



## **TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**TEMPLE, TX**

### **NOTICE OF MEETING**

**THURSDAY, DECEMBER 6, 2007**

**3:30 P.M.**

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

### **WORKSHOP AGENDA**

1. Discuss proposed amendments to the City's Fire Code and the 2006 International Fire Code.
2. 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 Director of Finance. No final action will be taken.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 6, 2007 as follows:

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

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

**III. ELECTION OF MAYOR PRO TEM**

3. [2007-5255-R](#): Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

**IV. CONSENT AGENDA**

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

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

**Minutes:**

- (A) [November 15, 2007 Special Called Meeting and Regular Meeting](#)
- (B) [November 19, 2007 Special Called Meeting](#)

**Contracts, Leases & Bids:**

- (C) [2007-5256-R](#): Consider adopting a resolution authorizing a one year extension to the contract with ExxonMobil Oil Corporation to supply aviation bulk fuels and other business support to operate a fuel dealership at the Draughon-Miller Central Texas Regional Airport.

- (D) [2007-5257-R](#): Consider adopting a resolution authorizing a contract with Miller Uniforms & Emblems of Austin, Texas for the purchase of fire department uniforms in an estimated annual amount of \$27,450.
- (E) [2007-5258-R](#): Consider adopting a resolution ratifying the authorization of a construction contract with Bell Contractors, Inc., of Belton, Texas in the amount of \$54,100 for emergency replacement of a 6" sewer line in the area of North 11<sup>th</sup> Street and West Park Avenue.
- (F) [2007-5259-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville, Texas for the FM 2305 Pump Station Improvements Project in the amount of \$211,000.
- (G) [2007-5260-R](#): Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn & Associates of Dallas, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Family Aquatics Center in the amount of \$333,220 and the Indoor Swimming Pool in the amount of \$156,800 and declaring an official intent to reimburse this expenditure prior to the issuance of tax-exempt General Obligation bonds for this project.
- (H) [2007-5261-R](#): Consider adopting a resolution authorizing a professional services agreement with Post, Buckley, Schuh & Jernigan, Inc. (PBS & J) of Austin, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Summit Recreation and Fitness Center expansion and family changing rooms in the amount of \$129,672 and declaring an official intent to reimburse this expenditure prior to the issuance of tax-exempt General Obligation bonds for this project.
- (I) [2007-5262-R](#): Consider adopting a resolution authorizing the purchase of an IBM Power6 525 Server and 4 years maintenance with IBM and Clear Technologies (State of Texas approved DIR vendors DIR-SDD-190) in the amount of \$133,479.86.
- (J) [2007-5263-R](#): Consider adopting a resolution authorizing the purchase of an armored vehicle from Lenco Armored Vehicles of Pittsfield, Massachusetts, through the GSA 1122 procurement program contract in the amount of \$202,834, rejecting all bids received for the armored vehicle on November 13, 2007, and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this purchase.
- (K) [2007-5264-R](#): Consider adopting a resolution authorizing the purchase of a street sweeper from Tymco, Inc. of Waco, Texas in the amount of \$144,465.
- (L) [2007-5265-R](#): Consider adopting a resolution authorizing the purchase of a Toro Multi-Pro 1250 Sprayer off the BuyBoard in the amount of \$29,118.77.

- (M) [2007-5266-R](#): Consider adopting a resolution authorizing the purchase of the following equipment for the Solid Waste Division:
1. Two side-loading refuse trucks from Longhorn International, Temple, Texas in the amount of \$317,332.26; and
  2. One brush truck from Temple Freightliner, Temple, Texas in the amount of \$112,449.
- (N) [2007-5267-R](#): Consider adopting a resolution authorizing the purchase of a dump truck from Temple Freightliner of Temple, Texas in the amount of \$71,921.
- (O) [2007-5268-R](#): Consider adopting a resolution authorizing the purchase of eight marked and three unmarked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$272,320.46.

**Ordinances- Second & Final Reading:**

- (P) [2007-4179](#): SECOND & FINAL READING - 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.

**Ordinances – Third & Final Reading:**

- (Q) 1. [2007-4177](#): THIRD & FINAL 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](#): THIRD & FINAL READING – Consider adopting an ordinance authorizing a franchise with Scott and White EMS to provide non-emergency ambulance transfer services within the City.

**Misc:**

- (R) [2007-5269-R](#): Consider adopting a resolution authorizing an agreement with the Texas State Library and Archives Commission for the Loan Star Libraries Grant in the amount of \$19,447.
- (S) [2007-5270-R](#): Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant (EMPG) for 2008 which funds a portion of the administration cost for Emergency Management for the City of Temple.
- (T) [2007-5271-R](#): Consider adopting a resolution calling a Special Election for January 19, 2008 for the election of the District 3 Councilmember to fill an unexpired term through May 2008.
- (U) [2007-5272-R](#): Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone Number One for fiscal year 2006-2007.
- (V) [2007-5273-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.



## **V. REGULAR AGENDA**

### **ORDINANCES**

5. **2007-4180:** FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing the renaming of “Industrial Boulevard” to “Central Pointe Parkway,” from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.
6. **2007-4181:** FIRST READING – PUBLIC HEARING - Z-FY-08-02: Consider adopting a resolution authorizing a zoning change from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres.

### **RESOLUTIONS**

7. **2007-5274-R:** P-FY-07-61: Consider adopting a resolution approving the final plat of Eagle Oaks at The Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305, west of FM 2271, in Temple’s Western ETJ, with the developer’s requested exception for block length.
8. **2007-5275-R:** Consider adopting a resolution supporting the development and funding of the Northwest Loop 363 Project, and urging the Texas Transportation Commission and the Texas Department of Transportation to make this project a top priority and to execute a Pass-Through Finance Agreement with the City of Temple.

### **BOARD APPOINTMENTS**

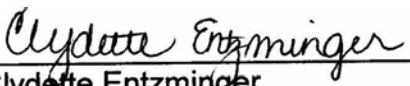
9. **2007-5276-R:** Consider adopting a resolution appointing one member to the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors to fill an expired term through September 1, 2009 and designate the Chair of the board for 2008.
10. **2007-5277-R:** Consider adopting a resolution appointing the Assistant City Manager to the Board of Directors of the Temple Business Incubator to fill an expired term through November 1, 2010.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:30PM, on November 30, 2007.

  
Clydette Entzminger  
City Secretary

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



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #3  
Regular Agenda  
Page 1 of 1

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

Mayor William A. Jones, III

**ITEM DESCRIPTION:** Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

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

**ITEM SUMMARY:** Mayor Pro Tem Martha Tyroch resigned from her position on the City Council at the November 15, 2007 City Council meeting. Therefore, the Council should elect a Mayor Pro Tem at this time in order to comply with the City Charter.

Section 4.6 of the City Charter states....“the City Council shall elected one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor. The Mayor and Mayor Pro Tem shall hold their office (unless sooner removed as provided herein) until the first meeting of the City Council held after the next regular Municipal Election and their successors have been elected and qualified.”

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMPLE, TEXAS, ELECTING A MAYOR PRO TEM FOR THE CITY  
OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Section 4.6 of the City Charter provides that the City Council shall elect one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor;

**Whereas**, in order to comply with the Charter requirement, the City Council desires to elect a Mayor Pro Tem; 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 elects \_\_\_\_\_ to be Mayor Pro Tem for the City of Temple, to hold the office (unless sooner removed as provided in the Charter) until the first meeting of the City Council held after the next regular Municipal Election and successor has been elected and qualified.

**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 6<sup>th</sup> 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

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12/06/07  
Item #4(A)-(B)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

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

- (A) November 15, 2007 Special Called Meeting and Regular Meeting
- (B) November 19, 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:**

[November 15, 2007 Special Called Meeting and Regular Meeting Minutes](#)  
[November 19, 2007 Special Called Meeting Minutes](#)

## TEMPLE CITY COUNCIL

**NOVEMBER 15, 2007**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, November 15, 2007 at 3:00 pm in the 3rd Floor Confernece Room, Municipal Building, 2 North Main Street.

**Present:**

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

- 1. Receive 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.**

David Blackburn, City Manager, introduced this item to the City Council. He stated funding has been included in the Capital Improvement Program to invest in the Mayborn Convention Center. This report will provide some recommendations regarding the Center prior to investing any additional funds. A staff recommendation will be forthcoming in the future.

Ken Cicora, Director of Parks and Leisure Services, introduced the representatives from Strategic Advisory Group, Mr. Jeff Sachs, Mr. Ken Stockdell and Mr. Tom Reifert.

Mr. Reifert reviewed their presentation with the City Council. The discussion topics included community leader and staff perceptions, industry overview, target market survey, historical operating performance, potential operating performance, renovation/expansion plan, cost estimates and funding analysis. The view of the community leadership and staff is that there needs to be a reinvestment in the Mayborn Center, including equipment, technological and electrical upgrades. The Mayborn Center operates more as a civic center than a convention center because the meetings industry is large and prefers utilizing large hotels and resorts. The supply growth has outpaced the demand growth and the high industry vacancy is expected to continue. Mr. Reifert provided statistics showing that the Temple area is the 6th largest in meeting facilities in the State with sufficient square feet per capita.

Next, Mr. Reifert addressed the target market survey that was conducted with state associations, local corporations and current users to determine their propensity to use the Mayborn Center. He showed the listing of those surveyed. The results of the survey show renovation would increase new users' propensity to book the facility from 15% to 50%. Current users indicated they would prefer renovation but will continue to use the center regardless of renovation and/or expansion. The primary reason for the lack of

interest is related to inadequate hotel infrastructure and the lack of things to do outside the event. Mr. Reifert stated that historical utilization shows Mayborn Center events have been declining and attendance and room nights are flat. By using incremental utilization charts, Mr. Reifert showed how renovation could potentially double the number of events and attendance.

The Mayborn Center's historical operating revenues and expenses was also reviewed, and Mr. Reifert presented examples of capital expenditures made at the center, which total about \$90,000 over the last six years. A renovated facility could lower the operating subsidy from \$30,000 to \$60,000.

Photos were shown of the Plano Centre, a renovation benchmark for the Mayborn Center. Mr. Reifert presented a renovation plan which would address improvements to building-wide systems, public circulation, the existing kitchen as well as the addition of a new kitchen, the main hall, meeting rooms and miscellaneous upgrades. The estimated cost of the proposed renovations is \$4,719,000 to accomplish the complete scenario. The minimum scenario is estimated at \$1,544,000. Funding sources for the renovation were identified and include food and beverage tax, liquor by the drink tax, car rental, local sales tax, hotel tax and property tax. Mr. Reifert showed how a potential 2.7% growth in unencumbered hotel tax revenues could be used to fund the minimum renovation scenario. An additional property tax allocation would be required to fund the complete renovation scenario, in addition to the unencumbered hotel tax revenues.

Mr. Cicora thanked the City Council for the opportunity to present this report, which clearly shows what we have in Temple is a civic center. We have to 'sell' the center and change our focus on tourism marketing.

Mr. Blackburn stated that after a more thorough review of the report by staff a recommendation will be made to the City Council about how we should proceed.

## **2. Discuss proposed non-residential metal building regulations.**

Tim Dolan, Director of Planning, presented the proposed standards for non-residential exterior metal buildings. He began with the reasons this item is being presented. There are currently no regulations that exist for non-residential buildings. Next, Mr. Dolan addressed the agreed upon discussion points with stakeholders, which include the definition, areas where metal exteriors would be allowed by right and that special permits would be required in designated SIZ corridors and the allowed materials. Mr. Dolan displayed the location of the SIZ designated corridors.

Staff is proposing that a special permit be required in a designated corridor for areas zoned HI and LI or lesser when used for commercial, retail, multi-family, neighborhood service, office, or PDD uses. The stakeholders group proposes to allow metal buildings by right for all uses in areas zoned HI and LI. Another discussion point involves the location of special permit coverage areas. The staff is proposing this be 500' from the right of way line. Some of the stakeholders are recommending it be adjacent to the right of way line. The staff has suggested an alternative that it be located 250' from the right of way line or 500' if part of a larger tract, to include pad sites and big box development to the rear of the site. Mr. Dolan

showed these alternatives graphically.

Mr. Dolan continued by explaining the special permit process that is recommended in designated corridors. He reviewed the special considerations, noting that appeals would be made to the City Council.

Councilmember Schneider stated he felt the best way to address this issue would be through a Planned Development which would go to Council for approval. There are not that many of these cases and he thought the Council would see the exceptions even if the guidelines are established.

Mayor Jones stated the Council will still need criteria to use in their consideration of the requests.

David Blackburn, City Manager, directed the Council to item 8 (a) through (i) in the work paper handed out by Mr. Dolan. These points could serve as the criteria for Council review. Mr. Blackburn stated staff will bring two draft ordinances to Council for their consideration, based on today's discussion.

**3. Discuss fourth quarter financial results and the Capital Improvement Program for fiscal year ended September 30, 2007.**

There was no discussion of this item.

**4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 15, 2007 as follows:**

Mayor Jones stated the Council would now enter into executive session for the discussion of regular agenda item 15.

The regular session was reconvened at approximately 4:38 p.m. Representatives from Gulf States Toyota were introduced to the Council and Staff before adjourning the work session. Mayor Jones invited everyone to attend the press conference in the City Council Chambers at 4:45 pm today.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 15, 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**

Rev. Tom Henderson, Bell Baptist Area Missionary Association, voiced the Invocation.

**2. Pledge of Allegiance**

Lonzo Wallace, Fire Chief, and the Boy Scouts in attendance, led the audience in reciting the Pledge of Allegiance.

**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.**

Mayor Jones stated many of you were here for the announcement prior to the meeting that Gulf States Toyota will be coming to the City of Temple.

David Blackburn, City Manager, stated this is a very exciting announcement for the City of Temple. He thanked all of the parties involved in the negotiations leading up to this announcement today.

Jonathan Graham, City Attorney, stated the Council is being asked to approve a Chapter 380 agreement which allows cities to make grants of funds or land for economic development purposes. He reviewed the commitment by both TEDC and the City under this proposed agreement. The City will convey approximately 317 acres of land for a vehicle processing center for Toyota and Scion vehicles. Initially, 100 plus acres will be developed for the vehicle processing center. The remainder of the tract will be used for long term expansion. Mr. Graham summarized the infrastructure improvements being proposed, which include the expansion of Wendland Road to four lanes from the Loop to Moore's Mill Road, installation of a 12-inch water line along Wendland Road, installation of an 8-inch wastewater line along Wendland Road, as well as a forced main and lift station, extension of the 6-inch natural gas line along the western boundary, stormwater detention site on City owned property east of the GST site, a box culvert from the detention pond to the rail yard, and numerous rail park improvements.

Mr. Graham explained these incentives are an inducement for the development of side A, the initial development, and Gulf States Toyota will ask for additional incentives when they develop side B in the future. The infrastructure improvements are being funded through the Tax Increment Financing Reinvestment Zone. Gulf States Toyota intends to construct a \$50M facility with 240 initial jobs. The project will break ground in 2009, with operations scheduled to be underway in 2011.

Gary Schmidt, immediate Vice Chair, Temple Economic Development Corporation, addressed the Council regarding this item. Gulf States Toyota will be a wonderful corporate citizen for our community and he thanked everyone for their efforts with this project.



Mr. Mike Owen, Gulf States Toyota, stated it has been a long journey but it is a good day for GST and Temple. This project is critical to their ability to serve their dealers and grow their business.

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

Motion passed unanimously.

## **II. PUBLIC APPEARANCE**

### **3. Receive submission of resignation from Temple City Council by Mayor Pro Tem Martha Tyroch.**

Mayor Pro Tem Martha Tyroch acknowledged her fellow City Councilmembers and the staff. She stated that former Mayor Keifer Marshall had a vision to purchase the old Texas Instruments building, a great facility now known as the Bioscience facility. This Council has a vision also. The voters in the community just passed a great parks bond issue that will benefit the citizens for years to come. We also have a wonderful animal services facility that we are proud of. Temple also has great public safety that means so much to a community. A successful transportation system was established after many, many discussions throughout the community. She expressed her thanks to all of the City employees and promised to keep them in her prayers. There is no place like home...there is no place like Bell County, Mayor Pro Tem Tyroch stated.

The audience stood and gave a round of applause as Mayor Pro Tem Tyroch left the Council Chambers.

## **III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **4. Present Proclamation:**

#### **(A) Food for Families Day November 16, 2007**

Mayor Jones presented this proclamation to Reverend Tom Henderson, Bell Baptist Area Missionary Association.

Rev. Henderson stated he represents 5 food pantries in Central Texas. He invited all citizens to participate in the food drive tomorrow. About 1 million pounds of food was donated last year.

### **5. Recognize the City of Temple Purchasing Department for receiving the Achievement of Excellence in Procurement Award for 2007.**

Mayor Jones presented the City of Temple Purchasing Department Staff an award they received recently for Achievement of Excellence in Procurement for 2007.

#### **IV. PUBLIC COMMENTS**

There were no public comments.

#### **V. CONSENT AGENDA**

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

**(A) October 25, 2007 Special Called Meeting**

**(B) November 1, 2007 Special Called Meeting and Regular Meeting**

**(C) November 5, 2007 Special Called Meeting**

**(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.

**(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.**

Motion by Councilmember Patsy E. Luna to adopt resolution approving Consent Agenda, with exception of items (O) and (P), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(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.**

Mayor Jones stated he asked that this item be placed on the agenda. He clarified that Part 1 of the resolution was amended to allow a person to serve two consecutive terms or six consecutive years, whichever is greater, on a City board or commission and that completion of an unexpired term will not count against the length of service limitation.

Motion by Councilmember Russell Schneider to adopt resolution as clarified, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

**(P) 2007-5246-R: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2007.**

Traci Barnard, Director of Finance, reviewed the fourth financial results for the fiscal year ended September 30, 2007. She reviewed the General Fund Revenue highlights, including a comparison of regional sales tax. A comparison of General Fund revenues and expenditures was also provided, along with details of the fund balance at year end, which shows an adjusted balance of \$2,497,624.

In reviewing the Water and Wastewater Fund, Mrs. Barnard noted our very wet summer is reflected in the revenues which are down in 2007. She showed rainfall by month and Water and Wastewater Fund expenses. Mrs. Barnard also reviewed the City's Capital Improvement Plan, noting that 55% of the funds for this program are committed or expended. Mrs. Barnard concluded her presentation with a review of the City's investments and asset allocation.

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

Motion passed unanimously.

## **VI. REGULAR AGENDA**

- 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**

David Blackburn, City Manager, stated the Council received petitions for voluntary annexation of these tracts on November 1, 2007.

Jonathan Graham, City Attorney, stated Council is required to conduct two public hearings. A municipal services plan has been prepared and is available to the public. There are no new public facilities proposed under the service plan but municipal services will be extended within 60 days of annexation. Our intention is to provide these services immediately as they are adjacent to areas we are already serving. Mr. Graham noted the second public hearing will be conducted at a special Council meeting on November 19, 2007.

Mayor Jones declared the public hearing to be open with regard to agenda item 7 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing, stating no action was required.

- 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.**

David Blackburn, City Manager, presented this item to the City Council. He stated the Council authorized the study of four areas in the City's ETJ at the November 1st City Council meeting, as part of the City's growth management planning. He described the locations of these four areas. The next step in the process is to conduct public hearings. Mr. Blackburn read the locations, dates and times of the on-site public hearings as outlined in the proposed resolution.

Jonathan Graham, City Attorney, stated the notice of these public hearings will be published in the Temple Daily Telegram next week. He noted staff is in the process of sending development agreements to owners of property that have agricultural,

timber or wildlife exemptions. At each of the public hearings, copies of the service plan and the development agreement will be available.

Mr. Blackburn explained all information related to this annexation process, including maps and public hearing notices, are available on the City's web site.

Motion by Councilmember Russell Schneider to adopt resolution, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

## ORDINANCES

9. **2007-4779: 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.**

Jonathan Graham, City Attorney, presented this item to the Council. This Super Freeport exemption takes effect on January 1, 2008 as the result of HB 621 and supplements the existing freeport exemption which continues in effect. He reviewed the components of this exemption which basically exempts goods in transit from ad valorem taxation under certain circumstances. The exemption created in H.B. 621 takes effect on January 1, 2008 unless a local taxing entity takes official action to continue taxation of these goods. Mr. Graham recommended the Council opt out at this time. If needed, we can opt back in at a later date.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item.

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

Motion by Councilmember Patsy E. Luna to adopt ordinance on first reading and set second reading for December 6, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## 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.**

Tammy Lyerly, Planner, presented this item to the City Council. This property is within Area A, one of the growth management study areas being considered for annexation. A portion of the property is already in the City limits. Ms. Lyerly reviewed the developer's requested exceptions. She presented the Planning & Zoning Commission recommendation, which was a 6-3 vote for approval, with an amendment to the requested exception to the 26' wide pavement for Lakeland Drive. The other exceptions were recommended for approval as requested. Ms. Lyerly showed the cul-de-sacs on the preliminary plat.

Councilmember Jeter asked about the widths of the streets into cul-de-sac.

Vic Turley, 301 North 3rd Street, stated they are proposing the Police Department post these streets for 'no parking'. It will also be included in the Homeowner's Association. Mr. Turley asked the Council to amend the width of the collector, which basically goes to the lake. He asked that the road be 26' in width only from Flowers Road to Morgans Point Road and then 22' in width on the remainder of the road to the lake.

Michael Newman, City Engineer, asked for more time to discuss the amendment proposed by Mr. Turley.

Mr. Turley stated this development is time sensitive. He asked for a decision to be made this evening.

Mayor Jones called for a brief recess in the meeting at this time to allow discussion among staff.

David Blackburn, City Manager, stated staff is still making their recommendation as originally presented. However, the applicant can request an amendment or change at the final plat stage, at the applicant's expense and risk.

Jonathan Graham, City Attorney, stated it is both the recommendation of the staff and Planning & Zoning Commission to require the 26' street width. He explained that if the final plat is not in conformance with the preliminary plat the applicant is basically asking for a variance. No City departments have had an opportunity to review the amended design presented tonight.

Mayor Jones stated the Council leans heavily on staff recommendation. He would like to wait until they have had a chance to review the proposal.

Motion by Councilmember Patsy E. Luna to adopt resolution as recommended by Staff and the Planning & Zoning Commission, seconded by Councilmember Tony Jeter.

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

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.**

Tim Dolan, Director of Planning, presented this item to the Council. He reviewed the developer's requested exceptions to the Subdivision Ordinance which relate to paving, curb and fire protection requirements. He showed the plat of the property. The applicant intends to construct a single family home on this tract. The Planning & Zoning Commission and staff both recommended approval of the proposed final plat.

Mayor Jones stated this property is located in the middle of the City's Industrial Park, across Moore's Mill Road from the tract to be developed by Gulf States Toyota discussed this evening. He asked if the applicant would be willing to allow the Council to postpone a decision on this item since there will be a great deal of development ongoing in this area. Growth management plans for the entire area are being reviewed.

Mr. Hendricks, the property owner and applicant, addressed the Council. He stated he owned the 6-acre tract on Moore's Mill Road the City purchased a few months ago. There are homes all along the road already.

Mayor Jones asked Mr. Hendricks if he would allow the City some time to meet with him before considering the final plat. He would like to discuss whether there are some other options to where the home might be built so the City would not have to potentially buy another home in the future if an industrial prospect comes along.

Mr. Hendricks indicated he is under some time limits with the home in which they are currently living.

Councilmember Luna stated the City has already displaced Mr. Hendricks once. He already owns this property and was there first.

Councilmember Schneider stated he was not comfortable delaying action on this item unless Mr. Hendricks is in agreement to do so.

Mr. Graham stated when we are asked to make an exception to fire protection, we usually waive that requirement when it is not likely there will be a waterline constructed. Because of the Toyota project, the City is obligated to build water and sewer lines in this area. This was probably not known when the exceptions were reviewed by staff. Ensuring that adequate fire protection is available for a new home is probably worth a two-week delay to allow staff review.

Mr. Hendricks stated he was in agreement with delaying the plat for two weeks to discuss their options.



Motion by Councilmember Patsy E. Luna to table item 11 to the December 6, 2007 Council meeting, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.**

Tim Dolan, Director of Planning, presented this item to the City Council. He showed the close proximity to the City's southern ETJ line. He reviewed the developer's requested exceptions for parkland dedication, rural local street paving and fire protection requirements.

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

Motion passed unanimously.

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.**

David Blackburn, City Manager, presented this item to the Council. He stated the City Council called a bond election for November 6, 2007 seeking approval of the issuance of \$9,750,000 in bonds for park and recreation facilities and projects. The Council authorized a joint election agreement with Bell County to conduct the November 6th election in conjunction with the state-wide constitutional amendment election.

Mr. Blackburn stated that 2156 votes were received for the proposition and 1168 votes were received against the proposition.

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

Motion passed unanimously.

## **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.**

Mayor Jones stated that Dell Martin has been serving in this position on the Board of Directors of the Tax Appraisal District of Bell County. He recommended Mr. Martin be reappointed.

Motion by Councilmember Patsy E. Luna adopt resolution. seconded by Councilmember Tony Jeter.

Motion passed unanimously.

ATTEST:

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William A. Jones, III, Mayor

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Clydette Entzminger  
City Secretary

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**NOVEMBER 19, 2007**

**Present:**

Councilmember Tony Jeter  
Councilmember Patsy Luna  
Councilmember Russell Schneider  
Mayor William A. Jones, III

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, November 19, 2007 at 8:00 am in the City Council Chambers, Municipal Building, 2 North Main Street.

- 1. 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**

David Blackburn, City Manager, presented this item to the Council. He displayed a map of the areas that are being petitioned for voluntary annexation. This is the second public hearing. The process for this annexation will conclude on December 12th.

Mayor Jones declared the public hearing open with regard to agenda item 1(A)-(C) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

- 2. Bus tour of the following four areas being considered for City initiated annexation:**

**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.**

**The City Council will return to the Municipal Building when the bus tour is complete. No action will be taken by the City Council regarding this item.**

Mayor Jones announced the Council would leave the Municipal Building at this time to conduct the tour of the areas noted.

The tour began in Area A, then proceeded through areas B, C and D. Throughout the tour, City staff noted the location of existing and proposed utilities and transportation projects. The sites of the on-site public hearings were also noted.

The following route was driven in Area A: west on FM 2305, north on Cen-Tex Sportsman Road, east on Rocky Lane, then back to FM 2305. Public hearing site is the VFW Post on Woodland Trail.

Area B: east along FM 2305, north on Morgans Point Road, east on FM 2483 to SH 317. Public hearing site is vacant BISD property on FM 2483.

Area C: north on SH 317, northwest on SH 36, north on FM 2409, east on Whitehall Road, south on SH 317, east on Little Mexico Road, north on Airport Trail, east on Cedar Creek Road. Public hearing site is vacant tract at corner of SH 317 and Cedar Creek Road.

Area D: east on Cedar Creek Road, north on Asa Road, north and east on FM 1237, north on Southerland Road, east on FM 1237 Spur, north and east on Pendleton-Troy Road, south and west on Pendleton Loop, south on FM 1237 Spur, east on FM 1237, south on Brewster Road, west on Moore's Mill Road. Public hearing site is the Carroll residence at 8060 Brewster Road.

The Council returned to the Municipal Building at approximately 10:15 a.m. and the Special Meeting was adjourned with no action being taken.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one year extension to the contract with ExxonMobil Oil Corporation to supply aviation bulk fuels and other business support to operate a fuel dealership at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** The ExxonMobil fuel contract for supplying aviation fuels for the Airport will expire December 31, 2007.

In 2000, the City went out for proposals and ExxonMobil's proposal best met the Airport's needs and specifications. The five year base contract with ExxonMobil allowed the City Council the right to extend the contract for three (3) additional one year periods as it deems in the best interest of the City. ExxonMobil would like to continue to provide aviation fuels to the Airport through December 31, 2008. This is the 3<sup>rd</sup> and final year of a 3 year renewal option.

ExxonMobil has provided excellent fuel service and business support to the Airport; therefore, staff recommends that a one year extension to the ExxonMobil contract be approved to run through December 31, 2008.

**FISCAL IMPACT:** The Airport budgeted \$1,245,000 for the purchase of aviation fuels. Anticipated revenue from fuel sales is \$1,767,000. In addition to fuel delivery, ExxonMobil provides the Airport technical assistance; quality control; employee training; insurance; and business promotion at no additional charge.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE (1) YEAR EXTENSION TO THE CONTRACT WITH EXXONMOBILE OIL CORPORATION TO SUPPLY BULK FUELS AND OTHER BUSINESS SUPPORT TO OPERATE A FUEL DEALERSHIP AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2000, the City entered into a five (5) year fuel dealership agreement with ExxonMobil to supply bulk fuels and other business support to operate a fuel dealership at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, the base contract allowed the City Council the right to extend the contract for three (3) additional one year periods as it deems in the best interest of the City;

**Whereas**, the Staff recommends that the agreement be extended for an addition one year term; 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 one (1) year extension to the agreement between the City of Temple, Texas, and ExxonMobile Oil Corporation, after approval as to form by the City Attorney, to supply bulk fuels and other business support to operate a fuel dealership at the Draughon-Miller Central Texas Regional Airport.

**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 6<sup>th</sup> day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Lonzo Wallace, Chief of Fire

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Miller Uniforms & Emblems of Austin, Texas for the purchase of fire department uniforms in an estimated annual amount of \$27,450.

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

**ITEM SUMMARY:** On November 6, 2007, the City received two (2) bids for the purchase of fire department uniforms. The bids are shown on the attached bid tabulation.

The bid was stated to be awarded to the company providing the “best value” to the City as allowed by Chapter 252 of the Local Government Code. This means that other factors can be considered in the evaluation of the bids in addition to price, including quality of service and products, and the extent to which the bidder’s services meet the City’s needs.

A committee was formed comprised of employees from the Fire Department to review and evaluate the bids based on the award criteria outlined in the bid. Based on the committee’s evaluation of the two (2) bids, staff recommends award of the uniform contract to Miller Uniforms & Emblems. Miller Uniforms & Emblems met all the required specifications of the bid and was the low bidder. In addition, Miller Uniforms & Emblems has provided the City with superior service in the past.

The proposed purchase agreements will commence immediately and will expire on September 30, 2008. The agreement will provide for four (4) additional one-year extensions, if so agreed to by the City and Miller Uniforms & Emblems.

**FISCAL IMPACT:** Funding in the amount of \$27,450 is currently appropriated for fire uniforms and coats in account 110-2200-522-2113.

### **ATTACHMENTS:**

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

Tabulation of Bids Received  
on November 6, 2007 at 2:30 p.m.  
Purchase of Fire Uniforms

Bidders					
Miller Uniform Austin			New York Clothier Waco		
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
FD-Firefighter Station Wear Pants (Navy)	180	\$72.00	\$12,960.00	\$78.00	\$14,040.00
FD-Firefighter Station Wear Pants (Black)	20	\$72.00	\$1,440.00	\$78.00	\$1,560.00
FD-Firefighter Station Wear Pants Oversized		\$90.00		\$97.00	
FD-SS Shirts- Light Blue	180	\$26.50	\$4,770.00	\$42.00	\$7,560.00
FD-LS Shirts- Light Blue	90	\$28.50	\$2,565.00	\$46.50	\$4,185.00
FD-SS Shirts -White	20	\$26.50	\$530.00	\$42.00	\$840.00
FD-LS Shirts -White	20	\$28.50	\$570.00	\$46.50	\$930.00
FD-Shirts Oversized		N/C		20%	
Neck ties	100	\$3.40	\$340.00	\$4.00	\$400.00
Work Coats (Black)	25	\$39.95	\$998.75	\$55.00	\$1,375.00
Work Coats (Black) Oversized		41.95-43.95		5.00 Extra	
Embroidered Name on Jacket	100	\$5.00	\$500.00	\$4.00	\$400.00
Total Bid Amount		\$24,673.75		\$31,290.00	
Delivery 7 Days		No		No	
Exceptions?		No		Yes	
CIQ Form		Yes		Yes	
Credit Check Authorization		Yes		Yes	
Acknowledged Addendum		Yes		No	

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

*Belinda Mattke*

*6-Nov-07*

Belinda Mattke, Director of Purchasing

Date



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH MILLER UNIFORMS & EMBLEMS OF AUSTIN, TEXAS, FOR THE PURCHASE OF FIRE DEPARTMENT UNIFORMS, IN AN ESTIMATED ANNUAL AMOUNT OF \$27,450; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** on November 6, 2007, the City received 2 bids for the purchase of Fire Department uniforms;

**Whereas,** the Staff recommends accepting the bid received from Miller Uniforms & Emblems of Austin, Texas;

**Whereas,** the estimated annual expenditure for the uniforms is \$27,450, and funds are budgeted in Account No. 110-2200-522-2113; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract with Miller Uniforms and Emblems of Austin, Texas, after approval as to form by the City Attorney, for the purchase of Fire Department uniforms, in the estimated annual amount of \$27,450.

**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 **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Bruce A. Butscher, P.E., Director of Public Works  
Thomas Brown, Superintendent, Water Distribution/Sewer Collection

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the authorization of a construction contract with Bell Contractors, Inc., of Belton, Texas in the amount of \$54,100 for emergency replacement of a 6" sewer line in the area of North 11<sup>th</sup> Street and West Park Avenue.

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

**ITEM SUMMARY:** Sewer maintenance crews have responded to continual sewer main problems on North 11<sup>th</sup> Street near West Park Avenue. Closed circuit TV inspection indicates that the clay tile pipe has collapsed in several locations. In addition, roots are causing additional blockages in the line. Due to the number of blockages, it is now deemed a potential health hazard. Because of the urgent nature of this project, Bell Contractors was asked to complete the work, as they have the necessary material and equipment on hand to respond in a timely manner.

A map of the project location is attached and illustrates that this sewer line runs through residential back yards with fences, sheds, large trees, and swimming pools, making an open cut repair unfeasible. The scope of work using the pipe bursting method is as follows:

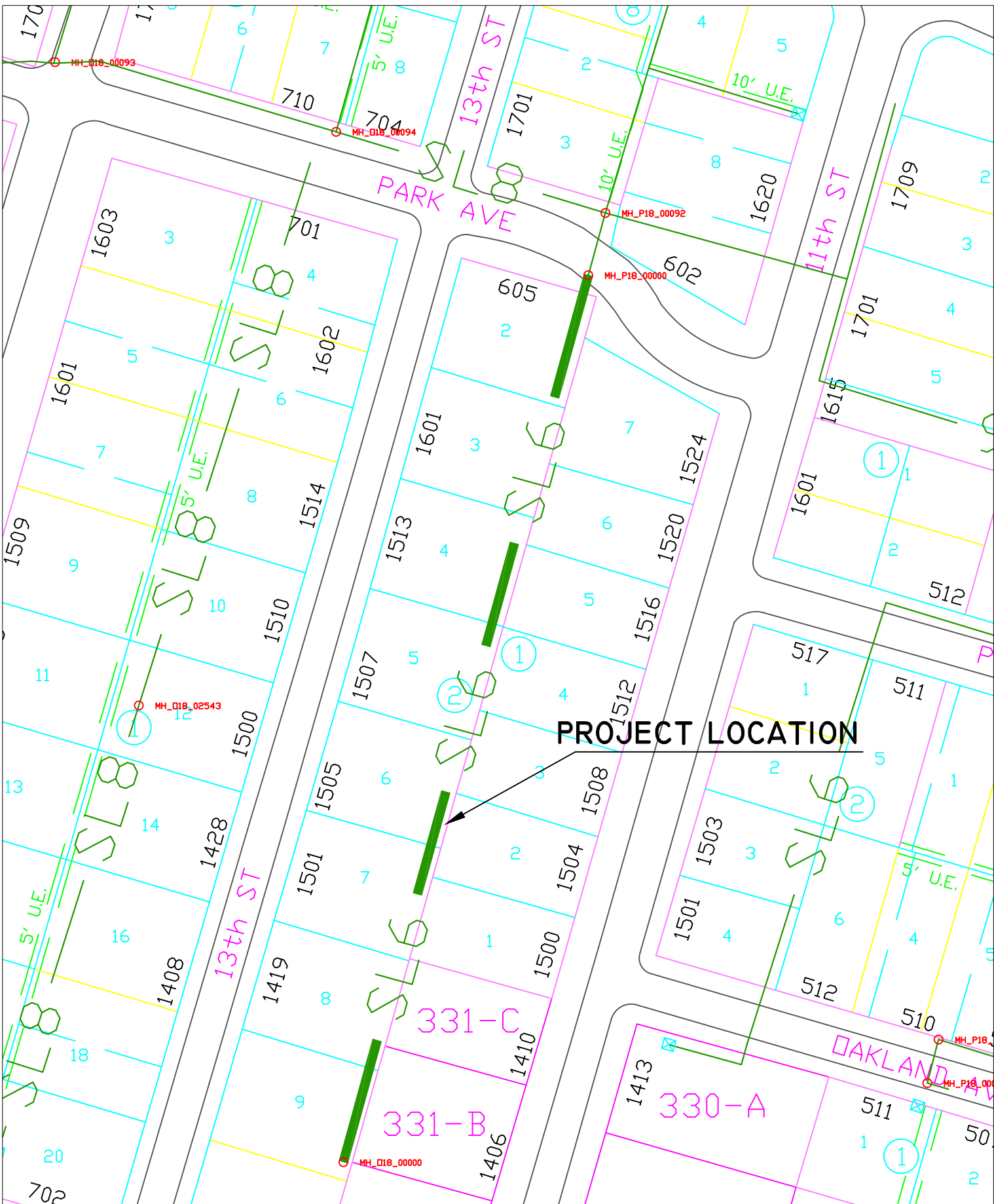
<u>Description:</u>	<u>Quantity:</u>	<u>Unit:</u>
Sanitary Sewer		
8" HDPE	786	LF
Service Connections	19	EA
ROW Prep and Restoration	8	STA
Connect to existing manholes	2	EA
Remove and replace HMA	10	SY
Traffic Control	1	LS
Mobilization and Insurance	1	LS

Staff authorized this work as an emergency and Notice to Proceed was issued on Monday, November 26, 2007. This project is expected to be totally complete by the end of December 2007.

**FISCAL IMPACT:** Funding in the amount of \$54,100 is available in account 520-5400-535-6361, project # 100351, for the payment of this emergency contract.

**ATTACHMENTS:**

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



PIPE BURSTING NOVEMBER 2007



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE AUTHORIZATION OF THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT BETWEEN THE CITY OF TEMPLE, TEXAS, AND BELL CONTRACTORS, INC., OF BELTON, TEXAS, IN THE AMOUNT OF \$54,100 FOR THE EMERGENCY REPLACEMENT OF A 6-INCH SEWER LINE IN THE AREA OF NORTH 11<sup>TH</sup> STREET AND WEST PARK AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, sewer maintenance crews have responded to continual sewer main problems on North 11<sup>th</sup> Street near West Park Avenue – TV inspection indicated that the clay tile pipe had collapsed in several locations, and in addition roots were causing additional blockages in the line;

**Whereas**, due to the number of blockages it was deemed a potential health hazard and Bell Contractors, Inc., was asked to complete the work since they had the necessary material and equipment on hand to respond in a timely manner;

**Whereas**, funds are available in Account Number 520-5400-535-6361, Project #100351, for payment of this emergency contract; and

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

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

**Part 1:** The City Council ratifies the authorization of the City Manager to execute a construction contract, not to exceed \$54,100, between the City of Temple, Texas, and Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 6-inch sewer line in the area of North 11<sup>th</sup> Street and West Park Avenue.

**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 **6<sup>th</sup>** 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

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville, Texas for the FM 2305 Pump Station Improvements Project in the amount of \$211,000.

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

**ITEM SUMMARY:** In March, 2006, Council authorized a professional services agreement with Kasberg, Patrick & Associates L.P. (KPA) for engineering and design services required for the relocation of City-owned utilities along FM 2305 from SH 317 to FM 2271, to include an upgrade to the pump station on FM 2305. Pump station improvements will result in modifications to discharge piping, including the addition of pump control valves and a flow meter. These improvements will increase the capacity of the existing pump station from 2,200 gpm to 2,800 gpm (slightly less than one million gallons per day).

On November 20, 2007, bids were received for improvements to the FM 2305 Pump Station. Per the attached bid tabulation, TTG Utilities, LP submitted the low bid on the project in the amount of \$211,000. KPA's opinion of probable construction cost for the project was approximately \$200,000.

On February 1, 2007, Council awarded the construction contract for the utilities relocation portion of the work to TTG Utilities, LP. This work is proceeding as scheduled, with construction approximately 40% complete. Anticipated completion of both the utility relocation work and pump station improvements is anticipated by June, 2008.

**FISCAL IMPACT:** Funding in the amount of \$2,500,000 has been appropriated in account 561-5200-535-6917, project #100096 for design and construction of this project from the 2006 Utility Revenue Bond Issue which were issued in October 2006. After funding of engineering-related services in the amount of \$341,600, other miscellaneous costs including acquisition of easements of \$43,736.08, and a current construction contract of \$1,860,917.70, a balance of \$253,746.22 remains available to fund the pump station improvements.

**ATTACHMENTS:**

Engineer's Recommendation  
Bid Tabulation  
Resolution



# KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main

Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

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

November 21, 2007

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

Re: City of Temple  
FM 2305 Pump Station Improvements

Dear Ms. Torralva:

On November 20, 2007, the City of Temple received competitive bids from four (4) contractors for the FM 2305 Pump Station Improvements project. A Bid Tabulation is provided for your reference.

The bids received were for modifying the Pump Station discharge piping, including the addition of pump control valves and a flow meter. The pump control valves will control the surge pressures and water hammer issues currently associated with turning the pumps on and off. The replacement of the flow meter will allow City Staff to better track the amount of water being supplied to West Temple. Additionally, these pump station modifications are required prior to the completion of the FM 2305 Utility Relocation project, which is currently under construction. The FM 2305 Utility Relocation project, which was required due to TxDOT's widening of FM 2305 from SH 317 to FM 2271, increased the capacity of the water supply line to West Temple. These Improvements are the final step in increasing the total capacity of the Pump Station from 2,200 gpm to 2,800 gpm. This corresponds to an increase of slightly less than one million gallons per day.

The attached Bid Tabulation shows TTG Utilities, LP of Gatesville, Texas as the low bidder with a total project bid of \$211,000. Our Final Opinion of Probable Cost for this project was \$205,000.00.

Therefore, we recommend that a contract in the amount of \$211,000 be awarded to TTG Utilities, LP for this project. As you know, TTG Utilities, LP has performed numerous projects for the City of Temple and is well qualified to complete this project.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)  
2006-110-30



BID TABULATION

CITY OF TEMPLE

FM 2305 PUMP STATION IMPROVEMENTS

November 20, 2007; 2PM

3210 E Avenue H, Building C, Temple, TX 76501

BIDDER INFORMATION									
TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		Matous Construction, Ltd. 8602 N Hwy 317 Belton, Texas 76513		Shelton & Shelton Plumbing, LP 584 W. Stagecoach Rd. Killeen, Texas 76549		Hoover Construction Company, Inc. P.O. Box 457 Burnet, Texas 78611			
Item No.	Estimated Quantity	Unit	Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% Total Bid	\$ 6,500.00	\$ 6,500.00	\$ 11,715.00	\$ 11,715.00	\$ 10,296.00	\$ 10,296.00
2	100%	LS	Trench Safety Plan prepared & signed by Professional Engineer, in conformance with OSHA	650.00	650.00	1,000.00	1,000.00	1,170.00	1,170.00
3	100	LF	Implement & Follow Trench Safety Plan (Pipe)	1.60	160.00	7.00	700.00	2.34	234.00
4	600	SF	Implement & Follow Trench Safety Plan (Manholes)	0.50	300.00	1.00	600.00	1.17	702.00
5	100%	LS	Remove & Dispose of Existing Pump Station Header Piping as shown in Plans (Valves shall be presented to the City for Salvage)	3,000.00	3,000.00	13,600.00	13,600.00	1,017.00	1,017.00
6	1	EA	Remove & Install 6-Inch Flanged, Rising Stem Gate Valve	760.00	760.00	780.00	780.00	1,641.00	1,641.00
7	2	EA	Furnish & Install 8-Inch Flanged, Rising Stem Gate Valve	1,060.00	2,120.00	1,000.00	2,000.00	2,024.00	4,048.00
8	4	EA	Furnish & Install 10-Inch Flanged, Rising Stem Gate Valve	1,500.00	6,000.00	1,650.00	6,600.00	2,513.00	10,052.00
9	1	EA	Furnish & Install 14-Inch Flanged, Stem Gate Valve	5,800.00	5,800.00	3,315.00	3,315.00	6,055.00	6,055.00
10	1	EA	Furnish & Install 6-Inch Flanged, Surge Relief Valve	3,900.00	3,900.00	3,650.00	3,650.00	4,338.00	4,338.00
11	2	EA	Furnish & Install 8-Inch Flanged, Pump Control Valve	6,000.00	12,000.00	5,250.00	10,500.00	6,185.00	12,370.00
12	2	EA	Furnish & Install 10-Inch Flanged, Combination Pump Control & Back Pressure Valve	9,300.00	18,600.00	8,250.00	16,500.00	9,041.00	18,082.00
13	100%	LS	All necessary piping (Flanged), Fittings, Pipe Supports & Appurtenances Within the Pump Station (including the Wall Pipe at the CMU Wall) as shown in the Plans	31,400.00	31,400.00	35,200.00	35,200.00	34,268.00	34,268.00
14	100%	LS	Field Prep & Painting Proposed Piping, Fittings, Valves & Appurtenances to Match Existing Piping	9,500.00	9,500.00	4,950.00	4,950.00	2,211.00	2,211.00
15	100%	LS	Furnish & Install necessary Electrical Conduit, Wire, Control Boxes, etc., including applicable Programming & Control Wiring as shown on the Plan & as required to operate Pump Control Valves & Flow Meter	53,600.00	53,600.00	47,850.00	47,850.00	50,895.00	50,895.00
16	100%	LS	Core Existing CMU Block Wall for Pipe Penetration, including placement of Foam Insulation and Weatherproofing Silicone Sealant (color to match existing CMU Wall and/or GROUT)	2,200.00	2,200.00	2,600.00	2,600.00	1,392.00	1,392.00
17	105	LF	Furnish & Install 14-Inch Ductile Iron Pipe (Fig x Fig) from Proposed Wall Pipe at Pump Station to Proposed 14-Inch Tee	120.00	12,600.00	191.00	20,055.00	132.00	13,860.00
18	2	EA	Furnish & Install 14-Inch Gate Valve (Fig x MD), Including Valve Stem & Box for buried application	5,100.00	10,200.00	4,800.00	9,600.00	4,616.00	9,232.00
19	1	EA	Furnish & Install 14-Inch Gate Valve (Fig x Fig), including Valve Stem & Box for buried application	4,950.00	4,950.00	4,720.00	4,720.00	4,435.00	4,435.00
20	1	EA	Furnish & Install 14-Inch Tee (Fig) in Existing 14-Inch Pipe Run including Dewatering and Removing Existing Pipe Section during a night-time shutdown	1,560.00	1,560.00	5,000.00	5,000.00	5,220.00	5,220.00
21	4	EA	Furnish & Install 14-Inch 90 degree Bend (Fig) in yard piping	1,120.00	4,480.00	875.00	3,500.00	1,048.00	4,192.00
22	100%	LS	Furnish & Install flow Meter Assembly, including Flow Meter, Manhole, Dresser Coupling & Field Painting Exposed Ductile Iron Pipe	17,500.00	17,500.00	23,000.00	23,000.00	40,008.00	40,008.00
23	15	LF	Remove & Replace Existing Asphalt Roadway (Minimum width of replacement shall be 5 feet)	26.00	390.00	121.00	1,815.00	85.00	1,275.00
24	250	SY	Furnish & Install Hydro Mulch Seeding for Permanent Erosion Control	1.00	250.00	6.80	1,700.00	9.41	2,352.50
25	100%	LS	Provide Project Record Drawings (As Builts)	500.00	500.00	500.00	500.00	500.00	500.00
26	100%	LS	Furnish all Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, including repairs	500.00	500.00	1,500.00	1,500.00	2,059.00	1,662.50
27	1	EA	Furnish, Instal & Remove 14-Inch Blind Flange on Upstream Discharge Piping of Pump 3	600.00	600.00	750.00	750.00	707.00	312.55
28	1	EA	Furnish, Install & Remove Temporary 14-Inch Flanged Spool in Meter Vault to facilitate Testing if required	980.00	980.00	1,200.00	1,200.00	1,080.00	598.50
TOTAL BID AMOUNT (Items 1 - 28)				\$	211,000.00	\$	234,900.00	\$	243,691.50
									\$ 245,012.45

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES

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

Thomas D. Valle, P.E.

Kasberg, Patrick & Associates, LP



November 21, 2007

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR THE FM 2305 PUMP STATION IMPROVEMENTS PROJECT, FOR AN AMOUNT NOT TO EXCEED \$211,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 20, 2007, the City received 4 bids for improvements to the FM 2305 Pump Station;

**Whereas**, the Staff recommends accepting the bid (\$211,000) received from TTG Utilities, LP, of Gatesville, Texas;

**Whereas**, funds are available for this project in Account No. 561-5200-535-6917, Project # 100096; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$211,000, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for improvements to the FM 2305 Pump Station.

**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 **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(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 professional services agreement with Kimley-Horn & Associates of Dallas, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Family Aquatics Center in the amount of \$333,220 and the Indoor Swimming Pool in the amount of \$156,800 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt General Obligation bonds for this project.

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

**ITEM SUMMARY:** We are requesting authorization to enter into an agreement with Kimley-Horn & Associates of Dallas, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Family Aquatics Center in the amount of \$333,220 and the Indoor Swimming Pool in the amount of \$156,800.

On November 6, the voters of Temple approved the \$9.75 million Parks Bond election for improvements to the park system. One of the projects approved was for the development of a family aquatics center. The budget for that project is \$4.1 million. The new family aquatics center will be constructed at South Temple Community Park on South 5<sup>th</sup> Street.

Another one of the projects approved was for the development of an indoor swimming pool. This pool will be heated so that in addition to lap swimming and regular swim programs, it can be used for therapeutic swim programs. The budget for that project is \$1.9 million. The new indoor swimming family aquatics center will be constructed at Sammons Park – in the area adjacent to the Sammons Recreation Center.

In April, we contracted with Kimley-Horn & Associates of Dallas to design the conceptual plans for the family aquatics center and the indoor swimming pool. At that time, Kimley-Horn was selected over three other firms on the basis of their experience and qualifications to design the family aquatics center and indoor pool. We were very pleased with the work they performed in designing the conceptual plan for both facilities. After the election was over, we re-interviewed Kimley-Horn & Associates again and have reached agreement for the final design and development of the family aquatics center and the indoor swimming pool.

As part of their contract, Kimley-Horn & Associates will do the following for the two facilities in the estimated time-line below:

- Programming and Design Phase - 75 days
- Construction Documents Phase - 60 days
- Bid and Award: - 60 days
- Construction Phase Service - 300 days

We have agreed that the fee to Kimley-Horn & Associates for the design of the Family Aquatics Center will be in an amount not to exceed \$333,220. The fee for the Indoor Swimming Pool will be in an amount not to exceed \$156,800.

We recommend City Council approval to enter into a contract with Kimley-Horn & Associates to serve as architects for these projects.

**FISCAL IMPACT:** This item declares an official intent to reimburse these costs from the 2008 General Obligation bonds to be issued in the summer of 2008. The total General Obligation bond issue will be \$9,750,000 and was approved by the voters on November 6, 2007. The total project costs for the Temple Family Aquatics Center is \$4,100,000, and will be funded in account 362-3500-552-6838, project # 100356, and the total project costs for the Sammons Park Indoor Aquatics Center is \$1,900,000, and will be funded in account 362-3500-552-6839, project # 100357.

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN & ASSOCIATES OF DALLAS, TEXAS, FOR PHASE I SERVICES (PRELIMINARY ARCHITECTURAL), PHASE II SERVICES (FINAL ARCHITECTURAL) AND PHASE III (CONSTRUCTION MANAGEMENT) FOR THE FAMILY AQUATICS CENTER IN AN AMOUNT OF \$333,220 AND THE INDOOR SWIMMING POOL IN AN AMOUNT OF \$156,800; DECLARING OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE PRIOR TO THE ISSUANCE OF TAX-EXEMPT GENERAL OBLIGATION BONDS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends entering into an agreement with Kimley-Horn & Associates of Dallas, Texas, architectural services for the Family Aquatics Center and indoor swimming pool;

**Whereas**, the company's proposal for Phase I (preliminary architectural), Phase II (final architectural), and Phase III (construction management) for the Family Aquatics Center is \$333,220, and the indoor swimming pool is \$156,800;

**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, or his designee, to execute a Professional Services Agreement between the City of Temple, Texas, and Kimley-Horn & Associates of Dallas, Texas, after approval as to form by the City Attorney, for Phase I services (preliminary architectural), Phase II services (final architectural), and Phase III services (construction management) for the Family Aquatics Center in the amount of \$333,220, and the Indoor Swimming Pool in an amount of \$156,800.

**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.

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Phase I services (preliminary architectural), Phase II services (final architectural), and Phase III services (construction management) for the Family Aquatics Center; and the Indoor Swimming Pool	\$333,220     \$156,800

**Part 6:** The expenditure described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

**Part 7:** 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 8:** 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 **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(H)  
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 professional services agreement with Post, Buckley, Schuh & Jernigan, Inc. (PBS & J) of Austin, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Summit Recreation and Fitness Center expansion and family changing rooms in the amount of \$129,672 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt General Obligation bonds for this project.

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

**ITEM SUMMARY:** We are requesting authorization to enter into an agreement with PBS & J of Austin, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) in the amount of \$129,672.

On November 6, the voters of Temple approved the \$9.75 million Parks Bond election for improvements to the park system. One of the projects approved was for the expansion of the Summit Recreation and Fitness Center and the construction of family changing rooms. The budget for that project is \$1.625 million.

In April 2007, we contracted with PBS & J of Austin to design the conceptual plans for the expansion of the Summit Recreation and Fitness Center. At that time, PBS & J was selected over five other firms on the basis of their experience and qualifications to design the Summit expansion. We were very pleased with the work they performed in designing the conceptual plan for the expansion. After the election was over, we re-interviewed PBS & J and have reached agreement for the final design and development of the Summit expansion and addition of family changing rooms.

As part of their contract, PBS & J will do the following:

Summit Recreation and Fitness Center expansion and family changing rooms (and estimated time-line):



Programming and Design Phase - 30 days  
Construction Documents Phase - 45 days  
Bid and Award: - 45 days  
Construction Phase Service - 270 days

We have agreed that the fee to PBS & J for the design of the Summit Recreation and Fitness Center expansion and family changing rooms will be in the amount of \$129,672.

We recommend City Council approval to enter into a contract with PBS & J to serve as architects for this project.

**FISCAL IMPACT:** This item declares an official intent to reimburse these costs from the 2008 General Obligation bonds to be issued in the summer of 2008. The total General Obligation bond issue will be \$9,750,000 and was approved by the voters on November 6, 2007. Total project costs for the Summit Recreation and Fitness Center expansion and family changing rooms is \$1,625,000 and will be funded in account 362-3200-551-6841, project # 100359.

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC., (PBS&J) OF AUSTIN, TEXAS, FOR PHASE I SERVICES (PRELIMINARY ARCHITECTURAL), PHASE II SERVICES (FINAL ARCHITECTURAL), AND PHASE III (CONSTRUCTION MANAGEMENT) FOR THE SUMMIT RECREATION AND FITNESS CENTER EXPANSION AND FAMILY CHANGING ROOMS IN AN AMOUNT OF \$129,672; DECLARING OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE PRIOR TO THE ISSUANCE OF TAX-EXEMPT GENERAL OBLIGATION BONDS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends entering into an agreement with Post, Buckley, Schuh & Jernigan, Inc., (PBS&J) of Austin, Texas, for architectural services for the Summit Recreation and Fitness Center expansion and family changing rooms;

**Whereas**, the company's proposal for Phase I (preliminary architectural), Phase II (final architectural), and Phase III (construction management) for the project is \$129,672;

**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, or his designee, to execute a Professional Services Agreement between the City of Temple, Texas, and Post, Buckley, Schuh & Jernigan, Inc., (PBS&J) of Austin, Texas, after approval as to form by the City Attorney, for Phase I services (preliminary architectural), Phase II services (final architectural), and Phase III services (construction management) for the Summit Recreation and Fitness Center expansion and family changing rooms in an amount of \$129,672.

**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.

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Phase I services (preliminary architectural), Phase II services (final architectural), and Phase III services (construction management) for the Summit Recreation and Fitness Center expansion and family changing rooms	\$129,672

**Part 6:** The expenditure described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

**Part 7:** 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 8:** 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 **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(I)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an IBM Power6 525 Server and 4 years maintenance with IBM and Clear Technologies (State of Texas approved DIR vendors DIR-SDD-190) in the amount of \$133,479.86.

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

**ITEM SUMMARY:** The City currently uses an IBM I-Series 810 system to run our enterprise financial systems from Sungard HTE for the following business applications in helping the City to conduct financial transactions:

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

This server is going on five years old, and it is necessary to replace the system with a new RISC based POWER processor from IBM to continue to efficiently serve the applications to our users. We pay approximately \$25,000 per year for maintenance on the current server and with this purchase we would effectively be saving that \$25,000 per year that we currently spend on yearly maintenance.

This is special pricing through the State of Texas DIR contract. This pricing is based on the volume buying power of the DIR contract which will allow us to save approximately 35% versus going through a bid process with resellers.

**FISCAL IMPACT:**

A budget amendment is presented for Council's approval appropriating \$133,480 to account 351-1900-519-6218, project # 100355. Funding in the amount of \$25,000 will come from account 110-1900-519-2338, which is available from the savings of maintenance costs in FY 2008. The remaining \$108,480 will come from the General Fund's Designated for Capital Projects – Unallocated funds.

**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
351-1900-519-62-18	100355	Computer Hardware	\$ 133,480	
351-0000-490-25-82		Transfer in - General Fund	133,480	
110-9100-591-81-51		Transfer out - Capital Projects Fund	133,480	
110-1900-519-2338		Maintenance Contract		25,000
110-0000-352-13-45		Des Cap Projects - Unallocated		108,480
		<i>Do not post</i>		
<b>TOTAL.....</b>			<b>\$ 400,440</b>	<b>\$ 133,480</b>

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

To appropriate \$133,480 for the purchase of an IBM Power6 525 server, maintenance, and services. \$25,000 of the funding for this purchase comes from the FY 2008 maintenance budget for the existing equipment. \$108,480 of General Fund Designated for Capital Projects-Unallocated for a total appropriation of \$133,480. Purchasing this equipment will save the city approximately \$25,000 per year over the next four years in maintenance costs.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/6/2007

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 AN IBM POWER 6 525 SERVER AND 4 YEARS MAINTENANCE WITH IBM AND CLEAR TECHNOLOGIES (STATE OF TEXAS APPROVED DIR VENDORS DIR-SDD-190), IN THE AMOUNT OF \$133,479.86; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City currently uses an IBM 1-Series 810 System to run the enterprise financial systems from Sungard for certain business applications to assist in the conducting of financial transactions;

**Whereas**, the server is going on 5 years old and the Staff recommends replacing the system with a new RISC based POWER processor from IBM to continue to efficiently serve the applications to our users;

**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;

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

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

**Part 1:** The City Council authorizes the purchase of an IBM Power6 525 Server and 4 years maintenance with IBM and Clear Technologies (State of Texas approved DIR vendors DIR-SDD-190), in an amount not to exceed \$133,479.86.

**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 are necessary for this purchase.

**Part 3:** 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 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 6<sup>th</sup> day of **December**, 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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12/06/07  
Item #4(J)  
Consent Agenda  
Page 1 of 2

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

Gary Smith, Chief of Police  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an armored vehicle from Lenco Armored Vehicles of Pittsfield, Massachusetts, through the GSA 1122 procurement program contract in the amount of \$202,834, rejecting all bids received for the armored vehicle on November 13, 2007, and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this purchase.

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

**ITEM SUMMARY:** Included in the Council-adopted FY 2007-2008 Capital Improvement Plan is \$150,000 to assist in the funding of an armored rescue vehicle. The Police Department's SWAT team currently utilizes a 1995 panel van with no armored plating. The SWAT team has had numerous situations over the years in which an armored vehicle would have enhanced their operations and provided optimal protection for those officers and citizens involving barricaded suspects, narcotic search warrants, high risk arrests, and hostage situations.

On November 13, 2007, one (1) bid for the armored vehicle was received from The Armored Group in Fort Worth, Texas. Subsequent to the submittal of The Armored Group's bid, it was brought to the City's attention that The Armored Group's manufacturer, Supreme Corporation, is no longer building SWAT vehicles for The Armored Group. Accordingly, staff recommends that Council reject the bid received on November 13.

Alternatively, based on a staff site visit to Lenco Armored Vehicles in Pittsfield, Massachusetts, staff recommends that the City purchase a Lenco BearCat from Lenco Armored Vehicles. Lenco has been in business since 1981, and starting approximately six years ago, went to exclusively manufacturing armored SWAT-style vehicles. Of the largest 100 law enforcement venues that have armored vehicles, 81% of them have Lenco vehicles. Lenco provides vehicles to various local, state and federal agencies, including all divisions of the U.S. armed services. Because of the national security risk of the SWAT vehicle specifications being distributed to terrorists, Lenco's security policy currently prohibits them from responding to bids; thus the reason that Lenco did not submit a sealed competitive bid to the City.

Lenco's lowest pricing for their vehicles can be obtained through the General Services Administration (GSA) 1122 procurement program contract, #GS-07F-0390M. Under this contract, the 4WD Diesel 6.4L Lenco BearCat can be purchased for \$202,834, which is the same unit pricing offered to the Federal Government. In order to purchase the vehicle under the GSA 1122 contract, a letter of application must be submitted by the Police Department to GSA describing the intended use of the vehicle accompanied with a purchase order to Lenco.

Based on a site visit and extensive vehicle research conducted by staff, staff recommends Council authorize the submittal of a letter to GSA requesting purchase of a Lenco BearCat under the GSA 1122 program, and the purchase of a SWAT vehicle from Lenco at a cost of \$202,834 plus inbound freight.

**FISCAL IMPACT:** Funding in the amount of \$150,000 is currently designated in the proposed 2008 Certificate of Obligation bonds, account 361-2000-521-6804, Project #100330. The remaining funding is available in Police federal and state seized funds. A budget amendment is attached for Council's approval appropriating Police federal seized funds in the amount of \$30,334 and Police state seized funds in the amount of \$25,000 from account 110-0000-313-0330 to account 361-2000-521-6804, project 100330 to fund the additional amount needed for the vehicle, \$52,834, plus an additional \$2,500 for costs associated with the delivery of the vehicle.

Initially, funding for the 2008 Certificate of Obligation portion of this purchase in the amount of \$150,000 will come from unexpended funds designated for the Emergency Operations Centers in the 2006 Certificate of Obligation bonds with the intent to reimburse the 2006 CO bond fund from the proposed 2008 Certificate of Obligation bonds to be issued in March 2008.

**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
361-2000-521-68-04	100330	Police Armored Vehicle	\$ 55,334	
361-0000-490-25-82		Transfer in-General Fund	55,334	
110-9100-591-81-61		Transfer out-2006 CO's	55,334	
110-0000-313-03-30		State Seized Funds		25,000
110-0000-313-03-30		Federal Seized Funds		30,334
		DO NOT POST		
<b>TOTAL.....</b>			<b>\$ 166,002</b>	<b>\$ 55,334</b>

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

Funding in the amount of \$150,000 is currently designated in the proposed 2008 CO bond issue in account 361-2000-521-6804, project # 100330 for the purchase of the police armored vehicle. The additional funding needed in the amount of \$52,834 for the purchase of the vehicle plus an additional \$2,500 for costs associated with delivery of the vehicle will be funded from Police state seized funds in the amount of \$25,000 and from Police federal seized funds in the amount of \$30,334. Total amount of additional funding needed is \$55,334.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/6/2007

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 AN ARMORED VEHICLE FROM Lenco ARMORED VEHICLES OF PITTSFIELD, MASSACHUSETTS, THROUGH THE GSA 1122 PROCUREMENT PROGRAM CONTRACT IN THE AMOUNT OF \$202,834; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PURCHASE; REJECTING ALL BIDS RECEIVED FROM THE ARMORED VEHICLE ON NOVEMBER 3, 2007; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in the FY2007-08 Capital Improvement Plan the City Council approved the purchase of an armored vehicle for the Police Department SWAT Team;

**Whereas**, on November 13, 2007, one bid was received from The Armored Group in Fort Worth, Texas, for the armored vehicle, but it has since been brought to the City's attention that the Armored Group's manufacturer is no longer building SWAT vehicles for the Armored Group – accordingly, the bid needs to be rejected by the City;

**Whereas**, the Staff recommends the purchase of a Lenco BearCat from Lenco Armored Vehicles in Pittsfield, Massachusetts, in the amount of \$202,834, through the General Services Administration (GSA) 1122 procurement program;

**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;

**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 rejects all bids received for an armored vehicle on November 13, 2007.

**Part 2:** The City Council authorizes the purchase of an armored vehicle from Lenco Armored Vehicles of Pittsfield, Massachusetts, through the GSA 1122 procurement program contract in the amount of \$202,834, and approves an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

**Part 3:** 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 4:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 5:** 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 6 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 6:** 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**

Purchase of armored  
vehicle for the Police  
Department

\$202,834

**Part 7:** The expenditure described in Part 6 is a capital expenditure under general Federal income tax principles or a cost of issuance.

**Part 8:** 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 6.

**Part 9:** 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 **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

12/06/07  
Item #4(K)  
Consent Agenda  
Page 1 of 1

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

Bruce A. Butscher, P.E., Director of Public Works  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a street sweeper from Tymco, Inc. of Waco, Texas in the amount of \$144,465.

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

**ITEM SUMMARY:** On November 6, 2007, two (2) bids were received for the replacement of a 1993 street sweeper. One company, Tymco, submitted both bids as shown on the attached bid tabulation.

The bid was stated to be awarded to the bidder providing the “best value” to the City as allowed by Chapter 252 of the Local Government Code. This means that other factors can be considered in the evaluation of the bids in addition to price, including quality of service and products, and the extent to which the bidder’s services meet the City’s needs.

A committee was formed comprised of employees from the Street and Fleet Divisions to review and evaluate the bids based on the award criteria outlined in the bid. Based on the committee’s evaluation of the two (2) bids, staff recommends award of the purchase to Tymco, Inc. for their Bid No. 1 in the amount of \$144,465, which meets all of the specifications required for the sweeper. Tymco’s Bid No. 2 did not meet all of the specifications as stipulated in the bid.

The City has purchased equipment from Tymco in the past and finds them to be a responsible vendor. Accordingly, staff recommends award of the bid to Tymco in the amount of \$144,465.

**FISCAL IMPACT:** Funding for this acquisition in the amount of \$150,000 is budgeted for this purchase in account 110-5900-531-6222, Project #100281.

### **ATTACHMENTS:**

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

**Tabulation of Bids Received**  
**on November 6, 2007 at 2:00 p.m.**  
**Street Sweeper**

	<b>Bidders</b>	
	<b>Tymco, Inc. Waco</b>	<b>Tymco, Inc. Waco</b>
<b>Description</b>		
Total Bid Price	\$135,905.00	\$133,755.00
Auxiliary hand hose with hydraulic assist minimum 8-inches	\$3,850.00	\$3,850.00
Hopper drain	\$540.00	\$540.00
Hopper deluge system -high volume nozzle attaches to fire hydrant to flush hopper. Shall include hose and bracket.	\$795.00	\$795.00
Reverse pick-up head chains	\$400.00	\$400.00
Brooms shall stop and raise automatically when transmission is placed into reverse or when the sweeper is put in transport mode.	\$1,500.00	\$1,500.00
Wash down system	\$800.00	\$800.00
Center broom (broom assist pickup head)	Included	Included
Gutter Broom remote tilt adjustor	\$675.00	\$675.00
Hand suction hose	Included	Included
Total Bid Price Sweeper and Accessories	\$144,465.00	\$142,315.00
Delivery	Yes	Yes
Local Preference	No	No
Exceptions	None	Yes
CIQ Form	Yes	Yes
Acknowledge Addendum	Yes	Yes

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

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

***Belinda Matthe***

Belinda Matthe, Director of Purchasing

***6-Nov-07***

Date



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A STREET SWEEPER FROM TYMCO, INC., OF WACO, TEXAS, FOR AN AMOUNT NOT TO EXCEED \$144,465; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 6, 2007, the City received 2 bids for purchasing a street sweeper;

**Whereas**, the Staff recommends accepting the bid (\$144,465) received from Tymco, Inc., of Waco, Texas;

**Whereas**, funds are available for this purchase in Account No. 110-5900-531-6222, Project # 100281; 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 street sweeper, for a cost not to exceed \$144,465, from Tymco, Inc., of Waco, Texas.

**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 are 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 6<sup>th</sup> 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

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12/06/07  
Item #4(L)  
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 Multi-Pro 1250 Sprayer off the BuyBoard to Professional Turf Products, in the amount of \$29,118.77.

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

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

Toro Multi-Pro 1250 Sprayer	\$21,416.53
Enclosed boom with electric lift	\$ 5,001.21
Pin receiver kit	\$ 55.23
Electric hose reel kit	\$ 1,655.59
Roll over protection bar	\$ 367.64
.40 gpm nozzles	\$ 124.19
.80 gpm nozzles	\$ 124.19
1.0 gpm nozzles	\$ 124.19
Freight/Set Up Fee	\$ 250.00
Total	\$29,118.77

The price received is from the BuyBoard, a cooperative purchasing contract, and is for the purchase of a Toro Multi-Pro 1250 Sprayer for Sammons Golf Links grounds maintenance operation. All purchases from the BuyBoard meet competitive bid requirements.

**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 \$29,119 to account 110-3120-551-6211, project # 100354. After the purchase of this sprayer and the mower approved on 11/15/07, \$8,788 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	100354	Special Equipment	\$ 29,119	
110-3120-551-22-11		Special Equipment		29,119
<b>TOTAL.....</b>			<b>\$ 29,119</b>	<b>\$ 29,119</b>

**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 Multi-Pro 1250 Sprayer 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 sprayer and mower approved on 11/15/07, \$8,788 will remain for future purchases in the replacement program.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/6/2007

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 MULTI-PRO 1250 SPRAYER OFF THE BUY BOARD IN THE AMOUNT OF \$29,118.77; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** Parks and Leisure Services needs to replace an existing sprayer of a similar type to become the department's frontline sprayer;

**Whereas,** the Staff recommends purchasing a Toro Multi-Pro 1250 sprayer off the Buy Board, a cooperative purchasing contract, for the amount of \$29,118.77;

**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;

**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 Multi-Pro 1250 Sprayer off the Buy Board in the amount of \$29,118.77.

**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 are necessary for this purchase.

**Part 3:** 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 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 6<sup>th</sup> 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

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12/06/07  
Item #4(M)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butscher, P.E., Director of Public Works  
Lisa Sebek, Director of Solid Waste  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of the following equipment for the Solid Waste Division:

1. Two side-loading refuse trucks from Longhorn International, Temple, Texas in the amount of \$317,332.26; and
2. One brush truck from Temple Freightliner, Temple, Texas in the amount of \$112,449.00.

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

**ITEM SUMMARY:** On November 6, 2007, the City received two bids for the purchase of two side loading refuse trucks and two bids for the purchase of one brush truck for the Solid Waste Department. The bids are shown on the attached tabulation sheets.

An evaluation committee was formed consisting of employees from Equipment Maintenance and Solid Waste divisions. The committee evaluated the bids with the following results:

- The City currently uses both vendors and maintains equipment from each.
- Both vendors bid the same body equipment.
- Both vendors are local.
- The only real difference between the two vendors then came down to price.

Staff recommends awarding the two side loading refuse trucks to Longhorn International, who will provide two International trucks for the bid price of \$158,666.13 each. The City has done business with Longhorn International in the past and finds them to be a responsible vendor. Longhorn International will deliver the units within 180 days of receipt of the order from the City, which is 30 days more than the delivery specified in the original bid; staff is willing to accept this delivery schedule.

Staff recommends awarding the brush truck to Temple Freightliner, who will provide a Sterling Truck for the bid price of \$112,449. The City has done business with Temple Freightliner in the past and finds them to be a responsible vendor. Temple Freightliner took exception to the specifications for the rear brakes, but upon review by staff, the specifications as stated in the original bid were not compatible with the size of the truck; accordingly, Temple Freightliner recommended the appropriate rear brake type and the staff is in agreement with their selection.

**FISCAL IMPACT:** Funds in the amount of \$343,200 were budgeted in account 110-5900-540-6222, project # 100286, for the purchase of two side-loading refuse trucks. Total purchase price for the two side-loading refuse trucks is \$317,332.26.

Funds in the amount of \$127,600 were budgeted in account 110-5900-540-62-22, project # 100287, for the purchase of one brush truck. Total purchase price for the brush truck is \$112,449.

**ATTACHMENTS:**

[Bid Tabulations](#)  
[Resolution](#)

Tabulation of Bids Received  
on November 6, 2007 at 2:00 p.m.  
Sideloaded Refuse Trucks

		Bidders			
		Temple Freightliner Temple		Longhorn International Temple	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
Sideloaded Refuse Trucks	2	\$159,959.00	\$319,918.00	\$158,666.13	\$317,332.26
Delivery		Yes		No	
Exceptions		Yes		None	
Local Preference		Yes		Yes	
Credit Check Authorization		Yes		Yes	
CIQ Form		Yes		Yes	

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

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

*Belinda Mattke*

Belinda Mattke, Director of Purchasing

*6-Nov-07*

Date

Tabulation of Bids Received  
on November 6, 2007 at 2:00 p.m.  
Brush Truck

	Bidders	
	Temple Freightliner Temple	Longhorn International Temple
Description		
Total Bid Price	\$112,449.00	\$117,026.34
Delivery	Yes	No
Local Preference	Yes	Yes
Exceptions	Yes	None
Credit Check Authorization	Yes	Yes
CIQ Form	Yes	Yes

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

*Belinda Mattke*

*6-Nov-07*

∴ Highlighted bid is recommen

Belinda Mattke, Director of Purchasing

Date

for Council approval.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 2 SIDE-LOADING REFUSE TRUCKS FROM LONGHORN INTERNATIONAL OF TEMPLE, TEXAS, IN THE AMOUNT OF \$317,332.26; AND 1 BRUSH TRUCK FROM TEMPLE FREIGHTLINER OF TEMPLE, TEXAS, IN THE AMOUNT OF \$112,449.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 6, 2007, the City received 2 bids for the purchase of 2 side-loading refuse trucks and 2 bids for the purchase of 1 brush truck for the Solid Waste Department;

**Whereas**, the Staff recommends accepting the bid (\$317,332.26) received from Longhorn International of Temple, Texas, for the side-loading refuse trucks, and the bid (\$112,449.00) received from Temple Freightliner of Temple, Texas, for the brush truck;

**Whereas**, funds are available for these purchases in Account No. 110-5900-540-6222, Project #'s 100286 and 100287; 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 2 side-loading refuse trucks from Longhorn International of Temple, Texas, in the amount of \$317,332.26, and 1 brush truck from Temple Freightliner of Temple, Texas, in the amount of \$112,449.00, for the Solid Waste Department.

**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 are 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 6<sup>th</sup> 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

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12/06/07  
Item #4(N)  
Consent Agenda  
Page 1 of 1

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

Bruce A. Butscher, P.E., Director of Public Works  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a dump truck from Temple Freightliner of Temple, Texas in the amount of \$71,921.

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

**ITEM SUMMARY:** On November 6, 2007, four bids were received for the purchase of a 2008 dump truck. As shown on the attached bid tabulation, the company submitting the low bid for the purchase in the amount of \$71,921 was Temple Freightliner of Temple.

This 10-12 cubic yard dump truck will be used by the new sewer collection construction crew that was added in FY 2008. Consequently, this dump truck is a new addition to the City's vehicle fleet.

The City has purchased equipment from Temple Freightliner in the past and finds them to be a responsible vendor. Accordingly, staff recommends award of the bid to Temple Freightliner in the amount of \$71,921.

**FISCAL IMPACT:** Funds in the amount of \$85,000 were budgeted in account 520-5400-535-6220, project # 100314 for the purchase of a 12-yard dump truck. Total purchase price for the dump truck is \$71,921.

### **ATTACHMENTS:**

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

Tabulation of Bids Received  
on November 6, 2007 at 2:30 p.m.  
2008 Dump Truck

	Bidders			
	Longhorn International Temple	Temple Freightliner Temple	Henna Chevrolet Austin	Grande Truck Center San Antonio
Description				
Dump Truck	\$75,665.08	\$71,921.00	\$77,448.00	\$80,612.00
Delivery within 120 days?	No	Yes	No	No
Local Preference?	Yes	Yes	No	No
Exceptions?	None	None	Yes	Yes
CIQ Form	Yes	Yes	Yes	No

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

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

**Belinda Mattke**

Belinda Mattke, Director of Purchasing

**6-Nov-07**

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A DUMP TRUCK FROM TEMPLE FREIGHTLINER OF TEMPLE, TEXAS, IN THE AMOUNT OF \$71,921; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 6, 2007, the City received 4 bids for purchasing a dump truck to be used by the new sewer collection construction crew;

**Whereas**, the Staff recommends accepting the bid (\$71,921) received from Temple Freightliner of Temple, Texas;

**Whereas**, funds are available for this purchase in Account No. 520-5400-535-6220, Project # 100314; 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 12-yard dump truck from Temple Freightliner of Temple, Texas, in the amount of \$71,921.

**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 are 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 6<sup>th</sup> day of **December**, 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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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Gary O. Smith, Chief of Police Department  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of eight marked and three unmarked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$272,320.46.

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

**ITEM SUMMARY:** On October 19, 2000, Council authorized the City to join with Tarrant County through an interlocal agreement for the purchase of aggregating a bid for police vehicles. This interlocal agreement does not expire, and therefore, we have joined with Tarrant County again this year for our annual purchase of police vehicles.

The Tarrant County Commissioner's Court has awarded the full-size police vehicles to Philpott Motor Company. The City has done business with Philpott in the past, and finds them to be a responsible vendor. The aggregation of these vehicles has allowed a price incentive that provides pricing at less than the State contract for the same vehicles.

In accordance with the police vehicle replacement schedule, twelve police vehicles, including one SIU vehicle, are due for replacement this year. Staff is pleased with the services provided by Tarrant County and desires to purchase eight marked units and three unmarked units from Philpott Motor Company through the bid awarded by Tarrant County.

**FISCAL IMPACT:** Funding in the amount of \$297,700 is designated for the purchase of the police vehicles and related required equipment in account 110-2000-521-6213, Project #100261 (\$227,500) and #100262 (\$70,200) and \$4,950 is designated for computer mounts in account 110-2000-521-2218. The adopted budget for FY 2008 included funding for the replacement of ten units. The Police Department requested twelve vehicles as part of their vehicle replacement plan.

Additional funding has been identified based on the savings from the purchases of other vehicles in the General Fund along with \$5,000 of Police State Seized Funds to fund the additional amount needed of \$43,765. The amount needed will cover the funding to fully equip the City-installed accessories that are needed for the new 8 marked and 4 unmarked units. The purchase of the SIU vehicle in the amount of \$14,129 was made independently of this purchase.

Attached is a budget adjustment for Council's approval appropriating the \$43,765 of additional funding needed to complete the purchase of twelve vehicles.

**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	
110-2000-521-62-13	100261	Automotive	\$ 32,174			
110-2000-521-62-13	100262	Automotive	9,941			
110-2000-521-22-18		Capital < \$5,000-Automotive Equipment	1,650			
110-5900-531-62-22	100281	Street Sweeper			\$ 5,500	
110-5900-540-62-22	100286	Sanitation Side Loader Trucks			18,115	
110-5900-540-62-22	100287	Sanitation Brush Collection Truck			15,150	
110-0000-313-03-30		State Seized Funds			5,000	
		<i>DO NOT POST</i>				
<b>TOTAL.....</b>			<b>\$ 43,765</b>		<b>\$ 43,765</b>	

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

Ten police units (7 marked and 3 unmarked) were included in the FY 2008 operating budget. The police department requested 12 units during the budget process. They are now asking to fund the additional 2 units. The additional funding for these 2 units has been identified based on savings from the purchase of other vehicles for the General Fund and using \$5,000 from State Seized funds.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/6/2007

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 8 MARKED AND 3 UNMARKED POLICE VEHICLES FROM PHILPOTT MOTOR COMPANY OF NEDERLAND, TEXAS, UNDER THE JOINT VENTURE/COOPERATIVE PURCHASE INTERLOCAL AGREEMENT WITH TARRANT COUNTY, IN THE AMOUNT OF \$272,320.46; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 19, 2000, the City Council authorized the City to join with Tarrant County through an interlocal agreement for the purchase of aggregating a bid for police vehicles – the interlocal agreement does not expire, and the Staff recommends joining with Tarrant County again this year for the annual purchase of police vehicles;

**Whereas**, the Tarrant County Commissioner's Court awarded the full-size police vehicles to Philpott Motor Company of Nederland, Texas;

**Whereas**, the Staff recommends purchasing 8 marked and 3 unmarked police vehicles from Philpott Motor Company, for a total expenditure of \$272,320.46;

**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;

**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 8 marked and 3 unmarked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$272,320.46.

**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 are necessary for this purchase.

**Part 3:** 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 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 **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(P)  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** SECOND & FINAL READING – 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:** Adopt ordinance as presented in item description, on second and final reading.

**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.

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**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 80<sup>th</sup> 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 **15<sup>th</sup>** day of **November**, 2007.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** THIRD & FINAL READING – Consider adopting an ordinance authorizing a franchise with Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.

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

**ITEM SUMMARY:** On October 5, 2006, the City Council authorized a one year franchise to Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City. The franchise expired on September 30, 2007, and the company has requested a renewal of the franchise for an additional year. A separate item on this same agenda is for consideration of a one year franchise extension of Scott and White Hospital non-emergency ambulance service franchise. Scott & White and Central Texas Regional EMS are the City's only two non-emergency ambulance franchisees.

The Staff recommends authorizing a one year renewal of Central Texas Regional EMS' non-emergency ambulance transfer service franchise. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram.

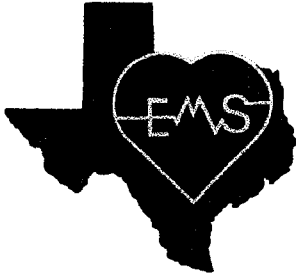
The Staff recommends renewal of the franchise for one year to allow the City Staff and City Council to have the opportunity to receive and analyze the recommendations contained in a master plan for the City's fire rescue and EMS services the City commissioned from Emergency Services Consulting, Inc. A preliminary report on ESCI's recommendations will be presented in a workshop format in a separate item on this agenda. Full analysis, adoption and implementation of the recommendations contained in the report are likely to take several months. Extending our two current non-emergency ambulance transfer service franchises for one year will allow time for that analysis and implementation of those recommendations for transitions, if needed.

**FISCAL IMPACT:** Franchisees pay the City 3½ % of the total amount billed per year.

### **ATTACHMENTS:**

[Letter requesting one year extension.](#)  
[Ordinance](#)





## CENTRAL TEXAS REGIONAL EMS

October 1, 2007

Traci Barnard  
Finance Director  
City of Temple  
2 North Main Street  
Temple, TX 76501

**Subject: Request for Renewal of City Ambulance Franchise**

Dear Ms. Barnard:

We are hereby requesting that the City of Temple Council consider granting Central Texas EMS LLC a renewal of our current one (1) year non-emergency ambulance franchise.

We have provided service to the community for the past year, and we believe that we have met or exceeded all requirements and expectations pursuant to the non-emergency ambulance franchise.

Operational changes that have occurred since our original application in September of 2006 include:

- Our operational base in Temple has moved to 5100 Midway Drive, suite 102.
- We have added a 2006 Ford Type II ambulance to our fleet.

We look forward to continuing our relationship with the City of Temple to better meet the medical transportation needs of our community. If you need any additional information, please contact myself at 254.534.1712 or Stephen Paine at 254.534.1834.

Sincerely,

David Phillips  
President

cc: David Blackburn, City Manager  
Bill Jones III, Mayor

ORDINANCE NO. 2007-4177

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO CENTRAL TEXAS REGIONAL EMS, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Central Texas Regional EMS has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Central Texas EMS has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

**PART 1:** A non-exclusive franchise is granted to Central Texas Regional EMS, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

**PART 2: Definitions.**

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean Central Texas Regional EMS, or its legally approved successors and assigns.

(c) ***Ambulance*** or ***Transfer Service*** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) ***Transfer Service*** or ***Non-Emergency Ambulance Transfer Service*** means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

### **PART 3: Notice and Extent of Grant.**

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 16, 2008**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

### **PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.**

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

### **PART 5: Payment to the City Required; Franchise Fee.**

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other

fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

#### **PART 6: Rates.**

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

#### **PART 7: Liability Insurance Required.**

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) **name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;**
- (c) not contain a passenger liability exclusion; and
- (d) **provide for at least thirty (30) days prior written notice** of cancellation to the City.

**PART 8: Conditions of Franchise Granted.**

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

**PART 9: Manner of Giving Notice.**

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

**PART 10: Public Convenience and Necessity.**

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

**PART 11: Performance Bond and Revocation Clause.**

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.

**PART 12:** This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

**PART 13:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**PART 14:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**PART 15:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **18<sup>th</sup>** day of **October**, 2007.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **November**, 2007.

PASSED AND APPROVED on Third and Final Reading on the **6<sup>th</sup>** 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

## **Agreement of Franchisee**

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

The franchisee, Central Texas Regional EMS, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. 2007-4177 granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this \_\_\_\_\_ day of December, 2007.

CENTRAL TEXAS REGIONAL EMS

By: \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(Q)-(2)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** THIRD & FINAL READING – Consider adopting an ordinance authorizing a franchise with Scott and White EMS to provide non-emergency ambulance transfer services within the City.

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

**ITEM SUMMARY:** On October 3, 2002, the City Council authorized a five year franchise to Scott and White Memorial Hospital provide non-emergency ambulance transfer services within the City. A separate item on this same agenda is for consideration of a one year franchise extension of Central Texas Regional EMS non-emergency ambulance service franchise. Scott & White and Central Texas Regional EMS are the City's only two non-emergency ambulance franchisees. The S&W franchise expired on September 30, 2007, and S&W has requested a one year renewal of the franchise. S&W has entered into a joint venture with an outside firm to manage and operate their ambulance transfer service and has requested that the franchise renewal be issued in the name of this new joint venture, Scott and White EMS.

The Staff recommends authorizing a one year renewal of the franchise. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram.

The Staff recommends renewal of the franchise for one year to allow the City Staff and City Council to have the opportunity to receive and analyze the recommendations contained in a master plan for the City's fire rescue and EMS services the City commissioned from Emergency Services Consulting, Inc. A preliminary report on ESCI's recommendations will be presented in a workshop format in a separate item on this agenda. Full analysis, adoption and implementation of the recommendations contained in the report are likely to take several months. Extending our two current non-emergency ambulance transfer service franchises for one year will allow time for that analysis and implementation of those recommendations for transitions, if needed.

**FISCAL IMPACT:** Franchisees pay the City 3½ % of the total amount billed per year.

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



ORDINANCE NO. 2007-4178

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO SCOTT AND WHITE MEMORIAL HOSPITAL AND THE SCOTT, SHERWOOD, AND BRINDLEY FOUNDATION, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Scott and White Memorial Hospital has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Scott and White Memorial Hospital has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

**PART 1:** A non-exclusive franchise is granted to Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

**PART 2: Definitions.**

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean Scott and White Memorial Hospital, or its legally approved successors and assigns.

(c) *Ambulance* or *Transfer Service* shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) *Transfer Service* or *Non-Emergency Ambulance Transfer Service* means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) *Emergency* is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

### **PART 3: Notice and Extent of Grant.**

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 16, 2008**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

### **PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.**

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

### **PART 5: Payment to the City Required; Franchise Fee.**

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States,

three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

#### **PART 6: Rates.**

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

#### **PART 7: Liability Insurance Required.**

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) **name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;**

(c) not contain a passenger liability exclusion; and

(d) **provide for at least thirty (30) days prior written notice** of cancellation to the City.

**PART 8: Conditions of Franchise Granted.**

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

**PART 9: Manner of Giving Notice.**

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

**PART 10: Public Convenience and Necessity.**

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

**PART 11: Performance Bond and Revocation Clause.**

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.

**PART 12:** This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

**PART 13:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**PART 14:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**PART 15:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **18<sup>th</sup>** day of **October**, 2007.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **November**, 2007.

PASSED AND APPROVED on Third and Final Reading on the **6<sup>th</sup>** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney

## **Agreement of Franchisee**

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

The franchisee, Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. 2007-4178 granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this \_\_\_\_\_ day of December, 2007.

SCOTT AND WHITE MEMORIAL HOSPITAL  
AND THE SCOTT, SHERWOOD AND  
BRINDLEY FOUNDATION

By: \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(R)  
Consent Agenda  
Page 1 of 2

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

Judy Duer, Library Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with the Texas State Library and Archives Commission for the Loan Star Libraries Grant in the amount of \$19,447.

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

**ITEM SUMMARY:** As in the prior six fiscal years, Temple Public Library will receive funds from the State of Texas through the Loan Star Libraries grant. The amount received by each library is based on a formula that includes a match based on local collection development funds and whether or not the library charges a non-resident fee. Since Council voted to drop our non-resident fee in November 2001, again this fiscal year Temple Public Library will receive the maximum amount for a library our size, \$19,447.

In order to receive the funds, we had to submit a budget and program plan to the state library. Our plan proposed that we expend the funds to augment the library's main collection and the bookmobile collection in several specific areas based on staff recommendations. This year the areas selected include young adult fiction and non-fiction, children's DVD's, career books, music/song books, test books and additional copies of bestsellers. For the bookmobile we will purchase books for elementary age children as well as additional copies of bestsellers and DVD's for the patrons in the nursing homes the bookmobile visits. We will also purchase microfilm copies of the Temple Daily Telegram and upgrade our JAWS license (software for the visually impaired) and purchase 2 additional computers for the public Internet computer area. Finally we will purchase a few furnishings for the story time room and a couple of small display tables.

As in prior years, the State Library has produced the attached contract, which needs to be signed by an authorized representative of our governing authority. Once the contract has been signed and returned the grant funds will be disbursed. They need to be obligated by the end of the State fiscal year, August 31, 2008, and expended by October 15, 2008.

**FISCAL IMPACT:** \$19,447 will be added to the Library's budget. These funds must be obligated by August 31, 2008. A budget amendment is attached appropriating funds in the amount of \$10,404 to account 260-4000-555-2225 for the purchase of books for the library, \$3,617 to account 260-4000-555-2522 for the microfilm of the Telegram, \$560 to account 260-4000-555-2223 for the computer software and \$3,018 to account 260-4000-555-2221 for the new computers, and \$1,848 to 260-4000-555-2210 for the furnishings, to recognize revenue in the amount of \$19,447 in account 260-0000-431-0261, State Grants.

**ATTACHMENTS:**  
[Budget Amendment](#)  
[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	
260-0000-431-02-61		State Grants	19,447			
260-4000-555-22-25		Books& Periodicals	10,404			
260-4000-555-25-22		Microfilm/Audio Visual	3,617			
260-4000-555-22-23		Computer Software	560			
260-4000-555-22-21		Computer Equipment	3,018			
260-4000-555-22-10		Furniture & Fixtures	1,848			
<b>TOTAL.....</b>			<b>\$ 38,894</b>		<b>\$ -</b>	

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

Appropriate revenue in the amount of \$19,447 from the Loan Star Libraries State Grant and expenditures as designated in the grant application.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/6/2007

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 CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR THE LONE STAR LIBRARIES GRANT IN THE AMOUNT OF \$19,447; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Public Library is eligible to receive \$19,447 from the Texas State Library and Archives Commission from the Lone Star Libraries Grant program;

**Whereas**, the Texas State Library and Archives Commission has submitted an agreement which the City must approve and sign prior to receiving the grant funds;

**Whereas**, an amendment to the 2007-2008 budget needs to be approved to appropriate the funds (once received) to the appropriate Library 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 an agreement with the Texas State Library and Archives Commission, after approval as to form by the City Attorney, for the Lone Star Libraries Grant, and accepts any funding received from this program.

**Part 2:** The City Council authorizes an amendment, a copy of which is attached hereto and made a part hereof for all purposes as Exhibit A, to the 2007-2008 budget for this grant funding.

**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 **6<sup>th</sup>** 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

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12/06/07  
Item #4(S)  
Consent Agenda  
Page 1 of 1

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

Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant (EMPG) for 2008 which funds a portion of the administration cost for Emergency Management for the City of Temple.

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

**ITEM SUMMARY:** The request is for approval of the renewal of the Emergency Management Performance Grant for FY 2008. This grant is funded by the Governors Department of Emergency Management (GDEM) to pay for a portion of the administration cost for Emergency Management for the City of Temple.

Temple Fire and Rescue recommends approval of the renewal of this grant by the City Council.

**FISCAL IMPACT:** The grant will reimburse the City for a maximum of 50% of the salary and benefit expenditures related to emergency management. The grant application estimates that the total expenditures will be \$132,565.39 for fiscal year 2008 with a 50% grant amount of \$66,282.70. In fiscal year 2007, the City was only awarded grant funds in the amount of \$38,746.

Funds were included in the fiscal year 2008 budget for the full amount of salary and benefit expenditures, and revenue was budgeted at \$38,746.

### **ATTACHMENTS:**

[Gant Application](#)  
[Resolution](#)

# FISCAL YEAR 2008 EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION

<b>1. APPLICANT NAME</b> (Jurisdiction): <b>City of Temple</b>			
<b>2. COUNTY:</b> <b>Bell</b>		<b>3. DISASTER DISTRICT:</b> <b>6A</b>	
<b>4. EMPG STATUS:</b> <input checked="" type="checkbox"/> Current EMPG Program participant <input type="checkbox"/> New EMPG Program applicant			
<b>5. PROGRAM PARTICIPANTS:</b> (List all jurisdictions that are participants in your emergency management program. Identify any jurisdictions that have joined or withdrawn from your program in the last year.)  			
<b>6. CHECKLIST OF APPLICATION ATTACHMENTS:</b> (See the FY 2008 <i>Local Emergency Management Program Guide</i> for information on completing these forms.)			
<input checked="" type="checkbox"/> Designation of Grant Officials (DEM-17B)			
<input checked="" type="checkbox"/> Statement of Work & Cumulative Progress Report (DEM-17A). This form must be signed by the EMC.			
<input checked="" type="checkbox"/> Application for Federal Assistance (DEM-67). The Authorized Official must sign this form.			
<input checked="" type="checkbox"/> EMPG Staffing Pattern (DEM-66).			
<input checked="" type="checkbox"/> EMPG Staff Job Description (DEM-68). A <b>current</b> job description must be provided for each staff member listed in the FY 2008 EMPG Staffing Pattern (DEM-66).			
<input checked="" type="checkbox"/> FEMA Form 20-16, Summary Sheet for Assurances & Certifications must be signed by an Authorized Official. Attached			
<input checked="" type="checkbox"/> FEMA Form 20-16A, Assurances – Non-Construction Programs			
<input checked="" type="checkbox"/> FEMA Form 20-16C, Certifications Regarding Lobbying, Debarment, Suspension, & Other Responsibility Matters; and Drug-Free Workplace Requirements.			
<input type="checkbox"/> FEMA Form SF LLL, Disclosure of Lobbying Activities signed by the Authorized Official required only if the applicant performs lobbying to influence federal actions			
<input checked="" type="checkbox"/> Direct Deposit Authorization (form 74-146). The Grant Financial Officer must sign this form.			
<input checked="" type="checkbox"/> Travel Policy Certification (DEM-69). The Grant Financial Officer must sign this form.			
<b>7. CERTIFICATION:</b> This Application, together with the approved EMPG Statement of Work & Cumulative Progress Report (DEM-17A), constitutes the annual work plan for the emergency management program whose participants are listed above. The undersigned agree to exert their best efforts to accomplish all activities listed in the Statement of Work & Cumulative Progress Report approved by the Division of Emergency Management.			
Authorized Official (Original Signature)		Emergency Management Coordinator (Original Signature)	
Date		Date	
<b>GDEM USE ONLY</b>			
<b>8. APPROVAL:</b> The attached Fiscal Year 2008 Statement of Work & Cumulative Progress Report is approved.			
<input type="checkbox"/> Chief		Date	
<input type="checkbox"/> State Coordinator of Preparedness and Operations			

DEM-17  
11/07

Page 1 of 1

Mail completed forms and application materials to:

EMPG Program Administrator  
Preparedness Section  
Governor's Division of Emergency Management  
Texas Department of Public Safety  
PO Box 4087  
Austin, TX 78773-0223

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FOR 2008 WHICH FUNDS A PORTION OF THE ADMINISTRATION COST FOR EMERGENCY MANAGEMENT FOR THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Emergency Management Performance Grant is funded through the Governor's Department of Emergency Management and pays a portion of the administration cost for Emergency Management for the City;

**Whereas**, the grant will reimburse the City for a maximum of 50% of the salary and benefit expenditures related to emergency management -- the grant application estimates that the total expenditures will be \$132,565.39 for fiscal year 2008 with a 50% grant amount of \$66,282.70; 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 renewal of the Emergency Management Performance Grant (EMPG) for 2008 which funds a portion of the administration cost for Emergency Management for the City of Temple.

**Part 2:** The City Council accepts any funds that may be received for this grant, and authorizes the City Manager to execute any documents which may be necessary for this grant.

**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 6<sup>th</sup> day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(T)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution calling a Special Election for January 19, 2008 for the election of the District 3 Councilmember to fill an unexpired term through May 2008.

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

**ITEM SUMMARY:** Mayor Pro Tem Martha Tyroch resigned her position as District 3 City Councilmember on November 15, 2007.

In accordance with Article XI, Section 11 of the Texas Constitution and the Temple City Charter, the City Council must hold a special election within 120 days of the resignation to fill the vacancy on the Council. This proposed resolution calls the special election for **Saturday, January 19, 2008** for the election of the District 3 Councilmember to fill an unexpired term through May 2008. The resolution also sets out the candidate filing period, polling places, election judges and their compensation, early voting procedures, and various other requirements in accordance with State law and the City Charter.

The candidate filing period for this special election will be **December 7<sup>th</sup> through December 19<sup>th</sup>**. Other important election dates are noted on the attached calendar.

**FISCAL IMPACT:** Funds in the amount of \$7000 are allocated in account 110-1400-511-25-17, Election Expense, for the 2008 Special Election.

### **ATTACHMENTS:**

[Election Calendar](#)  
[Resolution](#)



**CITY OF TEMPLE**  
**SPECIAL ELECTION**  
**DISTRICT 3 COUNCILMEMBER**

**JANUARY 19, 2008**

December 6, 2007	44th day before election -	Council Meeting; order special election
December 7, 2007	43rd day before election -	First day for filing application for place on ballot; First day write-in candidate may file declaration; First day to apply for mail ballot
December 19, 2007	31st day before election -	Last day for filing application for place on ballot By 5:00 pm
December 20, 2007	30th day before election -	Conduct drawing for order of names on ballot – Staff Conference Room 9:00 am; due date for filing first report of campaign contributions and expenditures; last day to register to vote
December 26, 2007	24 <sup>th</sup> day before election -	Last day for regular write-in candidate to declare candidacy by 5:00 pm
January 7, 2008	12 <sup>th</sup> day before election -	First day to vote early in person
January 11, 2008	8th day before election -	Last day to apply for mail ballot; due date for filing second report of campaign contributions and expenditures
January 15, 2008	4 <sup>th</sup> day before election -	Last day to vote early by personal appearance 7:00 am – 7:00 pm on January 14 & 15
January 19, 2008	ELECTION DAY -	Polls open 7:00 a.m. – 7:00p.m.; City Secretary's Office open 7:00 am–7:00 pm
January 22, 2008	CITY COUNCIL MEETING - CANVASS RETURNS – ORDER RUNOFF IF NECESSARY	
February 16, 2008	RUN-OFF ELECTION (If necessary)	

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CALLING A SPECIAL ELECTION ON JANUARY 14, 2008, TO BE HELD WITHIN THE CITY FOR THE ELECTION OF THE DISTRICT 3 COUNCILMEMBER TO FILL AN UNEXPIRED TERM THROUGH MAY 10, 2008; MAKING PROVISION FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the District 3 Councilmember, Mayor Pro Tem Martha Tyroch, submitted her resignation from the Temple City Council at the regular Council Meeting on November 15, 2007; and

**Whereas**, Article XI, Section 11 of the Texas Constitution states that a municipality providing terms of office exceeding two years but not exceeding four years must elect all members of its governing body by majority vote and any vacancies occurring on the governing body must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after the vacancy occurs; and

**Whereas**, Section 4.5 of the Temple City Charter states that vacancies on the City Council shall be filled under the same conditions as prescribed by Article XI, Section 11 of the Texas Constitution; and

**Whereas**, the laws of the State of Texas and the City of Temple further provide that the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election and designating the voting places for said election; and

**Whereas**, the City Council finds and determines that it is necessary and advisable to call and hold a special election within the City of Temple for the election of the District 3 Councilmember to fill the unexpired term,

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

**Part 1:** It is hereby ordered that a special municipal election be held on Saturday, January 19, 2008, for the purpose of electing one City Councilmember by the voters from District 3 to fill the unexpired term.

In the race, the candidate receiving a majority of the votes cast in such election shall be declared elected by the City Council. If none of the candidates receive a majority of the



votes cast in a particular race, the City Council shall order a run-off election as provided by the City Charter and the Texas Election Code, at which the two candidates receiving the highest number of votes in the January 19, 2008 election shall stand for election. The candidate receiving the greatest number of votes in the run-off election shall be declared elected by the City Council. Councilmembers shall hold office for the remainder of the unexpired term, May 10, 2008.

**Part 2:** Optical scan paper ballots shall be used for early voting, voting by mail and election day voting at the polling place, in conjunction with the ES&S Model Precinct Ballot Counter. The ES&S AutoMARK Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and at the polling place on election day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code.

**Part 3:** All independent candidates at the special election to be held on January 19, 2008, for the above-mentioned Office, shall file their applications to become candidates with the City Secretary of the City of Temple at the City Secretary's Office, Room 103, first floor of the Municipal Building, 2 North Main Street, Temple, Texas, beginning 43 days before the date of said election, being December 7, 2007, and ending on or before 31 days before the date of said election being on or before December 19, 2007, in compliance with the Texas Election Code. All applications shall be sworn to and comply with Section 141.031 of the Election Code. All candidates shall file with said application the loyalty affidavit and statement regarding awareness of the State nepotism statute as required by Article 141.031 of the Election Code.

**Part 4:** The City Secretary of this City shall, in accordance with the terms and provisions of the Election Code, post in her Office the names of all candidates who have filed their application in accordance with the terms and provisions of this order, and said names shall be posted in a conspicuous place in said Office for at least ten (10) days before said City Secretary orders the same to be printed on the ballot for said election.

**Part 5:** The election shall be held at the following places in the City and the following persons are hereby appointed presiding judges, and alternate presiding judges, respectively, for the election called by this resolution:

***City Council District No. 3***

Thornton Elementary School  
2900 Pin Oak Drive

Presiding Judge  
Alternate Presiding Judge

Laura Cloud  
Joan Howell

***Early Voting Ballot Board***

Municipal Building,  
2 North Main Street  
(between Central and Adams)

Presiding Judge  
Alternate Presiding Judge

John Dempsey  
Roy Wells

In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judge for the city council election district is authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of an election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of Chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

As compensation for services rendered at the precinct polling place, the election judge and clerks shall receive \$8.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

**Part 6: (a) Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning January 7, 2008, and ending on January 15, 2008, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. January 7, 2008 through January 11, 2008. During the time period of January 14 and January 15, 2008 Early Voting will be conducted from 7:00 a.m. to 7:00 p.m.

(b) **Early voting by mail.** A registered voter is eligible to vote early *by mail* if (1) the voter expects to be absent from the county on election day, and during the regular hours for conducting early voting at the main early voting polling place for the part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk, (2) the voter is under a disability that would prevent them from appearing at the polling place on election day, (3) the voter will be 65 years of age or older on election day, or (4) the registered voter is confined in jail at the time the early voting ballot application is submitted.

(1) Applications for ballot by mail shall be mailed to Clydette Entzminger, City Secretary, P.O. Box 207, Temple, Texas 76503, and must be received no earlier than December 7, 2007 and no later than January 11, 2008, provided that if the sole ground for voting early by mail is that the voter will be out of the county on election day, the application must be received by January 7, 2008, unless the voter is out of the county when the application is made, in which case the application must still be received by January 11, 2008.

**Part 7:** Clydette Entzminger, the City Secretary, is hereby appointed Clerk for early voting, and is authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by him by the Texas Election Code.

**Part 8:** The Mayor shall make proclamation of the January 19, 2008 special election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to the City Council immediately after the closing of the polls. The Mayor is further authorized to give notice of a run-off election if such election is necessary. The City Secretary shall cause notice of this election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b).

**Part 9:** Immediately after said election is held, the officers holding the same shall make returns on the result thereof to the Mayor of this City as required by the Election Code of this State.

**Part 10:** A copy of this order shall also serve as a Writ of Election which shall be delivered to the above-appointed Presiding Judge, for said election along with the Election Judge's Certificate of Appointment.

**Part 11:** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

**Part 12:** If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

**Part 13:** This resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

**Part 14:** 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 the **6th** day of **December, 2007**.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #4(U)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone Number One for fiscal year 2006-2007.

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

**ITEM SUMMARY:** This item is to comply with the State law requiring submission of annual reports to the taxing units within the Reinvestment Zone Number One (Zone).

The attached letter and exhibits recap the financial condition of the Zone as of 9/30/2007, as well as the tax collections by taxing entity.

The financial information contained in this report was reviewed with the RZ No. 1 Board at their November 28, 2007 meeting. The annual report will be mailed to the taxing units as required by state law, with copies sent to the Attorney General and State Comptroller.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Annual Report](#)  
[Resolution](#)

**City of Temple, Texas**  
***REINVESTMENT ZONE #1***  
***ANNUAL REPORT***

**For the year ended**  
**September 30, 2007**

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**CITY OF TEMPLE, TEXAS**  
**REINVESTMENT ZONE #1**  
**COMPARATIVE BALANCE SHEETS**  
**September 30, 2003 - 2007**

	2007	2006	2005	2004	2003
<b><u>ASSETS</u></b>					
Investments	\$ 5,087,657	\$ 9,088,202	\$ 7,203,592	\$ 3,275,689	\$ 2,557,047
Receivables (net of allowance for estimated uncollectibles):	40,502	117,890	104,078	324,533	196,682
Due from other governments	-	-	-	118,053	-
Restricted cash - bond proceeds/reserve funds	3,760,277	3,478,013	6,213,313	8,071,653	11,025,394
<b>Total assets</b>	<b>\$ 8,888,436</b>	<b>\$ 12,684,105</b>	<b>\$ 13,520,983</b>	<b>\$ 11,789,928</b>	<b>\$ 13,779,123</b>
<b><u>LIABILITIES AND FUND BALANCES</u></b>					
<b>Liabilities:</b>					
Vouchers payable	\$ 67,545	\$ 6,400	\$ 80,435	\$ 62,485	\$ 78,294
Contract and retainage payable	24,805	159,244	416,557	522,269	245,851
Deposits	-	-	21,252	21,252	21,252
Deferred revenues	40,502	117,890	104,078	209,456	93,219
<b>Total liabilities</b>	<b>132,852</b>	<b>283,534</b>	<b>622,322</b>	<b>815,462</b>	<b>438,616</b>
<b>Fund Balance:</b>					
Reserved for encumbrances	2,810,804	276,235	2,853,007	2,331,431	7,506,577
Reserved for debt service	762,009	630,316	497,856	365,636	234,156
Reserved for future expenditures	5,168,144	5,322,701	5,417,247	7,127,763	4,866,016
Unreserved:					
Undesignated	14,627	6,171,319	4,130,551	1,149,636	733,758
<b>Total fund balance</b>	<b>8,755,584</b>	<b>12,400,571</b>	<b>12,898,661</b>	<b>10,974,466</b>	<b>13,340,507</b>
<b>Total liabilities and fund balances</b>	<b>\$ 8,888,436</b>	<b>\$ 12,684,105</b>	<b>\$ 13,520,983</b>	<b>\$ 11,789,928</b>	<b>\$ 13,779,123</b>



**CITY OF TEMPLE, TEXAS**  
**REINVESTMENT ZONE #1**  
**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE**  
**For the year ended September 30, 2007**  
**(With comparative amounts for the years ended September 30, 2003-2007)**

	2007	2006	2005	2004	2003
<b>REVENUES:</b>					
Taxes	\$ 3,529,948	\$ 3,304,210	\$ 3,391,440	\$ 3,011,665	\$ 2,966,251
Interest	519,571	573,779	335,412	141,499	92,328
Grant funds	-	-	31,947	118,053	253,304
Lease	-	-	289,016	508,036	277,028
Proceeds from sale of land	71,098	-	2,500,000	-	-
Other	-	-	-	8,319	550
<b>Total revenues</b>	<b>4,120,617</b>	<b>3,877,989</b>	<b>6,547,815</b>	<b>3,787,572</b>	<b>3,589,461</b>
<b>EXPENDITURES:</b>					
<b>Current</b>					
General government	259,541	195,661	560,714	596,621	386,939
Streets, Rail, and Infrastructure	4,214,168	3,313,702	2,855,590	4,592,677	2,438,699
Life Science Center Project	-	-	340,800	95,296	880,860
Joint Use Facilities	413,289	-	-	-	-
Bio Science District	1,875,000	-	-	-	-
<b>Debt service</b>					
Principal retirement	515,000	500,000	490,000	420,000	200,000
Interest and fiscal charges	355,466	366,716	376,516	449,019	244,257
<b>Total expenditures</b>	<b>7,632,464</b>	<b>4,376,079</b>	<b>4,623,620</b>	<b>6,153,613</b>	<b>4,150,755</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(3,511,847)</b>	<b>(498,090)</b>	<b>1,924,195</b>	<b>(2,366,041)</b>	<b>(561,294)</b>
<b>OTHER FINANCING SOURCES:</b>					
Certificate of obligation bond proceeds	-	-	-	-	11,740,000
<b>Total other financing sources</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>11,740,000</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(3,511,847)</b>	<b>(498,090)</b>	<b>1,924,195</b>	<b>(2,366,041)</b>	<b>11,178,706</b>
Fund balance, beginning of year	12,400,571	12,898,661	10,974,466	13,340,507	2,299,633
Correction of error, prior period	(133,140)	-	-	-	(137,832)
Fund balance, restated	12,267,431	12,898,661	10,974,466	13,340,507	2,161,801
Fund balance, end of year	\$ 8,755,584	\$ 12,400,571	\$ 12,898,661	\$ 10,974,466	\$ 13,340,507

**CITY OF TEMPLE, TEXAS  
REINVESTMENT ZONE #1  
DEBT SERVICE BY SERIES**

Fiscal Year	Percent of Debt Retired		Series 2003 Total
	Annual %	Cummulative %	
2007	5.28%	21.06%	\$ 870,166.26
2008	5.26%	26.32%	867,935.00
2009	5.25%	31.57%	866,385.00
2010	5.27%	36.84%	868,545.00
2011	5.26%	42.10%	868,420.00
2012	5.26%	47.36%	867,035.00
2013	5.27%	52.63%	869,055.00
2014	5.27%	57.90%	869,855.00
2015	5.27%	63.17%	868,930.00
2016	5.25%	68.42%	866,530.00
2017	5.26%	73.68%	867,440.00
2018	5.25%	78.93%	866,752.50
2019	5.27%	84.20%	869,240.00
2020	5.27%	89.47%	869,640.00
2021	5.26%	94.73%	868,070.00
2022	5.27%	100.00%	870,070.00
<b>Total:</b>			<b>\$ 13,894,068.76</b>

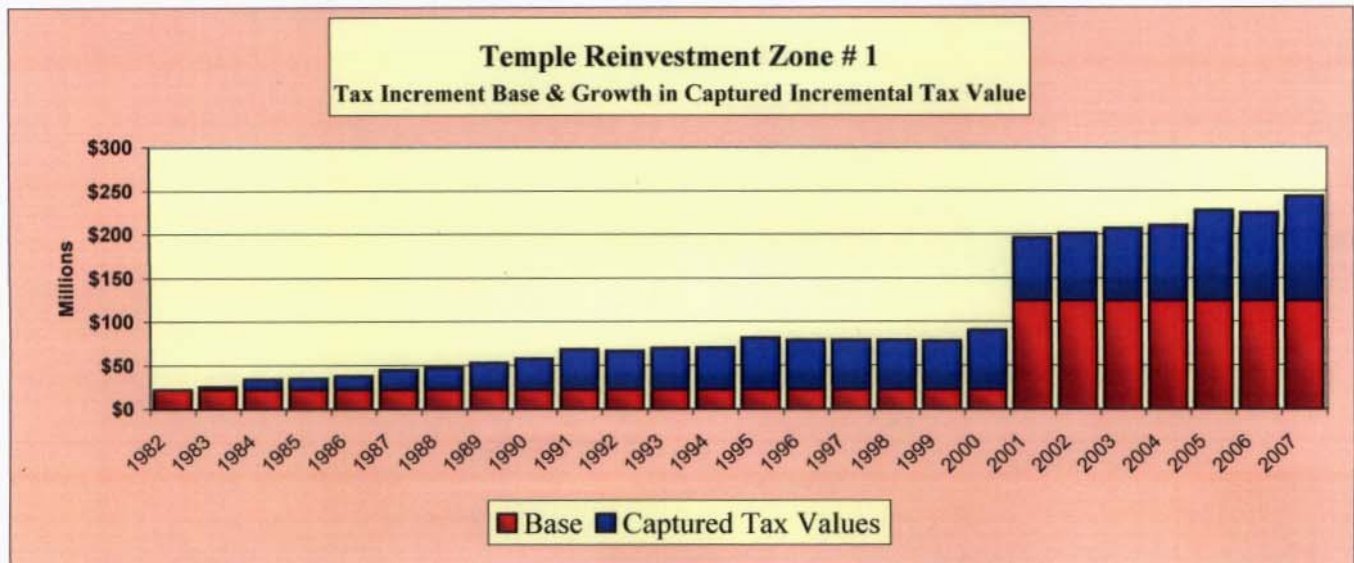
**CITY OF TEMPLE REINVESTMENT ZONE #1**  
**SCHEDULE OF TAX INCREMENT BASE AND INCREMENTAL VALUES**  
**SHARED BY ZONE AND TAXING UNITS**

Fiscal Year	Tax Increment Base (1)	Increased Incremental Value (2)	Tax Increment Base and Increased Incremental Values	Incremental Changes From Base
1982	\$22,817,648	\$ -	\$22,817,648	BASE
1983	22,817,648	3,129,203	25,946,851	13.71%
1984	22,817,648	11,715,246	34,532,894	51.34%
1985	22,817,648	12,555,542	35,373,190	55.03%
1986	22,817,648	15,449,444	38,267,092	67.71%
1987	22,817,648	22,389,155	45,206,803	98.12%
1988	22,817,648	25,209,130	48,026,778	110.48%
1989	22,817,648	30,384,003	53,201,651	133.16%
1990	22,817,648	35,219,441	58,037,089	154.35%
1991	22,817,648	45,724,856	68,542,504	200.39%
1992	22,817,648	44,134,806	66,952,454	193.42%
1993	22,817,648	47,505,880	70,323,528	208.20%
1994	22,817,648	47,845,535	70,663,183	209.69%
1995	22,817,648	58,967,199	81,784,847	258.43%
1996	22,817,648	56,354,520	79,172,168	246.98%
1997	22,817,648	56,654,892	79,472,540	248.29%
1998	22,817,648	56,654,892	79,472,540	248.29%
1999	22,817,648	55,605,489	78,423,137	243.70%
2000	22,817,648	67,709,091	90,526,739	296.74%
2001	124,712,922	71,424,038	196,136,960	57.27%
2002	124,712,922	76,676,449	201,389,371	61.48%
2003	124,712,922	82,216,093	206,929,015	65.92%
2004	124,712,922	85,417,297	210,130,219	68.49%
2005	124,712,922	102,827,565	227,540,487	82.45%
2006	124,712,922	100,118,015	224,830,937	80.28%
2007	124,712,922	119,486,508	244,199,430	95.81%
2008	124,712,922	123,405,421	248,118,343	98.95%

(1) Restated to reflect current information provided by Tax Appraisal District of Bell County.

(2) Incremental values for the applicable taxing entities may vary due to the difference in abatements/boundaries.

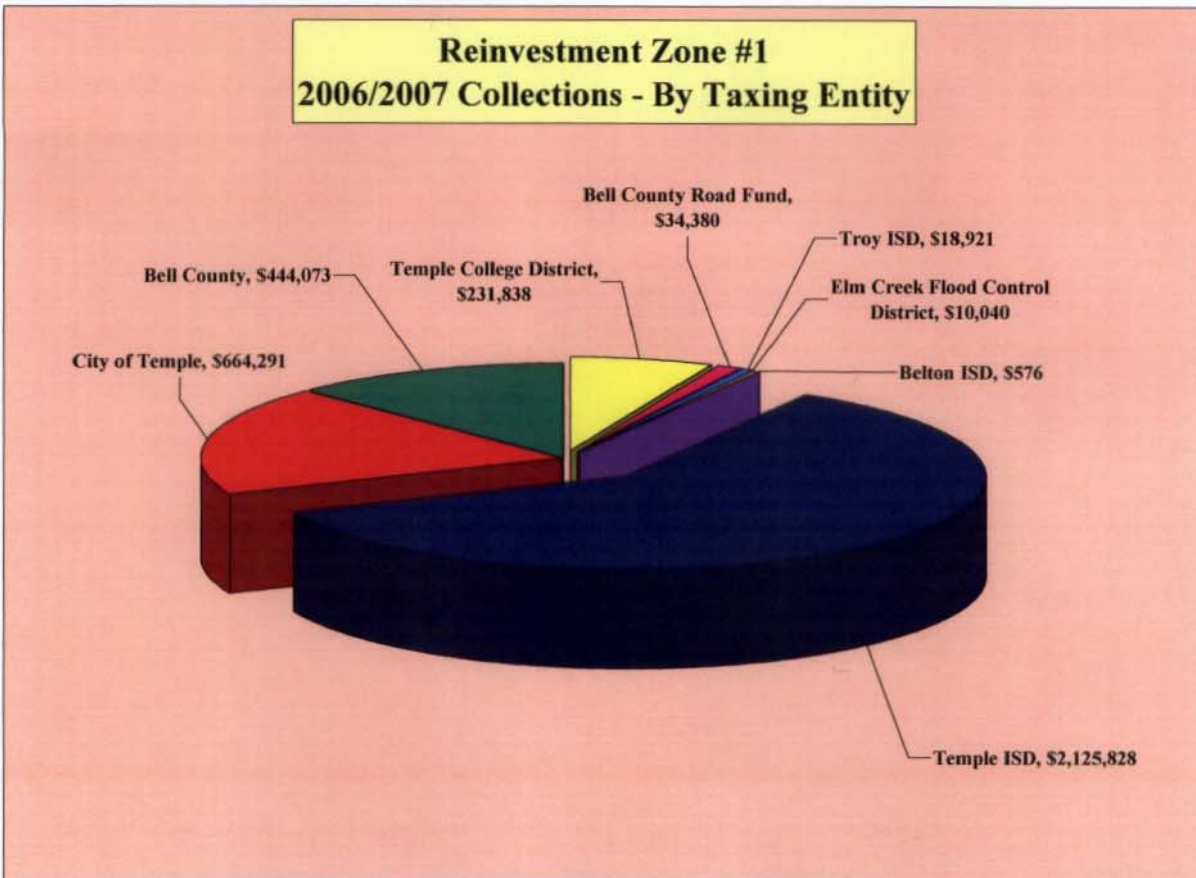
For the purpose of this schedule, the values presented are the values applicable to the City of Temple.





**CITY OF TEMPLE, TEXAS - RZ # 1**  
**TAX COLLECTIONS BY TAXING ENTITIES**  
For the Tax Year 2006/Fiscal Year Ending September 30, 2007

<b>Taxing Jurisdiction</b>	<b>FY 06/07 Tax Levy</b>
Temple ISD	\$2,125,828
City of Temple	664,291
Bell County	444,073
Temple College District	231,838
Bell County Road Fund	34,380
Troy ISD	18,921
Elm Creek Flood Control District	10,040
Belton ISD	576
	<b><u>\$3,529,947</u></b>



## **Supplemental Schedules**

CITY OF TEMPLE, TEXAS  
REINVESTMENT ZONE #1  
COMPARATIVE BALANCE SHEETS  
September 30, 2007 and 2006

	<u>2007</u>	<u>2006</u>
<b><u>ASSETS</u></b>		
<b>Current assets:</b>		
Investments	\$5,087,657	\$9,088,202
Receivables (net of allowance for estimated uncollectibles):		
Ad valorem taxes	40,502	117,890
<b>Total current assets</b>	<u>5,128,159</u>	<u>9,206,092</u>
<b>Restricted cash and investments:</b>		
Reserve for debt service	762,009	630,316
Bond proceeds	2,998,268	2,847,697
Total restricted assets	<u>3,760,277</u>	<u>3,478,013</u>
<b>Total assets</b>	<u><u>\$8,888,436</u></u>	<u><u>\$12,684,105</u></u>
<b><u>LIABILITIES AND FUND BALANCES</u></b>		
<b>Current liabilities:</b>		
Vouchers payable	\$59,045	\$6,400
Contract and retainage payable	24,805	21,487
Deferred revenues	40,502	117,890
<b>Total current liabilities</b>	<u>124,352</u>	<u>145,777</u>
<b>Liabilities from restricted assets:</b>		
Vouchers payable	8,500	-
Contract and retainage payable	-	137,757
<b>Total liabilities from restricted assets</b>	<u>8,500</u>	<u>137,757</u>
<b>Fund Balance:</b>		
Reserved for encumbrances	2,523,805	46,236
Reserved for encumbrances - bond proceeds	286,999	229,999
Reserved for debt service	762,009	630,316
Reserved for future expenditures	5,168,144	5,322,701
Unreserved:		
Undesignated	14,627	6,171,319
<b>Total fund balance</b>	<u>8,755,584</u>	<u>12,400,571</u>
<b>Total liabilities and fund balances</b>	<u><u>\$8,888,436</u></u>	<u><u>\$12,684,105</u></u>

**CITY OF TEMPLE, TEXAS**  
**REINVESTMENT ZONE #1**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE**  
**ACTUAL AND BUDGET**

For the year ended September 30, 2007  
(With comparative amounts for the year ended September 30, 2006)

	2007			2006	Analytical
	Actual	Budget	Variance Favorable (Unfavorable)	Actual	Increase (Decrease) Prior yr.
<b><u>REVENUES:</u></b>					
Taxes	\$ 3,529,948	\$ 3,366,807	\$ 163,141	\$ 3,304,210	\$ 225,738
Interest	323,864	300,000	23,864	353,163	(29,299)
Interest -bonds	195,707	164,996	30,711	220,616	(24,909)
Proceeds on sale of land	71,098	-	71,098	-	71,098
<b>Total revenues</b>	<b>4,120,617</b>	<b>3,831,803</b>	<b>288,814</b>	<b>3,877,989</b>	<b>242,628</b>
<b><u>EXPENDITURES:</u></b>					
<b>Administrative</b>					
Professional	84,541	226,840	142,299	20,661	63,880
Other contracted services	75,000	75,000	-	75,000	-
Contractual obligation - TEDC	100,000	100,000	-	100,000	-
Intergovernmental:					
Joint use facilities	413,289	498,816	85,527	-	413,289
Bio-Science District	1,875,000	1,875,000	-	-	1,875,000
<b>Total administrative expenditures</b>	<b>2,547,830</b>	<b>2,775,656</b>	<b>227,826</b>	<b>195,661</b>	<b>2,352,169</b>
<b>Capital Improvements</b>					
North Zone	2,838,384	3,594,348	755,964	22,000	2,816,384
Western Aviation Zone	570,357	1,328,443	758,086	1,667,034	(1,096,677)
Western Bio-Science & Medical Zone	423,660	4,326,151	3,902,491	392,750	30,910
General Roadway Improvements	267,939	318,050	50,111	221,950	45,989
Downtown improvements	2,328	7,197	4,869	1,009,968	(1,007,640)
Southeast Industrial Park	111,500	185,000	73,500	-	111,500
Loop 363 Improvements (TxDot)	-	2,300,000	2,300,000	-	-
<b>Total capital improvements</b>	<b>4,214,168</b>	<b>12,059,189</b>	<b>7,845,021</b>	<b>3,313,702</b>	<b>900,466</b>
<b>Debt Service</b>					
Bond principal	515,000	515,000	-	500,000	15,000
Bond interest	355,166	355,166	-	366,416	(11,250)
Fiscal agent fees	300	1,200	900	300	-
<b>Total debt service</b>	<b>870,466</b>	<b>871,366</b>	<b>900</b>	<b>866,716</b>	<b>3,750</b>
<b>Total expenditures</b>	<b>7,632,464</b>	<b>15,706,211</b>	<b>8,073,747</b>	<b>4,376,079</b>	<b>3,256,385</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(3,511,847)</b>	<b>(11,874,408)</b>	<b>8,362,561</b>	<b>(498,090)</b>	<b>(3,013,757)</b>
Fund balance, beginning of period	12,400,571	12,400,571	-	12,898,661	(498,090)
Correction of error, prior period	(133,140)	(133,140)	-	-	(133,140)
Fund balance, restated	12,267,431	12,267,431	-	12,898,661	(631,230)
<b>Fund balance, end of period</b>	<b>\$ 8,755,584</b>	<b>\$ 393,023</b>	<b>\$ 8,362,561</b>	<b>\$ 12,400,571</b>	<b>\$ (3,644,987)</b>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, APPROVING THE SUBMISSION OF A TAX INCREMENT  
FINANCING REINVESTMENT ZONE NUMBER ONE ANNUAL REPORT  
FOR FISCAL YEAR 2006-2007 TO EACH TAXING ENTITY IN THE  
REINVESTMENT ZONE; AND PROVIDING AN OPEN MEETINGS  
CLAUSE.

---

**Whereas**, Section 311.016 of the Tax Increment Financing Act requires that the governing body of a municipality submit to the chief executive officer of each taxing unit that levies property tax on real property in a reinvestment zone created by the municipality a report on the status of the zone on or before the 90th day following the end of the fiscal year of the municipality;

**Whereas**, a copy of the report must also be sent to the Texas Attorney General and State Comptroller;

**Whereas**, the Staff recommends approval of the Tax Increment Financing Reinvestment Zone Number One Annual Report for 2006-2007 which meets all the mandated requirements for submission, including a balance sheet and income statement of September 30, 2006; a debt service retirement schedule; and a schedule of tax increment base and captured appraised values; 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 the Tax Increment Financing Reinvestment Zone Number One Annual Report for the fiscal year 2006-2007, a copy of which is attached hereto and made a part of this Resolution for all purposes as Exhibit A, and the Director of Finance is hereby directed to submit the report to the chief executive officer of each taxing unit that levies property tax on real property in Tax Increment Financing Reinvestment Zone Number One. A copy of the report shall also be sent to the Attorney General.

**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 **6<sup>th</sup>** 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

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12/06/07  
Item #4(V)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

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

**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 \$389,437.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**December 6, 2007**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
110-1100-513-1111		Supervisory (City Manager)	\$ 34,378	
110-1100-513-1115		Skilled	\$ 18,734	
110-1100-513-1220		Retirement/Pension	\$ 7,755	
110-1100-513-1221		Social Security	\$ 770	
110-1100-513-1222		Group Insurance	\$ 5,400	
110-1100-513-1223		Workers Compensation	\$ 125	
110-1100-513-1224		Unemployment Ins	\$ 384	
110-1100-513-2210		Furniture & Fixtures	\$ 2,500	
110-1100-513-2221		Computer Equipment	\$ 2,000	
110-0000-315-1900		<b>Fund Balance Reserved/Designated - Public Education Government (PEG) Access Channel</b>		<b>\$ 31,156</b>
110-0000-352-1345		<b>Designated Capital Projects - Unallocated</b>		<b>\$ 40,890</b>
<p>Increase personnel expenditure accounts to cover the cost of implementing the City Manager's Reorganization Plan to include a new Assistant to City Manager position and reclassification of a part-time Office Clerk I to a full-time Administrative Assistant II position. Budget adjustment includes funds to purchase furniture and a computer for one office. Also included in the Reorganization, two City Manager positions will be partially funded from fund balance reserve for the monies collected from prior years for Public Education Government Access Channel (PEG). The PEG funds are designated from the Time Warner 1% franchise funds for PEG Channel and are restricted to funding for our government access channel. The Director of Communication position will be funded 30% from PEG funds and the new Administrative Assistant II position will be funded 25% from the PEG funds.</p>				
110-1400-511-1118		Extra Help/Seasonal (City Secretary)	\$ 12,662	
110-1400-511-1220		Retirement/Pension	\$ 1,849	
110-1400-511-1221		Social Security (FICA)	\$ 184	
110-1400-511-1223		Workers Compensation	\$ 12	
110-1400-511-1224		Unemployment Insurance	\$ 270	
110-0000-318-0000		<b>Fund Balance Reserved/Vital Statistic Preservation Funds</b>		<b>\$ 14,977</b>
<p>Increase personnel expenditure accounts to cover the cost of a Records Assistant part-time position for October 1, 2007 thru September 30, 2008. Funds are available from fund balance reserve for the monies collected from prior years for Vital Statistic Preservation.</p>				
110-1900-519-1113		Technical (ITS)	\$ 66,056	
110-1900-519-1126		Longevity	\$ 192	
110-1900-519-1220		Retirement/Pension	\$ 9,672	
110-1900-519-1221		Social Security (FICA)	\$ 961	
110-1900-519-1222		Group Insurance	\$ 1,865	
110-1900-519-1223		Workers Compensation	\$ 124	
110-1900-519-1224		Unemployment Insurance	\$ 270	
110-0000-352-1345		<b>Designated Capital Projects - Technology Replacement Funds</b>		<b>\$ 79,140</b>
<p>Transfer funding for H.T.E. Project Manager position from Designated Capital Projects- Technology Replacement Funds to fund this position from October 1, 2007 thru September 30, 2008.</p>				
110-1900-519-1113		Technical (ITS)	\$ 20,016	
110-1900-519-1220		Retirement/Pension	\$ 2,922	
110-1900-519-1221		Social Security (FICA)	\$ 290	
110-1900-519-1222		Group Insurance	\$ 1,866	
110-1900-519-1223		Workers Compensation	\$ 37	
110-1900-519-1224		Unemployment Insurance	\$ 162	
110-0000-315-1900		<b>Fund Balance Reserved/Designated - Public Education Government (PEG) Access Channel</b>		<b>\$ 25,293</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**December 6, 2007**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
Increase personnel expenditure accounts to cover the cost of a Communication Specialist position for October 1, 2007 thru September 30, 2008. This position will be funded 40% from ITS operating budget and 60% from fund balance reserve for the monies collected from prior years for Public Education Government Access Channel (PEG). The PEG funds are designated from the Time Warner 1% franchise funds for PEG Channel and are restricted to funding for our government access channel.				
110-2000-521-2516		Judgments & Damages (Police Dept.)	\$ 438	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 438</b>
Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple				
110-2000-521-6231	100350	OCU Seized Funds - Federal (Police Dept.)	\$ 2,138	
110-0000-313-0330		<b>Federal Seized Funds</b>		<b>\$ 2,138</b>
Federal Seized Funds are needed to purchase forfeited 2001 Ford Excursion				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 623	
110-1500-515-6531		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 623</b>
Attorney fees for lawsuit filed against the City -- Centex Investments, Inc v. City of Temple				
110-5935-552-6310	100297	Buildings & Grounds (Capital - Parks)		\$ 1,821
110-0000-445-1587		Donations - Parks & Recreation	\$ 1,821	
To decrease the original appropriation of revenue and associated expenditure related to the partnership grant with GameTime/Total Recreation Products, Inc. in the amount of \$1,821. The original grant request was for the amount of \$23,391. The actual amount received is \$21,570, resulting in a difference of \$1,821. The City purchased equipment at a cost of \$43,139 with the City's share of the play structure being \$21,569.50 and the grant's share of the play structure being \$21,569.50.				
260-3200-551-1118		Extra Help/Seasonal (Recreation - Grant)	\$ 39,434	
260-3200-551-1221		Social Security	\$ 3,100	
260-3200-551-2110		Office Supplies	\$ 1,000	
260-0000-431-0163		Federal Grants		\$ 43,534
Appropriate funds to be received from Temple ISD to fund the after-school programs. TISD has received federal funding from the Texas Education Agency for the 21st Century Learning Center Program. The local name for this project is the Family FOCUS Project. This is the fourth year of a five year grant.				
351-1900-519-6221	100353	Computer Software (ITS)	\$ 14,000	
351-0000-490-2582		Transfer In - General Fund		\$ 7,000
351-0000-461-0865		Miscellaneous Reimbursements		\$ 7,000
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 7,000	
110-0000-352-1345		<b>Designated Capital Projects - Technology Funds</b>		<b>\$ 7,000</b>
To appropriate the contribution received from McCreary, Veselka, Bragg, & Allen, PC in the amount of \$7,000 to pay for one-half of the cost of a modification to the Court system in H.T.E. The City will pay for one-half of the cost from Technology Funds.				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**December 6, 2007**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
561-5000-535-1112		Professional (UR Bonds)	\$ 38,799	
561-5000-535-1126		Longevity	\$ 26	
561-5000-535-1220		Retirement/Pension	\$ 5,669	
561-5000-535-1221		Social Security (FICA)	\$ 563	
561-5000-535-1222		Group Insurance	\$ 2,255	
561-5000-535-1223		Workers Compensation	\$ 822	
561-5000-535-1224		Unemployment Insurance	\$ 203	
561-0000-461-0111		Interest Income		\$ 48,337
361-1500-515-1112		Professional (CO's)	\$ 12,933	
361-1500-515-1126		Longevity	\$ 9	
361-1500-515-1220		Retirement/Pension	\$ 1,890	
361-1500-515-1221		Social Security (FICA)	\$ 188	
361-1500-515-1222		Group Insurance	\$ 752	
361-1500-515-1223		Workers Compensation	\$ 274	
361-1500-515-1224		Unemployment Insurance	\$ 68	
361-0000-461-0111		Interest Income		\$ 16,114
Funding for the CIP Project Manager position. This position is being funded with interest earnings from bond proceeds issued for the FY 2007 CIP projects. 75% of the salary and benefits for the CIP Project Manager is being funded from the Series 2006 Utility Revenue Bonds and 25% of the salary and benefits is being funded from the Series 2006 Certificates of Obligation.				
561-5000-535-6912		Capitalized Administrative Costs	\$ 38,386	
561-0000-461-0111		Interest Income		\$ 38,386
361-9100-591-8110		Transfer Out - General Fund	\$ 12,795	
361-0000-461-0111		Interest Income		\$ 12,795
110-0000-490-2582		Transfer In - Bond Fund (361)		\$ 12,795
110-0000-352-1345		<b>Designated Capital Projects - Unallocated</b>	<b>\$ 12,795</b>	
Funding for the Senior Accountant position. This position is being funded with interest earnings from bond proceeds issued for the FY 2007 CIP projects. 75% of the salary and benefits for the Senior Accountant is being funded from the Series 2006 Utility Revenue Bonds and 25% of the salary and benefits is being funded from the Series 2006 Certificates of Obligation.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 389,437</b>	<b>\$ 389,437</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning <b>Judgments &amp; Damages</b> Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(4,890)
Net Balance of Judgments & Damages Contingency Account			\$	65,110
Beginning <b>Master Plan Implementation</b> 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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**December 6, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Compensation Plan</b> Contingency	\$	150,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	150,000
		<b>Net Balance Council Contingency</b>	\$	<b>465,110</b>
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	904,672
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(12,300)
		Net Balance of Contingency Account	\$	892,372
		Beginning <b>Compensation Plan</b> Contingency	\$	30,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	30,000
		Beginning <b>Approach Mains</b> Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(141,419)
		Net Balance of Approach Mains Contingency Account	\$	358,581
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	<b>1,280,953</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	20,126
		Beginning <b>Compensation Plan</b> Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	8,000
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	<b>28,126</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning <b>Compensation Plan</b> Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	2,000
		<b>Net Balance Drainage Fund Contingency</b>	\$	<b>3,495</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2008 BUDGET**  
**December 6, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	<b>86,477</b>

**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.**

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**Whereas**, on the 23<sup>rd</sup> 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 6<sup>th</sup> 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

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12/06/07  
Item #5  
Regular Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing the renaming of “Industrial Boulevard” to “Central Pointe Parkway,” from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance on first reading, and schedule second reading and final adoption of the ordinance for December 20, 2007.

**ITEM SUMMARY:** At its meeting on November 28, 2007, the Board of Directors for Tax Increment Financing Reinvestment Zone No. 1 recommended changing the name for a portion of “Industrial Boulevard,” the section from Northwest Loop 363 westward through a planned extension of Industrial Boulevard west of Old Howard Road,” to “Central Pointe Parkway.” The proposed street name does not conflict with other names in Temple. The two affected property owners, McLane Group and McLane Company, have been contacted and are supportive of the proposed name change.

While the City’s naming policy for public streets and facilities, Resolution #2002-3395-R, makes it clear that changing the name of an existing street should not be considered lightly, it does allow for name changes when doing so is in the best interest of the community. The name changing policy provides that “if a . . . street is proposed to be renamed, it is recommended that only street for a geographic location, outstanding feature or a subdivision be considered for renaming” (conversely, the policy provides that streets named for a particular person should almost never be changed).

The portion of Industrial Boulevard that is proposed to be renamed is less “industrial” in nature than the portion of Industrial Boulevard to the east, and the entire area that has been renamed “Central Pointe” in the City’s and TEDC’s marketing efforts (including the recent entrance signs). The naming of this street brings additional attention to the area known as Central Pointe and furthers the purpose of providing a connection to the City’s newest economic development parks.

**FISCAL IMPACT:** None

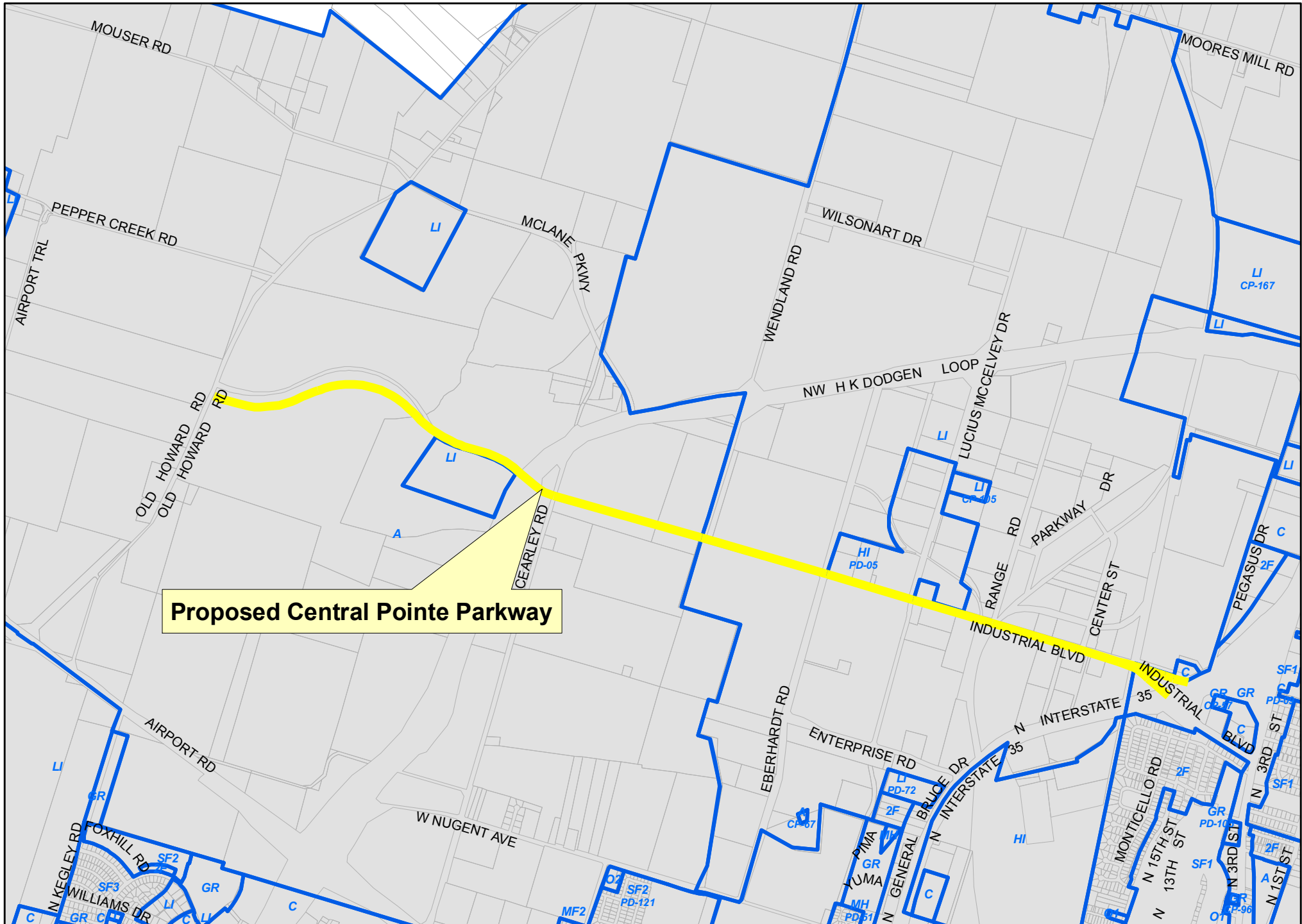
### **ATTACHMENTS:**

[Map](#)  
[Ordinance](#)





# Proposed Road Name Change



**Proposed Central Pointe Parkway**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RENAMING *INDUSTRIAL BOULEVARD* TO *CENTRAL POINTE PARKWAY*, FROM THE WESTERN BOUNDARY OF LOOP 363 AND CONTINUING THROUGH A PLANNED EXTENSION OF INDUSTRIAL BOULEVARD WEST OF OLD HOWARD ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, at its meeting on November 28, 2007, the Reinvestment Zone Committee unanimously recommended renaming Industrial Boulevard to Central Pointe Parkway from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road;

**Whereas**, the Staff concurs in this recommendation and feels that the change will be beneficial as a significant contribution to the enhancement of the quality of life in the community; and

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

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

**Part 1:** The City Council approves renaming *Industrial Boulevard* to *Central Pointe Parkway* from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.

**Part 2:** The City Council directs the Street Department of the City of Temple, Texas, to make and place the appropriate signs on said streets after the effective date of this ordinance.

**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 upon its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **December**, 2007.

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

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/06/07  
Item #6  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-08-02: Consider adopting a resolution authorizing a zoning change from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres.

**STAFF AND P&Z COMMISSION RECOMMENDATION:** At its meeting on November 19, 2007, the Planning and Zoning Commission voted 8/0 in accordance with the Staff recommendation to recommend approval of a zoning change from A to UE. Commissioner Norman was absent. Staff recommends approval of the zoning request from A to UE for the following reasons:

1. The request complies with the Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will service the site.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-08-02, from the Planning and Zoning meeting on November 19, 2007. This zoning change application tracks with case P-FY-08-05 for a subdivision proposed to be called Overlook Ridge Estates. The applicants, Turley Associates/Trey Gallaway, request UE, Urban Estates zoning for the subject property to be used for single-family houses.

The draft minutes show that one citizen was concerned that “institutional and educational uses” are permitted in the UE, Urban Estates zoning district. It was explained that in Temple, all residential districts allow these uses and that the size of the proposed lots in the Overlook Ridge Estates plat makes it unlikely that such uses would locate in the subject area. In addition, it was explained that often subdivisions have deed restrictions that would prevent such activity in the first place. The Planning & Zoning Commission had no concerns with the case and voted without discussion.

Sixteen notices of the Planning & Zoning Commission public hearing were sent out. As of Monday, November 26, 2007 at 8 AM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on November 9, 2007 in accordance with state law and local ordinance.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Future Land Use Map  
Zoning Map  
Arial  
Notice Map  
P&Z Staff Report (Z-FY-08-02)  
P&Z Minutes (11/19/07)  
Ordinance



Z-FY-08-02

24.384 Acres

OB 2752B-A, City Addition


 Area of Proposed Variance


### CLUP

#### Agricultural

 AGRICULTURE

#### Residential

 LOW DENSITY (UE)

 MOD DENSITY (SF1, SF2, SF3, MH, 2F)

 MED DENSITY (MH, 2F, TH, MF1)

 HIGH DENSITY (MF2)

#### Commercial

 OFFICE (O1, O2)


 RETAIL (NS, GR)


 COMMERCIAL (C, CA)


#### Mixed Use


 MIXEDUSE (MU)


#### Industrial


 INDUSTRIAL (LI, HI)


 Warehouse/Distribution

 Manufacturing/Distribution

 Bio-Science/Technology


 Corporate Campus & Office

 Aviation Industrial Dvmt


 Fwy Com/Tech/Indust


 Intermodal


#### Community Facilities

 COMMUNITYFACILITY


 CF-E (EDUCATIONAL)

 CF-G (GENERAL)

 CF-R (RESIDENTIAL)

 CF-M (MEDICAL)

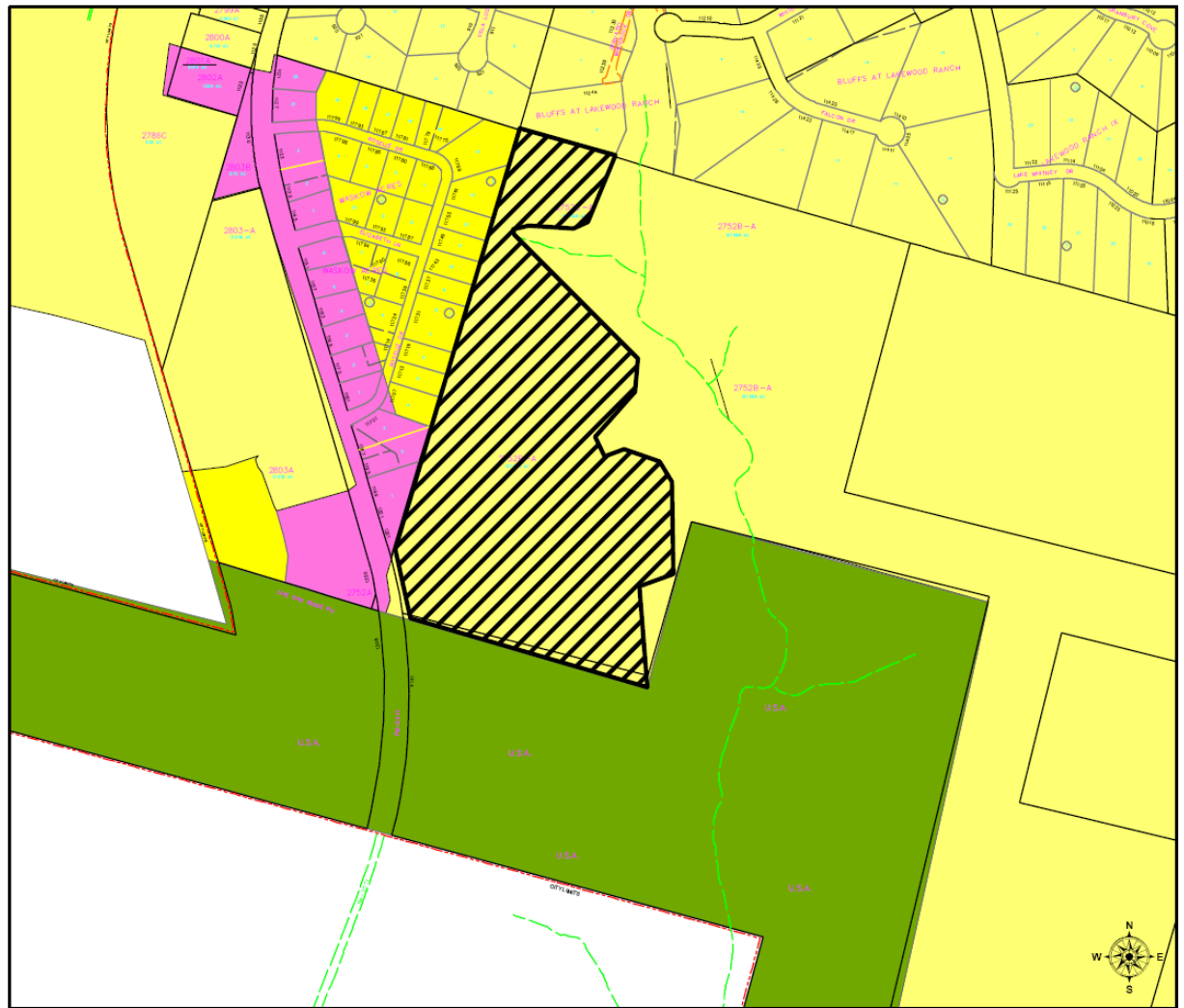
#### Park Land

 PROPOSED FLOATING PARK

 PARKS

#### Downtown

 DOWNTOWN



A to UE

1 inch equals 500 feet

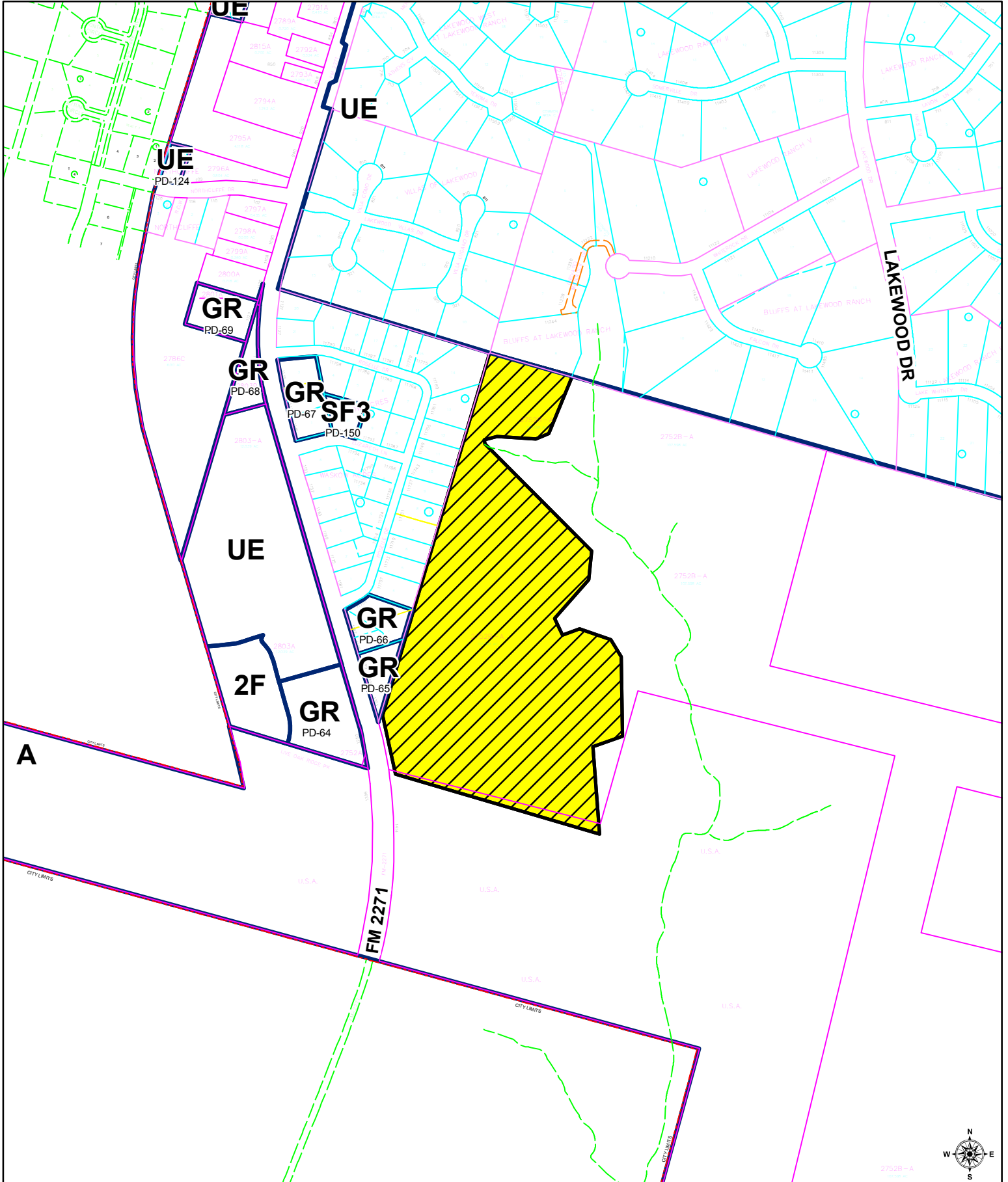
J Stone 11.01.07



Z-FY-08-02

24.384 Acres

OB 2752B-A, City Addition



Area of Proposed Zone Change

A to UE

1 inch equals 500 feet

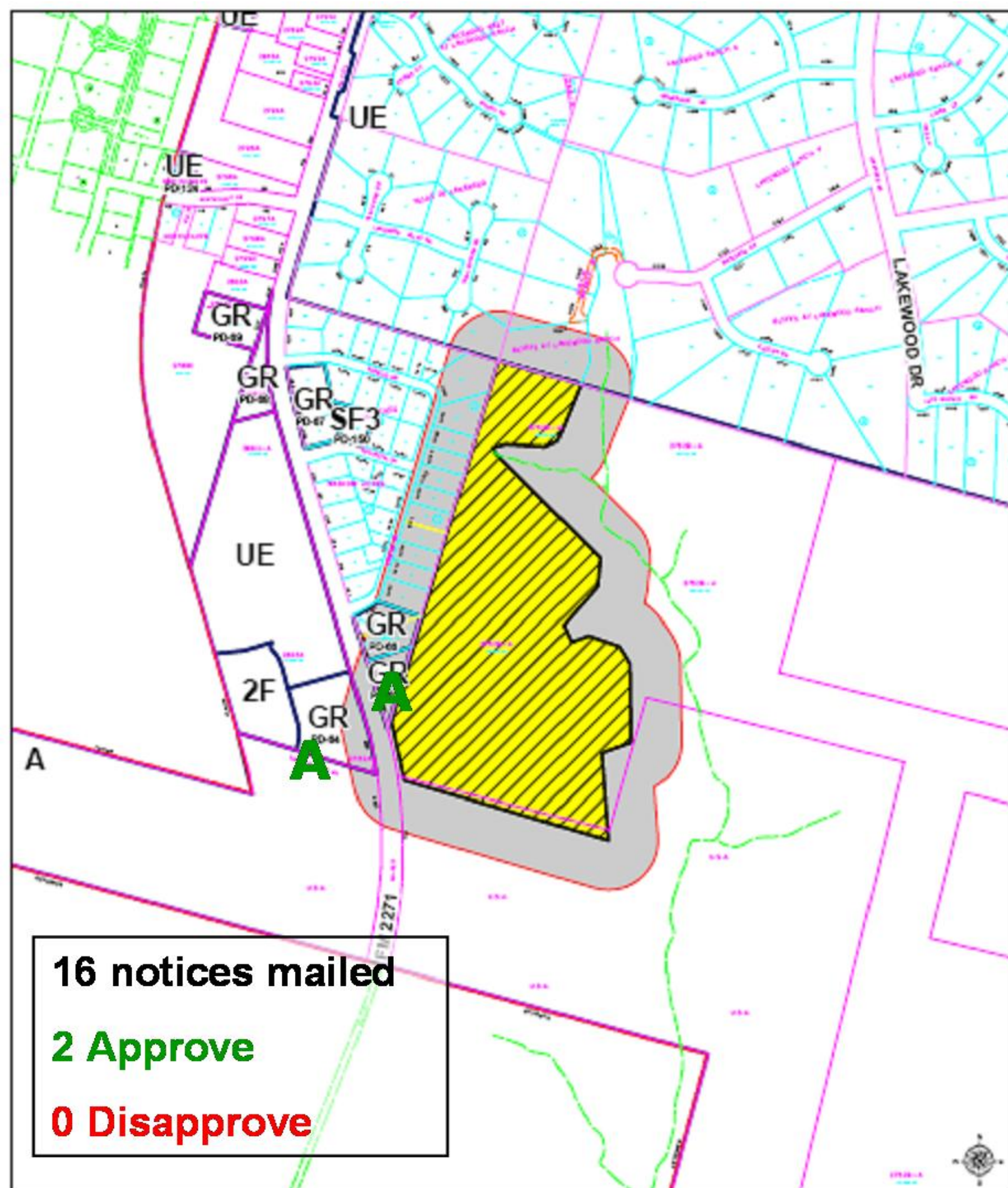
J Stone 11.02.07





 Area of Proposed Zone Change





 Area of Proposed Zone Change  200' Buffer A to UE

1 inch equals 500 feet

J Stone 11.02.07



# PLANNING AND ZONING COMMISSION AGENDA ITEM

11/19/07  
Item 3  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Trey Gallaway c/o Turley & Associates / Overlook Ridge Estates

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-08-02 Hold a public hearing to consider a zone change request from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres. (Applicant: Turley Associates/Trey Gallaway)

**BACKGROUND:** This zone change application tracks with case P-FY-08-05 for a subdivision proposed to be called Overlook Ridge Estates. The applicant requests UE, Urban Estates zoning for the subject property to be used for single-family houses.

## **Surrounding Property and Uses**

The following table shows the existing zoning and current land uses abutting the subject property:

Direction	Zoning	Current Land Use
North	UE	Single-family residential subdivision
East	A	Vacant
South	A	Vacant
West	GR (PD)	Vacant
	A	Single-family residential subdivision

The GR (PD) zoning for the two vacant properties to the west of the subject property allows all GR, General Retail uses and allows boat sales and storage. In addition, along with all other recently rezoned nonresidential properties on FM 2271, the PD requires a residential look to all buildings, limited signs and increased screening of parking areas.

A zoning request should be reviewed for compliance with the Comprehensive Plan.

## **Future Land Use Plan & Future Trends**

The Future Land Use Map shows Low Density Residential as the future land use category for the subject property. This category recommends the UE, Urban Estates District. The zoning request complies with the Future Land Use Plan.

## **Thoroughfare Plan**

FM 2271 is designated as a local street on the Thoroughfare Plan; however, it functions as a minor arterial road, serving major movements of traffic between different areas of the City. The Thoroughfare Plan says that residential uses should not have direct access to minor arterials. The plat for this development prohibits direct access to FM 2271, so the zoning request complies with the Thoroughfare Plan.

### Adequacy of Public Facilities

The plat for this development establishes an 8" water line to serve the subdivision. Septic systems will be used instead of sewer. Adequate public facilities will serve the development.

### Development Regulations

The UE, Urban Estates District accommodates large lot single-family residential developments. This district is suitable for estate development or areas in which it is desirable to permit only low-density development. Projects should typically be rural in character and well buffered from more intensely developed uses.

Permitted land uses include, but are not limited to single-family detached dwellings, educational uses and institutional uses. The UE District prohibits all residential uses other than single-family detached and prohibits most nonresidential uses.

The UE District has the following dimensional requirements for residential uses.

<b>Urban Estates (UE)</b>	
<b>Min. Lot Area (sq. ft.)</b>	22,500
<b>Min. Lot Width (ft.)</b>	80
<b>Min. Lot Depth (ft.)</b>	125
<b>Max. Height (stories)</b>	3
<b>Min. Yard (ft)</b>	
Front	30
Side	15
Rear	10

### Public Notice

Sixteen notices were sent out. As of Wednesday November 14, 2007 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on November 9, 2007 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning request from A to UE for the following reasons:

1. The request complies with the Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will service the site.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Land Use Map  
Zoning Map  
Aerial  
Application  
Public Notice Map

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, NOVEMBER 19, 2007**

**ACTION ITEMS**

3. **Z-FY-08-02** Hold a public hearing to consider a zone change request from Agricultural District to Urban Estate District on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres. (Applicant: Turley Associates/Trey Gallaway)

Mr. Brian Mabry, Senior Planner, presented this item. He said this zone change request tracks with the proposed plat for Overlook Ridge Estates requesting Urban Estate zoning to be used for single-family houses. Mr. Mabry displayed graphics of the property from near the entrance to the proposed subdivision. He also displayed a zoning map of the area, an aerial, and the public notice map of the area. Mr. Mabry went over surrounding property and uses, the Future Land Use Plan and future trends, the Thoroughfare Plan, adequacy of public facilities, and development regulations. He said there would be an 8" water line to serve the proposed subdivision and septic systems would be used instead of running sewer lines in that area. Mr. Mabry said Staff recommends approval of the zone change request because the request complies with the above requirements for the Urban Estates District. He said sixteen notices were mailed to surrounding property owners within 200 feet. Two notices were returned in favor of the request and none were returned in opposition of the request.

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

Mr. Victor Turley, 301 N. 3<sup>rd</sup> Street, representative for the applicant, addressed the Commission. He spoke in favor of the zone change request.

Ms. Morgan, 11244 Whiterock Drive, addressed the Commission. She asked if the property in question could be used as a multi-family use such as Churches, institutional uses, medical facilities, etc. Mr. Mabry said the Zoning Ordinance lists different types of uses that are permitted in each zoning district and in this particular one there are institutional uses allowed which usually in residential areas, it would be Churches. He said the size of the lots make it so that it would be hard to allow a clinic or something of that type. Mr. Mabry said often subdivisions would have separate restrictions for the property. Ms. Morgan asked about a particular part of the property and what the potential use would be. Mr. Mabry replied that it was part of one of the residential lots shown on the proposed plat.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-02, by Commissioner Secrest; seconded by Commissioner Martin.

Motion passed. (8/0)

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

(Zoning No. Z-FY-08-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO URBAN ESTATES DISTRICT (UE) ON APPROXIMATELY 24.384 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 2752B-A, CITY ADDITION, LOCATED ON THE EAST SIDE OF FM 2271, EAST OF WASKOW ACRES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to Urban Estates District (UE) on approximately 24.384 acres of land commonly known as Outblocks 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres, in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading on the **6<sup>th</sup>** day of **December**, 2007.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** 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

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12/06/07  
Item #7  
Regular Agenda  
Page 1 of 2

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

Aaron Adel, Special Projects Planner

**ITEM DESCRIPTION:** P-FY-07-61: Consider adopting a resolution approving the final plat of Eagle Oaks At The Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305, west of FM 2271, in Temple's Western ETJ with the developer's requested exception for block length.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission unanimously recommended approval of this final plat.

**STAFF RECOMMENDATION:** Staff recommends approval of this plat, subject to an exception to the Subdivision Ordinance, Chapter 33-91(b) requested by the developer.

**ITEM SUMMARY:** This plat was reviewed by the Design Review Committee (DRC) on October 8<sup>th</sup> and November 5, 2007, and considered administratively complete on November 13, 2007. It meets the requirements of the Subdivision Ordinance with one exception requested by the applicant. The Preliminary Plat of Eagle Oaks at the Lake (approved in 2004) did not contain any exceptions identified by the design professional. (It is staff's preference that all exceptions be identified at the preliminary plat stage.)

In a letter dated October 9, 2007, the developer's engineer requested an exception to allow for a block length of approximately 1,400 ft. on Eagle Landing Drive. This requested exception affects the following provision:

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?
Sec. 33-91(b)	Maximum block length of 1,000 ft. Lengths up to 1,200 ft. can be approved administratively	This portion of Eagle Landing Drive connects the previous phases of Eagle Oaks at the Lake (Phase I & II) to Cen-Tex Sportsman Club RD on the west which provides an additional access point for the subdivision.	Yes

Park fees in the sum of \$4,725 are required for this proposed subdivision. The Planning and Zoning Commission unanimously recommended approval of this final plat. Please refer to the Staff Report and draft minutes of case P-FY-07-61, from the Planning and Zoning Commission meeting, November 19, 2007 for more information.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Plat](#)  
[Applicant's Exception Request](#)  
[P&Z Staff Report](#)  
[P&Z Minutes](#)  
[Resolution](#)



STATE OF TEXAS  
COUNTY OF BELL

THAT, EDANBRA DEVELOPMENT, L.C., BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS EAGLE OAKS AT THE LAKE, PHASE III, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BY:

Brad Dusek, President  
Edanbra Development, L.C.  
A Texas Limited Liability Company

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRAD DUSEK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

NOTARY PUBLIC, STATE OF TEXAS

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007, BY THE BELL COUNTY COMMISSIONERS' COURT AND MAY BE FILED FOR RECORD IN THE PLAT RECORDS OF BELL COUNTY, TEXAS.

COUNTY JUDGE

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

NOTARY PUBLIC, STATE OF TEXAS

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 SECRETARY, PLANNING & ZONING

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF EAGLE OAKS AT THE LAKE, PHASE III, WITHIN THE CITY LIMITS OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

CITY SECRETARY

BELL COUNTY PUBLIC HEALTH DISTRICT CERTIFICATE

THE BELL COUNTY PUBLIC HEALTH DISTRICT, THE LICENSING AUTHORITY FOR ON-SITE SEWAGE DISPOSAL IN BELL COUNTY, TEXAS, HEREBY CERTIFIES THAT THIS SUBDIVISION HAS BEEN EVALUATED FOR ON-SITE DISPOSAL. IN ITS CURRENT CONDITION, THE PROPOSED SUBDIVISION MEETS OR EXCEEDS THE MINIMUM STANDARDS ESTABLISHED BY THE BELL COUNTY BOARD OF HEALTH.

SANITARIAN DATE:

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 THIS PLAT.

ANTHONY D. BEACH, P. E. DATE  
REGISTRATION NUMBER 64801

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.

CHARLES C. LUCKO, R.P.L.S. DATE  
REGISTRATION NO. 4636  
DATE SURVEYED: OCTOBER 2006

OWNER:

EDANBRA DEVELOPMENT, L.C.

CITY OF TEMPLE  
MONUMENT INFORMATION:

ALL BLOCK CORNERS FOUND OR SET HAVE BEEN PLACED IN CONCRETE. FINAL LOT CORNERS WILL BE PLACED AFTER CONSTRUCTION OF ROADS AND UTILITIES ARE COMPLETE.

ACS MONUMENTS ARE 3 1/4" ALUMINUM MONUMENTS MARKED ACCORDINGLY.

FINISHED FLOOR ELEVATION SHALL BE A MINIMUM OF 1' ABOVE HIGHEST EXISTING GROUND ELEVATION ADJACENT TO THE PROPOSED BUILDING FOOTPRINT. IT SHALL BE THE BUILDERS RESPONSIBILITY TO ENSURE ADEQUATE DRAINAGE AWAY FROM THE BUILDING.

FINAL PLAT OF

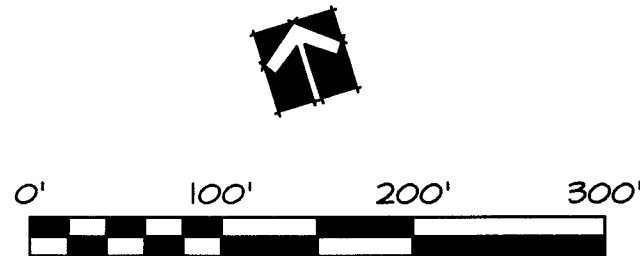
# EAGLE OAKS AT THE LAKE PHASE III

WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

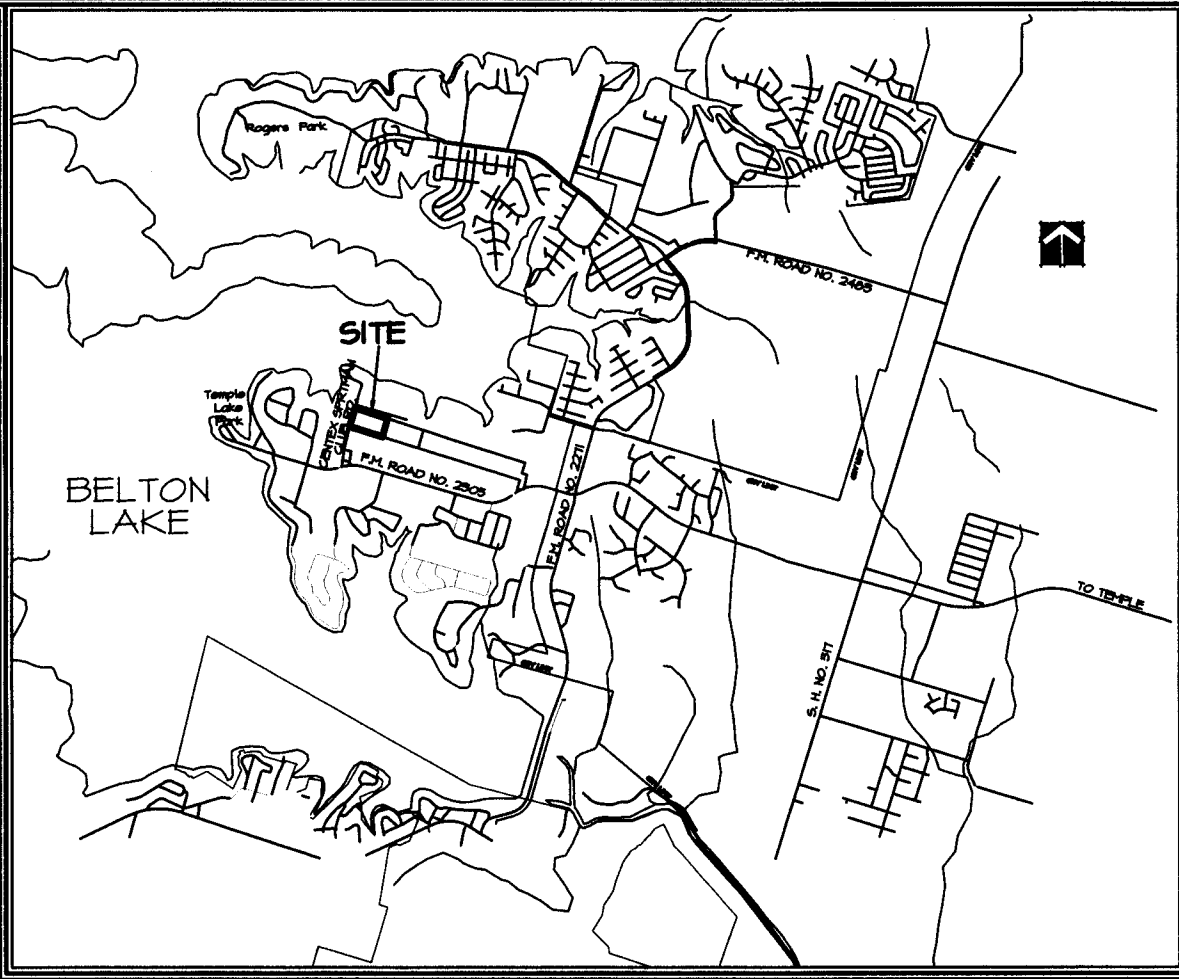
Being part of the S. P. Terry Survey, Abstract No. 812, Bell County, Texas, and being a portion of that called 54.2 acre tract described in a deed to C & D JOINT VENTURES, LTD., of record in Volume 44471, Page 145 of the Official Public Records of Real Property of Bell County, Texas.

This plat is to accompany a metes and bounds description of the herein shown 12.64 acre tract.

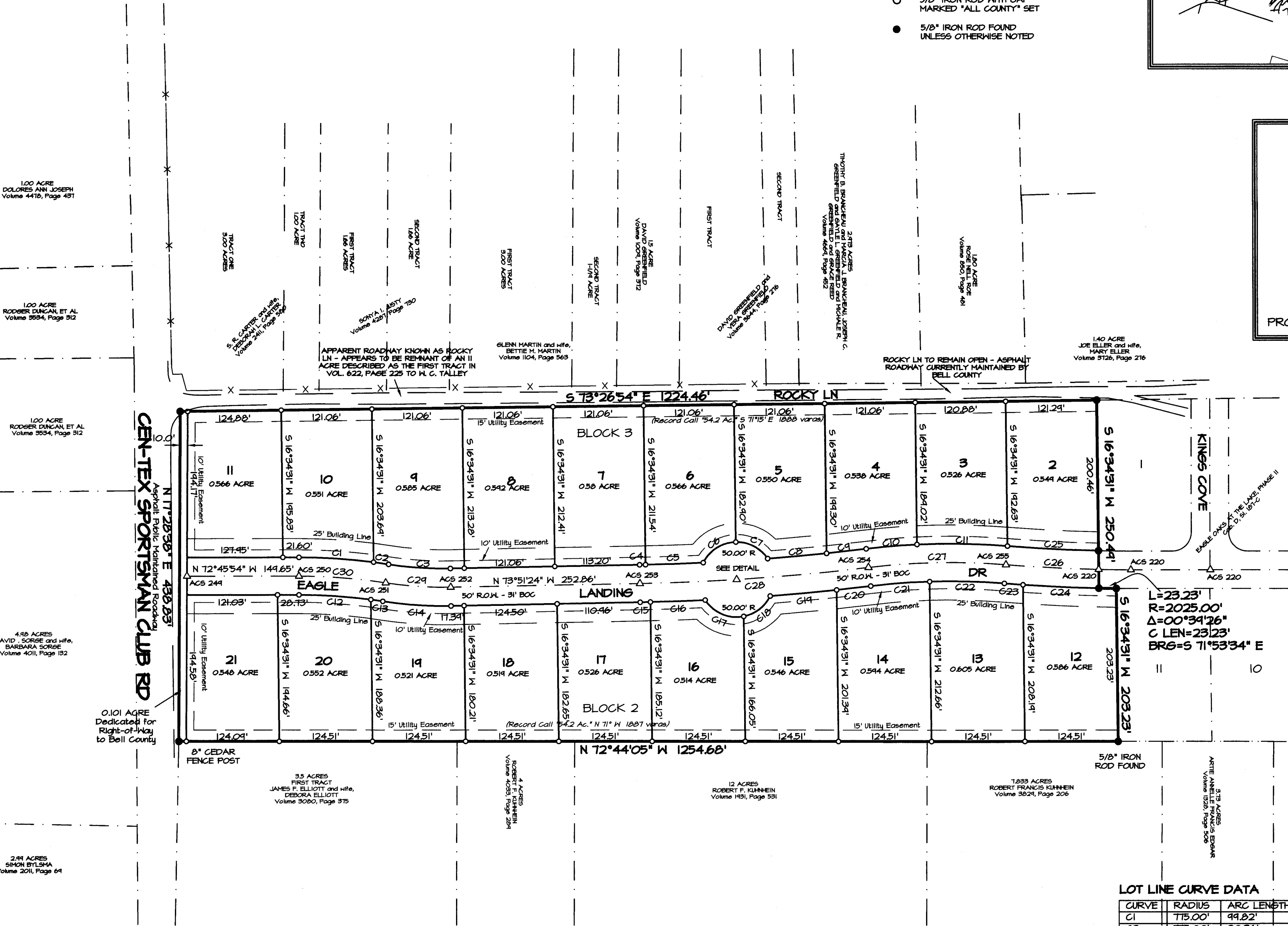
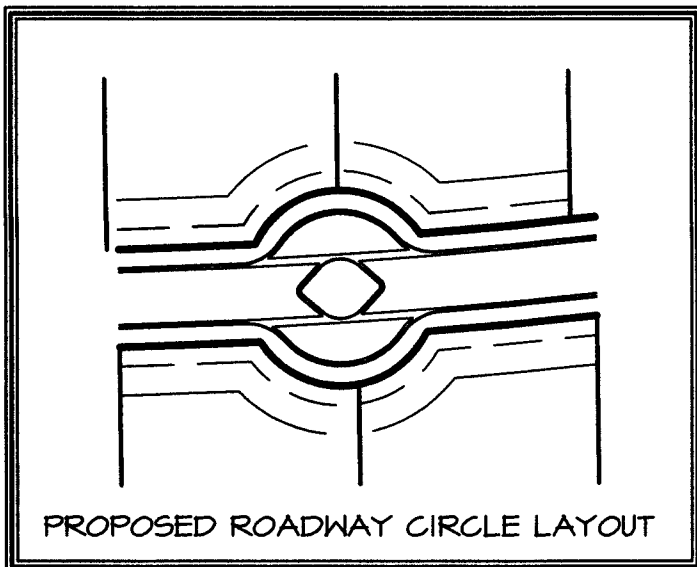
LOTS - TWENTY (20)  
BLOCKS - TWO (2)  
AREA - 12.64 ACRES  
AREA WITHIN R.O.W. - 1.78 ACRE



- 5/8" IRON ROD WITH CAP MARKED "ALL COUNTY" SET
- 5/8" IRON ROD FOUND UNLESS OTHERWISE NOTED



VICINITY MAP  
DETAIL



ACS MONUMENT TABLE		
MON. NO.	NORTHING	EASTING
ACS 244	10387460.410	3186614.361
ACS 250	10388124.511	3186762.289
ACS 251	10387180.653	31866210.260
ACS 252	10387180.305	3186651.366
ACS 253	10387180.001	3187144.252
ACS 254	10387104.488	3187442.324
ACS 255	10387169.884	3187168.188
ACS 256	10387146.120	3187310.258

LOT LINE CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	715.00'	44.52'	44.75'	N 64°04'31" W	01°22'41"
C2	715.00'	20.36'	20.36'	N 64°31'51" W	01°30'14"
C3	475.00'	82.11'	82.61'	N 68°52'06" W	01°58'36"
C4	2475.00'	7.81'	7.81'	N 73°55'51" W	00°04'05"
C5	2475.00'	71.31'	71.30'	N 74°45'04" W	01°24'20"
C6	50.00'	53.46'	51.36'	N 75°00'20" E	61°50'14"
C7	50.00'	50.08'	41.41'	N 45°24'52" W	51°20'02"
C8	2474.43'	78.45'	78.45'	N 77°55'06" W	01°51'14"
C9	2474.43'	53.42'	53.42'	N 74°13'44" W	01°01'42"
C10	425.00'	60.13'	68.11'	N 77°35'44" W	04°13'12"
C11	425.00'	121.02'	120.93'	N 77°44'20" W	01°24'46"
C12	725.00'	46.14'	46.01'	S 68°51'54" E	01°38'51"
C13	725.00'	16.24'	16.24'	S 64°31'25" E	01°11'15"
C14	525.00'	91.42'	91.30'	S 68°52'06" E	01°58'36"
C15	3025.00'	13.55'	13.55'	S 73°54'06" E	00°15'24"
C16	3025.00'	73.42'	73.42'	S 74°48'31" E	01°23'26"
C17	50.00'	54.11'	55.71'	S 44°48'51" E	61°41'55"
C18	50.00'	46.21'	44.64'	S 64°46'24" W	53°01'36"
C19	3025.00'	84.04'	84.04'	S 77°54'31" E	01°41'12"
C20	3025.00'	45.90'	45.90'	S 74°16'20" E	00°52'10"
C21	875.00'	74.03'	74.01'	S 77°01'04" E	05°10'31"
C22	875.00'	44.84'	44.83'	S 77°15'40" E	06°52'21"
C23	2025.00'	24.84'	24.84'	S 68°20'32" E	00°42'10"
C24	3025.00'	101.48'	101.48'	S 73°01'44" E	02°52'15"
C25	1475.00'	121.33'	121.33'	N 64°45'14" W	03°31'35"

CENTER LINE CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C26	2000.00'	123.43'	123.91'	S 64°45'51" E	03°33'01"
C27	400.00'	184.04'	183.71'	S 73°50'56" E	11°42'58"
C28	3000.00'	306.32'	306.18'	S 76°46'54" E	05°10'10"
C29	500.00'	86.45'	86.45'	S 68°52'06" E	01°58'36"
C30	750.00'	116.31'	116.14'	S 68°19'21" E	06°53'06"

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 THE RESPONSIBILITY OF THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS' COURT OF BELL COUNTY, TEXAS. SAID 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.

BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON FEDERAL INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 480706 0045 B, DATED FEBRUARY 15, 1984, THE ABOVE SHOWN PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA", AND APPEARS TO BE SITUATED IN ZONE C. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THIS TRACT WILL NEVER FLOOD, NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THIS SURVEYOR OR COMPANY.

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 HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT NO. 500. THE THETA ANGLE AT CITY MONUMENT NO. 500 IS 01°28'21". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999821. GRID DISTANCE = SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT NO. 500 TO THE SOUTHEAST CORNER OF THIS 12.64 ACRE TRACT IS N 64°55'31" W, 455.264 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 500 ARE N = 10,385,821.50 E = 3,142,018.10

AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY, 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 THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007 A. D.

BY: \_\_\_\_\_  
BELL COUNTY TAX APPRAISAL DISTRICT

RECORDATION INFORMATION:

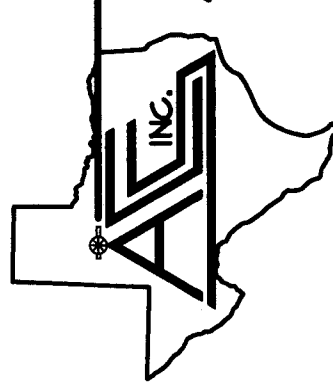
PLAT RECORDED IN CABINET \_\_\_\_\_ SLIDE \_\_\_\_\_  
PLAT RECORDS OF BELL COUNTY, TEXAS  
DEDICATION RECORDED IN DOCUMENT NO. \_\_\_\_\_  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS  
FILED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

REVISIONS:

FINAL PLAT OF  
EAGLE OAKS AT THE LAKE, PHASE III  
WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

ALL COUNTY SURVEYING, INC.

1303 South 21st Street, Temple, Texas 76504  
(254) 718-2272 FAX (254) 714-1608



Plot Date: 11-06-07

Survey completed 08-05-07  
Scale: 1" = 100'  
Job No. 948007P  
Dwg No. 146  
Drawn by DME  
Surveyor CCL 44636



RECEIVED

OCT 25 2007



City of Temple  
Planning & Development

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

October 9, 2007

Aaron Adel, AICP  
Special Projects Planner  
City of Temple  
2 North Main, Suite 201  
Temple, TX 76501

**RE: Eagle Oaks at the Lake, Phase III Block Length Waiver Request; Temple, TX**

Dear Ms. Adel:

Please accept this letter as a request for a Block Length waiver at the proposed Eagle Oaks at the Lake, Phase III Residential Development located on FM 2305 in the ETJ of Temple, Texas. The overall subject property is a long narrow strip of land approximately 56.01 acres in size connecting F.M. 2305 to Cen-Tex Sportsman Road. The proposed residential development consists of approximately 82 lots divided into three phases with Phases I & II already constructed. The proposed Phase III of this development is approximately 12.6 acres in size and will consist of 20 half acre single family residential lots.

The current City of Temple subdivision ordinance Sect. 33-91 (b) allows a maximum block length of 1,200 feet, however the proposed block length from the centerline of the existing Kings Cove roadway in Phase II to the centerline of the existing Centex Sportsman Club Road is approximately 1,400 linear feet.

Therefore, due to the property boundary restrains we request a waiver to the maximum block length of 1,200 feet.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin B. Fuller", is written over a horizontal line.

Justin B. Fuller, E.I.T.





# PLANNING AND ZONING COMMISSION AGENDA ITEM

11-19-07  
Item #5  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** Edanbra Development, LC/Eagle Oaks at the Lake, Phase III

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

**ITEM DESCRIPTION:** P-FY-07-61 Consider a recommendation to approve the final plat of Eagle Oaks At The Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305, west of FM 2271, in Temple's Western ETJ with the developer's requested exception for block length.

**STAFF RECOMMENDATION:** Staff recommends approval of the final plat and subject to the requested exception to Subdivision Ordinance, Chapter 33-91(b).

**BACKGROUND:** This plat was reviewed by the Design Review Committee (DRC) on October 8<sup>th</sup> and November 5, 2007, and was considered administratively complete on November 13, 2007. It meets the requirements of the Subdivision Ordinance with one exception requested by the applicant. The Preliminary Plat of Eagle Oaks at the Lake (approved by the Planning & Zoning Commission in October 2004) did not contain any exception identified by the design professional for staff's information. Staff requests that exceptions be identified in reviewing preliminary plats.

In a letter dated October 9, 2007, the applicant's engineer requested an exception to Subdivision Ordinance, Chapter 33-91(b) to allow for a block length of approximately 1,400 ft. on Eagle Landing Drive. This requested exception affects the following provision:

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?
Sec. 33-91(b)	Maximum block length of 1,000 ft. Lengths up to 1,200 ft. can be approved administratively	This portion of Eagle Landing Drive connects the previous phases of Eagle Oaks at the Lake (Phase I & II) to Cen-Tex Sportsman Club RD on the west which provides an additional access point for the subdivision.	Yes

Park fees in the sum of \$4,725 are required for this proposed subdivision. The City Council is the final plat authority since the applicant has requested an exception.

**ATTACHMENTS:**

Plat  
Applicant's Exception Request

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, NOVEMBER 19, 2007**

**ACTION ITEMS**

5. **P-FY-07-61** Consider a recommendation to approve the final plat of Eagle Oaks at The Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305, west of FM 2271, in Temple's Western ETJ with the developer's requested exception for the block length requirement. (Applicant: Beach & Clark/Brad Dusek)

Ms. Aaron Adel, Special Projects Planner, presented this item as outlined in the Planning and Zoning Commission Agenda. She displayed the plat of the area. Ms. Adel said this phase of the development connects Phase I and Phase II to the Centex Sportsman Club Road on the west. She displayed a utility map showing that existing water utilities serving Phases I & II will extend to serve Phase III. Ms. Adel said the preliminary plat of the entire Eagle Oaks at the Lake subdivision was approved by the Planning and Zoning Commission in October 2004. The Planning and Zoning Commission approved final plats of Phase I in January 2005 and Phase II in December 2006. Phase II received approval from City Council in January 2007. She said the applicant has requested an exception to the block length requirements of the Subdivision Ordinance. Ms. Adel said the applicant has agreed to pay the park fees required. She said Staff recommends approval of the final plat with the developer's requested exception to the block length requirement on Eagle Landing Drive. City Council will be the final plat authority due to the exception.

Motion to approve P-FY-07-61 subject to Staff recommendation by Commissioner Martin; seconded by Commissioner Kjelland.

Motion passed (8/0).

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

(ZONING NO. P-FY-07-61)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF EAGLE OAKS AT THE LAKE PHASE III, A 20 LOT RESIDENTIAL SUBDIVISION LOCATED ON THE NORTH SIDE OF FM 2305, WEST OF FM 2271, IN TEMPLE'S WESTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 19, 2007, the Planning and Zoning Commission approved the final plat of Eagle Oaks at the Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305 west of FM 2271, in Temple's western ETJ, subject to the staff recommendation regarding the developer's requested exception to the Subdivision Ordinance regarding maximum block length;

**Whereas**, there was no citizen opposition expressed at the November 19, 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 Eagle Oaks at the Lake Phase III.

**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 Eagle Oaks at the Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305, west of FM 2271, in Temple's 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 exception to the Subdivision Ordinance: *Section 33-91(b)* authorizing a maximum block length of greater than 1,200 feet.

**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 6<sup>th</sup> day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution supporting the development and funding of the northwest Loop 363 Project, and urging the Texas Transportation Commission and the Texas Department of Transportation to make this project a top priority and to execute a Pass-Through Finance Agreement with the City of Temple.

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

**ITEM SUMMARY:** As Council will recall, the City has had a project for the improvement the NW Loop 363 for several years. The project was originally scoped to include completion of the frontage roads (but not the main lanes), an overpass and rail spur relocation and some interchange work at SH 36 and SH53 and the Loop. A few years ago the City made a delegation appearance before the Texas Department of Transportation Commission and pledged support for the project by offering to acquire the necessary right of way, relocate the utilities and pay \$5,000,000 toward the project.

Over the past few months the City has been pursuing another approach toward not only getting the above improvements, but expanding the scope of the work to include the total and complete build out of the NW Loop. This new approach is a new tool the State Legislature made available to TxDOT called 'pass thru financing'. In essence, PTF allows another entity, like a city, to take over a project, complete it and have TxDOT pay the entity back over time based on a negotiated agreement between the entity and TxDOT.

Earlier this year (via Resolution #2007-5013-R) Council authorized the City to engage Pate Transportation Partners ('Pate') to assist the City with putting together an application for submission to TxDOT for PTF consideration of the project. City staff, Pate and TxDOT Waco offices have been diligently pursuing this option over the past few months. While much work has gone into getting costing information that is critical to the application, timing issues of when to file the application have also been a significant factor. All of the above is substantially complete and it is timely to file the application.

One of the items needed in the application is a resolution that provides a general expression of support by the City Council of the proposed Loop 363 Project and urges the Texas Transportation Commission and the Texas Department of Transportation to make the Loop 363 Project a top priority, and for those agencies to enter into a pass through financing agreement with the City. The Loop 363 , as described in Exhibit "A" attached to the Resolution, includes the completion of main lanes and frontage lanes primarily in what is commonly described as the "northwest Loop 363," but also includes high-speed connectors on the both the south and north ends of the northwest Loop as they intersection with I-35. Our cost estimates for this total build out are \$210,000,000.

The exact extent of the Loop 363 Project and its cost (and the City's share of those costs) are subject to negotiation with the Texas Transportation Commission and the Texas Department of Transportation. A pass through financing agreement involves a commitment by the local taxing entity (in our case the City of Temple) to finance certain improvements through the sale of bonds and a commitment by the State of Texas acting through the Texas Transportation Commission) to reimburse the taxing entity on an agreed upon not-to-exceed amount and at an agreed upon rate of repayment (usually based upon observe vehicles per mile of usage).

We will present an overview of the Loop 363 Project during discussion of this agenda, and outline the process for attempting to negotiate a pass through financing agreement with the Texas Transportation Commission and the Texas Department of Transportation and securing their approval of an Agreement. The City will also be soliciting letters of support from our State representatives, Bell County, K-TUTS, and local businesses.

**FISCAL IMPACT:** The resolution itself is an expression of support for a project and an indication of the City's willingness to negotiate a pass-through financing agreement for the Loop 363 project with the State. The actual terms of any financial commitment by the City would be subject to City Council approval and action at some future date.

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION 2007-\_\_\_\_-R

A RESOLUTION OF THE CITY COUNCIL OF TEMPLE, TEXAS RELATING  
TO THE DEVELOPMENT AND FUNDING OF THE LOOP 363 PROJECT

**WHEREAS**, one of the purposes of the City of Temple is to foster and encourage activities that benefit the economic well-being of the citizens of this area; and

**WHEREAS**, an adequate transportation network and the mobility it provides is critical to both the economic vitality and the quality-of-life of the City and its citizens; and

**WHEREAS**, the City of Temple and Bell County have been working toward the identification of transportation facilities that are critical to the future of the City of Temple, Bell County and the State of Texas; and

**WHEREAS**, the development of the Loop 363 Project, which includes the completion of main lanes and frontage lanes on Loop 363 west of I-35, and high-speed connectors to I-35, has been identified as a transportation priority for the region; and

**WHEREAS**, the development of the Loop 363 Project will improve the mobility of the region; and

**WHEREAS**, the development of the Loop 363 Project will improve the safety of the citizens of the City of Temple by providing an adequate detour for Interstate 35 traffic and commerce as that portion of I-35 in Bell County is rehabilitated and expanded; and

**WHEREAS**, the development of the Loop 363 Project will facilitate continued economic growth by allowing well-planned development in a pre-existing industrial zone; and

**WHEREAS**, the development of the Loop 363 Project will provide ongoing relief to I-35 long after the completion of the I-35 expansion by offering local traffic an alternative route through Temple and Bell County;

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

**Part 1:** That the City Council of the City of Temple supports the development and funding of the Loop 363 Project, as described in Exhibit “A,”

attached hereto and incorporated herein for all purposes and urges the Texas Transportation Commission and the Texas Department of Transportation to make this project a top priority and execute a Pass-Through Finance Agreement for the development of the Loop 363 Project.

**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 **1<sup>st</sup>** day of **November**, 2007

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney

**Exhibit ‘A’  
NW Loop 363  
Temple, Texas**

**Project Background and Rationale:**

In June, 2002 a delegation from the City of Temple (‘City’) made a presentation to the Transportation Commission asking TxDOT to consider expanding and improving the NW Loop 363 in Temple (NW Loop). The NW Loop is critical to the City and Texas for a number of reasons, including:

1. NW Loop 363 provides a vital transportation link for multiple businesses in Temple’s North Industrial Park - Pactiv, Wilsonart, Walmart Distribution Center and others. (Most recently, Gulf States Toyota announced it’s plan to construct a vehicle processing center in the Park. The Toyota plant alone, scheduled to open in 2011, will generate approximately 12,000 trucks a year in and out of the plant. )
2. Equally important, NW Loop will provide the alternative route to I-35 when the segment through the City is reconstructed. It will allow I-35 construction to be done more quickly, cost-effectively and safely.

When initially presented to the Commission, the project was proposed to include the construction of frontage roads only (i.e. no main lanes), the relocation of a rail spur, the construction of a railroad overpass and the improvement of one interchange. At the time, the City offered the following participation for the project:

- acquire the necessary right-of-way;
- relocate the necessary utilities; and
- \$5M in cash 45 days prior to the letting of the contract for the project

The Commission accepted the project and the related terms and conditions.

**Recent Developments:**

With the passage of HB 3588 in 2003 and the advent of pass-through financing, the City approached Waco District Engineer Richard Skopik about the opportunity to pursue the NW Loop in greater scope and on a faster schedule using pass-through financing. The Waco District agreed the project was a prime candidate for pass-through financing. The City also approached TxDOT Austin and received positive indications and suggestions to continue further planning and discussion of pass-through financing for the NW Loop. The City subsequently engaged Pate Transportation Partners (Pate) to assist in the approach and development of the project as a PTF project.

### **Current Proposed Approach:**

Most recently, as a result of turmoil in state and federal transportation funding, the Waco District has proposed a phased approach to the full development of the NW Loop. This proposed two-phased approach is being preliminarily supported by both the Waco District and the City. It proposes, in essence, to build the original scope as a first phase and the construction of the main lanes and two major intersections as a second phase. The second phase will be implemented upon the occurrence of some pre-determined set of triggers (for instance, the approval to proceed with the I-35 reconstruction at which point the main lanes will be a necessity).

1. Phase I with construction costs (no design, ROW, etc.) of approximately \$120,000,000:
  - i. Construct frontage roads
  - ii. Construct Interchange @ SH 36 and SH 53
  - iii. Construct BNSF RR grade separation
  - iv. Construct Wendland Road overpass
  - v. Construct I-35 direct connectors
2. Phase II with construction costs of approximately \$90,000,000:
  - i. Construct main lanes
  - ii. Construct Industrial Blvd overpass
  - iii. Re-construct FM 2305/Loop Interchange

It should be noted that these cost estimates are very preliminary and based on earlier estimates of building the entire NW Loop project in one letting. The cost figures are also not directly broken down pursuant to Phase I and Phase II. The \$210 million estimate is only accurate as it relates to the entire build-out of the NW Loop Project in one letting with a notice to proceed in July of 2009. The above approach also contemplates the following letting schedule, which is the latest, best estimate from TxDOT:

NW Loop, Phase I ....	2008-2011
NW Loop, Phase II ...	2013-2015
I-35 ...	2015-2019



## COUNCIL AGENDA ITEM MEMORANDUM

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one member to the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors to fill an expired term through September 1, 2009 and designate the Chair of the board for 2008.

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

**ITEM SUMMARY:** Perry Cloud's position on the Reinvestment Zone No. 1 Board of Directors expired September 1, 2007. We recommend the position be filled at this time.

Chapter 311 of the Tax Code, Tax Increment Financing Act, specifies that each year the governing body of the municipality shall appoint one member of the board to serve as chairman for a term of one year that begins on January 1 of the following year. The board of directors may elect a vice-chairman to preside in the absence of the chair.

Perry Cloud is currently serving as Chair of the TIF RZ No. 1 Board of Directors. Please see the attached board member list.

We recommend the Council appoint one member to the board of directors to fill the expired term through September 1, 2009 and designate one member of the board to serve as Chair for a one year term beginning January 1, 2008.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[RZ No. 1 Board Member List](#)

# REINVESTMENT ZONE NUMBER ONE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS

APPOINTED BY: C.C., TJC, BELL COUNTY, & TISD

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Marty Janczak <a href="mailto:marty@earthstonesgranite.com">marty@earthstonesgranite.com</a>	09/04	2008	3149 Kegley Dr. 76502 (w) 5703 Windcliff Dr 76502 (h)	773-4028 W 534-0659 M
John R. Bailey <a href="mailto:john@johnbaileyfinancial.com">john@johnbaileyfinancial.com</a>	09/05	2009	4106 Spanish Oak Temple, TX 76502	774-8882 W 774-8883 Fax 760-1486 M
David Patterson <a href="mailto:David.patterson@patcoconstructionllc.com">David.patterson@patcoconstructionllc.com</a>	09/05	2009	2116 West Avenue H Temple, TX 76504	771-2228 W 771-0728 Fax 760-9199 H
Jack W. Jones, Jr. (Temple College Rep.) <a href="mailto:jackj@vvm.com">jackj@vvm.com</a>	08/07 appt.by TC	2009	P O Box 3310 Temple, TX 76505	774-7167 H 771-1855 W 760-0827 M
Randy Ramsey <a href="mailto:rramsey@extracobanks.com">rramsey@extracobanks.com</a>	09/05	2009	5310 Briarcrest Cr. Temple, Texas 76502	774-5825 W 774-5848 Fax 718-8364 M
Mark Whitaker <a href="mailto:markwhitaker@bcswlaw.com">markwhitaker@bcswlaw.com</a>	09/05	2009	3710 Wendy Oaks Temple, TX 76502	774-8333 W 742-1418 H
Bruce Walker <a href="mailto:lumber@vvm.com">lumber@vvm.com</a>	09/04	2008	1106 North 13 <sup>th</sup> St Temple, Texas 76501	773-2609 W 541-1897 M
Gail Peek <a href="mailto:peek@vvm.com">peek@vvm.com</a>	09/06	2008	3409 Whispering Oak Temple, Texas 76502	778-7892 H/W 493-2000 M
Steve Wright (TISD Rep.) <a href="mailto:steve@wrightbuilders.com">steve@wrightbuilders.com</a>	6/06 appt.by TISD	2009	Wright Builders 1618 Canyon Crk Dr. Temple, TX 76502	778-4495 W 541-5124 M
Perry Cloud, Chair (9-05) <a href="mailto:ptcloud@cloudconstruction.com">ptcloud@cloudconstruction.com</a>	02/02	2007	P O Box 667 Temple, Texas 76503	778-1363 W 778-6492 H 778-5877 Fax
Commiss. Eddy Lange (Bell Co. Rep.) <a href="mailto:william.lange@co.bell.tx.us">william.lange@co.bell.tx.us</a>	01/05- appt.by Bell Co.	2007	P.O. Box 768 Belton, Texas 76513-076	933-5103 W 933-5179 Fax
Michael Thompson <a href="mailto:mthompson@extracobanks.com">mthompson@extracobanks.com</a>	09/06	2008	18 South Main Street Temple, TX 76501	774-5550 W
John Kiella (BISD Rep.) <a href="mailto:jkiella@kiella.com">jkiella@kiella.com</a>	09/05	2008	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
Gary Schmidt (Troy ISD Rep.) <a href="mailto:gschmidt@cnb-temple.com">gschmidt@cnb-temple.com</a>	02/2000	2008	Central National Bank P O Box 4107 Temple, TX 76505	770-1613 W 938-2429 H 770-3186 Fax
Edward Coufal (Elm Crk) <a href="mailto:edwardc@cpetem.com">edwardc@cpetem.com</a>	05/05	2009	8576 FM 3117 Temple, Texas 76501	721-9696 773-9916 W

Created pursuant to Section 311.004(a)(2) of the Tax Increment Financing Act; Ordinance 1457, December 16, 1982. **Purpose:** Make recommendations to the City Council concerning the administration of the Zone. The board of directors exercise powers necessary to implement the project plan which is delegated by ordinance of the Council. **Membership:** 15 directors - 9 appointed by the Council; 1 director each of every taxing entity with levies taxes within the Zone, currently: TC, TISD, BISD, Troy ISD, Bell County and Elm Creek Water District. To be eligible for appointment to the board an individual must be a qualified voter of the municipality or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality. **Term:** 2 years

Revised 11/20/07



## COUNCIL AGENDA ITEM MEMORANDUM

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

David Blackburn, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution appointing the Assistant City Manager to the Board of Directors of the Temple Business Incubator to fill an expired term through November 1, 2010.

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

**ITEM SUMMARY:** This governing board was established in 2004 to assist with the development of the Temple Business Incubator, originally known as the Small Business Development Center, which is located in the building owned by Temple College Foundation at the corner of Adams Avenue and Main Street.

Jonathan Graham, City Attorney, has been serving on this board for the past several years and his term expired November 1, 2007. We recommend Kim Foutz, Assistant City Manager, be appointed to this board as the City's representative for a three year term, through November 1, 2010.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

None