



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, MARCH 6, 2008

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive a report from Milliman regarding their actuarial analysis of other post employment benefits related to GASB 45.
2. Discuss the formation of the Temple Medical and Education District (TMED).
3. Discuss various transportation issues and projects in the City including, but not limited to the Outer Loop project, pass through financing, and traffic signals.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 6, 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. 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.

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

Minutes:

- (A) [February 21, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5331-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Wiginton Hooker Jeffry, PC Architects of Plano, Texas, for the architectural services related to constructing a new Central Fire Station in an amount not to exceed \$5,000, making a total contract value of \$30,000.
- (C) [2008-5332-R](#): Consider adopting a resolution authorizing a contract with the Fort Hood Area Habitat for Humanity, Inc. to administer and implement a Home Repair and Handicap Accessibility Program in an amount not to exceed \$25,000 for fiscal year 2008.

- (D) [2008-5333-R](#): Consider adopting a resolution authorizing a contract with Johnson Roofing of Temple for various city facility re-roofing and asbestos removal projects in the amount of \$125,100 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (E) [2008-5334-R](#): Consider adopting a resolution authorizing a construction contract with McLean Construction, Ltd., of Killeen for construction activities required to build Phases 2 and 3 of the FM 2305 Wastewater Extension to FM 2271 in west Temple in an amount not to exceed \$1,815,731.70.
- (F) [2008-5335-R](#): Consider adopting a resolution authorizing the purchase of 19 digital radios for the Fire Department from Dailey-Wells Communications in the amount of \$84,952.50 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

Ordinances - Second and Final Reading

- (G) [2008-4202](#): SECOND READING – Z-FY-08-10: Consider adopting an ordinance authorizing a zoning change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams.
- (H) [2008-4203](#): SECOND READING – Consider adopting an ordinance repealing Ordinance 96-2451, which established the Convention Center & Tourism Advisory Board, allowing this board to be combined with the Parks and Recreation Board.

Misc:

- (I) [2008-5336-R](#): Consider adopting a resolution approving a Letter of Understanding for creation of the Temple Medical and Education District (TMED) and appointing four members to the Coordinating Group.
- (J) [2008-5337-R](#): Consider adopting a resolution declaring an official intent to reimburse certain expenditures in an amount not to exceed \$9,750,000 made prior to the issuance of tax-exempt General Obligation Bonds designated for Parks Projects approved by the voters on November 6, 2007.
- (K) [2008-5338-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.
- (L) [2008-5339-R](#): Consider adopting a resolution authorizing the purchase of the property located at 212 East Avenue A, commonly known as the “Nadine Apartments property.”
Executive Session – The City Council may enter into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or sale of real property.

IV. REGULAR AGENDA

ORDINANCES

4. **2008-4205:** FIRST READING – PUBLIC HEARING - Z-FY-08-12: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a bar at the Continental Inn, located at 3300 North General Bruce Drive, on land commonly known as Outblock 570-B, City Addition.
5. **2008-4206:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on the SH 36/LP 363 frontage road within the City limits.
6. **2008-4207:** FIRST READING – PUBLIC HEARING - Consider adopting an ordinance repealing ordinance 92-2133, which established the Parks and Recreation Advisory Board, allowing this board to be combined with the Convention Center & Tourism Advisory Board.
7. (A) **2008-4208:** FIRST READING – PUBLIC HEARING - Z-FY-08-15-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 4.611 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive.

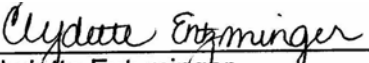
(B) **2008-4209:** FIRST READING – PUBLIC HEARING - Z-FY-08-15-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District to approximately 4.61 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive.

BOARD APPOINTMENTS

8. **2008-5340-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
 - (B) Building & Standards Commission – one regular member and one alternate member to fill expired terms through March 1, 2010
 - (C) Development Standards Advisory Board – two members to fill unexpired terms through March 1, 2009

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 10:30 AM, on March 3, 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 _____ 2008.



COUNCIL AGENDA ITEM MEMORANDUM

03/06/08
Item #3(A)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) February 21, 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:

February 21, 2008 Special Called Meeting & Regular Meeting

TEMPLE CITY COUNCIL

FEBRUARY 21, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 21, 2008 at 4:00 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

Present:

Councilmember Marty Janczak

Councilmember Tony Jeter

Mayor Pro Tem Patsy E. Luna

Councilmember Russell Schneider

Mayor William A. Jones, III

1. Discuss the Temple-Belton Regional Sewerage System expansion project.

David Blackburn, City Manager, stated today's report is an update from one presented to the Council in July 2007.

Thomas Valle, Kasberg, Patrick & Associates, presented this report to the Council. He provided some background information and showed the existing facility and service area. Mr. Valle explained one of the reasons for the study is that TCEQ mandates planning must begin when flows reach 75% of design capacity for three consecutive months and this occurred last year. TCEQ also mandates that construction must begin when flows reach 90% of design capacity for three consecutive months. This has only been reached for two consecutive months. Another reason for the study relates to odor issues from the plant headworks and the compost operation.

Mr. Valle continued with a review of the study approach and objectives. He presented TBRSS service area population projections and flow projections which are estimated to double in 30 years. He also discussed the lift stations and force mains, indicating their capacity projections. Next, Mr. Valle showed photos of the existing headworks structure and discussed the solids management occurring at the TBRSS to address odor issues.

Mr. Valle concluded his presentation with updated recommendations from the previous study, which involves a three-phase approach to the improvements. He noted since the previous presentation to Council, the City has asked Brown and Caldwell to independently review options for the TBRSS. Four alternatives were reviewed and cost estimates prepared, which Mr. Valle presented, as well as a proposed project schedule.

2. Discuss appointments to the following City boards and commissions:

(A) Airport Advisory Board - one member to fill an unexpired term through September 1, 2008

(B) Animal Services Advisory Board - one member to fill an unexpired term through

September 1, 2009

(C) Building & Standards Commission - three regular members and one alternate member to fill expired terms through March 1, 2010

(D) Building Board of Appeals - four members to fill expired terms through March 1, 2012

(E) Development Standards Advisory Board - three members to fill expired terms through March 1, 2011 and one member to fill an unexpired term through March 1, 2009

(F) Electrical Board - three members to fill expired terms through March 1, 2011

(G) Parks and Recreation Board - two members to fill expiring terms through March 1, 2011

(H) Reinvestment Zone Number One - one member to fill an unexpired term through September 1, 2008

(I) Temple Economic Development Corporation - one member representing the Temple Chamber of Commerce to fill an unexpired term through September 1, 2008

(J) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2008 and one member to fill an unexpired term through September 1, 2009

(K) Transit Advisory Committee - one member to fill an unexpired term through September 1, 2008

(L) Tree Board - two members to fill expired terms through March 1, 2011

(M) Zoning Board of Adjustment - three regular members and two alternate members to fill terms through March 1, 2010

- 3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 21, 2008 as follows:**

The City Council discussed several of the recommendations for appointments to these City Boards and Commissions.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 21, 2008 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Fire Chief Lonzo Wallace voiced the Invocation.

2. Pledge of Allegiance

Police Chief Gary Smith led the Pledge of Allegiance.

II. PUBLIC APPEARANCE

3. Receive comments from Charles Viktorin regarding his company, PODS Central Texas.

Charles Viktorin, PODS Central Texas, introduced himself and his business to the Council. He showed two brief videos detailing the services offered by his business, located on Dodge, across from Dynasty Restaurant in Temple.

III. PUBLIC COMMENTS

Mayor Jones welcomed the Wilson family to the Council meeting.

Mr. Jay Brown, representing Senator Troy Fraser, presented a Senate Proclamation to Mrs. Sharon Wilson, widow of Dr. Ralph Wilson, Jr., who died December 17, 2007. This proclamation recognized the many contributions of Dr. Wilson to the City of Temple and the surrounding communities.

IV. PROCLAMATIONS AND SPECIAL RECOGNITIONS

4. Severe Weather Awareness Week February 24 - March 1, 2008

Fire Chief Lonzo Wallace received this proclamation presented by Mayor Jones.

V. REPORTS

5. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2007.

Traci Barnard, Director of Finance, introduced Mr. Blake Stapp, with Brockway, Gersbach, McKinnon and Niemeier, P.C., who presented an overview of the City's Comprehensive

Annual Financial Report for year ended September 30, 2007. Mr. Stapp reviewed the financial highlights of the report, including various schedules and statements. He referred to several pages in the audit report, including the independent auditors report which indicates there were no findings in this audit. Mr. Stapp also noted the management and statistical sections in the report which contain a great deal of significant information.

Motion by Councilmember Marty Janczak to receive report as presented, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

6. Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

Gary Smith, Police Chief, presented an overview of the Racial Profiling report to the City Council. He reviewed statistics relating to traffic stops, citations and arrests from traffic stops, using several different data sets for comparison purposes.

Statistical information was also provided for citations with search, traffic stops leading to arrest, traffic stops leading to arrests with search, and traffic stops leading to arrest with consent to search. Chief Smith concluded that the policies of the Temple Police Department comply with state laws regarding bias-based policing and, in his opinion, the Temple Police Department does not use bias.

Motion by Councilmember Russell Schneider to receive report, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

VI. CONSENT AGENDA

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

(A) January 22, 2008 Special Called Meeting

(B) February 7, 2008 Special Called Meeting and Regular Meeting

(C) 2008-5303-R: Consider adopting a resolution authorizing a two-year renewal to an existing interlocal agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated annual amount of \$1,393,710.

(D) 2008-5304-R: Consider adopting a resolution authorizing a contract with TCB Construction, Inc. of Austin, to construct an aircraft wash pad at the Draughon-Miller Central Texas Regional Airport in the amount of \$41,097.

(E) 2008-5321-R: Consider adopting a resolution authorizing a professional services agreement with Comprehensive Engineering Solutions, Inc., (CES) of Temple, for design and construction phase services, including surveying, bidding, construction administration, and construction staking, required to implement Phase 2 of the Somerville/FM 2271 Water Line Improvements in west Temple south of FM 2305 in an amount not to exceed \$34,100 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations designated for this project.

(F) 2008-5322-R: Consider adopting a resolution authorizing an annual purchase of water testing services from the Texas Department of State Health Services (TDH) laboratory, for water testing services related to EPA required disinfection sampling, annual samples for TCEQ, semi annual samples for TCEQ, and quarterly samples for TCEQ in the budgeted annual amount of \$40,930.

(G) 2008-5323-R: Consider adopting a resolution authorizing the purchase and training for five (5) Water Distribution System Monitoring Units in the Water Distribution System from Hach Company of Loveland, Colorado, in the amount of \$71,810.50.

(H) 2008-5324-R: Consider adopting a resolution rejecting all proposals received for operating a coffee shop and limited café service at the Temple Public Library.

(I) 2007-4187: SECOND READING - 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.

(J) 2008-4195: SECOND READING - Z-FY-08-08: Consider adopting an ordinance authorizing a zoning change from Two Family and General Retail Districts to Light Industrial District on approximately 6.38 acres of land known as Outblock 573-B, City Addition, located between Pegasus Drive and North General Bruce Drive, across from PACTIV Corporation.

(K) 2008-4197: SECOND READING - Consider adopting an ordinance changing the posted speed limit on Eagle Landing Drive from FM 2305 to the Centex Sportsman Club Road from 30 mph to 25 mph.

(L) SECOND READING - Consider adopting ordinances:

- 1. 2008-4198: Amending Chapter 7, "Buildings," of the Code of Ordinances of the City of Temple, Texas, adopting the 2006**

International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Fuel Gas Code, and the 2006 International Energy Conservation Code;

- 2. 2008-4199: Amending Chapter 10, "Temple Electrical Code," of the Code of Ordinances of the City of Temple, Texas, adopting the National Fire Protection Association, National Electrical Code, NFPA No. 70, 2005; and**
- 3. 2008-4200: Amending Chapter 21, "Minimum Housing Standards," of the Code of Ordinances of the City of Temple, Texas, adopting the 2006 International Property Maintenance Code and Amendments.**

(M) Consider adopting resolutions:

- 1. 2008- 5325-R: Ordering the City's General election for May 10, 2008, for the election of the District 2 Councilmember, District 3 Councilmember and Mayor at-large for three year terms;**
- 2. 2008- 5326-R: Ordering a special election to submit to the voters one proposition regarding the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects; and**
- 3. 2008-5327-R: Authorizing joint election agreements with Temple Independent School District, Temple Health & Bioscience Economic Development District, Temple College and Clearwater Underground Water Conservation District for the May 10, 2008 election.**

(N) 2008-5328-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2008

(O) 2008-5329-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, with exception of items (D) and (N), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(D) 2008-5304-R: Consider adopting a resolution authorizing a contract with TCB Construction, Inc. of Austin, to construct an aircraft wash pad at the Draughton-Miller Central Texas Regional Airport in the amount of \$41,097.

Councilmember Janczak asked the location of the wash pad being constructed on the Airport

Mr. Blackburn stated he was not certain of the selected location. Several locations were being contemplated but all were in accordance with the master plan and FAA guidelines.

Motion by Councilmember Marty Janczak to adopt resolution regarding item 7(D), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(N) 2008-5328-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2008

Traci Barnard, Director of Finance, reviewed the General Fund revenue and expenditure highlights with 25% of the year being complete. She also provided a sales tax regional comparison for the past four months. Mrs. Barnard reviewed the first quarter revenues and expenses in the Water and Wastewater Fund, and concluded with a summary of the Capital Improvement Program and the City's investments.

Motion by Councilmember Marty Janczak to adopt resolution regarding item 7 (N), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

VII. REGULAR AGENDA

ORDINANCES

- 8. 2008-4196: SECOND READING - PUBLIC HEARING - Z-FY-08-14: Consider adopting an ordinance amending Section 13 of the City of Temple Zoning Ordinance to add masonry standards.**

Mayor Jones stated no presentation will be necessary regarding this item since the Planning & Zoning tabled the item until April 7, 2008.

Mayor Jones declared the public hearing open with regard to item 8 and asked if anyone wished to address this item. There were no comments.

Mayor Jones stated the public hearing will be suspended until the item is brought back before the Council for action. No action was taken at this time regarding item 8.

- 9. 2008-4202: FIRST READING - PUBLIC HEARING - Z-FY-08-10: Consider adopting an ordinance authorizing a zoning change from General Retail**

District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams.

Brian Mabry, Planner, presented this item to the City Council. He showed photos of the subject property and the surrounding structures. Mr. Mabry also displayed the future land use map showing this case does not require an amendment to the map. The proposal also corresponds to the thoroughfare plan and utility infrastructure. The purpose of the Commercial District was also reviewed by Mr. Mabry, as well as the allowed and prohibited uses. Four notices were mailed to property owners in the surrounding area. No notices were returned either in favor or opposition of the requested rezoning.

The Planning and Zoning Commission and Staff both recommended approval of the rezoning request.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading set for March 6, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

10. 2008-4203: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance repealing Ordinance 96-2451, which established the Convention Center & Tourism Advisory Board, allowing this board to be combined with the Parks and Recreation Board.

Ken Cicora, Director of Parks and Leisure Services, presented this item to the City Council. He provided some background on the creation of the Convention Center & Tourism Advisory Board. He also reviewed the purpose of the Parks and Recreation Board and the reasons for his recommendation to combine both boards. The membership of both boards have reviewed this proposal and are in agreement.

Mayor Jones declared the public hearing open with regard to agenda item 10 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading set for March 6, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

11. **2008-4201: SECOND READING - PUBLIC HEARING: Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan, bond proceeds, and future year bond payments.**

Traci Barnard, Director of Finance, presented this item to the City Council. She stated the amendment revises the RZ bond projects and adds \$1,010,000 to the bond issue. The amendment proposed is through the life of the Zone, 2022, and the estimated bond issuance cost is 4.75% net interest cost for \$22.395M total bonds. The bond award is scheduled for March, with sale in April, 2008. Mrs. Barnard reviewed the various projects included in the bond issue. She also discussed the amendments to fund balance for various projects and tax adjustments.

Mayor Jones declared the public hearing open with regard to agenda item 11 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on second and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

12. **2008-4204: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance approving a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' statement of intent to change gas rates in all cities exercising original jurisdiction, to be considered on an emergency basis.**

Jonathan Graham, City Attorney, presented this item to the City Council. The City has a franchise with Atmos Energy and rate review authority. In September 2007 Atmos filed a rate increase with the City. In October 2007 the Council voted to suspend the rate request for 90 days and authorized the City's participation in the Atmos Cities Steering Committee with about 150 other Texas cities. Since October the steering committee has worked with Atmos representatives to explore options and address Atmos' latest request to increase rates by \$52 million. A settlement agreement has been reached to reduce Atmos' original request by more than 80 percent, for a \$10 million increase in Atmos' revenues. Mr. Graham reviewed some of the other elements contained in the settlement agreement and recommended approval by the Council.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance on first and final reading, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

BOARD APPOINTMENTS

- 13. 2008-5330-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Airport Advisory Board - one member to fill an unexpired term through September 1, 2008

No action taken regarding this item.

(B) Animal Services Advisory Board - one member to fill an unexpired term through September 1, 2009

No action taken regarding this item.

(C) Building & Standards Commission - three regular members and one alternate member to fill expired terms through March 1, 2010

The recommendation was made to reappoint Ron Kasberg and Bishop John Tolbert as regular members, with remaining appointments to be made at a later date.

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

Motion passed unanimously.

(D) Building Board of Appeals - four members to fill expired terms through March 1, 2012

The recommendation was made to reappoint Michael Marrs and Kristy Andrews and appoint Phillip Snyder, with remaining appointment to be made at a later date.

Motion by Councilmember Tony Jeter to adopt resolution appointing members as recommended, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(E) Development Standards Advisory Board - three members to fill expired terms through March 1, 2011 and one member to fill an unexpired term through March 1, 2009

Mayor Jones stated the Chair of this Board has asked that the appointments to fill expired terms be deferred until the unexpired terms have been filled so there is not such a substantial turn-over on the board at one time.

Motion by Councilmember Russell Schneider to table appointments to future Council meeting, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(F) Electrical Board - three members to fill expired terms through March 1, 2011

The recommendation was made to reappoint Alan Brown and Pat Patterson and appoint Melissa Tyroch.

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

Motion passed unanimously.

(G) Parks and Recreation Board - two members to fill expiring terms through March 1, 2011

The recommendation was made to table these appointments pending the approval of the resolution to re-create the Parks and Recreation Board.

Motion by Councilmember Tony Jeter to table appointments to future Council meeting, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(H) Reinvestment Zone Number One - one member to fill an unexpired term through September 1, 2008

The recommendation was made to appoint Scott Allen.

Motion by Councilmember Tony Jeter to adopt resolution appointing member as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(I) Temple Economic Development Corporation - one member representing the Temple Chamber of Commerce to fill an unexpired term through September 1, 2008

The recommendation was made to appoint Kenny Martin, as recommended by the Temple Chamber of Commerce Board of Directors.

Motion by Councilmember Russell Schneider to adopt resolution appointing member as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(J) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2008 and one member to fill an unexpired term through September 1, 2009

The recommendation was made to appoint Stephen Paine to fill the unexpired term through September 1, 2008 and Staci Taylor to fill the unexpired term through September 1, 2009,

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

(K) Transit Advisory Committee - one member to fill an unexpired term through September 1, 2008

The recommendation was to appoint Stephen Paine.

Motion by Councilmember Tony Jeter to adopt resolution appointing member as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(L) Tree Board - two members to fill expired terms through March 1, 2011

The recommendation was made to reappoint Jack Barton as the Parks and Recreation Board representative.

Motion by Councilmember Marty Janczak to adopt resolution appointing member as recommended, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

(M) Zoning Board of Adjustment - three regular members and two alternate members to fill terms through March 1, 2010

The recommendation was to reappoint Milton Kirschner and Bert Pope as regular members and appoint Scott Morrow as a regular member and Brandon Tarnow and Jared Bryan as alternate members.

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

Motion passed unanimously.

14. 2008-5331-R: Consider adopting resolutions appointing alternate members to the Central Texas Council of Government Executive Committee and the Killeen-Temple Urban Transportation Study Policy Board.

Mayor Jones stated that Mayor Pro Tem Patsy Luna has agreed to serve as the alternate member on the Central Texas Council of Governments Executive Committee and Councilmember Janczak has indicated his willingness to serve as the alternate member on the K-TUTS Policy Board.

Motion by Councilmember Russell Schneider to adopt resolutions appointing members as recommended, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

03/06/08
Item #3(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Wiginton Hooker Jeffry, PC Architects of Plano, Texas, for the architectural services related to constructing a new Central Fire Station in an amount not to exceed \$5,000, making a total contract value of \$30,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 21, 2008, Council ordered a special election to submit to the voters a proposition regarding the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition includes \$7,174,840 for a new Central Fire Station.

In order to develop a more accurate cost estimate of this new facility, in January staff engaged Wiginton Hooker Jeffry, PC Architects (WHJ) to assist in this process with a contract value not to exceed \$25,000. In order to identify the most qualified firm to assist in this project, staff invited seven (7) architects from the City's Pre-Approved Architectural Services list to submit a statement of interest and proposal related to this project. The emphasis of the request for proposals was that the City was desiring to engage a firm with experience in designing central fire stations and a firm that had the experienced staff available to assist the City on a tight timeline required to meet the needs of a May 2008 GO Bond election.

A proposal evaluation committee consisting of four staff reviewed and evaluated the seven (7) proposals that were received. It was the committee's unanimous recommendation to negotiate a contract with WHJ based on WHJ's broad experience in designing central fire stations and the commitment of accomplished staff to the City's engagement.

WHJ's original contract consists of the following:

1. Review, evaluate, and reach consensus on a space needs assessment (i.e. program) for a Central Fire Station, and
2. Based on the space needs assessment, develop an estimate of anticipated project cost, including construction, furniture, and fixtures with an escalation analysis depending on the year of construction.

WHJ has substantially completed the two items above. In addition, WHJ has provided the City with a conceptual rendering of the building layout based on the space needs assessment and available funds.

Based on the desire to have an external rendering of the proposed facility to support the internal renderings of the proposed facility, staff is recommending that WHJ's contract be increased from \$25,000 to \$30,000 to fund these drawings. The drawings will be used in the GO Bond brochure and on display boards to help inform the citizens regarding the proposed project.

FISCAL IMPACT: Funding in the amount of \$400,000 and \$200,000 was designated in the 2006 Certificate of Obligation issue and is proposed in the 2008 Certificate of Obligation issue, respectively, for a space needs assessment, master plan update, preliminary design, and land acquisition for a new Central Fire Station. To date, \$87,298 has been expended of the designated \$600,000 for a master plan update and WHJ's original contract, leaving available funding of \$512,702. Since the proposed 2008 Certificates of Obligation have not been issued, currently \$312,702 is available in account 361-2200-522-6805, Project #100120, to fund this contract amendment in the amount of \$5,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE,
TEXAS, AND WIGINTON HOOKER JEFFRY, PC ARCHITECTS OF PLANO, TEXAS,
FOR ARCHITECTURAL SERVICES RELATED TO CONSTRUCTING A NEW
CENTRAL FIRE STATION, IN AN AMOUNT NOT TO EXCEED \$5,000; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in January, 2008, the City entered into a professional services agreement, for a cost not to exceed \$25,000, with Wiginton Hooker Jeffry, PC Architects of Plano, Texas for architectural services related to constructing a new Central Fire Station;

Whereas, the Staff recommends amending the agreement to increase funding by \$5,000 to provide for drawings that will be used in the general obligation bond brochure and on display boards to help inform citizens regarding the proposed project;

Whereas, funds are available for this amendment in Account No. 361-2200-522-6805, Project # 100120; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement, not to exceed \$5,000, between the City of Temple, Texas, and Wiginton Hooker Jeffry, PC Architects of Plano, Texas, after approval as to form by the City Attorney, for additional architectural services related to constructing a new Central Fire Station.

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

PASSED AND APPROVED this the 6th day of **March**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/06/08
Item #3(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with the Fort Hood Area Habitat for Humanity, Inc. to administer and implement a Home Repair and Handicap Accessibility Program in an amount not to exceed \$25,000 for fiscal year 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: During the Community Development Grant public hearings last year, Citizens for Progress requested that the City create a home repair program and fund it with Community Development Block Grant funds. Although the City was not able to fund this program through CDBG funds due to the current Five Year Action Plan priorities, the Council funded \$25,000 seed monies through the General Fund to create a home repair program for low to moderate income residents.

Since that time, staff has investigated the best way to create and efficiently execute a program. Staff has determined that contracting with the Fort Hood Area Habitat for Humanity (Habitat) is the best approach. Habitat has agreed to provide the following services:

- Coordinate and direct volunteers, subcontractors, and inspectors
- Administrative services including reporting, recordkeeping and accounting
- Acquire construction materials
- Publicize the program
- Determine eligibility of applicant
 - Must be homeowner, not rental or investment property
 - Reside in the City of Temple
 - Household income is less than 50% of the area median income
 - Total cost of materials is less than \$5,000
 - Work can be done within two days
 - Sweat equity by homeowner/family/friends
- Determine feasibility of the repair
- Screen applicants through its Home Repair and Handicap Accessibility Program Committee and staff
- Inspect home before and after repair; obtain all relevant permits and ensure code compliance
- Maintain insurance

City will:

- Reimburse up to \$25,000 in fiscal year 2008
- Contribute up to \$5,000 per repair project
- Publicize the program
- Provide applications and refer individuals to the Program
- Waive all city fees
- Monitor and review reports provided to the City by Habitat

Eligible repairs including but not limited to: roof repair and replacement; electrical and lighting; plumbing; heating; air conditioning; gas; leveling of structure; paint; handicap accessibility; energy/insulation/weatherization; and termite damage and dry rot repair.

Unlike normal Habitat programs, City funds will be considered a grant and repayment by the recipient is not required.

Per the contract, the agreement is renewable on a yearly basis and funding is subject to the annual budget process.

FISCAL IMPACT: Funding in the amount of \$25,000 is appropriated for this project in the FY 2008 budget in account 110-1500-515-2692.

ATTACHMENTS:

[Home Repair Agreement with Fort Hood Area Habitat for Humanity, Inc.
Resolution](#)

EXHIBIT “A”

Fort Hood Area Habitat for Humanity Home Repair and Handicap Accessibility Program

Purpose: To provide assistance to low income homeowners who need, but can not afford through traditional channels, home repair or modifications to a home, or to make it handicap accessible.

Policy: The Fort Hood Area Habitat for Humanity will consider, on a case by case basis, applicants to this program:

- a. Who are homeowners,
- b. Where the home being repaired is not a rental or investment property,
- c. Where the home being repaired is located within the Fort Hood Area Habitat for Humanity’s service area,
- d. When the combined income of all persons residing in the home is less than 50% of the Area Median Income for that area as defined by the Department of Housing and Urban Development,
- e. When estimated total cost (as estimated by Habitat) of the project is less than \$5,000.00,
- f. When the work to be done would take one or two days, and
- g. The homeowner and/or family and friends agree(s) to do sweat equity of 1 hour per \$100.00 of estimated cost of the project.

Procedure:

- a. Applicants should come by the office and complete the application form (see Home Repair and Handicap Accessibility Program Application at Annex A TBD).
- b. A Home Repair and Handicap Accessibility Program Committee will review the applications to determine:
 1. Does the homeowner have insurance and if so does that insurance cover the repair? If so, homeowner should be apprised of this and given assistance in obtaining the repair through their insurance.
 2. If the work is not covered by insurance then does the applicant qualify within the income guidelines (see Home Repair and Handicap Accessibility Program Income Guidelines at Annex B)?
 3. Does the work, as stated in the application, seem to be within the general scope of the Home Repair and Handicap Accessibility Program? If not, advise the applicant that the work is beyond the scope of our program and refer them to other agencies.
 4. If the work seems to meet the general scope of the Home Repair and Handicap Accessibility Program then schedule a home visit with the homeowner to do a detailed assessment of the work to be done and a cost estimate.
- c. Members of the Home Repair and Handicap Accessibility Program Committee will do a home visit. The home visit will determine:

1. If repairs requested need to be accomplished to make the home a safe and decent place to live?
 2. What special skills, if any, will be needed?
 3. How much time and how many volunteers will the work require?
 4. What materials will the work require?
 5. What permits, if any, are required?
 6. What are the costs of:
 - a. Materials?
 - b. Special skills labor (sub-contractors)?
 - c. Permits?
- d. Once the scope, scale and cost of the project are identified through the home visit, the Home Repair and Handicap Accessibility Program Committee will determine, by vote, if this is a project we want to take on.
- e. If the project is accepted by the Home Repair and Handicap Accessibility Program Committee then the following actions will be taken in sequence:
1. Determination of the amount of sweat equity that will be required.
 2. Determination of whether the homeowner will be required to do the sweat equity first, or if the work is so urgent that Habitat will start and perhaps complete the work before the sweat equity is done.
 3. Do not proceed with the work until:
 - a. Skilled volunteer leader is identified who is confident he can do the work.
 - b. Funding is secured to do the work.
 - c. Volunteers are identified.
 - d. Date is coordinated with Habitat staff, volunteer leader, and work crews.
 - e. Materials can be obtained and delivered by the work date.
 - f. Sub contractors, if any, agrees to the work date.

Annexes:

- A. Home Repair and Handicap Accessibility Program Application (TBD)
- B. Home Repair and Handicap Accessibility Program Income Guidelines
- C. Home Repair and Handicap Accessibility Program Repayment Plan

HABITAT FOR HUMANITY HOME REPAIR AND ACCESSIBILITY PROGRAM WORKSHEET

Date _____

APPLICANT NAME _____ Social Security # _____

Co-APPLICANT NAME _____ Social Security # _____

Address _____ City/State _____ Zip _____

Home Phone _____ Work Phone _____ Alternate Phone _____

CITIZENSHIP STATUS:

Applicant:

Are you a U.S. Citizen? **YES** **NO** Are you a legal Resident of the U.S.? **YES** **NO**

Date of Birth _____ Immigration Status _____

Co Applicant:

Are you a U.S. Citizen? **YES** **NO** Are you a legal Resident of the U.S.? **YES** **NO**

Date of Birth _____ Immigration Status _____

MARITAL STATUS: (Circle one) MARRIED UNMARRIED (Unmarried includes: Single, Widowed, Divorced)

CHILDREN/DEPENDENTS Please list the date of birth and sex of each dependent

<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth _____

HOMEOWNER INFORMATION

Are you currently living with another family in a "double-up" situation? _____ Yes _____ No

What is the number of individuals living with you? _____

How large is your current home? # of Rooms _____ # of Bedrooms _____

Do you own your home? ___ Yes ___ No How long have you owned the home? _____

Do you own any other real estate/homes? ___ Yes ___ No If so where? _____

How long have you lived in the home you are asking to be repaired? _____

What problems do you have with your current home, what repairs are you requesting? (Be Specific)

INFORMATION REGARDING HOUSEHOLD INCOME

(All amounts refer to Gross --Before Taxes-- Amounts)

EARNED INCOME

Applicant

To calculate income if paid hourly:

Annual

Divide by

Monthly

Hourly wage _____ X _____ hours per week = _____ X 52 weeks = \$ _____ 12 months = \$ _____

Co-Applicant

To calculate income if paid hourly:

Annual

Divide by

Monthly

Hourly wage _____ X _____ hours per week = _____ X 52 weeks = \$ _____ 12 months = \$ _____

Other in Household

To calculate income if paid hourly:

Annual

Divide by

Monthly

Hourly wage _____ X _____ hours per week = _____ X 52 weeks = \$ _____ 12 months = \$ _____

A. TOTAL EARNED INCOME FOR HOUSEHOLD: (Annual) \$ _____

INCOME - OTHER SOURCES

(Alimony, SSI, Child Support, TANF, Social Security, Retirement, Disability, etc.)

1. Source _____ Amount _____

2. Source _____ Amount _____

3. Source _____ Amount _____

4. Source _____ Amount _____

5. Source _____ Amount _____

B. TOTAL INCOME FROM OTHER SOURCES: (Annual) \$ _____

C. TOTAL HOUSEHOLD INCOME (Total of A and B above) (Annual) \$ _____

How many individuals will live in the Habitat House? Adults _____ Children _____ Total _____

I declare under penalty of perjury that I have examined all the information in this application, and on any accompanying statements or forms, and the information provided is true and correct to the best of my knowledge. I understand that by providing false information I may be denied any assistance for which I am applying.

Applicant's Signature: _____ Date: _____

Number of People In Family	<u>Family Size and Income Level Guidelines</u>	
	Maximum Gross Yearly Income	
1	17,100	
2	19,500	
3	21,950	
4	24,440	
5	26,350	
6	28,300	
7	20,250	
8+	32,200	

Applicants income meet Salary Requirement YES NO If NO: Too Low Too High
Applicant qualified: YES NO

Name of Interviewer _____ DATE: _____
Comments:

FORT HOOD AREA HABITAT FOR HUMANITY AND HOME OWNER SWEAT EQUITY AGREEMENT FOR HOME REPAIRS

We are pleased to inform you that the Fort Hood Area Habitat for Humanity (herein after referred to as "Habitat") will repair your home as outlined on the enclosed document.

Habitat provides volunteer labor at no cost to you in order to keep your repair cost at the lowest possible level. The City of Temple will provide funding up to \$5,000 for the actual cost of materials. Repayment of these funds are not required.

In return, you agree to work in partnership with Habitat and agree to the following:

- You and/or members of your family will work for Habitat for _____ hours. We call this "sweat equity". These hours may be worked directly on your repair project or may be worked in support of other Habitat activities. Examples of support activities are: construction or repair on other houses, preparation and serving of lunch to volunteer workers; office work such as telephone answering, mailing, copying or the like. Habitat will help you find an appropriate activity.
- The number of hours to be worked will be determined based on the estimated cost of the project and/or your individual circumstances and capabilities.
- Young people ages 14 - 17 may work as long as one adult from the family is working with them and the Habitat Site Coordinator agrees that there is appropriate work for the young person to do.
- Partner family members and volunteers are all required to sign in and out on the job site each time they work. This allows for keeping track of your family's hours and also provides workers with insurance coverage.
- You will have _____ months from this date to complete the "sweat equity" hours. No work will begin on you home until the "sweat equity" is completed unless Habitat waives this requirement for emergency situations.

We are pleased to be working with you on this project to make your home more comfortable and enjoyable for you and your family.

I have read and understand this letter and agree to complete the sweat equity hours as outlined above.

_____ Fort Hood Area Habitat For Humanity Representative	_____ Owner
	_____ Owner

Home Repair and Handicap Accessibility Program

This document reflects the agreement between the Fort Hood Area Habitat for Humanity, Inc.(herein after referred to as “Habitat”) and _____
(homeowner name)
(herein after referred to as the “homeowner”).

Habitat agrees to do the work described below. Payment for the actual cost of materials and labor (if applicable) is to be provided by the City of Temple; repayment for such materials is not required.

The work to be done by the Habitat is described as follows:

1. _____
2. _____
3. _____
4. _____

It is understood by the homeowner that the Habitat is a nonprofit corporation that uses volunteer labor to perform the work described, except where a licensed sub contractor is required by law. The homeowner further understands that the volunteers used by Habitat are both skilled and unskilled and that the cosmetic quality of the work may not look professionally done. Additionally, the homeowner understands that Habitat does not warranty the work or its quality.

Habitat agrees to obtain the materials, supervise and perform the work. Habitat will only hire licensed professionals as required by law if the work described requires them; specifically Electricians, Plumber or Heating, Ventilation and Air Conditioning.

The homeowner agrees to:

a. Perform Sweat Equity (see Sweat Equity at Appendix 1) hours for Habitat at a rate of 1 hour per \$100.00 of the estimated cost of the work to be done.

1. The estimated cost of the project: _____
2. Divide by 100 equals the number of Sweat Equity hours to be performed by the homeowner, their family or friends. _____

b. Sweat Equity for this project **WILL/WILL NOT** be required prior to beginning this project. In some cases the need for the work is so urgent that Habitat does not want to make the homeowner wait until the sweat equity is performed to start the work. If the work is completed before the sweat equity is done, the homeowner will still be required to do the sweat equity.

FORT HOOD AREA
HABITAT FOR HUMANITY

DEBTOR(S)

Date

Fort Hood Area Habitat for Humanity Sweat Equity Opportunities and Credit

- All partner families must finish their sweat equity hours before the repair project is started, unless adjusted as a result of paragraph e3, under Procedures or paragraph 4d of Annex C.
- A portion of the family's sweat equity hours may be completed by the household at a Habitat job site. The remaining hours can be donated by family and friends, caregiver hours, hours for attendance at classes, and can also be completed at a job site (see other "sweat equity opportunities" below)
- All of the following receive a "one for one" credit, unless noted.
- Hours at the job site and at the office are recorded through sign-in on the sign in sheet. For proper credit for classes, assure that a copy of the certificate is turned in. If there is no certificate, please complete the attached sheet. All hours should be turned in to the office for proper credit. Periodically, a statement is completed and mailed so that you can see your progress.
- Homeowners are expected to call the office for opportunities to complete sweat equity. Commitments are taken seriously: if a homeowner commits to helping on a day or with a project, they should call to let us know if their plans have changed.

Job Site Work

1) *Job Site Work:* sweat equity hours are earned for time spent on a Habitat Job Site. Typically, this is the work that happens every Saturday on a Habitat house. However, there are sometimes work days at the job site during the week. Anything that is done to support the workday is counted as job site work (acting as site host, bringing or arranging lunch, working on the house.) Occasionally, special projects are assigned to partner families on the job site, such as final cleaning on their house.

2) Applicant and Co-Applicant must be at the work site every Saturday when their home is being built. Regardless of the number of hours they have completed.

Other Sweat Equity Opportunities

1) *Attendance at "required" classes.* Your required classes are outlined in your Letter of Acceptance. You will also receive hours for attendance at Habitat homeowner meetings and workshops.

2) *Other Classes attended.* Examples of these classes are budgeting, home maintenance, classes at Lowe's or Home Depot. Please make sure you ask if the class will count towards your hours before attending. You must bring proof of attendance for credit.

3) *Other work for Habitat for Humanity:* there are many other ways to get involved with Habitat for Humanity and earn sweat equity hours: office work, warehouse work, or committee work. Please call the office in advance to schedule a time or find out about opportunities.

4) *Fund Raisers:* sweat equity can be earned by assisting with a Habitat fundraiser, including selling cookbooks and participating in special fund-raising events.

5) *School grades of partner family children.* Hours are given for semester grades received after selection: 4 hours per A, 3 hours per B and 2 hours per C.

6) *Thank you notes.* Sweat equity will be given for time spent sending thank you notes to donors and volunteers who work on their house.

7) *Speaking engagements.* 3 hours will be given for each speaking engagement about Habitat. (Someone from Habitat will attend the function with you.)

8) *GED or College work.* A homeowner can receive hours for completion of a GED or College work. The family nurture committee will assign hours for this.

9) *Donated hours.* Friends and family can "donate" their hours to a homeowner up to a limit of 2/3rd of the total hours required. Hours that can be donated are those that are donated through Habitat work (job site, committee work, office work, or fundraisers). Habitat families selected to be future homeowners may not donate hours to anyone for any purpose until after their home is completed.

10) *"Caregiver" time.* Time childcare or other caregivers provide while homeowners are doing sweat equity or classes are counted as donated hours. One extra hour is given for transportation time.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE FORT HOOD AREA HABITAT FOR HUMANITY, INC., TO ADMINISTER AND IMPLEMENT A HOME REPAIR AND HANDICAP ACCESSIBILITY PROGRAM IN AN AMOUNT NOT TO EXCEED \$25,000 FOR FISCAL YEAR 2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, during the Community Development Grant public hearings last year, Citizens for Progress requested that the City create a home repair program and fund it with Community Development Block Grant funds – although the City was not able to fund this program through CDBG funds due to the current Five Year Action Plan priorities, the Council funded \$25,000 through the General Fund to create a home repair program for low to moderate income residents;

Whereas, since that time, staff has investigated the best way to create and efficiently execute a program, and has determined that contracting with the Fort Hood Area Habitat for Humanity is the best approach;

Whereas, funding in the amount of \$25,000 is appropriated for this project in Account No. 110-1500-515-2692; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for a cost not to exceed \$25,000, with the Fort Hood Area Habitat for Humanity, Inc., after approval as to form by the City Attorney, to administer and implement a Home Repair and Handicap Accessibility Program.

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 6th day of **March**, 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

03/06/08
Item #3(D)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Johnson Roofing of Temple for various city facility re-roofing and asbestos removal projects in the amount of \$125,100 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the 2008 City Capital Improvements Program, the Purchasing Department went out for formal bids on the re-roofing and asbestos removal at the Clarence Martin Recreation Center, re-roofing and asbestos removal at the Temple 4-C Headstart building, and the re-roofing at the Jeff Hamilton building. A line item was included for the awarded company to replace any damaged trim that they may find, while replacing the roof, on a cost per linear foot basis.

The bids were opened on February 12, 2008. There were four companies who submitted bids with Johnson Roofing of Temple being the lowest bidder. The following is a summary of the cost associated with each location.

- Clarence Martin Recreation Center (\$68,400.00) - including removal of asbestos
- Temple 4-C Headstart (\$29,800.00)
- Jeff Hamilton (\$26,900.00)

Attached is the tabulation of bids received. Although Johnson Roofing submitted a lower cost alternative bid, this bid did not fulfill the desired specifications.

We are recommending that City Council authorize a contract with Johnson Roofing of Temple, Texas in the amount of \$125,100.00 for the re-roofing and asbestos removal projects listed above. Johnson Roofing has done several projects for the City in the past and staff finds them to be a responsible vendor.

FISCAL IMPACT: Funding in the amount of \$80,000 is designated in the proposed 2008 Certificate of Obligation bond issue, account 361-2400-519-6807, project #100159, for the re-roofing and asbestos removal at the Clarence Martin Recreation Center. Funding in the amount of \$45,000 is designated in the proposed 2008 Certificate of Obligation bond issue, account 361-2400-519-6807, project #100151, for the re-roofing and asbestos removal at the Temple 4-C Headstart. Initially, funding for this part of the contract will come from funding available in the 2006 Certificate of Obligation bond issue with the intent to reimburse from the proposed 2008 Certificate of Obligation bond issue.

Funding for the re-roofing of the Jeff Hamilton building in the amount of \$19,478 is available in account 110-5924-519-6310, project # 100273. A budget adjustment is presented for Council's approval appropriating the additional \$7,422 needed to fund this project. The additional funding comes from the general building maintenance account 110-5924-519-6310, project # 100274, included in the FY 2008 operating budget.

ATTACHMENTS:

[Tabulation of Bids Received for Re-Roofing of Various Facilities](#)
[Budget Adjustment](#)
[Resolution](#)

Tabulation of Bids Received
February 12, 2008 @ 3:00 p.m.
Re-Roofing of Various Facilities

Description	Bidders				
	AA National Roofing, Inc Waco, Texas	Castro Roofing Dallas, Texas	Roof Roof, Inc. Spring, Texas	Johnson Roofing, Inc. Temple	Johnson Roofing - Alt Bid Temple
Total Bid Price for Re-Roofing the Clarence Martin Recreation Center	\$79,353.00	\$114,000.00	\$102,915.00	\$65,900.00	\$57,900.00
Price Per Linear Foot for Removal & Replacement of Rotten Wood Trim	\$12.50	\$3.75	No Bid	\$3.75	
Price Per Linear Foot for Removal & Replacement of Rotten 10" x 12" Wood Beams	\$120.00	\$600.00	\$1,500.00	\$75.00	
Total Bid Price for Re-Roofing the Jeff Hamilton Building	\$48,645.00	\$57,000.00	\$44,442.00	\$26,900.00	\$23,900.00
Price Per Linear Foot for Removal & Replacement of Rotten Wood Trim	\$4.50	\$2.50	No Bid	\$3.75	
Total Bid Price for Re-Roofing the Temple 4-C Head Start Building	\$41,583.00	\$59,000.00	\$39,712.00	\$29,800.00	\$27,800.00
Price Per Linear Foot for Removal & Replacement of Rotten Wood Trim	\$4.50	\$250.00	No Bid	\$3.75	
Removal of asbestos at the Temple 4-C Head Start Building	\$2,100.00	\$1,000.00	No Bid	N/C	
Removal of asbestos at the Clarence Martin Recreation Center	\$9,200.00	\$10,000.00	No Bid	\$2,500.00	
Completion 60 days or 180 days	Yes	Yes	Yes	Yes	Yes
Exceptions	None	None	Yes	Yes	Yes
Acknowledge Addendum	Yes	Yes	No	Yes	Yes
CIQ Form	Yes	Yes	Yes	Yes	Yes
Bid Bond	5%	5%	Bond for \$9,353.00	5%	5%
Bond Affidavit	Yes	Yes	No	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes	Yes

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

Belinda Matthe

Belinda Matthe, Director of Purchasing

12-Feb-08

Date

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

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-5924-519-63-10	100273	Building and Grounds	\$ 7,422			
110-5924-519-63-10	100274	Building and Grounds			7,422	
TOTAL.....			\$ 7,422		\$ 7,422	

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

To fund the additional amount needed for the re-roofing project at the Jeff Hamilton building. \$19,500 was budgeted for this project. Project cost are \$26,922 including the cost of advertising the project. The additional amount needed of \$7,422 will come from the general building repairs account included in the FY 2008 budget.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/6/2008

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH JOHNSON ROOFING OF TEMPLE, TEXAS, FOR VARIOUS CITY FACILITY RE-ROOFING AND ASBESTOS REMOVAL PROJECTS, FOR A COST NOT TO EXCEED \$125,100.00; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 12, 2008, the City received 4 bids for a project to include various City facility re-roofing and asbestos removal;

Whereas, the Staff recommends accepting the bid (\$125,100.00) received from Johnson Roofing of Temple, Texas;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, not to exceed \$125,100.00, with Johnson Roofing of Temple, Texas, after approval as to form by the City Attorney, to re-roof various City facilities, including asbestos removal projects.

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 project.

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

Part 4: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 5 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 5: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Project Description

Debt To Be Issued

Various City facility re-roofing
and asbestos removal

\$125,100.00

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

Part 7: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 5.

Part 8: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the **6th** day of **March**, 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

03/06/08
Item #3(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with McLean Construction, Ltd., of Killeen for construction activities required to build Phases 2 and 3 of the FM 2305 Wastewater Extension to FM 2271 in west Temple in an amount not to exceed \$1,815,731.70.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Sanitary sewer service is currently unavailable in west Temple west of SH 317. Wastewater infrastructure is required to extend service along FM 2305 in west Temple from SH 317 to FM 2271. On May 4, 2006, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in the amount of \$110,000 for services required to implement Phase 2 of the improvements. On October 19, 2006, Council authorized a professional services agreement with KPA in the amount of \$130,000 for services required to implement Phase 3 of the improvements.

The infrastructure built with this project will consist of approximately 7000 feet of 8" and 12" gravity sewer line, 5000 feet of force main ranging from 4" to 12", and 2 lift stations. Bids ranged from \$1,815,731.70 to \$1,999,692.00. KPA recommends awarding the contract to the low bidder, McLean Construction, Ltd. (see attached Bid Tab and Recommendation)

Construction time allotted for this project is 330 days.

FISCAL IMPACT: The cost of this construction contract is \$1,815,731.70. Funding in the amount of \$2,300,000 has been appropriated for design and construction of these utilities in the 2007 Utility Revenue Bond Issue. Currently, \$2,021,373 is available in account 561-5400-535-6920, project # 100095 to fund this construction contract.

ATTACHMENTS:

FM 2305 Wastewater Extension to FM 2271 Bid Tab and Recommendation
FM 2305 Wastewater Extension to FM 2271 Map
Resolution



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

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

February 18, 2008

Mr. Don Bond, E.I.T.
CIP Project Manager
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
FM 2305 Wastewater Improvements

Dear Mr. Bond:

On February 14, 2008, the City of Temple received competitive bids from four (4) contractors for the FM 2305 Wastewater Improvements project. A Bid Tabulation is provided for your reference.

The bid received was for extending the City's wastewater collection system from Starlight Drive (Windmill Farms) to the western City Limits along FM 2305. The project consists of approximately 6,950 linear feet of 8" and 12" gravity wastewater line, 5,000 linear feet 4", 6", 10" and 12" force main and two (2) Lift Stations.

The attached Bid Tabulation shows McLean Construction, Ltd. of Killeen, Texas as the low bidder with a total bid of \$1,815,731.70. The final opinion of probable cost was \$1,720,000 and was based off of similar wastewater bids received in the past six months and similar projects constructed in the area, including the FM 2305 Utility Relocation project which bid approximately one year ago. The FM 2305 Utility project consisted of approximately 18,000 linear feet of 6" to 14" waterline and cost \$1,618,000. From speaking with contractors, the additional cost can be attributed to concerns with the hardness of the rock expected to be encountered throughout the project.

We recommend that the contract amount of \$1,815,731.70 be awarded to McLean Construction, Ltd for this project. As you know, McLean Construction, Ltd has performed numerous projects for the City of Temple and is well qualified to complete this project.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
Mr. Bruce Flanigan, McLean Construction, Ltd
2005-134-30

BID TABULATION

CITY OF TEMPLE
FM 2305 Wastewater Improvements

February 14, 2008; 10 AM
3210 E Avenue H, Building C, Temple, TX 76501

				BIDDER INFORMATION							
				McLean Construction, Ltd PO Box 10759 Killeen, TX 76547-0759		Shelton & Shelton Plumbing, LP 584 W Stagecoach Rd Killeen, TX 76542		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Bell Contractors Inc 3082 W Hwy 190 Belton, TX 76513	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 35,461.00	\$ 35,461.00	\$ 85,747.00	\$ 85,747.00	\$ 75,000.00	\$ 75,000.00	\$ 76,500.00	\$ 76,500.00
2	98.3	STA	Labor, Equipment, Tools and Supervision to Complete Preparation of Right-of-way	119.00	11,697.70	254.30	* 24,997.69	45.60	4,482.48	83.00	8,158.90
3	9,830	LF	Provide clean-up and Final Grading along Final Pipeline Route	2.00	19,660.00	2.00	19,660.00	2.00	19,660.00	2.00	19,660.00
4	100%	LS	Submit Trench Safety Plan prepared & signed by PE, in Conformance w/State Law & OSHA	1,125.00	1,125.00	1,112.00	1,112.00	1,000.00	1,000.00	1,200.00	1,200.00
5	8,215	LF	Implement and Follow Trench Safety Plan (Pipe)	0.90	7,393.50	1.17	9,611.55	1.90	15,608.50	1.40	11,501.00
6	24,000	SF	Implement and Follow Trench Safety Plan (Bore Pits, Manholes and Structures)	0.40	9,600.00	0.88	21,120.00	0.40	9,600.00	0.58	13,920.00
7	100%	LS	Prepare Stormwater Pollution Prevention Plan	2,025.00	2,025.00	1,187.00	1,187.00	9,500.00	9,500.00	1,100.00	1,100.00
8	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	6,999.00	6,999.00	1,187.00	1,187.00	9,600.00	9,600.00	3,200.00	3,200.00
9	100%	LS	Provide Project Record Drawings (As Builts)	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
10	100%	LS	Provide DVD of ROW pre-construction & post construction site conditions for total project	854.00	854.00	828.00	828.00	1,100.00	1,100.00	310.00	310.00
11	100%	LS	Prepare Barricade, Signing and Traffic Safety Plan (Vehicular and Pedestrian)	1,688.00	1,688.00	3,519.00	3,519.00	970.00	970.00	1,200.00	1,200.00
12	100%	LS	Implement and Administer Barricade, Signing and Traffic Safety Plan (Vehicular and Pedestrian)	13,690.00	13,690.00	9,444.00	9,444.00	4,680.00	4,680.00	9,600.00	9,600.00
13	1,739	LF	Provide and Install 4-inch Diameter C900 PVC Force Main, Including Embedment	5.80	10,086.20	12.73	22,137.47	17.00	29,563.00	18.90	32,867.10
14	784	LF	Provide and Install 6-inch Diameter C900 PVC Force Main, Including Embedment	8.20	6,428.80	15.99	12,536.16	22.00	17,248.00	21.10	16,542.40
15	1509	LF	Provide and Install 10-inch Diameter C900 PVC Force Main, Including Embedment	62.30	94,010.70	24.05	36,291.45	30.00	45,270.00	28.30	42,704.70
16	784	LF	Provide and Install 12-inch Diameter C900 PVC Force Main, Including Embedment	67.20	52,684.80	27.78	21,779.52	38.00	29,792.00	35.50	27,832.00
17	348	LF	Provide and Install 6-inch Diameter PVC SDR 26 Wastewater Pipe, Including Embedment	52.90	18,409.20	30.22	10,516.56	36.00	12,528.00	53.80	18,722.40
18	1,387	LF	Provide and Install 8-inch Diameter PVC SDR 26 Wastewater Pipe, Including Embedment	63.40	87,935.80	38.65	53,607.55	44.00	61,028.00	65.80	91,264.60
19	5,569	LF	Provide and Install 12-inch Diameter PVC SDR 26 Wastewater Pipe, Including Embedment	74.00	412,106.00	48.54	270,319.26	49.00	272,881.00	88.10	490,628.90
20	8	EA	Provide and Install Ductile Iron 11 1/4° Bends, 4-inch Diameter	242.00	1,936.00	405.00	3,240.00	355.00	2,840.00	280.00	2,240.00
21	6	EA	Provide and Install Ductile Iron 22 1/2° Bends, 4-inch Diameter	233.00	1,398.00	396.00	2,376.00	350.00	2,100.00	270.00	1,620.00
22	5	EA	Provide and Install Ductile Iron 45° Bends, 4-inch Diameter	237.00	1,185.00	400.00	2,000.00	350.00	1,750.00	270.00	1,350.00
23	2	EA	Provide and Install Ductile Iron 90° Bends, 4-inch Diameter	238.00	476.00	402.00	804.00	350.00	700.00	280.00	560.00
24	2	EA	Provide and Install Ductile Iron 11 1/4° Bends, 6-inch Diameter	286.00	572.00	460.00	920.00	415.00	830.00	400.00	800.00
25	3	EA	Provide and Install Ductile Iron 11 1/4° Bends, 10-inch Diameter	452.00	1,356.00	698.00	2,094.00	344.00	1,032.00	580.00	1,740.00
26	1	EA	Provide and Install Ductile Iron 22 1/2° Bends, 10-inch Diameter	451.00	451.00	695.00	695.00	344.00	344.00	580.00	580.00
27	5	EA	Provide and Install Ductile Iron 45° Bends, 10-inch Diameter	447.00	2,235.00	692.00	3,460.00	344.00	1,720.00	590.00	2,950.00
28	1	EA	Provide and Install Ductile Iron 90° Bends, 10-inch Diameter,	514.00	514.00	759.00	759.00	720.00	720.00	620.00	620.00
29	2	EA	Provide and Install 10" Plug	450.00	900.00	410.00	820.00	420.00	840.00	290.00	580.00
30	1	EA	Provide and Install Clean Out	546.00	546.00	337.00	337.00	285.00	285.00	930.00	930.00
31	2	EA	Provide and Install Ductile Iron 11 1/4° Bends, 12-inch Diameter	534.00	1,068.00	789.00	1,578.00	380.00	760.00	710.00	1,420.00
32	132	LF	Provide and Install 16-Inch Steel Encasement by Bore with Casing Spacers	194.00	25,608.00	321.25	42,405.00	195.00	25,740.00	260.00	34,320.00
33	18	LF	Provide and Install 16-Inch Steel Encasement by Open Cut with Casing Spacers	101.00	1,818.00	114.70	2,064.60	96.00	1,728.00	78.70	1,416.60
34	176	LF	Provide and Install 18-Inch Steel Encasement by Bore with Casing Spacers	267.00	46,992.00	355.23	62,520.48	230.00	40,480.00	290.00	51,040.00
35	925	LF	Provide and Install 20-Inch Steel Encasement by Bore with Casing Spacers	282.00	260,850.00	361.15	* 334,063.75	240.00	222,000.00	320.00	296,000.00
36	356	LF	Provide and Install 24-Inch Steel Encasement by Bore with Casing Spacers	319.00	113,564.00	343.94	122,442.64	288.00	102,528.00	390.00	138,840.00
37	2,000	LF	Furnish, Install, Maintain and Remove Silt Fence	1.90	3,800.00	3.00	6,000.00	2.00	4,000.00	1.80	3,600.00
38	250	LF	Furnish, Install, Maintain and Remove Rock Berm	22.00	5,500.00	23.40	5,850.00	35.00	8,750.00	13.90	3,475.00
39	30	EA	Provide & Install 4' Diam. Standard Eccentric Wastewater Manhole Including Air Testing for Each, & Necessary Repairs	3,233.00	96,990.00	5,091.00	152,730.00	3,200.00	96,000.00	3,600.00	108,000.00
40	2	EA	Provide & Install 4' Diam. Standard Eccentric Internal Drop Wastewater Manhole Including Air Testing for Each, & Necessary Repairs	4,547.00	9,094.00	7,041.00	14,082.00	5,500.00	11,000.00	6,500.00	13,000.00
41	136	VF	For Coating Proposed Manholes with 100% Solids Epoxy	113.00	15,368.00	71.50	9,724.00	80.00	10,880.00	120.00	16,320.00
42	14	EA	Furnish and Install 4" Single Wastewater Service Connections	2,854.00	39,956.00	1,007.00	14,098.00	1,700.00	23,800.00	1,100.00	15,400.00

* Extended amount has been corrected.

** Total amount has been corrected.

BID TABULATION
CITY OF TEMPLE
FM 2305 Wastewater Improvements

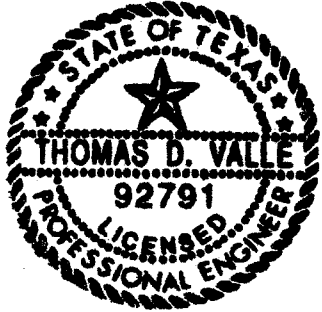
February 14, 2008; 10 AM
3210 E Avenue H, Building C, Temple, TX 76501

				BIDDER INFORMATION							
				McLean Construction, Ltd PO Box 10759 Killeen, TX 76547-0759		Shelton & Shelton Plumbing, LP 584 W Stagecoach Rd Killeen, TX 76542		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Bell Contractors Inc 3082 W Hwy 190 Belton, TX 76513	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
43	100%	LS	Abandon the Existing Lakewood Elementary Septic Tank	5,852.00	5,852.00	3,418.00	3,418.00	2,300.00	2,300.00	810.00	810.00
44	1	EA	Connect to Existing 6" Wastewater Line	2,350.00	2,350.00	1,780.00	1,780.00	2,820.00	2,820.00	410.00	410.00
45	1	EA	Connect to Existing 12" Wastewater Line	2,412.00	2,412.00	1,780.00	1,780.00	2,820.00	2,820.00	410.00	410.00
46	100%	LS	Furnish & Install FM 2305 Lift Station, Electrical, Valve Vault & Piping, Fencing, Gravel Road & Cover	131,620.00	131,620.00	149,992.00	149,992.00	145,500.00	145,500.00	167,400.00	167,400.00
47	100%	LS	Furnish & Install FM 2271 Lift Station, Electrical, Valve Vault & Piping, Fencing, Gravel Road & Cover	133,421.00	133,421.00	150,138.00	150,138.00	140,000.00	140,000.00	157,800.00	157,800.00
48	500	LF	Remove & Replace Existing Barbed Wire Fence	4.20	2,100.00	10.53	5,265.00	19.15	9,575.00	10.70	5,350.00
49	500	LF	Remove & Replace Existing Wood Fence	21.80	10,900.00	21.06	* 10,530.00	57.00	28,500.00	24.80	12,400.00
50	367	SY	Remove & Replace Existing Composite Fence	33.10	12,147.70	17.55	6,440.85	77.00	28,259.00	39.20	14,386.40
51	6,700	SY	Furnish and Install Sod	4.70	31,490.00	2.92	19,564.00	8.00	53,600.00	5.00	33,500.00
52	7,000	SY	Furnish and Install Hydro Mulch Seeding For Permanent Erosion Control	1.90	13,300.00	0.55	* 3,850.00	0.51	3,570.00	2.40	16,800.00
53	180	SY	Furnish and Install Asphalt Pavement Replacement	51.00	9,180.00	39.51	7,111.80	37.00	6,660.00	14.00	2,520.00
54	100	SY	Furnish & Install Gravel Pavement Replacement	16.00	1,600.00	257.00	25,700.00	8.00	800.00	3.10	310.00
55	50	SY	Remove & Replace Existing Concrete	114.00	5,700.00	126.00	6,300.00	65.00	3,250.00	24.00	1,200.00
56	100	LF	Furnish & Install Concrete Encasement	33.00	3,300.00	33.00	3,300.00	45.00	4,500.00	4.80	480.00
57	32	EA	All Materials, Equipment, Tools and Labor Necessary for Vacuum Testing of All Proposed Wastewater Manholes, Including Any Necessary Repairs	292.00	9,344.00	370.00	11,840.00	9,600.00	307,200.00	140.00	4,480.00
58	7,331	LF	All Materials, Equipment, Tools and Labor Necessary for Air Testing of All Proposed Wastewater Lines, Including Any Necessary Repairs	1.00	7,331.00	1.62	11,876.22	1.25	9,163.75	0.60	4,398.60
59	7,331	LF	All Materials, Equipment, Tools and Labor Necessary for Deflection Testing of All Proposed Wastewater Lines, Including Any Necessary Repairs	0.30	2,199.30	0.97	7,111.07	1.95	14,295.45	0.60	4,398.60
60	4,906	LF	All Materials, Equipment, Tools and Labor Necessary for Pressure Testing Force Mains, Including any Necessary Repairs	0.50	2,453.00	2.10	10,302.60	1.95	9,566.70	0.80	3,924.80
TOTAL BID AMOUNT (Items 1 - 60)				\$ 1,815,731.70		** \$ 1,831,964.22		\$ 1,957,717.88		\$ 1,999,692.00	

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES

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

Thomas D. Valle
Thomas D. Valle, PE
Kasberg, Patrick & Associates, LP



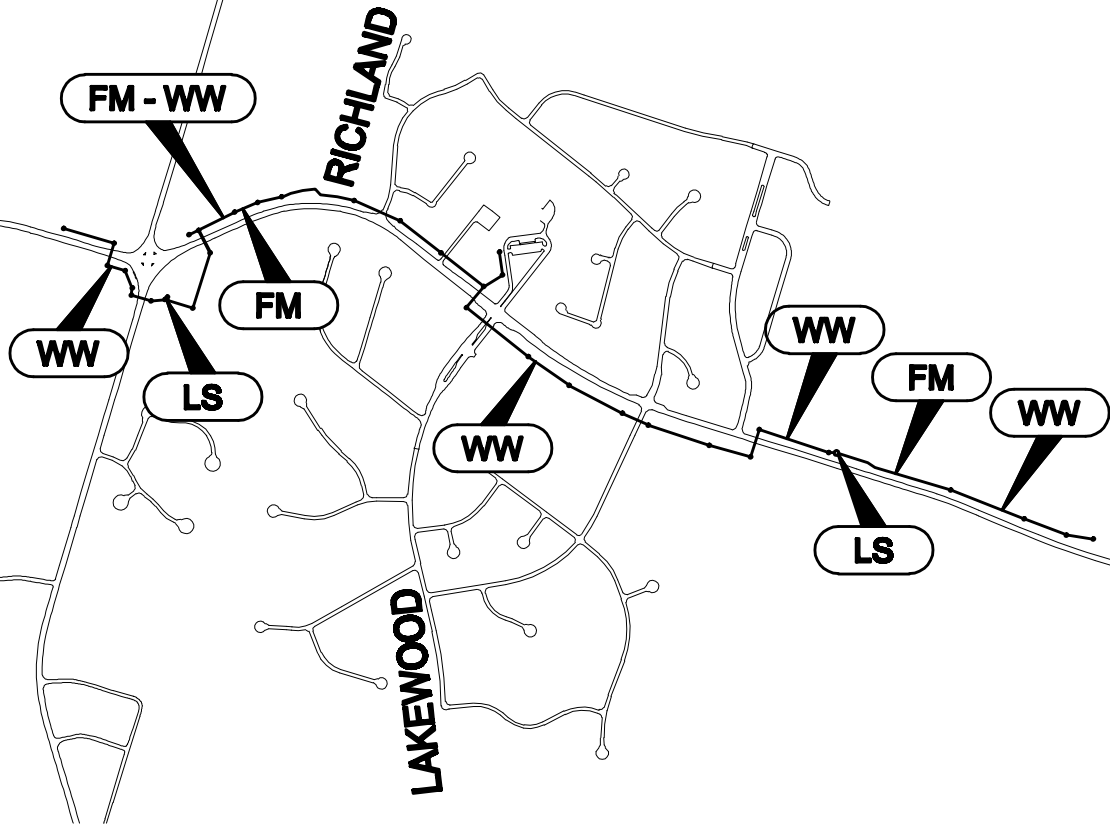
February 15, 2008
Date

* Extended amount has been corrected.
** Total amount has been corrected.

WW WASTEWATER LINE

FM FORCE MAIN

LS LIFT STATION



Adams Lane



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH MCLEAN CONSTRUCTION, LTD., OF KILLEEN, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD PHASES 2 AND 3 OF THE FM 2305 WASTEWATER EXTENSION TO FM 2271 IN WEST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$1,815,731.70; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 14, 2008, the City received 4 bids for a project to construct Phases 2 and 3 of the FM2305 Wastewater Extension to FM 2271 in West Temple;

Whereas, the Staff recommends accepting the bid (\$1,815,731.70) received from McLean Construction, Ltd., of Killeen, Texas;

Whereas, funds are available for this project in Account No. 561-5400-535-6920, Project No. 100095; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$1,815,731.70, with McLean Construction, Ltd., of Killeen, Texas, after approval as to form by the City Attorney, to construct Phases 2 and 3 of the FM2305 Wastewater Extension to FM 2271 in West 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 **6th** day of **March**, 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

03/06/08
Item #3(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Chief of Fire Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 19 digital radios for the Fire Department from Dailey-Wells Communications in the amount of \$84,952.50 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the adopted fiscal year 2008 Capital Improvement Plan is funding for the replacement of radios for the Fire Department in the amount of \$85,000.00. This will complete the final phase of the digital portable radio replacement program for Temple Fire and Rescue.

The current Ericsson LPE 200 hand-held analog radios have been used by the departments since 1998. The manufacturer of the analog radios has declared the radios to be obsolete. The obsolescence and discontinuance of parts is due to a transition in technology from analog to digital radio systems.

The Bell County Communications Center has recently purchased and installed a digital communication system, Enhanced Digital Access Communications System (EDACS). Accordingly, to retain the best quality and reliable communication with the County Communications Center, the City needs to upgrade its radios to ones compatible with EDACS. Due to property rights that currently exist with the EDACS, EDACS equipment can only be purchased from the manufacturer of the system, M/A-COM, and per the attached single-source justification letter, M/A-COM has assigned Dailey-Wells Communications as the only sales and service support for Bell County.

Attached are three quotes from Dailey-Wells Communications for the purchase of the 19 radios and accessories:

Fire Department - 19 intrinsically safe, immersible radios 84,952.50.

Total \$84,952.50

The encryption feature of the radios ensures that communications can not be invaded by non-public safety radio users. The intrinsically safe and immersible features of the 19 Fire Department portable radios enhances protection for use in hazardous and wet environments.

FISCAL IMPACT: Funding in the amount of \$85,000 is designated in the proposed 2008 Certificate of Obligation bond issue, account 361-2200-522-6803, project #100052. Initially, funding for the 19 radios in the amount of \$84,952.50 will come from funding available in the 2006 Certificate of Obligation bond issue with the intent to reimburse from the proposed 2008 Certificate of Obligation bond issue to be issued in late spring 2008.

ATTACHMENTS:

[Dailey-Wells Communications Quotes \(1\)](#)
[Resolution](#)

DAILEY-WELLS COMMUNICATIONS

M/A-COM Inc., 3440 E. Houston St., San Antonio, TX 78219

To: Temple Fire Department - Scott Hoelscher
 From: Larry Sayles, 888-311-7595 - Sprint Mobile
 Date: 18 February, 2008



EDACS P7150 Portable-EDACS w/ ProVoice -Non DES

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	HT7150S81X-IS2	P7150, 800 MHZ,SCAN-BASIC <IS>	19	\$ 2,005.00	25%	\$ 1,503.75	\$ 28,571.25
2	HTPV	FEATURE PACKAGE, EDACS W/ PRO VOICE	19	\$ 1,795.00	25%	\$ 1,346.25	\$ 25,578.75
3	HTEN	FEATURE EXTENDED NETWORK	19	\$ 550.00	25%	\$ 412.50	\$ 7,837.50
4	HTPA7Y	BATTERY, NIMH, EXTRA HIGH CAPACITY		\$ 135.00	25%	\$ 101.25	\$ -
5	SHPS14832	STUBBY ANT, 800 MHZ	19	\$ 25.00	25%	\$ 18.75	\$ 356.25
6	HTHC7P	BELT CLIP METAL	19	\$ 16.00	25%	\$ 12.00	\$ 228.00
7	HTCH9E	DESKTOP RAPID CHARGER, 120/230VAC	19	\$ 120.00	25%	\$ 90.00	\$ 1,710.00

EXTENDED TOTAL \$ 64,281.75

Optional Software, Chargers and Accessories

Item	Part Number	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	HTMR	IMMERSIBLE RADIO OPERATION	19	\$ 230.00	25%	\$ 172.50	\$ 3,277.50
2	V2-10156	EVOLUTION SPEAKER MICROPHONE	4	\$ 140.00	10%	\$ 126.00	\$ 504.00
3	HTAE7K	Ruggedized Speaker Microphone	48	\$ 300.00	10%	\$ 270.00	\$ 12,960.00
4	HTAE3Z	Earphone, Lapel Microphone	15	\$ 63.00	25%	\$ 47.25	\$ 708.75
5	BA4547	ADAPTER SLEEVE FOR IQ5 SYSTEM	12	\$ 87.00	25%	\$ 65.25	\$ 783.00
6	BC3506QP-5	BATTERY CONDITIONER/ANALYZER IQ5	2	\$ 1,425.00	25%	\$ 1,068.75	\$ 2,137.50
		Shipping & Handling					\$300.00
P7150 PORT. & ACCESS. EXTENDED TOTAL							\$ 84,952.50

Price valid for 60 days from above date.
 Terms: Net 30 Days, FOB Source Pre-pay.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 19 DIGITAL RADIOS AND VARIOUS POSSESSIONS FOR THE FIRE DEPARTMENT FROM DAILEY-WELLS COMMUNICATIONS, THE SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$84,952.50; DECLARING AN OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the adopted fiscal year 2008 Capital Improvement Plan is funding for the replacement of radios for the Fire Department – this will complete the final phase of the digital portable radio replacement program for Temple Fire & Rescue;

Whereas, the Bell County Communications Center recently purchased and installed a digital communication system, Enhanced Digital Access Communications System (EDACS) – in order to retain the best quality and reliable communication with the County Communications Center, the City needs to upgrade its radios to ones compatible with EDACS;

Whereas, due to property rights that currently exist with the EDACS, EDACS equipment can only be purchased from the manufacturer of the system, M/A-COM and this company has assigned Dailey-Wells Communications as the only sales and service support for Bell County;

Whereas, funds are available for this purchase (\$84,952.50) in Account No. 361-2200-522-6803, Project #100052;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

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

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

Part 1: The City Council authorizes the purchase of 19 digital radios for the Police Department from Dailey-Wells Communications for a cost not to exceed \$84,952.50.

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

Part 4: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 5: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<u>Project Description</u>	<u>Debt To Be Issued</u>
Purchase of 19 digital radios for the Fire Department	\$84,952.50

Part 6: The expenditures described in Part 5 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 7: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 8: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **March**, 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:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-10: Consider adopting an ordinance authorizing a zoning change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 9/0 to recommend approval of a zoning change from GR, General retail to C, Commercial at its meeting on February 4, 2008.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second reading and final reading. Staff recommends approval of the zoning request from GR to C subject to the following recommendations:

1. The request complies with the 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-08-10, from the Planning and Zoning meeting, February 4, 2008. The applicant proposes to extend the existing Eagle mini-storage warehouse to the east along West Adams Avenue. The proposed extension will look similar to the existing facility and will voluntarily include limestone facing West Adams.

Concerns of the Planning and Zoning Commission are shown in the draft minutes. The Commission did not raise any issues requiring additional staff attention.

Four notices of the Planning and Zoning Commission hearing were sent out. As of Wednesday, February 13 at 11 AM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 25, 2007 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map
Zoning Map
Aerial
Notice Map
P&Z Staff Report (Z-FY-08-10)
P&Z Minutes (02/04/08)
Ordinance



Z-FY-08-10

2505 W Adams Ave

OB# 691-A 0.688 Acres

ZFY0810

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



GR to C

1 inch equals 300 feet

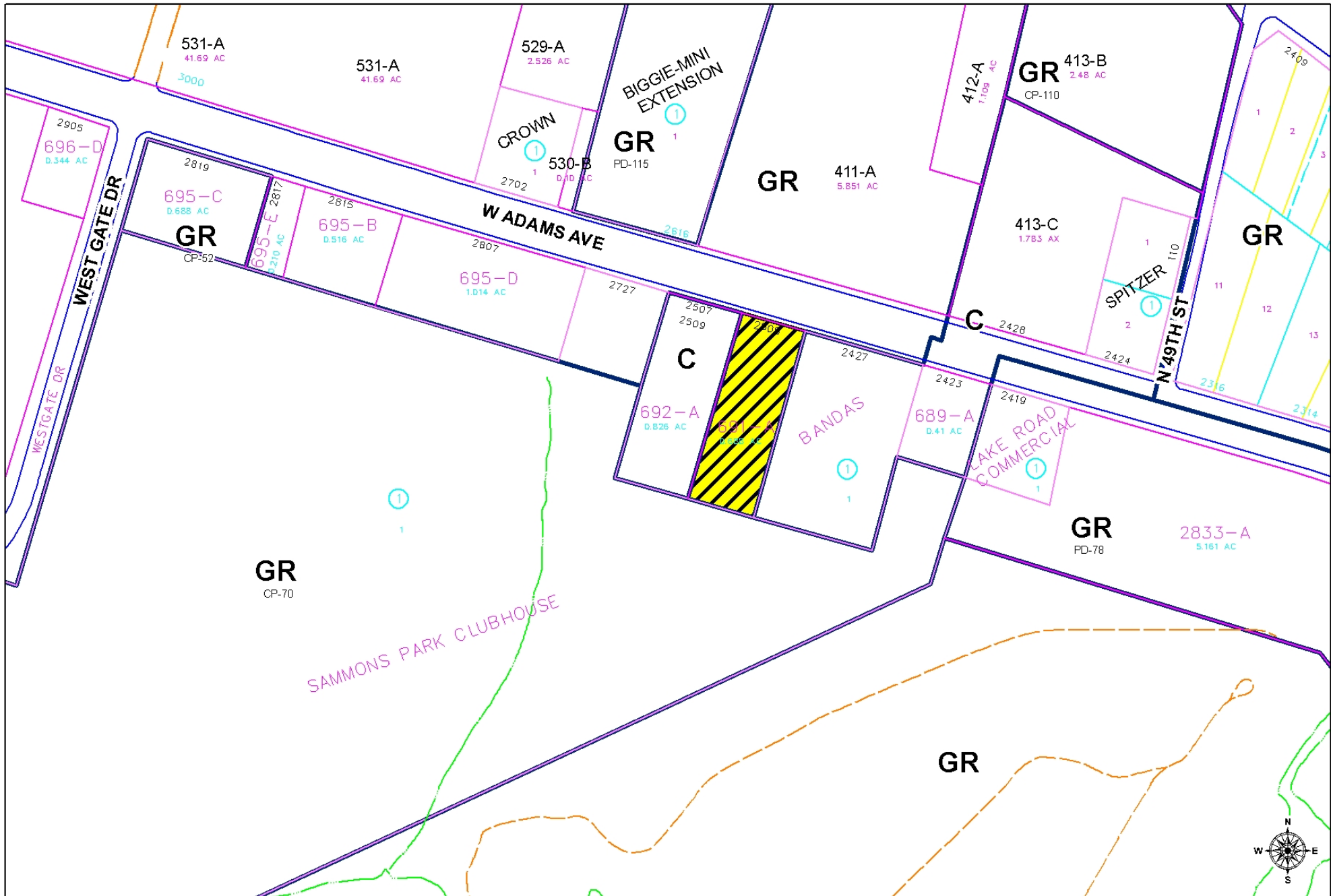
J Stone 01.11.08



Z-FY-08-10

2505 W Adams Ave

OB# 691-A 0.688 Acres



ZFY0810

GR to C

1 inch equals 200 feet

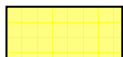
J Stone 01.11.08



Z-FY-08-10

2505 W. Adams Ave.

OB# 691-A 0.688 acres



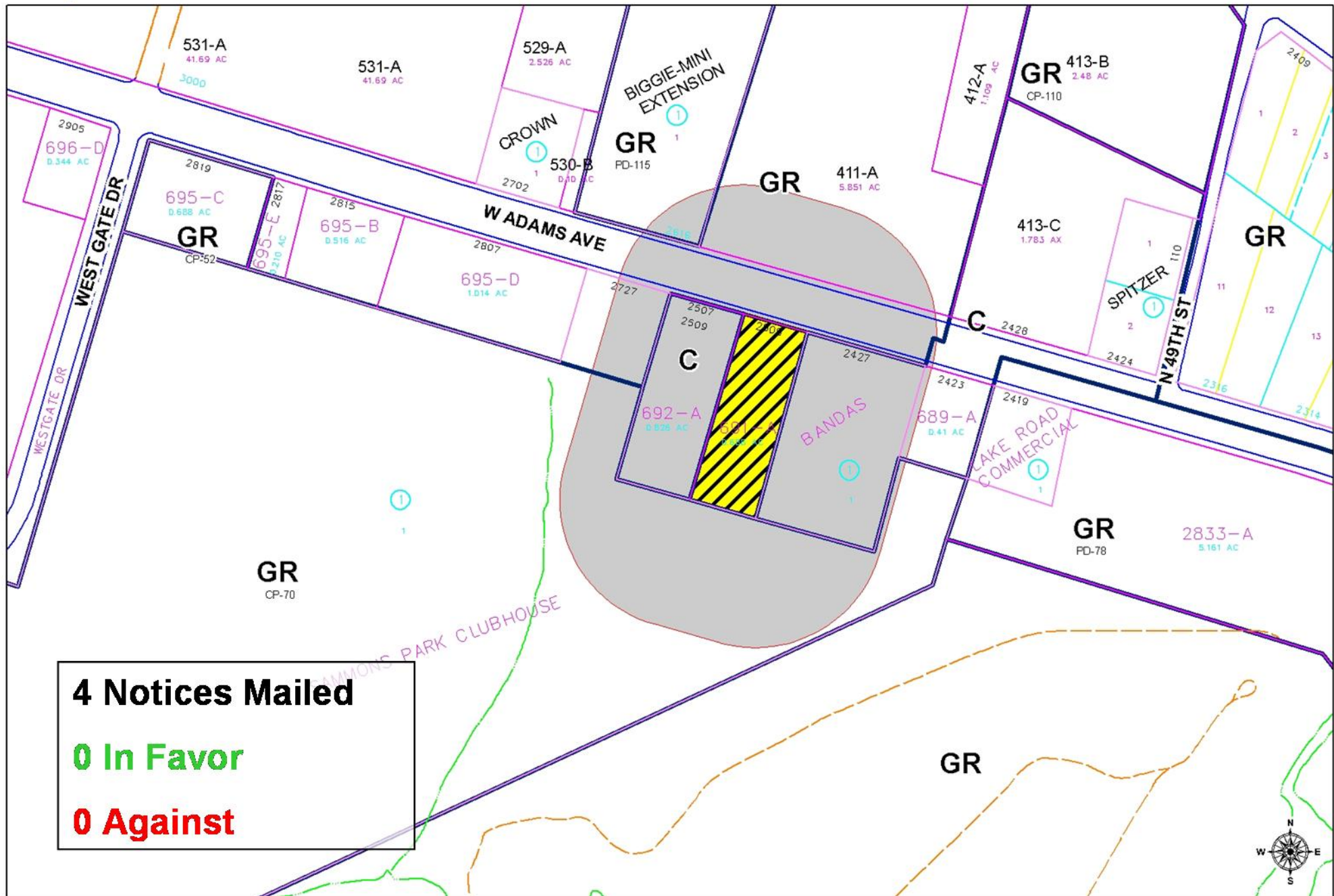
Area of Proposed Zone Change



Z-FY-08-10

2505 W Adams Ave

OB# 691-A 0.688 Acres



4 Notices Mailed

0 In Favor

0 Against

ZFY0810 200' Buffer

GR to C

1 inch equals 200 feet

J Stone 01.11.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/04/08
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APPLICANT / DEVELOPMENT: Rick Bandas

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-10: Hold a public hearing to consider a zone change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams. (Applicant: Rick Bandas)

BACKGROUND: The applicant proposes to extend the existing Eagle mini-storage warehouse to the east along West Adams Avenue. The proposed extension will look similar to the existing facility and will voluntarily include limestone facing West Adams.

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	GR	Fraternal organization lodge
East	C	Mini-storage warehouse
South	GR	Public golf course and club house
West	C	Machine shop

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

Future Land Use Plan & Future Trends

The West Temple Plan designates the subject property with the Regional Commercial future land use category. This future land use category allows for the requested C, Commercial zoning district. The request complies with the Future Land Use Plan.

Thoroughfare Plan

West Adams Avenue is designated a Major Arterial on the Thoroughfare Plan. The Plan states that Major Arterials move traffic to and from freeways (I-35 and the Loop) and move traffic through parts of town not served by freeways. The zoning request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A 12" water line runs along the other side of West Adams (into which properties adjacent to the subject property tap) and an eight-inch sewer line runs along the north side of the property. Adequate public facilities serve the site.

Development Regulations

The C, Commercial zoning district allows most nonresidential land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, and heavy machinery sales and storage. Also, residential uses are allowed, except apartments.

The C, Commercial zoning district is intended 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 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 C, Commercial zoning district has the following dimensional requirements for nonresidential uses.

Commercial (C)	
Min. Lot Area (sq. ft.)	--
Min. Lot Width (ft.)	--
Min. Lot Depth (ft.)	--
Max. Height (stories)	--
Min. Yard (ft)	
Front	30 from street centerline
Side	--
Rear	--

Public Notice

Four notices were sent out. As of Wednesday, January 30 at 4 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 25, 2007 in accordance with state law and local ordinance.

Commission Action

The Commission should open the public hearing after the staff presentation, and receive testimony from the audience, ask any questions from the staff, and then close the public hearing. The Commission may discuss the item among itself. A Commissioner may make a motion to recommend approval according to the staff's recommendations, modify a recommendation with specific recommendations or recommend denial. Another Commissioner should make a second to a motion. The Chairperson should repeat the motion made by a Commissioner and the second by a Commissioner and call for a vote.

STAFF RECOMMENDATION: Staff recommends approval of the zoning request from GR to C subject to the following recommendations:

1. The request complies with 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
Application
Notice Map

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

MONDAY, FEBRUARY 4, 2008

ACTION ITEMS

- 3. Z-FY-08-10** Hold a public hearing to consider a zone change from General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams. (Applicant: Rick Bandas)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Agenda Background. He displayed an aerial map of the area, the Land Use Map, and the Zoning/Notice Map. Mr. Mabry said the proposal for the zone change is to extend existing mini storage that is to the east of the proposed property. He said the applicant has indicated that the exterior of the building will have limestone on the part that faces Adams Avenue. Mr. Mabry said the requested Commercial zone change is in compliance with the Future Land Use Map. Staff recommends approval of the zoning request because it complies with the Future Land Use Plan; the Thoroughfare Plan; and has adequate public facilities to serve the site. Mr. Mabry said four notices were mailed to surrounding property owners within 200 feet of the proposed zone change property. One was returned but did not vote in favor or against the zone change; however did have comments on it; therefore it has been noted that there were no notices returned in favor or against the zone change.

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

Mr. Rick Bandas, owner of the property in question, 36 Spur Drive, spoke in favor of the zone change. He addressed the drainage problem and feels there will not be a problem.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-10 by Commissioner Talley; seconded by Commissioner Martin.

Motion passed. (8/0)

ORDINANCE NO. _____

(ZONING NO. Z-FY-08-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT TO COMMERCIAL DISTRICT ON APPROXIMATELY 0.68 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 691-A, CITY ADDITION, LOCATED AT 2505 WEST ADAMS; 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 General Retail District to Commercial District on approximately 0.68 acres of land commonly known as Outblock 691-A, City Addition, located at 2505 West Adams, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **February**, 2008.

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

03/06/08
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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance repealing Ordinance 96-2451, which established the Convention Center & Tourism Advisory Board, allowing this board to be combined with the Parks and Recreation Board.

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

ITEM SUMMARY: The Convention Center & Tourism Advisory Board was originally created in 1976 as the Frank W. Mayborn Civic Center Advisory Board. The board was re-created in 1996 under Ordinance 96-2451 as the Convention Center & Tourism Advisory Board. At that time, the board was given the charge to assist with the planning, developing and financing of the Convention Center, and to advise the City Council on matters relating to the Frank W. Mayborn Civic & Conventiion Center, the Railroad & Pioneer Museum and tourism in general.

The Director of Parks and Leisure Services serves as the staff liaison for the Convention Center & Tourism Advisory Board and the Parks and Recreation Board, both of which have nine members and meet monthly. In order to have a more effective process for advisory board involvement and participation, Staff is recommending the Convention Center & Tourism Advisory Board and the Parks and Recreation Board be merged into a single board, with a combined mission to advise and make recommendations on all the activities falling under the direction of the Parks and Leisure Services Department, including the Convention Center, the Railroad & Heritage Museum, tourism, parks and recreation. The membership of the Convention Center & Tourism Board has been somewhat unstable over the past several years and a large number of terms have been forfeited due to non-attendance. Merging these two boards will eliminate some of the current issues with keeping all positions filled with qualified members that are willing to serve.

Both boards have been presented with this proposal and the membership of both is in agreement with merging these two boards. The ordinance establishing the Convention Center & Tourism Advisory Board must be repealed before a resolution can be adopted by the Council re-creating the Parks and Recreation Board with an expanded mission. The current membership of both boards is 14, 8 on Parks Board and 6 on the Convention Center & Tourism Advisory Board, and all would continue to serve on this newly created board, with the total number to be reduced to 9 by attrition when members are no longer eligible for reappointment or choose not to serve. The current chair of the Parks and Recreation Board, Scott Allen, would continue to serve as the chair, and Don Nelson, current chair of the Convention Center & Tourism Advisory Board, would serve as vice chair of the new board.

The resolution re-creating the Parks and Recreation Board will be presented to the Council for consideration with the second reading of this ordinance, on March 6, 2008.

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 96-2451, WHICH ESTABLISHED THE CONVENTION CENTER AND TOURISM ADVISORY BOARD, ALLOWING THE BOARD TO BE COMBINED WITH THE PARKS AND RECREATION BOARD; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Convention Center & Tourism Advisory Board was originally created in 1976 as the Frank W. Mayborn Civic Center Advisory Board; the board was re-created in 1996 under Ordinance 96-2451 as the Convention Center & Tourism Advisory Board, at which time the board was given the charge to assist with the planning, developing and financing of the Convention Center, and to advise the City Council on matters relating to the Frank W. Mayborn Civic & Convention Center, the Railroad & Pioneer Museum and tourism in general;

Whereas, the Staff recommends repealing Ordinance No. 96-2451 to allow the Convention Center & Tourism Advisory Board to be combined with the Parks and Recreation Board with a combined mission to advise and make recommendations on all the activities falling under the direction of the Parks and Leisure Services Department, including the Convention Center, Railroad & Heritage Museum, tourism, parks and recreation;

Whereas, the members on both boards are in agreement with merging the two boards; 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 repeals Ordinance No. 96-2451, which established the Convention Center and Tourism Advisory Board, allowing the board to be combined with the Parks and Recreation Board.

Part 2: This ordinance shall not operate to repeal or affect any other ordinances in effect within the City of Temple, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **February**, 2008.

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

03/06/08
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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution approving a Letter of Understanding for creation of the Temple Medical and Education District (TMED) and appointing four members to the Coordinating Group.

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

ITEM SUMMARY: For several months, representatives from Scott & White Memorial Hospital, Central Texas Veterans Healthcare System, Temple Health and Bioscience District, Texas A&M System Health Science Center College of Medicine, Temple College, and the City of Temple have met to discuss creation of a District. The purpose of the District is to jointly facilitate and promote the services and activities of the participating entities and to promote the redevelopment and revitalization of residential and commercial neighborhoods surrounding the campuses which are uniquely geographically close. In addition, the sponsoring entities, through this cooperative and collaborative relationship, will endeavor to: coordinate efforts; leverage public and private resources; enhance the health and vitality of surrounding neighborhoods; identify needed public improvements; form public-private partnerships; assist in future planning and development of the area; and coordinate marketing efforts for the TMED.

The boundaries of the District are depicted in the attachment, but are generally bounded by Avenue M, South 31st Street; Loop 363; and Martin Luther King Street and includes the campuses of the sponsoring entities.

In order to carry out the Letter of Understanding the sponsoring entities are to create a nine member Coordinating Group to include:

- S&W – Dr. Al Knight
- Temple College – Dr. Marc Nigliazzo
- VA – Bruce Gordon
- College of Medicine – Don Wesson
- Bioscience District – Wendell Williams
- City Council – 4 representatives to include one appointed at large (David Blackburn) and three residents or individuals who have or maintain a commercial property interest within the TMED boundary.

In addition, there are other strategic partners the group may work with including Keep Temple Beautiful, Temple Independent School District, TxDOT, and the Temple Economic Development Corporation.

The term of the LOU is three years and may be mutually renewed. Please note that this is a partnering opportunity and no taxing authority or contract authority would be created by this LOU.

FISCAL IMPACT: n/a

ATTACHMENTS:

[Letter of Understanding](#)
[TMED District Boundary Map](#)
[Resolution](#)

**Letter of Understanding
Regarding the Creation of the Temple Medical & Education District
(TMED)**

Sponsoring Entities

**City of Temple
Texas A&M Health Science Center College
of Medicine
Scott & White Memorial Hospital**

**Temple Health & Bioscience District
Temple College
Central Texas Veterans Healthcare System**

Date: January, 2008

This Letter of Understanding (LOU) is made and entered into between Scott & White Memorial Hospital (hereinafter “**S&W**”), Central Texas Veterans Healthcare System (hereinafter “**VA**”), City of Temple (hereinafter the “**City**”), Temple Health & Bioscience Economic Development District (hereinafter “**Bioscience District**”), Texas A&M Health Science Center College of Medicine (hereinafter “**College of Medicine**”), and Temple College (hereinafter “**Temple College**”), collectively referred to hereafter as the “Sponsoring Entities.”

1. Purpose. The Sponsoring Entities desire to create the TEMPLE MEDICAL & EDUCATION DISTRICT (TMED) to jointly facilitate and promote the services and activities offered on the S&W, the VA, Temple College, and the College of Medicine campuses and to promote the redevelopment and revitalization of residential and commercial neighborhoods surrounding those campuses. The Sponsoring Entities recognize that the TMED is a major employment center for the City and a major gateway into downtown Temple—an area bounded by three of the City’s Strategic Investment Zones (Loop 363, Martin Luther King Street, and South 31st Street). The Sponsoring Entities believe that because of: (1) the health care, research, and educational activities on their respective campus; (2) the commercial and residential areas adjacent to those campuses; and (3) planned improvements to the transportation corridors surrounding and bisecting the TMED, that the TMED has vast promise as a center of health care, educational learning, research, and economic development to benefit the entire community.

Sponsoring Entities enter into this cooperative and collaborative relationship to:

- Coordinate their efforts
- Leverage their public and private resources
- Enhance the health and vitality of surrounding neighborhoods
- Identify needed public improvements
- Form public-private partnerships

- Assist in the future planning and development of the area
- Coordinate the marketing efforts for the TMED

2. Vision for the District. The vision for the TMED is to enhance and protect the existing opportunities for medical, educational, research-related activity in the area, while identifying new public and private sector investment for the area. A possible concept would be the creation of a “university village.” A university village might include student and employee housing, retail, dining, medical education, improved public education, medical services, hike and bike trails, transportation services, and the necessary infrastructure to promote the investment of public and private sector funds to improve the overall TMED area. To accomplish these goals, the Sponsoring Entities would investigate possible tools or funding sources to benefit the TMED including but not limited to:

- Public or private grants
- Land Use Controls
- Public or private landscaping improvements
- Signage (Promoting the TMED and wayfinding signs)
- Asbestos survey and abatement grants
- Façade replacement grants
- Sidewalk
- Public private partnerships
- Assembling blocks of property for development
- Public Improvement Districts (special assessments to construct public improvements by petition of property owners)
- Creation of tax abatement reinvestment zone(s)
- Creation of a new tax increment financing reinvestment zone or incorporation into the existing City of Temple Tax Increment Financing Reinvestment Zone Number One

3. Strategic Partners. The Sponsoring Entities have identified a number of strategic partners with whom they desire to work, including, but not limited to: Keep Temple Beautiful, Temple Independent School District, Texas Department of Transportation, and the Temple Economic Development Corporation.

4. Boundaries of TMED. The TMED is the area bounded by Avenue M on the north side, South 31st Street on the west side (and including property owned by Scott & White on the west side of , and adjacent to 31st Street), Loop 363 to the south; and Martin Luther King Street to the east as shown on the map attached hereto as Exhibit “A.” The Sponsoring Entities may amend the boundaries of the TMED from time to time by mutual agreement.

The area includes, but is not limited to, the campuses of Temple College, the Central Texas Veterans Healthcare System Temple campus, the Scott & White main campus as well as the Temple campus of the Texas A&M Health Science Center College of Medicine, several tracts owned by the City of Temple, Travis Middle School owned by the Temple Independent School District, and a number of commercial and residential properties that are privately held.

5. Coordinating Group: To carry out the purposes of this Letter of Understanding, the Sponsoring Entities will create a nine (9) member Coordinating Group comprised of individuals appointed as follows:

S&W, Temple College, VA, College of Medicine, and the Bioscience District shall each appoint one representative to the Coordinating Group. The City Council shall appoint four representatives to the Group with one appointed at large, and three residents or individuals who have or maintain a commercial property interest within the boundaries of the TMED.

6. Term. This LOU shall be three years commencing on the date executed by all of the Sponsoring Entities, at which time it may be renewed by mutual agreement of the Sponsoring Entities. Any Sponsoring Entity may withdraw from the LOU with 30 days notice.

7. Obligations of the Parties. The Sponsoring Entities acknowledge and agree that this LOU is expression of intent and not legally binding on the Sponsoring Parties without some further action by their respective governing bodies. The Sponsoring Entities agree that this LOU is conceptual in nature, and that additional agreements may be necessary to execute the vision of the Coordinating Group.

8. Entire Understanding. This LOU represents the entire understanding among the Sponsoring Entities and no prior or contemporaneous oral or written agreement shall be construed to alter its terms. No additional terms shall become part of this LOU without the mutual, written consent of the Sponsoring Entities and compliance with relevant State law.

9. LOU Points of Contact. The City's point of contact under this LOU is David Blackburn, City Manager. Each of the other Sponsoring Entities shall designate a point of contact for the purpose of sending notices, questions, or documentation, arising under this LOU.

IN WITNESS WHEREOF, the parties to these presents have executed this LOU on the date first above written.

THE CITY OF TEMPLE, TEXAS

David Blackburn
City Manager

**CENTRAL TEXAS VETERANS
HEALTHCARE SYSTEM**

Bruce Gordon

**TEXAS A&M HEALTH SCIENCE
CENTER COLLEGE OF MEDICINE**

ATTEST:

Clydette Entzminger
City Secretary

**SCOTT & WHITE MEMORIAL
HOSPITAL**

Dr. Alfred Knight

**TEMPLE HEALTH & BIOSCIENCE
ECONOMIC DEVELOPMENT
DISTRICT**

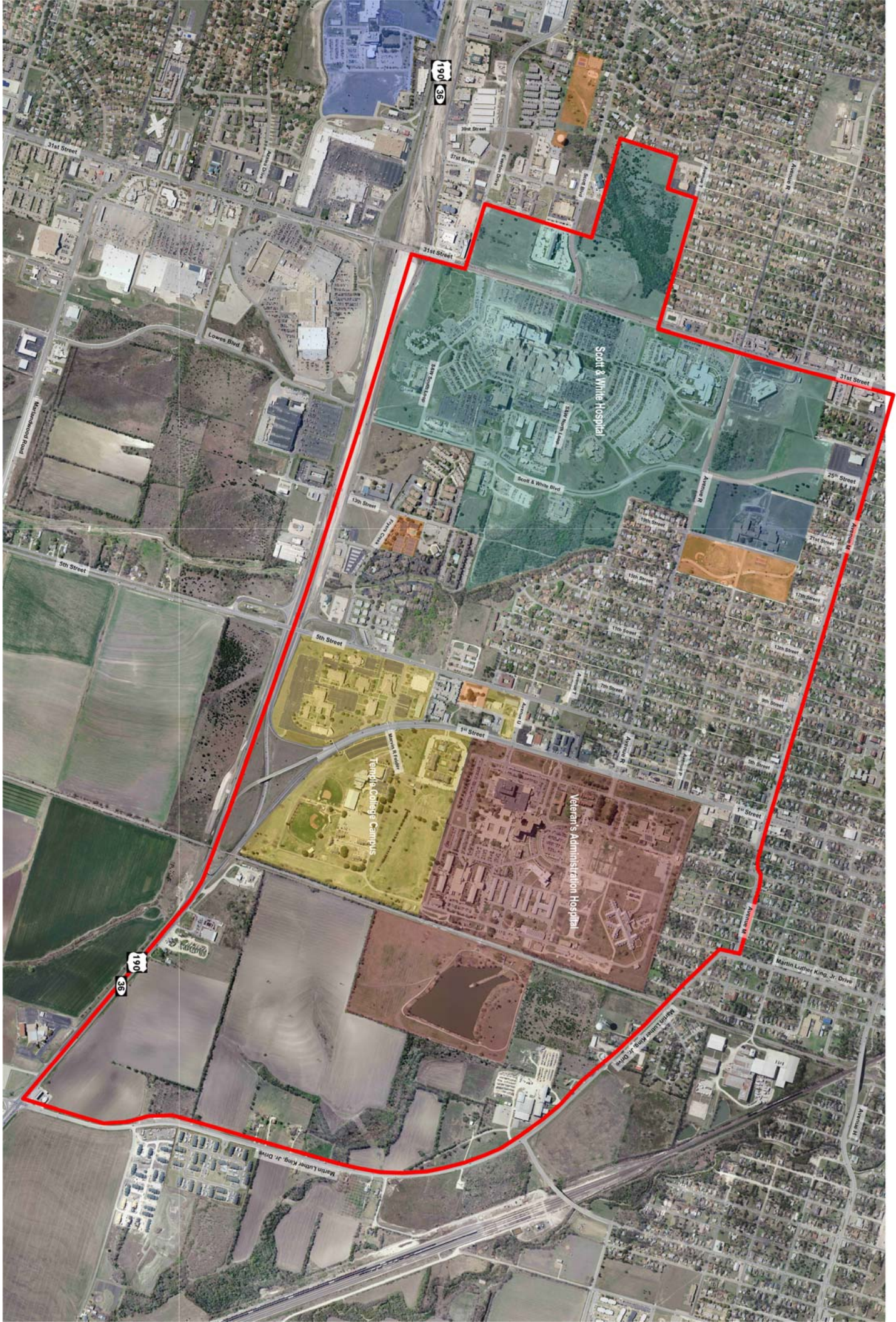
Wendell Williams

TEMPLE COLLEGE

Dr. Marc Nigliazzo

APPROVED AS TO FORM:

City Attorney's Office



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A LETTER OF UNDERSTANDING FOR CREATION OF THE TEMPLE MEDICAL AND EDUCATION DISTRICT (TMED); APPOINTING 4 MEMBERS TO THE COORDINATING GROUP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for several months, representatives from Scott & White Memorial Hospital, Central Texas Veterans Healthcare System, Temple Health and Bioscience District, Texas A&M System Health Science Center College of Medicine, Temple College, and the City of Temple have met to discuss creation of a District with the purpose to jointly facilitate and promote the services and activities of the participating entities and to promote the redevelopment and revitalization of residential and commercial neighborhoods surrounding the campuses which are uniquely geographically close;

Whereas, in addition, the sponsoring entities, through this cooperative and collaborative relationship, will endeavor to: coordinate efforts; leverage public and private resources; enhance the health and vitality of surrounding neighborhoods; identify needed public improvements; form public-private partnerships; assist in future planning and development of the area; and coordinate marketing efforts for the TMED;

Whereas, the Staff recommends authorizing a Letter of Understanding between the sponsoring entities – in order to carry out the Letter of Understanding, the sponsoring entities will create a 9 member Coordinating Group, 4 of which are appointed by the City Council; 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 Letter of Understanding, after approval as to form by the City Attorney, for creation of the Temple Medical and Education District (TMED).

Part 2: The City Council appoints City Manager David A. Blackburn as the at-large member to the TMED Coordinating Group, and also appoints the following individuals as members: _____, _____, and _____.

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 **6th** day of **March**, 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

03/06/08
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution declaring an official intent to reimburse certain expenditures in an amount not to exceed \$9,750,000 made prior to the issuance of tax-exempt General Obligation Bonds designated for Parks Projects approved by the voters on November 6, 2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 6, 2007, the City Council authorized two professional services agreements. One agreement was with Post, Buckley, Schuh & Jernigan, Inc. (PBS & J) for the Summit Recreation and Fitness Center expansion and family changing rooms in the amount of \$129,672. The other agreement was with Kimley-Horn & Associates for the Family Aquatics Center in the amount of \$333,220 and the Indoor Swimming Pool in the amount of \$156,800. On December 6, 2007, the City also declared an official intent to reimburse these expenditures made prior to the issuance of the tax-exempt obligations for these agreements.

There are other costs associated with these projects that do not require Council approval, but the costs need to have the official intent to reimburse declared for expenditures related to the projects. These costs include, but are not limited to surveying and geotechnical testing.

This action will ensure the City is in compliance with IRS regulations concerning the obligation of bond proceeds prior to their actual sale.

FISCAL IMPACT: The following projects were approved by the voters on November 6, 2007:

Temple Family Aquatics Center	\$4,100,000
Sammons Park Indoor Aquatics Center	1,900,000
Golf Course Improvements	350,000

Summit Expansion & Pool Family Changing Rooms	1,625,000
Miller Park Playground/Hike & Bike Trail	600,000
West Temple Spray Park	475,000
Lions Soccer Fields	400,000
Ferguson Park Picnic and Playground	<u>300,000</u>
 Total General Obligation Bond Parks Projects	 <u>\$9,750,000</u>

It is anticipated that the costs to be incurred prior to the issuance of the bonds will be minimal. The issuance of bonds is typically aligned with the construction timelines of the projects. We anticipate issuing the bonds in the summer of 2008. A budget amendment will be prepared at that time to reimburse expenditures incurred prior to the sale of bonds.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES IN AN AMOUNT NOT TO EXCEED \$9,750,000 MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT GENERAL OBLIGATION BONDS DESIGNATED FOR PARKS PROJECTS APPROVED BY THE VOTERS ON NOVEMBER 6, 2007; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple, Texas (the "City") expects to pay expenditures in connection with the projects described on Exhibit "A," attached hereto (the "Projects") prior to the issuance of obligations to finance the Projects; and

Whereas, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Projects.

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

Part 1: The City reasonably expects to incur debt, as one or more separate series of various types of obligations, with an aggregate maximum principal amount not to exceed \$9,750,000 for the purpose of paying the costs of the Projects.

Part 2: All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Part 3: The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

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 6th day of **March**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

EXHIBIT A

Temple Family Aquatics Center	\$4,100,000
Sammons Park Indoor Aquatics Center	1,900,000
Golf Course Improvements	350,000
Summit Expansion & Pool Family Changing Rooms	1,625,000
Miller Park Playground/Hike & Bike Trail	600,000
West Temple Spray Park	475,000
Lions Soccer Fields	400,000
Ferguson Park Picnic and Playground	<u>300,000</u>
Total General Obligation Bond Parks Projects	<u>\$9,750,000</u>



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2007-2008 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$63,482.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
March 6, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2000-521-2537		Air Support Program (Police Dept.)	\$ 15,000	
110-0000-442-0720		Police Revenue		\$ 15,000
Appropriate funds received for the Central Texas Law Enforcement Interlocal Assistance Agreement for the air support unit. \$15,000 was received from the City of Killeen as their contribution for fiscal year 2008.				
110-2000-521-2516		Judgments & Damages (Police Dept.)	\$ 2,294	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,294
Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple				
110-2350-540-2516		Judgments & Damages (Solid Waste - Frontload)	\$ 815	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 815
Settlement of claim filed against City by Security Mini Storage seeking reimbursement for damage to a tree, and also to replace the tree, after it was damaged when it was struck by a garbage truck on November 5, 2007.				
240-7000-551-6310	100340	Buildings & Grounds (Santa Fe Depot)	\$ 5,373	
240-4400-551-2623		Other Contracted Services (Mayborn Center)		\$ 1,076
240-0000-461-0841		Donations/Gifts		\$ 4,297
The original bid specs for the carpet replacement at the Santa Fe Depot Amtrak lobby was \$5,000 for carpet replacement. The carpet has a life of no more than an average of five to seven years in a public place. I am recommending putting down ceramic tile. To do this, I need an additional \$1,075.10 to cover the City's share. This budget adjustment also appropriates funds to be donated to tile the other areas not originally included in the scope of the project. The project to connect the east side roof drains at the Depot will hopefully come in lower than what was estimated. If funding is needed for the drains, funds will be taken out of the operational budget for tourism.				
351-1700-519-2616	100233	Professional Services (Planning CIP)	\$ 20,000	
351-0000-490-2582		Transfer In - General Fund		\$ 20,000
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 20,000	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 20,000
To appropriate funding for a contract amendment to the professional services agreement with Kendig Keast Collaborative of Sugarland, Texas who were engaged to complete a comprehensive plan update for the City of Temple and to appropriate funding for other costs related to the comprehensive plan.				
TOTAL AMENDMENTS			\$ 63,482	\$ 63,482

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
March 6, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(31,241)
		Net Balance of Judgments & Damages Contingency Account	\$	38,759
		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	\$	262,425
		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	\$	(103,584)
		Net Balance of Contingency Account	\$	801,088
		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	\$	1,189,669
		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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
March 6, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning Compensation Plan Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	-
		Net Balance of Compensation Plan Contingency Account	\$	2,000
		Net Balance Drainage Fund Contingency	\$	3,495
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(51,365)
		Net Balance of Contingency Account	\$	35,112

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 6th day of **March**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the property located at 212 East Avenue A, commonly known as the “Nadine Apartments property.”

Executive Session – The City Council may enter into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or sale of real property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has again been approached by the owner of the property at 212 East Avenue A, commonly known as the Nadine Apartments, to gauge the City’s interest in acquiring that property. The property is part of the Temple Original Survey, Block 24, Lots 19 & 20. The lot is 60’ x 110’, or 0.1515 acre. The current building was built in 1925 and is approximately 5,088 square feet. Appraisal history on the property shows that in 2001, the land was appraised at \$6,600 and the improvement at \$48,279. Following the renovations, the property was appraised for 2007 at \$6,600 for the land and \$84,166 (\$90,766 total). Taxes in 2007 were \$2,431.

The property is on the southeast corner of the block containing the Bell County Annex and across the street from the Police Station. The City already owns the lot and building next door to the Nadine Apartment property, which we acquired by donation two years ago.

The property had fallen into disrepair in recent years. The property was acquired by investors in about 2004 and renovated as apartments in 2006, but the developer has not had a lot of interest in the property for that purpose (and level of finish out). Because of the property’s location adjacent to the County Annex and the Police Station, we have continued to monitor the condition of the property and efforts by the owner to market the property. Given the property’s proximity to the Police Station, we are naturally concerned that the property might be acquired and converted to a use that would adversely impact the neighborhood around the Police Station.

A representative of the property owner recently approached the City offering to sell the property for \$170,000. The property owner's representative has indicated that the offer is substantially lower than the property owner's basis in the property.

We have not identified a particular use that the City might make of the property if acquired. Possible reasons for acquiring the property might include: (1) relocating some City operations to the existing building; (2) demolishing the current structure (along with the building on the lot we already own to the immediate west) and constructing a parking lot (perhaps in conjunction with parking for the County Annex next door); (3) acquiring the property for economic development purposes and conveying it to a private entity for commercial purposes; or (4) acquiring the property for a social service agency.

There are several possible scenarios involving us acquiring the property with another taxing entity, but we were not at liberty to announce those discussions at the time we posted this agenda. We expect to have those details worked out by the date of our Council meeting. The item description is broad enough to address other scenarios.

To the extent that the property has some potential for private redevelopment—having the property in the hands of the City could facilitate that redevelopment.

FISCAL IMPACT: A budget amendment is presented for Council's approval appropriating \$170,000 to account 351-1000-511-6310, project # 100372, for the purchase of the property. Funding for the purchase will come from the General Fund's Fund Balance - Designated for Capital Projects-Unallocated, account 110-0000-352-1345.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2008

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-1000-511-63-10	100372	Buildings & Grounds	\$ 170,000			
351-0000-490-25-82		Transfer in - General Fund	170,000			
110-9100-591-81-51		Transfer out-Capital Projects Fund	170,000			
110-0000-352-13-45		Des Cap Projects-Unallocated			170,000	
TOTAL.....			\$ 510,000		\$ 170,000	

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

To appropriate \$170,000 for the purchase of the property located at 212 East Avenue A, commonly known as the Nadine Apartments. Funding for this purchase will come from the General Fund's Fund Balance - Designated for Capital Projects-Unallocated. The County Judge has indicated the city's willingness to invest up to \$75,000 as part of the acquisition by the City of the property. The specific terms of our arrangement with the County are still being discussed as of the date of posting this item.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

3/6/2008

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved

RESOLUTION NO. 2008-5339-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 212 EAST AVENUE A, COMMONLY KNOWN AS THE “NADINE APARTMENTS PROPERTY;” AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has been approached by the owners of the property located at 212 East Avenue A, commonly known as the Nadine Apartments, to gauge the City’s interest in acquiring that property for \$170,000;

Whereas, the property is on the southeast corner of the block containing the Bell County Annex and across the street from the Police Station – the City already owns the lot and building next door to the Nadine Apartment property which was acquired by donation two years ago;

Whereas, the property has fallen into disrepair in recent years and because of the property’s location adjacent to the Bell County Annex and Police Station, acquisition of the property by the City will ensure that it doesn’t continue to deteriorate;

Whereas, even though the City has not identified a particular use for the property, there are several options which will be explored before making that decision;

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 the property located at 212 East Avenue A, commonly known as the “Nadine Apartments property,” for a cost not to exceed \$170,000.

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 FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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 **6th** day of **March**, 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:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-12: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a bar at the Continental Inn, located at 3300 North General Bruce Drive, on land commonly known as Outblock 570-B, City Addition.

PLANNING & ZONING COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 9/0 to recommend approval of the requested Conditional Use Permit described in the item description, subject to the following conditions in accordance with Zoning Ordinance Section 7-611, at its meeting on February 18, 2008:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.

7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, subject to conditions listed in Planning & Zoning Commission recommendation, on first reading, and schedule second reading and final adoption for March 20, 2008,

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-12, from the Planning and Zoning meeting, February 18, 2008. This request is to allow the continuation of alcoholic beverage sales for on-premise consumption in a bar at the Continental Inn, located within an existing Commercial District. The Continental Inn lost its "legal-nonconforming use" status for the sale of alcoholic beverages for on-premise consumption in its bar with cessation of the use (March 2007 to present).

The applicants are also working with the Texas Alcoholic Beverage Commission (TABC) to obtain licensing. The Zoning Ordinance requires the permittee to comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council. TABC compliance also covers hours of operation for alcoholic beverage sales.

This request complies with Zoning Ordinance, Section 7-611 (d), requiring a distance separation of 300 feet from a church, public or denominational school, public hospital, publicly owned park, or any residentially zoned or developed lot. The Continental Inn is compatible with surrounding uses and complies with its Commercial District regulations.

FISCAL IMPACT: None

ATTACHMENTS:

Land Use Map
Zoning Map
C.U.P. Site Plan
C.U.P. Floor Plan
Aerial
P&Z Staff Report (Z-FY-08-12)
P&Z Minutes (February 18, 2008)
Ordinance



Z-FY-08-12

3300 N General Bruce Drive

OB# 570-B 2.13 Acres

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

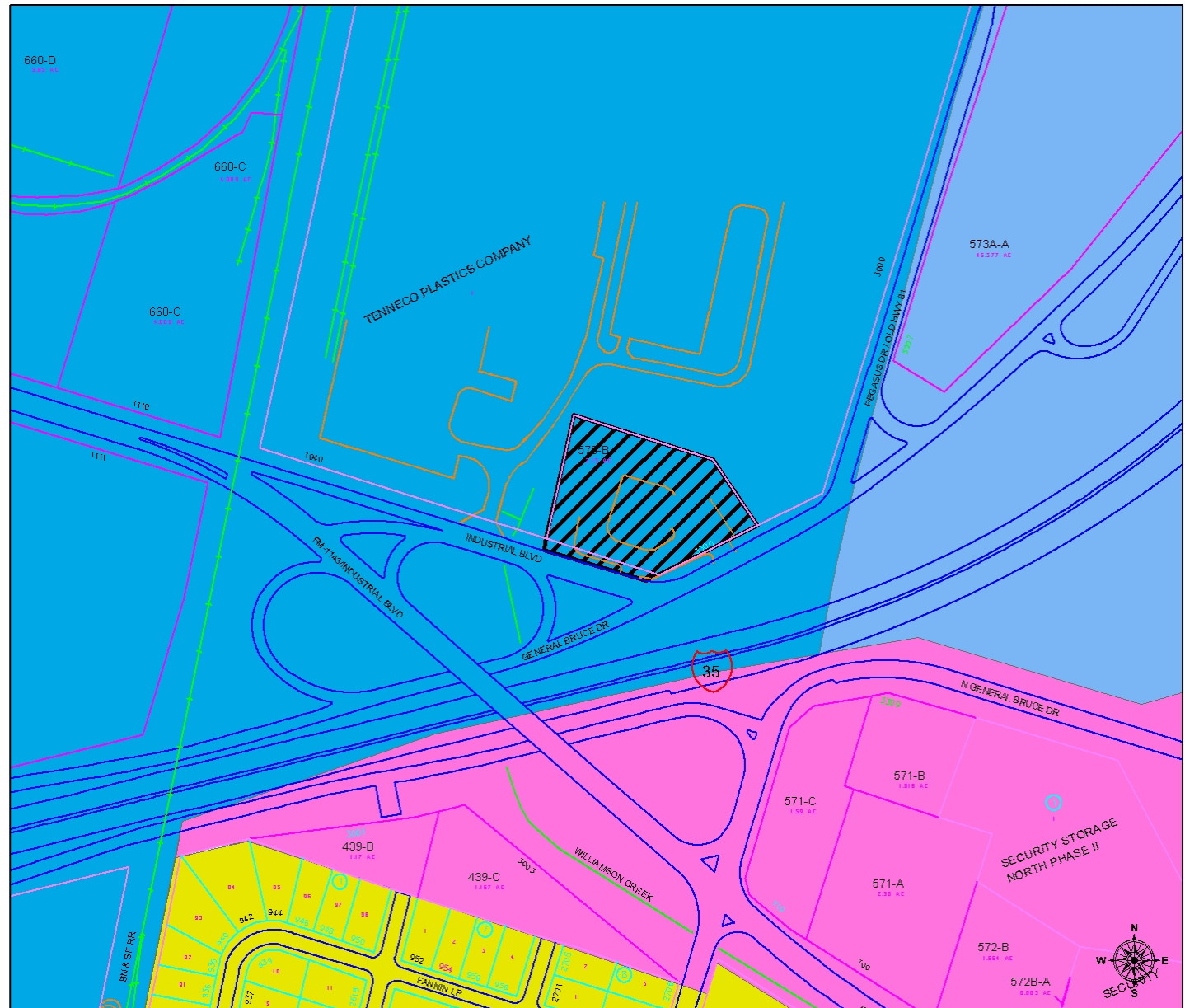
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

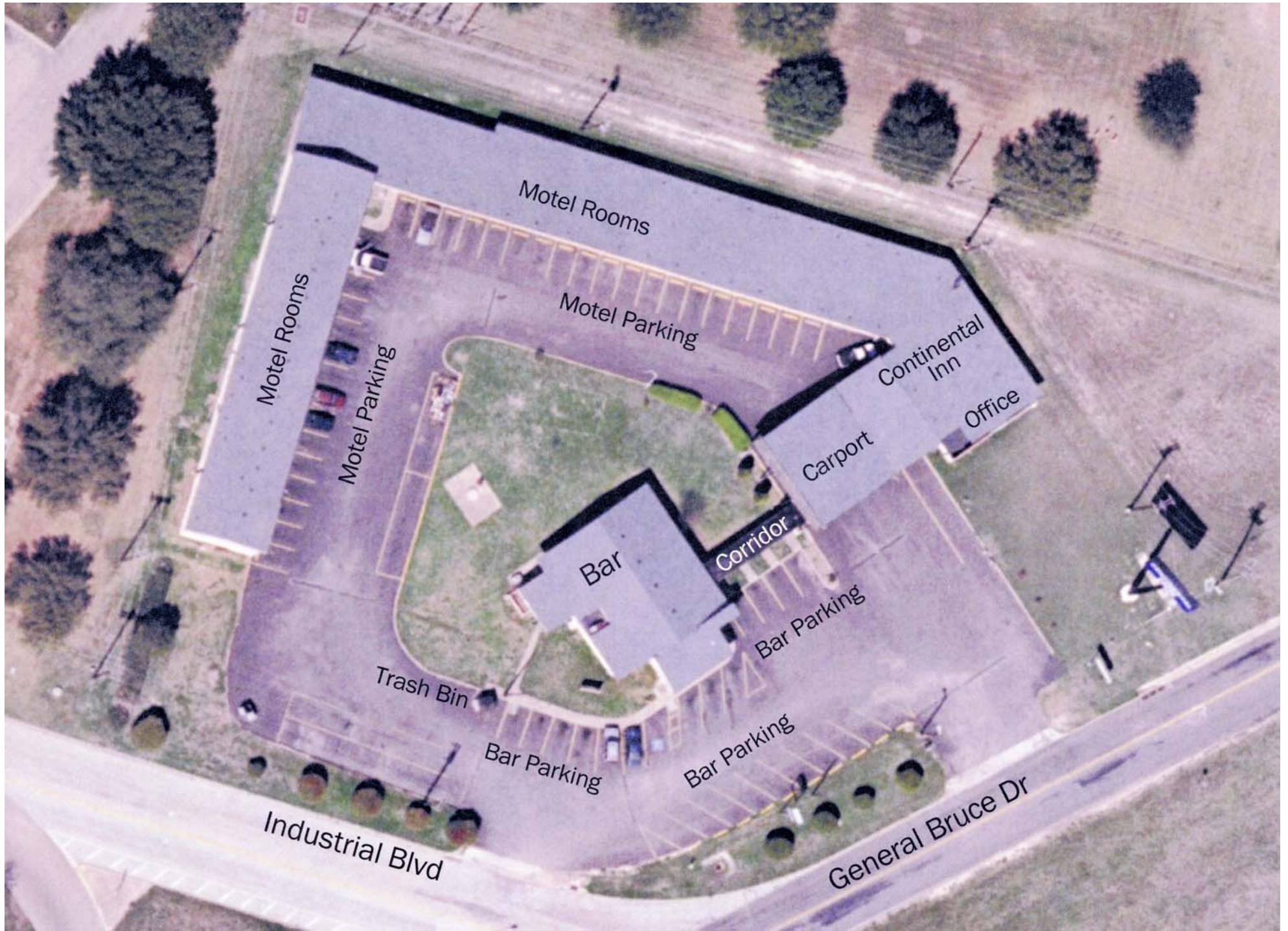
- DOWNTOWN



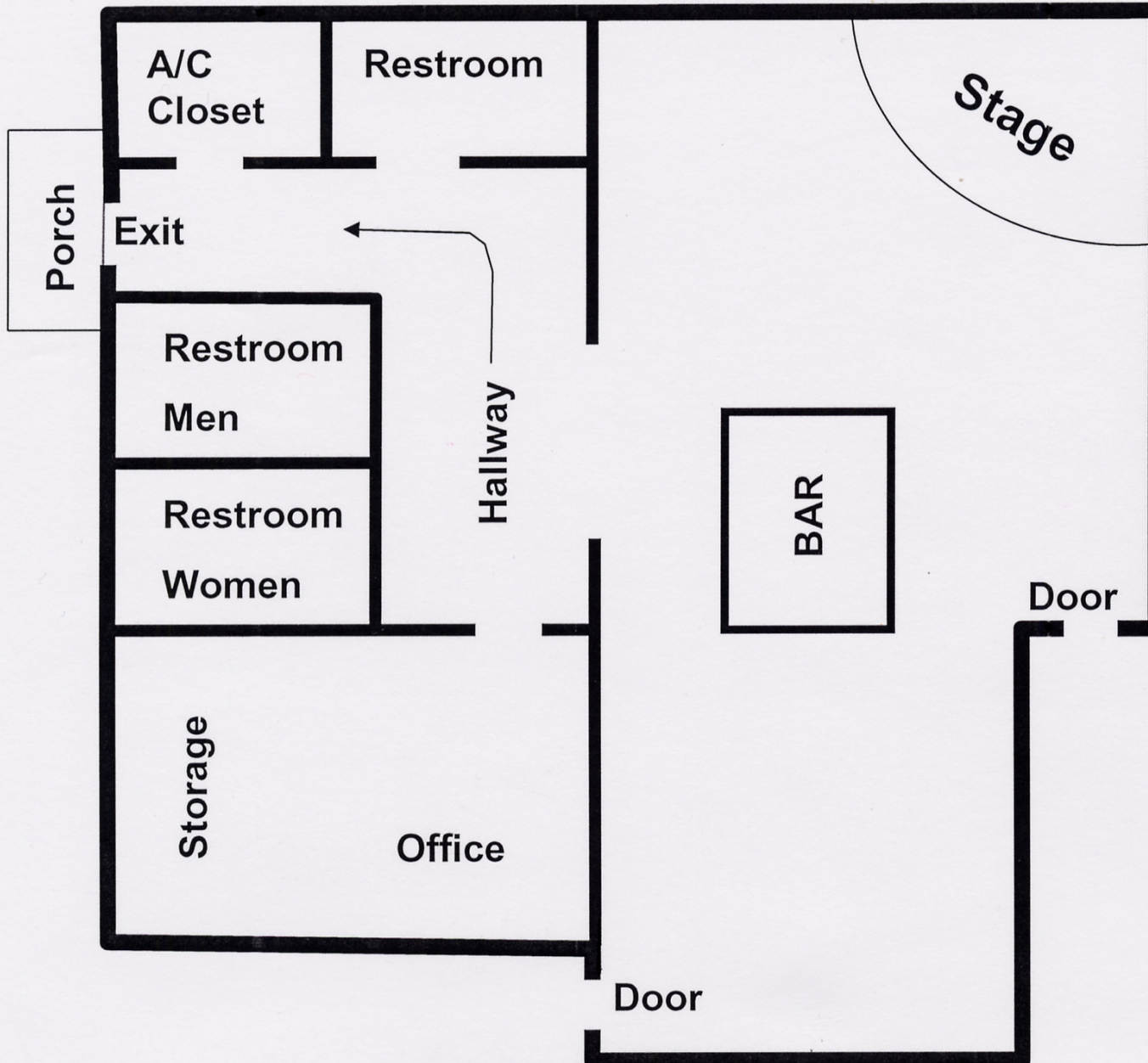
CUP for On-Premise Alcohol

1 inch equals 300 feet

J Stone 11.31.07

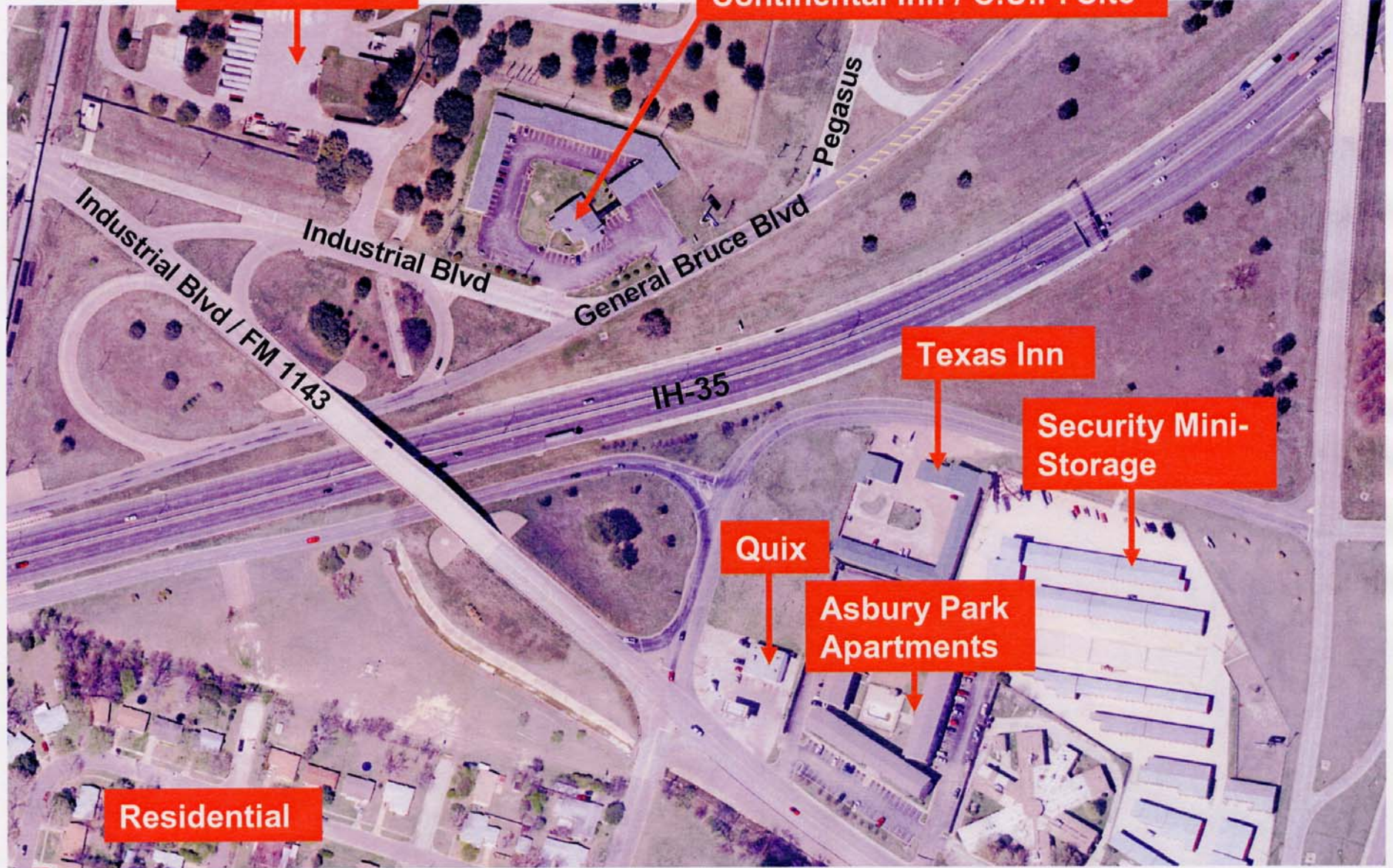


Inside of Bar



PACTIV Plant

Continental Inn / C.U.P. Site



Residential



PLANNING AND ZONING COMMISSION AGENDA ITEM

02-18-08
Item 4
Page 1 of 3

APPLICANT / DEVELOPMENT: Gamaliel & JoAnn Garcia / Jagdish Christian (Owner)

CASE MANAGER: Tammy A. Lyerly, Planner

ITEM DESCRIPTION: Z-FY-08-12 Hold a public hearing to consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a bar at the Continental Inn, located at 3300 North General Bruce Drive, on land commonly known as Outblock 570-B, City Addition (Zoning: Commercial).

BACKGROUND: The applicants, Gamaliel and JoAnn Garcia, request this conditional use permit to allow the sale of alcoholic beverages for on-premise consumption in a bar at the Continental Inn. This request is to allow the continuation of a use that was allowed for many years as a legal non-conforming use. A cessation (March 2007-present) in the legal non-conforming use makes it necessary for the applicants to pursue this conditional use permit in order to resume the sale of beer in the bar at the Continental Inn. The applicants are also working with TABC.

The applicants plan to have approximately three employees and propose the following hours of operation:

Sunday.....12:00 am until 12:00 pm
Monday – Wednesday ...7:00 am until 12:00 pm
Thursday – Saturday7:00 am until 2:00 am

Surrounding Property and Uses

The subject property is zoned Commercial District. The Commercial District (C) allows the sale of alcoholic beverages for on-premise consumption in a bar or private club with a Conditional Use Permit. This application is compatible with surrounding uses.

Direction	Zoning	Use
North	LI	PACTIV Plant
South	GR	IH-35 and undeveloped land
Southeast	GR, GR/CUP(alcohol sales for on-premise consumption in a restaurant at Texas Inn), and (C) Commercial	Texas Inn, vacant land, convenience store, apartments, former nursing home, and mini-storage warehouses
East	GR	IH-35 and vacant land

This request complies with Zoning Ordinance, Section 7-611 (d), requiring a distance separation of 300 feet from a church, public school or denominational school, public hospital, publicly owned park, or any residentially zoned or developed lot.

Future Land Use Plan & Future Trends

This property is within the TIFF #1 District with a recommendation for industrial uses such as warehouse, distribution, and manufacturing. Since the industrial and commercial zoning districts allow hotels and motels, the existing Continental Inn is compatible with these types of uses.

Thoroughfare Plan

The property is located on the west side of IH-35, at the intersection of Industrial Boulevard and North General Bruce Drive. Although Industrial Boulevard has a minor arterial classification, the portion of Industrial Boulevard along Continental Inn does not have a minor arterial classification. Pegasus Drive/Old Highway 81 to the east of Continental Inn is a collector.

Adequacy of Public Facilities

Adequate public facilities serve this site. A 14-inch water line surrounds the property along the north, east, and west property lines. A 6-inch sewer line runs along the west edge of the property.

Development Regulations

This application conforms to the area requirements and uses permitted in the property's Commercial District.

Public Notice

One notice was mailed. As of February 13, 2008 at 5 PM, the response notice had not been returned. The newspaper printed notice of the public hearing on February 3, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of

drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.

6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Site Plan (aerial)
Floor Plan

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

MONDAY, FEBRUARY 18, 2008

ACTION ITEMS

- 4. Z-FY-08-12** Hold a public hearing to consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a bar at the Continental Inn, located at 3300 North General Bruce Drive, on land commonly known as Outblock 570-B, City Addition. Zoning: Commercial (Applicant: Gamaliel & Joann Garcia)

Ms. Tammy Lyerly, Planner, presented this item as outlined in the Planning and Zoning Agenda Background. She informed the Commission that in the event this item is recommended for approval at this meeting, it will go before the City Council for 1st reading on March 6, 2008 and the 2nd reading will be scheduled for City Council on March 20, 2008. Ms. Lyerly displayed a zoning map of the area, land use map of the area, an aerial, site plan, and a floor plan. She explained that for the sale of on-premise consumption of alcohol, the business would need to comply with the required 300 foot distance separation from a church, public school, denomination school, hospital, publicly owned park, or in residentially zoned or developed lot. Ms. Lyerly said this request meets all the required restrictions. She displayed the proposed hours of operation for the business and surrounding property and uses. Ms. Lyerly said Staff recommends approval of the CUP with the 11 conditions listed in accordance with Zoning Ordinance, Section 7-611. She said one notice was mailed to surrounding property owners within 200 feet of the proposed area. To date there have been no responses in favor or in opposition to the requested CUP.

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

Motion to recommend approval of Z-FY-08-12 with the 11 conditions with the exception of changing #2 from 14 months to 6 months by Commissioner Martin; seconded by Commissioner Kjelland.

Motion passed (9/0)

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-12]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A BAR AT THE CONTINENTAL INN LOCATED AT 3300 NORTH GENERAL BRUCE DRIVE, ON LAND COMMONLY KNOWN AS OUTBLOCK 570-B, CITY ADDITION; 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 location and zoning classification of the establishment, has recommended that the City Council approve this application; 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 concerning the establishment at 3300 North General Bruce Drive, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the 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 the sale of alcoholic beverages for on-premise consumption in a bar at the Continental Inn, located at 3300 North General Bruce Drive, on land commonly known as Outblock 570-B, City

Addition, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. The sale and consumption of alcoholic beverages (beer and mixed drinks) shall occur only within the bar area, in accordance with the site plan attached as Exhibit B.
- B. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- C. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- D. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- E. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- F. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- G. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- H. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding

area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

- I. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- J. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- K. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Part 3: 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 4: 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 5: 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 6: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **March**, 2008.

PASSED AND APPROVED on Second Reading on the **20th** day of **March**, 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

03/06/08
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher P.E., Director of Public Works
Michael Newman P.E., Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on the SH 36/LP 363 frontage road within the City limits.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 20, 2008.

ITEM SUMMARY: Based on Traffic Engineering Studies by the State, TxDOT has requested that the City adopt an ordinance setting the prima facie speed limits on SH 36/LP 363 frontage roads. The section of highway described as follows.

Starting at M.P. 0.787, the speed limit shall be 45 MPH for a distance of 0.255 miles ending at M.P. 1.042.

Currently this section of SH36/LP363 frontage road is not posted, TxDOT has determined that the prima facie speed limit shall be 45 MPH.

We are required by TxDOT to re-adopt this speed limit at this time with changes being posted.

FISCAL IMPACT: None

ATTACHMENTS:

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

45 MPH ZONE

45 MPH ZONE

205 WEST INDUSTRIAL PHASE IV
TRACT 1



NW H.K. DODGEN LP

WOODBRI
VII

45 MPH ZONE

ADAMS AVE



45 MPH ZONE

CENTRE PLACE PHASE III

CENTRE PLACE I

WESTERN HILLS COM

WESTERN HILLS
COMMERCIAL
PHASE I

WILDFLOWER COMMERCE
PARK IV

WILDFLOWER

WESTER
COM
P

WESTERN
COMMER
PHAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMITS ON THE SH36/LOOP 363 FRONTAGE ROAD WITHIN THE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles on the SH36/Loop 363 service road within the city limits;

WHEREAS, these traffic investigations and engineering studies have determined the reasonable and safe prima facie maximum speed limits, as more fully described herein; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to approve these speed limits for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that the reasonable and prudent prima facie maximum speed limit for vehicular traffic on the SH36/Loop 363 service road is as follows:

Starting at M.P. 0.787, the speed limit shall be 45 MPH for a distance of 0.255 miles ending at M.P. 1.042

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

Part 5: 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 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 on the **6th** day of **March**, 2007.

PASSED AND APPROVED on Second Reading on the **20th** day of **March**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/06/08
Item #6
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance repealing ordinance 92-2133 establishing the Parks and Recreation Advisory Board, allowing this board to be combined with the Convention Center & Tourism Advisory Board.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for March 20, 2008.

ITEM SUMMARY: Section 3.28 of the City Charter states that the City Council shall appoint a City Parks and Recreation Board to advise the City Council on park and recreation matters. The Parks and Recreation Advisory Board was most recently established by Ordinance 92- 2133, adopted April 16, 1992. At that time, the board was given the charge to advise the City Council and the Director of Parks and Recreation on matters relating to the City's parks and recreational policies and programs and make recommendations for facilities and capital improvements.

The Director of Parks and Leisure Services serves as the staff liaison for the Convention Center & Tourism Advisory Board and the Parks and Recreation Board, both of which have nine members and meet monthly. In order to have a more effective process for advisory board involvement and participation, Staff is recommending the Convention Center & Tourism Advisory Board and the Parks and Recreation Board be merged into a single board, with a combined mission to advise and make recommendations on all the activities falling under the direction of the Parks and Leisure Services Department, including the Convention Center, the Railroad & Heritage Museum, tourism, parks and recreation.

The membership of the Boards has been somewhat unstable over the past several years, especially on the Convention Center & Tourism Board, and a large number of terms have been forfeited due to non-attendance. Merging these two boards will eliminate some of the current issues with keeping all positions filled with qualified members that are willing to serve.

On February 21, an ordinance was presented to the City Council on first reading repealing Ordinance 96-2451, which established the Convention Center & Tourism Advisory Board. The purpose of repealing that ordinance, as well as this one, is to allow the boards to combine into a single board to advise the City Council and Director of Parks and Recreation on all matters relating to the Parks and Leisure Services Department.

Both boards have been presented with this proposal and the membership of both is in agreement with merging these two boards.

The ordinances establishing both the Convention Center & Tourism Advisory Board (second reading of that ordinance is on this agenda) and the Parks and Recreation Advisory Board must be repealed before a resolution can be adopted by the Council re-creating the Parks and Recreation Board with an expanded mission. This resolution will be presented to the Council for consideration with the second reading of this ordinance, on March 20, 2008.

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 92-2133, WHICH ESTABLISHED THE PARKS AND RECREATION ADVISORY BOARD, ALLOWING THE BOARD TO BE COMBINED WITH THE CONVENTION CENTER AND TOURISM ADVISORY BOARD; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 3.28 of the City Charter states that the City Council shall appoint a City Parks and Recreation Board to advise the City Council on park and recreation matters – the Parks and Recreation Advisory Board was most recently established by Ordinance 92- 2133, adopted April 16, 1992, and at that time, the board was given the charge to advise the City Council and Director of Parks and Recreation on matters relating to the City’s parks and recreational policies and programs and make recommendations for facilities and capital improvements;

Whereas, the Staff recommends repealing Ordinance No. 92-2133 to allow the Parks and Recreation Board to be combined with the Convention Center & Tourism Advisory Board with a combined mission to advise and make recommendations on all the activities falling under the direction of the Parks and Leisure Services Department, including the Convention Center, Railroad & Heritage Museum, tourism, parks and recreation;

Whereas, the members on both boards are in agreement with merging the two boards; 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 repeals Ordinance No. 92-2133, which established the Parks and Recreation Advisory Board, allowing the board to be combined with the Convention Center & Tourism Advisory Board.

Part 2: This ordinance shall not operate to repeal or affect any other ordinances in effect within the City of Temple, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **March**, 2008.

PASSED AND APPROVED on Second Reading on the **20th** day of **March**, 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

03/06/08
Item #7(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-15-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 4.611 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission heard this case on Monday, March 3, 2008. The P&Z recommendation will be provided during the case presentation at the City Council meeting.

STAFF RECOMMENDATION: Staff recommends approval of the future land use map amendment request from Moderate Density Residential to Commercial for the following reasons:

1. The request complies with the Thoroughfare Plan; and
2. Adequate public and private facilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report for case Z-FY-08-15A, from the Planning and Zoning meeting, March 3, 2008. Any issues raised at the P&Z Commission meeting will be provided during the case presentation at the City Council meeting.

FISCAL IMPACT: NA

ATTACHMENTS:

[Future Land Use Map](#)
[P&Z Staff Report \(Z-FY-08-15A\)](#)
P&Z Minutes (03/03/08) - to be provided on second reading
[Ordinance](#)



Z-FY-08-15-A

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres

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

○ MIXED USE (MU)

Industrial

- INDUSTRIAL (LI, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bio-Science/Technology
- Corporate Campus & Office
- Aviation Industrial Dist
- Heavy Com/Tech/Indust
- Intermodal

Community Facilities

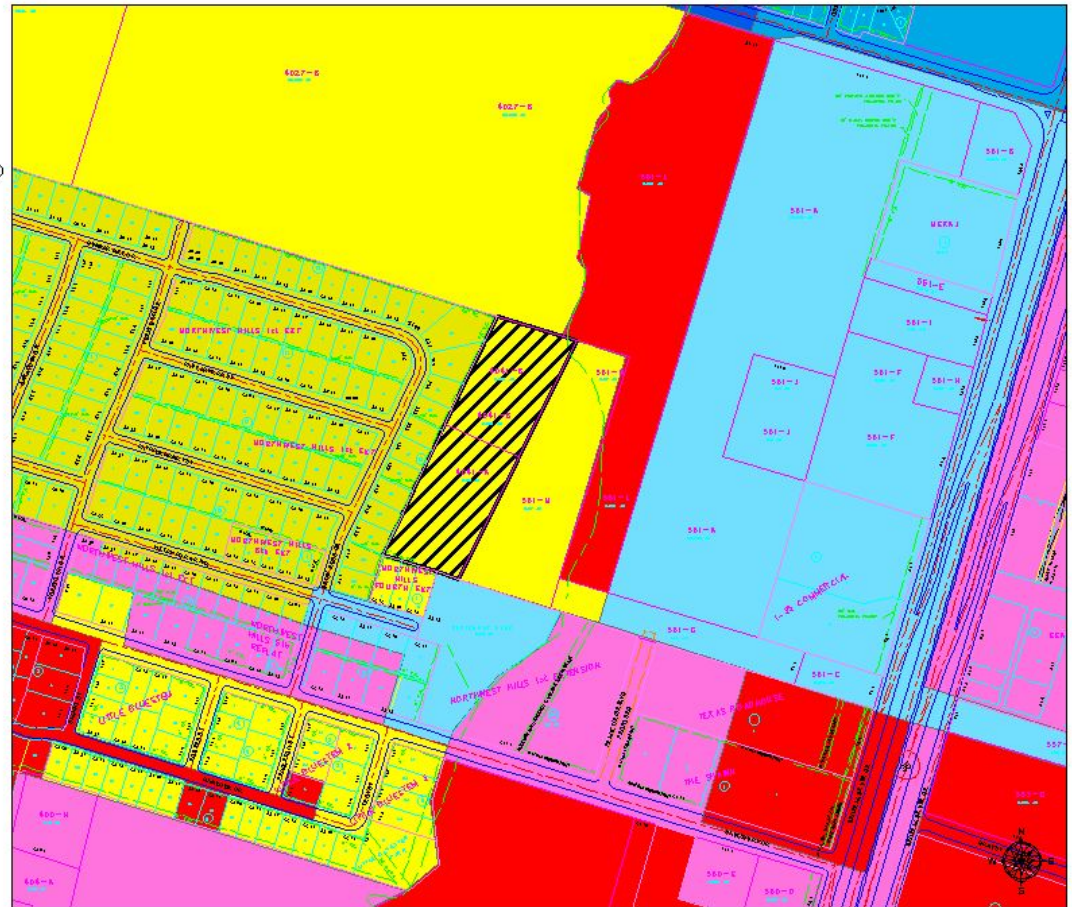
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

○ DOWNTOWN



A to C

1 inch equals 400 feet

J Stone 02.12.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

03/03/08
Item 6A
Page 1 of 2

APPLICANT / DEVELOPMENT: Rodney Deyoe for Skanska

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-15-A Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 4.611 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive.

BACKGROUND: This request tracks with Z-FY-08-015-B, a zone change request from the A, Agricultural zoning district to the C, Commercial zoning district.

The West Temple Plan, prepared in 1999, shows Moderate and Medium Density Residential future land use categories for the subject property and much of the surrounding area. Land to the north and east of the subject property has the Commercial future land use category.

Future Land Use Plan

The requested Commercial future land use category accommodates the CA, Central Area and the C, Commercial zoning districts; however CA is designated only for the downtown area and its surroundings. The West Temple Plan amendment request complies with the Future Land Use Plan.

Thoroughfare Plan

A paved private road approximately 20 feet in width has served the property since at least 1976. However, a commercial development should front on an arterial road. The West Temple Plan amendment request does not comply with the Thoroughfare Plan.

Adequacy of Public Facilities

The property is served by a septic system. The nearest public waterline is along Interstate 35 to the east however a private water line serves the property and its surroundings. Adequate public and private facilities serve the property.

Public Notice

Fourteen notices for the Planning and Zoning Commission hearing were sent out. As of Thursday, February 28, 2008 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 February 23, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the future land use map amendment request from Moderate Density Residential to Commercial for the following reasons:

1. The request complies with the Thoroughfare Plan; and
2. Adequate public and private facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-15(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO REFLECT COMMERCIAL USES ON APPROXIMATELY 4.611 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCKS 4041-A AND B, CITY ADDITION, LOCATED NORTHWEST OF SAULSBURY PARK AND EAST OF BETSY ROSS DRIVE; 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 an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 4.611 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of March, 2008.

PASSED AND APPROVED on Second Reading on the **20th** day of **March**, 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

03/06/08
Item #7(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-15-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District to approximately 4.61 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission heard this case on Monday, March 3, 2008. The P&Z recommendation will be provided during the case presentation at the City Council meeting.

STAFF RECOMMENDATION: Staff recommends approval of the zone change request from A, Agricultural to C, Commercial for the following reasons:

1. The zone change matches the long-standing use;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report for case Z-FY-08-15B, from the Planning and Zoning meeting, March 3, 2008. Any issues raised at the P&Z Commission meeting will be provided during the case presentation at the City Council meeting.

FISCAL IMPACT: NA

ATTACHMENTS:

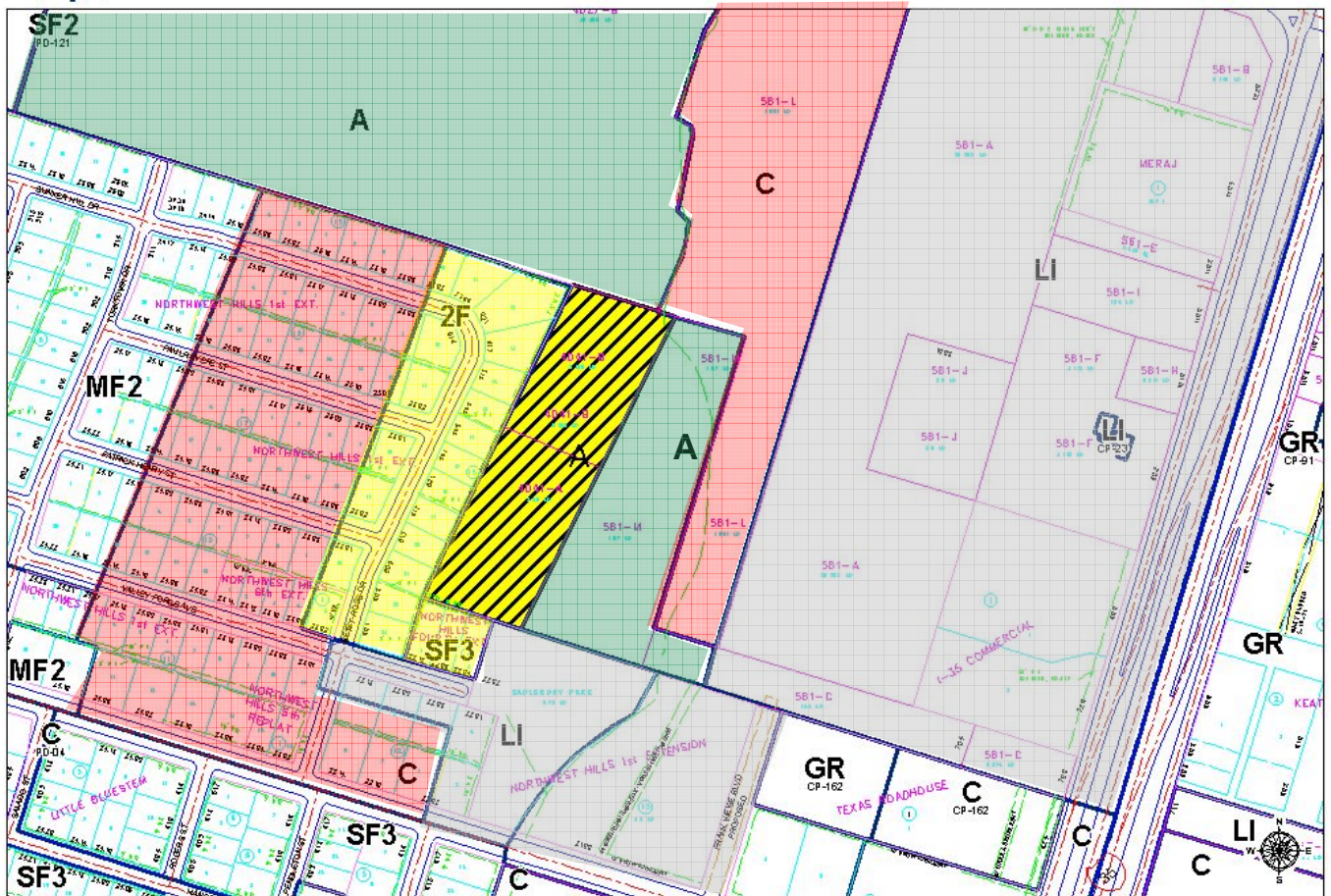
Zoning Map
Future Land Use Map
Aerial
Utility Map
Notification Radius Map
P&Z Staff Report (Z-FY-08-15B)
P&Z Minutes (03/03/08) – to be provided on second reading
Ordinance



Z-FY-08-15-B

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres



 ZFY0815

A to C

1 inch equals 300 feet
J Stone 02.12.08



Z-FY-08-15-A

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres

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

○ MIXED USE (MU)

Industrial

○ INDUSTRIAL (LI, HI)

○ Warehouse/Distribution

○ Manufacturing/Distribution

○ Bio-Science/Technology

○ Corporate Campus & Office

○ Aviation Industrial Dist

○ Heavy Com/Tech/Indust

○ Intermodal

Community Facilities

○ COMMUNITY FACILITY

○ CF-E (EDUCATIONAL)

○ CF-G (GENERAL)

○ CF-R (RESIDENTIAL)

○ CF-M (MEDICAL)

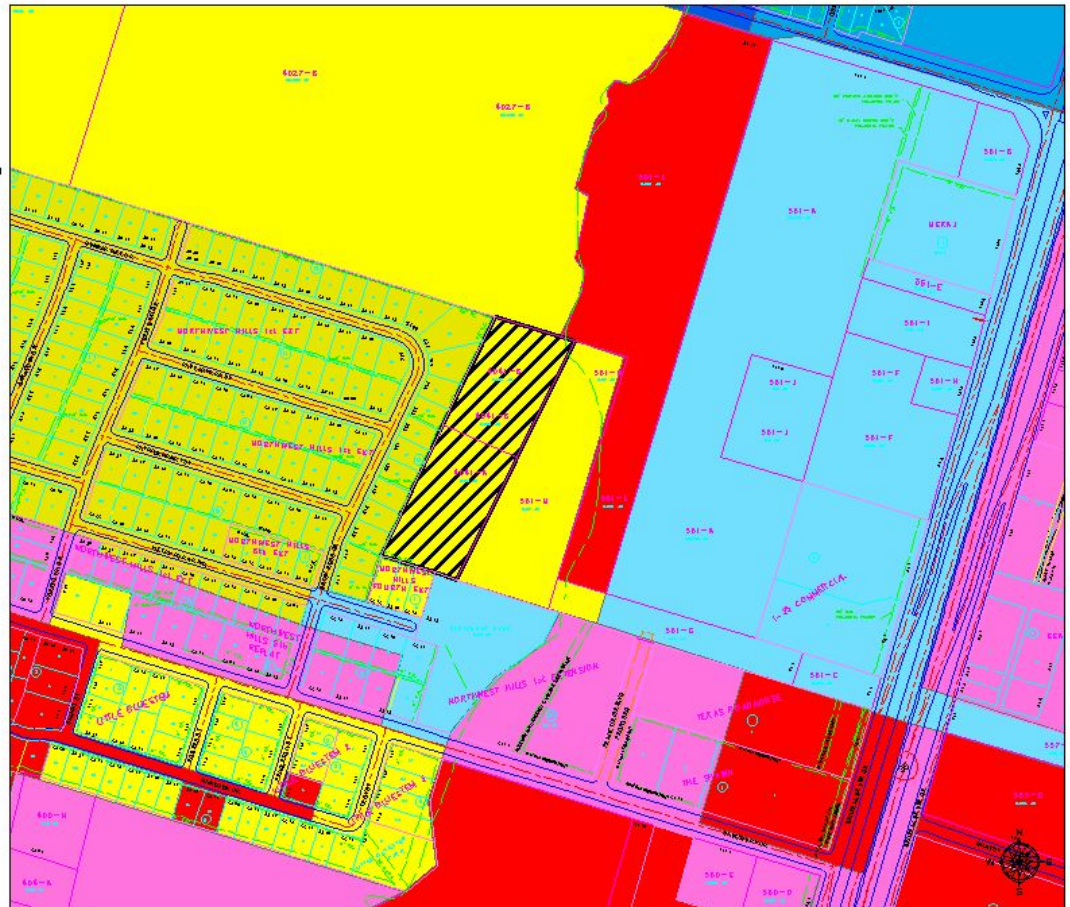
Park Land

○ PROPOSED FLOATING PARK

○ PARKS

Downtown

○ DOWNTOWN



A to C

1 inch equals 400 feet

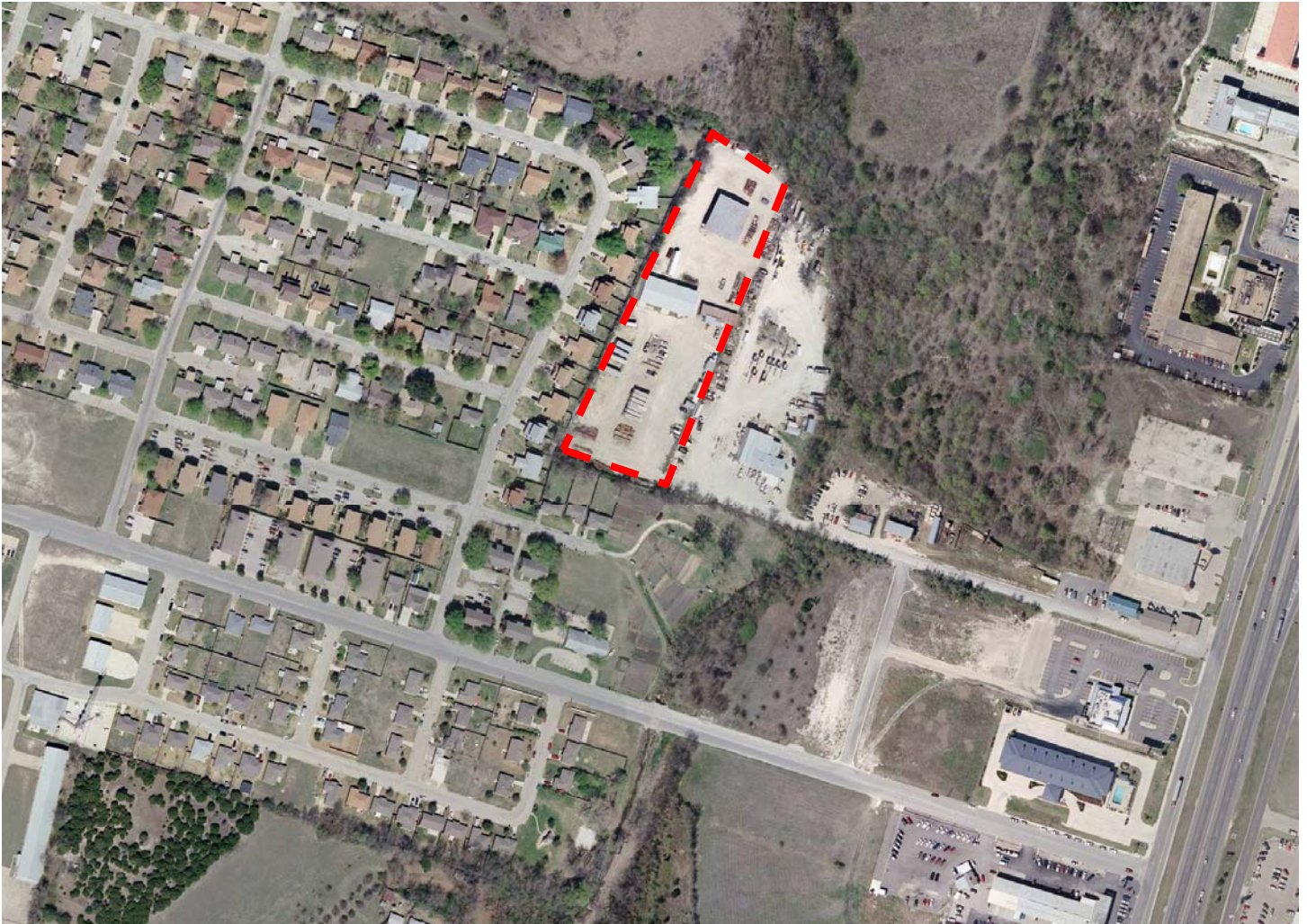
J Stone 02.12.08



Z-FY-08-15-B

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres

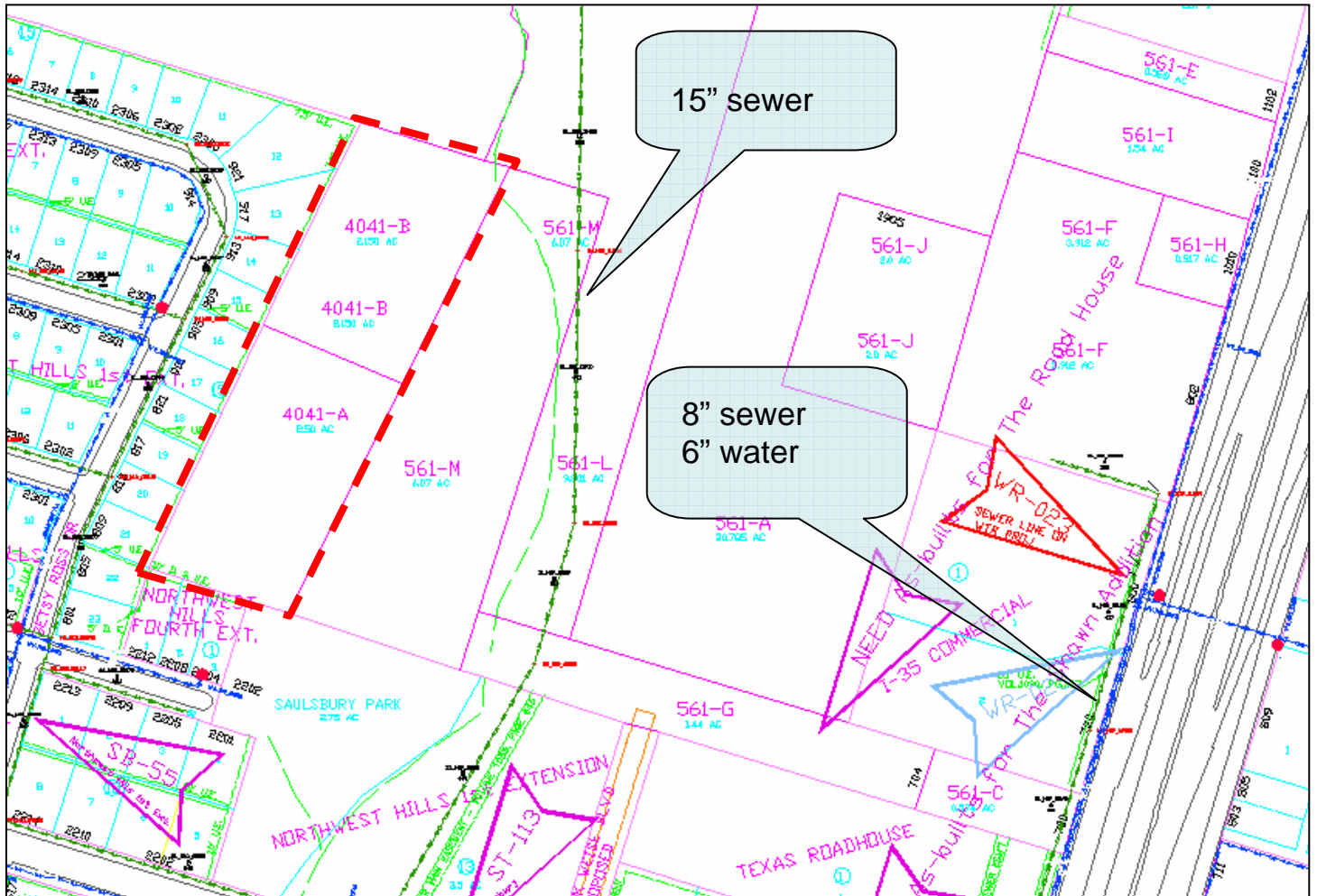




Z-FY-08-15-B

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres





PLANNING AND ZONING COMMISSION AGENDA ITEM

03/03/08
Item 6B
Page 1 of 3

APPLICANT / DEVELOPMENT: Rodney Deyoe for Skanska

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-15-B Hold a public hearing to consider a zone change from Agricultural District to Commercial District to approximately 4.61 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive. (Applicant: Rodney Deyoe)

BACKGROUND: This request tracks with Z-FY-08-015-A, a West Temple Plan amendment request from the Medium Density Residential future land use category to the Commercial future land use category.

The applicant is requesting a zone change from A, Agricultural to C, Commercial. The property is currently an empty industrial yard however aerial photos from 2006 indicate that industrial storage activities were taking place at the time of the photo. The proposed use of the property is a warehouse office. This use is permitted by conditional use permit in the GR, General Retail zoning district and by right in the Commercial and Industrial districts.

The applicant claims that if the zone change is granted that the property will remain close to its present condition for the foreseeable future. Existing buildings on the property will be used for warehousing and office space. However, some outdoor storage will occur on the property. The applicant is also aware that screening with a wall, fence, landscaping or combination of these elements is required along the west property line.

The subject property was annexed in November of 1990 with the existing use already in place. It abuts a block of two-family dwellings in the Northwest Hills First Extension subdivision. The lots for these dwellings were platted in November 1976. An aerial photo from October of 1976 shows that the subject property was in its present or similar use before the two-family dwellings were built. So the granting of a zone change for this property would have the affect of matching the zoning with a long-standing use.

The current property owner, Skanska, plans on selling the property to Vanguard, a construction company that specializes in building schools.

Surrounding Property and Uses

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

Double Sided

Direction	Zoning	Current Land Use
North	A	Vacant
Northeast	C	Vacant
East	A	Construction yard
South	SF-3	Single-family dwellings
	LI	Vacant
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 zone change request complies with the request amendment to the West Temple Plan.

Thoroughfare Plan

A paved private road approximately 20 feet in width has served the property since at least 1976. However, a commercial development should front on an arterial road. The zone change request does not comply with the Thoroughfare Plan.

Adequacy of Public Facilities

The property is served by a septic system. The nearest public waterline is along Interstate 35 to the east however a private water line serves the property and its surroundings. Adequate public and private facilities 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 does not meet some of these criteria: it is not located along a major highway or at an intersection and it is not located away from low and medium residential development.

Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, heavy machinery sales and storage and the requested use. 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.

Minimum lot area and setback requirements are as follow:

C, Commercial	
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
Rear	10 adjacent to residential district

Public Notice

Fourteen notices for the Planning and Zoning Commission hearing were sent out. As of Thursday, February 28, 2008 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 February 23, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the zone change request from A, Agricultural to C, Commercial for the following reasons:

1. The zone change matches the long-standing use;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Future Land Use Map
Aerial
Utility Map
Notification Radius Map
Application

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-15(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO COMMERCIAL DISTRICT ON APPROXIMATELY 4.61 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCKS 4041-A AND B, CITY ADDITION, LOCATED NORTHWEST OF SAULSBURY PARK AND EAST OF BETSY ROSS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District to Commercial District on approximately 4.61 acres of land commonly known as Outblocks 4041-A and B, City Addition, located northwest of Saulsbury Park and east of Betsy Ross Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of **March**, 2008.

PASSED AND APPROVED on Second Reading on the 20th day of **March**, 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

03/06/08
Item #8(A)-(D)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2009
- (B) Building & Standards Commission – one regular member and one alternate member to fill expired terms through March 1, 2010
- (C) Development Standards Advisory Board –two members to fill unexpired terms through March 1, 2009

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made at the second regular meeting in February, with an effective date of March 1, 2008. A number of board appointments were made by Council at the February 21st meeting and these are remaining positions to be filled at this time.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments and staff recommendations.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Summary Forms – hard copies provided
Board Application Summary – hard copies provided