (a) Hold a public hearing and consider an amendment to the West Temple Comprehensive Plan on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane. (Applicant: Scott Motsinger agent for Milton Trojan)

**BACKGROUND:** The West Temple Comprehensive Plan, prepared in 1999, shows only Moderate Density Residential uses planned for the area surrounding the subject site, with the exception of property adjacent to the north that the City reclassified as future Office use in October 2006. The Office future land use category provides for land zoned O-1 and O-2. The applicant is seeking O-1 zoning for this property. If the City Council approves the requested amendment, future zoning of the land could be either O-1 or O-2 without requiring further amendment. Typical uses allowed in the O-2 district include:

- |                             |                            |                       |
|-----------------------------|----------------------------|-----------------------|
| ▪ Single family residential | ▪ Child care facility      | ▪ Bank                |
| ▪ Apartments                | ▪ Assisted living facility | ▪ Professional Office |
| ▪ Hotel/Motel               | ▪ School                   | ▪ Restaurant/Drive-In |

The Thoroughfare Plan designates Kegley RD as a minor arterial which, “Serves major movements of traffic between different areas of the city with facing commercial development. Residential property generally does not have direct access but is served from side streets.” The pavement is currently 25 feet wide with 40 feet of right-of-way.

While the *classification* of Kegley Road as a minor arterial makes it appropriate for future office uses, the present-day construction of Kegley Road does not meet arterial standards which require a minimum pavement width of 49 feet with 70 feet of right-of-way.

Needed improvements to Kegley Road were voiced by citizens in 1999 when the West Temple plan was created. At that time, the K-TUTS Metropolitan Transportation Plan (MTP) included a project to widen Kegley Road to 5 lanes from 2305 to I-35. The long-range component of the 2030 MTP still lists this project with an estimated cost of \$8.8 million and no certain construction date.

The newspaper printed notice of the public hearing on August 10, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of this amendment because the future Office use is compatible with the planned future use of the adjacent property and compatible with the minor arterial classification of Kegley Road.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:** Future Land Use and Thoroughfare Plan Map



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2007**

**ACTION ITEMS**

- 5(a) Z-FY-07-54** Hold a public hearing and consider an amendment to the West Temple Comprehensive Plan on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane, (Applicant: Scott Motsinger agent for Milton Trojan)
- (b) Z-FY-07-54** Hold a public hearing and consider a zone change from Agricultural District to Office One District on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane. (Applicant: Scott Motsinger agent for Milton Trojan)

Ms. Aaron Adel, Special Projects Planner, presented both items consecutively as outlined in the Planning and Zoning Commission agenda backgrounds. She said after her presentation of both items, Vice-Chair Luck would open the public hearings for both items followed by a separate vote on each item. Ms. Adel displayed the Future Land Use and Thoroughfare Plan map, an aerial of the property, the zoning and utility map, and the notification radius map. Eight notices were mailed to surrounding property owners. No notices were returned in favor or in opposition to either item. Staff recommends approval of the amendment to the Zoning Ordinance and the zone change request.

Vice-Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-07-54(a) or Z-FY-07-54(b) to address the Commission.

Ms. Debbie Hunt, representing her parents who own the property adjacent to the south edge of the subject property. Her concern was with the 0-1 zoning could allow townhouses. Ms. Hunt said their opposition is not to the office buildings but to the townhouses so close to her parents' residence. She also had easement concerns.

Mr. Dell Martin, 4914 Wendy Oaks, addressed the Commission. He didn't have any concerns about the rezoning but did have concerns about when the street would be reconstructed. Ms. Adel said a schedule for improvements has not been created as to date.

Mr. Scott Motsinger, 18 N. 3<sup>rd</sup> Street, addressed the Commission. He said the owner of this tract owns the tract adjacent to the north that was previously rezoned to 0-1 and wants to keep the zoning consistent. The owner is not certain at this time what he would like to develop on this tract; either offices or upscale garden type townhouses.

Vice-Chair Luck closed the public hearing.

Motion to recommend approval for Z-FY-07-54(a) an amendment to the West Temple Comprehensive Plan by Commissioner Hurd; seconded by Commissioner Carothers.

Motion passed (8/0). Chair Thomas abstained.



Motion to recommend approval for Z-FY-07-54(b) a zone change from Agricultural District to Office One District by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0). Chair Thomas abstained.

Vice-Chair Luck turned the meeting over to Chair Thomas. Mr. Dolan requested the Commission simultaneously consider the next three items. Z-FY-07-55, Z-FY-07-56(a), and Z-FY-07-56(b); call a separate public hearing for each zoning case with a separate motion, second and vote for each individual case. Chair Thomas read all three zone change requests.



ORDINANCE NO. \_\_\_\_\_

(ZONING NO. Z-FY-07-54-A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN FROM MODERATE DENSITY RESIDENTIAL USE TO OFFICE USE ON APPROXIMATELY 12.79 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 2564-A, CITY ADDITION, LOCATED ON THE WEST SIDE OF SOUTH KEGLEY ROAD, SOUTH OF WILDFLOWER LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council authorizes an amendment to the West Temple Comprehensive Plan from Moderate Density Residential Use to Office Use on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 6<sup>th</sup> day of **September**, 2007.

PASSED AND APPROVED on Second Reading on the 20<sup>th</sup> day of **September**, 2007.



THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(M)-(2)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-54 (B): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Office One District on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7/0 to recommend approval of the Staff request of a zone change from A-Agriculture District to O-1 Office One District at its meeting on August 20, 2007 because:

1. The parcel location conforms to the description of the O-1 District.
2. The O-1 District is compatible with surrounding zoning districts (A and PD-Mixed).
3. Thoroughfare and infrastructure concerns can be addressed at the platting stage.

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

**ITEM SUMMARY:** The applicant, Scott Motsinger, agent for Milton Trojan, is requesting a zone change from A to O-1. The property is currently cultivated with corn. The proposed future use of the property is an office park. In October 2006, the P&Z Commission and City Council approved a similar rezoning case for the 12-acre tract adjacent to the north side of this property. That case had the same owner/applicant and was for a zone change from A to O-1 for future development as an office park.

Surrounding Property and Uses:

Direction	Zoning District	Current Use
North	O-1	Cultivated
South	A	Single Family Residence
East	PD (Mixed)	Wildflower Country Club
West	A	Cultivated



The purpose of the O-1 district is to allow low-rise garden-type office development to serve nearby neighborhoods. This district should be located convenient to residential areas & complimentary in character to the neighborhood served. The district is a transitional zone where permitted uses are major traffic generators. Typical allowed uses include: Single family and duplex residential, fire stations, childcare facilities, churches, schools, banks, professional offices, and dance studios.

A primary concern for this application relates to the adequacy of Kegley Road to accommodate an office development. The K-TUTS Metropolitan Transportation Plan includes a long-range project to widen Kegley Road to five lanes sometime before 2030 with no certain construction date. The City of Temple collected traffic counts along this portion of Kegley Road in May 2007. The traffic volume amounted to 4,966 average daily trips. It will be a requirement at the platting stage for the developer to construct half-street paving to accommodate the increased traffic movements generated by future office development.

There is no sanitary sewer directly serving this site. At present, water infrastructure is not sufficient for the proposed use. At the time of platting, the developer will need to construct an 8" water line to accommodate an office park. It will be also be a requirement at the platting stage for the developer to construct wastewater infrastructure.

Staff mailed out eight notices to owners of property within 200' of the subject site. One notice was returned in opposition to the request.

Please refer to the Staff Report and draft minutes of case Z-FY-07-54(b), from the Planning and Zoning meeting, August 20, 2007.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Public Notice Response](#)  
[Zoning Map](#)  
[Arial Map](#)  
[Utility Map](#)  
[Notice Map](#)  
[Zone Change Application](#)  
[P&Z Staff Report \(Z-FY-07-54\(b\)\)](#)  
[P&Z Minutes \(August 20, 2007\)](#)  
[Ordinance](#)



# RESPONSE TO PROPOSED ZONING CHANGE

## CITY OF TEMPLE

RECEIVED

AUG 20 2007

City of Temple  
Planning & Development

Hayworth, Betty Jean  
2054 S Kegley Rd  
Temple TX 765027434

**Zoning Application Number: Z-FY-07-54**

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

I recommend ( ) *approval* ☒ *denial* of this request.

**Comments:**

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*x Betty Hayworth*  
SIGNATURE

Please mail or hand-deliver this comment form to the address shown below, no later than AUGUST 20, 2007.

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

Number of Notices Mailed: 8

Date Mailed: AUGUST 10, 2007









**Z-FY-07-54**

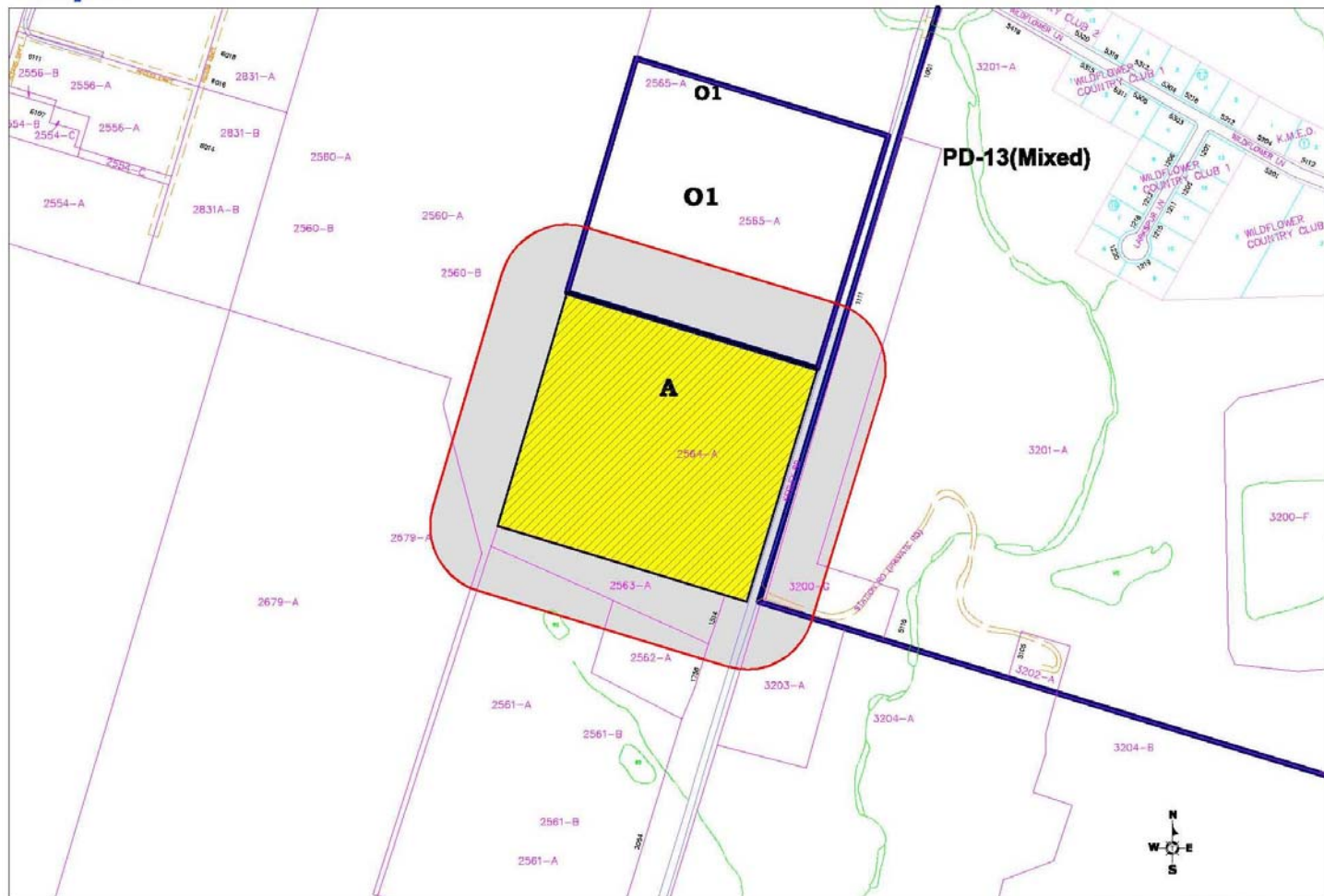


**Area of Proposed Zone Change**









### Area of Proposed Zone Change



### 200' Radius

**A to O**

**J. Stone/GIS Mapping**  
**07-31-07**  
**Scale: 1"=400'**



**CITY OF TEMPLE  
ZONE CHANGE APPLICATION**

Scott Motsinger	18 North Third Street Temple, Texas	76501	254.773.4901
(APPLICANT)	(ADDRESS)	(ZIP CODE)	(PHONE NUMBER)
Milton Trojan	16798 State Hwy 6, Hico, TX	76457	254.796-4912
(OWNER OF PROPERTY)	(ADDRESS)	(ZIP CODE)	(PHONE NUMBER)

E-MAIL ADDRESS: smotsinger@aldrich-thomas.com FAX NUMBER: 254.771.1483

ADDRESS OF PROPERTY: 12.79 Acres on Kegley Road LOT:      BLOCK:      ADDITION:     

OUTBLOCK (if not platted): 2565-A 2564-A Legal Description: See Attached Exhibit "A"

PRESENT ZONING: Agricultural REQUESTED ZONING: Office

PRESENT USE OF PROPERTY:

Farming

PROPOSED USES FOR THE PROPERTY: Office Park

IF ZONE CHANGE IS GRANTED, WHEN WOULD PROPOSED USE BEGIN?     

I understand that approval of this request by the Planning and Zoning Commission and City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.

The applicant understands that any staff assistance in applying for rezoning is based on a clear, detailed explanation indicated above of what specific activities are intended to take place on the rezoned property or properties and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.

**ZONING FEE SCHEDULE \$150.00 plus \$3.00 per acre or portion over one acre**

The fee for processing this application is to cover the cost of public notice and necessary adjacent property owner notification. Fee is not refundable, except that a 25% refund will be made if an application is withdrawn in writing, received by the Planning Department prior to notification for the City Council public hearing.

<u>Milton W. Trojan</u> OWNER Signature	DATE	or	<u>7/27/07</u> AGENT Signature	DATE
--	------	----	-----------------------------------	------

\*If application is made by Agent, he must furnish, with the application, a letter from the property owner designating that he may act as Agent in this rezoning action.

**FOR OFFICE USE ONLY:**

Date: 30 July 07

<input checked="" type="checkbox"/> Completed Application	<input checked="" type="checkbox"/> Field Notes	<u>n/a</u> Fee	Received By: <u>Mary</u>
Case #: <u>2-FY-07-54</u>	Zoning Map Page: <u>1-20</u>	Project Manager: <u>Garan</u>	
Comp. Plan Affected: <u>West Temple Comp Plan</u>			
In Compliance with Comp. Plan: <del>Yes</del> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>		Tentative P&Z Date: <u>20 August 07</u>	





# PLANNING AND ZONING COMMISSION AGENDA ITEM

08/20/07  
Item 5(b)  
Page 1 of 2

**APPLICANT:** Scott Motsinger/Milton Trojan

**CASE MANAGER:** Aaron Adel, AICP – Special Projects Planner

**ITEM DESCRIPTION:** Z-FY-07-54 (b) Hold a public hearing and consider a zone change from Agricultural District to Office One District on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane. (Applicant: Scott Motsinger agent for Milton Trojan)

**BACKGROUND:** The applicant is requesting a zone change from A to O-1. The property is currently cultivated with corn. The proposed future use of the property is an office park. In October 2006, the P&Z Commission and City Council approved a similar rezoning case for the 12-acre tract adjacent to the north side of this property. That case had the same owner/applicant and was for a zone change from A to O-1 for future development as an office park.

**Surrounding Property and Uses** – Conformance with the West Temple Comprehensive Plan is a prerequisite to this zone change and was determined in the previous agenda item for Case # Z-FY-07-54(a).

Direction	Zoning District	Current Use
North	O-1	Cultivated
South	A	Single Family Residence
East	PD (Mixed)	Wildflower Country Club
West	A	Cultivated

**Thoroughfare Plan** – The primary concern for this application relates to the adequacy of Kegley Road to accommodate an office development. As mentioned in the Staff Report for Z-FY-07-54(a), the pavement width of Kegley Road is 25 feet with 40 feet of right-of-way. The Subdivision Ordinance requires a minimum of 49 feet of pavement width and 70 feet of right-of-way. The K-TUTS Metropolitan Transportation Plan includes a long-range project to widen Kegley RD to five lanes sometime before 2030 with no certain construction date.

The City of Temple collected traffic counts along this portion of Kegley Road in May 2007. The traffic volume amounted to 4,966 average daily trips. A windshield survey on 8-13-07 at 11:00 a.m. observed a 5-minute count of 30 vehicles. Many of the vehicles observed were cargo trucks or pickup trucks pulling trailers. There were also several construction trucks traveling south on Kegley RD and turning east into Wildflower LN.

It will be a requirement at the platting stage for the developer to construct half-street paving to accommodate the increased traffic movements generated by future office development.



Adequacy of Public Facilities – There is no sanitary sewer directly serving this site. There is a 24” sanitary sewer interceptor line across Kegley from this location. A 1.5” water line runs adjacent to the property. At present, water infrastructure is not sufficient for the proposed use. At the time of platting, the developer will need to construct an 8” water line to accommodate an office park. It will be also be a requirement at the platting stage for the developer to construct wastewater infrastructure to accommodate future office development.

#### Development Regulations

The purpose of the O-1 district is to allow low-rise garden-type office development to serve nearby neighborhoods. The maximum building height of is stories. This district should be located convenient to residential areas & complimentary in character to the neighborhood served. The district is designed to be a transitional zone where permitted uses are not intended to be major traffic generators.

Typical allowed uses include: Single family and duplex residential, fire stations, child care facilities, churches, schools, banks, professional offices, and dance studios.

Minimum lot area and setback requirements are as follow:

O-1, Office One District	Area Requirement
Minimum Lot Area	--
Minimum Lot Width	--
Minimum Lot Depth	--

O-1, Office One District	Area Requirement
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	10'

#### Public Notice

Staff mailed out eight notices to owners of property within 200’ of the subject site. As of August 16<sup>th</sup> at 12 PM, no notices were returned in favor of or in opposition to the request. The newspaper printed notice of the public hearing on August 10, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the zone change for the following reasons:

1. The parcel location conforms to the description of the O-1 District.
2. The O-1 District is compatible with surrounding zoning districts (A and PD-Mixed).
3. Thoroughfare and infrastructure concerns can be addressed at the platting stage.

**FISCAL IMPACT:** Not Applicable

#### **ATTACHMENTS:**

Zoning Map  
Aerial  
Utility Map  
Notification Radius Map  
Application



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2007**

**ACTION ITEMS**

- 5(a) Z-FY-07-54** Hold a public hearing and consider an amendment to the West Temple Comprehensive Plan on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane, (Applicant: Scott Motsinger agent for Milton Trojan)
- (b) Z-FY-07-54** Hold a public hearing and consider a zone change from Agricultural District to Office One District on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane. (Applicant: Scott Motsinger agent for Milton Trojan)

Ms. Aaron Adel, Special Projects Planner, presented both items consecutively as outlined in the Planning and Zoning Commission agenda backgrounds. She said after her presentation of both items, Vice-Chair Luck would open the public hearings for both items followed by a separate vote on each item. Ms. Adel displayed the Future Land Use and Thoroughfare Plan map, an aerial of the property, the zoning and utility map, and the notification radius map. Eight notices were mailed to surrounding property owners. No notices were returned in favor or in opposition to either item. Staff recommends approval of the amendment to the Zoning Ordinance and the zone change request.

Vice-Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-07-54(a) or Z-FY-07-54(b) to address the Commission.

Ms. Debbie Hunt, representing her parents who own the property adjacent to the south edge of the subject property. Her concern was with the 0-1 zoning could allow townhouses. Ms. Hunt said their opposition is not to the office buildings but to the townhouses so close to her parents' residence. She also had easement concerns.

Mr. Dell Martin, 4914 Wendy Oaks, addressed the Commission. He didn't have any concerns about the rezoning but did have concerns about when the street would be reconstructed. Ms. Adel said a schedule for improvements has not been created as to date.

Mr. Scott Motsinger, 18 N. 3<sup>rd</sup> Street, addressed the Commission. He said the owner of this tract owns the tract adjacent to the north that was previously rezoned to 0-1 and wants to keep the zoning consistent. The owner is not certain at this time what he would like to develop on this tract; either offices or upscale garden type townhouses.

Vice-Chair Luck closed the public hearing.

Motion to recommend approval for Z-FY-07-54(a) an amendment to the West Temple Comprehensive Plan by Commissioner Hurd; seconded by Commissioner Carothers.

Motion passed (8/0). Chair Thomas abstained.



Motion to recommend approval for Z-FY-07-54(b) a zone change from Agricultural District to Office One District by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0). Chair Thomas abstained.

Vice-Chair Luck turned the meeting over to Chair Thomas. Mr. Dolan requested the Commission simultaneously consider the next three items. Z-FY-07-55, Z-FY-07-56(a), and Z-FY-07-56(b); call a separate public hearing for each zoning case with a separate motion, second and vote for each individual case. Chair Thomas read all three zone change requests.



ORDINANCE NO. \_\_\_\_\_

(ZONING NO. Z-FY-07-54-B)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO OFFICE ONE DISTRICT (O-1) ON APPROXIMATELY 12.79 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 2564-A, CITY ADDITION, LOCATED ON THE WEST SIDE OF SOUTH KEGLEY ROAD, SOUTH OF WILDFLOWER LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to Office One District (O-1) on approximately 12.79 acres of land commonly known as Outblock 2564-A, City Addition, located on the west side of South Kegley Road, south of Wildflower Lane, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 6<sup>th</sup> day of September, 2007.



PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(N)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-55: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately six (6.0) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road.

**P&Z COMMISSION RECOMMENDATION:** The Planning & Zoning Commission recommended 9/0 the approval of the Limited Industrial District (LI) request since it complies with the Future Land Use Plan, Thoroughfare Plan, the Adequacy of Public Facilities and the Development Regulations.

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

**ITEM SUMMARY:** The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider cases Z-FY-07-55, Z-FY-07-56(A) and Z-FY-07-56(B) at the same time.

Please refer to the Staff Report and draft minutes of case Z-FY-07-55 from the Planning and Zoning Commission meeting on August 20, 2007.

**FISCAL IMPACT:** None.

### **ATTACHMENTS:**

[Land Use Map](#)  
[Zoning Map](#)  
[P&Z Staff Report](#)  
[P&Z Minutes](#)  
[Ordinance](#)





**Z-FY-07-55**

**6.00 Acres**

**Outblock 1164-G**

**AGRICULTURAL**

● Agricultural  
(A)

**RESIDENTIAL**

● 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  
(LI, HI)

**COMMUNITY  
FACILITIES**

● CF-E (Schools)  
● CF-G (General)  
● CF-M (Medical)  
● CF-R (Religious)

● PARKS

**THOROUGHFARE**

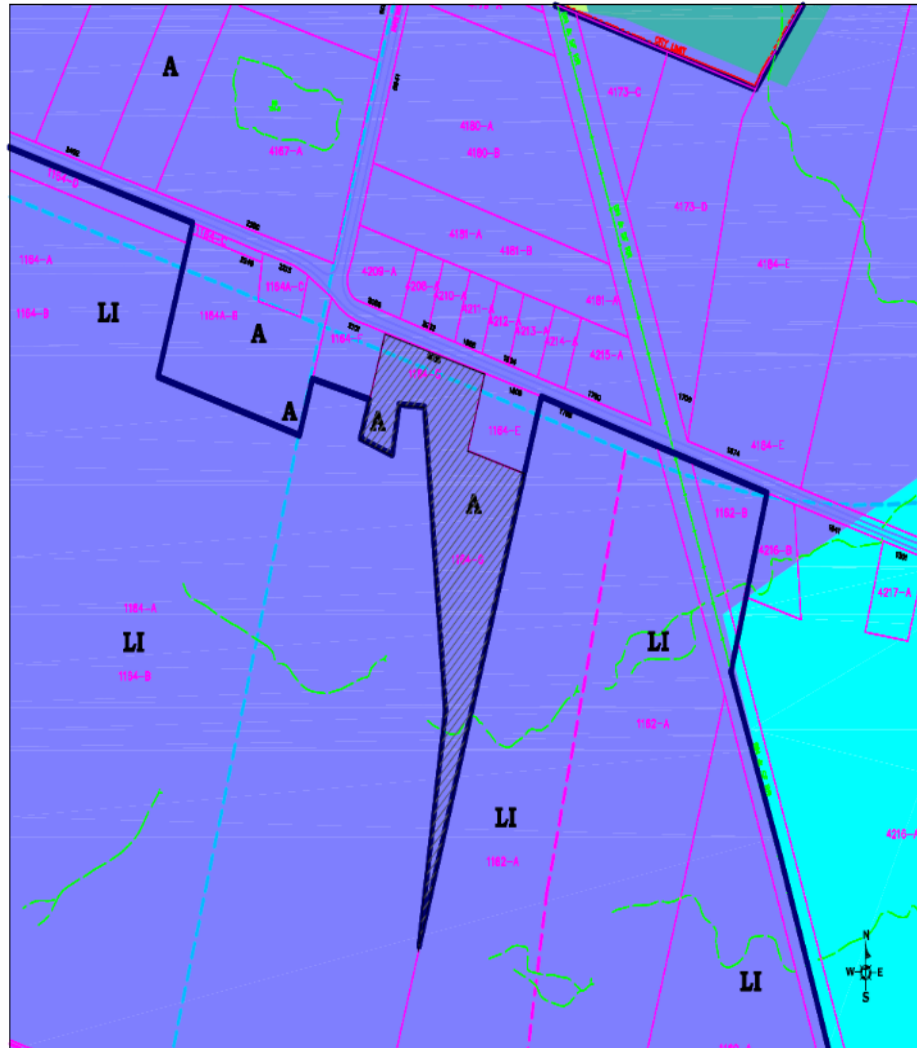
● Collector

● Minor Arterial

● Major Arterial

● Freeway

 **Proposed  
Rezone**



**A to LI**

**J Stone/GIS Mapping**

**08.06.07**

**Scale: 1"=400'**

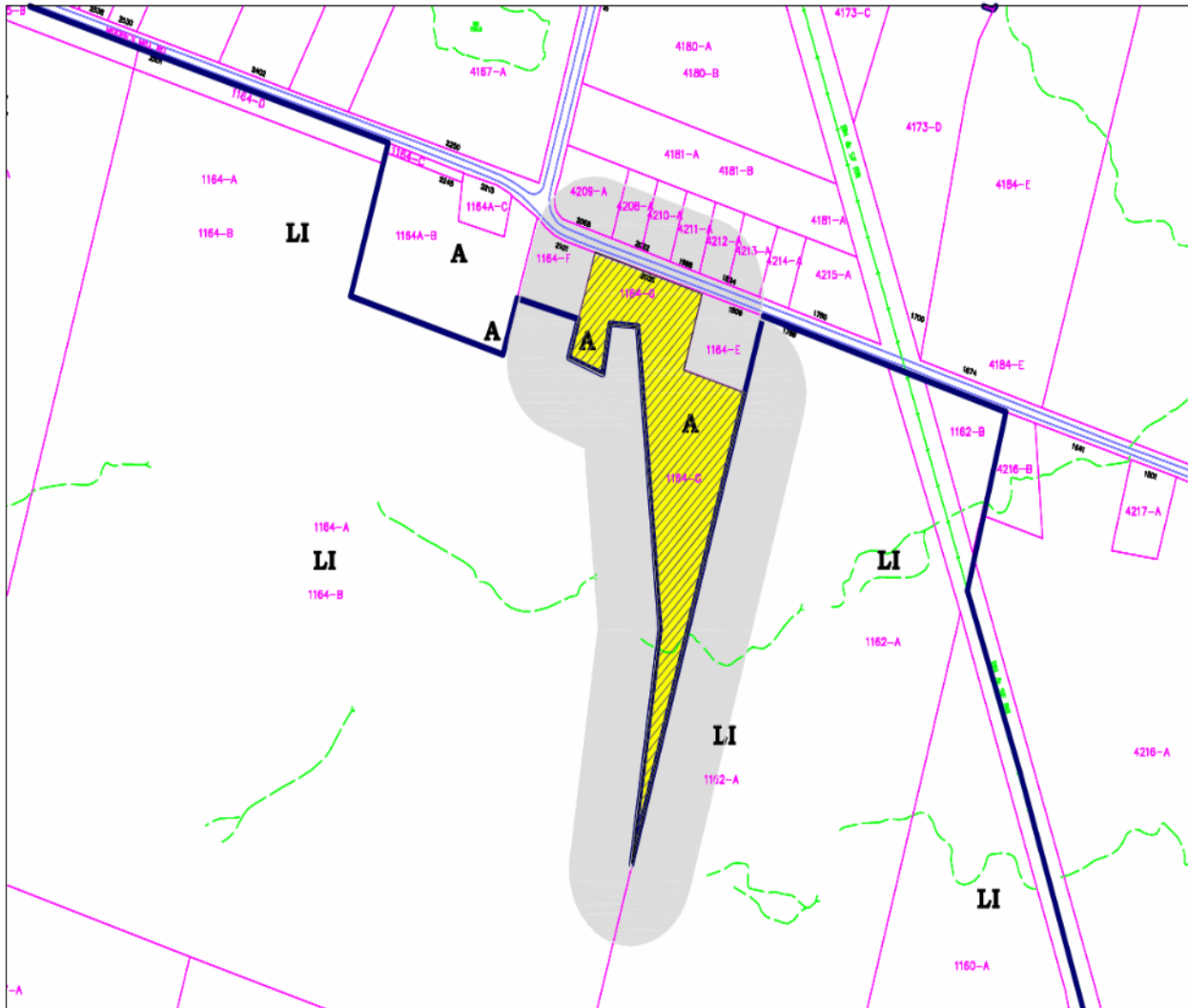




**Z-FY-07-55**

**6.00 Acres**

**Outblock 1164-G**



Area of Proposed Zone Change

200' Radius

**A to LI**

**J. Stone/GIS Mapping  
08.06.07  
Scale: 1"=400'**





## PLANNING AND ZONING COMMISSION AGENDA ITEM

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08/20/07  
Item 6  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** City of Temple c/o Temple Economic Development Corporation

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

Public Hearing - Z-FY-07-55: Consider a zone change from Agricultural District to Light Industrial District on approximately six (6.0) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road. (Applicant: Temple Economic Development Corporation)

**BACKGROUND:**

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission simultaneously consider Items 6, 7A & 7B simultaneously by calling a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

**Surrounding Property and Uses**

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped, with single family houses on the north side of Moore's Mill Road.

**Future Land Use Plan**

The subject area complies with the Future Land Use Plan as an Industrial Use.

**Thoroughfare Plan**

The subject area complies with the Thoroughfare Plan, with access to Moore's Mill Road and it will also be part of a larger tract to the south and west with planned Arterial Roadways.

**Adequacy of Public Facilities**

This area will be served by water and sewer as part of the CIP and RZ projects.



### Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

### Public Notice

A total of seven notices were sent out. As of August 16, 2007 at 5:00 P.M., none were returned. The letters were mailed and the newspaper printed the public hearing on August 8<sup>th</sup>, in accordance with state law and local ordinance

### **STAFF RECOMMENDATION:**

Staff recommends approval of Z-FY-07-55 subject area to:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Zoning Map  
Land Use Map  
Application



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2007**

**ACTION ITEMS**

- 6. Z-FY-07-55** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately six (6) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road. (Applicant: Temple Economic Development Corporation)

Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said seven notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-55, by Commissioner Kjelland; seconded by Commissioner Kasberg.

Motion passed (9/0).

- 7(a) Z-FY-07-56** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road. (Applicant: Temple Economic Development Corporation)

Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said three notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-56(a) by Commissioner Pilkington; seconded by Commissioner Hurd.

Motion passed (9/0).

- (b) Z-FY-07-56** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road. (Applicant: Temple Economic Development Corporation)



Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said three notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-56(a) by Commissioner Carothers; seconded by Commissioner Kjelland.

Motion passed (9/0).



ORDINANCE NO. \_\_\_\_\_

(ZONING NO. Z-FY-07-55)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 6 ACRES OF LAND COMMONLY REFERRED TO AS OUTBLOCK 1164-G, CITY ADDITION, LOCATED ON THE SOUTH SIDE OF MOORE'S MILLS ROAD, EAST OF BREWSTER ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 6 acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 6<sup>th</sup> day of September, 2007.



PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 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

---

09/20/07  
Item # 4(O)-(1)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-56(A): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.

**P&Z COMMISSION RECOMMENDATION:** The Planning & Zoning Commission recommended approval of the Limited Industrial District (LI) request since it complies with the Future Land Use Plan, Thoroughfare Plan, the Adequacy of Public Facilities and the Development Regulations with a vote of 9/0.

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

**ITEM SUMMARY:** The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider cases Z-FY-07-55, Z-FY-07-56(A) and Z-FY-07-56(B) at the same time.

Please refer to the Staff Report and draft minutes of case Z-FY-07-56A from the Planning and Zoning Commission meeting on August 20, 2007.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Land Use Map](#)  
[Zoning Map](#)  
[P&Z Staff Report](#)  
[P&Z Minutes](#)  
[Ordinance](#)





**Z-FY-07-56A**

10.08 Acres

Outblock 4204-A

**AGRICULTURAL**

● Agricultural  
(A)

**RESIDENTIAL**

● Low Density  
(0-2 DU/ACRE)  
(UE)

● Moderate Density  
(2-5 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  
(LI, HI)

**COMMUNITY  
FACILITIES**

● CF-E (Schools)

● CF-G (General)

● CF-M (Medical)

● CF-R (Religious)

● PARKS

**THOROUGHFARE**

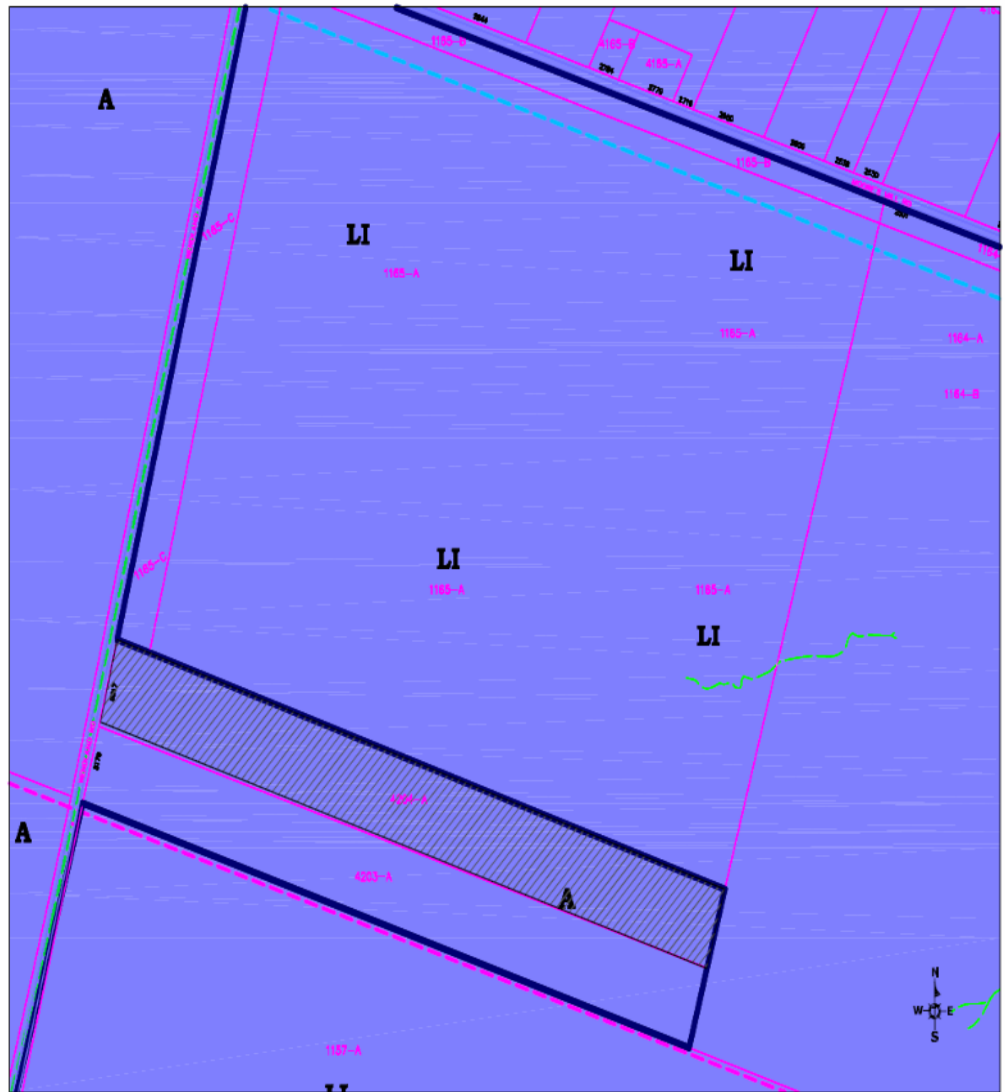
● Collector

● Minor Arterial

● Major Arterial

● Freeway

 **Proposed  
Rezone**



**A to LI**

**J Stone/GIS Mapping**

**08.06.07**

**Scale: 1"=400'**

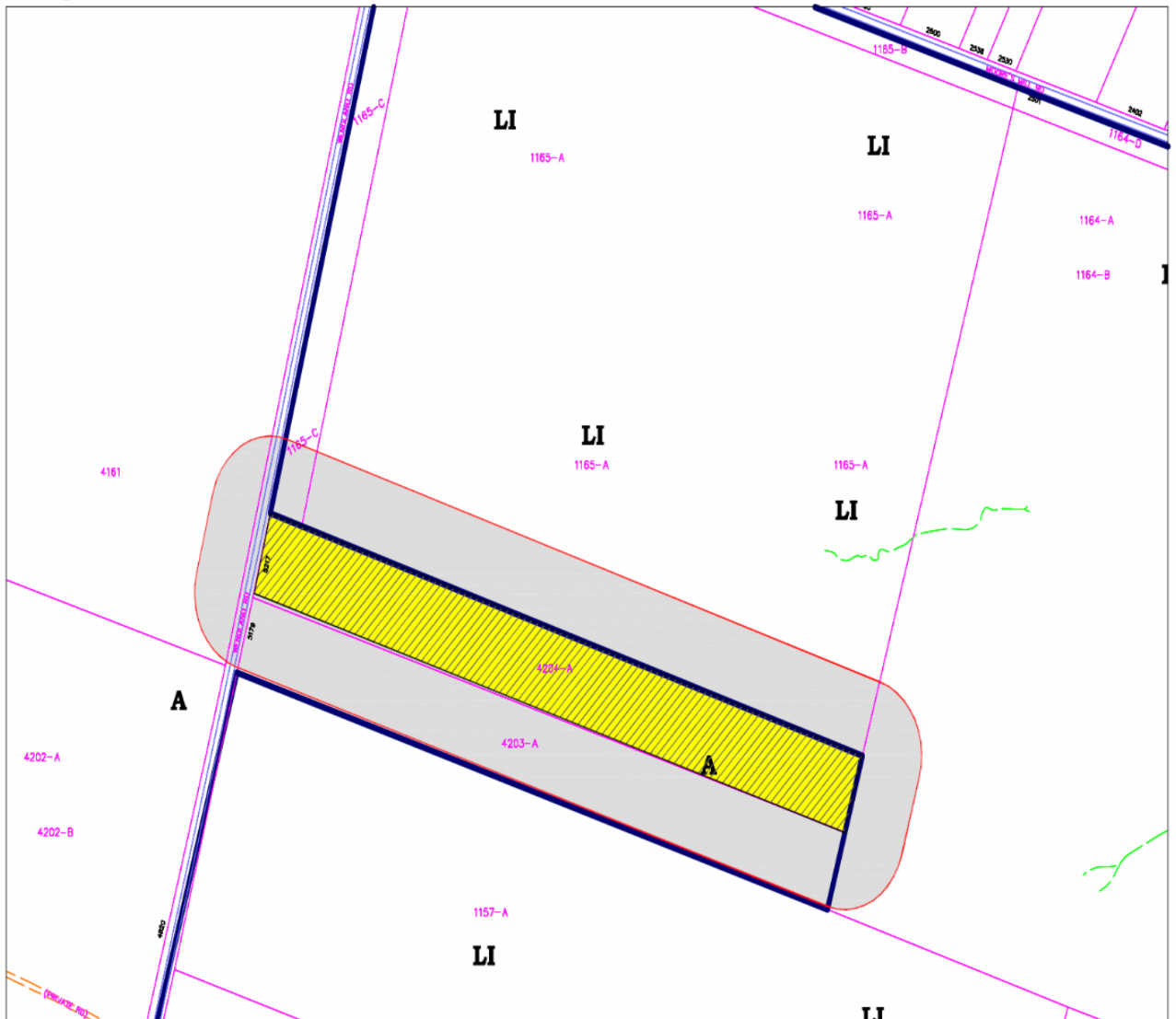





**Z-FY-07-56A**

**10.08 Acres**

**Outblock 4204-A**



 **Area of Proposed  
Zone Change**

 **200' Radius**

**A to LI**

**J. Stone/GIS Mapping  
08.06.07  
Scale: 1"=400'**





## PLANNING AND ZONING COMMISSION AGENDA ITEM

---

08/20/07  
Item 7A  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** City of Temple c/o Temple Economic Development Corporation

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

Public Hearing - Z-FY-07-56-A: Consider a zone change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.  
(Applicant: Temple Economic Development Corporation)

**BACKGROUND:**

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider Items 6, 7A & 7B simultaneously by calling a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

**Surrounding Property and Uses**

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped, with single family houses on the north side of Moore's Mill Road.

**Future Land Use Plan**

The subject area complies with the Future Land Use Plan as an Industrial Use.

**Thoroughfare Plan**

The subject area complies with the Thoroughfare Plan, with access to Wendland Road and Dodgen Loop, both Minor Arterial Roadways.

**Adequacy of Public Facilities**

This area will be served by water and sewer as part of the CIP and RZ projects.



### Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

### Public Notice

A total of three notices were sent out. As of August 16, 2007 at 5:00 P.M., none were returned. The letters were mailed and the newspaper printed the public hearing on August 8<sup>th</sup>, in accordance with state law and local ordinance

### **STAFF RECOMMENDATION:**

Staff recommends approval of Z-FY-07-56-A subject area to:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Zoning Map  
Land Use Map  
Application



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2007**

**ACTION ITEMS**

- 6. Z-FY-07-55** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately six (6) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road. (Applicant: Temple Economic Development Corporation)

Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said seven notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-55, by Commissioner Kjelland; seconded by Commissioner Kasberg.

Motion passed (9/0).

- 7(a) Z-FY-07-56** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road. (Applicant: Temple Economic Development Corporation)

Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said three notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-56(a) by Commissioner Pilkington; seconded by Commissioner Hurd.

Motion passed (9/0).

- (b) Z-FY-07-56** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road. (Applicant: Temple Economic Development Corporation)



Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said three notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-56(a) by Commissioner Carothers; seconded by Commissioner Kjelland.

Motion passed (9/0).



ORDINANCE NO. \_\_\_\_\_

(ZONING NO. Z-FY-07-56-A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 10.08 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 4204-A, CITY ADDITION, LOCATED ON THE EAST SIDE OF WENDLAND ROAD, NORTH OF WILSONART DRIVE AND SOUTH OF MOORE'S MILL ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 **6<sup>th</sup>** day of **September**, 2007.



PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #4(O)-(2)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-56(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.

**P&Z COMMISSION RECOMMENDATION:** The Planning & Zoning Commission recommended approval of the Limited Industrial District (LI) request since it complies with the Future Land Use Plan, Thoroughfare Plan, the Adequacy of Public Facilities and the Development Regulations with a 9/0 vote.

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

**ITEM SUMMARY:** The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider cases Z-FY-07-55, Z-FY-07-56(A) and Z-FY-07-56(B) at the same time.

Please refer to the Staff Report and draft minutes of case Z-FY-07-56B from the Planning and Zoning Commission meeting on August 20, 2007.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Land Use Map](#)  
[Zoning Map](#)  
[P&Z Staff Report](#)  
[P&Z Minutes](#)  
[Ordinance](#)





**Z-FY-07-56B**

10.05 Acres

Outblock 4203-A

**AGRICULTURAL**

● Agricultural  
(A)

**RESIDENTIAL**

● Low Density  
(0-2 DU/ACRE)  
(LE)

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

● Medium Density  
(5-12 DU/ACRE)  
(WH, 2-F, TH, MH-1)

● High Density  
(12-25 DU/ACRE)  
(HF-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  
(LI, HI)

**COMMUNITY  
FACILITIES**

● CF-E (Schools)

● CF-G (General)

● CF-M (Medical)

● CF-R (Religious)

● PARKS

**THOROUGHFARE**

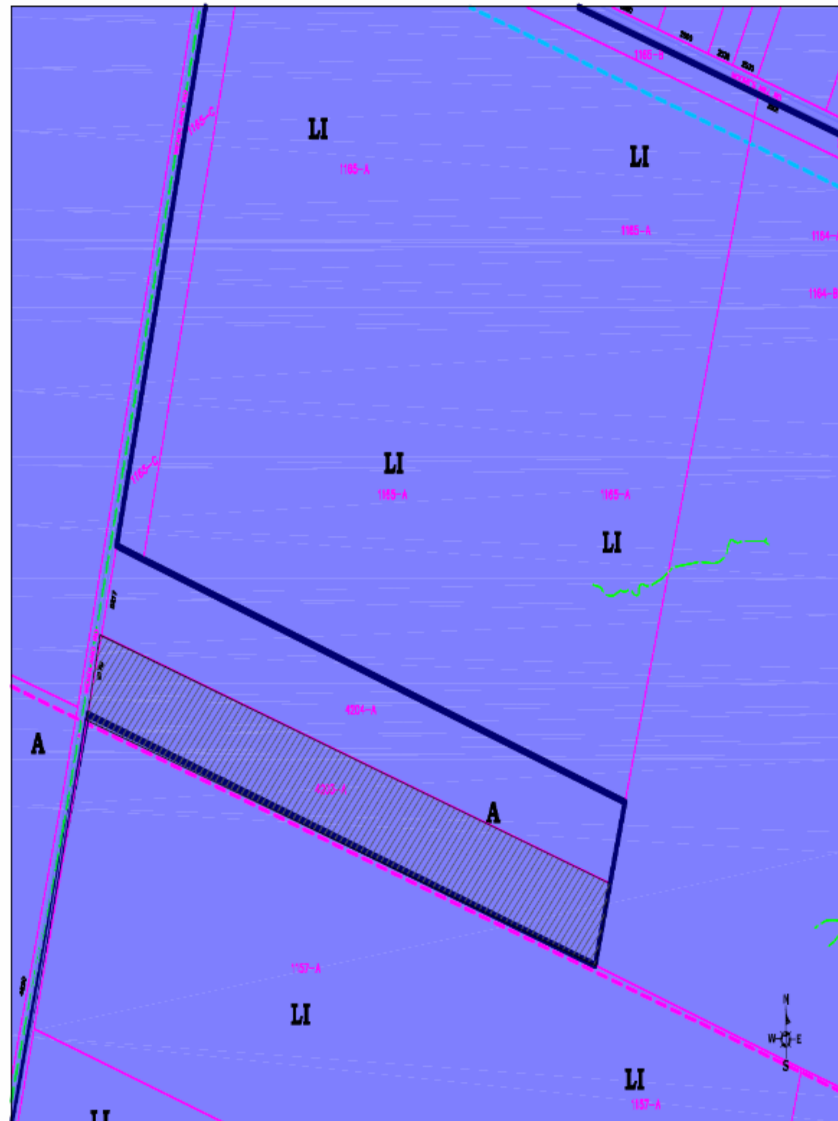
● Collector

● Minor Arterial

● Major Arterial

● Freeway

 **Proposed  
Rezone**



A to LI

J Stone/GIS Mapping

08.06.07

Scale: 1"=400'

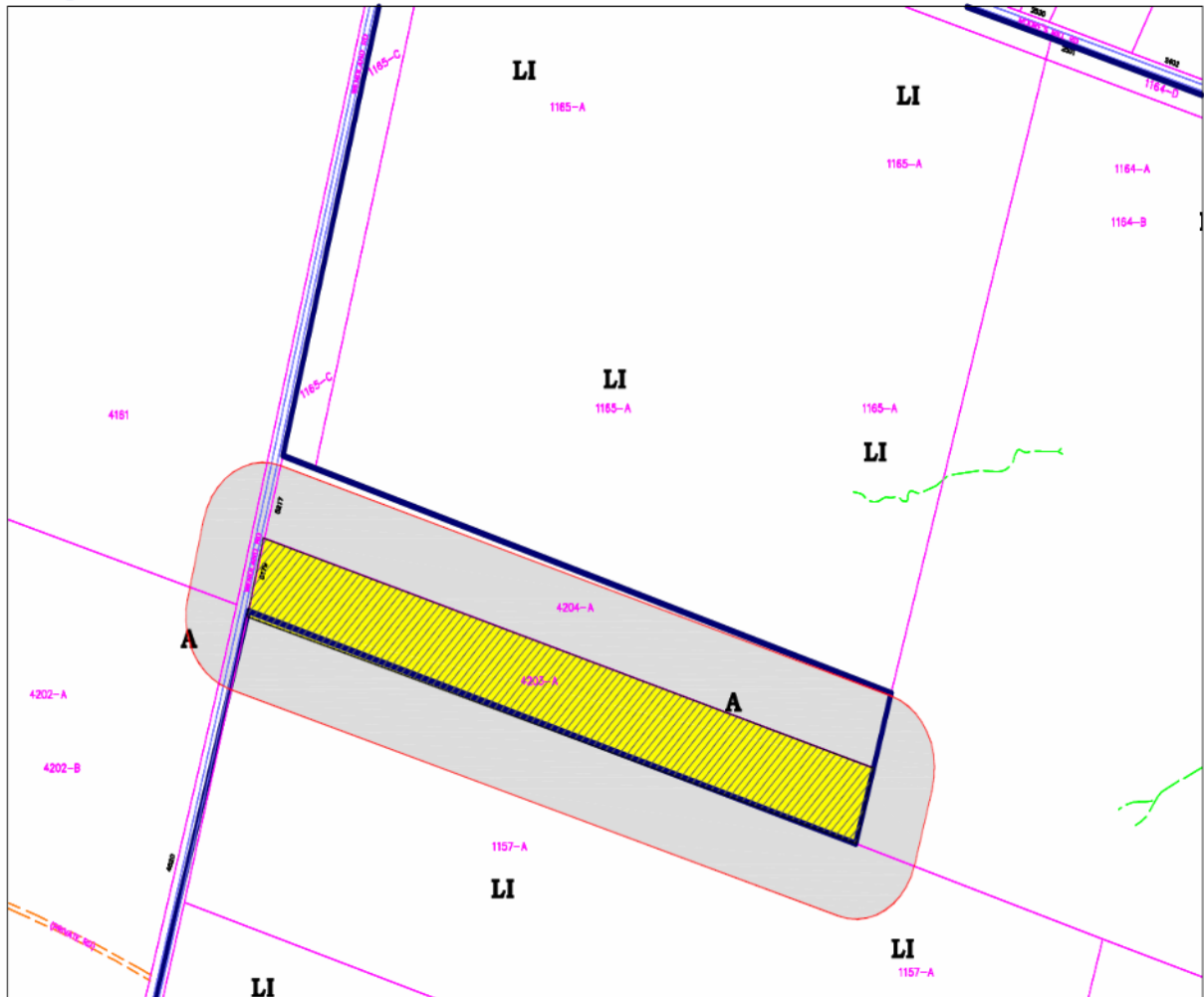





**Z-FY-07-56B**

**10.05 Acres**

**Outblock 4203-A**



 **Area of Proposed Zone Change**

 **200' Radius**

**A to LI**

**J. Stone/GIS Mapping  
08.06.07  
Scale: 1"=400'**





## PLANNING AND ZONING COMMISSION AGENDA ITEM

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08/20/07  
Item 7B  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** City of Temple c/o Temple Economic Development Corporation

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

Public Hearing - Z-FY-07-56-B: Consider a zone change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road.  
(Applicant: Temple Economic Development Corporation)

**BACKGROUND:**

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider Items 6, 7A & 7B simultaneously by calling a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

**Surrounding Property and Uses**

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped, with single family houses on the north side of Moore's Mill Road.

**Future Land Use Plan**

The subject area complies with the Future Land Use Plan as an Industrial Use.

**Thoroughfare Plan**

The subject area complies with the Thoroughfare Plan, with access to Wendland Road and Dodgen Loop, both Minor Arterial Roadways.

**Adequacy of Public Facilities**

This area will be served by water and sewer as part of the CIP and RZ projects.



### Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

### Public Notice

A total of three notices were sent out. As of August 16, 2007 at 5:00 P.M., none were returned. The letters were mailed and the newspaper printed the public hearing on August 8<sup>th</sup>, in accordance with state law and local ordinance

### **STAFF RECOMMENDATION:**

Staff recommends approval of Z-FY-07-56-B subject area to:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Land Use Map  
Zoning Map



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 20, 2007**

**ACTION ITEMS**

- 6. Z-FY-07-55** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately six (6) acres of land commonly referred to as Outblock 1164-G, City Addition, located on the south side of Moore's Mill Road, east of Brewster Road. (Applicant: Temple Economic Development Corporation)

Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said seven notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-55, by Commissioner Kjelland; seconded by Commissioner Kasberg.

Motion passed (9/0).

- 7(a) Z-FY-07-56** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately 10.08 acres of land commonly known as Outblock 4204-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road. (Applicant: Temple Economic Development Corporation)

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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 recommend approval of Z-FY-07-56(a) by Commissioner Pilkington; seconded by Commissioner Hurd.

Motion passed (9/0).

- (b) Z-FY-07-56** Hold a public hearing to consider a zone change from Agricultural District to Light Industrial District on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road. (Applicant: Temple Economic Development Corporation)



Mr. Tim Dolan, Planning Director, presented this case as depicted in the agenda background. He said Staff recommends approval as stated in the Staff Recommendation. Mr. Dolan said three notices were mailed to surrounding property owners. No responses were received back in favor or in opposition to this zone change.

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 recommend approval of Z-FY-07-56(a) by Commissioner Carothers; seconded by Commissioner Kjelland.

Motion passed (9/0).



ORDINANCE NO. \_\_\_\_\_

(ZONING NO. Z-FY-07-56-B)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 10.05 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 4203-A, CITY ADDITION, LOCATED ON THE EAST SIDE OF WENDLAND ROAD, NORTH OF WILSONART DRIVE AND SOUTH OF MOORE'S MILL ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 10.05 acres of land commonly known as Outblock 4203-A, City Addition, located on the east side of Wendland Road, north of Wilsonart Drive and south of Moore's Mill Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 **6<sup>th</sup>** day of **September**, 2007.



PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

---

09/20/07  
Item #4(P)-(1)  
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 to fund engineering services related to projects in the North Rail Park in the amount of \$266,000.

**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. This amendment appropriates additional funds for design services for Wendland Road improvements and a storm water detention pond that will serve the drainage basin for the Rail Park.

**FISCAL IMPACT:** A budget amendment is presented for Council's approval increasing interest income by \$164,996 and eliminating the allowance on property tax revenue of \$101,004. The total amount currently in the Financing Plan for Elm Creek Detention Pond is \$100,000; therefore the Financing plan only requires an amendment of \$266,000 to fund the two design contracts for \$366,000.

### **ATTACHMENTS:**

[Financing Plan](#)  
[Summary Financing Plan with Detail Project Plan](#)  
[Proposed Amendment to Finance Plan](#)  
[Budget Amendment](#)  
[Ordinance](#)



	Y/E 9/30/07 Year 25 (t)	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	\$ 131,319,652	\$ 132,632,848	\$ 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 Uncoil. Taxes	-	(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	164,996	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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	3,831,803	12,939,710	3,548,347	3,682,374	3,752,720	3,789,466	3,826,582	3,864,068	3,901,929	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 TEDC	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 TISD-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)	3,594,348	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-
400 Southeast Industrial Park Zone (3)	185,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
405 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	13,483,244	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																
625 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
626 2007 Bond Issue	-	984,583	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	1,751,690	1,750,840	1,751,270	1,753,270
650 TOTAL USES	15,155,266	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	2,266,860	2,274,330	2,278,031	2,283,078	19,639,333
660 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)
670 Required Debt Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	-
700 AVAILABLE FUND BALANCE	\$ 109,108	\$ 414,873	\$ 1,299,853	\$ 1,655,589	\$ 1,544,448	\$ 916,091	\$ 595,323	\$ 2,204,073	\$ 3,845,879	\$ 5,529,034	\$ 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	1,641,806	1,683,155	1,712,663	1,750,940	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)



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	3,831,803	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	15,264,374	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	\$ 13,592,352	\$ 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	104,500	-	-	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	261,500	-	-	-	-	-	-	-	-
199 Total North Zone (including Enterprise Park)	3,594,348	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	13,483,244	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 RED reflect values that have been committed either by contract or formal commitment.



**City of Temple, Texas**  
**Reinvestment Zone No. 1**  
**Proposed Amendment to Financing/Project Plan**  
**August 22, 2007**

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**Proposed Design Contracts:**

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Elm Creek Detention Pond	\$ 104,500
Wendland Road Improvements	261,500
Funding Needs	<u>\$ 366,000</u>

Available:

<u>Line</u>		
105	Elm Creek Detention Pond	<u>100,000</u>

<b>Additional Funding Needed</b>	<b><u>\$ 266,000</u></b>
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**Financing Plan Amendment: (Detailed Project Plan)**

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		<u>+/-</u>	<u>FY 2007</u>
<b>Source of Funds:</b>			
<u>Line</u>			
40	Property Tax Allowance	+	\$ 101,004
40	Interest Revenue	+	164,996
			<u>\$ 266,000</u>

**Use of Funds:**

105	Elm Creek Detention Pond	+	\$ 4,500
125	Wendland Road Improvements	+	261,500
420	Loop 363 Improvements (TxDOT)		
			<u>\$ 266,000</u>

<b>Net</b>	<b>\$</b>	<b><u>-</u></b>
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+ = Increase

- = Decrease

8/31/2007

C:\Documents and Settings\lsteel\Local Settings\Temporary Internet Files\OLK1C5\Proposed Amendment to FP 8-22-07a.xls

Prepared by City of Temple Finance Dept. - tlb



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	
795-9500-531-68-30	950003	Elm Creek Detention Pond	\$ 4,500			
795-9500-531-68-31	950007	Wendland Road Improvements	261,500			
795-0000-411-01-11		Current Property Taxes	101,004			
795-0000-461-01-11		Bond Interest Income	164,996			
		<i>Do not post</i>				
TOTAL.....			\$ 532,000		\$ -	

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

To appropriate funds for engineering services for the design of Wendland Road in the amount of \$261,500. No funds are currently appropriated for this project. This budget amendment also subsidizes funding for engineering services for the design of the Elm Creek Detention Pond in the amount of \$4,500. There is currently \$100,000 available in account 795-9500-531-6830 for the Elm Creek Detention Pond design. The total amount needed for the Elm Creek Detention Pond is \$104,500. This budget amendment requires an amendment to the Zone's financing plan which requires two readings by Council, first reading scheduled for 09/06/07 and second reading scheduled for 09/20/07.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**x**

Yes

2

No

DATE OF COUNCIL MEETING

9/20/2007

WITH AGENDA ITEM?

**X**

☐ Yes

114

☐ No

Department Head/Division Director

Date \_\_\_\_\_

7

Approved

--	--

Disapproved

## Finance

Date \_\_\_\_\_

10

Approved

--	--

Disapproved

City Manager

Date \_\_\_\_\_

[illegible]

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 \$266,000 TO FUND ENGINEERING SERVICES RELATED TO PROJECTS IN THE NORTH RAIL PARK; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

**Whereas**, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; and Ordinance No. 2007-4155 on July 19, 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 6<sup>th</sup> day of **September**, 2007.

PASSED AND APPROVED on Second and Final Reading on the 20<sup>th</sup> day of **September**, 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

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09/20/07  
Item #4(P)-(2)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butcher, P.E., Director of Public Works  
Don Bond, Public Works - Engineering

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, design surveys, geotechnical services, environmental services, and archaeological services required to implement stormwater detention for the northwest Rail Park between H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$104,500.

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

**ITEM SUMMARY:** A detention pond is required for the detention of stormwater runoff generated by future development associated with the Rail Park within the TIF Reinvestment Zone #1.

The engineering services authorized under this resolution will provide design services, design surveys, geotechnical services, environmental services, and archaeological services required to design the detention facility required for the Rail Park. The detention pond designed with this project will consist of an approximately 25-acre detention facility.

The proposed timeline for the design phase of the project is 120 days. In order that KPA provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

#### **Basic Services**

Civil Design	\$ 58,500
--------------	-----------

#### **Special Services**

Design Surveys	\$ 15,000
Geotechnical Services	\$ 12,000
Environmental Services	\$ 11,000
Archaeological Services	\$ 8,000
	<u>\$ 46,000</u>

<b>TOTAL</b>	<b>\$ 104,500</b>
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**FISCAL IMPACT:** The cost of this professional services contract is \$104,500. This cost includes engineering fees of \$58,500 and special services of \$46,000.

Funding for the design of this project will come from TIF Reinvestment Zone #1 funding available in account 795-9500-531-6830, project 950003, in the amount of \$104,500. Funding for the construction of this project will be identified at a future date.

**ATTACHMENTS:**

[KPA Proposal](#)  
[Map](#)  
[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.

August 17, 2007

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

RECEIVED  
AUG 22 2007  
City of Temple Engineering Dept.

Re: City of Temple Reinvestment Zone #1  
Rail Park Detention Pond

Dear Mr. Newman:

At the request of the Temple Reinvestment Zone Board, we were directed to prepare a proposal for the above referenced project. The project will develop a storm water detention pond that will serve the drainage basin for the Rail Park. We have attached Exhibit A to illustrate the project.

This project will consist of the construction of an approximate 25 acre detention facility. We will meet with the NRCS to discuss criteria involved to meet all the requirements of utilizing federal funding for maintenance and then advise the City of Temple and the Reinvestment Zone Board after all considerations are explored. Please see the attached exhibit.

Kasberg, Patrick & Associates, LP will complete design surveys, geotechnical analysis, drainage analysis and design of the area drainage utilizing a 95% impervious cover factor, conveyance of storm water to the detention pond, analyze the 10, 25, 50 and 100 year storm events along with the requirements of the NRCS, detention storage design and control structure design. The proposed design timeline for the design portion of the project is one-hundred twenty days from the notice to proceed.

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.

August 17, 2007

Page Two

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

- Layout of the proposed detention pond.
- Analysis of the 10, 25, 50 and year storm events.
- Analysis of NRCS criteria
- Storm routing to the detention pond.
- Conveyance of storm water to the detention pond.
- Detention pond storage analysis.
- Control structure design.
- Detailed design surveys for the project.
- Geotechnical design for the roadway.
- Environmental clearance
- Archaeological clearance



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

August 17, 2007

Page Three

**Rail Park Detention Pond**

Basic Services

Civil Design (Detention Pond)	\$	58,500
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Special Services

Design Surveys	\$	15,000
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Geotechnical Services	\$	12,000
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Environmental Services	\$	11,000
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Archaeological Services	\$	8,000
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Total Special Services	\$	46,000
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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  
Rail Park Detention Pond**

<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





PROPOSED REGIONAL  
DETENTION POND  
25± ACRES

4:1 SLOPES

4:1 SLOPES

4:1 SLOPES



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES, INCLUDING DESIGN, DESIGN SURVEYS, GEOTECHNICAL SERVICES, ENVIRONMENTAL SERVICES, AND ARCHAEOLOGICAL SERVICES REQUIRED TO IMPLEMENT STORMWATER DETENTION FOR THE NORTHWEST RAIL PARK BETWEEN H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP, IN AN AMOUNT NOT TO EXCEED \$104,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, a detention pond is required for the detention of stormwater runoff generated by future development associated with the Rail Park within TIF Reinvestment Zone #1;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project for \$104,500, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 795-9500-531-6830, Project No. 950003; 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 professional services agreement, not to exceed \$104,500, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services, including design, design surveys, geotechnical services, environmental services, and archaeological services required to implement stormwater detention for the northwest Rail Park between H.K. Dodgen Loop and the future outer 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 20<sup>th</sup> day of **September**, 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

---

09/20/07  
Item #4(P)-(3)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butcher, P.E., Director of Public Works  
Don Bond, Public Works - Engineering

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, design surveys, and geotechnical services, required to implement streets and wastewater and water utilities for the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$261,500.

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

**ITEM SUMMARY:** Utility infrastructure and street improvements are required to implement the Wendland Road Improvements within the TIF Reinvestment Zone #1. Water service is currently available through a 1.5-inch diameter line along a portion of Wendland Road north of H.K. Dodgen Loop, but is not available along the extent of Wendland Road to the future outer loop. Wastewater service is unavailable along Wendland Road from the future outer loop to south of Wilsonart Drive.

The engineering services authorized under this resolution will provide design services, design surveys, and geotechnical services required to design the infrastructure improvements to Wendland Road from the future outer loop to south of Wilsonart Drive. Infrastructure designed with this project will consist of approximately 5700 feet of streets, 4500 feet of water line, and 2000 feet of wastewater line.

The proposed timeline for the design phase of the project is 90 days. In order that KPA provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

### **Basic Services**

Civil Design (Roadway)	\$ 187,000
Civil Design (Water)	\$ 28,500
Civil Design (Wastewater)	\$ 21,000
	<b>\$ 236,500</b>



**Special Services**

Design Surveys	\$ 15,500
Geotechnical Services	\$ 9,500
	<b>\$ 25,000</b>

**TOTAL                      \$ 261,500**

**FISCAL IMPACT:** The cost of this professional services contract is \$261,500. This cost includes engineering fees of \$236,500 and special services of \$58,250.

Funding for the design of this project will come from TIF Reinvestment Zone #1 funding available in account 795-9500-531-6831, project 950007, in the amount of \$261,500. Funding for the construction of this project will be identified at a future date.

**ATTACHMENTS:**

[KPA Proposal](#)  
[Map](#)  
[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.

August 15, 2007

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

RECEIVED  
AUG 27 2007  
City of Temple Engineering Dept.

Re: City of Temple Reinvestment Zone #1  
Wendland Road Improvements

Dear Mr. Newman:

At the request of the Temple Reinvestment Zone Board, we were directed to prepare a proposal for the above referenced project. The project will develop the streets, drainage, water, wastewater and natural gas for the Wendland Road Improvements Project. We have attached Exhibit A to illustrate the project.

This project will consist of approximately 5,700 linear feet of construction of the proposed Wendland Road Improvements (see attached exhibit). There will also be approximately 4,500 linear feet of water line infrastructure associated with this project and 2,000 linear feet of wastewater line.

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 and wastewater design. The proposed design timeline for the design portion of the project is ninety days from the notice to proceed.

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.

August 15, 2007

Page Two

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

- Layout of the proposed roadway.
- Design of water utilities.
- Design of wastewater 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 water utilities.
- Design of the horizontal and vertical geometry for the wastewater utilities.



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

August 15, 2007

Page Three

**Temple Reinvestment Zone Wendland Road Improvements**

Basic Services

Civil Design (Roadway)	\$	187,000
Civil Design (Water)	\$	28,500
Civil Design (Wastewater)	\$	21,000
<b>Total Basic Services</b>	<b>\$</b>	<b>236,500</b>

Special Services

Design Surveys	\$	15,500
Geotechnical Services	\$	9,500
<b>Total Special Services</b>	<b>\$</b>	<b>25,000</b>

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  
Wendland Road Improvements**

<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







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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES, INCLUDING DESIGN, DESIGN SURVEYS, AND GEOTECHNICAL SERVICES REQUIRED TO IMPLEMENT STREETS AND WASTEWATER AND WATER UTILITIES FOR THE WENDLAND ROAD IMPROVEMENTS BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP IN AN AMOUNT NOT TO EXCEED \$261,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, utility infrastructure and street improvements are required to implement the Wendland Road improvements within the TIF Reinvestment Zone #1;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project for \$261,000, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 795-9500-531-6831, Project No. 950007; 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 professional services agreement, not to exceed \$261,500, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services, including design, design surveys, and geotechnical services required to implement streets and wastewater and water utilities for the Wendland Road Improvements between H.K. Dodgen Loop and the future outer 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 **20<sup>th</sup>** day of **September**, 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

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09/20/07  
Item #4(Q)  
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 \$ 4,274,346.

**ATTACHMENTS:**

Budget amendments  
Resolution



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
**September 20, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1600-512-2512		Court Cost (Legal)	\$ 3,780	
110-0000-461-0851		Lot Cutting Revenue		\$ 3,780
Increase expenditure account to cover cost of lien filing fees for an additional 270 liens at \$14 each. This increased expenditure is offset by the increase in revenue from additional lot cuttings.				
110-2000-521-2516		Judgments & Damages (Police)	\$ 438	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 438</b>
Attorney fees for lawsuit filed against City - - Steven Taylor v. City of Temple				
110-2320-540-2649		Landfill Tipping Fees (Solid Waste Brush/Bulk)	\$ 9,000	
110-2320-540-2115		Automotive Supplies		\$ 7,000
110-0000-444-2055		Solid Waste - Special Pickups Revenue		\$ 2,000
To reallocate funding and recognize additional revenues to offset expenditures related to excess brush and stumps from BRA				
110-2360-540-2516		Judgments & Damages (Solid Waste Sideload)	\$ 1,505	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 1,505</b>
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle after it was struck by a Solid Waste sideload truck on June 8, 2007, in the 100 Block of S. 27th St.				
110-2370-540-2649		Landfill Tipping Fees (Solid Waste Rolloff)	\$ 11,000	
110-0000-444-2053		Solid Waste - Rolloff Revenue		\$ 11,000
To reallocate funding and recognize additional revenues to offset expenditures related to disposal cost from rolloff hauls in excess of budget				
110-2380-540-2115		Automotive Supplies (Solid Waste Recycling)	\$ 2,000	
110-2380-540-2333		Automotive & Equipment - Fleet Services	\$ 3,000	
110-0000-444-2054		Solid Waste - Recycling Revenue		\$ 5,000
To reallocate funding and recognize additional revenues to offset expenditures related to excess fuel and truck repairs				
110-3000-519-2611		Insurance & Bonds (Central Service Center)	\$ 1,586	
110-3000-519-2635		Water/Sewer/Garbage		\$ 1,200
110-3000-519-2636		Electric Utilities	\$ 11,580	
110-3000-519-2637		Gas Utilities	\$ 1,934	
110-1500-515-6532		<b>Council Contingency</b>		<b>\$ 13,900</b>
To appropriate additional funding for overage in Insurance & Bonds, Electric Utilities, and Gas Utilities. Additional funds are available in Water/Sewer/Garbage and in Council Contingency.				



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
**September 20, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 219	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 219
Attorney fees for lawsuit filed against the City -- Centex Investments, Inc v. City of Temple				
350-8200-525-6779	100240	Municipal Court Renovations	\$ 406,649	
350-0000-315-1116		Reserved for Future Expenditures		\$ 406,649
359-8800-525-6779	100240	Municipal Court Renovations	\$ 72,797	
359-0000-315-1116		Reserved for Future Expenditures		\$ 72,797
To appropriate bond proceeds and interest earnings for cost associated with the Municipal Court Renovations.				
361-2900-534-6815	100125	Pepper Creek Drainage Westfield	\$ 70,030	
361-2900-534-6817	100129	Hog Pen Creek		\$ 13,050
361-3000-519-6818	100152	Fleet Improvements		\$ 230,000
361-2000-521-6804	100330	Armored Rescue Vehicle	\$ 150,000	
361-2200-522-6803	100052	Digital Radios	\$ 23,020	
To reconcile revised budget for 2006 CO Bond Proceeds with the CIP Plan approved by Council on 8/23/07				
351-9100-591-8130		Transfer Out - I&S Fund	\$ 6,121	
351-0000-461-0111		Interest Revenue		\$ 6,121
430-0000-354-0536		Reserve for Airport Debt	\$ 6,121	
430-0000-490-2580		Transfer In - Bond Funds		\$ 6,121
Appropriate interest earnings on the Capitalized Interest Fund for the 2005 Airport Revenue bonds that will be transferred to the Debt Service Fund for future debt service payments on the 2005 Airport Revenue Bonds.				
430-9100-591-8110		Transfer Out - General Fund	\$ 39,283	
430-0000-461-0111		Interest Revenue		\$ 39,283
110-0000-352-1345		Designated Capital Projects - Unallocated	\$ 39,283	
110-0000-490-2582		Transfer In		\$ 39,283
Appropriate interest earnings on the Reserve Fund for the 2005 Airport Revenue bonds that will be transferred to the General Fund since the initial reserve balance was funded by the General Fund. The Reserve Fund will still maintain the required balance of \$475,000.				
561-5100-535-6904	100164	Tank Refurbishment (Water Treatment Plant)		\$ 160,000
561-5100-535-6913	100334	WTP Lagoon #4 Rehab	\$ 250,000	
561-5100-535-6919	100041	Ave P Storage Tank Relocation	\$ 100,000	
561-5100-535-6924	100335	Rehab of Conv WTP Filters	\$ 215,000	
561-5200-535-6907	100223	317 Waterline Relocation 2305/439	\$ 350,000	
561-5200-535-6909	100333	South Temple Water Sys Impr	\$ 1,600,000	
561-5200-535-6916	100097	Utility Reloc - Loop & 31st St		\$ 500,000
561-5200-535-6917	100096	Waterline Relocation - FM 2305		\$ 200,000
561-5200-535-6922	100227	WTP Water Trunk Replacement		\$ 1,500,000
561-5200-535-6928	100172	West W&WW Ext - North of 2305		\$ 550,000
561-5400-535-6918	100228	Wastewater Line Extension		\$ 300,000
561-5400-535-6920	100095	WW Line Ext - FM 2305	\$ 200,000	
561-5400-535-6926	100132	WW Line Replacement		\$ 26,000
561-5400-535-6926	100132	WW Line Replacement		\$ 62,000



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
**September 20, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
561-5400-535-6926	100132	WW Line Replacement		\$ 42,000
561-5400-535-6926	100132	WW Line Replacement		\$ 45,000
561-5400-535-6926	100132	WW Line Replacement		\$ 30,000
561-5500-535-6903	100046	Doshier Infrastructure Improvements	\$ 140,000	
561-5500-535-6912	100169	Doshier Rehab Belt Filter	\$ 100,000	
561-5500-535-6932	100337	Doshier Rehab 5 Lift Scrn	\$ 460,000	
To reconcile revised budget for 2006 UR Bond Proceeds with the CIP Plan approved by Council on 8/23/07				
<b>TOTAL AMENDMENTS</b>			<b>\$ 4,274,346</b>	<b>\$ 4,274,346</b>
<b>GENERAL FUND</b>				
		Beginning Contingency Balance		\$ 38,765
		Added to Contingency Sweep Account		\$ -
		Carry forward from Prior Year		\$ 65,000
		Taken From Contingency		\$ (83,367)
		Net Balance of Contingency Account		\$ 20,398
		Beginning Judgments & Damages Contingency		\$ 70,000
		Added to Contingency Judgments & Damages from Council Contingency		\$ -
		Taken From Judgments & Damages		\$ (55,964)
		Net Balance of Judgments & Damages Contingency Account		\$ 14,036
		Beginning Compensation Plan Contingency		\$ 650,000
		Added to Compensation Plan Contingency		\$ -
		Taken From Compensation Plan Contingency		\$ (650,000)
		Net Balance of Compensation Plan Contingency Account		\$ -
		<b>Net Balance Council Contingency</b>		<b>\$ 34,434</b>
		Beginning Balance Budget Sweep Contingency		\$ -
		Added to Budget Sweep Contingency		\$ -
		Taken From Budget Sweep		\$ -
		Net Balance of Budget Sweep Contingency Account		\$ -
		<b>WATER &amp; SEWER FUND</b>		
		Beginning Contingency Balance		\$ 6,359
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ (3,002)
		Net Balance of Contingency Account		\$ 3,357
		Beginning Compensation Plan Contingency		\$ 136,500
		Added to Compensation Plan Contingency		\$ -
		Taken From Compensation Plan Contingency		\$ (136,500)
		Net Balance of Compensation Plan Contingency Account		\$ -
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>		<b>\$ 3,357</b>



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
September 20, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning Contingency Balance		\$ 34,905
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ 34,905
		Beginning Compensation Plan Contingency		\$ 20,000
		Added to Compensation Plan Contingency		\$ -
		Taken From Compensation Plan Contingency		\$ (16,000)
		Net Balance of Compensation Plan Contingency Account		\$ 4,000
		<b>DRAINAGE FUND</b>		
		Beginning Compensation Plan Contingency		\$ 11,500
		Added to Compensation Plan Contingency		\$ -
		Taken From Compensation Plan Contingency		\$ (7,200)
		Net Balance of Compensation Plan Contingency Account		\$ 4,300
		<b>FED/STATE GRANT FUND</b>		
		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 31<sup>st</sup> 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 20<sup>th</sup> day of **September**, 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

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09/20/07  
Item #5(A)  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-52: Consider adopting an ordinance authorizing a zoning change from a portion of the General Retail District and Office One District to the Single Family Three District on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31<sup>st</sup> Street and FM 93.

**P&Z COMMISSION RECOMMENDATION:** The Planning & Zoning Commission recommended approval of the zoning request for Z-FY-07-52 with a vote of 9/0.

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

**ITEM SUMMARY:** This zoning change from General Retail District and Office One District to Single Family Three District on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31<sup>st</sup> Street and FM 93, is recommended for approval since:

1. The request complies with the requested amendment to the future land use map of the West Temple Land Use Plan Map;
2. The request complies with the Thoroughfare Plan; and
3. The request complies with Adequacy of Public Facilities.

Please refer for background to the Agenda Memo, dated 08/20/06 for the Planning & Zoning Commission.

**FISCAL IMPACT:** N/A



**ATTACHMENTS:**

Aerial  
Land Use Map  
Zoning Map  
Plat Map Exhibit  
PZ Staff Report  
PZ Excerpts  
Ordinance









Z-FY-07-52

20.01 Acres

Outblock 6010-A

**AGRICULTURAL**

● Agricultural  
(A)

**RESIDENTIAL**

● 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  
(LI, HI)

**COMMUNITY  
FACILITIES**

● CF-E (Schools)  
● CF-G (General)  
● CF-M (Medical)  
● CF-R (Religious)

● PARKS

**THOROUGHFARE**

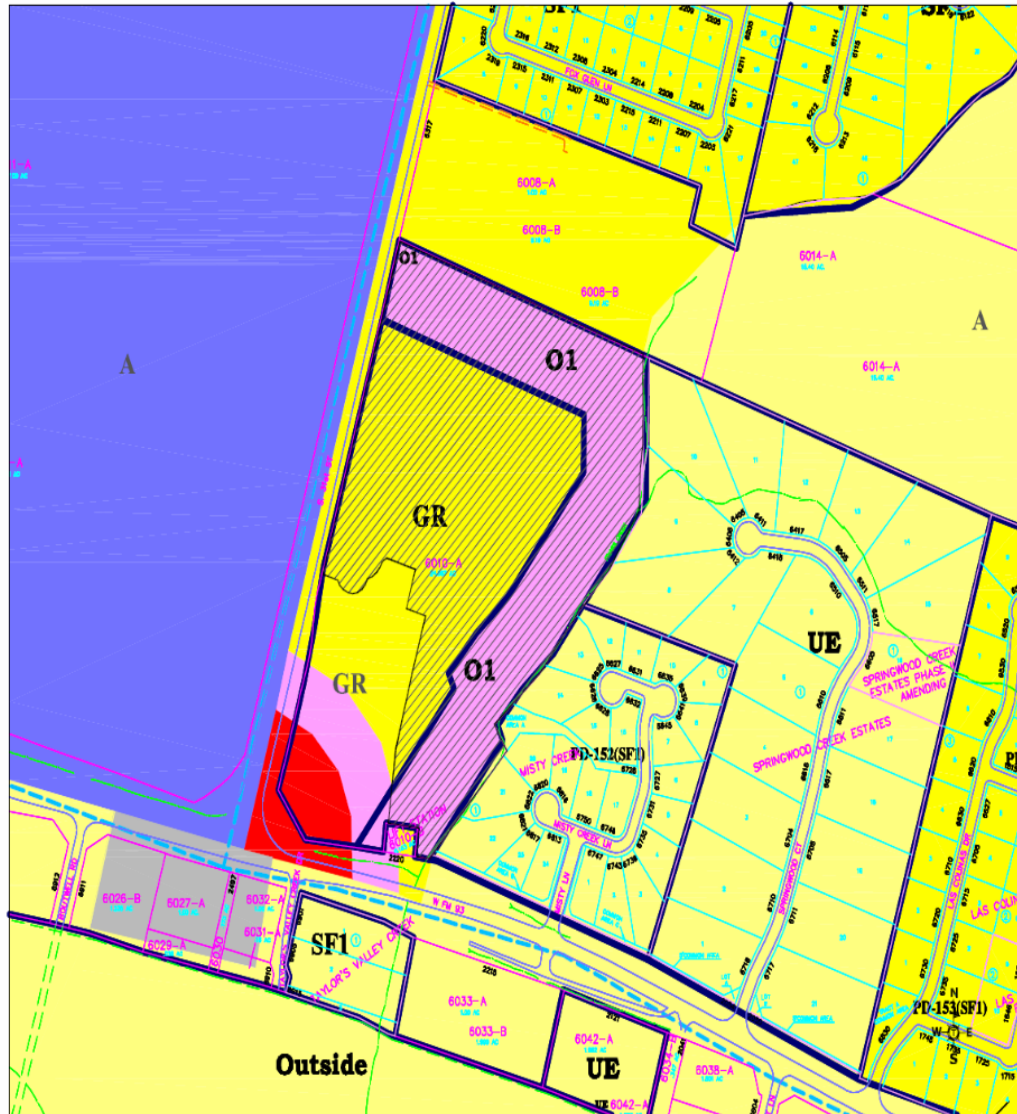
● Collector

● Minor Arterial

● Major Arterial

● Freeway

 **Proposed  
Rezone**

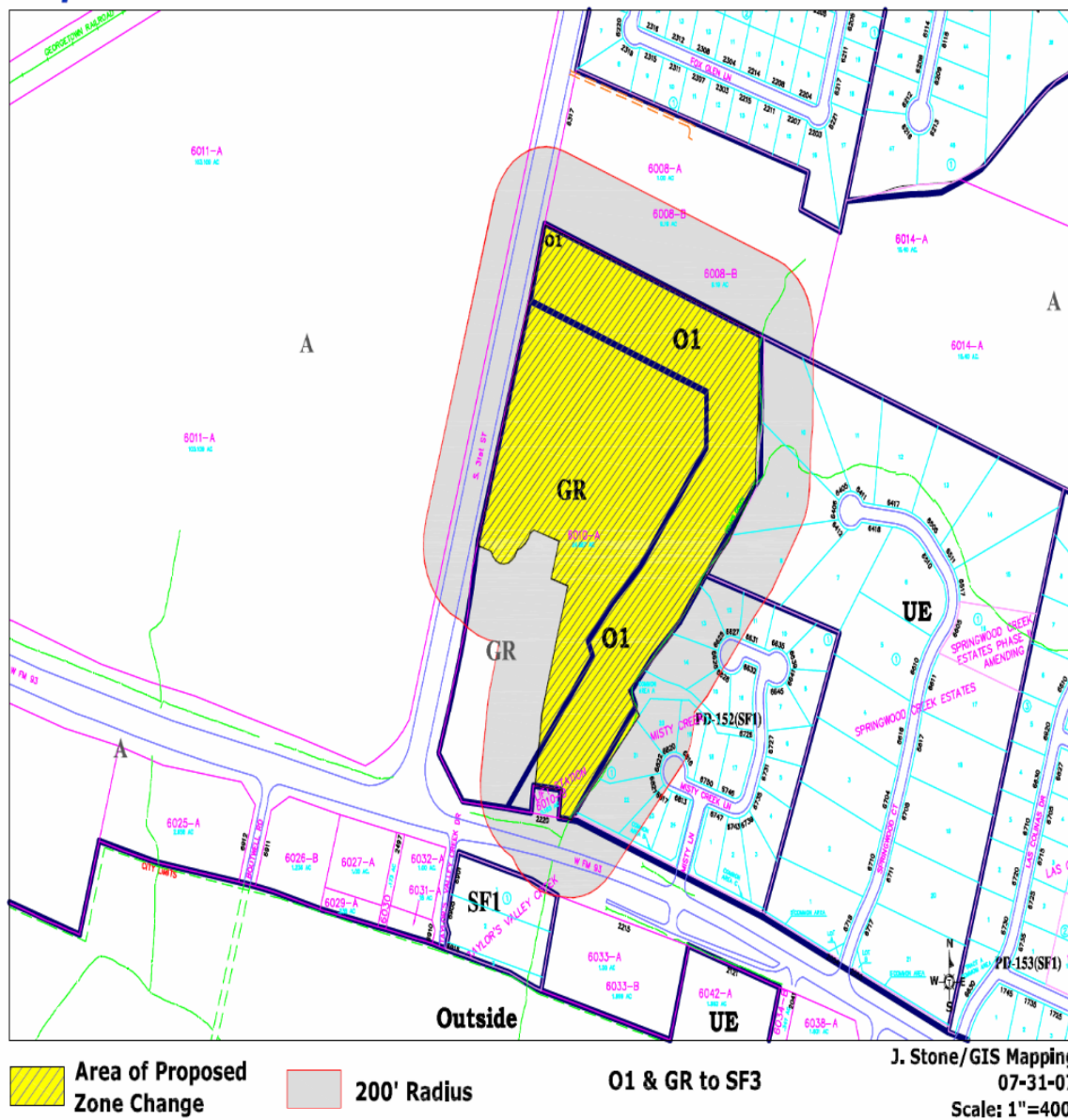


O1 & GR to SF3

J Stone/GIS Mapping  
07-31-07

Scale: 1"=400'







BE DESIGNED IN ACCORDANCE WITH THE CITY OF  
AND DESIGN MANUAL.

SURVEY S. GRD. NORTH, AND 83, BASED ON CITY  
4. C.O.T. #1004, 1003132.9 NORTH, 201742.95  
30.96' COMBINED CORRECTION FACTOR = 0.999847.

SERVED, VIA A PRIVATE ACCESS DATE. ACCESS  
MENT APPROVED KNOCKBOX WITH KEYS, EMERGENCY  
-BE STRIPPED TO FACILITATE ONE-WAY TRAFFIC, AND  
-FOOD TRASH SERVICES.

TANGENT TABLE

150.70'	S89.0445°E
71.17'	N06.6414°E
100.00'	S83.1345°E
45.06'	S06.4614°W
76.65'	S83.1931°E
188.44'	N49.0909°E
35.33'	S73.1145°E
38.17'	N29.9910°E
76.83'	N43.1011°E
17.53'	N29.9910°E
87.53'	N02.2407°E
65.52'	N06.4034°E

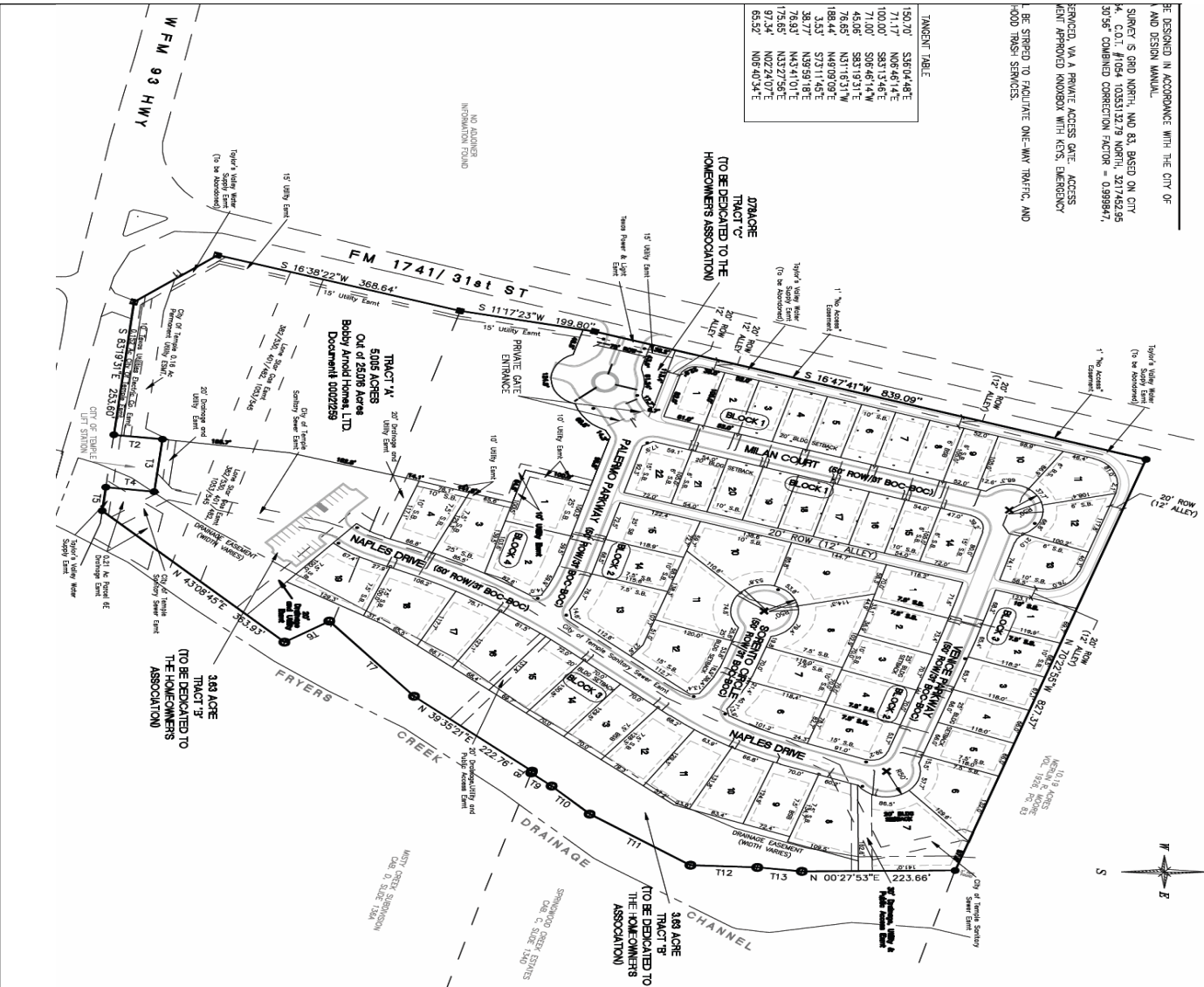
TRACT 'C'  
TO BE DEDICATED TO THE  
HOMEOWNERS ASSOCIATION

TRACT 'B'  
TO BE DEDICATED TO  
THE HOMEOWNERS  
ASSOCIATION

TRACT 'A'  
TO BE DEDICATED TO  
THE HOMEOWNERS  
ASSOCIATION

TRACT 'X'  
5.008 ACRES  
Out of 25.008 Acres  
Bobby Arnold Farms, LTD.  
Document 0002289

NO ADJACENT  
INFORMATION FOUND







## PLANNING AND ZONING COMMISSION AGENDA ITEM

08/20/07  
Item 3  
Page 1 of 2

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**APPLICANT / DEVELOPMENT:** Bobby Arnold c/o Beach & Clark Engineering

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

Public Hearing - Z-FY-07-52: Consider a zone change from a portion of General Retail District and Office One District to Single Family Three District on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31<sup>st</sup> Street and FM 93. (Applicant: Bobby Arnold c/o Beach & Clark Engineering)

**BACKGROUND:**

The applicant requests the Commission to consider amending the Zoning Map from both GR and O-1 to SF-3, for a planned single family subdivision, which will have a single point of ingress from 31<sup>st</sup> Street. (See Item 9)

**Surrounding Property and Uses**

The property to the north is undeveloped and is zoned Agriculture. The property to the east is developed as a single family subdivision and zoned SF-1. The property to the south across SH 93 is developed as a single family subdivision and zoned SF-1. The property south of the subject tract is undeveloped and zoned GR. The property to the west is undeveloped and zoned Agriculture.

A zoning request must be reviewed for compliance with the Comprehensive Plan.

**Future Land Use Plan & Future Trends**

The West Temple Land Use Plan Future Land Use Plan shows this area as single family and planned for Office Uses. The request complies with the Future Land Use Plan.

**Thoroughfare Plan**

Both 31<sup>st</sup> Street and SH 93 flank the subject area and are shown as Arterial Roads. The request complies with the Thoroughfare Plan.

**Adequacy of Public Facilities**

Water and sanitary sewer serve the site. A six-inch (6.0") water line serves the site from both 31<sup>st</sup> Street and SH 93, and a 24" and 33" sewer line serve the site. The request complies with Adequacy of Public Facilities.



### Development Regulations for the SF-3 District

The purpose statement of a Zoning District normally provides guidance for where in the City and under what circumstances the district should be applied. The purpose statement for the SF-3, Single-Family Three Zoning District allows urban density residential for areas well served by utilities and roadways.

The SF-3 Zoning District has the following residential dimensional requirements.

<b>Single-Family Three (SF-3)</b>	
<b>Min. Lot Area (sq. ft.)</b>	4,000
<b>Min. Lot Width (ft.)</b>	40
<b>Min. Lot Depth (ft.)</b>	100
<b>Max. Height (stories)</b>	2 ½
<b>Min. Yard (ft)</b>	
Front	15
Interior Side	05
Street Side	10
Rear	10

### **STAFF RECOMMENDATION:**

Staff requests the Commission recommend approval of Z-FY-07-52 because:

1. The request complies with the requested amendment to the future land use map of the West Temple Land Use Plan Map;
2. The request complies with the Thoroughfare Plan; and
3. The request complies with Adequacy of Public Facilities.

### Public Notice

Ten notices were mailed. As of August 16, 2007, at 5:00 P.M., no notices were returned. The notices were mailed and the newspaper printed notice of the public hearing on August 7, 2007 in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Land Use Map  
Zoning Map  
Aerial  
Application



**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, AUGUST 20, 2007**

**ACTION ITEMS**

3. **Z-FY-07-52** Hold a public hearing to consider a zone change from a portion of General Retail District and Office One District to Single Family Three district on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31<sup>st</sup> Street and FM 93. (Applicant: Bobby Arnold)

Mr. Tim Dolan, Planning Director, presented this item as outlined in the Planning and Zoning Commission agenda background. He said for the record the remaining 5.08 acres is already zoned General Retail and will be unaffected by the zone change request above. Mr. Dolan discussed the Future Land Use Plan and future trends, the Thoroughfare Plan, Adequacy of Public Facilities to the subject property, development regulations for the SF-3 District. Staff recommended approval. Ten notices were mailed to surrounding property owners within 200 feet. No notices were returned in favor or in opposition to the request.

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 recommend approval of Z-FY-07-52, by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (9/0).

Chair Thomas changed the order of the agenda by moving item 8, P-FY-07-43 before item 4 to coincide with the above zone change, Z-FY-07-52.



ORDINANCE NO. \_\_\_\_\_

(ZONING NO. Z-FY-07-52)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM A PORTION OF THE GENERAL RETAIL DISTRICT (GR) AND OFFICE ONE DISTRICT (O-1) TO THE SINGLE FAMILY THREE DISTRICT (SF3) ON APPROXIMATELY 20.011 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 6010-A, CITY ADDITION, LOCATED AT THE NORTHEAST CORNER OF SOUTH 31<sup>ST</sup> STREET AND FM 93; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from the General Retail District (GR) and the Office One District (O-1) to the Single Family Three District (SF3) on approximately 20.011 acres of land commonly known as Outblock 6010-A, City Addition, located at the northeast corner of South 31<sup>st</sup> Street and FM 93, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 6<sup>th</sup> day of September, 2007.



PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **September**, 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

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09/20/07  
Item #5(B)  
Regular Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** P-FY-07-43: Consider adopting a resolution authorizing the Preliminary Plat for The Residences at D'Antoni's Crossing, 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93, subject to the developer's requested exception of 900 linear feet for the cul-de-sac at the planned end of Sorento Circle, from the allowed maximum 500 linear feet.

**STAFF RECOMMENDATION:** The Planning & Zoning Commission and Staff recommend approval of the Preliminary Plat P-FY-07-43 subject to the subject to the developer's requested exception of 900 linear feet for the cul-de-sac at the planned end of Sorento Circle, from the allowed maximum 500 linear feet. (Subdivision Ordinance Section 33-93 for Cul-De-Sac Length). Seven lots (12%) are served by the over length cul-de-sac.

**ITEM SUMMARY:** For background, please see the Agenda Memo dated 08/20/06 for the Planning & Zoning Commission.

The proposed preliminary plat is for a 60 lot single family subdivision (22-alley served, 38-front entry) to be developed in one phase with a private entrance from 31<sup>st</sup> Street as allowed by the TXDOT. The 5± acre site (unplatted) to the south and zoned GR will also use this access point. No access is allowed from SH 93.

The applicant will also plan an outdoor recreation area at the southeast corner of the tract for the area's residents, with two secured access points to a developer installed access to a hike/bike trail along the to Fryer's Creek. The trail can be used by the public. Park fees of 13,500.00 are required for this proposed subdivision. The DRC approved the project administratively July 10<sup>th</sup>, after reviewing it July 3<sup>rd</sup>.

### **ATTACHMENTS:**

Plat  
P&Z Staff Report  
Resolution



# GENERAL NOTES

1. EXISTING SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
2. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
3. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
4. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
5. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
6. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
7. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
8. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
9. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.
10. SUBDIVISION SHALL BE REDEVELOPED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARD ORDINANCE AND DESIGN MANUAL.



**DEVELOPER:**  
BOBBY ARNOLD - ARNOLD BUILDERS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TAMPALE CIVIL ENGINEERING CO. INC.  
REGISTERED PROFESSIONAL ENGINEER  
BEACH AND CLARK, INC.

## DEVELOPMENT STATISTICS

TOTAL DEVELOPED AREA: 23.616 ACRES  
TOTAL DEVELOPED RESIDENTIAL LOTS: 88  
TOTAL NUMBER OF BLOCKS: 4  
AVERAGE LOT SIZE: 118' x 70'

LANDS OF 100' W/ FSWA  
FLOOD PLAIN



BOBBY A. ARNOLD  
REGISTERED PROFESSIONAL LAND SURVEYOR

RECOMMENDED FOR PRELIMINARY APPROVAL:

CITY ENGINEER: \_\_\_\_\_ DATE: \_\_\_\_\_

RECOMMENDED FOR PREPARATION OF FINAL PLAT:

CORPORAL, PLANNING AND ZONING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_

SCOTTISH, PLANNING AND ZONING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_



## Revisions

PRELIMINARY PLAT

RESIDENCES AT D'ANTONI'S CROSSING  
RESIDENTIAL SUBDIVISION  
Tampa, Florida



Plot Date: 7-26-2017  
Project No: 011121-01  
Drawn By: JLC  
Designed By: JLC







# PLANNING AND ZONING COMMISSION AGENDA ITEM

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08/20/07  
Item# 8  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Bobby Arnold c/o Beach & Clark Engineering

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

Preliminary Plat -P-FY-07-43: Consider a recommendation to approve the preliminary plat of Residences at DAntonio's Crossing, 60 single family lots on a 20.006 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93. (Applicant: Bobby Arnold c/o Beach & Clark Engineering)

**STAFF RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat -P-FY-07-43 subject to the exception request of 400' to the cul-de-sac length from the maximum 500 linear feet to allow a 900' linear foot cul-de-sac to the planned end of Sorento Circle.

**BACKGROUND:**

The proposed preliminary plat is for a 60 single family subdivision to be developed in one phase. The applicant has worked with TXDOT for the one ingress/egress from 31<sup>st</sup> Street. The 5+acre site zoned GR to the south will also use this access point. No access is allowed from SH 93. A total of 22 single family lots will be alley served. The remaining 38 lots are front entry. The applicant will plan an outdoor recreation area at the southeast corner of the tract for the area's residents. The applicant plans to have two secured access points to Fryer's Creek, and plans to install a hiking trail along the creek which the public will have access. A secured access from a gated entry on 31<sup>st</sup> Street will require the review of a street use license from the City Council. This plat was reviewed by the Design Review Committee (DRC) on July 3rd, and was considered administratively complete on July 10<sup>th</sup>. Park fees in the sum of 13,500.00 are required for this proposed subdivision.

The City Council is the final plat authority since the applicant requests a waiver to the Subdivision Ordinance, Section 33-93 for Cul-De-Sac length for Sorento Circle.



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

The applicant requests an exception of 400' to the cul-de-sac length from the maximum 500 linear feet to allow a 900' linear foot cul-de-sac to the planned end of Sorento Circle. A total of 12 lots (20%, of the total 60 lots) receive access from the cul-de-sac. The remaining 48 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 Friar's Creek to the east and the one allowed entrance on 31<sup>st</sup> Street limits another point of 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 limited access on 31<sup>st</sup> Street and Fryer's Creek.

**ATTACHMENTS:**

Plat



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

(Zoning No. P-FY-07-43)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RESIDENCES AT D'ANTONI'S CROSSING, 60 SINGLE FAMILY LOTS ON A 20.0 ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF SOUTH 31<sup>ST</sup> AND FM 93, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on August 20, 2007, the Planning and Zoning Commission approved the preliminary plat of The Residences at D'Antoni's Crossing, 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93, subject to the developer's requested exception of 900 linear feet for the cul-de-sac at the planned end of Sorento Circle, from the allowed maximum 500 linear feet;

**Whereas**, there was no citizen opposition expressed at the August 20, 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 The Residences at D'Antoni's Crossing.

**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 The Residences at D'Antoni's Crossing, 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93, 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 exception to the Subdivision Ordinance: *Section 33-93(h)* to allow a cul-de-sac length of 900 feet instead of the maximum allowed 500 feet at the planned end of Sorento Circle.

**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 20<sup>th</sup> day of **September**, 2007.



THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/20/07  
Item #5(C)  
Regular Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Street Use License for a private entrance in the right-of-way for the proposed Residences at D'Antoni's Crossing, a proposed street in the planned 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93.

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

**ITEM SUMMARY:** The applicant, Bobby Arnold, requests a Street Use License to allow a gated entrance for the planned subdivision to be called the Residences at D'Antoni's Crossing. The developer's request will allow an encroachment across the 560-foot right-of-way for the planned Palermo Parkway, near the intersection with 31<sup>st</sup> Street. The applicant proposes an electronic gate to be used during the hours of 7:00 P.M. to 7:00 A.M. The design and construction for the planned private gate will be completed as part of the construction plans before a Final Plat submittal. The inbound lane has a turnaround for vehicles denied entrance. The developer said no top will be above the gate, he will install a lock box for emergency access for the Fire Department and the Public Works Department, and any underground conduit for the dry utilities.

**FISCAL IMPACT:** Street Use Licenses require \$150.00 for each 15 year term.

### **ATTACHMENTS:**

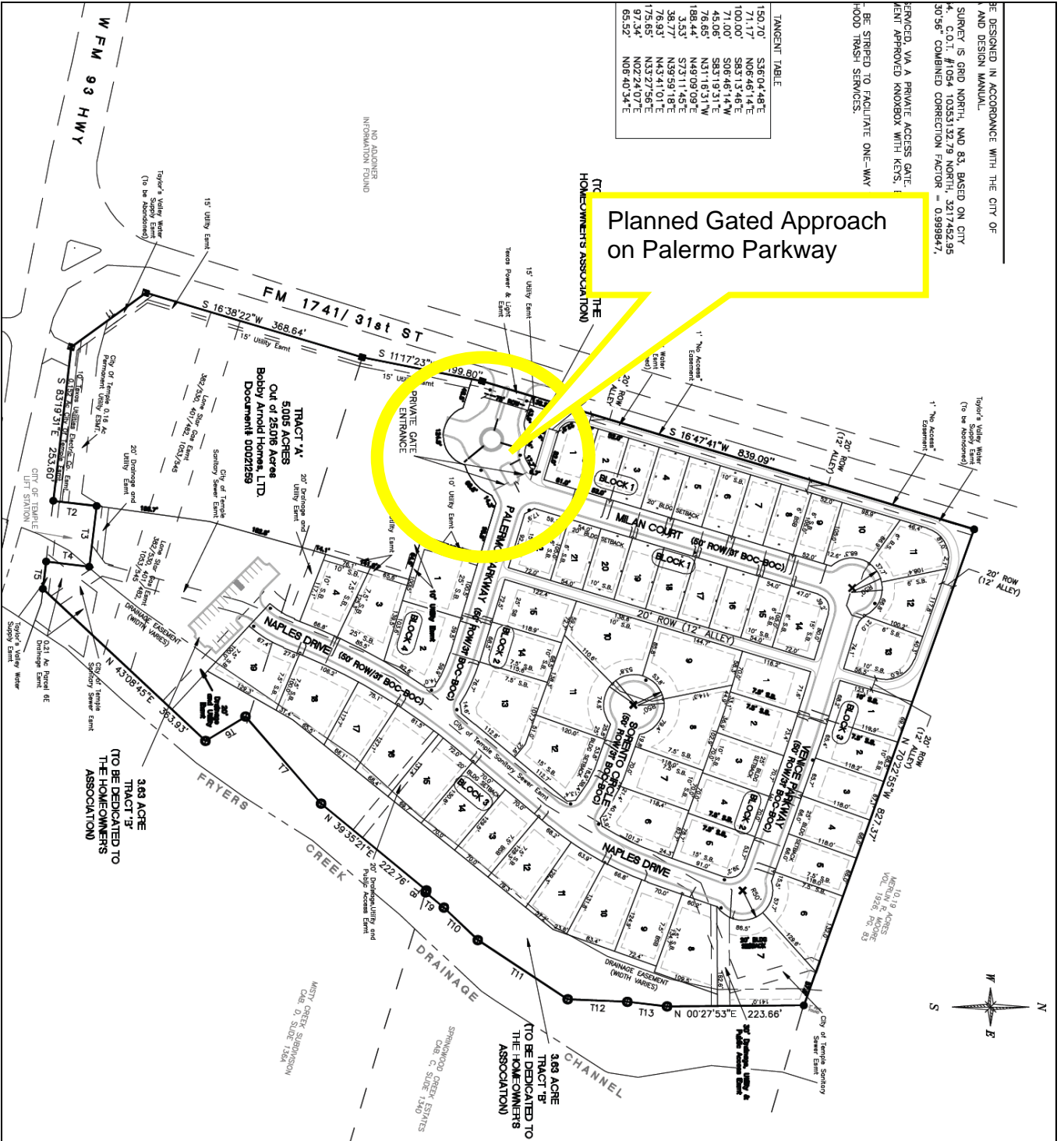
[Location Map](#)  
[Gated Entry Conceptual Plan](#)  
[Resolution](#)



SURVEY IS GRID NORTH, MAD 83, BASED ON CITY  
#4. C.O.T. #1054 10353132.79 NORTH, 3217452.95  
30'56" COMBINED CORRECTION FACTOR = 0.999847,

TANCENT TABLE	
150.70°	S36.04°48'E
71.71°	N06.46°14'E
100.00°	S83.13°46'E
71.00°	S06.46°14'W
45.06°	S83.19°31'E
76.65°	N31.16°31'W
188.44°	S49.09°09'E
3.55°	S73.11°45'E
38.77°	N39.59°18'E
76.93°	N43.41°01'E
175.85°	N32.27°56'E
97.34°	N02.24°07'E
65.52°	N06.40°34'E

THE  
HOMEOWNERS ASSOCIATION)







Subject  
Tract

31<sup>st</sup>  
Street

SH 93



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

(Zoning No. P-FY-07-43)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RESIDENCES AT DANTONI'S CROSSING, 60 SINGLE FAMILY LOTS ON A 20.0 ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF SOUTH 31<sup>ST</sup> AND FM 93, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on August 20, 2007, the Planning and Zoning Commission approved the preliminary plat of The Residences at DAntoni's Crossing, 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93, subject to the developer's requested exception of 900 linear feet for the cul-de-sac at the planned end of Sorento Circle, from the allowed maximum 500 linear feet;

**Whereas**, there was no citizen opposition expressed at the August 20, 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 The Residences at DAntoni's Crossing.

**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 The Residences at DAntoni's Crossing, 60 single family lots on a 20.0 acre tract of land at the northeast corner of South 31<sup>st</sup> Street and FM 93, 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 exception to the Subdivision Ordinance: *Section 33-93(h)* to allow a cul-de-sac length of 900 feet instead of the maximum allowed 500 feet at the planned end of Sorento Circle.

**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 20<sup>th</sup> day of **September**, 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

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09/20/07  
Item #6  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

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

- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2008
- (B) Convention Center and Tourism Advisory Board – one member to fill expired term through September 1, 2010
- (C) Temple Economic Development Corporation – one member to fill expiring term through September 1, 2010 (Temple Chamber of Commerce Representative)
- (D) Temple Public Safety Advisory Board – two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009
- (E) Transit Advisory Committee – one member to fill expiring term through September 1, 2010

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

**ITEM SUMMARY:** The City Council made a number of board appointments at its September 6<sup>th</sup> meeting, in accordance with the resolution establishing policies governing the appointment and training of citizens to City boards. These are the remaining positions that need to be filled at this time.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. We will present any other Staff recommendations for appointments to you prior to the meeting.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Board Application Summary w/  
Board Summary Forms – hard copy