



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, APRIL 17, 2008

4:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss the City's travel and training policies and related procurement policies.
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 17, 2008 as follows:

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

TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:
 - (A) [Week of the Young Child](#) [April 13-19, 2008](#)
 - (B) [Community Clean up](#) [April 26, 2008](#)
4. [Recognition of HEB for their support and sponsorship of various City events.](#)

III. 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.

IV. CONSENT AGENDA

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

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

Minutes:

- (A) [April 3, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5368-R](#): Consider adopting a resolution authorizing a one year renewal to the professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services at an annual cost of \$26,460.
- (C) [2008-5369-R](#): Consider adopting a resolution authorizing a ten (10) year lease with WilsonArt International, Inc., for the rental of a hangar for the purpose of aircraft storage at the Draughon-Miller Central Texas Regional Airport.
- (D) [2008-5370-R](#): Consider adopting a resolution authorizing a lease with RDM Commerce (McLane Group), permitting the Lessee to lease a 230 X 170 foot tract of land and construct a 180 X 100 foot private aircraft hangar at the Draughon-Miller Central Texas Regional Airport.
- (E) [2008-5371-R](#): Consider adopting a resolution authorizing a contract with Webuildfun, Inc. of Allen, for the design and construction of a Spray Park and Playground at Miller Community Park in the amount of \$325,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (F) [2008-5372-R](#): Consider adopting a resolution authorizing a construction contract with T. Morales Company, Electric & Controls Ltd. of Florence for the Water Treatment Plant Emergency Generator Project in the amount of \$1,328,800.
- (G) [2008-5373-R](#): Consider adopting a resolution authorizing a construction contract with Alpha Constructors, Inc. of Temple for construction services required for Phases II and III of the City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr. (MLK) Drive Sidewalk and Lighting Improvements Project in the amount of \$167,715.50.
- (H) [2008-5374-R](#): Consider adopting a resolution authorizing a construction services agreement with Southwestern Bell Telephone Company for relocation of buried cable necessary to expand west Temple water and wastewater utilities north of FM 2305 in an amount not to exceed \$25,350.41.

Ordinances - Second and Final Reading

- (I) 1. [2008-4214](#): SECOND READING – Z-FY-08-17-A: Consider adopting an ordinance authorizing an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.13 acres of land commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, south of the FM 2271 and FM 2305 intersection.
- 2. [2008-4215](#): SECOND READING – Z-FY-08-17-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Planned Development (General Retail) District on approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection.

Misc:

- (J) [2008-5375-R](#): Consider adopting a resolution authorizing a grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2008 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$22,025.
- (K) [2008-5376-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VII. REGULAR AGENDA

ORDINANCES

- 6. [2008-4196](#): SECOND READING – PUBLIC HEARING - Z-FY-08-14: Consider adopting an ordinance amending Section 13 of the City of Temple Zoning Ordinance to add standards regarding masonry building exteriors.
- 7. (A) [2008-4215](#): FIRST READING – PUBLIC HEARING – Z-FY-08-19-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 4.63 acres of land commonly known as Outblock 561-M, City addition located on the west side of North General Bruce Drive, north of Saulsbury park.

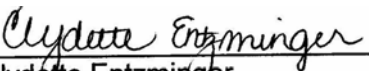
(B) [2008-4216](#): FIRST READING – PUBLIC HEARING – Z-FY-08-19-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park.

BOARD APPOINTMENTS

- 8. [2008-5377-R](#): Consider adopting a resolution appointing members to the following City Boards:
 - (A) Community Services Advisory Board - one member to fill an unexpired term through September 1, 2009; and
 - (B) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2009

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:50 PM, on April 11, 2008.


Clydette Entzminger
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2008.



COUNCIL AGENDA ITEM MEMORANDUM

04/17/08
Item #3(A)-(B)
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

- (A) Week of the Young Child April 13 – 19, 2008
- (B) Community Clean Up April 26, 2008

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by, and will be received by, Janet Blacklock on behalf of Central Texas Christian School.

(B) This proclamation was requested by Lisa Sebek with the City's Solid Waste Services, and it will be received by Nicole Torralva, Assistant Director of Public Works—Operations, and Lisa Sebek.

FISCAL IMPACT: None.

ATTACHMENTS: None.



COUNCIL AGENDA ITEM MEMORANDUM

04/17/08
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognition of HEB for their support and sponsorship of various City events.

STAFF RECOMMENDATION: Present recognition as presented in item description.

ITEM SUMMARY: This item was requested by the Parks and Leisure Services Department to recognize HEB for their continued support with various City events.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

04/17/08
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) April 3, 2008 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[April 3, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

APRIL 3, 2008

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

Present:

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

1. Receive an update on the operations of the Railroad & Heritage Museum.

Dr. David Krauss, Chair of the Railroad and Heritage Museum Board, presented this report to the City Council. He discussed the membership totals since 2004 when the Board took over the operations of the Museum, as well as trends in museum visits. Dr. Krauss also presented the revenues received by the Museum by source, including admissions, fundraising, rentals, donations and grants. The total annual stipend from the City has been \$173,000.

Judy Covington, Museum Director, discussed the strategic planning process underway by the Board. She explained the target markets and how they plan to reach those markets. Mrs. Covington also presented the 2007 milestones and the goals for 2008.

2. Discuss the City's procurement process and procedures, including those relating to professional services and insurances requirements.

David Blackburn, City Manager, stated this item is being presented as a result of both Council and community inquiries.

Belinda Mattke, Purchasing Director, began with a review of the purchasing goals for the City. She also discussed the City's monetary guidelines and various purchasing laws affecting the City. Mrs. Mattke noted the competitive bidding limit was increased from \$25,000 to \$50,000 in September 2007 but the City's limit remains at \$25,000 unless changed by action of the Council.

Next, Mrs. Mattke provided the Council with an overview of the competitive bid process, from notifications to award of contract. She also addressed the common exception from competitive bidding allowed under Chapter 252 of the Local Government Code. Local Preference laws were discussed including the legislative change in 2005 to allow a 5% preference to local bidders.

The process for hiring design professionals, which includes such services as accounting, architecture, engineering, and consulting, was reviewed. These vendors are selected based on demonstrated competence and qualifications and then the price is negotiated.

Jonathan Graham, City Attorney, reviewed the City's insurance requirements for worker's compensation and liability, which includes automobile and umbrella or excess liability. He stated 5% bid bonds are also required on construction bids greater than \$25,000. Payment bonds are required on public works contracts over \$25,000 and performance bonds are required on public works contracts over \$100,000.

David Blackburn, City Manager, asked for Council Direction on any of the issues presented in the presentation. He also made some recommendations to Council, as follows: 1) retain current policy of requiring competitive bidding for projects over \$25,000; 2) increase local preference consideration to 5%; 3) make no change in selection process for hiring design professionals but develop incentives to encourage growth and development of local professionals; and 4) make no changes in current insurance and bonding requirements.

Councilmember Jeter stated he would like to find a way to fund worker's compensation for small contractors. The City pays too much for a number of projects because of this requirement.

Mr. Graham stated the City tried to get this law changed legislatively several years ago but was not successful.

3. Discuss the City's current water conservation plan.

Bruce Butscher, Director of Public Works, presented this report to the City Council. He began with providing some background information on the water treatment plants, the pumping capacity and storage capacity, as well as seasonal averages and highest daily water demand.

Mr. Butscher also reviewed the City's current water conservation plan which was adopted in 2000. He explained the trigger points and conservation measures associated with each of the five stages in the plan. Mr. Butscher explained the need to update the current plan based on plant capacity and re-adjust the trigger points. He also recommended the capacity of the membrane plant be increased and that they begin a public education campaign on the updated plan.

Mayor Jones asked about the need to increase the plant capacity.

Mr. Butscher explained the water quality has changed significantly causing a decrease in their ability to process water. Staff is seeking a solution to the problem, which will probably be to put a 'front end' on the plant with expansion in mind.

Mr. Blackburn stated the water demand numbers are continuing to increase. Capacity and pumping appear to be okay at the present time but the membrane plant needs to be improved. He also supported beginning the public education efforts before any conservation measures might be necessary.

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

There was no discussion of this item.

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

Present:

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

I. CALL TO ORDER

1. Invocation

Reverend Margaret Boles, First Presbyterian Church, voiced the Invocation.

2. Pledge of Allegiance

Danny Daniel, Aware Central Texas, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:

(A) Sexual Assault Awareness Month April, 2008

Barbara Stephens, Families In Crisis and Temple Shelter Manager, accepted this proclamation from Mayor Jones.

(B) Child Abuse Awareness Month April, 2008

The audience viewed a music video by Collin Raye relating to Child Abuse Awareness, which was presented by Mr. Danny Daniel. Mr. Daniel also accepted this proclamation read by Mayor Jones.

(C) Arbor Day April 25, 2008

Val Roming, Parks and Leisure Services Department, received this proclamation from Mayor Jones. He discussed two of their events, the upcoming tree planting in Jones Park on April 25th and the Tree for Me Program.

III. PUBLIC COMMENTS

Mr. Rafael Tallbear Montez addressed the City Council. He thanked the City for their help in finding a site for the pow wow last year at the last minute. He distributed sponsorship information to the Council and asked the City to become a sponsor and be more involved as they hope to have the pow wow in Temple each year.

IV. CONSENT AGENDA

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

(A) March 20, 2008 Special Called Meeting and Regular Meeting

(B) 2008-5356-R: Consider adopting a resolution authorizing a FY 2008 annual purchase agreement with Design Lab, Inc. of Greenville, South Carolina for the design and printing of t-shirts in the estimated annual amount of \$25,000.

(C) 2008-5357-R: Consider adopting a resolution authorizing a contract with Siemens Water Technologies of Sarasota, Florida for annual maintenance of the existing emergency vapor scrubbing unit at the conventional water treatment plant in the amount of \$29,542.

(D) 2008-5358-R: Consider adopting a resolution authorizing an out of scope contract with CH2MHill/OMI of Englewood, Colorado for rehabilitation of an existing Belt Filter Press and Gravity Belt Thickener at the Doshier Wastewater Treatment Plant in the not to exceed amount of \$58,000.

(E) 2008-5359-R: Consider adopting a resolution authorizing three separate contracts for tasks relating to the replacement of existing surge anticipators on main transmission lines at the Water Treatment Plant in the total amount of \$40,604.

(F) 2008-5345-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. for construction of drainage improvements near Sundance Drive in the City of Temple in the amount of \$400,031.

(G) 2008-5360-R: Consider adopting a resolution authorizing a construction contract with Techline Sports Lighting of Austin off of the Buy Board for the design and construction of the athletic field lighting system for the proposed multi-use field in Lions Park in the amount of \$100,247 and declaring official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

(H) 2008-4211: SECOND READING - 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.

(I) 2008-4213: SECOND READING - 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.

(J) 2008-5361-R: Consider adopting a resolution appointing election judges and setting their compensation for the City's election to be held on May 10, 2008.

(K) 2008-5362-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Marty Janczak to adopt resolution approving Consent Agenda, with the exception of item (F), seconded by Mayor Pro Tem Patsy E. Luna.

Councilmember Tony Jeter abstained. The other Councilmembers voted aye. The motion passed.

(F) 2008-5345-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. for construction of drainage improvements near Sundance Drive in the City of Temple in the amount of \$400,031.

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

Councilmember Tony Jeter voted no and Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

V. REGULAR AGENDA

ORDINANCES

5. (A) 2008-4214: FIRST READING - PUBLIC HEARING - Z-FY-08-17-A: Consider adopting an ordinance authorizing an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.13 acres of land commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, south of the FM 2271 and FM 2305 intersection.

(B) 2008-4215: FIRST READING - PUBLIC HEARING - Z-FY-08-17-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Planned Development (General Retail) District on approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection.

Brian Mabry, Senior Planner, Planning Department, presented these items to the City Council. The FM 2271 Corridor Plan was adopted in December 1998 with a purpose to establish architectural guidelines to create attractive, single story structures. Mr. Mabry presented the land use map for this area, showing the area proposed for expansion of the retail district. FM 2271 is designated as a local street on the Thoroughfare Plan even though it functions as a minor arterial. Mr. Mabry showed the infrastructure in the area indicating the location of the future 8" sewer line and lift station. The Planning & Zoning Commission voted 8-0 to approve the amendment to the FM 2271 Corridor Plan because the request complies with the future plan use for the FM 2271 corridor.

Regarding item B, Mr. Mabry stated this is a proposed mixed use development with restaurant, office, retail and single family housing. He displayed an aerial photo of the property and photos of surrounding uses. Mr. Mabry reviewed the general development plan, noting the preserved greenbelt area on the south end of the property as well as half of the east side of the property. Building permit applications will be checked against the development plan if approved by Council. Mr. Mabry showed photos of recent FM 2271 developments that meet the architectural standards identified in the corridor plan. He also presented the purpose of the General Retail District, as well as the uses not permitted. Twenty-three notices were mailed to surrounding property owners, with 15 returned in approval and 1 in disapproval. The Planning & Zoning Commission recommended approval of the requesting rezoning by a vote of 8-0.

Mayor Jones declared the public hearing open with regard to agenda items 5(A) &(B) and asked if anyone wished to address these items.

Nancie Etzel, 329 Big Timber Drive, Windmill Farms, asked if adequate public facilities include ADA accessibility.

Mr. Mabry replied that sidewalks and ramps would be triggered when the property is subdivided. When building permits are applied for the ADA requirements would be put in place.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances (A) and (B), with second reading set for April 17, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

RESOLUTIONS

6. (A) 2008-4212: SECOND READING - 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.

(B) 2008-5363-R: P-FY-08-19: Consider adopting a resolution approving the preliminary plat of Heritage Place Phases III -VI, a 317 single-family lot subdivision on 51.4+ acres located along the south of Nugent Avenue across from Eberhardt Road and north of Bunker Hill Drive subject to developer requested exceptions to the Subdivision Ordinance regarding street pavement width and park land dedication fee.

Tim Dolan, Director of Planning, presented both items A and B to the City Council. He recapped the rezoning case which complies with the future land use plan of the Comprehensive Plan. Item B, the preliminary plat, is for 317 single family lots. Mr. Dolan reviewed the requested exceptions for the pavement width and park land dedication for a linear trail in lieu in payment. He showed a conceptual design of the trail. The Planning & Zoning Commission recommended approval of both requested exceptions.

Mayor Jones asked if the trail will link to anything else.

Mr. Dolan replied it will eventually connect to the park on Saulsbury.

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

Motion passed unanimously.

- 7. (A) 2008-5364-R: Consider adopting a resolution authorizing a construction contract with Gary W. Purser Construction, Ltd. of Killeen for Outer Loop Phase 2 (SH36 to FM2305) and the Bioscience Park in the amount of \$7,371,684.34 and declaring official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for the traffic signal at West Adams/FM 2305 in the amount of \$132,325.**

(B) 2008-5365-R: Consider adopting a resolution authorizing a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, L.P. (KPA) of Temple for construction on-site representation required for Outer Loop Phase 2 (SH36 to FM2305) in the amount of \$120,000.

Michael Newman, Assistant Director of Public Works/City Engineer, presented this item to the City Council. Phase 1 of this project was constructed several years ago. This section is from SH 36 to FM 2305. Gary Purser Construction, Ltd. submitted the lowest responsible bid for this project, which includes two lanes both directions with divided median, irrigation and landscaping, as well as various other features. Mr. Newman noted the project also includes the Bioscience Park roadway, water, sewer and drainage.

David Blackburn, City Manager, stated phase 1 was approx \$1M. This is a multi-phase City-initiated project that will eventually go from IH 35 N to IH 35 South. It will take many years to complete the six phases of this project.

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

Councilmember Jeter stated he was only voting 'yes' because he had to due to the bid process.

Councilmember Russell Schneider and Mayor William A. Jones, III abstained. The other Councilmembers voted aye. The motion passed.

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

Motion passed unanimously.

8. **2008-5366-R: Consider adopting a resolution authorizing the purchase of a 42.759 acre tract in West Temple and declare an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this purchase.**

Executive Session - The City Council will 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 the public discussion of which may have a detrimental impact on negotiations.

Mayor Jones reconvened the regular session at approximately 7:00 p.m.

Jonathan Graham, City Attorney, presented the location of this tract proposed for purchase by the City. He recommended the acquisition of approximately 42.75 acres from the property owner, the Von Rosenberg family, for the purchase price of \$684,144 plus closing costs, for a total not to exceed amount of \$725,000.

Motion by Councilmember Russell Schneider to adopt resolution as recommended, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

BOARD APPOINTMENTS

- 9. 2008-5367-R: Consider adopting a resolution appointing one member to the Building Board of Appeals.**

The recommendation was made to reappoint Keith Deaver to the Building Board of Appeals.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year renewal to the professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services at an annual cost of \$26,460.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 21, 2005, the Council awarded a contract to City-County Benefits Services for providing benefit consulting services. On April 6, 2006 and again on April 5, 2007, the Council authorized one year renewals to the contract. Staff has worked closely with City-County Benefits Services over the past three years on health insurance, dental insurance, retiree insurance, long term disability insurance, life insurance, Section 125 insurances, and GASB 45 compliance issues. City-County Benefits Services has provided invaluable guidance in these areas. Throughout the year, C-CBS will continue to monitor our claims experience and help staff with administering the contracts, as well as guiding us through recommendations for complying with GASB 45.

Staff recommends Council authorize a one-year renewal to the contract with City-County Benefits Services. This is the final year of the agreement.

FISCAL IMPACT: Budgeted amount: \$22,500 in account 110-2700-515-2616
3,200 in account 520-5000-535-2616
600 in account 240-4400-551-2616
300 in account 292-2900-534-2616
\$26,600

Recommended expenditure: \$26,460

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE AND CITY-COUNTY BENEFITS SERVICES (CCBS) FOR HEALTH INSURANCE BENEFIT CONSULTING SERVICES AT AN ANNUAL COST OF \$26,460; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 21, 2005, the City Council awarded a contract to City-County Benefits Services for providing benefit consulting services – on April 6, 2006, and April 7, 2007, the City Council authorized one year renewals to the agreement;

Whereas, City-County Benefits Services has worked closely with Staff over the past 3 years and has provided invaluable guidance for decisions about employee benefits;

Whereas, the Staff recommends a one year renewal to the agreement for an annual cost of \$26,460;

Whereas, funds are available for this service in Account Nos. 110-2700-515-2626, 520-5000-535-2626, 240-4400-551-2626, and 292-2900-534-2626; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one year renewal to the agreement between the City of Temple, Texas, and City-County Benefits Services, for an annual cost not to exceed \$26,460, after approval as to form by the City Attorney, for health insurance benefit consulting services.

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

PASSED AND APPROVED this the 17th day of 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

04/17/08
Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a ten (10) year lease with WilsonArt International, Inc., for the rental of a hangar for the purpose of aircraft storage at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The WilsonArt lease will expire August 31, 2008.

WilsonArt has leased hangar #3 since December 1987. In August, 1998, City Council approved a 10 year lease with WilsonArt at a rental rate of \$1000 per month. WilsonArt has upgraded the hangar facility with quality improvements along with absorbing all maintenance costs on the facility throughout the life of the lease. WilsonArt utilizes the hangar to house and maintain a Lear 60 Jet and for pilot offices and passenger facilities.

WilsonArt has requested an additional ten year lease beginning September 1, 2008 through August 31, 2018. The lease payment will remain \$1000 per month for the 6400 square foot facility. This is a fair rent for both WilsonArt and the City based on comparable leases on the Airport.

WilsonArt is an excellent Airport customer, a leading company in the City, and provides an excellent image on the Airport and in the community. Staff recommends approval of the 10 year lease with WilsonArt.

FISCAL IMPACT: The Airport will receive \$12,000 annually in rental payments.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 10 YEAR RENEWAL OF THE LEASE WITH WILSONART INTERNATIONAL, INC., FOR THE RENTAL OF A HANGAR FOR THE PURPOSE OF AIRCRAFT STORAGE AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple entered into a lease agreement with Wilsonart International, Inc., for the rental of a hangar for the purpose of housing and maintaining a Lear 60 Jet and for pilot offices and passenger facilities at the Draughon-Miller Central Texas Regional Airport;

Whereas, Wilsonart has requested an additional ten year lease beginning September 1, 2008, through August 31, 2018, for \$1,000 per month;

Whereas, the City will continue to receive \$1,000 per month for the 6400 square foot facility; 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 10 year lease agreement with Wilsonart International, Inc., after approval as to form by the City Attorney, for the rental of a hangar for the purpose of aircraft storage at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the 17th 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

04/17/08
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease with RDM Commerce (McLane Group), permitting the Lessee to lease a 230 X 170 foot tract of land and construct a 180 X 100 foot private aircraft hangar at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: RDM Commerce has purchased a Challenger Twin Jet. RDM's current hangar will not accommodate this size jet; therefore, RDM Commerce wishes to construct a 180' X 100' insulated metal hangar with office and restroom facilities on a 230 X 170 foot tract of land located east of McLane Company corporate hangar facilities. RDM Commerce is owned by Drayton McLane. Mr. McLane has been a long time Airport customer and businessman in Temple.

The term of the land lease shall be for twenty years and will commence upon the Federal Aviation Administration's review and determination that the proposed site will not be objectionable from an airspace utilization standpoint. The Texas Department of Transportation, Aviation Division will also make the determination that no adverse environmental impacts will occur.

FISCAL IMPACT: The Airport will receive fair market value for unimproved land of \$0.10 per square foot per year in the amount of \$3910.00. Lessee's rental rates may be adjusted at the end of each lease year computed accordingly to the Consumer Price Index (CPI).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH RDM COMMERCE (MCLANE GROUP) PERMITTING THE LEASE OF A TRACT OF LAND TO CONSTRUCT A PRIVATE AIRCRAFT HANGAR AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, RDM Commerce wishes to construct a 180 foot x 100 foot insulated metal hangar with office and restroom facilities on a 230 foot x 170 foot tract of land located east of McLane Company corporate hangar facilities at the Draughon-Miller Central Texas Regional Airport;

Whereas, the term of the lease will be for 20 years and will commence upon the Federal Aviation Administration's review and determination that the proposed site will not be objectionable from an airspace utilization standpoint – the Texas Department of Transportation, Aviation Division, will also make the determination that no adverse environmental impacts will occur;

Whereas, the Airport will receive fair market value for unimproved land at 10 cents per square foot per year in the amount of \$3,910 – lessee's rental rates may be adjusted at the end of each lease year computed accordingly to the Consumer Price Index (CPI); 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 lease agreement with RDM Commerce (McLane Group), after approval as to form by the City Attorney, for the lease of a tract of land to construct a private aircraft hangar at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the 17th 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

04/17/08
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Webuildfun, Inc. of Allen for the design and construction of a Spray Park and Playground at Miller Community Park in the amount of \$325,000 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: One of the projects approved during the fall bond election was to replace the existing playgrounds and to add a splash pad in Miller Community Park. Miller Park was constructed in the early 1990's and serves as the community level park for the north Temple area. Among the activities conducted there annually are the "Hot Summer Sounds" concert series and the annual 4th of July event. This very popular park is also heavily utilized by youth and adult athletic teams and has three picnic pavilions that are always booked. There have been no updates to the playground area since construction and the play equipment has reached the end of its useful life span.

On February 17 and 24 the City advertised for Requests for Qualifications (RFQ) for a firm to design and construct a spray park and playground in Miller Park. On March 13, the City received 5 proposals, 4 of which met the guidelines set forth in the RFQ. On March 17 a committee comprised of the Purchasing Director, Park Planner, Parks Superintendent and two members of the Parks Bond Sub-Committee of the Parks and Recreation Advisory Board met to evaluate the proposals that were submitted. This committee unanimously selected Webuildfun, Inc. as the highest rated firm.

Reference checks were completed with all respondents reporting that Webuildfun, Inc. is a very professional organization that has the reputation for quality work that is completed on time and in budget. Webuildfun, Inc. has completed projects that range from playground installations to splash pad installations, amenity centers where spray parks and playgrounds were part of the projects, up to complete neighborhood park construction.

FISCAL IMPACT: This item declares an official intent to reimburse the cost of this contract in the amount of \$325,000 from the 2008 General Obligation bonds to be issued in the summer of 2008. The General Obligation bond issue was approved by voters on November 6, 2007. Total project cost for the Miller Park Playground/Hike and Bike Trail is \$600,000, which will be funded in account 362-3500-552-6842, project #100360. In addition to the spray park and playground, a hike and bike trail with pervious concrete and exercise fitness stations along the trail will also be built. After funding this contract, incurring miscellaneous costs related to the project, and allocating estimated issuance costs to this project, \$259,112 will remain to complete the project.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WEBUILDFUN, INC., OF ALLEN, TEXAS, FOR THE DESIGN AND CONSTRUCTION OF A SPRAY PARK AND PLAYGROUND AT MILLER COMMUNITY PARK IN AN AMOUNT NOT TO EXCEED \$325,000.00; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an agreement with Webuildfun, Inc., of Allen, Texas, for the design and construction of a spray park and playground at Miller Community park;

Whereas, Webuildfun, Inc., submitted a proposal (\$325,000.00) and the staff recommends accepting it;

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 an agreement, not to exceed \$325,000.00, between the City of Temple, Texas, and Webuildfun, Inc., of Allen, Texas, after approval as to form by the City Attorney, for the design and construction of a spray park and playground at Miller Community Park.

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

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Project Description

Debt To Be Issued

Design and construction of a
spray park and playground at
Miller Community Park

\$325,000.00

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

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

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

PASSED AND APPROVED on this the 17th 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

04/17/08
Item #5(F)
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 construction contract with T. Morales Company, Electric & Controls Ltd. of Florence for the Water Treatment Plant Emergency Generator Project in the amount of \$1,328,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In March, 2007, Council authorized a professional services agreement with McCreary & Associates, Inc. for engineering and design services required to provide emergency backup electrical generators for two locations at the Temple Water Treatment Plant. This project will be the first of two projects required over the next several years to provide an alternative power source to keep both water treatment plants up and running in the event of a power failure.

This project will provide for the installation of two emergency power systems at the plant, one for the raw water pump station and one for the membrane water treatment plant, providing the capability to continue to operate the plant in the event of a power failure. The project consists of an engine generator and its associated switchgear and control system for both the raw water pump station and membrane water treatment plant. The project will also include installation of a lightning protection system for the existing high service pump station.

There have been several changes to the scope of the project since the original estimate was prepared including an increase in the size of the plant generator from 500 KW to 800KW to power solids handling equipment to be provided in the near future, addition of lightning protection for the high service pump station and the main switch gear building at the water plant, and the addition of "closed transition soft-loading transfer switches" rather than open transfer switches. These switches allow the generator to come on and take over providing power without ever having to shut the plant down to make the transition. Another advantage is that these type of switches allow the operators to transfer operations to the generator before storms arrive without shutting the plant down, thus protecting sensitive electronic equipment from potential lightening damage. Manufacturers of this type of equipment (generators, switch gear) are very busy and the contractors who are capable of doing this type of work are also very busy at this time. All of these issues contributed to the project being over the original estimate.

On April 3, 2008, bids were received. Per the attached bid tabulation, T. Morales, Electric & Controls Ltd. submitted the low bid on the project in the amount of \$1,358,200. A deduct alternate was also received. Per the attached engineer's recommendation, the deductive alternate, in the amount of \$29,400, is recommended, resulting in a contract amount of \$1,328,800.

FISCAL IMPACT: Funding in the amount of \$1,000,000 has been appropriated in account 561-5100-535-6906, project #100100 for design and construction of this project from the 2006 Utility Revenue Bond Issue which were issued in October 2006. After funding of engineering-related services in the amount of \$186,500, a balance of \$813,500 remains available to fund construction of the project. Attached is a budget amendment in the amount of \$515,300 reallocating funds from completed projects to fund the remaining cost of the Emergency Generator project.

ATTACHMENTS:

[Engineer's Recommendation](#)
[Bid Tabulation](#)
[Budget Adjustment](#)
[Resolution](#)

McCREARY & ASSOCIATES, INC.

CONSULTING ENGINEERS 972/458-8745
6310 LBJ FREEWAY SUITE 217 DALLAS, TEXAS 75240

April 7, 2008

Ms. Nicole Torralva, P.E.
Assistant City Engineer
Engineering Department
3210 E. Avenue H., Bldg. A
Temple, Texas 76501

Re: City of Temple
Water Treatment Plant Emergency Power Improvements

Dear Ms. Torralva:

On April 3, 2008, the City of Temple received competitive bids from four (4) contractors for the Water Treatment Plant Emergency Power Improvements project. A Bid Tabulation is provided for your reference.

The bid received was for installation of two emergency power systems, one for the Raw Water Pump Station and one for the Membrane Water Treatment Plant. The project consists of an engine generator and its associated switchgear and control system at each of the two locations.

The attached Bid Tabulation shows T. Morales Company, Electric & Controls Ltd. of Florence, Texas as the low bidder with a total base bid of \$1,358,200.00. The final opinion of probable cost was \$1,215,700 and was based on a detailed cost estimate performed by our office and experience with similar emergency power system bids received in the past twelve months on projects constructed in the area, including the Waxahachie Membrane WTP project which bid last fall. The bid price is within 10% of the estimate when taking the recommended deductive alternate as described below.

We recommend that the deductive alternate be taken for using the Cummins/Onan generators. The deductive amount for this option is \$29,400. We recommend that the contract amount of \$1,328,800.00 be awarded to T. Morales Company, Electric & Controls Ltd. for this project. As you know, T. Morales Company, Electric & Controls Ltd. have performed numerous projects for the City of Temple and is well qualified to complete this project.

Sincerely,



Joseph Kotrla, P.E.



xc: Ms. Belinda Mattke, City of Temple
Mr. Randy Eldridge, T. Morales Company, Electric & Controls Ltd

CITY OF TEMPLE

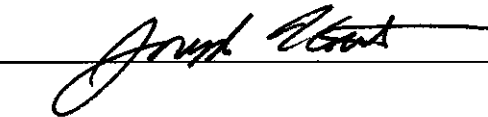
Water Treatment Plant Emergency Power Improvements

April 3, 2008; 2 PM
City of Temple Purchasing Dept
3210 E Ave H, Building C; Temple, Texas

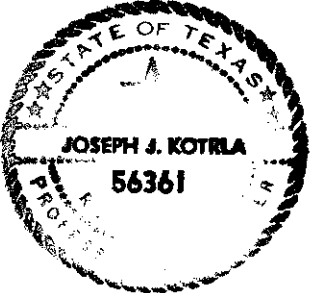
BIDDER INFORMATION											
Base Bid				T. Morales Co. Electric & Controls Ltd. PO Box 859 Florence, Tx 76527		Chaney-Cox Construction, Inc. PO Box 1902 Temple, Tx 76503		TPC Controls, Inc. PO Box 2447 Pottsboro, Tx 75076		RK Bass Electric, Inc. 1200 E. FM 2410 Harker Heights, Tx 76548	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Total Bid Amount	\$ 60,000.00	\$ 60,000.00	\$ 71,325.00	\$ 71,325.00	\$ 30,000.00	\$ 30,000.00	\$ 73,473.87	\$ 73,473.87
2	100%	LS	Furnish and install emergency generator, automatic transfer switchgear, pre-cast concrete building, concrete slabs, and all conduit and wiring complete and in place for the Raw Water Pump Station	574,500.00	574,500.00	615,857.00	615,857.00	639,600.00	639,600.00	799,444.57	799,444.57
3	100%	LS	Furnish and install temporary connections to run the Raw Water Pump Station off of the new emergency generator while the electric service is being changed over to ATS Switchgear	100.00	100.00	16,124.00	16,124.00	11,000.00	11,000.00	13,491.70	13,491.70
4	100%	LS	Furnish and install changes to existing PLC hardware, program PLC, and make configuration changes to HMI system computers for the addition of the emergency generator and automatic transfer switchgear at the Raw Water Pump Station	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
5	100%	LS	Furnish and install emergency generator, automatic transfer switchgear, concrete slab, and all conduit and wiring complete and in place for the Membrane Water Treatment Plant	661,500.00	661,500.00	704,742.00	704,742.00	768,000.00	768,000.00	935,863.35	935,863.35
6	100%	LS	Furnish and install temporary connections to run the Membrane Water Treatment Plant off of the new emergency generator while the electric service is being changed over to ATS Switchgear	100.00	100.00	16,522.00	16,522.00	13,000.00	13,000.00	17,979.84	17,979.84
7	100%	LS	Furnish and install changes to existing PLC hardware, program PLC, and make configuration changes to HMI system computers for the addition of the emergency generator and automatic transfer switchgear at the Membrane Water Treatment Plant	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
8	100%	LS	Furnish and install lightning protection system for the existing High Service Pump Station	17,000.00	17,000.00	28,265.00	28,265.00	16,400.00	16,400.00	25,067.23	25,067.23
9	100%	LS	Allowance for direct charges required by Electric Service Provider related to the electrical modifications described in these contract documents. Payment will be based on actual invoiced cost from Electric Service Provider.	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00
10	100%	LS	Provide Project Record Drawings (As Builts), Complete For	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
TOTAL BID AMOUNT (Items 1 - 10)					\$ 1,358,200.00		\$ 1,497,835.00		\$ 1,523,000.00		\$ 1,910,320.56
Deductive Alternate											
11	100%	LS	Deduct for the use of alternative equipment items for a total lump sum amount of	\$ (29,400.00)	\$ (29,400.00)	-	-	-	-	-	-
TOTAL BID AMOUNT (Items 1 - 11)					\$ 1,328,800.00		\$ 1,497,835.00		\$ 1,523,000.00		\$ 1,910,320.56

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

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



4.7-08
Date



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	
561-5100-535-69-06	100100	Emergency Operations Infrastructure	\$ 515,300			
561-5100-535-69-19	100041	Ave E Storage Tank Relocation			95,538	
561-5500-535-69-02	100047	Doshier Facility Improvements			9,109	
561-5100-535-69-14	100081	Facility Improvements			80,653	
561-5100-535-69-04	100164	Tank Refurbishment			3,372	
561-5500-535-69-03	100046	Doshier Infrastructure Improvements			150,634	
561-5100-535-69-15	100114	Clafifier Improvements			21,894	
561-5400-535-69-26	100132	WW Line Replacement			79,598	
561-5400-535-69-20	100095	WW Line Extension			74,502	
TOTAL.....			\$ 515,300		\$ 515,300	

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

This budget amendment allocates funding from completed projects to fund the additional \$515,300 needed for the Water Treatment Plant Emergency Generators.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

17-Apr-08

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH T. MORALES COMPANY, ELECTRIC & CONTROLS, LTD., OF FLORENCE, TEXAS, FOR THE WATER TREATMENT PLANT EMERGENCY GENERATOR PROJECT IN AN AMOUNT NOT TO EXCEED \$1,328,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 3, 2008, the City received bids for the Water Treatment Plant Emergency Generator project;

Whereas, the Staff recommends accepting the bid (\$1,328,000) received from T. Morales Company, Electric & Controls, Ltd., of Florence, Texas;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$1,328,800, between the City of Temple and T. Morales Company, Electric & Controls, Ltd., of Florence, Texas, after approval as to form by the City Attorney, for the Water Treatment Plant Emergency Generator 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 17th 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

04/17/08
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Alpha Constructors, Inc. of Temple for construction services required for Phases II and III of the City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr. (MLK) Drive Sidewalk and Lighting Improvements Project in the amount of \$167,715.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Fiscal Year 2007-2008 CDBG Annual Action Plan reflects the City of Temple's funding priorities and identifies projects for neighborhood revitalization, public improvements, and public service activities. The associated funds enhance the City of Temple's community development programs supporting safe, well planned residential and business districts. CDBG financed projects respond to the most urgent needs of limited income residents.

For more than 30 years, the CDBG program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. The City of Temple is one of 76 entitlement communities located in the State of Texas.

This project has been identified as MLK Sidewalk and Lighting Improvements Project in the Fiscal Year 2007-2008 CDBG Annual Action Plan. Project limits for these improvements are along MLK within the boundaries of Avenue A to Avenue C and will include new pedestrian flatwork and handicap accessibility improvements, general site lighting plans, retaining walls, pavement striping for pedestrian access, and signage.

FISCAL IMPACT: Funding was designated for this project in the Fiscal Year 2006-2007 Action Plan in the amount of \$244,158 and in the Fiscal Year 2007-2008 Action Plan in the amount of 143,488. After design costs and construction costs for phase I, \$180,045 of funding is available. Funding for this proposed \$167,715.50 construction contract is available in account 260-6100-571-6317, Project 100178. The remaining \$12,329.50 will be combined with funding in the Fiscal Year 2008-2009 Action Plan.

ATTACHMENTS:

Engineer's Letter of Recommendation

Map showing project location and Phases II and III

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

March 25, 2008

City of Temple
Salvador Rodriguez, P.E.
Water Administration
Temple, Texas 76501

Re: City of Temple, CDBG MLK Sidewalk and Lighting Improvements Project, Phase II


Dear Mr. Rodriguez,

We have reviewed the bids for the above referenced project. TTG, Inc. submitted a Base Bid of \$123,627.00, an Alternate #1 Bid of \$74,855.00, and an Alternate #2 Bid of \$100,967.00. Alpha Constructors, Inc. submitted a Base Bid of \$104,756.50, an Alternate #1 Bid of \$62,959.00, and an Alternate #2 Bid of \$87,938.00. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to Alpha Constructors, Inc. We believe, through personal experience, that Alpha Constructors, Inc. is qualified and is capable of providing the sidewalk and lighting improvements as required in this project.

Alpha Constructors, 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 and project phases you select.

Sincerely,


Anthony Beach, P.E.

Cc: Belinda Mattke, City of Temple, Purchasing

BID SUMMARY
City of Temple

CDBG MLK Sidewalk and Lighting Improvements Project

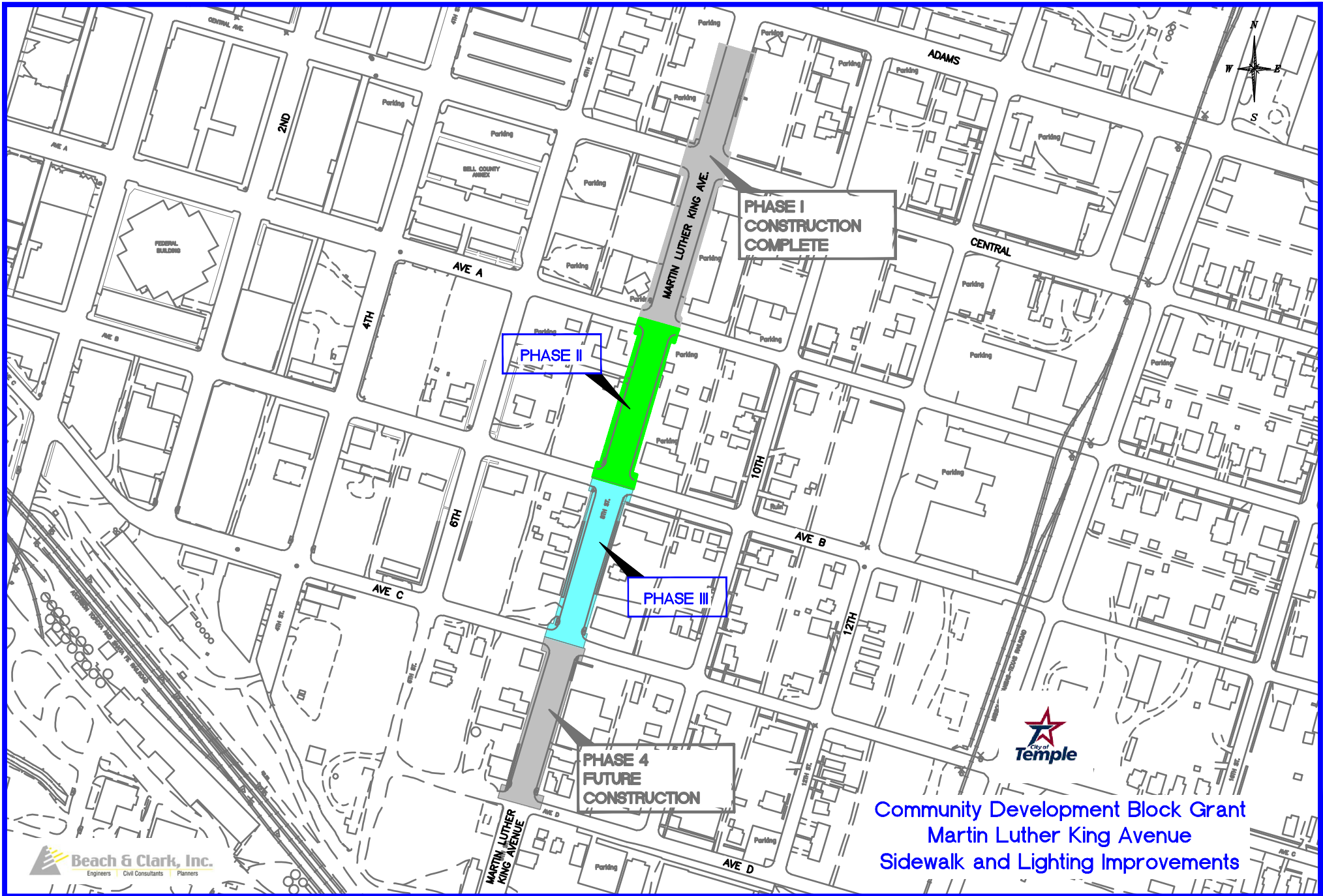
Bid Date - March 25, 2008

Bidders	Base Bid	Bid Alt. #1	Bid Alt. #2
TTG Utilities, LP	\$ 123,627.00	\$ 74,855.00	\$ 100,967.00
Alpha Constructors, Inc.	\$ 104,756.50	\$ 62,959.00	\$ 87,938.00

Bid Tabulation Sheet
CDBG MLK Sidewalk and Lighting Improvements
City of Temple

Bid Date - March 25, 2008				TTG Utilities, LP		Alpha Constructors, Inc.	
No	Item Descr.	Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost
Base Bid Phase II Improvements							
1	Site Preparation & Clearing	4	STA	\$ 2,000.00	\$ 8,000.00	\$ 850.00	\$ 3,400.00
2	Provide Mobilization, Bonds & Permits	100%	LS	\$ 3,500.00	\$ 3,500.00	\$ 10,500.00	\$ 10,500.00
3	Saw Cut, Removal & Replace, Exist. Concrete Flatwork	87	SY	\$ 27.00	\$ 1,809.00	\$ 24.00	\$ 1,608.00
4	Remove & Replace Exist. Concrete Pavement Section	16	SY	\$ 23.00	\$ 368.00	\$ 24.00	\$ 384.00
5	Sawcut & Remove Existing HMAC Pavement Section	320	SY	\$ 12.00	\$ 3,840.00	\$ 12.00	\$ 3,840.00
6	Sawcut & Remove Concrete Curb & Gutter	110	LF	\$ 13.00	\$ 1,430.00	\$ 12.00	\$ 1,320.00
7	Demolish & Remove Existing Concrete Light Pole Base	4	EA	\$ 500.00	\$ 2,000.00	\$ 360.00	\$ 1,440.00
8	Demolish & Remove Intruder Resistant Chain Link Fence	20	EA	\$ 25.00	\$ 500.00	\$ 21.00	\$ 420.00
9	Remove Existing Street Light Pole	4	EA	\$ 1,500.00	\$ 6,000.00	\$ 950.00	\$ 3,800.00
10	Salvage & Remove Existing Water Meter Assembly	3	EA	\$ 500.00	\$ 1,500.00	\$ 325.00	\$ 975.00
11	Provide New Reinforced Concrete Pavement Section	23	EA	\$ 76.00	\$ 1,748.00	\$ 54.00	\$ 1,242.00
12	Provide New 8" Gravel Pavement & Driveway Grading	13	SY	\$ 19.00	\$ 247.00	\$ 30.00	\$ 390.00
13	Provide New Concrete Flatwork Section	375	SY	\$ 60.00	\$ 22,500.00	\$ 40.50	\$ 15,187.50
14	Provide New Brick Paver Concrete Flatwork Section	25	SY	\$ 105.00	\$ 2,625.00	\$ 66.00	\$ 1,650.00
15	Provide New Concrete Curb & Gutter	110	LF	\$ 25.00	\$ 2,750.00	\$ 25.00	\$ 2,750.00
16	Provide New Diagonal Handicap Curb Ramp	4	EA	\$ 1,000.00	\$ 4,000.00	\$ 850.00	\$ 3,400.00
17	Provide New Luminaire Light Pole Concrete Base & Found.	8	EA	\$ 855.00	\$ 6,840.00	\$ 500.00	\$ 4,000.00
18	Provide New Luminaire Light Poles, Wiring & Conduit	100%	LS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
19	Provide New Water Meter Assem., Traffic Rated Vaults	3	EA	\$ 1,800.00	\$ 5,400.00	\$ 1,850.00	\$ 5,550.00
20	Provide Adjustment of Existing Water Service	4	EA	\$ 650.00	\$ 2,600.00	\$ 500.00	\$ 2,000.00
21	Provide New Concrete Retaining Wall	160	LF	\$ 85.00	\$ 13,600.00	\$ 65.00	\$ 10,400.00
22	Provide New Intruder Resistant Chain Link Fencing	20	LF	\$ 40.00	\$ 800.00	\$ 45.00	\$ 900.00
23	Provide New 2" PVC Schedule 40 Utility Sleeve	84	LF	\$ 30.00	\$ 2,520.00	\$ 25.00	\$ 2,100.00
24	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 3,500.00	\$ 3,500.00	\$ 1,850.00	\$ 1,850.00
25	Provide New Traffic Control Plan & Implementation	100%	LS	\$ 3,650.00	\$ 3,650.00	\$ 3,700.00	\$ 3,700.00
26	Provide New Street and Pedestrian Signage	100%	LS	\$ 1,900.00	\$ 1,900.00	\$ 1,950.00	\$ 1,950.00
Total Phase II - Base Bid CDBG MLK Sidewalk & Lighting Improvements					\$ 123,627.00		\$ 104,756.50
Bid Alternate #1 Phase III Improvements							
27	Site Preparation & Clearing	4	STA	\$ 2,000.00	\$ 8,000.00	\$ 850.00	\$ 3,400.00
28	Provide Mobilization, Bonds & Permits	100%	LS	\$ 2,500.00	\$ 2,500.00	\$ 7,500.00	\$ 7,500.00
29	Saw Cut, Removal & Replace, Exist. Concrete Flatwork	122	SY	\$ 25.00	\$ 3,050.00	\$ 24.00	\$ 2,928.00
30	Demolish & Remove Existing Concrete Light Pole Base	3	EA	\$ 500.00	\$ 1,500.00	\$ 360.00	\$ 1,080.00
31	Salvage & Remove Existing street Light & Pole	3	EA	\$ 2,100.00	\$ 6,300.00	\$ 950.00	\$ 2,850.00
32	Provide New Reinforced Concrete Pavement Section	38	SY	\$ 65.00	\$ 2,470.00	\$ 54.00	\$ 2,052.00
33	Provide New Concrete Flatwork Section	122	SY	\$ 60.00	\$ 7,320.00	\$ 40.50	\$ 4,941.00
34	Provide New Brick Paver Concrete Flatwork Section	13	SY	\$ 105.00	\$ 1,365.00	\$ 66.00	\$ 858.00
35	Provide New Directional Handicap Curb Ramp	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 850.00	\$ 1,700.00
36	Provide New Diagonal Handicap Curb Ramp	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 850.00	\$ 1,700.00
37	Provide New 8" Concrete Risers	6	EA	\$ 150.00	\$ 900.00	\$ 175.00	\$ 1,050.00
38	Provide New Handicap Railing	24	LF	\$ 150.00	\$ 3,600.00	\$ 100.00	\$ 2,400.00
39	Provide New Luminaire Light Pole Concrete Base & Found.	4	EA	\$ 750.00	\$ 3,000.00	\$ 500.00	\$ 2,000.00
40	Provide New Luminaire Light Poles	100%	LS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
41	Provide New 2" PVC Schedule 40 Utility Sleeve	80	LF	\$ 30.00	\$ 2,400.00	\$ 25.00	\$ 2,000.00
42	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 3,500.00	\$ 3,500.00	\$ 1,400.00	\$ 1,400.00
43	Provide New Traffic Control Plan & Implementation	100%	LS	\$ 3,650.00	\$ 3,650.00	\$ 3,700.00	\$ 3,700.00
44	Provide New Street & Pedestrian Signage	100%	LS	\$ 1,300.00	\$ 1,300.00	\$ 1,400.00	\$ 1,400.00
Total Phase III - Base Bid Alternate #1					\$ 74,855.00		\$ 62,959.00

	Bid Alternate #2 Phase IV Improvements						
45	Site Preparation & Clearing	4	STA	\$ 1,500.00	\$ 6,000.00	\$ 850.00	\$ 3,400.00
46	Provide Mobilization, Bonds & Permits	100%	LS	\$ 4,000.00	\$ 4,000.00	\$ 9,250.00	\$ 9,250.00
47	Saw Cut, Removal & Replace, Exist. Concrete Flatwork	351	SY	\$ 25.00	\$ 8,775.00	\$ 24.00	\$ 8,424.00
48	Saw Cut & Remove Existing HMAc Pavement Section	37	SY	\$ 11.00	\$ 407.00	\$ 12.00	\$ 444.00
49	Salvage & Remove Existing Street Light & Pole	2	EA	\$ 1,500.00	\$ 3,000.00	\$ 950.00	\$ 1,900.00
50	Salvage & Remove Existing Fire Hydrant Assembly	1	EA	\$ 1,900.00	\$ 1,900.00	\$ 1,750.00	\$ 1,750.00
51	Salvage & Remove Existing Water Meter Assembly	2	EA	\$ 375.00	\$ 750.00	\$ 325.00	\$ 650.00
52	Provide New Concrete Flatwork Section	410	SY	\$ 60.00	\$ 24,600.00	\$ 40.50	\$ 16,605.00
53	Provide New Brick Paver Concrete Flatwork Section	25	SY	\$ 100.00	\$ 2,500.00	\$ 66.00	\$ 1,650.00
54	Provide New Diagonal Handicap Curb Ramp	4	EA	\$ 1,000.00	\$ 4,000.00	\$ 850.00	\$ 3,400.00
55	Provide New 6" Concrete Risers	65	LF	\$ 13.00	\$ 845.00	\$ 11.00	\$ 715.00
56	Provide New Luminaire Light Pole Concrete Base & Found	8	EA	\$ 850.00	\$ 6,800.00	\$ 500.00	\$ 4,000.00
57	Provide New Luminaire Light Poles	100%	LS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
58	Provide New Fire Hydrant Assembly	1	EA	\$ 3,500.00	\$ 3,500.00	\$ 3,600.00	\$ 3,600.00
59	Provide New Water Meter Assembly & Traffic Rated Vault	2	EA	\$ 1,995.00	\$ 3,990.00	\$ 1,850.00	\$ 3,700.00
60	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 3,500.00	\$ 3,500.00	\$ 1,950.00	\$ 1,950.00
61	Provide New Traffic Control Plan & Implementation	100%	LS	\$ 3,650.00	\$ 3,650.00	\$ 3,700.00	\$ 3,700.00
62	Provide New Street & Pedestrian Signage	100%	LS	\$ 2,750.00	\$ 2,750.00	\$ 2,800.00	\$ 2,800.00
	Total Phase IV - Bid Alternate #2				\$ 100,967.00		\$ 87,938.00



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH ALPHA CONSTRUCTORS, INC., OF TEMPLE, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED FOR PHASES II AND III OF THE CITY OF TEMPLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) MARTIN LUTHER KING, JR., DRIVE SIDEWALK AND LIGHTING IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED \$167,715.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 25, 2008, the City received 2 bids for Phases II and III of the CDBG Martin Luther King, Jr., Drive Sidewalk and Lighting Improvements;

Whereas, the Staff recommends accepting the bid (\$167,715.50) received from Alpha Constructors, Inc., of Temple, Texas;

Whereas, funds are available for this project in Account No. 260-6100-571-6317, Project 100178; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, for an amount not to exceed \$167,715.50, between the City of Temple and Alpha Constructors, Inc., of Temple, Texas, after approval as to form by the City Attorney, for Phases II and II of the CDBG Martin Luther King, Jr., Drive Sidewalk and Lighting Improvements.

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

PASSED AND APPROVED this the 17th day of 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

04/17/08
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction services agreement with Southwestern Bell Telephone Company for relocation of buried cable necessary to expand west Temple water and wastewater utilities north of FM 2305 in an amount not to exceed \$25,350.41.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: Current and anticipated growth in west Temple is placing an excessive burden on the water delivery system in the area, resulting in near water shortages to this region of the city. Currently, all water supplied to west Temple is delivered through infrastructure east of SH 317 and is pumped through the FM 2305 pump station to the Pepper Creek tank (near FM 2271) where the majority of water is stored for west Temple.

This project, "Expansion of West Temple Water and Wastewater Utilities North of FM 2305" consists of two phases. Phase I will provide sanitary sewer service from FM 2305 northwest to the intersection of FM 2483 and SH 317. Also, water service will be extended from SH 317 along FM 2483 to loop an existing 10" line west of the city limits. The engineering contract for Phase I design services was approved by council on July 5, 2007, in the amount of \$327,340.

Phase II of this project will include a pump station at the Draughon-Miller Central Texas Regional Airport capable of pumping water south through a 14" diameter pipeline to a new elevated storage tank located in the vicinity of the intersection of SH 317 and FM 2483. Transfer of water through this route will provide a second feed to the west side of Temple from the north, reducing the dependency of water delivery through the FM 2305 pump station. The engineering contract for Phase II design services was approved by council on October 18, 2007, in the amount of \$453,580.

The construction services authorized under this resolution will provide relocation of buried cable necessary to construct the Phase I water line (see attached alignment of affected utilities).

The proposed timeline for the buried cable relocation is 14 weeks. Per the attached letter, the services are broken down as follows:

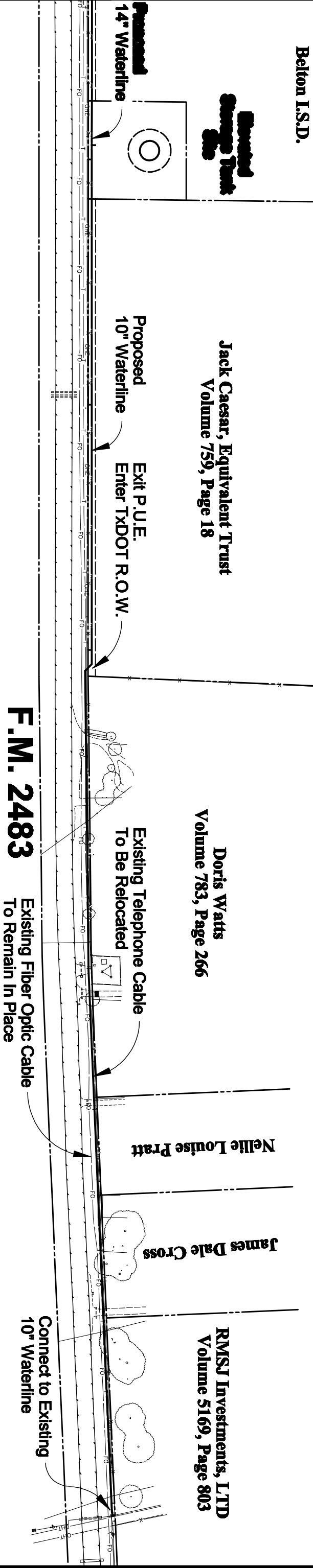
Labor	\$ 20,381.41
Materials	\$ 4,969.00
TOTAL	\$ 25,350.41

FISCAL IMPACT: The cost of this construction services agreement is \$25,350.41. This cost includes relocation of phone utilities necessary to accommodate the Phase I water line.

Funding in the amount of \$950,000 has been appropriated for design of this project from the 2006 Utility Revenue (UR) Bond Issue. Funding for this contract is available in account 561-5200-535-6928, project #100172 from the 2006 UR bonds. \$4,450,000 is proposed to be funded in the 2008 Utility Revenue (UR) Bond Issue to fund the construction of these utilities. The 2008 UR bonds will be issued in early summer 2008.

ATTACHMENTS:

[Alignment](#)
[Letter](#)
[Resolution](#)





February 19, 2008

Dear Ms. Tolbert:

This letter is in regards to your request for Southwestern Bell Telephone Company to perform construction services for you. Enclosed please find an Application and Letter of Agreement for Construction Services. This application describes the work that you have requested along with the associated charges for us to perform the work. **We require advance payment for the full amount quoted on the application or a purchase order may be given by government entities. The name on the contract and the name on the check must be the same.**

Both the signed APPLICATION (with an original ink signature) and the advance payment must be received by our office before we can proceed on your behalf. Our mailing address for these documents is listed below:

**Southwestern Bell Telephone Company
Attn: Custom Work Order Department
817 W. North Loop Blvd. Room 200
Austin, Texas 78756**

*****	Payment will be accepted via US Postal Service, Over Night Mail Service, or Courier.
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If you decide not to proceed with this work, please call our office at **512-870-4944** so that we may cancel your request. Please refer to the CWOTS record number at the top of this letter and your application to assist us in locating your file.

Our tax identification number is: **43-0529710**

Sincerely,

Karen Benton
Manager-Custom Work Order Department
Southwestern Bell Telephone Company
(512) 870-4944



APPLICATION and LETTER OF AGREEMENT FOR CONSTRUCTION SERVICES

February 19, 2008

CWOTS Record Number:

676T08

BILL TO: City of Temple

WORK SITE LOCATION:
DESCRIPTION OF CONSTRUCTION
SERVICES TO BE PERFORMED:

At FM 2483
The work will consist of relocating the buried cable.

LABOR EXPENSE: \$20,381.41
OVERHEAD EXPENSE: \$0

MATERIAL EXPENSE: \$4,969.00
TARIFF/ LICENSE AGREEMENT EXPENSE: \$0

ESTIMATED CHARGE FOR
CONSTRUCTION SERVICES:

ESTIMATED COST: \$25,350.41

*** (Actual charges may exceed this estimated cost.) ***

Applicant requests that Southwestern Bell Telephone Company d/b/a AT&T Texas, (hereafter "SWBT") perform the above-described construction services on the Applicant's behalf. Applicant agrees to pay the charge(s) indicated above for such services plus applicable taxes. The work is to be done on an "Actual Cost" basis, all charge(s) will be computed in accordance with Southwestern Bell Telephone Company's ordinary accounting practices and will include allocated costs for labor, engineering, materials, transportation, motor vehicles, tool and supply expenses and sundry billings from sub-contractors and suppliers for work and materials related to the job. The Applicant affirms that the cost estimate furnished by the Telephone Company has been considered only as an estimate of approximate costs and that the actual costs incurred by the Telephone Company in doing the work at the particular time and location might be higher. Said estimated cost is subject to change due to any number of factors including, but not limited to, changing conditions in the field, weather delays, or changes in the scope of the work.

ESTIMATED PRICE QUOTE

The above estimated price is guaranteed for 60 days from February 19, 2008. If the charges are not accepted within 60 days the order will be cancelled and a new order will need to be placed. The second estimate may be higher than the estimated price set out above.

PAYMENT

Applicant agrees to make an advance payment of **\$25,350.41** prior to commencement of the work. Charges for construction services and applicable taxes will be billed on a special bill separate from the bill that Applicant receives for telephone service.

Applicant, its agents, servants, or employees agree to make payment on change orders within thirty (30) days of the date of signature on the change order. Failure to make payment within the designated thirty (30) day time period will operate to cancel the change order and Southwestern Bell Telephone Company, will cease all work activity on the project until payment is made.

When the Parties agree to Interval Billing *, the balance of the Contract Price or Actual Cost (as applicable) will be made in monthly payments. If the Actual Cost made varies from the Estimated Cost, then a correcting adjustment will be made in the last payment. If the parties cannot agree to Interval Billing, Applicant will make an advanced payment as indicated above.

* Applicable to orders over \$25,000 and work will take 6 or more months to complete.



TAXES

Applicant will pay and indemnify SWBT against all sales, use and other taxes (excluding income and franchise taxes), including fees, levies, other similar charges, interest and penalties imposed upon and paid by or assessed on SWBT by reason of its sale and installation of material and provision of construction services under this Application except to the extent a valid tax exemption certificate is provided by Applicant to SWBT prior to the delivery of material and provisioning of construction services.

STOP WORK ORDER

In the event that Applicant issues a stop work order, or places the project "on hold", at any point during the progress of the work, said stop work order or request to "hold" work must be issued in writing and must be delivered via certified mail, return receipt requested to **Karen Benton, 817 W. North Loop Blvd., Room 200, Austin, TX 78756**. If Applicant issues a stop work order, or a request to "hold" work, the contract price quoted herein will remain valid until sixty (60) days from the date of the stop work or "hold" work order. At the expiration of the sixty (60) days, the contract price quoted herein will expire and a new contract price will be determined and provided, in writing, to Applicant. The new contract price may be higher than the contract price quoted in this custom work order.

If, after issuing a stop work, or "hold" work order, Applicant elects to cancel the contract, Applicant must inform Southwestern Bell Telephone Company, in writing of the cancellation. Southwestern Bell Telephone Company, will deduct any expenses incurred in performing the work from Applicant's advance payment and refund any remaining funds to Applicant.

Under no circumstances will Southwestern Bell Telephone Company, be responsible to Applicant for any alleged damages or additional expenses incurred by Applicant as a result of a stop work order or an order to "hold" work on the project.

CANCELLATION

If the Applicant cancels the work prior to completion, Applicant must notify Southwestern Bell Telephone Company, in writing of said cancellation.

If Applicant elects to cancel the work prior to completion, Applicant agrees to pay Southwestern Bell Telephone Company for the costs it has incurred in starting performance under the contract. If Applicant has made an advance payment, Southwestern Bell Telephone Company will deduct its costs and expenses incurred as of the date of Applicant's notice of cancellation from the amount of the advance payment. Any amount remaining will be refunded to Applicant.

CHANGES IN SCOPE OF WORK OR CHANGES IN FIELD CONDITIONS

Should concealed conditions exist, including conditions that may exist below the surface of the ground, or if conditions exist that could not have been anticipated by Southwestern Bell Telephone Company at the time of this agreement, Southwestern Bell Telephone Company, will be entitled to additional funds and/or additional time to complete the work. Southwestern Bell Telephone Company will request such additional funding and/or additional time through a request for a change order.

Conditions that may materially alter the scope of the work and/or the cost associated with the work include but are not limited to conditions that exist below the surface of the ground and could not have been anticipated at the time of the price quote, above ground barriers, Acts of God affecting the progress or sequencing of the work, labor disputes, and other conditions or circumstances that Southwestern Bell Telephone Company, could not reasonably anticipate at the time of providing the above referenced price quote to Applicant.



Should Applicant or its agents, servants, or employees order or seek changes in the scope of the work, Southwestern Bell Telephone Company is entitled to seek from Applicant, its agents, servants, or employees, additional funds as necessary to perform the work, and additional time, as necessary to complete the work. Said request for additional funds and/or additional time will be through change order.

All change orders will be in writing.

All change orders will be submitted and accepted by Applicant, its agents, servants or employees, before Southwestern Bell Telephone Company, proceeds to execute the work or, if work has been initiated on the project, continues with executing the work except in an emergency endangering life or property.

Applicant, its agents, servants or employees, are deemed to have accepted the terms of any change order by signing where indicated on the change order.

Under no circumstances will Southwestern Bell Telephone Company request for a change order be deemed or used as evidence of delay on the project. Nor will any change order issued in this project be used to charge Southwestern Bell Telephone Company with responsibility for any alleged delay on the project.

NO DAMAGE FOR DELAY

Under no circumstances will Southwestern Bell Telephone Company be held liable to Applicant, Applicant's agents, employees or contractors, for any alleged delay on the project that forms the basis for this agreement for construction services.

TIME TO COMPLETE

Any representation by Southwestern Bell Telephone Company, its agents, servants or employees that the project, or any additional work authorized by change order, will be complete by a certain date or certain time period is strictly an estimate and not binding on Southwestern Bell Telephone Company, its agents, servants, or employees. All estimated completion dates are subject to changing conditions in the field, changes in the scope of the work, relocation of existing utilities not within Southwestern Bell Telephone Company control, Acts of God, weather delays, labor disputes, vendor/contractor disputes, and other conditions or circumstances that Southwestern Bell Telephone Company, its agents, servants, or employees, could not reasonably anticipate at the time of the estimate.

CHOICE OF LAW AND ARBITRATION

Should any dispute arise between the parties concerning the subject matter of this agreement, or any term contained therein, the parties agree that the dispute or claim shall be submitted to binding arbitration before the American Arbitration Association. The parties further agree that the prevailing party in any such dispute will be entitled to recover attorney's fees and costs of arbitration. Texas law governs the application of this agreement and all terms contained therein.

INDEMNIFICATION AND HOLD HARMLESS

Applicant, its agents, servants, and employees hereby agree to indemnify and hold harmless Southwestern Bell Telephone Company, and its employees, agents and contractors, from and against any and all claims, costs, expenses, judgments or actions for damage to property or injury or death to persons, and/or arising from or relating to the work that is the subject of this agreement, to the extent any such claims are caused by the negligent acts or omissions of the Applicant, its agents, servants, or employees.



ENTIRE AGREEMENT

The parties agree that the terms set forth herein constitute the entire agreement and there are no other agreements regarding the project that is the subject of this agreement between the parties.

MODIFICATION & NOTICE

Any modification to this agreement must be made in writing and signed by both parties.

Any party to this agreement may provide the other party with notice of any fact or condition by providing such information in writing and serving said writing via certified mail, return receipt requested

ACCEPTED FOR CUSTOMER:

Authorized Signature
Title or Relationship to Company or Individual

Company: _____
Printed Name: _____
Date: _____

**ACCEPTED FOR SOUTHWESTER BELL
TELEPHONE COMPANY:**

Title: Manager-Custom Work Order Department

Company: Southwestern Bell Telephone Company
Printed Name: Karen Benton
Date: February 19, 2008

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION SERVICES AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY IN AN AMOUNT NOT TO EXCEED \$25,350.41 FOR RELOCATION OF BURIED CABLE NECESSARY TO EXPAND WEST TEMPLE WATER AND WASTEWATER UTILITIES NORTH OF FM 2305; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, current and anticipated growth in west Temple is placing an excessive burden on the water delivery system in the area, resulting in near water shortages to this region of the City;

Whereas, there is a project scheduled to expand water and wastewater utilities north of FM 2305 – buried cable in the area needs to be relocated in order to complete the project;

Whereas, the Staff recommends entering into an agreement with Southwestern Bell to perform this work;

Whereas, the cost of the construction services is \$25,350.41 and funds are available in Account No. 561-5200-535-6928; 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 services agreement, for an amount not to exceed \$25,350.41, with Southwestern Bell Telephone Company, after approval as to form by the City Attorney, for relocation of buried cable necessary to expand west Temple water and wastewater utilities north of FM 2305.

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

PASSED AND APPROVED this the 17th day of **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

04/17/08
Item #5(I-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-17-A: Consider adopting an ordinance authorizing an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.13 acres of land commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, south of the FM 2271 and FM 2305 intersection.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of the amendment to the FM 2271 Corridor Plan at its meeting on March 25, 2008. Commissioner Norman was absent.

STAFF RECOMMENDATION: Staff recommends approval of the amendment request to the FM 2271 Corridor Plan from Low Density Residential to Retail for the following reasons:

1. The request complies with the Future Land Use Plan of the 2271 Corridor Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-17A, from the Planning and Zoning meeting, March 25, 2008. The FM 2271 Corridor Plan was adopted in December 1998. It extends to about a quarter mile on both sides of FM 2271 from the City limits line to the north down to Miler Springs Park and Live Oak Ridge Park to the south. Its purpose is to establish architectural guidelines that will create a look of single-story, masonry buildings for nonresidential uses.

The Commission did not raise any issues requiring additional staff attention.

Twenty three notices of the P&Z public hearing were sent out. As of Wednesday, March 26 at 3 PM, 14 notices were returned in favor of and 2 notices were returned in opposition to the request. The newspaper printed notice of the P*Z public hearing on March 15, 2008 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map
P&Z Staff Report (Z-FY-08-17A)
P&Z Minutes (March 25, 2008)
Ordinance



Z-FY-08-17-A

OB# 2765-A, 2765-B & 2765-C

10.131 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 Dvmt
- Fwy Com/Tech/Indust
- Intermodal

Community Facilities

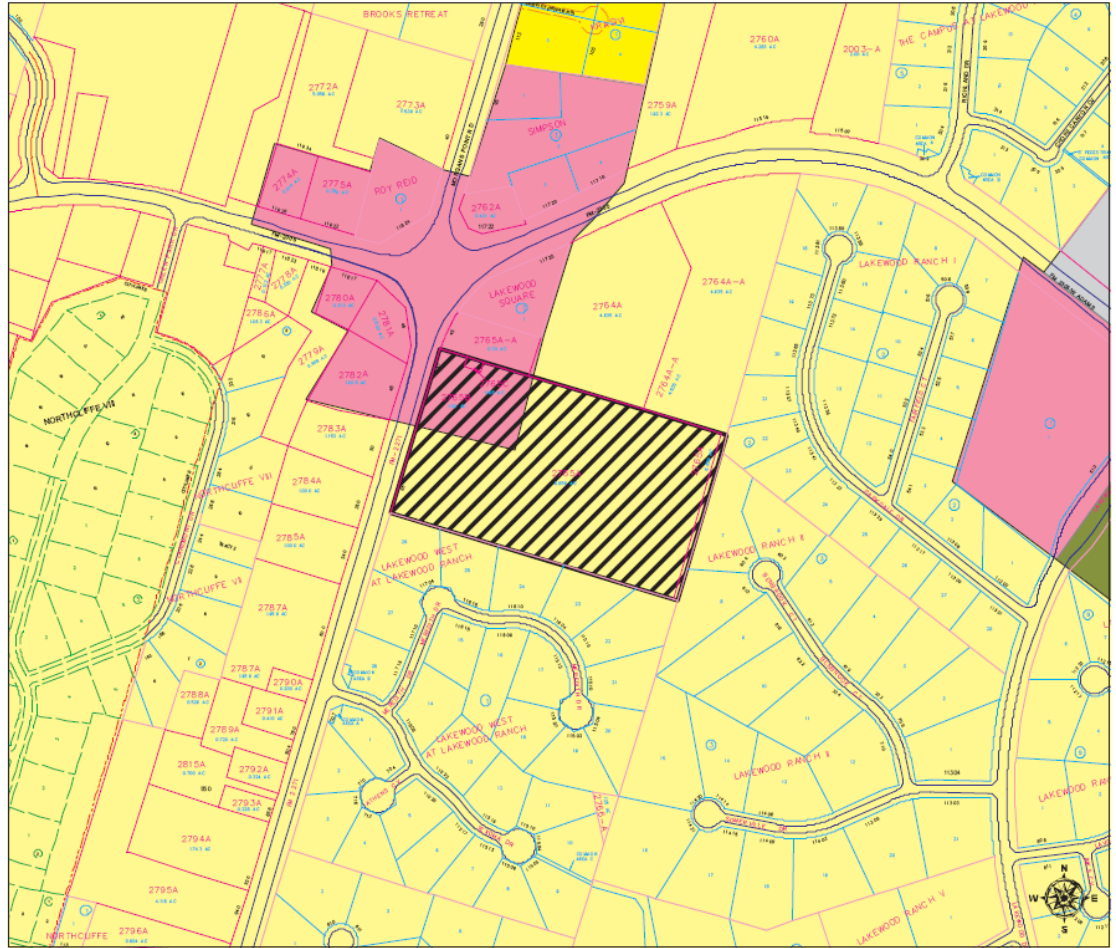
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

- DOWNTOWN



A to PD(GR)

1 inch equals 400 feet

J Stone 02.29.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

03/25/08
Item #3
Page 1 of 2

APPLICANT / DEVELOPMENT: AC Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-17-A Hold a public hearing to consider an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.13 acres of land commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, south of the FM 2271 and FM 2305 intersection. (Applicant: Staff)

BACKGROUND: The FM 2271 Corridor Plan was adopted in December 1998. It extends to about a quarter mile on both sides of FM 2271 from the City limits line to the north down to Miler Springs Park and Live Oak Ridge Park to the south. Its purpose is to establish architectural guidelines that will create a look of single-story, masonry buildings for nonresidential uses.

Future Land Use Plan

The FM 2271 Corridor Plan recommends retail uses around the intersection of FM 2271 and FM 2305. That Retail designation covers the front 300 feet of the northwest corner of the property. The applicant is requesting to expand the Retail designation to cover the entire property. The requested Retail future land use category accommodates the NS, Neighborhood Services and the GR, General Retail zoning districts. Increasing growth in west Temple justifies the amendment and the amendment request complies with the Future Land Use Plan.

Thoroughfare Plan

FM 2271 is designated as a local street on the Thoroughfare Plan; however it functions more as a collector or minor arterial which is an appropriate classification for a mixed use development to front. The amendment request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The contract to build an 8" sewer line along the north property line was awarded to a contractor in early March of 2008. The Public Works department estimates that the project will be complete in January 2009. An eight-inch public water line along the east side of FM 2271 serves the property. Adequate public facilities will serve the property in one year and the applicant anticipates development once the sewer line is complete.

Public Notice

Twenty three notices of the P&Z meeting were sent out. As of Monday, March 17 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 March 15, 2008 in accordance with state law and local ordinance.

Double Sided

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

1. The request complies with the Future Land Use Plan of the 2271 Corridor Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

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

TUESDAY, MARCH 25, 2008

ACTION ITEMS

Chair Luck asked if Item 3, Z-FY-08-17A and Item 4, Z-FY-08-17B, 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-08-17A Hold a public hearing to consider an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.1± acres of land commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, south of the FM 2271 and FM 2305 intersection. (Applicant: Staff)
4. Z-FY-08-17B Hold a public hearing to consider a zone change from Agricultural District to Planned Development (General Retail) District on approximately 10.1± acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with item Z-FY-08-17A, an amendment to the FM 2271 Corridor Plan to reflect retail uses. He said the FM 2271 Corridor Plan was adopted in December of 1998 with the intent to establish architectural guidelines that would create an attractive look of single story masonry buildings for non-residential uses in certain parts of the corridor. Mr. Mabry added that the plan also recommends that all non-residential uses be processed as Planned Developments when they come before the Commission for zoning approval. He said the applicant, Mr. A.C. Boston, could not attend the meeting due to a prior conflict. Mr. Mabry discussed the FM 2271 Corridor Plan in relation to the Future Land Use Plan, the Thoroughfare Plan, and adequacy of public facilities. He said the request for the amendment is in compliance; therefore Staff recommends approval of the requested amendment to the FM 2271 Corridor Plan.

Mr. Mabry continued with Z-FY-08-17B, a zone change from Agricultural District to Planned Development (General Retail) District. He said the proposed project is a mixed use development that would have a restaurant, offices retail use, and the applicant plans to build a single family dwelling for himself which is on the development plan that each of

the Commissioners has. Mr. Mabry displayed the zoning map, land use map, utility map, an aerial of the property and pictures of the surrounding uses, a development plan, and the notification radius map. He discussed the Future Land Use Plan, the Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said twenty-three notices were mailed to surrounding property owners within 200 feet of the proposed zone change property. Fourteen were returned in favor of the zone change request and two were returned in opposition to the zone change request. Mr. Mabry said that Staff recommends approval of the zone change request.

Chair Luck opened the public hearing for item Z-FY-08-17A, an amendment to the FM 2271 Corridor Plan, asking anyone wishing to speak in favor or against the request to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-17A, the Future Land Use Map amendment request from low density residential to retail uses, by Commissioner Martin; seconded by Commissioner Kjelland.

Motion passed (8/0).

Chair Luck opened the public hearing for item Z-FY-08-17B, a zone change from Agricultural District to Planned Development (General Retail) District, asking anyone wishing to speak in favor or against the zone change to address the Commission. Seeing no one Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-17B, a zone change from Agricultural District to Planned Development (General Retail) District by Commissioner Carothers; seconded by Commissioner Pilkington.

Motion passed (8/0).

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-17-A]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE FM 2271 CORRIDOR PLAN TO REFLECT RETAIL USE ON APPROXIMATELY 10.131 ACRES OF LAND, COMMONLY KNOWN AS OUTBLOCKS 2765-A AND B, CITY ADDITION, LOCATED ON THE EAST SIDE OF FM 2271, JUST SOUTH OF THE FM 2271 AND FM 2305 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 an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Plan of the FM 2271 Corridor Plan 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 3rd day of April, 2008.

PASSED AND APPROVED on Second Reading on the 17th 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

04/17/08
Item #5(I-2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-08-17-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Planned Development (General Retail) District on approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of the requested zone change at its meeting on March 25, 2008. Commissioner Norman was absent.

STAFF RECOMMENDATION: Staff recommends approval of the:

1. Zone change from A, Agricultural District to PD-GR, Planned Development General Retail District
2. Binding development plan

For the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan of the 2271 Corridor Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-17B, from the Planning and Zoning meeting, March 25, 2008. This application tracks with a requested amendment to the FM 2271 Corridor Plan, Z-FY-08-17A. The purpose of the zone change request is to establish a mixed use development including a restaurant, offices, retail establishment and single-family dwelling.

In accordance with Planned Development submittal requirements, the applicant has submitted a binding development plan showing building locations and heights, general parking areas and access points. Notable features of the development plan include:

- Preserved trees (elm, oak and pecan) along the south and east lot lines of the property to screen neighboring subdivisions
- No nonresidential building exceeding 25 feet in height
- Sign not to exceed 8 feet in height
- Greater front, side and rear setbacks than normally required
- Statement that recommended guidelines in the FM 2271 Corridor Plan will be followed
- A pre-determined set of uses for the property, including: Restaurant, office, single-family dwelling, and General Retail or Neighborhood Service district uses

The Commission did not raise any issues requiring additional staff attention.

Twenty three notices of the P&Z public hearing were sent out. As of Wednesday, March 26 at 3 PM, 14 notices were returned in favor of and 2 notices were returned in opposition to the request. The newspaper printed notice of the P&Z public hearing on March 15, 2008 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Zoning Map
Land Use Map
Utility Map
Aerial
Development Plan
Notification Map
P&Z Staff Report (Z-FY-08-17B)
P&Z Minutes (03/25/08)
Ordinance



Z-FY-08-17-A

OB# 2765-A & 2765-B

10.131 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 Campus & Office
Aviation Industrial Dvmt
Fwy Com/Tech/Indust
Intermodal

Community Facilities

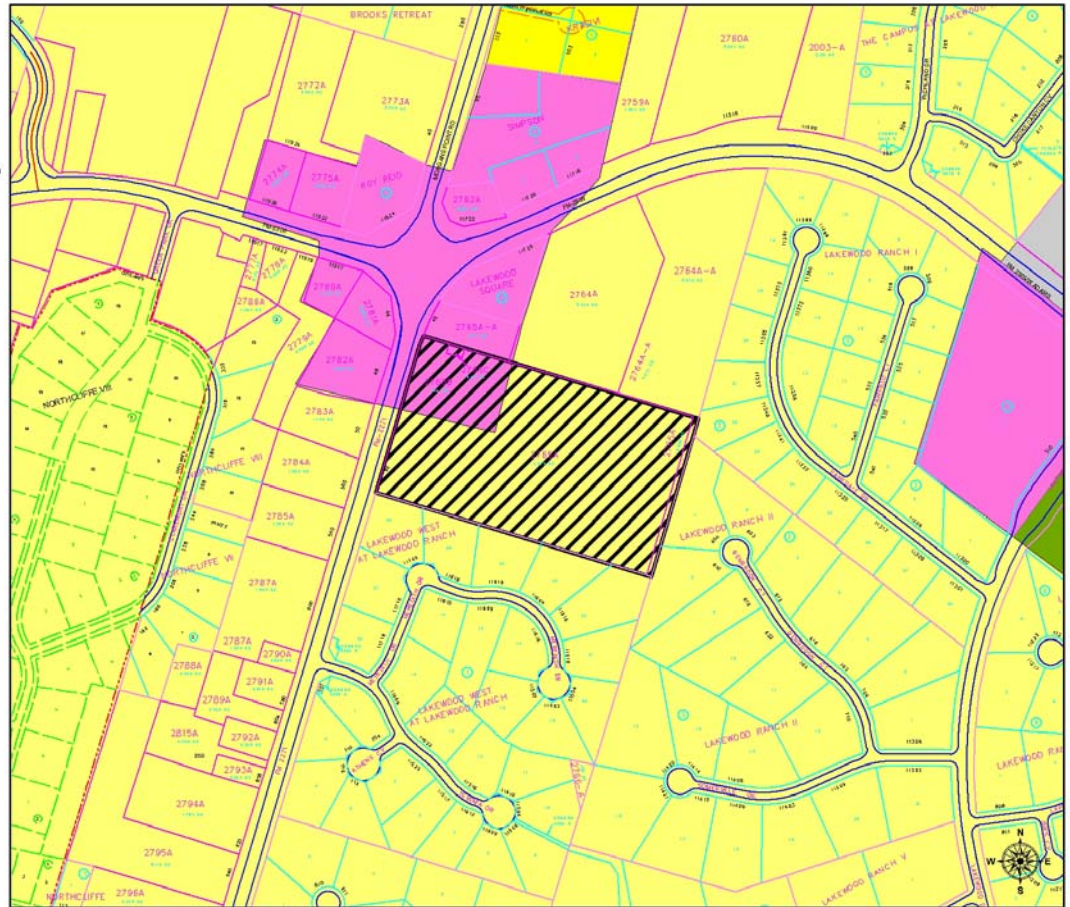
COMMUNITYFACILITY
CF-E (EDUCATIONAL)
CF-G (GENERAL)
CF-R (RESIDENTIAL)
CF-M (MEDICAL)

Park Land

PROPOSED FLOATING PARK
PARKS

Downtown

DOWNTOWN



A to PD(GR)

1 inch equals 400 feet

J Stone 02.29.08



Z-FY-08-17-A

OB# 2765-A & 2765-B

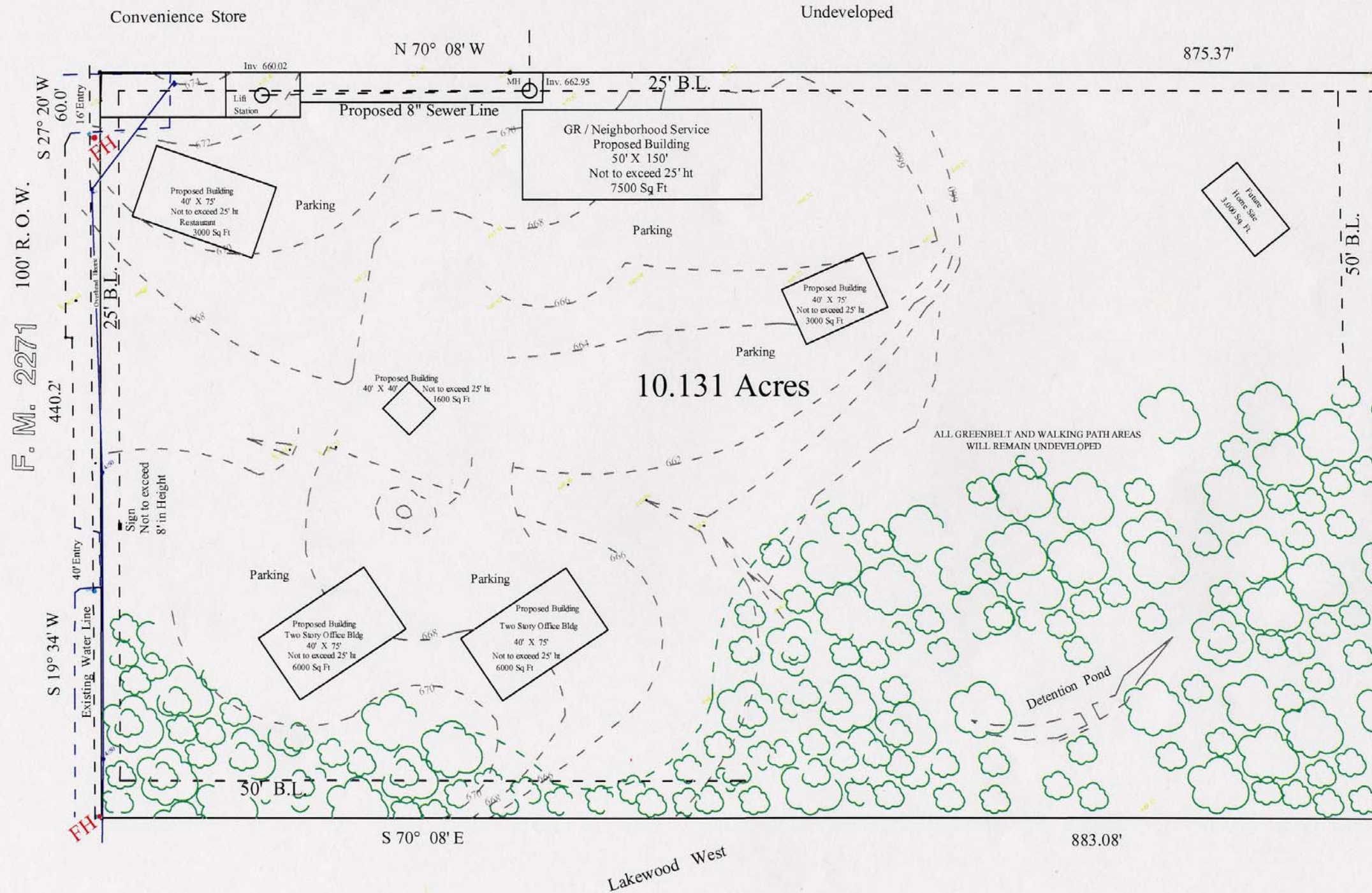
10.131 Acres





Z-FY-08-17 -B

OB# 2765-A & 2765-B Development Plan 10.131 Acres



AS PROVIDED BY OR EXCEEDING
ZONING ORDINANCE # 98-2589

LANDSCAPING SHALL MEET OR EXCEED

ALL REFUSE CONTAINERS WILL BE SCREENED
REQUIRED PARKING AND LOADING SPACES
SHALL MEET OR EXCEED

OWNER INTENDS TO FOLLOW RECOMMENDED
ARCHITECTURAL GUIDELINES IN THE
FM 2271 CORRIDOR PLAN

10.131 Acres

GEORGE W. LINDSEY SURVEY

ABSTRACT NO. 513

IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

Outblocks # 2765A & 2765B

Address 85 FM 2271

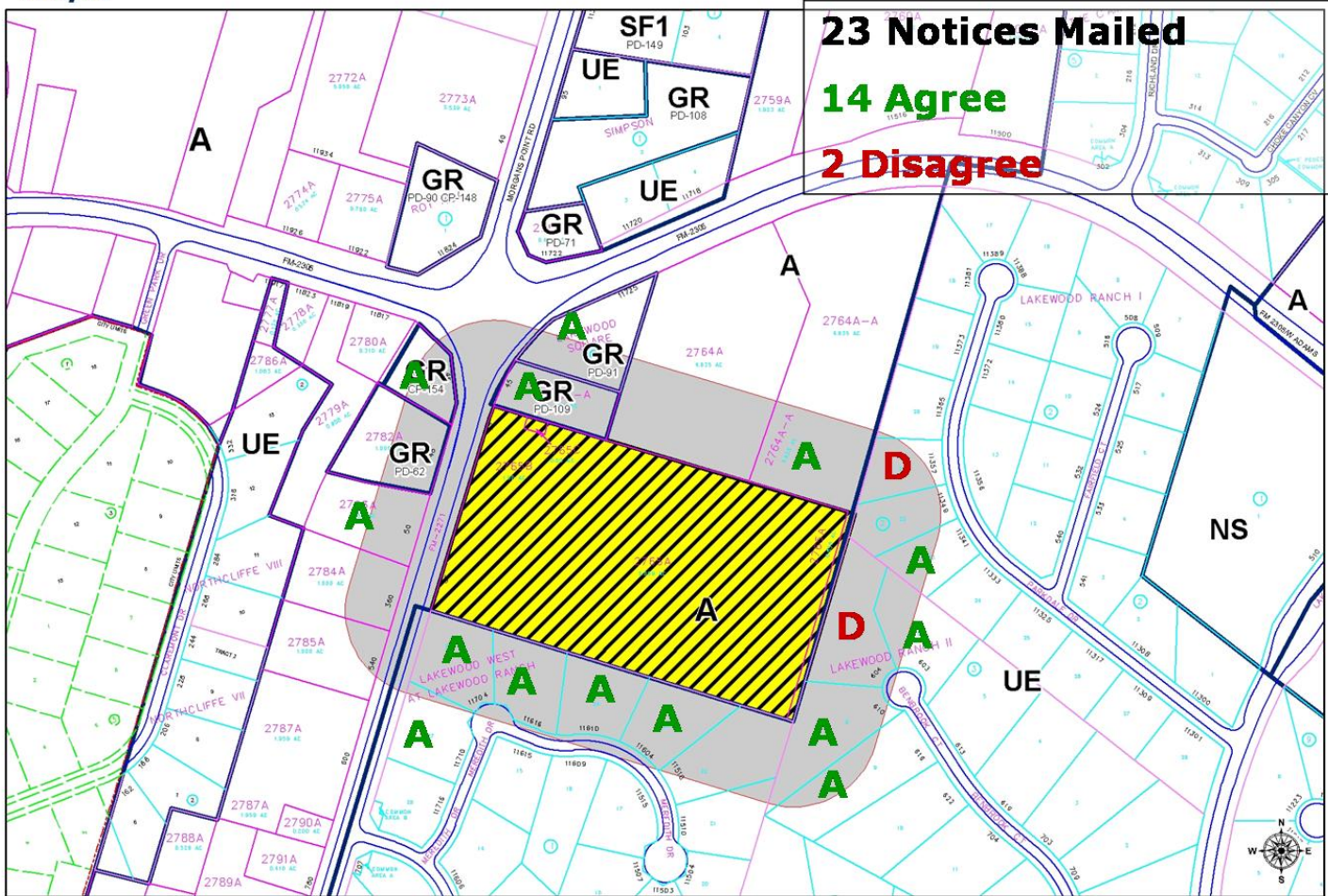
OWNERS: A. C. Boston, and wife Nancy Boston



Z-FY-08-17-B

OB# 2765-A & 2765-B

10.131 Acres



ZFY0817 200' Buffer

A to PD(GR)

1 inch equals 300 feet
J Stone 02.29.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

03/25/08
Item #4
Page 1 of 4

APPLICANT / DEVELOPMENT: AC Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-17 Hold a public hearing to consider a zone change from Agricultural District to Planned Development (General Retail) District on approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection.

BACKGROUND: This application tracks with a requested amendment to the FM 2271 Corridor Plan, Z-FY-08-17A. The purpose of the zone change request is to establish a mixed use development including a restaurant, offices, retail establishment and single-family dwelling.

In accordance with Planned Development submittal requirements, the applicant has submitted a binding development plan showing building locations and heights, general parking areas and access points. Notable features of the development plan include:

- Preserved trees (elm, oak and pecan) along the south and east lot lines of the property to screen neighboring subdivisions
- No nonresidential building exceeding 25 feet in height
- Sign not to exceed 8 feet in height
- Greater front, side and rear setbacks than normally required
- Statement that recommended guidelines in the FM 2271 Corridor Plan will be followed
- A pre-determined set of uses for the property, including: Restaurant, office, single-family dwelling, and General Retail or Neighborhood Service district uses

The guidelines in the FM 2271 Corridor Plan are summarized as follows:

- Maximum building height of 25 feet
- Residential appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction
- Parking areas screened from street view by continuous hedge along street

Other guidelines mentioned in the plan regarding tree planting are already addressed in the landscaping standards of the Zoning Ordinance. Some relatively new commercial buildings on FM 2271 show the plan's desired outcomes.



If the Planned Development zone change is approved, the site plans that will accompany any future building permit applications on the site will be checked for consistency with the binding development plan. Any significant deviation from the approved development plan (such as the addition of new buildings or the removal of the preserved trees) will require review from the Planning and Zoning Commission and City Council.

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	GR-PD	Convenience store & general retail
	A	Vacant
East	UE	Single-family dwelling
South	UE	Single-family dwelling
West	GR-PD	Plumbing Contractor
	GR-PD	Office
	GR-PD	Restaurant
	A	Single-Family dwelling

Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use Plan of the 2271 Corridor Plan.

Thoroughfare Plan

FM 2271 is designated as a local street on the Thoroughfare Plan; however it functions more as a collector or minor arterial which is an appropriate classification for a mixed use development to front. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The contract to build an 8" sewer line along the north property line was awarded to a contractor in early March of 2008. The Public Works department estimates that the project will be complete in January 2009. An eight-inch public water line along the east side of FM 2271 serves the property. Adequate public facilities will serve the property in one year and the applicant anticipates development once the sewer line is complete.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials 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 retail facility. This is the standard retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments.

The purpose of the PD, Planned Development overlay district is to accommodate unique development proposals with special design considerations.

Minimum lot area and setback requirements for the GR, General Retail district are as follows. Since the applicant is proposing a mixed use development, standards for both residential and nonresidential uses are provided. In addition, in case of conflict, the approved development plan supersedes any of the standards below.

GR, General Retail (nonresidential uses)	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	3 stories
Min. Yard (ft)	
Front	30 from street centerline
Side	10 adjacent to residential district
Rear	10 adjacent to residential district

GR, General Retail (single-family detached dwelling)	
Min. Lot Area (sq. ft.)	5,000
Min. Lot Width (ft.)	50
Min. Lot Depth (ft.)	100
Max. Height (stories)	3 stories
Min. Yard (ft)	
Front	15
Side	10% lot width
Rear	10

Public Notice

Twenty three notices of the P&Z meeting were sent out. As of Monday, March 17 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 March 15, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the:

1. Zone change from A, Agricultural District to PD-GR, Planned Development General Retail District
2. Binding development plan

For the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan of the 2271 Corridor Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Utility Map
Aerial
Development Plan
Notification Radius Map

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

TUESDAY, MARCH 25, 2008

ACTION ITEMS

Chair Luck asked if Item 3, Z-FY-08-17A and Item 4, Z-FY-08-17B, 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-08-17A Hold a public hearing to consider an amendment to the FM 2271 Corridor Plan to reflect retail uses on approximately 10.1± acres of land commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, south of the FM 2271 and FM 2305 intersection. (Applicant: Staff)
4. Z-FY-08-17B Hold a public hearing to consider a zone change from Agricultural District to Planned Development (General Retail) District on approximately 10.1± acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with item Z-FY-08-17A, an amendment to the FM 2271 Corridor Plan to reflect retail uses. He said the FM 2271 Corridor Plan was adopted in December of 1998 with the intent to establish architectural guidelines that would create an attractive look of single story masonry buildings for non-residential uses in certain parts of the corridor. Mr. Mabry added that the plan also recommends that all non-residential uses be processed as Planned Developments when they come before the Commission for zoning approval. He said the applicant, Mr. A.C. Boston, could not attend the meeting due to a prior conflict. Mr. Mabry discussed the FM 2271 Corridor Plan in relation to the Future Land Use Plan, the Thoroughfare Plan, and adequacy of public facilities. He said the request for the amendment is in compliance; therefore Staff recommends approval of the requested amendment to the FM 2271 Corridor Plan.

Mr. Mabry continued with Z-FY-08-17B, a zone change from Agricultural District to Planned Development (General Retail) District. He said the proposed project is a mixed use development that would have a restaurant, offices retail use, and the applicant plans to build a single family dwelling for himself which is on the development plan that each of

the Commissioners has. Mr. Mabry displayed the zoning map, land use map, utility map, an aerial of the property and pictures of the surrounding uses, a development plan, and the notification radius map. He discussed the Future Land Use Plan, the Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said twenty-three notices were mailed to surrounding property owners within 200 feet of the proposed zone change property. Fourteen were returned in favor of the zone change request and two were returned in opposition to the zone change request. Mr. Mabry said that Staff recommends approval of the zone change request.

Chair Luck opened the public hearing for item Z-FY-08-17A, an amendment to the FM 2271 Corridor Plan, asking anyone wishing to speak in favor or against the request to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-17A, the Future Land Use Map amendment request from low density residential to retail uses, by Commissioner Martin; seconded by Commissioner Kjelland.

Motion passed (8/0).

Chair Luck opened the public hearing for item Z-FY-08-17B, a zone change from Agricultural District to Planned Development (General Retail) District, asking anyone wishing to speak in favor or against the zone change to address the Commission. Seeing no one Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-17B, a zone change from Agricultural District to Planned Development (General Retail) District by Commissioner Carothers; seconded by Commissioner Pilkington.

Motion passed (8/0).

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-17-B]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT (GENERAL RETAIL) DISTRICT ON APPROXIMATELY 10.131 ACRES OF LAND, COMMONLY KNOWN AS OUTBLOCKS 2765-A AND B, CITY ADDITION, LOCATED ON THE EAST SIDE OF FM 2271, JUST SOUTH OF THE FM 2271 AND FM 2305 INTERSECTION, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection, has requested that the property be rezoned from Agricultural District to Planned Development (General Retail) District; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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 Planned Development (General Retail) District on approximately 10.131 acres of land, commonly known as Outblocks 2765-A and B, City Addition, located on the east side of FM 2271, just south of the FM 2271 and FM 2305 intersection in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development (General Retail) District, and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Except as shown on the site plan attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the General Retail District; and

- (b) Development of the property will be in accordance with the site plan, attached hereto as Exhibit B.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 3rd day of April, 2008.

PASSED AND APPROVED on Second Reading on the 17th 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

04/17/08
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2008, for the purchase of ballistic vests and replacements for the Police Department in the amount of \$22,025.

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

ITEM SUMMARY: The Temple Police Department desires to approval to apply for grant funds available through the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program. If approved, this will be the 6th grant received from this program. The grant funds may be used for up to 50% of the cost associated with the purchase of new ballistic vests. The Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant.

FISCAL IMPACT: If awarded the grant, the City will receive \$22,025 in grant funds and the City's match will be \$22,025. Matching funds for the grant have been budgeted in account 110-2000-521-2113 in the amount of \$6,500 with the remaining \$15,525, of matching funds available in undesignated fund balance. A budget amendment is attached for your approval. The grant funds are reimbursed to the City after a purchase is completed.

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	
110-0000-352-13-45		Desg Cap Proj-Bulletproof Vest Grant	\$ 22,025			
110-2000-521-21-13		Clothing & Uniform			6,500	
110-0000-352-13-45		Desg Cap Proj-Unallocated			15,525	
TOTAL.....			\$ 22,025		\$ 22,025	

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

To designate funds for the 2008 Bulletproof Vest Partnership Program Grant match.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

4/17/2008

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GRANT APPLICATION FOR THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP PROGRAM OF 2008 IN THE AMOUNT OF \$22,025, FOR THE PURCHASE OF BALLISTIC VESTS AND REPLACEMENTS FOR THE POLICE DEPARTMENT; ACCEPTING ANY FUNDS THAT MAY BE RECEIVED FOR THIS PURPOSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Police Department desires to apply for grant funds available through the Bureau of Justice Assistance Bulletproof Vest Program which is available to provide units of local government funds to purchase bulletproof vests for police officers;

Whereas, federal funding for the program is 50% of the cost of the vests (\$22,025), which will be reimbursed after the purchase;

Whereas, the City's matching funds have been budgeted in the FY 2007-2008 Police Department budget – a budget amendment needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes an application to the Bureau of Justice Assistance (BJA) funding under the Bulletproof Vest Partnership Grant Program of 2008 to purchase bulletproof vests and replacements for the Temple Police Department, and commits to the City's matching funds of \$22,025.

Part 2: The City Council approves an amendment to the FY 2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

Part 3: The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply, accept funds, implement or renew this grant, after approval as to form by the City Attorney.

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

PASSED AND APPROVED this the 17th day of **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

04/17/08
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$215,437.

ATTACHMENTS:

Budget amendments
Resolution

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

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-1800-525-2221		Computer Equipment (Municipal Court)	\$ 829	
110-0000-317-0000		Fund Balance Resvd/Municipal Court Restricted Fees-Tech Funds		\$ 829
<p>To appropriate \$829 from Municipal Court's Restricted Technology Funds to pay for a scanner for a Court Clerk who will be residing at the Police Department. These restricted fees can only be used by the Court for technology purposes.</p>				
110-2000-521-2136		Public Safety Expenditures (Police Dept.)	\$ 20,781	
110-0000-442-0722		Police Donations		\$ 9,000
110-0000-313-0331		Reserve for Public Safety		\$ 11,781
<p>Appropriate funds for purchases from the CPR Anytime Project fund. Funds have been donated to the Public Safety Advisory Board to cover some of the costs. The units will be sold to the public for \$15 - \$20 each to cover the remaining costs of the units. The initial purchase will be for 840 individual CPR units. The following entities have made donations or pledges: Scott & White Hospital - \$3,000, King's Daughters Hospital - \$3,000, Wal-Mart - \$2,500, and Temple South Rotary Club - \$500.</p>				
110-2000-521-2516		Judgments & Damages	\$ 1,225	
110-1500-515-6531		Contingency Judgments & Damages		\$ 1,225
<p>Deductible reimbursement to the Texas Municipal League for attorney fees for a claim filed against the City by Bruce Wayne Ervin. Claim arises out of police officers' seizure of numerous items that were in his possession when his premises were searched.</p>				
110-4000-555-2516		Judgments & Damages	\$ 3,500	
110-1500-515-6531		Contingency Judgments & Damages		\$ 3,500
<p>Deductible reimbursement to the Texas Municipal League for a lawsuit filed against the City by Edward Jones seeking reimbursement for personal injuries from a slip and fall at the Library on February 8, 2006.</p>				
110-3500-552-2516		Judgments & Damages	\$ 264	
110-1500-515-6531		Contingency Judgments & Damages		\$ 264
<p>Settlement of claim filed against the City by Thomas Schauer seeking reimbursement for damage to a window on his vehicle after it was struck by a rock thrown by a weed eater operated by a PALS employee on March 21, 2008, on 31st Street on the bridge over East Avenue H.</p>				
110-xxxx-5xx-1xxx		General Fund - Performance Pay	\$ 150,000	
110-1500-515-6536		Contingency - Performance Pay		\$ 150,000
520-xxxx-535-1xxx		Water Fund - Performance Pay	\$ 30,000	
520-5000-535-6536		Contingency - Performance Pay		\$ 30,000
240-4400-551-1xxx		Hotel/Motel - Performance Pay	\$ 8,000	
240-4400-551-6536		Contingency - Performance Pay		\$ 8,000
292-2900-534-1xxx		Drainage Fund - Performance Pay	\$ 838	
292-2900-534-6536		Contingency - Performance Pay		\$ 838

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

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		To appropriate funds for lump sum performance pay for eligible employees that received a Meets Expectation+ (ME+) or Exceeds Expectations (EE) score on their annual performance review. The performance review period covered the 15-month period from October 2006 to December 2007. The lump sum performance pay will be distributed on April 30, 2008.		
TOTAL AMENDMENTS			\$ 215,437	\$ 215,437
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	\$	(39,994)
		Net Balance of Judgments & Damages Contingency Account	\$	30,006
		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 Performance Pay Contingency	\$	150,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(150,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		Net Balance Council Contingency	\$	103,672
		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	\$	(169,584)
		Net Balance of Contingency Account	\$	735,088
		Beginning Performance Pay Contingency	\$	30,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(30,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		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	\$	1,093,669

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

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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 Performance Pay Contingency	\$	8,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(8,000)
		Net Balance of Compensation Plan Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	20,126
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495
		Beginning Performance Pay Contingency	\$	2,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(838)
		Net Balance of Compensation Plan Contingency Account	\$	1,162
		Net Balance Drainage Fund Contingency	\$	2,657
		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 17th 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

04/17/08
Item #6
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Z-FY-08-14: Consider adopting an ordinance amending Section 13 of the City of Temple Zoning Ordinance to add standards regarding masonry building exteriors.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning & Zoning Commission by a vote of 5-3, and Staff recommend approval of the proposed ordinance.

Two motions also failed during the Commissioner's meeting before the approved motion and vote to recommend approval.

1. Motion failed to apply the proposed ordinance to certain corridors
2. Motion failed to exempt private business parks from masonry standards

ITEM SUMMARY: The two attached ordinances contain different items:

1. The ordinance approved by the Council at its first reading, February 7th and tabled February 21st, (recognizing the tabling February 18th by the Planning & Zoning Commission) and
2. A proposed ordinance of the work group's consensus which contains highlighted suggested additions and struck-through suggested deletions.

Please refer to the Staff Report and the draft minutes from the Planning & Zoning Commission meeting April 7th.

As the Council is aware, this project started in April, 2007, after the Council's direction to draft a proposed ordinance with standards limiting metal facades for commercial buildings and meet with stakeholders. Stakeholders included the Chamber of Commerce (Chamber), Temple Economic Development Corporation (TEDC), Keep Temple Beautiful (KTB), and the Temple Area Builder's Association (TABA) and City Staff. Stakeholder meetings occurred through November, 2007.

In December 2007, the Council directed staff to re-draft an ordinance which focused on a masonry facade ordinance. Staff presented an ordinance which was approved on first reading February 7, 2008, and forwarded to the Planning & Zoning Commission for a public hearing February 18, 2008. The Commission recommended tabling the item and requested a work group to review the issue.

A work group met three times chaired by Thomas Baird, on February 25, 28 and finalized its comments March 11th. The group consisted of the Planning & Zoning Commission representatives (2 persons), representatives from the Chamber, (3 persons) KTB (2 persons), TABA (4 persons), TEDC (3 persons), and City Staff (2 persons). Those representatives have been invited to the April 17th City Council meeting. The City Attorney's office has reviewed the proposed form of the ordinance.

ATTACHMENTS:

[P&Z Minutes](#)

[Ordinance passed on first reading \(highlighted changes\)](#)

[Proposed Ordinance \(highlighted changes\)](#)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 7, 2008

ACTION ITEMS

Chair Luck asked if Item 4, Z-FY-08-19A and Item 5, Z-FY-08-19B, 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.

4. Z-FY-08-19A Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to reflect commercial uses on 4.63± acres of land commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury park. (Applicant: Rodney Deyoe for Shallow Ford Construction)
5. Z-FY-08-19B Hold a public hearing to consider a zone change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park. (Applicant: Rodney Deyoe/Shallow Ford Construction Co.)

Mr. Brian Mabry, Senior Planner, began with Item 4, **Z-FY-08-19A**, as presented in the Planning and Zoning Agenda Item. He said the applicant for this case is Mr. Rodney Deyoe for Shallow Ford Construction. Mr. Mabry said this case would go before City Council on April 17, 2008 for first reading and second reading will be on May 1, 2008. This case tracks with Z-FY-08-19B, however this case is the amendment of the West Temple Plan which was adopted in 1999 and shows moderate medium density residential future land use for the subject property. He said land to the north and to the east and to the west is commercial on the future land use map which he displayed on the overhead screen. Mr. Mabry discussed the future land use plan and the adequacy of public facilities as outlined in the agenda item. He said the applicant has stated that they are working with a local engineering firm to connect with some water and sewer facilities to the south near the Saulsbury park area. Mr. Mabry said Staff recommends approval from Moderate Density Residential to Commercial, based on items 1, 2, and 3 in the agenda item.

Mr. Mabry concluded with zone change **Z-FY-08-19B**. He said the zoning is for the existing use which is for contract storage or equipment yard that is permitted in Central Area, Commercial and Industrial Districts. Mr.

Mabry said this fills in the gap for the approved commercial zoning at a previous Planning & Zoning commission meeting for property immediately to the west. He displayed the zoning map, Future Land Use Map, an aerial of the area, a utility map and a notification radius map and discussed surrounding property uses, the Future Land Use Plan, the Thoroughfare Plan, adequacy of public facilities, and development regulations. Six notices were mailed to surrounding property owners within 200 feet. None were returned in favor or in opposition to the request. Mr. Mabry said Staff recommends approval of the zone change request based on the items listed in the agenda item.

Chair Luck opened the public hearing for item **Z-FY-08-19A**, an amendment to the West Temple Comprehensive Plan, asking anyone wishing to speak in favor or against the request to address the Commission.

Mr. Rodney Deyoe, President of the Charter Group, 3000 S. 31st Street addressed the Commission speaking in favor of the request. He said the small portion of land not included in the zone change would come before the Commission later when the Charter Group obtains the metes and bounds on the property.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-19A. See no one Chair Luck closed the public hearing.

Chair Luck opened the public hearing for item **Z-FY-08-19B**, a zone change from Agricultural District to Commercial District, asking anyone wishing to speak in favor or against the zone change to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of **Z-FY-08-19A**, amendment to the West Temple Comprehensive plan to reflect Commercial uses, by Commissioner Carothers; seconded by Vice-Chair Pope.

Motion passed (8/0).

Motion to recommend approval of **Z-FY-08-19B**, a zone change from Agricultural District to Commercial District, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (8/0).

8. Z-FY-08-14 Hold a public hearing to consider an amendment to the City of Temple Zoning Ordinance (Section 13) to add standard masonry exteriors. (Applicant: Staff)

Mr. Tim Dolan, Planning Director, presented this case as outlined in the Planning and Zoning Agenda Item. He said the Commission tabled the item at the February 18, 2008 meeting. The Commission requested to form a work group including Vice-Chair Pope and Commissioner Carothers along with representatives from the Temple Area Builders Association, Keep Temple Beautiful, The Chamber of Commerce, and Temple Economic Development Commission plus the Assistant City Manager of Temple to review the draft ordinance. Mr. Dolan described the comparison of what the City Council approved 1st reading on Thursday, February 7, 2008, and the proposed ordinance considered by the Commission. He said there is one clause that included to have language that included building that were permitted for construction prior to the second reading of the ordinance and that was done to add instead of those buildings in existence prior to. Mr. Dolan said there was also discussion where it did describe that the standards applied to the first two stories; the work group asked for it to be 25 feet vertical height of a building or the first two stories whichever is lower. The other idea was brought to the Commission for looking at adding some other Strategic Investment Zone Corridors.

Commissioner Carothers said that from the meetings he attended there seemed to be a collaboration of thoughts from people across the community that this ordinance would be reviewed again in a year and how it would be looked at because he was not sure that the committee that was formed knew if this ordinance was still the answer but it was a livable ordinance to go through now, however, what would be the process when this ordinance is reviewed again a year from now. Mr. Dolan stated that what had been discussed in the work groups would be to try to review what actual building permits came in for commercial building and to try to monitor those to see if any of them required the use to go through the process to have masonry exterior or some one chose that their product was a different use and if they would have the right to apply for a special use permit which were the mitigation standards that were discussed. Mr. Dolan said after a year a report would be generated to show the Commission and Council and to say "over twelve months you have blank number of commercial permits and blank number of permits that sought some type of exception to the proposed ordinance".

Commissioner Pilkington asked how this would affect the outcome of the I-35 Overlay. Mr. Dolan replied that the I-35 Overlay committee wanted to wait for the outcome of the masonry ordinance before going forward with the I-35 Overlay ordinance. He said regarding the Temple Medical Education District, if they chose to go forward the criteria for the masonry requirements would have to be in effect; however, they do have the right to ask for better or more restrictive requirements for these areas.

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

Mr. Michael Robinson, 5303 Wildflower Lane, Temple, Mr. Pat Patterson, 2116 W. Ave H, Temple, Mr. Troy Glasson, 12 N. 5th St., Temple Area Home Builders, and Mr. Ken Higdon, 2 S. 5th St., Temple Chamber of Commerce addressed the Commission with questions and concerns regarding the cost of a metal building verses a masonry building, the affect on existing small businesses or new ones trying to come into Temple, passing an ordinance that everyone knows will need to be reviewed in a year, the affect on industrial development and that the builder's association stated they were not in opposition or in favor of the proposed ordinance.

Chair Luck closed the public hearing.

Two motions failed to first request the ordinance apply to only corridors and a secondly to exempt private business parks, after discussion between Staff and the Commissioners about the Overlay District and public or quasi-public business parks superseding this ordinance, applying these regulations to properties just to certain corridors instead of city wide, and private business parks coming in without the same standards if they have the correct screening.

Motion by Vice-Chair Pope to recommend approval of Z-FY-08-14, an amendment to the City of Temple Zoning Ordinance Section 13 to add standards regarding masonry building exteriors as presented in Ordinance 2008-4196; seconded by Commissioner Talley.

Motion by Commissioner Secrest to amend Vice-Chair Pope's motion to have the ordinance to apply only to the corridors designated in paragraph 6, sub-sections (a) through (x); seconded by Commissioner Pilkington.

Motion failed (4/4). Commissioner Kjelland, Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

Motion by Commissioner Carothers to amend Vice-Chair Pope's motion to add 5 (e) to Exceptions, to add private business parks; seconded by Commissioner Pilkington.

Motion failed (4/4). Commissioner Kjelland, Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

Original motion by Vice-Chair Pope to recommend approval of **Z-FY-08-14**; seconded by Commissioner Talley **passed (5/3)**. Commissioner Secrest, Commissioner Pilkington, and Commissioner Carothers voted nay.

ORDINANCE NO. 2008-4196

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 13, "FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, AND METAL FACADE RESIDENTIAL BUILDING REGULATIONS," ADDING A NEW SECTION 13-300, "NON-RESIDENTIAL MASONRY STANDARDS;" PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, "Fence and Wall Regulations, Display for Sale, Open Storage, and Metal Facade Residential Building Regulations," adding a new Section 13-300, entitled, "Non-Residential Masonry Standards," to read as follows:

SECTION 13

FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, AND METAL FACADE RESIDENTIAL BUILDING REGULATIONS

13-300. Non-Residential Masonry Standards.

1. Purpose.

The purpose of non-residential masonry standards is to apply standards for the exterior of non-residential buildings ~~located in strategic corridors in the City of Temple as~~ part of the building permit process.

2. Review Provision.

This ordinance will be reviewed one year from the adoption date by the City Council.

~~3. Designation of Strategic Corridor Streets.~~

~~The following public streets and highways are designated strategic corridor streets for purposes of non-residential masonry standards:~~

~~—(a) IH 35~~

- ~~—(b) South 1st Street from South H. K. Dodgen Loop to intersection with S 3rd Street~~
- ~~—(c) South 5th Street from SH 93 to the intersection of West Avenue M~~
- ~~—(d) Central Avenue from IH 35 to Martin Luther King Boulevard~~
- ~~—(e) FM 2305~~
- ~~—(f) FM 1741 (31st Street) from FM 93 to IH 35~~
- ~~—(g) FM 93~~
- ~~—(h) SH 317~~
- ~~—(i) Outer Loop~~
- ~~—(j) Loop 363 (H. K. Dodgen Loop)~~
- ~~—(k) SH 53~~
- ~~—(l) FM 2271~~
- ~~—(m) Canyon Creek Drive from South 5th Street to South 31st Street~~
- ~~—(n) Marlandwood Drive, from South 5th Street to South 31st Street~~
- ~~—(o) Lowes Drive~~
- ~~—(p) Raleigh Drive~~

~~4. Extent of Strategic Corridors.~~

~~Strategic corridors include the following land:~~

- ~~—(a) Tracts of land that abut or adjoin a public street or highway designated as a strategic corridor.~~
- ~~—(b) Tracts of land that are developed, used, managed, or marketed as a group that includes a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor. The interior portion of a shopping center with pad sites is an example of a land that lies within a strategic corridor without abutting the designated corridor street or highway.~~
- ~~—(c) Tracts of land that share parking space with a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor.~~

3. When Conformance is Required.

Non-residential masonry standards apply to building construction, expansion, reconstruction and facade changes that occur after February 21, 2008. Buildings in existence on February 21, 2008 may continue to utilize materials other than those listed as approved materials so long as any replacement of unapproved materials is made for maintenance purposes only and the existing material is continued.

4. Applicability.

- ~~(a) Non-residential masonry standards apply to building construction, expansion, and reconstruction and facade changes in the Strategic Corridors defined herein.~~

(a) Non-residential masonry standards apply to construction, expansion, reconstruction, or façade changes that meet one or more of the following thresholds:

1. A new building or a set of buildings is constructed; or
2. The expansion of an existing building(s) results in a total square footage equal to or greater than 15% of the existing square footage; conformance applies only to the new construction; or
3. In cases where the expansion of an existing building(s) results in a total square footage equal to or greater than 30% of the existing square footage; conformance applies to the existing and new construction; or
4. Facade materials are changed.

(b) Non-residential masonry standards apply to any single building or combination of buildings, whether connected or not, that are determined to be a single building plot. All building types are counted toward square footage total.

(c) Non-residential masonry standards apply to primary, secondary, and accessory buildings located in areas zoned:

1. Multiple-family (2F) (MF-1) (MF-2) (MF-3)
2. Office 1 (O-1)
3. Office 2 (O-2)
4. Neighborhood Service (NS)
5. General Retail (GR)
6. Central Area (CA)
7. Commercial (C)
8. Light Industrial (LI), if land use is allowed in any zoning district other than LI or HI
9. Heavy Industrial (HI), if land use is allowed in any zoning district other than LI or HI
10. Planned Development (PD) with a base district to which the masonry standards apply.

(e) Non-residential masonry standards apply to the first two stories of buildings.

7. Approved materials.

(a) The following materials are approved materials:

1. Tilt-wall concrete
2. Stucco
3. Marble
4. Granite
5. Exterior Insulation and Finish Systems (EIFS)

6. Split-faced block
7. Fired brick
8. Natural stone
9. Tile
10. ~~Fibrous masonry product which simulates wood or stucco or any other concrete product that simulates brick, stone, marble, granite or tile to appear being laid up unit by unit.~~

(b) Aggregate materials are not approved materials.

8. **Standards.**

- (a) Façade. At least 80% of the surface area of each façade must consist of one or more approved materials. The percentage of surface area is measured per side. Doors, windows, single-floor garage doors, and roofs are exempt from the percentage calculation.
- (b) Integration. The color, texture and pattern of an approved material must be integrated in the material—not painted on or affixed to the material.
- (c) Smooth-faced block. Although smooth-faced block is not an approved material, up to 20% of the 80% surface area restricted to approved materials may consist of smooth-faced block, which may be painted.
- (d) Rear façade. Non-masonry materials are allowed on the rear façade of buildings when the façade is not visible from a ~~strategic corridor street~~ **public right-of-way** and is screened by one of the following methods:
 1. Permanent evergreen plantings, a minimum public of 5 feet planted height, spaced 48 inches on center; or
 2. Fences or walls consisting of masonry or wood, a minimum of 6 feet in height; or
 3. Alternative screening materials and methods as approved by the Administrator.

9. Additional standards based on building square footage.

The following additional standards apply to buildings of 10,001 or greater square feet and are cumulative of the foregoing standards.

(a) One of the following two options must be used to enhance facades:

1. A portion of façade consists of fired brick or natural stone laid up unit by unit; or
2. Façade incorporates articulation consisting of at least two of the following design elements spaced every 45 linear feet for the ~~façades~~ ~~facing the strategic corridor street~~ public right-of-way, plus one design element spaced every 45 linear feet for the other facades, excluding the rear façade. Examples of acceptable articulation are columns, canopies, arches, awnings, and wall plane projections or recessions greater than 5 feet difference from the vertical wall.

(b) The brick and stone options must meet the following proportions in relation to building square footage:

1. Minimum of 10% of surface area of each façade for 10,001 square feet to 20,000 square feet
2. Minimum of 20% of surface area of each façade for 20,001 square feet to 100,000 square feet
3. Minimum of 25% of surface area of each façade for 100,000 or greater square feet

10. Variance and Appeal.

(a) Variance. The administrator is the Director of Planning. The Director of Planning is authorized to grant variances to the non-residential masonry standards, considering the following criteria: visibility from public right-of-way and adjoining properties, percentage variance requested, existing or proposed permanent screening (topography, permanent evergreen landscaping, masonry walls, other screening techniques); extent to which facades have articulation, fenestration, architectural relief, contrasting complementary colors, columns, canopies, and arches; and whether the material sought furthers a particular design or architectural theme.

(b) Appeal. A decision about the implementation or interpretation of this ordinance by the Director of Planning may be appealed to City Council. In deciding an appeal, Council will consider the same criteria applicable to variances.

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 **7th** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **21st** day of **February**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. 2008-4196

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 13, "FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, AND METAL FACADE RESIDENTIAL BUILDING REGULATIONS," ADDING A NEW SECTION 13-300, "~~NON-RESIDENTIAL~~ MASONRY STANDARDS;" PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, "Fence and Wall Regulations, Display for Sale, Open Storage, and Metal Facade Residential Building Regulations," adding a new Section 13-300, entitled, "~~Non-Residential~~ Masonry Standards," to read as follows:

SECTION 13

**FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, ~~AND METAL FACADE RESIDENTIAL BUILDING REGULATIONS,~~
AND MASONRY STANDARDS**

13-300. ~~Non-Residential~~ Masonry Standards.

1. Purpose.

The purpose of ~~non-residential~~ masonry standards is to apply standards for the exterior of ~~non-residential~~ buildings located in strategic corridors in the City of Temple as part of the building permit process. Certain exceptions listed herein are allowed by right based on certain locations, uses, and zoning districts.

2. Review Provision.

This ordinance will be reviewed one year from the adoption date by the City Council.

3. When Conformance is Required.

~~Non-residential~~ Masonry standards apply to building construction, expansion, reconstruction and facade changes that occurs after February 21 April 17, 2008. Buildings in existence or permitted before April 17 on February 21, 2008 may continue to utilize materials other than those listed as approved materials so long as any replacement of unapproved materials is made for maintenance purposes only and the existing material is continued repair purposes or reconstruction of buildings impacted by natural or man-made disaster or condemnation or threat of condemnation for governmental acquisition.

4. Applicability.

~~Non-residential~~ Masonry standards apply to building construction, expansion, and reconstruction and facade changes in the Strategic Corridors defined herein. the following types of construction:

- (a) Construction of any single building or combination of buildings, whether connected or not, that are determined to be a single building plot. All building types are counted toward square footage total new building or set of buildings, whether connected or not, that are determined to be a single building plot
- (b) Non-residential buildings and multiple-family dwellings.
- (b) ~~Non-residential masonry standards apply to construction, expansion, reconstruction, or façade changes that meet one or more of the following thresholds:~~
 - 1. ~~A new building or a set of buildings is constructed; or~~
 - 2. ~~The expansion of an existing building(s) results in a total square footage equal to or greater than 15% of the existing square footage; conformance applies only to the new construction; or~~
 - 3. ~~In cases where the expansion of an existing building(s) results in a total square footage equal to or greater than 30% of the existing square footage; conformance applies to the existing and new construction; or~~
 - 4. ~~Facade materials are changed.~~
- (c) Primary, secondary, and accessory buildings located in areas zoned:
 - 1. ~~Multiple-family (2F) (MF-1) (MF-2) (MF-3)~~
 - 2. ~~Office 1 (O-1)~~
 - 3. ~~Office 2 (O-2)~~
 - 4. ~~Neighborhood Service (NS)~~
 - 5. ~~General Retail (GR)~~

- ~~6. Central Area (CA)~~
- ~~7. Commercial (C)~~
- ~~8. Light Industrial (LI), if land use is allowed in any zoning district other than LI or HI~~
- ~~9. Heavy Industrial (HI), if land use is allowed in any zoning district other than LI or HI~~
- ~~10. Planned Development (PD) with a base district to which the masonry standards apply.~~

- (d) The first two stories or first 25 feet of vertical height of buildings, whichever is lower.

5. Exceptions.

Masonry standards do not apply to the following types of construction:

- (a) Residential buildings other than multiple-family dwellings
- (b) Buildings in a public or quasi-public business park in existence before April 17, 2008
- (c) Buildings located in an Agricultural District
- (d) Buildings located in an LI or HI District, if the buildings are more than 500 linear feet away from residentially zoned land (measured starting from the closest edge of the residentially zoned property to the nearest part of non-residential structure) and are not located in a Strategic Corridor.

6. Designation of Strategic Corridor Streets for Properties Zoned LI or HI.

The following public streets and highways are designated strategic corridor-streets for purposes of non-residential masonry standards for properties zoned Light Industrial or Heavy Industrial:

- (a) IH-35
- (b) South 1st Street from South H. K. Dodgen Loop to intersection with South 3rd Street
- (c) South 5th Street from SH 93 to the intersection of West Avenue M
- (d) Central Avenue from IH-35 to Martin Luther King, Jr. Boulevard
- (e) FM 2305
- (f) FM 1741 (31st Street) from FM 93 to IH-35
- (g) FM 93
- (h) SH 317
- (i) Outer Loop
- (j) Loop 363 (H. K. Dodgen Loop)
- (k) SH 53

- (l) FM 2271
- (m) Canyon Creek Drive from South 5th Street to South 31st Street
- (n) Marlandwood Drive, from South 5th Street to South 31st Street
- (o) Lowes Drive
- (p) Raleigh Drive
- (q) Kegley Road
- (r) Martin Luther King, Jr. Boulevard
- (s) Avenue M
- (t) Avenue G
- (u) Avenue H
- (v) 3rd Street
- (x) 57th Street
- (y) 25th Street
- (x) SH 36

7. **Extent of Strategic Corridors.**

Strategic corridors include the following land:

- (a) Tracts of land that abut or adjoin a public street or highway designated as a strategic corridor.
- (b) Tracts of land that are developed, used, managed, or marketed as a group that includes a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor. The interior portion of a shopping center with pad sites is an example of a land that lies within a strategic corridor without abutting the designated corridor street or highway.
- (c) Tracts of land that share parking space with a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor.

8. **Standards.**

- (a) Façade. At least ~~80%~~ 70% of the surface area of each façade must consist of one or more approved materials
 - 1. Natural stone
 - 2. Fired brick
 - 3. Split-faced block
 - 4. Tile
 - 5. Granite
 - 6. Marble
 - 7. Stucco
 - 8. Exterior Insulation and Finish Systems
 - 9. Tilt-wall concrete, including, but not limited to smooth faced, patterned and aggregate materials, and other concrete products, such as thin-set masonry, that simulate brick, stone, marble, granite or tile to appear

being laid up unit by unit

10. Fibrous masonry product which simulates a wood or stucco material or any other concrete product that simulates brick, stone, marble, granite or tile to appear being laid up unit by unit which is equal to or less than 45% of the 70% minimum coverage.
 11. Smooth-faced block Although smooth-faced block is not an approved material, that appears to be laid up unit by unit which is equal to or less than 45% of the 70% minimum coverage up to 20% 45% of the 80% 70% surface area restricted to approved materials may consist of smooth-faced block, which may be painted.
- (b) Combinations. Combinations of fibrous masonry product and smooth-faced block shall not exceed 45% of the 70% minimum coverage.
 - (c) Measurement. The percentage of surface area of each façade is measured per side of building. Doors, windows, single floor garage overhead doors, and roofs are exempt from the percentage calculation.
 - (d) Integration. The color, texture and pattern of an approved material must be integrated in the material (not painted on or affixed to the material), except that fibrous masonry product and smooth-faced block may be painted.
 - (e) Multiple family dwellings. Facades of multiple family dwellings may be completely covered using fibrous masonry product.
 - (f) Rear façade. Non-masonry materials are allowed on the rear façade of buildings when the façade is not visible from a strategic corridor street public right-of-way and or is screened by one of the following methods:
 1. Permanent evergreen plantings, a minimum of 5 feet planted height, spaced 48 inches on center; or
 2. Fences or walls consisting of masonry or wood, a minimum of 6 feet in height; or
 3. Alternative screening materials and methods as approved by the Administrator.

9. Additional standards based on building square footage.

The following additional standards apply to a buildings or set of buildings of 10,001 or greater square feet and are cumulative of the foregoing standards. One of the following two options must be used to enhance facades.

- (a) A portion of façade must consists of fired brick or natural stone laid up unit by unit to meet the following proportions in relation to building square footage:

1. Minimum of 10% of surface area of each façade for 10,001 square feet to 20,000 square feet
 2. Minimum of 20% of surface area of each façade for 20,001 square feet to 100,000 square feet
 3. Minimum of 25% of surface area of each façade for 100,000 or greater square feet
- (b) Façade **must** incorporate articulation consisting of at least two of the following design elements spaced every 45 linear feet for the **front** façade ~~facing the strategic corridor street~~, plus one design element spaced every 45 linear feet for the other façades, excluding the rear façade. Examples of acceptable articulation are columns, canopies, arches, **and** awnings, ~~and wall plane projections or recessions greater than 5 feet difference from the vertical wall.~~
1. For buildings less than or equal to 100,000 square feet in area, wall plane projections must be equal to or greater than 2 feet difference from the vertical wall.
 2. For buildings greater than 100,000 square feet in area, wall plane projections must be equal to or greater than 5 feet difference from the vertical wall.

10. **Variance Exception and Appeal.**

- (a) ~~Variance.~~ **Exception criteria.** The administrator is the Director of Planning. The Director of Planning is authorized to ~~grant variances~~ **approve exceptions** to the ~~non-residential masonry~~ standards, considering the following criteria:
1. Visibility from public right-of-way and adjoining properties;
 2. Percentage ~~variance~~ **exception** requested;
 3. Existing or proposed permanent screening (topography, permanent evergreen landscaping, masonry walls, **berms**, other screening techniques);
 4. Extent to which façades have **building** articulation, fenestration, **or** architectural relief, contrasting complementary colors, columns, canopies, and arches; and
 5. Whether the material sought furthers a ~~particular design or~~ **an** architectural theme.

(b) Material samples. Applicants requesting mitigation shall submit material samples and concept drawing depicting the criteria listed in this Section.

(c) Technological advances. The Director may approve other masonry products based on technological advances.

(d) Appeal. A decision about the implementation or interpretation of this ordinance by the Director of Planning may be appealed to City Council. In deciding an appeal, Council will consider the same criteria applicable to ~~variances~~ exceptions.

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 **7th** day of **February**, 2008.

PASSED AND APPROVED on Second Reading on the **17th** day of **April**, 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

04/17/08
Item #7(A)
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-19-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to reflect commercial uses on approximately 43 acres of land commonly known as Outblock 561-M, City addition located on the west side of North General Bruce Drive, north of Saulsbury park.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of a future land use map amendment from Medium Density Residential to Commercial at its meeting on April 7, 2008. Commissioner Norman was absent.

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 the Future Land Use Plan;
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 and draft minutes of case Z-FY-08-19A, from the Planning and Zoning meeting, April 2, 2008. This request tracks with Z-FY-08-019-B, a zone change request from A, Agricultural to C, Commercial. This request matches the zoning with the long-standing use of the property.

The Commission did not raise any issues requiring additional staff attention.

Public Notice

Six notices of the P&Z hearing were sent out. As of Tuesday, April 8 at 4 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the P&Z hearing on March 29, 2008 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map
P&Z Staff Report (Z-FY-08-19A)
P&Z Minutes (April 7, 2008)
Ordinance



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/07/08
Item #4
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APPLICANT / DEVELOPMENT: Rodney Deyoe for Shallow Ford Construction

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08019-A Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to reflect commercial uses on 4.63± acres of land commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury park. (Applicant: Rodney Deyoe for Shallow Ford Construction))

BACKGROUND: This request tracks with Z-FY-08-019-B, a zone change request from A, Agricultural to C, Commercial.

The West Temple Plan, prepared in 1999, shows Moderate and Medium Density Residential future land use categories for the subject property. 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. This road intersects with Interstate 35 and with Frank Weise Boulevard, which runs behind the Texas Road House. Frank Weise Boulevard connects to Saulsbury Drive. The property has indirect access to a freeway (I-35) and a collector (Saulsbury). The West Temple Plan amendment request complies 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. The applicant is working with a local engineering firm to connect with public water and sewer services. Adequate public and private facilities serve the property.

Public Notice

Six notices of the P&Z hearing were sent out. As of Wednesday, April 2 at 11 AM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the P&Z hearing on March 29, 2008 in accordance with state law and local ordinance

Double Sided

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Future Land Use Map

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 7, 2008

ACTION ITEMS

Chair Luck asked if Item 4, Z-FY-08-19A and Item 5, Z-FY-08-19B, 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.

4. Z-FY-08-19A Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to reflect commercial uses on 4.63± acres of land commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury park. (Applicant: Rodney Deyoe for Shallow Ford Construction)
5. Z-FY-08-19B Hold a public hearing to consider a zone change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park. (Applicant: Rodney Deyoe/Shallow Ford Construction Co.)

Mr. Brian Mabry, Senior Planner, began with Item 4, **Z-FY-08-19A**, as presented in the Planning and Zoning Agenda Item. He said the applicant for this case is Mr. Rodney Deyoe for Shallow Ford Construction. Mr. Mabry said this case would go before City Council on April 17, 2008 for first reading and second reading will be on May 1, 2008. This case tracks with Z-FY-08-19B, however this case is the amendment of the West Temple Plan which was adopted in 1999 and shows moderate medium density residential future land use for the subject property. He said land to the north and to the east and to the west is commercial on the future land use map which he displayed on the overhead screen. Mr. Mabry discussed the future land use plan and the adequacy of public facilities as outlined in the agenda item. He said the applicant has stated that they are working with a local engineering firm to connect with some water and sewer facilities to the south near the Saulsbury park area. Mr. Mabry said Staff recommends approval from Moderate Density Residential to Commercial, based on items 1, 2, and 3 in the agenda item.

Mr. Mabry concluded with zone change **Z-FY-08-19B**. He said the zoning is for the existing use which is for contract storage or equipment yard that is permitted in Central Area, Commercial and Industrial Districts. Mr.

Mabry said this fills in the gap for the approved commercial zoning at a previous Planning & Zoning commission meeting for property immediately to the west. He displayed the zoning map, Future Land Use Map, an aerial of the area, a utility map and a notification radius map and discussed surrounding property uses, the Future Land Use Plan, the Thoroughfare Plan, adequacy of public facilities, and development regulations. Six notices were mailed to surrounding property owners within 200 feet. None were returned in favor or in opposition to the request. Mr. Mabry said Staff recommends approval of the zone change request based on the items listed in the agenda item.

Chair Luck opened the public hearing for item **Z-FY-08-19A**, an amendment to the West Temple Comprehensive Plan, asking anyone wishing to speak in favor or against the request to address the Commission.

Mr. Rodney Deyoe, President of the Charter Group, 3000 S. 31st Street addressed the Commission speaking in favor of the request. He said the small portion of land not included in the zone change would come before the Commission later when the Charter Group obtains the metes and bounds on the property.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-19A. See no one Chair Luck closed the public hearing.

Chair Luck opened the public hearing for item **Z-FY-08-19B**, a zone change from Agricultural District to Commercial District, asking anyone wishing to speak in favor or against the zone change to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of **Z-FY-08-19A**, amendment to the West Temple Comprehensive plan to reflect Commercial uses, by Commissioner Carothers; seconded by Vice-Chair Pope.

Motion passed (8/0).

Motion to recommend approval of **Z-FY-08-19B**, a zone change from Agricultural District to Commercial District, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (8/0).

8. Z-FY-08-14 Hold a public hearing to consider an amendment to the City of Temple Zoning Ordinance (Section 13) to add standard masonry exteriors. (Applicant: Staff)

Mr. Tim Dolan, Planning Director, presented this case as outlined in the Planning and Zoning Agenda Item. He said the Commission tabled the item at the February 18, 2008 meeting. The Commission requested to form a work group including Vice-Chair Pope and Commissioner Carothers along with representatives from the Temple Area Builders Association, Keep Temple Beautiful, The Chamber of Commerce, and Temple Economic Development Commission plus the Assistant City Manager of Temple to review the draft ordinance. Mr. Dolan described the comparison of what the City Council approved 1st reading on Thursday, February 7, 2008, and the proposed ordinance considered by the Commission. He said there is one clause that included to have language that included building that were permitted for construction prior to the second reading of the ordinance and that was done to add instead of those buildings in existence prior to. Mr. Dolan said there was also discussion where it did describe that the standards applied to the first two stories; the work group asked for it to be 25 feet vertical height of a building or the first two stories whichever is lower. The other idea was brought to the Commission for looking at adding some other Strategic Investment Zone Corridors.

Commissioner Carothers said that from the meetings he attended there seemed to be a collaboration of thoughts from people across the community that this ordinance would be reviewed again in a year and how it would be looked at because he was not sure that the committee that was formed knew if this ordinance was still the answer but it was a livable ordinance to go through now, however, what would be the process when this ordinance is reviewed again a year from now. Mr. Dolan stated that what had been discussed in the work groups would be to try to review what actual building permits came in for commercial building and to try to monitor those to see if any of them required the use to go through the process to have masonry exterior or some one chose that their product was a different use and if they would have the right to apply for a special use permit which were the mitigation standards that were discussed. Mr. Dolan said after a year a report would be generated to show the Commission and Council and to say "over twelve months you have blank number of commercial permits and blank number of permits that sought some type of exception to the proposed ordinance".

Commissioner Pilkington asked how this would affect the outcome of the I-35 Overlay. Mr. Dolan replied that the I-35 Overlay committee wanted to wait for the outcome of the masonry ordinance before going forward with the I-35 Overlay ordinance. He said regarding the Temple Medical Education District, if they chose to go forward the criteria for the masonry requirements would have to be in effect; however, they do have the right to ask for better or more restrictive requirements for these areas.

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

Mr. Michael Robinson, 5303 Wildflower Lane, Temple, Mr. Pat Patterson, 2116 W. Ave H, Temple, Mr. Troy Glasson, 12 N. 5th St., Temple Area Home Builders, and Mr. Ken Higdon, 2 S. 5th St., Temple Chamber of Commerce addressed the Commission with questions and concerns regarding the cost of a metal building verses a masonry building, the affect on existing small businesses or new ones trying to come into Temple, passing an ordinance that everyone knows will need to be reviewed in a year, the affect on industrial development and that the builder's association stated they were not in opposition or in favor of the proposed ordinance.

Chair Luck closed the public hearing.

Two motions failed to first request the ordinance apply to only corridors and a secondly to exempt private business parks, after discussion between Staff and the Commissioners about the Overlay District and public or quasi-public business parks superseding this ordinance, applying these regulations to properties just to certain corridors instead of city wide, and private business parks coming in without the same standards if they have the correct screening.

Motion by Vice-Chair Pope to recommend approval of Z-FY-08-14, an amendment to the City of Temple Zoning Ordinance Section 13 to add standards regarding masonry building exteriors as presented in Ordinance 2008-4196; seconded by Commissioner Talley.

Motion by Commissioner Secrest to amend Vice-Chair Pope's motion to have the ordinance to apply only to the corridors designated in paragraph 6, sub-sections (a) through (x); seconded by Commissioner Pilkington.

Motion failed (4/4). Commissioner Kjelland, Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

Motion by Commissioner Carothers to amend Vice-Chair Pope's motion to add 5 (e) to Exceptions, to add private business parks; seconded by Commissioner Pilkington.

Motion failed (4/4). Commissioner Kjelland, Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

Original motion by Vice-Chair Pope to recommend approval of **Z-FY-08-14**; seconded by Commissioner Talley **passed (5/3)**. Commissioner Secrest, Commissioner Pilkington, and Commissioner Carothers voted nay.

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-19(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 4.63 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 561-M, CITY ADDITION, LOCATED ON THE WEST SIDE OF NORTH GENERAL BRUCE DRIVE, NORTH OF SAULSBURY PARK; 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 4.63 acres of land commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park, 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 17th day of April, 2008.

PASSED AND APPROVED on Second Reading on the 1st day of **May**, 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

04/17/08
Item #7(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-19-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park.

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of a zone change from A, Agricultural District to C, Commercial District at its meeting on April 7, 2008. Commissioner Norman was absent

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

1. The zone change request complies with the requested amendment to the Future Land Use Map;
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 and draft minutes of case Z-FY-08-19B, from the Planning and Zoning meeting, April 7, 2008. This request matches the zoning with the long-standing use of the property.

The Commission did not raise any issues requiring additional staff attention.

Public Notice

Six notices of the P&Z hearing were sent out. As of Tuesday, April 8 at 4 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the P&Z hearing on March 29, 2008 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

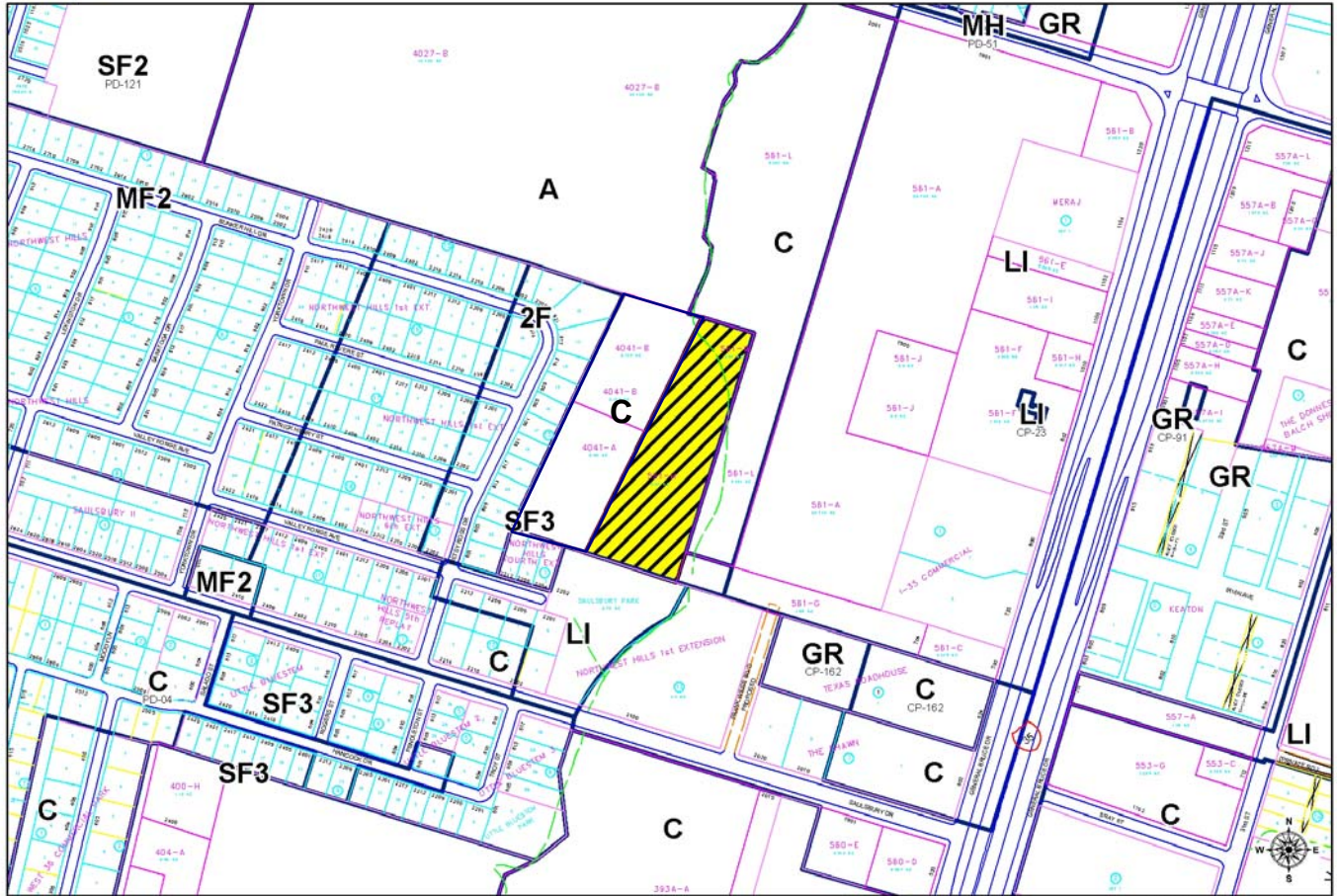
Zoning Map
Future Land Use Map
Aerial
Utility Map
Notification Radius Map
P&Z Staff Report (Z-FY-08-19B)
P&Z Minutes (April 7, 2008)
Ordinance



Z-FY-08-19-B

OB# 561-M

4.63 Acres



 ZFY0819

A to C

1 inch equals 400 feet
J Stone 03.07.08



Z-FY-08-19-B

OB# 561-M

4.63 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
- Flex Com/Tech/Indust
- Intermodal

Community Facilities

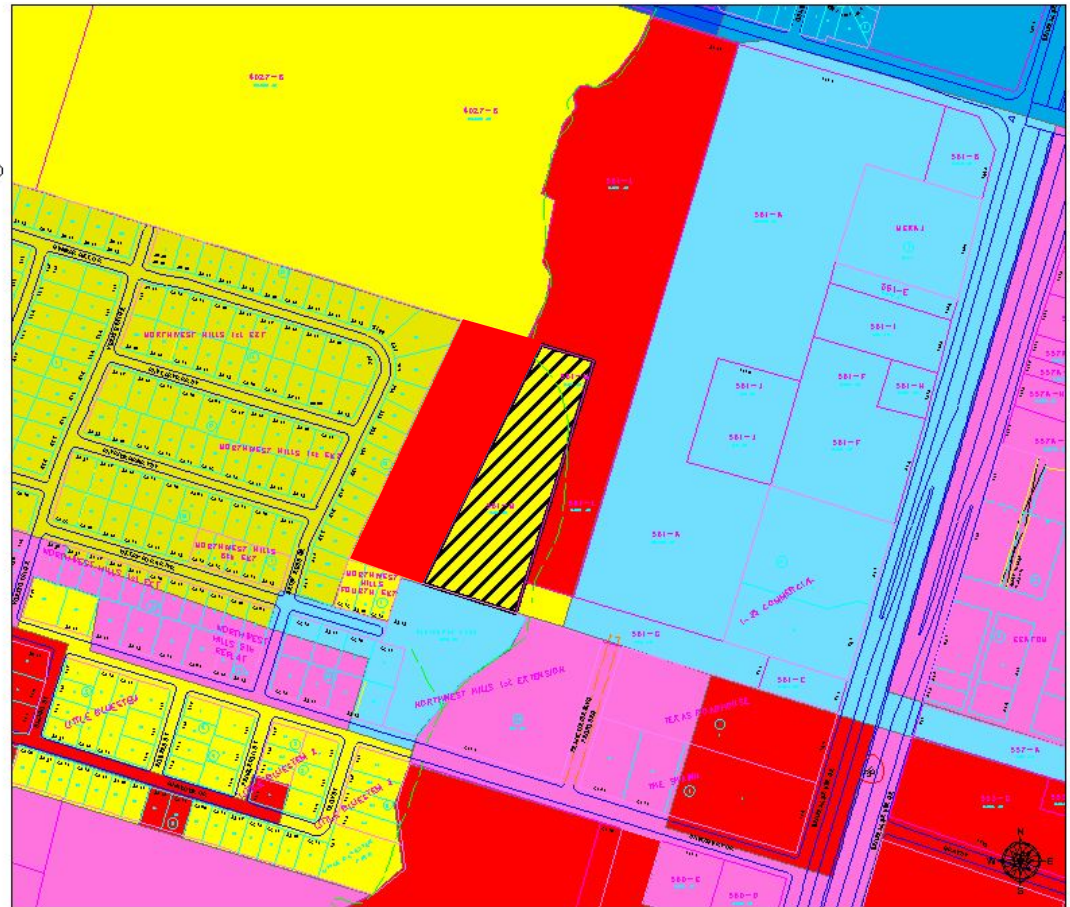
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

- DOOWTOWN



A to C

1 inch equals 400 feet

J Stone 03.07.08



Z-FY-08-19-B

OB# 561-M

4.63 Acres

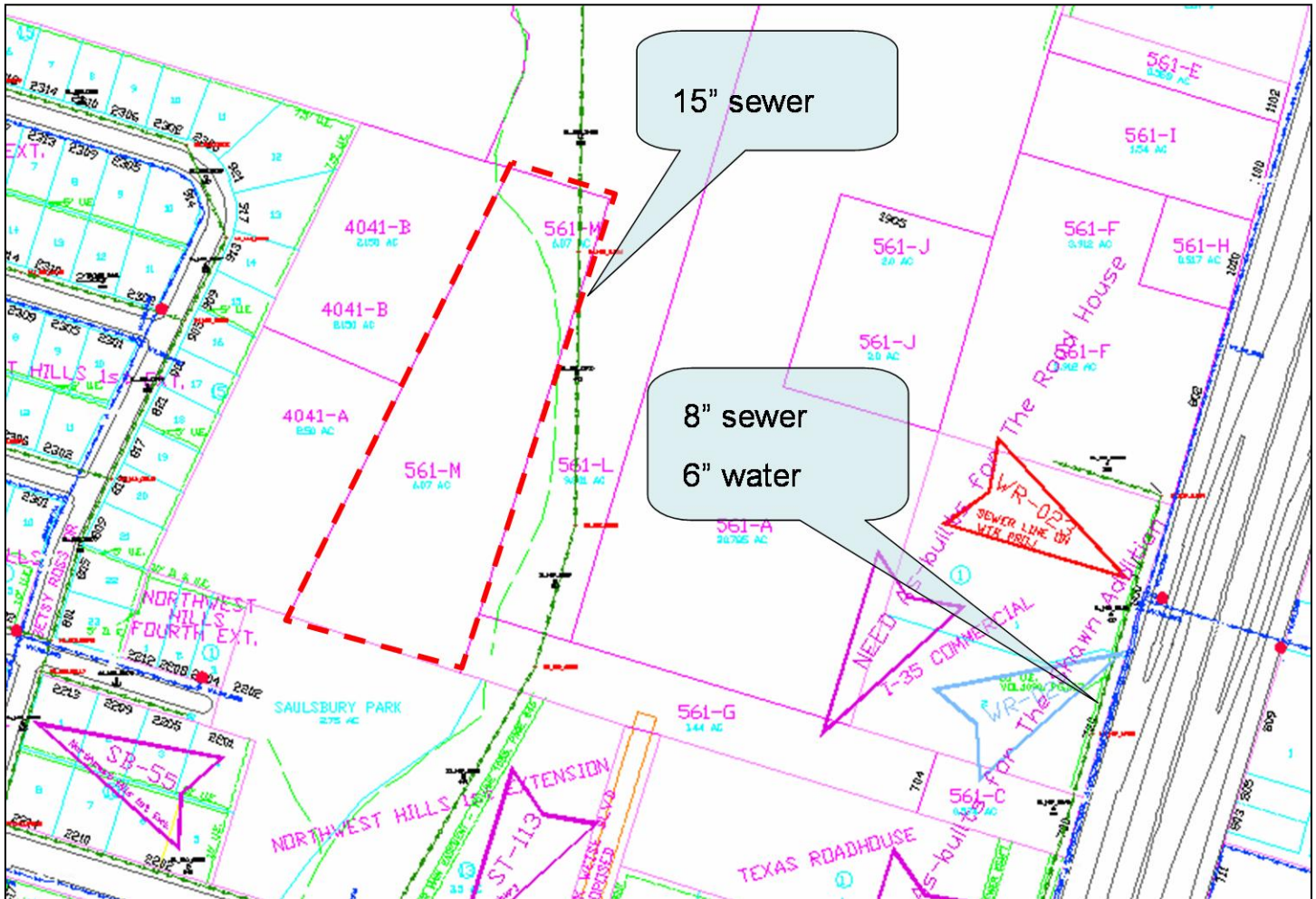




Z-FY-08-19-B

OB# 561-M

4.63 Acres

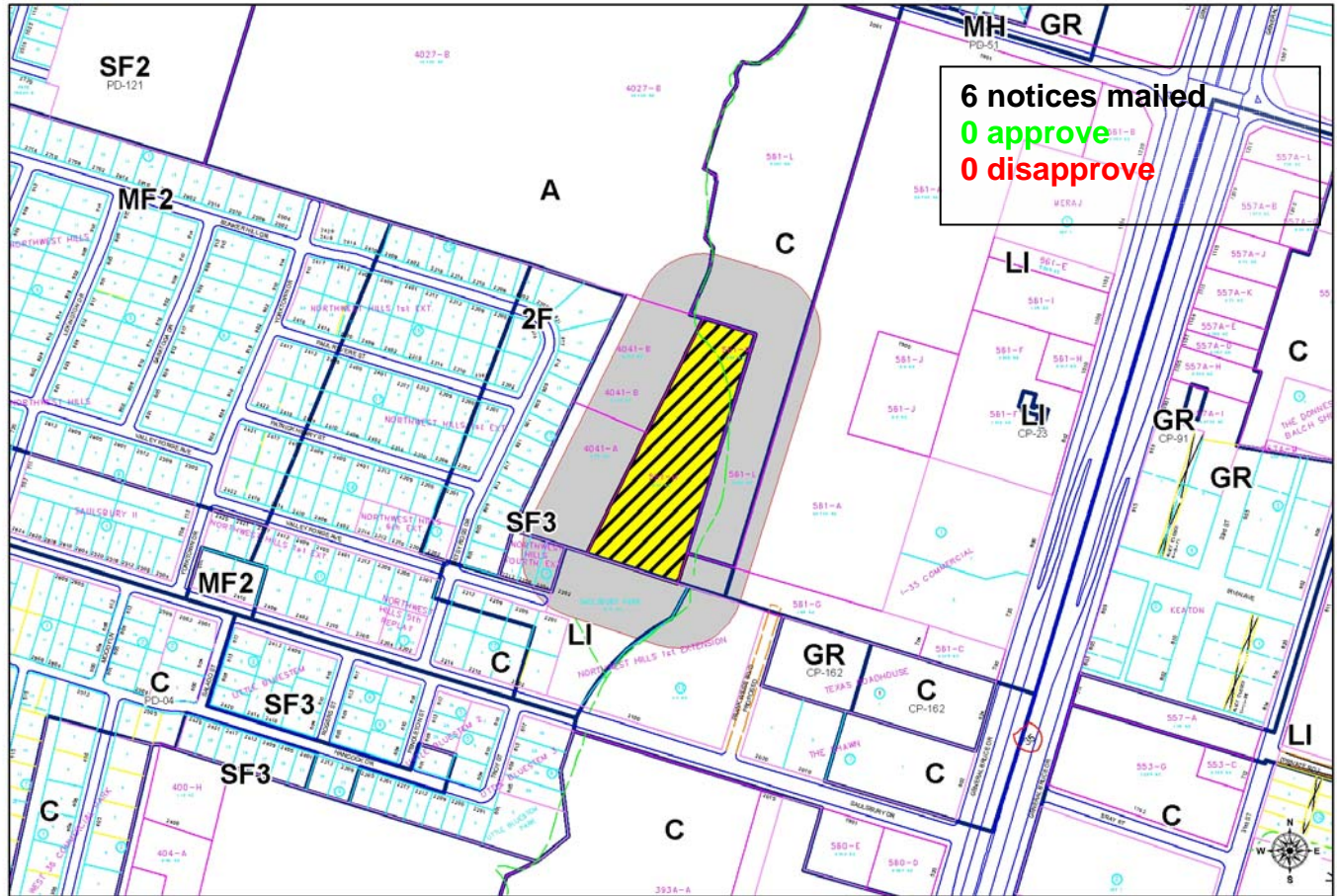




Z-FY-08-19-B

OB# 561-M

4.63 Acres



ZFY0819 200' Buffer

A to C

1 inch equals 400 feet
J Stone 03.07.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

April 7, 2008

Item #5

Page 1 of 3

APPLICANT / DEVELOPMENT: Rodney Deyoe for Shallow Ford Construction

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-19-B Hold a public hearing to consider a zone change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park. (Applicant: Rodney Deyoe/Shallow Ford Construction Co.)

BACKGROUND: This request tracks with Z-FY-08-019-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 used as a contractor storage and equipment yard. This use is permitted by right in the Central Area, Commercial and Industrial districts.

The subject property was annexed in November of 1990 with the existing use already in place. All properties are annexed into the City with an A, Agricultural zoning designation. The granting of a zone change for this property would have the affect of matching the zoning with a long-standing use. The property abuts a vacant storage yard that was rezoned on March 20, 2008, from A, Agricultural to C, Commercial.

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	C	Vacant
East	C	Vacant & vehicle storage
South	LI	Vacant
West	C	Vacant

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. This road intersects with Interstate 35 and with Frank Weise Boulevard, which runs behind the Texas

Double Sided

Road House. Frank Weise Boulevard connects to Saulsbury Drive. The property has indirect access to a freeway (I-35) and a collector (Saulsbury). The zone change request complies 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. The applicant is working with a local engineering firm to connect with public water and sewer services. 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.

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	None
Side	None
Rear	None

Public Notice

Six notices of the P&Z hearing were sent out. As of Wednesday, April 2 at 11 AM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the P&Z hearing on March 29, 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 request complies with the requested amendment to the Future Land Use Map;
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

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

MONDAY, APRIL 7, 2008

ACTION ITEMS

Chair Luck asked if Item 4, Z-FY-08-19A and Item 5, Z-FY-08-19B, 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.

4. Z-FY-08-19A Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to reflect commercial uses on 4.63± acres of land commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury park. (Applicant: Rodney Deyoe for Shallow Ford Construction)
5. Z-FY-08-19B Hold a public hearing to consider a zone change from Agricultural District to Commercial District on approximately 4.63 acres of land, commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park. (Applicant: Rodney Deyoe/Shallow Ford Construction Co.)

Mr. Brian Mabry, Senior Planner, began with Item 4, **Z-FY-08-19A**, as presented in the Planning and Zoning Agenda Item. He said the applicant for this case is Mr. Rodney Deyoe for Shallow Ford Construction. Mr. Mabry said this case would go before City Council on April 17, 2008 for first reading and second reading will be on May 1, 2008. This case tracks with Z-FY-08-19B, however this case is the amendment of the West Temple Plan which was adopted in 1999 and shows moderate medium density residential future land use for the subject property. He said land to the north and to the east and to the west is commercial on the future land use map which he displayed on the overhead screen. Mr. Mabry discussed the future land use plan and the adequacy of public facilities as outlined in the agenda item. He said the applicant has stated that they are working with a local engineering firm to connect with some water and sewer facilities to the south near the Saulsbury park area. Mr. Mabry said Staff recommends approval from Moderate Density Residential to Commercial, based on items 1, 2, and 3 in the agenda item.

Mr. Mabry concluded with zone change **Z-FY-08-19B**. He said the zoning is for the existing use which is for contract storage or equipment yard that is permitted in Central Area, Commercial and Industrial Districts. Mr.

Mabry said this fills in the gap for the approved commercial zoning at a previous Planning & Zoning commission meeting for property immediately to the west. He displayed the zoning map, Future Land Use Map, an aerial of the area, a utility map and a notification radius map and discussed surrounding property uses, the Future Land Use Plan, the Thoroughfare Plan, adequacy of public facilities, and development regulations. Six notices were mailed to surrounding property owners within 200 feet. None were returned in favor or in opposition to the request. Mr. Mabry said Staff recommends approval of the zone change request based on the items listed in the agenda item.

Chair Luck opened the public hearing for item **Z-FY-08-19A**, an amendment to the West Temple Comprehensive Plan, asking anyone wishing to speak in favor or against the request to address the Commission.

Mr. Rodney Deyoe, President of the Charter Group, 3000 S. 31st Street addressed the Commission speaking in favor of the request. He said the small portion of land not included in the zone change would come before the Commission later when the Charter Group obtains the metes and bounds on the property.

Chair Luck asked if anyone else wished to speak for or against Z-FY-08-19A. See no one Chair Luck closed the public hearing.

Chair Luck opened the public hearing for item **Z-FY-08-19B**, a zone change from Agricultural District to Commercial District, asking anyone wishing to speak in favor or against the zone change to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of **Z-FY-08-19A**, amendment to the West Temple Comprehensive plan to reflect Commercial uses, by Commissioner Carothers; seconded by Vice-Chair Pope.

Motion passed (8/0).

Motion to recommend approval of **Z-FY-08-19B**, a zone change from Agricultural District to Commercial District, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (8/0).

8. Z-FY-08-14 Hold a public hearing to consider an amendment to the City of Temple Zoning Ordinance (Section 13) to add standard masonry exteriors. (Applicant: Staff)

Mr. Tim Dolan, Planning Director, presented this case as outlined in the Planning and Zoning Agenda Item. He said the Commission tabled the item at the February 18, 2008 meeting. The Commission requested to form a work group including Vice-Chair Pope and Commissioner Carothers along with representatives from the Temple Area Builders Association, Keep Temple Beautiful, The Chamber of Commerce, and Temple Economic Development Commission plus the Assistant City Manager of Temple to review the draft ordinance. Mr. Dolan described the comparison of what the City Council approved 1st reading on Thursday, February 7, 2008, and the proposed ordinance considered by the Commission. He said there is one clause that included to have language that included building that were permitted for construction prior to the second reading of the ordinance and that was done to add instead of those buildings in existence prior to. Mr. Dolan said there was also discussion where it did describe that the standards applied to the first two stories; the work group asked for it to be 25 feet vertical height of a building or the first two stories whichever is lower. The other idea was brought to the Commission for looking at adding some other Strategic Investment Zone Corridors.

Commissioner Carothers said that from the meetings he attended there seemed to be a collaboration of thoughts from people across the community that this ordinance would be reviewed again in a year and how it would be looked at because he was not sure that the committee that was formed knew if this ordinance was still the answer but it was a livable ordinance to go through now, however, what would be the process when this ordinance is reviewed again a year from now. Mr. Dolan stated that what had been discussed in the work groups would be to try to review what actual building permits came in for commercial building and to try to monitor those to see if any of them required the use to go through the process to have masonry exterior or some one chose that their product was a different use and if they would have the right to apply for a special use permit which were the mitigation standards that were discussed. Mr. Dolan said after a year a report would be generated to show the Commission and Council and to say “over twelve months you have blank number of commercial permits and blank number of permits that sought some type of exception to the proposed ordinance”.

Commissioner Pilkington asked how this would affect the outcome of the I-35 Overlay. Mr. Dolan replied that the I-35 Overlay committee wanted to wait for the outcome of the masonry ordinance before going forward with the I-35 Overlay ordinance. He said regarding the Temple Medical Education District, if they chose to go forward the criteria for the masonry requirements would have to be in effect; however, they do have the right to ask for better or more restrictive requirements for these areas.

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

Mr. Michael Robinson, 5303 Wildflower Lane, Temple, Mr. Pat Patterson, 2116 W. Ave H, Temple, Mr. Troy Glasson, 12 N. 5th St., Temple Area Home Builders, and Mr. Ken Higdon, 2 S. 5th St., Temple Chamber of Commerce addressed the Commission with questions and concerns regarding the cost of a metal building verses a masonry building, the affect on existing small businesses or new ones trying to come into Temple, passing an ordinance that everyone knows will need to be reviewed in a year, the affect on industrial development and that the builder's association stated they were not in opposition or in favor of the proposed ordinance.

Chair Luck closed the public hearing.

Two motions failed to first request the ordinance apply to only corridors and a secondly to exempt private business parks, after discussion between Staff and the Commissioners about the Overlay District and public or quasi-public business parks superseding this ordinance, applying these regulations to properties just to certain corridors instead of city wide, and private business parks coming in without the same standards if they have the correct screening.

Motion by Vice-Chair Pope to recommend approval of Z-FY-08-14, an amendment to the City of Temple Zoning Ordinance Section 13 to add standards regarding masonry building exteriors as presented in Ordinance 2008-4196; seconded by Commissioner Talley.

Motion by Commissioner Secrest to amend Vice-Chair Pope's motion to have the ordinance to apply only to the corridors designated in paragraph 6, sub-sections (a) through (x); seconded by Commissioner Pilkington.

Motion failed (4/4). Commissioner Kjelland, Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

Motion by Commissioner Carothers to amend Vice-Chair Pope's motion to add 5 (e) to Exceptions, to add private business parks; seconded by Commissioner Pilkington.

Motion failed (4/4). Commissioner Kjelland, Commissioner Martin, Vice-Chair Pope, and Chair Luck voted nay.

Original motion by Vice-Chair Pope to recommend approval of **Z-FY-08-14**; seconded by Commissioner Talley **passed (5/3)**. Commissioner Secrest, Commissioner Pilkington, and Commissioner Carothers voted nay.

ORDINANCE NO. _____

[ZONING NO. Z-FY-08-19(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 4.63 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 561-M, CITY ADDITION, LOCATED ON THE WEST SIDE OF NORTH GENERAL BRUCE DRIVE, NORTH OF SAULSBURY PARK; 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 4.63 acres of land commonly known as Outblock 561-M, City Addition, located on the west side of North General Bruce Drive, north of Saulsbury Park, 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 17th day of April, 2008.

PASSED AND APPROVED on Second Reading on the 1st day of **May**, 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

04/17/08
Item #8(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City Boards:

- (A) Community Services Advisory Board - one member to fill an unexpired term through September 1, 2009; and
- (B) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2009

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) Rosie Dixon has resigned from the Community Services Advisory Board effective March 31, 2009. We recommend the appointment of one person to fill this unexpired term through September 1, 2009. Ms. Nancie Etzel has submitted a City Board Application Form indicating her interest in serving on this board.

(B) Staci Taylor was appointed to the Temple Public Safety Advisory Board in February 2008. Ms. Taylor has resigned since she is moving out of town. We recommend the appointment of one person to fill this unexpired term through September 1, 2009. Mr. Matthew Wilder has submitted a City Board Application Form indicating his interest in serving on this board.

FISCAL IMPACT: None

ATTACHMENTS:

[Board Summary Forms](#)
[City Board Application Forms](#)

COMMUNITY SERVICES ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Rev. Roscoe Harrison rharrison@swmail.sw.org	06/04	2009	3806 Wendy Oaks Drive, 76502	773-0173 H 724-1929 W 724-5288 F
Lamar Collins LTCOLLINS@swmail.sw.org	09/06	2009	9126 Antelope Trl, 76504	724-1586 W 624-7133 C
Roswitha (Rosie) Dixon rdixon@extracobanks.com resigned 3-31-08	12/06	2009	612 Citation Loop Harker Heights, TX 76548	718-1237 W 290-9267 C 774-5849 F
Sharon Holleman Sharon.holleman@tisd.org	01/03	2010	610 Brazos Drive, 76504	760-5405 C 778-5641 H
Corey Richardson cdrich@excite.com	09/07	2010	100 Ottoway Drive, 76501	760-8330 W 598-0280 H
Dr. Robert Beamon newday213@sbcglobal.net	09/04	2010	611 West Royal Avenue, 76501	899-9321 W 778-3437 H 899-9323 F
Bishop John Tolbert tolbert1st@aol.com	06/04	2008	4498 Little Flock Road, 76501	770-0099 W 770-1004 H 534-2055 C 770-1035 F
Jody Donaldson jody@jdonaldson.com	09/05	2008	4106 Eagle Road, 76502	771-2422 W 778-8401 H
Steve Rublee, Vice Chair srublee@ccrest.com	09/05	2008	2810 Creekside Drive, 76502	939-2100 W 770-3464 H

Created May 7, 1992 by Resolution #92-234-R; duties expanded May 6, 2004 by Resolution 2004-4042-R

Purpose: To assess public service needs in the community; annually request proposals from public service agencies to meet identified needs; recommend funding levels to the Council from the CDBG annual budget; monitor the agencies receiving CDBG funds to evaluate their performance and proper utilization of funds.

Membership: 11 members, all residents of Bell County; Ex-officio members - City Manager

Term: 3 years

City Staff: Traci Barnard, Director of Finance

Meeting Time/Place: Regular meetings monthly, special meetings as needed; Staff Conference Room, Municipal Building.

General Duties: Attend approximately 6 board meetings per year, from October through May; participate in subcommittee work on application format as needed; participate in subcommittee application review; participate in interview process of agency representatives; present funding recommendations to the Council in June. Duties will include the selection criteria and process for the new HOME Program and other associated CDBG activities.

Revised 09/06/07

TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2009	2005 East Avenue K, 76501	773-3589 H
Staci Taylor Resigned -moving	02/08	2009	2501 Linwood Road Temple, TX 76502 Stacintaylor512@yahoo.com	773-5010 H 534-4539 M
Luis Montero	09/06	2010	3005 Liberty Drive, 76504	778-2286 ext.103 W 774-8371 H 760-9858 C
Sylvia Chesser	03/04	2010	802 Westpoint, 76504 kd5usi@aol.com	771-1171 H
John Rude	05/03	2009	214 Cheyenne, 76504 jnnarude@vvm.com	773-7147 H 298-7031 W 298-7111 F
John Bush	09/04	2010	1302 North 13 th Street Temple, TX 76501 john.rude@sbcglobal.net	770-0910 W 773-1416 H 760-9313 M
Patricia A. Smith, Ph.D. Chair	11/02	2010	3334 Red Cliff Cr., 76502 pat-smith@earthlink.net	778-4425 H
Corey Richardson	09/07	2010	100 Ottoway Drive, 76501 cdrich@excite.com	760-8330 W 598-0280 H
Marcie Davis	5/03	2009	P.O. Box 4267, 76505 Marcie.davis@sbcglobal.net	771-0881 H 721-0212 M
Doris Easter	09/07	2010	1117 South 6 th Street, 76504	778-2423 H
Karl J. Kolbe	04/07	2008	4802 S. 31 st Street, #Apt 515 kkolbe@hotmail.com	512-771-4132 M 254-231-3445 H
Gerald Richmond	09/05	2008	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 M
Stephen Paine	02/08	2008	227 Taylors Drive Temple, TX 76502 Stephen.centraltexasems@gmail.com	771-1136 W 534-1834 M
Arben "Benny" Ismaili	09/07	2008	1810 Marlandwood Rd. #8107 76502 arben1976@hotmail.com	771-0169 W 421-1249 M
Catherine Luna	11/02	2008	1822 S. 35 th St., 76504 catherine.luna@tisd.org	493-9002 M

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983

as Temple Law Enforcement Advisory Board.

Purpose: Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;
Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 5:30 p.m. at the Temple Police Department. Revised 02/21/08



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD -
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE -
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE PUBLIC SAFETY ADVISORY BOARD -

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Nancie Etzel Residence Address 329 Big Timber Dr., Temple

Mailing Address 329 Big Timber Dr., 76502 Phone Number(Business) N/A (Home) _____

Fax Number _____ Cell Phone Number 443-742-1478 E-Mail Address NEtzel27@aol.com

Current Employer/Nature of Business: Retired Teacher

What City Boards have you served on before & When? See attached

Name, in priority order, the Board or Boards on which you would prefer to serve: Transit Advisory Comm.,

Temple Public Safety Board, Community Services Advisory Board

What experience and/or educational background do you have that could be applied to community service?
See attached

Comments (Attach additional page if desired):

Signed: Nancie Etzel Date: 4/2/08

PLEASE NOTE: All information supplied on this form is public information.

Application (cont'd) for The City of Temple, City Advisory Boards & Commissions
Nancie Etzel, April 2008

What City Boards have you served on before and when did you serve?

Anne Arundel County (A.A. County) Commission on Disability Issues, May 2001 to February 2007
January 2004 to February 2007 – Vice Chairperson

This position was an appointment by the County Executive. Disability Advocate -

Member of the following Committees:

1) Transportation, 2) Accessibility and Architecture, 3) Bylaws, and 4) Chair of Public Relations Committees. Worked with state and county agencies, legislators and representatives to assist in empowering those citizens with disabilities.

Experience and/ or Education: University of Maryland Baltimore County, Baltimore, Maryland
B.A. Psychology; Art History minor; Accelerated Certificate for Teacher's (ACT) Program
College of Notre Dame, Baltimore, Maryland

While serving as an appointed member for the A.A. County Commission:

- A) Testified numerous times for the Commission including the Maryland Department of Transportation (Hellman) hearings and for the establishment of the Department of Disabilities.
- B) Assisted in organizing Disability Awareness Day 2002; co-chair Disability Awareness Day 2005;
- C) Attended and was a member of the Transportation Equity Task Force (est. 2003, Baltimore Regional Transportation Board the MPO of the Baltimore Region)
- D) Worked with Citizens Planning and Housing Association (CPHA)
- E) Contributed to the A.A. County *Emergency Preparedness Workgroup for People with Disabilities* (Took part in two Emergency Evacuations involving local, State & Federal agencies).
- F) Represented the Commission as the voting member from A.A. County on the Maryland Alliance for Disability Commissions and Committees - The Alliance works to voice the opinions and needs of the disabled community to government, service providers, and others. (Also served as Secretary)
- G) Participated in Transportation Association of Maryland (TAM) conferences and Anne Arundel County Council meetings as needed.
- H) Involved in Bi-Monthly Transit Coordination meetings (attendees included representatives from the Office of Planning and Zoning, Howard County Transit, Corridor Transportation Corporation, Annapolis Region Transportation Marketing Association, Annapolis Transit)

Additional Education/Experiences

Attended Workshops/Forums

ADA Updates provided from the Department of Justice

2004 – Timonium Holiday Inn, Towson, MD

2005 – Holiday Inn, Baltimore Washington Thurgood Marshall Airport Business Park, MD

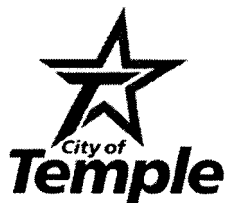
2006 - Holiday Inn, Baltimore Washington Thurgood Marshall Airport Business Park, MD

ADA Public Forum – July 25-26, 2005, Metro Center Marriott

ADA Informational Meeting – April 2005, Baltimore Metropolitan Council, Baltimore, MD

Environmental Justice – 11/6/04, Morgan State University, Baltimore, MD

Appointed to Citizens Advisory Committee - Baltimore Regional Transportation Board November 2006



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE PUBLIC SAFETY ADVISORY BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Matthew K. Wilder Residence Address 8519 Sage Meadow Dr Temple TX

Mailing Address 8519 Sage Meadow Dr Phone Number(Business) 774-8447(Home) 780-1443

Fax Number _____ Cell Phone Number 319-3606 E-Mail Address matthew.wilder@morganstanley.com

Current Employer/Nature of Business: Morgan Stanley / Financial Advisor

What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Economic Development, Public Safety Advisory Board, Animal Services Advisory Board

What experience and/or educational background do you have that could be applied to community service?
Financial Advisor, Former Army Officer currently in Texas Army National Guard

Comments (Attach additional page if desired):

Signed: Matthew K. Wilder Date: 28 March 08

PLEASE NOTE: All information supplied on this form is public information.