



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, NOVEMBER 15, 2007

3:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive report from Strategic Advisory Group regarding the market and financial analysis/feasibility study for the expansion and/or renovation of the Frank W. Mayborn Civic and Convention Center.
2. Discuss proposed non-residential metal building regulations.
3. Discuss fourth quarter financial results and the Capital Improvement Program for fiscal year ended September 30, 2007.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 15, 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. PUBLIC APPEARANCE

3. Receive submission of resignation from Temple City Council by [Mayor Pro Tem Martha Tyroch](#).

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Present Proclamation:
 - (A) [Food for Families Day](#) [November 16, 2007](#)
5. Recognize the City of Temple Purchasing Department for receiving the Achievement of [Excellence in Procurement Award for 2007](#).

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.

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

Minutes:

- (A) [October 25, 2007 Special Called Meeting](#)
- (B) [November 1, 2007 Special Called Meeting and Regular Meeting](#)
- (C) [November 5, 2007 Special Called Meeting](#)

Contracts, Leases & Bids:

- (D) [2007-5234-R](#): Consider adopting a resolution authorizing the purchase of a Toro Reelmaster 6700-D, 4WD self propelled reel mower from Professional Turf Products through the BuyBoard in the amount of \$53,508.27.
- (E) [2007-5235-R](#): Consider adopting a resolution authorizing the purchase of a Toro Groundsmaster 3500-D grooming mower from Professional Turf Products through the BuyBoard in the amount of \$27,562.13.
- (F) [2007-5236-R](#): Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department and the Street Department in an estimated annual amount not to exceed \$100,000.
- (G) [2007-5237-R](#): Consider adopting a resolution authorizing a construction contract with Alpha Constructors, Inc. of Temple for improvements to West Temple Community Park and Freedom Neighborhood Park in the amount of \$196,428.88.
- (H) [2007-5238-R](#): Consider adopting a resolution authorizing the purchase of a Caterpillar, Inc., 420E Integrated Tool Carrier (ITC) 4S Backhoe Loader from Holt Caterpillar through the BuyBoard local government online purchasing cooperative in the amount of \$82,432.
- (I) [2007-5239-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, design surveys, construction administration, and onsite representation, required to implement acceleration/deceleration lanes, a lift station, and force main for the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$75,000 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (J) [2007-5240-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, design surveys, bidding, construction administration, and on-site representation, required to implement stormwater conveyance for the northwest Rail Park detention pond between H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$223,500 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

- (K) [2007-5241-R](#): Consider adopting a resolution authorizing a farm lease with Carl and Charles Grisham for 87 acres of City-owned land located at the intersection of Wendland Road and Moores Mill Road.
- (L) [2007-5242-R](#): Consider adopting a resolution authorizing a farm lease with Marvin Brenek for 103.73 acres of City-owned land located on Moores Mill Road.

Misc:

- (M) [2007-5243-R](#): Consider adopting a resolution authorizing the Parks and Leisure Services Department to apply for a Partnership Grant with GameTime/Total Recreation Products, Inc. in the amount of \$23,391 and authorize a purchase from GameTime/Total Recreations Products, Inc. through the BuyBoard local government online purchasing cooperative in the amount of \$46,782.
- (N) [2007-5244-R](#): Consider adopting a resolution dedicating the following right of way and drainage easement:
 - 1. 0.696 acres of City owned property located at 998 S. Kegley Road as right of way for future Kegley Road improvements.
 - 2. 1.572 acres of City owned property at 998 S. Kegley Road as a drainage easement for the existing Thompson Drainage Channel.
- (O) [2007-5245-R](#): Consider adopting a resolution amending Resolution No. 2004-4025-R to allow a board member to serve up to six consecutive years on a City board or commission.
- (P) [2007-5246-R](#): Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2007.
- (Q) [2007-5247-R](#): Consider adopting a resolution authorizing the carry forward of FY 2006-2007 funds to the FY 2007-2008 budget.
- (R) [2007-5248-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VI. REGULAR AGENDA

ANNEXATION ITEMS

- 7. PUBLIC HEARING – Conduct a public hearing to receive comments on the possible voluntary annexation of the following three tracts of land in the vicinity of Witter Lane and Forrester Road, known as the [Witter Lane Annexation](#):
 - (A) Central Texas Christian School tract—approximately 39.2 acres
 - (B) H. A. Johnson tract—approximately 22.3 acres
 - (C) VB Connected, LTD. tract—approximately 44.5 acres

8. [2007-5249-R](#): Consider adopting a resolution calling public hearings for December 4 and December 12, 2007 in regard to growth management study areas being considered for City initiated annexation.

ORDINANCES

9. [2007-4179](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance providing for the continued taxation of goods-in-transit otherwise exempt pursuant to Section 11.253(b) of the Texas Tax Code.

RESOLUTIONS

10. [2007-5250-R](#): P-FY-07-59: Consider adopting a resolution authorizing the preliminary plat of Lago Terra, a 59.781 acre, 83 lot residential subdivision located on the west side of Morgan's Point Road, south of Bonnie Lane, located partially inside the City of Temple and within its western ETJ, subject to the developer's requested exceptions to Subdivision Ordinance for pavement widths and rights-of-way, cul-de-sac length, Parkland Dedication, and the Utility Cost Sharing Policy.
11. [2007-5251-R](#): P-FY-08-04: Consider adopting a resolution authorizing the final plat of the Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, subject to the developer's requested exceptions to the Subdivision Ordinance for paving, curb and fire protection requirements.
12. [2007-5252-R](#): P-FY-08-06: Consider adopting a resolution authorizing the final plat of Woodland Ridge Estates, a 28.87 acre, 5 lot residential plat, located on the south side of FM 436, east of Centennial Road, in Temple's southeastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance for park fees, paving, curb and fire protection requirements.
13. [2007-5253-R](#): Consider adopting a resolution canvassing the returns of the November 6, 2007 election relating to the issuance of \$9,750,000 in bonds for park and recreation facilities and projects.

BOARD APPOINTMENTS

14. [2007-5229-R](#): Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2008.

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 2:20 PM, on November 9, 2007.

Clydette Entzminger
Clydette Entzminger
City Secretary

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

ADDENDUM

NOTICE OF MEETING

TEMPLE CITY COUNCIL

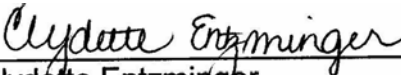
THURSDAY, NOVEMBER 15, 2007

5:00 P.M. REGULAR MEETING – MUNICIPAL BUILDING,
COUNCIL CHAMBERS – 2ND FLOOR, 2 NORTH MAIN STREET

15. [2007-5254-R](#): Consider adopting a resolution authorizing an economic development agreement relating to a 317 acre tract of land located at the southeast corner of Moore's Mill Road and Wendland Road.

Pursuant to §551.087 of the Texas Government Code - Deliberation Regarding Economic Development Negotiations – the City Council may enter into executive session to discuss or deliberate regarding commercial or financial information received from a business prospect and to deliberate the offer of a financial or other incentive to a business prospect.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:30 PM, on November 12, 2007.



Clydette Entzminger
City Secretary

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

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



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
Item #3
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive submission of resignation from Temple City Council by Mayor Pro Tem Martha Tyroch.

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

ITEM SUMMARY: Mayor Pro Tem Tyroch filed a Request for Placement on the Agenda to discuss submission of her request for resignation as Temple City Councilmember.

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: Martha Tyroch

ADDRESS: 2110 Forest Trail, Temple TX 76502

TELEPHONE NO. (254) 773-1896

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) _____

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.) _____

Submission of letter of resignation from Temple City Council
by Mayor Pro Tem Martha Tyroch.

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.

Martha Tyroch
SIGNATURE OF PRESENTER

11/9/07
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

(A) Food for Families Day November 16, 2007

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by Dr. Tom Henderson (Area Missionary for the Bell Baptist Association) on behalf of Churches Touching Lives for Christ (CTLIC) to recognize the annual food drive which benefits several food banks in the community. Dr. Henderson will receive the proclamation.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognize the City of Temple Purchasing Department for receiving the Achievement of Excellence in Procurement Award for 2007.

STAFF RECOMMENDATION: Present recognition as presented in item description.

ITEM SUMMARY: The City of Temple Purchasing Department received the Achievement of Excellence in Procurement Award for 2007. This is the sixth year the City of Temple has received this award.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

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Item #6(A)-(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) October 25, 2007 Special Called Meeting
- (B) November 1, 2007 Special Called Meeting and Regular Meeting
- (C) November 5, 2007 Special Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

October 25, 2007 Special Called Meeting Minutes
November 1, 2007 Special Called Meeting and Regular Meeting Minutes
November 5, 2007 Special Called Meeting Minutes

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

OCTOBER 25, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, October 25, 2007 at 8:30 A.M. in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Tony Jeter
Mayor Pro Tem Martha Tyroch
Councilmember Patsy Luna

Absent:

Councilmember Russell Schneider
Mayor William A. Jones, III

Mr. Perry Cloud led the audience in reciting the Lord's Prayer. Mr. Marty Janczak led the Pledge of Allegiance to the United States flag.

- 1. (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.**

Melissa Przybylski, Assistant Finance Director, presented this item to the City Council. Today's action will amend the Financing Plan through 2022, which is the end life of the Zone. It allocates funds for various public improvement projects and Mrs. Przybylski presented these projects. It also proposes a \$21,385,000 bond issue with a 15-year life which corresponds to the life of the Zone, at a net interest cost estimated to be 4.85%. Award of the bond is tentatively scheduled for December 2007 with a closing date of January 2008.

Motion by Councilmember Tony Jeter to adopt ordinance on second and final reading, seconded by Councilmember Patsy Luna.

Motion passed unanimously.

(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.

Bruce Butscher, Director of Public Works, gave a brief presentation of this item to the Council. This project will extend Industial Boulevard and provide drainge and water and sewer lines in this area. Kasberg, Patrick & Associates, the engineers for the project, have reviewed the bids and recommend award of the contract to R.T. Schneider Construction Company, Ltd. The second lowest bid was \$280,000 higher than the low bid.

Motion by Councilmember Patsy Luna to adopt resolution, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

NOVEMBER 1, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, November 1, 2007 at 3:00 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 the update to the City's Building Codes.

Richard Therriault, Construction Safety & Services, presented this item to the City Council. He stated staff has reviewed Chapter 7 - Buildings, Chapter 10 - Electrical Code, and Chapter 21 - Minimum Housing Standards and will be recommending Council adopt the 2006 versions of these codes. The 2006 codes have been reviewed in numerous meetings with the Temple Area Builders Association. Both the Building Board of Appeals and the Building and Standards Commission have met and recommended approval of the 2006 versions and the Electrical Board will meet next week. Mr. Therriault noted there are few substantive changes to the codes. Most of the changes are only clarifications of existing requirements. Many cities are already operating under the 2006 codes. Staff will bring these ordinances to the Council in the near future for public hearing and consideration.

2. Discuss the update to the City's Sign Ordinances.

Kim Foutz, Assistant City Manager, provided this report to the City Council. This issue was discussed with the Council several months ago. The reason sign issues are being discussed is due to the Council's commitment to code enforcement and because the staff needs functional tools to do their job, in particular a clear, concise ordinance. The focus of these revisions has been on temporary signs, the definitions in the ordinance and conflicting language and lack of clarity. Problem areas the staff is dealing with include undefined and/or unregulated signs, such as inflatables, streamers, pennants and banners, enforcement process for temporary signs and inconsistency of political sign requirements with State law.

Mrs. Foutz continued, stating the purpose of the proposed amendments is to make the ordinance more customer friendly, assist code enforcement activities and fulfill the objectives in the Strategic Plan. She presented the results of the temporary sign survey conducted by staff. Mrs. Foutz then reviewed some of the specific suggested changes relating to banners, inflatables, streamers, hand painted non-commercial signs, pennants, portable sign conversions and window signs, and shows photos of each type of sign

discussed.

The Councilmembers asked that stakeholders be contacted for their input about the suggested changes. They also asked that exemptions be included for non-profit activities, sporting or other special events and holiday decorations.

4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 1, 2007 as follows:

Mayor Jones stated that no action will be required regarding item 5 on the regular agenda, the final plat of Meadow Oaks, since the park fees have now been paid and the plat filed.

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 Municipal Court Judge. No final action will be taken.

Mayor Jones announced the City Council would enter into executive session at this time, approximately 3:55 p.m., for the discussion of item 3.

The regular session was reconvened at 4:42 p.m.

David Blackburn, City Manager, addressed items 8 and 9 on the regular agenda relating to the City initiated annexation and the voluntary annexation. He reviewed the maps of the four study areas being proposed, as well as the actions to be taken by the Council as part of the regular meeting.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 1, 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

Municipal Judge Kathleen Person voiced the Invocation.

2. Pledge of Allegiance

Betty Decker, representing the Alzheimer's Disease Family Support Group, led the

Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Proclamations:

(A) Municipal Courts Week November 5 - 9, 2007

Municipal Judge Kathleen Person and Municipal Court Staff accepted this proclamation presented by Mayor Jones.

(B) Alzheimer's Disease Awareness Month November, 2007

Betty Decker and representatives from the Alzheimer's Disease Family Support Group accepted the proclamation presented by Mayor Jones.

III. PUBLIC COMMENTS

There were no public comments.

IV. CONSENT AGENDA

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

(A) October 18, 2007 Special Called Meeting and Regular Meeting

(B) 2007-5222-R: Consider adopting a resolution authorizing the purchase of 50 digital radios for the Police Department from Dailey-Wells Communications, the sole source provider, in the amount of \$214,918.10 and declare an official intent to reimburse this expenditure and other expenditures related to this project in an amount not to exceed \$235,000 prior to the issuance of tax-exempt obligations designated for this project.

(C) 2007-5223-R: Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2008.

(D) 2007-5224-R: Consider adopting a resolution authorizing Change Order #2 in the amount of \$152,644.39 to the Loop 363 Utility Relocation Project Phase 1 construction contract with Bell Contractors, Inc., for items related to additional TxDOT requests, design changes, field adjustments, easement negotiations, and waterline tie in connections as required.

(E) 2007-5225-R: Consider adopting a resolution authorizing Change Order #2 in the amount of \$62,829.46 to the Loop 363 Utility Relocation Phase 2

construction contract with Bell Contractors, Inc., for items related to changes due to TxDOT modifications, design issues, and field adjustments as required.

(F) 1. 2007-4177: SECOND READING - Consider adopting an ordinance authorizing a franchise with Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.

2. 2007-4178: SECOND READING - Consider adopting an ordinance authorizing a franchise with Scott and White EMS to provide non-emergency ambulance transfer services within the City.

(G) 2007-5226-R: Consider adopting a resolution approving revised Bylaws and Articles of Incorporation for the Temple Economic Development Corporation.

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

Motion passed unanimously.

V. REGULAR AGENDA

RESOLUTIONS

5. 2007-5227-R: P-FY-07-47: Consider adopting a resolution approving two single-family lots in a Final Plat of Meadow Oaks being a Replat of Tract 40, Meadow Oaks, on a 0.543 acre tract of land located at the northwest corner of Forest Trail and Meadow Oaks Drive and denying the applicant's request for an exception to the parkland dedication fee.

Mayor Jones stated no action would be required regarding this item.

BOARD APPOINTMENTS

6. 2007-5228-R: Consider adopting a resolution appointing one regular member and two alternate members to the North Central Temple Neighborhood Code Enforcement Board.

It was recommended that Kay Guedea be appointed as a regular member and that June Johnson and Don Jackson be appointed as alternate members to the North Central Temple Neighborhood Code Enforcement Board.

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

Motion passed unanimously.

7. **2007-5229-R: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2008.**

Mayor Jones recommended this item be tabled to the November 15th Council meeting.

Motion by Councilmember Russell Schneider to table resolution to November 15, 2007 Council meeting, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

8. **(A) 2007-5230-R: Discuss growth management study areas in the City's Extraterritorial Jurisdiction (ETJ) and consider adopting a resolution directing the City Manager to prepare municipal services plans for areas to be considered as part of the City initiated annexation.**

(B) 2007-5231-R: Consider adopting a resolution approving a development agreement to be offered to property owners of agricultural, timber and wildlife exempt tracts and directing the City Attorney to offer this agreement to all eligible properties for which municipal service plans are prepared as part of the City initiated annexation.

David Blackburn, City Manager, presented this item to the Council. Staff has been engaged in very intensive long range planning over the past two years, including the Water and Sewer Master Plan, the Comprehensive Plan, and the Fire and EMS Master Plan. This item is an extension of those planning efforts. This resolution presents a recommendation to begin the study of four areas for City initiated annexation. He explained the three criteria used in developing the recommended study areas - protection of community assets (airport and highways), current and future land use and development in and around these areas, and current and future municipal services being provided.

Tim Dolan, Planning Director, identified the four areas under consideration, areas A, B, C and D. A is almost one square mile area in size with a population of 222 (2000 Census data) and 91 dwellings. Significant City services are already being extended into this area. Area B is 1.1 square miles, has a population of 8 and 3 homes. A new water tower is to be located in this area. Area C is 6.0 square miles, has 299 population and 122 homes. This area contains two state highways and the City's desire is to protect the airport and height regulations associated with that facility. Area D is 2.6 square miles, 56 population and 23 homes. The City's interest in this area is to enhance existing assets such as the business park and the railroad that borders the western boundary of the tract.

Jonathan Graham, City Attorney, provided some background information on the annexation process. These tracts all have fewer than 100 lots. The City is required to develop a municipal services plan, notify property owners in these areas, and hold two public hearings regarding each area before formally initiating the annexation process with two readings of ordinances.

Next, Mr. Graham addressed item B, which is a recent change in state law relating to agricultural, timber and wildlife exempt tracts. A development agreement must be offered to property owners of these types of properties. If the property owner accepts the agreement, the City will not annex the property. If the property owner rejects the agreement, the City may continue to annex the property. Mr. Graham reviewed the components of the development agreement, which can have a term of up to 15 years. He asked that Council authorize staff to meet the requirements of State law with a specified period of time, 30 days, for the property owner to accept or reject the development agreement. He recommended a 15 year term with voluntary annexation and a 12 year term if no voluntary annexation is offered. These agreements can be renewed for up to 45 years by law.

Councilmember Schneider asked if a single family dwelling on an agricultural exempt tract is also exempt.

Mr. Graham stated the agricultural exemption is over the entire tract. The City will follow what the Bell County Tax Appraisal District shows for the tract since that is what state law allows.

Councilmember Schneider asked if there is a process to send certified letters to these property owners.

Mr. Graham stated if the resolution is adopted the Council is authorizing staff to send certified letters to property owners with agricultural property exemptions, along with the proposed development agreement and an explanation of the options.

Councilmember Jeter asked if property has to be contiguous to the City limits in order to be annexed.

Mr. Graham stated yes, and it has to be in the City's ETJ, except where development agreements are executed. Those properties do not have to be contiguous if a development agreement exists.

Motion by Councilmember Patsy E. Luna to adopt resolution 8(A), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Motion by Councilmember Russell Schneider to adopt resolution 8(B), with a 12

year term for the development agreement, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

9. (A) 2007-5232-R: Consider granting petitions to institute voluntary annexation proceedings, known as the Witter Lane Voluntary Annexation, for three tracts of land in the vicinity of Witter Lane and Forrester Road:

- 1. Central Texas Christian School tract—approximately 39.2 acres**
- 2. H. A. Johnson tract—approximately 22.3 acres**
- 3. VB Connected, LTD. tract—approximately 44.5 acres**

(B) Consider adopting a resolution directing the City Manager to develop a municipal services plan and calling public hearings to consider the three petitions.

Mr. Graham stated voluntary petitions for annexation have been received for these three tracts, which he identified. Under state law, a property owner may petition for annexation if the property contains fewer than 3 residents and is no more than 1/4 mile wide. The City is required to follow basically the same process as with a City initiated annexation, preparing municipal service plans and conducting public hearings.

Motion by Councilmember Patsy E. Luna to adopt resolutions 9(A) and (B), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

NOVEMBER 5, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Monday, November 5, 2007 at 5:00 P.M. in the 3rd Floor Conference Room, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

- 1. (A) 2007-5233-R: Consider adopting a resolution authorizing the purchase of an improved tract of land located at 107 South 6th Street.**

Jonathan Graham, City Attorney, stated the City has had these tracts under contract for some time and the recommendation is to close on them tomorrow. This is the proposed site for the construction of a new Municipal Court and Water Business Office. The tracts are located east of the new Police Department, with two of them fronting on Martin Luther King, Jr. Drive. The negotiated purchase price for the improved tract of land is \$45,000 and the price for the unimproved tract is \$20,000. We estimate closing costs of \$800 for each tract.

(B) 2007-5234-R: Consider adopting a resolution authorizing the purchase of an unimproved tract of land located at 108 and 110 South Martin Luther King, Jr. Drive.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
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Consent Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a Toro Reelmaster 6700-D, 4WD self propelled reel mower from Professional Turf Products through the BuyBoard in the amount of \$53,508.27.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This mower will replace an existing tractor and drag type reel mower that are both over 20 years old. This mower is used to mow all of our competition athletic fields and practice fields and should prove to be a more efficient machine than the unit we now are using. This new mower will ensure that our athletic field mowing schedules can be maintained.

The price received is from the Buy Board, a cooperative purchasing contract, and is for the purchase of a Toro 6700-D reel mower and accessories for the Parks Division grounds maintenance operation. All purchases from the Buy Board meet competitive bid requirements.

Toro 6700-D Mower	\$37,801.88
11 blade cutting units (7)	\$13,076.00
Front Wiehle Roller	\$ 1,377.18
Universal Mount Sunshade	\$ 499.66
400 hour filter maintenance kit	\$ 84.75
Spare front tire and rim	\$ 309.32
Spare rear tire and rim	\$ 109.48
Freight/Set Up Fee	\$ 250.00
Total	\$53,508.27

FISCAL IMPACT: In the FY 2008 operating budget, \$57,000 was budgeted in account 110-5935-552-6222, project # 100294 to purchase this mower for the Parks Department.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TORO REELMASTER 6700-D, 4WD SELF-PROPELLED REEL MOWER FROM PROFESSIONAL TURF PRODUCTS OFF THE BUY BOARD, IN THE AMOUNT OF \$53,508.27; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks Department needs to replace an existing tractor and drag type reel mower that are both over 20 years old and have been used to mow competition athletic fields and practice fields;

Whereas, the Staff recommends purchasing a Toro Reelmaster 6700-D, 4WD self-propelled reel mower from Professional Turf Products off the Buy Board for the price of \$53,508.27;

Whereas, funds are available in Account No. 110-5935-552-6222 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:

Part 1: The City Council authorizes the purchase of a Toro Reelmaster 6700-D, 4WD self-propelled reel mower from Professional Turf Products off the Buy Board for a cost not to exceed \$53,508.27.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution 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 15th day of November, 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

11/15/07
Item #6(E)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a Toro Groundsmaster 3500-D grooming mower from Professional Turf Products through the BuyBoard in the amount of \$27,562.13.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This mower will replace an existing mower of a similar type and will become our frontline mower. The mower that is to be replaced will be retained as a backup unit in case the frontline mower breaks down. This will ensure that our golf course mowing operation will not be affected by equipment failure and mowing schedules can be maintained. This purchase was identified and budgeted in our 5 year equipment replacement program.

The price received is from the Buy Board, a cooperative purchasing contract, and is for the purchase of a Toro 3500-D grooming mower for Sammons Golf Links grounds maintenance operation. All purchases from the BuyBoard meet competitive bid requirements.

Toro 3500-D Mower	\$27,312.13
Freight/Set Up Fee	\$ 250.00
Total	\$27,562.13

FISCAL IMPACT: The FY 2008 operating budget for the golf course included \$65,470 for the continuation of a five year replacement program for various equipment. This is the third year of that program. Funds were budgeted in account 110-3120-551-2211 for this program. A budget amendment is presented reclassifying these funds from that account to a capital account within the golf course budget, account 110-3120-551-6211, project # 100349 in the amount of \$27,563. After the purchase of this mower, \$37,907 will remain for future purchases in the replacement program.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2008****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-3120-551-62-11	100349	Special Equipment	\$ 27,563			
110-3120-551-22-11		Special Equipment			27,563	
TOTAL.....			\$ 27,563		\$ 27,563	

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

This budget amendment reclassifies funds to purchase a Toro Groundsmaster 3500-D mower from Professional Turf Products for the golf course. The FY 2008 operating budget for the golf course included \$65,470 for the continuation of a five year replacement program for various equipment. Funds were budgeted in a non-capital account and need to be reclassified to a capital account. After the purchase of this mower, \$37,907 will remain for future purchases in the replacement program.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☒

No

DATE OF COUNCIL MEETING

11/15/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TORO GROUNDSMASTER 3500-D GROOMING MOWER FROM PROFESSIONAL TURF PRODUCTS OFF THE BUY BOARD, IN THE AMOUNT OF \$27,562.13; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks Department needs to replace an existing mower that is used for golf course mowing;

Whereas, the Staff recommends purchasing a Toro Groundsmaster 3500-D grooming mower from Professional Turf Products off the Buy Board for the price of \$27,562.13;

Whereas, funds are available for this purchase 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:

Part 1: The City Council authorizes the purchase of a Toro Groundsmaster 3500-D grooming mower from Professional Turf Products off the Buy Board for a cost not to exceed \$27,562.13.

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

Part 3: The City Council approves an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #6(F)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director
Kenny Henderson, Director of Street Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department and the Street Department in an estimated annual amount not to exceed \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Since 2001, the Parks and Leisure Services Department has utilized the services of the Temple Veterans Affairs (VA) Hospital to provide contract day laborer services to help maintain the park system. The VA has provided temporary workers to conduct a number of duties including: mowing/edging/trimming, restroom cleaning, litter removal, planter bed maintenance, athletic field maintenance, painting and carpentry work.

In addition, the Street Department has utilized the VA laborer services to trim trees, weed eat, and assist with the construction of signs.

The program has been very successful. We have found that almost every one of the workers the VA assigns to the City has worked diligently to do a good job for us, and as a result, we have chosen to hire a number of them as full-time employees when job opportunities have arisen. We believe this is an excellent program and provides a win-win opportunity for the VA and the City.

FISCAL IMPACT: Funding for this contract in the amount of \$100,000 is designated and available in the following accounts:

Parks, Account 110-3500-552-2623	\$70,000
Streets, Account 110-3400-531-2623	\$30,000

In FY 2007, Parks and Streets expended \$69,942 and \$19,096, respectively, under this program.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE DEPARTMENT OF VETERANS AFFAIRS, VETERANS INDUSTRIES/COMPENSATED WORK THERAPY FOR THE PROVISION OF TEMPORARY WORKERS FOR THE PARKS AND LEISURE SERVICES DEPARTMENT AND THE STREET DEPARTMENT, IN AN ANNUAL AMOUNT NOT TO EXCEED \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, since 2001, the Parks and Leisure Services Department has utilized the services of the Temple Veterans Affairs (VA) Hospital to provide contract day laborer services to help maintain the park system;

Whereas, the program has been very successful and the Staff recommends authorizing a contract with the Department of Veterans Affairs to continue the compensated work therapy program for the Parks and Leisure Services Department and the Street Department in the approximate amount not to exceed \$100,000;

Whereas, funds are budgeted in Account Nos. 110-3500-552-2623 and 110-3400-531-2623 for this expenditure; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract for an amount not to exceed \$100,000, with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy, after approval as to form by the City Attorney, for the provision of workers for the Parks and Leisure Services Department and the Street Department.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #6(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Alpha Constructors, Inc. of Temple for improvements to West Temple Community Park and Freedom Neighborhood Park in the amount of \$196,428.88.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 16, 2007, the City of Temple received two bids for construction projects in West Temple Community Park and Freedom Park. The bids are shown on the attached bid tabulation sheet.

The West Temple Community Park project will construct a new parking area for 31 vehicles on the northwest side of this park. Existing parking for this Community Park becomes overwhelmed during football season and requires several parents to park along the streets adjacent to the park. This parking lot will help alleviate some of the problems that we are experiencing.

The Freedom Park project will construct a parking lot for 13 vehicles, construct a restroom facility and provide for ADA access from the parking lot to the restrooms. This is a very popular park for athletic teams to use for practice since it is one of the few parks with lighted practice fields. Fortunately, we are able to use adjacent parking at the two BISD schools located next to the park for the majority of the parking needs; however, there is no ADA access to the park from these parking lots. Also, there are no restroom facilities at this park and portable toilets must be rented while the fields are being utilized. The new restrooms to be constructed will be similar in style to the restrooms constructed in Jeff Hamilton Park and will be ADA accessible.

Staff recommends awarding the base bid of \$54,893.16 for the West Temple Community Park improvements to Alpha Constructors, Inc. City crews will perform the work as bid under Add Alternate "D," including hydramulching, striping, and signage.

Staff recommends awarding the base bid of \$40,581.07 for the Freedom Neighborhood Park improvements with the proposed additive alternates:

Alternate "A"	\$36,881.91	This alternate provides for water/sewer/electrical services for the restrooms
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Alternate "B" \$ 8,103.74 This alternate provides for the striping/ADA signage/bumper blocks, fine grading and hydromulch for the parking lot.

Alternate "C" \$55,969.00 This alternate provides for the construction of the restrooms.

The bids for Alternate "E," which was to add an additional row of parking at Freedom Park, is not deemed necessary at this time. The Freedom Park project including Alternates A-C total \$141,535.72.

Funding for these two projects will come from Capital Funding Accounts, Park Dedication Fees and remaining funds from the Summit Tennis Courts renovation project,

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating park dedication fees in the amount of \$14,752 for West Temple Community Park and reallocating \$9,100 from the Summit Tennis Courts renovation project to account 351-3500-552-6540, project #35011. This will bring the balance available for West Temple Community Park to \$54,897.

A second budget adjustment is presented for Council's approval appropriating park dedication fees in the amount of \$83,265 for Freedom Neighborhood Park and reallocating \$41,500 from the Summit Tennis Courts renovation project to account 351-3500-552-6542, project 350018. This will bring the balance available for Freedom Neighborhood Park to \$141,955.

A summary of the project funding is shown below. After approval of the budget adjustments, a total of \$196,852 is available to fund the construction contract amount of \$196,428.88.

Funds are available for these projects in the following accounts:

West Temple Community Park	351-3500-552-65-40	\$31,045
Park Dedication Fees		\$14,752
Summit Tennis Courts	351-3500-552-65-44	\$ 9,100
Total available to fund West Temple Community Park		<u>\$54,897</u>
Freedom Park	351-3500-552-65-41	\$17,190
Park Dedication Fees		\$83,265
Summit Tennis Courts	351-3500-552-65-44	<u>\$41,500</u>
Total available to fund Freedom Neighborhood Park		<u>\$141,955</u>

ATTACHMENTS:

[Bid Tabulation](#)
[Budget Adjustment \(2\)](#)
[Resolution](#)

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Alpha Constructors Inc.		TTG Utilities, LP	
				Unit Price Numerals	Total	Unit Price Numerals	Total
1	354.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Silt Fence</u> complete and in place	\$2.44	\$863.76	\$2.95	\$1,044.30
2	2.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Rock Berm</u> complete and in place	\$426.20	\$852.40	\$580.00	\$1,160.00
3	572.00	CY	Furnish and install all material, machinery, labor, overhead, and profit to provide implementation of <u>Unclassified Excavation and Fill</u> complete and in place	\$9.74	\$5,571.28	\$13.25	\$7,579.00
4	714.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Subgrade</u> complete and in place	\$1.83	\$1,306.62	\$3.10	\$2,213.40
5	569.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>8" Crushed Stone Base</u> complete and in place	\$12.18	\$6,930.42	\$13.00	\$7,397.00
6	569.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" Type "D" HMAC</u> complete and in place	\$14.61	\$8,313.09	\$13.00	\$7,397.00
7	2,292.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide a <u>4" Concrete Sidewalk w/ Gravel Base or Sand Cushion</u> complete and in place	\$4.26	\$9,763.92	\$5.15	\$11,803.80
8	42.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide implementation of <u>Concrete Steps</u> complete and in place	\$70.63	\$2,966.46	\$40.00	\$1,680.00
9	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Handrail</u> complete and in place	\$1,461.24	\$1,461.24	\$1,615.00	\$1,615.00
10	524.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Commercial Driveway w/ Base</u> complete and in place	\$4.87	\$2,551.88	\$9.30	\$4,873.20
			Total Amount of Base Bid FP		\$40,581.07		\$46,762.70

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Alpha Construction Inc.		TTG Utilities, LP	
				Unit Price Numerals	Total	Unit Price Numerals	Total
1	198.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" SCH 40</u> complete and in place	\$7.92	\$1,568.16	\$6.50	\$1,287.00
2	3.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" Globe Valve w/ Box</u> complete and in place	\$243.54	\$730.62	\$200.00	\$600.00
3	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" RPZ</u> complete and in place	\$1,680.43	\$1,680.43	\$1,380.00	\$1,380.00
4	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" x 1.5" TEE</u> complete and in place	\$30.44	\$30.44	\$25.00	\$25.00
5	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" Plug</u> complete and in place	\$18.27	\$18.27	\$15.00	\$15.00
6	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>C.O.T. 1.5" Water Service</u> complete and in place	\$852.39	\$852.39	\$700.00	\$700.00
7	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Wastewater Tie-In Drop MH (All depths)</u> complete and in place	\$1,217.70	\$1,217.70	\$1,000.00	\$1,000.00
8	215.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>6" PVC Wastewater (All depths)</u> complete and in place	\$20.94	\$4,502.10	\$17.20	\$3,698.00
9	215.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Wye w/ 4" Branch (All depths)</u> complete and in place	\$85.24	\$18,326.60	\$70.00	\$15,050.00
10	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Std. Termination CO</u> complete and in place	\$474.90	\$474.90	\$390.00	\$390.00
11	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Property Line CO</u> complete and in place	\$450.55	\$450.55	\$370.00	\$370.00

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Unit Price Numerals	Total	Unit Price Numerals	Total
12	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Pavement Sawcut</u> complete and in place	\$158.30	\$158.30	\$130.00	\$130.00
13	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Pavement Patching</u> complete and in place	\$852.39	\$852.39	\$700.00	\$700.00
14	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Trench & MH Excavation</u> <u>Safety Plan</u> complete and in place	\$791.51	\$791.51	\$650.00	\$650.00
15	215.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Trench & MH Excavation</u> <u>Safety Implementation</u> complete and in place	\$2.56	\$550.40	\$2.10	\$451.50
16	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Convert 10' Curb Inlet to Open Back</u> complete and in place	\$3,835.76	\$3,835.76	\$3,150.00	\$3,150.00
17	57.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>2" SCH 40 Elect. Conduit</u> complete and in place	\$8.77	\$499.89	\$7.20	\$410.40
18	16.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>2" SCH 80 Elect. Conduit</u> complete and in place	\$11.45	\$183.20	\$9.40	\$150.40
19	2.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>2" 90° Sweep Elect. Conduit</u> complete and in place	\$79.15	\$158.30	\$65.00	\$130.00
			Total Amount of Alt. "A" FP		\$36,881.91		\$30,287.30

Freedom Park
Alt. "B" FP

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Alpha Constructors Inc		TTG Utilities, LP	
				Unit Price Numerals	Total	Unit Price Numerals	Total
1	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Top Soil (Fine Grade)</u> complete and in place	\$3,896.64	\$3,896.64	\$1,550.00	\$1,550.00
2	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Hydramulch</u> complete and in place	\$3,044.25	\$3,044.25	\$1,350.00	\$1,350.00
3	336.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Striping</u> complete and in place	\$1.83	\$614.88	\$1.30	\$436.80
4	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>ADA Logo, Signage, & Bumper Block</u> complete and in place	\$547.97	\$547.97	\$980.00	\$980.00
			Total Amount of Alt. "B" FP		\$8,103.74		\$4,316.80

Freedom Park
Alt. "C" FP

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Unit Price Numerals	Total	Unit Price Numerals	Total
1	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Complete Bathroom Construction According to Architectural Plans</u> complete and in place	\$55,969.00	\$55,969.00	\$70,000.00	\$70,000.00
			Total Amount of Alt. "C" FP		\$55,969.00		\$70,000.00

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Alpha Constructors Inc		TTG Utilities, LP	
				Unit Price Numerals	Total	Unit Price Numerals	Total
1	314.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Silt Fence</u> complete and in place	\$2.44	\$766.16	\$2.95	\$926.30
2	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Rock Berm</u> complete and in place	\$426.20	\$426.20	\$580.00	\$580.00
3	948.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide implementation of <u>Pyramat HPTRM</u> complete and in place	\$4.26	\$4,038.48	\$1.35	\$1,279.80
4	394.00	CY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Unclassified Excavation and Fill</u> complete and in place	\$9.74	\$3,837.56	\$13.00	\$5,122.00
5	1,406.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Subgrade</u> complete and in place	\$1.83	\$2,572.98	\$3.10	\$4,358.60
6	1,296.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>8" Crushed Stone Base</u> complete and in place	\$10.96	\$14,204.16	\$13.00	\$16,848.00
7	1,296.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" Type "D" HMA</u> complete and in place	\$14.61	\$18,934.56	\$13.00	\$16,848.00
8	105.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Curb & Gutter w/4" Under-base</u> complete and in place	\$10.96	\$1,150.80	\$27.00	\$2,835.00
9	44.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>24" RCP CL III</u> complete and in place	\$60.89	\$2,679.16	\$78.40	\$3,449.60
10	4.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>C.O.T. 24" Type B Headwall</u> complete and in place	\$974.16	\$3,896.64	\$1,230.00	\$4,920.00

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Unit Price Numerals	Total	Unit Price Numerals	Total
11	120.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>6" Concrete Valley Gutter</u> complete and in place	\$4.87	\$584.40	\$14.50	\$1,740.00
12	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Remove & Relocate Fence Rails</u> complete and in place	\$974.16	\$974.16	\$1,400.00	\$1,400.00
13	34.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Crushed Gravel Pathway</u> complete and in place	\$24.35	\$827.90	\$4.85	\$164.90
			Total Amount of Base Bid WTCP		\$54,893.16		\$60,472.20

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct.16, 2007

				Alpha Constructors Inc.		TTG Utilities, LP	
Item	Quantity	Unit	Description	Unit Price Numerals	Total	Unit Price Numerals	Total
1	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Top Soil (Fine Grade)</u> complete and in place	\$3,896.64	\$3,896.64	\$1,550.00	\$1,550.00
2	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Hydramulch</u> complete and in place	\$3,044.25	\$3,044.25	\$1,350.00	\$1,350.00
3	996.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide a <u>Striping</u> complete and in place	\$1.83	\$1,822.68	\$1.30	\$1,294.80
4	2.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide implementation of <u>ADA Logo, Signage, & Bumper Block</u> complete and in place	\$547.97	\$1,095.94	\$720.00	\$1,440.00
			Total Amount of Alt. "D" WTCP		\$9,859.51		\$5,634.80

Bid Tabulation
Parking Lot Improvements at West Temple Community Park
and
Parking Lot and Bathroom Improvements at Freedom Park
City of Temple, Texas

Oct. 16, 2007

Item	Quantity	Unit	Description	Alpha Constructors Inc		TTG Utilities, LP	
				Unit Price Numerals	Total	Unit Price Numerals	Total
1	281.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to <u>Subgrade</u> complete and in place	\$1.83	\$514.23	\$3.15	\$885.15
2	244.00	SY	Add all material, machinery, labor, overhead, and profit to <u>8" Crushed Stone Base</u> complete and in place	\$10.96	\$2,674.24	\$13.50	\$3,294.00
3	244.00	SY	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>1.5" Type "D" HMA</u> complete and in place	\$14.61	\$3,564.84	\$13.00	\$3,172.00
4	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Top Soil (Fine Grade)</u> complete and in place	\$974.16	\$974.16	\$1,550.00	\$1,550.00
5	1.00	LS	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Hydramulch</u> complete and in place	\$1,461.24	\$1,461.24	\$1,350.00	\$1,350.00
6	331.00	LF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>Striping</u> complete and in place	\$1.83	\$605.73	\$1.30	\$430.30
7	1.00	EA	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>ADA Logo & Sign</u> complete and in place	\$547.97	\$547.97	\$520.00	\$520.00
8	108.00	SF	Furnish and install all material, machinery, labor, overhead, and profit to provide <u>4" Concrete Sidewalk w/ Gravel Base</u> complete and in place	\$4.87	\$525.96	\$5.15	\$556.20
			Total Amount of Alt. "E" FP WTCP		\$10,868.37		\$11,757.65

FY **2008****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-3500-552-65-42	350018	Freedom Neighborhood Park	\$ 124,765			
351-0000-490-25-82		Transfer In-General Fund	83,265			
351-3500-552-65-44	100255	Summit Tennis Courts			41,500	
110-9100-591-81-51		Transfer Out-Capital Projects Fund	83,265			
110-0000-461-08-30		Misc. Rev - Park Fees for Freedom	83,265			
		Neighborhood Park				
TOTAL.....			\$ 374,560		\$ 41,500	

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

To appropriate Park dedication fees from Reid, Windcrest I & II, and Sage Meadow I, II, & III subdivisions in the amount of \$83,265 and reallocate funding from the Summitt Tennis Courts renovation project in the amount of \$41,500 to add to the current balance available of \$17,190 in account 351-3500-552-6542 for the Freedom Neighborhood Park Improvements. Total available for the project after this budget adjustment is posted will be \$141,955.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/15/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

FY **2008****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-3500-552-65-40	350011	West Temple Community Park	\$ 23,852			
351-0000-490-25-82		Transfer In-General Fund	14,752			
351-3500-552-65-44	100255	Summit Tennis Courts			9,100	
110-9100-591-81-51		Transfer Out-Capital Projects Fund	14,752			
110-0000-461-08-30		Misc. Rev - Park Fees for West	14,752			
		Temple Community Park				
TOTAL.....			\$ 68,108		\$ 9,100	

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

To appropriate Park dedication fees from Eagle Oaks I & II at the Lake Subdivision in the amount of \$14,752 and reallocate funding from the Summit Tennis Courts renovation project in the amount of \$9,100 to add to the current balance available of \$31,045 in account 351-3500-552-6540 for the West Temple Community Park Improvements. Total available for the project after this budget adjustment is posted will be \$54,897.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/15/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ALPHA CONSTRUCTORS, INC., OF TEMPLE, TEXAS, FOR IMPROVEMENTS TO WEST TEMPLE COMMUNITY PARK AND FREEDOM NEIGHBORHOOD PARK, IN AN AMOUNT NOT TO EXCEED \$196,428.88; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 16, 2007, the City received 2 bids for construction projects in West Temple Community Park and Freedom Neighborhood Park;

Whereas, the Staff recommends accepting the bid (\$196,428.88) received from Alpha Constructors, Inc., of Temple, Texas;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$196,428.88, between the City of Temple and Alpha Constructors, Inc., of Temple, Texas, after approval as to form by the City Attorney, for the improvements to West Temple Community Park and Freedom Neighborhood Park.

Part 2: The City Council approves amendments to the FY2007-08 budget, substantially in the form of the copies attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the 15th day of November, 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

11/15/07
Item #6(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Sam Weed, Fleet Services Superintendent

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a Caterpillar, Inc., 420E Integrated Tool Carrier (ITC) 4S Backhoe Loader from Holt Caterpillar through the BuyBoard local government online purchasing cooperative in the amount of \$82,432.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 1, 2007, Council authorized the creation of a construction crew for the Public Works Utilities Division. Along with the crew, Council also approved the purchase of a backhoe loader. After the Utilities staff met with Fleet Services staff, it was determined that the Caterpillar 420E ITC 4S Backhoe Loader will best meet the needs of the new construction crew, as the Division already owns two very similar machines. With this integrated tool carrier backhoe loader purchase, Utilities Division staff will be able to utilize all of the attachments previously purchased, including forks, material handling arms, and variously-sized buckets.

The purchase price includes training for City personnel, and this backhoe will be used for in-house sewer line replacement and SSO Initiative Program projects. All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Funding in the amount of \$83,000 is available in account 520-5400-535-62-20 for the purchase of this ITC 4S Backhoe Loader.

ATTACHMENTS:

[Holt BuyBoard Proposal
Resolution](#)

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Tyler • Victoria • Waco • Weslaco

10/30/2007

CITY OF TEMPLE PURCHASING DEPT
1159457
3210 E AVE H BLDG C
TEMPLE, TX 76501-7659

#G15760526

Holt Cat would like to thank you for the opportunity to provide this proposal to you. THIS IS BASED ON PURCHASING THROUGH BUYBOARD.

Thank you

Jerry Hawthorne
Jerry Hawthorne

(1) CATERPILLAR INC 420E ITC4S BACKHOE LOADER - ALL

MACHINE SPECIFICATIONS

Machine ID: HLK009229

Serial: SMU: 0

Description

420E BACKHOE LOADER IT 2WS
CAB, DELUXE W/AC
BELT, SEAT, 2" SUSPENSION
COOLER, HIGH AMBIENT
PLATE GROUP - BOOM WEAR
LOCK, VANDALISM, PARALLEL LIFT
CUTTING EDGE, TWO PIECE, WIDE
MANUALS, ENGLISH
DOMESTIC TRUCK
COUNTERWEIGHT, 1075 LBS
STABILIZER PADS, FLIP W/GUARD
STICK, STANDARD
HYDRAULICS, BH, 5 FUNCTION
POWERTRAIN, 89 HP, 4WD, STD SHIFT
TIRES 4WD BIAS FIRESTONE
LINES, COMBINED AUX, STD STICK
BUCKET, 24" 6.2 CFT HD
QUICK COUPLER, PIN GRABBER, MAN.
PINS, SPARE
BUCKET 1.5 CYD GP IT
CONTROL, IT AUX ATTACHMENTS
COUPLING, QUICK DISCONNECT
2 - Service manuals
1 - SET OF FILTERS & BELTS

QUOTE GRAND TOTAL

USD \$ 82,432

WARRANTY

12 Month Unlimited Hour Total Machine Warranty

Your Caterpillar dealer from the Red River to the Rio Grande
Call 1-800-275-4658 for the HOLT CAT store nearest you, or visit our website
WWW.HOLTCAT.COM

HOLT[®]



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Tyler • Victoria • Waco • Weslaco**

3 year/ 5,000 Hour Powertrain Warranty

F.O.B./TERMS

FOB CITY OF TEMPLE yard quoted.

No applicable taxes or fees quoted.

**Your Caterpillar dealer from the Red River to the Rio Grande
Call 1-800-275-4658 for the HOLT CAT store nearest you, or visit our website
WWW.HOLTCAT.COM**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A CATERPILLAR, INC., 420E INTEGRATED TOOL CARRIER (ITC) 4S BACKHOE LOADER FROM HOLT CATERPILLAR OFF THE BUY BOARD, IN THE AMOUNT OF \$82,432; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 1, 2007, the City Council authorized the creation of a construction crew for the Public Works Utilities Division and also the purchase of a backhoe loader for use by the crew;

Whereas, the Staff recommends purchasing a Caterpillar, Inc., 420E Integrated Tool Carrier (ITC) 4S Backhoe Loader from Holt Caterpillar off the Buy Board for the price of \$82,432;

Whereas, funds are available in Account No. 520-5400-535-6220 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:

Part 1: The City Council authorizes the purchase of a Caterpillar, Inc., 420E Integrated Tool Carrier (ITC) 4S Backhoe Loader from Holt Caterpillar off the Buy Board for a cost not to exceed \$82,432, for the Public Works Utilities Division.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution 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 15th day of November, 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

11/15/07
Item #6(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, design surveys, construction administration, and onsite representation, required to implement acceleration/deceleration lanes, a lift station, and force main for the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$75,000 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

On September 20, 2007, Council authorized a professional services contract with 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 in an amount not to exceed \$261,500.

The engineering services authorized under this resolution will provide design, design surveys, construction administration, and onsite representation required to implement acceleration/deceleration lanes, a lift station, and force main as part of the Wendland Road Improvements from the future outer loop to south of Wilsonart Drive. Infrastructure designed with this portion of the project will consist of approximately 8000 feet of force main, a lift station, and acceleration/deceleration lanes for Wendland Road.

The proposed timeline for the design phase of this portion of the project is 90 days. In order that KPA provide the additional engineering services required for completion of this project, the following is a list of costs associated with each task:

Basic Services

Civil Design	\$ 49,000
Construction Administration	\$ 8,000
On-Site Representation	<u>\$ 10,000</u>
	\$ 67,000

Special Services

Design Surveys	\$ 8,000
----------------	----------

TOTAL \$ 75,000

FISCAL IMPACT: The cost of this professional services contract amendment is \$75,000. This cost includes engineering fees of \$67,000 and special services of \$8,000.

Initially, funding for this project will come from TIF Reinvestment Zone No. 1 funding available in account 795-9700-531-6831, project #950007 in the amount of \$15,000 and account 795-9700-531-6837, project # 100166 in the amount of \$60,000, with the intent to reimburse the Zone from the proposed 2008 Combination Tax & Revenue bonds to be issued in March 2008.

ATTACHMENTS:

[RZ Wendland Road Improvements CA Proposal](#)
[RZ Wendland Road Improvements Map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main

Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RECEIVED

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

City of Temple Engineering Dept.

October 26, 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
Wendland Road Acceleration/Deceleration Lanes and Lift Station and Force Main

Dear Mr. Bond:

At the request of the Temple Reinvestment Zone Board, we were directed to prepare a proposal for designing the above referenced project. The project will develop acceleration and deceleration lanes into the design of Wendland Road. We will also design a lift station and force main that will serve the majority of the three hundred (300) acre tract. We have attached Exhibit A to illustrate the project.

This project will consist of the construction of approximately 8,000 linear feet of force main, lift station for the service area, acceleration and deceleration lane for Wendland Road. The preliminary opinion of probable cost for these improvements is \$575,000.

Kasberg, Patrick & Associates, LP will complete design surveys, service area analysis, design of the lift station, design of the force main, acceleration lane design and deceleration lane design. The timeline for the design portion of the project is ninety days from the notice to proceed. The project will then be ready to submit to the City of Temple for review.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

Mr. Don Bond, E.I.T.

October 26, 2007

Page Two

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

- Layout of the proposed lift station and force main
- Design of the lift station
- Design of force main
- Design of the acceleration lane
- Design of the deceleration lane

Wendland Road Acceleration/Deceleration Lanes and Lift Station and Force Main

Basic Services

Civil Design	\$	49,000
Construction Administration	\$	8,000
On-Site Representation	\$	10,000
Total Basic Services	\$	67,000

Special Services

Design Surveys	\$	8,000
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We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., C.F.M.

RDP/crc

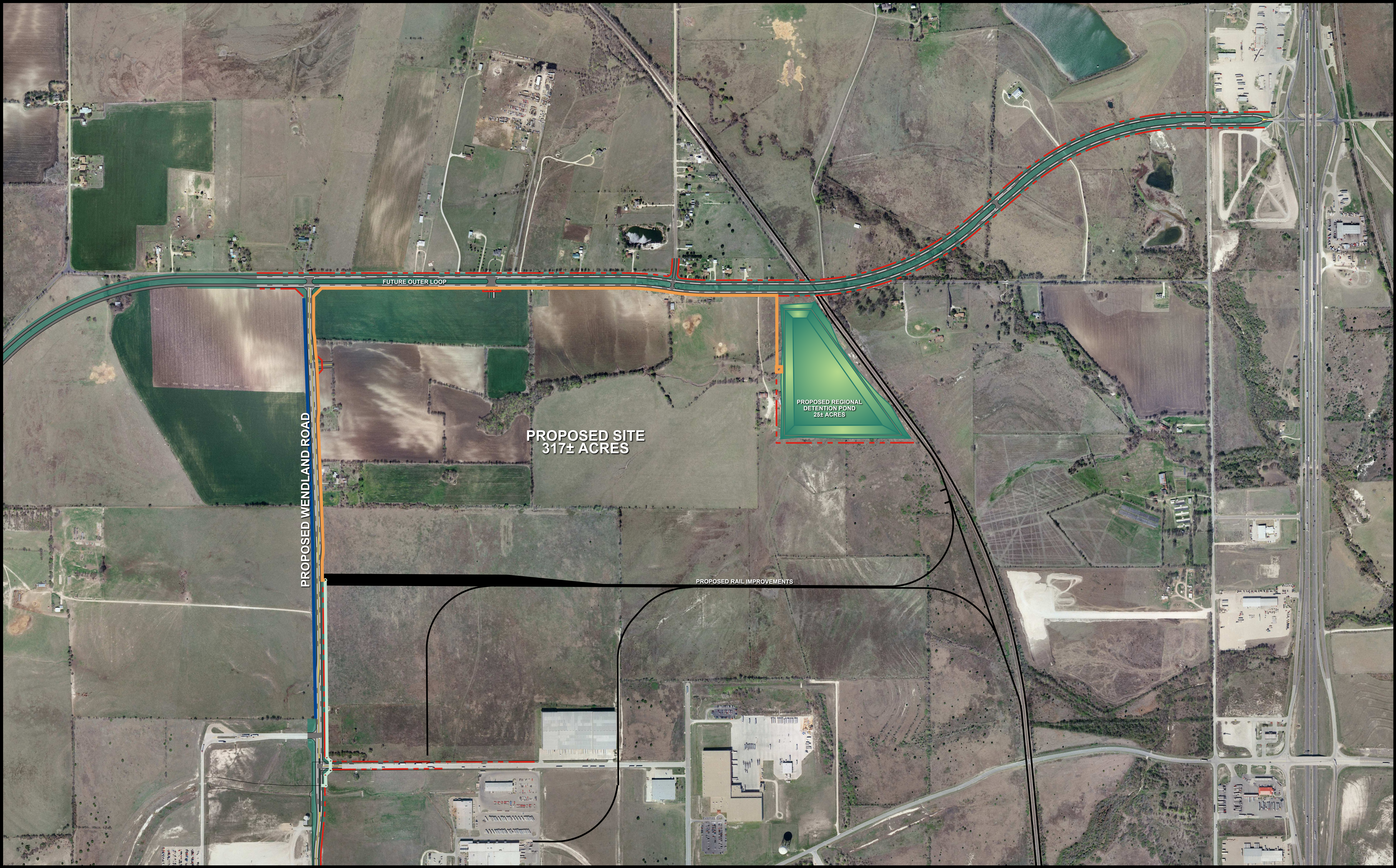
EXHIBIT C

Charges for Additional Services

Temple Reinvestment Zone #1

Wendland Road Acceleration/Deceleration Lanes and Lift Station and Force Main

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



PROPOSED WENDLAND ROAD

FUTURE OUTER LOOP

PROPOSED SITE
317± ACRES

PROPOSED REGIONAL
DETENTION POND
25± ACRES

PROPOSED RAIL IMPROVEMENTS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) IN AN AMOUNT NOT TO EXCEED \$75,000 FOR ENGINEERING SERVICES, INCLUDING DESIGN, DESIGN SURVEYS, CONSTRUCTION ADMINISTRATION, AND ONSITE REPRESENTATION, REQUIRED TO IMPLEMENT ACCELERATION/DECELERATION LANES, A LIFT STATION, AND FORCE MAIN FOR THE WENDLAND ROAD IMPROVEMENTS BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends approval of a change order to the professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services, including design, design surveys, construction administration, and onsite representation, required to implement acceleration/deceleration lanes, a lift station, and force main for the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future Outer Loop;

Whereas, the contract amendment will not exceed \$75,000 and funds are available in Account No. 795-9700-531-6831, Project #950007 and Account No. 795-9700-531-6837, Project #100166 (Tax Increment Financing Reinvestment Zone #1 funding) with the intent to reimburse the Zone from the proposed 2008 Combination Tax & Revenue bonds to be issued in March, 2008;

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:

Part 1: The City Council authorizes the City Manager to execute an amendment to the Professional Services Agreement, not to exceed \$75,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services, including design, design surveys, construction administration, and onsite representation, required to implement acceleration/deceleration lanes, a lift station, and force main for the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future Outer Loop.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: 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.

Part 4: 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

Engineering services, including design, design surveys, \$75,000
construction administration, and onsite representation,
required to implement acceleration/deceleration lanes,
a lift station, and force main for the Wendland Road
Improvements between northwest H.K. Dodgen Loop
and the future Outer Loop

Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: 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.

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

PASSED AND APPROVED on this the **15th** day of **November**, 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

11/15/07
Item #6(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, design surveys, bidding, construction administration, and on-site representation, required to implement stormwater conveyance for the northwest Rail Park detention pond between H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$223,500 and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Drainage improvements are required to convey stormwater to the pond currently being designed to detain runoff generated by future development associated with the Rail Park within the TIF Reinvestment Zone #1.

On September 20, 2007, Council authorized a professional services contract with KPA for engineering services, including design services, design surveys, geotechnical services, environmental services, and archaeological services, to design the detention facility required for the Rail Park. The detention pond designed with this project will consist of an approximately 25-acre detention facility.

The engineering services authorized under this resolution will provide design services, design surveys, bidding, construction administration, and on-site representation required to implement stormwater conveyance along with the Rail Park detention facility. Infrastructure designed with this portion of the project will consist of approximately 1300 feet of box culvert, inlets, channel, and outfall structure.

The proposed timeline for the design phase of this portion of the project is 90 days. In order that KPA provide the additional engineering services required for completion of this project, the following is a list of costs associated with each task:

Basic Services

Civil Design	\$ 118,500
Bidding	\$ 3,500
Construction Administration	\$ 42,000
On-Site Representation	<u>\$ 8,000</u>
	\$ 192,000

Special Services

Design Surveys	\$ 13,500
Structural Design	<u>\$ 18,000</u>
	\$ 31,500

TOTAL \$ 223,500

FISCAL IMPACT: The cost of this professional services contract amendment is \$223,500. This cost includes engineering fees of \$192,000 and special services of \$31,500.

Initially, funding for this project will come from TIF Reinvestment Zone No. 1 funding available in account 795-9700-531-6836, project #100166 with the intent to reimburse the Zone from the proposed 2008 Combination Tax & Revenue bonds to be issued in March 2008.

ATTACHMENTS:

[RZ Rail Park Detention Pond CA Proposal](#)
[RZ Rail Park Detention Pond Map](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main

Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RECEIVED

OCT 26 2007

City of Temple Engineering Dept.

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

October 26, 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
Railroad Park Storm Water Conveyance

Dear Mr. Bond:

At the request of the Temple Reinvestment Zone Board, we were directed to prepare a proposal for designing the above referenced project. The project will develop storm water conveyance from the Rail Park to the proposed detention pond. This will be constructed in connection with BNSF infrastructure and new storage for ladder track for the Rail Park. We have attached Exhibit A to illustrate the project.

This project will consist of the construction of an approximate 1,300 linear feet of box culvert, inlets, channel and outfall structure rail for the park. Our preliminary opinion of probable cost for these improvements is 1,500,000.

Kasberg, Patrick & Associates, LP will complete design surveys, drainage analysis and design of the storm water conveyance to the detention pond, design of inlet structures, channel design and outfall structure design. The timeline for the design portion of the project is ninety days from the notice to proceed. The project will then be ready to submit to the City of Temple for review.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

Mr. Don Bond, E.I.T.

October 26, 2007

Page Two

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

- Layout of the proposed box culvert
- Structural design of the box culvert
- Design of inlets for storm water collection
- Channel conveyance design
- Conveyance of storm water from rail and ladder track to the detention pond

Railroad Park Storm Water Conveyance

Basic Services

Civil Design	\$	118,500
Bidding	\$	3,500
Construction Administration	\$	42,000
On-Site Representation	\$	28,000
Total Basic Services	\$	192,000

Special Services

Design Surveys	\$	13,500
Structural Design	\$	18,000
Total Special Services	\$	31,500

We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., C.F.M.

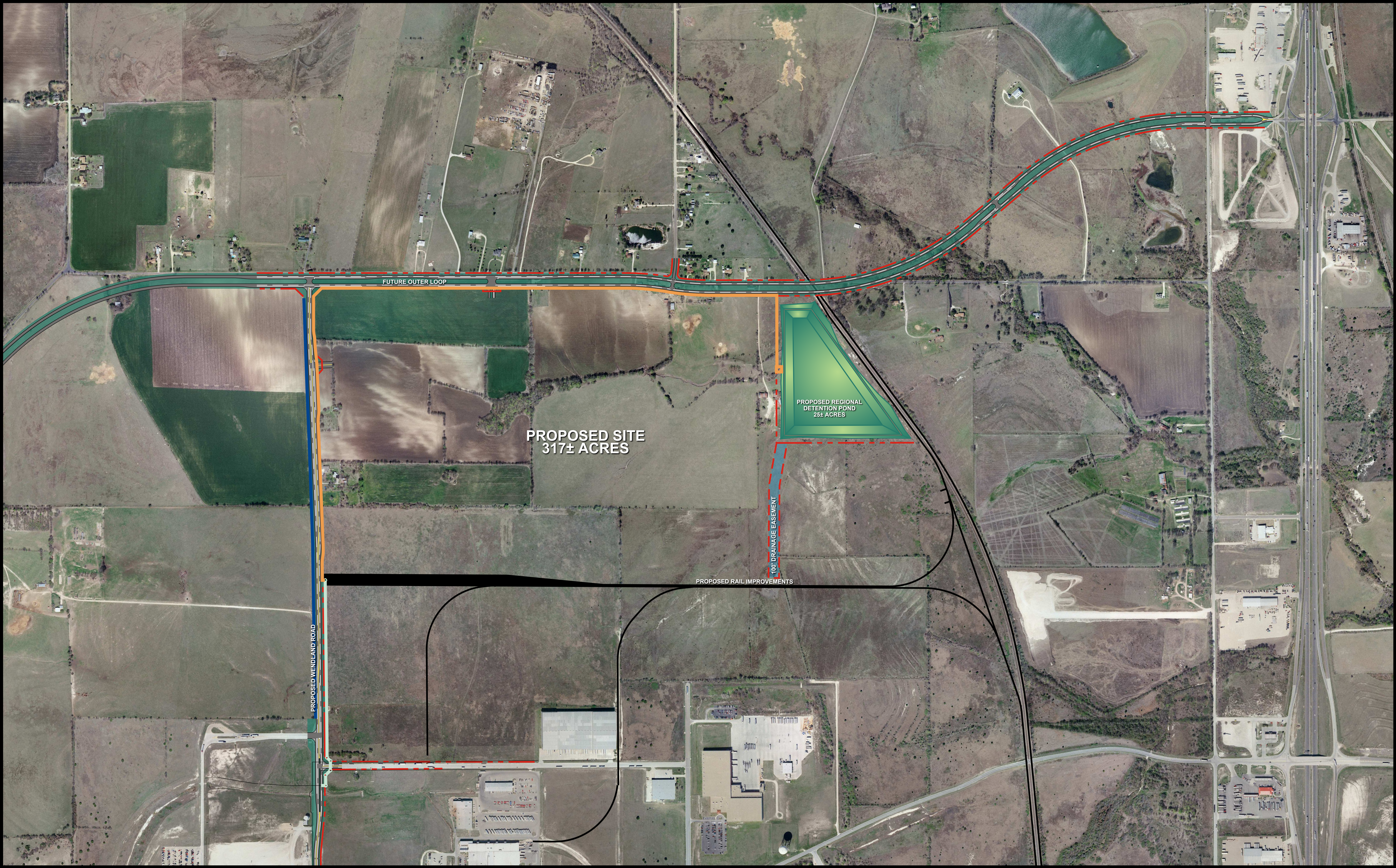
RDP/crc

EXHIBIT C

Charges for Additional Services

**Temple Reinvestment Zone #1
Railroad Park Storm Water Conveyance**

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



FUTURE OUTER LOOP

PROPOSED SITE
317± ACRES

PROPOSED REGIONAL
DETENTION POND
25± ACRES

100' DRAINAGE EASEMENT

PROPOSED RAIL IMPROVEMENTS

PROPOSED WENDLAND ROAD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) IN AN AMOUNT NOT TO EXCEED \$223,500 FOR ENGINEERING SERVICES, INCLUDING DESIGN, DESIGN SURVEYS, BIDDING, CONSTRUCTION ADMINISTRATION, AND ON-SITE REPRESENTATION REQUIRED TO IMPLEMENT STORMWATER CONVEYANCE FOR THE NORTHWEST RAIL PARK DETENTION POND BETWEEN H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends approval of a change order to the professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services, including design, design surveys, bidding, construction administration, and on-site representation required to implement stormwater conveyance for the Northwest Rail park Detention Pond between H.K. Dodgen Loop and the future Outer Loop;

Whereas, the contract amendment will not exceed \$223,500 and funds are available in Account No.795-9700-531-6836, Project #100166 (Tax Increment Financing Reinvestment Zone #1 funding) with the intent to reimburse the Zone from the proposed 2008 Combination Tax & Revenue bonds to be issued in March, 2008;

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:

Part 1: The City Council authorizes the City Manager to execute an amendment to the Professional Services Agreement, not to exceed \$223,500, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services, including design, design surveys, bidding, construction administration, and on-site representation required to implement stormwater conveyance for the Northwest Rail Park Detention Pond between H.K. Dodgen Loop and the future Outer Loop.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: 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.

Part 4: 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.

<u>Project Description</u>	<u>Debt To Be Issued</u>
Engineering services, including design, design surveys, bidding, construction administration, and on-site representation required to implement stormwater conveyance for the Northwest Rail Park Detention	\$223,500

Pond between H.K. Dodgen Loop
and the future Outer Loop

Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: 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.

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

PASSED AND APPROVED on this the **15th** day of **November**, 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

11/15/07
Item #6(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Donna McClain, Right of Way Agent

ITEM DESCRIPTION: Consider adopting a resolution authorizing a farm lease with Carl and Charles Grisham for 87 acres of City-owned land located at the intersection of Wendland Road and Moores Mill Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Carl and Charles Grisham have been leasing the 87 acres of farm land at the intersection of Wendland Road and Moores Mill Road. The Grishams would like to continue the lease for 2008. However, there is a possibility that this land, at some time in the near future, may be combined with adjoining land owned by the City of Temple and conveyed for industrial purposes. TEDC suggests going ahead with the lease as long as it can be terminated. The Grishams are aware of this possibility but would like for the lease to be approved subject to termination. Should the lease be terminated, the City would be responsible for reimbursement for expenses, or, if a crop has been planted, for a per-bushel per-acre reimbursement if they are unable to harvest their crop.

TEDC staff has indicated that they appreciate the farm leases as they assist TEDC in keeping the industrial park area clean of weeds and brush.

Staff recommends leasing 87 acres to Carl and Charles Grisham for a total amount of \$1,200 per year (\$12.00 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.

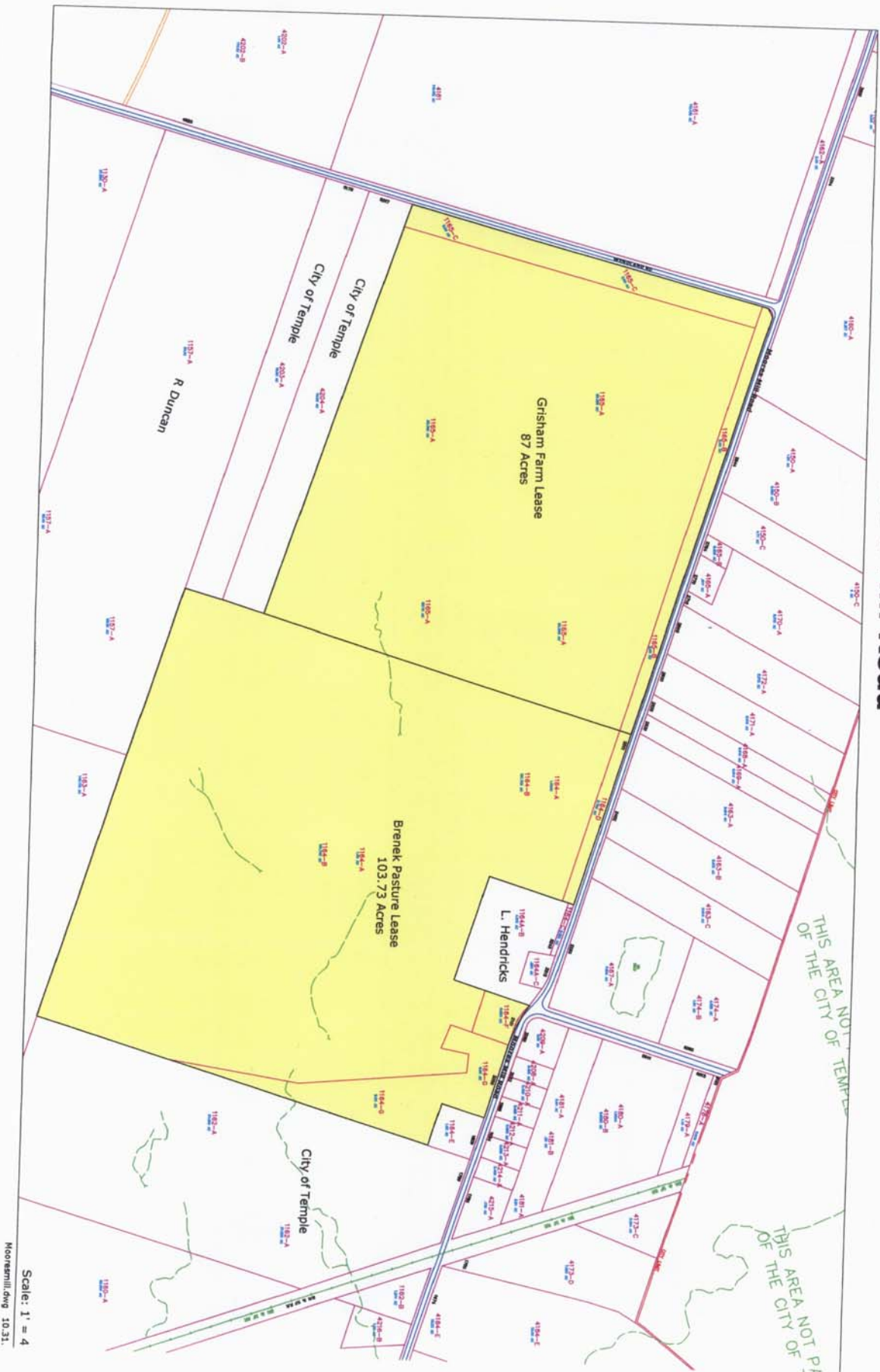
The Bell County Extension Agent has confirmed that the lease price is within the range for this part of Bell County considering the soil type. About 10 acres of this tract is not good crop land but they keep it free of debris.

FISCAL IMPACT: \$1,200 would be paid by the Grishams and deposited into the General Fund.

ATTACHMENTS:

[Location Map](#)
[Resolution](#)

City Owned Properties: Moore's Mill Road



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR 87 ACRES OF CITY-OWNED LAND LOCATED AT THE INTERSECTION OF WENDLAND ROAD AND MOORES MILL ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease with Carl and Charles Grisham for approximately 87 acres of City-owned land located at the intersection of Wendland Road and Moores Mill Road;

Whereas, the lease amount is \$12 per acre per year for an annual amount of \$1,200, and the lease term will be from January 1, 2008, through December 31, 2008, and will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, granting the lease now allows the tenants time to prepare the land for 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 to execute a farm lease between the City of Temple and Carl and Charles Grisham, after approval as to form by the City Attorney, for lease of approximately 87 acres of City-owned land located at the intersection of Wendland Road and Moores Mill Road.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #6(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Donna McClain, Right of Way Agent

ITEM DESCRIPTION: Consider adopting a resolution authorizing a farm lease with Marvin Brenek for 103.73 acres of City-owned land located on Moores Mill Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Marvin Brenek has been leasing 97.73 acres of farm land from the Gimores and 6 acres from the Hendricks on Moores Mill Road. The City of Temple has purchased both these properties recently. Mr. Brenek would like to continue leasing both tracts from the City for 2008. However, there is a possibility that this land, at some time in the near future, may be combined with adjoining land owned by the City of Temple and conveyed for industrial purposes. TEDC suggests going ahead with the lease as long as it can be terminated. Mr. Brenek is aware of this possibility but would like for the lease to be approved subject to termination. Should the lease be terminated, the City would be responsible for reimbursement for expenses. This property is used as pasture for grazing cattle.

TEDC staff has indicated that they appreciate the farm leases as they assist TEDC in keeping the industrial park area clean of weeds and brush.

Staff recommends leasing a total of 103.73 acres to Marvin Brenek for a total amount of \$2,000 per year (approximately \$19.00 per acre) beginning January 1, 2008 and ending December 31, 2008. Granting the lease now allows the tenant time to plan for next year.

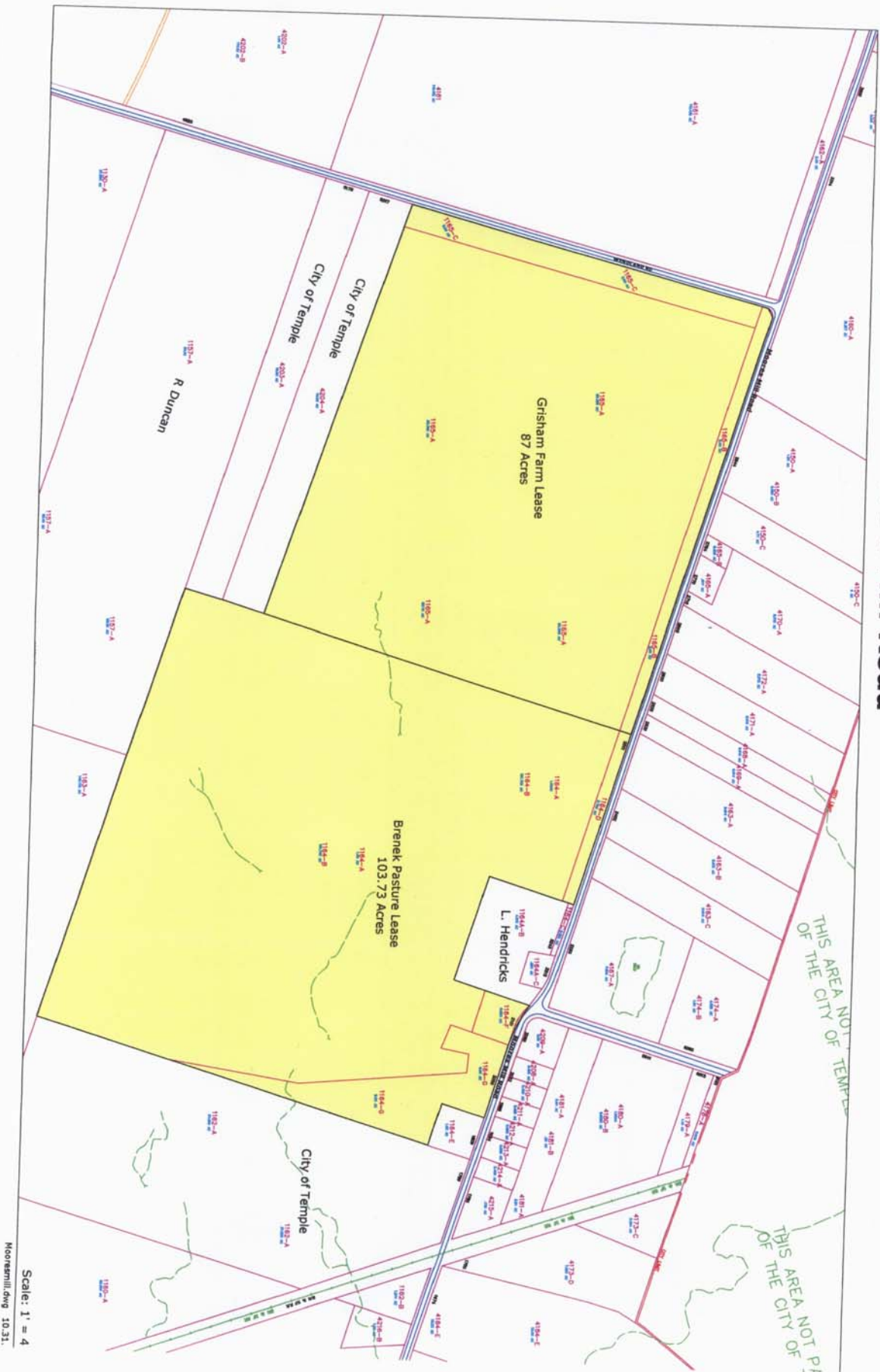
The Bell County Extension Agent has confirmed that the lease price is within the range for this part of Bell County for pasture considering the soil type.

FISCAL IMPACT: \$2,000 would be paid by Mr. Brenek and deposited into the General Fund.

ATTACHMENTS:

[Location Map](#)
[Resolution](#)

City Owned Properties: Moore's Mill Road



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A FARM LEASE FOR 103.73 ACRES OF CITY-
OWNED LAND LOCATED ON MOORES MILL ROAD; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request from Marvin Brenek to lease 103.73 acres of City-owned land located on Moore's Mill Road;

Whereas, the lease amount will be for \$19 per acre per year for a total annual amount of \$2,000, 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 103.73 acres of City-owned land located on Moores Mill Road.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #6(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Parks and Leisure Services Department to apply for a Partnership Grant with GameTime/Total Recreation Products, Inc. in the amount of \$23,391 and authorize a purchase from GameTime/Total Recreations Products, Inc. through the BuyBoard local government online purchasing cooperative in the amount of \$46,782.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: GameTime/Total Recreation Products, Inc. is one of the leading manufactures of playground equipment in the United States. We have purchased their supplies at several of our parks. GameTime recently began accepting grant applications for a 50/50 matching grant for the purchase of PowerScape playground structures through their "Conserving Public Land Through Play Grant".

It is staff's recommendation that we apply for a 50/50 matching grant to replace the playground equipment at Jones Park. Replacing the playground equipment at Jones Park is currently budgeted at \$49,950 in the FY 2008 budget. The current play structure in Jones Park was installed in the early 1990's and the swing unit was installed in the 1960's. Both pieces of equipment are due for replacement and this is an excellent opportunity to purchase a much larger play unit and other site amenities with the funds we have budgeted for this purchase.

The play structure with accessories is available for purchase from the BuyBoard at a cost of \$46,782. With the 50% matching grant, the City's net cost for the structure will be \$23,391.

FISCAL IMPACT: Funding in the amount of \$49,950.00 is currently available in account 110-5935-552-6310 for the replacement of playground equipment at Jones Park. If the grant is approved and after the play structure purchase is complete with the City's 50% match for the purchase in the amount of \$23,391, \$26,559.00 will remain available for other necessary improvements to Jones Park. Attached is a Budget Amendment for Council's approval recognizing the grant proceeds and related expenditure associated with the grant proceeds.

ATTACHMENTS:

Budget Adjustment
Resolution

FY **2008****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-5935-552-63-10	100297	Buildings & Grounds	\$ 23,391			
110-0000-445-15-87		Donations/Parks & Rec	23,391			
TOTAL.....			\$ 46,782		\$ -	

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

To recognize revenue and associated expenditure related to the partnership grant with GameTime/Total Recreation Products, Inc. in the amount of \$23,391. These funds will allow the City to purchase the play structure for Jones Park at a cost of \$46,782 with the City's share of the play structure being \$23,391 and the grant's share of the play structure being \$23,391.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/15/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PARKS AND LEISURE SERVICES DEPARTMENT TO APPLY FOR A PARTNERSHIP GRANT WITH GAMETIME/TOTAL RECREATION PRODUCTS, INC., IN THE AMOUNT OF \$23,391 AND AUTHORIZE A PURCHASE FROM GAMETIME/TOTAL RECREATION PRODUCTS, INC., THROUGH THE BUY BOARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks and Leisure Services Departments seeks approval to apply for a 50/50 matching partnership grant with GameTime/Total Recreation Products, Inc., for a PowerScape playground structure to replace the playground equipment at Jones Park;

Whereas, the play structure with accessories is available for purchase from the BuyBoard at a cost of \$46,782 – with the 50% matching grant, the City's net cost for the structure will be \$23,391;

Whereas, funds are available for the purchase 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:

Part 1: The City Council authorizes the Parks and Leisure Services Department to apply for a partnership grant with GameTime/Total Recreation Products, Inc., in the amount of \$23,391, and authorizes the purchase of a PowerScape playground structure to replace the playground equipment at Jones Park from GameTime/Total Recreation Products, Inc., through the Buy Board local government online purchasing cooperative in the amount of \$46,782.

Part 2: The City Council authorizes an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #6(N)(1- 2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Donna McClain, Right of Way Agent

ITEM DESCRIPTION: Consider adopting a resolution dedicating the following right of way and drainage easement:

1. 0.696 acres of City owned property located at 998 S. Kegley Road as right of way for future Kegley Road improvements.
2. 1.572 acres of City owned property at 998 S. Kegley Road as a drainage easement for the existing Thompson Drainage Channel.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2004 the Melvin and Sandra Lange 5.170 acre homestead located at 998 S. Kegley Road was purchased when it became apparent that the City needed both 1.572 acres for the Thompson drainage easement across the property to carry the water to Pepper Creek and 0.696 acres of right of way for the future improvements to Kegley Road.

Staff is now beginning the process of acquiring the remaining parcels of right of way along Kegley Road and recommends dedication of 0.696 acres of right of way, as shown on the attached field notes and drawing, for future Kegley Road improvements.

Staff also recommends dedication of 1.572 acres as drainage easement as shown on the attached field notes and drawing.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Location map](#)
[Resolution](#)



CITY OF TEMPLE
6.17 ac
Vol 5280 Pg 641

1.572 ac
Drainage Easement

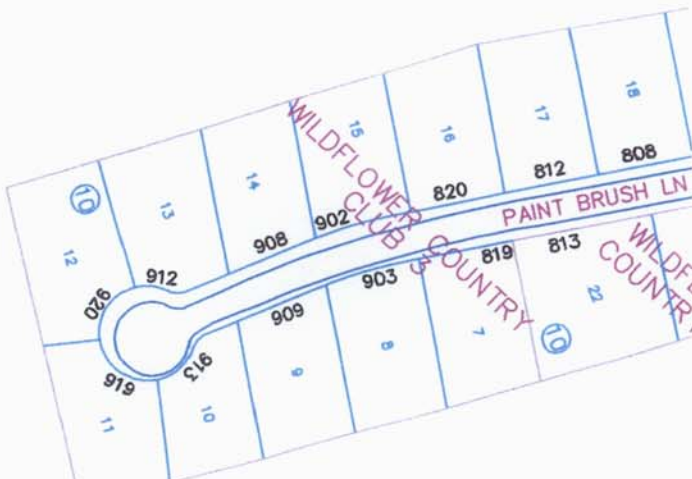
0.696 ac
Right of Way
998

KEGLEY RD

WILDFLOWER COUNTRY CLUB 2
5420

WILDFLOWER LN
5419

WILDFLOWER COUNTRY CLUB 2
5315
5312
5304



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DEDICATING 0.696 ACRES OF CITY-OWNED PROPERTY LOCATED AT 998 SOUTH KEGLEY ROAD AS RIGHT-OF-WAY FOR FUTURE KEGLEY ROAD IMPROVEMENTS, AND 1.572 ACRES OF CITY-OWNED PROPERTY AT 998 SOUTH KEGLEY ROAD AS A DRAINAGE EASEMENT FOR THE EXISTING THOMPSON DRAINAGE CHANNEL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff is beginning the process of acquiring the remaining parcels of right-of-way needed for Kegley Road improvements;

Whereas, the City needs to dedicate a 0.696 acre tract located at 998 South Kegley Road as right-of-way for the future Kegley Road Improvements, as well as a 1.572 acre tract located at 998 South Kegley Road for a drainage easement for the existing Thompson Drainage Channel; and

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

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

Part 1: The City Council approves dedicating a 0.696 acre tract of City-owned property, more fully described by metes and bounds contained in field notes in Exhibit A, attached hereto for all purposes, as right-of-way for future Kegley Road improvements.

Part 2: The City Council approves dedicating a 1.572 acre tract of City-owned property, more fully described by metes and bounds contained in field notes in Exhibit B, attached hereto for all purposes, as a drainage easement for the existing Thompson Drainage Channel.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #6(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution amending Resolution No. 2004-4025-R to allow a board member to serve up to six consecutive years on a City board or commission.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2004 the City Council adopted Resolution No. 2004-4025-R which established policies governing the appointment and training of citizens to City boards and commissions. Part 2(d) of this resolution addresses the qualifications of applicants and, in part, states, "No person shall be appointed to serve on any particular board or commission for more than two consecutive terms, but shall be eligible for reappointment at a later date. Completion of any unexpired term shall not count against the two consecutive term limitation."

City boards have term lengths ranging from 2 to 4 years, depending on the particular board. A suggestion has been made by the City Council that the two consecutive term limit be repealed and that service on a particular board be limited to six consecutive years.

The enclosed resolution shows the language proposed to be repealed and the replacement language as suggested. This will allow appointments to all boards to serve the same number of years, regardless of the term length of any particular board.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2007-5245-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION NO. 2004-4025-R TO ALLOW A PERSON TO SERVE TWO CONSECUTIVE TERMS OR SIX CONSECUTIVE YEARS, WHICHEVER IS GREATER, ON A CITY BOARD OR COMMISSION, AND PROVIDING THAT COMPLETION OF AN UNEXPIRED TERM SHALL NOT COUNT AGAINST THE LENGTH OF SERVICE LIMITATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April, 2004, the City Council passed Resolution No. 2004-4025-R which established policies governing the appointment and training of citizens to City boards and commission;

Whereas, Part 2(d) of the resolution addresses the qualifications of applicants which states that no person shall be appointed to serve on any particular board or commission for more than two consecutive terms;

Whereas, the City Council desires to change the two consecutive term limit to two consecutive terms or six consecutive years, whichever is greater, and to provide that completion of an unexpired term shall not count against the length of service limitation; and

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

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

Part 1: The City Council approves an amendment to Resolution No. 2004-4025-R to allow a person to serve two consecutive terms or six consecutive years, whichever is greater, on a City board or commission. Completion of an unexpired term shall not count against the length of service limitation.

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



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
Item #6(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the Fiscal 2006/2007 year end results for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund, Drainage Fund, and the Reinvestment Zone No. 1 Fund as of September 30, 2007.

Included with these 4th quarter results will be various schedules detailing construction contracts, grants, sales tax, capital projects and investments.

As in the past years, we do not feel that there will be any significant variances of ending balances shown here when compared with the final audited financial reports. Final audited reports will be presented to the City Council in February 2008.

FISCAL IMPACT: These reports will establish year-end allocations of fund balances for all funds upon acceptance by the City Council.

ATTACHMENTS:

Quarterly Financial Statements (Hard copy)
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FOURTH QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2007; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the fourth quarter 2006-2007 fiscal year financial results need to be approved by the City Council;

Whereas, included in the fourth quarter results are various schedules detailing construction contracts, grants, sales tax, capital projects and investments; and

Whereas, the City Council deems it in the public interest to authorize this action.

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

Part 1: The City Council approves the fourth quarter financial results for the fiscal year ended September 30, 2007, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **15th** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
Item #6(Q)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing the carry forward of FY 2006-2007 funds to the FY 2007-2008 budget.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This resolution is to recognize and carry forward to fiscal year 2007-2008 outstanding purchase orders and contracts that were not completed at the end of fiscal year 2006-2007. These items will be received or completed during fiscal year 2008. Also, all unencumbered Community Development funds and ongoing Capital Projects will be carried forward to fiscal year 2008.

Line item expenditure accounts in the fiscal year 2008 budget will be amended to reflect fiscal year 2007 funds that will be carried forward. The total of all expenditure-related carry forwards is \$34,713,449. The total of all expenditure-related carry forwards from prior fiscal year was \$12,539,328. The large increase compared to the prior year is due to the two bond issues in the fall of 2006 that funded the Capital Improvement Program. Revenue carry forwards related to Capital Projects, Federal/State Grant funding, and miscellaneous reimbursements for the Drainage and Water & Sewer fund, detailed on the attachment, total \$3,031,104.

Itemization by fund is as follows:

<u>Fund</u>	<u>Carry Forward</u>
General Fund	\$ 1,482,393
Utility Fund	15,514,459
Hotel/Motel Tax Fund	64,230
Bond Projects	6,632,628
Capital Projects	1,230,855
Federal/State Grant Fund	1,497,910
Drainage Fund	312,026
Reinvestment Zone No. 1	7,978,948
Total Carry forwards	<u>\$34,713,449</u>

FISCAL IMPACT: The fiscal impact will not change the fiscal year results presented in the agenda item detailing fourth quarter financial results.

ATTACHMENTS:

Carry Forward to FY 2007/2008
Resolution

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2007-2008

ACCOUNT #		DESCRIPTION	APPROPRIATIONS	
			DEBIT	CREDIT
<div>GENERAL FUND</div>				
110-1000-511.25-10	CONTRIBUTIONS & PRIZES	\$	1,000	
110-1000-511.25-14	TRAVEL & TRAINING		2,000	
110-1100-513.25-11	PRINTING/PUBLICATIONS		6,000	
110-1200-515.22-10	FURNITURE & FIXTURES		2,800	
110-1200-515.26-16	PROFESSIONAL		12,300	
110-1200-515.26-30	BANKING SERVICES FEE		20,000	
110-1900-519.21-10	OFFICE SUPPLIES		800	
110-1900-519.22-28	PUBLIC EDU GOV'T EXP		25,020	
110-1900-519.23-36	COMMUNICATIONS		11,995	
110-1900-519.23-38	MAINTENANCE CONTRACT		11,004	
110-1900-519.62-28	PUBLIC EDU GOV'T EXP		27,972	
110-2000-521.21-13	CLOTHING & UNIFORMS		127	
110-2000-521.21-18	CHEMICALS/COMPRESSED GAS		2,299	
110-2000-521.21-21	FIREARMS/MUNITIONS		9,556	
110-2000-521.21-23	MEDICAL SUPPLIES		2,769	
110-2000-521.23-38	MAINTENANCE CONTRACT		15,000	
110-2000-521.25-11	PRINTING/PUBLICATIONS		922	
110-2000-521.25-37	AIR SUPPORT PROGRAM		1,160	
110-2000-521.62-31	OCU-SEIZED FUNDS		19,577	
110-2200-522.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		8,928	
110-2200-522.22-20	MACHINERY & EQUIPMENT		3,650	
110-2200-522.25-13	SPECIAL SERVICES		4,248	
110-2310-540.22-10	FURNITURE & FIXTURES		7,525	
110-2310-540.22-12	OFFICE MACHINES		167	
110-2330-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		10,524	
110-2370-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		29,531	
110-2400-519.23-20	AIR CONDITION/HEAT		5,409	
110-2700-515.25-19	CIVIL SERVICE		2,500	
110-2700-515.26-16	PROFESSIONAL		10,710	
110-2700-515.26-23	OTHER CONTRACTED SERVICES		30	
110-3130-551.26-15	EQUIPMENT-RENT/LEASE		729	
110-3150-551.21-16	SUPPLIES & TOOLS		50	
110-3150-551.21-29	ADVERTISING/MARKETING		3,800	
110-3200-551.21-50	SENIOR GAMES		59,201	
110-3200-551.21-50	SENIOR GAMES		1,450	
110-3200-551.21-50	SENIOR GAMES		983	
110-3200-551.21-50	SENIOR GAMES		3,234	
110-3200-551.21-50	SENIOR GAMES		400	
110-3200-551.26-10	TELEPHONE		300	
110-3400-531.23-16	STREETS & ALLEYS		1,438	
110-3400-531.23-21	STREET RECONSTRUCTION		7,543	
110-3500-552.21-16	SUPPLIES & TOOLS		5,000	
110-3500-552.21-18	CHEMICALS/COMPRESSED GAS		7,399	
110-3500-552.21-19	BOTANICAL SUPPLIES		4,178	
110-3500-552.62-11	INSTRUMENTS/SPECIAL EQUIPMENT		13,664	
110-3500-552.63-10	BUILDINGS & GROUNDS		1,682	
110-3500-552.65-16	PARK IMPROVEMENTS		818	
110-3600-560.23-11	INSTRUMENTS/SPECIAL EQUIPMENT		3,940	
110-3700-524.25-14	TRAVEL & TRAINING		2,500	
110-4000-555.22-27	COLLECTION ENHANCEMENT		101	
110-4000-555.25-11	PRINTING/PUBLICATIONS		318	
110-4000-555.25-22	MICRO FILM/AUDIO VISUAL		246	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2007-2008

ACCOUNT #	DESCRIPTION	APPROPRIATIONS	
		DEBIT	CREDIT
110-4000-555.63-10	BUILDINGS & GROUNDS	\$ 11,750	
110-5900-519.23-11	BUILDINGS & GROUNDS	2,280	
110-5900-519.62-18	COMPUTER HARDWARE	6,000	
110-5900-519.63-10	BUILDINGS & GROUNDS	62,965	
110-5900-529.63-10	BUILDINGS & GROUNDS	9,600	
110-5900-531.62-13	AUTOMOTIVE	40,289	
110-5900-552.63-10	BUILDINGS & GROUNDS	24,410	
110-5900-560.62-22	MACHINERY & EQUIPMENT	22,861	
110-9100-591.81-51	TRANS OUT- DES CAP PROJ	834,948	
110-9100-591.81-60	TRANS OUT- FED GRANT FUND	42,793	
110-9100-591.81-61	TRANSFER OUT- 2006 CO'S	50,000	
110-0000-490.25-80	TRANSFER IN-FUND 357		750
110-0000-490.25-82	TRANSFER IN-FUND 361		4,902
TOTAL GENERAL FUND		\$ 1,482,393	\$ 5,652
HOTEL/MOTEL FUND			
240-4400-551.21-29	ADVERTISING/MARKETING	\$ 1,800	
240-4400-551.26-15	EQUIPMENT-RENT/LEASE	140	
240-4400-551.26-16	PROFESSIONAL	1,448	
240-4400-551.26-16	PROFESSIONAL	56,400	
240-4400-551.26-23	OTHER CONTRACTED SERVICES	253	
240-4400-551.26-25	ADVERTISING/LEGALS	4,189	
TOTAL HOTEL/MOTEL FUND		\$ 64,230	
FEDERAL/STATE GRANT FUND			
260-1500-571.61-10	LAND	\$ 94,940	
260-2000-521.21-13	CLOTHING & UNIFORMS	8,301	
260-2000-521.22-21	COMPUTER EQUIPMENT	600	
260-3600-560.26-16	PROFESSIONAL	30,834	
260-3600-560.63-10	BUILDINGS & GROUNDS	75,006	
260-3600-560.63-24	LIGHTING	444,790	
260-3600-560.65-24	FAA RUNWAY REHABILITATION	415,118	
260-4000-555.22-21	COMPUTER EQUIPMENT	3,750	
260-6000-515.26-16	PROFESSIONAL	24,581	
260-6000-515.65-32	CONTINGENCY/CONT FUND BA	16,711	
260-6100-571.26-41	PUBLIC SERVICE AGENCIES	5,322	
260-6100-571.26-98	CODE ENFORCEMENT CLEARANCE	35,568	
260-6100-571.63-17	STREETS & ALLEYS	148,629	
260-6100-571.65-16	PARK IMPROVEMENTS	100,000	
260-6100-571.65-30	SPECIAL PROJECT CONTING	23,994	
260-6100-571.65-32	CONTINGENCY/ CONT FUND	69,766	
260-0000-431.01-63	FEDERAL GRANTS		1,026,797
260-0000-431.02-61	STATE GRANTS		3,750
260-0000-490.25-89	TRANSFER IN-LEBG GRANT MATCH		4,151
260-0000-490.25-88	TRANSFER IN - AIRPORT GRANT MATCH		38,642
260-0000-431.01-31	CDBG FEDERAL GRANT		424,570
TOTAL FEDERAL/STATE GRANT FUND		\$ 1,497,910	\$ 1,497,910

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2007-2008

ACCOUNT #		DESCRIPTION	APPROPRIATIONS	
			DEBIT	CREDIT
<div>DRAINAGE FUND</div>				
292-2900-534.26-16	PROFESSIONAL	\$	19,810	
292-2900-534.62-22	MACHINERY/EQUIPMENT		1,537	
292-2900-534.63-12	DRAINAGE		19,000	
292-2900-534.63-12	DRAINAGE		9,000	
292-2900-534.63-12	DRAINAGE		262,679	
TOTAL DRAINAGE FUND		\$	312,026	
<div>CAPITAL PROJECTS FUND</div>				
351-1100-513.26-16	PROFESSIONAL		72,510	
351-1600-512.25-15	DUES & SUBSCRIPTIONS		5,452	
351-1700-519.26-16	PROFESSIONAL		69,993	
351-1900-519.21-12	FOOD ITEMS/SUPPLIES		948	
351-1900-519.22-19	PC REPLACEMENT < \$5000-IT		205	
351-1900-519.22-21	COMPUTER EQUIPMENT		519	
351-1900-519.22-23	COMPUTER SOFTWARE		1,063	
351-1900-519.23-38	MAINTENANCE CONTRACT		2,171	
351-1900-519.25-14	TRAVEL & TRAINING		1,473	
351-1900-519.26-23	OTHER CONTRACT SRVS		26,000	
351-1900-519.62-40	NETWORK HARDWARE		18,174	
351-1900-519.65-19	FINANCIAL SOFTWARE		55,335	
351-2200-522.22-20	MACHINERY & EQUIPMENT		13,853	
351-2200-522.63-10	BUILDINGS & GROUNDS		22,694	
351-2200-522.63-10	BUILDINGS & GROUNDS		550	
351-2200-522.63-10	BUILDINGS & GROUNDS		4,110	
351-2700-515.26-16	PROFESSIONAL		34,271	
351-3100-551.63-10	BUILDINGS & GROUNDS		8,518	
351-3200-551.22-22	CAPITAL <\$5000		228	
351-3200-551.26-23	OTHER CONTRACT SRVS		850	
351-3200-551.63-10	BUILDINGS & GROUNDS		304	
351-3200-551.63-10	BUILDINGS & GROUNDS		10,220	
351-3400-531.61-10	LAND		189,180	
351-3400-531.65-12	STREET IMPROVEMENTS		852	
351-3400-531.65-12	STREET IMPROVEMENTS		166,300	
351-3500-552.22-13	GEN MAINTENANCE/REPAIR		10,430	
351-3500-552.22-17	SIGNAGE		24,570	
351-3500-552.23-11	BUILDINGS & GROUNDS		7,530	
351-3500-552.23-24	PARKS DEFERRED MAINTENANCE		60,373	
351-3500-552.26-16	PROFESSIONAL		4,500	
351-3500-552.61-10	LAND		6,877	
351-3500-552.61-10	LAND		1,991	
351-3500-552.63-10	BUILDINGS & GROUNDS		1,846	
351-3500-552.63-18	IRRIGATION		16,306	
351-3500-552.63-64	SWIMMING POOL UPGRADES		3,442	
351-3500-552.63-64	SWIMMING POOL UPGRADES		500	
351-3500-552.65-15	WILSON PK IMPROVEMENTS		1,290	
351-3500-552.65-15	WILSON PK IMPROVEMENTS		1,400	
351-3500-552.65-16	PARK IMPROVEMENTS		23,465	
351-3500-552.65-35	LIONS PK IMPROVEMENTS		1,354	
351-3500-552.65-35	LIONS PK IMPROVEMENTS		6,134	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2007-2008

ACCOUNT #	DESCRIPTION	APPROPRIATIONS	
		DEBIT	CREDIT
351-3500-552.65-37	BAKER FIELD	\$ 12,620	
351-3500-552.65-39	WEST RIDGE PARK IMPR	8,665	
351-3500-552.65-40	WEST TEMPLE PARK	31,575	
351-3500-552.65-41	WOODBRIIDGE PARK IMPR	47,128	
351-3500-552.65-42	FREEDOM PK IMPR	18,660	
351-3500-552.65-43	SOUTH TEMPLE PARK IMPR	82,405	
351-3500-552.65-44	SUMMIT IMPROVEMENTS	54,373	
351-3600-560.65-23	T HANGARS	93,943	
351-3600-580.72-11	BOND INTEREST	75	
351-3600-580.73-12	BOND ISSUANCE COST	3,630	
351-0000-461.08-41	DONATIONS		5,828
351-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS		189,180
351-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS		100,000
351-0000-490.25-82	TRANSFER IN-GENERAL FUND		834,948
TOTAL CAPITAL PROJECTS FUND		\$ 1,230,855	\$ 1,129,956

BOND PROJECTS FUND

350-8200-525.67-79	MUNICIPAL COURT RENOVATNS	\$ 405,649	
350-8200-580.72-14	ARBITRAGE REBATE	5,900	
357-9100-591.81-10	TRANSFER OUT-GENERAL FUND	750	
359-8800-525.67-79	MUNICIPAL COURT RENOVATNS	508,553	
361-1900-519.68-01	SCADA NETWORK	7,252	
361-1900-519.68-02	BROADBAND NETWORK	92,028	
361-2000-521.68-03	PORTABLE DIGITAL RADIOS	229	
361-2000-521.68-04	ARMORED RESCUE VEHICLE'	150,000	
361-2200-522.68-03	PORTABLE DIGITAL RADIOS	23,065	
361-2200-522.68-05	FIRE STATION NO. 1	349,050	
361-2200-522.68-06	EMERGENCY OPERATIONS INFR	432,724	
361-2300-540.68-24	SOLID WASTE FACILITY	46,685	
361-2400-519.68-07	FACILITY IMPROVEMENTS	9,645	
361-2400-519.68-07	FACILITY IMPROVEMENTS	8,273	
361-2400-519.68-07	FACILITY IMPROVEMENTS	36,326	
361-2400-519.68-07	FACILITY IMPROVEMENTS	20,945	
361-2400-519.68-07	FACILITY IMPROVEMENTS	7,734	
361-2400-519.68-07	FACILITY IMPROVEMENTS	87,975	
361-2400-519.68-07	FACILITY IMPROVEMENTS	93,674	
361-2400-519.68-07	FACILITY IMPROVEMENTS	19,245	
361-2400-519.68-07	FACILITY IMPROVEMENTS	4,250	
361-2800-532.68-10	TRAFFIC SIGNALS	126,985	
361-2800-532.68-10	TRAFFIC SIGNALS	39,151	
361-2900-534.68-11	LAKE THORNTON DAM	421,841	
361-2900-534.68-15	PEPPER CRK DRNG-WESTFIELD	430,396	
361-2900-534.68-16	PEPPER CRK DRNG-CRESCENT	592,731	
361-2900-534.68-20	DRAINAGE IMPROVEMENTS	86,950	
361-2900-534.68-20	DRAINAGE IMPROVEMENTS	150,000	
361-3000-519.68-18	FLEET IMPROVEMENTS	2,639	
361-3400-531.68-09	STREETS RESURFACED	12,498	
361-3400-531.68-13	OUTER LOOP	1,769,309	
361-3500-552.68-21	WILSON PARK	112,035	
361-3500-552.68-22	LIONS PARK	153,193	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2007-2008

ACCOUNT #	DESCRIPTION	APPROPRIATIONS	
		DEBIT	CREDIT
361-3500-552.68-23	BAKER FIELD	259,527	
361-3600-560.68-19	AIRPORT	100,000	
361-4000-555.68-08	LIBRARY	36,562	
361-5700-580.73-12	BOND ISSUANCE COST	23,957	
361-9100-591.81-10	TRANSFER OUT-GENERAL FUND	4,902	
361-0000-490.25-82	TRANSFER IN-GENERAL FUND		50,000
TOTAL BOND PROJECTS FUND		\$ 6,632,628	\$ 50,000

WATER & SEWER FUND

520-1300-515.21-13	CLOTHING & UNIFORMS	\$ 194
520-5000-535.26-16	PROFESSIONAL	3,985
520-5000-535.26-16	PROFESSIONAL	18,700
520-5000-535.26-16	PROFESSIONAL	1,512
520-5100-535.21-18	CHEMICALS/COMPRESSED GAS	3,600
520-5100-535.23-11	BUILDINGS & GROUNDS	8,552
520-5100-535.23-13	GENERAL MAINT/REPAIR	3,754
520-5100-535.26-16	PROFESSIONAL	964
520-5100-535.63-10	BUILDINGS & GROUNDS	7,450
520-5100-535.63-10	BUILDINGS & GROUNDS	17,972
520-5100-535.63-10	BUILDINGS & GROUNDS	2,640
520-5200-535.23-26	HYDRANTS & VALVES	510
520-5200-535.62-13	AUTOMOTIVE	27,373
520-5200-535.63-57	WATER LINE IMPROV PROJE	38,880
520-5200-535.63-57	WATER LINE IMPROV PROJE	36,806
520-5200-535.63-57	WATER LINE IMPROV PROJE	178,568
520-5400-535.21-16	SUPPLIES & TOOLS	6
520-5400-535.62-13	AUTOMOTIVE	27,373
520-5400-535.63-61	SEWER LINE REPLACEMENT	13,680
520-5400-535.63-61	SEWER LINE REPLACEMENT	17,416
520-5400-535.63-61	SEWER LINE REPLACEMENT	2,565
520-5400-535.63-61	SEWER LINE REPLACEMENT	428,605
520-5400-535.63-61	SEWER LINE REPLACEMENT	21,732
520-5500-535.63-13	MECHANICAL	7,830
520-5900-535.63-62	WATER & SEWER EXTENSION	38,493
520-5900-535.63-66	WATER LINE EXTENSION	54,685
520-5900-535.63-68	SEWER LINE EXTENSION	21,025
521-5200-535.26-16	PROFESSIONAL	2,414
561-1900-535.69-01	SCADA NETWORK	6,654
561-5000-535.69-12	CAPITALIZED ADMIN COSTS	14,705
561-5100-535.69-04	TANK REFURBISHMENT	3,372
561-5100-535.69-06	EMERGENCY OPERATIONS INF	918,000
561-5100-535.69-13	WTP LAGOON #4	250,000
561-5100-535.69-14	FACILITY IMPROVEMENTS	134,451
561-5100-535.69-15	CLARIFIER IMPROVEMENTS	21,894
561-5100-535.69-19	AVE P STORAGE TANK RELOCATION	220,743
561-5100-535.69-21	MEMBRANE FACILITY	700,000
561-5100-535.69-24	REHAB CONV WTP FILTERS	215,000
561-5200-535.69-07	317 WTRLINE REL-2305/439	350,000
561-5200-535.69-09	S TEMPLE WATER SYS IMPR	1,600,000
561-5200-535.69-16	UTILITY RELOC- LOOP & 31ST	1,260,589
561-5200-535.69-17	WATER LINE RELOC-FM 2305	1,565,896
561-5200-535.69-23	PRESSURE PLACE EXPANSION	193,500

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2007-2008

ACCOUNT #	DESCRIPTION	APPROPRIATIONS	
		DEBIT	CREDIT
561-5200-535.69-27	WATER LINE RELOC- US 190	\$ 364,812	
561-5200-535.69-28	WEST-W&WW EX- N OF 2305	883,600	
561-5200-535.69-30	WATERLINE RELOC-OUTER LOOP	12,500	
561-5400-535.69-05	LIFT STATION IMPROVEMENTS	219,951	
561-5400-535.69-20	WW LINE EXTENSION-FM 2305	2,114,800	
561-5400-535.69-25	WW LINE REPL-BIRD CREEK	1,249,626	
561-5400-535.69-26	WW LINE REPLACEMENT	231,632	
561-5500-535.69-02	DOSHIER FACILITY IMPROVEM	350,000	
561-5500-535.69-03	DOSHIER INFRASTRUCT IMPRV	389,950	
561-5500-535.69-32	DOSHIER REHAB 5 LIFT SCRIN	460,000	
561-5500-535.69-33	REHAB BELT FILTER-DOSHIER	100,000	
561-5800-535.69-29	WATER BUS OFC IMPROVEMENT	695,500	
561-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS		347,586
TOTAL WATER & SEWER FUND		\$ 15,514,459	\$ 347,586

REINVESTMENT ZONE NO. 1

795-9500-531.26-16	PROFESSIONAL	48,400	
795-9500-531.26-27	INTERGOVERNMENTAL EXP	85,527	
795-9500-531.61-10	LAND	8,660	
795-9500-531.63-10	BUILDINGS & GROUNDS	53,583	
795-9500-531.63-17	STREET & ALLEYS	50,111	
795-9500-531.65-14	MISC RAIL SPUR REPAIRS	155,005	
795-9500-531.65-18	PUBLIC IMPROVEMENTS	2,300,000	
795-9500-531.65-28	ANNUAL DOWNTOWN IMPROVEMENTS	4,869	
795-9500-531.67-73	NORTH ZONE PROJECT	945,757	
795-9500-531.68-25	NORTH ZONE RR SPUR	129,500	
795-9500-531.68-29	PEPPER CK GREENBELT	529,600	
795-9600-531.62-22	MACHINERY & EQUIPMENT	42,559	
795-9600-531.67-73	WESTERN ZONE PROJECT	2,141,693	
795-9600-531.67-73	WESTERN ZONE PROJECT	27,000	
795-9600-531.67-73	WESTERN ZONE PROJECT	175,940	
795-9600-531.67-73	WESTERN ZONE PROJECT	41,500	
795-9700-531.68-25	NORTH ZONE RR SPUR	96,800	
795-9700-531.68-26	AIRPORT PARK	593,444	
795-9700-531.68-27	BIOSCIENCE PARK	109,500	
795-9700-531.68-28	SOUTHEAST INDUSTRIAL PARK	73,500	
795-9700-531.68-30	ELM CREEK DETENTION	104,500	
795-9700-531.68-31	WENDLAND ROAD PROJECT	261,500	

TOTAL REINVESTMENT ZONE NO. 1 **\$ 7,978,948**

TOTAL CARRY FORWARDS - ALL FUNDS **\$ 34,713,449** **\$ 3,031,104**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE CARRY FORWARD OF 2006-2007 FUNDS
TO THE 2007-2008 BUDGET; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, there are outstanding purchase orders and contracts that were not completed at the end of fiscal year 2006-2007 which need to be carried forward to fiscal year 2007-2008;

Whereas, these items will be received or completed during fiscal year 2007-2008;

Whereas, all unencumbered Community Development funds and ongoing Capital Projects also need to be carried forward to fiscal year 2007-2008; and

Whereas, the City Council deems it in the public interest to authorize the carry forward of 2006-2007 funds to the 2007-2008 budget.

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

Part 1: The City Council authorizes the Director of Finance to carry forward fiscal year 2006-2007 funds to the 2007-2008 budget, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **15th** day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Item #6(R)
Consent Agenda
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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.

ITEM SUMMARY: 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 \$54,534.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
November 15, 2007

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2000-521-1119		Overtime (Police Dept.)	\$ 4,000	
110-0000-431-0261		State Grants		\$ 4,000
<p>Appropriate overtime funds for the Tobacco Grant. The purpose of the grant is to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons who are younger than 18 years of age. The overtime hours will be for on-site compliance inspections, compliance education, and monthly/quarterly reporting. The grant period is September 1, 2007 through August 31, 2008.</p>				
110-2000-521-2516		Judgments & Damages (Police Dept.)	\$ 737	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 737
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle after it was struck by a police vehicle on August 22, 2007</p>				
260-3600-560-6524	100190	FAA Runway Rehabilitation (Airport Grant)	\$ 45,270	
260-0000-490-2588		Transfer In - Airport Grant Match		\$ 4,527
260-0000-431-0163		Federal Grants		\$ 40,743
110-9100-591-8160		Transfer Out - Grant Fund	\$ 4,527	
110-0000-352-1345		Designated Capital Projects - Airport Grant		\$ 4,527
<p>Correct appropriation of grant funds and City matching funds for acquisition of acreage costs for the Airport Runway Extension Project grant. The grant will be administered by the State. The budget adjustment approved 8/2/2007 did not include all of the costs.</p>				
TOTAL AMENDMENTS			\$ 54,534	\$ 54,534
GENERAL FUND				
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			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(3,829)
Net Balance of Judgments & Damages Contingency Account			\$	66,171
Beginning Master Plan Implementation Contingency			\$	250,000
Added to Master Plan Implementation Contingency			\$	-
Taken From Master Plan Implementation Contingency			\$	-
Net Balance of Master Plan Implementation Contingency Account			\$	250,000
Beginning Compensation Plan Contingency			\$	150,000
Added to Compensation Plan Contingency			\$	-
Taken From Compensation Plan Contingency			\$	-
Net Balance of Compensation Plan Contingency Account			\$	150,000
Net Balance Council Contingency			\$	466,171

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
November 15, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	904,672
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	904,672
		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	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	20,126
		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	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning Compensation Plan Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	2,000
		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. _____

**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 23rd 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:

Part 1: 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.

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

PASSED AND APPROVED this the 15th day of **November**, 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

11/15/07
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing to receive comments on the possible voluntary annexation of the following three tracts of land in the vicinity of Witter Lane and Forrester Road, known as the Witter Lane Annexation:

- (A) Central Texas Christian School tract—approximately 39.2 acres
- (B) H. A. Johnson tract—approximately 22.3 acres
- (C) VB Connected, LTD. tract—approximately 44.5 acres

STAFF RECOMMENDATION: Receive staff presentation on the Municipal Services Plans, as required by state law, hold public hearing and take no action at this time. The second required public hearing will be held on November 19, 2007, 8:00 a.m., at a special meeting of the City Council.

ITEM SUMMARY: On November 1, 2007, the Council accepted petitions for voluntary annexation from Central Texas Christian School, VB Connected, LTD, and H. A. Johnson. The Council also directed the staff to prepare municipal services plans for these three areas.

The annexation schedule calls for two public hearings – this being the first, with the second scheduled for the November 19th special Council meeting.

FISCAL IMPACT: Future tax revenue.

ATTACHMENTS:

[Voluntary Annexation Area Map](#)
[Service Plan](#)



CITY OF TEMPLE ANNEXATION SERVICE PLAN LAND OWNER INITIATED

For approximately 256± acres situated in the County of Bell, Texas, located south of FM 93 HWY, and east of Witter Lane, and abutting the city limits, and being more particularly described an Exhibit "A" and depicted as Tract 1 on Exhibit "B" of the Annexation Ordinance.

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Temple, Texas will provide protection to the newly annexed tract at the same or similar of service now being provided to other areas of the City of Temple, Texas, with similar topography, land use and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Temple, Texas will provide fire protection from Station 7 to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Temple, Texas, with similar topography, land use and population with the City. The City of Temple, Texas will provide ambulance service from Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the City of Temple, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Temple, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Temple, Texas, to the extent of its ownership. Any and all water or waste water facilities outside the extent of the ownership of the City of Temple, Texas, and owned by other water or waste water providers shall continue to be allowed to provide those services to the newly annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City of Temple, Texas, or which are owned by the City of Temple, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Temple, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Temple, Texas, is not aware of the existence of any parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Temple, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Temple, Texas.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Temple, Texas, is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City of Temple, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Temple, Texas.

8. CONSTRUCTION SAFETY

The City of Temple, Texas will provide building inspection services upon approved building permits from the City of Temple to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Temple, Texas, with similar topography, land use and population with the City.

9. CODE ENFORCEMENT

The City of Temple, Texas will provide code enforcement services to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Temple, Texas, with similar topography, land use and population with the City.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Temple, Texas finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Temple, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

2. ROADS AND STREETS

The City of Temple, Texas will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density

within the present corporate limits of the City of Temple, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City of Temple, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Temple, Texas, for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

When water and waste water services are installed, they will be available for point of service extension in accordance with the city's utility policies and ordinances.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council of the City of Temple, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City of Temple, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Temple, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Temple, Texas who reside in areas of similar topography, land utilization and population.

APPROVED ON THIS _____ DAY OF _____, 2007.

City of _____, Texas

Mayor

ATTEST:

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution calling public hearings for December 4 and December 12, 2007 in regard to growth management study areas being considered for City initiated annexation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the November 1st City Council meeting, the Council directed the City Manager to prepare municipal service plans for four growth management study areas, as follows:

Area 'A' – approximately 0.9 square miles located west of the current City limits along a line generally following FM 2305 and extending to Temple Lake Park. The area includes approximately 222 people and 91 homes;

Area 'B' – approximately 1 square mile located west of the current City limits in the proximity of FM 317 north of FM 2305 and south of SH 36. The area includes approximately 8 people and 3 homes;

Area 'C' – approximately 5.4 square miles located northwest of the current City limits in the proximity of SH 36 toward Lake Belton and north and west of Draughon-Miller Regional Airport. The area includes approximately 291 people and 119 homes; and

Area 'D' – approximately 2.6 square miles located north of the current City limits in the proximity of an area east of the BNSF rail line and north of Moore' Mill Road and west of I-35. The area includes approximately 56 people and 23 homes.

The next step in the process is for the Council to call public hearings which must be scheduled within a 20-40 day window prior to the first reading of the annexation ordinances. We are recommending these public hearings be conducted on-site in each of the areas being considered for annexation. The first on-site public hearing will be conducted on **Tuesday, December 4th, 2007, beginning at 9:00 a.m. and the second on-site public hearing will be conducted on Wednesday, December 12, 2007, beginning at 9:00 a.m.** The locations for these public hearings, as well as the exact times for each, will be presented prior to the City Council meeting on November 15th.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2007-5249-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CALLING PUBLIC HEARINGS FOR DECEMBER 4 AND DECEMBER 12, 2007, IN REGARD TO GROWTH MANAGEMENT STUDY AREAS BEING CONSIDERED FOR CITY-INITIATED ANNEXATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 1, 2007, the City Council adopted a resolution directing the City Manager to prepare municipal service plans for four growth management study areas, as follows:

Area 'A' – approximately 0.9 square miles located west of the current City limits along a line generally following FM 2305 and extending to Temple Lake Park. The area includes approximately 222 people and 91 homes;

Area 'B' – approximately 1 square mile located west of the current City limits in the proximity of FM 317 north of FM 2305 and south of SH 36. The area includes approximately 8 people and 3 homes;

Area 'C' – approximately 5.4 square miles located northwest of the current City limits in the proximity of SH 36 toward Lake Belton and north and west of Draughton-Miller Regional Airport. The area includes approximately 291 people and 119 homes; and

Area 'D' – approximately 2.6 square miles located north of the current City limits in the proximity of an area east of the BNSF rail line and north of Moore' Mill Road and west of I-35. The area includes approximately 56 people and 23 homes.

Whereas, the next step in the process is for the City Council to call public hearings which must be scheduled within a 20-40 day window prior to the first reading of the annexation ordinances;

Whereas, the Staff recommends that the public hearings be held on-site in each of the areas being considered for annexation; 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 calls public hearings for December 4, 2007 and December 12, 2007, at the following times and locations on both dates to gather comments in regard to growth management study areas being considered for City-initiated annexation:

AREA A: 9:00 AM, Veterans of Foreign War Post 10377, 4 Woodland Trail
L

AREA B: 11:00 A.M., Vacant land located along FM 2483, approximately 2100 feet west of the intersection of FM 2483 and SH 317

AREA C: 1:30 P.M., Vacant land located at the corner of SH 317 and Cedar Creek Road

AREA D: 3:30 P.M., 8060 Brewster Road

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

PASSED AND APPROVED this the 15th day of **November**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
Item #9
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance providing for the continued taxation of goods-in-transit otherwise exempt pursuant to Section 11.253(b) of the Texas Tax Code.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second and final reading for December 6, 2007.

ITEM SUMMARY: In 2001, voters in Texas approved an amendment to the Texas Constitution which provided legislative enabling authority to exempt from taxation certain tangible personal property deemed to be “goods-in-transit.” This past session, the Legislature adopted H.B. 621 which implemented that constitutional amendment with the adoption of Section 11.253 of the Texas Tax Code which exempts from ad valorem (property) taxes most personal property that is located at a particular site within the State for less than 175 days, is not under control of the owner of the landowner where the personal property is stored, and then is shipped to another location inside or outside of the State. This exemption has been termed the “Super Freeport exemption,” to distinguish it from the existing “Freeport exemption,” which continues in effect. Some differences between the regular “Freeport” exemption (which the City of Temple opted out of in 1990) and the “Super Freeport” exemptions:

- Regular Freeport applied only to goods held for 175 days or less **AND** sent out of State.
- Regular Freeport also had an opt out provision, but once adopted it could not be revoked.
- With the Super Freeport, taxing entities who allow the exemption to go into effect CAN “opt out” of the Super Freeport at a later date—they can also opt out now, and opt back in at a latter date.

The Super Freeport exemption is broad enough to include most kinds of inventory, or materials held for assembly or finishing, but specifically includes a few kinds of inventory such as oil & gas, aircraft, dealer’s motor vehicle inventory, dealer’s boat inventory, dealer’s heavy equipment inventory and retail manufactured housing.

The exemption created in H.B. 621 for goods-in-transit takes effect on January 1, 2008, unless a local taxing entity takes official action to continue the taxation of these goods. A local taxing entity wishing to continue taxing these goods-in-transit must also conduct a public hearing prior to taking such action.

A study commissioned by TEDC several years ago about the potential impact from adopting the regular Freeport Exemption (which would only have applied to goods held in Temple for less than 175 days and then shipped out of Texas) concluded that adoption of the exemption would cost the City several hundred thousand dollars annually in lost revenue. Arguably, the City stands to lose an even greater amount of revenue if the Super Freeport exemption was allowed to go into effect since it also applies to goods-in-transit that are shipped to other parts of Texas. The Director of Finance will provide a summary of that report's recommendations as part of the Staff presentation of this item.

FISCAL IMPACT: Adopting this ordinance will avoid any negative impact on City revenue that would occur if the exemption on goods-in-transit went into effect. The magnitude of that loss is difficult to estimate.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 35, ENTITLED, "TAXATION" OF THE CODE ORDINANCES BY ADDING A NEW SECTION 35-19, ENTITLED, "TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT;" PROVIDING FOR THE AD VALOREM TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT OR "SUPER FREEPORT" GOODS PURSUANT TO SECTION 11.253 OF THE TEXAS TAX CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, in 2001, the Texas Legislature approved Senate Joint Resolution 6, which was subsequently approved by the eligible voters of the State of Texas authorizing a "super freeport" property tax exemption for certain tangible personal property;

Whereas, the Texas Legislature in the 80th Legislative Session approved House Bill 621 (hereinafter referred to as "HB 621"), as the enabling statute for the "super freeport" property tax exemption approved by the voters in 2001;

Whereas, HB 621 adds Section 11.253 to the Texas Tax Code and exempts from property taxes any tangible personal property (other than oil and gas, aircraft, dealer's motor vehicle inventory, dealer's boat inventory, dealer's heavy equipment inventory, and retail manufactured housing) that is located at a site for less than 175 days and is not under the control of the property owner;

Whereas, Section 11.253(j) of the Texas Tax Code provides that the City Council of the City of Temple, Texas, may in the manner required for official action by the governing body, provide for the taxation of goods-in-transit otherwise exempt pursuant to Section 11.253(b) of the Texas Tax Code, and not exempt under the law. Moreover, the official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the City Council proposes to tax goods-in-transit;

Whereas, Section 11.253(j) of the Texas Tax Code also provides that "before acting to tax the exempt property, the governing body of the taxing unit must conduct a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution. If the governing body of a taxing unit provides for the taxation of the goods-in-transit as provided by this subsection, the exemption prescribed by Subsection (b) does not apply to that unit. The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for the official action, rescinds

or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed by Subsection (b) will apply to that taxing unit;”

Whereas, Section 11.253(j) of the Texas Tax Code also provides that a decision to continue taxing super freeport goods can be reversed for a future tax year;

Whereas, the City Council held a public hearing prior to the passage of this ordinance, consistent with HB 621 and Section 11.253 of the Texas Tax Code; and

Whereas, the City Council has finds and determines that the super freeport exemption as authorized by Section 11.253 of the Texas Tax Code is not in the best interest of the City of Temple, Texas.

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

Part 1: Findings Incorporated. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Part 2: The City Council amends Chapter 35, entitled “Taxation,” of the Code of Ordinances of the City of Temple, Texas, by adding a new Section 35-19, entitled, “Taxation of Tangible Personal Property in Transit,” which shall read as follows:

Section 35-19. Taxation of Tangible Personal Property in Transit.

(a) ***Definitions.*** The following terms have the same meaning as defined in Section 11.253 of the Texas Tax Code, as amended.

- (1) The terms “Dealer’s motor vehicle inventory,” “dealer’s vessel and outboard motor inventory,” “dealer’s heavy equipment inventory,” and “retail manufactured housing inventory” have the meanings assigned by Subchapter B, Chapter 23 of the Texas Tax Code, as amended.
- (2) The term “Goods-in-transit” is defined to mean tangible personal property that:
 - a. is acquired in or imported into this state to be forwarded to another location in this state or outside this state;
 - b. is detained at a location in this state in which the owner of the property does not have a direct or indirect ownership interest for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property;

- c. is transported to another location in this state or outside this state not later than 175 days after the date the person acquired the property in or imported the property into this state; and
- d. does not include oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory.

(3) The term "Location" means a physical address.

(4) The term "Petroleum product" means a liquid or gaseous material that is an immediate derivative of the refining of oil or natural gas.

(b) A person is not entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit. A person's property consisting of goods-in-transit is hereby subject to ad valorem taxation pursuant to Section 11.253 of the Texas Tax Code, as amended.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

Part 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **November**, 2007.

PASSED AND APPROVED on Second Reading on the **6th** day of **December**, 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

11/15/07
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: P-FY-07-59: Consider adopting a resolution authorizing the preliminary plat of Lago Terra, a 59.781 acre, 83 lot residential subdivision located on the west side of Morgan's Point Road, south of Bonnie Lane, located partially inside the City of Temple and within its western ETJ, subject to the developer's requested exceptions to Subdivision Ordinance for pavement widths and rights-of-way, cul-de-sac length, Parkland Dedication, and the Utility Cost Sharing Policy.

P&Z COMMISSION AND STAFF RECOMMENDATION: At its meeting on November 5, 2007, the Planning and Zoning Commission voted 6/3 (Commissioners Pilkington, Carothers, and Secrest opposed.) to recommend approval of the Preliminary Plat of Lago Terra with the following exceptions:

1. **Section 33-93. Streets. (k) Pavement widths and rights-of-way:** Use the rural collector street standard required in the Subdivision Ordinance for Lakeland Boulevard, a 2,500 linear foot road which serves as the main road, with a 26' pavement width instead of the developer's requested exception to use a rural local street section with a 22' asphalt pavement width. Both designs require a 12" minimum ribbon curb width next to the pavement. The Commissioners voting against the plat agreed with the developer's request for the narrower Lakeland Boulevard.
2. **Section 33-93. Streets. (h) Cul-de-sacs:** Waive the maximum allowed cul-de-sac length of 500 linear feet for Cazadero Cove, Lochwood Place, Mullican Drive, Flowers Lane, and Lakeland Boulevard.

Cul-de-sacs (One-Way Trip)	Morgan's Point Road (Primary Entrance)	Bonnie Lane (Secondary Entrance)
Lakeland Boulevard	2,500 feet	1,807 feet
Cazadero Cove	2,900 feet	2,200 feet
Lochwood Place	2,400 feet	1,800 feet
Mullican Drive	2,100 feet	1,400 feet
Flowers Lane	1,600 feet	1,100 feet
Carissa Court	1,200 feet	1,200 feet

3. **Section 33-102. Requirements for Parkland Dedication:** Allow the development of Tracts C and D, totaling 2.414 acres, for private parks in lieu of the minimum required parkland dedication of 3 acres or payment of park fees totaling \$18,675 (\$225 per new residential lot creation) for this development, provided that the two tracts contain improvements equal to or greater than \$18,675.
4. **Ordinance 2001-2805. Cost Sharing Policy:** Allow the developer to apply for cost sharing for offsite sewer with the final plat process instead of the preliminary plat process (dependent on annexation into the City of Temple).

ITEM SUMMARY: The developer for this property initially did not request exceptions to the Subdivision Ordinance when he pursued approval for the preliminary plat known as Trinity Oaks. Staff would have recommended an alternative design requiring looped streets to mitigate the over length cul-de-sac, or would have recommended denial. Trinity Oaks was never final platted. Lago Terra, the redesigned preliminary plat proposal, contains 13 ± acres more with a 20% lot yield increase compared to Trinity Oaks.

Please refer to the Staff Report and draft minutes of case P-FY-07-59, from the Planning and Zoning Commission meeting, November 5, 2007, which includes the DRC information. The preliminary plat of Lago Terra is a proposed 83 lot residential subdivision with gated entrances which is partially located within the City of Temple and its western ETJ. The developer plans to pursue a voluntary annexation for the portion of the plat located within Temple's E.T.J. prior to or during the final plat process.

FISCAL IMPACT: The developer requests an exception to the minimum required park fees of \$18,675. The developer requests the opportunity to apply for a cost sharing agreement for utility extensions during the final plat process.

ATTACHMENTS:

Developer Requested Exceptions/Hardship Letter
October 30, 2007 Memorandum
October 19, 2007 Memorandum
October 18, 2007 Letter
Plat
P&Z Staff Report
P&Z Minutes
Resolution

LAGO TERRA
E.T.J. CITY OF TEMPLE, TEXAS

REQUESTED EXCEPTIONS

The following exceptions are requested on the above mentioned project:

Section 33-102. Requirements for park land dedication.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The subdivision will have controlled access with manned or automated gates, and all facilities within the subdivision will be maintained by the Homeowner's Association.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The developer will improve 2 tracts of land totaling 2.414 acres for the recreation of residents and guests within the subdivision.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The improvement of the selected tracts in lieu of land dedication has received preliminary approval from Ken Cicora for City of Temple Parks Department.***

Section 33-93. Streets.

(h) *Cul-de-sacs:*

- (1) Streets ending in a cul-de-sac shall generally not exceed five hundred (500) feet in length, except two hundred (200) feet in the case of a residential lane.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The subdivision is located in a heavily wooded area. Lots are larger than .5 acres. Wider lot fronts extend the length of the street with few drive entrance. There are only ten lots on each cul-de-sac. Connecting the cul-de-sacs would destroy natural vegetation and large trees without providing better access to lots.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***There***

are only ten lots on each cul-de-sac. Parking will be prohibited on streets.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. **The property in the direction in which the cul-de-sacs travel has already been developed into a residential subdivision.**

Section 33-93. Streets.

(k) *Pavement widths and rights-of-way:*

- (1) The minimum standards for street pavement width and right-of-way are as follows:

<i>Standard Category</i>	<i>Pavement width (feet)</i>	<i>Right-of-Way Width (feet)</i>
Local street	31	50
Rural local street	22	50
Collector street	36	55
Rural collector street	26	55

Section 33-10. Exceptions.

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. **The subdivision is located in a heavily wooded area bordering on Lake Belton. Lots are greater than .5 acres in area. The developer is concerned with creating a more environmentally friendly neighborhood. Using the rural local street width will reduce the area of impervious cover and use the natural surface to convey stormwater flow, thereby reducing the amount of runoff deposited in Lake Belton. Also, fewer trees and natural vegetation will be disturbed.**
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. **The 22' wide asphalt paving with 12 inch wide concrete ribbons per Section 33-94 (a) is adequate for the volume of traffic based on 8 trips per day per residence. Refer to Table V-8 of the AASHTO – Geometric Design of Highways and Street which is included as Exhibit A. Restrictions will be placed on all lots requiring side entry garages which have longer and wider drives. Signage will be placed in accordance with Manual of Uniform Traffic Control Devices to**

prohibit parking on streets. Widening of the paved surface at Tract C and the intersections of Lakeland Blvd. and Cazadero Cove, and Lakeland Blvd. and Mullican Drive provides additional relief for traffic flow.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The subdivision has adequate access to current public roads. The land to the south has been subdivided, and the land to the north has access to current public roads. No additional traffic is anticipated on these streets.***

Width of Traveled Way, Shoulder, and Roadway

Graded shoulder width is measured from the edge of traveled way to the point of intersection of shoulder slope and foreslope. The minimum roadway width is the sum of the traveled way and graded shoulder width given in Table V-8. In mountainous terrain or sections with heavy earthwork the graded width of shoulder in cuts may be decreased 2 ft, but in no case should the roadway width be less than 18 ft.

Design Speed (mph)	Width (ft) for Design Volume					
	Current ADT less than 250	Current ADT 250-400	Current ADT Over 400	DHV 100-200	DHV 200-400	DHV 400 and Over
Width of Traveled Way						
20	18	20	20	20	22	24
30	18	20	20	20	22	24
40	20	20	22	22	22	24
50	20	20	22	22	24	24
60	20	22	22	22	24	24
Width of Graded Shoulder (Each Side)						
All Speeds	2	2	4	6	6	8

Table V-8. Minimum width of traveled way and graded shoulder.

Structures

The design of bridges, culverts, walls, tunnels, and other structures should be in accord with the current *Standard Specifications for Highway Bridges* (1).

Except as otherwise indicated herein and in Chapter IV, the dimensional design of structures should also be in accord with reference (1).

The minimum design loading for new bridges should be HS-20 on local roads.

For general discussion of structure widths see Chapter X.

The minimum clear roadway widths for new and reconstructed bridges should be as given in Table V-9.

EXHIBIT 'A'

**TURLEY ASSOCIATES, INC.**

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

RECEIVED

OCT 31 2007

City of Temple
Planning & Development**MEMORANDUM**

DATE: October 30, 2007

TO: Michael Newman, P.E., CFM
City Engineer
City of Temple

FROM: Jennifer Ryken, E.I.T.
Turley Associates, Inc.

RE: Lago Terra
DRC Comments

I hope the following clarifies any questions or outstanding issues concerning the Engineering Comments from the October 30 Design Review.

1. We have consulted with the Corps of Engineers concerning the proposed development. Their main concern is with stormwater control measures during construction. The Corps of Engineers asked that once we have a design and construction plans for the project, to send the plans to them and they will send our plans to their hydrology department for review.
2. The flow of stormwater will be contained within roadside swales and channels. We will be utilizing drop structures and disrupters within the channels to manage the flow. The discharge will be controlled and flow dispersed as it is released onto adjoining properties.
3. Calculations for the drainage ditches would be futile at this stage. If the streets are 24' wide this will provide more width for the ditches which can be flatter and have less velocity. Also, the roadside ditches will most likely be designed to mimic the slope of the roads. As we design the subdivision and prepare construction plans we will be able to submit calculations for drainage appurtances (Final Plat).
4. City limits line and labels are clearly marked on plat.
5. A voluntary annexation request will be filed.

6. Off-site water cost share note was removed from utilities page.
7. Utility layout was adjusted to be more legible and resubmitted.
8. Easements have been provided across tract "D" so future service is available.
9. The recorded boundary of the property contains lake surface and will be conveyed to new lot owners.

MEMORANDUM

DATE: October 19, 2007

TO: Design Review Committee
City of Temple

FROM: Victor D. Turley, P.E., R.P.L.S.
Turley Associates, Inc.

RE: Lago Terra

This memorandum is to accompany the packet submitted for review October 19, 2007, and offers further information for reference.

The Lago Terra Subdivision will be a gated community with custom homes overlooking Lake Belton. The concept is to create an "old world" look with lanes winding thru large wooded lots.

The streets have been designed with a rural cross-section containing 22 foot of asphalt pavement edged by 1 foot of concrete ribbon. Drainage on this section is accomplished with swales. Changing the design to 27 feet of asphalt with 2 foot standard curb and gutter would require the destruction of large trees and the creation of long stretches of concrete curb, along with the necessary drainage structures, which would distract from the natural value of the streetscape. A letter requesting an exception to the Subdivision Ordinance has been submitted for the use of the rural cross-section.

The two tracts (A&B) located at the main entry will be developed into a bermed and landscaped reception area including a manned gate and mail kiosk.

Tract C and D will be owned and maintained by the Lago Terra Homeowner's Association after being improved for recreation. Tract D will not only contain the exterior security facility and a wandering walking path leading to an overlook to allow all residents to enjoy the view of Lake Belton, it will act as a buffer to offer an addition level of privacy. A letter of exception for park fees has been submitted.

The addition of Scott Lane to aid in circulation thru the subdivision has provided multiple access routes. The gate at the intersection of Scott Lane and Flowers Lane will be remote operated. Anyone not having a remote will be directed to the main entry.

A letter of exception has been submitted for the length of cul-de-sacs.

The water system will be connected to existing lines on Morgan's Point Road and Bonnie Lane.

The sanitary sewer system will be gravity flow with the elevation of each service determined to ensure homes can access service. The lift station will pump the collected sewage via a force main to a manhole located approximately 410' west of Morgan's Point Road. From this high point, gravity flow to the new lift station at the intersection of FM 2271 and FM 2305.

A cost share application for offsite sewer will be submitted. We request an exception to allow the developer to apply for the cost share with the final plat package. This way it can be processed concurrently with the Final Plat and Annexation requests.

The flow of storm water will be contained within roadside swales and channels. The water will be handled via flow disruptors and detention facility(s) to control release into Lake Belton and adjoining properties. We have consulted with the Corps of Engineers and will forward to them our drainage plan after approval by this committee. The finished floor elevations are set at a minimum of 1' above the Corps of Engineers Flowage Easement Elevation. The actual elevations of homes may be higher when constructed. The Corps of Engineers PMF = Flowage Easement Elevation.

Voluntary Annexation requests will follow the timeline / procedure provided by the City of Temple Legal Department.

The issues of drainage at the southwest corner of Lago Terra adjacent to Eagle Oaks at the Lake is currently being discussed between the developers and their engineers.

Separate Restrictive Covenants will be provided with the Final Plat package. Ownership and perpetual maintenance of private areas will be noted on the Preliminary Plat.

One of the goals of this development is to leave as much natural area as possible and encourage "green-building"

**TURLEY ASSOCIATES, INC.**

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

October 18, 2007

Mr. Tim Dolan, AICP
Planning Director
City of Temple
2 N. Main Rm. 201
Temple, TX 76501

RECEIVED

OCT 19 2007

City of Temple
Planning & Development

**RE: Lago Terra Subdivision
Results of DRC Meeting of September 25, 2007**

Dear Tim,

It is the developer's intent to provide Tract C (approximately 1.370 acres) of the Lago Terra Subdivision to be used as a private park to be owned and maintained by the Homeowner's Association. The land for the private park will be provided with the Final Plat and the improvements will be completed during the construction phase of the Subdivision. Improvements that will be implemented within Tract C will include landscaping, a playscape, walking paths, seating, plus the land cost to total the requested park fees of \$18,675.00.

We request that the City Council approve an exception to the City of Temple's Parkland Dedication Ordinance based on the proposed improvements.

We would also like the City Council to consider an exception to the Subdivision Ordinance regulations concerning the length of the cul-de-sacs in this development and the use of rural street sections (22' of asphalt pavement with a 1' concrete ribbon edge).

If you have any question please contact our office.

Thank you,
TURLEY ASSOCIATES, INC.

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

VDT/cd

Cc: Ken Cicora, Director of Parks & Recreation
Michael Newman, P.E., City Engineer



LINE TABLE		
LINE	LENGTH	BEARING
1	12.25	S61°37'08"E
1.9	50.10	N29°27'16"E

DESIGNATED HEREIN AS LAO TERRA, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HERBY DEDICATE TO THE USE OF THE PUBLIC FOR ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

CITY OF BELL
COUNTY OF BELL

STATE OF TEXAS
COUNTY OF BELL

1. THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MOVEMENTS ARE CORRECTLY SHOWN THEREON.

THIS PLAN HAS BEEN APPROVED FOR PREPARATION OF FINAL PLAN


CHAIRPERSON, PLANNING AND ZONING COMMISSION

I, THE UNDERSIGNED, DIRECTOR OF PLANNING OF THE CITY OF TEMPE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE CITY OF TEMPE. IT QUALIFIES FOR ADMINISTRATIVE PLAT APPROVAL AS PROVIDED IN THE ORDINANCE, AND IS HEREBY APPROVED.

DIRECTOR OF PLANNING

DATE

PRELIMINARY PLAT OF:
LAGO TERRA
being an amended plat of
TRINITY OAKS
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

PRELIMINARY PLAT OF: LAGO TERRA being an amending plat of TRINITY OAKS AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS	DEVELOPER Three Lands Development Justin Scott, Pres. PO Box 217 BELTON, TEXAS 78513	 ENGINEERING • PLANNING • SURVEYING CONSTRUCTION MANAGEMENT TURLEY ASSOCIATES, INC. 301 N. 3rd St. TEMPLE, TEXAS (254) 773-2400 E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998															
REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"> </td><td style="width: 15%;"> </td><td style="width: 80%;"> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>																DATE: October 18, 2007 DRAWN BY: AOB REFERENCE: FB/A/B: Job Number: 06428 Sheet 2 of 2 Computer: MASTER 117704-D DRAWING NUMBER	



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/05/07
Item#4
Page 1 of 2

APPLICANT / DEVELOPMENT: Justin Scott c/o Three Lands Development

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-07-59 Consider approval of the preliminary plat of Lago Terra, a 59.781 acre, 83 lot residential subdivision with gated entrances located on the west side of Morgan's Point Road, and a gated entrance south of Bonnie Lane, located partially inside the City of Temple and within its western ETJ. (Applicant: Justin Scott)

STAFF RECOMMENDATION: Staff recommends approval of the preliminary plat, subject to City Council's approval the preliminary plat considering the developer requested exceptions listed below, and with the following conditions:

- **Section 33-102. Requirements for Parkland Dedication:** to allow the development of Tracts C and D, totaling 2.414 acres, for the private recreation of residents and guest within the subdivision in lieu of the minimum required parkland dedication of 3 acres or payment of park fees totaling \$18,675 (\$225 per new residential lot creation) for this development.
 1. The Parks & Leisure Department will be available at the meeting to answer questions from the Commission regarding park land dedication and fees.
- **Section 33-93. Streets. (h) Cul-de-sacs:** to waive the maximum allowed cul-de-sac length of 500 linear feet for a length of 1,187 linear feet, measured from the intersection of Flower's Lane and Lake Land Boulevard.
 2. The Planning Department recommends approval of the over length cul-de-sac since the proposed subdivision has two points of ingress from Morgan's Point Road and Bonnie Lane.
- **Section 33-93. Streets. (k) Pavement widths and rights-of-way:** to allow the use of the rural local street section having a 22' asphalt pavement width with a 1' concrete ribbon edge, instead of the minimum required 31' (b-b) pavement width for a local street.
 3. The Planning Department favors a 31-foot wide road, but the approved preliminary plat for Trinity Oaks (69 single-family lots, 46.8± acres, with one point of ingress from Morgan's Point Road), shows a 24-foot wide paved road. In the future, Staff will recommend this type of development contain the 31-foot pavement in the future. At a future meeting, Staff will ask the Commission to consider quantified rural standards.
- **Ordinance 2001-2805. Cost Sharing Policy:** to allow the developer to apply for cost sharing for offsite sewer with the final plat process instead of the preliminary plat process.
 4. This is dependent upon the tract being annexed into the City of Temple and would be discussed in detail at the time of the land owner's petition to annexation, **and**
 5. That "bump-outs" be required along Lakeland Boulevard to allow relief of traffic congestion and the clearance for emergency service vehicles.

BACKGROUND: The preliminary plat of Lago Terra is a proposed 83 lot residential subdivision with gated entrances which is partially located within the City of Temple and its western ETJ. The developer plans to pursue a voluntary annexation for the portion of the plat located within Temple's E.T.J. prior to or during the final plat process. The developer requests the following exceptions to the Subdivision Ordinance:

Please see the attached exceptions hardship letter with explanation of requested exceptions.

Design Review Committee (DRC)

This plat was reviewed by the Design Review Committee (DRC) on September 25, 2007 and October 30, 2007. During those meetings, DRC voiced fire safety and traffic concerns of the developer's requested narrow street widths for the proposed 83 residential lots. The intent of the rural local street width is to be used for low density rural subdivisions, not to exceed two dwelling units per acre. The proposed 83-lot subdivision does not meet the characteristics of a low density rural development. Due to some unanswered engineering and drainage related questions, DRC does not consider the plat submittal administratively complete. Although DRC has not had sufficient time to review the applicant's October 31, 2007 revised submittals, the developer requested placement of his preliminary plat on the November 5, 2007 Planning and Zoning Commission agenda.

Water will be obtained from existing water lines on Bonnie Lane and Morgan's point Road. A sanitary sewer system with a lift station is proposed for the development. The developer plans to apply for cost sharing for off-site sewer with the final plat process. This is one of the exceptions previously mentioned in this memo.

The City Council is the authority to approve the preliminary plat since developer exceptions have been requested.

ATTACHMENTS:

Developer Requested Exceptions/Hardship Letter
October 30, 2007 Memorandum
October 19, 2007 Memorandum
October 18, 2007 Letter
Plat

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

MONDAY, NOVEMBER 5, 2007

ACTION ITEMS

4. **P-FY-07-59** Consider approval of the preliminary plat of Lago Terra, a 59.781 acre, 83 lot residential subdivision with gated entrances located on the west side of Morgan's Point Road, and a gated entrance south of Bonnie Lane, located partially inside the City of Temple and within its western ETJ. (Applicant: Justin Scott)

Mr. Tim Dolan, Planning Director, presented this item as outlined in the Planning and Zoning Commission Agenda. He displayed the plat map and vicinity map of the area. Mr. Dolan said the majority of the 83 lots or in Temple's western ETJ. He said the developer will ask for four exceptions to this plat. 1) Will be on the park plan dedication, 2) will be on street cul-de-sac length, 3) will be asking for narrower right-of-way or using rural standards for streets, and 4) will be reviewing the cost sharing policy for properties that are actually inside the city limits for cost sharing of utilities. Mr. Dolan said that one concern that Staff has is with the pavement width for the area described as Lakeland Road that is the main road going through Morgan's Point. He said another concern of Staff is the park fee requirements. Mr. Dolan said Staff would recommend approval of the preliminary plat subject to some of the developers exceptions and Staff is asking the Commission to consider amending requested exception to recommend wider pavement to Lakeland Drive and the exception to the park land dedication provided that the two 2.4 acre tracts will contain improvements that would be equal to or greater than \$18,675.00 which is \$225 per lot. In addition, Staff is recommending that the Commission consider recommending approval for the exceptions for the Cazadero Cove, Lockwood Place, Mullican Drive, Flowers Lane, and Lakeland Drive for the over length exceptions for cul-de-sacs.

Mr. Michael Newman, City Engineer, addressed the Commission. He said the main concern with the plat with Engineering is related to the main road that comes into the subdivision. The pavement width for the collector street should be in compliance with the 26 foot Subdivision Ordinance requirement and the rural local street should be 22 foot of pavement.

Mr. Victor Turley, 301 N. 3rd, Engineer for the applicant, addressed the Commission. He explained that the wider lot fronts extend the length of the street with few drive entrance. There are only ten lots on each cul-de-sac and connecting the cul-de-sacs would destroy natural vegetation and

large trees without providing better access to lots. He said parking on the street would be prohibited.

There was continued discussion as to whether the exception to the street width and length would be considered a hardship; between the Commission, Staff, and Mr. Turley. They also discussed the gated entrances. Mr. Dolan stated that if the rural collector standards were reviewed that were brought up by Mr. Newman, City Engineer; recommendation would be that 55 foot of right-of-way verses 50 foot for Lakeland Dr. and 26 foot of pavement with a difference of 4 feet. Mr. Dolan read the ordinance on ribbon curbing.

Chair Luck said that to recap, everyone seems to be in agreement except for pavement with the exception request of 22 foot of pavement and 1 foot of ribbon curbing on each side. The City is requesting 26 foot of pavement and 1 foot of ribbon curbing on each side.

Motion to recommend approval of P-FY-07-59 subject to staff recommendations, by Commissioner Kjelland; seconded by Commissioner Pope.

Commissioner Secrest asked for an amendment to the motion to vote separately on the street exception. He does not agree with the City on some of the exceptions. Mr. Dolan said Commissioner Kjelland would have to call for an amendment to the motion before a vote is taken because he is the one that made the first motion.

Commissioner Kjelland stood by his motion as well as the second by Commissioner Pope.

Motion passed (6/3). Commissioner Secrest, Commissioner Pilkington, and Commissioner Carothers voted nay.

RESOLUTION NO. _____

(ZONING NO. P-FY-07-59)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF LAGO TERRA, A 59.781 ACRE, 83 LOT RESIDENTIAL SUBDIVISION LOCATED ON THE WEST SIDE OF MORGAN'S POINT ROAD, SOUTH OF BONNIE LANE, LOCATED PARTIALLY INSIDE THE CITY OF TEMPLE AND WITHIN ITS WESTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2007, the Planning and Zoning Commission approved the preliminary plat of Lago Terra, a 59.781 acre, 83 lot residential subdivision located on the west side of Morgan's Point Road, south of Bonnie Lane, located partially inside the City of Temple and within its western ETJ, subject to the following Planning and Zoning Commission and staff recommendations regarding the developer's requested exceptions to the Subdivision Ordinance regarding street pavement width and rights-of-way, parkland dedication, and Cost Sharing Policy:

1. **Section 33-93. Streets. (k) Pavement widths and rights-of-way:** Use the rural collector street standard required in the Subdivision Ordinance for Lakeland Boulevard, a 2,500 linear foot road which serves as the main road, with a 26' pavement width instead of the developer's requested exception to use a rural local street section with a 22' asphalt pavement width. Both designs require a 12" minimum ribbon curb width next to the pavement. The Commissioners voting against the plat agreed with the developer's request for the narrower Lakeland Boulevard;
2. **Section 33-93. Streets. (h) Cul-de-sacs:** Waive the maximum allowed cul-de-sac length of 500 linear feet for Cazadero Cove (2,900 feet), Lochwood Place (2,400 feet), Mullican Drive (2,100 feet), Flowers Lane (1,600 feet), and Lakeland Boulevard (2,500) from the Morgan's Point Road entrance;
3. **Section 33-102. Requirements for Parkland Dedication:** Allow the development of Tracts C and D, totaling 2.414 acres, for private parks in lieu of the minimum required parkland dedication of 3 acres or payment of park fees totaling \$18,675 (\$225 per new residential lot creation) for this development, provided that the two tracts contain improvements equal to or greater than \$18,675;
4. **Ordinance 2001-2805. Cost Sharing Policy:** Allow the developer to apply for cost sharing for offsite sewer with the final plat process instead of the preliminary plat process (dependent on annexation into the City of Temple);

Whereas, there was no citizen opposition expressed at the November 5, 2007, Planning and Zoning Commission meeting; and

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

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

Part 1: The City Council approves the preliminary plat of Lago Terra, a 59.781 acre, 83 lot residential subdivision located on the west side of Morgan's Point Road, south of Bonnie Lane, located partially inside the City of Temple and within its western ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(k) and (h)* regarding pavement widths, rights-of-way and cul-de-sacs; *Section 33-102* regarding minimum parkland dedication requirements; and *Ordinance No. 2001-2805, Cost Sharing Policy*, allowing the developer to apply for cost sharing for offsite sewer with the final plat process instead of the preliminary plat process (dependent on annexation into the City of Temple).

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15//07
Item #11
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-08-04: Consider adopting a resolution authorizing the final plat of the Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, subject to the developer's requested exceptions to the Subdivision Ordinance for paving, curb and fire protection requirements.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: By a vote of 9-0, the Planning & Zoning Commission and Staff recommend approval of the final plat with the following exceptions requested by the applicant:

1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2)), and
2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)

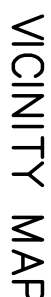
ITEM SUMMARY: The proposed lot will be accessed from Moore's Mill Road, a 45± foot right-of-way, and planned an arterial road. The applicant will dedicate 12.5 feet of right-of way as part of the eventual 70-foot right-of-way for the planned arterial. When the property develops on the other side of the road, the 12.5 feet of right-of-way will be required at its platting. Public water supply comes from the Pendleton Water Distribution. The line is not adequate for fire protection. The County Sanitarian with the Bell County Health Department indicates that this property can be served by a septic system. Park fees in the sum of \$225 are required for this proposed subdivision. The proposed subdivision conforms to the Comprehensive Land Use Plan.

Please review the Planning & Zoning Commission Agenda Memo and minutes from the meeting, November 5, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

[Plat Map](#)
[Utility Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Resolution](#)


$$\text{Geodetic North} = \text{Grid North} + \text{theta angle}$$

MARILYN K. CLARK
STATE OF TEXAS
COUNTY OF BELL
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2007
BY MARILYN K. CLARK.

STATE OF TEXAS
COUNTY OF BELL

DATED THIS _____ DAY OF _____, 2007.

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS _____ DAY OF _____, 2007.

DATED THIS _____ DAY OF _____, 2007.

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS _____ DAY OF _____, 2007.

SECRETARY TO PLANNING & ZONING COMMISSION

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS ____ DAY OF _____, 2007.

BELL COUNTY TAX APPRAISAL DISTRICT

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.

VICTOR D. TURLEY, P.E.

NO. 32525

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAN IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

VICTOR D. TURLEY, R.P.L.S.

NO. 2475

PRELIMINARY/FINAL PLAT OF:

CLARK ADDITION

1 LOT, 1 BLOCK

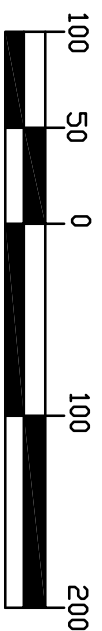
0.059 ACRES CITY OF TEMPLE RIGHT-OF-WAY
+ 2.941 ACRES LOT ACREAGE

= 3.000 ACRES TOTAL

WILLIAM GILMORE SURVEY, ABSTRACT NO. 339

3,000 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE

TRACT SURVEYED OCTOBER 11, 2007.



FILED FOR RECORD THIS ____ DAY OF _____, 2007, IN CABINET ____, SLIDE _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

PRELIMINARY/FINAL PLAT OF:
CLARK ADDITION
 3.000 ACRES
 WILLIAM GILMORE SURVEY, ABSTRACT NO. 339
 CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
MARILYN K. CLARK
2716 MOORES MILL ROAD
TEMPLE, TEXAS 76504

	REVISIONS	
10/30/07	CITY COMMENTS	ARC

DATE:	10/15/07
DRN. BY:	JRG
REF.:	11814-B
FIELD BOOK	-
JOB NO.:	07433
SHEET 1 OF 1	
COMPUTER DWG. NO.	07433

11814-D
DRAWING NUMBER



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/05/07
Item 6
Page 1 of 5

APPLICANT / DEVELOPMENT: Marilyn K. Clark, c/o Turley Associates, Inc.

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

P-FY-08-04 Consider a recommendation to approve the final plat of the Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road. Zoned LI.

AND STAFF RECOMMENDATION: Staff recommends approval of the final plat with the following exceptions requested by the applicant:

1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2)), and
2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)

ITEM SUMMARY: The proposed lot will be accessed from Moore's Mill Road, a 45± foot right-of-way, and planned an arterial road. The applicant will dedicate 12.5 feet of right-of-way as part of the eventual 70-foot right-of-way for the planned arterial. When the property develops on the other side of the road, the 12.5 feet of right-of-way will be required at its platting. Public water supply comes from the Pendleton Water Distribution. The line is not adequate for fire protection. The County Sanitarian with the Bell County Health Department indicates that this property can be served by a septic system. Park fees in the sum of \$225 are required for this proposed subdivision. The proposed subdivision conforms to the Comprehensive Land Use Plan.

The Design Review Committee (DRC) reviewed this plat on October 29, 2007. It was considered administratively complete on October 30, 2007. The City Council is the final plat authority since the applicant has requested exceptions to the Zoning Ordinance.

The application in the following letter requests the following exceptions:

**CLARK ADDITION
CITY OF TEMPLE, TEXAS**

REQUESTED EXCEPTIONS

The following exceptions are requested on the above mentioned project:

Section 33-102. Requirements for park land dedication.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of CLARK ADDITION.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of CLARK ADDITION.***

Section 33-94. Curbs and gutters.

- (a) Standard streets shall be edged with curbs and gutters. Rural streets shall be edged with 12 inch wide concrete ribbons.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in a rural area with no existing curb and gutter streets in proximity.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the

area. ***The property is in a rural area with no existing curb and gutter streets in proximity.***

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in a rural area with no existing curb and gutter streets in proximity.***

Section 33-98. Sidewalks.

Section 33-10. Exceptions.

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary. The anticipated volume of vehicular and pedestrian traffic in the area based on the proposed development will not be impacted.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary.***

ATTACHMENTS:

Plat

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Plat Map

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

MONDAY, NOVEMBER 5, 2007

ACTION ITEMS

- 6. P-FY-08-04** Consider a recommendation to approve the final plat of the Clark Addition, a 3 acre, 1 lot residential subdivision, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road. (Applicant: Turley Associates)

Mr. Tim Dolan, Planning Director, presented this plat as outlined in the Planning and Zoning Commission Agenda. He said Staff recommends approval of this plat subject to the three exceptions requested by the applicant. Mr. Dolan said this area is adjacent to the ETJ of Temple. He said Staff is recommending approval subject to item 2 and 3 of the exceptions. Park fees will be required due to this being inside the City. Mr. Dolan said due to the exceptions, City Council is the final plat authority.

Motion to recommend approval of P-FY-08-04 subject to exceptions 2 and 3 and that park fees will be required, by Commissioner Pilkington; seconded by Commissioner Carothers.

Motion passed (9/0).

RESOLUTION NO. _____

(ZONING NO. P-FY-08-04)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF CLARK ADDITION, ONE SINGLE FAMILY LOT ON A 3 ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF MOORE'S MILL ROAD, BETWEEN WENDLAND ROAD AND BREWSTER ROAD, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2007, the Planning and Zoning Commission approved the final plat of Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, subject to the developer's requested exceptions to the Subdivision Ordinance regarding rural local street paving and ribbon curb requirements, and fire protection requirements;

Whereas, there was no citizen opposition expressed at the November 5, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Clark Addition.

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

Part 1: The City Council approves the final plat of Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(k)(1&2)* requiring rural local street paving and ribbon curb; and *Section 33-97 and Chapter 12-145-146 of the City Code* to waive the requirement for fire protection.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #12
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-08-06: Consider adopting a resolution authorizing the final plat of Woodland Ridge Estates, a 28.87 acre, 5 lot residential plat, located on the south side of FM 436, east of Centennial Road, in Temple's southeastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance for park fees, paving, curb and fire protection requirements.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: By a vote of 9-0, Staff recommends approval of the final plat with the following exceptions requested by the applicant:

3. Park fee requirements (Section 33-102)
4. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2)) and
5. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146).

ITEM SUMMARY: The proposed rural subdivision is located in the southern side of the ETJ. The proposed five estate-sized lots will be accessed from F.M. 436 from a public road, named Woodland Ridge Drive, a planned 24-foot wide street with ribbon curbs. Adequate public facilities exist with the City of Temple. A six-inch line will be required to be extended by the developer of the property. The lots will be septic served. The proposed subdivision conforms to the Comprehensive Land Use Plan.

Please review Agenda Memo and minutes from the Planning & Zoning Commission meeting from November 5, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

Plat Map
Utility Map
P&Z Staff Report
P&Z Minutes
Resolution



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

FILED FOR RECORD THIS _____ DAY OF _____, 2007, IN CABINET _____, SLIDE _____,
PLAT RECORDS OF BELL COUNTY, TEXAS.

FINAL PLAT OF:
WOODLAND RIDGE ESTATES
23.878 ACRES
OUT OF THE E.P. PULLIUM SURVEY, ABSTRACT NO. 676, BELL COUNTY, TEXAS
A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF TEMPLE
BELL COUNTY, TEXAS

PREPARED FOR:
GALLAWAY INVESTMENTS, LLC
P.O.BOX 1755
BELTON, TEXAS 76513

REVISIONS	
10/30/77	COMMENTS
	MEA

DATE: 09/27/07
DRN. BY: MEA
FIELD BOOK: 675/45
REF.: 11795-D
JOB NO.: 07-417
SHEET 1 OF 1
COMPUTER 07371PLAT
DWG. NO.
11812-D
DRAWING NUMBER

STATE OF TEXAS
COUNTY OF BELL
GALLAWAY INVESTMENTS, LLC, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED
HEREIN AS WOODLAND RIDGE ESTATES, A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION OF
THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY
DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS,
EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

TREY GALLAWAY, PRESIDENT

STATE OF TEXAS
COUNTY OF BELL
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2007 BY
TREY GALLAWAY, PRESIDENT OF GALLAWAY INVESTMENTS, LLC, ON BEHALF OF
SAID CORPORATION.

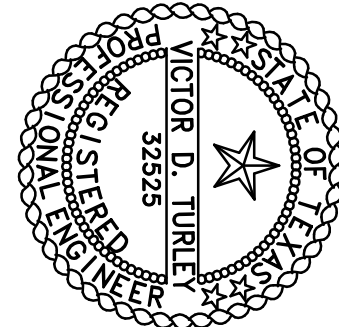
NOTARY PUBLIC

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING
COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS _____ DAY OF _____, 2007

CHAIRPERSON

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION
OF THE CITY OF TEMPLE, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS _____ DAY OF _____, 2007.
SECRETARY TO PLANNING & ZONING COMMISSION:

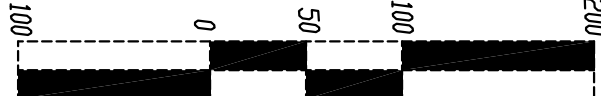
THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.
DATED THIS _____ DAY OF _____, 2007.



CITY SECRETARY

STATE OF TEXAS
COUNTY OF BELL
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY
CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT:

VICTOR D. TURLEY, P.E.
NO. 32525
STATE OF TEXAS
COUNTY OF BELL
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS,
HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND
CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER
MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE
CORRECTLY SHOWN THEREON.



FILED FOR RECORD THIS _____ DAY OF _____, 2007, IN CABINET _____, SLIDE _____,
PLAT RECORDS OF BELL COUNTY, TEXAS.

CURVE				
CURVE	LENGTH	RADIUS	TABLE CHORD	TANGENT DELTA
C1	247.87	50.00	S74°09'56"E, 61.54	39.04 284°02'25"
C2	13.62	15.00	N41°50'22"E, 13.16	7.32 28°01'49"
C3	13.62	15.00	S10°10'50"E, 13.15	7.32 52°00'36"
C4	97.00	50.00	S12°16'30"W, 82.49	22.97 11°09'24"
C5	32.87	50.00	S12°16'30"W, 82.49	22.97 11°09'24"
C6	97.74	50.00	N19°48'43"E, 82.50	24.13 111°59'55"
C7	25.40	50.00	S57°51'34"E, 25.13	12.98 27°06'32"

LINE TABLE		
LINE	LENGTH	BEARING
L1	23.88	N 16°35'08" E
L2	35.00	S 15°49'28" W
L3	21.22	N 60°49'08" E

BELL COUNTY HEALTH DEPT. CERTIFICATE
I, the undersigned, a registered sanitarian in the State of Texas, hereby
certify that this plat has been reviewed for compliance with applicable laws and regulations
governing such systems and is hereby approved for installation as
indicated.

Approved _____ Date _____
Title _____
BOH

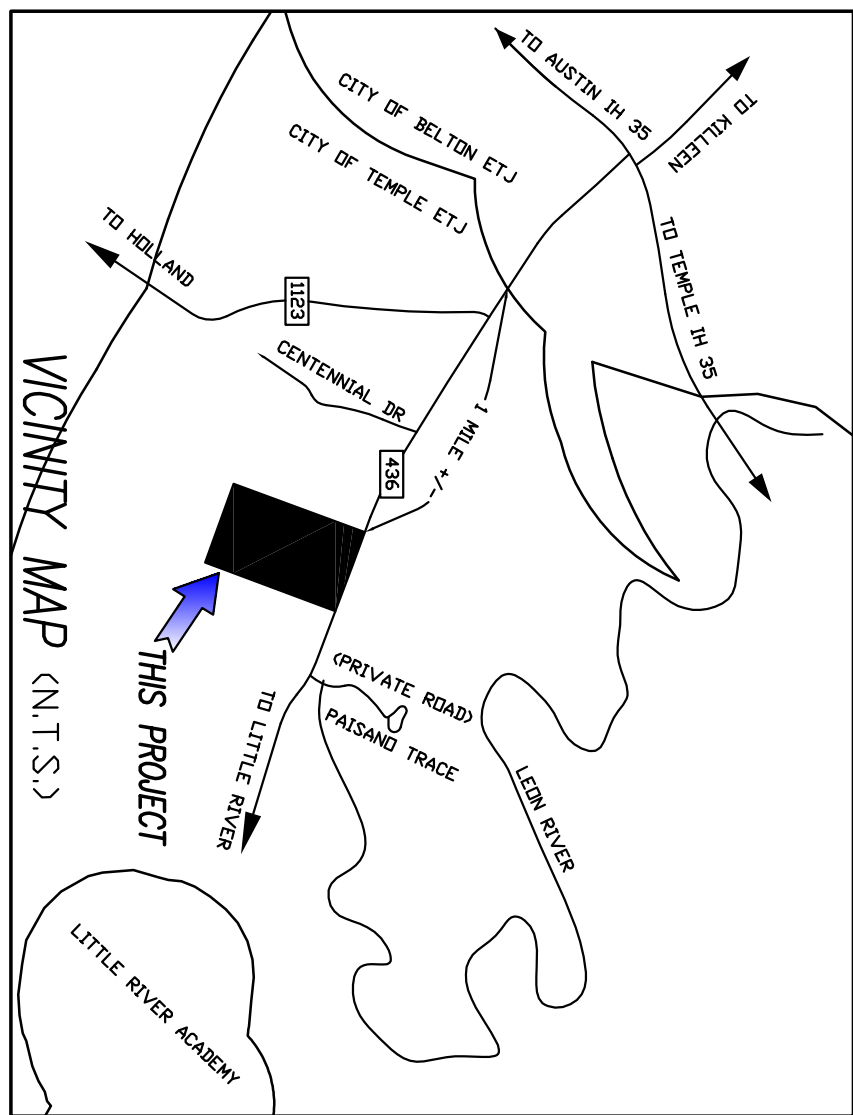
TAX CERTIFICATE
THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL
COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR
OWING ON THE PROPERTY DESCRIBED BY THIS PLAN.
DATED THIS THE _____ DAY OF _____, A.D. 2007.

BELL COUNTY TAX APPRAISAL DISTRICT
BY: _____

COUNTY COMMISSIONERS COURT CERTIFICATE
I hereby certify that this plat was approved this the _____ day
of _____, 2007 by Bell County Commissioners Court, and may be filed
for record in the Deed Records of Bell County by the County Clerk.

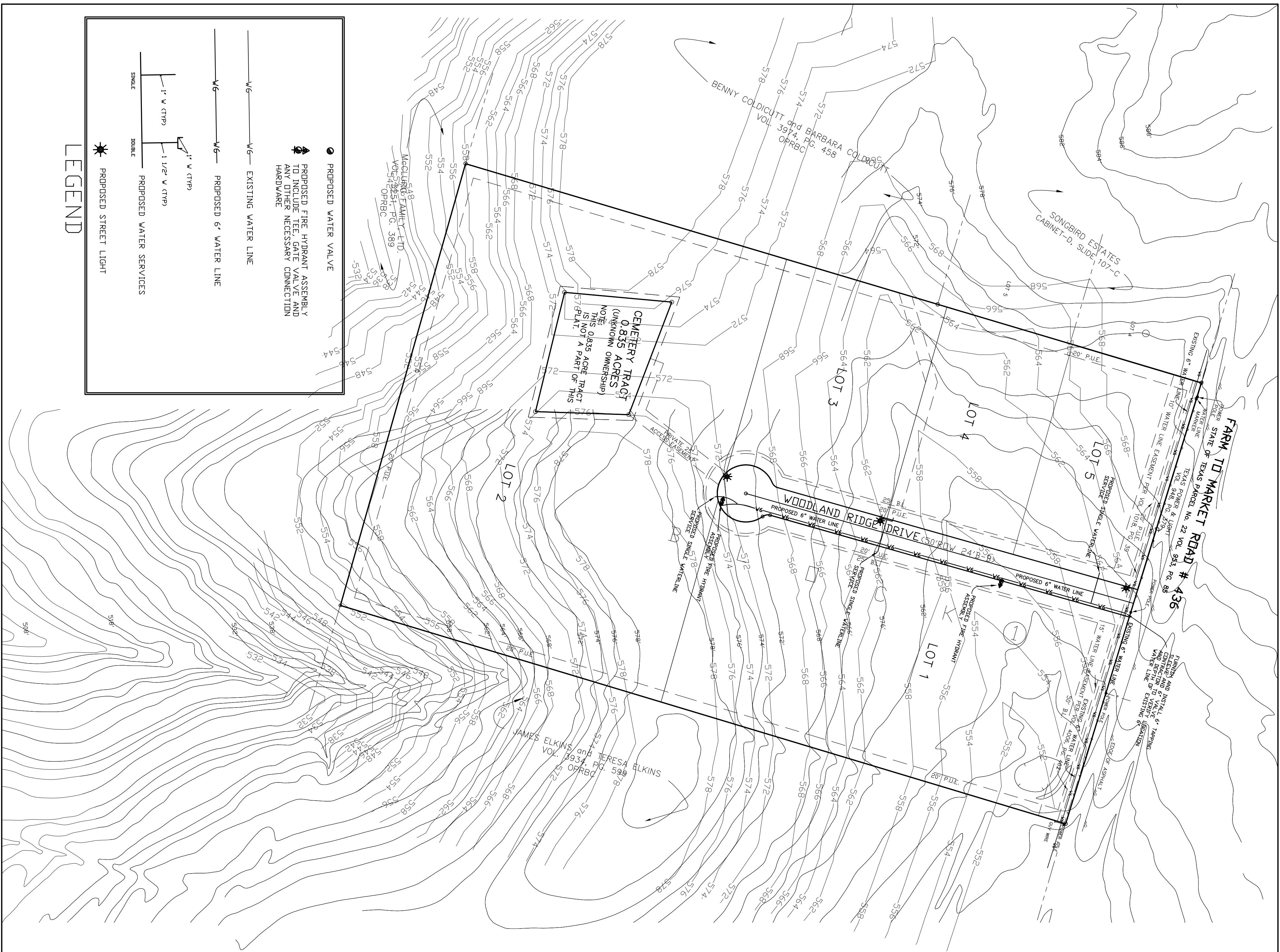
County Judge _____ County Clerk _____
SEAL: _____ Notary Public, State of Texas
Date: _____

"In approving this plat by the Commissioners' Court of Bell County, Texas,
it is understood that the building of all streets, roads, and other public
thoroughfares and any bridges or culverts necessary to be constructed
or placed is in the responsibility of the owners of the tract of land
covered by this plat in accordance with the plans and specifications
submitted by the applicant and approved by the Commissioners' Court.
Commissioners' Court assumes no obligation to build any of the streets,
roads, or other public thoroughfares shown on this plat or of
constructing any of the bridges or drainage improvements in connection
therewith. The County will assume no responsibility for drainage ways or
easements in the subdivision, other than those draining or protecting the
road system and streets. The County assumes no responsibility for the
accuracy of representation by other parties in this plat. Flood plain data,
in particular, may change depending on subsequent development."



NOTE: THIS SUBDIVISION IS NOT WITHIN THE 100 YEAR FLOOD ZONE AS DEPICTED ON THE FLOOD INSURANCE RATE MAP PANEL NUMBER 480706 0225 B, DATED FEBRUARY 15, 1994.
COPIES OF THIS PLAT HAVE BEEN PROVIDED TO UTILITY PROVIDERS FOR REVIEW.
LOTS 1 & 5 SHALL HAVE NO ACCESS OFF OF FM 436.
ALL OWNER AND VISITOR PARKING SHALL BE HANDLED WITHIN THE RESPECTIVE LOTS AS NO PARKING SHALL BE PERMITTED WITHIN THE RIGHT-OF-WAY OF WOODLAND RIDGE DRIVE.

TM = CITY OF TEMPLE MONUMENT NO. 544
N=1034344.70 E=3207287.13 ELEV.=51.93
THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983. CENTRAL ZONE. ALL DISTANCES ARE GRID DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.
ALL CORNER VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 544.
THE COMBINED CITY CORRECTION FACTOR (CCF) IS 0.999956.
PUBLISHED CITY COORDINATES ARE X=3207287.13 Y=1034344.70
BEARING FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) GRID DISTANCE = SURFACE DISTANCE X CCF
GEODEIC NORTH = GRID NORTH + THETA ANGLE



NOTES:

CONTRACTOR SHALL COMPLY WITH ALL CURRENT DSHA REQUIREMENTS REGARDING FRENCH SAFETY AND SHORING.

CONTRACTOR SHALL FIELD VERIFY DEPTH AND LOCATION OF ALL EXISTING UTILITIES.

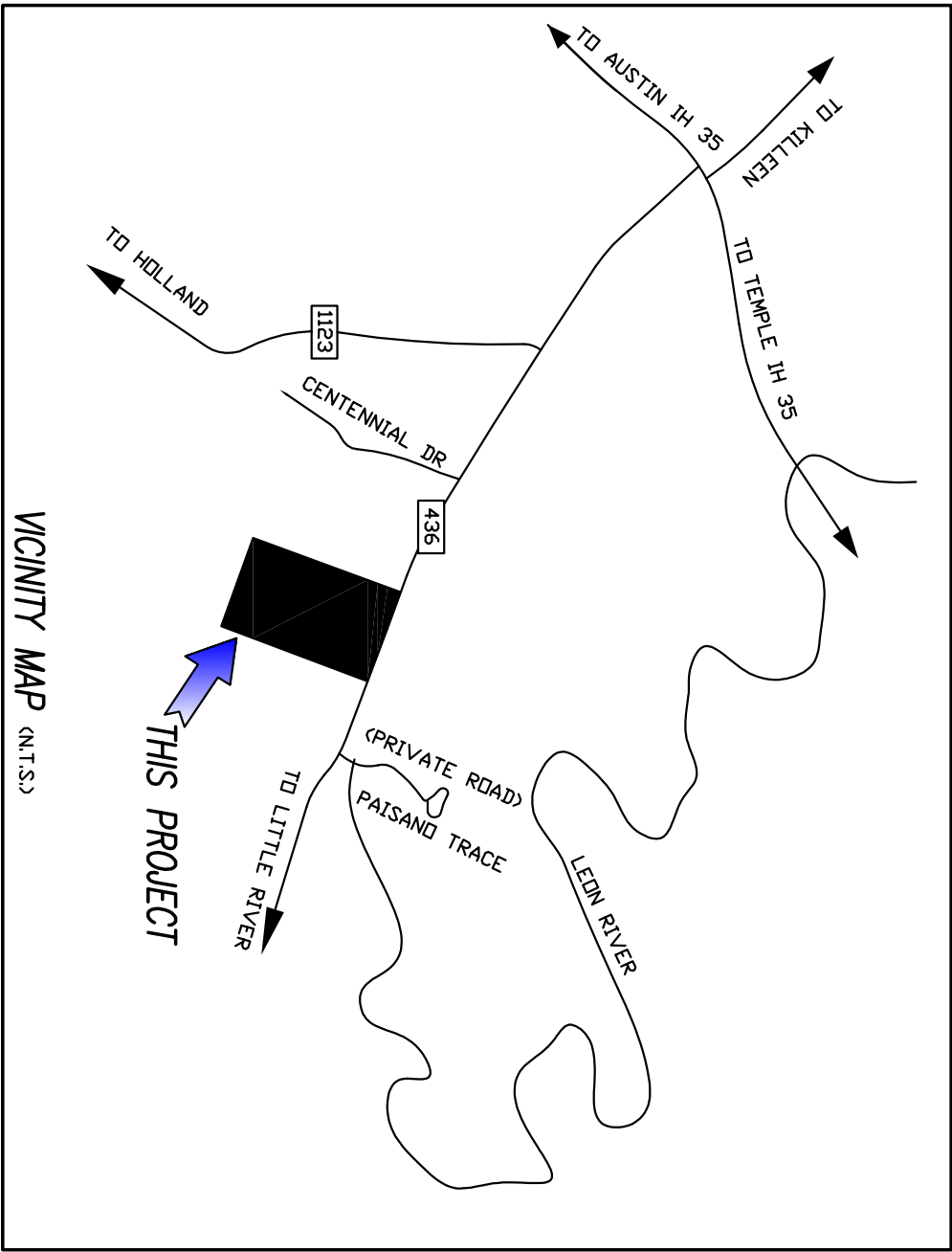
ALL CONSTRUCTION TO BE PERFORMED TO CITY OF TEMPLE STANDARDS AND SPECIFICATIONS.

ALL DISTURBED AREAS TO BE SEEDDED AND IRRIGATED UNTIL GRASS IS ESTABLISHED.

CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING A STORM WATER POLLUTION PREVENTION PLAN.

SITE TO BE LEFT IN A CONDITION EQUAL TO OR BETTER THAN PRE-CONSTRUCTION CONDITION.

LOCATION OF EXISTING 6" WATER LINE IS SHOWN ACCORDING TO UTILITY MAPS PROVIDED BY ARKSTRONG WATER SUPPLY CORPORATION.



UTILITY LAYOUT FOR:

WOODLAND RIDGE ESTATES

1 BLOCK, 5 LOTS
23.878 ACRES

OUT OF THE E.P. PULLIUM SURVEY, ABSTRACT NO. 676, BELL COUNTY, TEXAS
A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE
BELL COUNTY, TEXAS

<div>REVISIONS</div> <table><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>												<div>UTILITY LAYOUT FOR: WOODLAND RIDGE ESTATES 23.878 ACRES OUT OF THE E.P. PULLIUM SURVEY, ABSTRACT NO. 676, BELL COUNTY, TEXAS A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE BELL COUNTY, TEXAS</div> <div>PREPARED FOR: GALLAWAY INVESTMENTS, LLC P.O. BOX 1755 BELTON, TEXAS 76513</div>	<div></div> <div>ENGINEERING • PLANNING • SURVEYING CONSTRUCTION MANAGEMENT</div> <div>TURLEY ASSOCIATES, INC.</div> <div>301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400 E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998</div>
<table><tr><td>DATE: 10/03/07</td></tr><tr><td>DRN. BY: JPB</td></tr><tr><td>FIELD BOOK: 675/45</td></tr><tr><td>REF.: 11795-D</td></tr><tr><td>JOB NO.: 07-417</td></tr><tr><td>SHEET OF</td></tr><tr><td>COMPUTER UTILITY LAYOUT</td></tr><tr><td>DWG. NO.</td></tr><tr><td>11812-D</td></tr><tr><td>DRAWING NUMBER</td></tr></table>		DATE: 10/03/07	DRN. BY: JPB	FIELD BOOK: 675/45	REF.: 11795-D	JOB NO.: 07-417	SHEET OF	COMPUTER UTILITY LAYOUT	DWG. NO.	11812-D	DRAWING NUMBER		
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PLANNING AND ZONING COMMISSION AGENDA ITEM

11/05/07
Item# 7
Page 1 of 5

APPLICANT / DEVELOPMENT: Trey Galloway, c/o Turley Associates

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

P-FY-08-06: Consider a recommendation to approve the final plat of Woodland Ridge Estates, a 28.87 acre, 5 lot residential plat, located on the south side of FM 436, east of Centennial Road, in Temple's southeastern ETJ.

STAFF RECOMMENDATION: Staff recommends approval of the final plat with the following exceptions requested by the applicant:

1. Park fee requirements (Section 33-102)
2. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2))
3. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)

BACKGROUND: The proposed rural subdivision is located in the southern side of the ETJ. The proposed five estate-sized lots will be accessed from F.M. 436 by a public road, named Woodland Ridge Drive, a planned 24-foot wide street with ribbon curbs. Adequate public facilities exist with the City of Temple Water. A six-inch line will be required to be extended by the developer of the property. The lots will be septic served. The proposed subdivision conforms to the Comprehensive Land Use Plan.

The Design Review Committee (DRC) reviewed this plat on October 29, 2007. It was considered administratively complete on October 30, 2007. The City Council is the final plat authority since the applicant has requested exceptions to the Zoning Ordinance.

The application in the following letter requests the following exceptions:

**WOODLAND RIDGE ESTATES
CITY OF TEMPLE, TEXAS**

REQUESTED EXCEPTIONS

The following exceptions are requested on the above mentioned project:

Section 33-102. Requirements for park land dedication.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of WOODLAND RIDGE ESTATES.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of WOODLAND RIDGE ESTATES.***

Section 33-94. Curbs and gutters.

- (a) Standard streets shall be edged with curbs and gutters. Rural streets shall be edged with 12 inch wide concrete ribbons.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in a rural area with no existing curb and gutter streets in proximity.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the

area. ***The property is in a rural area with no existing curb and gutter streets in proximity.***

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in a rural area with no existing curb and gutter streets in proximity.***

Section 33-98. Sidewalks.

Section 33-10. Exceptions.

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary. The anticipated volume of vehicular and pedestrian traffic in the area based on the proposed development will not be impacted.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary.***

ATTACHMENTS:

Plat

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Plat Map

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

MONDAY, NOVEMBER 5, 2007

ACTION ITEMS

7. **P-FY-08-06** Consider a recommendation to approve the final plat of Woodland Ridge Estates, a 28.87 acre 5 lot residential plat, located on the south side of FM 436, east of Centennial Road, in Temple's southeastern ETJ. (Applicant: Turley Associates)

Mr. Tim Dolan, Planning Director, presented this plat as outlined in the Planning and Zoning Agenda. He said Staff recommends approval subject to the exceptions requested. Mr. Dolan said due to the exceptions, City Council is the final plat authority.

Chair Luck asked Mr. Turley about cemetery location access. Mr. Turley said there is an access easement existing at that location.

Motion to recommend approval of P-FY-08-06 subject to the exceptions requested by Commissioner Pope; seconded by Commissioner Carothers.

Motion passed (9/0).

RESOLUTION NO. _____

(ZONING NO. P-FY-08-06)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF WOODLAND RIDGE ESTATES, A 28.87 ACRE, 5 LOT RESIDENTIAL PLAT, LOCATED ON THE SOUTH SIDE OF FM 436, EAST OF CENTENNIAL ROAD, IN TEMPLE'S SOUTHEASTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2007, the Planning and Zoning Commission approved the final plat of Woodland Ridge Estates, a 28.87 acre, 5 lot residential plat, located on the south side of FM 436, east of Centennial Road, in Temple's southeastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance regarding park fees, rural local street paving and ribbon curb requirements, and fire protection requirements;

Whereas, there was no citizen opposition expressed at the November 5, 2007, Planning and Zoning Commission meeting; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Woodland Ridge Estates.

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

Part 1: The City Council approves the final plat of Woodland Ridge Estates, a 28.87 acre, 5 lot residential plat, located on the south side of FM 436, east of Centennial Road, in Temple's southeastern ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-102* to waive the park fee requirements. *Section 33-93(k)(1&2)* requiring rural local street paving and ribbon curb; and *Section 33-97 and Chapter 12-145-146 of the City Code* to waive the requirement for fire protection.

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

PASSED AND APPROVED this the **15th** day of **November**, 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

11/15/07
Item #13
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution canvassing the returns of the November 6, 2007 election relating to the issuance of \$9,750,000 in bonds for park and recreation facilities and projects.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 23, 2007, the City Council called a bond election for November 6, 2007 seeking voter approval of the issuance of \$9,750,000 in bonds for park and recreation facilities and projects. The Council also authorized a joint election agreement with Bell County to conduct the November 6th election for the City, in conjunction with the state-wide Constitutional amendment election.

The official returns of the November 6, 2007 bond election, as certified by the Bell County Elections Administrator, are as follows:

Proposition 1: The issuance of \$9,750,000 City of Temple Tax Bonds for park and recreational facilities and projects

FOR 2,156

AGAINST 1,168

FISCAL IMPACT:

ATTACHMENTS:

[Precinct/District Returns](#)
[Resolution](#)

CITY OF TEMPLE
PARKS BOND ISSUE-NOVEMBER 6, 2007

<u>PRECINCT NO.</u>	<u>LOCATION</u>	<u>EARLY VOTES</u>		<u>ELECTION DAY</u>		<u>GRAND TOTAL</u>	
		<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>
302	VFW Post 1820	92	55	144	76	236	131
303	Mayborn Convention Ctr	114	77	193	82	307	159
316	Troy Community Center	0	0	3	0	3	0
DISTRICT 1	TOTALS	206	132	340	158	546	290
306	Grace Temple Ministry	29	14	22	11	51	25
307	Wilson Park & Rec Ctr	37	9	46	20	83	29
DISTRICT 2	TOTALS	66	23	68	31	134	54
102	Bell Co Annex North	1	0	3	1	4	1
109	First Church of Nazarene	201	108	254	121	455	229
308	Bethel Assembly of God	15	14	29	6	44	20
313	Meadow Oaks Baptist Church	139	75	182	102	321	177
DISTRICT 3	TOTALS	356	197	468	230	824	427
104	Morgans Pt Community Ctr	1	0	0	0	1	0
111	Vineyard Christian Fellowship	54	41	149	67	203	108
305	St Luke's Catholic Church	131	61	155	95	286	156
314	Heights Baptist Church	57	44	61	69	118	113
315	Lakeview Baptist Church	8	8	36	12	44	20
317	Moffat Community Center	0	0	0	0	0	0
DISTRICT 4	TOTALS	251	154	401	243	652	397
GRAND TOTALS		879	506	1277	662	2156	1168

RESOLUTION CANVASSING ELECTION RETURNS

THE STATE OF TEXAS
COUNTY OF BELL
CITY OF TEMPLE

§
§
§

WHEREAS, the City Council of the City of Temple, Texas (the "City") ordered an election to be held in the City on November 6, 2007, on the PROPOSITION hereinafter stated; and

WHEREAS, the City has investigated all matters pertaining to the election, including the ordering, giving notice, officers, holding, and making returns of the election; and

WHEREAS, the election officers who held the election have duly made the returns of the result thereof, and the returns have been duly delivered to this City.

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

1. The City officially finds and determines that the election was duly ordered, that proper notice of the election was duly given, that proper election officers were duly appointed prior to the election, that the election was duly held, that the City has complied with the Federal Voting Rights Act and the Texas Election Code, that due returns of the result of the election have been made and delivered, and that the City has duly canvassed the returns, all in accordance with law and the Resolution calling the election.

2. The City officially finds and determines that the following votes were cast at the election on the submitted PROPOSITION by the resident, qualified electors of said City, who voted at said election.

PROPOSITION

<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
FOR:		
<u>879</u>	<u>1277</u>	<u>2156</u>
AGAINST:		
<u>506</u>	<u>662</u>	<u>1168</u>

THE ISSUANCE OF \$9,750,000 CITY OF TEMPLE
TAX BONDS FOR PARK AND RECREATIONAL
FACILITIES AND PROJECTS.

3. The City officially finds, determines and declares the result of the election to be that the Proposition so submitted has received a majority vote.

4. The bonds set forth in the Proposition may be issued, and the aforesaid bond taxes may be levied, assessed and collected annually, as voted and as provided by law.

PASSED AND APPROVED on this 15th day of November, 2007.

William A. Jones, III
Mayor

ATTEST:

Clydette Entzminger
City Secretary

(SEAL)

APPROVED AS TO LEGALITY:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/15/07
Item #14
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October 2005, Mr. Dell Martin was appointed to serve on the Board of Directors of the Tax Appraisal District of Bell County for a term beginning January 1, 2006. His two year term will expire December 31st and the Appraisal District has requested the City make an appointment to this board no later than November 1, 2007.

FISCAL IMPACT: None

ATTACHMENTS: None