



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, MARCH 20, 2008

3:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive presentation and training regarding the Temple Save a Life Project – CPR Anytime.
2. Discuss the City's Strategic Plan.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 20, 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. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognition of [sponsors and volunteers](#) for various Parks & Leisure Services events.

III. PUBLIC APPEARANCES

4. Receive comments from [Nancie Etzel](#) regarding a) lack of accessibility in and around the City of Temple for persons using wheelchairs and scooters due to lack of curb ramps; and b) lack of mapping of new neighborhoods in Temple.

IV. PUBLIC COMMENTS

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

V. REPORTS FROM ADVISORY BOARDS AND STAFF

5. Receive a report from Pat Smith, Chair of the Temple Public Safety Advisory Board, regarding the [Temple Save a Life Project – CPR Anytime](#).

VI. CONSENT AGENDA

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

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

Minutes:

- (A) [March 6, 2008](#) Special Called Meeting and Regular Meeting

Contracts, Leases & Bids:

- (B) [2008-5341-R](#): Consider adopting a resolution authorizing the purchase of eight (8) mobile digital video systems for new police vehicles from WatchGuard Video of Plano in the amount of \$39,288.00
- (C) [2008-5342-R](#): Consider adopting a resolution authorizing the purchase of two (2) utility tractors and a shredder off of the BuyBoard from Coufal Prater Equipment, Ltd. of Temple in the amount of \$59,975.25.
- (D) [2008-5343-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC of Temple for engineering services including design, surveying, and construction administration required for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project in an amount not to exceed \$35,967.64.
- (E) [2008-5344-R](#): Consider adopting a resolution authorizing a construction contract with Smetana & Associates Construction Company of Temple in the amount of \$746,482.30 for construction of the 2005 Sanitary Sewer System Improvements Project (Ave L, 19th, Ave P to Ave M, and Antelope & Deer Trail).
- (F) [2008-5345-R](#): Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. in the amount of \$400,031.00 for construction of drainage improvements near Sundance Drive in the City of Temple.
- (G) [2008-5346-R](#): Consider adopting a resolution authorizing a utility cost sharing agreement with Carothers Homes for Stonegate Phase II Subdivision in the amount of \$10,586.00.
- (H) [2008-5347-R](#): Consider adopting a resolution authorizing a painting contract with JNA Painting Company, Inc. of Baltimore, Maryland in the amount of \$83,500.00 to paint the Wilson Recreation Center and the front fascia of the Mayborn Convention Center, rejecting all bids to paint the Temple 4-C Head Start building, 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

- (I) [2008-4205](#): SECOND READING – 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.

- (J) [2008-4206](#): SECOND READING – Consider adopting an ordinance establishing the prima facie speed limit on the SH 36/LP 363 frontage road within the City limits.
- (K) [2008-4207](#): SECOND READING – 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.
- (L) 1. [2008-4208](#): SECOND READING – 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.

2. [2008-4209](#): SECOND READING – 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.

Misc:

- (M) [2008-5348-R](#): Consider adopting a resolution authorizing the purchase of property located at 401 North 3rd Street for the purpose of constructing a new Municipal Court and Utility Business Office Facility in amount of \$660,000 plus incidental closing costs.
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.
- (N) [2008-5349-R](#): Consider adopting a resolution creating a Parks and Leisure Services Advisory Board.
- (O) [2008-5350-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VII. REGULAR AGENDA

ORDINANCES

- 7. [2008-4210](#): (A) FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of \$16,210,000* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008; authorizing the levy of an ad valorem tax and the pledge of certain revenues in support of the certificates; a paying agent/registrar agreement, and other agreements related to approving sale and issuance of the certificates; and authorizing other matters related to the issuance of the certificates, to be considered on an emergency basis.

[2008-5351-R](#): (B) Consider adopting a resolution authorizing a construction contract with Dixon Paving, Inc. for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$3,413,406.90.

8. [2008-4211](#): FIRST READING - PUBLIC HEARING - Z-FY-08-18: Consider adopting an ordinance authorizing an amendment to the Thoroughfare Plan for Heritage Place to change Yorktown Drive from a collector sized street to a modified residential sized street.
9. [2008-4212](#): FIRST READING – PUBLIC HEARING - Z-FY-08-13: Consider adopting an ordinance authorizing a zoning change from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District on approximately 51.4+ acres of land commonly known as Outblocks 4027-B and 4027-C, City Addition, located on the south side of West Nugent Avenue, east of Abbey Ridge and west and southeast of the Eberhardt Road and West Nugent Avenue intersection.
10. [2008-4213](#): FIRST READING – PUBLIC HEARING - Z-FY-08-16: Consider adopting an ordinance amending Section 18, Non-conforming Uses, of the City of Temple Zoning Ordinance to allow structures to be conforming resulting from governmental acquisitions of right-of-way.

RESOLUTIONS

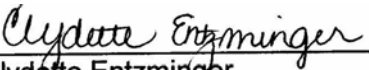
11. [2008-5352-R](#): Consider adopting a resolution naming the City park land between Avenue D (north), 34th Street (east), Curtis B. Elliott Drive (south) and 32nd Street (west) as 'Doctors Park.'

BOARD APPOINTMENTS

12. [2008-5353-R](#): Consider adopting a resolution appointing one regular member to the North Central Temple Neighborhood Code Enforcement Board.
13. [2008-5354-R](#): Consider adopting a resolution appointing two members to the Parks and Leisure Services Advisory Board to fill expired terms through March 1, 2011.
14. [2008-5355-R](#): Consider adopting a resolution appointing one member to the Tree Board to fill an expired term through March 1, 2011

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 _____, on March 14, 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

03/20/08
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Recognition of sponsors and volunteers for various Parks & Leisure Services events.

STAFF RECOMMENDATION: Present recognitions as indicated in item description.

ITEM SUMMARY: Staff has requested the opportunity to recognize sponsors and volunteers for their contributions to several Parks & Leisure Services events including the Czech Feszt, Hot Summer Sounds and the 4th of July celebration.

FISCAL IMPACT: None

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

03/20/08
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Receive comments from Nancie Etzel regarding a) lack of accessibility in and around the City of Temple for persons using wheelchairs and scooters due to lack of curb ramps; and b) lack of mapping of new neighborhoods in Temple.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Nancie Etzel has filed two Requests for Placement on the Agenda for the March 20th City Council meeting. Please see attached forms for additional information.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for Placement on Agenda \(2\)](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

___ Priority

NAME OF PRESENTER: Nancie Etzel

ADDRESS: 329 Big Timber Dr., Temple, TX 76502

TELEPHONE NO. (254)780-9898

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) March 6, 2008

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) Poor mapping/recording of new

communities in Temple. Action: Update district map more frequently,

which would assist new residents in contacting their State/Council

Representative and ensure more accuracy in maps (such as the one
published by Solid Waste Services) for all residents.

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

Nancie Etzel
SIGNATURE OF PRESENTER

2/25/08
DATE

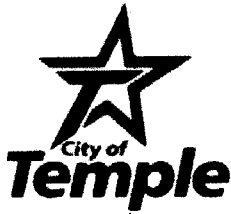
For Office Use:

RECEIVED

FEB 29 2008

CITY OF TEMPLE, TX
CITY SECRETARY

3:30 pm



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

Netzel27@aol.com

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: Nancie Etzel

ADDRESS: 329 Big Timber Dr., Temple, TX 76502

TELEPHONE NO. (254)780-9898

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) March 6, 2008

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) The lack of accessibility in

and around the City of Temple (examples: lack of curb ramps,
limited or no access provided for persons using wheelchairs and/or
scooters.) Action requested: Fund the appropriate departments to
improve access for all.

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

Nancie Etzel
SIGNATURE OF PRESENTER

2/26/08
DATE

For Office Use:

RECEIVED

FEB 29 2008

CITY OF TEMPLE, TX
CITY SECRETARY *3:30pm*



COUNCIL AGENDA ITEM MEMORANDUM

03/20/08
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Receive a report from Pat Smith, Chair of the Temple Public Safety Advisory Board, regarding the Temple Save a Life Project – CPR Anytime.

STAFF RECOMMENDATION: Receive report as presented in item description.

ITEM SUMMARY: Pat Smith, Chair of the Temple Public Safety Advisory Board, has asked for the opportunity to present a report to the City Council regarding the Temple Save a Life Project – CPR Anytime.

FISCAL IMPACT: None

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

03/206/08
Item #6(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 6, 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:

[March 6, 2008 Special Called Meeting & Regular Meeting](#)



COUNCIL AGENDA ITEM MEMORANDUM

03/20/08
Item #6(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of eight (8) mobile digital video systems for new police vehicles from WatchGuard Video of Plano in the amount of \$39,288.00

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase mobile digital video systems to be installed in the 8 replacement police vehicles that are on order. The digital video system being considered is the same system purchased by the department in the past two fiscal years. Systems from other vendors are not acceptable because the parts, equipment, and software are not interchangeable with systems already in service. The department requires that the system be fully compatible with existing hardware, software and operational aspects to reduce the costs of maintenance and provide a single method of operation for all users of the system. At this time, WatchGuard is the only vendor that can meet this requirement.

The digital video system being recommended for purchase is a DV-1 Digital In-Car Video System and is distributed and manufactured exclusively by WatchGuard Video and is sold only by factory authorized representatives in protected territories. Accordingly, this purchase is deemed a single source as allowed under Local Government Code 252.022.

FISCAL IMPACT: Funds are available in the Police capital budget, account 110-2000-521-6213, project #100261. This account is for the purchase of vehicles and related equipment. The current balance of \$47,856.94 is sufficient for this purchase.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SOLE SOURCE PURCHASE OF 8 MOBILE DIGITAL VIDEO SYSTEMS FOR NEW POLICE VEHICLES FROM WATCHGUARD VIDEO OF PLANO, TEXAS, IN THE AMOUNT OF \$39,288.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department needs to purchase mobile digital video systems to be installed in 8 replacement police vehicles that are on order;

Whereas, the digital video system being recommended for purchase is a DV-1 Digital In-Car Video System, is distributed and manufactured exclusively by WatchGuard Video and is sold only by factory authorized representatives in protected territories -- accordingly, this purchase is deemed a single source as allowed under Local Government Code 252.022;

Whereas, the purchase price for the video systems is \$39,288, and funds are available for this purchase in Account 110-2000-521-6213, project #100261; 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 8 mobile digital video systems for new police vehicles from WatchGuard Video of Plano, Texas, for a cost not to exceed \$39,288.00.

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

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

PASSED AND APPROVED this the 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

03/20/08
Item #6(C)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two (2) utility tractors and a shredder off of the BuyBoard from Coufal Prater Equipment, Ltd. of Temple in the amount of \$59,975.25.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the adopted routine capital budget for FY 2008 is the replacement of a shredder and two utility tractors for the Parks and Leisure Services Department. Staff identified the needed John Deere Company replacements on the BuyBoard from Coufal Prater Equipment, Ltd as follows:

- 5325 Utility tractor \$27,691.50
- 5325 Utility tractor with turf tires \$27,927.00
- MX10 Shredder \$ 4,356.75

The BuyBoard is an online purchasing cooperative created in accordance with Section 791-001 of the Texas Government Code.

FISCAL IMPACT: Funding in the amount of \$63,000 is appropriated in account 110-5935-552-6222 for the purchase of these three pieces of equipment as follows:

	<u>Budget</u>	<u>Proposed Purchase</u>
Utility Tractor (replacing asset #758) – project #100296	\$25,000.00	\$ 27,691.50
Utility Tractor (replacing asset #7487) - project #100295	29,000.00	27,927.00
10'-Cut Shredder (replacing asset #6712) – project #100293	9,000.00	4,356.75
Total	\$63,000.00	\$59,975.25

Although funding is adequate for this purchase within account 110-5935-552-6222, a budget amendment is necessary between projects to fund this purchase.

ATTACHMENTS:

[Budget Amendment
Resolution](#)

FY **2008**

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-5935-552-62-22	100296	Machinery & Equipment - tractor	\$ 2,692			
110-5935-552-62-22	100293	Machinery & Equipment - shredder			2,692	
TOTAL.....			\$ 2,692		\$ 2,692	

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

This budget amendment reclassifies funds to purchase a John Deere 5325 Utility Tractor off of the BuyBoard from Coufal Equipment in the amount of \$27,691.50. The FY 2008 operating budget for Parks included \$25,000 for this utility tractor and \$9,000 for a shredder. The shredder is available for \$4,356.75...\$4,643.25 under budget. Thus, staff is requesting a re-allocation of funding from the shredder to the utility tractor to fund the \$2,692 shortfall on the tractor.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☒

No

DATE OF COUNCIL MEETING

3/20/2008

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 PURCHASE OF 2 UTILITY TRACTORS AND A SHREDDER OFF THE BUYBOARD FROM COUFAL PRATER EQUIPMENT, LTD., OF TEMPLE, TEXAS, FOR A COST NOT TO EXCEED \$59,975.25; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks and Leisure Services Department needs to replace a shredder and 2 utility tractors;

Whereas, Staff identified the needed John Deere Company replacements on the BuyBoard (an online purchasing cooperative created in accordance with Section 791-001 of the Texas Government Code) from Coufal Prater Equipment, Ltd., for a cost of \$59,975.25;

Whereas, funds are available for this purchase but an amendment to the FY2007-2008 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 2 utility tractors and a shredder off the BuyBoard from Coufal Prater Equipment, Ltd., of Temple, Texas, for a cost not to exceed \$59,975.25.

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 purchase.

Part 4: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

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

PASSED AND APPROVED this the **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

03/20/08
Item #6(D)
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 / Operations

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, and construction administration required for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project in an amount not to exceed \$35,967.64.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For several years, the Utility Services Department has been experiencing numerous operational issues associated with an existing 6" vitrified clay tile sanitary sewer main located in the westbound traffic lane of East Adams Avenue, between Fowler Road and 36th Street. Utility Services has responded to approximately 15 customer complaints since November 2007 of raw sewage running down Adams Avenue. These events are constituted as unauthorized discharges by the TCEQ and were reported as such to the state agency. In addition to wastewater spilling onto the TxDOT travel lanes along East Adams, wastewater also entered the storm sewer pipe system and was carried down to the creek.

Upon further investigation into the issues surrounding the blockages and a professional opinion provided by Clark & Fuller, a solution to these ongoing problems is to replace the existing clay tile sanitary sewer mains with new PVC lines located outside of the existing TxDOT roadway. In addition, a modification to the existing route as it crosses Adams Avenue is also proposed, reducing the overall project costs and eliminating one aerial crossing of the existing creek between Central Avenue and Adams Avenue.

The proposed timeline for the design phase of the project is 60 days, with a total project length of approximately 4 months. Per the attachment, the engineering services are broken down as follows:

Basic Services

Civil Design	\$ 21,500.00
Bidding	\$ 1,450.00
Construction Administration	<u>\$ 3,417.64</u>
	\$ 26,367.64

Special Services

Surveying/Construction Staking	\$ 9,600.00
--------------------------------	-------------

TOTAL **\$ 35,967.64**

The engineer's opinion of probable cost for construction of the project is approximately \$290,000 dollars.

FISCAL IMPACT: This project was not budgeted in as part of the FY 2008 operating budget. Due to the circumstances surrounding the sewer line, it is recommended that funding in the amount of \$36,000 be reallocated from account 520-5400-535-6532, Contingency-funding for sewer line replacement/repair, to account 520-5400-535-6361, project # 100373, Sewer Line Replacement, for design of the project.

Funding in the amount of \$417,336 was set aside in the FY 2008 operating budget to fund emergency or unforeseen repairs on sewer lines. As the year progresses, it will be determined how the sewer revenue stream is progressing to determine the amount of funds available. This project is scheduled to be bid during summer 2008. At that time, funding for construction will be allocated from the contingency account as revenue permits.

ATTACHMENTS:

[Engineer's Proposal](#)
[Project Map](#)
[Budget Adjustment](#)
[Resolution](#)



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901

March 5, 2008

City of Temple
Assistant Director of Public Works/Operations
Nicole Torralva
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Proposal for 2008 East Adams Avenue
8" Sanitary Sewer Main Reconstruction

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the City of Temple, 2008 Sanitary Sewer System Improvements, East Adams Avenue Sanitary Sewer Reconstruction. (Please refer to attached maps and documents for further information).

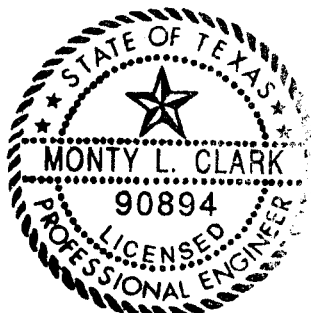
After meeting with the City Staff, making multiple site visits, and review of the City of Temple Utility Maps, it is in our opinion that the existing sanitary sewer main should be replaced from the existing residence located at 1304 E. Central Ave and adjacent to the Drainage Channel to the end of the existing sewer main located approximately 500 linear feet east of 36th street adjacent to Adams Avenue. We believe this is prudent because there is evidence of Raw Sewage flowing within the existing TxDOT storm sewer at multiple locations along Adams Avenue. Furthermore, this will remove the existing sanitary sewer main from beneath the northernmost lane of Adams Avenue.

Furthermore, we've looked at 2 sanitary sewer reconstruction alignments and in our opinion the attached alignment is the best solution. Therefore, Clark & Fuller, PLLC hereinafter, Engineer, proposes to the City of Temple, hereinafter Client, professional civil engineering and surveying services for a lump sum amount not to exceed \$35,967.64. We estimate the total cost of construction including professional services and contingencies to be \$323,026.39. (Please refer to attached exhibit "A" and the attached preliminary opinion of probable cost for an itemized breakdown and scope of services.)

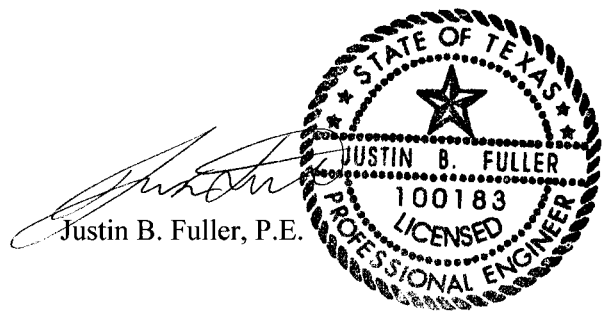
Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

Monty L. Clark, P.E.



3-5-08



Justin B. Fuller, P.E.

3-5-08



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901

Exhibit "A"
Proposal for 2008 East Adams Avenue
8" Sanitary Sewer Main Reconstruction
Scope of Engineering and Surveying Services

Surveying Services: \$ 9,600.00

- Prepare Design Topography Survey
- Locate existing Right of Ways and Property Boundaries
- Provide Construction Staking

Civil Engineering Design Phase: \$ 21,500.00

- Research Existing Utilities
- Prepare Final Design Construction Documents and Technical Specifications
- Prepare Final Engineer's Opinion of Probable Cost
- Attend and Facilitate Project Coordination with the City Staff and the Texas Department of Transportation

Project Bidding Phase: \$ 1,450.00

- Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing Department
- Provide copies of Construction Documents to facilitate Bidding
- Provide Engineers Opinion of Days to Complete Project Construction
- Attend and facilitate a Pre-Bid Meeting (As required)
- Prepare and Issue Necessary Addenda

Construction Phase: \$ 3,417.64

- Attend and facilitate a Pre-Construction Meeting
- Review all Contractor Submittals
- Respond to Requests for Information (RFI's)
- Execute Necessary Change Orders
- Attend Final Project Inspection
- Provide Final Inspection Punch List
- Prepare Record Drawings

Easement and Right of Way Preparation: (Additional Services as Required)

It is our understanding that the new sanitary sewer main is to be constructed within existing Rights of Way and that no new easements are required to provide new construction.

Daily Onsite Construction Inspection Services (Not Included within Contract)

It is our understanding that the City of Temple is to provide in-house inspection services throughout the duration of project construction.



PRELIMINARY OPINION OF PROBABLE COST

**2008 East Adams Avenue
8" Sanitary Sewer Main Reconstruction**

Located within City of Temple, Texas

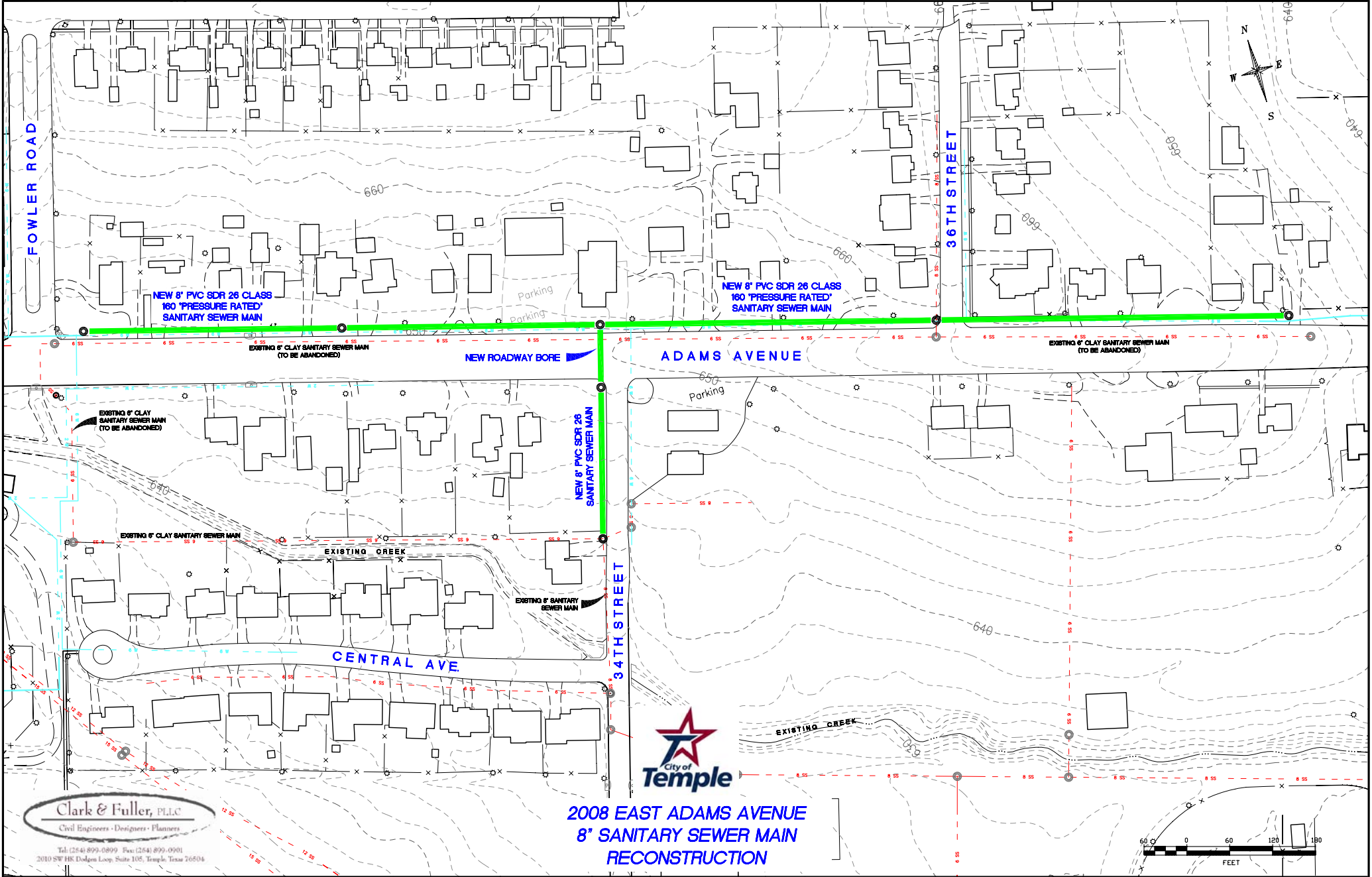
Filename: COT 2008 Emergency Sewer Preliminary Cost Estimate.xls

Date: 3-5-08

East Adams Avenue Sanitary Sewer Reconstruction

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 4,250.00	100%	\$ 4,250.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 450.00	21	\$ 9,450.00
3. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut	L.F.	\$ 48.00	350	\$ 16,800.00
4. 8" PVC SDR 26 Class 160 "Pressure Rated" Sewer Main By Open Cut	L.F.	\$ 52.00	1700	\$ 88,400.00
5. 18" Steel Encasement Pipe By Roadway Bore	L.F.	\$ 150.00	125	\$ 18,750.00
6. Connection to Existing Sanitary Sewer Main	EA.	\$ 1,250.00	4	\$ 5,000.00
7. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 3,750.00	7	\$ 26,250.00
8. Service Connection and Cleanout Boxes	EA.	\$ 1,250.00	24	\$ 30,000.00
9. 4" PVC Sanitary Sewer Service Replacement	L.F.	\$ 28.00	250	\$ 7,000.00
10. Sawcut, Remove, and Replace Existing Driveway Pavement Section	S.Y.	\$ 42.50	325	\$ 13,812.50
11. Remove and Relocated Existing Fire Hydrant Assembly	EA.	\$ 2,500.00	3	\$ 7,500.00
12. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 3,850.00	5	\$ 19,250.00
13. Trench Safety Plan	L.S.	\$ 4,000.00	100%	\$ 4,000.00
14. Disconnect, Cap & Abandon Existing Sanitary Sewer Main	L.S.	\$ 3,250.00	100%	\$ 3,250.00
13. Traffic Control Plan	L.S.	\$ 7,250.00	100%	\$ 7,250.00

	SUBTOTAL:	\$ 260,962.50
	10% CONSTRUCTION CONTINGENCY:	\$ 26,096.25
	TOTAL CONSTRUCTION:	\$ 287,058.75
	8.75% ENGINEERING SERVICES*:	\$ 25,117.64
	DESIGN AND CONSTRUCTION SURVEYS:	\$ 9,600.00
	DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS	\$ 1,250.00
	EASEMENT PREPARATION (AS REQUIRED)	\$ -
	INSPECTION SERVICES (NOT INCLUDED)	
	PROJECT TOTAL:	\$ 323,026.39



NEW 8" PVC SDR 26 CLASS
160 "PRESSURE RATED"
SANITARY SEWER MAIN

NEW 8" PVC SDR 26 CLASS
160 "PRESSURE RATED"
SANITARY SEWER MAIN

EXISTING 6" CLAY SANITARY SEWER MAIN
(TO BE ABANDONED)

EXISTING 6" CLAY SANITARY SEWER MAIN
(TO BE ABANDONED)

EXISTING 6" CLAY
SANITARY SEWER MAIN
(TO BE ABANDONED)

NEW 8" PVC SDR 26
SANITARY SEWER MAIN

EXISTING 6" CLAY SANITARY SEWER MAIN

EXISTING CREEK

EXISTING 6" SANITARY
SEWER MAIN

CENTRAL AVE

34TH STREET

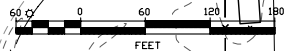
36TH STREET

ADAMS AVENUE



2008 EAST ADAMS AVENUE
8" SANITARY SEWER MAIN
RECONSTRUCTION

Clark & Fuller, PLLC
Civil Engineers • Designers • Planners
Tel: (254) 899-0899 Fax: (254) 899-0901
2010 SW HR Dodgen Loop, Suite 105, Temple, Texas 76504



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
520-5400-535-63-61	100373	East Adams Sewer Replacement	\$ 36,000	
520-5400-535-65-32		Sewer Contingency		36,000
TOTAL.....			\$ 36,000	\$ 36,000

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

To appropriate funds for the professional services agreement for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project. Professional services contract to be presented to Council on 03/20/08 for engineering services with Clark & Fuller, PLLC. These services will include design, surveying, and construction administration in the amount of \$35,968. The engineer's opinion of probable cost for construction of the project is approximately \$290,000, for a total project cost of approximately \$326,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/20/2008

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 A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, FOR ENGINEERING SERVICES INCLUDING DESIGN, SURVEYING, AND CONSTRUCTION ADMINISTRATION REQUIRED FOR THE 2008 EAST ADAMS SANITARY SEWER REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$35,967.64; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, due to numerous operational issues associated with an existing 6 inch vitrified clay tile sanitary sewer main located in the westbound traffic lane of East Adams Avenue, between Fowler Road and 36th Street, the Utility Services Department recommends replacing it with new PVC lines;

Whereas, Clark & Fuller, PLLC, submitted a proposal in the amount of \$35,967.64, and the Staff recommends accepting it;

Whereas, funds are available for this project but an amendment to the FY2007-2008 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$35,967.64, between the City of Temple, Texas, and Clark & Fuller, PLLC, after approval as to form by the City Attorney, for engineering services including design, surveying, and construction administration required for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project.

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: 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 **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 BACKGROUND

03/20/08
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Smetana & Associates Construction Company of Temple in the amount of \$746,482.30 for construction of the 2005 Sanitary Sewer System Improvements Project (Ave L, 19th, Ave P to Ave M, and Antelope & Deer Trail).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On 20 January 2005 and 16 June 2005, Council authorized two professional services agreements with Beach & Clark, Inc. to provide engineering services for wastewater line replacement projects at various locations throughout the City of Temple.

The proposed wastewater line replacement projects listed below are widely separated, but are generally located in South Temple, North of HK Dodgen Loop. The improvement projects replace approximately 5,640 L.F. of deteriorated variable diameter wastewater mains. These project locations have been tentatively identified in the City of Temple's Sanitary Sewer Overflow Mitigation Initiative presented to Council in February 2007.

- South 27th Street to Avenue K
- South 19th Street & South 21th Street
- Avenue P to Avenue M between South 39th Street & South 41st Street
- Antelope Trail and Deer Trail

The duration of the project is 205 (two-hundred, five) calendar days. Three bids were received for this project as shown in the bid tabulation. We recommend award of the contract to the low bidder, Smetana & Associates Construction Company in the amount of \$746,482.30.

FISCAL IMPACT: Funding in the amount of \$746,483 is available in account 520-5400-535-6361, projects # 100319, # 100320, and # 100321 to fund this project in the FY 2008 operating budget.

South 27th Street to Ave K and South 19th Street to 21st Street's portion of the construction contract is \$459,003.79, project # 100319, Avenue P to Avenue M's portion of the construction contract is \$143,338.49, project # 100320, and Antelope Trail and Deer Trail's portion of the construction contract is \$144,140.02, project # 100321, for a total construction contract amount of \$746,482.30.

ATTACHMENTS:

[Map showing project location](#)
[Letter of Recommendation](#)
[Resolution](#)



Beach & Clark, Inc.

Engineers Civil Consultants Planners

15 West Central Avenue
Temple, Texas 76501
(254) 774-9611
Fax (254) 774-9676
www.beachengineers.com

February 12, 2008

City of Temple
Michael Newman
3210 E. Ave. H, Bldg. A
Temple, Texas 76501

Re: City of Temple 2005 Sanitary Sewer System Improvements
South 27th St. – Ave. K, South 19th St. – South 21st, Ave. P – Ave. M, & Antelope Trail &
Deer Trail

Dear Mr. Newman,

We have reviewed the bids for the above referenced project. Smetana & Associates Construction Company, Inc. submitted a Base Bid of \$746,482.30. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to Smetana & Associates Construction Company, Inc. We believe, through personal experience, that Smetana & Associates is qualified and is capable of providing the sanitary sewer improvements as required in this project.

Smetana & Associates Construction Company, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,


Monty Clark, P.E.



Cc: Belinda Mattke, City of Temple, Purchasing

Bid Tabulation Sheet
City of Temple 2005 Sanitary Sewer System Improvements
South 27th St. - Ave. K, South 19th St. - South 21st, Ave. P - Ave. M, & Antelope Trail & Deer Trail

Bid Date - February 12, 2008				Smetana & Associates		TTG Utilities, LP		Bell Contractors, Inc.	
No.	Item Descr.	Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
	City of Temple 2005 Sanitary Sewer System Improvements								
1	Site Prep and Clearing	57	STA	\$ 115.00	\$ 6,555.00	\$ 55.00	\$ 3,135.00	\$ 70.00	\$ 3,990.00
2	Provide Mobilization, Bonds, Permits and Insurance	100%	LS	\$ 13,529.00	\$ 13,529.00	\$ 15,500.00	\$ 15,500.00	\$ 25,800.00	\$ 25,800.00
3	Provide Removal & Replacement of Concrete Valley Gutter	12	LF	\$ 30.00	\$ 360.00	\$ 380.00	\$ 4,560.00	\$ 52.30	\$ 627.60
4	Provide Saw Cut, Removal & Replacement of HMAc	2550	SY	\$ 51.00	\$ 130,050.00	\$ 42.00	\$ 107,100.00	\$ 9.40	\$ 23,970.00
5	Provide New 8" Gravel Pavement	1812	SY	\$ 12.00	\$ 21,744.00	\$ 17.00	\$ 30,804.00	\$ 5.60	\$ 10,147.20
6	Demolish & Remove Existing Manhole	24	EA	\$ 1,083.00	\$ 25,992.00	\$ 1,200.00	\$ 28,800.00	\$ 1,000.00	\$ 24,000.00
7	Provide New 4' Manhole & 32" Ring and Lid Assembly	26	EA	\$ 2,885.00	\$ 75,010.00	\$ 3,370.00	\$ 87,620.00	\$ 3,100.00	\$ 80,600.00
8	Provide Connection to Existing Sanitary Sewer Main	32	EA	\$ 701.00	\$ 22,432.00	\$ 1,500.00	\$ 48,000.00	\$ 860.00	\$ 27,520.00
9	Provide Internal Drop Connection	7	EA	\$ 1,308.00	\$ 9,156.00	\$ 1,000.00	\$ 7,000.00	\$ 780.00	\$ 5,460.00
10	Provide New 10" PVC SDR 26 Sanitary Sewer Main	3000	LF	\$ 62.94	\$ 188,820.00	\$ 65.00	\$ 195,000.00	\$ 86.10	\$ 258,300.00
11	Provide New 10" PVC SDR 26 Class 160 Pressure Rated Sewer Main	465	LF	\$ 73.87	\$ 34,349.55	\$ 95.25	\$ 44,291.25	\$ 120.00	\$ 55,800.00
12	Provide New 8" PVC SDR 26 Sanitary Sewer Main	1245	LF	\$ 49.51	\$ 61,639.95	\$ 57.00	\$ 70,965.00	\$ 83.00	\$ 103,335.00
13	Provide New 8" PVC SDR 26 Class 160 Pressure Rated Sewer Main	900	LF	\$ 60.44	\$ 54,396.00	\$ 93.00	\$ 83,700.00	\$ 64.90	\$ 58,410.00
14	Provide New 6" PVC SDR 26 Sanitary Sewer Main	30	LF	\$ 48.06	\$ 1,441.80	\$ 52.00	\$ 1,560.00	\$ 40.20	\$ 1,206.00
15	Provide New 20" Steel Pipe Encasement by Bore	50	LF	\$ 270.00	\$ 13,500.00	\$ 200.00	\$ 10,000.00	\$ 310.00	\$ 15,500.00
16	Provide New Sanitary Sewer Service & Service Connection	80	EA	\$ 582.00	\$ 46,560.00	\$ 435.00	\$ 34,800.00	\$ 980.00	\$ 78,400.00
17	Provide Miscellaneous Sanitary Sewer Service Pipe and Replacement	800	LF	\$ 19.50	\$ 15,600.00	\$ 55.80	\$ 44,640.00	\$ 9.70	\$ 7,760.00
18	Provide & Implement a Trench Shoring Plan	100%	LS	\$ 9,583.00	\$ 9,583.00	\$ 1,100.00	\$ 1,100.00	\$ 7,600.00	\$ 7,600.00
19	Provide All Testing per TCEQ and City of Temple	100%	LS	\$ 7,885.00	\$ 7,885.00	\$ 9,500.00	\$ 9,500.00	\$ 6,700.00	\$ 6,700.00
20	Provide & Implement a Traffic Control Plan	100%	LS	\$ 7,879.00	\$ 7,879.00	\$ 10,880.00	\$ 10,880.00	\$ 10,400.00	\$ 10,400.00
21									
22	Subtotal				\$ 746,482.30		\$ 838,955.25		\$ 805,525.80
23									
24									
25									
26									
27	Total				\$ 746,482.30		\$ 838,955.25		\$ 805,525.80

BID SUMMARY

City of Temple

2005 Sanitary Sewer System Improvements

South 27th St. to Ave. K, South 19th St. to South 21st St., Ave. P to Ave. M, and Antelope Trail and Deer Trail

Bid Date - February 12, 2008

Bidders	Base Bid
Smetana & Associates Construction Co.	\$ 746,482.30
TTG Utilities, Inc.	\$ 838,955.25
Bell Contractors, Inc.	\$ 805,525.80

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SMETANA & ASSOCIATES CONSTRUCTION COMPANY OF TEMPLE, TEXAS, FOR CONSTRUCTION OF THE 2005 SANITARY SEWER SYSTEM IMPROVEMENTS PROJECT (AVENUE L, 19TH, AVENUE P TO AVENUE M, AND ANTELOPE AND DEER TRAIL), IN AN AMOUNT NOT TO EXCEED \$746,482.30; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 12, 2008, the City received 3 bids for construction of wastewater line replacements at various locations throughout the City;

Whereas, the Staff recommends accepting the bid (\$746,482.30) received from Smetana & Associates Construction Company of Temple, Texas;

Whereas, funds are available for this project in Account 520-5400-535-6361, projects #100319, #100320, and #100321; 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 \$746,482.30 with Smetana & Associates Construction Company of Temple, Texas, after approval as to form by the City Attorney, for construction of the 2005 Sanitary Sewer System Improvements Project (Avenue L, 19th Street, Avenue P to Avenue M, and Antelope and Deer Trail.

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 20th 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

03/20/08
Item #6(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. in the amount of \$400,031.00 for construction of drainage improvements near Sundance Drive in the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: City staff and property owners have been reviewing storm water drainage concerns in the area of Sundance and Crescent View Subdivisions. On February 2, 2006, Council authorized a professional services agreement with Kasberg, Patrick & Associates, L.P. to design storm water structures to reduce the risk of flooding within the Sundance right of way.

After a lengthy right of way acquisition process to obtain the rights to construct the necessary improvements, the City of Temple is now prepared to authorize the construction of approximately 2,100 linear feet of storm water conveyance channel, 700 linear feet of subsurface storm water conveyance conduit, and a reinforced concrete box culvert across the channel at Sundance Drive.

The duration of this project is scheduled to be 180 calendar days. Three bids were received for this project as shown in the bid tabulation. Staff recommends award of the contract to the low bidder, R.T. Schneider Construction Co., Ltd. of Belton in the amount of \$400,031.00.

FISCAL IMPACT: Funding in the amount of \$452,292.55 is available in account 361-2900-534-6816, project # 100127 to fund this construction contract. This project is funded from the 2006 Certificate of Obligation bonds issued in October 2006 as part of the FY 2007 CIP program.

ATTACHMENTS:

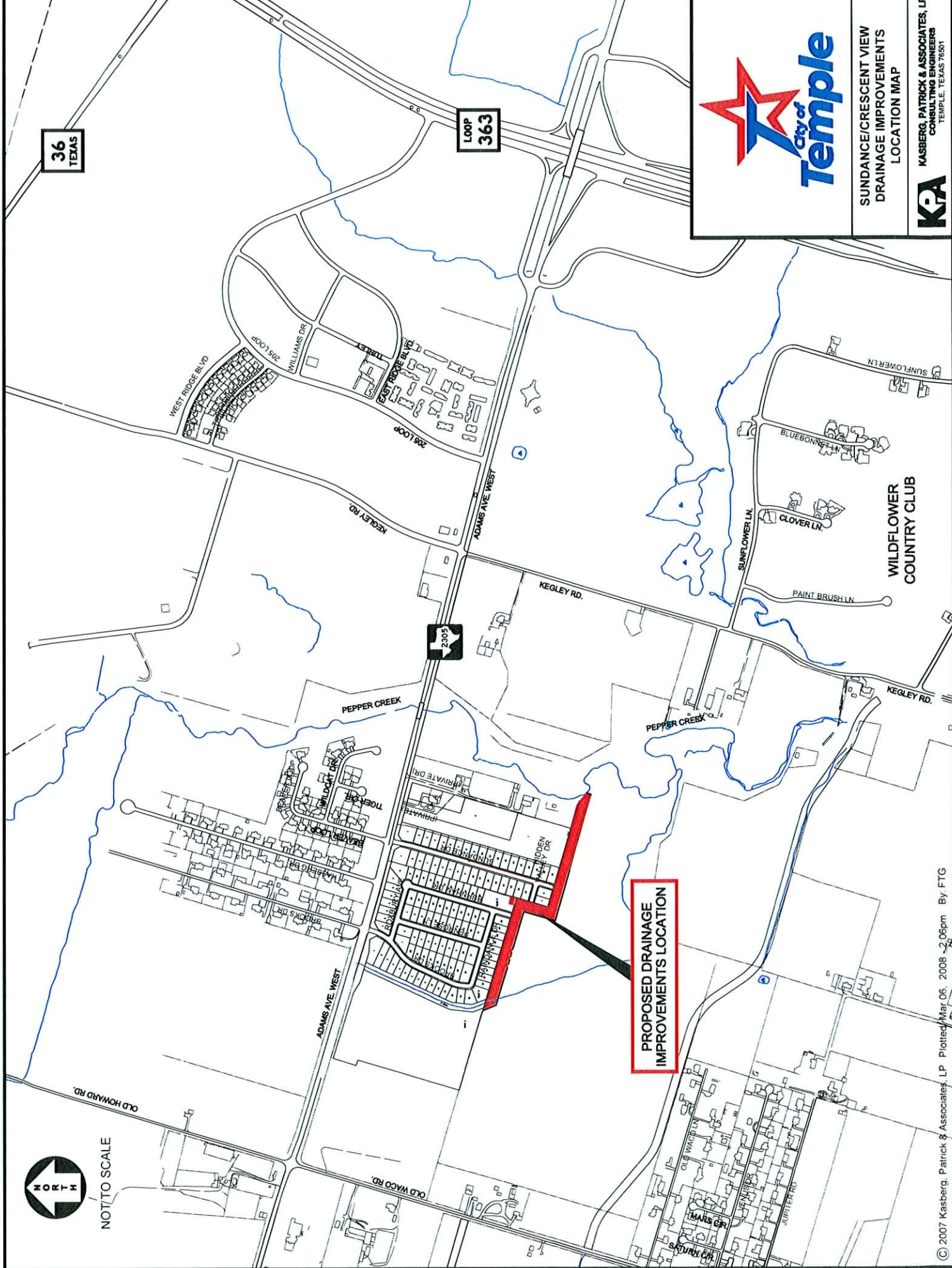
[Map showing project location](#)
[Letter of Recommendation](#)
[Resolution](#)



SUNDANCE/CRESCENT VIEW
DRAINAGE IMPROVEMENTS
LOCATION MAP



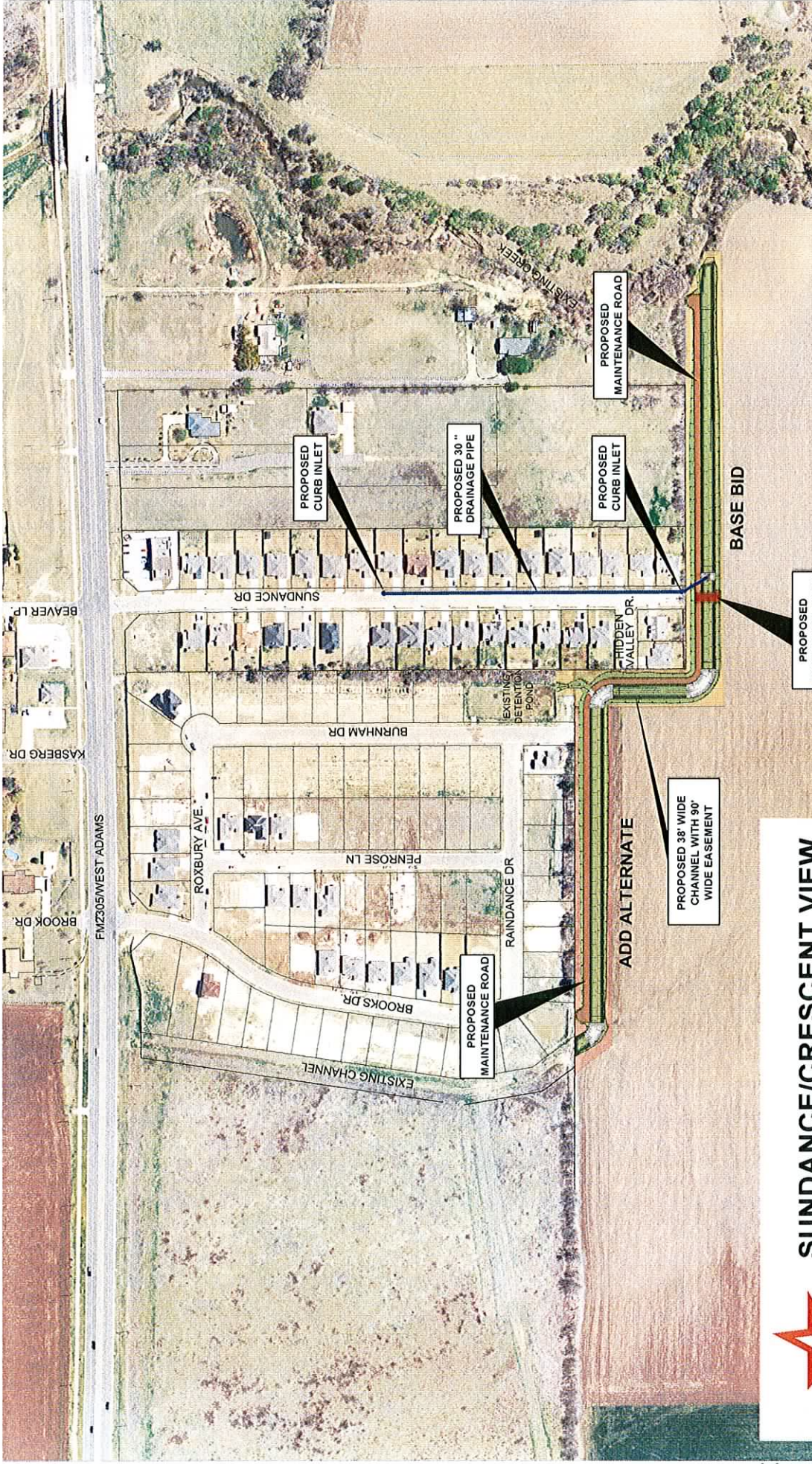
KASBERG, PATRICK & ASSOCIATES, L.P.
CONSULTING ENGINEERS
TEMPLE, TEXAS 76781



PROPOSED DRAINAGE
IMPROVEMENTS LOCATION



NOT TO SCALE



KPA
 KASBERG, PATRICK & ASSOCIATES, LP
 CIVIL ENGINEERS
 1000 WEST 17TH STREET
 TEMPLE, TEXAS 76781



**SUNDANCE/CRESCENT VIEW
 DRAINAGE IMPROVEMENTS
 PROJECT LAYOUT**

Printed Mar 08, 2008 11:23am By: PTC



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.

March 10, 2008

Mr. Salvador Rodriguez, P.E., C.F.M.

Assistant City Engineer

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple
Sundance / Crescent View Drainage Improvements

Dear Mr. Rodriguez:

On February 19, 2008, the City of Temple received competitive bids from three contractors for the Sundance / Crescent View Drainage Improvements. A Bid Tabulation is provided for your reference.

The bids received were for the Base Bid – generally consisting of approximately 1,300 linear feet of channel construction and approximately 700 linear feet of storm sewer installation; Add Alternate A – generally consisting of approximately 800 linear feet of channel construction; Add Alternate B – generally consisting of the construction of 3-5'x3' reinforced concrete box culverts across the channel at Sundance Drive. The attached Bid Tabulation shows R.T. Schneider Construction Co., Ltd. as the low bidder with a total bid of \$400,031.00. Our final opinion of probable construction cost for this project was \$437,182.50.

	Bid Amount
Base Bid	\$ 294,363.50
Add Alternate A – Crescent View Channel	\$ 66,485.00
Add Alternate B – Box Culvert	\$ 39,182.50

These bids allow for award of the following options:

Option 1	Base Bid Only	=	\$	294,363.50
Option 2	Base Bid + Add Alternate A	=	\$	360,848.50
Option 3	Base Bid + Add Alternate B	=	\$	333,573.00
Option 4	Base Bid + Add Alternate A + Add Alternate B	=	\$	400,031.00

Mr. Salvador Rodriguez, P.E., C.F.M.

March 10, 2008

Page Two

We recommend that the project contract be awarded to R.T. Schneider Construction Co., Ltd. for Option 3 (Base Bid + Add Alternate B) in the amount of \$ 333,573.00. Should sufficient funds be available, we recommend the City consider award of Option 4 (Base Bid + Add Alternate A + Add Alternate B) in the amount of \$ 400,031.00. R.T. Schneider Construction Co., Ltd. has successfully completed similar projects for the City in the past and we believe they are qualified for this project.

Please call if you should have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Simcik". The signature is fluid and cursive, with the first name "John" and last name "Simcik" clearly distinguishable.

John A. Simcik, P.E., C.F.M.

JAS/crc

xc: Mr. Michael Newman, P.E., C.F.M., City of Temple

BID TABULATION

2006-103-40

CITY OF TEMPLE
SUNDANCE / CRESCENT VIEW
DRAINAGE IMPROVEMENTS
February 19, 2008: 10 AM
3210 E Avenue H, Building C, Temple, TX 76501

BASE BID				BIDDER INFORMATION					
				R. T. Schneider Construction Co., Ltd PO Box 876 Belton, TX 76513		TTG Utilities, Ltd PO Box 299 Gatesville, TX 76528		Austin Engineering Co., Inc. 3317 Ranch Road 620 North Austin, TX 78734	
Item No.	Estimated Quantity	Unit	Description	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	\$ 9,600.00	\$ 9,600.00	\$ 25,000.00	\$ 25,000.00	\$ 35,000.00	\$ 35,000.00
2	2,000.0	STA	Labor, Equipment, Tools and Supervision to Complete Preparation of Right-of-way	8.00	16,000.00	15.00	30,000.00	25.00	50,000.00
3	100%	LS	Furnish Traffic Control Plan Sealed by an Engineer Licensed in the State of Texas	550.00	550.00	650.00	650.00	3,000.00	3,000.00
4	100%	LS	Implement Traffic Control Plan	800.00	800.00	3,650.00	3,650.00	7,000.00	7,000.00
5	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	3,960.00	3,960.00	1,650.00	1,650.00	5,000.00	5,000.00
6	100%	LS	Provide Project Record Drawings (As Builts)	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
7	100%	LS	Provide DVD of right-of-way pre-construction and post construction site conditions for the total project	250.00	250.00	750.00	750.00	1,000.00	1,000.00
8	100	LF	Furnish, Install, Maintain and Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	10.00	1,000.00	40.00	4,000.00	25.00	2,500.00
9	18,400	LS	Unclassified Channel Excavation	3.80	69,920.00	10.00	184,000.00	10.00	184,000.00
10	470	SY	Furnish and Place 12-Inch Diameter Rock Riprap	12.75	5,992.50	40.00	18,800.00	50.00	23,500.00
11	160	SY	Furnish and Place 8-Inch Diameter Rock Riprap	12.75	2,040.00	35.00	5,600.00	45.00	7,200.00
12	135	CY	Furnish and Install 3,000 PSI Concrete Riprap	200.00	27,000.00	390.00	52,650.00	150.00	20,250.00
13	17	SY	Construction of 10-Foot Wide Concrete Valley Gutter, Per Construction Plans	40.00	680.00	92.00	1,564.00	100.00	1,700.00
14	2,265	SY	Construction of 15-Foot Wide Flexbase Access Drive	5.00	11,325.00	5.75	13,023.75	6.00	13,590.00
15	1	EA	Furnish & Install 20'x51/2" Reverse Curb Inlet	6,720.00	6,720.00	7,500.00	7,500.00	5,000.00	5,000.00
16	1	EA	Furnish & Install 10'x51/2" Reverse Curb Inlet	5,145.00	5,145.00	4,700.00	4,700.00	4,000.00	4,000.00
17	265	LF	Furnish & Install 30" Diameter, Class IV RCP, Including Bedding and Backfill	91.00	24,115.00	62.00	16,430.00	110.00	29,150.00
18	460	LF	Furnish & Install 30" Diameter, Class III RCP, Including Bedding and Backfill	70.15	32,269.00	61.00	28,060.00	105.00	48,300.00
19	1,500	LF	Sawcut Existing Asphalt	1.65	2,475.00	1.50	2,250.00	5.00	7,500.00
20	300	SY	Furnish & Install 12-Inch Crushed Limestone Base Material	12.00	3,600.00	21.00	6,300.00	100.00	30,000.00
21	300	SY	Furnish & Install 1.5-Inch Type 'D' HMA/C, Including Prime and Tack Coat	18.00	5,400.00	31.00	9,300.00	90.00	27,000.00
22	2,700	LF	Furnish & Install 5-Strand Barbed Wire Fence, As Shown on Sheets G-10 and G-11 of the Plans	5.00	13,500.00	7.90	21,330.00	6.00	16,200.00
23	2	EA	Furnish & Install Standard 16" Fence Gate	1,680.00	3,360.00	615.00	1,230.00	2,000.00	4,000.00

** Total amount has been corrected.

BID TABULATION

CITY OF TEMPLE
SUNDANCE / CRESCENT VIEW
DRAINAGE IMPROVEMENTS
 February 19, 2008; 10 AM
 3210 E Avenue H, Building C, Temple, TX 76501

		BIDDER INFORMATION				
		R. T. Schneider Construction Co, Ltd PO Box 876 Belton, TX 76513	TTG Utilities, Ltd PO Box 299 Gatesville, TX 76528	Austin Engineering Co., Inc. 3317 Ranch Road 620 North Austin, TX 78734		
24	3 EA	Furnish & Install Fence Corner Brace Post, As Shown on Sheet G-11 of the Plans	790.00	2,370.00	250.00	750.00
25	7 EA	Connection to Existing Fence With Intermediate Brace Post, As Shown on Sheet G-11 of the Plans	790.00	5,530.00	50.00	350.00
26	7 EA	Adjust Existing Wastewater Services, As Necessary	975.00	6,825.00	1,200.00	7,000.00
27	6 EA	Adjust Existing Water Services, As Necessary	242.00	1,452.00	1,200.00	7,200.00
28	780 SY	Place Bermuda or St. Augustine Sod	5.00	3,900.00	5.25	4,095.00
29	13,000 SY	Hydromulch, Including Watering, Fertilizing and Mowing to Establish Growth	1.10	14,300.00	2.20	28,600.00
30	1 EA	Furnish & Install Stabilized Construction Entrance	1,200.00	1,200.00	2,800.00	2,800.00
31	5 EA	Adjust Existing Water Services, As Necessary	242.00	1,210.00	1,200.00	6,000.00
32	7 EA	Adjust Existing 4" Wastewater Services, As Necessary	975.00	6,825.00	1,200.00	8,400.00
33	10 CY	Backfill Side Lot Flumes in ROW with Unclassified Excavation	15.00	150.00	200.00	2,000.00
34	100 LF	Construction of Standard 6-Inch Concrete Curb and Gutter, Including Doweling Into Existing Adjacent Curb	10.00	1,000.00	30.00	3,000.00
35	30 SY	Remove and Dispose of Existing Concrete Curb and Flume	30.00	900.00	55.00	1,650.00
TOTAL BASE BID AMOUNT (Items 1 - 35)			\$ 294,363.50	\$ 520,332.75	**	\$ 583,790.00

ADD ALTERNATE A - CRESCENT VIEW CHANNEL									
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
A-1	750	LF	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of Right-of-way	8.00	\$ 6,000.00	5.00	\$ 3,750.00	50.00	\$ 37,500.00
A-2	100%	LS	Provide Project Record Drawings (As Buils)	1,500.00	1,500.00	750.00	750.00	500.00	500.00
A-3	100%	LS	Provide DVD of right-of-way pre-construction and post construction site conditions for the total project	250.00	250.00	750.00	750.00	1,000.00	1,000.00
A-4	6,100	CY	Unclassified Channel Excavation	3.80	23,180.00	10.00	61,000.00	10.00	61,000.00
A-5	60	SY	Furnish and Place 12-Inch Diameter Rock Riprap	12.75	765.00	40.00	2,400.00	100.00	6,000.00
A-6	40	CY	Furnish & Install 3,000 PSI Concrete Riprap	200.00	8,000.00	390.00	15,600.00	150.00	6,000.00
A-7	1,200	SY	Construction of 15-Foot Wide Flexbase Access Drive	5.00	6,000.00	5.65	6,780.00	6.00	7,200.00
A-8	1,700	LF	Furnish & Install 5-Strand Barbed Wire Fence, As Shown on Sheets G-10 and G-11 of the Plans	5.00	8,500.00	7.90	13,430.00	6.00	10,200.00
A-9	3	EA	Furnish & Install Fence Corner Brace Post, As Shown on Sheet G-11 of the Plans	790.00	2,370.00	675.00	2,025.00	250.00	750.00
A-10	1	EA	Connect to Existing Fence With Fence Corner Brace Post, As Shown on Sheet G-11 of the Plans	790.00	790.00	675.00	675.00	50.00	50.00
A-11	8,300	SY	Hydromulch, Including Watering, Fertilizing and Mowing to Establish Growth	1.10	9,130.00	2.50	20,750.00	2.00	16,600.00
TOTAL ADD ALTERNATE A BID AMOUNT (Items A-1 - A-11)				\$	66,485.00	\$	127,910.00	**	\$ 146,800.00

** Total amount has been corrected.

BID TABULATION

2006-103-40

CITY OF TEMPLE
SUNDANCE / CRESCENT VIEW
DRAINAGE IMPROVEMENT
February 19, 2008: 10 AM
3210 E Avenue H, Building C, Temple, TX 76501

ADD ALTERNATE B - BOX CULVERT						BIDDER INFORMATION					
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
B-1	40	LF	Furnish & Install 3-5'x3' RCBS	\$ 504.00	\$ 20,160.00	\$ 515.00	\$ 20,600.00	\$ 1,000.00	\$ 40,000.00		
B-2	2	LF	Construction of Headwall and Wingwalls for 3-5'x3' RCBS	2,730.00	5,460.00	7,250.00	14,500.00	15,000.00	30,000.00		
B-3	50	LF	Construction of 15-Foot Wide Flexbase Access Drive	10.00	500.00	5.65	282.50	10.00	500.00		
B-4	1	EA	Furnish & Install Standard 16' Fence Gate	1,680.00	1,680.00	615.00	615.00	2,000.00	2,000.00		
B-5	30	SY	Furnish and Place 12-Inch Diameter Rock Riprap	12.75	382.50	40.00	1,200.00	100.00	3,000.00		
B-6	20	CY	Furnish & Install 3,000 PSI Concrete Riprap	200.00	4,000.00	390.00	7,800.00	150.00	3,000.00		
B-7	100	LF	Furnish & Install TxDOT Standard Guardrail	70.00	7,000.00	60.00	6,000.00	100.00	10,000.00		
TOTAL ADD ALTERNATE B BID AMOUNT (Items B-1 - B-7)					\$ 39,182.50		\$ 50,997.50		\$ 88,500.00		

SUMMARY											
BASE BID (Items 1 - 35)						\$	294,363.50	\$	520,332.75	\$	583,790.00
ADD ALTERNATE A (Items A-1 - A-11)						\$	66,485.00	\$	127,910.00	\$	146,800.00
ADD ALTERNATE B (Items B-1 - B-7)						\$	39,182.50	\$	50,997.50	\$	88,500.00
TOTAL BID AMOUNT (BASE BID + ADD ALTERNATE A + ADD ALTERNATE B)						\$	400,031.00	\$	699,240.25	\$	819,090.00

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

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

John A. Simcik, PE, CFM
Kasberg, Patrick & Associates, LP

Date



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., OF BELTON, TEXAS, FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS NEAR SUNDANCE DRIVE, IN AN AMOUNT NOT TO EXCEED \$400,031.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 19, 2008, the City received 3 bids for construction of drainage improvements near Sundance Drive;

Whereas, the Staff recommends accepting the bid (\$400,031.00) received from R.T. Schneider Construction Company, Ltd., of Belton, Texas;

Whereas, funds are available for this project in Account No. 361-2900-534-6816, Project No. 100127; 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 \$400,031.00, with R.T. Schneider Construction Company, Ltd., of Belton, Texas, after approval as to form by the City Attorney, for construction of drainage improvements near Sundance Drive.

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 **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

03/20/08
Item #6(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a utility cost sharing agreement with Carothers Homes for Stonegate Phase II Subdivision in the amount of \$10,586.00.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The developer has applied for a cost sharing agreement with the City for the extension of approximately 288 feet of an 8" wastewater line and 61 feet of an 8" waterline to serve Stonegate Phase II Subdivision. This subdivision is located at the southeast intersection of Waters Dairy and Hartrick Bluff Road. The application meets the City's basic requirements for cost sharing. Under the City's cost sharing ordinance, when authorized by the City Council and subject to the density eligibility requirements and funding availability, the City Manager may enter into a cost sharing agreement with the developer which provides for the extension of water or wastewater mains to subdivisions at 100% of the cost of the improvements borne by the City for the first twenty-five hundred feet (2,500') of required extension.

In June 2005, a utility cost sharing agreement for this subdivision was entered into by a previous developer (Hamilton Builders). This cost sharing agreement with Hamilton Builders was in the total amount of \$18,886 (\$11,586 for construction and \$7,300 for engineering). Under the first agreement, payment in the amount of \$6,100 was made to Turley & Associates for the majority of engineering services related to the project. Subsequent to approval of engineering plans and prior to completion of construction activities, the property was sold to Carothers Homes.

This current cost sharing agreement as submitted is in the full amount of \$16,686, broken down into \$11,886.00 for construction activities and \$4,800 for engineering services. Staff recommends that submittal of the second cost sharing application for this subdivision deems the first executed cost sharing agreement null and void. Since the City has already paid the engineer \$6,100 for engineering services related to this project, staff recommends that the full \$16,686 requested by the developer be amended to \$10,586. to account for services previously rendered.

FISCAL IMPACT: The original cost sharing agreement funding in the amount of \$18,886 was funded in FY 2005 in the amount of \$18,886. Of that amount \$6,100 was paid to the engineer, leaving a balance of \$12,786 in account 520-5900-535-6362, project #100374, for this agreement. Since the amount paid to the engineer was \$1,300 more than the current estimate for engineering services, that amount was used to offset the estimated cost of construction leaving a balance for the City to fund of \$10,586.

Since the original cost sharing agreement is currently funded, it is not necessary to use any of the current year's cost sharing allocation to fund this agreement. Therefore, \$358,581 will remain in the Water and Sewer Fund Reserve for Approach Mains account from the fiscal year 2007/2008 original allocation of \$500,000.

ATTACHMENTS:

[Vicinity Map](#)
[Application for Cost Sharing](#)
[Engineer's Proposal and Cost Estimate Related to Off-Site Improvements](#)
[Project Map](#)
[Resolution](#)

The map displays the Project Site, a black-shaded area, located at the intersection of Georgetown Railroad and 31st Street. The site is labeled 'PROJECT SITE' with a curved arrow pointing to it. The map includes a scale bar for 1741 feet. Surrounding streets include 31st Street, 5th Street, Hartrick Bluff, and Friars Creek. Various residential streets are shown, including Waterbury, Stratford, Longhorn, and others. The map is oriented with North at the top.

City of Temple
Application for Cost Sharing Agreement - Office of Engineering

Applicant's Name
Address
City
State
Zip
County

CAROTHERS HOMES
2613 Bearing Lane
Temple, TX 76504

Subdivision Name
Location of Subdivision
Section
Range
County

STONEGATE II
17 acres on southeast corner of Waters Dairy Road and Hartrick Bluff Road

This subdivision () exists (X) is proposed.

If your subdivision is not yet constructed, please indicate the date you expect to begin and complete construction of all internal water and wastewater mains. If you propose to plat & construct the subdivision in phases, indicate the estimated beginning and completion date for internal improvements in each phase:

STONEGATE II is under construction, utility construction to begin within 30 days.

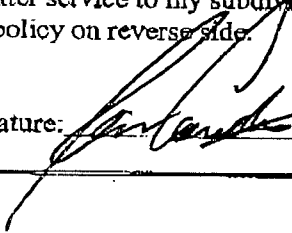
Please attach a drawing showing the location of the closest available *existing* water and wastewater facilities capable of serving your subdivision, and the location of all *proposed* extensions of water and wastewater mains to serve your subdivision. Your drawing must indicate the estimated number of feet of water or wastewater main extension required to connect to your subdivision. The engineer for your subdivision is (or was) Turley Associates, Inc.

What is the *minimum* number of new water and wastewater hookups proposed for your subdivision? If construction of your subdivision will be phased in, please provide a breakdown of the number of water and wastewater hookups in each phase:

Water: 59 Lots
Wastewater: 59 Lots

To assist the City Council in making a conflict of interest analysis, please list the name and address of the developer and all current owners of property within the subdivision. If the applicant or any owner of the property is a corporation, partnership, joint venture, or other business entity, please disclose the name and address of each person having an interest in such entity. (A separate sheet is attached for this purpose.)

I understand I will be required to deposit with the City, at time I execute such agreement with the City, 100% of my share of costs as determined by the City's cost sharing formula, and that if my share of the actual cost of completing the project exceeds the amount I deposit with the City, I will pay the additional amount on demand by the City. I also understand that, if approved, I will be required to acquire, or pay the cost of acquiring, at the time a cost sharing agreement is executed, any easements required to extend water or wastewater service to my subdivision. The City Council reserves the right to deny any application, see policy on reverse side.

Applicant's Signature:  Date: February 14, 2008 Telephone No.: 773-5100

Application for a Subdivision Map
Subdivision Name

Subdivision Name STONEGATE II
Subdivision Name CAROTIERS HOMES

Name and address of each owner of property in the subdivision▶	Full Name		Address	
	1.			
	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
	8.			
	9.			
	10.			

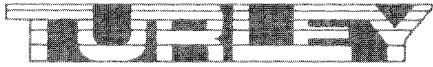
If any of the owners listed above are businesses, please provide the following:

1. Name of Entity:
Nature of Entity:
(e.g., corporation)
Shareholders/partners/members:

2. Name of Entity:
Nature of Entity:
(e.g., corporation)
Shareholders/partners/members:

3. Name of Entity:
Nature of Entity:
(e.g., corporation)
Shareholders/partners/members:

Completed by: Turley Associates, Inc. Date: February 14, 2008



TURLEY ASSOCIATES, INC.

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

March 7, 2008

City Council
City of Temple
2 North Main Street
Temple, TX 76501

RE: Stonegate II Offsite Utilities

Dear Council Members,

Stonegate II is a 59 Lot Residential subdivision currently under construction on the southeast corner of the intersection of Water's Dairy and Hartrick Bluff Roads. Plans for these utilities were approved, but a change of ownership delayed construction of the subdivision.

Water is available at Hartrick Bluff Road and H.K. Allen Parkway, but to loop the system, the waterline must be extended 61 L.F. in the Right-of-Way of Water's Dairy Road to an existing tee.

The entire subdivision drains toward Fryer's Creek which has an existing 24" sanitary sewer line running along with the creek. To connect the sanitary sewer system within Stonegate II to the existing Fryer's Creek line, 288 L.F. of line laid parallel to the Georgetown Railroad Tracts and the placement of 1 manhole is planned. The property crossed by the off-site sewer line is currently owned by the City of Temple.

The developer will contract for construction of the off-site utilities and submit the proper receipts to receive reimbursement upon job completion.

Thank you,
TURLEY ASSOCIATES, INC.

A handwritten signature in black ink that reads "Victor D. Turley". The signature is written in a cursive, flowing style.

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

VDT/cd

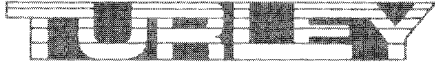
**TURLEY ASSOCIATES, INC.**301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
FAX • (254) 773-3998

Exhibit "A"

February 14, 2008

Engineer's Cost Estimate for:
WATER & SEWER EXTENSIONS
AT STONEGATE II SUBDIVISION
WATER'S DAIRY ROAD AT HARTRICK BLUFF ROAD
TEMPLE, TX

Item Description	Quantity	Units	Unit Cost	Item Cost
A. SEWER				
(1) 8" SDR-35 sewerline (4'-8' deep)	288	L.F.	25.00	7,200.00
(2) Std. 4' dia Manhole (Drop)	1	Each	2,800.00	2,800.00
Total for SEWER IMPROVEMENTS				10,000.00
B. WATER				
(1) 8" C900/CL150 Waterline	61	L.F.	26.00	1,586.00
(2) 8" C900 45° Bend	1	Each	300.00	300.00
Total for WATER IMPROVEMENTS				1,886.00
Sub-Total for SEWER IMPROVEMENTS				10,000.00
Sub-Total for WATER IMPROVEMENTS				1,886.00
TOTAL ESTIMATED CONSTRUCTION COSTS				11,886.00

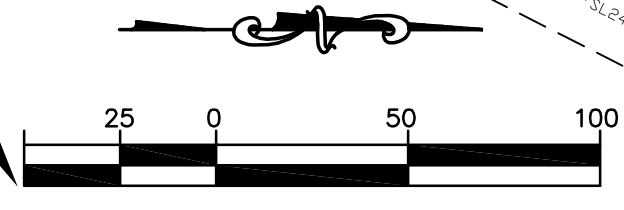
ENGINEERING & SURVEYING

Sewerline and Waterline Extension(Water's Dairy Road at Hartrick Bluff Road)

A. Data collection for design	1,000.00
B. Engineering design	2,000.00
C. Construction plans	1,000.00
D. Review/revisions	-0-
E. Bidding documents/processing to award	-0-
F. Construction staking	400.00
G. As-builts/City of Temple closeout project	400.00
TOTAL ENGINEERING & SURVEYING	4,800.00



OFFSITE REQUIREMENTS
ESTIMATED
WATERLINE 8" Ø 61 LF
8" 45° BEND..... 1 EA
SEWERLINE 8" Ø 288 LF
MANHOLE 4 Ø..... 1 EA



<p>DATE: MAY 31, 2005 DRAWN BY: ADB REFERENCE: 11364-D</p>	<p>FB/LB: JOB NUMBER: 05099 SHEET 1 of 4 Computer: 10099, STONEGATE II OFFSITE</p>	<p>11438-D DRAWING NUMBER</p>										
<p>REVISIONS</p> <table><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>												
<p>LAYOUT OF: STONEGATE II OFFSITE UTILITIES 59 LOTS, 2 BLOCKS 17.025 ACRES AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS</p> <p>OWNER / DEVELOPER Hamilton Builders PO BOX 1306 TEMPLE, TEXAS 76503</p>												
<p>ENGINEERING • PLANNING • SURVEYING CONSTRUCTION MANAGEMENT TURLEY ASSOCIATES, INC. 301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400 E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998</p>												

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COST SHARING AGREEMENT WITH CAROTHERS HOMES FOR STONEGATE PHASE II SUBDIVISION, FOR A COST NOT TO EXCEED \$10,586; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in June, 2005, a utility cost sharing agreement for Stonegate Phase II Subdivision was entered into with Hamilton Builders – subsequent to approval of engineering plans and prior to completion of construction activities, the property was sold to Carothers Homes;

Whereas, Staff recommends that submittal of the second cost sharing application for this subdivision deems the first executed cost sharing agreement null and void;

Whereas, under the first agreement payment in the amount of \$6,100 was made for engineering services – the second cost sharing application includes engineering costs of \$4,800; however, Staff recommends that the City not pay for additional engineering services since \$6,100 was already paid for engineering services on this subdivision;

Whereas, funds are available in Account 520-5900-535-6362, project #100374, for this project; 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 cost sharing agreement, not to exceed \$10,586, with Carothers Homes, after approval as to form by the City Attorney, for Stonegate Phase II Subdivision.

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 **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

03/20/08
Item #6(H)
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 painting contract with JNA Painting Company, Inc. of Baltimore, Maryland in the amount of \$83,500.00 to paint the Wilson Recreation Center and the front fascia of the Mayborn Convention Center, rejecting all bids to paint the Temple 4-C Head Start building, 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, Capital Improvements Program, the Purchasing Department went out for formal bids on interior and exterior painting at the Wilson Recreation Center, interior and exterior painting at the Temple 4-C Headstart building, and the painting of the front fascia at the Frank W. Mayborn Civic and Convention Center.

The bids were opened on February 12, 2008, as shown on the attached bid tabulation. There were two companies who submitted bids with the low bidder not being able to meet the City's bonding requirements. Due to this, JNA Painting Company (JNA) was the next bid lowest bid. Due to an unusually high bid for the Temple 4-C Headstart building, JNA was contacted and it was determined that they made an error for that location. Accordingly, staff is recommending the award of the following bids to JNA:

- | | |
|--|-------------|
| • Wilson Recreation Center | \$77,500.00 |
| • Frank W. Mayborn Civic and Convention Center | \$ 6,000.00 |

Due to the JNA's error in bidding the Temple 4-C Headstart building painting, and there being no other bidders to award this project to, Staff is recommending rejection of all bids on the Temple 4-C Headstart building. Staff will determine the best way to proceed on securing pricing to paint this building in the near future.

The City of Temple has done business with JNA in the past and found them to be reputable and responsible vendor.

FISCAL IMPACT: Funding in the amount of \$60,000 is designated in the proposed 2008 Certificate of Obligation bond issue, account 361-2400-519-6807, project #100156, for the interior and exterior painting of the Wilson 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 #100154, for the interior and exterior painting of the Temple 4-C Headstart building.

The allocation of funding for the Wilson Recreation Center painting is currently \$17,500 short. Although, staff is not recommending award of the painting of the Temple 4-C Headstart building, staff anticipates that the cost of this project will be under \$22,500. Accordingly, attached is a budget amendment for Council's approval reallocating \$17,500 from the funds allocated to the painting of the Temple 4-C Headstart building to the Wilson Recreation Center painting project.

Funding for the painting of the front fascia of the Frank W. Mayborn Civic and Convention Center in the amount of \$6,000 is available in account 240-4400-551-6310, project #100324.

ATTACHMENTS:

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

Tabulation of Bids Received
February 12, 2008 @ 2:30 p.m.
Painting of Various Facilities

	Bidders	
	Bowen Custom Painting Killeen	JNA Painting Company Inc. Baltimore
Description		
Total Price for Painting the Wilson Recreation Center	\$43,800.00	\$77,500.00
Total Price for Painting the Temple 4-C Head Start Building	\$11,700.00	\$70,000.00
Total Price for Painting the Front Fascia of the Mayborn Convention Center	\$5,500.00	\$6,000.00
Alternate #1	\$10,500.00	\$19,800.00
Completion 60 days or 180 days	Yes	Yes
Acknowledge Addendum	Yes	Yes
Exceptions	None	None
CIQ Form	Yes	No
Bid Bond	5%	5%
Bond Affidavit	No	Yes
Insurance Affidavit	No	Yes
Credit Check Authorization Form	Yes	Yes

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

Belinda Mattke

12-Feb-08

Belinda Mattke, Director of Purchasing

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
361-2400-519-68-07	100156	Building Improvements-Wilson Rec	\$ 17,500	
361-2400-519-68-07	100154	Building Improvements-Temple 4-C		17,500
TOTAL.....			\$ 17,500	\$ 17,500

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

This budget amendment reclassifies funds to fulfill the funding requirement to paint the Wilson Recreation Center...total bid price was \$77,500; funding originally appropriated was \$60,000. Staff anticipates that excess funding is available in the \$40,000 designated for the Temple 4C Headstart painting project. Thus, this budget amendment moves funds from the Temple 4C painting project to the Wilson Rec painting project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☒

No

DATE OF COUNCIL MEETING

3/20/2008

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 A CONTRACT WITH JNA PAINTING COMPANY, INC., OF BALTIMORE, MARYLAND, TO PAINT THE WILSON RECREATION CENTER AND THE FRONT FASCIA OF THE MAYBORN CONVENTION CENTER, FOR A COST NOT TO EXCEED \$83,500; REJECTING ALL BIDS TO PAINT THE TEMPLE 4-C HEAD START BUILDING; AND 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 2 bids for interior and exterior painting at the Wilson Recreation Center, interior and exterior painting at the Temple 4-C Head Start building, and the painting of the front fascia of the Frank W. Mayborn Convention Center;

Whereas, the Staff recommends accepting the bid (\$83,500) received from JNA Painting Company, Inc., of Baltimore, Maryland, to paint the Wilson Recreation Center and the front fascia of the Mayborn Convention Center and rejecting the bids received for the Temple 4-C Head Start building since it was determined that an error was made by the company for that location;

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 \$83,500, with JNA Painting Company, Inc., of Baltimore, Maryland, after approval as to form by the City Attorney, to paint the Wilson Recreation Center and the front fascia of the Mayborn Convention Center, and rejects all bids received for the Temple 4-C Head Start building.

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

Paint the Wilson Recreation Center
and the front fascia of the
Mayborn Convention Center

\$83,500

Part 6: The expenditure 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 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 **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

03/20/08
Item #6(I)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING - 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.

P&Z 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: Adopt ordinance as presented in item description, on second and final reading. Staff supports the Planning and Zoning Commission's recommendation to approve the requested Conditional Use Permit subject to the conditions listed above in accordance with Zoning Ordinance Section 7-611.

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:

Aerial
Land Use Map
Zoning Map
C.U.P. Site Plan
C.U.P. Floor Plan
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

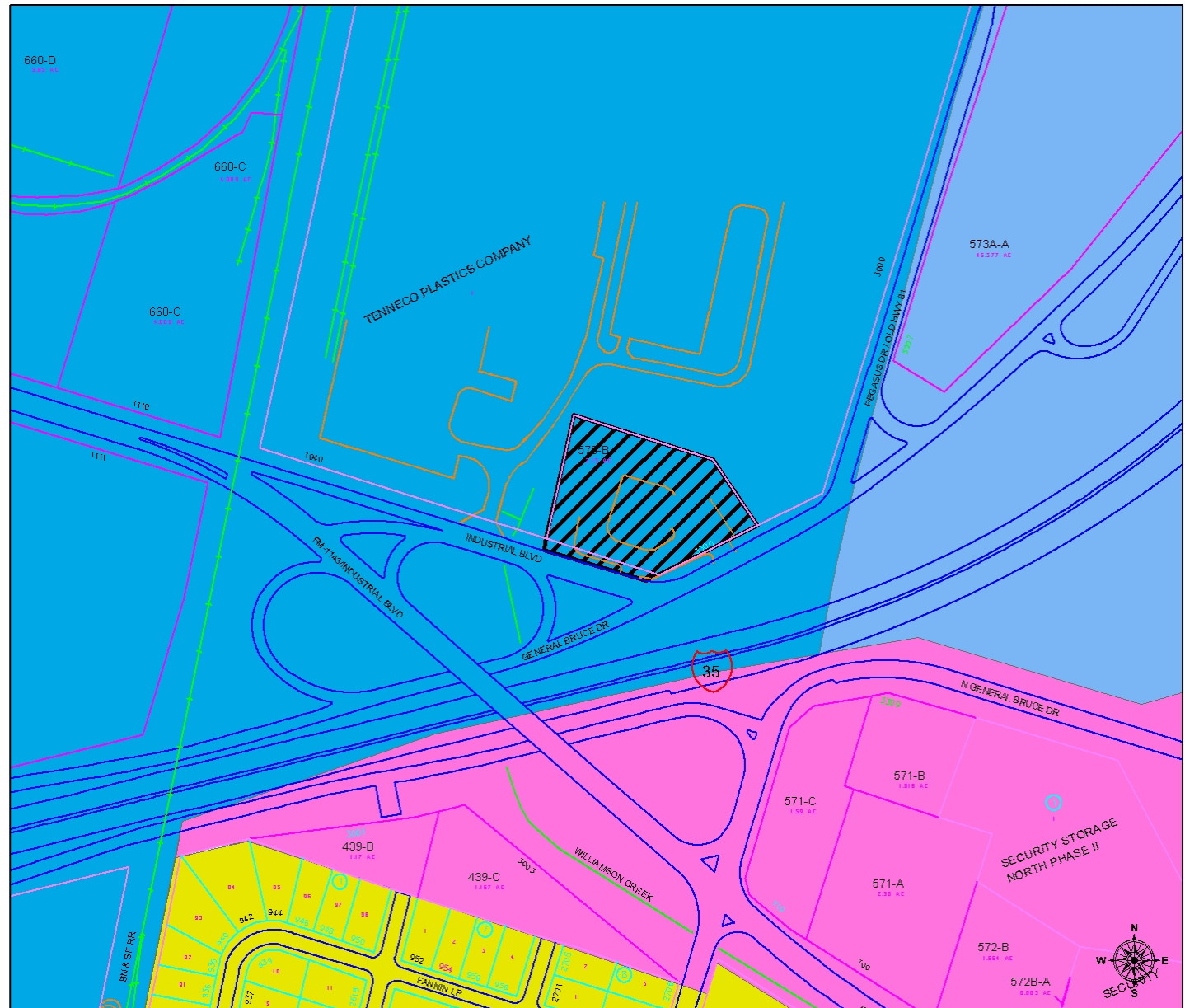
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

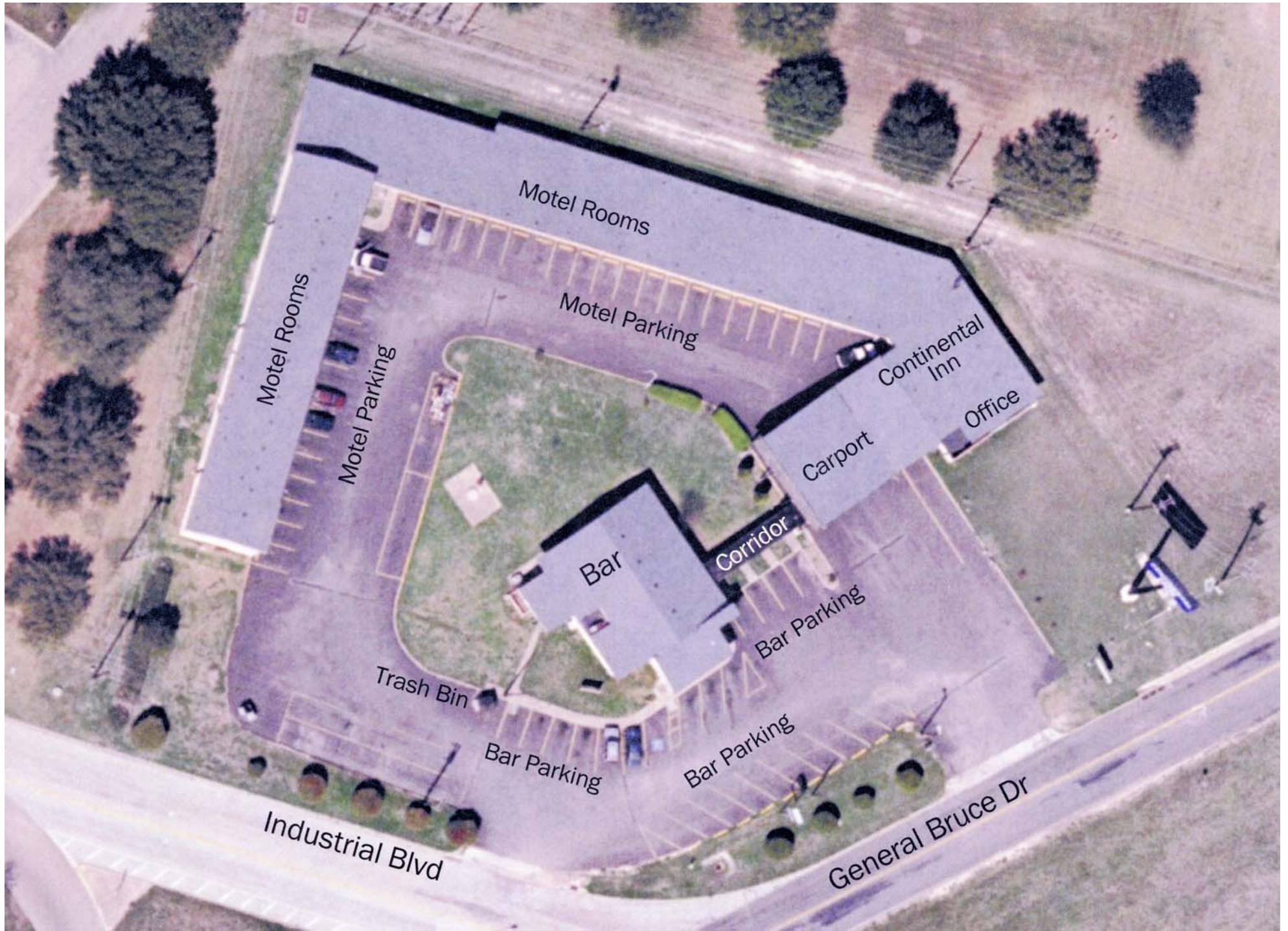
- DOWNTOWN



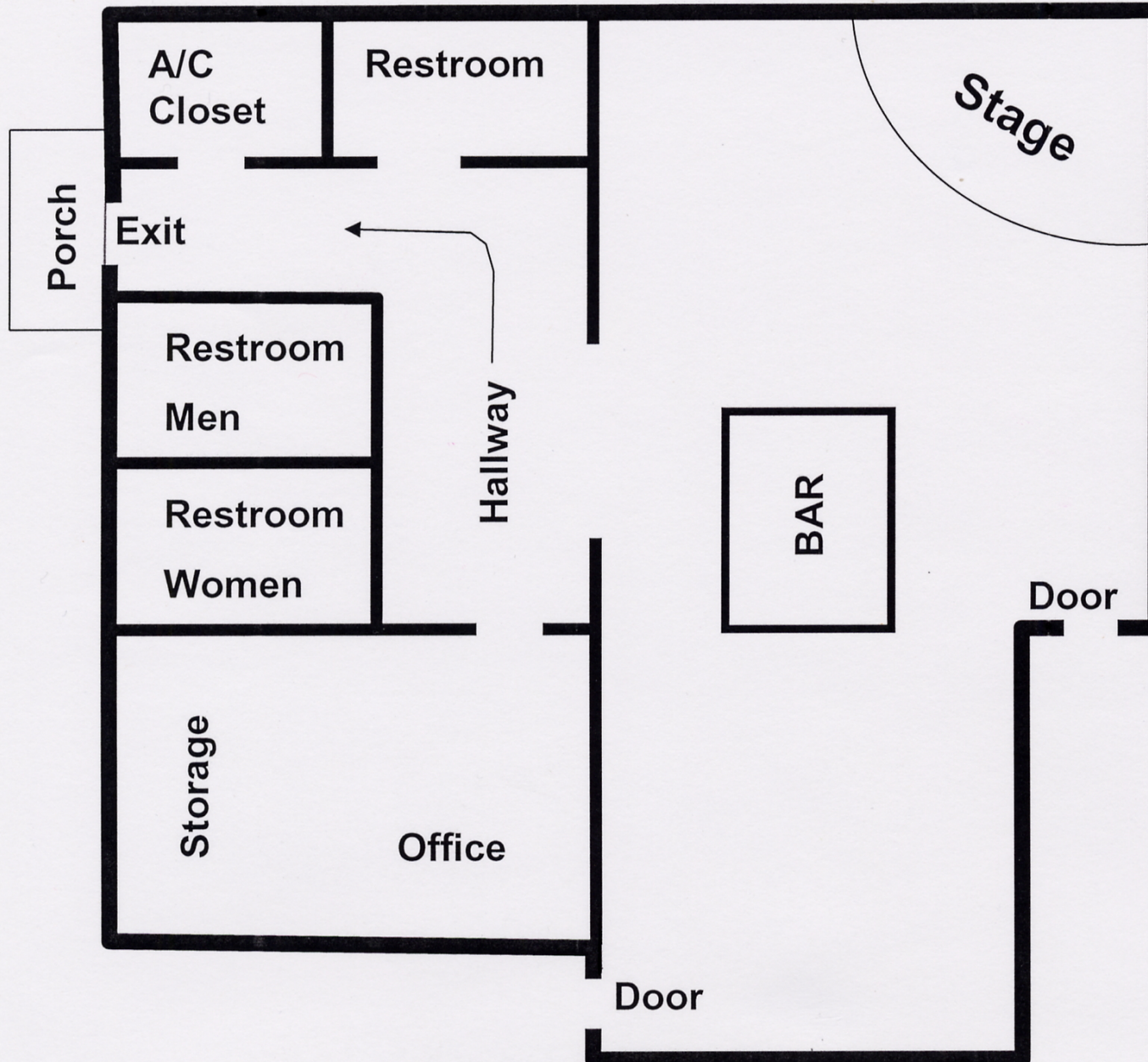
CUP for On-Premise Alcohol

1 inch equals 300 feet

J Stone 11.31.07

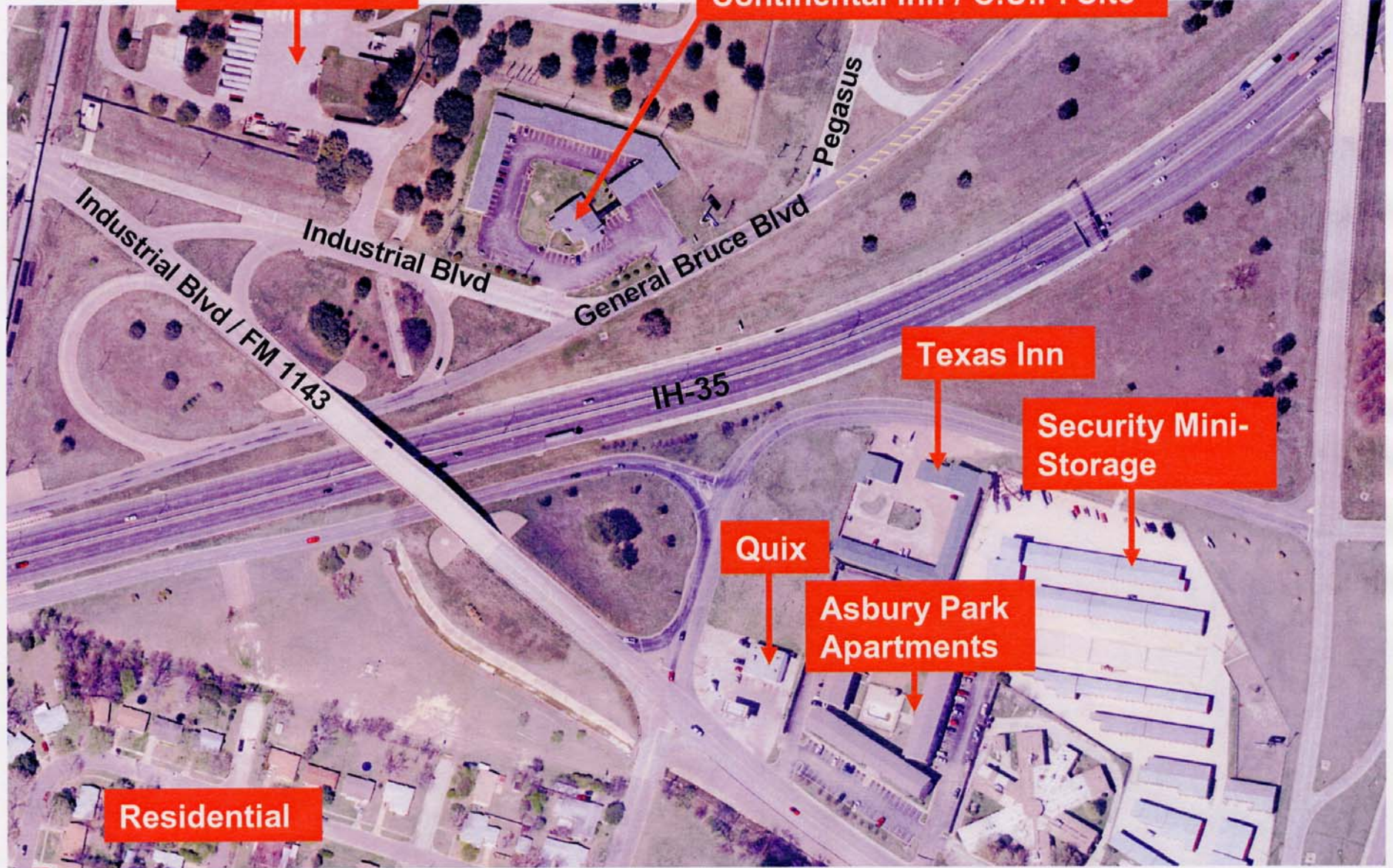


Inside of Bar



PACTIV Plant

Continental Inn / C.U.P. Site



Residential

Industrial Blvd

General Bruce Blvd

Pegasus

IH-35

Texas Inn

Security Mini-Storage

Quix

Asbury Park Apartments



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

03/20/08
Item #6(J)
Consent 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: SECOND READING – Consider adopting an ordinance establishing the prima facie speed limit on the SH 36/LP 363 frontage road, within the City limits.

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

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

KUYKENDALL TRAIL

SW H.K. DODGEN LP

LOT 1

WESTERN
COMMER
PHAS

WESTER
COM P

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

03/20/08
Item #6(K)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

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

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

03/20/08
Item #6(L-1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading. 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 \(03/03/08\)](#)
[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-Sciences/Technology
- Corporate Campus & Office
- Aviation Industrial Distrt
- Hwy Com/Tech/Indust
- Intermodal

Community Facilities

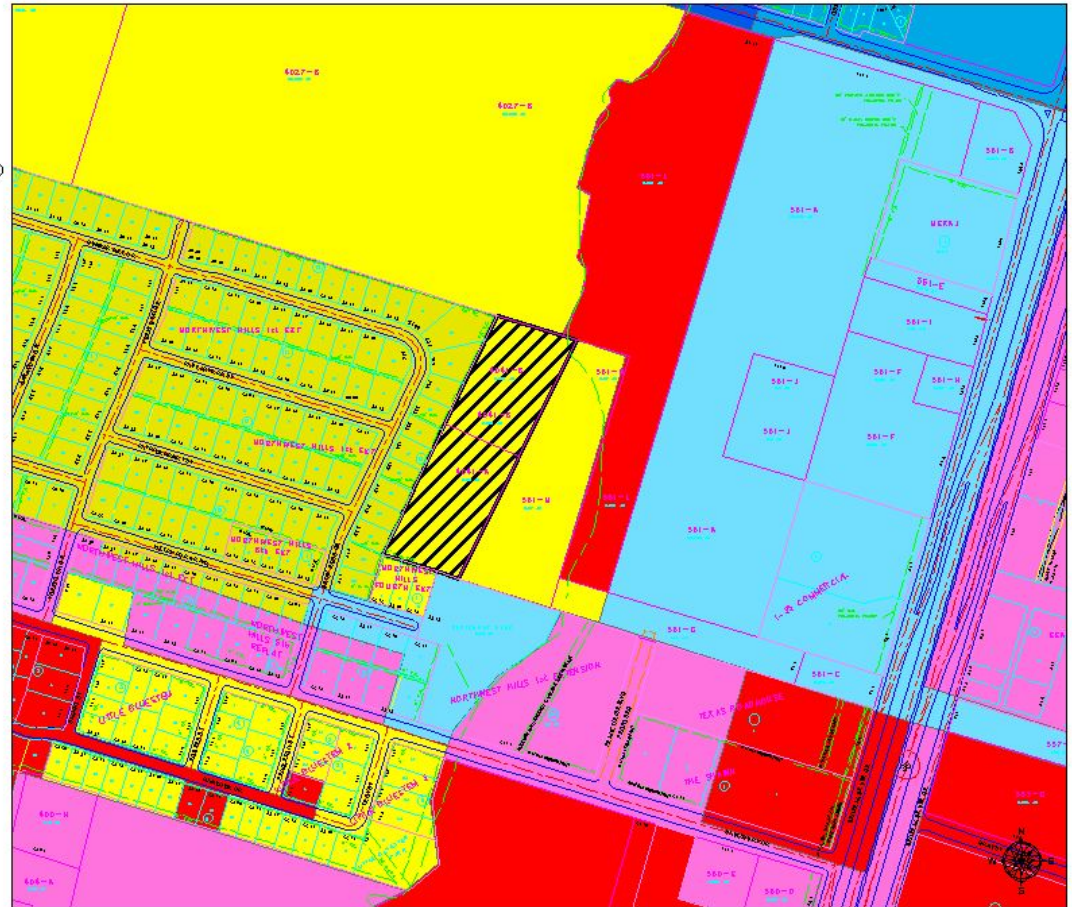
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 3, 2008**

Chair Luck said Z-FY-08-15A and Z-FY-08-15B would be presented together with separate motions and votes.

6. Z-FY-08-15A 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. (Applicant: Rodney Deyoe)

Z-FY-08-15B 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)

Mr. Brian Mabry, Senior Planner, presented both items Z-FY-08-15A & B. He began with Item 6A. He said the West Temple Plan was adopted in 1999 and serves the west side of Temple the border being I-35 and further west from there. Mr. Mabry displayed the Future Land Use map that shows Moderate and Medium Density Residential future land use categories for the subject property and complies with the Future Land Use Plan. He said there is a private road approximately 20 feet in width that has served the property since 1976; however, a commercial development should front on an arterial road. Mr. Mabry said the West Temple Plan amendment request does not comply with the Thoroughfare Plan. He said adequate public and private facilities serve the property. Mr. Mabry said Staff recommends approval of the amendment to the West Temple comprehensive Plan.

Mr. Mabry continued with Z-FY-08-15B the zone change for the property. He said currently the property is an empty industrial yard which is permitted by a conditional use permit in the General Retail District and by right in the Commercial and Industrial Districts. Mr. Mabry said the proposed use for the property is for warehouse and office use and the applicant has claimed that the property will remain close to its present condition for the foreseeable future and that existing building on the property would be used for warehousing and office space however some outdoor storage would occur on the property. He said the applicant is also aware that screening with a wall fence, landscaping or a combination of these elements would be required along the property line that abuts some Two Family residences. Mr. Mabry showed an aerial of the property and surrounding area. He also displayed the Zoning map, Future Land Use map, Utility map, and notification radius map. Mr. Mabry said that one notice was mailed to surrounding property owners within 200 feet. The notice mailed out was returned in favor of the zone change request. Staff recommends approval of the zone change request from Agricultural to Commercial for the reason listed in the agenda.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-08-15A, amendment to the West Temple Comprehensive Plan, to address the Commission.

Mr. Rodney Deyoe, 3000 S. 31st St., representing the property owner, spoke in favor of the request. He said the intent is to improve the property and that can only be done by rezoning

the land to comply with the Zoning Ordinance regulations. Mr. Deyoe said there may be a closer water line that can be utilized other than what is shown on the utility map.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-15A, amendment to the West Temple Comprehensive Plan and note the actual Staff recommendations on page 2 of Item 6A, by Commissioner Kjelland; seconded by Commissioner Secrest.

Motion passed (8/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-08-15B, zone change from Agricultural to Commercial, to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of the zone change, Z-FY-08-15B, by Commissioner Martin; seconded by Commissioner Pilkington

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

03/20/08
Item #6(L-2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading. 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: None

ATTACHMENTS:

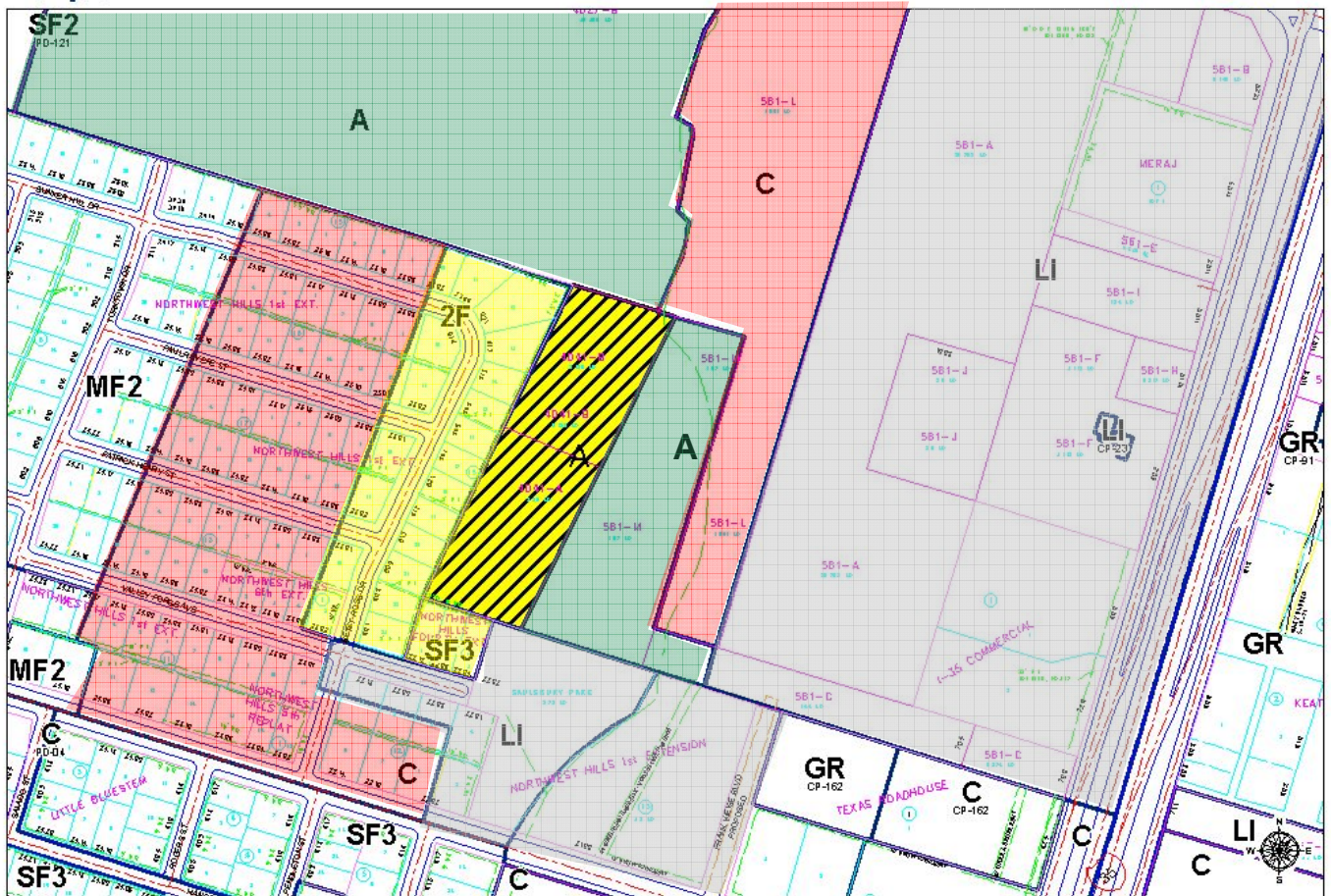
[Zoning Map](#)
[Future Land Use Map](#)
[Aerial](#)
[Utility Map](#)
[Notification Radius Map](#)
[P&Z Staff Report \(Z-FY-08-15B\)](#)
[P&Z Minutes \(03/03/08\)](#)
[Ordinance](#)



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 Distrt

○ Heavy Com/Tech/Indust

○ Intermodal

Community Facilities

○ COMMUNITY FACILITY

○ CF-E (EDUCATIONAL)

○ CF-G (GENERAL)

○ CF-R (RESIDENTIAL)

○ CF-M (MEDICAL)

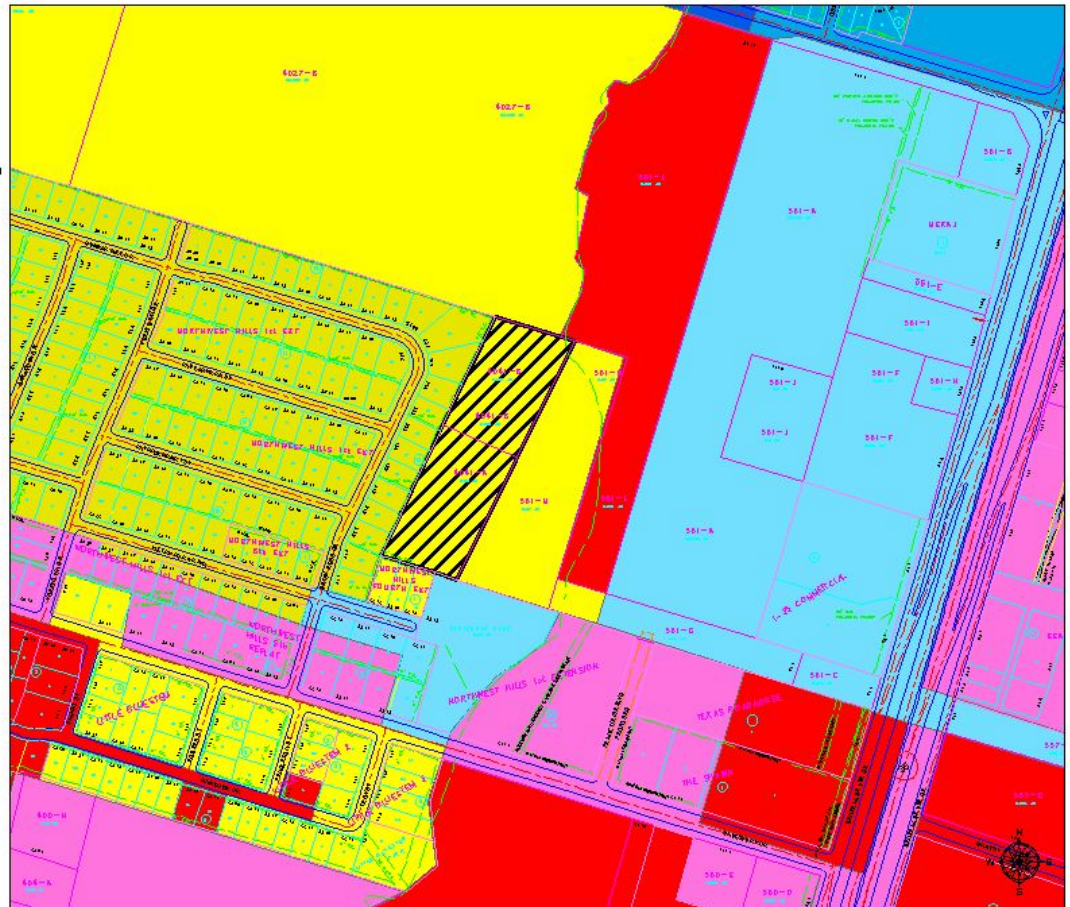
Park Land

○ PROPOSED FLOATING PARK

○ PARKS

Downtown

○ DOWNTOWN



A to C

1 inch equals 400 feet

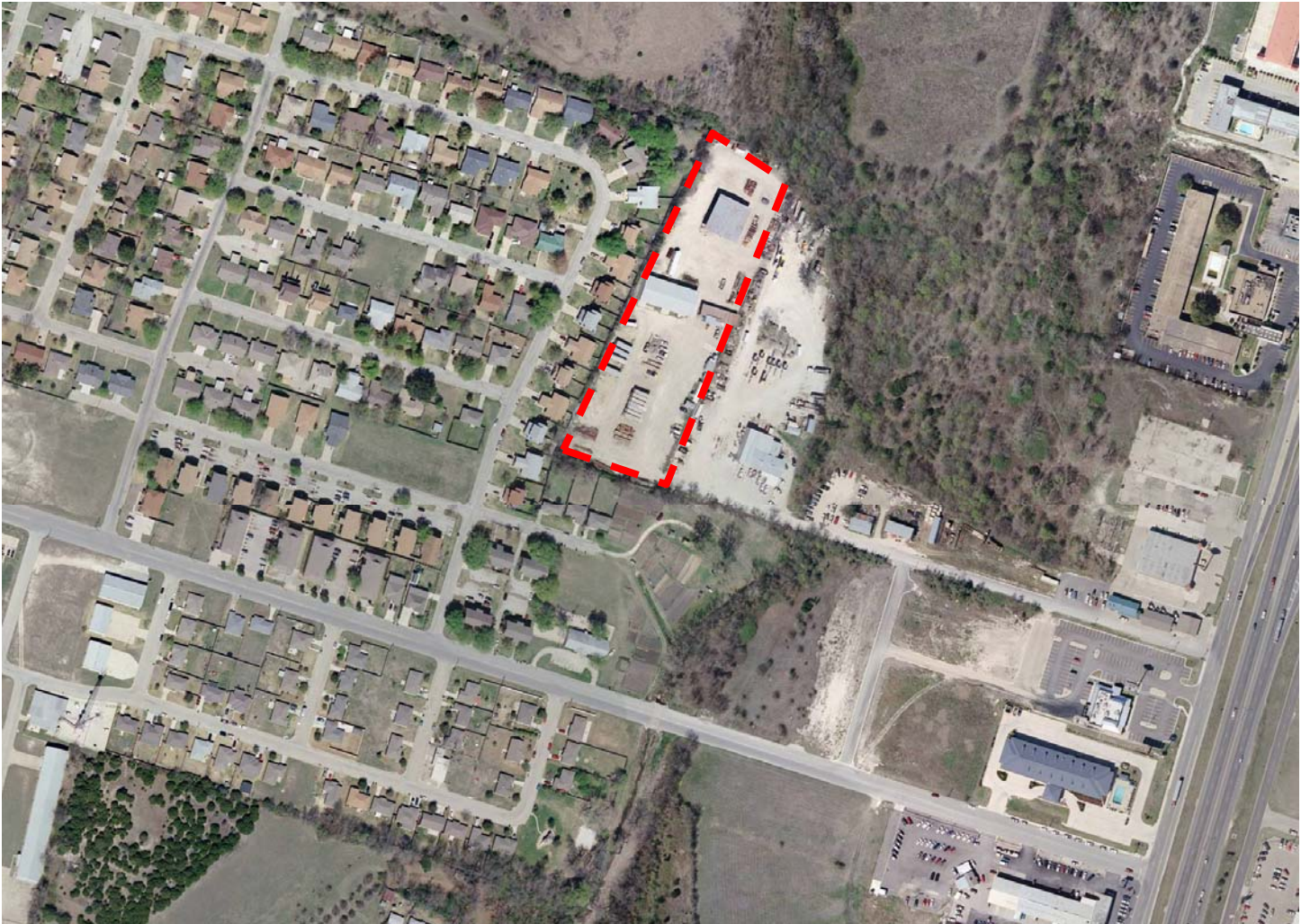
J Stone 02.12.08



Z-FY-08-15-B

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres

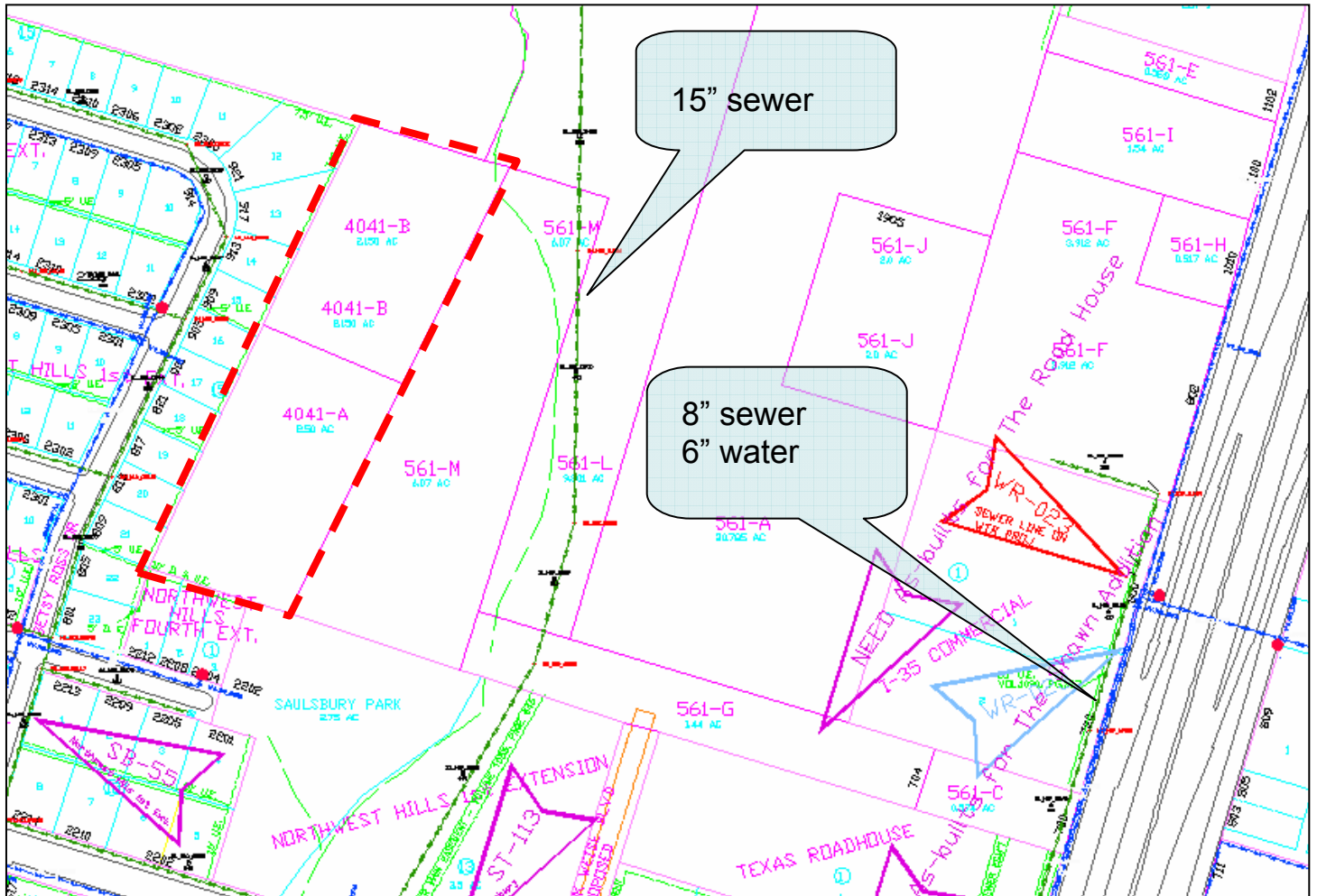




Z-FY-08-15-B

Skanska Tract

OB# 4041-A & 4041-B 4.611 Acres

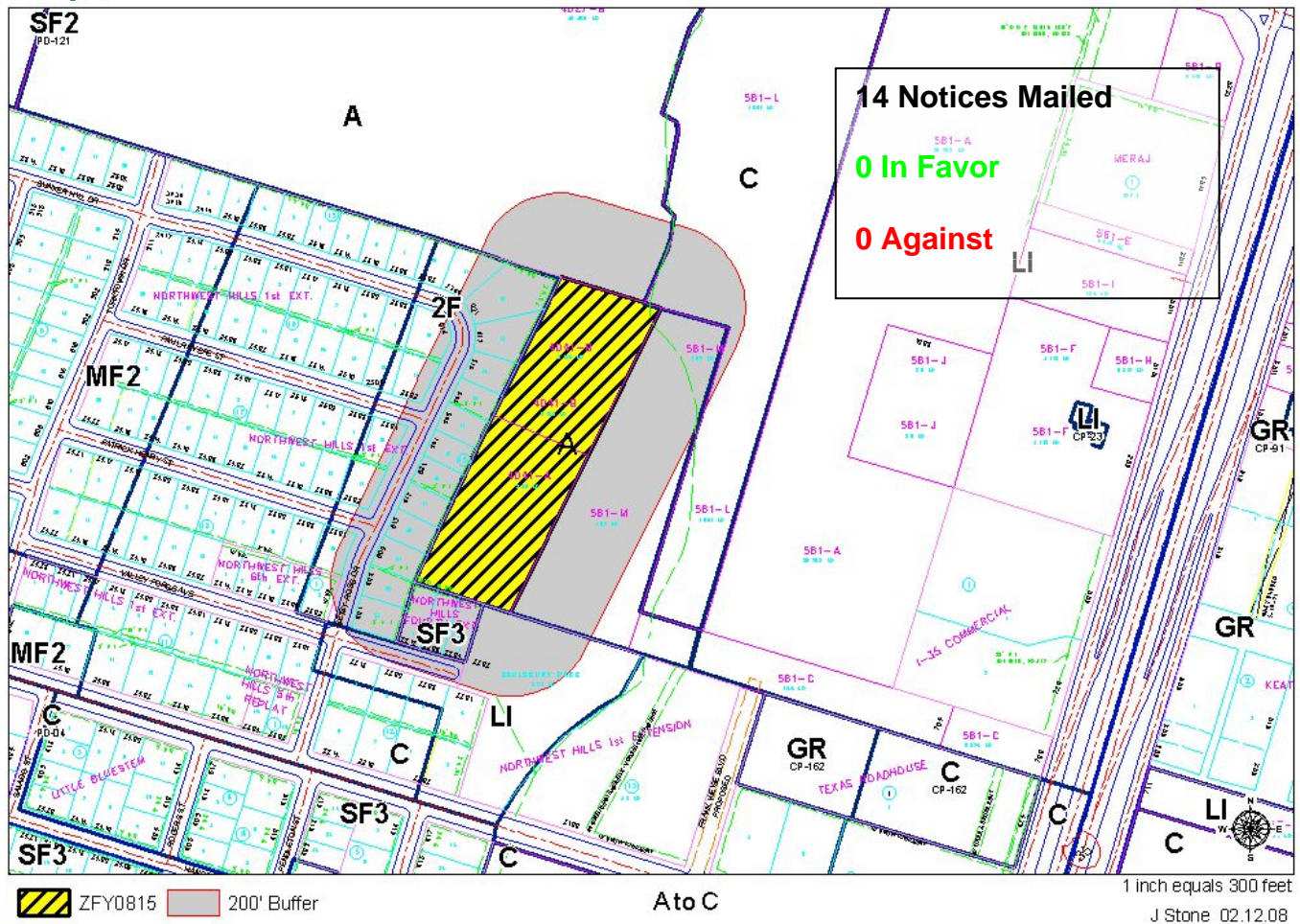




Z-FY-08-15-B

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.

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 3, 2008**

Chair Luck said Z-FY-08-15A and Z-FY-08-15B would be presented together with separate motions and votes.

6. Z-FY-08-15A 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. (Applicant: Rodney Deyoe)

Z-FY-08-15B 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)

Mr. Brian Mabry, Senior Planner, presented both items Z-FY-08-15A & B. He began with Item 6A. He said the West Temple Plan was adopted in 1999 and serves the west side of Temple the border being I-35 and further west from there. Mr. Mabry displayed the Future Land Use map that shows Moderate and Medium Density Residential future land use categories for the subject property and complies with the Future Land Use Plan. He said there is a private road approximately 20 feet in width that has served the property since 1976; however, a commercial development should front on an arterial road. Mr. Mabry said the West Temple Plan amendment request does not comply with the Thoroughfare Plan. He said adequate public and private facilities serve the property. Mr. Mabry said Staff recommends approval of the amendment to the West Temple comprehensive Plan.

Mr. Mabry continued with Z-FY-08-15B the zone change for the property. He said currently the property is an empty industrial yard which is permitted by a conditional use permit in the General Retail District and by right in the Commercial and Industrial Districts. Mr. Mabry said the proposed use for the property is for warehouse and office use and the applicant has claimed that the property will remain close to its present condition for the foreseeable future and that existing building on the property would be used for warehousing and office space however some outdoor storage would occur on the property. He said the applicant is also aware that screening with a wall fence, landscaping or a combination of these elements would be required along the property line that abuts some Two Family residences. Mr. Mabry showed an aerial of the property and surrounding area. He also displayed the Zoning map, Future Land Use map, Utility map, and notification radius map. Mr. Mabry said that one notice was mailed to surrounding property owners within 200 feet. The notice mailed out was returned in favor of the zone change request. Staff recommends approval of the zone change request from Agricultural to Commercial for the reason listed in the agenda.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-08-15A, amendment to the West Temple Comprehensive Plan, to address the Commission.

Mr. Rodney Deyoe, 3000 S. 31st St., representing the property owner, spoke in favor of the request. He said the intent is to improve the property and that can only be done by rezoning

the land to comply with the Zoning Ordinance regulations. Mr. Deyoe said there may be a closer water line that can be utilized other than what is shown on the utility map.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-15A, amendment to the West Temple Comprehensive Plan and note the actual Staff recommendations on page 2 of Item 6A, by Commissioner Kjelland; seconded by Commissioner Secrest.

Motion passed (8/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-08-15B, zone change from Agricultural to Commercial, to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of the zone change, Z-FY-08-15B, by Commissioner Martin; seconded by Commissioner Pilkington

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

3/20/08
Item #6(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of property located at 401 North 3rd Street for the purpose of constructing a new Municipal Court and Utility Business Office Facility in amount of \$660,000 plus incidental closing costs.

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: On July 19, 2007, Council was briefed on the space requirements and various site options for a new Municipal Court and Utility Business Office facility. The space requirements as defined were 17,105 square feet: 12,620 square feet for the Municipal Court and 4,485 square feet for the Utility Business Office.

Subsequent to the briefing to Council in July, staff pursued acquisition of a site for the new facility in an area close to the new Police Facility, keeping in mind the main site criteria of ease of access, close proximity to existing City facilities, and available parking. Efforts to acquire adequate land in close proximity to the Police Facility were deemed unsuccessful on December 31, 2007.

In January 2008 staff identified the old Compass Bank building located at 401 North 3rd Street as a viable option for the facility. The facility is currently owned by First Baptist Church. The existing 2-story facility is comprised of 15,304 square feet, sits on 1.631 acres, and has 72 existing parking spaces. Site advantages identified:

- Convenient location to citizens with location on one of the City's main thoroughfare corridors;
- Opportunity to improve parking needs related to other City-owned facilities in this area (i.e. Central Fire Station and Clarence Martin Recreation Center); and
- "Bank" building design shares a similar customer flow for what is needed for the Utility Business Office and fine processing area of the Municipal Court.

It is anticipated that approximately 3,000 square feet will be added on to the north side of the existing structure for a Court Room.

Upon completion of the necessary property investigations, and assuming the studies support renovation of the facility into a new Municipal Court/Utility Business Office Facility, the architect of record, Architectural Edge, and the construction-manager-at-risk of record, Vanguard Contractors, will begin design work to renovate the building.

FISCAL IMPACT: Funding in the amount of approximately \$2,002,000 is currently available for the Municipal Court portion of the facility from the following sources:

2003 GO Bonds	\$ 538,000
1997/98 GO Bonds	333,000
2008 CO Bonds	800,000
Restricted Municipal Court Funds	331,000

Total Municipal Court Funds	\$2,002,000

Funding in the amount of \$900,000 is available for the Utility Business Office portion of the building from the 2006 and anticipated 2008 Utility Revenue Bonds.

Based on the split defined per the space needs assessment, the property purchase will be split 74% to the Municipal Court (first to account 350-8200-525-6779 (1997/98 GO Bonds), project #100240; and the remaining to account 359-8800-525-6779 (2003 GO Bonds), project #100240) and 26% to the Utility Business Office (account 561-5800-535-6929, project #100240).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 401 NORTH 3RD STREET FOR THE PURPOSE OF CONSTRUCTING A NEW MUNICIPAL COURT AND UTILITY BUSINESS OFFICE FACILITY IN THE AMOUNT OF \$660,000 PLUS INCIDENTAL CLOSING COSTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in January, 2008, the Staff identified the old Compass Bank building located at 401 North 3rd Street as a viable option for the new Municipal Court building and Utility Business Office facility;

Whereas, site advantages for this location include: convenient location to citizens with location on one of the City's main thoroughfare corridors; opportunity to improve parking needs related to other City-owned facilities in this area (Central Fire Station and Clarence Martin Recreation Center); and "Bank" building design shares a similar customer flow for what is needed for the Utility Business Office and fine processing area of the Municipal Court;

Whereas, based on the split defined per the space needs assessment for this facility, the property purchase will be split 74% to the Municipal Court (first to account 350-8200-525-6779 (1997/98 GO Bonds), project #100240; and the remaining to account 359-8800-525-6779 (2003 GO Bonds), project #100240) and 26% to the Utility Business Office (account 561-5800-535-6929, project #100240); 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 401 North 3rd Street for the purpose of constructing a new Municipal Court and Utility Business Facility in the amount of \$660,000 plus incidental closing costs.

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

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

PASSED AND APPROVED this the **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

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Item #6(N)
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DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution creating a Parks and Leisure Services Advisory Board.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the March 6, 2008 City Council meeting the Council authorized an ordinance repealing Ordinance 96-2451 that formed a Convention Center and Tourism Advisory Board. At the March 20, 2008 City Council meeting, the City Council authorized an ordinance, on first reading, repealing Ordinance 92-2133 that formed the Parks and Recreation Advisory Board. Staff recommended the City Council repeal both ordinances for several reasons, including:

1. The responsibilities of Department have increased over the past several years.
2. All department staff is now working under one departmental vision and mission which includes serving all residents and *visitors* with superior parks, facilities and leisure programs.
3. Department staff goals reflect working together as one department to fulfill the department's vision and mission (example - sports tourism).
4. Maintaining Board Membership and finding new members has been difficult.

When Ordinances 96-2451 and 92-2133 were repealed, staff indicated we would present a resolution to Council at the March 20, 2008 City Council meeting establishing a new Parks and Leisure Services Advisory Board. We request Council establish the Parks and Leisure Services Advisory Board with the following guidelines:

Purpose of the Board: To advise the City Council and the Director of Parks and Leisure Services on matters relating to the city's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic and Convention Center and tourism generally.

Membership: The Board shall consist of nine (9) residents of the City of Temple. The City Manager and Parks and Leisure Services Director shall be ex-officio members of the Board. Because we are forming a new board, merging together the existing members of the Mayborn Center and Tourism Advisory Board and the Parks and Recreation Advisory Board, the new Board will consist of 13 members until four members are removed through attrition (resignation or end of term served), at which time new members would be appointed.

Quorum; voting: A majority of the members of the Board shall constitute a quorum. A majority off those present shall be sufficient to approve or disapprove any matter before the Board provided that a quorum is present.

Chairman and meetings: The Board shall select one of its members as chairperson and shall adopt its own rules and methods of procedure. The Board shall meet at such times as the Board elects, or when requested by the City Manager or his designee. Meetings of the Board are subject to the provisions of the Texas Open Meetings Act.

Appointment and terms: Members of the Board shall be appointed by the City Council, for three-year terms. The terms of the Board shall be staggered so that three members are appointed (reappointed) each year.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, CREATING THE PARKS AND LEISURE
SERVICES ADVISORY BOARD; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, the City Council repealed Ordinance No. 96-2451 that formed a Convention Center and Tourism Advisory Board and Ordinance No. 92-2133 that formed the Parks and Recreation Advisory Board;

Whereas, the Staff recommends creating a new board for the purpose of advising the City Council and Director of Parks and Leisure Services on matters relating to the city's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic and Convention Center and tourism generally; 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 creates the **Parks and Leisure Services Advisory Board.**

Part 2: Purpose of the Board. To advise the City Council and Director of Parks and Leisure Services on matters relating to the city's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic and Convention Center and tourism generally.

Part 3: Membership. The Board shall consist of nine (9) residents of the City of Temple. The City Manager and Parks and Leisure Services Director shall be ex-officio members of the Board. Because we are forming a new board, merging together the existing members of the Mayborn Center and Tourism Advisory Board and the Parks and Recreation Advisory Board, the new Board will consist of 13 members until four members are removed through attrition (resignation or end of term served), at which time new members would be appointed.

Part 4: Quorum; Voting. A majority of the members of the Board shall constitute a quorum. A majority of those present shall be sufficient to approve or disapprove any matter before the Board provided that a quorum is present.

Part 5: Chairman and Meetings. The Board shall select one of its members as chairperson and shall adopt its own rules and methods of procedure. The Board shall meet at such times as the Board elects, or when requested by the City Manager or his

designee. Meetings of the Board are subject to the provisions of the Texas Open Meetings Act.

Part 6: Appointment and Terms. Members of the Board shall be appointed by the City Council, for three-year terms. The terms of the Board shall be staggered so that three members are appointed (reappointed) each year.

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

PASSED AND APPROVED this 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

03/20/08
Item #6(O)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$380,814.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
March 20, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1800-525-2223		Computer Software (Municipal Court)	\$ 3,200	
110-0000-317-0000		Fund Balance Reserved/Municipal Court Restricted Fees-Technology Funds		\$ 3,200
<p>To appropriate \$3,200 from Municipal Court's Restricted Technology Funds to pay for a system change to H T E to automate the process of modifying the fee due to the collection agency whenever there is an adjustment to the balance on a case in collections. This process is currently being done manually. It is very time consuming and opens up the potential for human error. These restricted fees can only be used by the Court for technology purposes.</p>				
110-2000-521-2514		Travel & Training (Police Dept.)	\$ 9,950	
110-0000-442-0720		Police Revenue		\$ 9,950
<p>Annual allocation payment from the Law Enforcement Officer Standards and Education (LEOSE) account for expenses related to continuing education.</p>				
110-2200-522-2516		Judgments & Damages (Fire Dept.)	\$ 612	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 612
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City of Temple by Chelsea Cuellar seeking reimbursement for damage to her vehicle after it was struck by a fire truck on August 19, 2007, in the 3200 Block of Oaklawn Drive.</p>				
110-2320-540-2516		Judgments & Damages (Solid Waste - Brush/Bulk)	\$ 1,283	
110-1500-515-6531		Contingency Judgments & Damages		\$ 1,283
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle that occurred on December 27, 2007, when a Solid Waste Dept. brush truck struck a legally parked vehicle at 1900 S. 15th Street.</p>				
110-2400-519-2516		Judgments & Damages (Facility Services)	\$ 1,066	
110-1500-515-6531		Contingency Judgments & Damages		\$ 1,066
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City of Temple by Jovita Carlson seeking reimbursement for damage to her vehicle after it was struck by a Facility Services vehicle on November 19, 2007, at 511 North Main Street (Social Security parking lot).</p>				
351-3600-560-2616		Professional Services (Airport)	\$ 25,000	
351-0000-490-2582		Transfer In - General Fund		\$ 25,000
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 25,000	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 25,000
<p>This budget adjustment appropriates \$25,000 needed for the agreement with Leslie Sager and Associates LLC to fund a professional services agreement for an Airport Drainage study. The total of the services are not to exceed \$25,000. These funds are available in Designated Capital Projects - Unallocated.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
March 20, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
260-3600-560-6524	100190	FAA Runway Rehabilitation (Airport)	\$ 279,730	
260-0000-490-2588		Transfer In - Airport Grant Match		\$ 27,973
260-0000-431-0163		Federal Grants		\$ 251,757
110-9100-591-8160		Transfer Out - Grant Fund	\$ 27,973	
110-0000-352-1345		Designated Capital Projects - Airport Grant		\$ 27,973
<p>Appropriate grant funds and City matching funds for additional land costs for the Airport Runway Extension Project grant. The grant will be administered by the State.</p>				
520-5200-535-6357	100253	Avenue E Improvements (Water Distribution)	\$ 7,000	
520-5400-535-2329		Sewer Mains		\$ 7,000
<p>Additional funds needed to pay for reconstruction of two brick wastewater manholes not identified by engineer in original plan. Decrease account is for project that is not scheduled for immediate construction.</p>				
TOTAL AMENDMENTS			\$ 380,814	\$ 380,814
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			\$	(34,202)
Net Balance of Judgments & Damages Contingency Account			\$	35,798
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			\$	259,464
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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
March 20, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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
		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 **20** 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 BACKGROUND

3/20/08
Item #7(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: (A) FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of \$16,210,000* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008; authorizing the levy of an ad valorem tax and the pledge of certain revenues in support of the certificates; a paying agent/registrar agreement, and other agreements related to approving sale and issuance of the certificates; and authorizing other matters related to the issuance of the certificates, to be considered on an emergency basis.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first and final reading.

ITEM SUMMARY: This item is to award the sale of \$16,210,000* tax exempt certificates to the lowest negotiated bidder.

The proceeds from the \$16,210,000* million dollar issue will be used to fund the following projects.

- Constructing, improving, extending, expanding, upgrading and/or developing the City's streets, bridges, sidewalks, intersections and other traffic improvement projects and related costs and purchasing any necessary rights-of-way;
- Drainage improvements for the City including the Elm Creek detention pond and storm water improvements;
- Constructing, acquiring, improving, extending and equipping the City's Waterworks and Sewer System including constructing a wastewater lift station;
- Paying the professional services including fiscal, engineering, architectural and legal fees including the cost associated with the issuance of the Certificates.

*** THE ISSUE SIZE IS PRELIMINARY AND WILL BE SIZED AT THE TIME OF PRICING.**

The sell the certificates will be through a private bank placement. No insurance or bond ratings will be needed for the sale.

Invitations to bid with bidding parameters and sample debt service were sent to interested banks on March 6, 2008. The bids are due by noon on March 19, 2008. Our financial advisor, First Southwest Company, will be at the meeting to review the offers with Council and designate the negotiated low interest rate bidder. The Council will consider the offers and award based on the recommendation of First Southwest Company.

Funds are planned to be delivered to our depository for use on April 17, 2008.

FISCAL IMPACT: The proposed **\$16,210,000*** Combination Tax and Revenue Certificates of Obligation, Series 2008 (Tax Exempt) average annual debt service is approximately \$1,568,168. This amount was computed using an assumed interest rate of 4.75% for 15 yrs (the remaining life of the RZ #1).

In order to achieve the best financial terms and interest rates on the Certificates, the city will apply revenues from the RZ #1 to debt service but will pledge ad valorem taxes to the payment of the Certificates. Applying the revenues of the RZ #1 will help ensure the Certificates can be treated as self-supporting debt.

Available debt capacity was computed using a times coverage ratio of 1.70 and projected future increment growth within the RZ # 1. The debt is structured for interest only payments until FY 2012. (Exception of \$435,000 principal payment in FY 2008). FY 2012 is the year that the improvements associated with Gulf States Toyota will be added to the increment for the RZ # 1.

ATTACHMENTS:

[Ordinance](#)

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS TAX
AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2008; AUTHORIZING
THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN
REVENUES IN SUPPORT OF THE CERTIFICATE; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO
THE SALE AND ISSUANCE OF THE CERTIFICATE; AND AUTHORIZING OTHER
MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATE**

Adopted March 20, 2008

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS TAX
AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2008; AUTHORIZING
THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN
REVENUES IN SUPPORT OF THE CERTIFICATE; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO
THE SALE AND ISSUANCE OF THE CERTIFICATE; AND AUTHORIZING OTHER
MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATE**

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Exhibit A - Paying Agent/Registrar Agreement

Exhibit B - Investment and Commitment Letter

Ordinance No. 2008-_____

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS TAX
AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2008; AUTHORIZING
THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF CERTAIN
REVENUES IN SUPPORT OF THE CERTIFICATE; APPROVING A PAYING
AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO
THE SALE AND ISSUANCE OF THE CERTIFICATE; AND AUTHORIZING OTHER
MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATE**

**THE STATE OF TEXAS §
COUNTY OF BELL §
CITY OF TEMPLE §**

WHEREAS, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue a certificate of obligation in the amount of \$16,210,000 (the "Certificate") and finds that the payment in whole or in part of contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing the City's streets, bridges, sidewalks, intersections and other traffic improvement projects and related costs and purchasing any necessary rights-of-way; (2) drainage improvements for the City including the Elm Creek detention pond and storm water improvements; (3) constructing, acquiring, improving, extending and equipping the City's Waterworks and Sewer System including constructing a wastewater lift station; and (4) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Certificate; and

WHEREAS, the Certificate hereinafter authorized and designated is to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Local Government Code, as amended, and Section 1502.052, Texas Government Code, as amended; and

WHEREAS, on February 7, 2008 the City Council passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificate; and

WHEREAS, the notice was published on February 12, 2008 and February 20, 2008 in the *Temple Daily Telegram*, a newspaper of general circulation in the City and a "newspaper" as defined in Section 2051.044, Government Code; and

WHEREAS, the City has not received a petition from the qualified electors of the City protesting the issuance of the Certificate; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Certificate be issued.

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATE. (a) Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The certificate of the City of Temple, Texas (the "City") is hereby authorized to be issued and delivered in the aggregate principal amount of \$16,210,000 (the "Certificate") for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing the City's streets, bridges, sidewalks, intersections and other traffic improvement projects and related costs and purchasing any necessary rights-of-way; (2) drainage improvements for the City including the Elm Creek detention pond and storm water improvements; (3) constructing, acquiring, improving, extending and equipping the City's Waterworks and Sewer System including constructing a wastewater lift station; and (4) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Certificate.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITY OF CERTIFICATE. Each Certificate issued pursuant to this Ordinance shall be designated: "CITY OF TEMPLE, TEXAS TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2008", and initially there shall be issued, sold, and delivered hereunder a fully registered Certificate, without interest coupons, dated April 1, 2008, in the denomination and principal amount hereinafter stated, numbered R-1 with any Certificate issued in replacement thereof being in the denomination and principal amount hereafter stated and numbered consecutively from R-2 upward, payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said Certificate or any portion or portions thereof (in each case, the "Registered Owner"), and said Certificate shall mature and be payable serially on August 1 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

<u>YEAR</u>	<u>PRINCIPAL INSTALLMENTS</u>	<u>YEAR</u>	<u>PRINCIPAL INSTALLMENTS</u>
2008	\$ 435,000	2016	\$1,355,000
2009	****	2017	1,420,000
2010	****	2018	1,485,000
2011	****	2019	1,555,000
2012	1,125,000	2020	1,630,000
2013	1,180,000	2021	1,710,000
2014	1,235,000	2022	1,790,000
2015	1,290,000		

Section 3. INTEREST. The Certificate shall bear interest on the unpaid balance of the principal amount thereof in the manner and from the date specified in the FORM OF

CERTIFICATE set forth in this Ordinance to the scheduled due date, or date of prepayment prior to the scheduled due date, of the principal installments of the Certificate at the rate of ____% per annum.

Section 4. CHARACTERISTICS OF THE CERTIFICATE. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at _____, (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Certificate (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificate shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificate which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Certificate and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificate, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificate, and of all conversions and exchanges of the Certificate, and all replacements of the Certificate, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Certificate (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Certificate, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificate shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Certificate, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificate initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF CERTIFICATE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Certificate that at all times while the Certificate is outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificate under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificate, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City

promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Certificate, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

Section 5. FORM OF CERTIFICATE. The form of the Certificate, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Certificate issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF CERTIFICATE

NO. R-1	UNITED STATES OF AMERICA STATE OF TEXAS COUNTY OF BELL CITY OF TEMPLE, TEXAS TAX AND REVENUE CERTIFICATE OF OBLIGATION SERIES 2008	PRINCIPAL AMOUNT \$16,210,000
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Interest Rate	Final Maturity Date	Original Issue Date	Date of Delivery
____%	_____, 2022	April 1, 2008	April 17, 2008

REGISTERED OWNER:

PRINCIPAL AMOUNT: SIXTEEN MILLION TWO HUNDRED TEN THOUSAND DOLLARS

ON THE MATURITY DATE specified above, the CITY OF TEMPLE, in Bell County, Texas (the "City"), being a political subdivision of the State of Texas, for value received, hereby promises to pay, from the sources described herein, to the registered owner specified above, or registered assigns (hereinafter called the "Registered Owner"), the principal amount specified above, and to pay interest thereon, calculated on the basis of a 360-day year of twelve 30-day months, from the Date of Delivery set forth above on the balance of said principal amount from time to time remaining unpaid on February 1, 2009 and semiannually thereafter on each February 1 and August 1 to the final maturity date specified above, or the date of prepayment prior to maturity, at the rate per annum set forth above.

The unpaid principal of this Certificate shall have a final maturity date of August 1, 2022, but shall be paid in installments on August 1 in the years and in the amounts set forth in the table below:

Years	Principal Installments	Years	Principal Installments
2008	\$ 435,000	2016	\$1,355,000
2009	****	2017	1,420,000
2010	****	2018	1,485,000
2011	****	2019	1,555,000
2012	1,125,000	2020	1,630,000
2013	1,180,000	2021	1,710,000
2014	1,235,000	2022	1,790,000
2015	1,290,000		

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at _____, which is the "Paying Agent/Registrar" for this Certificate at their office in _____, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the 15th day of the month next preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Certificate for redemption and payment at the Designated Payment/Transfer Office

of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificate, when due.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a Series of Certificates dated April 1, 2008, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$16,210,000 (the "Certificate") for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing the City's streets, bridges, sidewalks, intersections and other traffic improvement projects and related costs and purchasing any necessary rights-of-way; (2) drainage improvements for the City including the Elm Creek detention pond and storm water improvements; (3) constructing, acquiring, improving, extending and equipping the City's Waterworks and Sewer System including constructing a wastewater lift station; and (4) paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of the Certificate.

ON _____, **201**_ or on any date thereafter, the Certificates of this Series maturing on and after _____, 201_ may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000).

NO LESS THAN 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Certificate to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificates. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required

redemption price for the Certificates or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Certificates or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of the Certificate shall be redeemed a substitute Certificate having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Certificate Ordinance.

WITH RESPECT TO any optional redemption of the Certificate, unless certain prerequisites to such redemption required by the Certificate Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificate to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificate and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

THE CERTIFICATE is issuable solely as a fully registered certificate, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned or transferred, in whole, but not in part, for a like aggregate principal amount of fully registered certificates, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Certificate may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or

customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to the Certificate or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Certificate.

IN THE EVENT any Paying Agent/Registrar for the Certificate is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Certificate Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Certificate.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; that this Certificate is a general obligation of said City, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from the surplus revenues of the City's System, as defined in Ordinance No. 2006-4100, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or part of the Net Revenues of the City's System, which amount shall not exceed \$10,000 all as provided in the Certificate Ordinance.

BY BECOMING the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Certificate and the Certificate Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Certificate to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Certificate.

City Secretary

Mayor

(SEAL)

PREPAYMENT RECORD

Date of Payment	Principal Prepayment (amount and installment(s) to which payment is applied)	Remaining Principal Balance	Name and Title of Authorized Officer making Entry	Signature of Authorized Officer

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Certificate is not accompanied by an
executed Registration Certificate of the Comptroller
of Public Accounts of the State of Texas)

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated

Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints
_____, attorney, to register the transfer of the
within Certificate on the books kept for registration thereof, with full power of substitution in the
premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed
by a member firm of the New York Stock
Exchange or a commercial bank or trust
company.

NOTICE: The signature above must
correspond with the name of the Registered
Owner as it appears upon the front of this
Certificate in every particular, without
alteration or enlargement or any change
whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS**

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Certificate has been examined, certified as to validity and approved
by the Attorney General of the State of Texas, and that this Certificate has been registered by the
Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

Section 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificate. All ad valorem taxes levied and collected for and on account of said Certificate shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificate is outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificate as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificate as such principal matures (but never less than 2% of the original principal amount of said Certificate as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificate is outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificate, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Certificate shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificate.

Section 7. REVENUES. The Certificate together with other obligations of the City, are additionally secured by and shall be payable from and secured by the surplus revenues of the City's utility system, as defined in Ordinance No. 2006-4100 (the "System"), after payment of all operation and maintenance expenses or collections thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's System, with such amount not exceeding \$10,000, constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 6, to the extent necessary to pay the principal and interest on the Certificate. Notwithstanding the requirements of Section 6, if Surplus Revenues are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 6 may be reduced to the extent and by the amount of the Surplus Revenues then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor and the Director of Finance are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

Section 8. DEFEASANCE OF CERTIFICATE. (a) The Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Certificate shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Certificate as aforesaid when proper notice of redemption of such Certificate shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Certificate and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificate and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of the Certificate and the Certificate shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of the Certificate affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Certificate to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Certificate for redemption in accordance with the provisions of the Ordinance authorizing its issuance, the City may call such Defeased Certificate for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Certificate as though it was being defeased at the time of the exercise of the option to redeem the Defeased Certificate and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Certificate.

As used in this section, "Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding certificates or otherwise provide for the funding of an escrow to effect the defeasance of the Certificate is rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, and (iii) noncallable obligations of a state or an agency or a City, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding certificates or otherwise provide for the funding of an escrow to effect the defeasance of the Certificate, is rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent. "Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

Section 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES. (a) Replacement Certificate. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificate. Application for replacement of a damaged, mutilated, lost, stolen or destroyed Certificate shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered Owner applying for a replacement Certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Certificate, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as

the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Certificate. Prior to the issuance of any replacement Certificate, the Paying Agent/Registrar shall charge the Registered Owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement Certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority for Issuing Replacement Certificate. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of the Certificate is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver the Certificate in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for a Certificate issued in conversion and exchange for another Certificate.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATE; BOND COUNSEL'S OPINION; AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Certificate issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificate pending its delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificate said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to the Certificate, and the seal of said Comptroller shall be impressed, or placed in facsimile, on the Certificate. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Certificate issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Certificate. In addition, if bond insurance is obtained, the Certificate may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATE. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Certificate as an

obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificate or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificate, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificate or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificate (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Certificate being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificate being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificate, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificate, other than investment property acquired with --

(A) proceeds of the Certificate invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Certificate is issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificate;

(7) to otherwise restrict the use of the proceeds of the Certificate or amounts treated as proceeds of the Certificate, as may be necessary, so that the Certificate does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificate) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificate has been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Certificateholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Certificate. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificate, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificate under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificate, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificate under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificate.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18

months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificate, or (2) the date the Certificate is retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificate. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Certificate. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 12. SALE OF CERTIFICATE. The Certificate is hereby initially sold and shall be delivered to _____ in connection with a private placement as set forth in the Investment and Commitment Letter, (the "Purchaser") at the price and in accordance with the terms and provisions of an Investment and Commitment Letter in substantially the form presented to the Council, which the Mayor of the City is hereby authorized and directed to execute and deliver and the City Secretary or Deputy City Secretary is further authorized and directed to attest such agreement. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable.

Section 13. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on the Certificate when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificate, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of the Certificate then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificate or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificate shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of the Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 14. INTEREST EARNINGS ON CERTIFICATE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Certificate shall be used along with other Certificate proceeds for the purpose for which the Certificate is issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Certificate proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the

Certificate from being an arbitrage certificate shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 15. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT AND INVESTMENT AND COMMITMENT LETTER. Attached hereto as Exhibit "A" is a substantially final form of Paying Agent/Registrar Agreement. The Mayor is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Secretary or the Deputy City Secretary is hereby authorized to attest such agreement.

Attached hereto as Exhibit "B" is a substantially final form of the Investment and Commitment Letter relating to the Certificate. The Mayor is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Secretary or the Deputy City Secretary is hereby authorized to attest such agreement.

Section 16. NO RULE 15C2-12 UNDERTAKING. The City has not made an undertaking with respect to the Certificate in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). The City is not, therefore, obligated pursuant to the Rule to provide any on-going disclosure relating to the City or the Certificate.

Section 17. FINANCIAL INFORMATION AND OPERATING DATA OF THE CITY. While the Certificate remains outstanding, unless waived by the Purchaser, the City shall provide the following to the Purchaser:

- (a) Audited financial statements, to be provided within 270 days after the close of each City fiscal year ending on and after September 30, 2008; and
- (b) Such other financial information regarding the City as the Purchaser shall reasonably request.

Section 18. NO PERSONAL LIABILITY. No covenant or agreement contained in the Certificate, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Certificate shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Certificate.

Section 19. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificate, the

initial sale and delivery of the Certificate, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Investment and Commitment Letter. In addition, prior to the initial delivery of the Certificate, the City Manager or Assistant City Manager are each hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Investment and Commitment Letter or (ii) obtain the approval of the Certificate by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on the Certificate shall cease to be such officer before the delivery of the Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 20. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Certificate and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Certificate.

Section 21. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 22. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Certificate, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Certificate.

Section 23. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 24. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 25. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 26. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 27. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Certificate and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificate is outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Certificate the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 20th day of March, 2008.

THE CITY OF TEMPLE, TEXAS

Mayor
City of Temple, Texas

ATTEST:

City Secretary
City of Temple, Texas

APPROVED AS TO FORM:

City Attorney
City of Temple, Texas

EXHIBIT "A"

Paying Agent\Registrar Agreement

EXHIBIT "B"

Investment and Commitment Letter



COUNCIL AGENDA ITEM MEMORANDUM

03/20/08
Item #7(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: (B) Consider adopting a resolution authorizing a construction contract with Dixon Paving, Inc. for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$3,413,406.90.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

On September 20, 2007, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in the amount of \$261,500 for services required to design the infrastructure improvements to Wendland. On November 15, 2007, Council authorized an amendment to the professional services agreement with KPA in the amount of \$75,000 for services required to design additional street and sanitary sewer improvements. On February 7, 2008, Council authorized an amendment to the professional services agreement with KPA in the amount of \$124,500 for construction and bid phase services including onsite representation and construction staking.

The infrastructure built with this project will consist of approximately 5700 feet of streets, 4800 feet of water line, a lift station, 4500 feet of gravity wastewater line, and 4900 feet of force main. Bids ranged from \$3,413,406.90 to \$5,400,566.00 (see attached Bid Tab). KPA recommends awarding the contract to the low bidder, Dixon Paving, Inc. (see attached KPA Recommendation)

Construction time allotted for this project is 330 days.

FISCAL IMPACT: The cost of this construction contract is \$3,413,406.90. Funding for this project will come from TIF Reinvestment Zone #1 funding available within the Zone's financing plan from the 2008 Combination Tax and Revenue Certificate of Obligation bonds to be issued on March 20, 2008.

Funding in the amount of \$400,000 is available in account 795-9700-531-6837, project # 100166, to fund the wastewater lift station that is part of the contract. Funding in the amount of \$3,600,000 is available in account 795-9700-531-6831, project # 950007, to fund the Wendland Road Improvements. After funding this construction contract, \$586,593 will remain in the Wendland Road Improvements account, 795-9700-531-6831, to fund another utility line which is currently estimated to cost \$260,000. The remaining funds will be re-allocated to other projects within the Reinvestment Zone No. 1.

ATTACHMENTS:

[RZ Wendland Road Improvements Bid Tab](#)
[RZ Wendland Road Improvements Recommendation](#)
[RZ Wendland Road Improvements Map](#)
[Resolution](#)

BID TABULATION
CITY OF TEMPLE

2007-137-40
Wendland

WENDLAND ROAD IMPROVEMENTS

February 12, 2008; 10:00 AM
3210 E Ave H, Bldg C, Temple, TX 76501

BASE BID

BASE BID				BIDDER INFORMATION											
				Dixon Paving, Inc. P.O. Box 664 Belton, TX 76513		R.T. Schneider Construction Co., Ltd P.O. Box 876 Belton, TX 76513		Shallow Ford Construction Co., Inc. 700 North General Bruce Drive Temple, TX 76505		Jo'B Site Construction, LLC P.O. Box 40 Round Rock, TX 78680		Knife River Corporation - South P.O. Box 1800 Waco, TX 76703		JC Evans Construction Co., LP P.O. Box 1216 Leander, TX 78646	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount	\$ 64,000.00	\$ 64,000.00	\$ 49,000.03	\$ 49,000.03	\$ 185,905.00	\$ 185,905.00	\$ 11,981.25	\$ 11,981.25	\$ 246,000.00	\$ 246,000.00	\$ 177,000.00	\$ 177,000.00
2	105	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-way	330.00	34,650.00	345.00	36,225.00	960.00	100,800.00	418.35	43,926.75	372.00	39,060.00	1,500.00	157,500.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by a PE, in Conformance with State Law & OSHA	800.00	800.00	945.00	945.00	1,030.00	1,030.00	905.25	905.25	825.00	825.00	1,000.00	1,000.00
4	21,000	LF	Implement & Follow Tranch Safety Plan (Pipe)	0.50	10,500.00	0.42	8,820.00	1.45	30,450.00	0.27	5,670.00	1.00	21,000.00	0.50	10,500.00
5	100%	LS	Implement & Follow Tranch Safety Plan (Manholes & Structures)	2,500.00	2,500.00	2,500.00	2,500.00	4,500.00	4,500.00	1,597.50	1,597.50	2,665.00	2,665.00	650.00	650.00
6	100%	LS	Furnish Traffic Control Plan	28,000.00	28,000.00	14,500.00	14,500.00	23,125.00	23,125.00	19,542.75	19,542.75	36,650.00	36,650.00	12,000.00	12,000.00
7	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	4,800.00	4,800.00	6,710.00	6,710.00	1,505.00	1,505.00	2,130.00	2,130.00	770.00	770.00	1,500.00	1,500.00
8	100%	LS	Provide Project Record Drawings (As Builts)	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for the total project	500.00	500.00	500.00	500.00	435.00	435.00	1,597.50	1,597.50	1,500.00	1,500.00	1,000.00	1,000.00
10	100	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	12.00	1,200.00	8.80	880.00	16.00	1,600.00	13.85	1,385.00	44.50	4,450.00	18.00	1,800.00
11	2,700	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	1.60	4,320.00	2.00	5,400.00	1.85	4,995.00	4.32	11,664.00	3.45	9,315.00	2.50	6,750.00
12	25	EA	Furnish, Install, Maintain & Remove Curb Inlet Protection as required in the Stormwater Pollution Prevention Plan	75.00	1,875.00	20.00	500.00	72.00	1,800.00	110.23	2,755.75	166.00	4,150.00	25.00	625.00
13	2	EA	Furnish, Install, Maintain & Remove Backside Curb Inlet Protection for Double Sided & Area Inlets as required in the Stormwater Pollution Prevention Plan	75.00	150.00	100.00	200.00	120.00	240.00	110.23	220.46	365.00	730.00	25.00	50.00
14	2,700	LF	Remove & Dispose of Existing Curb & Gutter	4.00	10,800.00	3.75	10,125.00	2.30	6,210.00	1.76	4,752.00	5.50	14,850.00	8.00	21,600.00
15	17600	SY	Remove & Dispose of Existing Asphalt	1.25	22,000.00	0.45	7,920.00	0.70	12,320.00	0.64	11,264.00	1.75	30,800.00	2.00	35,200.00
16	45,100	CY	Unclassified Roadway Excavation	2.85	128,535.00	2.85	128,535.00	3.55	160,105.00	5.07	228,657.00	2.40	108,240.00	6.00	270,600.00
17	1,550	CY	Place & Compact Select Fill (Roadway)	14.00	21,700.00	14.00	21,700.00	6.75	10,462.50	2.62	4,061.00	12.95	20,072.50	2.00	3,100.00
18	3,600	CY	Place & Compact Unclassified Fill (ROW)	2.50	9,000.00	2.20	7,920.00	6.45	23,220.00	2.62	9,432.00	2.25	8,100.00	2.00	7,200.00
19	44,500	SY	Furnish & Place 30-Inch Crushed Limestone Base Material	17.75	789,875.00	18.00	801,000.00	16.90	752,050.00	19.27	857,515.00	17.60	783,200.00	14.25	634,125.00
20	37,000	SY	Furnish & Place 4 5/8-Inch HMAc Type "B" Pavement with Prime & Tack Coat	15.55	575,350.00	16.10	595,700.00	15.45	571,650.00	16.29	602,730.00	17.50	647,500.00	14.50	536,500.00
21	37,000	SY	Furnish & Place 2-Inch HMAc Type 'C' Pavement with Prime & Tack Coat	6.65	246,050.00	6.70	247,900.00	6.70	247,900.00	6.79	251,230.00	7.50	277,500.00	6.00	222,000.00
22	44,500	SY	Furnish & Place 8-Inch of Lime Stabilized Sub-Grade (6%)	4.60	204,700.00	4.10	182,450.00	4.25	189,125.00	6.14	273,230.00	4.35	193,575.00	3.75	166,875.00
23	100%	LS	Furnish & Install All Traffic Signage According to Striping & Signage Plan	4,800.00	4,800.00	5,720.00	5,720.00	4,250.00	4,250.00	4,861.73	4,861.73	5,475.00	5,475.00	4,500.00	4,500.00
24	5,600	LF	Furnish & Install Temporary 4-Inch Width Single Dash Yellow Striping	0.50	2,800.00	0.80	4,480.00	0.77	4,312.00	0.48	2,688.00	0.82	4,592.00	0.20	1,120.00
25	12,000	LF	Furnish & Install 4-Inch Width Single Dash White Striping	0.42	5,040.00	0.16	1,920.00	0.15	1,800.00	0.39	4,680.00	0.16	1,920.00	0.20	2,400.00
26	350	SY	Furnishing, Installing & Removing Temporary Roadway (3-Inch Type B HMAc & 8-Inch CLBM) as Shown in the Plans	18.00	6,300.00	22.00	7,700.00	28.00	9,800.00	28.95	10,132.50	44.80	15,680.00	20.00	7,000.00
27	75	LF	Furnish & Install 24-Inch Width White Stop Bar	6.50	487.50	14.70	1,102.50	15.00	1,125.00	6.44	483.00	15.40	1,155.00	2.00	150.00
28	10,850	LF	Furnish & Install 4-Inch Width Solid Yellow Striping	0.42	4,557.00	0.34	3,689.00	0.33	3,580.50	0.39	4,231.50	0.35	3,797.50	0.20	2,170.00
29	3,300	LF	Furnish & Install 4-Inch Width Solid White Striping	0.42	1,386.00	0.23	759.00	0.25	825.00	0.39	1,287.00	0.25	825.00	0.20	660.00
30	900	LF	Furnish & Install 4-Inch Width Solid Yellow Gore Striping	0.42	378.00	1.10	990.00	1.05	945.00	0.39	351.00	1.10	990.00	0.20	180.00
31	275	LF	Furnish & Install 4-Inch Width Solid White Gore Striping	0.42	115.50	1.00	275.00	0.95	261.25	0.39	107.25	0.40	110.00	0.20	55.00
32	11,100	LF	Construction of 24-Inch Wide Concrete Curb & Gutter	8.25	91,575.00	8.00	88,800.00	10.20	113,220.00	12.14	134,754.00	12.20	135,420.00	9.00	99,900.00
33	50	LF	Constructing 6-Foot Wide Concrete Valley Gutter	32.00	1,600.00	20.00	1,000.00	60.00	3,000.00	39.17	1,958.50	165.00	8,250.00	46.00	2,300.00
34	320	LF	Sawcutting Existing Asphalt	1.50	480.00	2.00	640.00	3.00	960.00	1.07	342.40	2.40	768.00	1.00	320.00
35	2	BA	Constructing 25-Foot Concrete Radius Units	1,200.00	2,400.00	520.00	1,040.00	1,515.00	3,030.00	2,042.67	4,085.34	1,700.00	3,400.00	200.00	400.00
36	4	BA	Constructing 50-Foot Concrete Radius Units	2,600.00	10,400.00	1,900.00	7,600.00	1,855.00	7,420.00	5,088.57	20,354.28	4,800.00	19,200.00	400.00	1,600.00
37	1,122	LF	Furnish & Install 18-Inch Diameter Reinforced Concrete Pipe	33.25	37,306.50	34.76	39,000.72	25.40	28,498.80	37.36	41,917.92	30.25	33,940.50	44.00	49,368.00
38	44	LF	Furnish & Install 24-Inch Diameter Reinforced Concrete Pipe	50.00	2,200.00	52.29	2,300.76	45.00	1,980.00	45.71	2,011.24	39.00	1,716.00	55.00	2,420.00
39	1,983	LF	Furnish & Install 36-Inch Diameter Reinforced Concrete Pipe	71.50	141,784.50	74.97	148,665.51	74.00	146,742.00	73.43	145,611.69	62.25	123,441.75	88.00	174,504.00
40	2,052	LF	Furnish & Install 42-Inch Diameter Reinforced Concrete Pipe	96.70	198,428.40	101.33	207,929.16	104.00	213,408.00	95.80	196,581.60	76.70	157,388.40	118.00	242,136.00
41	11	EA	Furnish & Install 10' x 3' Curb Inlet	2,800.00	30,800.00	4,980.00	54,780.00	2,800.00	30,800.00	3,040.17	33,441.87	2,900.00	31,900.00	4,502.00	49,522.00
42	1	EA	Furnish & Install 10' x 3' Double Sided Curb Inlet	3,000.00	3,000.00	5,800.00	5,800.00	5,230.00	5,230.00	6,246.48	6,246.48	5,130.00	5,130.00	7,003.00	7,003.00
43	3	EA	Furnish & Install 10' x 4' Curb Inlet	3,000.00	9,000.00	5,300.00	15,900.00	4,800.00	14,400.00	4,667.82	14,003.46	4,700.00	14,100.00	5,933.00	17,799.00
44	4	EA	Furnish & Install 10' x 5' Curb Inlet	3,400.00	13,600.00	6,590.00	26,360.00	6,275.00	25,100.00	5,798.01	23,192.04	5,900.00	23,600.00	8,901.00	35,604.00
45	1	EA	Furnish & Install 10' x 8' Curb Inlet	4,200.00	4,200.00	7,500.00	7,500.00	6,530.00	6,530.00	6,050.99	6,050.99	6,200.00	6,200.00	7,381.00	7,381.00
46	1	EA	Furnish & Install 15' x 3' Curb Inlet	3,400.00	3,400.00	5,035.00	5,035.00	5,945.00	5,945.00	4,147.49	4,147.49	4,000.00	4,000.00	6,140.00	6,140.00
47	1	EA	Furnish & Install 15' x 4' Curb Inlet	3,800.00	3,800.00	6,360.00	6,360.00	6,000.00	6,000.00	5,247.45	5,247.45	5,200.00	5,200.00	6,785.00	6,785.00
48	2	EA	Furnish & Install 15' x 6' Curb Inlet	4,200.00	8,400.00	9,103.00	18,206.00	8,475.00	16,950.00	7,214.00	14,428.00				

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

BID TABULATION
CITY OF TEMPLE

WENDLAND ROAD IMPROVEMENTS

February 12, 2008; 10:00 AM
3210 E Ave H, Bldg C, Temple, TX 76501

BASE BID			Bid Data Description	BIDDER INFORMATION											
				James Construction Group, LLC 5880 West Highway 190, Suite 100 Belton, TX 76513		TTG Utilities, LP P.O. Box 299 Gatesville, TX 76528		Joe Bland Construction, LP 13111 Dessau Road Austin, TX 78754		Gary W. Purser Construction, Ltd 2901 E Stan Schlueter Loop Killeen, TX 76542		Austin Engineering Co., Inc. P.O. Box 342349 Austin, TX 78734-2349			
Item No.	Estimated Quantity	Unit	Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS		\$	200,000.00	\$	200,000.00	\$	175,000.00	\$	175,000.00	\$	380,000.00	\$	380,000.00
2	105	STA	Mobilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount												
3	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-way		800.00		84,000.00		250.00		36,750.00		404.42		42,464.10
4	21,000	LF	Submit Trench Safety Plan prepared & signed by a PE, in Conformance with State Law & OSHA		5,000.00		5,000.00		1,150.00		2,500.00		6,522.00		6,522.00
5	100%	LS	Implement & Follow Trench Safety Plan (Pipe)		2.00		42,000.00		1.50		31,500.00		0.50		10,500.00
6	100%	LS	Implement & Follow Trench Safety Plan (Manholes & Structures)		24,000.00		24,000.00		1,850.00		10,000.00		15,121.00		15,121.00
7	100%	LS	Furnish Traffic Control Plan		50,000.00		50,000.00		28,175.00		20,000.00		21,888.00		21,888.00
8	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ		3,000.00		3,000.00		870.00		6,200.00		12,650.00		12,650.00
9	100%	LS	Provide Project Record Drawings (As Builts)		4,000.00		4,000.00		4,000.00		4,000.00		4,000.00		4,000.00
10	100	LF	Provide DVD of right-of-way pre-construction & post construction site conditions for the total project		1,000.00		1,000.00		1,000.00		1,000.00		3,500.00		3,500.00
11	2,700	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan		35.00		3,500.00		31.00		3,100.00		29.00		2,900.00
12	25	EA	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan		4.00		10,800.00		2.45		6,615.00		4.00		10,800.00
13	2	EA	Furnish, Install, Maintain & Remove Curb Inlet Protection as required in the Stormwater Pollution Prevention Plan		400.00		10,000.00		115.00		2,875.00		215.00		5,375.00
14	2,700	LF	Furnish, Install, Maintain & Remove Backside Curb Inlet Protection for Double Sided & Area Inlets as required in the Stormwater Pollution Prevention Plan		400.00		800.00		115.00		230.00		215.00		430.00
15	17600	SY	Remove & Dispose of Existing Curb & Gutter		5.00		13,500.00		6.00		16,200.00		1.42		3,834.00
16	45,100	CY	Remove & Dispose of Existing Asphalt		1.00		17,600.00		1.15		20,240.00		0.61		10,736.00
17	1,550	CY	Unclassified Roadway Excavation		5.00		225,500.00		4.35		196,185.00		4.99		225,049.00
18	3,600	CY	Place & Compact Select Fill (Roadway)		8.00		12,400.00		12.00		18,600.00		7.74		11,997.00
19	44,500	SY	Place & Compact Unclassified Fill (ROW)		8.00		28,800.00		4.00		14,400.00		17.01		61,236.00
20	37,000	SY	Furnish & Place 30-Inch Crushed Limestone Base Material		17.00		756,500.00		22.50		1,001,250.00		22.83		1,015,935.00
21	37,000	SY	Furnish & Place 4 5/8-Inch HMAc Type "B" Pavement with Prime & Tack Coat		6.00		222,000.00		17.60		651,200.00		15.30		566,100.00
22	37,000	SY	Furnish & Place 2-Inch HMAc Type "C" Pavement with Prime & Tack Coat		15.00		555,000.00		7.37		272,690.00		6.60		244,200.00
23	44,500	SY	Furnish & Place 8-Inch of Lime Stabilized Sub-Grade (6%)		3.00		133,500.00		3.85		171,325.00		3.15		140,175.00
24	100%	LS	Furnish & Install All Traffic Signage According to Striping & Signage Plan		8,000.00		8,000.00		5,715.00		5,715.00		4,000.00		4,000.00
25	5,600	LF	Furnish & Install Temporary 4-Inch Width Single Dash Yellow Striping		1.00		5,600.00		0.87		4,872.00		0.45		2,520.00
26	12,000	LF	Furnish & Install 4-Inch Width Single Dash White Striping		0.20		2,400.00		0.17		2,040.00		0.37		4,440.00
27	350	SY	Furnishing, Installing & Removing Temporary Roadway (3-Inch Type B HMAc & 8-Inch CLBM) as Shown in the Plans		30.00		10,500.00		36.00		12,600.00		28.00		9,800.00
28	75	LF	Furnish & Install 24-Inch Width White Stop Bar		14.00		1,050.00		16.00		1,200.00		6.05		453.75
29	10,850	LF	Furnish & Install 4-Inch Width Solid Yellow Striping		0.40		4,340.00		0.37		4,014.50		0.37		4,014.50
30	3,300	LF	Furnish & Install 4-Inch Width Solid White Striping		0.30		990.00		0.25		825.00		0.37		1,221.00
31	900	LF	Furnish & Install 4-Inch Width Solid Yellow Gore Striping		1.00		900.00		1.15		1,035.00		0.37		333.00
32	275	LF	Furnish & Install 4-Inch Width Solid White Gore Striping		1.00		275.00		1.05		288.75		0.37		101.75
33	11,100	LF	Construction of 24-Inch Wide Concrete Curb & Gutter		14.00		155,400.00		11.00		122,100.00		9.76		108,336.00
34	50	LF	Constructing 6-Foot Wide Concrete Valley Gutter		51.00		2,550.00		38.00		1,900.00		29.68		1,484.00
35	320	LF	Sawcutting Existing Asphalt		7.00		2,240.00		1.95		624.00		3.00		960.00
36	2	EA	Constructing 25-Foot Concrete Radius Units		5,000.00		10,000.00		1,325.00		2,650.00		255.00		510.00
37	4	EA	Constructing 50-Foot Concrete Radius Units		15,000.00		60,000.00		3,100.00		12,400.00		640.00		2,560.00
38	1,122	LF	Furnish & Install 18-Inch Diameter Reinforced Concrete Pipe		50.00		56,100.00		35.00		39,270.00		48.68		54,618.96
39	44	LF	Furnish & Install 24-Inch Diameter Reinforced Concrete Pipe		60.00		2,640.00		47.00		2,068.00		63.81		2,807.64
40	1,983	LF	Furnish & Install 36-Inch Diameter Reinforced Concrete Pipe		90.00		178,470.00		70.00		138,810.00		77.00		152,691.00
41	2,052	LF	Furnish & Install 42-Inch Diameter Reinforced Concrete Pipe		120.00		246,240.00		88.00		180,576.00		113.00		231,876.00
42	11	EA	Furnish & Install 10' x 3' Curb Inlet		4,000.00		44,000.00		3,215.00		35,365.00		6,200.00		68,200.00
43	1	EA	Furnish & Install 10' x 3' Double Sided Curb Inlet		6,000.00		6,000.00		7,190.00		7,190.00		7,100.00		7,100.00
44	3	EA	Furnish & Install 10' x 4' Curb Inlet		5,000.00		15,000.00		5,220.00		15,660.00		7,100.00		21,300.00
45	4	EA	Furnish & Install 10' x 5' Curb Inlet		6,000.00		24,000.00		6,440.00		25,760.00		7,200.00		28,800.00
46	1	EA	Furnish & Install 10' x 8' Curb Inlet		7,000.00		7,000.00		8,200.00		8,200.00		7,200.00		7,200.00
47	1	EA	Furnish & Install 15' x 3' Curb Inlet		5,000.00		5,000.00		4,500.00		4,500.00		7,400.00		7,400.00
48	1	EA	Furnish & Install 15' x 4' Curb Inlet		6,000.00		6,000.00		5,750.00		5,750.00		7,400.00		7,400.00
49	2	EA	Furnish & Install 15' x 6' Curb Inlet		8,000.00		16,000.00		7,930.00		15,860.00		7,500.00		15,000.00
50	1	EA	Furnish & Install 10' x10' Curb/Area Inlet		8,000.00		8,000.00		10,810.00		10,810.00		7,500.00		7,500.00
51	1	EA	Furnish & Install, 4' x 4' Junction Box		4,000.00		4,000.00		2,225.00		2,225.00		3,200.00		3,200.00
52	1	EA	Furnish & Install, 5' x 5' Junction Box		5,000.00		5,000.00		2,850.00		2,850.00		3,200.00		3,200.00
53	50	SY	Furnish & Place 8-Inch Diameter Rock Rip Rap		30.00		1,500.00		28.00		1,400.00		27.00		1,350.00
54	50	SY	Furnish & Install Concrete Rip Rap		50.00		2,500.00		42.00		2,100.00		32.00		1,600.00
55	37	LF	Furnish & Install Three - 5' x 3' Reinforced Concrete Box Culverts		800.00		29,600.00		495.00		18,315.00		542.00		20,054.00
56	1	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Three-5'x3' Reinforced Concrete Box Culverts		6,000.00		6,000.00		6,650.00		6,650.00		3,400.00		3,400.00
57	100%	LS	Furnish & Install Additional Concrete Wingwall Length, At Station 16+26		2,000.00		2,000.00		3,920.00		3,920.00		3,400.00		3,400.00
58	1	EA	Connecting 24-Inch RCP to Existing RCB		2,000.00		2,000.00		720.00		720.00		90.00		90.00
59	100%	LS	Removing & Disposing of Existing Headwall & Connecting New RCBs to Existing RCBs at Station 16+26		2,500.00		2,500.00		1,465.00		1,465.00		10,600.00		10,600.00
60	2	EA	Furnish & Install Sloped End Treatment for Dual 36-Inch RCPs		10,000.00		20,000.00		4,325.00		8,650.00		3,100.00		6,200.00
61	100%	LS	Furnishing & Install Concrete Headwalls & Wings on 42-Inch RCP Outlet at Station 37+82		5,000.00		5,000.00		4,750.00		4,750.00		5,300.00		5,300.00

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

BID TABULATION
CITY OF TEMPLE

WENDLAND ROAD IMPROVEMENTS

February 12, 2008; 10:00 AM
3210 E Ave H, Bldg C, Temple, TX 76501

2007-137-40
Wendland

BASE BID (cont.)				BIDDER INFORMATION											
				Dixon Paving, Inc. P.O. Box 664 Belton, TX 76513		R.T. Schneider Construction Co., Ltd P.O. Box 876 Belton, TX 76513		Shallow Ford Construction Co., Inc. 700 North General Bruce Drive Temple, TX 76505		Jo'B Site Construction, LLC P.O. Box 40 Round Rock, TX 78680		Knife River Corporation - South P.O. Box 1800 Waco, TX 76703		JC Evans Construction Co., LP P.O. Box 1216 Leander, TX 78646	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
61	18	EA	Furnish & Install Standard Fire Hydrant	\$ 2,805.00	\$ 50,490.00	\$ 2,950.00	\$ 53,100.00	\$ 2,785.00	\$ 50,130.00	\$ 2,766.14	\$ 49,790.52	\$ 2,400.00	\$ 43,200.00	\$ 3,500.00	\$ 63,000.00
62	135	LF	Provide & Install 2-Inch PVC Water Line, including Thrust Restraint	17.00	2,295.00	17.85	2,409.75	8.00	1,080.00	25.21	3,403.35	8.75	1,181.25	25.00	3,375.00
63	106	LF	Provide & Install 8-Inch PVC Water Line, including Thrust Restraint	29.50	3,127.00	30.77	3,261.62	19.00	2,014.00	23.87	2,530.22	16.95	1,796.70	31.00	3,286.00
64	4,800	LF	Provide & Install 12-Inch PVC Water Line, including Thrust Restraint	25.50	122,400.00	26.57	127,536.00	28.50	136,800.00	28.05	134,640.00	22.30	107,040.00	33.00	158,400.00
65	94	LF	Provide & Install 16-Inch Steel Encasement by Open Cut	55.00	5,170.00	57.75	5,428.50	55.00	5,170.00	33.74	3,171.56	65.60	6,166.40	55.00	5,170.00
66	205	LF	Provide & Install 20-Inch Steel Encasement by Open Cut	65.00	13,325.00	65.10	13,345.50	59.00	12,095.00	38.10	7,810.50	81.00	16,605.00	90.00	18,450.00
67	100%	LS	Furnish & Install Flush Assembly	2,500.00	2,500.00	2,700.00	2,700.00	1,755.00	1,755.00	1,339.98	1,339.98	2,100.00	2,100.00	2,000.00	2,000.00
68	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in Accordance with AWWA C-651	2,800.00	2,800.00	2,800.00	2,800.00	1,445.00	1,445.00	2,765.55	2,765.55	7,800.00	7,800.00	450.00	450.00
69	1	EA	Furnish & Install 8-Inch Plug	200.00	200.00	190.00	190.00	180.00	180.00	83.31	83.31	88.00	88.00	85.00	85.00
70	3	EA	Furnish & Install 12-Inch Plug	200.00	600.00	195.00	585.00	200.00	600.00	188.35	565.05	100.00	300.00	125.00	375.00
71	1	EA	Provide & Install 8-Inch Gate Valve	900.00	900.00	900.00	900.00	950.00	950.00	1,075.83	1,075.83	820.00	820.00	1,250.00	1,250.00
72	9	EA	Provide & Install 12-Inch Gate Valve	1,500.00	13,500.00	1,530.00	13,770.00	1,650.00	14,850.00	1,778.21	16,003.89	1,525.00	13,725.00	2,200.00	19,800.00
73	4	EA	Provide & Install 12-Inch 45° Bend	350.00	1,400.00	345.00	1,380.00	355.00	1,420.00	193.12	772.48	355.00	1,420.00	225.00	900.00
74	1	EA	Provide & Install 12-Inch 90° Bend	360.00	360.00	375.00	375.00	385.00	385.00	278.04	278.04	385.00	385.00	230.00	230.00
75	1	EA	Provide & Install 12-Inch x 8-Inch Tee	400.00	400.00	420.00	420.00	465.00	465.00	377.65	377.65	450.00	450.00	325.00	325.00
76	3	EA	Provide & Install 12-Inch Tee	450.00	1,350.00	455.00	1,365.00	495.00	1,485.00	430.53	1,291.59	525.00	1,575.00	360.00	1,080.00
77	100%	LS	Furnishing All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe & Force Main, Including Any Necessary Repairs	1,500.00	1,500.00	1,520.00	1,520.00	1,445.00	1,445.00	5,368.68	5,368.68	4,725.00	4,725.00	1,500.00	1,500.00
78	2	EA	Remove & Dispose of Existing Wastewater Manholes	700.00	1,400.00	690.00	1,380.00	815.00	1,630.00	608.42	1,216.84	520.00	1,040.00	350.00	700.00
79	205	LF	Remove & Dispose of Existing 15-Inch Wastewater Line	18.00	3,690.00	20.00	4,100.00	4.75	973.75	10.74	2,201.70	5.50	1,127.50	4.00	820.00
80	1	EA	Connecting to Existing 15-Inch Wastewater Line	1,400.00	1,400.00	1,375.00	1,375.00	980.00	980.00	1,086.85	1,086.85	1,400.00	1,400.00	1,000.00	1,000.00
81	80	LF	Provide & Install 16-Inch Steel Encasement by Open Cut	60.00	4,800.00	60.00	4,800.00	61.00	4,880.00	33.78	2,702.40	69.40	5,552.00	55.00	4,400.00
82	48	LF	Provide & Install 26-Inch Steel Encasement by Open Cut	130.00	6,240.00	135.00	6,480.00	101.00	4,848.00	59.19	2,841.12	110.00	5,280.00	125.00	6,000.00
83	4,525	LF	Provide & Install 8-Inch SDR 26 Wastewater Pipe	28.50	128,962.50	29.75	134,618.75	33.80	152,945.00	26.89	121,677.25	35.25	159,506.25	45.00	203,625.00
84	194	LF	Provide & Install 15-Inch SDR 26 Wastewater Pipe	41.00	7,954.00	42.50	8,245.00	32.00	6,208.00	62.60	12,144.40	45.00	8,730.00	75.00	14,550.00
85	12	EA	Provide & Install 4-foot Diameter Standard Eccentric Wastewater Manhole Including Air Testing for Each, & Necessary Repairs	2,200.00	26,400.00	2,310.00	27,720.00	3,300.00	39,600.00	2,536.64	30,439.68	2,900.00	* 34,800.00	3,500.00	42,000.00
86	4,900	LF	Provide & Install 4-Inch PVC C-900 "Purple" Force Main	10.30	50,470.00	10.60	51,940.00	6.20	30,380.00	14.58	71,442.00	9.75	47,775.00	20.00	98,000.00
87	2	EA	Coat Interior of Manhole with 100% Solids Epoxy as Manufactured by Raven Coating Systems	1,200.00	2,400.00	1,250.00	2,500.00	1,240.00	2,480.00	878.63	1,757.26	1,200.00	2,400.00	1,000.00	2,000.00
88	100%	LS	Furnish All Equipment, Materials, Tools & Labor Necessary for Vacuum Testing All Proposed Manholes, Including Any Necessary Repairs	2,600.00	2,600.00	2,625.00	2,625.00	1,855.00	1,855.00	319.50	319.50	1,000.00	1,000.00	850.00	850.00
89	100%	LS	Furnish All Equipment, Materials, Tools & Labor Necessary for Air Testing All Proposed Wastewater Lines, Including Any Necessary Repairs	800.00	800.00	800.00	800.00	3,605.00	3,605.00	7,683.18	7,683.18	2,400.00	2,400.00	750.00	750.00
90	100%	LS	Furnish All Equipment, Materials, Tools & Labor Necessary for Deflection Testing of All Proposed Wastewater Lines, Including Any Necessary Repairs	800.00	800.00	800.00	800.00	3,605.00	3,605.00	7,683.18	7,683.18	5,800.00	5,800.00	1,000.00	1,000.00
91	14,500	LF	Provide Cleanup & Final Grading Along Final Pipeline Route	1.00	14,500.00	0.85	12,325.00	0.35	5,075.00	0.57	8,265.00	0.75	10,875.00	0.05	725.00
92	51,000	SY	Hydromulching, Including Watering, Fertilizing, & Mowing to Establish Growth	0.45	22,950.00	0.83	42,330.00	0.30	15,300.00	1.89	96,390.00	0.75	38,250.00	0.20	10,200.00
93	100%	LS	Constructing Lift Station, Including All Appurtenances, As Detailed on Sheets LS-1 through LS-3 of the Plans	121,000.00	121,000.00	109,900.00	109,900.00	117,115.00	117,115.00	118,422.28	118,422.28	103,500.00	103,500.00	133,011.00	133,011.00
94	1	EA	Provide & Install 4-foot Diameter Standard Eccentric Wastewater Manhole with Drop Connection, Including Air Testing for Each, & Necessary Repairs	2,800.00	2,800.00	2,900.00	2,900.00	3,505.00	3,505.00	2,664.35	2,664.35	3,600.00	3,600.00	3,600.00	3,600.00
TOTAL BASE BID AMOUNT (Items 1 - 94)					\$ 3,420,106.90		\$ 3,509,837.80		\$ 3,673,873.80		\$ 3,829,576.60	**	\$ 3,813,025.65		\$ 3,884,779.00

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
AA-1	12,000	CY	Remove Fat Clay & dispose of & Furnish & Install Select Fill where the Fat Clay was Removed	\$ 16.50	\$ 198,000.00	\$ 14.15	\$ 169,800.00	\$ 17.00	\$ 204,000.00	\$ 15.12	\$ 181,440.00	\$ 16.70	\$ 200,400.00	\$ 16.25	\$ 195,000.00
TOTAL BID AMOUNT ADD ALTERNATE 1 (Item AA-1)				\$ 198,000.00		\$ 169,800.00		\$ 204,000.00		\$ 181,440.00		\$ 200,400.00		\$ 195,000.00	

BID SUMMARY	BIDDER INFORMATION									
	Dixon Paving, Inc. P.O. Box 664 Belton, TX 76513	R.T. Schneider Construction Co., Ltd P.O. Box 876 Belton, TX 76513	Shallow Ford Construction Co., Inc. 700 North General Bruce Drive Temple, TX 76505	Jo'B Site Construction, LLC P.O. Box 40 Round Rock, TX 78680	Knife River Corporation - South P.O. Box 1800 Waco, TX 76703	JC Evans Construction Co., LP P.O. Box 1216 Leander, TX 78646				
BASE BID (Items 1 - 94)	\$ 3,420,106.90	\$ 3,509,837.80	\$ 3,673,873.80	\$ 3,829,576.60	\$ 3,813,025.65	\$ 3,884,779.00				
BID ITEM NO. 22	\$ 204,700.00	\$ 182,450.00	\$ 189,125.00	\$ 273,230.00	\$ 193,575.00	\$ 166,875.00				
ADD ALTERNATE 1 (Item AA-1)	\$ 198,000.00	\$ 169,800.00	\$ 204,000.00	\$ 181,440.00	\$ 200,400.00	\$ 195,000.00				
TOTAL BID	\$ 3,413,406.90	\$ 3,497,187.80	\$ 3,673,873.80	\$ 3,737,786.60	\$ 3,813,025.65	\$ 3,884,779.00				

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 3?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES

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

BID TABULATION
CITY OF TEMPLE

WENDLAND ROAD IMPROVEMENTS

February 12, 2008; 10:00 AM
3210 E Ave H, Bldg C, Temple, TX 76501

BASE BID (cont.)

BIDDER INFORMATION											
			James Construction Group, LLC 5880 West Highway 190, Suite 100 Belton, TX 76513	TTG Utilities, LP P.O. Box 299 Gatesville, TX 76528		Joe Bland Construction, LP 13111 Dessau Road Austin, TX 78754		Gary W. Purser Construction, Ltd 2901 E Stan Schlueter Loop Killeen, TX 76542		Austin Engineering Co., Inc. P.O. Box 342349 Austin, TX 78734-2349	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
61	18	EA	Furnish & Install Standard Fire Hydrant	\$ 3,000.00	\$ 54,000.00	\$ 3,450.00	\$ 62,100.00	\$ 3,666.00	\$ 65,988.00	\$ 3,100.00	\$ 55,800.00
62	135	LF	Provide & Install 2-Inch PVC Water Line, including Thrust Restraint	8.00	1,080.00	8.00	1,080.00	13.00	1,755.00	20.00	2,700.00
63	106	LF	Provide & Install 8-Inch PVC Water Line, including Thrust Restraint	18.00	1,908.00	19.00	2,014.00	79.00	8,374.00	25.00	2,650.00
64	4,800	LF	Provide & Install 12-Inch PVC Water Line, including Thrust Restraint	28.00	134,400.00	28.00	134,400.00	38.00	182,400.00	28.00	134,400.00
65	94	LF	Provide & Install 16-Inch Steel Encasement by Open Cut	54.00	5,076.00	90.00	8,460.00	125.00	11,750.00	60.50	5,687.00
66	205	LF	Provide & Install 20-Inch Steel Encasement by Open Cut	57.00	11,685.00	100.00	20,500.00	130.00	26,650.00	72.75	14,913.75
67	100%	LS	Furnish & Install Flush Assembly	1,700.00	1,700.00	2,150.00	2,150.00	3,700.00	3,700.00	2,500.00	2,500.00
68	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in Accordance with AWWA C-651	1,400.00	1,400.00	1,200.00	1,200.00	1,690.83	1,690.83	3,550.00	3,550.00
69	1	EA	Furnish & Install 8-Inch Plug	170.00	170.00	200.00	200.00	199.64	199.64	361.00	361.00
70	3	EA	Furnish & Install 12-Inch Plug	190.00	570.00	200.00	600.00	260.02	780.06	381.00	1,143.00
71	1	EA	Provide & Install 8-Inch Gate Valve	920.00	920.00	935.00	935.00	1,600.00	1,600.00	1,000.00	1,000.00
72	9	EA	Provide & Install 12-Inch Gate Valve	1,600.00	14,400.00	1,780.00	16,020.00	2,060.00	18,540.00	1,700.00	15,300.00
73	4	EA	Provide & Install 12-Inch 45° Bend	340.00	1,360.00	550.00	2,200.00	450.00	1,800.00	622.50	2,490.00
74	1	EA	Provide & Install 12-Inch 90° Bend	370.00	370.00	555.00	555.00	450.00	450.00	702.50	702.50
75	1	EA	Provide & Install 12-Inch x 8-Inch Tee	450.00	450.00	610.00	610.00	450.00	450.00	831.00	831.00
76	3	EA	Provide & Install 12-Inch Tee	480.00	1,440.00	710.00	2,130.00	450.00	1,350.00	533.00	1,599.00
77	100%	LS	Furnishing All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe & Force Main, Including Any Necessary Repairs	1,400.00	1,400.00	2,250.00	2,250.00	5,000.00	5,000.00	6,610.00	6,610.00
78	2	EA	Remove & Dispose of Existing Wastewater Manholes	790.00	1,580.00	500.00	1,000.00	1,000.00	2,000.00	2,100.00	4,200.00
79	205	LF	Remove & Dispose of Existing 15-Inch Wastewater Line	5.00	1,025.00	12.00	2,460.00	22.00	4,510.00	20.00	4,100.00
80	1	EA	Connecting to Existing 15-Inch Wastewater Line	950.00	950.00	1,800.00	1,800.00	1,400.00	1,400.00	7,000.00	7,000.00
81	80	LF	Provide & Install 16-Inch Steel Encasement by Open Cut	60.00	4,800.00	90.00	7,200.00	114.00	9,120.00	280.00	22,400.00
82	48	LF	Provide & Install 26-Inch Steel Encasement by Open Cut	100.00	4,800.00	110.00	5,280.00	114.36	5,489.28	300.00	14,400.00
83	4,525	LF	Provide & Install 8-Inch SDR 26 Wastewater Pipe	33.00	149,325.00	20.00	90,500.00	26.00	117,650.00	45.30	204,982.50
84	194	LF	Provide & Install 15-Inch SDR 26 Wastewater Pipe	31.00	6,014.00	35.00	6,790.00	41.16	7,985.04	56.00	10,864.00
85	12	EA	Provide & Install 4-foot Diameter Standard Eccentric Wastewater Manhole Including Air Testing for Each, & Necessary Repairs	3,200.00	38,400.00	3,000.00	36,000.00	2,876.00	34,512.00	5,300.00	63,600.00
86	4,900	LF	Provide & Install 4-Inch PVC C-900 "Purple" Force Main	6.00	29,400.00	10.50	51,450.00	12.81	62,769.00	14.00	68,600.00
87	2	EA	Coat Interior of Manhole with 100% Solids Epoxy as Manufactured by Raven Coating Systems	1,200.00	2,400.00	1,250.00	2,500.00	1,000.00	2,000.00	1,500.00	3,000.00
88	100%	LS	Furnish All Equipment, Materials, Tools & Labor Necessary for Vacuum Testing All Proposed Manholes, Including Any Necessary Repairs	1,800.00	1,800.00	2,500.00	2,500.00	3,000.00	3,000.00	7,350.00	7,350.00
89	100%	LS	Furnish All Equipment, Materials, Tools & Labor Necessary for Air Testing All Proposed Wastewater Lines, Including Any Necessary Repairs	3,500.00	3,500.00	4,500.00	4,500.00	10,000.00	10,000.00	7,350.00	7,350.00
90	100%	LS	Furnish All Equipment, Materials, Tools & Labor Necessary for Deflection Testing of All Proposed Wastewater Lines, Including Any Necessary Repairs	3,500.00	3,500.00	1,900.00	1,900.00	10,000.00	10,000.00	3,822.00	3,822.00
91	14,500	LF	Provide Cleanup & Final Grading Along Final Pipeline Route	1.00	14,500.00	1.50	21,750.00	1.21	17,545.00	3.00	43,500.00
92	51,000	SY	Hydromulching, Including Watering, Fertilizing, & Mowing to Establish Growth	1.00	51,000.00	0.50	25,500.00	0.22	11,220.00	1.30	66,300.00
93	100%	LS	Constructing Lift Station, Including All Appurtenances, As Detailed on Sheets LS-1 through LS-3 of the Plans	105,000.00	105,000.00	136,500.00	136,500.00	200,100.00	200,100.00	143,000.00	143,000.00
94	1	EA	Provide & Install 4-foot Diameter Standard Eccentric Wastewater Manhole with Drop Connection, Including Air Testing for Each, & Necessary Repairs	3,400.00	3,400.00	3,200.00	3,200.00	3,750.00	3,750.00	8,830.00	8,830.00
TOTAL BASE BID AMOUNT (Items 1 - 94)				\$ 4,015,418.00		\$ 4,018,067.25		\$ 4,416,266.45		\$ 4,887,587.85	\$ 5,400,566.00

ADD ALTERNATE 1

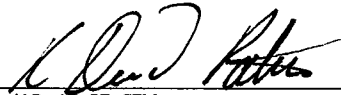
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
AA-1	12,000	CY	Remove Fat Clay & dispose of & Furnish & Install Select Fill where the Fat Clay was Removed	\$ 13.00	\$ 156,000.00	\$ 14.50	\$ 174,000.00	\$ 23.88	\$ 286,560.00	\$ 27.50	\$ 330,000.00
TOTAL BID AMOUNT ADD ALTERNATE 1 (Item AA-1)					\$ 156,000.00		\$ 174,000.00		\$ 286,560.00		\$ 330,000.00

BID SUMMARY

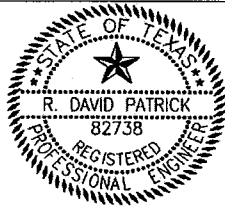
BIDDER INFORMATION					
		James Construction Group, LLC 5880 West Highway 190, Suite 100 Belton, TX 76513	TTG Utilities, LP P.O. Box 299 Gatesville, TX 76528	Joe Bland Construction, LP 13111 Dessau Road Austin, TX 78754	Gary W. Purser Construction, Ltd 2901 E Stan Schlueter Loop Killeen, TX 76542
BASE BID (Items 1 - 94)		\$ 4,015,418.00	\$ 4,018,067.25	\$ 4,416,266.45	\$ 4,887,587.85
BID ITEM NO. 22		\$ 133,500.00	\$ 171,325.00	\$ 140,175.00	\$ 213,600.00
ADD ALTERNATE 1 (Item AA-1)		\$ 156,000.00	\$ 174,000.00	\$ 286,560.00	\$ 330,000.00
TOTAL BID		\$ 4,015,418.00	\$ 4,018,067.25	\$ 4,416,266.45	\$ 4,887,587.85

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 3?	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES

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


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP

2/13/08
Date



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



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: Temple Reinvestment Zone
Wendland Road Improvements

Dear Mr. Bond:

On February 12, 2008 the City of Temple received competitive bids from eleven (11) contractors for the Wendland Road Improvements project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Dixon Paving, Inc of Belton, Texas as the low bidder with a total project bid of \$3,420,106.90. An alternate bid for select fill in the amount of \$198,000.00, which will replace Line Item No. 22 (8-Inch lime stabilization), was also taken. This brings the total bid amount to \$3,413,406.90. Our opinion of probable cost for this project was \$3,750,000.00.

We recommend that the Base Bid and the Add Alternate, minus Line Item No. 22 for the amount of \$3,413,406.90 be awarded to Dixon Paving, Inc. for this project. As you know, Dixon Paving, Inc. has performed numerous projects for the City of Temple and is well qualified to complete this project.

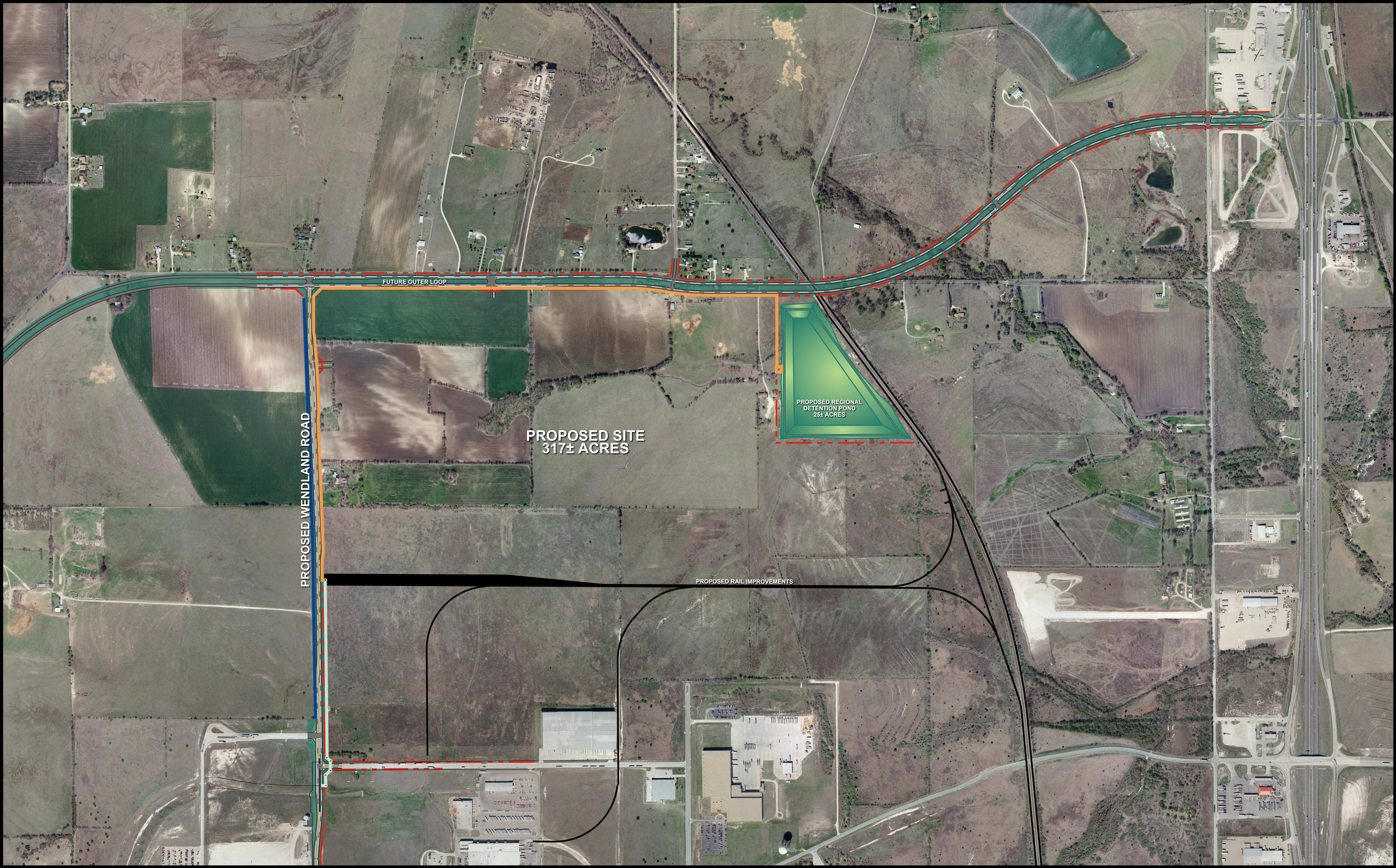
Sincerely,

A handwritten signature in black ink, appearing to read 'R. David Patrick', written over a horizontal line.

R. David Patrick, PE, CFM

RDP/crc

xc: Mr. Jeff Dixon, Dixon Paving, Inc.
Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2007-137-40



PROPOSED WENDLAND ROAD

FUTURE OUTER LOOP

PROPOSED SITE
317± ACRES

PROPOSED REGIONAL
DETENTION POND
25± ACRES

PROPOSED RAIL IMPROVEMENTS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH DIXON PAVING, INC., OF BELTON, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE WENDLAND ROAD IMPROVEMENTS BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP IN AN AMOUNT NOT TO EXCEED \$3,413,406.90; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 12, 2008, the City received 11 bids for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop;

Whereas, the Staff recommends accepting the bid (\$3,413,406.90) received from Dixon Paving, Inc., of Belton, Texas;

Whereas, funding for this project will come from TIF Reinvestment Zone #1 funding available within the Zone's financing plan from the 2008 Combination Tax and Revenue Certificate of Obligation bonds to be issued on March 20, 2008; 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 \$3,413,406.90, with Dixon Paving, Inc., of Belton, Texas, after approval as to form by the City Attorney, for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop.

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 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

03/20/08
Item #8
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-08-18: Consider adopting an ordinance authorizing an amendment to the Thoroughfare Plan for Heritage Place to change Yorktown Drive from a collector sized street to a modified residential sized street.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 9/0 to recommend approval of to amend the Thoroughfare Plan for Yorktown Drive to go from a collector sized street to a modified residential sized street.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 3, 2008. Staff requests the Commission recommend approval Z-FY-08-18 for amending the Thoroughfare Plan to remove the status of the collector sized road from Yorktown Drive.

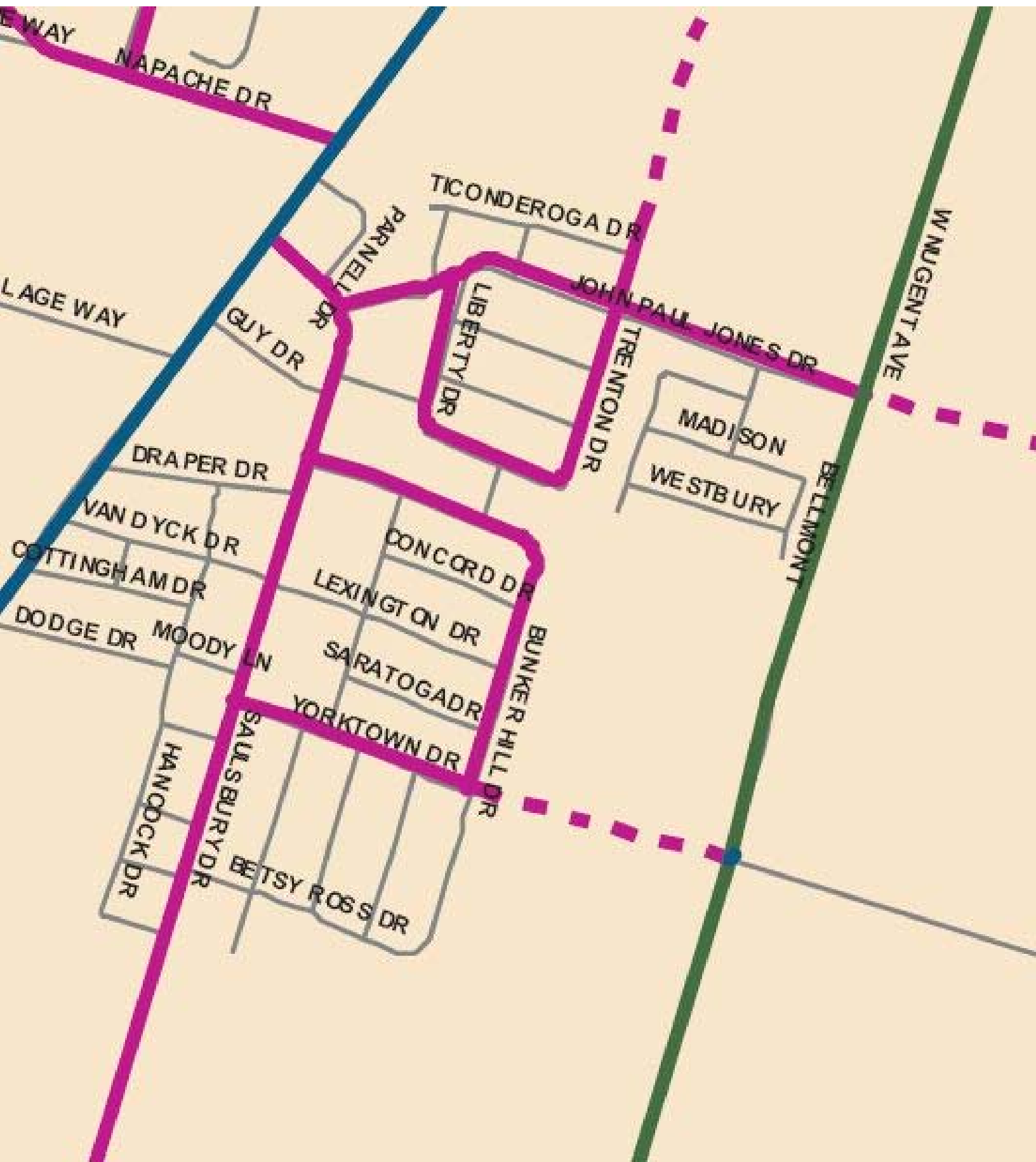
ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-18, from the Planning and Zoning meeting, March 3, 2008.

The applicant requests the Commission to recommend amending the Thoroughfare Plan for Yorktown Drive from a collector sized road (55' right-of-way with 36' pavement width) to residential sized road in keeping with the established roadway width of 50' right-of-way and 28' pavement width. Yorktown Drive was built as part of the Northwest Hills Extension. While the Plan, adopted in 1989, and amended after that time, shows the road as a collector sized road, it functions as a residential street. The road is built with a 50' right-of-way and 28' pavement width. Road connections are made from Nugent Drive to this area.

FISCAL IMPACT: None

ATTACHMENTS:

[Thoroughfare Plan Map](#)
[P&Z Staff Report \(Z-FY-08-18\)](#)
[P&Z Minutes \(03/03/08\)](#)
[Ordinance](#)





PLANNING AND ZONING COMMISSION AGENDA ITEM

03/03/08
Item 4
Page 1 of 1

APPLICANT: Kiella Homebuilders

ITEM DESCRIPTION:

Z-FY-08-18: Heritage Place Thoroughfare Plan Amendment request for Yorktown Drive to go from a collector sized street to a modified residential sized street.

ITEM SUMMARY:

The applicant requests the Commission to recommend amending the Thoroughfare Plan for Yorktown Drive from a collector sized road (55' right-of-way with 36' pavement width) to residential sized road in keeping with the established roadway width of 50' right-of-way and 28' pavement width. Please see the attached applicant's request.

Yorktown Drive was built as part of the Northwest Hills Extension. While the Plan, adopted in 1989, and amended after that time, shows the road as a collector sized road, it functions as a residential street. The road is built with a 50' right-of-way and 28' pavement width. Road connections are made from Nugent Drive to this area.

Staff requests the Commission to recognize an existing situation. If the road and the single family homes were planned, Staff would have recommended the planned collector sized road meet the wider right-of-way and pavement width.

STAFF RECOMMENDATION:

Staff requests the Commission recommend approval Z-FY-08-18 for amending the Thoroughfare Plan to remove the status of the collector sized road from Yorktown Drive.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Applicant's Request
Thoroughfare Plan Section

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 3, 2008**

ACTION ITEMS

Chair Luck asked if Item 3, Z-FY-08-13, Item 4, Z-FY-08-18, and Item 5, P-FY-08-19 could be presented together and then have separate motions and votes on each item. Mr. Dolan replied that that would be acceptable. Chair Luck continued with the meeting.

3. Z-FY-08-13 Hold a public hearing and consider a zone change from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District on approximately 51.4+ acres of land commonly known as Outblocks 4027-B and 4027-C, City Addition, located on the south side of West Nugent Avenue, east of Abbey Ridge and west and southeast of the Eberhardt Road and West Nugent Avenue intersection. (Applicant: Kiella Homebuilders/Short-Term Lending)
4. Z-FY-08-18 Heritage Place Thoroughfare Plan Amendment request for Yorktown Drive to go from a collector street to a residential street. (Applicant: Kiella Homebuilders)
5. P-FY-08-19 Consider a recommendation to approve the preliminary plat of Heritage Place Phases III, IV, V & VI, a 317 lot subdivision on 51.41 acres located along the south side of Nugent Avenue across from Eberhardt Road and north of Bunker Hill Drive. Recommended zoning is SF-3. (Applicant: Kiella Homebuilders)

Mr. Dolan, Planning Director, began with Z-FY-08-13, a request to zone 51.4 acres as SF-3. He displayed the Future Land Use map, an aerial of the property and surrounding area, a utility map, and the Staff recommendation. Mr. Dolan presented the items as outlined in the Planning and Zoning Commission Agenda Background. He said this are is planned for a single family subdivision. Access will come from the existing roads of Belmont, Westbury, Yorktown and Nugent. Mr. Dolan briefly went over the Thoroughfare Plan, adequacy of public facilities, SF-3 Development Regulations, the purpose of an SF-3 zoning, allowed and prohibited uses, and minimum lot area and setback requirements. Thirty-seven notices were mailed to surrounding property owners. One notice was returned in favor of the request and three were returned in opposition to the request. Mr. Dolan said staff recommends approval of Z-FY-08-13

because the request conforms to the Future Land Use Plan, recommended amendment to the Thoroughfare Plan and the Adequacy of Public Facilities.

Mr. Dolan continued with Z-FY-08-18, a developer request to amend the Thoroughfare Plan for Yorktown Drive to a residential sized road from the designated collector sized road, and presented the item as outlined in the Planning and Zoning Agenda Background. He said Staff recommends approval of the request for Yorktown Drive to go from a collector sized street to a modified residential sized street.

Mr. Dolan concluded his presentations with item P-FY-08-19, a preliminary plat showing 317 lots to be developed in four phases. Phase three has two points of ingress and egress from Nugent Avenue and ties on to Yorktown. Mr. Dolan said questions have been brought up by some of the public about the road connection to Yorktown Drive. He said there is a 200 foot offset for Yorktown Drive to be able to come into the subdivision and as it comes through to Nugent Drive. There are two exception requests with this plat to consider. 1) Request an exception to the Subdivision Ordinance Section 33.93, pavement width from 31 foot width from back of curb to 28 foot width from back of curb, and 2) Request an exception to the Subdivision Ordinance Section 33.102 - park land dedication and to try to use common areas for park land and linear trail.

Chair Luck opened the public hearing asking anyone wishing to speak in favor of Item 3, Z-FY-08-13 to address the Commission.

Mr. John Kiella, 11122 White Rock Dr., addressed the Commission. He said he was there to represent the builder and land owner for this item and spoke in favor of the request. Mr. Kiella said with the 317 lots proposed for this phase and adding them to the existing Phase I & II, brings the total of lots to 458.

Commissioner Kjelland asked if the hike and bike trail was part of Phase I. Mr. Kiella said they are going to phase it in, however, the first thing will be the cleaning of the creek line to get it to where it can be used as a passive trail and then add the elements as development progresses.

Commissioner Talley asked Mr. Kiella to explain the private park. Mr. Kiella said he is still in negotiation with the City as to what is the best way for the City. Rather the City wants this to be a HOA (Home Owners Association), which the subdivision has now, that would maintain the trail or if the City wants it to be city owned so that in the future it can connect to a hike and bike trail.

Chair Luck asked if anyone wishing to speak in opposition to Item 3, Z-FY-08-13 to address the Commission.

Mr. Charles Viktorin, 914 Yorktown, addressed the Commission. He said he was not necessarily speaking against the zone change. Mr. Viktorin explained that his family lives on the corner of Yorktown and the concern is that the neighborhood would have cut through traffic coming from the Loop and Industrial Drive reaching Airport Dr. He said his request to the developer is, is there a way to open up a second access on Nugent and that would force people to go through John Paul Jones without have to open up Yorktown.

Chair Luck asked if there is a way that can be calculated regarding the traffic flow in the amount new traffic anticipated. Mr. Dolan said the single family trips per lot vary anywhere from 8 to 10 per day. That counts as driving to school, driving to the grocery store, and coming home, which essentially double the trips. Mr. Dolan asked the Commission to consider a 200 foot off-set so if traffic comes forward it has to slow to be able to make the maneuver.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-13 by Commissioner Talley; seconded by Commissioner Pilkington.

Motion passed (8/0).

There was discussion on Item 4, Z-FY-08-18. Commissioner Kjelland suggested speed bumps. Mr. Dolan said he was not sure speed bumps were warranted if there is a 200 foot off-set because a car would have to slow down to make that turn anyway. Commissioner Talley asked what the distance is between Yorktown and Saulsbury. Mr. Dolan said there is less than ½ mile which meets the Comprehensive Plan recommended distances between collector roads and arterial roads.

Motion to approve Z-FY-08-18, to amend the Thoroughfare Plan, by Commissioner Pilkington; seconded by Commissioner Talley.

Motion passed (8/0).

Chair Luck asked a question regarding the hike and bike trail. Mr. Dolan turned the meeting over to Ms. Kim Mettenbrink, Parks Planner, to answer those questions. Ms. Mettenbrink stated that tonight was the first time she has seen the park plan, so Parks would have to review that plan before they could approve a final plat and Parks would need to condition the approval of the preliminary plat on that being worked out with the Parks

Department. Ms. Mettenbrink said she was unaware of a request for this to be a public park only a private park and that is something that would need to be worked out as well due to maintenance. She said the park fees paid by the developer can only go toward development of a park; not toward maintenance. The City will either acquire land from the developer, the developer will dedicate land, or they pay fees to development only.

Motion to recommend approval of P-FY-08-19 subject to granting an exception to the Subdivision Ordinance Section 33.93, pavement width from 31 foot width from back of curb to 28 foot width from back of curb, and granting an exception to the Subdivision Ordinance Section 33.102 – park land dedication and to try to use common areas for park land and linear trail; seconded by Commissioner Kjelland.

Motion passed (8/0).

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-18]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE THOROUGHFARE PLAN FOR HERITAGE PLACE TO CHANGE YORKTOWN DRIVE FROM A COLLECTOR STREET TO A RESIDENTIAL SIZED STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, on March 3, 2008, the Planning and Zoning Commission unanimously recommended an amendment to the Thoroughfare Plan for Heritage Place to change Yorktown Drive from a collector street to a residential sized street;

Whereas, with the analysis of current traffic conditions, future traffic projections, and the intentions of the Thoroughfare Plan for Heritage Place, the Staff recommends this action; 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 approves an amendment to the Thoroughfare Plan for Heritage Place to change Yorktown Drive from a collector street to a residential sized street, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **20th** day of **March**, 2008.

PASSED AND APPROVED on Second Reading and Public Hearing on the **3rd** day of **April**, 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

03/20/08
Item #9
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-13: Consider adopting an ordinance authorizing a zoning change from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District on approximately 51.4+ acres of land commonly known as Outblocks 4027-B and 4027-C, City Addition, located on the south side of West Nugent Avenue, east of Abbey Ridge and west and southeast of the Eberhardt Road and West Nugent Avenue intersection.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 9/0 to recommend approval of a zone change from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District (SF-3).

STAFF RECOMMENDATION: Conduct public hearing, adopt ordinance on first reading, and schedule second reading and final adoption for April 3, 2008. Staff recommends approval of the zoning request from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District (SF-3) subject to the following recommendations:

1. The request complies with the Future Land Use Plan;
2. The request complies with proposed amendment to 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-08-13, from the Planning and Zoning meeting, March 3, 2008. The applicant proposes to continue the single family development started in Heritage Village Phases I and II.

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

A total of 37 notices of the Planning and Zoning Commission hearing were sent out. As of Wednesday, March 12, 2008 at 11:00 AM, three notices were returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 28, 2008 in accordance with state law and local ordinance.

FISCAL IMPACT: None

ATTACHMENTS:

Future Land Use Map
Zoning Map
Aerial
P&Z Staff Report (Z-FY-08-13)
P&Z Minutes (03/03/08)
Ordinance



Z-FY-08-13

Proposed Heritage Place III

OB# 4027-B & 4027-C Approx 51.4 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

COMMUNITYFACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

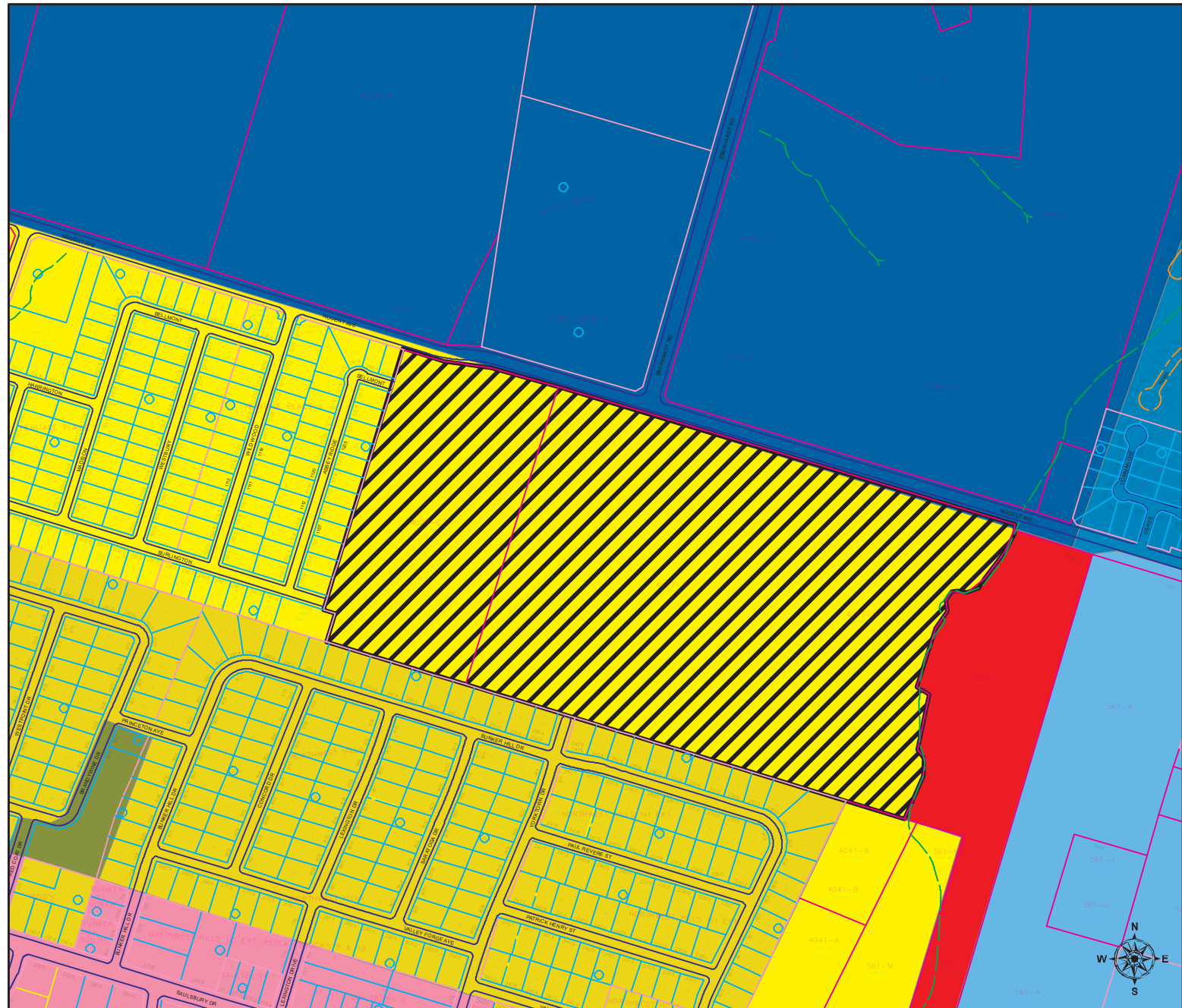
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



SF2 (PD-121) & A to SF3

1 inch equals 500 feet

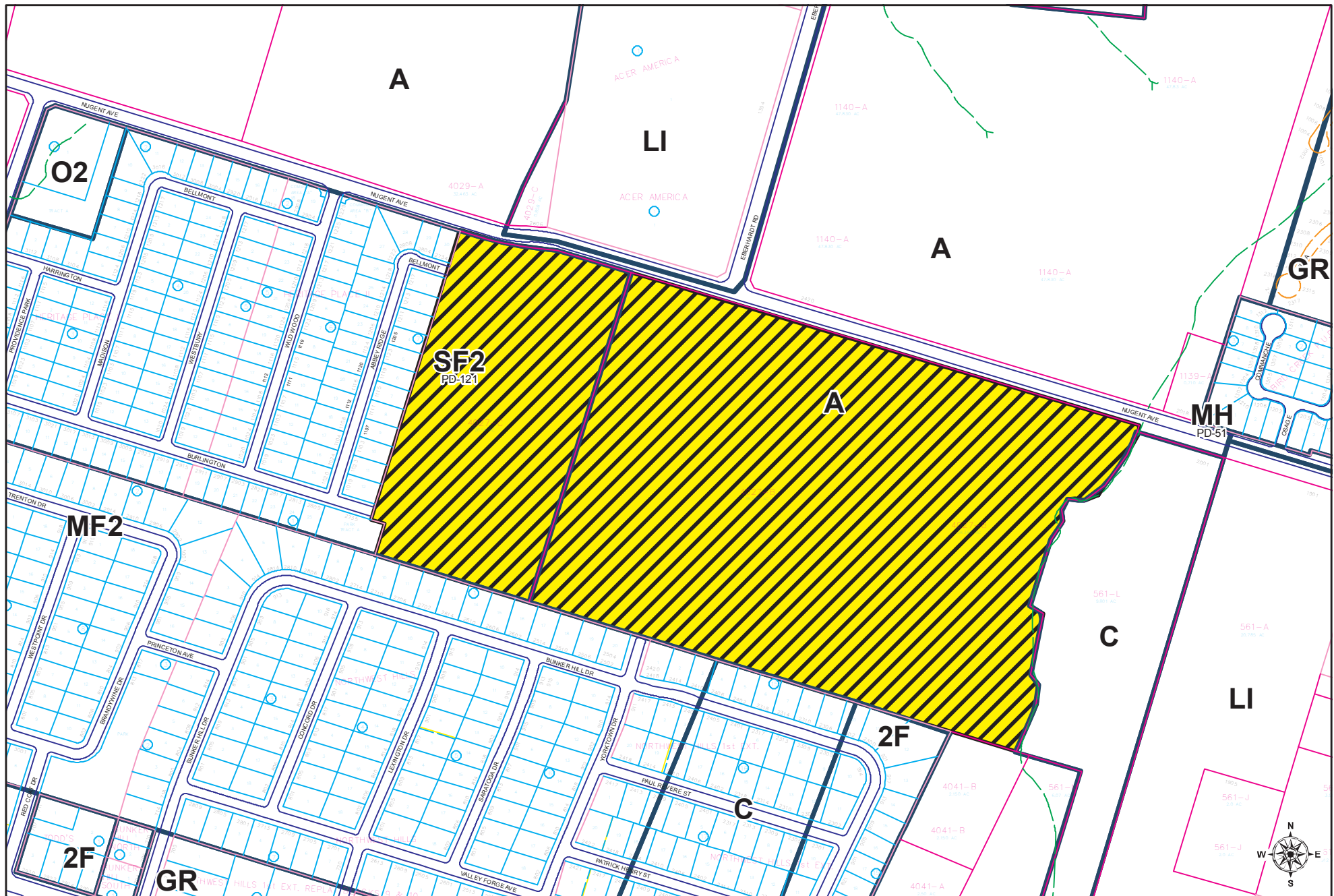
J Stone 1.31.07



Z-FY-08-13

Proposed Heritage Place III

OB# 4027-B & 4027-C Approx 51.4 Acres



 Area of Proposed Zone Change

SF2 (PD-121) & A to SF3

1 inch equals 400 feet

J Stone 01.31.08





PLANNING AND ZONING COMMISSION AGENDA ITEM

03/03/08
Item #3
Page 1 of 2

APPLICANT / DEVELOPMENT: Kiella Homebuilders/Short-Term Lending

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-08-13 Hold a public hearing and consider a zone change from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District on approximately 51.4+ acres of land commonly known as Outblocks 4027-B and 4027-C, City Addition, located on the south side of West Nugent Avenue, east of Abbey Ridge and west and southeast of the Eberhardt Road and West Nugent Avenue intersection.

BACKGROUND:

The applicant(s) request the zoning as part of the continuation of the single-family residential development named Heritage Place. The proposed lots would meet or exceed the SF-3 Standards since the applicant plans to use a 20' front building line for all of lots. (Please see Item 5, Preliminary Plat.) A zoning request should be reviewed for compliance with the Comprehensive Plan.

Surrounding Property and Uses

The subject property is flanked on the south and the east developed or undeveloped single family land zoned PD-121-SF-2 (Heritage Place I) and zoned MF-2, C, and 2F (Northwest Hills). The property to the west is zoned Commercial (C). The property to the north across Nugent Avenue is zoned LI and developed as industrial uses.

Future Land Use Plan

The subject property conforms to the Future Land Use Plan, which shows the area as moderate density residential.

Thoroughfare Plan

The portion of Yorktown Drive shown in this area is planned as a collector sized road (55' right-of-way with 36' feet of pavement width), yet has been built to a residential sized road narrower than allowed. (Please see Item 4, which discusses the status of the collector-sized road.) Staff will recommend approval of removing the collector sized status for Yorktown Drive, and allow the proposed 28' pavement width for this request.

Adequacy of Public Facilities

Sufficient water and sewer exist for extensions to the requested area. (Please see Item 5, which discusses the preliminary plat for this area.)

SF-3 Development Regulations

Purpose: The SF-3 District is planned for detached single family residences and related accessory structures on a minimum 4,000 square foot lot. The maximum building height is 2 ½ stories. It is designed to provide single family development at urban densities in locations well served by public utilities and roadways. This district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks, and shopping areas and transit services.

Allowed and prohibited uses: Accessory buildings, backyard compost regulations and home occupations are allowed by right. Uses for Community Development, Planned Community Development, public stadium, intermediate child care and Utility Services require a Conditional Use Permit (CUP). Transportation, automobile, retail, service and commercial uses are prohibited.

Minimum lot area and setback requirements:

Minimum SF-3 Standards	
Front Yard Setback	15'
Lot Width	100'
Lot Depth	40'

The applicant plans to use a 20' front building line for all of his lots. (Please see Item 5, Preliminary Plat.)

Public Notice

A total of 37 notices were sent out. As of February 28, 2008 at 5 PM, two notices were in opposition to the request. The newspaper printed notice of the public hearing on February 28, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff requests the Commission recommend approval of Z-FY-08-13 subject to:

1. Conformance to the Future Land Use Plan for moderate residential uses;
2. Conformance to the requested Thoroughfare Plan Amendment (See Next Item, #4); and
3. Conformance to the Adequacy of Public Facilities for sufficient water and sewer.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Applicant's Exhibits

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 3, 2008**

ACTION ITEMS

Chair Luck asked if Item 3, Z-FY-08-13, Item 4, Z-FY-08-18, and Item 5, P-FY-08-19 could be presented together and then have separate motions and votes on each item. Mr. Dolan replied that that would be acceptable. Chair Luck continued with the meeting.

3. Z-FY-08-13 Hold a public hearing and consider a zone change from Planned Development (Single Family Two) District (13.0± acres) and Agricultural District (38.4± acres) to Single Family Three District on approximately 51.4+ acres of land commonly known as Outblocks 4027-B and 4027-C, City Addition, located on the south side of West Nugent Avenue, east of Abbey Ridge and west and southeast of the Eberhardt Road and West Nugent Avenue intersection. (Applicant: Kiella Homebuilders/Short-Term Lending)
4. Z-FY-08-18 Heritage Place Thoroughfare Plan Amendment request for Yorktown Drive to go from a collector street to a residential street. (Applicant: Kiella Homebuilders)
5. P-FY-08-19 Consider a recommendation to approve the preliminary plat of Heritage Place Phases III, IV, V & VI, a 317 lot subdivision on 51.41 acres located along the south side of Nugent Avenue across from Eberhardt Road and north of Bunker Hill Drive. Recommended zoning is SF-3. (Applicant: Kiella Homebuilders)

Mr. Dolan, Planning Director, began with Z-FY-08-13, a request to zone 51.4 acres as SF-3. He displayed the Future Land Use map, an aerial of the property and surrounding area, a utility map, and the Staff recommendation. Mr. Dolan presented the items as outlined in the Planning and Zoning Commission Agenda Background. He said this are is planned for a single family subdivision. Access will come from the existing roads of Belmont, Westbury, Yorktown and Nugent. Mr. Dolan briefly went over the Thoroughfare Plan, adequacy of public facilities, SF-3 Development Regulations, the purpose of an SF-3 zoning, allowed and prohibited uses, and minimum lot area and setback requirements. Thirty-seven notices were mailed to surrounding property owners. One notice was returned in favor of the request and three were returned in opposition to the request. Mr. Dolan said staff recommends approval of Z-FY-08-13

because the request conforms to the Future Land Use Plan, recommended amendment to the Thoroughfare Plan and the Adequacy of Public Facilities.

Mr. Dolan continued with Z-FY-08-18, a developer request to amend the Thoroughfare Plan for Yorktown Drive to a residential sized road from the designated collector sized road, and presented the item as outlined in the Planning and Zoning Agenda Background. He said Staff recommends approval of the request for Yorktown Drive to go from a collector sized street to a modified residential sized street.

Mr. Dolan concluded his presentations with item P-FY-08-19, a preliminary plat showing 317 lots to be developed in four phases. Phase three has two points of ingress and egress from Nugent Avenue and ties on to Yorktown. Mr. Dolan said questions have been brought up by some of the public about the road connection to Yorktown Drive. He said there is a 200 foot offset for Yorktown Drive to be able to come into the subdivision and as it comes through to Nugent Drive. There are two exception requests with this plat to consider. 1) Request an exception to the Subdivision Ordinance Section 33.93, pavement width from 31 foot width from back of curb to 28 foot width from back of curb, and 2) Request an exception to the Subdivision Ordinance Section 33.102 - park land dedication and to try to use common areas for park land and linear trail.

Chair Luck opened the public hearing asking anyone wishing to speak in favor of Item 3, Z-FY-08-13 to address the Commission.

Mr. John Kiella, 11122 White Rock Dr., addressed the Commission. He said he was there to represent the builder and land owner for this item and spoke in favor of the request. Mr. Kiella said with the 317 lots proposed for this phase and adding them to the existing Phase I & II, brings the total of lots to 458.

Commissioner Kjelland asked if the hike and bike trail was part of Phase I. Mr. Kiella said they are going to phase it in, however, the first thing will be the cleaning of the creek line to get it to where it can be used as a passive trail and then add the elements as development progresses.

Commissioner Talley asked Mr. Kiella to explain the private park. Mr. Kiella said he is still in negotiation with the City as to what is the best way for the City. Rather the City wants this to be a HOA (Home Owners Association), which the subdivision has now, that would maintain the trail or if the City wants it to be city owned so that in the future it can connect to a hike and bike trail.

Chair Luck asked if anyone wishing to speak in opposition to Item 3, Z-FY-08-13 to address the Commission.

Mr. Charles Viktorin, 914 Yorktown, addressed the Commission. He said he was not necessarily speaking against the zone change. Mr. Viktorin explained that his family lives on the corner of Yorktown and the concern is that the neighborhood would have cut through traffic coming from the Loop and Industrial Drive reaching Airport Dr. He said his request to the developer is, is there a way to open up a second access on Nugent and that would force people to go through John Paul Jones without have to open up Yorktown.

Chair Luck asked if there is a way that can be calculated regarding the traffic flow in the amount new traffic anticipated. Mr. Dolan said the single family trips per lot vary anywhere from 8 to 10 per day. That counts as driving to school, driving to the grocery store, and coming home, which essentially double the trips. Mr. Dolan asked the Commission to consider a 200 foot off-set so if traffic comes forward it has to slow to be able to make the maneuver.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-13 by Commissioner Talley; seconded by Commissioner Pilkington.

Motion passed (8/0).

There was discussion on Item 4, Z-FY-08-18. Commissioner Kjelland suggested speed bumps. Mr. Dolan said he was not sure speed bumps were warranted if there is a 200 foot off-set because a car would have to slow down to make that turn anyway. Commissioner Talley asked what the distance is between Yorktown and Saulsbury. Mr. Dolan said there is less than ½ mile which meets the Comprehensive Plan recommended distances between collector roads and arterial roads.

Motion to approve Z-FY-08-18, to amend the Thoroughfare Plan, by Commissioner Pilkington; seconded by Commissioner Talley.

Motion passed (8/0).

Chair Luck asked a question regarding the hike and bike trail. Mr. Dolan turned the meeting over to Ms. Kim Mettenbrink, Parks Planner, to answer those questions. Ms. Mettenbrink stated that tonight was the first time she has seen the park plan, so Parks would have to review that plan before they could approve a final plat and Parks would need to condition the approval of the preliminary plat on that being worked out with the Parks

Department. Ms. Mettenbrink said she was unaware of a request for this to be a public park only a private park and that is something that would need to be worked out as well due to maintenance. She said the park fees paid by the developer can only go toward development of a park; not toward maintenance. The City will either acquire land from the developer, the developer will dedicate land, or they pay fees to development only.

Motion to recommend approval of P-FY-08-19 subject to granting an exception to the Subdivision Ordinance Section 33.93, pavement width from 31 foot width from back of curb to 28 foot width from back of curb, and granting an exception to the Subdivision Ordinance Section 33.102 – park land dedication and to try to use common areas for park land and linear trail; seconded by Commissioner Kjelland.

Motion passed (8/0).

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-13]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT (SINGLE FAMILY TWO) DISTRICT (APPROXIMATELY 13 ACRES) AND AGRICULTURAL DISTRICT (APPROXIMATELY 38.4 ACRES) TO SINGLE FAMILY THREE DISTRICT ON APPROXIMATELY 51.4 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCKS 4027-B AND 4027-C, CITY ADDITION, LOCATED ON THE SOUTH SIDE OF WEST NUGENT AVENUE, EAST OF ABBEY RIDGE AND WEST AND SOUTHEAST OF THE EBERHARDT ROAD AND WEST NUGENT AVENUE INTERSECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Planned Development (Single Family Two) District (approximately 13 acres) and Agricultural District (approximately 38.4 acres) to Single Family Three District on approximately 51.4 acres of land commonly known as Outblocks 4027-B and 4027-C, City Addition, located on the south side of West Nugent Avenue, east of Abbey Ridge and west and southeast of the Eberhardt Road and West Nugent Avenue intersection, 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 **20th** day of **March**, 2008.

PASSED AND APPROVED on Second Reading on the **3rd** day of **April**, 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

03/20/08
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-16: Consider adopting an ordinance amending Section 18, Non-conforming Uses, of the City of Temple Zoning Ordinance to allow structures to be conforming resulting from governmental acquisitions of right-of-way.

STAFF AND P&Z COMMISSION RECOMMENDATION: Conduct public hearing, adopt ordinance on first reading, and schedule second reading and final adoption for April 3, 2008. The Planning and Zoning Commission voted 8/0 (Commissioner Pope was absent) in accordance with the staff recommendation to amend Section 18 of the Zoning Ordinance adding a new subsection 18-105 that reads:

Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of right-of-way by a City, county, state, or federal agency causes such structure to become nonconforming regarding any requirement of this Ordinance, such structure shall be deemed a conforming structure. Such designation shall apply only to nonconformity resulting directly from the acquisition of right-of-way. In the event that such structure is to be expanded or is partially or totally destroyed by natural or accidental causes, the structure may be expanded or rebuilt upon approval of a building permit.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-16, from the Planning and Zoning meeting, March 3, 2008. Right-of-way acquisition that goes along with the widening of roads may have negative effects on property owners. Some structures may become nonconforming when an adjacent road is widened, making the setback along the street shallower than the Zoning Ordinance permits. Such nonconforming structures may not be enlarged or rebuilt after fire or bad weather under the City's existing regulations. The purpose of this proposed Zoning Ordinance text amendment is to provide conforming structure status to properties that are made nonconforming by governmental acquisition of right-of-way (ROW). Conforming status would allow enlargement and rebuilding of the structure.

The following table provides commentary on recommended text amendment.

Text Amendment	Commentary
"Where a lot, tract, or parcel is occupied by a lawful structure,..."	The structure has to be conforming before the ROW acquisition
"...and where the acquisition of right-of-way by a City, county, state, or federal agency causes such structure to become nonconforming regarding any requirement of this Ordinance,..."	Zoning Ordinance requirements that would most likely be affected by ROW acquisition are setbacks and parking
"...such structure shall be deemed a conforming structure."	The structure will automatically be considered conforming for purposes of expansion or rebuilding
"Such designation shall apply only to nonconformity resulting directly from the acquisition of right-of-way."	If the structure became nonconforming due to a change in setback requirements for a zoning district, then this provision would not apply
"In the event that such structure is to be expanded or is partially or totally destroyed by natural or accidental causes, the structure may be expanded or rebuilt upon approval of a building permit."	The structure is treated like any other expansion or rebuilding project – a building permit is required.

FISCAL IMPACT: None

ATTACHMENTS:

[P&Z Staff Report \(Z-FY-08-16\)](#)
[P&Z Minutes \(March 3, 2008\)](#)
[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

03/03/8
Item 7
Page 1 of 1

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-16 Hold a public hearing to consider amending Section 18 (Non-conforming Uses) of the City of Temple Zoning Ordinance to allow uses and structures to be conforming resulting from governmental acquisition of right-of-way.

BACKGROUND: Right-of-way acquisition that goes along with the widening of roads may have negative effects on property owners. Some structures may become nonconforming when an adjacent road is widened, making the setback along the street shallower than the Zoning Ordinance permits.

Staff would like the Commission to recommend that the City Council amend the Nonconforming Uses section of the Zoning Ordinance to grant conforming status on a structure that would otherwise become nonconforming due to governmental acquisition of right-of-way. Such acquisition is constantly occurring along several thoroughfares in the City.

The effect of granting conforming status to a structure that would otherwise be deemed nonconforming is that a nonconforming structure may not be expanded nor may it be rebuilt if destroyed by fire, bad weather or some other similar means. However, a conforming structure may be expanded or rebuilt. The Cities of Georgetown and Denton, Texas already have such language in their Unified Development Codes.

STAFF RECOMMENDATION: Staff recommends amending Section 18 of the Zoning Ordinance by adding a new subsection 18-104 that reads:

Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of right-of-way by a City, county, state, or federal agency causes such structure to become nonconforming regarding any requirement of this Ordinance, such structure shall be deemed a conforming structure. Such designation shall apply only to nonconformity resulting directly from the acquisition of right-of-way. In the event that such structure is to be expanded or is partially or totally destroyed by natural or accidental causes, the structure may be rebuilt upon approval of a building permit.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

None

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 3, 2008**

7. Z-FY-08-16 Hold a public hearing to consider amending Section 12-100 (Signs) and Section 18-100 (Non-conforming Uses) of the City of Temple Zoning Ordinance to allow uses and structures to be conforming resulting from governmental acquisition right-of-way. (Applicant: Staff)

Mr. Brian Mabry, Senior Planner, presented this item. He said as discussed in the work session, the Commissioner's will only be reviewing Section 18-100 (Non-conforming Uses). Mr. Mabry presented this item as outlined in the Planning and Zoning Agenda background. Staff recommends amending Section 18 of the Zoning Ordinance by adding a new sub-section 18-104 that reads as written in the Staff Recommendation of the agenda item.

Commissioner Pilkington asked if this amendment had something to do with billboards. Mr. Mabry stated that this could apply to structures which would include houses, signs, including billboards, and to businesses.

Chair Luck asked who incurs the cost of signs that are in the right-of-way. Ms. Trudi Dill, Deputy City Attorney, addressed the Commission and explained the costs and acquisitions of right-of-ways.

Chair Luck opened the public hearing ask anyone wishing to speak in favor or in opposition to the zone change request to address the Commission. Seeing no one Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-16, amend Section 18-100 of the City of Temple Zoning Ordinance by Commissioner Carothers; seconded by Commissioner Kjelland.

Motion passed (8/0).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 18, "NONCONFORMING USES AND STRUCTURES," TO ALLOW STRUCTURES TO BE CONFORMING RESULTING FROM GOVERNMENTAL ACQUISITIONS OF RIGHT-OF-WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 18, entitled, "Nonconforming Uses and Structures," adding a new subsection 18-105, to read as follows:

18-105 Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of real property by a City, county, state, or federal agency causes such structure to become nonconforming regarding any requirement of this Ordinance, such structure shall be deemed a conforming structure. Such designation shall apply only to nonconformity resulting directly from the acquisition of real property. Expansion or rebuilding of the structure shall require a building permit and shall not increase the degree of nonconformity resulting from real property acquisition. The structure may only be rebuilt in its original footprint if the structure is partially or totally destroyed by natural or accidental causes.

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

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

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 **20th** day of **March**, 2008.

PASSED AND APPROVED on Second Reading on the **3rd** day of **April**, 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

03/20/08
Item #11
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution naming the City park land between Avenue D (north), 34th Street (east), Curtis B. Elliott Drive (south) and 32nd Street (west) as 'Doctors Park.'

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Parks and Leisure Services staff met with the Medical Alliance of Bell County to discuss the possibility of dedicating a park or part of a park in honor of retiring physicians. The Medical Alliance is an organization of physician's spouses in Bell County. Each year the Alliance honors retiring physicians on Doctor's Day in March. In the past, each retiring Doctor had been given a tie tack to honor their service to the community. However, in 2007, the Alliance honored each retiring doctor by planting a tree in their honor in a Temple park.

The Medical Alliance requested that the Parks and Leisure Services Department consider if there was an appropriate location within the Temple park system to annually plant trees in recognition of the retiring physicians. We agreed that an ideal location could be the approximate 3 acre open space park area across 34th Street from Wilson Park. When Wilson Park was built, this area was constructed as part of Wilson Park. However, in the mid-1990's, 34th Street was constructed, effectively separating it from the rest of the park. Because the Free Clinic is also located within Wilson Park, the Parks and Leisure Services staff believed this park would be a great location for a proposed Doctors Park.

In addition to donating trees for Doctors Park, the Medical Alliance has agreed to help construct the park to fulfill the park master plan that was developed by the Parks and Leisure Services staff. That includes park signage, park benches and a walking trail.

On September 11, 2007, the Parks and Recreation Advisory Board, at their monthly meeting, considered the request to name the area staff was recommending as Doctors Park and voted unanimously to do so.

The selection of Doctors Park meets the guidelines approved by City Council for naming a new city park.

We are requesting City Council approve the recommendation of the Parks and Recreation Advisory Board by naming Doctors Park.

FISCAL IMPACT: None

ATTACHMENTS:

[Parks and Recreation Advisory Board minutes - September 11, 2007](#)
[Photo of proposed Doctors Park](#)
[Resolution](#)

**City of Temple
Parks and Leisure Services Advisory Board
September 11, 2007
5:30 pm**

MINUTES

Members Present: Scott Allen
Jack Barton
Christina Trammell
Kenny Martin
Paul Erchinger

Members Absent: Charles Stout
Dinah Rawls
Steve Prentiss

Staff: Ken Cicora, Director
Val Roming, Parks Superintendent
Kevin Beavers, Recreation Superintendent
Chuck Ramm, Spec. Facilities Superintendent
Brad Belson, Golf Course Manager
James Stafford, Marketing Coordinator
Donna Dixon, Administrative Assistant II

Guests: Zoe Rascoe, Medical Alliance of Bell County

The following is a summary of the proceedings of this meeting. It is not intended to be verbatim translation.

Call to Order: Scott Allen called the meeting to order at 5:35 p.m.

Approval of Minutes

Jack Barton made a motion to approve the minutes from the July meeting; Christina Trammell seconded the motion; the motion carried unanimously.

Doc's Park Proposal

Zoe Rascoe presented a proposal for a Doctor's Park in Temple on behalf of the Medical Alliance of Bell County. The Alliance is an organization of physicians' spouses in Bell County.

The Medical Alliance of Bell County historically honors retiring physicians on Doctor's Day in March. Each retiring doctor was given a tie tack. This year, the Alliance began a better tradition of honoring the retiring doctors by planting a tree. The trees are purchased locally at a discounted rate. Several public places were considered, however, it was decided that it would be better to put all of the trees in one place rather than having them scattered around town.

The Medical Alliance would like to have a park, or an area of a park dedicated as “Doctor’s Park” where a tree would be planted every year for each retiring doctor. The area that is being requested is located at Wilson Park.

After a brief discussion among the Board, Jack Barton made a motion to accept the proposal for a Doctor’s Park to be located in Wilson Park. Christina Trammell seconded the motion and the motion passed unanimously.

Ken Cicora noted that he is not sure if the motion requires Council approval, but will report back to the Board at a future meeting.

Parks Bond Election Update

Ken Cicora announced that the City Council approved a Bond Election on Tuesday, November 6th for a multi-million dollar Parks improvements bond. Mr. Cicora distributed a detailed list of projects and the budgets associated with each. The list of improvements may be obtained by contacting the Board secretary. A summary of the bond projects is listed below:

1. Temple Family Aquatics Center	\$4,100,000
2. Sammons Park Indoor Aquatics Center/Golf Course Improvements	\$2,225,000
3. Summit Expansion & Pool Family Changing Rooms	\$1,625,000
4. Miller Park Playground/Hike & Bike Trail	\$ 600,000
5. West Temple Spray Park	\$ 475,000
6. Lions Soccer Fields	\$ 400,000
7. Ferguson Park Picnic Pavilion/Playground	<u>\$ 300,000</u>
Total	\$9,750,000

The City Staff can only educate the public about the bond issue and cannot abdicate the bond issue. The promotion of the Bond must come from the community. There will be several upcoming meetings to form a group to promote the bond.

Mr. Cicora also distributed a memo that Jonathan Graham issued to TXDOT during the last bond election outlining the role of the board members for a bond election. Mr. Cicora will provide more information to the Board as it becomes available.

A Tree For Me Program Update

Val Roming distributed the “A Tree for Me” application that James Stafford had designed and printed for the community to complete and return for their opportunity to be given a tree. The “give away” will be October 27th with four different varieties of trees to be given away. The varieties include; Bur Oak, Live Oak, Lacey Oak, and Lilac Chaste Tree.

The goal is to visit the homes of those chosen to be given a tree to make sure that each site is suitable for the type of tree chosen to be given to the resident.

Mr. Roming will be doing target mailings and distributions to make sure that the areas most in need of the trees receive the applications. A total of 100 trees will be given away this year.

Department Monthly Television Show

Ken Cicora introduced James Stafford, Marketing Coordinator to the Board. Mr. Stafford showed a short version of the monthly television show about the department that is shown on cable channel 10.

During the television show, Mr. Stafford interviews different staff members about what is going on in the department for the month. The show is titled “Come Out and Play”.

Updates

Val Roming gave the following Parks updates:

- A new irrigation system on 4 traffic islands on Canyon Creek Drive, this is phase I of a partnership between the City and Keep Temple Beautiful to enhance the traffic islands on Canyon Creek, Blackland Road and South 5th Street.
- The Maintenance Crew has constructed new benches around the planters at City Hall; the original seating areas were beginning to fail.
- The horseshoe pits in Lions Park have been renovated with new stakes, anchors, sand, and new sod.
- The Horticulture Crew has completed the renovation of the landscaping in the traffic island at 31st Street and Scott Boulevard.

Capital Project Status

1. Renovations to Baker Baseball Field – issuing the notice to proceed with construction
2. New restrooms for Lions Park and power to Lions Pavilion – issuing notice to proceed with construction
3. Roller Hockey Court Slab for Wilson Park – cancelled
4. New parking area at West Temple Community Park – advertising 9-15-07
5. New parking area and restrooms for Freedom Park – advertising 9-15-07
6. Trail for South Temple Community Park – notice to proceed with construction
7. Trail for Woodbridge Park –notice to proceed with construction

Kevin Beavers gave the following Recreation updates:

- The Wilson Rec. Center had a very successful summer with 125 participants
- The after school programs have grown, many have been expanded and still have waiting lists
- Triathlon took place in August and had 235 participants, down a little from the previous year
- Leagues are going strong with the youth associations, as well as Tracy’s leagues
- Leon River Classic Softball Tournament continues to grow, there were 48 teams this year
- Christmas Parade is quickly approaching
- Bark in the Park will be held September 22nd
- The Czech Festival will be held November 3rd from 10 a.m. – midnight

Chuck Ramm gave the following Special Facilities updates:

- The tennis courts at the Summit have been completely renovated, the courts have been resurfaced, new posts and water stand installed
- New activities have been introduced to make the experience for the Summit Members a first class experience
- Monthly events will introduced, October will be “Spin to get Thin” month
- Ron Germann is new the Manager at the Summit, Mr. Germann comes over from the Mayborn Convention Center and is expected to bring a very positive attitude to the Summit

Brad Belson gave the following Golf Links updates:

- Mr. Belson is happy the rain has finally slowed as it took a toll on the condition of the course
- The maintenance staff has been working tirelessly to get the greens back into shape
- The Maintenance Crew will be going full time, which should help with stability in the keeping the crew
- October will kick off a heavy tournament schedule

Other Matters of Concern

The next meeting will be held **Tuesday, October 9, 2007 @ 5:30 p.m.**

Adjournment

The meeting adjourned at 6:59 p.m.



Wilson Park

Doctors Park

34th Street

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, NAMING THE CITY PARK LAND LOCATED BETWEEN AVENUE D (NORTH), 34TH STREET (EAST), CURTIS B. ELLIOTT DRIVE (SOUTH) AND 32ND STREET (WEST) AS *DOCTORS PARK*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at the September 11, 2007, meeting of the Parks and Recreation Advisory Board, the board unanimously approved a request from the Medical Alliance of Bell County to name the City park land located between Avenue D, 34th Street, Curtis B. Elliott Drive, and 32nd Street as *Doctors Park*;

Whereas, the Medical Alliance desires to annually plant trees in this location to honor retiring doctors;

Whereas, the selection of *Doctors Park* meets the guidelines approved by the City Council for naming a new city park; and

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

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

Part 1: The City Council approves naming the City park land located between Avenue D (north), 34th Street (east), Curtis B. Elliott Drive (south), and 32nd Street (west) as *Doctors Park*.

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 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

03/21/08
Item #12
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution appointing one regular member to the North Central Temple Neighborhood Code Enforcement Board.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 19, 2007, the City Council passed Resolution No. 2007-5025-R which created the North Central Temple Neighborhood Code Enforcement Board. Don Johnson was previously appointed as an alternate member; however, a vacancy needs to be filled on the board and Mr. Johnson, who is a resident of the North Central Temple NCEB district, has agreed to serve as a regular member.

FISCAL IMPACT: N/A

ATTACHMENTS:

Resolution



COUNCIL AGENDA ITEM MEMORANDUM

03/20/08
Item #13
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing two members to the Parks and Leisure Services Advisory Board to fill expired terms through March 1, 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The terms of Charles Stout and Paul Erchinger expired March 1, 2008. Both members have asked to be reappointed to serve another three-year term. Two other positions remain open – one vacated by Dinah Rawls' resignation and the forfeited position of Steve Prentice due to non-attendance.

Due to the reorganization of the Parks and Leisure Services Advisory Board (presented in item #6(N) on this agenda), staff is requesting the reappointment of Charles Stout and Paul Erchinger. The remaining two terms will not be filled to allow the total membership of the newly re-created board to decrease to 9 nine members by attrition.

FISCAL IMPACT: None

ATTACHMENTS:

[Parks & Recreation Board Member Summary Form](#)

PARKS AND RECREATION BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Jack Barton Jackb1008@aol.com	03/04	2010	701 North 9 th Street Temple, TX 76501	773-7080 H 773-7158 F 817-919-6803 C
Scott Allen, Chair svallen@sbcglobal.net	10/02	2009	1411 W. Ave. H Temple, TX 76501	774-9565 W 771-4181 H 774-8579 F
Christina Trammell ctranumtrammell@aol.com	04/05	2009	2707 Creekside Temple, TX 76502	770-0017 H 223-9000 C
Charles Stout cstout@vvm.com	02/05	2008	3806 East Drive Temple, Texas 76502	773-5003 H
Dinah Rawls -resigned dinahrawls@aol.com	10/01	2008	5313 Winrock Circle Temple, Texas 76502	773-6317 H 760-3747 C
Steve Prentice Steve.Prentiss@tisd.org Forfeit term non-attendance -N	05/04	2010	125 Blue Stem Court Temple, TX 76502	791-6320 W 721-7930 C
Doug Smith dougs@papergraphicsltd.com	09/07	2009	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
Kenneth Martin martin@vvm.com	03/04	2010	3115 Kensington Court P O Box 1404 Temple, TX 76503	771-5400 W 771-3811 H 771-4000 F
Paul Erchinger perchinger@yahoo.com	7/04	2008	706 Livingston Court Temple, TX 76502	780-1359 H 913-7080 C

Created by City Charter, Section 3.28; most recently by Ordinance 2133, April 16, 1992

Purpose: To advise the City Council and the Director of Parks & Recreation on matters relating to the City's parks and recreational policies and programs; make recommendations for facilities and capital improvements;

Membership: 9 members - all residents of the City
Ex-officio member - City Manager

Term: 3 years

Meeting Time/Place: 2nd Tuesday each month, 5:30 p.m., Park & Recreation Office, Parks and Recreation Conference Room.

City Staff: Ken Cicora, Parks & Leisure Services Director



COUNCIL AGENDA ITEM MEMORANDUM

03/20/08
Item #14
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Tree Board to fill an expired term through March 1, 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The term of Lloyd Thomas, the Planning & Zoning Commission representative on the Tree Board, expired March 1, 2008. At their March 3rd meeting, the Planning & Zoning Commission recommended that Allan Talley be appointed to the Tree Board as their representative on that board.

FISCAL IMPACT: None

ATTACHMENTS:

[Tree Board Summary Form](#)

TREE BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
David Lockwood, Vice Chair (at large)	04/05/07	2010	Tem-Bel Nursery 5300 S. General Bruce Dr. Temple, TX 76502	778-5651 W 774-8489 H
Allen Einboden (Keep Temple Beautiful) aeinboden@swmail.sw.org	04/05/07	2009	S&W Health Plan 2401 S. 31 st Street Temple, TX 76508	298-3030 W 780-3634 H 298-3011 F
Dr. Dennis Hoffman (Blackland Research Ctr)	04/05/07	2009	720 East Blackland Road Temple, TX 76502-9622	774-6000 W 774-6001 fax
Jack Barton, Chair (Parks & Leisure Srv Brd) Jackb1008@aol.com	04/05/07	2011	701 North 9 th Street Temple, TX 76501	773-7080 H 773-7158 F 817-919-6803 C
Lloyd Thomas (Planning & Zoning Comm.) althomas@aldrich-thomas.com	04/05/07	2008	3606 Oakwood Court (h) 18 North 3 rd St. (w)	773-4901 W 773-0481 H 771-1483 F 770-8287 M
Michael Tuttle (Ex Officio-TISD) Michael.tuttle@tisd.org	04/05/07		Temple ISD 400 North 23 rd Temple, TX 76504	215-6778 W 215-6783 F
Denise Whitley (Ex Officio-BISD) d.whitley@bisd.net	04/05/07		Belton ISD 616 East 6 th Ave Belton, TX 76513	215-2038 W
Staff: Ken Cicora, Director of Parks & Leisure Services				

Created by Ordinance 2006-4117, Section 22-92

Purpose: To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks & Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.

Membership: 5 members – (1) member of Parks and Leisure Services Advisory Board; (1) member of Keep Temple Beautiful, Inc. Board of Directors; (1) member of Planning and Zoning Commission; (1) member of Blackland Research and Extension Center; and (1) member at large. Ex Officio members from Temple ISD and Belton ISD

Term: 3 year terms

Meeting Time/Place: Board shall meet a minimum of 4 times each year