

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING 2 NORTH MAIN STREET TEMPLE, TX

NOTICE OF MEETING
THURSDAY, OCTOBER 18, 2007

3:00 P.M. 3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

- 1. Presentation from ESCi regarding their final report on the Fire and EMS Master Plan.
- 2. Discussion of Atmos Energy Corporation's intent to increase utility gas rates.
- 3. Executive Session: Chapter 551, Government Code, §551.074 Personnel Matter The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. No final action will be taken
- 4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 18, 2007 as follows:

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Proclamations:

(A)	Make a Difference Day	October 27, 2007
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(B) Marlene Wagnon Day October 19, 2007

(C) National Save for Retirement Week October 21-27, 2007

(D) Chamber of Commerce Week October 15-19, 2007

# III. PUBLIC APPEARANCE

4. Receive award from Kate Darnell, Texas Council on Cardiovascular Disease and Stroke, recognizing the City of Temple as a Heart and Stroke Healthy City.

# IV. 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.

# V. CONSENT AGENDA

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

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

#### Minutes:

- (A) September 20, 2007 Special Called Meeting and Regular Meeting
- (B) October 4, 2007 Special Called Meeting and Regular Meeting

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

- (C) 2007-5203-R: Consider adopting a resolution authorizing the purchase of a yearly maintenance contract with Intergraph Public Safety for Police and Fire Software Applications in the amount of \$37,000.
- (D) 2007-5204-R: Consider adopting a resolution authorizing the purchase of a yearly maintenance contract with Sungard HTE in the amount of \$124,000.
- (E) 2007-5205-R: Consider adopting a resolution authorizing a services agreement with BBI Tennis Group, Brit Coleman, for Tennis Pro services at the Summit Recreation Center in the annual amount of \$60,000, with the City of Temple earning 20% of total revenues and \$2 per tournament participant.
- (F) 2007-5206-R: Consider adopting a resolution authorizing a FY 07-08 purchase agreement with various vendors for sign and traffic control supplies in the estimated annual amount of \$38,807.71.
- (G) 2007-5207-R: Consider adopting a resolution authorizing a utility cost sharing agreement with Stellar Development Company for Las Colinas Subdivision in the amount of \$141,418.35.
- (H) 2007-5208-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, to construct the Lake Jim Thornton Dam Repairs in an amount not to exceed \$367,890.
- (I) 2007-5209-R: Consider adopting a resolution authorizing a professional services agreement with G.E. Walker & Associates, L.L.C., of Waco for engineering services including design, construction administration, on-site representation, and easement acquisition services required for the SH 317 Waterline Relocation Project from FM 2305 to the southern city limits as part of TX DOT's SH 317 road improvements project in an amount not to exceed \$313,540.
- (J) 2007-5210-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to determine the cause of and offer solutions to current solids handling problems associated with the Membrane Water Treatment Plant, in an amount not to exceed \$108,540.
- (K) 2007-5211-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, construction administration, on-site representation, and right-of-way (ROW) acquisition services, required for the expansion of West Temple water and wastewater utilities north of FM 2305, Phase 2, in an amount not to exceed \$453,580.

- (L) 2007-5212-R: Consider adopting a resolution authorizing Change Order #1 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, in the amount of \$62,280.95 to modify the original alignment of Waterline A due to easement issues and add bores required by TXDOT to the project.
- (M) 2007-5213-R: Consider adopting a resolution authorizing Change Order #2 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, in the amount of \$180,328 to upgrade the original size of Waterline B from a 6" line to an 18" line in preparation for upcoming utility relocation projects and TXDOT improvements to SH 317 south of FM 2305.
- (N) 2007-5214-R: Consider adopting a resolution authorizing a farm lease with Marvin Brenek for approximately 338 acres of City-owned land located east of the East Loop 363 between Lorraine Drive and SH 36.

#### <u> Ordinances – Second & Final Reading:</u>

- (O) 2007-4174: SECOND READING Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.
- (P) 2007-4165: SECOND READING Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.
- (Q) 2007-4175: SECOND READING Z-FY-07-58: Consider adopting an ordinance authorizing a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.
- (R) 2007-4176: SECOND READING Z-FY-07-59: Consider adopting an ordinance authorizing an amendment to the Planned Development Light Industrial District Ordinance 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

### Misc:

- (S) 2007-5215-R: P-FY-07-31: Consider adopting a resolution amending Resolution 2007-5076-R and authorizing the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive, retaining the previously approved exception to the maximum allowed cul-de-sac length.
- (T) 2007-5216-R: Consider adopting a resolution dedicating right of way for the Outer Loop Phase II across City owned property commonly referred to as the TI Property, between SH 36 and Hilliard Road.

- (U) 2007-5217-R: Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2007-2008, in accordance with Section 4.20 of the Charter of the City of Temple.
- (V) 2007-5218-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

#### V. REGULAR AGENDA

- (A) 2007-4173: SECOND READING Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.
  - (B) 2007-5219-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, LTD, for construction activities required to build the Airport Business Park in northwest Temple within the TIF Reinvestment Zone #1 in an amount not to exceed \$2,221,641.50 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.
- 7. (A) 2007-4177: FIRST READING PUBLIC HEARING Consider adopting an ordinance authorizing a franchise to Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.
  - (B) 2007-4178: FIRST READING PUBLIC HEARING Consider adopting an ordinance authorizing a franchise to Scott and White Memorial Hospital to provide non-emergency ambulance transfer services within the City.
- 8. 2007-5220-R: Consider adopting a resolution approving, denying or suspending Atmos Energy Corporation's (Mid-Tex Division) request for a rate increase in the City of Temple.

#### **BOARD APPOINTMENTS**

- 9. 2007-5221-R: Consider adopting a resolution appointing members to the following City boards and commissions:
  - (A) Convention Center & Tourism Advisory Board one member to fill an unexpired term through September 1, 2008
  - (B) Temple Public Safety Advisory Board two members to fill an unexpired term through September 1, 2009

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:15 AM, on October 15, 2007.

Clydata Engminger	
Clydette Entzminger	
City Secretary	

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



## COUNCIL AGENDA ITEM MEMORANDUM

10/18/07 Item #3 Regular Agenda Page 1 of 1

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

William A. Jones, III, Mayor

#### **ITEM DESCRIPTION:** Presentation of Proclamations:

(A) Make a Difference Day October 27, 2007

(B) Marlene Wagnon Day October 19, 2007

(C) National Save for Retirement Week October 21-27, 2007

(D) Chamber of Commerce Week October 15-19, 2007

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

<u>ITEM SUMMARY:</u> (A) This proclamation was requested by Zoe Rascoe on behalf of Keep Temple Beautiful. It recognizes volunteering in the community and will express support of two planned events, the Household Hazardous Waste Clean-Up Day and the first "Tree for Me" free tree giveaway program from the City's tree farm. It will be received by Elizabeth Garth, Executive Director for KTB, Zoe Rascoe and other members of KTB.

- (B) This proclamation was requested by Pastor Jeff Loudin, on behalf of Taylor's Valley Baptist Church. It recognizes Marlene for 33 of service and dedication to the children and the church. It will be received by Marlene Wagnon.
- (C) This proclamation will be received by Barbara Bozon, Director of the Central Texas Housing Consortium, and the City's Human Resources Department.
- (D) This proclamation will be received by Ken Higdon, President, Temple Chamber of Commerce, in recognition of Texas Chamber of Commerce Week and the 100th anniversary of the Temple Chamber of Commerce.

FISCAL IMPACT: None

**ATTACHMENTS:** None



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #4 Regular Agenda Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Receive award from Kate Darnell, Texas Council on Cardiovascular Disease and Stroke, recognizing the City of Temple as a Heart and Stroke Healthy City.

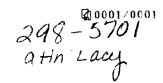
**STAFF RECOMMENDATION:** Receive public appearances as indicated in item description.

<u>ITEM SUMMARY:</u> Ms. Darnell has filed a Request for Placement on the Agenda to present the City of Temple with this award.

FISCAL IMPACT: None

#### **ATTACHMENTS:**

Request for Placement on Agenda





# CITY OF TEMPLE, TEXAS

# CITY COUNCIL MEETINGS

# **REQUEST FOR PLACEMENT ON AGENDA**

Priority
NAME OF PRESENTER: <u>Kate Darnell</u>
ADDRESS: 2200 Indian Trail, Salado, TX 76571
TELEPHONE NO. 254-718-9854
DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) OCHODEV 18,2007
SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)
Present Heart and Stroke Healthy City Recognition
Present Heart and Stroke Healthy City Recognition Award from the Texas Council on Cardiovascular
Disease and Stroke.
Note: Separate requests must be completed for each subject presented.
I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.
Kate Yarul 9/11/07 SIGNATURE OF PRESENTER DATE
For Office Use:

SEP 1 2007



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(A)-(B) Consent Agenda Page 1 of 1

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

Clydette Entzminger, City Secretary

### **ITEM DESCRIPTION:** Approve Minutes:

- (A) September 20, 2007 Special Called Meeting & Regular Meeting
- (B) October 4, 2007 Special Called Meeting & Regular Meeting

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

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

FISCAL IMPACT: N/A

## **ATTACHMENTS:**

September 20, 2007 Special Called Meeting & Regular Meeting October 4, 2007 Special Called Meeting & Regular Meeting

### **TEMPLE CITY COUNCIL**

# **SEPTEMBER 20, 2007**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 20, 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 Russell Schneider Mayor William A. Jones, III

#### Absent:

Councilmember Patsy E. Luna

#### 1. Receive an update from Kendig Keast Collaborative on the Comprehensive Plan.

Mr. Gary Mitchell, Kendig Keast Collaborative, provided the Council with a mid-point briefing on the Comprehensive Plan Update process. The contract is 61% complete, with 4 of the 8 plan chapters to the CPAC for their review. Mr. Mitchell discussed the other activities conducted to date, as well as those upcoming. He also explained the various other plans and initiatives they are coordinating with during this update of the Comprehensive Plan.

A sample chapter of the plan was displayed and Mr. Mitchell discussed the layout and the content, which will include assumptions, goals, opportunities, challenges and keys for the future. Mr. Mitchell stressed the plan should reflect the priorities set by the Council and management.

David Blackburn, City Manager, asked the City Council to focus on the goals, objectives and actions in the plan to make sure they agree with what is to be presented. This plan will be reviewed in conjunction with the Strategic Plan and the budget.

# 2. Receive an update from Kasberg, Patrick & Associates, LLP on the Water and Wastewater Master Plan.

Ms. Ginger Tolbert, Kasberg, Patricks & Associates, LLP, presented the Water and Wastewater Master Plan update to the Council. She showed the existing pressure zones and the projects within each, noting the project phasing. The projects were broken down into new projects and rehab projects for both water and wastewater. No funding mechanisms have been identified to date. Ms. Tolbert also reviwed some ordinance clean-up issues that are being recommended by Public Works and Engineering.

Mr. Blackburn stated these projects still need to be prioritized and funding mechanisms identified. Some of the proposed ordinance revisions are just housekeeping items and some will require significant discussion. Those issues will be brought back to Council for review and direction before proceeding with action.

#### 3. Receive a presentation on the proposed historic marker program.

Ken Cicora, Director of Parks and Leisure Services, stated the Temple Historic Marker program began with a recommendation from the City's Strategic Plan. The purpose of the program would be to establish local standards for historic preservation and recognize historically significant structures with a marker, beginning with City facilities such as the Santa Fe Depot and expanding the program with walking tours. Mr. Cicora suggested a committee be established to develop the criteria for the program, which could be a standing committee of the Convention Center & Tourism Advisory Board, but appointed by the City Council. The committee could also market the program to Temple residents and businesses and encourage participation. Mr. Cicora reviewed some of the requirements being proposed before a property could participate in the Temple Historic Marker Program. He showed some samples of markers being used in other cities and suggested the committee recommend the type of marker to be used in Temple and establish the marker fee.

# 4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 20, 2007 as follows:

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 20, 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 Russell Schneider Mayor William A. Jones, III

#### Absent:

Councilmember Patsy E. Luna

#### I. CALL TO ORDER

#### 1. Invocation

Mary Lambert, Chaplain, Betty Martin Chapter of the Daughters of the American Revolution, voiced the Invocation.

#### 2. Pledge of Allegiance

Marjorie Croninger, Regent, Betty Martin Chapter of the DAR, led the Pledge of Allegiance.

#### II. PROCLAMATIONS & SPECIAL RECOGNITIONS

#### 3. Constitution Week September 17—23, 2007

Mayor Jones presented this proclamation to members of the Betty Martin Chapter, Daughters of the American Revolution, recognizing the week of September 17th as Constitution Week.

#### III. PUBLIC COMMENTS

Alicia Womack, 7412 Pappas Court, expressed her concern with the increasing traffic in District 4, west Temple. She lives in the Meadows Subdivision and this area has grown tremendously with both residences and businesses and this is causing more accidents and problems with traffic. There was an accident this morning involving three vehicles. Ms. Womack asked what needs to be done to get traffic control in this neighborhood.

Milton Hensley, 301 Mitchell Drive, addressed the Council. He discussed Adams Avenue and 7th Street, the intersection where an accident recently happened when a lady crossed Adams and was struck by a vehicle. He also addressed other recent auto accidents in this area. Traffic lights are needed there, according to the residents of the high rise apartments on 7th Street. The traffic light is not on long enough at 9th Street to allow pedestrians to cross the intersection. What can be done to make this a safer situation for the elderly citizens, Mr. Hensley asked?

#### IV. CONSENT AGENDA

- 4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:
  - (A) September 6, 2007 Special Called Meeting Minutes
  - (B) September 6, 2007 Regular Called Meeting Minutes
  - (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:
    - 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 ¾", full ¾", 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 7th 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 preconstruction 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.
  - 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.
- (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.
- (Q) 2007-5197-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

Motion by Mayor Pro Tem Martha Tyroch to approve Consent Agenda, with exception of items 4 (I) and (M), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(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 7th Street in the amount of \$62,685.

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

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

(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.

Councilmember Jeter stated he would like to vote on this item separately. He expressed concern that the City has no way to expand Kegley in the near future and by approving this zoning change we are setting the City up for a difficult situation with the traffic on Kegley Road.

Councilmember Schneider stated the Council needs to consider the parcel to the north that is owned by the same person for which the Council has already approved the rezoning. Why is it good for the first tract and not this one?

Councilmember Jeter stated the Council is hearing more and more issues with traffic during public meetings with citizens. This is a significantly larger area with greater potential for development. The City will see no return on its investment by improving Kegley Road.

Councilmember Schneider asked if there are any provisions for getting right of way now.

Mrs. Adel stated the setback is 15' from the right of way. The plat would include dedication of right of way, 35' plus the 15' setback.

Councilmember Jeter stated he is all for property rights but this road can't handle a significant increase in traffic without the City being pushed into doing something.

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinances for item M (1) and (2) on second and final reading, seconded by Councilmember Russell Schneider.

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

#### V. REGULAR AGENDA

#### **ORDINANCES**

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 31st 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 31st 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 31st Street and FM 93.

Tim Dolan, Planning Director, gave a brief presentation regarding items 5(A),(B) and (C) to the Council. Item (A) is the second reading of the rezoning request. Item (B), the prelimary plat, is recommended for approval by both the Planning and Zoning Commission and the Staff with the requested exception. Mr. Dolan showed an aerial view of the property and a copy of the proposed plat showing one point of ingress/egress. This will serve the commercially zoned tract to the south. Mr. Dolan also discussed item (C), the requested street use license for a gated entry into the subdivision.

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinance for item 5(A), and resolutions for items 5(B) and (C), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

#### **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

It was recommended that Barbara Brown be appointed to fill the unexpired term on this board.

Motion by Mayor Pro Tem Martha Tyroch to appoint Barbara Brown to the Animal Services Advisory Board to fill an unexpired term through September 1, 2010, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(B) Convention Center and Tourism Advisory Board - one member to fill expiring

#### term through September 1, 2010

It was recommended that David Perez-Guerra be appointed to fill the expired term on this board.

Motion by Mayor Pro Tem Martha Tyroch to appoint David Perez-Guerra to the Convention Center and Tourism Advisory Board for a term through September 1, 2010, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

# (C) Temple Economic Development Corporation - one member to fill expiring term through September 1, 2010 (Temple Chamber of Commerce Representative)

It was recommended that Pat Patterson be appointed to fill the expired term on this board, as the Temple Chamber of Commerce representative.

Motion by Councilmember Tony Jeter to appoint Pat Patterson to the Temple Economic Development Corporation Board of Directors, as the Temple Chamber of Commerce representative, for a term through September 1, 2010, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

# (D) Temple Public Safety Advisory Board - two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009

It was recommended that Benny Ismaili be appointed to this board to fill an unexpired term through September 1, 2008.

Motion by Mayor Pro Tem Martha Tyroch to appoint Benny Ismaili to the Temple Public Safety Advisory Board to fill an unexpired term through September 1, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Clydette Entzminger

City Secretary

# (E) Transit Advisory Committee - one member to fill expiring term through September 1, 2010

September 1, 2010	
There was no recommendation for appointment to this board.	
ATTEST:	William A. Jones, III, Mayor

## **TEMPLE CITY COUNCIL**

# **OCTOBER 4, 2007**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, October 4, 2007 at 4:00 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

#### Present:

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

#### 1. Discuss Sister Cities.

David Blackburn, City Manager, stated he has received a request from a councilmember in Aguascalientes, Mexico, our Sister City, asking if the City has an interest in re-establishing our Sister Cities arrangement. The original agreement and Sister Cities relationship was initiated in 1996 and reaffirmed in 2003 with our visit to Aguascalientes. It is their turn to visit here and that is what has prompted their correspondence with us.

Mr. Blackburn explained the Temple Sister Cities Corporation was formed prior to the first agreement in 1996. The corporation is still in effect although there has been no recent activity. Mr. Hugh Shine currently serves as the president of the board. Mr. Blackburn asked the Council if they had any interest at this time in pursuing the Sister City arrangement with Aguascalientes.

Councilmember Luna stated she would like to see the relationship continue, particularly with cultural and educational exchanges through Temple College and University of Mary Hardin Baylor. She felt the Sister City relationship had been inactive for some time due to the political climate in Mexico.

Mayor Pro Tem Tyroch agreed with Councilmember Luna's comments. Our Sister City is an untapped resource for our community.

Mayor Jones stated Aguascalientes is very similar to Temple in many ways and he felt the relationship could be of benefit but he would like to see it transcend politics. The citizens need to keep this relationship going, not the staff. We, as the government officials, can lead the charge but the citizens need to be involved.

Councilmember Schneider expressed his agreement with the Mayor's comments.

Mayor Jones stated the City will respond to Aguascalientes and let them know we are working on our end to see if we can help re-establish the sistering relationship.

#### 2. Briefing and discussion relating to sign ordinance.

Mr. Blackburn stated staff has put together a presentation that will highlight the issue and concerns regarding signs in our community.

Richard Therriault, Superintendent of Construction Safety and Services, reviewed some of the problem areas with the Sign Ordinance that need attention, inlcuding organization, definitions, language conflicts and lack of clarity leading to some provisions being unenforceable, temporary signs, prohibited signs, dilapidated and abandoned signs, and location of signs. The purpose of these proposed amendments would be to make the ordinance more customer friendly, assist code enforcement activities and fulfill objectives in the City's Strategic Plan.

Mr. Therriault displayed numerous photos showing existing signs that need to be addressed, including banners, pennants and streamers, dilapidated signs, portable signs and hand-painted signs.

Mr. Blackburn asked for direction from the Council. Should staff continue to address these types of signs or do you like what we have now, he asked.

Mayor Pro Tem Tyroch stated she felt banners are okay in some areas of the City.

Councilmember Schneider stated his concern is that we are not currently enforcing the permitting of signs.

Councilmember Jeter asked for examples from other communities regarding how they deal with these types of signs.

Mayor Jones stated the question for Council to decide is how far we want to raise the 'bar', if we want to at all.

Mr. Blackburn stated staff would review sign ordinances in other cities and bring this issue back to the Council with some alternatives.

# 3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 4, 2007.

Regarding regular agenda item 4(F), Mayor Pro Tem Tyroch stated she would like to increase the amount of the contract with Tommy Wright to \$70,000 due to the inflation factor. She added she would like to pull item 4(G) for a presentation at the Council meeting to increase citizen awareness about the traffic signal to be constructed on West Adams Avenue and Pea Ridge Road.

Bruce Butscher, Director of Public Works, stated Mr. Wright has agreed to renewing his contract for one additional year for the annual fee of \$65,000.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, October 4, 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

Thomas Pechal, Temple Fire and Rescue, voiced the Invocation.

#### 2. Pledge of Allegiance

Thomas Pechal and the Junior Fire Cadets led the Pledge of Allegiance.

#### II. PROCLAMATIONS & SPECIAL RECOGNITIONS

#### 3. (A) Community Planning Month October, 2007

Tim Dolan, Director of Planning, and representatives from the Planning Department, as well as members of the Planning & Zoning Commission Commission, accepted the proclamation presented by Mayor Jones.

Mayor Jones also recognized several Temple High Students that are participating in the Student Forum with the Comprehensive Plan Advisory Committee and presented them with proclamations from the City.

#### (B) Fire Prevention Week October 7-13, 2007

Thomas Pechal, Temple Fire & Rescue, and the Junior Fire Cadets accepted this proclamation presented by Mayor Jones. Following presentation of the proclamation,

the Junior Fire Cadets tested the Councilmembers on their knowledge of fire safety.

#### (C) Domestic Violence Awareness Month October, 2007

Barbara Stephens, Manager of the new shelter in Temple for Families in Crisis, accepted this proclamation presented by Councilmember Luna.

#### (D) Czech Heritage Month October, 2007

Representatives from SPJST, the Czech Festival Committee, and staff from the Parks and Leisure Services Department, accepted this proclamation presented by Mayor Pro Tem Tyroch.

#### III. PUBLIC COMMENTS

Mr. Brad Woods, 214 South 21st Street, expressed his concern with the condition of the sidewalks in his neighborhood. Many areas are not safe because fences and carports are obstructing them. Kids use these sidewalks and they are littered with all types of rubbish and debris, forcing kids to walk into the street. He showed numerous photos of sidewalks in his neighborhood. He asked that the City help to clean these areas up. Mr. Woods stated he also has problems with kids 'booming' near his home. He hasn't had any assistance from the Police Department with this issue. Mr. Woods stated he expects the City of Temple to enforce the ordinances and codes of the City. Property values have gone down because of these issues.

Dr. Lee Crossley, 5102 Sturbridge Drive, along with Judy Morales, addressed the Council representing the Citizens for Progress. He presented a letter to the City, which he read, expressing appreciation for the City working with them to secure emergency home repair funds during the budget process.

Peggy McIlvanie, 2301 South 1st Street, President of the local chapter of the National Federation of the Blind, invited the Councilmembers and audience to the "Come Walk in My Shoes" event to be held on October 13, 2007 at the Temple Public Library from 1:00 to 4:00 pm. She also asked if some tree trimmiming could be done along the bus route at 24th Street and Avenue R.

Tallbear Montez, 12251 Buckhorn, Moody, stated a Tribal American pow wow is being held October 13-14 in Temple. The event will be held at the Tractor Association show grounds and he invited everyone to attend.

Martha Tyroch recognized Ms. Virginia Leak, who recently retired from Temple College, for her many years of teaching in the field of nursing.

#### IV. CONSENT AGENDA

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

- (A) September 20, 2007 Special Called Meeting
- (B) September 20, 2007 Regular Called Meeting
- (C) 2007-5189-R: Consider adopting a resolution authorizing a professional services agreement with Brown and Caldwell for services required to conduct a Wastewater Treatment Facility Alternatives Evaluation in the amount of \$62,300.
- (D) 2007-5190-R: Consider adopting a resolution authorizing an FY 2008 annual contract with Austin Asphalt, LP of Irving, Texas, and Woodard Construction Company of Gatesville, Texas, as the primary and secondary supplier, respectively, for the purchase of hot mix asphalt at a price of \$45.00 per ton with an estimated annual purchase of \$50,000.
- (E) 2007-5191-R: Consider adopting a resolution authorizing a FY 2008 annual purchase agreement to Screenprint Plus of Cape Coral, Florida for the design and printing of t-shirts in the estimated annual amount of \$25,000.
- (F) 2007-5192-R: Consider adopting a resolution authorizing a one year renewal of a professional services agreement with Mr. Tommy Wright for consultant services relating to commercial solid waste collection, not to exceed \$65,000.
- (G) 2007-5193-R: Consider adopting a resolution authorizing a contract with Austin Traffic Signal Construction of Round Rock for the construction of a traffic signal at W Adams Ave and Pea Ridge Road in the amount of \$194,932.75 and declare an official intent to reimburse this expenditure with the issuance of tax-exempt obligations for this project.
- (H) 2007-5194-R: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design and design surveys, required to implement design revisions for Phase II of the Industrial Rail Park within the TIF Reinvestment Zone #1 in an amount not to exceed \$173,000 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (I) 2007-5195-R: Consider adopting a resolution authorizing payment of \$25,125 to First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for computational fees incurred in connection with the arbitrage calculations prepared for outstanding tax exempt bonds.
- (J) 2007-5196-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution approving Consent Agenda, with exception of items 4(A), (B), and (G), seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

- (A) September 20, 2007 Special Called Meeting
- (B) September 20, 2007 Regular Called Meeting

Motion by Councilmember Patsy E. Luna to table items 4(A) and (B), seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

(G) 2007-5193-R: Consider adopting a resolution authorizing a contract with Austin Traffic Signal Construction of Round Rock for the construction of a traffic signal at W Adams Ave and Pea Ridge Road in the amount of \$194,932.75 and declare an official intent to reimburse this expenditure with the issuance of tax-exempt obligations for this project.

Bruce Butscher, Director of Public Works, presented this item to the City Council. A traffic signal will be installed at West Adams Avenue and Pea Ridge Road. Another signal will be installed later at Old Waco Road, as part of the Outer Loop project under design.

David Blackburn, City Manager, stated there are many traffic control needs in the community. Engineering studies and citizens' requests will be used to evaluate the needs and develop priorities. He noted the cost of a traffic signal is a very significant expenditure, almost \$200,000.

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

Motion passed unanimously.

#### V. REGULAR AGENDA

#### **ORDINANCES**

 2007-4173: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.

Mayor Jones asked Mayor Pro Tem Tyroch to handle this item as he has a conflict of

interest.

Traci Barnard, Director of Finance, gave a brief presentation regarding this item to the Council. This amendment is related to a proposed bond issue in the amount of \$21.385M which will be a combination tax and revenue issue. The bonds will be sold in December, with a closing in January 2008.

Mrs. Barnard reviewed the public improvements within the Reinvestment Zone that will be completed with these bond proceeds, which include railroad park, Wendland Road improvements, underground storm water improvements, wastewater lift station, Elm Creek Detention Pond, right of way acquisition for public improvements, Bioscience Park-Phase 1, Airport Park, Southeast Industrial Park and project contingencies.

Mayor Pro Tem Tyroch declared the public hearing open in regards to agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Pro Tem Tyroch closed the public hearing.

Motion by Councilmember Patsy E. Luna to adopt ordinance, with second reading set for October 18, 2007, seconded by Councilmember Tony Jeter.

Councilmember Russell Schneider and Mayor William A. Jones, III abstained. The other Councilmembers voted aye. The motion passed.

6. 2007-4174: FIRST READING - PUBLIC HEARING -Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.

Jonathan Graham, City Attorney, presented this item to the Council. This ordinance sets forth all of the City's economic development programs including tax abatement. These criteria have been in place since 1989 and this is a renewal of that ordinance. No changes are being proposed to the policy currently in effect.

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

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinance, with second reading set for October 18, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

7. 2007-4175: FIRST READING - PUBLIC HEARING -Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building

# Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.

Tim Dolan, Planning Director, gave a brief presentation of this item to the Council. He stated there are no current provisions regulating residential metal buildings at this time. He reviewed the components of the ordinance for both primary and accessory metal buldings for lots less than 2 acres and greater than 2 acres. This ordinance will sunset in 180 days, at which time the Council can adopt, amend or delete the ordinance.

Mayor Jones declared the public hearing open in regards to agenda item 7 and asked if anyone wished to address this item.

Troy Glasson, Temple Area Builders Association, 12 North 5th, stated his organization was consulted as a stakeholder and had input in the development of this ordinance. He thanked the Council for this opportunity.

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

Motion by Councilmember Patsy E. Luna to adopt ordinance, with second reading set for October 18, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

# 8. 2007-4176: FIRST READING - PUBLIC HEARING - Z-FY-07-58: Consider adopting an ordinance authorizing a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.

Aaron Adel, Special Projects Planner, presented this item to the City Council. She showed the location of this property, which is part of a Planned Development. The proposal is for a strip shopping center, Sunset Strip, with up to seven tenants. Mrs. Adel showed the site plan and pointed out several of the features, including access points, detention and landscaping. The project will have a 100% masonry facade.

Michael Newman, City Engineer, addressed the proposed detention area in the parking lot, indicating where the water from this development will flow.

Mayor Jones declared the public hearing open in regards to agenda item 8 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, with second reading set for October 18, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

9. 2007-4177: FIRST READING - PUBLIC HEARING - Z-FY-07-59: Consider adopting an ordinance authorizing an amendment to the Planned Development Light Industrial District Ordinance 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

Aaron Adel, Special Projects Planner, presented this item to the City Council. She showed the location of the property, which is part of a Planned Development. The proposal is for the development of a beauty/barber shop on this property.

Mayor Jones declared the public hearing open in 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, with second reading set for October 18, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

#### **RESOLUTIONS**

10. 2007-5197-R: P-FY07-50: Consider adopting a resolution authorizing the final plat of Harris Subdivision, two lots on a 12.0 acre tract of land located south of the US Hwy 190 and Pritchard Road intersection and on the west side of Pritchard Road in Temple Eastern ETJ.

Tim Dolan, Director of Planning, presented this item to the City Council. This property is located at the eastern edge of the City's ETJ boundary. He reviewed the requested exceptions for parkland dedication, curbs and gutters, and sidewalks.

Motion by Councilmember Patsy E. Luna to adopt resolution, with requested exceptions, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

11. 2007-5198-R: P-FY-07-56: Consider adopting a resolution authorizing the final plat of Maddux Subdivision, a 10.34 acre, two lot residential plat located on Oscar Lane in Temple's eastern Extraterritorial Jurisdiction.

Aaron Adel, Special Projects Planner, presented this item to the City Council. This property is also located near the City's eastern ETJ boundary. She showed the location of the property and reviewed the requested exceptions for street paving and ribbon curbs, fire protection and park fee requirements.

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

Motion passed unanimously.

12. 2007-5199-R: P-FY-07-57: Consider adopting a resolution authorizing the final plat of Water Works Landing, with nine single family lots on a 9.04 acre tract of land located north of the Sparta Road and Water Works Road intersection, south of Westcliffe Park in Temple's Western ETJ.

Tim Dolan, Planning Director, presented this item to the Council. He showed the location of the property, which is in the City's 'claw' in the western ETJ. He reviewed the requested exceptions for street paving and ribbon curbs, fire protection and park fee requirements.

Motion by Councilmember Russell Schneider to adopt resolution, with requested exceptions, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

#### **BOARDS**

13. 2007-5200-R: Consider adopting a resolution nominating three people to serve as Community Directors on the Ida Olliffe Foundation for Animal Care.

It was recommended that Mike Blackwell be recommended for reappointment for a term to expire 10-31-2011; Bonnie Neal be reappointed for a term to expire 10-31-2009; and Lila McGuire be appointed for a term to expire 10-31-2010.

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

Motion passed unanimously.

- 14. 2007-5201-R: Consider adopting resolutions appointing members to the following City boards and commissions:
  - (A) Comprehensive Plan Advisory Committee one member representing Planning Commission.

It was recommended that Mike Pilkington be appointed as the Planning & Zoning Commission representative on this board.

(B) Transit Advisory Committee - one member to fill expiring term through September 1, 2010.

It was recommended that Joe Stewart be appointed to fill the expired term on this board.

Motion by Mayor Pro Tem Martha Tyroch recommended, seconded by Councilmember Pat	
Motion passed unanimously.	
ATTEST:	William A. Jones, III, Mayor
Clydette Entzminger City Secretary	



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(C) Consent Agenda Page 1 of 1

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

Alan DeLoera, Information Technology Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of a yearly maintenance contract with Intergraph Public Safety for Police and Fire Software Applications in the amount of \$37,000.

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

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

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

Intergraph Public Safety is the sole provider of maintenance for HTE application software. This is currently the 10th year of support for the current software.

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$37,000 for continued annual support of these applications.

### **ATTACHMENTS:**

Resolution

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A YEARLY MAINTENANCE CONTRACT WITH INTERGRAPH PUBLIC SAFETY FOR POLICE AND FIRE SOFTWARE APPLICATIONS IN THE AMOUNT OF \$37,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Public Safety Software from Intergraph Public Safety for police and fire software applications – Intergraph Public Safety is the sole source provider for the Public Safety Software;

**Whereas,** the Staff recommends purchasing a yearly maintenance contract for a cost not to exceed \$37,000;

**Whereas,** this will be the City's tenth year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; 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:

- <u>PART 1:</u> The City Council authorizes the purchase of a yearly maintenance contract with Intergraph Public Safety for Police and Fire Software Applications, for an amount not to exceed \$37,000.
- <u>PART 2:</u> The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.
- <u>PART 3:</u> 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 18th day of October, 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**

10/18/07 Item #5(D) Consent Agenda Page 1 of 1

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

Alan DeLoera, Information Technology Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of a yearly maintenance contract with Sungard HTE in the amount of \$124,000.

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

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

General Ledger Accounts Payable Accounts Receivables

Fixed Assets Inventory Purchasing

Cash ReceiptsBudgetingFleet ManagementWork OrdersPayrollHuman ResourcesUtility BillingPermittingCode EnforcementInspectionsZoningBusiness Licenses

Municipal Court Project Accounting

Sungard HTE is the sole provider of maintenance for HTE application software. This is currently the 4th year of support for the current software.

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$124,000 for continued annual support of these applications.

#### **ATTACHMENTS:**

Resolution

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEM	PLE, TEXAS,

AUTHORIZING THE PURCHASE OF A YEARLY MAINTENANCE CONTRACT WITH SUNGARD HTE IN THE AMOUNT OF \$124,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

RESOLUTION NO.

Whereas, the City currently uses Enterprise Software from Sungard HTE for certain business applications in helping the City to conduct financial transactions – Sungard HTE is the sole source provider for the HTE application software;

**Whereas,** the Staff recommends purchasing a yearly maintenance contract for a cost not to exceed \$124,000;

**Whereas,** this will be the City's fourth year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; 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:

<u>PART 1:</u> The City Council authorizes the purchase of a yearly maintenance contract with Sungard HTE for business application software to help the City conduct financial business, for an amount not to exceed \$124,000.

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

<u>PART 3:</u> 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 18th day of October, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
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Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(E) Consent Agenda Page 1 of 2

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

Ken Cicora, Parks & Leisure Services Director

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a services agreement with BBI Tennis Group, Brit Coleman, for Tennis Pro services at the Summit Recreation Center in the annual amount of \$60,000, with the City of Temple earning 20% of total revenues and \$2 per tournament participant.

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

**ITEM SUMMARY:** Mr. Brit Coleman, BBI Tennis Group, has provided tennis pro services at the Summit Recreation Center since 2004. Over the past three years there has been substantial growth in both the youth and adult tennis program.

Under this proposed agreement, BBI will be responsible for the following:

- All instructors to include hiring and payment
- Scheduling of lessons and tournaments
- All pro shop employees
- Monthly attendance reports and class rosters
- Assisting with community events such as Texas Senior games, TISD events that take place at the Summit and programs developed by the Summit staff

#### The City will be responsible for:

- Collecting all user fees
- Disbursing stipend of \$1200 per month and 80% usage fees from leagues and lessons on a monthly basis
- All court maintenance
- Preparing the courts for initial play on a daily basis to include filling water jugs and blowing off the courts

10/18/07 Item #5(E) Consent Agenda Page 2 of 2

Over the past three years there has been substantial growth in both the youth and adult tennis program at the Summit. BBI has directly contributed to the increased popularity of tennis in the area as well as impacting the economy through tournaments and special events.

**FISCAL IMPACT:** The City of Temple will collect 20% of all user fees as well as \$2 per player during tournaments, for an estimated \$14,000 per year. Funds are budgeted in account 110-3200-551-2513, Special Services, to fund the services agreement for tennis pro services at the Summit Recreation Center.

#### **ATTACHMENTS:**

Resolution

RESOLUTION NO.	
RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND BBI TENNIS GROUP, BRIT COLEMAN, FOR TENNIS PRO SERVICES AT THE SUMMIT RECREATION CENTER IN AN ESTIMATED ANNUAL AMOUNT OF \$60,000, WITH THE CITY OF TEMPLE EARNING 20% OF TOTAL REVENUES AND \$2 PER TOURNAMENT PARTICIPANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, Brit Coleman, BBI Tennis Group, has provided tennis pro services at the Summit Recreation Center since 2004 – over the past three years there has been substantial growth in both the youth and adult tennis program;

Whereas, BBI has directly contributed to the increased popularity of tennis in the area as well as impacting the economy through tournaments and special events;

Whereas, the Staff recommends entering into a services agreement with BBI Tennis Group for continued tennis pro services at the Summit Recreation Center in an estimated annual amount of \$60,000, with the City Temple earning 20% of total revenues and \$2 per tournament participant; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a services agreement in an estimated annual amount of \$60,000 between the City of Temple, Texas, and BBI Tennis Group, Brit Coleman, after approval as to form by the City Attorney, for tennis pro services at the Summit Recreation Center, with the City of Temple earning 20% of total revenues and \$2 per tournament participant.

<u>Part 2:</u> 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 18th day of October, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
	<u></u>
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(F) Consent Agenda Page 1 of 2

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

Kenny Henderson, Director of Street Services Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a FY 07-08 purchase agreement with various vendors for sign and traffic control supplies in the estimated annual amount of \$38,807.71.

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

<u>ITEM SUMMARY:</u> On October 2, 2007, the City received eight (8) bids for sign and traffic control supplies as shown on the attached bid tabulation. The items were bid and stated to be awarded by nine (9) categories/sections and nine (9) line-item awards. The recommended bid awards with estimated annual expenditures are as follows:

Osburn Associates, Inc., Logan, OH – Sign Face Materials (\$4,160.23);

Hall Signs, Bloomington, IN - Sign Caps, Crosses, Brackets & Clamps (\$1,642.30);

Allied Tube & Conduit Corporation, Harvey, IL – Sign Pipes and Accessories (\$7,041.50) and Telespar Support System (\$3,769.00);

Vulcan Signs, Foley, AL – Road Marking Accessories (\$782.50), Replacement Bulbs for 6-volt Emergency Flashers (\$15.36), and Sign Blanks (\$7,713.48);

Pathmark Traffic Products, San Marcos, TX – Emergency Flashers for Barricade with Solar Switch (\$259), Spring-type Battery for Emergency Flashers (\$76.32), Dead-end Barricade Tape (\$570.00), Traffic Cones (\$3,186), and Traffic Buttons and Accessories (\$728.50); and

3M Company, St. Paul, MN – Barricade Tape (\$204.00), Sign Material Roll Goods (\$3,531.01), and Electro-cut Materials (\$5,128.51).

The City has done business with all of the companies listed above and finds them to be responsible vendors.

The recommended contracts will expire on September 30, 2008, with the option of four (4) additional one-year renewals, if so agreed to by both parties.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchases – to be purchased as needed throughout the year)*

# Estimated expenditure in FY 07-08: \$38,807.71

*The City of Belton and other City of Temple departments who have budgeted for graphics and signs within their departmental budgets may purchase off this contract, at the prices submitted, and their budgets will be charged when the actual purchases are made.

The estimated expenditure reflects the cost if all the items bid are actually purchased. No materials are purchased for the City of Belton or other City of Temple departments until the request for signs or graphics are submitted to the Street Department. Temple has an interlocal agreement with Belton to provide signs at our cost for materials and labor. Belton purchased one of the plotters the City of Temple uses in making the signs.

# **ATTACHMENTS:**

Bid Tabulation Resolution

# Tabulation of Bids Received on October 2, 2007 at 2:30 p.m. Sign and Traffic Control Supplies

	BIDDERS							
	Custom Products Corp Jackson, MS	Osburn Associates, Inc Logan, OH	Hall Signs Bloomington, IN	Allied Tube & Conduit Corp Harvey, IL	Vulcan Signs Foley, AL	Rocal Inc. Frankfort, OH	Pathmark Traffic Products San Marcos, TX	3M Company St. Paul, MN
Description								
Sign Face Material	\$9,754.11	\$4,160.23	\$8,322.10	No Bid	\$7,810.90	\$5,993.64	No Bid	No Bid
Sign Caps, Crosses, Brackets and Clamps	\$2,227.60	\$470.00	\$1,642.30	No Bid	\$1,765.45	No Bid	\$1,987.25	No Bid
Sign Pipes and Accessories	\$10,863.50	No Bid	No Bid	\$7,041.50	\$7,534.50	No Bid	No Bid	No Bid
Road Marking Accessories	\$1,301.20	No Bid	No Bid	No Bid	\$782.50	No Bid	\$804.50	No bid
Emergency Flasers for Barricade w/solar switch	\$14.10 each	No Bid	\$16.46 each	No Bid	\$14.48 each	No Bid	\$12.95 each	No Bid
Spring-type Battery for Emergency Flasher	\$2.70 each	No Bid	\$4.02 each	No Bid	\$2.44 each	No Bid	\$1.59 each	No Bid
Replacement Bulb for 6-volt Emergency Flashers	\$.70 each	No Bid	\$1.08 each	No Bid	\$0.64 each	No Bid	\$0.85 each	No Bid
Dead End Barricade Tape (red-white)	\$173.33 each	No Bid	No Bid	No Bid	No Bid	No Bid	\$9.50 each	\$44.91 each
Barricade Tape Left (orange/white)	\$145.19 each	\$54.75 each	\$151.00 each	No Bid	\$126.75 each	No Bid	\$64.00 each	\$51.00 each
Barricade Tape Right (orange/white)	\$145.19 each	\$54.75 each	\$151.00 each	No Bid	\$126.75 each	No Bid	\$64.00 each	\$51.00 each
Traffic Cones (Flourescent Orange) 18"	\$5.57 each	No Bid	\$6.80 each	No Bid	\$5.60 each	No Bid	\$4.99 each	No Bid
Traffic Cones (Flourescent Orange) 28"	\$8.67 each	No Bid	\$9.51 each	No Bid	\$7.80 each	No Bid	\$8.19 each	No Bid
Traffic Cones (FI Orange w.White Refl Stripes)	\$16.60 each	No Bid	\$17.68 each	No Bid	\$12.80 each	No Bid	\$13.69 each	No Bid
Sign Blanks	\$8,317.02	\$8,119.07	\$9,768.85	No Bid	\$7,713.48	\$10,948.53	No Bid	No Bid
Traffic Buttons and Accessories	\$1,804.74	No Bid	No Bid	No Bid	No Bid	No Bid	\$728.50	No Bid
Sign Material-Roll Goods	\$4,595.55	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$3,531.01
Electro-Cut Materials	\$8,040.70	\$7,672.66	No Bid	No Bid	No Bid	No Bid	No Bid	\$5,128.51
Telespar Support System	\$4,091.25	No Bid	No Bid	\$3,769.00	No Bid	No Bid	\$3,856.50	No Bid
Delivery within 45 days?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Local Preference	No	No	No	No	No	No	No	No
Exceptions?	Yes	None	Yes	None	Yes	None	None	None
CIQ Form	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Addendum	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

Did not bid on every item as required Required to order a minimum of 50 Recommended for Award

 Eclinda Mattke
 10/2/2007

 Belinda Mattke, Director of Purchasing
 Date

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR SIGN AND TRAFFIC CONTROL SUPPLIES IN THE ESTIMATED ANNUAL AMOUNT OF \$38,807.71; PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on October 2, 2007, the City received 8 bids for the purchase of sign and traffic control supplies for FY2007-2008;

Whereas, the Staff recommends accepting the bids from the vendors and in the amounts as more fully described below;

**Whereas**, funds are budgeted in each department's FY2007-08 budget, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$38,807.71); 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:

<u>Part 1</u>: The City Council accepts the bids for the purchase of sign and traffic control supplies for FY2007-08, as follows:

- A. Osburn Associates, Inc., Logan, OH Sign Face Materials (\$4,160.23);
- B. Hall Signs, Bloomington, IN Sign Caps, Crosses, Brackets & Clamps (\$1,642.30);
- C. Allied Tube & Conduit Corporation, Harvey, IL Sign Pipes and Accessories (\$7,041.50) and Telespar Support System (\$3,769.00);
- D. Vulcan Signs, Foley, AL Road Marking Accessories (\$782.50), Replacement Bulbs for 6-volt Emergency Flashers (\$15.36), and Sign Blanks (\$7,713.48);
- E. Pathmark Traffic Products, San Marcos, TX Emergency Flashers for Barricade with Solar Switch (\$259), Spring-type Battery for Emergency Flashers (\$76.32), Dead-end Barricade Tape (\$570.00), Traffic Cones (\$3,186), and Traffic Buttons and Accessories (\$728.50); and
- F. 3M Company, St. Paul, MN Barricade Tape (\$204.00), Sign Material Roll Goods (\$3,531.01), and Electro-cut Materials (\$5,128.51).

<u>Part 2</u>: 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.

<u>Part 3:</u> 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 **18**th day of **October**, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(G) Consent Agenda Page 1 of 2

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

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a utility cost sharing agreement with Stellar Development Company for Las Colinas Subdivision in the amount of \$141,418.35.

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

**ITEM SUMMARY:** The developer has applied for a cost sharing agreement with the City for the extension of approximately 1,550 feet of an 8" wastewater line to serve Las Colinas Subdivision. This subdivision is located just east of the intersection of 31st Street and FM 93. The application meets the City's basic requirements for cost sharing. Under the City's cost sharing ordinance, when authorized by the City Council and subject to the density eligibility requirements and funding availability, the City Manager may enter into a cost sharing agreement with the developer which provides for the extension of water or wastewater mains to subdivisions at 100% of the cost of the improvements borne by the City for the first twenty-five hundred feet (2,500') of required extension.

At the time Las Colinas Subdivision was proposed, residents of the adjacent Springwood Creek Estates Subdivision voiced concerns regarding the impact of the proposed development to the east. This wastewater extension is proposed to cross through Springwood Creek Estates. The proposed line will enter from the east through an existing 15' utility easement located along the property line between Lots 15 and 16, Block 1, turn north and be installed within the right of way of Springwood Court, including installation of two manholes in the roadway. From the end of Springwood Court, the line will cross into an existing 20' utility easement located along the property line between Lots 8 and 9, Block 1. The developer indicates that he will acquire an additional 15' easement across Lot 8, Block 1, toward the south, and through Lots 12 and 13, Block 1, of Misty Creek Subdivision, where it will connect to an existing sanitary sewer manhole serving the Misty Creek Subdivision.

Currently, all the homes in Springwood Creek Estates are on septic tanks. From the plan and profile proposed, it would appear that some of the homes in Springwood Creek Estates will be able to tie onto the proposed wastewater line installed. In addition, the proposed line has been sized to accommodate future development upstream of Las Colinas Subdivision, supporting all future development in the drainage basin. The existing street surface of Springwood Court will be restored as a part of the project, with the installation meeting City standards for proper compaction and pipeline construction.

10/18/07 Item #5(G) Consent Agenda Page 2 of 2

The original cost sharing application was submitted to the City on September 7, 2007. The cost sharing ordinance requires that the application and associated supporting documentation be submitted no later than preliminary plat approval. As such, this cost sharing application does not comply with the ordinance requirements, however, the Council may choose to waive this requirement and fund the request as submitted. Timing of submittal of the cost sharing application during preliminary platting is primarily for the benefit of the developer, and provides some assurance of reimbursable expenses for utilities upon completion of the work. For this specific subdivision, the developer had originally planned to construct a new lift station. Construction of the new wastewater gravity main requested will eliminate the need for construction of the new lift station and associated long term operational and maintenance costs to the City.

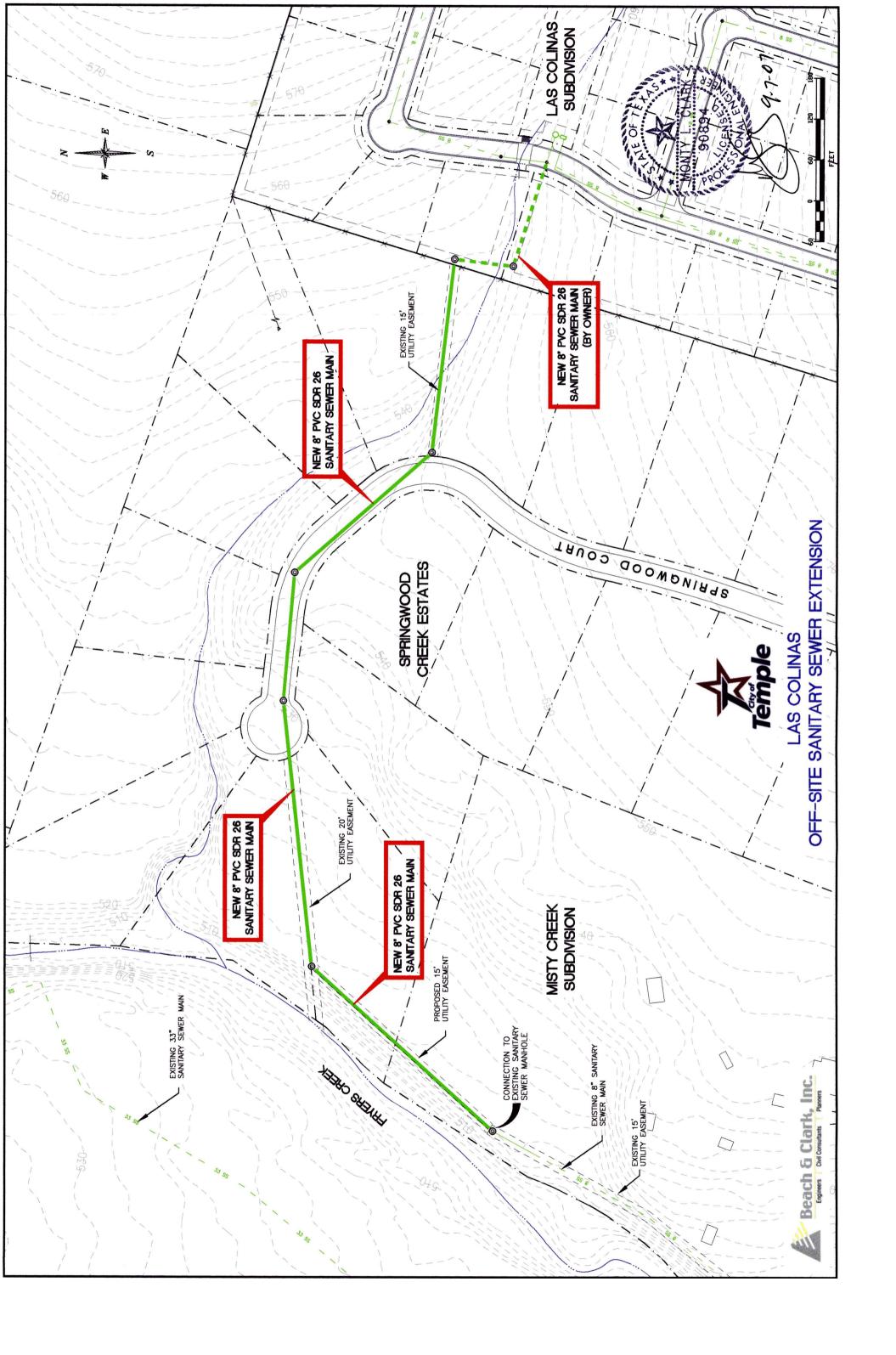
The estimated construction cost for the off-site wastewater extension is \$125,905, with an engineering and surveying cost of \$15,513.35, resulting in a total request for reimbursement of \$141,418.35. Per the application, total improvements support development of 40 lots in Las Colinas Subdivision. This is the first Utility Cost Share Agreement executed this fiscal year.

**FISCAL IMPACT:** A budget amendment is presented for Council's approval appropriating the City's contribution in the amount of \$141,419 for the wastewater line extension from account 520-5000-535-6545 to account 520-5900-535-6368, project #100343. If the funding request is approved, \$358,581 will remain in the Water and Sewer Fund Reserve for Approach Mains account from the fiscal year 2007/2008 original allocation of \$500,000.

# ATTACHMENTS:

Map

Engineer's Proposal and Cost Estimate Related to Off-Site Improvements Engineer's Letter Budget Adjustment Resolution



# City of Temple Application for Cost Sharing Agreement—Off-Site Extension

(See reverse side of Application for copy of City Policy)

	(See reverse side of Application for copy of City Policy)					
	Stellar Development Company					
	Name Attn: Mark Rendon					
Address<	and dress<					
Name and	Las Colinas Subdivision					
Location of	1700 Blk, W FM 93					
Subdivision						
To Be						
Served<	This subdivision ( X ) exists ( ) is proposed.					
If your subdivision is not yet constructed, please indicate the date you expect to begin and complete construction of all internal water and wastewater mains. If you propose to plat & construct the subdivision in phases, indicate the estimated beginning and completion date for internal improvements in each phase:						
Please attach a drawing showing the location of the closest available <i>existing</i> water and wastewater facilities capable of serving your subdivision, and the location of all <i>proposed</i> extensions of water and wastewater mains to serve your subdivision. Your drawing must indicate the estimated number of feet of water or wastewater main extension required to connect to your subdivision. The engineer for my subdivision is (or was) Beach & Clark Engineering .						
What is the <i>minimum</i> number of new water and wastewater hookups proposed for your subdivision? If construction of your subdivision will be phased in, please provide a breakdown of the number of water and wastewater hookups in each phase:						
Water: 40+						
Wastewater: 40+						
To assist the City Council in making a conflict of interest analysis, please list the name and address of the developer and all current owners of property within the subdivision. If the applicant or any owner of the property is a corporation, partnership, joint venture, or other business entity, please disclose the name and address of each person having an interest in such entity. (A separate sheet is attached for this purpose.)						
I understand I will be required to deposit with the City, at the time I execute such agreement with the City, 110% of my share of costs as determined by the City's cost sharing formula, and that if my share of the actual cost of completing the project exceeds the amount I deposit with the City, I will pay the additional amount on demand by the City. I also understand that, if approved, I will be required to acquire, or pay the cost of acquiring, at the time a cost sharing agreement is executed, any easements required to extend water or wastewater service to my subdivision. The City Council reserves the right to deny any application, see policy on reverse side.    Mark Rendon 2007/09/06   22:52:43-05'00   22:52:43-05'00   22:52:43-05'00   22:52:43-05'00   22:52:43-05'00   22:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'00   23:52:52:43-05'						
Telephone No254-718-3928						

Subdivision	Las Colinas
Developer	Stellar Development Company
Name and address of each owner of property in the subdivision	Full Name Stellar Development Company Box 292, Belton, TX  3. 4. 5. 6. 7. 8. 9. 10.
If any of the owners l	listed above are businesses, please provide the following:
1. Name of Entity Nature of Entity: (e.g., corporation)	Stellar Development Comapny Corporation
Shareholders/partn	ers/members: 100% Ownership: Mark Rendon
2. Name of Entity: Nature of Entity: (e.g., corporation) Shareholders/partn	ners/members:
3. Name of Entity: Nature of Entity: (e.g., corporation) Shareholders/partr	ners/members:



#### PRELIMINARY OPINION OF PROBABLE COST

#### Las Colinas Sanitary Sewer System Off-Site Extension

Located within City of Temple, Texas

Filename: Las Colinas Off-Site Sanitary Sewer System.xls

Date: 9-27-07

#### Off Site Sanitary Sewer Extension

Item Description	Unit	ı	Jnit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$	2,950.00	100%	\$ 2,950.00
<ol><li>R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement</li></ol>	STA.	\$	750.00	16	\$ 12,000.00
Connection to Existing Sanitary Sewer Manhole	EA.	\$	2,750.00	1	\$ 2,750.00
4. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut	L.F.	\$	44.00	1550	\$ 68,200.00
5. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$	3,750.00	4	\$ 15,000.00
Remove and Replace Existing HMAC Pavement Section	S.Y.	\$	42.00	365	\$ 15,330.00
7. Trench Safety Plan	L.F.	\$	3.50	1550	\$ 5,425.00
8. Traffic Control Plan	L.S.	\$	4,250.00	100%	\$ 4,250.00

TOTAL CONSTRUCTION: \$ 125,905.00
ENGINEERING SERVICES 7%: \$ 8,813.35
DESIGN AND CONSTRUCTION SURVEYS: \$ 6,700.00

PROJECT TOTAL: \$ 141,418.35

MONTY L. CLARK
90894
9-27-07
9:55/ONAL ENGINEERS

15 West Central Ave. Temple, Texas 76501 Voice: (254) 774-9611 Fax: (254) 774-9676

October 11, 2007

Nicole Torralva, P.E. Assistant City Engineer City of Temple 3210 East Avenue H, Building A Temple, TX 76501

RE: Las Colinas Off-Site Sanitary Sewer Easements; Temple, TX

Dear Ms. Torralva:

Per your request, please find the following existing easement information for the proposed off-site sanitary sewer extension to Las Colinas Residential Development located with the City of Temple, Texas. Las Colinas Residential Development is approximately 20 acres in size with 40 new residential lots and is located on F.M. 93 in south Temple, adjacent to Springwood Creek Estates.

As you are aware, the proposed sanitary sewer extension alignment to Las Colinas Residential Development passes through the Right-Of-Way and two existing utility easements within Springwood Creek Estates. The first existing utility easement is located between Lots number 15 and 16 and is called out as a 15' U.E. on the Final Plat for Springwood Creek Estates dated March 17, 1995. The second existing utility easement is located between Lots 8 and 9 and is labeled as a 20' U.E. on the same Final Plat.

To the best of our knowledge there is no evidence of existing utilities within these easements. The asbuilts for Springwood Creek Estates shows the water main to be within the Right-Of-Way and 25' front utility easement of Springwood Court. Also, per Robert West with Oncor Electric Delivery, Jimmy with Atmos Energy, and Steve with AT&T there is no electrical, gas or telephone mains within the two referenced easements.

Since there is no evidence of existing utilities within the existing utility easements, we propose to construct the new 8" sanitary sewer main in the center of the existing 15' and 20' utility easements.

If you need any further information, please do not hesitate to contact me.

Sincerely,

Justin B. Fuller, E.I.T.

|--|

# **BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	NCREASE		DI	ECREASE	
520-5900-535-63-68	100343	Sewer Line Extensions	\$	141,419				
520-5000-535-65-45		Contingency-Approach Mains				\$	141,419	
						<u></u>		
TOTAL			\$	141,419		\$	141,419	
account are available. To appropriate funds for the clines) to the Las Colinas resid	cost sharing a lential subdivi sanitary sewe	greement with Stellar Development Company ision, located just east of 31st Street and FM er main. After approval of this budget amendate.	for ar	off site utilit	y ex	xtens	sion (sewer for	•
DOES THIS REQUEST REQUEST REQUEST REQUEST REQUEST REQUESTING THE COUNCIL MEETING THE C		CIL APPROVAL? X 10/18/2007	Yes		No	1		
WITH AGENDA ITEM?		х	Yes		No			
Department Head/Division	Date	Date Approved Disapproved			roved			
Finance	Date		_		prov sapp	red roved		
City Manager		 Date		_		prov sapp	red roved	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A COST-SHARING AGREEMENT WITH STELLAR DEVELOPMENT COMPANY FOR LAS COLINAS SUBDIVISION, IN THE AMOUNT OF \$141,418.35; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Stellar Development Company requested a cost sharing agreement for off-site water extension to Las Colinas Subdivision;

Whereas, the Las Colinas Subdivision will support development of 40 lots, and the Staff recommends authorizing a cost sharing agreement in the amount of \$141,418.35 (off-state wastewater extension in the amount of \$125,905 with an engineering and surveying cost of \$15,513.35);

Whereas, funds are available for this agreement, but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a cost-sharing agreement in the amount of \$141,418.35 between the City of Temple, Texas, and Stellar Development Company, after approval as to form by the City Attorney, for Las Colinas Subdivision.

<u>Part 2:</u> The City Council authorizes an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing agreement.

<u>Part 3:</u> 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.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(H) Consent Agenda Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP, to construct the Lake Jim Thornton Dam Repairs in an amount not to exceed \$367,890.

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

<u>ITEM SUMMARY:</u> In 2005, the Texas Commission on Environmental Quality (TCEQ) sent an inspection report for Country Club Dam, also know as Lake Jim Thornton Dam. At that time, the dam condition was assessed as poor to fair. TCEQ recommended repairs to the dam to correct erosion damage on the upstream slope of the earthen embankment portion of the dam. In the interim, several concerns have been addressed by City staff, namely filling old beaver dens and removing brush and small trees on the downstream slope.

Council awarded a preliminary design contract to Freese & Nichols (F&N), Inc. on November 2, 2006, to survey the dam and erosion damage, review the design flood and suggest revisions, analyze the stability of the dam, and recommend solutions and cost estimates. Based on the results of the preliminary study, Council awarded a final design contract to F&N on May 17, 2007, to complete final design, provide bid phase services, and administer construction. F&N's opinion of probable cost for the final design was \$394,700.

Construction activities performed under this project will perform repairs to the upstream slope, install a concrete block wall along the top of the dam, and install a stability berm on the downstream slope. Bids ranged from \$367,890.00 to \$920,620.00 (see attached F&N Recommendation and Bid Tab). F&N recommends awarding the contract to the low bidder, TTG Utilities, LP.

Construction time allotted for this project is 150 days.

10/18/07 Item #5(H) Consent Agenda Page 1 of 2

**FISCAL IMPACT:** Funding in the amount of \$380,000 was originally approved for the preliminary design, final design, and construction of repairing upstream erosion damage of Lake Thornton Dam located at Sammons Golf Course in the 2006 Certificates of Obligation bond issue. On May 17, 2007, Council awarded the final design contract to Freese and Nichols, Inc. At that time, it was identified that the project needed an additional \$95,000 to fund the preliminary opinion of probable cost of construction and a budget amendment was presented and approved by Council bringing the total project funding available to \$475,000.

After funding the preliminary and final design and advertising costs, \$361,683 is available to fund the construction contract with TTG Utilities, LP. An additional \$6,207 is needed to fund the contract and an additional \$18,793 is requested by Public Works for project contingencies that may arise during construction. A budget adjustment is presented for Council's approval appropriating an additional \$25,000 to account 361-2900-534-6811, project 100049, from account 361-2900-534-6816, project 100127. This reallocation of funds is from the Pepper Creek Drainage Basin Improvements related to Crescent View and Sundance Subdivisions. These improvements are on hold pending ROW acquisition at this time. If funds are needed to replenish the \$25,000 reallocated for the Lake Jim Thornton Dam Repairs, Drainage Fund dollars will be used to replenish the account.

## **ATTACHMENTS:**

F&N Recommendation Bid Tab Budget Adjustment Resolution



Engineers

Environmental Scientists

Architects

10814 Jollyville Road, Building 4, Suite 100

Austin, Texas 78759 512-451-7955

512-451-7956 fax

www.freese.com

October 9, 2007

Mr. Don Bond 3210 E. Ave. H. Bldg. A, Ste. 107 Temple, TX 76501

RE:

Review of Bid Package

Jim Thornton Dam Miscellaneous Repairs and Improvements

(TEM06457 - 4.10)

Dear Mr. Bond:

Per your request, we have reviewed the bid package information submitted by TTG Utilities, LP. The bid package from TTG Utilities appears complete with the required bid bonds. We have requested additional information to review the Contractor's project experience but the information will not be available until tomorrow according to the Contractor.

Based on our examination of the bid packages (See attached Bid Tabulation Form) and Owner references on past and current projects, we find the Contractor's qualifications acceptable. We will provide more comments on the Contractor's experience record once we receive the information.

Based on the bid prices presented by TTG Utilities, LP, either the base bid or the alternate base bid are feasible options. Given the more architecturally pleasing nature of the block wall, we recommend the City pursue the alternate base bid for this project.

If you have any questions or need anything else regarding this project please do not hesitate to call us.

Respectfully,

FREESE AND NICHOLS, INC.

Victor M. Vasquez, P.E.

# City of Temple, TX Jim Thornton Dam Miscellaneous Repairs and Improvements BID TABULATION FORM (Bid #29-04-07)

					Enginee	er's	Estimate		TTG	Util	lities		Austin E	ngineering		Keystor	ne C	onstruction		Earth	Buil	Iders
Item No.	Estimated Quantity	Unit	Description of Items with Bid Prices	Uı	nit Price		Total	U	nit Price		Total	U	nit Price	Total		Unit Price	;	Total	U	Init Price		Total
Base Bid,	Items 1 to 14	4																				
1	1	LS	Mobilization/Demobilization	\$	30,000	\$	30,000	\$	38,500	\$	38,500	\$	20,000	\$ 20,0	00	\$ 46,000	) \$	46,000	\$	35,000	\$	35,000
2	1	LS	Temporary Erosion, Sediment and Environmental Controls	\$	25,000	\$	25,000	\$	10,000	\$	10,000	\$	20,000	\$ 20,0	00	\$ 23,000	) \$	23,000	\$	25,000	\$	25,000
3	1	LS	Site Preparation, Site Maintenance and Site Restoration	\$	50,000	\$	50,000	\$	25,000	\$	25,000	\$	30,000	\$ 30,0	00	\$ 54,000	) \$	54,000	\$	250,000	\$	250,000
4	1	LS	Care of Water	\$	15,000	\$	15,000	\$	55,000	\$	55,000	\$	30,000	\$ 30,0	00	\$ 28,000	) \$	28,000	\$	125,000	\$	125,000
5	1	LS	Riprap Subgrade Preparation	\$	25,000	\$	25,000	\$	33,500	\$	33,500	\$	50,000	\$ 50,0	00	\$ 97,000	) \$	97,000	\$	65,000	\$	65,000
6	1320	SY	Rock Riprap Placement	\$	114	\$	150,480	\$	100	\$	132,000	\$	110	\$ 145,2	00	\$ 187	7 \$	246,840	\$	190	\$	250,800
7	175	CY	Compacted Fill and Grading above rock riprap	\$	38	\$	6,650	\$	20	\$	3,500	\$	15	\$ 2,6	25	\$ 97	7 \$	16,975	\$	35	\$	6,125
8	1245	SY	Sodding on Dam Embankment above rock riprap	\$	20	\$	24,900	\$	10	\$	12,450	\$	30	\$ 37,3	50	\$ 22	2 \$	27,390	\$	9	\$	11,205
9	1	LS	Manhole and Foundation	\$	10,000	\$	10,000	\$	7,500	\$	7,500	\$	25,000	\$ 25,0	00	\$ 92,000	) \$	92,000	\$	8,500	\$	8,500
10	53	LF	12" Pipe	\$	200	\$	10,600	\$	150	\$	7,950	\$	100	\$ 5,3	00	\$ 115	5 \$	6,095	\$	100	\$	5,300
11	650	CY	Stability Berm Compacted Fill	\$	30	\$	19,500	\$	12	\$	7,800	\$	100	\$ 65,0	00		7 \$		\$	20	\$	13,000
12	110	CY	Pipe Bedding and Geotextile	\$	100	\$	11,000	\$	50	\$	5,500	\$	45	\$ 4,9	50	\$ 52	2 \$	5,720	\$	32	\$	3,520
13	640	SY	Stability Berm Sodding	\$	20	\$	12,800	\$	6	\$	3,840	\$	15	\$ 9,6	00	\$ 15	5 \$	9,600	\$	9	\$	5,760
14	1	LS	Miscellaneous Improvements Allowance	\$	25,000	\$	25,000	\$	25,000	\$	25,000	\$	25,000	\$ 25,0	00	\$ 25,000	) \$	25,000	\$	25,000	\$	25,000
TOTAL AI	MOUNT BAS	E BID	(Sum of items 1 to 14)			\$	415,930.00			\$	367,540.00			\$ 470,025.	00		\$	740,670.00			\$ 8	829,210.00
MANDAT	ORY ALTERN	IATE	BID, ITEMS A1 TO A8												Ŧ		+					
A1	1	LS	Credit for deleting Item 5	\$	(25,000)	\$	(25,000)	\$	(33,500)	\$	(33,500)	\$	(50,000)	\$ (50,0	00)	\$ (97,000	0) \$	(97,000)	\$	(65,000)	\$	(65,000)
A2	1		Block Wall Subgrade Preparation	\$	25,000		` '		19,500		19,500		, ,	\$ 50,0						100,000		100,000
А3	1320		Credit for deleting Item 6	\$	(114)				(100)		(132,000)		(100)				7) \$			(190)		(250,800)
A4	560		Block Wall	\$	180	\$	100,800	\$	235	\$	131,600	\$	350	\$ 196,0	00		5 \$	,	\$	500	\$	280,000
A5	175	CY	Credit for deleting Item 7	\$	(38)	\$	(6,650)	\$	(20)		(3,500)	\$	(15)		25)		7) \$		\$	(35)	\$	(6,125)
A6	700	CY	Compacted Fill and grading above block wall	\$	38	\$	26,600	\$	20	\$	14,000	\$	20	\$ 14,0	00	\$ 97	7 \$	67,900	\$	35	\$	24,500
A7	1245	SY	Credit for deleting Item 8	\$	(20)	\$	(24,900)	\$	(10)	\$	(12,450)	\$	(30)	\$ (37,3	50)	\$ (22	2) \$	(27,390)	\$	(9)	\$	(11,205)
A8	1670	SY	Sodding on Dam Embankment above block wall	\$	20	\$	33,400	\$	10	\$	16,700	\$	30	\$ 50,1	00	\$ 22	2 \$	36,740	\$	12		20,040
TOTAL AI A8)	MOUNT ALTE	RNA	TE BASE BID (Sum of items 1 to 14 and	lten	n A1 to	\$	394,700.00			\$	367,890.00			\$ 558,150.	00		\$	697,705.00			\$ 9	920,620.00

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#### **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.

**PROJECT ACCOUNT NUMBER INCREASE DECREASE ACCOUNT DESCRIPTION** 100049 Lake Thornton Dam Repairs 361-2900-534-68-11 25,000 361-2900-534-68-16 100127 Pepper Ck Drng Sundance/Crescent 25,000 \$ 25,000 25,000 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available. This budget amendment appropriates an additional \$25,000 needed for the Lake Thornton Dam Repairs. Original project was budgeted at \$380,000. A budget amendment was apporved by Council on 05/17/07 to fund an additional \$95,000 for the project. Total project budget is now \$475,000. An additional \$25,000 of funding is needed to fund the construction contract and project contingencies. These funds are being reallocated from the 2006 Certificate of Obligation bonds sold to fund the FY 2007 CIP for the Pepper Creek Drainage Basin Improvements-Sundance/Crescent Subdivision Project. These improvements are on hold pending ROW acquisition. DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? No DATE OF COUNCIL MEETING 10/18/2007 WITH AGENDA ITEM? No Approved Department Head/Division Director Disapproved Date Approved Finance Date Disapproved Approved City Manager Date Disapproved

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, TO CONSTRUCT THE LAKE JIM THORNTON DAM REPAIRS, FOR AN AMOUNT NOT TO EXCEED \$367,890; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City received 4 bids for necessary repairs to the Lake Jim Thornton Dam as recommended by the Texas Commission on Environmental Quality (TCEQ);

**Whereas,** the Staff recommends accepting the bid (\$367,890) received from TTG Utilities, LP, of Gatesville, Texas;

Whereas, funds are available for this project but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$367,890, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for repairs to the Lake Jim Thornton Dam.

<u>Part 2:</u> The City Council approves an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this project.

<u>Part 3:</u> 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 18th day of October, 2007.

THE CITY OF TEMPLE, TEXAS
WILLIAM A. JONES, III, Mayor
APPROVED AS TO FORM:
Jonathan Graham
City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(I) Consent Agenda Page 1 of 2

## **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 professional services agreement with G.E. Walker & Associates, L.L.C., of Waco for engineering services including design, construction administration, on-site representation, and easement acquisition services required for the SH 317 Waterline Relocation Project from FM 2305 to the southern city limits as part of TX DOT's SH 317 road improvements project in an amount not to exceed \$313,540.

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

<u>ITEM SUMMARY:</u> The Texas Department of Transportation (TX DOT) has begun the process of design for roadway improvements to State Highway 317 between FM 2305 in Temple and FM 439 in Belton. The current TX DOT schedule anticipates utility relocation to be complete by fall of 2010, with project letting to occur during summer of 2010. In preparation for these improvements and in accordance with State regulations, it is the City's responsibility to relocate municipal utilities that encroach onto the reconstruction area.

This project will extend a new waterline approximately 1 ½ miles south from the end of the current waterline improvements project at FM 2305 to Poison Oak Road, relocating the existing waterline from within TX DOT right of way to new easements. In addition, it will provide connections to the east, tying in current dead end mains and small distribution lines to newly developed areas of the City.

The proposed timeline for the design phase of the project is 150 days, with a total project length of 24 months. Per the attachment, the engineering services are broken down as follows:

#### **Basic Services**

7 CC1 11000	
Preliminary Design	\$ 48,800
Final Design	\$ 53,900
Bidding	\$ 3,500
Construction Administration	\$ 15,800
	\$ 122.000

Special Services	
Topographic Design Survey	\$ 33,600
Construction Staking	\$ 13,440
Geotechnical Services	\$ 10,000
Daily On-Site Representation	\$ 42,000
	\$ 99,040
ROW Acquisition Services	
Preparation of Plats & Field Notes for Easements	\$ 36,250
Easement Acquisition	\$ 56,250
	\$ 92,500

The engineer's opinion of probable cost for construction of the project is approximately \$1.75 million dollars, scheduled to be let during fall 2008. Purchases of easements are not included in estimated costs.

TOTAL

\$ 313,540

FISCAL IMPACT: Funding in the amount of \$350,000 has been appropriated in account 561-5200-535-6907, project 100223, for design of this project in the 2006 Utility Revenue Bond Issue which were issued in October 2006. Construction of the project is to be funded through future Utility Revenue Bond Issues which are anticipated to occur during FY 2008/2009. The FY 2008 adopted Capital Improvement Plan proposes an allocation of \$1.9 M during FY 2008/2009 for construction of the project which is scheduled to occur prior to the TX DOT roadway improvements.

#### **ATTACHMENTS:**

Engineer's Proposal Project Map Resolution

# G. E. WALKER & ASSOCIATES, L.L.C. ENGINEERS * SURVEYORS

September 27, 2007

City of Temple Department of Public Works 3210 E. Avenue H Temple, Texas 76501

Attn: Nicole Torralva, Assistant City Engineer

Re: City of Temple - S.H. 317 Waterline Relocation Project

Project No.: 2-01326

#### Dear Ms Torralva:

At the request of the City of Temple Public Works Staff, we were directed top prepare a proposal for the above referenced project. The project will involve the relocation of waterlines associated with the TXDOT S.H. 317 Widening Project from the Leon River to F.M 2305. We have attached Exhibit A to illustrate the project and an "Engineer's Opinion of Probable Cost".

This project will consist of approximately 8,200 linear feet of waterline along the west side of S.H. 317, four bore & encasements of the highway right-of-way, 2,500 linear feet of waterline along the east side of S.H. 317 and connections of the proposed new waterlines with the existing waterlines.

Walker, Wiederhold, & Associates, L. L. C. will complete design surveys, geotechnical analysis, waterline design, bidding of the project, preparation of easements, acquisition of utility easements, construction administration and on site resident project representation. The proposed timeline for the design portion is 150 calendar days from the notice to proceed with a total project length of twenty four months. A proposed project schedule is attached as Exhibit B.

Easement acquisition services for the project have been included in this proposal for your review. We have identified from preliminary schematics prepared by TXDOT that a total of 25 parcels will require easements for the relocation of the waterlines associated with this project. We have assigned a per parcel cost for preparation of plats & field notes as well as easement acquisition should the number of parcels change during the design process. We will bill during the project on a monthly basis.

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

- Kickoff meeting with City Staff & TXDOT to go over existing S.H. 317 Widening Plans and proposed right-of-way acquisition.
- Preliminary alignment of waterlines to be relocated or constructed as a result of the S.H. 317
   Widening Project by TXDOT.
- Detailed design surveys for the project.
- Preliminary design of the waterline relocation.
- Preparation of Preliminary Design Report including Engineer's Opinion of Probable Cost.
- Review of Preliminary Design, Preliminary Design Report & Engineer's Opinion of Probable Cost with City Staff.

- Final Design of horizontal and vertical geometry for the relocated waterlines relative to TXDOT's design of the S.H. 317 Widening Project.
- Preparation of Engineer' Opinion of Probable Cost based upon final design.
- Review of final design with City Staff.
- Permitting of the project with TXDOT.
- Preparation of plats & field notes for easements for the relocated waterlines
- Easement acquisition.
- Bidding of the project.
- Recommendation of contract award.
- Construction administration services.
- Construction staking of the project.
- Resident Project Representative services during construction.
- Hold monthly construction progress meetings with City Staff & Contractor.
- Preparation & delivery of record drawings.

#### Breakdown of Professional Services:

#### Basic Engineering Services

\$48,800.00
\$53,900.00
\$3,500.00
\$15,800.00
\$122,000.00

#### Special Services

Topographic Design Survey (Phase 12)	\$33,600.00
Construction Staking (Phase 65)	
Preparation of Plats & Field Notes for Easements (Phase 16)	
25 parcels @ \$1,450.00/Ea	\$36,250.00
Easement Acquisition (Phase 100)	
25 parcels @ \$2,250.00/Ea	\$56,250.00
Geotechnical Services (Phase 80)	\$10,000.00
Resident Project Representative (Phase 70) (4hrs/day)	
Total Special Services	

If you have any questions or comments please contact me and we can discuss the scope of the project and any of the proposed services. Thank you for the opportunity to provide this proposal and I look forward to working with you and the City of Temple on this project.

Sincerely,



Otto E. Wiederhold, P. E. President

OEW:lg

Exhibit A
Exhibit B
"Engineer's Opinion of Probable Cost"

Hand Delivered

Cc: Project File 2-01326

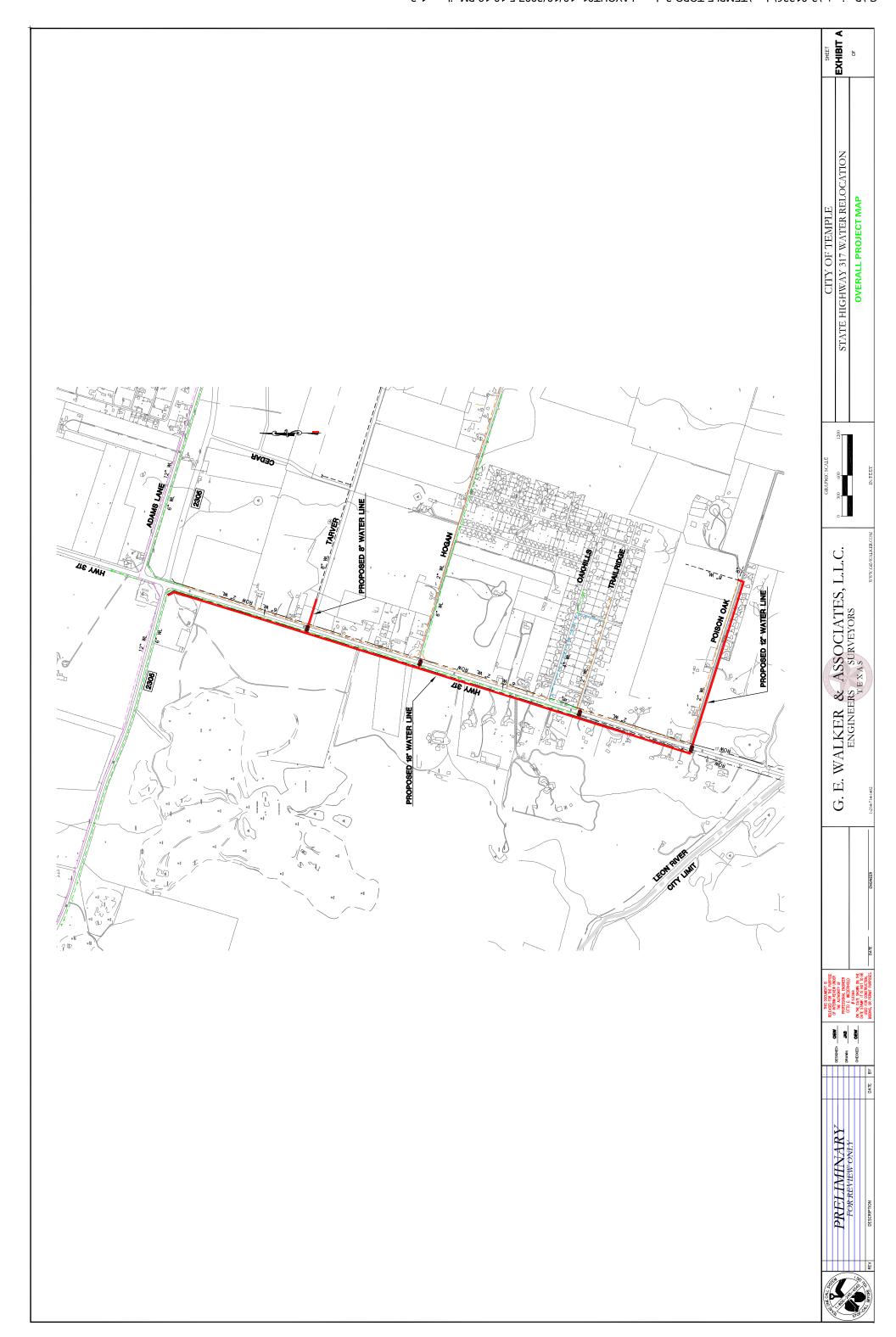
# G. E. WALKER & ASSOCIATES, L.L.C.

# Engineer's Opinion of Probable Cost

# City of Temple Waterline Relocation Along S.H. 317 from FM 2305 to Poison Oak Road

# Project No. 2-01326 19-Sep-07

Item	Description	Quantity	Unit	τ	Jnit Price	T	otal Amount
1.00	18-inch Ductile Iron Waterline	8,200	LF	\$	80.00	\$	656,000.00
1.01	18-inch Resilient Seat Gate Valves	8	Ea	\$	7,500.00	\$	60,000.00
1.02	12-inch C-900 PVC Waterline	2500	LF	\$	30.00	\$	75,000.00
1.03	12-inch Resilent Seat Gate Valves	2	Ea	\$	1,500.00	\$	3,000.00
1.04	Fittings	14	Ton	\$	4,000.00	\$	56,000.00
1.05	8-inch Blow-off Assembly	3	Ea	\$	3,000.00	\$	9,000.00
1.06	Fire Hydrant Assembly	20	Ea	\$	4,500.00	\$	90,000.00
1.07	2-inch Air/Vaccuum Release Valve	2	Ea	\$	3,500.00	\$	7,000.00
1.08	30-inch Bore & Encasement (highway)	400	LF	\$	350.00	\$	140,000.00
1.09	Driveway Surface Replacement	500	LF	\$	30.00	\$	15,000.00
1.10	30-inch Bore & Encasement (trees & etc)	500	LF	\$	280.00	\$	140,000.00
1.11	Fence Removal & Replacement	1050	LF	\$	8.00	\$	8,400.00
1.12	Clearing of Easement	1	LS	\$	10,000.00	\$	10,000.00
1.13	Re-establishment of grass & landscaping	45,000	SY	\$	1.00	\$	45,000.00
1.14	8-inch C-900 Waterline	500	LF	\$	20.00	\$	10,000.00
1.15	8-inch Gate valves	4	Ea	\$	900.00	\$	3,600.00
1.16	16-inch Bore & Encasement	400	LF	\$	200.00	\$	80,000.00
1.17	Connection to existing 8" & 6" Waterlines	3	Ea	\$	600.00	\$	1,800.00
1.18	Service Taps	22	Ea	\$	800.00	\$	17,600.00
1.19	Trench Safety Plan	1	Ea	\$	1,000.00	\$	1,000.00
1.20	Trench Safety Implementation	11,200	LF	\$	1.50	\$	16,800.00
1.21	Sedimentation & Erosion Control	1	LS	\$	12,000.00	\$	12,000.00
1.22	Mobilization & Bonds	1	LS	\$	60,000.00	\$	60,000.00
	Total Construction Cost					\$	1,517,200.00
	Contingencies (15%)					\$	228,000.00
	Basic Engineering					\$	122,000.00
	Geotechnical Services					\$	10,000.00
	Resident Project Representative					\$	42,000.00
	Surveying (Design Topo)	11,200 LF@				\$	33,600.00
	Surveying (Construction Staking)	11,200 LF @				\$	13,440.00
	Easements (Plat & Field Notes)	25 Parcels @	-			\$	36,250.00
1	Easement Acquisition	25 Parcels @	\$2,250.00	) Ea		\$	56,250.00



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 G.E. WALKER & ASSOCIATES, L.L.C., OF WACO, TEXAS, FOR ENGINEERING SERVICES INCLUDING DESIGN, CONSTRUCTION ADMINISTRATION, ON-SITE REPRESENTATION, AND EASEMENT ACQUISITION SERVICES REQUIRED FOR THE SH 317 WATERLINE RELOCATION PROJECT FROM FM 2305 TO THE SOUTHERN CITY LIMITS AS PART OF TXDOT'S SH 317 ROAD IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED \$313,540; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, TxDOT has begun the process of design for roadway improvements to State Highway 317 between FM 2305 in Temple and FM 439 in Belton – in preparation for these improvements and in accordance with State regulations, it is the City's responsibility to relocate municipal utilities that encroach onto the reconstruction area;

**Whereas**, G.E. Walker& Associates, L.L.C., of Waco, Texas, submitted a proposal for \$313,540 for engineering services, including design, construction administration, on-site representation, and easement acquisition services for this project, and the Staff recommends accepting it;

**Whereas**, funds are available in Account No. 561-5200-535-6907, Project No. 100223, for this service; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$313,540, between the City of Temple, Texas, and G.E. Walker & Associates, L.L.C., of Waco, Texas, after approval as to form by the City Attorney, for engineering services, including design, construction administration, on-site representation, and easement acquisition services required for the SH 317 Waterline Relocation Project from FM 2305 to the southern city limits as part of TxDOT's SH 317 road improvements project.

<u>Part 2:</u> 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 **18th** day of **October**, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(J) Consent Agenda Page 1 of 2

## **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 professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to determine the cause of and offer solutions to current solids handling problems associated with the Membrane Water Treatment Plant, in an amount not to exceed \$108,540.

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

<u>ITEM SUMMARY:</u> In January 2004, the new Membrane Water Treatment Plant (MWTP) was placed into operation. Over the course of the last three years, raw water changes in the Leon River have adversely affected the MWTP's ability to produce the plant's rated capacity of 11.6 MGD. The changes in raw water quality have altered the type and increased the amount of sediment removed during the treatment process.

The engineers will analyze current and historical operational data, perform membrane testing, and identify improvements needed to achieve the plant's rated capacity. The report will identify specific improvements necessary to reduce sludge and increase water production. This investigation will provide a recommendation of specific improvements to be made to the MWTP to be constructed in FY 2008-2009.

The proposed timeline for this project is 140 days. Per the attachment, specific tasks are broken down as follows:

Task 1	Collect and Analyze Data	\$	8,770
Task 2	Review Backwash Records	\$	1,890
Task 3	Cleaning Study and Module Autopsy	\$	10,410
Task 4	Develop Feasibility Study Design Alternatives	\$	33,450
Task 5	Develop Conceptual Design Alternatives	\$	18,800
Task 6	Prepare and Issue Capacity and Improvements St	udy \$	19,970
Task 7	Meetings	\$	5,830
Task 8	Project Management	\$	9,420

TOTAL \$ 108,540

10/18/07 Item #5(J) Consent Agenda Page 2 of 2

Cost estimates for plant improvements recommended to be constructed during FY 2008/2009 will be developed and provided with the final report. An engineering contract for design of improvements will be presented upon completion of the project (spring 2008).

**FISCAL IMPACT:** Funding in the amount of \$700,000 has been appropriated in account 561-5100-535-6921, project # 100229 for this project (Pre-Sedimentation & Sludge Disposal System) in the 2006 Utility Revenue Bond Issue which were issued in October 2006.. Construction of the project is to be funded through future Utility Revenue Bond Issues which are anticipated to occur during FY 2008/2009. The FY 2008 adopted Capital Improvement Plan proposes an allocation of \$2.05 M during FY 2008/2009 for construction of the project which is scheduled to occur prior to increased water demand during summer 2010.

# **ATTACHMENTS:**

Engineer's Proposal 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.

RECEIVED

OCT 0 8 2007

City of Temple Engineering Dept.

October 8, 2007

Mrs. Niclole Torralva, P.E. 3210 E. Avenue H
Building A
Temple, Texas 76501

Re:

City of Temple

Membrane Water Treatment Plant

Solids Handling and Capacity Improvement Study

Dear Mrs. Torralva:

This letter proposal is in response to your request for engineering services required to perform a study to address the Membrane Water Treatment Plant's (MWTP) solids handling issues and subsequently restore the plant's ability to provide at least 11.6 million gallons per day (MGD) of treated drinking water. The MWTP went into operation in January 2004. City personnel have noted significant raw water changes in the Leon River over the three year period since the plant went into operation. These raw water changes have adversely affected the MWTP's ability to consistently produce the plant's rated capacity of 11.6 MGD. The changes in raw water quality have altered the type and increased the amount of sediment removed during the treatment process.

The objective of this study is to identify the sediments that limit the capacity of the membrane system and quantify the total solids removed from the feed water, review membrane cleaning operations, analyze alternate treatment methods to remove and dispose of the sediments, recommend a preferred solution and prepare opinions of probable cost, all of which will be documented in a final report. The specific tasks required to successfully complete this study are detailed in Attachment A -- Scope of Services, and are generalized as follows:

- Task 1 Collect and Analyze Water Quality Data and Historical Operating Conditions
- Task 2 Review Backwash Residual Disposal Records / Operations
- Task 3 Cleaning Study and Module Autopsy
- Task 4 Develop Feasibility Study Design Alternatives
- Task 5 Develop Conceptual Design Alternative(s)
- Task 6 Prepare and Issue Capacity and Improvements Study Report
- Task 7 Meetings
- Task 8 Project Management

We will utilize Carollo Engineers as a subconsultant on this study. Carollo is a nationally recognized firm that specializes in water treatment. KPA will utilize Carollo's network of specialized engineers and scientists to identify the sediments which are limiting the capacity of the membranes. They will also assist us in the development of alternatives to address the increase in sediments.

The charges for our services and preparation of a report will be a lump sum amount of \$ 108,540. The following is a breakdown of charges by Task:

TASK	Carollo Engineers		KPA Engineers		Total Project	
1	\$	2,544	\$	6,226	\$	8,770
2	\$	0.00	\$	1,890	\$	1,890
3	\$	8,599	\$	1,811	\$	10,410
4	\$	25,228	\$	8,222	\$	33,450
5	\$	14,192	\$	4,608	\$	18,800
6	\$	11,002	\$	8,968	\$	19,970
7	\$	3,380	\$	2,450	\$	5,830
8	\$	4,616	\$	4,804	\$	9,420
Total	\$	69,561	\$	38,979	\$	108,540

KPA will begin work once a written notice to proceed is issued by the City. The study will be completed within a 140 calendar day period as shown on Attachment B, Schedule. We are available to address any questions or comments that you may have about this proposal.

Sincerely,

Rick N. Kasberg, P.E.

TDV/

## ATTACHMENT A

## CITY OF TEMPLE, TEXAS

## MEMBRANE WATER TREATMENT PLANT

## SOLIDS HANDLING AND CAPACITY IMPROVEMENTS STUDY

## SCOPE OF SERVICES

## BACKGROUND

The City of Temple has operated the Membrane Water Treatment Plant (MWTP) for three years. The design of the membrane system was based on a pilot testing study. However, source water characteristics have changed since the pilot testing study was completed.

The MWTP was designed to achieve a net capacity of 11.6 million gallons per day (mgd). However, as of today, the MWTP cannot reach this production capacity.

The purpose of this study is to identify improvements to allow the plant to achieve a production capacity of 11.6 mgd.

## SCOPE OF WORK

## Task 1 – Collect and Analyze Water Quality Data and Historical Operating Conditions

The purpose of the first task will be to assemble water quality data in order to quantify the potential fouling agents that exist in the different streams. Additionally, historical raw water data and Corps of Engineers operating records will be collected to determine if there is a direct correlation between water quality issues and operation of the Lake Belton Dam flood gates.

- 1.1 Collect and analyze total organic carbon (TOC), iron (Fe) and manganese (Mn) data for raw water.
- 1.2 Collect and analyze historical TOC, Fe, and Mn data for raw water.
- 1.3 Meet with Corps of Engineers (COE) to discuss current and historical operation of dam gates at Lake Belton, including log of gate changes.
- 1.4 Collect and analyze TOC, Fe, and Mn for supernatant recycle.
- 1.5 Collect and analyze TOC, Fe, and Mn data for filtered water.
- 1.6 Collect and analyze TOC, Fe, and Mn data for reverse filtration water (RF).
- 1.7 Summarize & Review Data Collected in Task 1.

## Deliverable:

Current and historical water quality data, plant schematics and layout and summary of COE operating conditions.

## Task 2 - Review Backwash Residual Disposal Records / Operations

The purpose of the second task will be to identify the historical operating conditions for the solids handling and disposal operations and quantify the amount of solids removed from the raw water.

- 2.1 Review Sludge Pump run times and volume transferred to conventional gravity thickener.
- 2.2 Review solids disposal records for membrane facility.

## Deliverable:

Summary of historical solids produced during operation of Membrane Filtration Treatment Plant.

## Task 3 – Cleaning Study and Module Autopsy

The purpose of the second task will be to identify the fouling agents that have been accumulating on the membranes over the three-year operation period.

- 3.1 Remove existing membrane module and ship to manufacturer who will perform a cleaning study of an existing module and perform module autopsy.
- 3.2 Review manufacturers reports and utilize pertinent data Deliverable: Membrane manufacturer report.

## Task 4 - Develop Feasibility Study Design Alternatives

Based on the results of Task 1, Task 2 and Task 3, identify and review potential alternatives that would improve the operation and minimize membrane fouling.

- 4.1 Identify alternatives to increase production capacity at the MWTP.
- 4.2 Evaluate feasibility of alternatives identified in 4.1.
- 4.3 Develop order of magnitude cost estimates (capital and O&M costs) for alternatives identified in 4.1.
- 4.4 Compare and rank alternatives to select best apparent alternative to maximize water production.
- 4.5 Meet with City to select preferred alternative.

**Deliverable:** Feasibility alternatives presented and rated at a one-day workshop

## Task 5 - Develop Conceptual Design Alternatives

Based upon the results of the one-day workshop, Carollo will develop the conceptual design for the selected on-site alternative and the selected off-site alternative. Carollo will also refine cost estimates.

- 5.1 Develop conceptual design for the on-site alternative.
- 5.2 Refine cost estimate to the level of a budget estimate.
- 5.3 Develop schedule to implement the proposed improvements.

## Deliverable:

Conceptual design of alternatives

## Task 6 - Prepare and Issue Capacity and Improvements Study Report

Prepare a report to summarize and document the information developed in Tasks 1 through 5. The report will present the water quality data, historical operating conditions, membrane data, data analysis, alternatives considered, evaluation of alternatives, the recommended alternative and conceptual design of the recommended alternative(s)

- 6.1 Prepare Draft Capacity and Improvements Study Report.
- 6.2 Provide 10 hard copies of the Draft Capacity and Improvements Study Report.
- 6.3 Submit to City for review and comment.
- 6.4 Incorporate City comments as appropriate.
- 6.5 Provide 10 hard copies of the Final Capacity and Improvements Study Report.

## Deliverable:

Draft and Final Capacity and Improvements Study Reports

## Task 7 - Meetings

Meet with City of Temple to review project status and present results and conclusions.

- 7.1 Initial Project Meeting
- 7.2 Corps of Engineers
- 7.3 Alternatives Review Workshop
- 7.4 Receive comments on Draft Capacity and Improvements Study Report
- 7.5 Present Final report and recommendations to City Council.
- 7.6 As required to successfully complete Study.

## Task 8 - Project Management

Effective communication and teamwork will be key to the delivery of the plant capacity evaluation within the required project timeframe. We will coordinate the planning, execution, monitoring, and controlling process, and the closing process throughout the duration of the project.

## Attachment B

# Project Schedule for City of Temple Membrane Treatment Plant Solids Handling and Capacity Improvement Study

Task No.	Task Item	Month 1	Month 2	Month 3	Month 4	Month 5
1	Collect and Analyze Water Quality Data					
2	Review Backwash Residual / Disposal Records					
3	Cleaning Study and Module Records					
4	Feasability Study Design Alternatives					
	One Day Workshop					
5	Conceptula Design Alternative(s)					
	Review by City					*
6	Prepare Report					
7	Meetings					
8	Project Management					



RESOLUTION NO.
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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 REQUIRED TO PERFORM A STUDY TO ADDRESS THE MEMBRANE WATER TREATMENT PLANT'S (MWTP) SOLIDS HANDLING ISSUES, IN AN AMOUNT NOT TO EXCEED \$108,540; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in January 2004, the new Membrane Water Treatment Plant (MWTP) was placed into operation; over the course of the last three years, raw water changes in the Leon River have adversely affected the MWTP's ability to produce the plant's rated capacity of 11.6 MGD – the changes in raw water quality have altered the type and increased the amount of sediment removed during the treatment process;

Whereas, the Staff recommends a study to analyze current and historical operational data, perform membrane testing, and identify improvements needed to achieve the plant's rated capacity;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project for \$108,540, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 561-5100-535-6921, Project No. 100229; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$108,540, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to perform a study to address the Membrane Water Treatment Plant's (MWTP) solids handling issues.

<u>Part 2:</u> 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 18th day of October, 2008.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(K) Consent Agenda Page 1 of 2

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

Bruce A. Butscher, 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, construction administration, on-site representation, and right-of-way (ROW) acquisition services, required for the expansion of West Temple water and wastewater utilities north of FM 2305, Phase 2, in an amount not to exceed \$453,580.

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

<u>ITEM SUMMARY:</u> Current and anticipated growth in West Temple is placing an excessive burden on the water delivery system in the area, resulting in near water shortages to this region of the City. Currently, all water supplied to west Temple is delivered through infrastructure east of SH 317 and is pumped through the FM 2305 pump station to Pepper Creek Tank (near FM 2271) where the majority of water is stored for West Temple. In addition, there is no sanitary sewer service from north of FM 2305 (near SH 317) to the intersection of FM 2483. A map is attached showing the proposed project area.

This project, "Expansion of West Temple Water and Wastewater Utilities North of FM 2305" will consist of two phases. Phase I will provide sanitary sewer service from FM 2305 northwest to the intersection of FM 2483 and SH 317. Also, water service will be extended from 317 along FM 2483 to loop an existing 10" line west of the city limits. The engineering contract for Phase I services was approved by council on July 5, 2007, in the amount of \$327,340.

Phase II of this project will include a pump station at the Draughon-Miller Central Texas Regional Airport capable of pumping water south through a 14" diameter pipeline to a new elevated storage tank located in the vicinity of the intersection of SH 317 and FM 2483. Transfer of water through this route will provide a second feed to the west side of Temple from the north, reducing the dependency of water delivery through the FM 2305 Pump Station. The design for the second phase will be funded in 2007-08, with construction anticipated in 2008-09, and final completion by August 2009.

The engineering services authorized under this resolution will provide design, construction administration, on-site representation, and ROW acquisition services for water utilities for Phase II of this project.

The opinion of probable cost for construction of Phase II is \$3,177,355, not including acquisition of ROW.

The proposed timeline for the design phase of Phase II of the project is 200 days. Per the attachment, the engineering services are broken down as follows:

Basic Services Plans and Specifi Bidding (3 Separa Construction Adm	ate Contracts)	\$ \$ <b>\$</b>	191,900 15,000 63,000 <b>269,900</b>
Additional Services  Design Surveys  Geotechnical  Construction Stak	king	\$ \$ <b>\$</b>	11,000 5,000 12,400 <b>28,400</b>
Daily On-Site Represer	\$	72,500	
ROW Acquisition Serv	\$	82,780	
	TOTAL	\$	453,580

The archaeological and environmental assessments are included in the contract for Phase I design services and will not result in additional cost.

<u>FISCAL IMPACT:</u> The cost of this professional services contract (Phase II) is \$453,580. This cost includes engineering fees of \$269,900, additional survey services of \$28,400, on-site representation services of \$72,500, and ROW acquisition services of \$82,780. Phase I engineering services in the amount of \$327,340 have already been approved and allocated toward design of the 14" water line and sanitary sewer line in Phase I.

Funding in the amount of \$950,000 has been appropriated this fiscal year for design and construction of these utilities in the 2007 Utility Revenue Bond Issue. Funding for this contract is available in account 561-5200-535-6928, project # 100172. 2008 Utility Revenue Bonds will be issued in late winter/early spring of 2008 to fund an additional \$4,450,000 for the construction of this project.

## **ATTACHMENTS:**

KPA Proposal Map Exhibit E- Fee Schedule Resolution



## KASBERG, PATRICK & ASSOCIATES, LP

## **CONSULTING ENGINEERS**

One South Main Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

City of Testiple Engineering Dept.

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

July 13, 2007

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

Re:

City of Temple

Expansion of West Temple Utilities North of FM 2305

Phase II

Dear Mr. Butscher:

This letter proposal is in response to your request for engineering services required to provide increased water capacity to the 835 Pressure Zone. As seen on the attached Exhibit A, the project consists of a booster pump station located at the Airport Elevated Tank, transmission main from SH 36 to SH 317 and south along SH 317 and a 1.0 MG Elevated Tank along FM 2483. Because of the future expansion of SH 317 we propose to place the water line in private easements along SH 317.

As you know, these improvements will provide additional fire protection and pumping capacity necessary to meet ultimate demands. Our Opinion of Probable Construction Cost for this project is \$ 3.2 million and the Total Project Cost is \$ 3.55 million, not including purchase of right-of-way.

In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

## **Basic Services**

•	Plans and Specifications	\$ 191,900.
•	Bidding (Separate Contracts)	\$ 15,000.
•	Construction Administration	\$ 63,000.
	Sub-Total Basic Services	\$ 269,900.

## **Additional Services**

•	Design Surveys		\$ 11,000.
•	Geotechnical		\$ 5,000.
•	Construction Staking		\$ 12,400.
		Sub-Total Additional Services	\$ 28 400

Mr. Bruce Butscher, P.E. July 13, 2007 Page Two

## **Special Services**

	Sub-Total Special Services	\$ 72,500.
•	Environmental Assessment (included in Phase I contract)	N/A
•	Archeological Assessment (included in Phase I contract)	N/A
•	Daily On-Site Representation	\$ 72,500.

## TOTAL ENGINEERING SERVICES \$ 370,800.

Attachment B outlines the rates which would be used to charge for special or additional services authorized beyond the scope. Attachment C shows a breakdown of our cost for the water line, pump station and elevated tank portions of this project.

KPA will utilize the services of Lone Star Right of Way Services Inc. (LSR) of Belton, TX to perform the requested easement acquisitions. KPA will provide project management services, including coordination with City Staff and sub-consultants, preparation of initial property maps and scheduling and attending bi-monthly status meetings. Attachment D, Statement of Work, details the scope of work proposed for this project. The fees associated with each Statement of Work item are summarized in the attached Attachment E, Acquisition Fee Schedule. The following are items contained within the Statement of Work and associated Fee Schedule that should be given special consideration:

- 1. Attachment D, 1.1.4.2 Bi-monthly meetings are included in the per parcel fee. Additional meetings will be billed at an hourly rate. This pertains to sub-consultants only. KPA personnel will attend all required meetings with no additional compensation requested.
- 2. Attachment D, 1.2 -Title Services can be provided with or without the involvement of a Title Company. This proposal assumes that title insurance is not required.
  - a. 1.2.1 If Title Insurance is not required, LSR will perform the preliminary title search and secure vesting Deed and five year sales history in order to determine current ownership and identify any curative issues to be addressed. The title will be cleared to the extent required by the City for easement and/or fee acquisition of parcel. LSR will also update run sheets immediately before the offer is made to ensure current information is obtained.
  - b. 1.2.2 If Title Insurance is required, LSR will provide the title company with a legal description of the parcel in order to secure preliminary title commitment to establish current ownership. LSR will also attempt to secure all documents to clear any defects in title and will work with title company to remove any exceptions from "Schedule C" of the title policy that are not considered standard exception in order to provide City of Temple clear title to property.
    - i. 1.2.3 All fees charged by the Title Company will be "passed through" to the City of Temple. These fees <u>are not</u> included in the per parcel costs provided in this proposal.

- 3. Attachment D, 1.3 Appraisals, on this project, will only be performed if the initial negotiations determine that they will be required. Appraisals will be performed only after authorization from the City of Temple. The attached Fee Schedule includes a range for each type of property. The final amount will be presented to the City prior to performing any work. Appraisal fees will be "passed through" to the City of Temple. These fees <u>are not</u> included in the per parcel costs provided in this proposal. Appraiser's expert testimony, if required, is not included in the per parcel costs and will be billed on an hourly rate as noted in the fee schedule.
- 4. Attachment D, 1.5.10.2 Negotiation Fees include up to three (3) counter proposals between property owner and the City. Additional negotiations, as requested by the City, will be billed at the hourly rate included in the Fee Schedule.
- 5. Attachment E Professional Testimony by the Engineer is not included in the scope and will be billed at the hourly rate included in the Fee Schedule.

In order for us to provide the right-of-way acquisition services detailed in this proposal, a not to exceed lump sum amount of \$82,780 will be applicable. As noted above and as shown in Attachments D and E, this amount does not include those items that will be "passed through" to the City nor does it include the actual purchase price for the individual easements and parcels.

In Summary, our total fees are as follows:

Engineering Services	\$ 370,800.
Right-of-Way Acquisition Services (LSR)	\$ 82,780.
Total	\$ 453,580.

KPA will begin work once a written notice to proceed is received in our office. The Contract Documents and Specifications will be completed within a 200 calendar day period once right of entry is obtained. We are available to address any questions or comments that you may have about this proposal.

Sincerely

Rick N. Kasberg, P.

GRT/

## ATTACHMENT B

## **Charges for Additional Services**

## West Temple Utilities North of FM 2305

<u>POSITION</u>	<b>MULTIPLIER</b>	SALARY COST/RATES
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

## Exhibit C City of Temple Expansion of West Temple Utilities North of FM 2305 Phase II

## Proposed Engineering Charges July 13, 2007

		Water Lines			Pump Station			EI	evated Tank	TOTAL		
Basic Services:	_			-			-			_		
Plans and Specifications	\$	;	70,000		\$	53,400		\$	68,500		\$	191,900
Bidding	\$	3	3,000		\$	6,000		\$	6,000		\$	15,000
Construction Administration	_\$	3	22,000		\$	8,000		\$	33,000		\$	63,000
	Sub-Total \$		95,000	-	\$	67,400	=	\$	107,500	=	\$	269,900
Additional Services:												
Design Surveys	\$	;	8,000		\$	1,500		\$	1,500		\$	11,000
Geotechnical			N/A			N/A		\$	5,000		\$	5,000
Construction Staking	\$	;	10,000		\$	1,200		\$	1,200		\$	12,400
	Sub-Total \$	)	18,000	=	\$	2,700	=	\$	7,700	=	\$	28,400
	Total \$	3	113,000		\$	70,100		\$	115,200		\$	298,300
Percent of Construction			10.4%		15.89			7.0%				9.4%
Special Services:												
Daily On-Site Representation	\$	;	15,000		\$	8,500		\$	49,000		\$	72,500
Archeological Assessment			N/A	(1)		N/A	(1)		N/A (1)	)	\$	_
Environmental Assessment				(2)		N/A	(2)		N/A (2)		\$	_
Total Specia	al Services \$		15,000	=	\$	8,500	=	\$	49,000	=	\$	72,500
Total Engineering Services	\$	;	128,000		\$	78,600		\$	164,200		\$	370,800
Opinion of Probable Construction	on Cost \$	1	1,082,355		\$	445,000		\$	1,650,000		\$	3,177,355
Total Opinion of Probable Co	st \$	;	1,210,355		\$	523,600		\$	1,814,200		\$	3,548,155

## Footnotes:

- (1) Archeological Assesments will be performed as part of Phase I.
- (2) Environmental Assesment will be performed as part of Phase I.

## Attachment D Statement of Work

- 1.0 SERVICE REQUIREMENTS OF THE PROVIDER (Lone Star Right of Way Services, Inc.): Services shall include the following activities:
  - 1.1 Project Administration
    - 1.1.1 Negotiation of the Scope of Services for Work Authorization
      1.1.1.1 Provider will visit project site with Kasberg, Patrick &
      Associates, LP (hereafter referred to as KPA).
    - 1.1.2 Project Field Office
      - 1.1.2.1 A project field office is not contemplated under this form of right of way acquisition contract. The assumption is that the provider will maintain administrative services adequate to support the timely performance of the scope of work agreed to herein.
    - 1.1.3 Overhead Costs
      - 1.1.3.1 All normal, reasonable and necessary administrative costs including mileage (Bell County), telephone, equipment, supplies, postage, etc. will be included in the per parcel fee.
      - 1.1.3.2 Travel outside Bell County will be billed separately utilizing the IRS standard mileage rate plus the hourly rate as provided in the fee schedule for Lone Star Right of Way Services, Inc. All such travel will be pre-approved by the City of Temple.
    - 1.1.4 Communication
      - 1.1.4.1 Maintain current status reports of all parcel and project activities and provide monthly to KPA or City of Temple, as directed.
      - 1.1.4.2 Participate in bi-monthly project review meetings at dates and times determined by KPA and/or City of Temple. Provider will be available to attend any additional requested meetings. Additional meetings will be billed at an hourly rate per agent in attendance.
    - 1.1.5 File Management
      - 1.1.5.1 Original project and parcel files will be maintained in the office of Lone Star Right of Way Services, Inc. Executed documents (easements, deeds and any curative documents) will be delivered to the City of Temple for review and recording.
      - 1.1.5.2 Prepare invoices utilizing Lone Star Right of Way Services, Inc. standard invoice for payment submissions forms with supporting documentation.
      - 1.1.5.3 Maintain records of all payments to property owners including, but not limited to, warrant number, amount, and date paid, etc.
      - 1.1.5.4 Maintain copies of all correspondence and contacts with property owners, and upon request, deliver copies to City of Temple.

## 1.2 Title Services (as needed)

1.2.1 Secure preliminary title search and five-year sales data in order to determine current ownership of property. Identify any curative issues to be addressed. The cost of all curative work necessary to provide clear title to the City is the responsibility of the Provider and is included in the negotiated fee schedule for this service.

OR

1.2.2 Secure preliminary title commitment from the Title Company that will be providing title insurance. Selection of the Title Company to provide title insurance and the above mentioned services will be by Lone Star Right of Way Services, Inc. Title insurance premium (which is based on policy amount and set by the State Insurance Board) will be a pass through expense and billed directly to the City of Temple. The title insurance premium is not included in the fee schedule of Lone Star Right of Way Services, Inc.

Secure title commitment updates in accordance with insurance rules and requirements for parcel payment submissions. Secure title insurance for all parcels acquired, insuring acceptable title to the City of Temple. Written approval by the City of Temple will be required for any exception. Cost of title insurance is paid by the City of Temple and is not included in the fee schedule of Lone Star Right of Way Services.

1.2.3 All fees charged by the title company and fees incidental to the acquisition of property as listed on the title company closing statement will be paid by the City of Temple and are not included in the fee schedule provided by Lone Star Right of Way Services, Inc.

## 1.3 Initial Appraisal (as needed)

- 1.3.1 Appraisers will be considered sub contractors of Lone Star Right of Way Services, Inc. All appraisers will be certified by the State of Texas. Appraisers will be selected by Lone Star Right of Way Services, Inc. The fee for appraisal services will be negotiated on a per parcel basis. Appraisal services will be billed by Lone Star Right of Way Services, Inc. on their standard invoice. These fees will be billed by the last day of each month. Payment for these services is to be paid to Lone Star Right of Way Services, Inc. by the 10th day of the month following the presentation of the invoice.
- 1.3.2 Secure permission from the owner to enter the property from which land is to be acquired. If the Provider, after diligent effort, is unable to secure the necessary permission from the property owner, a waiver must be provided, in writing by the City of Temple.
- 1.3.3 Prepare and conduct personal pre-appraisal contact with interested owner(s) for each parcel using acceptable forms.
- 1.3.4 Contact property owners or their designated representative to offer opportunity to accompany the appraiser on the appraiser's inspection of subject property. Maintain record of contact in file.

- 1.3.5 Prepare complete appraisal report for each parcel to be acquired utilizing TxDOT Forms No. ROW-A-5, ROW-A-6, ROW-A-7, ROW-A-8 as applicable. These reports shall conform to TxDOT policies and procedures along with the Uniform Standards of Professional Appraisal Practices.
- 1.3.6 As necessary, prepare written notification to KPA of any environmental concerns associated with the R/W to be acquired, which could require environmental remediation.
- 1.3.7 All completed appraisals will be administratively reviewed by the City of Temple and recommended for approval by the City.
- 1.3.8 As necessary, the appraiser will appear and/or testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by the City of Temple.
- 1.3.9 As necessary, the appraiser will coordinate with review appraiser regarding revisions, comments, or additional information that may be required.
- 1.3.10 The cost of the appraiser's expert witness testimony for hearing, preparation of an updated appraisal (if required), hearing or trial preparation, and travel expenses is not part of the contract and will be billed at an hourly rate.

## 1.4 Initial Appraisal Review (as needed)

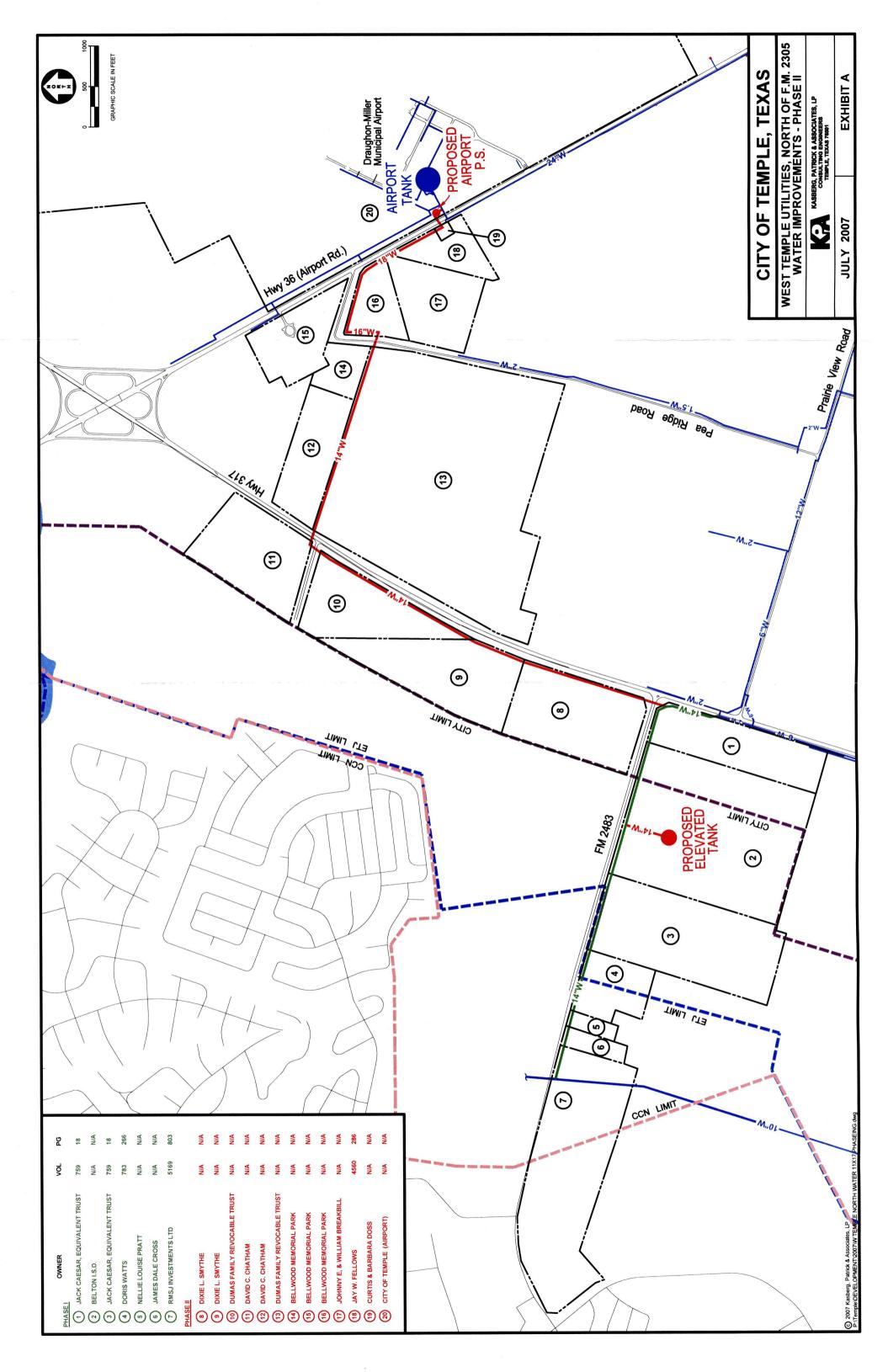
- 1.4.1 Appraisers will be considered sub contractors of Lone Star Right of Way Services, Inc. All review appraisers will certified by the State of Texas. Appraisers will be selected by Lone Star Right of Way Services, Inc. The fee for appraisal services will be negotiated on a per parcel basis. Appraisal services will be billed by Lone Star Right of Way Services, Inc. on their standard invoice. These fees will be billed the last day of each month. Payment for these services is to be paid to Lone Star Right of Way Services, Inc. by the 10th day of the month following the presentation of the invoice.
- 1.4.2 Review all appraisal reports for each parcel to determine consistency of values, supporting documentation related to the conclusion reached and compliance with TxDOT policies and procedures and the Uniform Standards of Professional Appraisal Practices.
- 1.4.3 Prepare and submit to the City of Temple the standard "Tabulation of Values" for each appraisal.
- 1.4.4 The cost of the review appraiser's expert witness testimony for hearing, preparation of an updated review (if required), hearing or trial preparation and travel expenses is not part of this contract and will be billed at an hourly rate.

## 1.5 Negotiation Services

- 1.5.1 Analyze appraisal and appraisal review reports and confirms the City's approved value prior to making offer for each parcel.
- 1.5.2 Analyze preliminary title report to identify potential title problems.

- 1.5.3 Prepare the initial and final offer letter. Note both the initial and final offer letters will be prepared on Provider's letterhead.
- 1.5.4 Prepare instruments of conveyance on promulgated forms provided by the City of Temple.
- 1.5.5 Contact each property owner or owner's designated representative, to present the written offer and deliver appraisal reports (if appraised). In circumstances where personal contact is unreasonable, the written offer and appraisal report will be delivered by Certified Mail. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.
- 1.5.6 If appraised, provide a copy of the appraisal report for the subject property exclusively to the property owner or authorized representative at the time of the offer. Maintain original signed Receipt of Appraisal for the parcel file.
- 1.5.7 Respond to property owner inquiries within two business days.
- 1.5.8 Prepare and maintain a separate negotiator contact report for each parcel.
- 1.5.9 Maintain parcel files of original documentation related to the purchase of the real property or property interests.
- 1.5.10 Provider will make every reasonable effort to secure the property for the City of Temple in a timely and cost effective manner.
  - 1.5.10.1 Advise property owner on the Administrative Settlement process. Transmit to City of Temple any written counter offer from property owners including supporting documentation and deliver response from the City back to the property owner.
  - 1.5.10.2 Fees submitted for negotiation on a per parcel basis include negotiating up to three such counter proposals between the property owner and the City. If the City wishes the Provider to continue to negotiate after three counter proposal rejections, continuing negotiations will be billed at the hourly agent rate.
- 1.5.11 Prepare final offer letter, documents of conveyance and curative documents as necessary. These documents are to be prepared on promulgated forms provided by the City Attorney and/or title company.
- 1.5.12 The cost of the Provider appearing as an expert witness for testimony at a hearing is not part of this contract and will be billed at the hourly rate.
- 1.6 Closing Services (as needed)
  - 1.6.1 Coordinate with Title Company to obtain an updated title commitment along with other forms and certified copy of the instrument of conveyance necessary when requesting the Parcel Payment from the City.
  - 1.6.2 Provider shall attend closings and provide closing services in conjunction with Title Company. Provider will deliver all required conveyance documents, curative documents, and funds for the acquisition of the property (provided by the City of Temple) to the title company.

- 1.6.3 If the City of Temple chooses not to obtain title insurance, Lone Star Right of Way Services, Inc. will provide closing services. All original documents will be delivered to the City of Temple for acceptance and recording.
- 1.6.4 All donations will be delivered to the City of Temple for acceptance and recording.
- **2.0 SERVICE REQUIREMENTS OF CITY OF TEMPLE:** Services shall include, but are not limited to the following activities:
  - 2.1 Assurance of Right of Way Project Release.
  - 2.2 Provide an approved Right of Way Map and original legal Descriptions for property to be acquired.
  - 2.3 Provide timely reviews and approval of submissions.
  - 2.4 Provide acceptance or rejection notification of any counter proposal submitted by Provider within 10 business days of receipt.
  - 2.5 Provide all necessary standard forms.
  - 2.6 Process and issue all checks for payment of approved purchase prices for each parcel, relocation payment and incidental expense involved in the transfer of property to the City of Temple.
  - 2.7 Provide final approval for all appraisals, relocation supplements and moving payments.
  - 2.8 Determine approved Initial offer amount either by approval of a submitted appraisal or by furnishing the Provider with a statement of value to be offered to the property owner. City will also furnish to provider a range they deem acceptable in order for the Provider to negotiate with the property owner before a formal written counter proposal is required.
  - 2.9 Provide Bill of Sale for disposal of improvements.
  - 2.10 Will pay direct cost of preliminary title commitment and title insurance for all parcels acquired.
  - 2.11 Record all required documents for each parcel not closed at a title Company and for which no title insurance is to be purchased.
  - 2.12 Provide Lone Star Right of Way Services, Inc. a written statement for each project as to whether or not State or Federal Funds will be utilized or will be sought in the future for reimbursement. This statement must be provided prior to initiation of any services by Lone Star Right of Way Services, Inc. This will enable the provider to determine which policies, procedures, and requirements must be met in order to best protect the interest of the City of Temple.



# Attachment E - Expansion of West Temple Utilities North of FM 2305 - Phase II

# Right-of-Way (Easement) Acquisition Fee Schedule

July 13, 2007

		Cost		\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$6,690	\$2,500	\$82,780
<u>.</u>			, ,	+							<u> </u>						
(4) Negotiator Services	nt PM rly) (hourly)	1.5.10.2 & 1.5.12	5 \$150	a/r	. a/r	a/r	. a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	0\$
	y Agent (hourly)		\$75	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	0\$
(4) Engineer Professional	Testimony (hourly)	Proposal Letter	\$250	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	\$0
⁽⁴⁾ Appraiser	Services (hourly)	1.3.10	\$150	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	a/r	\$0
	Large Commercial		\$1,100 to	000,10													\$0
(4) Review Appraisal	Small Commercial	1.4	\$900 to	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	0\$
(4) Reviev	Residential	`	\$700 to	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	0\$
	Vacant Land		\$700 to \$800														0\$
	Large Commercial		\$8,300 to	000													\$0
Appraisal	Residential Appraisal Commercial		\$5,000 to	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED	UIRED	\$0
(4) Initial					\$2,750 to \$3,800 AS REC	AS REC	AS REC	AS REC	AS REC	AS RE(	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC	AS REC
	Vacant Land		\$2,200 to	004,09													0\$
ervices	Title Fee	1.2.3	(3) TBD	n/a	n/a	e/u	e/u	e/u	n/a	e/u	e/u	n/a	n/a	n/a	n/a	n/a	\$0
(2) Title & Closing Services	With Title Insurance	1.2.2 1.6.1, 1.6.2 1.6.4	\$330	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	u/a	n/a	0\$
(2) Title	W/O Title Insurance	1.2.1 1.6.3 1.6.4	\$440	\$440	\$440	\$440	\$440	\$440	\$440	\$440	\$440	\$440	\$440	\$440	\$440	n/a	\$5,280
Acanisition	by LSR	1.1 1.5	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	\$3,850	n/a	\$46,200
Field Notes	Boundary Survey	Proposal Letter	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$2,500	\$14,500
Right of Entry /	Possession & Use Agreement	1.3.2	006\$	\$900	\$900	006\$	006\$	006\$	006\$	006\$	006\$	006\$	006\$	\$300	006\$	n/a	\$10,800
PM bv	KPA	Proposal Letter	\$500	\$500	\$500	\$500	\$200	\$200	\$200	005\$	\$500	\$500	005\$	\$500	\$200	n/a	\$6,000
Professional		(1) Corresponding "Statement of Work" Section	Unit Cost	Dixie L. Smythe	Dixie L. Smythe	Dumas Family Revocable Trust	David C. Chatham	2 David C. Chatham	3 Dumas Family Revocable Trust	Bellwood Memorial Park	5 Bellwood Memorial Park	Bellwood Memorial Park	7 Johnny E. & William Breakbill	3 Jay W. Fellows	Curtis & Barbara Doss	City of Temple	Total Cost
		toejon9		8	6	10	11	12	13	ejsV 4	15	16	17	18	19	20	
Щ				1													

* Fees are on a per parcel basis, unless otherwise noted.

(1) Relates the Fee Schedule to the attached "Statement of Work" and/or proposal letter. The entire section is referenced unless a specific subsection is referenced elsewhere.

Example: Initial Appraisal references Section 1.3 of the "Statement of Work". However, Right of Entry and Appraiser Services reference Sections 1.3.2 and 1.3.10, respectively.

Therefore Initial Appraisal consists of the following sections of work: 1.3.1 and 1.3.3 through 1.3.9.

PM = Project Manager / Management KPA = Kasberg, Patrick & Associates, LP LSR = Lone Star Right of Way Services, Inc.

(2) This proposal assumes Option 1, No Title Insurance Required, for Title and Closing Services.
(3) Title & Closing Fees will be paid by the City as a "pass through" and are dependent on the size and type of property involved.
(4) Appraisals, additional negotiations and participation in eminent domain hearings are additional services that will be billed at the rates noted, if these services are required.

<b>RESOLUTION NO.</b>	

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, CONSTRUCTION ADMINISTRATION, ON-SITE REPRESENTATION, AND RIGHT-OF-WAY ACQUISITION SERVICES REQUIRED FOR THE EXPANSION OF WEST TEMPLE WATER AND WASTEWATER UTILITIES NORTH OF FM 2305, PHASE 2, IN AN AMOUNT NOT TO EXCEED \$453,580; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, current and anticipated growth in West Temple is placing an excessive burden on the water delivery system in the area, and there is no sanitary sewer service from north of FM 2305 (near SH 317) to the intersection of FM 2483;

Whereas, the Staff recommends a project to provide sanitary sewer service from FM 2305 northwest to the intersection of FM 2483 and SH 317, and to extend water service from SH 317 along FM 2483 to loop an existing 10 inch west of the city limits – the project will also include a pump station at the Draughon-Miller Central Texas Regional Airport capable of pumping water south through a 14 inch diameter pipeline to a new elevated storage tank located in the vicinity of the intersection of SH 317 and FM 2484;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for this project for \$453,580, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 561-5200-535-6928, Project No. 100172; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$453,580, 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, construction administration, on-site representation, and right-of-way acquisition services required for the expansion of West Temple Water and Wastewater Utilities North of FM 2305, Phase 2.

<u>Part 2:</u> 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 18th day of October, 2008.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(L) Consent Agenda Page 1 of 2

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

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing Change Order #1 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, in the amount of \$62,280.95 to modify the original alignment of Waterline A due to easement issues and add bores required by TXDOT to the project.

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

<u>ITEM SUMMARY:</u> On February 1, 2007, Council authorized a construction contract in the amount of \$1,618,308.75 with TTG Utilities to relocate City owned utilities along FM 2305 from SH 317 to FM 2271. This Change Order reflects two changes related to the project.

The first change includes a modification to the original alignment of Waterline A at the northwest corner of the intersection of SH 317 and FM 2305. During the easement acquisition process, the property owner at this location was unwilling to grant an easement across the east and north boundary of his tract. As a result, the waterline was redesigned within TXDOT right of way along the eastern property boundary and rerouted along the adjacent tract to the north, substantially reducing the cost of the easement and avoiding the condemnation process. This portion of the change order reflects an increase in construction cost to the project of \$842.60.

The second change includes the TXDOT requirement for additional bores located along Waterline A and Waterline C. Construction plans were submitted and approved by TXDOT, with an added note that "all hardwood trees within TXDOT Right of Way shall be bored." Subsequent to the bid and award process, it was learned that a tree line identified as being removed would actually remain in place, resulting in the TXDOT requirement for additional bores. This portion of the change order reflects an increase in cost to the project of \$61,438.35.

This change order in the amount of \$62,280.95 is approximately 3.85% of the total contract amount. No portion of this contract is reimbursable by TXDOT.

10/18/07 Item #5(L) Consent Agenda Page 2 of 2

FISCAL IMPACT: Funding in the amount of \$2,500,000 has been appropriated in account 561-5200-535-6917, project #100096 for design and construction of this project from the 2006 Utility Revenue Bond Issue which were issued in October 2006. After funding of engineering-related services in the amount of \$341,600, other miscellaneous costs, including acquisition of easements, of \$43,433.11, and a construction contract of \$1,618,308.75, a balance of \$496,658.14 remains available to fund additional improvements. It should be noted that upcoming improvements to the FM 2305 pump station will also be funded through this account later this year, with an estimated cost of approximately \$200,000.

## **ATTACHMENTS:**

Engineer's Recommendation Change Order #1 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.

October 9, 2007

Mrs. Nicole Torralva, P.E. Assistant City Engineer 3210 E. Avenue H Building A Temple, Texas 76501

Re:

City of Temple, Texas

FM 2305 Utility Relocations State Highway 317 to FM 2271

Dear Mrs. Torralva:

Enclosed are four (4) copies of Change Order No. 1, which is for the changes to the above referenced contract to date. The specific items are described in detail as part of the change order document with itemized costs for each. Generally, the first item corresponds to costs associated with modifying the alignment of Waterline "A" to the Goldsmith property as a result of not being able to obtain the full easement on the 4SK property required for the original alignment. The second item corresponds to a re-alignment and additional bores required by TxDOT to avoid damage to trees within TxDOT right of way. Please execute and return two copies to our office once approved by the City Council and we will distribute to the Contractor.

Sincerely,

Thomas D. Valle, P.E.

Thans B. Vally

TDV/

xc:

Mr. Byron Sinclair, TTG Utilities

2006-110-40

## **CHANGE ORDER**

PROJECT: F.M. 2305 Utilities Relocation State Highway 317 to F.M. 2271

OWNER: City of Temple

CONTRACTOR: TTG Utilities LP

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: 1

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

1. Modify Alignment of Proposed WL "A" from Sta 3+30 to Sta 12+15 due to difficulties in obtaining easement for the full alignment on the 4SK property. The revised alignment moved the northern most section of pipe from the 4SK property onto the Goldsmith property. See attached exhibit.

Item	Description	Quantity	Unit	. <u></u>	Cost		Total
2	Right of Way Preparation	0.92	Sta	\$	45.00	\$	41.40
4	Trench Safety (Line Work)	6	LF	\$	1.20	\$	7.20
5	Trench Safety (Structures)	-210	SF	\$	0.35	\$	(73.50)
11	Clean Up	92	LF	\$	1.00	\$	92.00
12	14" WL	82	LF	\$	47.00	\$	3,854.00
16	6" WL	-76	LF	\$	19.50	\$	(1,482.00)
22	24" Encasement by Open Cut	-28	LF	\$	212.00	\$	(5,936.00)
41	14" 45° Bend	7	EA	\$	560.00	\$	3,920.00
63	6" 90° Bend	-1	EA	\$	220.00	\$	(220.00)
64	6" 45° Bend	-1	EA	\$	220.00	\$	(220.00)
66	6" 11.25° Bend	2	EA	\$	220.00	\$	440.00
81	Relocate Existing Water Meter	2	EA	\$	810.00	\$	1,620.00
94	Hydromulch	119	SY	\$	0.50	\$	59.50
96	Remove and Replace Fence	-180	LF	\$	7.00	_\$_	(1,260.00)
				5	Sub-Total	\$	842.60

Construction Plans were submitted to and approved by TxDOT, with an added note that "all hardwood trees within TxDOT Right of Way shall be bored". During a pre-construction meeting with TxDOT, it was learned that a tree line along the Clinite-Miller property would remain in place. The original plans were designed with the belief that this treeline would be removed. In order to limit the number of costly bores, the original Alignment was modified from Sta 33+62 to 49+39 to avoid potential conflicts with trees. This re-alignment limited the number and length of additional bores to the following stations WL "A" - (41+80 to 42+38), (54+30 to 55+30), (56+20 to 56+45) and WL "C" - extension of bore from (3+26 to 3+50).

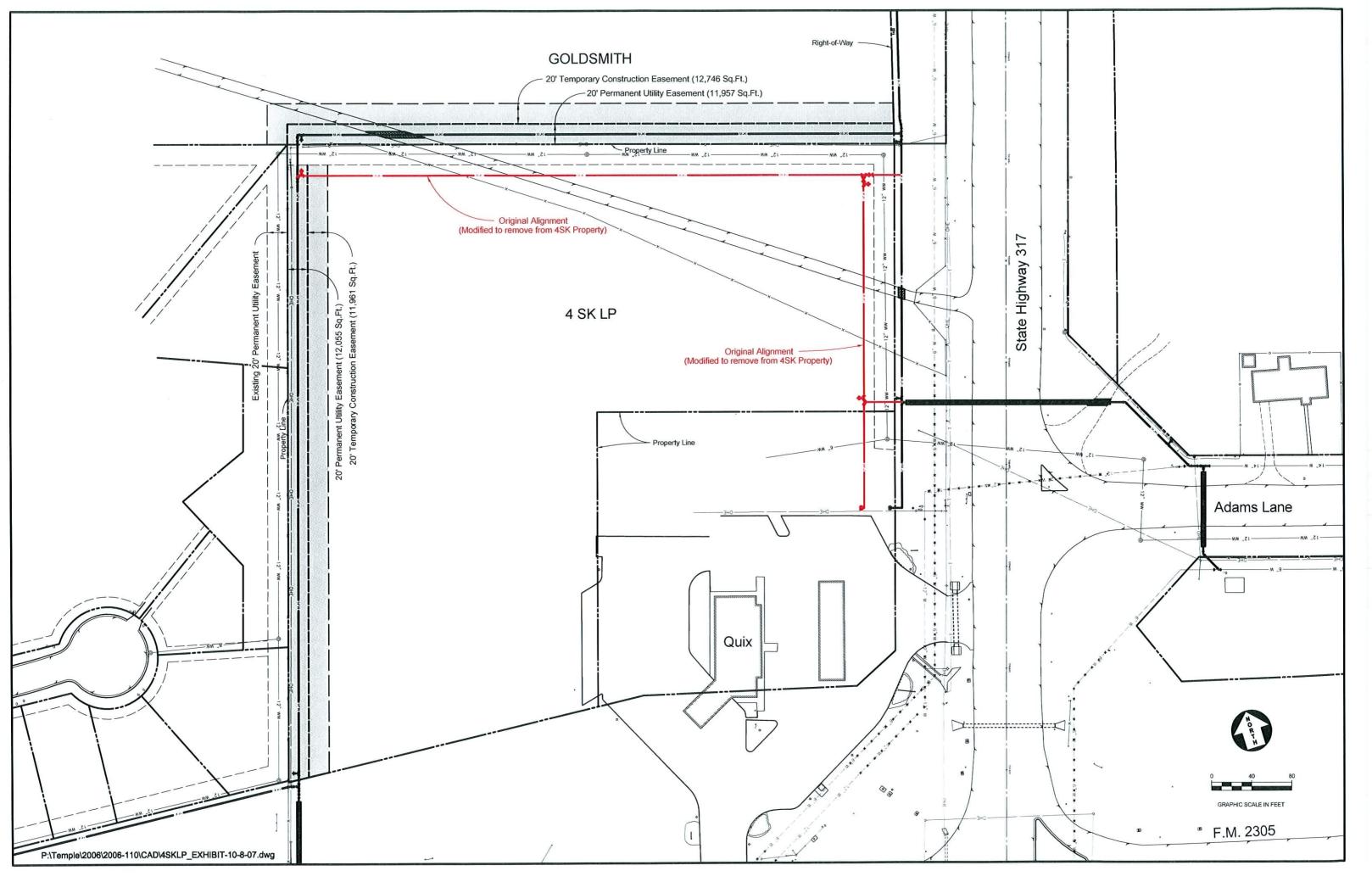
Item	Description	Quantity	Unit	Cost	 Total
4	Trench Safety (Line Work)	-207	LF	\$1.20	\$ (248.40)
5	Trench Safety (Structures)	1,605	SF	\$0.35	\$ 561.75
21	24" Encasement by Bore	158	LF	\$295.00	\$ 46,610.00
23	20" Encasement by Bore	25	LF	\$235.00	\$ 5,875.00
26	12"Encasement by Bore	24	LF	\$150.00	\$ 3,600.00
41	14" 45° Bend	7	EA	\$560.00	\$ 3,920.00
CO1-1	14" 22.5° Bend	2	EA	\$560.00	\$ 1,120.00
				Sub-Total	\$ 61,438.35

## Change Order (continued)

The compensationagreeduponinthis Change Order is full, complete and final payment for all costs the Contractormay incuras a result of or relating to this change whethersaid costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay(for whichonly revisedtime is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$ 1,618,308.75	
Previous Net Change in Contract Amount	\$0.00	
Net Change in Contract Amount	\$ 62,280.95	
Revised Contract Amount	\$ 1,680,589.70	
Original Contract Time	365 days	
Previous Net Change in Contract Time	N/A	
Net Change in Contract Time	10 days	
Revised Contract Time	375 days	
Original Final Completion Date	April 15, 2008	
Revised Final Completion Date	April 25, 2008	

Recommended By Engineer:  By Zhow D. Uhll 15/8/07  Date	Approved By Contractor:  By: Dynn int 10-8-07  Date	
Approved by City of Temple:	Approved as to Form:	
Ву:	By: City Attorney's Office Date	



RESOLUTION NO.
----------------

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #1 TO THE FM 2305 UTILITIES RELOCATION PROJECT CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, TO MODIFY THE ORIGINAL ALIGNMENT OF WATERLINE A DUE TO EASEMENT ISSUES AND TO ADD BORES REQUIRED BY TXDOT TO THE PROJECT, FOR AN AMOUNT NOT TO EXCEED \$62,280.95; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** on February 1, 2007, the City Council authorized a construction contract in the amount of \$1,618,308.75 with TTG Utilities, LP, to relocate City owned utilities along Fm 2305 from SH 317 to FM 2271;

Whereas, the Staff recommends approval of Change Order #1 to the contract to modify the original alignment of Waterline A due to easement issues and to add bores required by TxDOT to the project;

**Whereas,** funds are available for this change order in Account No. 561-5200-535-6917, Project No. 100096; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute Change Order #1, for an amount not to exceed \$62,280.95, to the construction contract with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, to modify the original alignment of Waterline A due to easement issues and to add bores required by the TxDOT to the project.

<u>Part 2:</u> 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 18th day of October, 2007.

	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(M) Consent Agenda Page 1 of 2

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

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing Change Order #2 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, in the amount of \$180,328 to upgrade the original size of Waterline B from a 6" line to an 18" line in preparation for upcoming utility relocation projects and TXDOT improvements to SH 317 south of FM 2305.

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

<u>ITEM SUMMARY:</u> On February 1, 2007, Council authorized a construction contract in the amount of \$1,618,308.75 with TTG Utilities to relocate City owned utilities along FM 2305 from SH 317 to FM 2271. This change order includes an upgrade to the originally designed 6" waterline to be installed from FM 2305 to the south along the TXDOT right of way for SH 317.

TXDOT has begun the process of design for roadway improvements to SH 317 between FM 2305 and FM 439 and will be asking existing utilities to begin utility relocations in accordance with State Regulations. An upgrade to an 18" line will allow the ultimate infrastructure to be in place for future growth in the area, and eliminate the need to replace a new 6" waterline with a larger 18" waterline in the near future under another contract.

This change order in the amount of \$180,328.00, combined with change order #1 in the amount of \$62,280.95, is approximately 14.99% of the total contract amount. This change order will add 70 days to the construction contract. No portion of this contract is reimbursable by TXDOT.

10/18/07 Item #5(M) Consent Agenda Page 2 of 2

**FISCAL IMPACT:** Funding in the amount of \$2,500,000 has been appropriated in account 561-5200-535-6917, project #100096 for design and construction of this project from the 2006 Utility Revenue Bond Issue which were issued in October 2006. After funding of engineering-related services in the amount of \$341,600, other miscellaneous costs, including acquisition of easements, of \$43,433.11, a construction contract of \$1,618,308.75, and Change Order #1 in the amount of \$62,280.95, a balance of \$434,377.19 remains available. It should be noted that upcoming improvements to the FM 2305 pump station will also be funded through this account later this year, with an estimated cost of approximately \$200,000.

## **ATTACHMENTS:**

Engineer's Recommendation Change Order #2 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.

October 9, 2007

Mrs. Nicole Torralva, P.E. Assistant City Engineer 3210 E. Avenue H Building A Temple, Texas 76501

Re:

City of Temple, Texas

FM 2305 Utility Relocations State Highway 317 to FM 2271

Dear Mrs. Torralva:

Enclosed are four (4) copies of Change Order No. 2, which is for the changes to the above referenced contract to date. The specific item is described in detail as part of the change order document with itemized costs. This change order consists of upsizing Waterline "B" from Sta 0+00 to Sta 19+76 from 6-inch to 18-inch diameter. WL "B" generally runs to the south along SH 317. The section of existing waterline from Sta 19+76 to the south will be replaced under a future contract required due to TxDOT's future expansion of SH 317 south of FM 2305. The upsizing of this line will allow the ultimate infrastructure to be in place for future growth in the area. Please execute and return two copies to our office once approved by the City Council and we will distribute to the Contractor.

Sincerely,

Thomas D. Valle, P.E.

Zoms D. Valle

TDV/

xc:

Mr. Byron Sinclair, TTG Utilities

2006-110-40

## **CHANGE ORDER**

PROJECT: F.M. 2305 Utilities Relocation State Highway 317 to F.M. 2271

OWNER: City of Temple

CONTRACTOR: TTG Utilities LP

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: 2

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

1. Upsize of Waterline "B" from Sta 0+00 to Sta 19+76 from 6-inch to 18-inch diameter. WL "B" runs to the south along SH 317. The section of existing waterline from Sta 19+76 to the south will be replaced under a future contract required due to TxDOT's future expansion of SH 317 south of FM 2305. The upsizing of this line will allow the ultimate infrastructure to be in place for future growth in the area.

Item	Description	Quantity	Unit	Cost	Total
16	6" WL	(1,976)	LF	\$ 19.50	\$ (38,532.00)
25	12" Encasement by Open Cut	(202)	LF	\$ 82.50	\$ (16,665.00)
26	12" Encasement by Bore	(64)	LF	\$ 150.00	\$ (9,600.00)
27	14" Gate Valve (Sta 0+00)	1	EA	\$ 4,125.00	\$ 4,125.00
31	6" GV (Sta. 20+28)	1	EA	\$ 720.00	\$ 720.00
31	6-Inch Gate Valve	(4)	EA	\$ 720.00	\$ (2,880.00)
39	14" x 6" Reducer	(1)	EA	\$ 360.00	\$ (360.00)
60	6" Tee	(2)	EA	\$ 300.00	\$ (600.00)
62	6" Plug	(1)	EA	\$ 150.00	\$ (150.00)
64	6" 45° Bends	(6)	EA	\$ 220.00	\$ (1,320.00)
66	6" 11 1/4° Bends	(1)	EA	\$ 220.00	\$ (220.00)
71	Standard Fire Hydrant Installation	(4)	EA	\$ 2,900.00	\$ (11,600.00)
CO1-2	18" DIP WL	1,976	LF	\$ 70.00	\$ 138,320.00
CO1-3	30" Encasement by Open Cut	202	LF	\$ 180.00	\$ 36,360.00
CO1-4	30" Encasement by Bore	64	LF	\$ 350.00	\$ 22,400.00
CO1-5	18" Gate Valve	3	EA	\$ 7,700.00	\$ 23,100.00
CO1-6	18" x 6" Reducer	2	EA	\$ 1,080.00	\$ 2,160.00
CO1-7	14" x 18" Reducer	1	EA	\$ 1,000.00	\$ 1,000.00
CO1-8	18" Tee	2	EA	\$ 2,200.00	\$ 4,400.00
CO1-9	18" Plug	2	EA	\$ 640.00	\$ 1,280.00
CO1-10	18" 45° Bends	6	EA	\$ 1,400.00	\$ 8,400.00
CO1-11	18" 11 1/4° Bends	1	EA	\$ 1,390.00	\$ 1,390.00
CO1-12	Standard Fire Hydrant on 18" WL	4	EA	\$ 4,650.00	\$ 18,600.00
				Sub-Total	\$ 180,328.00

2006-110-40 C/O2-1

## Change Order (continued)

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

Original Contract Amount	\$ 1,618,308.75	
Previous Net Change in Contract Amount	\$ 62,280.95	
Net Change in Contract Amount	\$ 180,328.00	
Revised Contract Amount	\$ 1,860,917.70	
Original Contract Time	365 days	4
Previous Net Change in Contract Time	 10 days	
Net Change in Contract Time	 70 days	
Revised Contract Time	 445 days	
Original Final Completion Date	 April 15, 2008	
Revised Final Completion Date	 July 4, 2008	

Revised I mai completion Date	
Recommended By Engineer:	Approved By Contractor:
By Shames D. College 10/4/67 Date	, <u> </u>
Approved by City of Temple:	Approved as to Form:
Ву:	By: City Attorney's Office Date

2006-110-40 C/O2-2

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #2 TO THE FM 2305 UTILITIES RELOCATION PROJECT CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, TO UPGRADE THE ORIGINAL SIZE OF A WATERLINE FROM A 6-INCH TO AN 18-INCH LINE IN PREPARATION FOR UPCOMING UTILITY RELOCATION PROJECTS AND TXDOT IMPROVEMENTS TO SH 317 SOUTH OF FM 2305, FOR AN AMOUNT NOT TO EXCEED \$180,328.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** on February 1, 2007, the City Council authorized a construction contract in the amount of \$1,618,308.75 with TTG Utilities, LP, to relocate City owned utilities along Fm 2305 from SH 317 to FM 2271;

Whereas, the Staff recommends approval of Change Order #2 to the contract to upgrade the original size of a waterline from a 6-inch to an 18-inch line in preparation for upcoming utility relocation projects and TxDOT improvements in the area;

**Whereas,** funds are available for this change order in Account No. 561-5200-535-6917, Project No. 100096; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute Change Order #2, for an amount not to exceed \$180,328.00, to the construction contract with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, to upgrade the original size of a waterline from a 6-inch to an 18-inch line in preparation for upcoming utility relocation projects and TxDOT improvements in the area.

<u>Part 2:</u> 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 18th day of October, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydatta Entzminger	Janothan Graham
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(N) Consent Agenda Page 1 of 1

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

Donna McClain, Right of Way Agent

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a farm lease with Marvin Brenek for approximately 338 acres of City-owned land located east of the East Loop 363 between Lorraine Drive and SH 36.

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

<u>ITEM SUMMARY:</u> Marvin Brenek has been leasing approximately 338 acres of land known as the Southeast Industrial Park since 2003. Mr. Brenek would like to continue the City's lease for 2008.

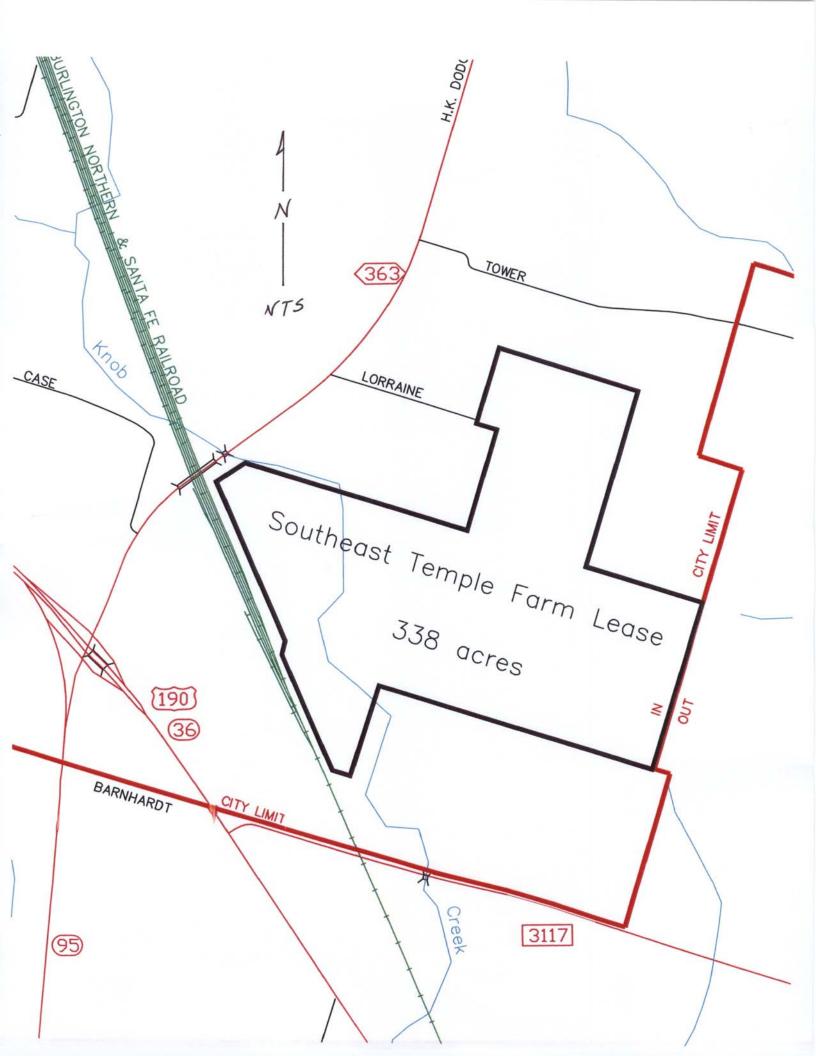
Staff recommends leasing 338 acres to Marvin Brenek at \$7,098 per year (\$21.00 per acre) beginning January 1, 2008 and ending December 31, 2008. Granting the lease now allows the tenant time to prepare the land for next year's crop.

The lease allows the City to terminate it, or reduce the number of acres, with a thirty day (30) notice should we need any of the land for a public purpose, such as an industrial prospect. However, if a crop is affected, a per bushel/per acre cost might be incurred by the City.

FISCAL IMPACT: \$7,098 would be paid by Mr. Brenek and deposited into the General Fund.

### **ATTACHMENTS:**

Location Map Resolution



RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 338 ACRES OF CITY-OWNED LAND LOCATED EAST OF THE EAST LOOP 363 BETWEEN LORRAINE DRIVE AND SH 36; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the City has had a request to renew a lease with Marvin Brenek for approximately 338 acres of City-owned land located east of East Loop 363 between Lorraine Drive and SH 36, for farming purposes;

Whereas, the lease amount is for \$21 per acre per year for a total annual amount of \$7,098, and the lease term will be from January 1, 2008, through December 31, 2008, and the lease will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, granting the lease now allows the tenant time to prepare the land for the next year's crop; 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 farm lease between the City of Temple and Marvin Brenek, after approval as to form by the City Attorney, for lease of approximately 338 acres of City-owned land located east of East Loop 363 between Lorraine Drive and SH 36.

<u>Part 2:</u> 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 18th day of October, 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

10/18/07 Item #5(O) Consent Agenda Page 1 of 1

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

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> SECOND READING – Consider adopting an ordinance establishing the City's Economic Development Policy, setting out a program for promoting economic development within the City by reestablishing criteria and guidelines for tax abatement, authorizing loans and grants of public money and providing personnel and services of the municipality, to promote local economic development and to stimulate business and commercial activity.

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

<u>ITEM SUMMARY:</u> Tax abatement criteria and guidelines are effective upon the date of adoption and remain in force for two years. Ordinance No. 2005-4008, adopted on June 2, 2005, has expired. Adoption of this ordinance will reinstate the tax abatement criteria and guidelines for an additional two years.

The ordinance continues our ability to enter into development agreements with respect to property in the City's tax increment financing reinvestment zone, and to enter into Chapter 380 incentive agreements. Chapter 380 of the Texas Local Government Code is the legislative authority for cities in Texas to make grants or loans of City funds or services to promote economic development. Chapter 380 was enacted by the Legislature after voters approved an amendment to Article 3, Section 52-a of the Texas Constitution that made economic development a public purpose for purposes of expending City funds. A city must locally implement Chapter 380 to make use of the authority outlined in the Chapter. (See Section III. B., "Other Economic Incentives within the City")

FISCAL IMPACT: N/A

**ATTACHMENTS:** 

**Ordinance** 

ORDINANCE NO.	
---------------	--

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

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

**Whereas**, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

**Whereas**, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

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

**Whereas**, the City has nominated an area of the City for designation by the State, acting through its Department of Commerce, as an enterprise zone pursuant to Tex. Rev. Civ. Stat. Ann. art 5190.7:

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

**Whereas**, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

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

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

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

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

## **ECONOMIC DEVELOPMENT POLICY**

FOR THE CITY OF TEMPLE, TEXAS

ADOPTED OCTOBER 18, 2007

## I. Criteria and Guidelines Governing Tax Abatement.

#### A. Definitions.

- 1."Abatement" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.
  - 2."Agreement" means a contract between a property owner or lessee and the City.
- 3. "Base year value" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.
- 4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.
- 5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."
- 6. "Eligible Facilities" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.
- 7. "Expansion" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.
- 8. "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.
- 9. "Modernization" means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity.

Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improved the exterior or a building or block.

- 10. "New Facility" means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.
- 11. "**Productive Life**" means the number of years a property improvement is expected to be in service for a facility.

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

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

## C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

#### **D.** Abatement Authorized.

- 1. **Eligible Facilities**. Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.
- a. <u>Creation of New Value</u>. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.
- b. <u>New and Existing Eligible Facilities</u>. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

- c. <u>Eligible Property</u>. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.
- d. <u>Ineligible Property</u>. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.
- e. <u>Owned/Leased Facilities</u>. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

## 2. Standards for Tax Abatement.

- a. <u>Minimum Standards</u>. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.
  - (1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.
  - (2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.
  - (3) The project has high visibility, image impact, or is of a significantly higher level of development quality.
  - (4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.
  - (5) The project can serve as a prototype and catalyst for other development of a higher standard.
  - (6) The project stimulates desired concentrations of employment or commercial activity.
  - (7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

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

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

Percentage	Minimum Required Real or Personal Property Investment or Job Creation		
of increased value Eligible Real Property Eligible Personal Property* to be abated		Job Creation [†]	
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage	
of increased	Minimum Required Real or Personal Property Investment or Job Creation

	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$25,000 or more	\$100,000 or more	5-25 jobs

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

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

*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

- [†] As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.
- c. <u>Additional or Enhancement Factors</u>. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:
  - (1) value of land and existing improvements, if any;
  - (2) type and value of proposed improvements;
  - (3) productive life of proposed improvements;
  - (4) number of existing jobs to be retained by proposed improvements;
  - (5) number, salary, and type of new jobs to be created by proposed improvements;
  - (6) amount of local payroll to be created;
  - (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
  - (8) amount of local sales taxes to be generated directly;
  - (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;

- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

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

- **3. Abatement barred in certain circumstances**. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:
- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
  - e. there exists any other valid reason for denial deemed appropriate by the City.
- **4. Property subject to Taxation**. From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:
  - a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

## 5. Application for Tax Abatement.

- a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.
- b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.
- c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.
- d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

### **6. Tax Abatement Agreements**

- a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:
  - (1) The kind, number, and location of all proposed improvements of the property;
  - (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
  - (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
  - (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
  - (5) Each term agreed to by the owner of the property;
  - (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;

- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.
- b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.
- c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

## 7. Recapture of Abated Taxes Upon Default.

- a. In the event that the company or individual:
  - (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or
  - (2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,
  - (3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.
- b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

#### 8. Administration.

- a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.
- b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

## 9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

#### 10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

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

## A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

## **B.** Development agreements.

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

## III. Additional Economic Incentives within the City

## A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the

Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

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

- a. <u>Minimum qualifications</u>. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:
  - (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
  - (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.
- b. <u>Eligible taxes</u>. The City may agree to a refund of its sales and use taxes paid by qualified business designated as a enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.
- c. <u>Agreement required</u>. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.
- d. <u>Documentation required</u>. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

## 2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone.

## B. Other economic incentives within the City.

- 1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.
- 2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:
  - (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or

- development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives within the City		
Value of grant, or value of reduction in lease payments or sale price  To qualify for additional incentive, a qualified business must agree to the following minimum investment in <b>both</b> improvements to real property (new construction or expansion of existing facility) <b>and</b> the creation of new jobs		nimum investment in <b>both</b> perty (new construction or
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated.

## C. Additional economic incentives in Downtown Development Area.

- 1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").
- 2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives in the Downtown Development Area		
Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a Business Plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

<u>Part 2:</u> If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>Part 3:</u> 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.

<u>Part 4:</u> 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  $\mathbf{4^{th}}$  day of **October**, 2007.

PASSED AND APPROVED on Second on the 18th day of October, 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

10/18/07 Item #5(P) Consent Agenda Page 1 of 1

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

Tim Dolan, AICP - Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING — Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.

<u>P&Z COMMISSION RECOMMENDATION:</u> The Planning and Zoning Commission voted 7/0 to recommend approval of this PD amendment at its meeting on September 17, 2007.

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

<u>ITEM SUMMARY:</u> The Commission directed staff to create standards when considering a house as the primary structure. (The Council asked for this item to be included from its work session August 16th the previous draft contained language for only accessory standards.) The City Council directed the City Manager, who then directed Planning Staff to draft regulations for considering building exteriors in both residential and non-residential zoning districts. The non-residential building standards will be considered at another meeting.

The City Manager directed Staff to meet several times and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Staff invited them for comment for today's hearing.

#### Public Notice

The newspaper printed notice of the public hearing on August 24, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

Proposed Standards for Metal Exterior Buildings in Residential Districts P&Z Staff Report P&Z Minutes
Ordinance

#### **Proposed Standards for Metal Exterior Buildings in Residential Districts**

#### 1. Overview of a proposed ordinance.

Ordinance would apply in areas zoned for a residential use, including Urban Estate (UE), Single Family Residential 1 (SF-1), Single Family 2 (SF-2), Single Family Residential 3 (SF-3), Single Family Attached Dwelling (SFA-1), Single Family Attached Dwelling (SFA-2), Single Family Attached Dwelling (SFA-3), Two Family Dwelling (2F), Townhouse District (TH), Multiple Family Dwelling District 1 (MF-1), Multiple Family Dwelling District 2 (MF-2), and Multiple Family Dwelling District 3 (MF-3). Ordinance subject to sunset review by City Council after 180 days.

**Synopsis.** Ordinance places restrictions on exterior metal facades on primary and accessory residential buildings. Some metal facades would be allowed as a matter of right. Others would require a Special Permit subject to administrative approval by the Director of Planning with an appeal to the City Council in the event of a denial.

### 3. <u>Definition of a Metal Exterior Primary or Accessory Residential Building.</u>

A primary or accessory residential building in which more than 25% of the area of each of the building's exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resisting barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders.

Exempt: Doors, windows and roofs are exempt from the percentage equation.

Measurement: The percentage is measured per side.

## 4. <u>Metal Exterior Accessory Residential Buildings; Where Allowed by Right.</u>

- A. For lots less than two acres, a metal exterior accessory residential building is allowed by right (no Special Permit required), if:
  - a. A City building permit is obtained;
  - b. The metal exterior accessory building is placed on the same lot as the primary residential building:
  - c. The square footage of the metal exterior accessory residential building does not exceed 15 percent of the primary residential building, or a maximum floor area of 320 square feet;
  - d. The metal exterior accessory residential building has a maximum vertical wall height of eight feet;
  - e. There is only one accessory building per lot; and
  - f. The metal exterior accessory residential building is located in the rear yard, and meets all yard setbacks, and coverage maximums as defined by the Zoning Ordinance.
- B. For lots greater than two acres, a metal exterior accessory residential building is allowed by right (no Special Permit required), if:
  - a. A City building permit is obtained;
  - b. The metal exterior accessory building is placed on the a lot with the primary residential building:
  - c. The square footage of the metal exterior accessory building does not exceed 5.000 square feet:
  - d. The metal exterior accessory building has a maximum vertical wall height of sixteen feet:

- e. There is only one accessory building per lot; and
- f. The metal exterior accessory building is located in the rear yard, and meets all yard setbacks, as defined by the Zoning Ordinance.

### 5. <u>Metal Exterior Primary Residential Buildings; Where Allowed by Right.</u>

- A. A new or remodeled metal exterior primary residential building is allowed by right (no Special Permit required,) if:
  - a. A City building permit is obtained;
  - b. It is the first structure placed on a lot;
  - c. The metal exterior primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a lap joint treatment as recognized by the City of Temple Adopted International Residential Code, or any of its future amendments;
  - d. The new or remodeled exterior primary residential building shall be complimentary to the character of the residential neighborhood served; and
  - e. The new or remodeled exterior primary residential building meets all yard setbacks and coverage maximums, as defined by the Zoning Ordinance.

## 6. Residential Metal Exterior Accessory or Primary Buildings; Where Allowed by Special Permit.

- a. In situations where a metal exterior primary or accessory residential building is not allowed as a matter of right, a metal exterior primary or accessory residential building may only be placed on a lot used for residential uses by Special Permit.
- b. A special permit may be issued administratively by the Planning Director as part of the building permit process.
- c. If a request for a special permit is denied by the Planning Director, the property owner may appeal the decision to the City Council.
- 7. **Factors to be considered in Approving Special Permits.** In considering whether to approve a SP, the Planning Director or City Council as applicable, shall consider:
  - a. Current and future uses of the property for which a permit for a metal exterior primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
  - b. Current and future uses of property adjacent to lot where the proposed metal exterior primary or accessory residential building will be located in keeping with the City's Comprehensive Plan;
  - c. Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;
  - d. Visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
  - e. Whether twenty-five percent (25.0%) of any exterior wall of the metal exterior primary or accessory residential building is made of metal and visible to the surrounding properties or public streets and
  - f. Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal exterior from adjoining properties or public streets from view.
  - 8. <u>Sunset review</u>. The City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.



## PLANNING AND ZONING COMMISSION AGENDA ITEM

09/17/07 Item# 3 Page 1 of 4

**APPLICANT / DEVELOPMENT:** City of Temple

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

#### **ITEM DESCRIPTION:**

Z-FY-07-53 Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Primary and Accessory Metal Buildings.

#### **STAFF RECOMMENDATION:**

Staff requests the Commission to recommend approval for Z-FY-07-53 to amend the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Accessory Metal Buildings.

#### **BACKGROUND:**

At its meeting, August 20th, the Commission directed staff to create standards when considering a house as the primary structure. (The Council asked for this item to be included from its work session August 16th the previous draft contained language for only accessory standards.) Please consider discussing and taking action on the attached outline considering exterior materials for residential primary and accessory buildings. The City Council directed the City Manager, who then directed Planning Staff to draft regulations for considering building exteriors in both residential and non-residential zoning districts. The non-residential building standards will be considered at another meeting.

The City Manager directed Staff to meet several times and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Staff invited them for comment for today's hearing. If recommended for approval by the Commission today, the City Attorney will revise it into ordinance form. Staff will provide the ordinance to the stakeholders for its final review. The City Council would consider the item in a public hearing also, providing a second opportunity for persons or groups to discuss it.

## Public Notice

The newspaper printed notice of the public hearing on August 24, 2007 in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:** Outline for Residential Accessory Metal Buildings

#### **EXCERPTS FROM THE**

#### PLANNING & ZONING COMMISSION MEETING

#### **MONDAY, SEPTEMBER 17, 2007**

#### **ACTION ITEMS**

Z-FY-07-53 Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage and add Metal Building Regulations to the Title and create Section 13-200, Regulations for Residential Metal Buildings. (Applicant: Staff-City of Temple Planning Department)

Mr. Tim Dolan, Planning Director, presented this item as outlined in the Planning and Zoning Commission agenda background. He said this item has been brought back before the Planning Commission from the August 20, 2007 meeting in order to meet and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Mr. Dolan went over the proposed standards for Metal Exterior Buildings in Residential Districts. He concluded by saying the City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.

There was no discussion from the Commissioners on this item.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against this item to address the Commission.

Mr. Troy Glasson, representing the Temple Area Builder's Association, spoke in favor of this request.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-53, by Commissioner Pilkington; seconded by Commissioner Kjelland.

Motion passed (8/0).

	Added Text
ORDINANCE NO	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 13 REGARDING FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, AND OPEN STORAGE; ADDING "METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS" TO THE TITLE; CREATING SECTION 13-200, "REGULATIONS FOR METAL FAÇADE RESIDENTIAL PRIMARY AND ACCESSORY BUILDINGS;" PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, "Fence and Wall Regulations, Display for Sale, and Open Storage," to read as follows:

#### **SECTION 13**

FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, AND METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS

13-200. Regulations for Metal Façade Residential Primary and Accessory Buildings.

- 1. **Definition of a Metal Façade Residential Primary or Accessory Building.** A primary or accessory residential building in which 25% or more of the area of each of the building's exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resistant barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders. For purposes of calculating whether 25% or more of the area of each of the building's exterior walls are metal, doors, windows and roofs are exempt from the percentage calculation and the percentage is calculated per side of the building.
- 2. Metal Façade Residential Accessory Buildings; Where Allowed by Right.

- (a) For lots of less than two acres, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:
  - 1. A City building permit is obtained;
  - 2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
  - 3. The square footage of the metal façade residential accessory building does not exceed 15 percent of the primary residential building, or a maximum floor area of 320 square feet;
  - 4. The metal façade residential accessory building has a maximum vertical wall height of eight feet;
  - 5. There is only one accessory building per lot; and
  - 6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.
- (b) For lots of two acres or more, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:
  - 1. A City building permit is obtained;
  - 2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
  - 3. The square footage of the metal façade residential accessory building does not exceed 5,000 square feet:
  - 4. The metal exterior accessory building has a maximum vertical wall height of sixteen feet;
  - 5. There is only one accessory building per lot; and
  - 6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.

## 3. Metal Façade Primary Residential Buildings; Where Allowed by Right.

- (a) A new or remodeled metal façade primary residential building is allowed by right (no Special Permit required), if:
  - 1. A City building permit is obtained;
  - 2. It is the first structure placed on a lot;
  - 3. The metal façade primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a horizontal lap joint treatment as recognized by the City of Temple Adopted International Residential Code, or any future amendments;
  - 4. The metal façade primary residential building is complimentary to the character of the residential neighborhood served as

- determined by the Director of Planning taking into consideration the factors set out in subsection 5 below; and
- The metal façade primary residential building meets all yard setbacks and coverage maximums, as defined by the Zoning Ordinance.

## 4. Metal Façade Residential Accessory or Primary Buildings; Where Allowed by Special Permit Only.

- (a) In situations where a metal façade primary or accessory residential building is not allowed as a matter of right, a metal exterior primary or accessory residential building may only be placed on a lot used for residential uses by Special Permit.
- (b) A Special Permit may be issued administratively by the Planning Director as part of the building permit process. If a request for a special permit is denied by the Planning Director, the property owner may appeal the decision to the City Council, which may grant a Special Permit.
- 5. Factors to be considered in Approving Special Permits. In considering whether to approve a Special Permit for a metal façade primary or accessory residential building, the Planning Director or City Council, as applicable, shall consider:
  - (a) Current and future uses of the property and adjacent property for which a Special Permit for a metal façade primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
  - (b) Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;
  - (c) The visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
  - (d) Whether twenty-five percent (25) or more of any exterior wall of the metal façade primary or accessory residential building is made of metal and visible to the surrounding properties or public streets;
  - (e) The extent to which the appearance of the metal façade mimics the appearance of wood or masonry products for which no Special Permit is required; and
  - (f) Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal façade from adjoining properties or public streets from view.
- 6. **Documentation.** The Director of Planning may require that a person asserting the right to place or construct a metal façade residential building by right or an applicant for a Special Permit for a metal façade residential building submit reasonable documentation in support of their assertion or application and to address the evaluation of the criteria established by this ordinance.

7. **Sunset review.** The City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.

<u>Part 2:</u> If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>Part 3</u>: Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

<u>Part 4</u>: 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.

<u>Part 5:</u> 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 **4**th day of **October**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the 18th day of October, 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**

10/18/07 Item #5(Q) Consent Agenda Page 1 of 2

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

Aaron Adel, AICP - Special Projects Planner

<u>ITEM DESCRIPTION:</u> SECOND READING – Z-FY-07-58: Consider adopting an ordinance authorizing a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7/0 to recommend approval of this Planned Development (PD) amendment at its meeting on September 17, 2007.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading, to include the following conditions:

- 1. The site plan is made an exhibit to the ordinance.
- 2. The building façade shall be 100% masonry.
- 3. The site will be landscaped as shown and noted on the site plan
- 4. All landscape areas will have automatic irrigation.

<u>ITEM SUMMARY:</u> This property is part of an existing Planned Development General Retail (PD-GR) District that extends from SH 317 east to Montpark RD/Adams LN. The PD was established by Ordinance 2005-4025 which states that, "Prior to the issuance of a building permit, the property owner must submit an amendment to the planned development and a site plan to the Planning & Zoning Commission and the City Council." This application for PD amendment is intended to satisfy this requirement.

The applicant proposes a retail shopping center with up to 7 tenant spaces. The building will be a combination of limestone blocks and EIFS with a standing seam metal canopy. The HVAC equipment will be roof mounted and screened by a parapet. The sign will be wall mounted. At this point no free-standing sign is proposed.

The site has one driveway off FM 2305 that is shared with the lot adjacent to the west (Dollar General Store). A 30' cross access easement was established by the plat of J.A.J. Addition to ensure perpetual access to the shared drive. There are two possible detention areas: one adjacent to Adams Lane on the north and one adjacent to the cross access easement on the south. The site plan includes adequate parking, landscaping, irrigation, and dumpster screening.

The proposed PD amendment complies with the West Temple Comprehensive Plan and the Thoroughfare Plan. There are adequate public utilities to serve the site.

Staff mailed 13 notices to property owners within 200'. To date, no notices have been returned in favor of or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance

Please refer to the Staff Report and draft minutes of case Z-FY-07-58, from the Planning and Zoning Commission meeting, September 17, 2007.

FISCAL IMPACT: NA

## **ATTACHMENTS:**

Land Use Map
Zoning Map
Site Plan
Landscape Plan
Elevation Map
P&Z Staff Report (September 17, 2007)
P&Z Minutes (September 17, 2007)
Ordinance

### 8774 W Adams Ave



Site Plan

J Stone/GIS Mapping 09.04.07 Scale: 1"=200'

# **AGRICULTURAL**

Agricultural

#### 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 (0-1, 0-2)
- Regional Commercial (C, ČA)

#### **MIXED USE**

Mixed Use Areas

#### **INDUSTRIAL**

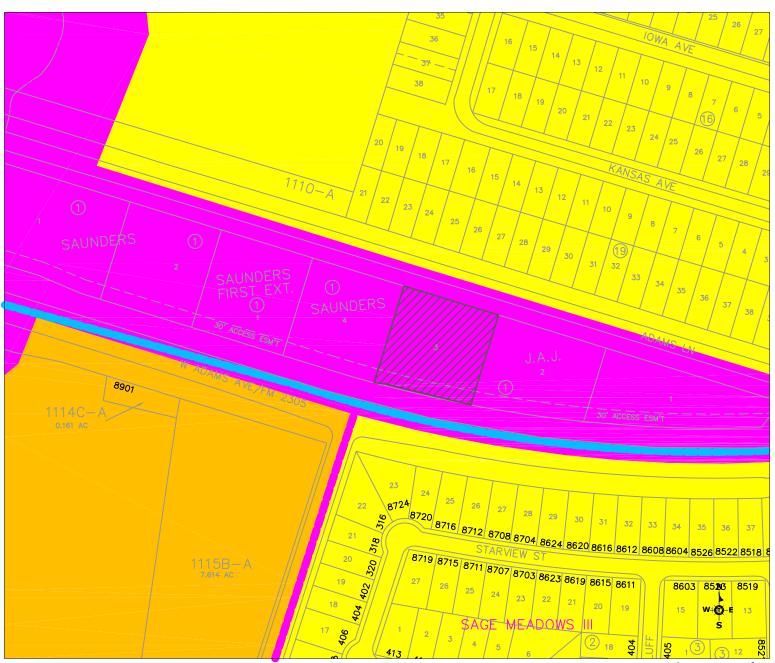
Light and Heavy Industrial (LI, HI)

#### **COMMUNITY FACILITIES**

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

#### **THOROUGHFARE**

- Collector
- Minor Arterial
- Major Arterial
- **✓** Freeway

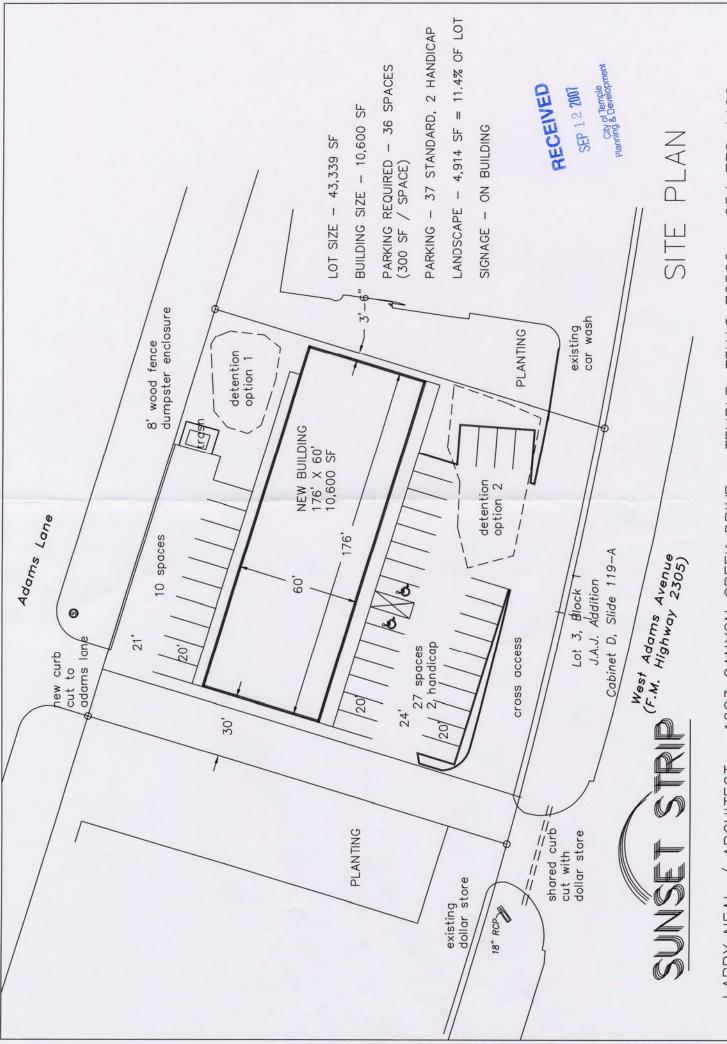




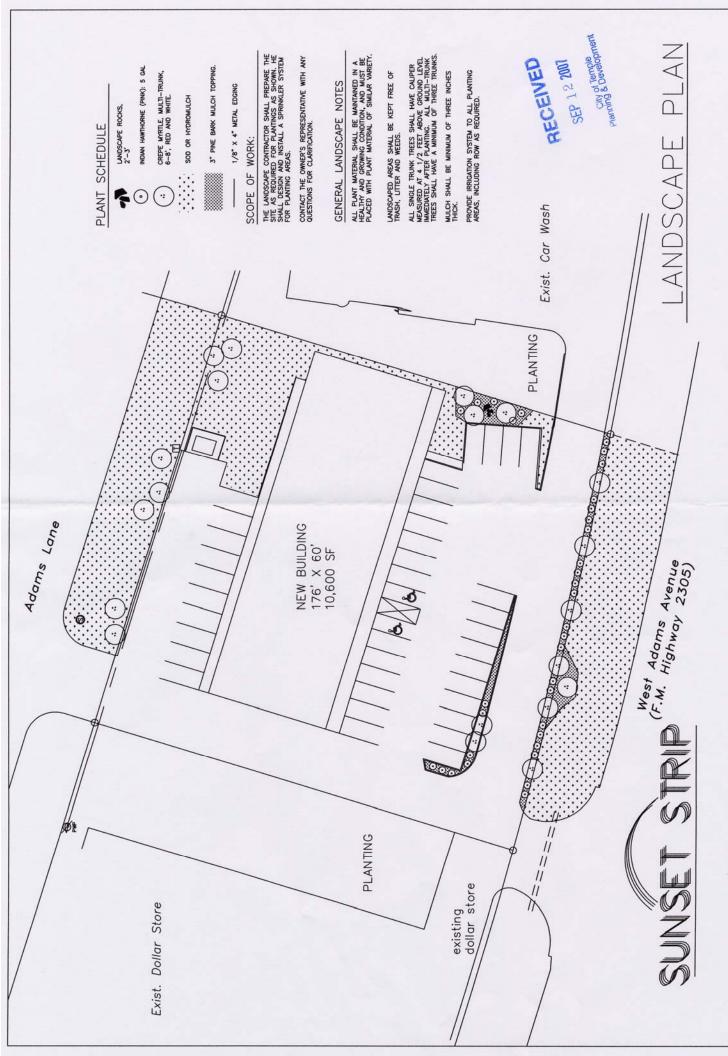
J Stone/GIS Mapping **Site Plan** 

Scale: 1"=200'

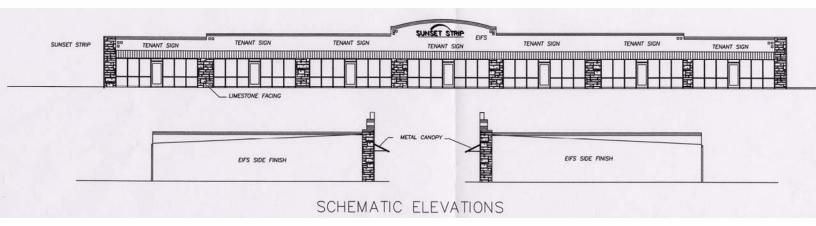
09.04.07



254 778-1466 - TEMPLE, TEXAS 76502 -LARRY NEAL / ARCHITECT - 1023 CANYON CREEK DRIVE



254 778-1466 1 TEMPLE, TEXAS 76502 1 LARRY NEAL / ARCHITECT - 1023 CANYON CREEK DRIVE





### PLANNING AND ZONING COMMISSION AGENDA ITEM

9/7/07 Item # 4 Page 1 of 2

**APPLICANT:** Larry Neal for Jim Saunders

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

**ITEM DESCRIPTION:** Z-FY-07-58 Hold a public hearing and consider a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue.

#### **BACKGROUND:**

<u>History:</u> This property is part of an existing Planned Development General Retail District that extends from SH 317 east to Montpark RD/Adams LN. The Planned Development (PD) was established by Ordinance 2005-4025 which states that, "Prior to the issuance of a building permit, the property owner must submit an amendment to the planned development and a site plan to the Planning & Zoning Commission and the City Council." This application for PD amendment is intended to satisfy this requirement.

The property was zoned to a PD in 2005 rather than to a straight zoning district for several reasons. This was one of the first properties along this portion of FM 2305 to request commercial zoning. There was a TXDOT construction project planned for SH 317 and TXDOT would be limiting the number of driveways allowed on FM 2305. Also, the unique position of the property sandwiched between FM 2305 and Adams LN contributed to making this location a good candidate for a PD.

<u>Purpose of a Planned Development:</u> The Planned Development District is an overlay district that goes on top of the underlying base zoning district of a property and modifies the requirements of the base zoning district. The nomenclature used is "PD + (the title of the underlying district)". For this application, the property is zoned "PD (GR)" which stands for "Planned Development General Retail" so the base zoning district is GR-General Retail. All of the requirements of the base zoning district apply to the property except for those expressly modified in the PD ordinance for the property.

The purpose of a PD District is to encourage a variety in the type, design, and layout of buildings and to conserve open space. To accomplish this, the City can modify the requirements of the underlying district relating to:

- Front, side and rear setbacks
- Maximum height
- Maximum lot coverage
- Off-street parking requirements

- Density (# of dwelling units per acre)
- Sign standards
- Landscape standards
- Accessory building regulations

In general, there are several issues that the Commission and City Council should consider when reviewing a PD proposal and the required site plan. Issues include:

- Environmental impact, preservation and protection of natural resources
- Relationship to adjacent uses
- Safe and efficient vehicular and pedestrian circulation system
- Design and location of off-street parking and loading facilities
- Access for fire fighting and emergency equipment to buildings
- Conformance with the Thoroughfare Plan of the City
- Use of landscaping and screening to provide buffers and integrate the overall site design
- Configuration of open spaces for recreation and conservation uses
- Adequacy of water, drainage, sewer facilities, garbage disposal and other utilities

Once a PD District is established, it can be amended if conditions on the property change. At the time this PD was established in 2005, the owner had no certain land use to propose. The applicant was seeking to rezone the property to a commercial district speculatively to enable them to sell the property to a commercial buyer. Because no use or tenant was known at the time of the original application, the site plan requirement was deferred until a specific land use was known for each lot and prior to the issuance of a building permit. This requirement has necessitated the subject application.

<u>This Application:</u> The applicant for the PD amendment plans to build a retail shopping center with up to 7 tenant spaces. The proposed building will be a combination of limestone blocks and EIFS (stucco) with a standing seam metal canopy. The HVAC equipment will be roof mounted and screened by a parapet. The sign will be wall mounted. At this point no free-standing sign is proposed.

The site has one driveway off FM 2305 that is shares with the lot adjacent to the west (Dollar General Store). A 30' cross access easement was established by the plat of J.A.J. Addition to ensure perpetual access to the shared drive. There are two possible detention areas: one adjacent to Adams Lane on the north and one adjacent to the cross access easement on the south.

The site plan includes adequate parking, landscaping, irrigation, and dumpster screening.

The proposed PD amendment complies with the West Temple Comprehensive Plan and the Thoroughfare Plan. There are adequate public utilities to serve the site.

<u>Public Notice:</u> Staff mailed 13 notices to property owners within 200'. As of September 12th at 5 PM, no notices were returned in favor of or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Approval

FISCAL IMPACT: Not Applicable

#### **ATTACHMENTS:**

Zoning Map Land Use Map Application

#### **EXCERPTS FROM THE**

#### PLANNING & ZONING COMMISSION MEETING

#### **MONDAY, SEPTEMBER 17, 2007**

#### **ACTION ITEMS**

4. Z-FY-07-58 Hold a public hearing and consider a site plan approval for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue. (Applicant: Larry Neal)

Ms. Aaron Adel, Special Projects Planner, presented this case as depicted in the agenda background. She displayed the site plan that showed the option of the detention pond on either side of the development and included adequate parking, landscaping, irrigation, and dumpster screening. Ms. Adel said thirteen (13) notices were mailed to property owners within 200'. No notices were returned in favor or in opposition to the request. She said City Council has final plat authority on this item.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to address the Commission.

Mr. Larry Neal, 4609 Willowood, Temple, representing the owner of the property, spoke in favor of the request.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-58 with the Staff recommendations of the on site plan, by Commissioner Kjelland; seconded by Commissioner Pilkington.

Motion passed (8/0).

ORDINANCE NO.	

(ZONING NO. Z-FY-07-58)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SITE PLAN FOR AN EXISTING PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT ON LOT 3, BLOCK 1, J.A.J. ADDITION, LOCATED AT 8774 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on July 7, 2005, the City Council passed Ordinance No. 2005-4025 approving a Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue;

**Whereas**, Ordinance No. 2005-4025 requires that a site plan be reviewed and approved by the Planning and Zoning Commission and the City Council prior to the issuance of a building permit;

Whereas, on September 7, 2007, the Planning and Zoning Commission approved the site plan for the existing Planned Development General Retail District; and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to approve the site plan.

### Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: The City Council approves a site plan, more fully shown in Exhibit A, attached hereto and made a part hereof for all purposes, for an existing Planned Development General Retail District on Lot 3, Block 1, J.A.J. Addition, located at 8774 West Adams Avenue, including the following conditions:

- (a) the building façade shall be 100% masonry;
- (b) the site will be landscaped as shown on noted on the attached site plan; and
- (c) all landscape areas will have automatic irrigation.

<u>Part 2</u>: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>Part 3</u>: 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.

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

PASSED AND APPROVED or 2007.	n First Reading and Public Hearing on the 4 th day of <b>October</b> ,
PASSED AND APPROVED o	n Second Reading on the <b>18</b> th day of <b>October</b> , 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**

10/18/07 Item #5(R) Consent Agenda Page 1 of 2

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

Aaron Adel, AICP - Special Projects Planner

<u>ITEM DESCRIPTION:</u> SECOND READING — Z-FY-07-59: Consider adopting an ordinance authorizing an amendment to the Planned Development Light Industrial District Ordinance 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

<u>P&Z COMMISSION RECOMMENDATION:</u> The Planning and Zoning Commission voted 7/0 to recommend approval of this PD amendment at its meeting on September 17, 2007.

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

<u>ITEM SUMMARY:</u> This PD is adjacent to the south side of the City of Temple Animal Shelter west of Mama Dog Circle and is the location of a veterinarian clinic and a vacant house. The Planned Development (PD) ordinance for this property allows only veterinarian and animal related services. The applicant proposes to remodel the vacant house for use as a beauty shop. There are other beauty shops in the surrounding area. The use is compatible with surrounding uses and conforms to the future land use plan.

The beauty shop lot has two curb cuts on Avenue H. At his own risk, the applicant has obtained a building permit and constructed the required paved parking for the proposed beauty shop. There is an existing sidewalk along Avenue H that will remain. There is adequate water and sewer infrastructure to serve the property.

Four notices were sent to property owners within 200'. None were returned in favor of and or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance. Please refer to the Staff Report and draft minutes of case Z-FY-07-59, from the Planning and Zoning Commission meeting, September 17, 2007.

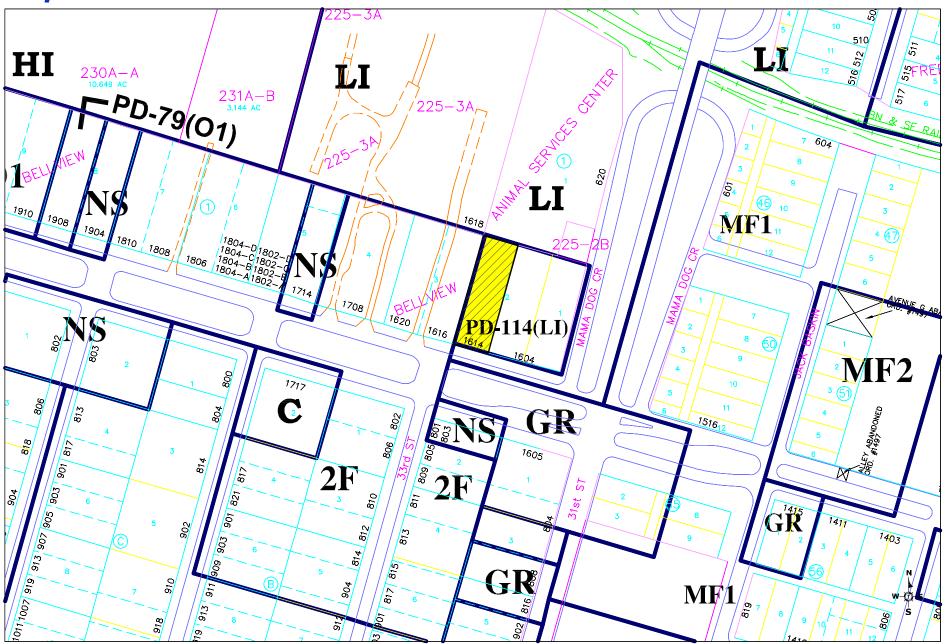
10/18/07 Item #5(R) Consent Agenda Page 2 of 2

FISCAL IMPACT: NA

#### **ATTACHMENTS:**

Land Use Map
Zoning Map
P&Z Staff Report (September 17, 2007)
P&Z Minutes (September 17, 2007)
Ordinance





J Stone/GIS Mapping 09.04.07 Scale: 1"=200' 1614 W Ave H

# **Temple**

#### **AGRICULTURAL**

Agricultural

#### 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 (0-1, 0-2)
- Regional Commercial

#### **MIXED USE**

Mixed Use Areas

#### **INDUSTRIAL**

Light and Heavy Industrial (LI, HI)

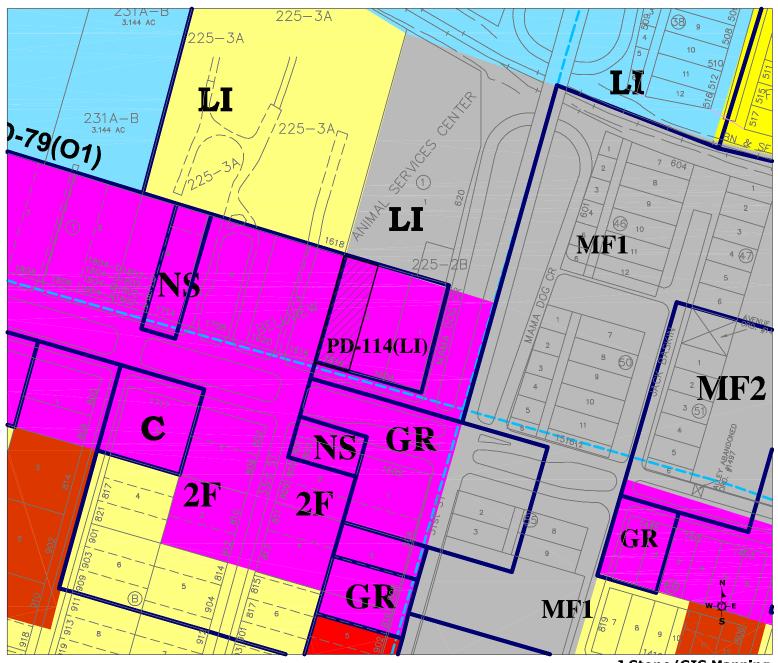
### COMMUNITY FACILITIES

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

#### **THOROUGHFARE**

- ✓ Collector
- ✓ Minor Arterial
- √ Major Arterial
- ✓ Freeway





**Amending PD** 

J Stone/GIS Mapping 09.04.07 Scale: 1"=200'



### PLANNING AND ZONING COMMISSION AGENDA ITEM

9/17/07 Item 5 Page 1 of 1

**APPLICANT:** Dr. Lance Crews

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

**ITEM DESCRIPTION:** Z-FY-07-59 Hold a public hearing and consider amending the Planned Development (Light Industrial District) Ordinance 2003-3878 by adding barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.

**BACKGROUND:** The subject property is adjacent to the south side of the City of Temple Animal Shelter and is the location of Dr. Crews' veterinarian clinic and a vacant house. The property is currently zoned Planned Development – Light Industrial by Ordinance 2003-3878. This ordinance allows only veterinarian and animal related services. It is Dr. Crews' intention to do some remodeling work on the house and lease it to a beauty shop operator.

There are a number of other beauty shops and barber shops in the surrounding area. The use is compatible with surrounding uses and conforms to the future land use plan.

The beauty shop lot has two curb cuts on Avenue H. At his own risk, the applicant has obtained a building permit and begun constructing the required paved parking for the proposed beauty shop. The applicant will provide asphalt paving for the driveways and the required parking area. Dr. Crews intends to design the parking lot to avoid having to remove a stand of mature crepe myrtles and another large, mature tree near the front of the house.

There is an existing sidewalk along Avenue H that will remain. There is adequate water and sewer infrastructure to serve the property.

Four notices were sent out to owners of property within 200'. As of September 12th at 5 PM, no notices were returned in favor of and or in opposition to the request. The newspaper printed notice of the public hearing on September 7, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of amending Ordinance 2003-3878 to add "barber shop or beauty shop" as an allowed use. Staff also recommends adding a requirement that an executed and recorded shared parking agreement between Lot

FISCAL IMPACT: Not Applicable

#### **ATTACHMENTS:**

Zoning Map Land Use Map Application

#### **EXCERPTS FROM THE**

#### **PLANNING & ZONING COMMISSION MEETING**

#### **MONDAY, SEPTEMBER 17, 2007**

#### **ACTION ITEMS**

**Z-FY-07-59** Hold a public hearing and consider amending the Planned Development (Light Industrial District) Ordinance 2003-3878 by adding barber shop or beauty shop uses on the West ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H. (Applicant: Lance Crews)

Ms. Aaron Adel, Special Projects Planner, presented this case as outlined in the Planning & Zoning Commission background. She said this planned development amendment is different than the previous one because a site plan will not be reviewed. Ms. Adel said the issue to be dealt with in this amendment is the issue of use. She said this planned development is a Light Industrial District established in 2003 to allow for a veterinarian clinic. The way the ordinance is written at this time is that this property only allows for veterinarian type or animal related uses and requires a 6' privacy fence on the west side of the property. Ms. Adel said along with the veterinary clinic, there is a vacant house on the same property. She said the applicant wishes to lease the house for use as a beauty shop. Adequate paved parking has been provided on site to for the beauty shop. Ms. Adel stated that Staff recommends approval of amending Ordinance 2003-3878 to add "barber shop or beauty shop" as an allowed use.

There was discussion between the Commission and Ms. Adel in reference to existing curb cuts and if it were common to amend an ordinance to add to a specific use.

Ms. Adel said there were no responses in favor or in opposition to the request mailed out to surrounding property owners within 200' of the proposed amendment.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to address the Commission.

Dr. Lance Crews, 409 Woody Oaks, applicant and owner, spoke in favor of the request. He said this was a deep lot and he would like to utilize it to be compatible with the area. Ms. Adel said Dr. Crews has managed to retain existing trees on the property.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-07-59 by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (8/0)

ORDINANCE NO	
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(ZONING NO. Z-FY-07-59)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT LIGHT INDUSTRIAL DISTRICT ORDINANCE NO. 2003-3878 BY ADDING BARBER SHOP OR BEAUTY SHOP ON THE WEST ½ OF LOT 2, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 1614 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** in 2003, the City Council approved Ordinance No. 2003-3878 authorizing a Planned Development Light Industrial District for property located at 1614 West Avenue H; and

Whereas, the Staff recommends amending the ordinance to add barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition.

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

- <u>Part 1</u>: The City Council approves an amendment to the Planned Development Light Industrial District Ordinance No. 2003-3878 by adding the barber shop or beauty shop uses on the west ½ of Lot 2, Block 1, Bentley Bellview Addition at 1614 West Avenue H.
- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 3</u>: 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.
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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.

October, 2007.	First Reading and Public Hearing on the 4 day of
PASSED AND APPROVED on	Second Reading on the <b>18th</b> day of <b>October</b> , 2007.
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



#### COUNCIL AGENDA ITEM MEMORANDUM

10/18/07 Item #5(S) Consent Agenda Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** P-FY-07-31: Consider adopting a resolution amending Resolution 2007-5076-R and authorizing the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive, retaining the previously approved exception to the maximum allowed cul-de-sac length.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 to recommend approval of the revised preliminary plat of Country Lane Addition with the retention of the previously approved exception (Resolution 2007-5076-R) to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93.Streets) for River Hills Court (625').

**STAFF RECOMMENDATION:** Staff supports the Planning and Zoning Commission's recommendation for plat approval.

<u>ITEM SUMMARY:</u> Please refer to the Staff Report and draft minutes of case P-FY-07-31, from the Planning and Zoning Commission meeting, October 1, 2007. This plat is a revision to the preliminary plat of Country Lane Addition, approved by City Council Resolution #2007-5076-R on June 21, 2007. The revised preliminary plat of Country Lane Addition proposes the deletion of private cul-de-sacs and adjoining residential lots. This deletion reduces the number of residential lots at the northwest corner of the development from 46 lots to 32 lots. The reconfigured preliminary plat will need to retain the previously approved exception (Resolution 2007-5076-R) to Subdivision Ordinance Section 33-93 regarding the maximum allowed cul-de-sac length of 500 feet for River Hills Court (625 feet).

#### **Design Review Committee**

This plat was reviewed by the Design Review Committee (DRC) on August 14, 2007 and September 11, 2007. It was considered administratively complete on September 24, 2007.

#### Parkland Dedication Ordinance

Park fees are requested at \$225 for each addition of single family and/or duplex dwelling unit. This total sum is calculated at \$7,200 provided individual dwelling units are located on each of the 32

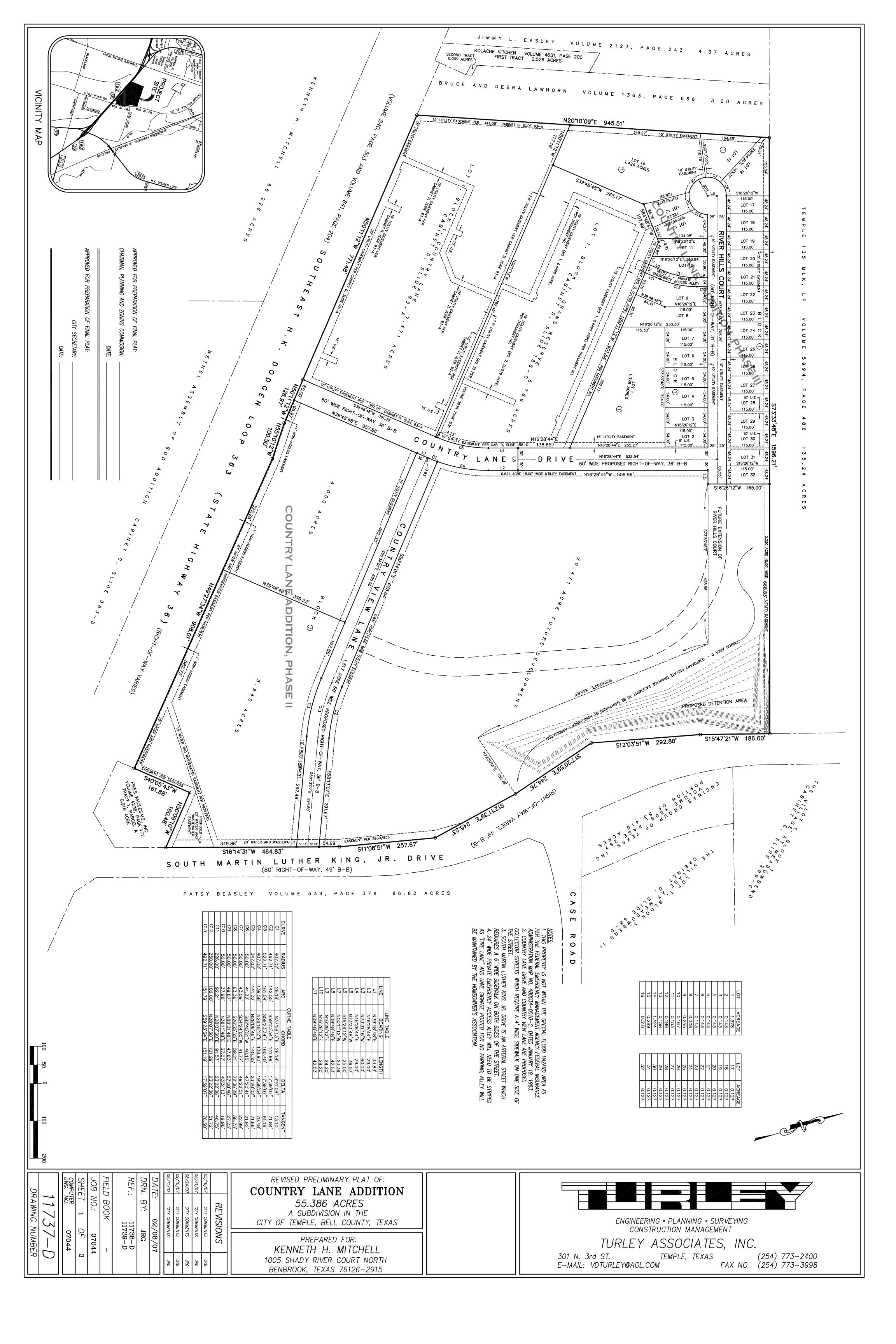
10/18/07 Item #5(S) Consent Agenda Page 2 of 2

residential lots. Park fees are not required for commercial lots unless they are associated with apartment units or assisted living apartment units. Those park fees are calculated at \$225 for ½ the number of units. Park fees for Country Lane, Lot 1, Block 1 and Grand Reserve, Lot 1, Block 1 were paid during the final plat process of those plats.

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

Plat
P&Z Staff Report
P&Z Minutes
Resolution





### PLANNING AND ZONING COMMISSION AGENDA ITEM

10/01/07 Item#3 Page 1 of 2

APPLICANT / DEVELOPMENT: Kenneth H. Mitchell of Temple Country Lane, LLC

**CASE MANAGER:** Tammy A. Lyerly, Planner

<u>ITEM DESCRIPTION:</u> P-FY-07-31 Consider a recommendation to amend Resolution 2007-5076-R and approve the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive.

**STAFF RECOMMENDATION:** Staff recommends approval of the revised preliminary plat of Country Lane Addition.

**BACKGROUND:** This revised preliminary plat of Country Lane Addition proposes amendments to the preliminary plat of Country Lane Addition which was approved by City Council on June 21, 2007 (Resolution 2007-5076-R). Resolution 2007-5076-R allowed the following developer requested exceptions to the Subdivision Ordinance:

- 1. Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for River Hills Court.
- 2. Exception to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93. Streets) for Pleasant Ridge Court, a secondary "private" cul-de-sac extension from the River Hills Court cul-de-sac.

This revised preliminary plat proposes deletion of the secondary "private" cul-de-sacs and adjoining residential lots previously approved by Resolution 2007-5076-R. The amended plat reflects a reduction in the number of residential lots at the northwest corner of the development from 46 lots to 32 lots. River Hills Court remains unchanged and needs to retain the exception to the cul-de-sac length as granted by Resolution 2007-5076-R.

The subdivision will obtain water and sewer through 6" and 8" water lines and sewer lines in the rights-of-way of Country Lane Drive, Country View Lane, and River Hills Court, and from other easements throughout the development. Tract "D" of the revised preliminary plat reflects a proposed detention pond to be constructed at the northeast corner of the subdivision along the South Martin Luther King, Jr. Drive right-of-way.

Country Lane Drive and Country View Lane are collector sized roads (60' wide right-of-way) which require a 4 feet wide sidewalk on one side of the street. South Martin Luther King, Jr. Drive is an arterial sized road (80' wide right-of-way) which requires a 6 feet wide sidewalk. This information is reflected in plat notes on the revised preliminary plat.

#### **Design Review Committee**

This plat was reviewed by the Design Review Committee (DRC) on August 14, 2007 and September 11, 2007. It was considered administratively complete on September 24, 2007.

#### Parkland Dedication Ordinance

Park fees are requested at \$225 for each addition of single family and/or duplex dwelling unit. This total sum is calculated at \$7,200 provided individual dwelling units are located on each of the 32 residential lots. Park fees for are not required for commercial lots unless they are associated with apartment units or assisted living apartment units. Those park fees are calculated at \$225 for ½ the number of units. Park fees for Country Lane, Lot 1, Block 1 and Grand Reserve, Lot 1, Block 1 were paid during the final plat process of those plats.

City Council will be the final authority on approval of the proposed preliminary plat since it requires an amendment to Resolution 2007-5076-R, granted by City Council.

#### **ATTACHMENTS:**

Plat

#### **EXCERPTS FROM THE**

#### PLANNING & ZONING COMMISSION MEETING

#### **MONDAY, OCTOBER 1, 2007**

#### **ACTION ITEMS**

- **P-FY-07-31** Consider a recommendation to amend Resolution 2007-5076-R and approve the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive.
- 4. P-FY-07-39 Consider a recommendation to approve the revised final plat of Country Lane Addition Phase III, a 9.338 acre, 32-lot residential subdivision located on the north side of SE H K Dodgen Loop and north of the Grand Reserve Addition. (Applicant: Kenneth H. Mitchell)

Ms. Tammy Lyerly, Planner, presented both items as outlined in the Planning and Zoning Agenda background. She displayed a vicinity map showing the area location of both plats, an aerial of the area, and the revised preliminary plat. Ms. Lyerly said staff recommends approval of the revised preliminary plat of Country Lane Addition, P-FY-07-31 and City Council will be the final plat authority since it requires an amendment to Resolution 2007-5076-R, granted by City Council on June 21, 2007. She added that staff recommends approval of P-FY-07-39, the final plat of Country Lane Addition Phase III, pending City Council's approval of the revised preliminary plat of Country Lane Addition. Ms. Lyerly said the Planning and Zoning Commission would be the final plat authority of P-FY-07-39. She said staff would recommend the preliminary plat to go forward to City Council since there were exceptions approved by Council in the original plat approval. Ms. Lyerly said park fees are requested at \$225 for each addition of single family or duplex dwelling units and is calculated at \$7,200 providing that individual dwelling units are located on each of the 32 residential lots.

Chair Luck asked if the park fees would be retained for use in Country Lane. Ms. Lyerly said she felt the fees would be applied in Phase III, however, they could be used in the Country Lane Addition.

Commissioner Kjelland asked if the developer could come back and ask for the cul-de-sac to remain. Ms. Lyerly explained that the developer would have to go back through the same procedure if he decided to develop the cul-de-sac.

Motion to recommend approval for P-FY-07-31 to include the exceptions previously approved by Council be retained, by Commissioner Talley; seconded by Commissioner Carothers.

Motion passed (8/0).

Motion to approve P-FY-07-39 by Commissioner Kjelland; seconded by Commissioner Secrest.

Motion passed (8/0).

	RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION NO. 2007-5076-R AND AUTHORIZING THE REVISED PRELIMINARY PLAT OF COUNTRY LANE ADDITION, A 55.386 ACRE COMMERCIAL AND RESIDENTIAL SUBDIVISION, LOCATED AT THE NORTHWEST CORNER OF SE H.K. DOGEN LOOP AND SOUTH MARTIN LUTHER KING, JR., DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 1, 2007, the Planning and Zoning Commission voted to recommend approval of the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision, located at the northwest corner of SE H.K. Dodgen Loop and South Martin Luther King, Jr., Drive, with the retention of the previously approved exception (Resolution No. 2007-5076-R) to the Subdivision Ordinance requirement of a maximum allowed cul-de-sac length of 500 feet (Section 33-93, Streets) for River Hills Court (625 feet);

**Whereas**, there was no citizen opposition expressed at the October 1, 2007, Planning and Zoning Commission meeting; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve amending Resolution No. 2007-5076-R and authorizing the revised preliminary plat of Country Lane Addition.

### Now, Therefore Be it Resolved by the City Council of the City of Temple, Texas, That:

Part 1: The City Council approves amending Resolution No. 2007-5076-R and authorizes the revised preliminary plat of Country Lane Addition, a 55.386 acre commercial and residential subdivision located at the northwest corner of SE H.K. Dodgen Loop and Martin Luther King, Jr., Drive, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, retaining the following exception to the Subdivision Ordinance: *Section 33-93*, "Streets," allowing a 625 foot cul-de-sac length for River Hills Court.

<u>Part 2:</u> 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 18th day of October, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, MAYOR
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



#### **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(T) Consent Agenda Page 1 of 1

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

Donna McClain, Right of Way Agent

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution dedicating right of way for the Outer Loop Phase II across City owned property commonly referred to as the TI Property, between SH 36 and Hilliard Road.

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

<u>ITEM SUMMARY:</u> Right of Way is currently being acquired for the construction of the Outer Loop Phase II. 150' of right of way and a permanent 25' utility easement are needed across land owned by the City of Temple that has been commonly referred to as the TI Property.

Staff recommends dedicating 16.31 acres for right of way and a total of 5.64 acres for utility easement as shown on the attached field notes and drawing.

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

Location map Resolution

RESOLUTION NO.	
----------------	--

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DEDICATING RIGHT-OF-WAY FOR THE OUTER LOOP PHASE II PROJECT ACROSS CITY-OWNED PROPERTY COMMONLY REFERRED TO AS THE TEXAS INSTRUMENTS PROPERTY, BETWEEN SH 36 AND HILLIARD ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** right-of-way is currently being acquired for the construction of the Outer Loop Phase II;

**Whereas,** 150 feet of right-of-way and a permanent 25 foot utility easement are needed across land owned by the City of Temple that has commonly been referred to as the Texas Instruments property; 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:

<u>Part 1:</u> The City Council approves dedicating 16.31 acres for right-of-way and 5.64 acres for a utility easement, more fully described by metes and bounds contained in field notes attached as Exhibit A, for the Outer Loop Phase II project.

<u>Part 2:</u> 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 **18th** day of **October**, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



#### **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(U) Consent Agenda Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2007-2008, in accordance with Section 4.20 of the Charter of the City of Temple.

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

**ITEM SUMMARY:** Section 4.20 of the City Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year, and enter into a contract with the designated paper. The proposed resolution will accomplish this Charter requirement.

Reference: City Charter

Section 4.20 OFFICIAL CONTRACT FOR PUBLISHING: The City Council shall, as soon as practicable after the commencement of each fiscal year, enter into a contract with a public newspaper in the City as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the City to be published

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

Resolution

RESOLUTION NO	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE *TEMPLE DAILY TELEGRAM* AS THE OFFICIAL NEWSPAPER FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2007-2008, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE *TEMPLE DAILY TELEGRAM*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, Section 4.20 of the Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year and to enter into a contract with the designated paper; and

**Whereas**, the City Council has considered the matter and deems the *Temple Daily Telegram* as the newspaper of most general circulation in Temple.

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

**Part 1**: The City Council designates the *Temple Daily Telegram* as the official newspaper for the City of Temple for fiscal year 2007-2008.

<u>Part 2</u>: The City Manager, or his designee, is authorized to execute a contract with the *Temple Daily Telegram*, after approval as to form by the City Attorney, affirming the designation of the *Temple Daily Telegram* as the City's official newspaper.

<u>Part 3</u>: 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 18th day of October, 2007.

TEMPLE DAILY TELEGRAM	THE CITY OF TEMPLE, TEXAS				
ANYSE SUE MAYBORN	WILLIAM A. JONES, III, Mayor				
ATTEST:	APPROVED AS TO FORM:				
Clydette Entzminger City Secretary	Jonathan Graham City Attorney				



#### **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #5(V) Consent Agenda Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

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

<u>ITEM SUMMARY:</u> This item is to recommend various budget amendments, based on the adopted FY 2007-2008 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$7,292.

#### **ATTACHMENTS:**

Budget amendments Resolution

#### CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2008 BUDGET

October 18, 2007

	DD O ID OTH	DEGGD MONON		APPROPE	IAI	
ACCOUNT #	PROJECT #	DESCRIPTION	_	Debit		Credit
110-2000-521-2516 110-1500-515-6531		Judgments & Damages (Police Dept)  Contingency - Judgments & Damages	\$	1,369	\$	1,369
		Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Genice McDavid seeking reimbursement for damage to a vehicle after it was involved in an accident with a Police vehicle on October 28, 200				
110-2100-529-2516		Judgments & Damages (Animal Services)	\$	1,723		
110-1500-515-6531		Contingency - Judgments & Damages	•	,	\$	1,723
		Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Foy Green seeking reimbursement for damage to a vehicle after it was struck by an Animal Services employee on August 19, 2007				
110-4000-555-2225		Books & Periodicals (Library)	\$	3,900		
110-4000-555-2226		Reference Books	\$	300		
110-0000-314-1917		Reserve for Library			\$	4,200
		Purchase history books with MacGregor Trust funds				
		TOTAL AMENDMENTS	\$	7,292	\$	7,292
		Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency Net Balance of Contingency Account  Beginning Judgments & Damages Contingency Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages			\$ \$ \$ \$ \$	70,000
		Net Balance of Judgments & Damages Contingency Account			\$	66,908
		Beginning Master Plan Implementation Contingency Added to Master Plan Implementation Contingency Taken From Master Plan Implementation Contingency Net Balance of Master Plan Implementation Contingency Accoun			\$ \$ \$	250,000 - - 250,000
		Beginning Compensation Plan Contingency Added to Compensation Plan Contingency Taken From Compensation Plan Contingency Net Balance of Compensation Plan Contingency Account			\$ \$ \$	150,000 - - 150,000
		Net Balance Council Contingency			\$	466,908
		Beginning Balance <b>Budget Sweep</b> Contingency Added to Budget Sweep Contingency Taken From Budget Sweep Net Balance of Budget Sweep Contingency Account			\$ \$ \$	- - - -

## CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2008 BUDGET October 18, 2007

		APPROPRIA'	TIONS
ACCOUNT # PROJECT #		Debit	Credit
Heedelti ii Hedeet ii	WATER & SEWER FUND	Desit	Creare
	Beginning Contingency Balance	\$	904,672
	Added to Contingency Sweep Account	\$	704,072
	Taken From Contingency	\$	
	Net Balance of Contingency Account	\$	904,672
	The Bulline of Contingency Account	Ψ	704,072
	Beginning Compensation Plan Contingency	\$	30,000
	Added to Compensation Plan Contingency	\$	_
	Taken From Compensation Plan Contingency	\$	_
	Net Balance of Compensation Plan Contingency Account	\$	30,000
	Beginning Approach Mains Contingency	\$	500,000
	Added to Approach Mains Contingency	\$	-
	Taken From Approach Mains Contingency	\$	-
	Net Balance of Approach Mains Contingency Account	\$	500,000
	Net Balance Water & Sewer Fund Contingency	\$	1,434,672
	HOTEL/MOTEL TAX FUND		
	Beginning Contingency Balance	\$	20,126
	Added to Contingency Sweep Account	\$	20,120
	Taken From Contingency	\$	-
	Net Balance of Contingency Account	\$	20,126
	Net Balance of Contingency Account	<u> </u>	20,120
	Beginning Compensation Plan Contingency	\$	8,000
	Added to Compensation Plan Contingency	\$	-
	Taken From Compensation Plan Contingency	\$	-
	Net Balance of Compensation Plan Contingency Account	\$	8,000
	Net Balance Hotel/Motel Tax Fund Contingency	\$	28,126
	DRAINAGE FUND		
	Beginning Contingency Balance	\$	1,495
	Added to Contingency Sweep Account	\$	1,475
	Taken From Contingency	\$	_
	Net Balance of Contingency Account	\$	1,495
	The Bullines of Contingency Treesant	Ψ	1,175
	Beginning Compensation Plan Contingency	\$	2,000
	Added to Compensation Plan Contingency	\$	2,000
	Taken From Compensation Plan Contingency	\$	_
	Net Balance of Compensation Plan Contingency Account	\$	2,000
	6. 7	<del>-</del>	,
	Net Balance Drainage Fund Contingency	\$	3,495
	FED/STATE GRANT FUND		
	Beginning Contingency Balance	\$	-
	Carry forward from Prior Year	\$	-
	Added to Contingency Sweep Account	\$	-
	Taken From Contingency	\$	-
	Net Balance of Contingency Account	\$	-

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2007-2008 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on the  $23^{rd}$  day of August, 2007, the City Council approved a budget for the 2007-2008 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2007-2008 City Budget.

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

<u>Part 1</u>: The City Council approves amending the 2007-2008 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.

<u>Part 2</u>: 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 **18th** day of **October**, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



#### COUNCIL AGENDA ITEM MEMORANDUM

10/18/07 Item #6(A) Regular Agenda Page 1 of 4

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

Traci L. Barnard, Director of Finance

<u>ITEM DESCRIPTION:</u> SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.

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

<u>ITEM SUMMARY:</u> The current Tax Increment Financing (TIF) Reinvestment Zone #1 (RZ #1) is established for a term lasting through Year 2022. The RZ #1 gives the City and RZ #1 board a very important economic development tool to build public infrastructure that is essential to attracting sustainable jobs to Temple.

The 2005 Master Plan for the RZ #1 made adjustments to assure that Temple can continue to attract a wide range of business development. The Master Plan determined that it was essential to provide a variety of development sites and business amenities. A key for the development sites is for them to be 'shovel ready'. Broad Categories of land use and business markets included in the plan include the following:

- Manufacturing/Distribution
- Warehouse/Distribution
- Advanced Technology
- Bio-Science and Medical
- Corporate Campus and Office
- Aviation Industrial
- Freeway Commercial/Technology/Industrial
- Downtown: Office, Commercial, Retail, Entertainment, Residential

The RZ #1 Project and Finance Committees have been meeting and discussing proposed projects over the past few months. The Temple Economic Development Corporation (TEDC) has also been very involved in the committee meetings. On September 26, 2007 the proposed projects along with the amendments to the Financing Plan were presented to the RZ #1 Board. The Board unanimously approved the projects and amendments to the Financing Plan.

The proposed plan amendment covers the following:

- Project plan amendments over four years (2008 2011) (see attached Project Plan)
  - o Bond Projects, including an amendment for bond payments through 2022
- Revenue updates based on a 1% growth in increment values, the addition of expiring abatements, and increased increment values in FY 2008 thru 2022.

The proposed bond issue of \$21,385,000 includes the following ten projects, plus project contingencies and bond issuance costs totaling \$665,815:

Railroad Spur – Phase II: Engineering is substantially complete on Phase I of this project, which entails the reconstruction of the main lines of the BNSF Railroad to Wilsonart in advance of highway reconstruction of Northwest Loop 363 by TX DOT. The proposed Phase II of this project will extend the rail spur approximately 9,500 feet to Wendland Road and open up rail developable sites along Wilsonart Drive. In addition, Phase II will include the construction of approximately 2,600 feet of ladder track that will enable the storage of approximately 40 rail cars. It is anticipated that construction of Phase II will be done in conjunction with the construction of Phase I, with a projected let date of January 2008. Required funding for this project is estimated at \$2,498,400, which includes \$298,400 for engineering and \$2,200,000 for construction.

<u>Railroad Spur – Phase II (Redesign and Expanded Scope)</u>: The redesign and expanded scope of Phase II will add additional storage track to the original project. The project redesigned under this will consist of approximately 26,600 linear feet of rail. It is anticipated that construction of Phase II will be done in conjunction with the construction of Phase I, with a projected let date of January 2008. Required funding for this project is estimated at \$3,573,000, which includes \$173,000 for engineering and \$3,400,000 for construction.

Bioscience Park – Phase I: It is anticipated that in the fall 2007 construction will begin on the Outer Loop Phase 2 (i.e. the extension of Old Howard Road from SH 36 south to FM 2305). This new roadway will open up developable sites within the Bioscience Campus, and accordingly, it being recommended that this project be constructed in conjunction with the Outer Loop Phase 2 project. The Bioscience Park Phase I project will include the construction of an approximate 2,700 feet roadway to the east of the Outer Loop Phase 2 into the proposed Bioscience Campus. In addition, to provide utilities to the lots within the proposed park, this project will include the extension from Pepper Creek of approximately 7,000 feet of wastewater line and the extension of approximately 2,500 linear feet of 12-inch water line. Required funding for this project is estimated at \$2,084,500, which includes \$284,500 for engineering and \$1,800,000 for construction.

<u>Airport Park:</u> This project brings forth two projects that have been already engineered: (1) the extension of Industrial Boulevard westward from Old Howard Road to the airport, including a water line, and (2) the extension of a wastewater line from a point south of SH 36 along Pepper Creek to the proposed extension of Industrial Boulevard. In addition, this project includes the platting of proposed lots within the Airport Park, the construction of side roads totaling approximately 2,100 feet, and utility extensions to service the lots. It is anticipated that construction of this project will begin in October 2007. Required funding for this project is estimated at \$2,862,285, which includes \$157,000 for engineering and \$2,705,285 for construction.

<u>Southeast Industrial Park:</u> With the depletion of developable larger lots in the City's Northwest Industrial Park, it is being recommended that infrastructure improvements and extensions be made to the Southeast Industrial Park. The development of the Southeast Industrial Park will include the extension of Lorraine Avenue by approximately 2,100 feet, a wastewater line extension of approximately 2,500 feet, and the extension of an approximate 900-feet waterline along Lorraine Avenue. It is anticipated that construction of this project will begin in November 2007. Required funding for this project is estimated at \$1,385,000, which includes \$185,000 for engineering and \$1,200,000 for construction.

Wendland Road Improvements: 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 long the extent of Wendland Road to the future outer loop. Wastewater service is not available along 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. It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$3,876,500, which includes \$276,500 for engineering and \$3,600,000 for construction.

<u>Elm Creek Detention Pond:</u> A detention pond is required for the detention of storm water runoff generated by future development associated with the Rail Park within the TIF Reinvestment Zone #1. The detention pond designed with the project will consist of an approximately 25-acre detention facility. It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$2,104,500, which includes \$104,500 for engineering and \$2,000,000 for construction.

<u>Underground Storm Water Improvements:</u> It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$925,000, which includes \$125,000 for engineering and \$800,000 for construction.

<u>Wastewater Lift Station:</u> It is anticipated that construction of this project will begin in January 2008. Required funding for this project is estimated at \$460,000, which includes \$60,000 for engineering and \$400,000 for construction.

**ROW Acquisition for Public Improvements:** Required funding for this project is estimated at \$950,000.

<u>FISCAL IMPACT:</u> The proposed \$21,385,000 Combination Tax and Revenue Bonds will have average annual debt service over the life of the bonds of approximately \$2,120,000. This amount was computed using an assumed interest rate of 4.85% for 15 yrs (the remaining life of the RZ #1).

Available debt capacity was computed using a times coverage ratio of 2.00 and projected future increment growth within the RZ # 1.

A budget adjustment is attached for Council's approval appropriating funds as recommended in the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan.

#### **ATTACHMENTS:**

Financing Plan
Summary Financing Plan with Detailed Project Plan
Budget Adjustment
Ordinance

DESCRIPTION	Y/E 9/30/07 Year 25 (1)	Y/E 9/30/08 Year 26	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/2 Year 40
Appraised Value	\$ 119,486,508 \$	123,405,421	\$ 131,160,668	140,238,368 \$	144,626,499	\$ 212,822,764	\$ 233,450,991 \$	235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038 \$	245,359,338	\$ 314,562,931 \$	336,208,561	\$ 339,570,646	\$ 342,966
FUND BALANCE, Begin	\$ 12,400,571 \$	1,077,108	2,163,313	2,487,875 \$	2,890,940	2,328,163	1,685,409 \$	1,656,466	\$ 1,590,649	\$ 1,588,925	\$ 1,652,262 \$	1,776,990	\$ 1,469,793 \$	1,649,971	\$ 1,947,290	\$ 1,829
SOURCES OF CASH:																
7 Tax Revenues	3,366,807	3,934,637	4,051,439	4,184,297	4,261,354	6,235,977	6,833,461	6,901,327	6,969,871	7,039,100	7,109,022	7,179,643	9,183,450	9,810,408	9,908,043	10,006
5 Allowance for Uncoll. Taxes		(105,146)	(108,507)	(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
Interest Income-Bonds	164,996	-	-	-	-	-		-	-	-		-		-		
5 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
Other-Bond Proceeds	-	21,385,000	-	-	-	-	-	-	-	-	-	-	-	-		
6 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
TOTAL SOURCES	3,831,803	25,654,491	3,982,932	4,121,956	4,196,837	6,170,322	6,766,660	6,833,366	6,900,739	6,968,786	7,037,513	7,106,928	9,099,516	9,725,243	9,811,635	9,888
USES OF CASH:																
Operating Expenses																
Prof Sycs/Proi Mamt	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	110
/ 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	
5 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	7
io 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
IS 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
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
		200,010							,	200,011	****			0.00,000		
Projects (2)																
99 North Zone (3)	3,594,348	13,863,000	40,000	40,000		-	800,000	-	-	-	-	2,700,000	-	-		
99 Western Aviation Zone (3)	877,499	2,705,285	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-		-	-	
99 Western Bio-Science & Medical Zone (3)	6,201,150	3,865,000	-	-	-	-	-	-	-	-	-	-	-	-	-	
00 Southeast Industrial Park Zone (3)	185,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	
05 General Roadway Improvements	318,050	200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	
10 Major Gateway Entrances	-	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	
15 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
20 Loop 363 Improvements	2,300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
30 Reserve for Aper facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
200 Zone Projects - Public Improvements		280,815	850,000	1,000,000	750,000	750,000	1,000,000	3,000,000	3,000,000	3,000,000	3,000,000	800,000	5,000,000	5,500,000	6,000,000	7,783
00 Subtotal-Projects	13,483,244	22,127,712	1,475,779	1,532,113	2,570,897	3,123,541	3,099,655	3,201,639	3,203,643	3,205,667	3,207,710	3,709,775	5,211,860	5,713,966	6,216,093	8,001
Debt Service																
25 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
26 2007 Bond Issue (\$21,385 mil)		1,284,924	1,026,503	1,026,503	1,026,503	2,526,503	2,528,753	2,527,365	2,527,340	2,528,435	2,530,408	2,528,015	2,526,258	2,529,893	2,528,435	2,526
30 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
35 Subtotal-Debt Service	871,366	2,154,059	1,894,088	1,896,248	1,896,123	3,394,738	3,399,008	3,398,420	3,397,470	3,396,165	3,399,048	3,395,968	3,396,698	3,400,733	3,397,705	3,398
50 TOTAL USES	15,155,266	24,568,286	3,658,370	3,718,891	4,759,614	6,813,076	6,795,603	6,899,183	6,902,463	6,905,449	6,912,785	7,414,125	8,919,338	9,427,924	9,929,513	11,718
SO FUND BALANCE, End	1.077.108	2.163.313	2.487.875	2.890.940	2.328.163	1.685.409	1.656.466	1.590.649	1.588.925	1.652.262	1.776.990	1.469.793	1.649.971	1.947.290	1.829.412	
70 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)	
O AVAILABLE FUND BALANCE	\$ 109,108 \$	1,195,313	1,519,875	1,922,940 \$	1,360,163	717,409	688,466 \$	622,649	\$ 620,925	\$ 684,262	\$ 808,990 \$	501,793	\$ 681,971 \$	979,290	\$ 861,412	\$
6 FUND BALANCE, Begin	12,400,571	1,077,108	2,163,313	2,487,875	2,890,940	2,328,163	1,685,409	1,656,466	1,590,649	1,588,925	1,652,262	1,776,990	1,469,793	1,649,971	1,947,290	1,82
05 Revenue over(under)expense	(11,323,463)	1,086,205	324,562	403,065	(562,777)	(642,754)	(28,943)	(65,817)	(1,724)	63,337	124,728	(307,197)	180,178	297,319	(117,878)	(1,829
10 FUND BALANCE, End	\$ 1.077.108 \$	2.163.313 \$	2.487.875 \$	2.890.940 \$	2.328.163 \$	1.685,409 \$	1.656.466 \$	1.590.649	\$ 1.588.925	\$ 1.652.262	\$ 1,776,990 \$	1.469.793	\$ 1.649.971 \$	1.947.290	\$ 1.829.412	9

			5	UMMARY FINAL	NCING PLAN					
5	Beginning Available Fund Balance, Oct 1	FY 2007 \$ 11,624,571 \$	FY 2008 109,108 \$	FY 2009 1,195,313	FY 2010 1,519,875	FY 2011 1,922,940	FY 2012 1,360,163	FY 2013 717,409	FY 2014 688,466	FY 2015 622,64
			, ,					,	,	
40	Revenues, net	3,831,803	25,654,491	3,982,932	4,121,956	4,196,837	6,170,322	6,766,660	6,833,366	6,900,7
	Less Required Debt Reserve(increase after FY2006)	(192,000)								
49	Net Available for Appropriation	15,264,374	25,763,599	5,178,245	5,641,831	6,119,777	7,530,485	7,484,069	7,521,832	7,523,3
50	General Administrative Expenditures	126,840	89,534	91,302	93,107	94,947	96,924	98,838	100,791	102,7
55	Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,0
60	Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,0
65	TISD - Joint Use Facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,5
70	Debt Service - 2003 Issue	871,366	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,1
71	Debt Service - Proposed 2007 Issue (\$21,385 mil) _		1,284,924	1,026,503	1,026,503	1,026,503	2,526,503	2,528,753	2,527,365	2,527,3
75	Total Operating & Committed Expenditures	1,672,022	2,440,574	2,182,591	2,186,778	2,188,717	3,689,535	3,695,948	3,697,544	3,698,8
99	Net Available for Projects	\$ 13,592,352 \$	23,323,025 \$	2,995,654 \$	3,455,053 \$	3,931,060 \$	3,840,950	3,788,121	\$ 3,824,288 \$	3,824,5
1111111				PROJECT	DI AN					
				, ROJEO!						
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
	NORTH ZONE (including Enterprise Park):									
	Railroad Spur Improvements	3,026,348	7,158,000	-	-	-	-	-		
	Elm Creek Detention Pond	104,500	2,000,000	-						
	Railroad Improvements Engineering Analysis	2,000	-	-	-	-	-	-		
115	Railroad Repairs/Maintenance based on Analysis	200,000	140,000	40,000	40,000	-	-	-		
	Enterprise Park Water Tank		-					800,000		-
	ROW Acquisition - Public Improvements	-	950,000							
125	Wendland Road Improvements	261,500	3,615,000	-	-	-			-	
199	Total North Zone (including Enterprise Park)	3,594,348	13,863,000	40,000	40,000	•	-	800,000	•	-
	WESTERN AVIATION ZONE:									
	Detention Pond #2 including W 1-A	12,559	-	-	-	-	-	-	-	-
	Old Howard Road from Ind Blvd to SH36		-	-	-	-	-	-	-	-
	Old Howard Road Gateway Entrance Project	520,000	-	-		-	-	-	-	-
	WWIWaste Water Ext SH36 to Ind Blvd	33,000	483,644	-					100	-
	R I-B, W I-BIndustrial Blvd Extension	54,940	1,054,425	-				-	100	-
221	Airport Park Infrastructure Construction	157,000	1,167,217						100	-
225	Airport Study	100,000	-	-	-	-	-	-	-	-
	Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	-	-	-	115,500	654,500	-	-	-
	Airport Trail Utilities (W-V, W II, W III)	-	-	-	-	109,650	621,350	-	-	-
235					300,000	1,000,000	700,000	-	-	-
235 240	Old Howard North (R II)	-			300,000					
235 240	Airport Trail Roadway-Pepper Crk to Mouser (R V)_	-			-	-	200,000	1,100,000		
235 240 245		- - 877,499	2,705,285	-	300,000	1,225,150	200,000 2,175,850	1,100,000 1,100,000		
235 240 245	Airport Trail Roadway-Pepper Crk to Mouser (R V)_	-	2,705,285	•	-	1,225,150			-	
235 240 245 299	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone	-	<b>2,705,285</b>	-	-	- 1,225,150 -				
235 240 245 299 300	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE:	- 877,499		-	-	- 1,225,150 - -			-	-
235 240 245 299 300 305	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek	- <b>877,499</b> 658,000		-	-	- 1,225,150 - -				
235 240 245 299 300 305 306	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2	658,000 3,383,650	1,440,000	-	-	- 1,225,150 - -			:	-
235 240 245 299 300 305 306	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1	658,000 3,383,650 284,500	1,440,000 - 1,800,000		-	- 1,225,150 - -			:	-
235 240 245 299 300 305 306 310	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute	658,000 3,383,650 284,500 1,875,000	1,440,000 - 1,800,000 625,000		-	:	2,175,850 - -	1,100,000 - -	:	-
235 240 245 299 300 305 306 310 399	Airport Trail Roadway-Pepper Crk to Mouser (R V) Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbell Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute Total Western Bio-Science & Medical Zone OTHER PROJECTS;	658,000 3,383,650 284,500 1,875,000 6,201,150	1,440,000 - 1,800,000 625,000 3,865,000		-	:	2,175,850 - -	1,100,000 - -	:	
235 240 245 299 300 305 306 310 399	Airport Trail Roadway-Pepper Crk to Mouser (R V) Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute Total Western Bio-Science & Medical Zone  OTHER PROJECTS: Southeast Ind Park (Lorainne Drive)	658,000 3,383,650 284,500 1,875,000 6,201,150	1,440,000 - 1,800,000 625,000 3,865,000		-	:	2,175,850 - -	1,100,000 - -	:	:
235 240 245 299 300 305 306 310 399	Airport Trail Roadway-Pepper Crk to Mouser (R V) Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute Total Western Bio-Science & Medical Zone  OTHER PROJECTS: Southeast Ind Park (Lorainne Drive) Roadway Maintenance/Improvements	658,000 3,383,650 284,500 1,875,000 6,201,150	1,440,000 - 1,800,000 625,000 3,865,000	:	-	:	2,175,850 - -	1,100,000 - -	:	-
235 240 245 299 300 305 306 310 399 400 405 410	Airport Trail Roadway-Pepper Crk to Mouser (R V) Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute Total Western Bio-Science & Medical Zone  OTHER PROJECTS: Southeast Ind Park (Lorainne Drive) Roadway Maintenance/Improvements Gateway Entrance Projects (after Old Howard)	658,000 3,383,650 284,500 1,875,000 6,201,150	1,440,000 - 1,800,000 625,000 3,865,000 1,200,000 -	- - - - - 400,000	300,000	- - - - 400,000	2,175,850	1,100,000	:	203 6
235 240 245 299 300 305 306 310 399 400 405 410	Airport Trail Roadway-Pepper Crk to Mouser (R V)_ Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute Total Western Bio-Science & Medical Zone  OTHER PROJECTS: Southeast Ind Park (Lorainne Drive) Roadway Maintenance/Improvements Gateway Entrance Projects (after Old Howard) Downtown Improvements	658,000 3,383,650 284,500 1,875,000 6,201,150 185,000 318,050	1,440,000 - 1,800,000 625,000 3,865,000 1,200,000 200,000	:	- 300,000 	:	2,175,850 - -	1,100,000 - -		203,6
235 240 245 299 300 305 306 310 399 400 405 410	Airport Trail Roadway-Pepper Crk to Mouser (R V) Total Western Aviation Zone  WESTERN BIO-SCIENCE & MEDICAL ZONE: Greenbelt Development along Pepper Creek Outer Loop Phase 2 Bio-Science Park Phase 1 Bio-Science Institute Total Western Bio-Science & Medical Zone  OTHER PROJECTS: Southeast Ind Park (Lorainne Drive) Roadway Maintenance/Improvements Gateway Entrance Projects (after Old Howard)	658,000 3,383,650 284,500 1,875,000 6,201,150	1,440,000 - 1,800,000 625,000 3,865,000 1,200,000 - - 13,612	- - - - - 400,000 185,779	300,000	- - - - 400,000	2,175,850 - - - - - - - - - - - - - - - - - - -	1,100,000	:	203,6

Total Planned Project Expenditures 13,483,244 22,127,712 1,475,779 1,532,113 2,570,897 3,123,541 3,099,655 3,201,639 3,203,643
Planned Available Fund Balance at Year End \$ 109,108 \$ 1,195,313 \$ 1,519,875 \$ 1,922,940 \$ 1,360,163 \$ 717,409 \$ 688,466 \$ 622,649 \$ 620,925

Approved

Disapproved

Date

#### **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.

**PROJECT ACCOUNT NUMBER ACCOUNT DESCRIPTION INCREASE DECREASE** 795-9700-531-68-25 100166 Rail Park Phase II 3,573,000 795-9700-531-68-31 950007 Wendland Road Improvements 3,615,000 795-9700-531-68-36 100166 **Underground Storm Water Improvements** 925,000 795-9700-531-68-37 460.000 100166 Wastewater Lift Station 795-9700-531-68-30 950003 Elm Creek Detention Pond 2.000.000 795-9700-531-61-10 100166 **ROW Acquisition for Public Improvements** 950,000 795-9700-531-68-26 100257 Airport Park 415,658 795-9700-531-65-32 5,715 **Project Contingencies** 795-9700-531-73-12 **Issuance Costs** 285,000 795-0000-490-15-16 **Bond Proceeds** 12,285,000 795-0000-358-11-10 **Unreserved Fund Balance** 1,301,384 Current Ad Valorem Taxes 795-0000-411-01-11 429,782 795-9500-531-71-10 **Bond Principal** 280,000 795-9500-531-72-11 **Bond Interest** 295,341 Do not post \$ 26,125,222 \$ 695,658 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available. To appropriate the changes as amended in the TIF RZ#1's financing plan as adopted by the Zone Board on 09/26/07. First reading presented to Council on 10/04/07 and second reading presented to Council on 10/18/07. DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? DATE OF COUNCIL MEETING 10/18/2007 WITH AGENDA ITEM? Yes Approved Department Head/Division Director Date Disapproved Approved Finance Date Disapproved

City Manager

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 2008-2022 TO INCLUDE REDESIGNATION OF PROJECTS WITHIN THE PROJECT PLAN, BOND PROCEEDS, AND FUTURE YEAR BOND PAYMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; and Ordinance No. 2007-4172 on the 20th day of September, 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:

- <u>Part 1:</u> Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.
- <u>Part 2:</u> 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 2007-2008 budget, a copy of which is attached as Exhibit B.
- <u>Part 3:</u> 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.
- <u>Part 4:</u> 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.
- <u>Part 6:</u> 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.
- <u>Part 7:</u> 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 4th day of October, 2007.

PASSED AND APPROVED on Second and Final Reading on the 18th day of October, 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**

10/18/07 Item #6(B) Regular Agenda Page 1 of 2

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

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, LTD, for construction activities required to build the Airport Business Park in northwest Temple within the TIF Reinvestment Zone #1 in an amount not to exceed \$2,221,641.50 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

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

<u>ITEM SUMMARY:</u> Streets and utility infrastructure are required to provide a business park consisting of shovel-ready construction sites within Reinvestment Zone #1. Design of the necessary streets and infrastructure was completed by Kasberg, Patrick, & Associates, LP, (KPA). The business park will be located around an extension of the existing Industrial Blvd and will consist of streets, water and wastewater utilities, drainage conveyance, and an entrance feature at the intersection of Old Howard Rd and Industrial Blvd. The opinion of final probable cost was \$2,600,000.

Construction activities performed under this project will install approximately 2300 linear feet of extension to Industrial Blvd., 2100 linear feet of side roads, 2500 linear feet of sanitary sewer line, 2300 linear feet of water line, 2500 linear feet of drainage conveyance, and an entrance feature. Bids ranged from \$2,221,641.50 to \$3,741,692.00 (see attached Bid Tab). KPA recommends awarding the contract to the low bidder, R.T. Schneider Construction Company, LTD (see attached KPA Recommendation).

Construction time allotted for this project is 360 days.

**FISCAL IMPACT:** The cost of this construction contract is \$2,221,641.50.

Initially, funding for this project will come from TIF Reinvestment Zone No. 1 funding available within the Zone's financing plan account 795-9700-531-6826, project 100257, with the intent to reimburse the Zone from the proposed 2007 Combination Tax & Revenue Certificates of Obligation to be issued in December 2007. The total project cost for the Airport Park is \$2,862,285. This includes the extension of wastewater utilities from SH 36 north to Industrial Blvd as well as this construction contract for streets and utility infrastructure.

10/18/07 Item #6(B) Regular Agenda Page 2 of 2

# **ATTACHMENTS:**

Bid Tab KPA Recommendation Resolution

# **BID TABULATION**

# CITY OF TEMPLE AIRPORT BUSINESS PARK IMPROVEMENTS

September 20, 2007; 2PM 3210 E Avenue H, Building C, Temple, TX 76501

A									
Page		R T Schneider Constr	ction Co, Ltd	Dixon Pavir	g Inc	ı	s, LP	Austin Bridge	k Road
	4 SE BID	PO Box 8 Belton, TX 7	5513	PO Box o	76513	PO Box 2 Gatesville, TX	76528	Austin, TX	8726
200.   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00	stimated   Unit	Unit		Unit		Unit	Extended	Unit	Extended
1.	Quantity	Price	Amount	Price	Amount	Price	Amount	Price	Amount
1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.   1.2.	LS Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base B	\$ 25,035.04 \$	25,035.04 \$	81,000.00	87,000.00		160,000.00	$\rightarrow$	166,000.00
10.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00	STA Provide Labor, Equipment, T	315.00	16.065.00	400.00	20,400.00	200.00	10,200.00	1,200.00	61.200.00
10.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00	100% LS	1,500.00	1,500.00	1.000.00	1.000.00	1,200.00	1,200.00	1.900.00	1.900.00
1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00	10,500 LF	0.47	4.935.00	0.75	7,875.00	1.00	10,500.00	1.30	13.650.00
1.   1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.     1.       1.     1.       1.	9,400 SF	0.42	3,948.00	0.75	7,050.00	0.35	3,290.00	1.30	12,220.00
1.   1.   1.   1.   1.   1.   1.   1.	100% L.S Furnish Traffic Control Plan	200.00	900.00	1,200.00	1,200.00	1,200.00	1,200.00	1,300.00	1,300.00
10.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00   1.00	100% LS Implement Traffic Control Pl	200.00	200.00	00.009,6	00.009,6	1.850.00	1,850.00	15,300.00	15,300.00
No. 11   Control Con	LS	3,255.00	3,255.00	3,600.00	3,600.00	1.700.00	1.700.00	1.900.00	1.900.00
1.   1.   1.   1.   1.   1.   1.   1.	100% LS	300.00	300.00	200.00	200:00	1,150.00	1.150.00	1.500.00	1.500.00
1.   1.   Property and Proper	100% LS	200.00	900:00	250.00	250.00	750.00	750.00	1.500.00	1.500.00
17.   1.	200 I.F	4.50	00:006	15.00	3.000.00	30.00	00:000'9	31.00	6.200.00
	1 700 I F	1.60	2,720.00	1.50	2,550.00	2.60	4.420.00	3.00	5.100.00
1   1   1   1   1   1   1   1   1   1	15 EA	20.00	750.00	100.00	1.500.00	95.00	1.425.00	110.00	1.650.00
1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0   1.0	13 EA	20.00	100.00	100.00	200.00	00.09	120.00	110.00	220.00
1,000   C)   Common Registration   C	1 EA	1.260.00	1.260.00	1.200.00	1.200.00	2.950.00	2.950.00	2.100.00	2.100.00
No.   Column   Colu	13 400 CV	2.70	36.180.00	2.50	33,500.00	9:00	67,000.00	00.9	80.400.00
M.M. 2000         C. P. Described Uniformed	3 100 CV	17.50	54.250.00	00.6	27,900.00	12.00	37,200.00	19.00	58.900.00
MATOR         STATE CORNEL LINEAR DESIRED STATE CORNEL	25 300 CV	1.00	25.300.00	5.25	132,825.00	7.00	177.100.00	10.00	253.000.00
2000         2000         Columnation Designation	25,500 cv	9.40	244.400.00	8.50	221.000.00	11.00	286,000.00	12.00	312,000.00
0.000         O. M. O.	YS 005.02	8:30	170,150.00	8.50	174,250.00	9.25	189,625.00	8.90	182,450.00
1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00         1,00 <th< td=""><td>20,500 SY Furnish and Place 4 5/8-Inch</td><td>18.50</td><td>379,250.00</td><td>18.40</td><td>377,200.00</td><td>20.65</td><td>423,325.00</td><td>20.30</td><td>416,150.00</td></th<>	20,500 SY Furnish and Place 4 5/8-Inch	18.50	379,250.00	18.40	377,200.00	20.65	423,325.00	20.30	416,150.00
1-40         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50         11-50	100% I.S Furnish & Install All Traffic	5,400.00	5.400.00	00.000.6	00.000.6	8,350.00	8,350.00	9.300.00	9.300.00
6.00         1.1. Finals & Binal Liber Wale Wale Wale Wale Wale Wale Wale Wale	1.400 LF	0.50	200.00	0.50	700.00	0.54	756.00	09:0	840.00
2.00         1.00         2.460.00         0.00         2.460.00         1.10         2.700.00         1.10         2.700.00         1.10         2.700.00         1.10         2.700.00         1.10         2.700.00         1.10         1.10         2.700.00         1.10         2.700.00         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10         1.10 <td>66 LF</td> <td>19.00</td> <td>1,254.00</td> <td>16.00</td> <td>1,056.00</td> <td>13.00</td> <td>858.00</td> <td>14.00</td> <td>924.00</td>	66 LF	19.00	1,254.00	16.00	1,056.00	13.00	858.00	14.00	924.00
4         1         1         2,000         3,000         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500         1,500	2,700 LF	0.95	2.565.00	1.00	2.700.00	1.10	2.970.00	1.20	3,240.00
1.00         1.6         CARDON         8.5         7.4,00.0         1.5         1.05,00.0         1.6         1.00         1.00         1.00         1.00         1.00         1.00         1.00         2.40,00         1.00         2.40,00         1.00         2.40,00         2.00         2.40,00         2.00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00         2.40,00 <t< td=""><td>4 EA</td><td>700.00</td><td>2,800.00</td><td>00:006</td><td>3,600.00</td><td>920.00</td><td>3.680.00</td><td>4,000.00</td><td>16,000.00</td></t<>	4 EA	700.00	2,800.00	00:006	3,600.00	920.00	3.680.00	4,000.00	16,000.00
1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00   1,00	9,020 LF	8.40	75.768.00	8.25	74,415.00	11.50	103,730.00	18.00	162,360.00
108         15 August         2000         25 August         2000         1.58 August         1.58 A	1,200 LF	0.50	00.009	2.00	2,400.00	2.00	2,400.00	2.00	2.400.00
6 b         15 Note that Brillian United Courset Person         8 11 No.         8 11 No.         8 11 No.         1 South Brillian United Courset Person         1 1 No.         1 No.         1 1 No.         1 1 No.         1 1 No.	108 LF	22.00	2,376.00	28.00	3,024.00	40.00	4,520.00	90.00	6,480.00
8 1 Milloria Mil	60 LF	1.50	00:00	4.00	240.00	27.1	0.60	3.00	12 600 00
943         11         Framinal & Insulative Concrete Pipe         28.81         6.85 (1)         1.585 (1)         2.100         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)         2.100 (1)	8 EA	810.00	6,480.00	1,200.00	9,600.00	1.380.00	11,040.00	1,700.00	13.000.00
949         L Funnite Rise Intended Concrete Pype         1, 2, 12, 20, 22         6, 00         2,0,000         2,0,000         1, 0,000         2,0,000         2,0,000         2,0,000         2,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000         1,0,000	932 LF	78.80	26,841.60	30.00	33,332.00	30.00	11 856 00	31.00	18 544 00
2.98         1.7         7.18.2 bit of Familia & Institute Outcometer Pipe         5.94         1.7         7.18.2 bit of Familia & Institute Outcometer Pipe         1.10.0         5.10.0         5.10.0         5.000.0         8.10.0         2.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         1.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.10.0         5.	304	41.32	12.301.20	46.00	26,004.00	52.00	20.088.00	81.00	31 914 00
3.3         1.1         Funda & Institute Control Con	394 LF	83.06	7 187 96	80.00	2 080 00	83.00	2 158 00	120.00	3.120.00
516         LF         Funnals & Install 47 Dammet Reinforced Concrete Pype         117.25         66.561.08         13.200         13.00         67.000.00         13.00         67.000.00         13.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00         17.00	20 LF	08:50	30 705 30	115.00	35.995.00	110.00	34.430.00	150.00	46.950.00
8         EA Furnish & Install 10 x 3 Cuch Infer         2,50,00         2,50,00         2,50,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00         2,00,00 <t< td=""><td>516 LF</td><td>117.25</td><td>60.501.00</td><td>138.00</td><td>71,208.00</td><td>130.00</td><td>67,080.00</td><td>170.00</td><td>87,720.00</td></t<>	516 LF	117.25	60.501.00	138.00	71,208.00	130.00	67,080.00	170.00	87,720.00
2         EA         Furnish & Install 10 x 3 Double Sided Cuth Indet         5.90,00         6.600,00         5.30,00         6.600,00         5.30,00         6.500,00         5.30,00         6.500,00         5.300,00         6.500,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00         7.000,00 <t< td=""><td>8 EA</td><td>3,155.00</td><td>25.240.00</td><td>2,800.00</td><td>22,400.00</td><td>2.500.00</td><td>20,000.00</td><td>4,000.00</td><td>32,000.00</td></t<>	8 EA	3,155.00	25.240.00	2,800.00	22,400.00	2.500.00	20,000.00	4,000.00	32,000.00
2         EA         Furnish & Install 10 x 5 Curb Inlet         3,000 o         1,200	2 EA	3,300.00	00.009.9	3.000.00	90.000.9	2.850.00	5.700.00	4,500.00	9.000.00
2         EA         Furnish & Insalial Standard Concrete Box Cultures         3,000,00         5,000,00         2,500,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00         450,00	2 EA	00.009'9	13,200.00	3.600.00	7,200.00	3.200.00	6.400.00	7.000.00	14,000.00
437         SYP Furnish & Pince Rock Rip Rap         12.00         5.244.00         45.00         3.0976.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00         45.00	2 EA	3,000.00	90.000.9	2.800.00	5,600.00	2.750.00	5,500.00	4,000.00	8.000.00
81         1. Furnish & Install Eight - 10. x 6 Reinforced Concrete Box Culverts         3,000.00         237,800.00         237,800.00         237,800.00         237,800.00         237,800.00         237,800.00         237,800.00         237,800.00         23,800.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00         23,000.00	437 SY	12.00	5,244.00	23.00	10,051.00	48.00	20,976.00	45.00	19.665.00
2	81 LF Furnish & Install Eight - 10'	3,670.00	297,270.00	4.000.00	324,000.00	3.060.00	247,860.00	4.500.00	364.500.00
11   EA Furnish & Install Standard Fire Hording Thrust Restraint   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00   2,000.00	2 EA Furnish & Install Concrete H	15,150.00	30,300.00	20,000.00	40.000.00	2,000,00	43,200.00	7,000.00	34.000.00
125   LF Provide and Install Princh Restraint   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1.50   1	11 EA	00.6/9.7	29,425.00	25.50	30,800.00	2,500.00	1 750 00	4.000.00	2 250 00
1.701         LF         Provide and install 8-inch Power and install 12-inch Section         2.554         LF         Provide and install 12-inch Power and i	125 LF	10.00	21 469 50	22.30	3,107.30	09.41	28 236 60	22.00	37 422 00
2.334         LF Provide and Install Larical PVC. Water Line.         Including Intext Resultant         Fraction of a control of and Install Larical PVC. Water Line.         Including Intext Resultant         Including Including Intext Resultant         Including Intert Resultant <t< td=""><td>1,701</td><td>0C.01 54.45</td><td>51,406.30</td><td>31.00</td><td>70 174 00</td><td>24.30</td><td>00.00.79</td><td>32 00</td><td>81 728 00</td></t<>	1,701	0C.01 54.45	51,406.30	31.00	70 174 00	24.30	00.00.79	32 00	81 728 00
262         LF         Provide and install 12-inch Steel Encasement by Open Cut         86.00         22.332.00         19.650.00         22.270.00         140.00         140.00           262         LF         Provide and install 24-inch Steel Encasement by Open Cut         5.000.00         7.700.00         7.700.00         7.700.00         5.920.00         6.000.00           1         EA         Furnish & Install and instal	7.354 LF	00.07	23.744.00	59.00	25.016.00	00:09	25.440.00	110.00	46.640.00
1         EA         Furnist & Install 4" Air Valve Assembly         5,000.00         5,000.00         7,700.00         7,700.00         7,700.00         7,700.00         5,920.00         6,000.00         6,000.00           5         EA         Furnist & Install 8-Inch Plug         1,000.00         1,000.00         4,000.00         900.00         15.00         675.00         180.00           4         EA         Provide and Install 8-Inch Gate Valve         2,000.00         3,600.00         1,500.00         1,500.00         1,500.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,800.00         1,	262 LF	86.00	22,532.00	75.00	19,650.00	85.00	22,270.00	140.00	36.680.00
5         EA         Furnish & Install 8-Inch Plug         1.100.00         180.00         900.00         155.00         675.00         180.00           4         EA         Provide and Install 18-Inch Gate Valve         1.000.00         4.000.00         2.000.00         3.600.00         3.600.00         875.00         1.200.00         1.200.00           4         EA         Provide and Install 12" x 8" Tee         1.500.00         9.000.00         1.500.00         9.000.00         1.500.00         9.000.00         1.500.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00         9.000.00 <td>1 EA</td> <td>5,000.00</td> <td>5,000.00</td> <td>7.700.00</td> <td>7,700.00</td> <td>5,920.00</td> <td>5.920.00</td> <td>00.000.9</td> <td>6.000.00</td>	1 EA	5,000.00	5,000.00	7.700.00	7,700.00	5,920.00	5.920.00	00.000.9	6.000.00
4         EA         Provide and Install 8-Inch Gate Valve         1,000.00         4,000.00         900.00         3,600.00         875.00         3,500.00         1,200.00           4         EA         Provide and Install 12" x 8" Tee         1,500.00         3,600.00         1,400.00         460.00         1,840.00         600.00           6         EA         Provide and Install 12-Inch Gate Valve         1,500.00         9,000.00         1,500.00         9,000.00         1,500.00         9,100.00         1,500.00         8,000.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00         1,500.00 <td< td=""><td>EA</td><td>220.00</td><td>1.100.00</td><td>180.00</td><td>00:006</td><td>135.00</td><td>675.00</td><td>180.00</td><td>00:006</td></td<>	EA	220.00	1.100.00	180.00	00:006	135.00	675.00	180.00	00:006
4         EA         Provide and Install 12-Inch Gate Valve         1.500.00         2.000.00         360.00         1.440.00         460.00         1.840.00         600.00           6         EA         Provide and Install 12-Inch Gate Valve         1.500.00         9.000.00         1.500.00         9.000.00         1.520.00         9.100.00         2.000.00	4 EA	1,000.00	4,000.00	00:006	3,600.00	875.00	3.500.00	1.200.00	4.800.00
6 EA Provide and Install 12-Inch Gate Valve	4 EA	200.00	2.000.00	360.00	1.440.00	460.00	1.840.00	00:009	2.400.00
	6 EA Provide and Install 12-Inch G	1.500.00	9.000.00	1.500.00	9.000.00	1.520.00	9.120.00	2,000.00	12,000.00

# CITY OF TEMPLE AIRPORT BUSINESS PARK IMPROVEMENTS

September 20, 2007; 2PM 3210 E Avenue H, Building C, Temple, TX 76501

				RIDDEP INFORMATION	MATION			
				п	- 11			
	R T Schneider Construction Co,	ction Co, Ltd	Dixon Paving Inc	g Inc	TTG Utilities, LP	ies, LP	Austin Bridge & Road	& Road
	PO Box 876	9	PO Box 664	2	PO Box 299	299	1212 Volente Rd	ite Rd
BASE BID (cont.)	Belton, TX 76513	5513	Belton, TX 76513	76513	Gatesville, TX 76528	X 76528	Austin, TX 78726	78726
57 1 EA Connection to Existing 12-Inch Water Line	\$ 850.00 \$	820.00	300.00	300.00	725.00	\$ 725.00 \$	00:006	00:006
58 100% L.S Furnish All Materials. Equipment. Tools & Labor for Pressure Testing Water Pipe. Including Any Repairs	3,000.00	3,000.00	2,300.00	2,300.00	1.750.00	1.750.00	2,000.00	2.000.00
1 EA	810.00	810.00	1,700.00	1.700.00	920.00	950.00	2,000.00	2,000.00
10 LF	25.00	250.00	00:09	00:009	125.00	1.250.00	150.00	1.500.00
90 LF Furnish & Install Concrete	18.00	1.620.00	25.00	4,950.00	35.00	3.150.00	20.00	4.500.00
62 3,635 LF Provide and Install 8-Inch SDR 26 Wastewater Pipe	18.00	65.430.00	24.30	88,330.50	18.00	65.430.00	25.00	90.875.00
9 EA Provide & Install 4-foot D	2,000.00	18,000.00	1,800.00	16,200.00	2.750.00	24,750.00	4,000.00	36,000.00
1 EA	4,000.00	4,000.00	2,800.00	2,800.00	3,210.00	3,210.00	4,000.00	4,000.00
100% L.S	2,100.00	2,100.00	2,400.00	2,400.00	200.00	700.00	2,000.00	2,000.00
100% LS	2,100.00	2,100.00	2,400.00	2,400.00	1.250.00	1,250.00	2,000.00	2.000.00
67 100% L.S Furnish Equipment, Materials, Tools & Labor for Deflection Testing of All Proposed Wastewater Lines, Including Repairs	2,500.00	2,500.00	2.400.00	2,400.00	1.050.00	1,050.00	2,000.00	2.000.00
68 124,000 SY Hydromulch. Including Watering. Fertilizing. & Mowing to Establish Growth	0.42	52,080.00	0.40	49,600.00	0.80	99,200.00	2.70	334.800.00
SY	5.50	14,300.00	5.50	14,300.00	08.9	17,680.00	7.00	18.200.00
2.600 SY	4.20	10.920.00	4.50	11,700.00	4.60	11,960.00	00.9	15,600.00
I. BASE RID AMOU	S	1,986,080.00	\$	2,238,339.80		2.465,240.80	5	3.348,104.00
				BIDDER INFORMATION	RMATION			
	R T Schneider Construction Co.	ction Co, Ltd	Dixon Paving Inc	g Inc	TTG Utilities, LP	ies, LP	Austin Bridge & Road	& Road
	PO Box 876	9	PO Box 664	3	PO Box 299	299	1212 Volente Rd	ite Rd
ADD ALTERNATE A	Belton, TX 76513	5513	Belton, TX 76513	76513	Gatesville, TX 76528	TX 76528	Austin, TX 78726	78726
	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
No. Quantity Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount
A-1 100% LS Construction of Concrete Foundation for Architectural Wall	\$ 00:008'8 s	8,800.00 \$	8,000.00	8,000.00	14,975.00	\$ 14,975.00 \$	33.000.00	33,000.00
A-2 100% LS Construction of Architectural Wall	27,500.00	27.500.00	12,000.00	12,000.00	20,960.00	20,960.00	48,000.00	48,000.00
A-3 100% LS Furnish & Install Electrical Service & Lighting, with Conduit. Wiring. Photocell Control & Appurtenances	8,435.00	8,435.00	00.000.6	00.000.6	3.740.79	3.740.79	8.000.00	8,000.00
A-4 100% LS Furnish & Install Landscaping As Shown on Sheet A-05 of the Plans	00:000'9	00.000.9	12,000.00	12.000.00	12.085.60	12,085.60	11,000.00	11.000.00
A-5 100% L.S Furnish Irrigation Plan Designed by Licensed Irrigator & Installing Items in Irrigation Plan	2.200.00	2,200.00	7.400.00	7,400.00	5.000.00	5,000.00	90.000.00	90.000.9
100% LS	8,316.00	8.316.00	8.000.00	8,000.00	2.129.37	2.129.37	3.000.00	3.000.00
100% L.S	2,970.00	2.970.00	6,000.00	6,000.00	1,980.00	1,980.00	7.000.00	7.000.00
A-8 10.000 SF Furnish & Install Common Bermuda Sod, with Watering, Fertilizing & Mowing to Sustain Growth	0.32	3,200.00	0.40	4,000.00	0.55	5,500.00	0.50	5.000.00
A-9 5,000 SF Hydromulching, Including Watering Fertilizing and Mowing to Sustain Growth	0.10	500.00	0.60	3,000.00	08.0	4,000.00	2.70	13.500.00
A-10 200 LF Furnish & Install Steel Landscape Edging	2.00	400.00	2.50	200:00	5.76	1,152.00	7.00	1.400.00
A-11 130 L.F. Boring 4" Schedule 40 PVC Conduit for Electrical Extension Across Old Howard Rd	33.00	4.290.00	34.00	4,420.00	00:59	8,450.00	33.00	4.290.00
TOTAL BID AMOUNT ADD ALTERNATE A (Items A-1 - A-11)	\$	72,611.00	\$	74,320.00		\$ 79.972.76	5	140.190.00
					J.			

Page 2 of 3

# CITY OF TEMPLE AIRPORT BUSINESS PARK IMPROVEMENTS

September 20, 2007; 2PM 3210 E Avenue H, Building C, Temple, TX 76501

9,500.00 40.000.00 33.600.00 42.630.00 196.00 24.840.00 4,000.00 6.000.00 Extended Austin Bridge & Road 1212 Volente Rd Austin, TX 78726 4,000.00 4,500.00 4,000.00 22.00 6,000.00 20.30 14.00 18.00 51.00 61.00 3,744.00 2,500.00 8,550.00 6,000.00 5.610.00 6.100.00 30.800.00 19,425.00 44.100.00 154.00 15.870.00 1.209.00 Gatesville, TX 76528 TTG Utilities, LP PO Box 299 5.10 7.20 7.20 11.00 9.25 21.00 11.00 30.00 2.60 95.00 60.00 39.00 52.00 2.500.00 2.850.00 3.000.00 16.60 5.920.00 4,500.00 32,000.00 25,200.00 17,850.00 2,800.00 9,000.00 5,600.00 16,968.00 11.385.00 2,700.00 1.426.00 1,050.00 100.00 300.00 3.850.00 38.640.00 4,896.00 8,000.00 Extended Dixon Paving Inc PO Box 664 Belton, TX 76513 68.00 2,800.00 3,000.00 2,800.00 24.00 8,000.00 1.50 3.50 9.00 8.00 9.00 8.50 18.40 14.00 8.25 36.00 46.00 Unit 1,120.00 100.00 300.00 2,970.00 8,750.00 8,400.00 26,320.00 38,850.00 266.00 11,592.00 2,250.00 1,333.00 3,200.00 9.750.00 5,400.00 13.079.50 5.000.00 4,320.00 R T Schneider Construction Co, Ltd PO Box 876 Belton, TX 76513 Extended 2,700.00 18.50 5,000.00 0.42 100.00 100.00 2.70 17.50 2.10 9.40 8.30 18.50 8.40 8.40 30.00 43.00 60.00 3,200.00 Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan
Furnish, Install, Maintain & Remove Curb Inlet Protection as required in Stormwater Pollution Prevention Plan
Furnish, Install, Maintain & Remove Backside Curb Inlet Protection for Double Side Inlet as required in Stormwater Pollution Prevention Plan
Unclassified Roadway Excavation Mowing to Establish Growth with Prime & Tack Coat ent with Prime & Tack Coat Bid Data Description Thrust Restrain urnish & Install 18" Diameter Reinforced Concrete Pipe urnish & Install 24" Diameter Reinforced Concrete Pipe urnish & Install 30" Diameter Reinforced Concrete Pipe urnish & Install 24-Inch Width White Stop Bar construction of 24-Inch Wide Concrete Curb and Gutter 

 B-15
 1
 EA
 Furnish & Install 10' x 3' Curb Inlet

 B-16
 3
 EA
 Furnish & Install 10' x 3' Double Sided Curb Inlet

 B-17
 2
 EA
 Furnish & Install Standard Fire Hydrant

 B-18
 707
 LF
 Provide & Install 8-Inch PVC Water Line, including T

 B-19
 1
 EA
 Furnish & Install 4" Air Valve Assembly

 B-20
 6,000
 SY
 Hydromulching, Including Watering, Fertilizing, and N

 TOTAL BID AMOUNT ADD ALTERNATE B (Hems B-1 - B-20)

 Place & Compact Unclassified Fill (Roadway)

Furnish & Place 16" Crushed Limestone Base Materia

Furnish & Place 2-Inch HMAC Type 'C' Pavement w

Furnish & Place 4 5/8-Inch HMAC Type 'B' Pavemen Place & Compact Select Fill (Roadway) CY SY SY SY LF

2,800 2,100 2,100 14

B-6 B-7 B-8 B-9 B-10

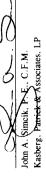
1.380

4,000

		BIDDER INFORMATION	ORMATION	
	R T Schneider Construction Co, Ltd PO Box 876	Dixon Paving Inc PO Box 664	TTG Utilities, LP PO Box 299	Austin Bridge & Road 1212 Volente Rd
BID SUMMARY	Belton, TX 76513	Belton, TX 76513	Gatesville, TX 76528	Austin, TX 78726
BASE BID (Hems 1 - 70)	1,986,080.00	\$ 2,238,339.80	\$ 2.465,240.80	\$ 3,348,104.00
ADD ALTERNATE A (Items A-1 - A-11)	72,611.00	\$ 74,320.00	\$ 79,972.76	\$ 140,190.00
ADD ALTERNATE B (ttems B-1 - B-20)	162.950.50	\$ 188.861.00	\$ 199.663.20	\$ 253,398.00
TOTAL BID AMOUNT (BASE BID + ADD ALTERNATE A + ADD ALTERNATE B) S	2.221.641.50	\$ 2,501,520.80	\$ 2.744.876.76	\$ 3,741,692.00

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 3?	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES

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





Page 3 of 3



# 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.

September 21, 2007

Mr. Don Bond, E.I.T. CIP Project Manager 3210 E. Avenue H Building A Temple, Texas 76501

Re:

City of Temple Reinvestment Zone #1

Airport Business Park Improvements

Dear Mr. Bond:

On September 20, 2007, the City of Temple received competitive bids from four contractors for the Airport Business Park Improvements. A Bid Tabulation is provided for your reference.

The bids received were for Base Bid – Industrial Boulevard and Streets B and C Improvements; Add Alternate A – Entrance Feature; Add Alternate B – Street D Improvements. The attached Bid Tabulation shows R. T. Schneider Construction Company, LTD. as the low bidder with a total bid of \$2,221,641.50. Our final opinion of probable construction cost for this project was \$2,600,000.00.

	Bid Amount
Base Bid - Industrial Blvd, Streets B & C	\$1,986,080.00
Add Alt A – Entrance Feature	\$ 72,611.00
Add Alt B - Street D	\$ 162,950.50

These bids allow for award of the following options:

Option 1	Base Bid Only (Industrial Blvd, Streets B & C)	=	\$ 1,986,080.00
Option 2	Base Bid + Add Alt A (Entrance Feature)	=	\$ 2,058,691.00
Option 3	Base Bid + Add Alt A + Add Alt B (Street D)	=	\$ 2,221,641.50

Mr. Don Bond, E.I.T. September 21, 2007 Page Two

We recommend that the project contract be awarded to R. T. Schneider Construction Company, LTD. for Option 3 (Base Bid + Add Alt A + Add Alt B) in the amount of \$ 2,221,641.50. R. T. Schneider Construction Company, LTD. has successfully completed similar projects for the City in the past and we believe they are qualified for this project.

Please call if you should have any further questions.

Sincerely,

John A. Simcik, P.E., C.F.M.

JAS/crc

xc: Mr. Michael Newman, P.E., C.F.M., City of Temple

Mr. Perry Cloud, Temple Reinvestment Zone #1

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE AIRPORT BUSINESS PARK IN NORTHWEST TEMPLE WITHIN THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1, IN AN AMOUNT NOT TO EXCEED \$2,221,641.50; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAXEXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 20, 2007, the City received 4 bids for construction activities required to building the Airport Business Park in Northwest Temple within the Tax Increment Financing Reinvestment Zone #1;

**Whereas,** the project engineer and the Staff recommend that the bid (\$2,221,641.50) be awarded to R.T. Schneider Construction Company, Ltd, of Temple, Texas;

Whereas, initially, funding for this project will come from TIF Reinvestment Zone #1 funding available within the Zone's financing plan Account No. 795-9700-531-6826, Project No. 100257, with the intent to reimburse the Zone from the proposed 2007 Combination Tax and Revenue Certificates of Obligation to be issued in December, 2007;

**Whereas,** the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

**Whereas**, certain expenditures relating to the project will be paid prior to the issuance of the Obligations;

**Whereas**, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

**Whereas**, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other

requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; 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:

- <u>Part 1:</u> The City Council authorizes the City Manager to execute a Construction Contract, not to exceed \$2,221,641.50, between the City of Temple, Texas, and R.T. Schneider Construction Company, LTD, after approval as to form by the City Attorney, for construction activities required to building the Airport Business Park in Northwest Temple within the Tax Increment Financing Reinvestment Zone #1.
- <u>Part 2:</u> The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.
- <u>Part 3:</u> This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.
- <u>Part 4:</u> The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

# **Project Description Debt To Be Issued**

Construction activities required to build the Airport Business Park in northwest Temple within the TIF Reinvestment Zone #1

\$2,221,641.40

- <u>Part 5:</u> The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.
- <u>Part 6:</u> Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.
- <u>Part 7:</u> It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

# PASSED AND APPROVED on this the 18th day of October, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #7(A) Regular Agenda Page 1 of 2

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

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a franchise to Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading for November 1st, with final adoption on November 15th.

**ITEM SUMMARY:** On October 5, 2006, the City Council authorized a one year franchise to Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City. The franchise expired on September 30, 2007, and the company has requested a renewal of the franchise for an additional year. A separate item on this same agenda is for consideration of a one year franchise extension of Scott and White Hospital non-emergency ambulance service franchise. Scott & White and Central Texas Regional EMS are the City's only two non-emergency ambulance franchisees.

The Staff recommends authorizing a one year renewal of Central Texas Regional EMS' nonemergency ambulance transfer service franchise. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram.

The Staff recommends renewal of the franchise for one year to allow the City Staff and City Council to have the opportunity to receive and analyze the recommendations contained in a master plan for the City's fire rescue and EMS services the City commissioned from Emergency Services Consulting, Inc. A preliminary report on ESCI's recommendations will be presented in a workshop format in a separate item on this agenda. Full analysis, adoption and implementation of the recommendations contained in the report are likely to take several months. Extending our two current non-emergency ambulance transfer service franchises for one year will allow time for that analysis and implementation of those recommendations for transitions, if needed.

**FISCAL IMPACT**: Franchisees pay the City 3½ % of the total amount billed per year.

10/18/07 Item #7(A) Regular Agenda Page 2 of 2

ATTACHMENTS:
Letter requesting one year extension. Ordinance .

# CENTRAL TEXAS REGIONAL EMS



October 1, 2007

Traci Barnard
Finance Director
City of Temple
2 North Main Street
Temple, TX 76501

Subject: Request for Renewal of City Ambulance Franchise

Dear Ms. Barnard:

We are hereby requesting that the City of Temple Council consider granting Central Texas EMS LLC a renewal of our current one (1) year non-emergency ambulance franchise.

We have provided service to the community for the past year, and we believe that we have met or exceeded all requirements and expectations pursuant to the non-emergency ambulance franchise.

Operational changes that have occurred since our original application in September of 2006 include:

- Our operational base in Temple has moved to 5100 Midway Drive, suite 102.
- We have added a 2006 Ford Type II ambulance to our fleet.

We look forward to continuing our relationship with the City of Temple to better meet the medical transportation needs of our community. If you need any additional information, please contact myself at 254.534.1712 or Stephen Paine at 254.534.1834.

Sincerely.

David Phillips President

cc: David Blackburn, City Manager Bill Jones III, Mayor

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO CENTRAL TEXAS REGIONAL EMS, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Central Texas Regional EMS has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Central Texas EMS has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

<u>PART 1</u>: A non-exclusive franchise is granted to Central Texas Regional EMS, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

# PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

- (a) *City* shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.
- (b) *Company, Transfer Service Franchise Holder*, as used herein, unless the context clearly indicates otherwise, shall mean Central Texas Regional EMS, or its legally approved successors and assigns.

- (c) *Ambulance* or *Transfer Service* shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.
- (d) *Transfer Service* or *Non-Emergency Ambulance Transfer Service* means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.
- (e) *Emergency* is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.
- (f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

# PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 16, 2008**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

# PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

# <u>PART 5</u>: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other

fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

# PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

# **PART 7:** Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;
- (c) not contain a passenger liability exclusion; and
- (d) provide for at least thirty (30) days prior written notice of cancellation to the City.

# **PART 8:** Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

# **PART 9:** Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

# PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

# PART 11: Performance Bond and Revocation Clause.

- (a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.
- (b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.
- <u>PART 12</u>: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.
- <u>PART 13</u>: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.
- **PART 14:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>PART 15</u>: 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 on the 18th day of October, 2007.

PASSED AND APPROVED on Second Reading on the 1st day of November, 2007.

PASSED AND APPROVED on Third and Final Reading on the **15**th day of **November**, 2007.

	THE CITY OF TEMPLE, TEXAS		
	WILLIAM A. JONES, III, Mayor		
ATTEST:	APPROVED AS TO FORM:		
Clydette Entzminger	Jonathan Graham		

# **Agreement of Franchisee**

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

The franchisee, Central Texas Regional EMS, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of
Ordinance No. granting a non-exclusive franchise to operate and
maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.
SIGNED this day of November, 2007.
CENTRAL TEXAS REGIONAL EMS
Bv:



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #7(B) Regular Agenda Page 1 of 2

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

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a franchise to Scott and White Memorial Hospital to provide non-emergency ambulance transfer services within the City.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading for November 1st, with final adoption on November 15th.

<u>ITEM SUMMARY</u>: On October 3, 2002, the City Council authorized a five year franchise to Scott and White Memorial Hospital provide non-emergency ambulance transfer services within the City. A separate item on this same agenda is for consideration of a one year franchise extension of Central Texas Regional EMS non-emergency ambulance service franchise. Scott & White and Central Texas Regional EMS are the City's only two non-emergency ambulance franchisees. The S&W franchise expired on September 30, 2007, and S&W has requested a one year renewal of the franchise. S&W has entered into a joint venture with an outside firm to manage and operate their ambulance transfer service and has requested that the franchise renewal be issued in the name of this new joint venture. We will supply the name of this joint venture at first reading of this ordinance.

The Staff recommends authorizing a one year renewal of the franchise. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram.

The Staff recommends renewal of the franchise for one year to allow the City Staff and City Council to have the opportunity to receive and analyze the recommendations contained in a master plan for the City's fire rescue and EMS services the City commissioned from Emergency Services Consulting, Inc. A preliminary report on ESCI's recommendations will be presented in a workshop format in a separate item on this agenda. Full analysis, adoption and implementation of the recommendations contained in the report are likely to take several months. Extending our two current non-emergency ambulance transfer service franchises for one year will allow time for that analysis and implementation of those recommendations for transitions, if needed.

**FISCAL IMPACT**: Franchisees pay the City 3½ % of the total amount billed per year.

10/18/07 Item #7(B) Regular Agenda Page 2 of 2

# ATTACHMENTS: Ordinance

ORDINANCE NO.	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO SCOTT AND WHITE MEMORIAL HOSPITAL AND THE SCOTT, SHERWOOD, AND BRINDLEY FOUNDATION, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Scott and White Memorial Hospital has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Scott and White Memorial Hospital has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

<u>PART 1</u>: A non-exclusive franchise is granted to Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

# PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

- (a) *City* shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.
- (b) *Company, Transfer Service Franchise Holder*, as used herein, unless the context clearly indicates otherwise, shall mean Scott and White Memorial Hospital, or its legally approved successors and assigns.

- (c) *Ambulance* or *Transfer Service* shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.
- (d) *Transfer Service* or *Non-Emergency Ambulance Transfer Service* means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.
- (e) *Emergency* is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.
- (f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

# PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 16, 2008**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

# PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

# PART 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States,

three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

# PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

# **PART 7:** Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;

- (c) not contain a passenger liability exclusion; and
- (d) provide for at least thirty (30) days prior written notice of cancellation to the City.

# **PART 8:** Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

# **PART 9:** Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

# PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

# PART 11: Performance Bond and Revocation Clause.

- (a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.
- (b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.
- <u>PART 12</u>: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.
- <u>PART 13</u>: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**PART 14:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>PART 15</u>: 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 on the 18th day of October, 2007.

PASSED AND APPROVED on Second Reading on the 1st day of November, 2007.

PASSED AND APPROVED on Third and Final Reading on the  ${\bf 15}^{\rm th}$  day of **November**, 2007.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Clydette Entzminger	Jonathan Graham
City Secretary	City Attorney

# **Agreement of Franchisee**

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

and Brindley Foundation, actin officer, hereby accepts the ter granting a non-exclusive fran ambulance transfer service up	d White Memorial Hospital and the Scott, Sherwood by and through its duly authorized and empowered arms and conditions of Ordinance No
Temple.	
SIGNED this	day of November, 2007.
	SCOTT AND WHITE MEMORIAL HOSPITAL AND THE SCOTT, SHERWOOD AND BRINDLEY FOUNDATION
	By:



# **COUNCIL AGENDA ITEM MEMORANDUM**

10/18/07 Item #8 Regular Agenda Page 1 of 2

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

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution approving, denying or suspending Atmos Energy Corporation's (Mid-Tex Division) request for a rate increase in the City of Temple.

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

**ITEM SUMMARY:** On September 20, 2007, Atmos Energy filed with the City of Temple a Statement of Intent to Increase Gas Utility Rates Within the Incorporated Areas Served by the Mid-Tex Division, to be effective October 25, 2007.

The City Council has primary jurisdiction to approve rates for gas within the City limits. The City Council has four options with respect to Atmos' request: (1) take no action and the request will be approved as a matter of law after 35 days (October 25th); (2) approve the rate request as submitted; (3) stay (suspend) the rate increase for ninety days; or (4) deny the rate request. The Texas Railroad Commission has appellate jurisdiction—meaning that Atmos may appeal the City's decision to the Railroad Commission.

Atmos has approached cities who have rate making authority with a special offer. They have advised us that if the City either approves the rate request or takes no action (that is to allow it to be approved as a matter of law), they will not implement the rate increase in Temple until the rate case is appealed and rates set (from appeals by other cities), that they will guarantee the City of Temple, the best rate negotiated with other cities; and that they will not assess any rate case expenses against ratepayers in Temple (rate case expenses are normally assessed by the Texas Railroad Commission when they review and assess rates against ALL ratepayers.

Atmos' offer is tempting but it seems calculated in part to discourage cities from denying their rate request, or from joining in a coalition of cities that join together to hire rate analysts to provide an effective review of Atmos rate requests. There is some question in my mind whether Atmos can avoid passing on rate case expenses to Temple residents. I am also concerned that not participating in rate review process with a coalition of cities served by Atmos will over a period of time at least be detrimental to rate payers in the City.

10/18/07 Item #8 Regular Agenda Page 2 of 2

I, along with the City Manager and Finance Director, will have an opportunity to discuss these concerns with the City Council at a workshop prior to this Council meeting. I anticipate that a representative from Atmos Energy will also be present at the workshop to express his company's rate request and the nature of Atmos' offer to cities. I will present some information received from the Coalition of Cities Served by Atmos about their plan to hire rate analysts to review the rate request and file written comments concerning the rate request.

**FISCAL IMPACT:** None at this time.

# **ATTACHMENTS**:

ATMOS Energy Corporation Letter dated September 20, 2007 Resolution



**Doug Hill**Manager of Public Affairs

**Atmos Energy Corporation** 

Mid-Tex Division 1500 W Loop 340 Waco, TX 76712 Tel: 254-662-7418

Fax: 254-662-7400

September 20, 2007

Honorable Mayor William A. Jones City of Temple PO Box 987 Temple, TX 76503-0987

Re: Atmos Energy Mid-Tex Division Rate Case

Dear Mayor Jones:

In October 2004, Atmos Energy began providing natural gas service to the citizens of Temple. We recognize and appreciate the partnership we have developed with the city council and its staff to invest in this community where we live, work and raise our families. The filing that accompanies this letter represents another opportunity for us to partner together and invest in this community. Together, we need to examine and evaluate the cost and revenues necessary to deliver natural gas service to the residential, commercial and industrial customers of Temple.

This process is a necessary part of striving to create a healthy business environment and a healthy community. We request that you give equal consideration to the fiscal health of our company as we begin this dialogue.

Atmos Energy is proud of the important role we play in Temple. We are an efficient company with operating costs per customer that are among the lowest of any gas utility in Texas. We offer great value to our customers with rates that are also among the lowest in Texas and service that is safe and reliable.

Currently, the Mid-Tex Division is only earning four cents on every dollar we invest. As with most businesses, we continue to face increased operating costs, and we must increase rates to continue to be healthy. Therefore, our request in this process is for the city to approve the company's proposed rates by passing the attached ordinance. The request can also be approved by operation of law if the city takes no action within 35 days of its filing. In turn, Atmos Energy will agree to the following:

• The company agrees that if, on appeal, the Railroad Commission establishes final rates that are different than the rates requested by the company in its Statement of

Intent filed September 20, 2007, the company will implement these rates in your city within 30 days of the date the Commission's order becomes effective.

• The company agrees not to seek to recover the rate case expenses associated with this filing from customers in your city.

If this offer is not acceptable, Atmos Energy requests that the city suspend the filing. This will provide the city with more time to review the filing and for the company to respond to the city's questions. I want you to have all the information you need to feel comfortable in understanding the company's rate request. Please do not hesitate to ask me any questions you have and give me the opportunity to address your concerns. In addition, we plan to host information meetings at locations around the state over the next couple of months to provide everyone engaged in this process the opportunity to fully understand this filing. Please let me know if you would like to attend one of these meetings.

Natural gas has been a valued energy source for decades by your citizens as they heat their homes and cook their meals. We share your concern that it continues to be a good value for consumers. That is why we endeavor to keep our rates low and only propose increases when necessary.

This increase in rates is only \$1.57 per month for a residential customer using 6 Mcf and \$9.21 per month for a commercial customer using 30 Mcf.

This letter will hopefully begin a dialogue between us about our product, rates, customer service and our company. I cannot emphasize strongly enough that we want to hear from you — what your interests are and if there are additional ways we can partner together.

Thank you for your service and the opportunity we've been given to provide your community with natural gas. We look forward to serving Temple and continuing a strong partnership with you.

Sincerely.

Doug Hill

<b>RESOLUTION NO.</b>	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S REQUEST FOR RATE ADJUSTMENT PROVISIONS AND MISCELLANEOUS SERVICE CHARGES TO BE CHARGED FOR SALES AND TRANSPORTATION OF NATURAL GAS TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSUMERS IN THE CITY OF TEMPLE; PROVIDING AN EFFECTIVE DATE; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS RESOLUTION TO ATMOS ENERGY CORP., MID-TEX DIVISION.

**Whereas**, Atmos Energy Corp., Mid-Tex Division (the "Company") operates the distribution system serving the City;

Whereas, on or about September 20, 2007, the Company filed with the City of Temple, Texas (the "City"), a request for rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial and industrial consumers in the City of Temple, to be effective on October 25, 2007; and

Whereas, the City has original jurisdiction to evaluate the Company's request as it pertains to customers of the Company served from the distribution facilities located within the City, pursuant to Texas Utilities Code §§ 102.001(b) and 103.001.

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

- <u>Part 1</u>: The Company's request for rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial and industrial consumers in the City of Temple, as part of the Company's system-wide gas utility system, is denied in all respects.
- <u>Part 2:</u> This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.
- <u>Part 3</u>: It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the

public notice of the time, place, and purpose of said meeting was given as required.

<u>Part 4</u>: A copy of this Resolution, constituting final action on the Company's request for an annual gas reliability infrastructure program rate adjustment, shall be forwarded to the Company's designated representative within 10 days at the following address: Atmos Energy Corporation, Mid-Tex Division, Attn: Doug Hill, 1500 West Loop 340, Waco, TX 76712.

PASSED AND APPROVED this the 18th day of October, 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**

10/18/07 Item #9 Regular Agenda Page 1 of 1

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

William A. Jones, III, Mayor

<u>ITEM DESCRIPTION:</u> Consider adopting resolutions appointing members to the following City boards and commissions:

- (A) Convention Center & Tourism Advisory Board one member to fill an unexpired term through September 1, 2008
- (B) Temple Public Safety Advisory Board two members to fill an unexpired term through September 1, 2008 and one member to fill an unexpired term through September 1, 2009

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

<u>ITEM SUMMARY:</u> Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards.

These appointments are requested to fill unexpired terms due to resignations or forfeiture of term for non-attendance.

FISCAL IMPACT: N/A

### ATTACHMENTS:

**Board Summary Forms** 

#### CONVENTION CENTER & TOURISM ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Kenneth Ethridge, jr.  ken@izoneimaging.com forfeit term-non attendance	5/06	2008	2526 Charter Oak Dr. #100 Temple, TX 76502	778-0722 W 214-316-2476 C 778-0938 H
Don Nelson nodnoslen@yahoo.com	06/02	2008	3105 Hemlock Blvd. Temple, TX 76502	778-1803 H
Terri Matthew <a href="mailto:cac@cacARTS.org">cac@cacARTS.org</a>	09/05	2008	Cultural Activities Center 3011 North 3 rd Temple, TX 76501	773-9926 W 773-9929 F 760-1246 C
Linda Grisham lindagrish@hotmail.com	09/04	2010	1918 Stage Coach Trail Temple, TX 76502	215-7232 W 773-0383 H
David Perez-Guerra davidp@capitalmediagrp.com	09/07	2010	2710 Creekside Drive Temple, TX 76502	778-8800 W 773-6708 H 760-1908 C
Dean F. Mohlstrom  dmohlstrom@hot.rr.com	05/04	2010	518 W. Zenith Avenue Temple, TX 76501	791-3047 W 791-3046 H
Nathaniel O'Dell Nathan.odell@marriott.com	06/07	2009	Residence Inn by Marriott Temple, TX 4301 S. General Bruce Dr. Temple, TX 76502	773-8400 512-296-7023 C
Ron Perry Rperry1@farmersagent.com	12/06	2009	3701 Redbud Rd. Temple, TX 76502	774-9976 W 774-9950 H
Jerry Jones  jjones@extracobanks.com  Ex-Officio Members:	02/06	2009	820 Pecan Valley Dr. Temple, TX 76502	774-5539 W 773-4466 H 774-5520 Fax 760-2060 C
City Manager,Ken Cicora,				

Created May 20, 1976 by Ordinance #897 (Frank W. Mayborn Civic Center Advisory Board); re-created by Ord. No. 96-2451, 7-18-96, as Convention Center & Tourism Advisory Board.

**Purpose:** Originally created to assist with planning, development and financing of Convention Center; advise the City Council on matters relating to the Frank W. Mayborn Civic & Convention Center, the Railroad & Pioneer Museum and tourism generally.

Membership: 9 members - City Manager, Convention Center Manager, Museum

Director and Tourism Director to serve as ex-officio members.

Chairperson to be designated by City Council

**Term:** 3 years

**Meeting Time/Place:** 1st Tuesday of each month at 11:30 a.m at Convention Center **City Staff:** Ken Cicora, Parks & Leisure Services Director REVISED 09/20/07

### TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTE D	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2009	2005 East Avenue K, 76501	773-3589 H
Wayne Garrett Forfeit position-non attendance	02/06	2009	4402 Cactus Trail, 76502 logmanus2000@yahoo.com	771-5857 H 778-4811 W 493-4849 M
Luis Montero	09/06	2010	3005 Liberty Drive, 76504	778-2286 ext.103 W 774-8371 H 760-9858 C
Sylvia Chesser	03/04	2010	802 Westpoint, 76504 kd5usi@aol.com	771-1171 H
John Rude	05/03	2009	214 Cheyenne, 76504 jnnarude@vvm.com	773-7147 H 298-7031 W 298-7111 F
John Bush	09/04	2010	1302 North 13 th Street Temple, TX 76501 john.rude@sbcglobal.net	770-0910 W 773-1416 H 760-9313 M
Patricia A. Smith, Ph.D. Chair	11/02	2010	3334 Red Cliff Cr., 76502 pat-smith@earthlink.net	778-4425 H
Corey Richardson cdrich@excite.com	09/07	2010	100 Ottoway Drive, 76501	760-8330 W 598-0280 H
Marcie Davis	5/03	2009	P.O. Box 4267, 76505 Marcie.davis@sbcglobal.net	771-0881 H 721-0212 M
Doris Easter	09/07	2010	1117 South 6 th Street, 76504	778-2423 H
Karl J. Kolbe	04/07	2008	P O Box 2718 76503 1901 South 1 st St, Ste. 213-39 kjk46@netzero.net	512-771-4132 H
Gerald Richmond	09/05	2008	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 M
William Blowers Resigned 10-10-07	03/01	2008	3713 Las Cienega, 76502  wblowers@hot.rr.com william.blowers@co.bell.tx.us	742-2622 H 933-5500 W 913-6810 M
Arben "Benny" Ismaili	09/07	2008	1810 Marlandwood Rd. #8107 76502 arben1976@hotmail.com	771-0169 W 421-1249 M
Catherine Luna	11/02	2008	1822 S. 35 th St., 76504 catherine.luna@tisd.org	493-9002 M

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

**Purpose:** Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;

Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 5:30 p.m. at the Temple Police Department. Revised 09/20/07