



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, JANUARY 17, 2008

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss the City's current landscape ordinance.
2. Receive an update and discuss the City's Compensation Study, including the recommendation for market identification.
3. Receive an update and discuss the City's Fire/EMS Master Plan Study.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 17, 2008 as follows:

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC 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. PRESENTATIONS AND RECOGNITIONS

3. (A) [Recognition of Texas Senior Games supporters](#)
(B) [Presentation regarding the *Tree for Me* Program](#)

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) [January 3, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5289-R](#): Consider adopting a resolution authorizing the purchase of a LeeBoy 685B motor grader from Conley Lott Nichols of Waco in the amount of \$105,835.66.

- (C) [2008-5290-R](#): Consider adopting a resolution authorizing a water system availability agreement with the Brazos River Authority.
- (D)
 - 1. [2008-5291-R](#): Consider adopting a resolution authorizing submission of a Storm Water Management Program to the Texas Commission on Environmental Quality (TCEQ).
 - 2. [2008-5292-R](#): Consider adopting a resolution authorizing a professional services agreement with Jacobs, Carter and Burgess (JC&B) of Fort Worth for preparing an updated Drainage Master Plan (2008) in an amount not to exceed \$ 199,050.

Ordinances - Second and Final Reading

- (E)
 - 1. [2008-4188](#): SECOND READING – Consider adopting an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and the Temple Police Department.
 - 2. [2008-5293-R](#): Consider adopting a resolution approving a budget amendment to fund the costs associated with the addition of four (4) new Fire Control and Rescue Officers and the costs associated with sending nine (9) firefighters to the paramedic program beginning in January 2008, in the amount of \$176,334.

Misc:

- (F) [2008-5294-R](#): Consider adopting a resolution setting the fee for processing credit card payments for Municipal Court fees, fines, court costs and other charges.
- (G) [2008-5295-R](#): Consider adopting a resolution accepting the annual Child Care Standards report form Parks and Leisure Services Department.
- (H) [2008-5296-R](#): Consider adopting a resolution authorizing revisions to the City of Temple's Personnel Policies and Procedures Manual.
- (I) [2008-5297-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

V. REGULAR AGENDA

ORDINANCES

- 5. (A) [2007-4186](#): FIRST READING – PUBLIC HEARING - Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.
- (B) [2007-4187](#): FIRST READING – PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

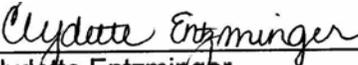
6. [2008-4193](#): FIRST READING – PUBLIC HEARING – Z-FY-08-06: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street.
7. [2008-4194](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 33, Subdivisions, Section 93, Streets, of the Code of Ordinances to provide that permanent monuments shall be placed in accordance with survey and monumentation standards.

RESOLUTIONS

8. [2008-5298-R](#): PUBLIC HEARING - Consider adopting a resolution authorizing an amendment to the Fiscal Year 2006-2007 CDBG Annual Action Plan to fund \$100,000 for the Ferguson Park Splash Pad Expansion project.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:50 PM, on January 11, 2008.



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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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION:

- (A) Recognition of Texas Senior Games supporters
- (B) Presentation regarding the *Tree for Me* Program

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

ITEM SUMMARY:

- (A) Parks and Leisure Services would like to recognize the supporters of the 2007 Texas Senior Games.
- (B) Ken Cicora would like to show a brief video and give an update on the *Tree for Me* Program.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

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

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) January 3, 2008 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

January 3, 2008 Special Called Meeting & Regular Meeting

TEMPLE CITY COUNCIL

JANUARY 3, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 3, 2008 at 3:30 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

1. Discuss the market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater.

David Blackburn, City Manager, stated the contract for a feasibility study was tabled at the last Council meeting with a request to discuss the item in work session before taking action. Since Councilmember Schneider was not present, Mr. Blackburn recommended the Council table this item again.

Mr. Blackburn provided the City Council with some background information regarding this item. After the City acquired this property, a citizen committee was formed to assist the City in exploring all opportunities for redevelopment of the property. Two responses were received to our Request for Proposals but one was later withdrawn. Mr. Blackburn reviewed the proposal submitted by Astin Development L.P., which included a full service hotel, top floor ballroom/club area, full historic renovation of exterior faces and coordination/connection with the Arcadia Theater. Mr. Blackburn noted that Astin's proposal was conditioned upon a feasibility study, with them splitting the cost with the City. The committee recommended the City proceed with a feasibility study by independent consultants based on various factors, which included consideration for the highest and best use of the properties in the entire block and the parking lot east of the Hawn.

Councilmember Jeter agreed that the City needs to look at the highest and best use of the property and not lead the consultants to any conclusions. He asked if the area of the study should be expanded to possibly include Martin Luther King, Jr. Drive. He asked how the adjacent areas relate to what is being done here.

Mr. Blackburn stated there is a parking study underway which will be complete in about four weeks. We will bring the draft parking study to the Council in a future work session.

Mayor Jones recommended deferring this item until February when the new Councilmember will be seated.

2. Presentation on Municipal Separate Storm Sewer System (Ph.2) permit application required by Texas Commission on Environmental Quality.

David Blackburn, City Manager, stated this requirement is an unfunded mandate from the State. Staff has been charged with integrating existing practices and procedures to meet these new guidelines and minimize the costs associated with new practices.

Michael Newman, Assistant Director of Public Works/City Engineer, presented this report to the City Council. He began with some background leading up to these requirements. Mr. Newman explained the Phase II Texas Pollutant Discharge Elimination System (TPDES) requirements are for the City to develop and implement a storm water management program, SWMP, that will reduce the discharge of pollutants to the maximum extend practicable, protect water quality, and satisfy six minimum control measures, with full implementation within five years.

Next, Mr. Newman discussed the process the City used to develop the proposed SWMP and identify the six minimum control measures. Ordinances will be required to implement the requirements for illicit discharge, erosion control and post construction measures. Mr. Newman also discussed the estimated cost for implementation of these requirements, both new and existing costs. The proposed Drainage Master Plan 2008 update will include a rate study to fund the TCEQ mandated MS4 storm water management plan and local CIP projects. Mr. Newman stated the permit application to TCEQ for the SWMP will be presented to Council for approval at the next meeting, along with authorization to award a contract to Jacobs, Carter and Burgess to update the Drainage Master Plan.

4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 3, 2008.

Regarding regular agenda item 5, Mr. Blackburn stated paramedic training has been suspended for ALS, Advanced Life Support, for the past several years. Due to retirements, injuries and other circumstances, he is recommending the paramedic training commence once again to replenish the ranks and maintain the current levels of service. This will require the addition of four firefighters.

Traci Barnard, Director of Finance, stated these new positions are being funded with the \$250,000 set aside in the budget for the Master Plan implementation.

3. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Secretary. No final action will be taken.

Mayor Jones stated the City Council would enter into executive session at this time, approximately 4:30 p.m.

The regular session was reconvened at approximately 5:00 p.m., with no action being taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 3, 2008 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Rev. Shelton C. Rhodes, Greater Zion Church of God in Christ, voiced the Invocation.

2. Pledge of Allegiance

Tim Dolan, Planning Director, led the Pledge of Allegiance to the United States flag.

II. PUBLIC COMMENTS

There were no Public Comments made at this meeting.

III. CONSENT AGENDA

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

(A) December 20, 2007 Special Called Meeting and Regular Meeting

(B) 2008-5284-R: Consider adopting a resolution authorizing the purchase of two cardiac monitors/defibrillators from Zoll Medical Corporation of Chelmsford, MA in the amount of \$31,950.06.

(C) 2007-4782: SECOND READING - Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

(D) 2007-4783: SECOND READING - Consider adopting an ordinance approving 0.268 acres of partial street abandonments of North Main Street (between Lots 4 and 3, Block 30, Moore's First Addition) and West Calhoun Avenue (between North Main Street and the west property line of Lot 2, Block 30, Moore's First Addition), with the retention of a 1,700 square foot easement along West Calhoun Avenue.

(E) 2007-4784: SECOND READING - Z-FY-08-04: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 10-100 regarding Vehicle Parking Regulations and Section 11-100, Off-Street Loading Regulations of the Zoning Ordinance.

(F) 2008-5285-R: Consider adopting a resolution authorizing the use of \$30,159 in Child Safety Funds to add and upgrade school zones and cross walks.

(G) 2008-5286-R: Consider adopting a resolution accepting the 2006-2007 Risk Management Annual Report.

(H) 2008-5287-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving consent agenda, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

IV. REGULAR AGENDA

ORDINANCES

4. (A) 2007-4785: FIRST READING - PUBLIC HEARING - Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

(B) 2007-4786: FIRST READING - PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

Mayor Jones stated this item was presented at the December 20th Council meeting and the public hearing was conducted and suspended to this meeting. Action on the item was tabled at the December 20th meeting due to the absence of one

Councilmember and the fact that these items will require four votes of the Council since the Planning & Zoning Commission recommended denial. Due to the absence of one Councilmember from this meeting, Mayor Jones recommended this item be tabled again.

Motion by Councilmember Tony Jeter to table ordinances 4(A) &(B), with first readings set for January 17, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

5. 2008-4787: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and Temple Police Department.

David Blackburn, City Manager, began with some introductory comments. Amy House, Director of Human Resources, presented the details of this item. She explained that Civil Service Law requires the Council to establish the classifications and number of positions in each classification in the Police and Fire Departments. The study being performed by ESCI recommends that the City train firefighters to become paramedics in order to maintain the current Advanced Life Support (ALS) status. In order to maintain minimum staffing levels while the Fire Department sends nine firefighters to paramedic school, it is recommended that four additional Fire Control and Rescue Officer positions be added. Ms. House reviewed the costs associated with these new positions. A budget amendment for funding will be presented to Council on second reading of the ordinance.

Mr. Blackburn expressed thanks to Chief Wallace and the firefighters for maintaining ALS services in the community. The steps being taken today will help maintain these services for the future. He also recognized Dr. Robert Greenberg, the City's Medical Director.

Dr. Greenberg stated we are trying to maintain the services we are already providing. This is a level of service that is expected in this community and it is important to get these paramedics trained. The training will be performed at Temple College and will be overseen by Dr. Greenberg.

Councilmember Jeter asked if there will be continual training or just for these nine personnel.

Mr. Blackburn stated he envisioned a certain level of paramedic training will need to be maintained in the future to keep up the advanced life support service being provided. He recommended a continual, systemic approach integrated into what is being done in Temple Fire and Rescue.

Chief Wallace stated the class will be selected on a voluntary basis. They have had

ten apply and they will need to put more personnel into classes in the future. Forty-eight is the magic number to maintain the current system and level of service. Nine is a manageable number to put through the class with the four new firefighters to fill in as needed.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item.

Stephen Paine expressed his support of this action. This is a very good system to have in place in the City.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading set for January 17, 2008, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

RESOLUTIONS

6. **2007-5279-R: Consider adopting a resolution authorizing an agreement with PKF Consulting of Houston, Texas to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater for an amount not to exceed \$69,500.**

Mayor Jones suggested this item be tabled for several meetings to allow the vacant Council position to be filled so a full Council can discuss and consider this item.

Motion by Mayor Pro Tem Patsy E. Luna to table resolution, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

7. **2008-5288-R: P-FY-08-11: Consider adopting a resolution authorizing the final plat of the proposed Vasicek Subdivision, one single family lot on a 1.86 acre tract of land located at the southwest corner of Riggs Road and Knob Creek Road in Temple's Eastern ETJ, subject to developer requested exceptions to the Subdivision Ordinance for paving, park land dedication fee, and fire protection.**

Tim Dolan, Director of Planning, presented this item to the City Council. This lot has an existing house with an expanded lot for septic tank purposes. It is 3.3 miles from the City limits in the City's ETJ. Mr. Dolan reviewed the requested exceptions, which are all supported by staff and the Planning and Zoning Commission.

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

Councilmember Tony Jeter.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

01/17/08
Item #4(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a LeeBoy 685B motor grader from Conley Lott Nichols of Waco in the amount of \$105,835.66.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 2, 2008, the City received one (1) bid for the purchase of a 10-foot wide motor grader. The sole bid is from Conley Lott Nichols of Waco and is shown on the attached bid tabulation.

The motor grader will replace a 1984 motor grader and will be used for asphalt grading work and maintaining alleys. Staff believes that the low response to the bid was due to the small size of the grader being needed as many manufacturers are not routinely manufacturing this size of unit any more. However, due to the need for the grader to go through City alleys and follow behind the asphalt zipper, which was a capital addition in FY 2007, a 10-foot wide unit is what is required to perform these necessary functions.

Staff is pleased with the products and service provided in the past by Conley Lott Nichols, and accordingly, recommends award of the purchase to them.

FISCAL IMPACT: Funding in the amount of \$98,000 is designated for this purchase in account 110-5900-531-6220, Project #100280. Additional funding is available from savings recognized on the purchase of the Street Department ¾-ton pickups (\$7,048) and a Construction Safety pickup (\$788). A budget amendment is attached for Council's approval re-appropriating these funds to account 110-5900-531-6220, thus making \$105,835.66 available for the purchase of the grader.

ATTACHMENTS:

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

Tabulation of Bids Received
 on January 2, 2008 at 2:30 p.m.
 Motor Grader

Description	Bidders
Motor Grader	Conley-Lott Nichols Waco, Texas
Motor Grader	\$105,835.66
Delivery within 120 days?	Yes
Local Preference?	No
Exceptions?	Yes
CIQ Form	Yes

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

Belinda Mattke

2-Jan-08

Belinda Mattke, Director of Purchasing

Date

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

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
110-5900-531-62-20	100280	Heavy Equipment Capital - Streets	\$ 7,836	
110-5900-531-62-13	100279	Automotive Capital - Streets		7,048
100-5900-524-62-13	100277	Automotive Capital - Const Safety		788
TOTAL.....			\$ 7,836	\$ 7,836

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

To re-appropriate funding necessary to finance the purchase a motor grader. Originally appropriated funding: \$98,000; Funding Needed: \$105,835.66; Funding Shortage: \$7,835.66.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING 17-Jan-08

WITH AGENDA ITEM? Yes No

Department Head/Division Director	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A LeeBoy 685B MOTOR GRADER FROM CONLEY LOTT NICHOLS OF WACO, TEXAS, IN THE AMOUNT OF \$105,835.66; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 2, 2008, the City received one bid for the purchase of a 10 foot wide motor grader for asphalt grading work and maintaining alleys;

Whereas, the Staff recommends purchasing the motor grader from Conley Lott Nichols of Waco, Texas, for the amount of \$105,835.66;

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

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

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

Part 1: The City Council authorizes the purchase of a LeeBoy 685B motor grader from Conley Lott Nichols of Waco, Texas, for an amount not to exceed \$105,835.66.

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

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

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

PASSED AND APPROVED this the 17th day of **January**, 2008.

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

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a water system availability agreement with the Brazos River Authority.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Brazos River Authority (BRA) has advised the City that 2,500 acre foot of water is available for purchase. The City Manager had inquired about the availability of water some months ago as the City was in the process of planning for current and future growth and development.

BRA has submitted a proposed contract for an additional 2,500 acre foot of water annually for the period beginning January 1, 2008 through August 31, 2047. The rate for the system water is \$54.50 per acre foot for fiscal year ending August 31, 2008. The system rate will be established annually by the BRA Board and is calculated by utilizing a budgeted cost of service basis considering the water supply system costs and the acre-feet of long term water sold under contract.

FISCAL IMPACT: For FY 2008, the cost of system water will be \$90,833.33. Since the contract beginning date is January 1, 2008, and ends August 31 of each year, the initial amount of pro-rated acre-feet for FY 2008 is 1,666.67 acre-feet. Beginning September 1, 2008, 2,500 acre-feet will be under contract with BRA and using the system rate of \$54.50 per acre-foot will cost the City \$136,250 in FY 2009.

Based on our current customer base of 21,847 customers, this agreement will cost system customers approximately \$0.52 per month or \$6.24 annually. These amounts will change depending on the calculation of the system rate charged by BRA.

A budget amendment is attached for Council's approval appropriating \$90,834 to account 520-5100-535-2651, BRA Water Services, from account 520-5200-535-6532, Water Contingency. This cost will be considered in future cost of service studies to determine future water rates.

ATTACHMENTS:
[Budget Adjustment](#)
[Resolution](#)

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
520-5100-535-26-51		BRA Water Services	\$ 90,834	
520-5200-535-65-32		Water Contingency		\$ 90,834
TOTAL.....			\$ 90,834	\$ 90,834

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

To fund an agreement with Brazos River Authority (BRA) to make available an additional 2,500 acre-feet of water per fiscal year to the City. The FY 2008 system rate is calculated at \$54.50 per acre-foot. This system rate will be established annually by the BRA Board and is calculated by utilizing a budgeted cost of service basis considering the water supply system costs and the acre feet of long term water sold under contract. Since FY 2008 is a partial year, only 1,666.67 acre feet is under contract. Based on the current rate of \$54.50 per acre-foot, FY 2009 cost for the 2,500 acre-feet of water would cost the City \$136,250.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING 1/17/2008

WITH AGENDA ITEM? Yes No

 Department Head/Division Director _____ Date Approved
 Disapproved

 Finance _____ Date Approved
 Disapproved

 City Manager _____ Date Approved
 Disapproved

RESOLUTION NO. 2008-5290-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A WATER SYSTEM AVAILABILITY AGREEMENT WITH THE BRAZOS RIVER AUTHORITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Brazos River Authority (BRA) has advised the City that 2,500 acre feet of water is available for purchase in response to the City's inquiry about the availability of water some months ago as the City was in the process of planning for current and future growth and development;

Whereas, BRA submitted a proposed agreement for the additional 2,500 acre feet of water annually for the period beginning January 1, 2008, through August 31, 2047;

Whereas, the rate for the system water is \$54.50 per acre foot for fiscal year ending August 31, 2008 – the system rate will be established annually by the BRA Board and is calculated by utilizing a budgeted cost of service basis considering the water supply system costs and the acre-feet of long term water sold under contract;

Whereas, for FY2008 the cost of system water will be \$90,833.33 – funds are available for this purchase but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a water system availability agreement, after approval as to form by the City Attorney, with the Brazos River Authority for an additional 2,500 acre feet of water annually for the period beginning January 1, 2008, through August 31, 2047.

Part 2: The City Council approves an amendment to the FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the 17th day of **January**, 2008.

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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Item #4(D)-(1)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of a Storm Water Management Program to the Texas Commission on Environmental Quality (TCEQ).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Carter and Burgess recently joined with another company and is now known as Jacobs, Carter and Burgess. Purchasing department considers this a transition, which should not affect Carter and Burgess' status as a currently approved professional service provider. References in this and future agenda items will be to the new company name.

On July 6, 2006 City Council authorized J,C&B in an amount of \$63,073 to assist the City of Temple with a Phase 2 Storm Water Management Plan (SWMP). This contract authorization was in anticipation of final TCEQ rule adoption requiring cities with populations less than 100,000 to submit Storm Water Management Plans. The purpose of the SWMP is to eliminate pollution discharge to creeks, rivers and lakes to the maximum extent practicable. On August 13, 2007, TCEQ issued the final Texas Pollution Discharge Elimination System (TPDES) Phase 2 Small Municipal Separate Storm Sewer System (MS4) Permit. The permit requires cities such as Temple to submit Storm Water Management Plans within 6 months, which deadline is February 11, 2008. Submitting a Storm Water Management Plan by the deadline is highly recommended to reduce susceptibility of future fines for violating state law.

Since the time of contract authorization in the summer of 2006, city staff and J,C&B consultants have held three public stakeholder meetings, toured city facilities, met with multiple city departments to prepare a SWMP suitable for submission to TCEQ for SWMP approval. More than 150 volunteer hours from the public were spent on preparing Temple's SWMP. This was a community involved process as prescribed by TCEQ.

The SWMP plan addresses 6 categories specified by TCEQ, namely they are:

- 1) Public Education / Outreach
- 2) Public Participation / Involvement
- 3) Illicit Discharge Detection / Involvement
- 4) Construction Site Runoff Control

- 5) Post Construction Storm Water Management for New Development and Redevelopment
- 6) Pollution Prevention / Good Housekeeping for Municipal Operations

To the greatest extent possible, the SWMP takes into account city work that may apply to eliminating or reducing pollutants discharging to natural waterways. The SWMP identifies 34 Best Management Practices (BMPs). An good example of a BMP is street sweeping. Collecting silt, sand, trash, debris by street sweeping before these pollutants can enter a storm drain system and discharge into creeks is considered a best management practice by the Environmental Protection Agency (EPA) and TCEQ.

The SWMP includes measurable goals and has a 5-year implementation period as prescribed by TCEQ rules. The estimated cost of implement the currently proposed SWMP, pending TCEQ approval, range from approximately \$26,620 in year one and gradually increases to \$298,294 by year five.

FISCAL IMPACT: Fiscal impacts through this SWMP plan as currently proposed (pending TCEQ approval) are estimated to range from approximately \$26,620 in year one and gradually increases to \$298,294 by year five. It is anticipated that first year expenses from SWMP are absorbable. A Drainage Master Plan 2008 Update professional services contract (also submitted for City Council consideration; see part (b) agenda item) would included drainage fee rate study to include costs incurred by the SWMP and future drainage Capital Improvement Projects. Additionally, J,C&B cost analysis of the SWMP identified one additional FTE to support implementation of the plan. Further refinement of the probable fiscal impacts and recommendations to match revenues with expenses will be included with the Drainage Master Plan 2008 Update.

ATTACHMENTS:

Hard copy is available in City Secretary's Office
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SUBMISSION OF A STORM WATER MANAGEMENT PROGRAM TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality (TCEQ) requires cities such as Temple to submit Storm Water Management Plans in an effort to eliminate pollution discharge to creeks, rivers and lakes to the maximum extent possible;

Whereas, on July 6, 2006, the City Council authorized a contract with Jacobs, Carter & Burgess (JC&B) to assist the City of Temple with a Phase 2 Storm Water Management Plan – since the time of contract authorization, City Staff and JC&B consultants have held three public stakeholder meetings, toured City facilities, met with multiple City departments to prepare a SWMP suitable for submission to TCEQ for SWMP approval – more than 150 volunteer hours from the public were spent on preparing Temple’s SWMP;

Whereas, the SWMP includes measurable goals and has a 5-year implementation period as prescribed by TCEQ rules – the estimated cost to implement the currently proposed SWMP, pending TCEQ approval, range from approximately \$26,620 in year one and gradually increases to \$298,294 by year five;

Whereas, further refinement of the probable fiscal impacts and recommendations to match revenues with expenses will be included with the Drainage Master Plan 2008 Update; 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 submission of a Storm Water Management Program to the Texas Commission on Environmental Quality (TCEQ), a copy of which is on file in the Office of the City Secretary of the City of Temple.

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

PASSED AND APPROVED this the 17th day of **January**, 2008.

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:

Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Jacobs, Carter and Burgess (JC&B) of Fort Worth for preparing an updated Drainage Master Plan (2008) in an amount not to exceed \$ 199,050.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Carter and Burgess recently joined with another company and is now known as Jacobs, Carter and Burgess. Purchasing department considers this a transition, which should not affect Carter and Burgess' status as a currently approved professional service provider.

Fiscal year 2007-2008 approved by City Council includes updating City of Temple's Drainage Master Plan formerly known as City of Temple, Texas – Drainage Basin Study (1997). Based on growth of the City, the City needs a clearer vision of maintaining and improving drainage infrastructure. The last updated Drainage Master Plan was adopted 1997.

As outlined by the attached JC&B proposal, the Drainage Master Plan (2008) update will include the following tasks:

- 1) Drainage Utility Rate Study and Recommendations: prepare summary of drainage utility rates, cost of service analysis, review potential modifications to drainage utility structure, and develop drainage utility financial model. The rate study will also consider the estimated costs for implementing the Storm Water Management Plan meeting TCEQ rules; see agenda item (a) for more details.
- 2) Update the Drainage Capital Improvement Program: geocode responses to drainage survey, determine extents of "waters" of the United States, identify regional detention opportunities, evaluate low water crossings, and prioritize drainage Capital Improvement projects.
- 3) Update Hydrologic and Hydraulic Models: obtain FEMA current effective models, update future conditions hydrology, and update hydraulic models.
- 4) Public Meetings: conduct public survey on drainage, monthly progress meetings with city staff, public meetings in each Council district, coordination meetings with area organizations, presentations to City Manager and Director of Finance, and presentations to City Council.
- 5) Policy Review and Recommendations: National Flood Insurance Program (NFIP), review

existing drainage criteria, stream bank erosion policy recommendations, and localized flooding policy recommendations.

In order that JC&B provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

- 1) Drainage Utility Rate Study and Recommendations
- 2) Update Drainage CIP
- 3) Update Hydrologic/Hydraulic Models
- 4) Public Meetings
- 5) Policy Review and Recommendations

FISCAL IMPACT: A budget amendment is presented for Council's approval appropriating \$199,050 to account 292-2900-534-2616, Professional, from account 292-0000-352-1345, Designated Capital Projects-Drainage Master Plan, to fund the drainage master plan. \$202,500 was designated in the Drainage Fund's Designated for Capital Projects-Drainage Master Plan during FY 2007 in anticipation of the need to fund a drainage master plan in FY 2008.

ATTACHMENTS:

JC&B Engineer's Proposal
Budget amendment
Resolution

January 4, 2008

Bruce Butscher, P.E.
Director of Public Works
City of Temple
3201 E. Avenue H, Bldg. A
Temple, TX 76501

Reference: Cost Proposal – 2008 Drainage Master Plan Update

Dear Mr. Butscher:

On behalf of Carter & Burgess, we are pleased to submit the enclosed cost proposal to assist the City of Temple with updating the Drainage Master Plan. This project will lay out the direction for the City's storm water program over the next several years, combining compliance with the Phase II TPDES unfounded mandate with an update of the proposed drainage CIP projects.

We look forward to working with you on this project. Please review the enclosed documents, and if you are in agreement, please forward them to the City Council for their consideration and authorization. Upon their approval, please execute both contracts and return one for our records. In the meantime, if you have any questions, please do not hesitate to call me at the number listed below.

Sincerely,

CARTER & BURGESS, INC.



Curtis B. Beitel, P.E., CFM
Associate, Project Manager
(817) 735-6158

Enclosures
Temple_DMP_CoverLetter.doc

Exhibit "A"
City of Temple - Drainage Master Plan Update
Task Labor and Expense Summary

Task No.	Task Description	Total Labor Cost	Total Expense Cost	Task Sub Total
	Series 100 - Drainage Utility Rate Study			
101	Prepare Summary of Drainage Utility Rates	\$3,920	\$50	\$3,970
102	Cost of Service Analysis	\$10,880	\$165	\$11,045
103	Review Rate Structure Modifications	\$5,220	\$77	\$5,297
104	Develop Drainage Utility Financial Model	\$11,640	\$77	\$11,717
	Series 200 - Update Drainage CIP			
201	Geocode Responses to Drainage Survey	\$4,010	\$105	\$4,115
202	Determine Extents of Waters of U.S.	\$6,640	\$374	\$7,014
203	Identify Regional Detention Opportunities	\$7,835	\$198	\$8,033
204	Evaluate Low Water Crossings	\$9,360	\$198	\$9,558
205	Prioritize Drainage CIP Projects	\$18,120	\$77	\$18,197
	Series 300 - Update H&H Models			
301	Obtain the Current Effective FEMA Models	\$1,600	\$22	\$1,622
302	Update Future Conditions Hydrology	\$16,040	\$132	\$16,172
303	Update Hydraulic Models	\$28,020	\$132	\$28,152
	Series 400 - Public Meetings			
401	Conduct Public Survey on Drainage	\$4,350	\$33	\$4,383
402	Monthly Progress Meetings with City Staff	\$14,710	\$744	\$15,454
403	Public Meetings in Each Council District	\$11,760	\$675	\$12,435
404	Coordination Meetings w/ Area Organizations	\$6,420	\$497	\$6,917
405	Presentations to City Manager/Dir Finance	\$6,570	\$360	\$6,930
406	Presentations to City Council	\$6,570	\$332	\$6,902
	Series 500 - Policy Review			
501	NFIP Program Administration	\$3,390	\$50	\$3,440
502	Review of Existing Drainage Criteria	\$7,030	\$50	\$7,080
503	Streambank Erosion Policy	\$5,220	\$72	\$5,292
504	Localized Flooding Policy	\$5,220	\$108	\$5,328
	Total Project Hours	1,390		\$199,050
	Total Project Labor Cost	\$194,525	\$4,525	\$199,050

ATTACHMENT "B"

RATE SCHEDULE FOR ADDITIONAL SERVICES

2008 DRAINAGE MASTER PLAN UPDATE

1. For purposes of compensation for Additional Services, the total hourly rates will be as follows:

LABOR CATERGORY	HOURLY RATE
Principal	\$250.00
Project Manager	\$200.00
Senior Engineer	\$160.00
Project Engineer	\$105.00
Senior Environmental Scientist	\$130.00
Junior Environmental Scientist	\$85.00
Senior GIS Analyst	\$125.00
Junior GIS Analyst	\$70.00
Clerical	\$55.00

2. Non-labor expense and subcontract expense shall be payable at invoice cost plus a 10% service charge.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND JACOBS, CARTER AND BURGESS (JC&B) OF FORT WORTH, TEXAS, FOR PREPARING AN UPDATED DRAINAGE MASTER PLAN (2008) IN AN AMOUNT NOT TO EXCEED \$199,050; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Fiscal Year 2007-08 approved by the City Council included updating the City of Temple's Drainage Master Plan formerly known as City of Temple, Texas – Drainage Basin Study (1997);

Whereas, based on growth of the City, the City needs a clearer vision of maintaining and improving drainage infrastructure;

Whereas, Jacobs, Carter and Burgess (JC&B) of Fort Worth, Texas, submitted a proposal for updating the Drainage Master Plan for an amount not to exceed \$199,050;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$199,050, between the City of Temple, Texas, and Jacobs, Carter and Burgess of Fort Worth, Texas, after approval as to form by the City Attorney, for preparing an updated Drainage Master Plan (2008).

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

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 17th day of **January**, 2008.

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:

Amy M. House, Director of Human Resources/Civil Service

ITEM DESCRIPTION: 1. SECOND READING – Consider adopting an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and the Temple Police Department.

2. Consider adopting a resolution approving a budget amendment to fund the costs associated with the addition of four (4) new Fire Control and Rescue Officers and the costs associated with sending nine (9) firefighters to the paramedic program beginning in January 2008, in the amount of \$176,334.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description (1), on second and final reading and adopt resolution as presented in item description (2).

ITEM SUMMARY: Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications in the Police Department and the Fire Department. In a report written by ESCI, the Consultant hired by the City to develop a master plan for the Fire Department, it was recommended to train additional firefighters to be paramedics. The City has not trained any new paramedics since 2000, and we have had several firefighters who were paramedics leave or retire. Paramedics are needed to maintain the Advanced Life Support (ALS) service level currently provided by the City. In order to maintain minimum staffing levels while the Fire Department sends nine (9) firefighters to paramedic school beginning in January 15, 2008, it is recommended that four (4) additional Fire Control and Rescue Officers be added at this time. These additional 4 positions will be used to fulfill staffing requirements in the future.

Staff is also recommending the word non-probationary be deleted from sections within the ordinance. This is based on the fact that eligibility requirements under Chapter 143 of the Local Government Code state that a fire fighter or police officer is not eligible for promotion unless the person has served in that fire department or police department in the next lower position or other position specified by the Commission for at least two years before the date the promotional examination is held. Chapter 143 does not require a person to be non-probationary before being eligible. In addition, since some police and fire employees are on eighteen months' probation (no prior law enforcement/paid firefighter experience) and some are on twelve months' probation (prior law enforcement/paid firefighter experience), the two year time frame could be different for persons hired on the same date. The Civil Service Commission changed the local rule for this at their meeting on October 29, 2007, by removing the non-probationary requirement.

FISCAL IMPACT: Total costs for funding these four (4) new Fire Control and Rescue Officers is approximately \$143,080 for the remainder of FY 2008 (8 1/2 months). In addition, the costs to send nine (9) firefighters to the paramedic program beginning January 15, 2008, and ending May 15, 2009, are an additional \$33,254. These costs are comprised of tuition costs for the program in the amount of \$3,150 and backfill overtime costs in the amount of \$30,105. Total impact of this program is \$176,334 for FY 2008. Total cost of this program for FY 2009 is currently estimated at \$241,660. Total cost for FY 2009 is currently estimated at \$247,444.

A budget adjustment is presented for Council's approval appropriating \$176,334 to various accounts within the Fire Department's operating budget to fund this program. Funds in the amount of \$250,000 were set aside in account 110-1500-515-6534 as contingency funds for the implementation of the Fire Department's Master Plan recommendations. After approval of this budget adjustment, \$73,666 will remain in the contingency account for future costs associated with implementation of the Fire Master Plan.

ATTACHMENTS:

[Budget Adjustment](#)
[Ordinance](#)
[Resolution](#)

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
110-2200-522-11-15		Skilled	\$ 101,192		
110-2200-522-11-19		Overtime (Backfill)	30,105		
110-2200-522-12-20		Retirement/Pension	14,327		
110-2200-522-12-21		Social Security	1,452		
110-2200-522-12-22		Group Insurance	9,600		
110-2200-522-12-23		Worker Compensation	1,346		
110-2200-522-12-24		Unemployment Ins	1,082		
110-2200-522-21-13		Clothing & Uniforms	14,080		
110-2200-522-25-14		Travel & Training	3,150		
110-1500-515-65-34		Contingency-Master Plan Implementations			\$ 176,334
TOTAL.....			\$ 176,334		\$ 176,334

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

This budget adjustment appropriates \$176,334 to implement a Paramedic Program from contingency set aside for implementation of the Fire Master Plan. \$250,000 was appropriated in the FY 2008 operating budget to fund the implementation of the Fire Master Plan. After approval of this budget adjustment, \$73,666 will remain for future costs associated with implementation of the Fire Master Plan.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING January 17, 2008

WITH AGENDA ITEM? Yes No

Department Head/Division Director	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING OUT THE CIVIL SERVICE CLASSIFICATIONS, SETTING OUT REQUIREMENTS FOR APPOINTMENT TO THE POSITIONS, AND SETTING OUT THE NUMBER OF POSITIONS IN EACH CLASSIFICATION IN THE TEMPLE FIRE DEPARTMENT AND TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the classifications in the Police Department and the Fire Department;

Whereas, in a report written by ESCI, the consultant hired by the City to develop a master plan for the Fire Department, it was recommended to add operational personnel – after a review of the staffing levels of the Temple Fire Department, it is recommended that 4 additional Fire Control and Rescue Officers be added at this time;

Whereas, Staff is also recommending the word non-probationary be deleted from sections within the ordinance based on the fact that eligibility requirements under Chapter 143 of the Local Government Code state that a fire fighter or police officer is not eligible for promotion unless the person has served in that fire department or police department in the next lower position or other position specified by the Commission for at least two years before the date the promotional examination is held – the Civil Service Commission changed the local rule for this at their meeting on October 29, 2007, by removing the non-probationary requirement; and

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

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

Part 1: The City Council establishes the following *Classifications and the Number of Positions of Certified Firefighters and Classifications and the Number of Positions of Certified Police Officers* for civil service positions in the Police and Fire Departments.

CLASSIFICATIONS AND POSITIONS
OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* - 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *DEPUTY CHIEF* - 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain for at least 2 years. In addition to base pay every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *CAPTAIN* - 22 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *DRIVER* - 27 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Fire Control and Rescue Officer, for at least 2 years. In addition to base pay every Driver having more than 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *FIRE CONTROL AND RESCUE OFFICER* - 49 Positions

No person shall be eligible for appointment as a Fire Control and Rescue Officer who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay every Fire Control and Rescue Officer having 1, 3, 5, 7, 9 and 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

CLASSIFICATIONS AND POSITIONS
OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* - 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

B. *Deputy Chief* - 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

II. CLASSIFIED POSITIONS

A. *LIEUTENANT* - 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Senior Police Officer in the Department for at least 2 years. In addition to base pay every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *Corporal* - 16 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least two years. In addition to base pay every officer who has 3, 6, 10, 15 or 20 years of service in

the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* - 90 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a police officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay every police officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

Part 2: 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 3: 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 4: 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 3rd day of **January**, 2008.

PASSED AND APPROVED on Second and Final Reading on the 17th day of **January**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A BUDGET AMENDMENT TO FUND THE COSTS ASSOCIATED WITH THE ADDITION OF 4 NEW FIRE CONTROL AND RESCUE OFFICERS AND THE COSTS ASSOCIATED WITH SENDING 9 FIREFIGHTERS TO THE PARAMEDIC PROGRAM BEGINNING IN JANUARY, 2008, IN THE AMOUNT OF \$176,334; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 17, 2008, the City Council passed an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and Temple Police Department;

Whereas, the ordinance provided for the addition of 4 new Fire Control & Rescue Officers and the costs associated with sending 9 firefighters to the paramedic program beginning in January, 2008;

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

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

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

Part 1: The City Council authorizes an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, to fund the costs associated with the addition of 4 new Fire Control and Rescue Officers and the costs associated with sending 9 firefighters to the paramedic program beginning in January, 2008, in the amount of \$176,334.

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 **17th** day of **January**, 2008.

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:

Dana Karl, Municipal Court Administrator

ITEM DESCRIPTION: Consider adopting a resolution setting the fee for processing credit card payments for Municipal Court fees, fines, court costs and other charges.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In February 2008, the City of Temple Municipal Court will begin accepting payments by credit cards for fees, fines, court costs and other charges over the internet. Local Government Code, 132.003(b) allows the governing body of a municipality to set the processing fee for processing payments by credit card in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card. The fee may not be set in an amount that exceeds 5% of the amount of the fee, fine, court cost, or other charges being paid.

The City is currently charged a fee that averages 2.2% for similar credit card payments. We propose a processing fee of 2.2% be charged to customers paying Municipal Court fees, fines, court costs and other charges with a credit card.

Currently, Official Payments Corporation is processing the credit card payments for Municipal Court. The contract with Official Payments Corporation will be terminated. The City will now process the credit card payments for Municipal Court instead of a third party processing the payments.

FISCAL IMPACT: The fees incurred by the City to process the credit card payments will be recovered in the processing fee charged to the customers.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE FEE FOR PROCESSING CREDIT CARD PAYMENTS FOR MUNICIPAL COURT FEES, FINES, COURT COSTS AND OTHER CHARGES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law allows the governing body of a municipality to set the processing fee for processing payments by credit card in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit;

Whereas, in February, 2008, the Municipal Court will begin accepting payments by credit cards for fees, fines, court costs and other charges over the internet – currently, Official Payments Corporation is processing the credit card payments for Municipal Court;

Whereas, the Staff recommends terminating that agreement and proposes a 2.2% fee charged by the City for credit card payments;

Whereas, the fees incurred by the City to process the credit card payments will be recovered in the processing fee charged to customers; 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 sets the fee for processing credit card payments for Municipal Court fees, fines, courts costs and other charges at 2.2%.

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 17th day of **January**, 2008.

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

01/17/08
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution accepting the annual Child Care Standards report form Parks and Leisure Services Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department. The standards were developed after the Parks and Leisure Services Department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for Cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check done on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees (this is not a new procedure – it has been the City’s policy for several years)
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.
- Assuring parents that they will be notified immediately if a:
 - (1) participant is injured
 - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness)

(3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year.
- Requiring the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

Attached is the report for 2007. The report recommends no changes are needed to the policy at this time.

FISCAL IMPACT: None

ATTACHMENTS:

[2007 Child Care Standards Report Resolution](#)

Parks and Leisure Services Department
Child Care Standards Annual Report
2007

Throughout the 2007 year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at the Wilson Recreation Center, Thornton Elementary, Western Hills Elementary, and Kennedy Powell Elementary. The department also organized summer camp (Camp Heatwave), spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

The after-school programs run concurrent with the Temple I.S.D. calendar, including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and holidays, the schedule adjusted to a full day.

The children are provided with good quality recreation programs such as arts and crafts, athletics, tutoring, etc. The children are also given a snack. The after school programs are staffed with part-time employees but supervised by a full time Recreation Coordinator and Recreation Specialist.

<u>Location</u>	<u>Attendance (daily average)</u>	
	2006	2007
Wilson Recreation Center	12	20
Thornton Elementary	40	40
Western Hills	25	40
Kennedy Powell	56	70

Camps

Camp Heatwave at the Wilson Recreation Center was a 12 week program that was staffed with part-time employees and a full-time Recreation Specialist. They were supervised by a Recreation Coordinator. The same also occurred with Camp Holidayze and Camp Adventure, except they were each one week long programs.

The summer camp's schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children brought a sack lunch, but they were provided an afternoon snack.

This summer we partnered with the Temple Independent School District's FOCUS program and were able to secure 21 spaces for their kids. These children were paid for by a grant from the school district. With this relationship, we had the largest 10 and up age group ever.

Each parent is provided with a policy manual and center guidelines.

Each participant must submit a signed waiver, registration form and emergency contact information.

Camps, continued

<u>Camp Name</u>	<u>Attendance (daily average)</u>	
	2006	2007
Camp Holiday (Christmas Break)	60	87
Camp Adventure (Spring Break)	75	75
Camp Heatwave (Summer Camp)	85	125

Scholarships

Due to financial burden, we were able to help the following number of children in each program:

After School Program

7 – Free

4 – 80 % (Parents paid \$4 per child, weekly)

Camp Holiday

3 – Free

2 – 80% (Parents paid \$8 per child, weekly)

Camp Adventure

3 – Free

Camp Heatwave

3 – Free

3 – 80% (Parents paid \$8 per child, weekly)

2 – 65% (Parents paid \$14 per child, weekly)

2 – 50% (Parents paid \$20 per child, weekly)

Inspection Schedule

The Wilson Recreation Center was inspected in January and May 2007 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center had a fire inspection in June 2007. At that time, the exit lights needed new bulbs. They were replaced within two weeks

All school sites were inspected by the Fire Marshall.

To comply with the guidelines, the Health Department was contacted twice by staff, once in May and once in June to do an inspection. However, no inspections were conducted.

Training

All staff that had been with the City of Temple for one year were trained in CPR/First Aid by October 1, 2007 as per the guidelines.

All staff who worked with children were given at least 10 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

Recommendations

At this time, we recommend no change in the policy.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE ANNUAL CHILD CARE STANDARDS REPORT FROM THE PARKS AND LEISURE SERVICES DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in accordance with the requirement of the Texas Department of Protective and Regulatory Services, on November 19, 2004, the City adopted a “Standards of Care” policy to be utilized with youth recreation programs;

Whereas, the purpose of the guidelines is to assure the community that when they place their children in one of the City’s recreation programs the facilities are safe, a background check has been done on staff, and that they are properly trained for the programs they will be conducting;

Whereas, Temple policy’s requires the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care; and

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

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

Part 1: The City Council accepts the annual Child Care Standards report from the Parks and Leisure Services Department, attached here to as Exhibit A.

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 **17th** day of **January**, 2008.

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

01/17/08
Item #4(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing revisions to the City of Temple's Personnel Policies and Procedures Manual.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The current version of the City's Personnel Policies and Procedures Manual was adopted by Council in December 2004. There have been a few policy revisions made by the Council since that time, but for the most part, the manual remains today as it was when it was revised in 2004. Procedural questions have arisen, and clarifications to various policies have been needed. The manual being presented to Council for approval represents a significant re-write of policies and procedures. The changes have been highlighted below, and the manual has been provided in a redline version so that the Council is able to review the changes in their entirety.

- (1) Clarification of hiring process.
- (2) Revised and expanded policy on employee training.
- (3) Revised and expanded policy on safety.
- (4) Revised and expanded policy on performance evaluations.
- (5) Revised and expanded policy on identification badges.
- (6) Clarification of longevity pay.
- (7) Addition of executive level benefits to aid in recruitment and retention.
- (8) Clarification of FLSA policy as it relates to employees working 10 and 12 hour shifts.
- (9) Revised and expanded policy on off-site training.
- (10) Clarification of payroll deductions.
- (11) Clarification of benefits as they relate to benefit eligible part time employees.
- (12) Clarification of holiday pay for police officers.
- (13) Clarification of benefits for employee's on leave of absence.
- (14) Clarification of COBRA benefits and eligibility.
- (15) Clarification of retiree benefits and eligibility.

- (16) Revised and expanded policy on workers' compensation.
- (17) Revised and expanded policy on vehicle and equipment use.
- (18) Revised and expanded military leave policy.
- (19) Revised and expanded harassment policy.
- (20) Revised and expanded smoking policy.
- (21) Revised and expanded drug and alcohol policy.
- (22) Revised and expanded family and medical leave policy.
- (23) Addition of HIPAA policy (protected health information) adopted by Council in 2006.

One additional revision that has been proposed is to allow the City Manager to authorize all changes to the Personnel Policies & Procedures Manual that have no fiscal impact. Currently all revisions to the manual must be presented to the City Council for adoption. This manual is considered dynamic and will be reviewed at least annually to ensure compliance with Local, State and Federal laws.

The revisions to the manual proposed by the Human Resources Department have been reviewed and approved by the Finance Department, the City Manager's Office, and the Legal Department. The changes to the manual will be effective on February 1, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

Personnel Policies and Procedures Manual – hard copy
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING REVISIONS TO THE CITY OF TEMPLE'S PERSONNEL POLICIES AND PROCEDURES MANUAL; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the current version of the City's Personnel Policies and Procedures Manual was adopted by Council in December, 2004;

Whereas, there have been a few policy revisions made by the Council since that time, but for the most part, the manual remains today as it was when it was revised in 2004;

Whereas, the Staff recommends authorizing revisions to the manual to reflect changes in City policies and procedures; 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 revisions to the City of Temple Personnel Policies and Procedures Manual, a copy of which is attached hereto and made a part hereof for all purposes as Exhibit A. The revisions to the manual will become effective on February 1, 2008.

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 17^h day of **January**, 2008.

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

01/17/08
Item #4(I)
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 \$21,186.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
January 17, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-2516 110-1500-515-6531		Judgments & Damages (Police) Contingency - Judgments & Damages	\$ 954	\$ 954
Deductible reimbursement to the Texas Municipal League for a claim filed against the City by Anton Pechal seeking reimbursement for damage to a vehicle after it was struck by a Police vehicle on October 28, 2007.				
110-2000-521-2516 110-1500-515-6531		Judgments & Damages (Police) Contingency - Judgments & Damages	\$ 10	\$ 10
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle after it was struck by a police vehicle on August 22, 2007.				
110-2000-521-2537 110-0000-313-0331		Air Support Program (Police) State Seized Funds	\$ 15,000	\$ 15,000
Appropriate the City's funds for the Central Texas Law Enforcement Interlocal Assistance Agreement for the air support unit for fiscal year 2008.				
110-2200-522-2516 110-1500-515-6531		Judgments & Damages (Fire) Contingency - Judgments & Damages	\$ 1,745	\$ 1,745
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City of Temple by Michael Campbell seeking reimbursement for damage to a vehicle after it was struck by a fire truck on November 5, 2007, in the 2500 block of Goliad.				
110-2400-519-2516 110-1500-515-6531		Judgments & Damages (Facility Services) Contingency - Judgments & Damages	\$ 2,112	\$ 2,112
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City of Temple by Jovita Carlson seeking reimbursement for damage to her vehicle after it was struck by a Facility Services vehicle on November 19, 2007, at 511 North Main Street (Social Security parking lot).				
110-4000-555-2516 110-1500-515-6531		Judgments & Damages (Library) Contingency - Judgments & Damages	\$ 1,365	\$ 1,365
Deductible reimbursement to the Texas Municipal League for a lawsuit filed against the City by Edward Jones seeking reimbursement for personal injuries from a slip and fall at the Library on February 8, 2006.				
TOTAL AMENDMENTS			\$ 21,186	\$ 21,186
GENERAL FUND				
			\$	-
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
January 17, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Judgments & Damages Contingency	\$	70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(26,570)
		Net Balance of Judgments & Damages Contingency Account	\$	43,430
		Beginning Master Plan Implementation Contingency	\$	250,000
		Added to Master Plan Implementation Contingency	\$	-
		Taken From Master Plan Implementation Contingency	\$	(176,334)
		Net Balance of Master Plan Implementation Contingency Account	\$	73,666
		Beginning Compensation Plan Contingency	\$	150,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	150,000
		Net Balance Council Contingency	\$	267,096
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	904,672
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(12,750)
		Net Balance of Contingency Account	\$	891,922
		Beginning Compensation Plan Contingency	\$	30,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	30,000
		Beginning Approach Mains Contingency	\$	500,000
		Added to Approach Mains Contingency	\$	-
		Taken From Approach Mains Contingency	\$	(141,419)
		Net Balance of Approach Mains Contingency Account	\$	358,581
		Net Balance Water & Sewer Fund Contingency	\$	1,280,503
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	20,126
		Beginning Compensation Plan Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	8,000
		Net Balance Hotel/Motel Tax Fund Contingency	\$	28,126
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
January 17, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Plan Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	2,000
		Net Balance Drainage Fund Contingency	\$	3,495
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	86,477

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2007-2008 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 23rd day of August, 2007, the City Council approved a budget for the 2007-2008 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2007-2008 City Budget.

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

Part 1: The City Council approves amending the 2007-2008 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 17th day of **January**, 2008.

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

01/17/08
Item #5(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

STAFF & P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 5/0 to recommend **denial** of the requested amendment to the Comprehensive Plan's Future Land Use Map from Neighborhood and Community Retail to Commercial at its meeting on December 4, 2007. Vice-Chair Pope and Commissioners Pilkington, Kjelland and Derek Martin were absent. Staff recommended **approval** of the future land use map amendment request for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-05(A), from the Planning and Zoning meeting on December 4, 2007. The Planning and Zoning Commission had no concerns related to the Future Land Use Map amendment. They did, however, have concerns regarding the companion zone change request. These concerns are described in the staff report for Z-FY-08-05(B).

Since the Planning and Zoning Commission recommends denial of the Future Land Use Map amendment, a super-majority of four favorable votes from the City Council is required for the amendment to pass.

Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November 23, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map
P&Z Staff Report
P&Z Minutes (12/04/07)
Ordinance



Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition

Proposed Zone Change

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 Capus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITYFACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

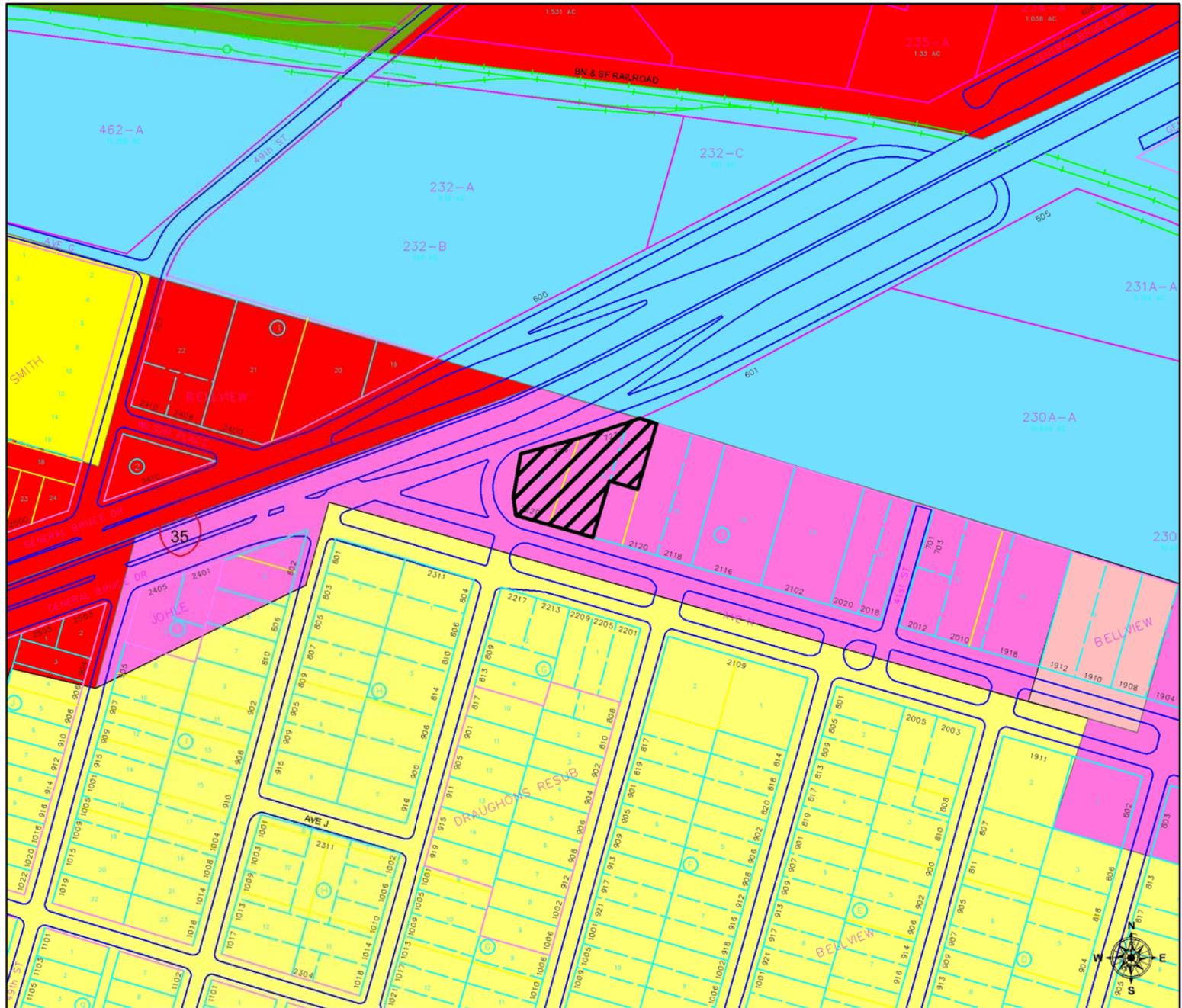
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



PD (GR) to C for Billboard

1 inch equals 300 feet

J Stone 11.15.07



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07
Item 5(A)
Page 1 of 2

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-8-05(A) Hold hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

BACKGROUND: This request tracks with Z-FY-08-05(B), a zone change request from the GR, General Retail zoning district to the C, Commercial zoning district.

The Temple Comprehensive Plan was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. Continued intensification of uses along the Interstate warrants consideration of the requested amendment.

Future Land Use Plan

Future land use categories abutting the subject property are as follows:

Direction	Future Land Use Category
North	Neighborhood & Community Retail
Northeast	Industrial
East	Neighborhood & Community Retail
South	Neighborhood & Community Retail
South (across Ave. H)	Moderate Density Residential
West	Neighborhood & Community Retail
West (across I-35)	Commercial and Industrial

The subject property is currently designated with the Neighborhood and Community Retail future land use category. The future land use category accommodates the NS, Neighborhood Services and the GR, General Retail zoning district. The requested Commercial future land use category accommodates the CA, Central Area and the C, Commercial zoning districts. The Comprehensive Plan amendment request complies with the Future Land Use Plan.

DOUBLE SIDED

Thoroughfare Plan

Interstate 35 is designated as a freeway on the Thoroughfare Plan. A freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” The Comprehensive Plan amendment request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and six-inch water line serves the property. Adequate public facilities exist to serve the property.

Considering the continued development of Interstate 35 since the drafting of the Comprehensive Plan in 1989 and considering surrounding future land use category designations, amendment of the future land use map is appropriate.

Public Notice

Six notices were sent out. As of Wednesday, November 28 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 23, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, DECEMBER 4, 2007**

ACTION ITEMS

- 5(A). Z-FY-08-05** Hold a public hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)
- 5(B). Z-FY-08-05** Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with Item 5(A), Z-FY-08-05 which tracks with the zone change Item 5(B). Mr. Mabry said the subject property is covered by the Temple Comprehensive Plan which was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. He said continuing intensification of uses along the Interstate warrants consideration of the requested amendment to the Future Land Use Map and the Thoroughfare Plan which he displayed for the Commission to view. Mr. Mabry explained that Interstate 35 is designated as a freeway on the Thoroughfare Plan and a freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” He said the Comprehensive Plan amendment request to a more intense commercial level complies with the purpose of Interstate 35 and the Thoroughfare Plan. Mr. Mabry displayed a plan of sewer and water facilities in the area. He said Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the reasons listed above.

Mr. Mabry continued with the zone change request Item 5(B). He displayed an aerial view of the property which is zoned General Retail and General Retail with a Planned Development attachment. Mr. Mabry said the Planned Development was first approved in 1986 for a bus station with a stipulation that the bus station could not sell alcohol, bus routes would utilize the frontage road for circulation, and gamerooms would not be permitted at the station. He displayed several uses on the property. Mr. Mabry said the original zone change request was to place a billboard on

the property, however after several measurements between the proposed billboard and two existing billboards determination was that there is not sufficient distance between the billboards. He explained that the Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35; an existing billboard to the south is only 1,080 feet from the proposed billboard and an existing billboard to the north is only 1,350 feet from the proposed billboard. Mr. Mabry said although the zone change could be approved, the permit for the billboard could be requested to construct the billboard but the permit would not be approved due to the Zoning Ordinance separation requirements. He went over the surrounding property uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said six notices were sent to surrounding property owners. One notice was returned in favor of the request and one was returned in opposition to the request. Staff recommends approval of the zone change request because the zone change complies with the request to the amendment to the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve the property.

Commissioner Talley asked Mr. Mabry to respond further on the denial to the zone change request. Mr. Mabry replied that the denial response was concerned that if I-35 expands, it would be more expensive for TxDOT and the public to acquire land that would be zoned with this zoning designation because zoning can affect the appraised value of property, therefore if the zone change is approved it would make the property more valuable and more expensive to acquire.

Chair Luck said if the intent of the applicant was initially for the zoning change for the billboard, and knows that the billboard would not be allowed would he still choose to have the zone change. Mr. Mabry replied yes, that approximately a week ago, he let the applicant and Lamar Signs know that the spacing wasn't going to be met and asked if they wanted to withdraw the request. He said they chose not to withdraw the request.

Chair Luck asked if a developer could come in and change a site plan for additional usage and not just restaurant. Mr. Mabry stated that if the I-35 Overlay were to be adopted as it is now, that there are certain uses more intent that require a Conditional Use Permit and that would weight on top of this property as well as others along the interstate, so right now some of the uses that are permitted by right without review by the City Council would be required to obtain a Conditional Use Permit for that use which is submitting a site plan and having it reviewed by the Planning and Zoning Commission and by City Council.

Commissioner Carothers asked if commercial use is the only use that would require a Conditional Use Permit for a restaurant or bar. Mr. Mabry stated that there are others listed in the Zoning Ordinance that would require a CUP, the restaurant or bar was just one example. Mr. Carothers asked if it were normal for this condition to change or zone without an in

use to a property. Mr. Mabry said it has happened before where someone has just requested a zone change and they do not have a specific idea for the use.

Mr. Mabry stated that what specific use the applicant puts down on the application that they are not held to that use. He said it could be another type of use allowable in that zoning district.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(A) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(A) to consider changing the amendment to the Comprehensive Plan, by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (5/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(B) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(B) to consider a zone change from Planned Development (General Retail) to Commercial District, by Commissioner Carothers; seconded by Commissioner Secret.

Motion passed (5/0).

ORDINANCE NO. 2007-4785

[ZONING NO. Z-FY-08-05(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TEMPLE COMPREHENSIVE PLAN TO REFLECT COMMERCIAL USES ON LOT 17 AND A PORTION OF LOT 16, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 723 AND 725 SOUTH GENERAL BRUCE DRIVE AND 2220 WEST AVENUE H; 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 authorizes an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **20th** day of **December**, 2007.

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **3rd** day of **January**, 2008.

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **January**, 2008.

PASSED AND APPROVED on Second Reading on the **7th** day of **February**, 2008.

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

01/17/08
Item #5(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 5/0 to recommend denial of the requested zone change at its meeting on December 4, 2007. Vice- Chair Pope and Commissioners Pilkington, Kjelland and Derek Martin were absent. The recommendation for denial means that a super majority (4 affirmative votes) from the City Council is required for the zone change to pass.

STAFF RECOMMENDATION: In spite of the fact that a sign permit cannot be issued for the proposed use (a billboard) staff recommends approval of the zone change request for the following reasons:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-05(B), from the Planning and Zoning meeting on December 4, 2007. The draft minutes show that the Planning and Zoning Commission had concerns about granting the zone change when a sign permit for a billboard could not be approved due to not meeting the spacing requirements in the sign regulations. In addition, there was concern about approving a set of uses that are permitted by right in the C, Commercial zoning district that may eventually become Conditional Uses if the I-35 Overlay Zoning District is adopted in the future.

Since the Planning and Zoning Commission recommends denial of the zone change, a super-majority of four favorable votes from the City Council is required for the zone change to pass.

Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November 23, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Land Use Map

Zoning Map

Aerial

Billboard Separation Aerial

Notice Map

P&Z Staff Report (Z-FY-08-05B)

P&Z Minutes (12/04/07)

Ordinance



Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition

Proposed Zone Change

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 Capus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

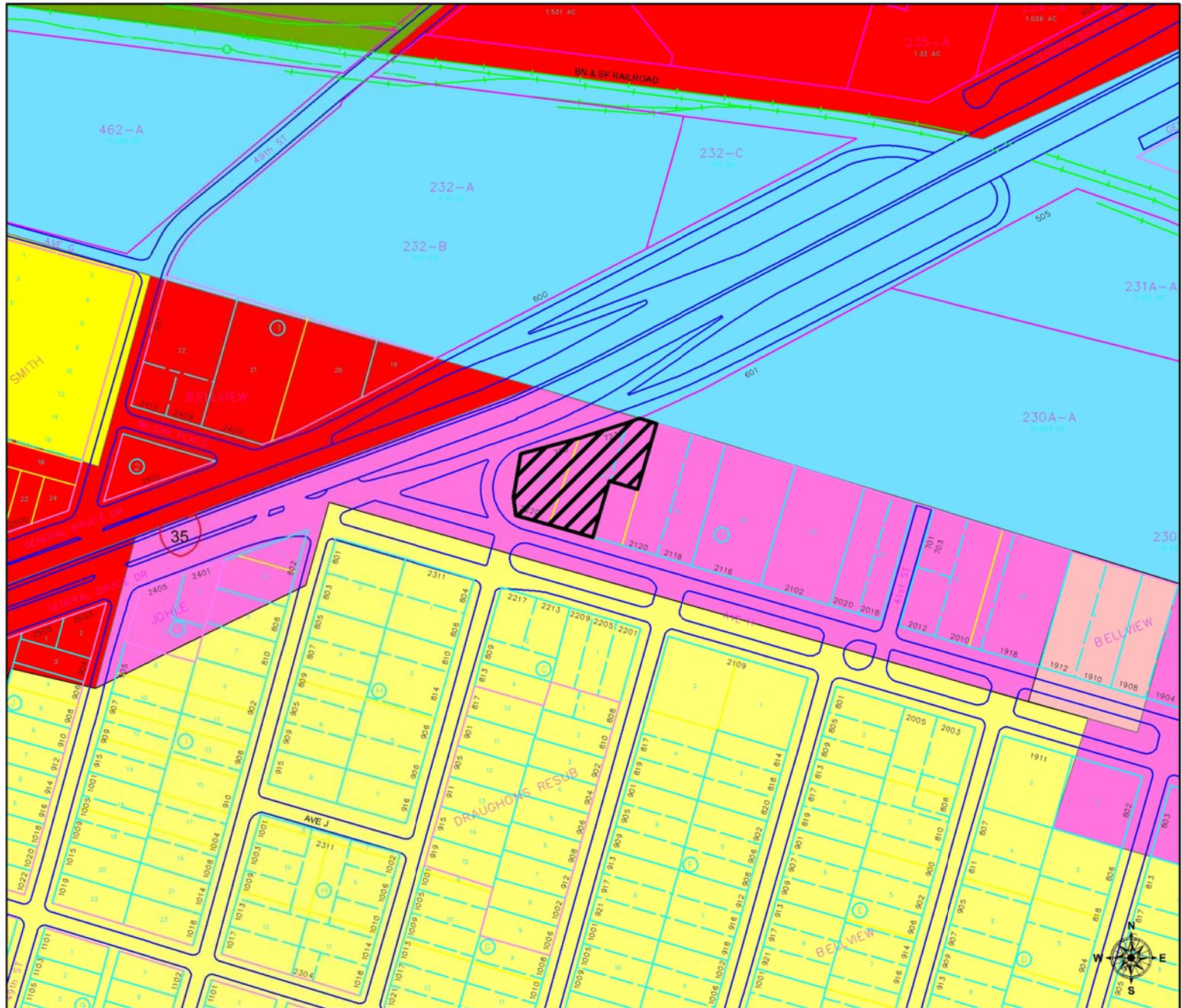
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



PD (GR) to C for Billboard

1 inch equals 300 feet

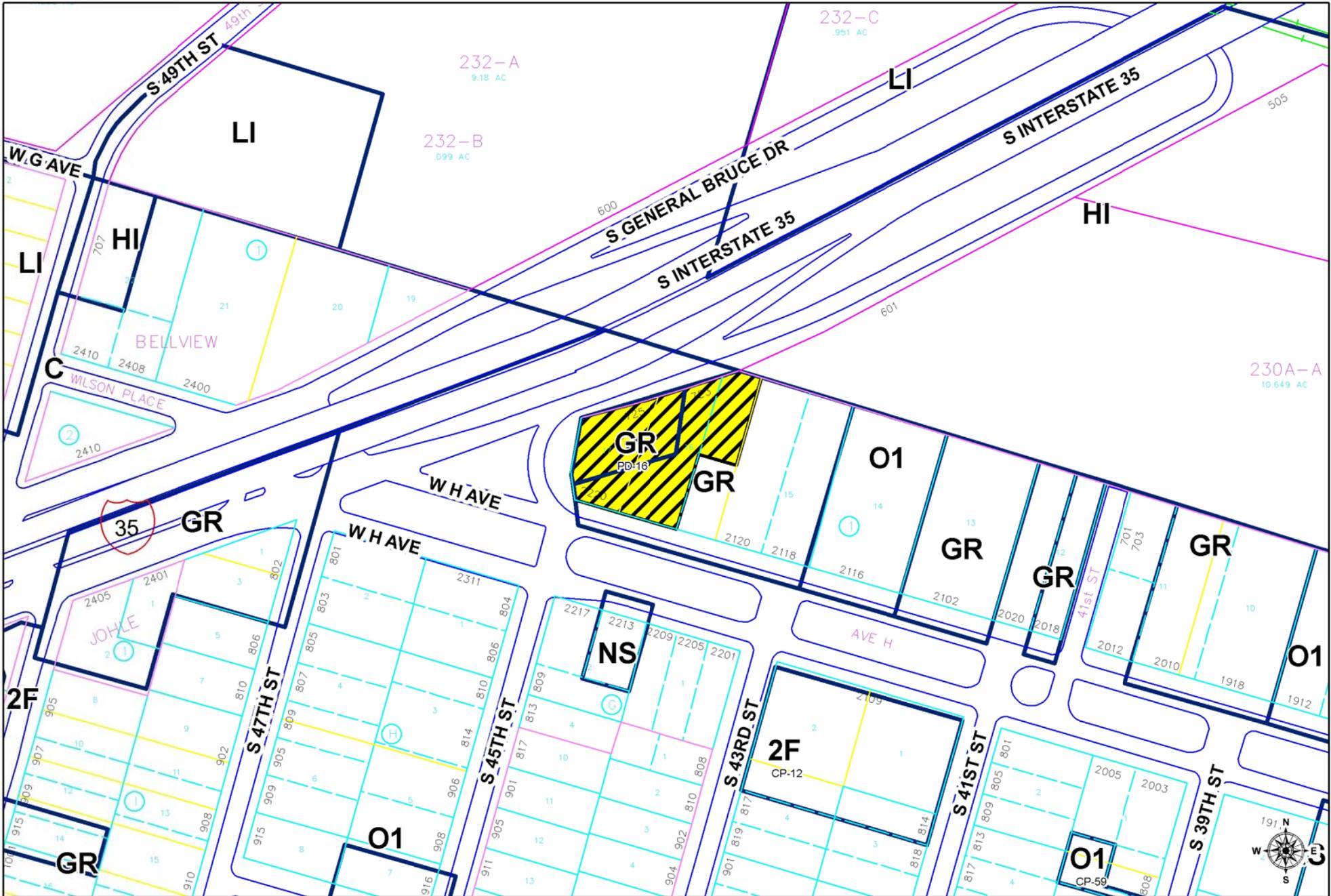
J Stone 11.15.07



Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition



 Proposed Rezone

PD (GR) to C for Billboard

1 inch equals 200 feet

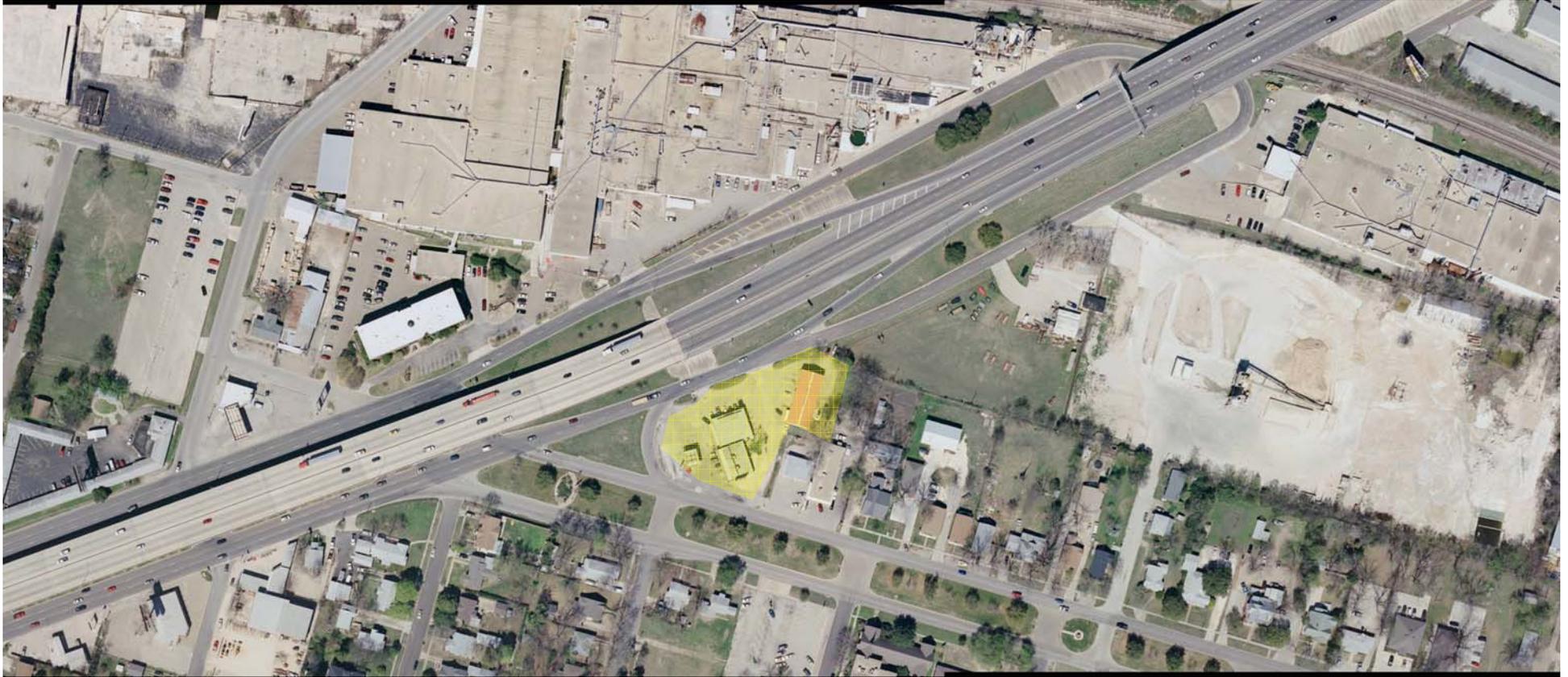
J Stone 11.15.07



Z-FY-08-05

725 S. General Bruce Dr.

Lot 16& 17, Block 1, Bellview Add.



Area of Proposed Zone Change



Billboard Distances

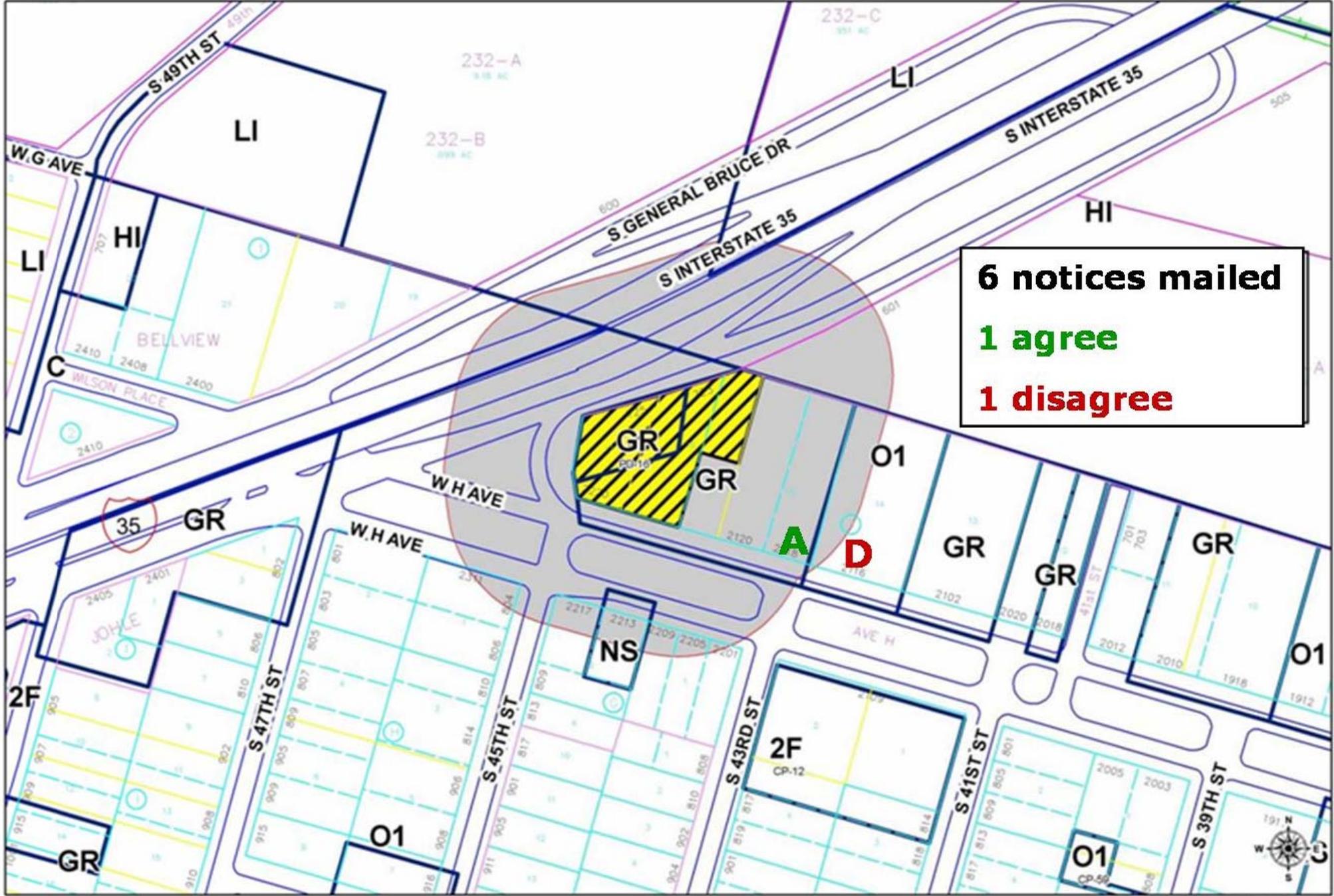




Z-FY-08-05

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition



6 notices mailed
1 agree
1 disagree

 Proposed Rezone  200' Buffer

PD (GR) to C for Billboard

1 inch equals 200 feet
 J Stone 11.15.07



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07
Item 5(B)
Page 1 of 3

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-05(B) Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

BACKGROUND:

The subject property contains the following uses: office, gasoline station and minor vehicle servicing (stereo installer). A portion of the property is currently zoned GR (PD). The Planned Development was established in 1986 to stipulate that the former bus station at this location would not serve alcohol, that bus routes would utilize the frontage road for circulation and that gamerooms would not be permitted at the station.

The applicant requests the C, Commercial zoning district in order to relocate a billboard on the property. The Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35. However, as shown in the attached aerial, there is an existing billboard to the south that is only 1,080 feet from the proposed billboard. There is also an existing billboard to the north that is only 1,350 feet from the proposed billboard. No location along the I-35 frontage of the subject property is of sufficient distance from either billboard to be permitted.

Section 17-167 of the Zoning Ordinance provides some flexibility for relocated signs in that no permit fee is required, the sign may be constructed of the same type of material and have the same number of poles as the original sign and a five-foot setback is permitted instead of the normally required 20 feet. This section does not allow flexibility in spacing standards. If the zone change is granted, a permit for the billboard cannot be issued.

All of the existing uses on the subject property are permitted in the C, Commercial zoning district.

Surrounding Property and Uses

The following table shows the existing zoning and current land uses surrounding the subject property.

Direction	Zoning	Current Land Use
North	2F	I-35 service road
Northeast	HI	Trailer rental
East	GR	Print shop
South	2F	W Ave. H
West	2F	Intersection of I-35 and W. Ave. H

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

Future Land Use Plan

The requested Commercial future land use map designation accommodates the C, Commercial and CA, Central Area zoning districts. The zone change request complies with the requested amendment to the Future Land Use Map.

Thoroughfare Plan

Interstate 35 is designated as a freeway on the Thoroughfare Plan. A freeway is “devoted entirely to large volumes of traffic movement with little or no land service function.” The zone change request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and six-inch water line serves the property. Adequate public facilities exist to serve the property.

Development Regulations

The purpose of the C, Commercial zoning district is to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the facility. This district should also be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The subject property meets all of the recommendations of the zoning district’s purpose statement.

Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, and heavy machinery sales and storage. Prohibited uses include, but are not limited to, apartments, heavy industrial uses, sexually oriented businesses, shooting ranges, and wrecker and salvage yards. Restaurants and bars serving alcohol require a conditional use permit.

Commercial (C)	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	None
Min. Yard (ft)	
Front	30 from street centerline
Side	10 adjacent to residential district, none otherwise
Rear	10 adjacent to residential district, none otherwise

Public Notice

Six notices were sent out. As of Wednesday, November 28 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 23, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the zoning request from GR to C for the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map
Zoning Map
Aerial
Billboard Separation Aerial
Application

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, DECEMBER 4, 2007**

ACTION ITEMS

- 5(A). Z-FY-08-05** Hold a public hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)
- 5(B). Z-FY-08-05** Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with Item 5(A), Z-FY-08-05 which tracks with the zone change Item 5(B). Mr. Mabry said the subject property is covered by the Temple Comprehensive Plan which was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. He said continuing intensification of uses along the Interstate warrants consideration of the requested amendment to the Future Land Use Map and the Thoroughfare Plan which he displayed for the Commission to view. Mr. Mabry explained that Interstate 35 is designated as a freeway on the Thoroughfare Plan and a freeway is "devoted entirely to large volumes of traffic movement with little or no land service function." He said the Comprehensive Plan amendment request to a more intense commercial level complies with the purpose of Interstate 35 and the Thoroughfare Plan. Mr. Mabry displayed a plan of sewer and water facilities in the area. He said Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the reasons listed above.

Mr. Mabry continued with the zone change request Item 5(B). He displayed an aerial view of the property which is zoned General Retail and General Retail with a Planned Development attachment. Mr. Mabry said the Planned Development was first approved in 1986 for a bus station with a stipulation that the bus station could not sell alcohol, bus routes would utilize the frontage road for circulation, and gamerooms would not be permitted at the station. He displayed several uses on the property. Mr. Mabry said the original zone change request was to place a billboard on

the property, however after several measurements between the proposed billboard and two existing billboards determination was that there is not sufficient distance between the billboards. He explained that the Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35; an existing billboard to the south is only 1,080 feet from the proposed billboard and an existing billboard to the north is only 1,350 feet from the proposed billboard. Mr. Mabry said although the zone change could be approved, the permit for the billboard could be requested to construct the billboard but the permit would not be approved due to the Zoning Ordinance separation requirements. He went over the surrounding property uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said six notices were sent to surrounding property owners. One notice was returned in favor of the request and one was returned in opposition to the request. Staff recommends approval of the zone change request because the zone change complies with the request to the amendment to the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve the property.

Commissioner Talley asked Mr. Mabry to respond further on the denial to the zone change request. Mr. Mabry replied that the denial response was concerned that if I-35 expands, it would be more expensive for TxDOT and the public to acquire land that would be zoned with this zoning designation because zoning can affect the appraised value of property, therefore if the zone change is approved it would make the property more valuable and more expensive to acquire.

Chair Luck said if the intent of the applicant was initially for the zoning change for the billboard, and knows that the billboard would not be allowed would he still choose to have the zone change. Mr. Mabry replied yes, that approximately a week ago, he let the applicant and Lamar Signs know that the spacing wasn't going to be met and asked if they wanted to withdraw the request. He said they chose not to withdraw the request.

Chair Luck asked if a developer could come in and change a site plan for additional usage and not just restaurant. Mr. Mabry stated that if the I-35 Overlay were to be adopted as it is now, that there are certain uses more intent that require a Conditional Use Permit and that would weight on top of this property as well as others along the interstate, so right now some of the uses that are permitted by right without review by the City Council would be required to obtain a Conditional Use Permit for that use which is submitting a site plan and having it reviewed by the Planning and Zoning Commission and by City Council.

Commissioner Carothers asked if commercial use is the only use that would require a Conditional Use Permit for a restaurant or bar. Mr. Mabry stated that there are others listed in the Zoning Ordinance that would require a CUP, the restaurant or bar was just one example. Mr. Carothers asked if it were normal for this condition to change or zone without an in

use to a property. Mr. Mabry said it has happened before where someone has just requested a zone change and they do not have a specific idea for the use.

Mr. Mabry stated that what specific use the applicant puts down on the application that they are not held to that use. He said it could be another type of use allowable in that zoning district.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(A) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(A) to consider changing the amendment to the Comprehensive Plan, by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (5/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(B) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(B) to consider a zone change from Planned Development (General Retail) to Commercial District, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (5/0).

ORDINANCE NO. 2007-4786

[ZONING NO. Z-FY-08-05(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT (GENERAL RETAIL) DISTRICT AND GENERAL RETAIL DISTRICT TO COMMERCIAL DISTRICT ON LOT 17 AND A PORTION OF LOT 16, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 723 AND 725 SOUTH GENERAL BRUCE DRIVE AND 2220 WEST AVENUE H; 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 Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **20th** day of **December**, 2007.

PASSED AND APPROVED on First Reading and Public Hearing (*tabled*) on the **3rd** day of **January**, 2008.

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **January**, 2008.

PASSED AND APPROVED on Second Reading on the **7th** day of **February**, 2008.

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

01/17/08
Item #6
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-06: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street.

P&Z COMMISSION RECOMMENDATION: At its meeting on January 7, 2008, The Planning and Zoning Commission voted 8/1 to recommend approval of the Conditional Use Permit (CUP) for a crematorium subject to the following modifications to the submitted site plan:

1. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
2. Four off-street parking spaces shall be striped along the front of the main building.

Chair Luck voted against the motion.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a crematorium subject to the following modifications to the submitted site plan:

1. Stucco or any masonry material allowed by the International Building Code that is installed unit by unit, including but not limited to brick, Exterior Insulation Finishing System (EIFS) or a combination of these materials shall be required on the following facades of the main building:
 - 100% of the front façade and
 - the first 25% of the length of the north and south walls of the building, measuring from front to back;
2. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
3. Four off-street parking spaces shall be striped along the front of the main building.

Please refer to the Staff Report and draft minutes of case Z-FY-08-06, from the Planning and Zoning meeting, January 7, 2008, for details on the three parts of the staff recommendation. Staff's first two recommendations would result in the following transformation of the front of the main building.

Existing

Staff Recommendation



ITEM SUMMARY: The applicant proposes to establish a natural gas- or propane-powered crematorium. The subject property is zoned CA, Central Area. The purpose of a CUP is to allow uses that generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties, the Planning and Zoning Commission and City Council are required to review and make a final decision on the associated site plan. During such review, the Commission and Council may require any modifications to the submitted site plan that are necessary in order to mitigate potential negative impacts resulting from the use. The impacts may relate to any number of issues including, but not limited to, decreased property values, pollution, impacts on residential properties or visual blight.

At the Planning and Zoning Commission hearing, much discussion was devoted to the appropriateness of requiring a brick façade to the front and a portion of the sides of the building. Although the Zoning Ordinance enables the P&Z to make any recommendations for CUP site plan modification that it deems appropriate (whether such modifications are related to standards found in the Zoning Ordinance or not) some Commissioners were reluctant to require a masonry façade for the building. They did not want to cause a financial hardship on the applicant and they did not want to require masonry when the City's Zoning Ordinance does not address masonry. On the other hand, other Commissioners favored brick or other materials for the façade so that the downtown might continue to improve aesthetically and to compliment brick structures already in the area.

Public Notice

Ten notices were sent out for the Planning and Zoning Commission hearing. As of Tuesday, January 8 at 3 PM, three notices was returned in favor of and three notices was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 29, 2007 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

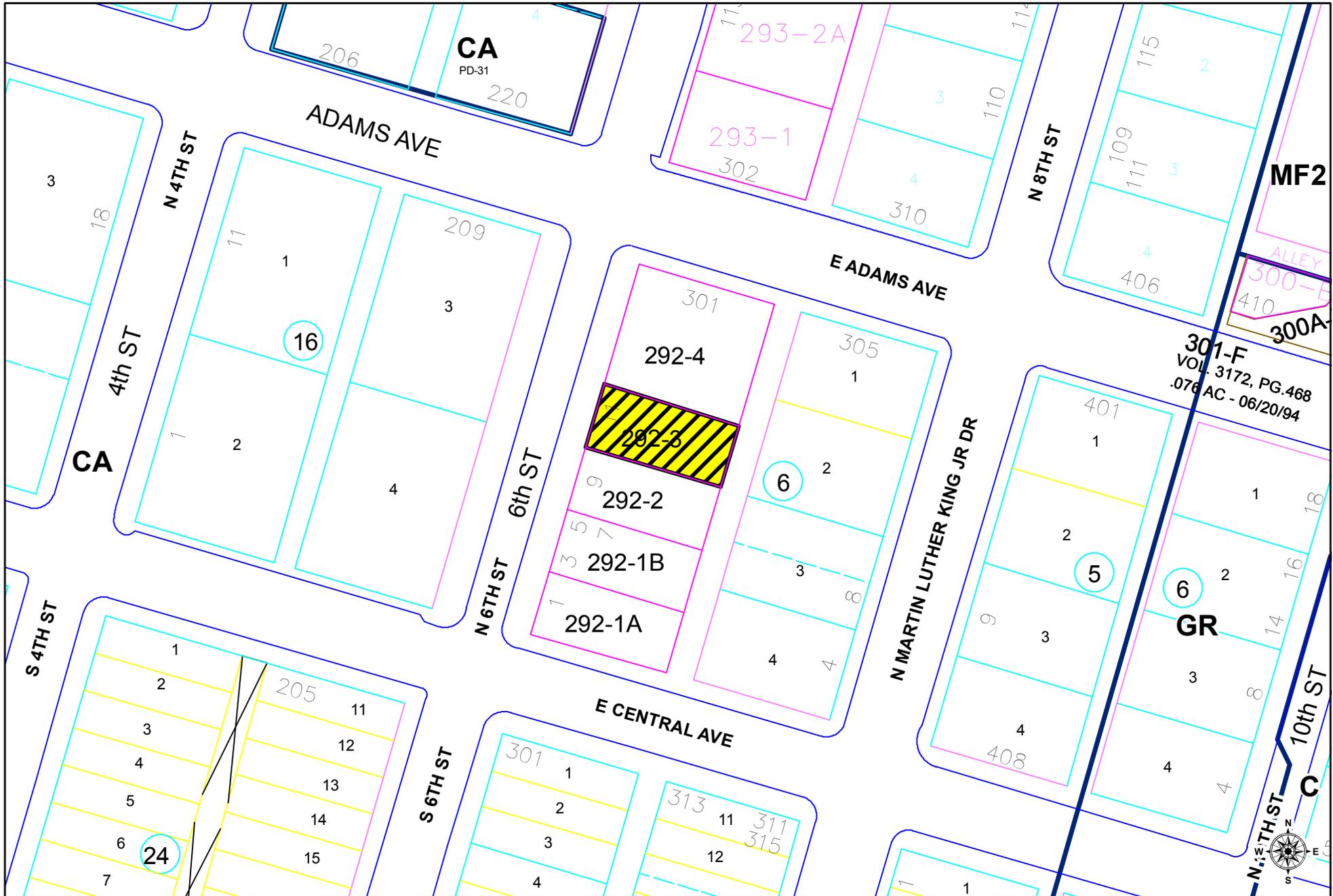
Zoning Map
Aerial
Site Plan (original)
Site Plan (staff recommendation)
Notice Map
Emissions Graph
P&Z Staff Report (Z-FY-08-06)
P&Z Minutes (1/7/08)
Ordinance



Z-FY-08-06

11 North 6th Street

Lot 3, Blk 292, Temple Original Addition



Proposed Rezone

CA to CA w/ CUP for Crematorium

1 inch equals 100 feet
J Stone 12.07.07

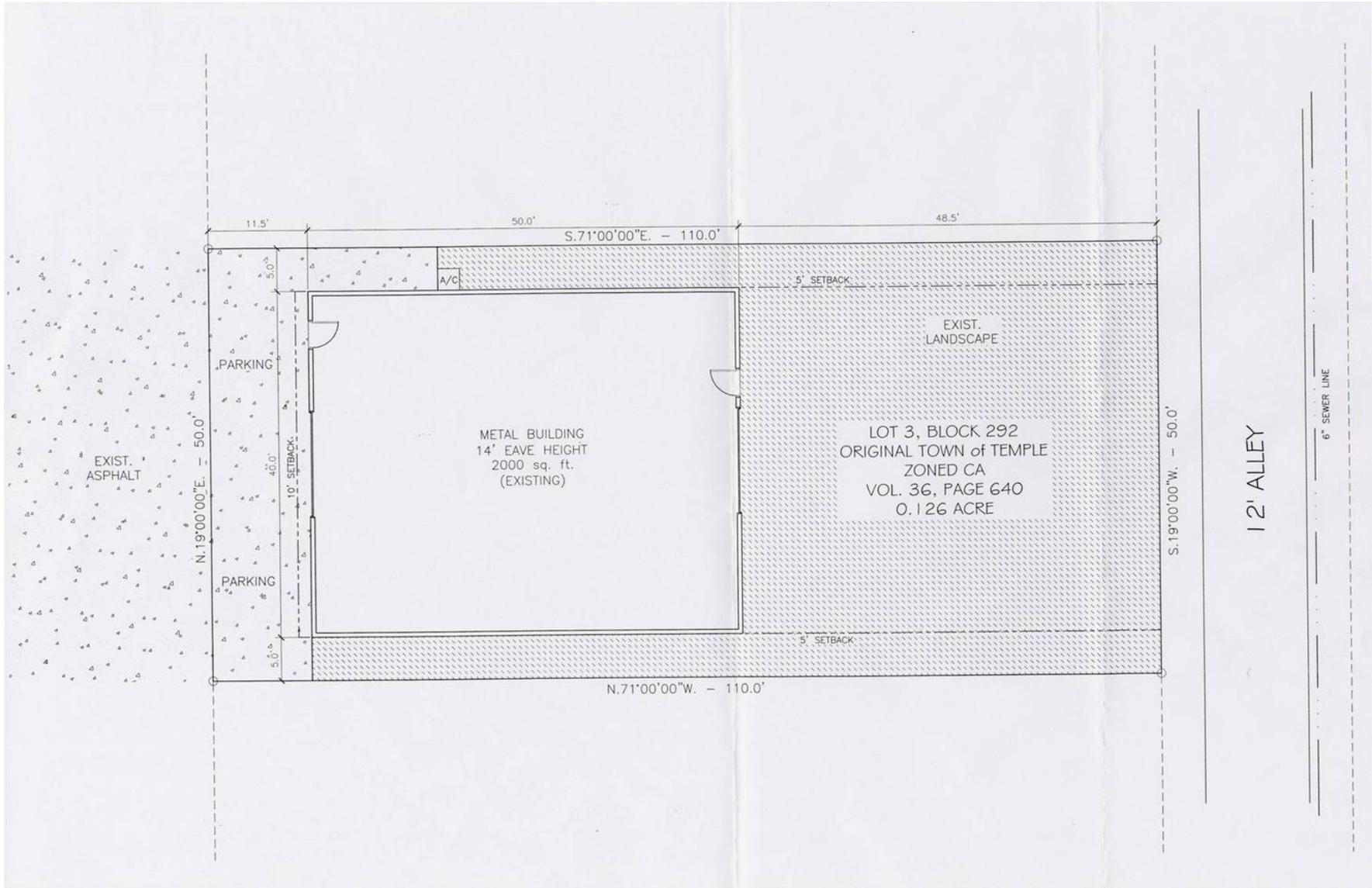


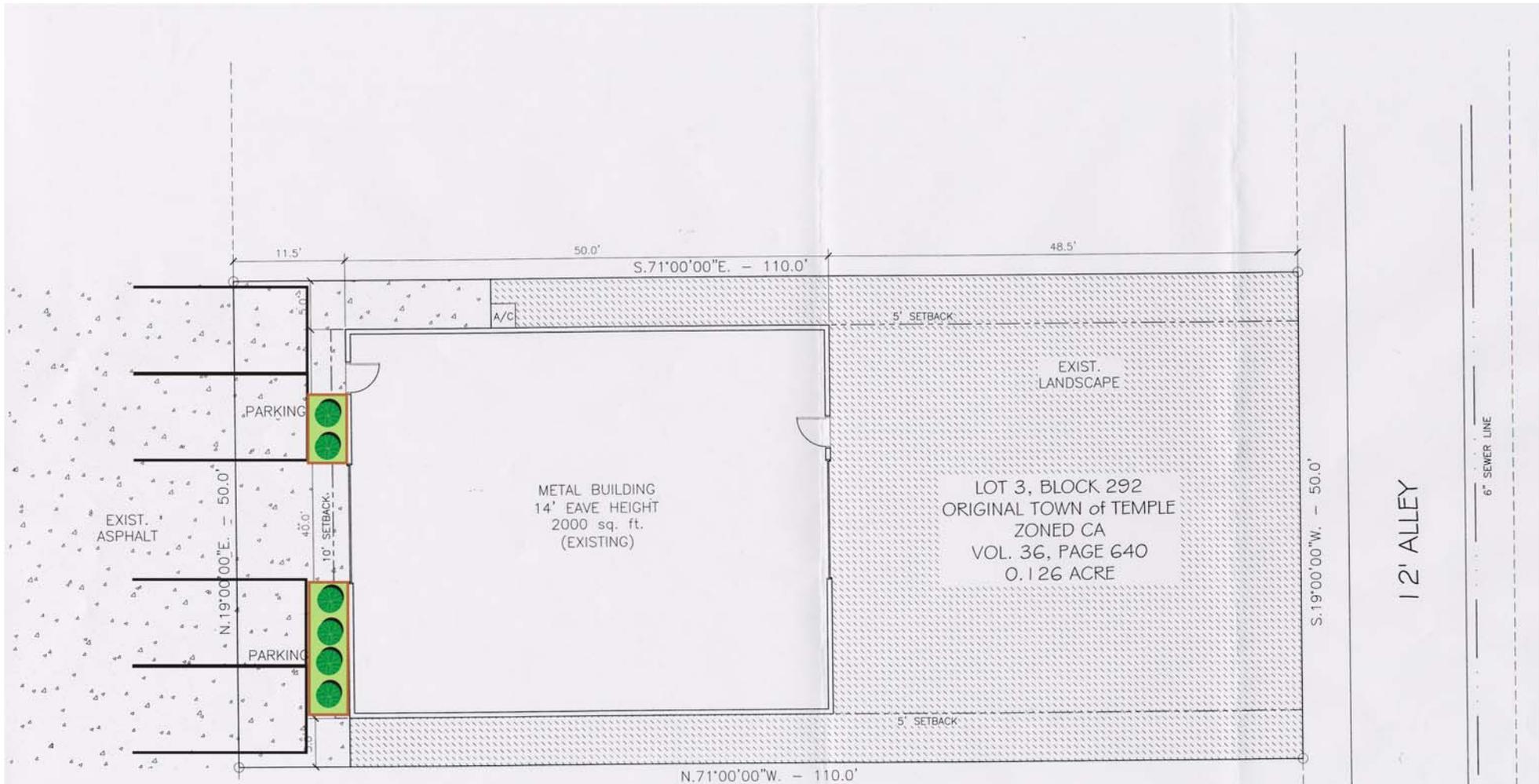
Area of Proposed CUP



Z-FY-08-06 Original Site Plan Submittal

11 N. 6th St.





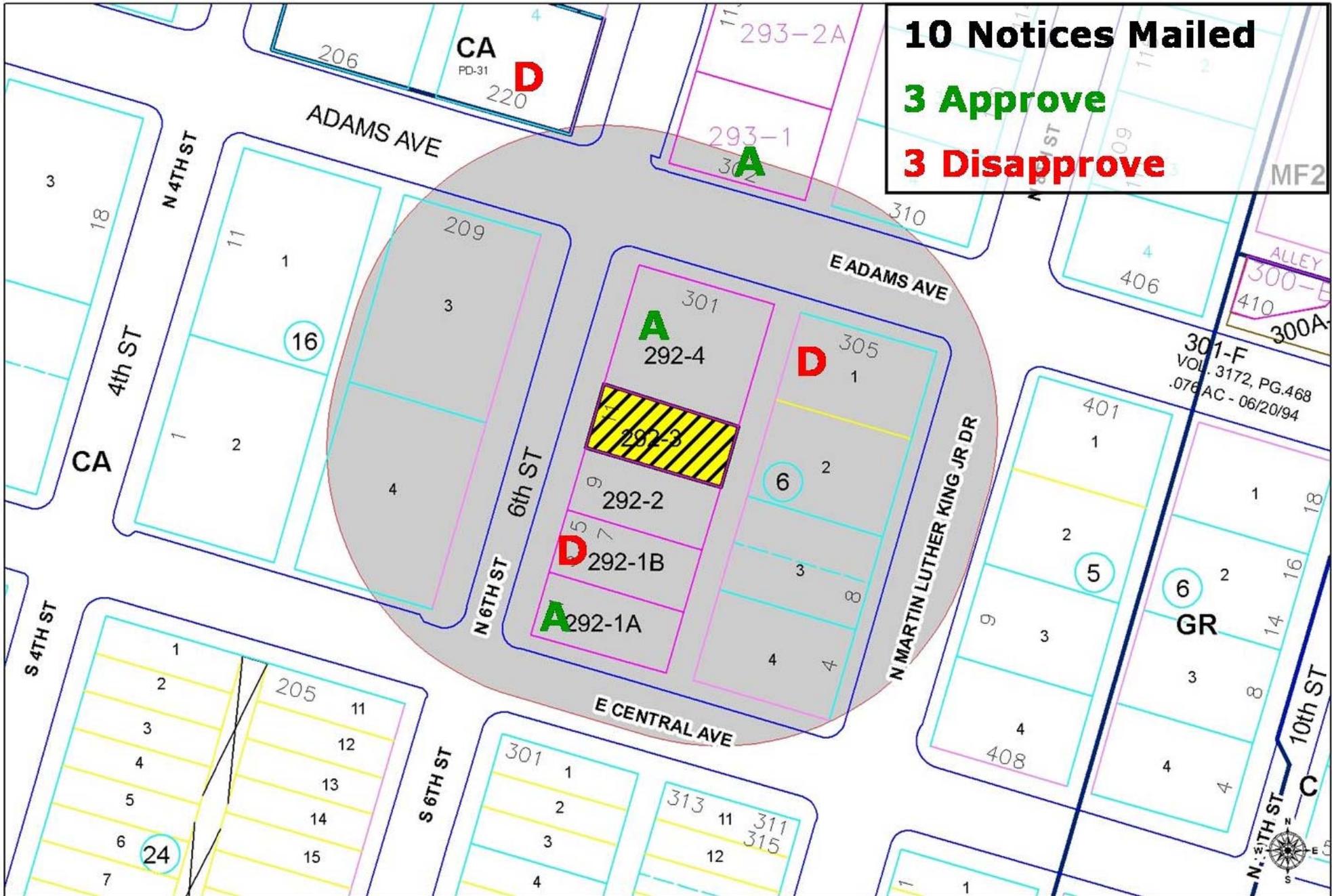
- Note: 1. Stucco or any masonry material allowed by the International Building Code that is installed unit by unit, including but not limited to brick, Exterior Insulation Finishing System (EIFS) or a combination of these materials shall be required on the following facades of the main building:
- 100% of the front façade and
 - the first 25% of the length of the north and south walls of the building, measuring from front to back;
2. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
3. Four off-street parking spaces shall be striped along the front of the main building.



Z-FY-08-06

11 North 6th Street

Lot 3, Blk 292, Temple Original Addition



10 Notices Mailed
3 Approve
3 Disapprove

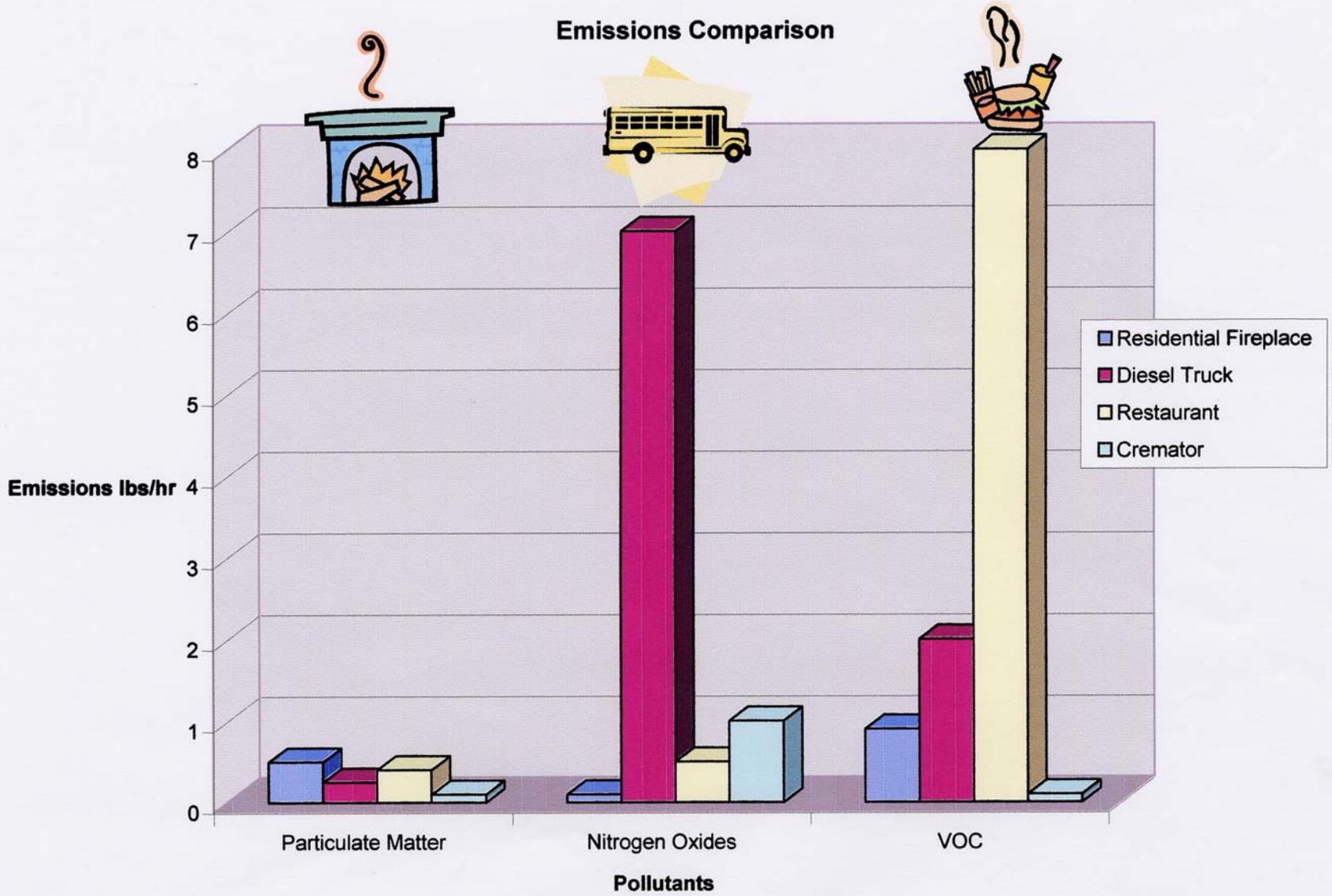
Proposed Rezone 200' Buffer

CA to CA w/ CUP for Crematorium

1 inch equals 100 feet

J Stone 12.07.07

Emissions Comparison





PLANNING AND ZONING COMMISSION AGENDA ITEM

01/07/08
Item #3
Page 1 of 3

APPLICANT / DEVELOPMENT: Central Texas Mortuary Service for Crematorium

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-06 Hold a public hearing to consider a Conditional Use Permit to allow a proposed crematorium to be located at 11 North 6th Street. (Applicant: Central Texas Mortuary Service)

BACKGROUND: The applicant wishes to establish a crematorium on the subject property. Such use requires a conditional use permit (CUP) in all zoning districts except for the MU, Mixed Use zoning district, where it is prohibited. The subject property is zoned CA, Central Area. The purpose of a CUP is to allow uses that generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties, Planning and Zoning Commission and City Council review of the associated site plan is required.

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	CA	Vacant/unidentified
East		Used auto sales
South		Restaurant
West		Parking lot an dchurch (across 6 th St.)

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

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

Thoroughfare Plan – This application conforms to the Thoroughfare Plan.

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

Development Regulations

In addition to the site plan required for a CUP application, the applicant has submitted information on cremation technology. The submitted table shows that crematoriums emit less particulate matter, nitrogen oxides and volatile organic compounds (VOCs) than fireplaces, diesel trucks and restaurants (source: Paul Rahill. *American Funeral Director*. January 1999). Common substances that emit VOCs include: paint strippers, cleaning supplies, pesticides, correction fluids and permanent markers.

Section 7-606 of the Zoning Ordinance sets out criteria for the Planning and Zoning Commission and City Council to consider when reviewing a CUP application. One criterion is “The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity.” In order to protect the integrity of the downtown area and to bring the subject property into harmony with the neighboring brick building and the nearby Hawn Hotel that is soon to be restored, staff recommends that the following facades of the main building be completely composed of brick:

- 100% of the front façade and
- the first 25% of the length of the north and south walls of the building, measuring from front to back.

Another review criterion is “There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.” For this reason, staff recommends that landscaped foundation plantings four feet in depth with shrubs be provided along the front façade of the main building except for in front of the entryway and garage door.

These two recommendations would result in the following transformation of the front of the main building.



In addition, the Zoning Ordinance requires one 9’ wide, 18’ deep parking space per 250 square feet for general retail or personal service uses. Eight parking spaces are required for the subject property; however, four spaces would be adequate considering the close proximity of a nearby underused public parking lot across 6th street from the subject property. See the attached recommended site plan for details.

Public Notice

Ten notices were sent out. As of Thursday, January 3 at 5 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 29, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit for a crematorium subject to the following modifications to the submitted site plan:

1. The following facades of the main building be completely composed of brick:
 - 100% of the front façade and
 - the first 25% of the length of the north and south walls of the building, measuring from front to back.
2. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door; and
3. Four off-street parking spaces shall be striped along the front of the main building.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Aerial

Application

Site Plan (original)

Site Plan (staff recommendation)

Notice Map

Responses

Applicant's Exhibits

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

MONDAY, JANUARY 7, 2008

ACTION ITEMS

- 3. Z-FY-08-06** Hold a public hearing to consider a Conditional Use Permit to allow a proposed crematorium to be located at 11 North 6th Street. (Applicant: Central Texas Mortuary Service)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Agenda Background. He informed the Commission that City Council would be the final authority for the Conditional Use Permit request. Mr. Mabry presented a slide show on the background of the area, surrounding property and uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. He said the building is now being used as an embalming facility and the proposal is to have a propane or natural gas as opposed to electric crematorium. Mr. Mabry explained the purpose of the Conditional Use Permit which he presented on the screen for the Commissioner's to see. He said the applicant has submitted a site plan which he showed on the screen. The Planning and Zoning Commission and the City Council can impose additional conditions as they see fit if necessary to protect the public interests. Mr. Mabry displayed a graph showing some statistics about the emissions for a crematorium with the point being suggested that they are probably less polluting or have less emissions than what the public may think. He showed the Staff Recommendation for the façade of the building, landscaping, and parking requirements. Mr. Mabry said ten notices were mailed to surrounding property owners within 200 feet of the building. Three notices were returned in opposition to the request and one was returned in favor 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. Michael Gaskins, representative for Central Texas Mortuary, 11 N. 6th Street, Temple, addressed the Commission. He said he is in agreement with the landscaping and parking requirements, however, the metal building may not be able to hold up to adding brick to the front and sides. He suggested looking at other options other than brick.

Mr. Mabry said the brick was mentioned in a pre-meeting with the Director of Construction safety. Some other options mentioned were thin veneer

brick that would glue on to the metal building, or to supplement or strengthen the foundation of the building to hold the brick.

Mr. Gaskins replied that the foundation of the building is double the thickness of regular foundation required. He asked Mr. Mabry if these were the only two options available.

Mr. Mabry stated that the Planning and Zoning Commission is not the final decision. They will make a recommendation to the City Council. He said based on that recommendation he and Mr. Gaskins could talk with the Director of Construction Safety or between now and the next Council meeting to modify Staff's recommendation.

There was continued discussion between the applicant, Staff, and the Planning and Zoning Commission about modifying the front and sides of the building, emission control, and considering stucco or EFIS verses brick.

Commissioner Secrest said he would like to sever bullet number one from the Staff recommendation and vote on it separately. He said he is for the change however he does not agree with having the applicant forced to use brick for the front and side façade.

Chair Luck closed the public hearing.

Ms. Trudi Dill, Deputy City Attorney, said that by ordinance a motion could eliminate a part of the Staff recommendation but not sever it from the recommendation. Mr. Mabry said that a Commissioner could make a motion without bullet number 1 and when he takes it before the City Council he would show what the Staff recommendation was and what the Planning and Zoning Commission motioned and voted on.

Chair Luck asked Mr. Mabry to clarify what the Zoning Ordinance means when it says that the Planning and Zoning Commission may recommend and City Council may impose additional conditions necessary to protect the public interest and welfare. Mr. Mabry gave the hypothetical example that if the crematorium were surrounded by 100% brick buildings on all sides, front, and back, a motion could be made that in the public interest of preserving a certain quality of the downtown area that the motion include that this building also be brick in the front and side.

Motion to recommend approval of Z-FY-08-06 as stated in the Staff recommendation for number 2, Landscaping and number 3, parking spaces only, by Commissioner Secrest; seconded by Commissioner Pilkington.

Motion passed. (8/1) Chair Luck voted nay.

Motion to recommend approval of Z-FY-08-06, item number 1 to be determined by the applicant and Mr. Mabry to create a list of approved façade acceptable by City Council and by Planning and Zoning by Commissioner Talley.

Motion failed for lack of a second to the motion.

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-06]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A PROPOSED CREMATORIUM LOCATED AT 11 NORTH 6TH STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of land commonly known as 11 North 6th Street, recommends that the City Council approve the application for this Conditional Use Permit for a crematorium; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow a proposed crematorium located at 11 North 6th Street, said location being more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. The development of the property shall conform to the site plan, attached hereto as Exhibit B.
- B. Stucco or any masonry material allowed by the International Building Code that is installed unit by unit, including but not limited to brick, Exterior Insulation Finishing System (EFIS) or a combination of these materials shall be required on the following facades of the main building:
 - * 100% of the front façade; and
 - * the first 25% of the length of the north and south walls of the building, measuring from front to back.
- C. Landscaped foundation plantings four feet in depth with shrubs shall be provided along the front façade of the main building except for in front of the entryway and garage door.
- D. Four off-street parking spaces shall be striped along the front of the main building.
- E. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishment or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- F. The conditional use permit runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- G. The City Council may revoke, suspend or modify a conditional use permit after notice to property owner and hearing before the City Council if the City Council finds evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Sections 7-609 and 7-610 of the Zoning Ordinance.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: 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 5: 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 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: 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 **17th** day of **January**, 2008.

PASSED AND APPROVED on Second Reading on the **7th** day of **February**, 2008.

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

01/17/08
Item # 7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director
Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 33, Subdivisions, Section 93, Streets, of the Code of Ordinances to provide that permanent monuments shall be placed in accordance with survey and monumentation standards.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 7, 2008.

ITEM SUMMARY: Staff recommends approval of language change to Chapter 33 Subdivisions, Section 93 Streets, subsection (q) Monuments, subject to City Council's approval with the following recommended language:

“The registered professional land surveyor responsible for the plat shall place permanent monuments in accordance with survey and monumentation standards. A copy of this standard is available in the Office of the Director of Public Works for the City of Temple.”

Registered professional land surveyors are bound to abide by state law when practicing land surveying including subdivision of land. In order to avoid potential conflicts with changes in state law potentially requiring city ordinance exception requests and to improve efficiency of land development implementation, the Development Standards Advisory Board and city staff recommend deleting specific language from the Subdivision ordinance related to land survey monuments and replace with language as stated above.

On October 10, 2007 the Development Standards Advisory Board (DSAB) recommended to revise the subdivision ordinance by removing existing language and replacing with language referencing a survey and monumentation standard by name. Local land surveyors were represented at this meeting and were instrumental in developing the survey and monumentation standards language.

The recommended survey and monumentation standard specifies work shall be performed in compliance with the current Minimum Standards of Practice governed by the Texas Board of Professional Land Surveying (TBPLS). The recommended standard provides requirements for perimeter boundary controls, permanent monuments and individual lot corners. It specifies when and where land survey monumentation occurs during subdivision layout and construction.

On December 17, 2007 Planning and Zoning Commission approved recommendation to amend Chapter 33, Subdivision Ordinance, related to land survey monumentation requirements for subdivisions.

FISCAL IMPACT: No fiscal impact to City funds.

ATTACHMENTS:

[Survey & Monumentation Standards](#)
[Current Chapter 33-93 Streets \(q\) Monuments ordinance language](#)
[Ordinance](#)

Survey & Monumentation Standards

All subdivisions prepared for submittal to City of Temple shall be prepared by a Registered Professional Land Surveyor, licensed in the state of Texas, and all survey work shall be performed in compliance with the current Minimum Standards of Practice governed by the Texas Board of Professional Land Surveying (TBPLS).

- 1.) **CONTROL** - The perimeter boundary of the subdivision must be tied to the City of Temple Horizontal and Vertical Control system, and the physical (measured) tie (grid bearing and surface distance) must be displayed on the subdivision plat, or described thoroughly with a note on the face of the plat.

All elevations shown on construction plans or on the plat (if needed) must be tied to an existing City of Temple Control Point, and the description/location of this control point/benchmark must be noted on the plans, and in some events – on the plat.

- 2.) **BOUNDARY MONUMENTATION** - All subdivisions shall have the perimeter boundary of the subdivision properly marked and said markers must consist of monuments that are set or found (and appropriately described on the plat and in the accompanying surveyor's field notes), and are of sufficient size and depth to retain a stable and distinctive location and to withstand the deteriorating forces of nature, and shall be of such material that, in the surveyor's judgment, will best achieve this goal (this is required in order to comply with TBPLS rules).

All of the perimeter corners of the subdivision must have actual "in the ground" markers that meet the TBPLS minimum standards, or have reference markers in the event of drastic terrain creating a situation where a marker cannot be placed at the actual corner.

All street Rights-Of-Way (ROW) corners (this includes block corners, angle points, points of curvature and points of tangency) must have a marker placed by a surveyor prior to final plat approval by the City of Temple or recording of plat and prior to final acceptance of the subdivision. In accordance with the TBPLS rules, where practical, all monuments/markers set by professional land surveyors to delineate or witness a boundary corner shall be marked in a way that is traceable to the responsible surveyor or associated firm.

- 3.) **INDIVIDUAL LOT CORNERS** - Each and every lot corner is not required to be in place at the time the plat is approved or recorded, unless said corner is a subdivision perimeter corner, block corner, or ROW corner. Prior to commencement of building/structure construction, all lot corner monuments for the lot(s) included in the permit must be in place.

Chapter 33 Subdivision, Section 93 Streets, Subsection (q) Monuments”

- (1) The surveyor responsible for the plat shall place permanent monuments:
 - a. At the centerline intersection point of all streets.
 - b. At the intersection of the centerline of the streets and the subdivision boundary.
 - c. At the center of a cul-de-sac.

The city engineer may modify the number and location of certain points.

- (2) These monuments shall be set in a permanent type post as approved by the city engineer, i.e. similar to City of Temple “Permanent Monument” TC-370. The precise point of intersection shall be indented on the tip of the monument. A description of the location, elevation and monument ties shall be provided the city engineer.
- (3) Block corners shall be an iron rod, pipe, etc., set in concrete. These block corners shall be referenced to the subdivision permanent monuments and the bearings and distances of the reference lines shall be filed in writing with the city engineer.
- (4) The city engineer, through his surveyor, shall maintain a monument and block corner file.
- (5) The location of monuments shall be shown on the final plat.
- (6) All lot corners shall be set with a marker of a permanent nature, i.e. iron rod, pipe, etc.
- (7) All monuments and block corners shall be in place at the time of acceptance of utilities and streets.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 33, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, SECTION 33-93, "STREETS," SUBSECTION q, "MONUMENTS," REPLACING LANGUAGE TO ADD *SURVEY AND MONUMENTATION STANDARDS*; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council amends Chapter 33, "Subdivisions," of the Code of Ordinances of the City of Temple, Texas, by amending Section 33-93, "Streets," subsection "q," "Monuments," to read as follows:

Sec. 33-93. Streets.

(q) *Monuments.*

~~(1) The surveyor responsible for the plat shall place permanent monuments:~~

~~a. At the centerline intersection point of all streets.~~

~~b. At the intersection of the centerline of the streets and the subdivision boundary.~~

~~c. At the center of a cul-de-sac.~~

~~The city engineer may modify the number and location of certain points.~~

~~(2) These monuments shall be set in a permanent type post as approved by the city engineer, i.e. similar to City of Temple "Permanent Monument" TC 370. The precise point of intersection shall be indented on the top of the monument. A description of the location, elevation and monument ties shall be provided the city engineer.~~

~~(3) Block corners shall be an iron rod, pipe, etc., set in concrete. These block corners shall be referenced to the subdivision permanent monuments and the bearings and distances of the reference lines shall be filed in writing with the city engineer.~~

- (4) ~~The city engineer, through his surveyor, shall maintain a monument and block corner file.~~
- (5) ~~The location of monuments shall be shown on the final plat.~~
- (6) ~~All lot corners shall be set with a marker of a permanent nature, i.e. iron rod, pipe, etc.~~
- (7) ~~All monuments and block corners shall be in place at the time of acceptance of utilities and streets.~~

The registered professional land surveyor responsible for the plat shall place permanent monuments in accordance with survey and monumentation standards. A copy of this standard is available in the Office of the Director of Public Works for the City of Temple.

Part 2: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Part 3: This ordinance shall take effect immediately after the date of its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: 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 **17th** day of **January**, 2008.

PASSED AND APPROVED on Second Reading on the **7th** day of **February**, 2008.

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

01/17/08
Item #8
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING - Consider adopting a resolution authorizing an amendment to the Fiscal Year 2006-2007 CDBG Annual Action Plan to fund \$100,000 for the Ferguson Park Splash Pad Expansion project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Fiscal Year 2006-2007 CDBG Annual Action Plan originally included \$100,000 for a multi-use arena to be constructed on the east side of Temple in Wilson Park. On September 6, 2007 the Council decided that the Wilson Park multi-use arena could not be constructed within the available budget and that the ground in Wilson Park is not stable enough to construct a multi-use arena.

Public Hearings were held on December 14th and 17th of 2007 for comments on the amendment to the annual action plan. No comments were received.

We propose that the \$100,000 allocated to the Wilson Park multi-use arena be reallocated to the Ferguson Park Splash Pad Expansion project. The project will expand the current structure by 1,250 square feet and renovate the existing Ferguson Park Splash Pad. Renovations will include additional spray features for the original splash pad, a filter/pump room wall enclosure, a lightning detection system, additional benches, shade structures and landscaping.

FISCAL IMPACT: This project is proposed to be funded through \$100,000 of CDBG Block Grant funds that became available upon the rejection of the Wilson Park Multi-use Arena project on September 6, 2007. After the Council's approval of this amendment to the FY 2006-2007 CDBG Annual Action Plan, the amendment will be submitted for HUD's approval and the environmental clearance process will begin. We anticipate that the funding will be available in February.

ATTACHMENTS:
[Preliminary Budget Resolution](#)

Ferguson Park Splash Pad Expansion

Project: Expand and renovate the Ferguson Park Splash Pad
Budget: \$100,000

Add 1250 square feet of size	\$50,000
Engineering	\$10,000
Purchase additional spray features for original splash pad	\$ 7,000
Filter/pump room wall enclosure	\$15,000
Add lightning predictor system	\$ 6,500
Add benches (6)	\$ 4,800
Add shade structures	\$ 6,000
<u>Landscape</u>	<u>\$ 700</u>
Total	\$100,000

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2006-2007 CDBG ANNUAL ACTION PLAN TO FUND \$100,000 FOR THE FERGUSON PARK SPLASH PAD EXPANSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Fiscal Year 2006-2007 CDBG Annual Action Plan originally included \$100,000 for a multi-use arena to be constructed on the east side of Temple in Wilson Park – on September 6, 2007, the City Council decided that the Wilson Park multi-use arena could not be constructed within the available budget and that the ground in Wilson Park is not stable enough to for this construction;

Whereas, Staff proposes that the funds allocated to the Wilson Park project be reallocated to the Ferguson Park Splash Pad Expansion project with renovations to include additional spray features for the original splash pad, a filter/pump room wall enclosure, a lighting detection system, additional benches, shade structures and landscaping;

Whereas, the project is proposed to be funded through \$100,000 of CDBG Block Grant funds that became available upon the rejection of the Wilson Park Multi-Use Arena project on September 6, 2007;

Whereas, after Council's approval of this amendment to the FY2006-2007 CBDG Annual Action Plan, the amendment will be submitted for HUD's approval and the environmental clearance process will begin; and

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

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

Part 1: The City Council authorizes an amendment to the Fiscal Year 2006-2007 CDBG Annual Action Plan to fund \$100,000 for the Ferguson Park Splash Pad Expansion 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 **17th** day of **January**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney