



**MEETING OF THE
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING
2 NORTH MAIN STREET
TEMPLE, TX**

THURSDAY, JULY 3, 2008

**3:00 P.M.
3RD FLOOR CONFERENCE ROOM**

WORKSHOP AGENDA

1. Discuss Preliminary FY 09 budget issues, including:
 - (A) City's Solid Waste services, and
 - (B) Hotel Motel Fund and Capital Improvement Projects
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 3, 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) Parks and Recreation Month July 2008

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. BOND ITEMS

4. [2008-4233](#): FIRST & FINAL READING - PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of \$13,975,000* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008A; authorizing the Levy of an ad valorem tax and the pledge of certain revenues in support of the Certificates; approving an Official Statement, a Paying Agent/Registrar Agreement, Purchase Contract and other agreements related to the sale and issuance of the Certificates; establishing procedures for selling and delivering the bonds; and authorizing other matters related to the issuance of the certificates, to be considered on an emergency basis.
5. [2008-4234](#): FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of \$9,750,000* City of Temple, Texas General Obligation Bonds, Series 2008; authorizing the levy of an ad valorem tax in support of the bonds; approving a Paying Agent/Registrar Agreement, an Official Statement, a Purchase Agreement and other agreements related to the sale and issuance of the bonds; establishing procedures for selling and delivering the bonds; and authorizing other matters relating to the issuance of the bonds, to be considered on an emergency basis.

6. [2008-4235](#): FIRST & FINAL READING – PUBLIC HEARING – Consider authorizing the Second Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Utility System Revenue Financing Program related to the issuance of \$15,425,000* City of Temple, Texas Utility System Revenue Bonds, Series 2008 and the establishment of procedures for selling and delivering the bonds, to be considered on an emergency basis.

V. 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.

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

Minutes:

- (A) [June 19, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-5438-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, construction administration, and site observation required for the 27th Street Waterline Improvements Project in an amount not to exceed \$160,933.34 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (C) [2008-5439-R](#): Consider adopting a resolution authorizing an out of scope contract with CH2MHill/OMI of Englewood, Colorado for replacement of the belt press feed pump #1 in the not to exceed amount of \$54,496.46.
- (D) [2008-5440-R](#): Consider adopting a resolution granting a street use license for a 3.8 foot encroachment of an existing house in a 15' foot wide utility easement along the west property line for Lot 5, Block 1, Carriage House Village.
- (E) [2008-5441-R](#): Consider adopting a resolution granting a street use license for a 2.7 foot encroachment of an existing house in a 15' foot wide utility easement along the east property line for Lot 1, Block 3, and Canyon Ridge Phase 1.

Ordinances - Second and Final Reading

- (F) [2008-4232](#): SECOND READING – Consider adopting an ordinance abandoning the following street rights-of-way for the proposed Westfield Phase V (2 commercial lots on the west side of the future Outer Loop and on both sides of the future Stone Hollow Drive); for the following rights of way:

1. A 0.282 acre portion of Old Hilliard Road, (Nancy Chance Survey, Abstract # 5), and
 2. A 0.766 acre portion of Old Hilliard Road, (Nancy Chance Survey, Abstract # 5).
- Total: 1.048 acres

Misc:

- (G) [2008-5442-R](#): Consider adopting a resolution authorizing the Texas Department of Transportation, Aviation Division, on the City of Temple's behalf, to enter into eminent domain proceedings for the purpose of acquiring real estate to comply with applicable runway surface protection requirements for a runway extension at the Draughon-Miller Central Texas Regional Airport.
- (H) [2008-5443-R](#): Consider adopting a resolution authorizing the acceptance of a Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, to assist with airfield crack filling and runway/taxiway pavement markings at the Draughon-Miller Central Texas Regional Airport in the amount of \$100,000, with a City match of \$50,000.
- (I) [2008-5444-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2008-2009 budget for August 7, 2008 and August 28, 2008 at 5:00 p.m. in the City Council Chambers.
- (J) [2008-5445-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VI. REGULAR AGENDA

ORDINANCES

8. [2008-4231](#): FIRST READING – PUBLIC HEARING – Consider adopting an amendment to Ordinance 2005-4006 abandoning the following street rights-of-way for the First United Methodist Church; and retaining blanket utility easements for the abandoned rights-of-way to protect existing utilities:
 - (A) A portion of North 2nd Street, near its intersection with Calhoun Avenue (Original Town – Volume 36, Page 640 and Moore's First Addition – Volume 115, Page 416), and
 - (B) A portion of East Barton Avenue, south of Main Street, and north of the portion previously abandoned (Original Town – Volume 36, Page 640 and Moore's First Addition – Volume 115, Page 416).
9. [2008-4236](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance repealing and replacing Chapter 13, "Flood Damage Prevention," of the City Code of Ordinances to be consistent with updated language complying with Federal Emergency Management Agency requirements and City of Temple Drainage Criteria.
10. [2008-4237](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance renaming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as Research Parkway.

RESOLUTIONS

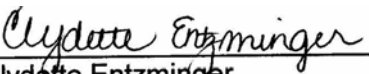
11. **2008-5446-R:** Consider adopting a resolution authorizing a construction contract with James Construction Group, LLC, of Belton for construction activities required to build the Industrial Rail Spur Phases 1 & 2 between Northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$9,140,115 and declaring an official intent to reimburse the portion of this contract related to Phase I of the construction of the Industrial Rail Spur funded with Certificates of Obligation bonds in the amount not to exceed \$1,890,000 prior to the issuance of tax-exempt obligations designated for that portion of the project.
12. **2008-5447-R:** Consider adopting a resolution authorizing a construction contract with Ranger Excavating, LP, of Austin for construction activities required to build the Rail Park Detention Pond and Underground Stormwater Conveyance system between Northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$3,201,991.

BOARDS APPOINTMENTS

13. **2008-5448-R:** Consider adopting a resolution appointing one member to the Airport Advisory Board to fill an unexpired term through September 1, 2008.

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 2:50 PM, on June 27, 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

07/03/08
Item #3(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

(A) Parks and Recreation Month July, 2008

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by the Parks and Leisure Services Department. It will be received by Ken Cicora and PALS staff.

FISCAL IMPACT: None

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08

Item #4

Regular Agenda

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING - PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of \$13,975,000* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008A; authorizing the Levy of an ad valorem tax and the pledge of certain revenues in support of the Certificates; approving an Official Statement, a Paying Agent/Registrar Agreement, Purchase Contract and other agreements related to the sale and issuance of the Certificates; establishing procedures for selling and delivering the bonds; and authorizing other matters related to the issuance of the certificates, to be considered on an emergency basis.

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

ITEM SUMMARY: This item is to delegate authority to the Director of Finance, and City Manager as back-up, to finalize pricing within parameters defined in the attached ordinance for the sale of \$13,975,000* to the lowest negotiated bidder of this series of bonds. This will allow the issue to price on the next best day (scheduled for July 8, 2008) and allows the underwriters to receive commitment of the issuer (City of Temple) immediately upon giving a firm bid to underwrite and setting the interest rates. In this volatile market, this type of sale can help gain the most aggressive bid on a given day.

The proceeds from the \$13,975,000* issue will be used to fund the following projects.

- Improvements and repairs to City buildings and facilities, i.e. City Hall, Public Services Building, various Parks & Leisure Services Buildings, and Santa Fe Depot
- Design and land acquisition related to constructing a new Fire Station No. 1 and Administration Building
- Wireless Municipal Broadband Network for approximately 2-3 square miles in key strategic locations
- Library improvements to include expansion and foundation improvements
- Acquiring, renovating, and equipping building at 401 North 3rd Street for Municipal Court (additional funds to supplement 2002 GO issue and 2006 CO issue)

- Acquisition of equipment for Police Department
- Rail relocation related to the NW Loop 363 Expansion {substitution for road improvements}
- Outer Loop Road project
- Extend Tarver Road east to Old Waco Road
- Construct a connector road between HWY 93 and Hartrick Bluff Road
- Redevelopment of the Downtown area to include intersection enhancements
- Construction of 1st Street Gateway to include boulevard, landscaping, sidewalk and pedestrian improvements
- West Temple Park Land Acquisition
- Paying the legal, fiscal, architectural and engineering fees in connection with these projects including the costs associated with the issuance of the Certificates

*** THE ISSUE SIZE IS PRELIMINARY (NOT TO EXCEED \$13,975,000) AND WILL BE SIZED AT THE TIME OF PRICING.**

Ratings for the bonds have been applied for with Moody's and Standard & Poors. The ratings will be published on Monday, June 30, 2008. The negotiations on the sale of the bonds will be on Tuesday, July 8, 2008, and finalized the same day, assuming the market is favorable that day.

The underwriting syndicates to sell the bonds are SAMCO Capital Markets, Banc of America Securities, Estrada Hinojosa & Company, and Raymond James & Associates. SAMCO will be running the syndicate for this transaction.

Our financial advisor, First Southwest Company, and bond counsel, McCall, Parkhurst & Horton, L.L.P., will be at the meeting to review the parameters and details of the sale with Council.

Funds are expected to be delivered to our depository for use on August 6, 2008.

FISCAL IMPACT: Average annual debt service for the \$13,975,000* issue based on an estimated interest rate of 4.65% with a maturity of 20 years is \$1,132,720. The interest and sinking component (.2289 cents) of the current tax rate (.5681 cents) includes the debt service for this CO issuance.

ATTACHMENTS:

Ordinance (hard copy to be provided)



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of \$9,750,000* City of Temple, Texas General Obligation Bonds, Series 2008; authorizing the levy of an ad valorem tax in support of the bonds; approving a Paying Agent/Registrar Agreement, an Official Statement, a Purchase Agreement and other agreements related to the sale and issuance of the bonds; establishing procedures for selling and delivering the bonds; and authorizing other matters relating to the issuance of the bonds, to be considered on an emergency basis.

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

ITEM SUMMARY: This item is to delegate authority to the Director of Finance, and City Manager as back-up, to finalize pricing within parameters defined in the attached ordinance for the sale of \$9,750,000* to the lowest negotiated bidder of this series of bonds. This will allow the issue to price on the next best day (scheduled for July 8, 2008) and allows the underwriters to receive commitment of the issuer (City of Temple) immediately upon giving a firm bid to underwrite and setting the interest rates. In this volatile market, this type of sale can help gain the most aggressive bid on a given day.

The proceeds from the \$9,750,000* issue will be used to fund the following projects that were approved by the voters on November 6, 2007.

- Temple Family Aquatics Center
- Sammons Park Indoor Aquatics Center & Golf Course Improvements
- Summit Expansion & Pool Family Changing Rooms
- Miller Park Playground/Hike & Bike Trail
- West Temple Spray Park
- Lions Soccer Fields
- Ferguson Park Picnic and Playground

*** THE ISSUE SIZE IS PRELIMINARY (NOT TO EXCEED \$9,750,000) AND WILL BE SIZED AT THE TIME OF PRICING.**

Ratings for the bonds have been applied for with Moody's and Standard & Poors. The ratings will be published on Monday, June 30, 2008. The negotiations on the sale of the bonds will be on Tuesday, July 8, 2008, and finalized the same day, assuming the market is favorable that day.

The underwriting syndicates to sell the bonds are SAMCO Capital Markets, Banc of America Securities, Estrada Hinojosa & Company, and Raymond James & Associates. SAMCO will be running the syndicate for this transaction.

Our financial advisor, First Southwest Company, and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be at the meeting to review the parameters and details of the sale with Council.

Funds are expected to be delivered to our depository for use on August 6, 2008.

FISCAL IMPACT: Average annual debt service for the \$9,750,000 issue based on an estimated interest rate of 4.65% with a maturity of 20 years is \$792,138. The interest and sinking component (.2343 cents) of the proposed FY 2009 tax rate (.5781 cents) includes 1 cent to cover the debt service for this GO issue.

ATTACHMENTS:

Ordinance (hard copy to be provided)



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08

Item #6

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING – Consider authorizing the Second Supplemental Ordinance to the Master Ordinance establishing the City of Temple, Texas Utility System Revenue Financing Program related to the issuance of \$15,425,000* City of Temple, Texas Utility System Revenue Bonds, Series 2008 and the establishment of procedures for selling and delivering the bonds, to be considered on an emergency basis.

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

ITEM SUMMARY: This item is to delegate authority to the Director of Finance, and City Manager as back-up, to finalize pricing within parameters defined in the attached ordinance for the sale of \$15,425,000* to the lowest negotiated bidder of this series of bonds. This will allow the issue to price on the next best day (scheduled for July 8, 2008) and allows the underwriters to receive commitment of the issuer (City of Temple) immediately upon giving a firm bid to underwrite and setting the interest rates. In this volatile market, this type of sale can help gain the most aggressive bid on a given day.

The proceeds from the \$15,425,000* issue will be used to fund the following projects.

Bond Issue Costs (Negotiated Sale)	\$ 425,000
Water Business Office Relocation	200,000
Tarver to Old Waco Road Utility Relocation	200,000
Waterline Replacement - Somerville Drive/FM 2271	335,000
SCADA System Upgrade at both Water Treatment Plants	400,000
Birdcreek Wastewater Line Replacement	500,000
Lilac Lane Sewer Project	500,000
Outer Loop Phase III Utility Relocation	900,000
S. Temple Water System Improvements	1,000,000
Waterline from Avenue G to 25th Street Tank	1,350,000
Rehab of Conventional WTP Mixed Media Filters	1,700,000
Pre-Sedimentation & Sludge Disposal System @ WTP Membrane Plant	2,965,000
West Temple Water & Wastewater Ext. North of FM 2305	4,950,000
Total amount to be issued	<u><u>\$ 15,425,000</u></u>

*** THE ISSUE SIZE IS PRELIMINARY (NOT TO EXCEED \$15,425,000) AND WILL BE SIZED AT THE TIME OF PRICING.**

Ratings for the bonds have been applied for with Moody's and Standard & Poors. The ratings will be published on Monday, June 30, 2008. The negotiations on the sale of the bonds will be on Tuesday, July 8, 2008, and finalized the same day, assuming the market is favorable that day.

The underwriting syndicates to sell the bonds are SAMCO Capital Markets, Banc of America Securities, Estrada Hinojosa & Company, and Raymond James & Associates. Banc of America Securities will be running the syndicate for this transaction.

Our financial advisor, First Southwest Company, and bond counsel, McCall, Parkhurst & Horton, L.L.P., will be at the meeting to review the parameters and details of the sale with Council.

Funds are expected to be delivered to our depository for use on August 6, 2008.

FISCAL IMPACT: Average annual debt service for the \$15,425,000* issue based on an estimated interest rate of 4.65% with a maturity of 20 years is \$1,211,843. Water and Wastewater rates were set for FY 2008 to include the amounts needed to fund the debt service for these bonds.

ATTACHMENTS:

Ordinance (hard copy to be provided)



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) June 19, 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:

[June 19, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

JUNE 19, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, June 19, 2008 at 3:00pm in the 3rd Floor Conference Room, 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 update on downtown redevelopment including the final proposed parking study and the market and financial feasibility study relating to the City block that includes the Hawn Hotel and the Arcadia Theatre.**

Mr. Rick Rich and David Burr, with Rich and Associates, presented the Parking Planning Study final report to the City Council. They presented the study methodology, results and conclusion, and both short term and long term solutions and recommendations. Mr. Burr discussed the conclusion summary which provided the following information: one zone has existing parking deficit and three zones have projected parking deficits; 34% of the study area spaces and 37% of the core the core area spaces are publicly designated; enforcement should be increased for existing time limitations; parking signage is inconsistent or lacking; valet and loading zone policies can be improved and additional parking should be developed. Specific recommendations, and the benefits associated with each, were presented for each conclusion from the study.

Mr. Rich discussed some parking supply solutions such as constructing surface spaces on City acquired property behind the Bell County Annex. He also presented several options for construction of a parking garage on one of three publicly owned sites or two privately owned parcels. Mr. Rich stated the preferred site would be in block 15, the Workforce Development Center/HELP Center site, for construction of a 321 car structure, at an estimated cost of \$5,863,600.

Mr. Rich continued with a discussion of possible funding sources, which include Tax Increment Financing, federal/state grants, special assessment districts, parking improvements districts and implementation of paid parking (on/off street meters). The City's current parking fines are too low and the recommendation is to go to \$10 with the opportunity to issue multiple tickets. Courtesy notices could be used as a marketing tool and as a means to change behaviors about on-street parking.

David Blackburn, City Manager, stated there is a need for more parking for future downtown development but this parking must be 'proximate' and we need to determine what that means to us. Some of the immediate changes to be implemented could make

some incremental differences. Some of the short-term recommendations could be issues in the upcoming budget.

Kim Foutz, Assistant City Manager, presented the preliminary findings of the Hawn, Arcadia and One Block Area Feasibility Study to the Council. Regarding the Hawn Hotel, the study shows that redevelopment of the property as a hotel and as lofts is feasible although the hotel proforma is still underway, as well as recommendations on brand versus no brand hotel. If developed as a hotel it is recommended for a boutique hotel with some meeting space, various amenities, limited retail on the first floor and adult entertainment on the top floor. Mrs. Foutz also presented the options for converting the hotel to lofts. The projected mix of demand, if reconstructed as a hotel, was presented, as well as the projected occupancy, average daily rate and rooms revenue.

The study also showed the redevelopment of the Arcadia is feasible as a multi-use facility for movies, touring musical acts, special events and other performing arts groups' performance. Mrs. Foutz discussed possible funding options and next steps for this project.

The feasibility study also included the one block area containing the City owned former Sears building. Recommended uses for this facility include a children's museum, rehearsal facilities, comedy club, Czech or German restaurant, fitness center or offices to house arts groups or other related functions. Mrs. Foutz noted this site is also the recommended location for structured parking in the final draft of the downtown parking study but the recommended uses could be incorporated into a parking structure. Residential uses, such as loft-style units, would also be feasible in the former SPJST building, Hawn Hotel and the pet store on 2nd Street and Adams Avenue. For retail to succeed, a minimum amount of retail space would be needed on the former SPJST and Hawn Hotel ground floors. Office uses are not recommended in this area since substantial vacant space for this use already exists downtown.

Mrs. Foutz concluded her presentation with a discussion of the issues needing resolution to facilitate redevelopment. In all development scenarios, the City needs to construct parking, provide contract leases/designated parking and security and lighting. Mrs. Foutz also presented several examples of incentives being used in other communities to attract new development in historic districts. The final feasibility report, including proformas, will be complete in approximately 2-3 weeks.

2. Discuss the City's current Drainage Fund sunset review report.

David Blackburn, City Manager, stated the Drainage Fund was established about ten years ago and a sunset review was provided for in the adopting ordinance. This is the purpose of this report. An update on the Drainage Master Plan will occur next month.

Michael Newman, Assistant Director of Public Works/City Engineer, provided this report to the City Council. He stated the original ordinance was approved in 1998, with the first sunset review in 2003. Mr. Newman presented the revenue history of the fund, as well as drainage personnel and equipment. He also discussed the maintenance inventory, which consists of 95 miles of road side drainage channels, 45 miles of major drainage channels,

all storm drain inlets in the City, 26 bridges and culverts, 22 detention ponds and vegetation control for 10 miles of concrete and rock rip rap drainage channel. Mr. Newman explained what has been achieved in maintenance, the mowing improvements and major projects completed. The process for handling citizen work requests was also reviewed. Mr. Newman concluded with a brief review of the current storm water program, the TCEQ mandated Storm Water Management Program for 2008-2013, and on-going drainage capital improvement needs.

3. Receive presentation regarding the Tourism Marketing Campaign.

Ken Cicora, Director of Parks and Leisure Services, reviewed the Tourism Marketing Campaign. Discover Temple was developed in 2006 as an interim marketing campaign and Mr. Cicora provided some background information regarding this program and what the direction is for the future. He reviewed the regional survey responses from locals and those outside the community to basic marketing questions and Temple related questions. A contract was awarded to Persidea to develop a campaign theme. A positioning statement was developed and adopted by the Parks and Leisure Services Board in May 2008. The new visitor attraction marketing plan, "Friendly Healthy Texas Fun, Temple, Texas" will be unveiled within the current proposed budget for 2008-2009.

4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 19, 2008.

Councilmember Janczak asked for an explanation of what the Council is being asked to approve with item 6 on the regular agenda, the adoption of the 2008-2009 Action Plan and CDBG budget.

Traci Barnard, Director of Finance, stated this is the fourth year of a five-year action plan. HUD outlines specific requirements for adoption of an annual plan and Mrs. Barnard explained how the City has met those requirements.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 19, 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

Mr. Lamar Collins, Community Services Advisory Board, voiced the Invocation.

2. Pledge of Allegiance

Ken Cicora, Director of Parks and Leisure Services, lead The Pledge of Allegiance.

II. PUBLIC COMMENTS

There were no public comments.

III. ELECTION ITEMS

3. 2008-5429-R: Consider adopting a resolution canvassing the returns of the June 14, 2008 run-off election in City Council District 2 and declaring the results thereof.

David Blackburn, City Manager, presented this item to the Council. He stated the City conducted a run-off election on Saturday, June 14th, to elect the District 2 Councilmember. The two candidates receiving the most votes in the May 10th general election, Patsy Luna and Mia McBride, were placed on the ballot for this run-off election. The returns from the run-off election have been provided to the Council, Mr. Blackburn continued, and they remain unchanged from those released following the election.

The Resolution being presented to the Council for approval canvasses the returns of the June 14th run-off election and declares Patsy Luna elected as Councilmember for District 2. Mayor Pro Tem Luna received 66% of the total votes cast in the election. Of the 6,804 registered voters in District 2, 216 (3.2%) cast votes in the run-off election.

Motion by Councilmember Tony Jeter to adopt resolution, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

4. Administer Oath of Office to newly elected Councilmember for District 2.

Municipal Court Judge Katheen Person administered the Oath of Office to Councilmember Patsy E. Luna.

5. 2008-5402-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

Mayor Jones stated each election year the Council has the opportunity to elect a Mayor Pro Tem for the City of Temple.

Motion by Councilmember Tony Jeter to adopt resolution electing Patsy Luna as Mayor Pro Tem, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

IV. BUDGET ITEMS

- 6. 2008-5430-R: PUBLIC HEARING - Conduct a final public hearing and consider adopting a resolution approving the 2008-2009 Action Plan and Community Development Block Grant (CDBG) budget.**

Traci Barnard, Director of Finance, introduced Mark Taylor, with Traylor & Associates. He made a presentation to the Council regarding the 2008 Action Plan. This is the fourth year of the five-year Consolidated Plan. Mr. Taylor reviewed the action plan schedule, including the public comments received in the past 30 days related to Avenue G and Jones Park improvements. He also showed the changes within the proposed allocations to accommodate these two recommendations.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

Dr. Sue Hamby spoke in support of using CDBG funds for Jones Park, Avenue G and Martin Luther King, Jr. Drive infrastructure improvements. She also expressed support for lighting at Waymon Manor.

Beverly Hamby spoke in support of phases 2 and 3 of the Martin Luther King, Jr. Drive project and improvements to parks and picnic areas. She stated she felt it would be a good idea to install security cameras and lighting to decrease crime in these areas.

Judy Morales addressed the Council and thanked them for the public service agency funding allocated to the Temple HELP Center. She also expressed support for the Martin Luther King, Jr. Drive improvements underway, as well as the Avenue G and Avenue H improvements proposed. This will be a good start to redevelopment efforts and ensure safety of residents in the area.

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

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

Motion passed unanimously.

V. CONSENT AGENDA

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

(A) June 5, 2008 Special Called Meeting and Regular Meeting

(B) 2008-5431-R: Consider adopting a resolution authorizing the Buy Board

purchase of a picnic pavilion, tables, and park grills for Ferguson Park from BJ's Park and Recreation Products of Magnolia, in the amount of \$48,437.29, and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

(C) 2008-5432-R: Consider adopting a resolution authorizing the Buy Board purchase and installation of playground equipment for Ferguson Park with Webuildfun, Inc. of Allen, in the amount of \$56,119.75, and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

(D) 2008-5433-R: Consider adopting a resolution authorizing an Interlocal Agreement with the Temple Independent School District (TISD) which allows the City of Temple to donate the existing play structure from Jackson Park to the TISD.

(E) 2008-5405-R: Consider adopting a resolution authorizing the following:

- 1. A construction contract with JHL Construction of Gatesville, in the amount of \$212,000 for trail renovations in Miller Community Park;**
- 2. A deductive change order from this contract in the amount of \$57,000; and**
- 3. Declaring an official intent to reimburse this net expenditure in the amount of \$155,000 made prior to the issuance of tax-exempt obligations for this project.**

(F) 2008-4226: SECOND READING - Consider adopting an ordinance repealing Ordinance No. 1755 establishing the Airport Advisory Board, allowing the Board to be re-established by Resolution.

(G) 2008-4227: SECOND READING - Z-FY-08-21: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a restaurant at Holiday Inn, located at 5247 South General Bruce Drive, on Lot 1, Block 1, Kenny B. Addition Replat # 1.

(H) 2008-4228: SECOND READING - Z-FY-08-22B: Consider adopting an ordinance authorizing a zoning change from Agriculture (AG) to Single Family-3 (SF-3) on 24.1+ acres, being part of the Maximo Moreno Survey, Abstract No. 14, located on the north side of French Street, west of 42nd Street.

(I) 2008-4229: SECOND READING - Z-FY-08-24: Consider adopting an ordinance authorizing a zoning change from Agriculture (AG) to Office-2 (O-2) with the additional uses of laboratory manufacturing and laboratory, scientific or research on 63.8+ acres, being part of the P.M. Mercer Survey, Abstract No.

553, located on the west side of Old Howard Road, 1,500+ feet north of SH 36.

(J) 2008-5434-R: Consider adopting a resolution authorizing the acceptance of a \$25,000.00 grant with no matching funding from the Department of Homeland Security's (DHS) Office of Grants and Training to purchase or upgrade Haz-Mat equipment and Haz-Mat supplies for Temple Fire and Rescue.

(K) 2008-5435-R: Consider adopting a resolution authorizing submission of an application for a Safer Adequate Fire and Emergency Response (SAFER) grant administrated by the Federal Emergency Management Agency's (FEMA) assistance to Firefighters Grants (AFG) Program Office for four Fire and Rescue Officer positions.

(L) 2008-5436-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

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

Motion passed unanimously.

(E) 2008-5405-R: Consider adopting a resolution authorizing the following:

- 1. A construction contract with JHL Construction of Gatesville, in the amount of \$212,000 for trail renovations in Miller Community Park;**
- 2. A deductive change order from this contract in the amount of \$57,000; and**
- 3. Declaring an official intent to reimburse this net expenditure in the amount of \$155,000 made prior to the issuance of tax-exempt obligations for this project.**

Ken Cicora, Director of Parks and Leisure Services, presented this item to the Council. This item was tabled at the May 15th City Council meeting for additional review. It has been determined that an additional savings of \$9750 can be realized by using standard concrete instead of pervious concrete. Mr. Cicora reviewed the other components of the contract relating to the fitness stations and the deductive change order. The total contract cost will be \$155,000 if the change is made to use standard concrete. Mr. Cicora displayed a map showing the location of the proposed trail improvements in Miller Park.

Councilmember Jeter stated he thought the reasons for tabling this item on May 15th were because the pervious concrete was an unproven material, there was only a single installer and the cost was higher than concrete.

Mr. Cicora stated staff has analyzed the cost and other factors relating to appearance to address reasons for this change in the recommendation.

Councilmember Jeter stated people that use the trails in parks tell him pervious

concrete is much easier to walk on. The trail in Woodbridge Park, constructed with this material, is used all of the time. We need to consider the users, taxpayers, and their desires, particularly if this is only a minimal cost.

Mr. Cicora stated they could use pervious concrete on the north side trail and concrete on the south side. This would allow the project to stay within budget. He and Val Roming, Director of Parks, compared bids for this project with those from previous trail projects.

Mayor Jones asked if the project could be re-bid. He expressed his concern with receiving only one bid since they received multiple bidders on similar projects recently bid. He also noted the scope has changed since bidding the project.

Mr. Blackburn stated the staff's efforts were to reduce dollars and match the existing surface. He agreed the dollar savings are not very significant.

Councilmember Schneider stated it would be unfair to ask the contractor to re-bid this project. The Council needs to make a decision and move on. On future projects, he recommended we ask for bids on both pervious and impervious concrete and then make the best decision.

Councilmember Jeter stated spending funds for a surface to be used by many people is an investment. He added he, too, was concerned with one bid but it would send a bad message to this contractor if we re-bid the project. We can't just reject the bid for no reason.

Mayor Jones stated rejecting the bid would be justified if the price is significantly higher than recent bids received for the same type of work.

Motion by Councilmember Tony Jeter to adopt resolution authorizing use of pervious concrete on the north side trail and concrete on the south side, and awarding contract to JHL Construction, Motion failed due to lack of second.

Motion by Councilmember Russell Schneider to adopt resolution approving staff recommendation to use all standard concrete on this project, seconded by Councilmember Marty Janczak.

Councilmember Tony Jeter and Mayor Pro Tem Patsy E. Luna voted nay. The other Councilmembers voted aye. The motion passed.

VI. REGULAR AGENDA

ORDINANCES

- 8. 2008-4231: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending Ordinance 2005-4006 abandoning the following**

street rights-of-way for the First United Methodist Church; and retaining blanket utility ease for the abandoned rights-of-way to protect existing utilities:

(A) A portion of North 2nd Street, between Calhoun and Barton Avenues (Original Town - Volume 36, Page 640 and Moore's First Addition - Volume 115, Page 416), and

(B) A portion of East Barton Avenue from the west side of the of the alley to 4th Street (Original Town - Volume 36, Page 640 and Moore's First Addition - Volume 115, Page 416).

Tim Dolan, Director of Planning, asked that this item be tabled to the July 3rd City Council meeting in order to revise the description of the areas to be abandoned.

Mayor Jones declared the public hearing open with regard to agenda items 8(A) and (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones suspended the public hearing to the July 3rd Council meeting.

Motion by Councilmember Marty Janczak to table ordinance to July 3, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 9. 2008-4232: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance abandoning the following street rights-of-way for the proposed Westfield Phase V (2 commercial lots on the west side of the future Outer Loop and on both sides of the future Stone Hollow Drive); for the following rights of way:**

(A) A 0.282 acre portion of Old Hilliard Road, (Nancy Chance Survey, Abstract # 5), and

(B) A 0.766 acre portion of Old Hilliard Road, (Nancy Chance Survey, Abstract # 5). Total: 1.048 acres

Tim Dolan, Planning Director, presented both items 9(A) and (B) to the City Council. This abandonment facilitates a two-lot development on 20+ acres. The fair market value of the 1.048 acre tract is \$16,768 and will be paid by Kiella Development. The access and construction easement will remain in place for this portion of the Outer Loop.

Mayor Jones declared the public hearing open with regard to agenda items 9(A) and (B) and asked if anyone wished to address these items. There being no

comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading set for July 3, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

10. 2008-5437-R: Consider adopting resolutions:

(A) re-establishing the Airport Advisory Board and changing the membership composition of the Board to allow representation from the Reinvestment Zone Board and the Temple Economic Development Corporation; and

(B) appointing two members to fill unexpired terms on the Airport Advisory Board.

Sharon Rostovich, Airport Director, presented this item to the Council. She explained the recommendation of the Airport Advisory Board to change the composition of the board to include representation from TEDC and the Reinvestment Zone, removing the Belton representative position from the board. The number of board members will remain unchanged and the current members will continue to serve.

Mayor Jones explained the TEDC Board of Directors has recommended Gary Schmidt be appointed as their representative on the Airport Advisory Board. Perry Cloud is currently serving on the Airport Board, representing the Reinvestment Zone. There is no recommendation at this time to fill the remaining unexpired term.

Councilmember Jeter asked if Mr. Schmidt will continue to serve on the Airport Board when his term on TEDC expires.

Mayor Jones replied yes. An individual does not have to be a member of the board (TEDC or Reinvestment Zone) in order to serve as that board's representative on the Airport Board.

Councilmember Jeter stated he felt it would be better to ensure that TEDC and the Reinvestment Zone always have a representative from their boards on the Airport Advisory Board in order to provide maximum communication.

Mayor Jones stated this recommendation is consistent with the way the Council handles the appointments to the TEDC Board of Directors. For instance, the Chamber of Commerce representative can continue to serve on TEDC after

their terms expires on the Chamber Board.

Councilmember Janczak stated the "cross pollination" of members on the TEDC Board and Reinvestment Zone Board has been very successful. Mr. Schmidt volunteered to serve on the Airport Board and the TEDC Board unanimously recommended approval.

Councilmember Jeter agreed with the concept of "cross pollination" but felt a better way to achieve this would be to ensure a standing position for current members of the TEDC and Reinvestment Zone boards on the Airport Board, particularly in view of the many exciting opportunities upcoming at the Airport.

Motion by Councilmember Marty Janczak to adopt resolutions (A) and (B), seconded by Councilmember Russell Schneider.

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

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, construction administration, and site observation required for the 27th Street Waterline Improvements Project in an amount not to exceed \$160,933.34 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: For many years, the Utility Services Department has experienced numerous line breaks on an existing 12" cast iron waterline located on 27th Street, between Avenue H and Avenue M. This existing waterline moves water from the Avenue G Pump Station to the new 25th Street Elevated Storage Tank which supplies water to Scott & White Hospital and surrounding neighborhoods. The line has a history of breaks, resulting in an average of six breaks per year over the past five years. With completion of the new elevated storage tank last year, this line is now critical to the system and a break in the line severely hampers the tanks ability to service the area. Replacement of the existing line with a larger line will provide a reliable feed from the Avenue G Pump Station and will reduce the potential for major disruptions to the medical district.

This project will replace approximately 2,700 LF of 12" cast iron waterline with a new 18" ductile iron waterline and will remove existing services from the transmission main. This project will also provide an additional 2,550 LF of new 12", 8", and 6" water mains within existing alleys and streets located adjacent to 27th Street to remove the services from the larger transmission line and to replace other areas of aging infrastructure in this immediate area.

The proposed timeline for the design phase of the project is 120 days, with a construction phase length of approximately 8½ months. This will enable the project to be completed before peak usage demands begin in summer 2009. Per the attachment, the engineering services are broken down as follows:

Basic Services

Civil Design	\$ 82,733.34
Bidding	\$ 3,500.00
Construction Administration	\$ 11,200.00
	<u>\$ 97,433.34</u>

Special Services

Design Surveying	\$ 18,500.00
Construction Staking	\$ 7,500.00
On-Site Representation	\$ 32,500.00
Easement Preparation	\$ 5,000.00
	<u>\$ 63,500.00</u>

TOTAL	<u>\$160,933.34</u>
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The engineer's opinion of probable cost for construction of the project is approximately \$1,130,000.

FISCAL IMPACT: Funding in the amount of \$1,350,000 is designated for the 27th Street Waterline Improvement Project in the proposed 2008 Utility Revenue bond issue. Initially, funding for this agreement will come from funding available in the 2006 Utility Revenue bonds in account 561-5200-535-6934, Project #100388 with the intent to reimburse the 2006 Utility Revenue bonds from the proposed 2008 Utility Revenue bond issue.

ATTACHMENTS:

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

Clark & Fuller, PLLC

Civil Engineers • Designers • Planners

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

June 23, 2008

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

Re: Proposal for the City of Temple
2008 27th Street – New 18" Transmission Main and Water Distribution Reconstruction

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the City of Temple, 2008 27th Street – New 18" Transmission Main and Water Distribution Reconstruction. (Please refer to attached maps and documents for further information).

This project will consist of approximately 2,700 linear feet of new 18" Ductile Iron Water Transmission Main, extending from the South 25th Street Elevated Storage Tank to an existing 14" Cast Iron Water Main located within the center median of Avenue H. To alleviate on-going maintenance and low pressure issues, approximately 2,550 linear feet of New 12", 8" and 6" Water Mains are to be constructed within existing Alleys and Streets located adjacent to South 27th Street. Due to extents of construction and historic overlaying of 27th Street, it is in our opinion that the existing roadway section be milled and overlaid with a new asphalt pavement section.

Clark & Fuller, PLLC will complete design topography and construction surveys, new water main design and construction document preparation, Assist the City of Temple with Project Bidding, Prepare required Easement Documents, and Provide Construction Administration and Post Construction Record Drawings. The proposed timeline for the project design phase is 120 calendar days from the authorization of notice to proceed. The proposed timeline for the project construction phase is 8-1/2 months from the contractor given notice to proceed.

Clark and Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering, Surveying, and Inspection Services for a Lump Sum Amount not to exceed \$160,933.34. We estimate the total cost of construction including professional services and contingencies to be \$1,289,560.84. (Please refer to attached Exhibit "A" and the attached Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.

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

Sincerely,



Monty L. Clark, P.E.



Clark & Fuller, PLLC

Civil Engineers • Designers • Planners

PRELIMINARY OPINION OF PROBABLE COST

City of Temple - 27th Street New 18" Ductile Iron

Transmission Main and Water Distribution

Located in Temple, Texas

Filename: 27th Street 18 Ductile Iron Water Main Preliminary Cost Opinion.xls

Date: 5-9-08

Site Mobilization and Pavement Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Site Preparation and Clearing	STA.	\$ 425.00	53	\$ 22,525.00
2. Site Mobilization	L.S.	\$ 22,500.00	1	\$ 22,500.00
3. Traffic Control	L.S.	\$ 11,250.00	1	\$ 11,250.00
4. Mill Existing Asphalt Pavement Section	S.Y.	\$ 3.75	8100	\$ 30,375.00
5. Provide New 1-1/2" HMAC Pavement Section	S.Y.	\$ 12.50	8100	\$ 101,250.00
6. Sawcut, Remove, and Replace Existing HMAC Pavement Section	S.Y.	\$ 45.00	656	\$ 29,520.00
7. New 8" Compacted Gravel Alley	S.Y.	\$ 13.00	2150	\$ 27,950.00
SUBTOTAL:				\$ 245,370.00

New Water and Transmission Main Construction

Item Description	Unit	Unit Cost	Quantity	Total
1. 18" DIP Class 250 Transmission Main w/ Class I Embedment	L.F.	\$ 110.00	2700	\$ 297,000.00
2. 12" PVC Class 150 C900 Water Main w/ Class I Embedment	L.F.	\$ 38.00	100	\$ 3,800.00
3. 8" PVC Class 150 C900 Water Main w/ Class II Embedment	L.F.	\$ 32.50	150	\$ 4,875.00
4. 6" PVC Class 150 C900 Water Main w/ Class II Embedment	L.F.	\$ 28.00	2300	\$ 64,400.00
5. 8" Mil Poly Wrap	L.F.	\$ 1.75	2700	\$ 4,725.00
6. Water Sampling Stations	EA.	\$ 1,350.00	3	\$ 4,050.00
7. Vacuum/Air Release Valve	EA.	\$ 4,500.00	1	\$ 4,500.00
8. Fire Hydrant Assembly	EA.	\$ 4,750.00	9	\$ 42,750.00
9. End of Line Flush Assembly	EA.	\$ 1,850.00	1	\$ 1,850.00
10. 18"x8" MJ Tee	EA.	\$ 3,750.00	2	\$ 7,500.00
11. 18"x6" MJ Tee	EA.	\$ 3,250.00	3	\$ 9,750.00
12. 18"x12" MJ Tee	EA.	\$ 3,500.00	1	\$ 3,500.00
13. 8"x8" MJ Tee	EA.	\$ 1,250.00	2	\$ 2,500.00
14. 6"x6" MJ Tee	EA.	\$ 950.00	2	\$ 1,900.00
15. 18" MJ Gate Valve	EA.	\$ 7,500.00	8	\$ 60,000.00
16. 12" MJ Gate Valve	EA.	\$ 3,250.00	2	\$ 6,500.00
17. 8" MJ Gate Valve	EA.	\$ 1,200.00	3	\$ 3,600.00
18. 6" MJ Gate Valve	EA.	\$ 975.00	6	\$ 5,850.00
19. Miscellaneous Fittings	TONS	\$ 4,150.00	8	\$ 33,200.00
20. Std. Tapping Sleeve and Valve Assembly	EA.	\$ 6,500.00	6	\$ 39,000.00
21. Connection to Existing Water Main	EA.	\$ 2,500.00	10	\$ 25,000.00
22. Relocation of Existing Water Service	EA.	\$ 2,500.00	6	\$ 15,000.00
23. Service Connection	EA.	\$ 1,250.00	38	\$ 47,500.00
24. Disconnection of Existing Water Main	EA.	\$ 2,750.00	7	\$ 19,250.00
25. Thrust Restraint	L.S.	\$ 18,500.00	100%	\$ 18,500.00
26. Mechanical Joint Adaptors	L.S.	\$ 17,500.00	100%	\$ 17,500.00
27. Provide Trench Safety Plan	L.S.	\$ 3,500.00	100%	\$ 3,500.00
28. Implement Trench Shoring	L.F.	\$ 3.85	5300	\$ 20,405.00
29. Testing per TCEQ and City of Temple Requirements	L.S.	\$ 12,750.00	100%	\$ 12,750.00

SUBTOTAL: \$ 780,655.00

SUBTOTAL CONSTRUCTION: \$ 1,026,025.00



PRELIMINARY OPINION OF PROBABLE COST

**City of Temple - 2008 27th Street New 18" Ductile Iron
Transmission Main AND Water Distribution**

Located in Temple, Texas

Filename: 27th Street 18 Ductile Iron Water Main Preliminary Cost Opinion.xls

Date: 5-9-08

CONSTRUCTION, DESIGN, AND SURVEYING COSTS

SUBTOTAL CONSTRUCTION: \$ 1,026,025.00
10% CONSTRUCTION CONTINGENCY: \$ 102,602.50

TOTAL CONSTRUCTION: \$ 1,128,627.50

8.5% PROFESSIONAL ENGINEERING SERVICES: \$ 95,933.34
DESIGN SURVEYS, RESEARCH, AND R.O.W./PROPERTY IDENTIFICATION: \$ 18,500.00
CONSTRUCTION STAKING \$ 7,500.00
DOCUMENT REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 1,500.00
EASEMENT PREPARATION AND ACQUISITION \$ 5,000.00
INSPECTION SERVICES \$ 32,500.00

PROJECT TOTAL: \$ 1,289,560.84

RECEIVED

City of Temple Engineering Dept

Clark & Fuller, PLLC

Civil Engineers • Designers • Planners

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

Exhibit "A"

Proposal for 2008 South 27th New 18" Transmission Main and Water Distribution Reconstruction Scope of Engineering and Surveying Services

Surveying Services: \$ 26,000.00

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

Civil Engineering Design Phase: \$ 82,733.34

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

Project Bidding Phase: \$ 3,500.00

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

Construction Phase: \$ 11,200.00

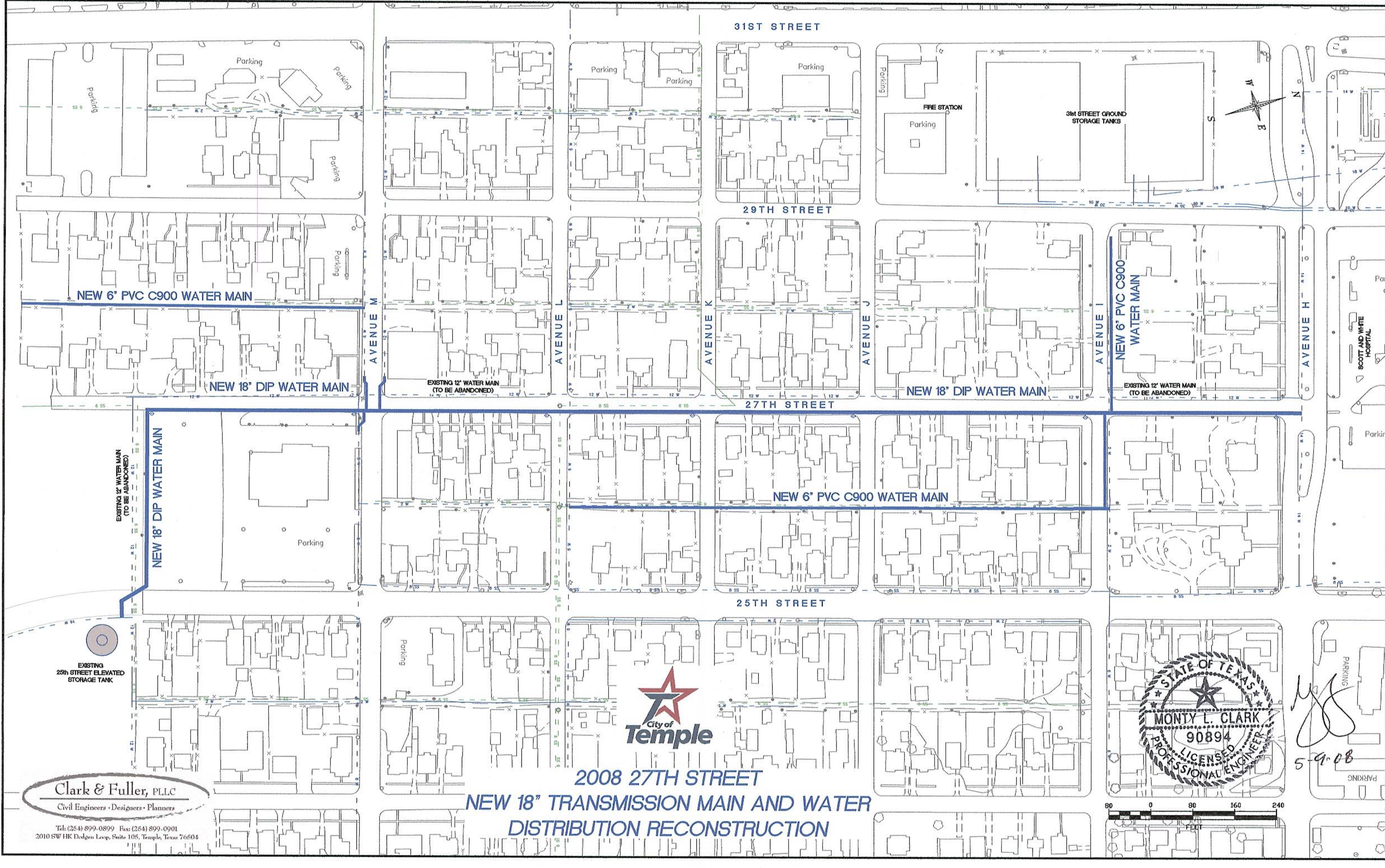
- Attend and facilitate a Pre-Construction Meeting
- Review all Contractor Submittals
- Respond to Requests for Information (RFI's)
- Execute Necessary Change Orders
- Attend Final Project Inspection
- Provide Final Inspection Punch List
- Prepare Record Drawings

Easement and Right of Way Preparation and Acquisition: \$ 5,000.00

- Preparation of Easement Documents and Field Notes
(2 Easements at \$ 750.00 per Easement)
- Easement Acquisition (\$ 1,750.00 per Easement)

Daily Onsite Construction Inspection Services \$ 32,500.00

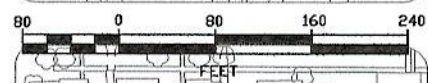
- Provide Daily On-Site Project Representation and Inspection Services (4 Hrs. per Day)



2008 27TH STREET
NEW 18" TRANSMISSION MAIN AND WATER
DISTRIBUTION RECONSTRUCTION



Handwritten signature and date: 5-9-08



Clark & Fuller, PLLC
Civil Engineers • Designers • Planners
Tel: (254) 899-0899 Fax: (254) 899-0901
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76604

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, FOR ENGINEERING SERVICES, INCLUDING DESIGN, SURVEYING, CONSTRUCTION ADMINISTRATION, AND SITE OBSERVATION REQUIRED FOR THE 27TH STREET WATERLINE IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED \$160,933.34; 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 Clark & Fuller, PLLC, of Temple, Texas, for engineering services, including design, surveying, construction administration, and site observation required for the 27th Street Waterline Improvements Project;

Whereas, Clark & Fuller, PLLC, submitted a proposal (\$160,933.34) for this project 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 a Professional Services Agreement, not to exceed \$160,933.34, between the City of Temple, Texas, and Clark & Fuller, PLLC, of Temple, Texas, after approval as to form by the City Attorney, for engineering services, including design, surveying, construction administration, and site observation required for the 27th Street Waterline Improvements Project.

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

Engineering services, including design, surveying, construction administration, and site observation required for the 27th Street Waterline Improvements Project

\$160,933.34

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 **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(C)
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 an out of scope contract with CH2MHill/OMI of Englewood, Colorado for replacement of the belt press feed pump #1 in the not to exceed amount of \$54,496.46.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Major upgrades of the Doshier Wastewater Treatment Plant were completed in 1994. Since that time, only minor maintenance has occurred at the facility. The plant utilizes two existing belt press feed pumps which supply chemical to the belt press for pressing sludge. Both feed pumps have stopped working and now require replacement.

CH2MHill/OMI (contract operators of the Doshier WWTP facility) have prepared the attached out of scope letter proposal to replace one of the two feed pumps at the facility immediately. This is an emergency project which requires procurement of a pump as soon as possible to keep the plant operational. The second feed pump is scheduled for replacement during next fiscal year (FY '08-'09). Without replacement of the pumps, sludge will continue to be produced and there will be no mechanism to dewater the sludge for ultimate disposal. Specific information for tasks to be performed related to replacement of the pump is described in detail in the attached documentation.

Per the existing operational contract with OMI, Article 2.8.1 (Financing) states that when requested by the City, OMI shall finance capital improvement projects relating to Doshier WWTP that have been requested or authorized by the City, subject to mutually agreeable terms and conditions of repayment. Additionally, Article 2.9 (Incidental Services) states that OMI shall perform other services that are incidental to the performance by OMI of the services required as directed by the City at OMI's cost plus not more than 15%. Public Works staff recommends that this work be performed utilizing the services of CH2MHill through the attached out of scope contract proposal.

FISCAL IMPACT: Funding in the amount of \$100,000 is currently appropriated in account 561-5500-535-6933, Project # 100169 for the Rehabilitation of the Belt Filter Press and Gravity Belt Thickener Project from the 2006 Utility Revenue Bond Issue. On April 3, 2008, the City entered into a contract, not to exceed \$58,000 with CH2MHill for rehabilitation of the belt filter press and gravity belt thickener, leaving a remaining balance of \$42,000. A budget adjustment is presented reclassifying these funds and additional funds from project savings to account 561-5500-535-6933, project # 100389 in the amount of \$54,497 to fund the replacement of the belt press feed pump #1. This contract includes all professional and construction fees associated with the project.

ATTACHMENTS:

[OMI Proposal](#)
[Budget Adjustment](#)
[Resolution](#)



CH2M HILL OMI
9193 S. Jamaica Street
Suite 400
Englewood, CO 80112
P.O. Box 6607
Englewood, CO 80155
Tel 303.740.0019
Fax 303.740.7061

6/11/2008

Mrs. Nicole Torralva, P.E.
City of Temple
3210 East Ave H, Bldg A
Temple, Texas 76501

Subject: Out-of-Scope Letter Agreement

Dear Mrs. Torralva,

CH2M HILL OMI is pleased to present you pricing for the emergency replacement of the belt press feed pump #1 to be completed upon approval by council:

What is being provided:

Double Disc Pump:

- (1) 6 – inch Double Disc Pump, Model # 6DDSX76, side motor mount build with 15 HP, 1200 rpm Baldor Premium Efficient, Severe Duty, Inverter Ready Electric Motor
- Suction and Discharge Pulsation Dampeners
- 304SS Pump Frame, Belt and Pulley Cover and Drive Guard
- Belt and Pulley System to achieve 300 RPM Pump Speed
- Model PVP420PS Pressure Gauge Switch Assembly in 316SS
- Model PVP420VS, Vacuum Gauge Switch Assembly in 316SS
- Red Epoxy on pump exterior
- 15 HP Safetronics Emerson, Variable Frequency Drive, 460/60/3, Nema 1 Encl.
- Contactor and control wiring to allow one VFD to alternate manually between two pump motors
- 5 six inch Tru-Tech Diaphragm Valves to replace existing plug valves
- Two year warranty on material and workmanship
- Freight to jobsite

When it is being provided: *All work to be completed by contract year end (September 30, 2008).*

Price of services: *According to article 2.9 Incidental Services, OMI shall perform other services required that are incidental to the performance by OMI of the services required by this Article as directed by City. Such services will be invoiced to City at OMI's cost plus not more than fifteen percent.*

Estimate of Costs: *\$54,496.46*

Payment terms:

According to Article 5.2 Other Payments, All other compensation to OMI is due on receipt of OMI's invoice and payable within thirty days.

All other terms and conditions of the Agreement dated September 30th, 2004 between OMI and the City of Temple remains in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL OMI appreciates the opportunity to provide these additional services to the City of Temple.

Sincerely,

Christopher S. Parker
CH2M HILL OMI Project Manager

Both parties indicate their approval of the above described services by their signature below.

Authorized OMI:

Authorized Client Name:

Roger B. Quayle
Senior Vice President
Date: _____

Client Contact
Client Name
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	
561-5500-535-69-33	100389	Rehab-Doshier Belt Filter	\$ 54,497		
561-5500-535-69-33	100169	Rehab-Doshier Belt Filter		42,000	
561-5200-535-69-27	100133	Water Line Relocation		12,497	
TOTAL.....			\$ 54,497	\$ 54,497	

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

Reallocate funding for a professional services and construction agreement with CH2MHill/OMI to replace belt press feed pump #1 at Doshier Wastewater Treatment Plant.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/3/2008

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 AN OUT OF SCOPE CONTRACT WITH CH2M HILL/OMI OF ENGLEWOOD, COLORADO, FOR REPLACEMENT OF THE BELT PRESS FEED PUMP #1 AT THE DOSHIER FARM WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$54,496.46; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Doshier Wastewater Treatment Plant utilizes two existing belt press feed pumps which supply chemical to the belt press for pressing sludge – both feed pumps have stopped working and new require replacement;

Whereas, CH2M Hill/OMI, the contract operators at the Doshier Farm Wastewater Treatment Plant, have submitted a proposal to replace one of the two feed pumps at the facility immediately because it requires procurement of a pump as soon as possible to keep the plant operational;

Whereas, the Staff recommends approval of an out of scope contract with OMI for an amount not to exceed \$54,496.46;

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 an out of scope contract with CH2M Hill/OMI of Englewood, Colorado, after approval as to form by the City Attorney, for replacement of the belt press feed pump #1 at the Doshier Farm Wastewater Treatment Plant, for a cost not to exceed \$54,496.46.

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 **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORADUM

07/03/08
Item #7(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution granting a street use license for a 3.8 foot encroachment of an existing house in a 15' foot wide utility easement along the west property line for Lot 5, Block 1, Carriage House Village.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

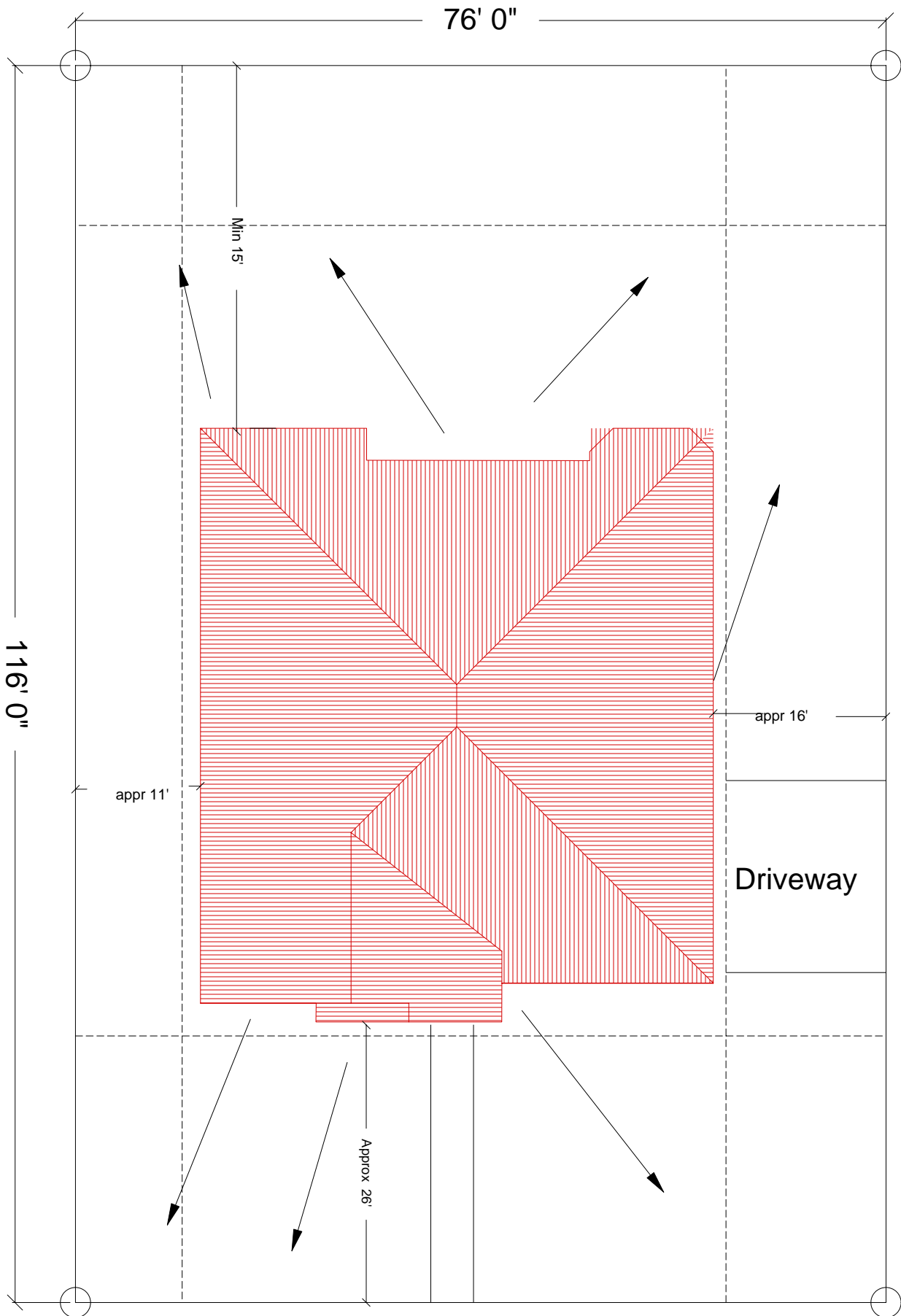
ITEM SUMMARY: Pat Patterson, Patco Construction Inc., has requested this street use license for a newly constructed house in Carriage House Village. The house was mistakenly placed 3.8 feet into a 15 foot wide utility easement along the west property line, which still exceeds the 7.5 foot side yard setback required in the SF-1 zoning district.

All utility companies, including the City of Temple Public Works Department, were contacted regarding the requested street use license. There are no objections to the street use license.

FISCAL IMPACT: Street use licenses require a \$150.00 fee for a 15-year term, which the applicant has paid.

ATTACHMENTS:

[Survey](#)
[Resolution](#)



Lot 1 Block 5 Carriage House Village
Hanson Cab Dr.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE FOR A 3.8 FOOT ENCROACHMENT OF AN EXISTING HOUSE IN A 15 FOOT WIDE UTILITY EASEMENT ALONG THE WEST PROPERTY LINE FOR LOT 5, BLOCK 1, CARRIAGE HOUSE VILLAGE; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for a newly constructed house in Carriage House Village that was mistakenly placed 3.8 feet into a 15 foot wide utility easement along the west property line;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

Part 1: A Street Use License is granted to Patco Construction, Inc., or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a 3.8 foot encroachment of an existing house in a 15 foot utility easement along the west property line for Lot 5, Block 1, Carriage House Village in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to occupy, maintain, and utilize a 15 foot utility easement along the west property line for Lot 5, Block 1, Carriage House Village in the City of Temple, Bell County, Texas.

IV. Conditions of License

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public

Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) **Hold Harmless.**

(1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

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 on the 3rd day of July, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of July, 2008, by
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

AGREEMENT OF LICENSEE

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

I, Pat Patterson, on behalf of Patco Construction, Inc., hereby accept the terms and conditions of Resolution No. _____ granting a Street Use License for a 3.8 foot encroachment of a newly constructed house into a 15 foot utility easement along the west property line for Lot 5, Block 1, Carriage House Village in the City of Temple, Bell County, Texas.

PATCO CONSTRUCTION, INC.

By: Pat Patterson

County of Bell §

State of Texas §

This instrument was acknowledged before me on the ____ day of _____, 2008, by -
Pat Patterson, on behalf of Patco Construction, Inc.

Notary Public, State of Texas

Return recorded document to:
City Attorney's Office
2 N Main ST
Temple TX 76501



COUNCIL AGENDA ITEM MEMORADUM

07/03/08
Item #7(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution granting a street use license for a 2.7 foot encroachment of an existing house in a 15' foot wide utility easement along the east property line for Lot 1, Block 3, and Canyon Ridge Phase 1.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pat Patterson, Patco Construction Inc., has requested this street use license for a newly constructed house in Canyon Ridge Phase 1. The house was mistakenly placed 2.7 feet into a 15 foot wide utility easement along the east property line, which still exceeds the 5 foot side yard setback required in the SF-2 zoning district.

All utility companies, including the City of Temple Public Works Department, were contacted regarding the requested street use license. There are no objections to the street use license.

FISCAL IMPACT: Street use licenses require a \$150.00 fee for a 15-year term, which the applicant has paid.

ATTACHMENTS:

[Survey](#)
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE FOR A 2.7 FOOT ENCROACHMENT OF AN EXISTING HOUSE IN A 15 FOOT WIDE UTILITY EASEMENT ALONG THE EAST PROPERTY LINE FOR LOT 1, BLOCK 3, CANYON RIDGE PHASE 1; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for a newly constructed house in Canyon Ridge Phase 1 that was mistakenly placed 2.7 feet into a 15 foot wide utility easement along the east property line;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

Part 1: A Street Use License is granted to Patco Construction, Inc., or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a 2.7 foot encroachment of an existing house in a 15 foot utility easement along the east property line for Lot 1, Block 3, Canyon Ridge Phase 1 in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to occupy, maintain, and utilize a 15 foot utility easement along the east property line for Lot 1, Block 3, Canyon Ridge Phase 1 in the City of Temple, Bell County, Texas.

IV. Conditions of License

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public

Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) **Hold Harmless.**

(1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

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 on the 3rd day of July, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of July, 2008, by
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

AGREEMENT OF LICENSEE

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

I, Pat Patterson, on behalf of Patco Construction, Inc., hereby accept the terms and conditions of Resolution No. _____ granting a Street Use License for a 2.7 foot encroachment of an existing house into a 15 foot utility easement along the east property line for Lot 1, Block 3, Canyon Ridge Phase 1 in the City of Temple, Bell County, Texas.

PATCO CONSTRUCTION, INC.

By: Pat Patterson

County of Bell §

State of Texas §

This instrument was acknowledged before me on the ____ day of _____, 2008, by -
Pat Patterson, on behalf of Patco Construction, Inc.

Notary Public, State of Texas

Return recorded document to:
City Attorney's Office
2 N Main ST
Temple TX 76501



COUNCIL AGENDA ITEM MEMORANDUM

06/19/08
Item #7(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance abandoning the following street rights-of-way for the proposed Westfield Phase V (2 commercial lots on the west side of the future Outer Loop and on both sides of the future Stone Hollow Drive); for the following rights of way:

1. A 0.282 acre portion of Old Hilliard Road, (Nancy Chance Survey, Abstract # 5), and
 2. A 0.766 acre portion of Old Hilliard Road, (Nancy Chance Survey, Abstract # 5).
- Total: 1.048 acres

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

ITEM SUMMARY: Kiella Development, Inc., applicant, requests the abandonment of a portion of Old Hilliard Road, to facilitate the commercial development of 20± acres, for a two commercial lot subdivision with frontage on the future Outer Loop and access to the future Stone Hollow Drive. For purposes of fair market value, the tract to the north was recently purchased for \$16,000.00 per acre. Using that cost, the value of \$16,768.00 should be paid by the applicant for the 1.048 acre abandonment of Old Hilliard Road.

Staff recommends approval of the abandonment subject to the requirement of the road to be used as an access and construction easement during the construction of the Outer Loop and Stonehollow Drive. Once the roads have been accepted by the City of Temple, the easements would terminate. The proposed ordinance contains these stipulations.

The utility companies, AT&T, Oncor and Atmos have been sent the abandonment request.

FISCAL IMPACT: The fair market value for this area is met by the recent purchase of the property to the north, purchased for \$16,000.00 per acre, for a value \$16,768.00 for the 1.048 acres.

ATTACHMENTS:

[Location Map](#)
[Right-of-way exhibit](#)
[Ordinance](#)



CITY OF TEMPLE
VOL. 4624 PG. 124
REMAINDER OF 466.603 ACRES



TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

NO.	BEARING	LENGTH
L1	S.44°54'39"E.	44.95'

MICHAEL KIRK VON ROSENBERG
INSTRUMENT NO. 2006-00053196
89.33 ACRES

P.O.B. 5/8" R.FND. w/CAP
MARKED "ALL COUNTY"

1/2" R.SET w/CAP
MARKED "RPLS 2475"

EXIST. ASPHALT LANE

1/2" R.SET w/CAP
MARKED "RPLS 2475"

N16°53'30"E-303.25'

0.282 AC.

C1

HILLIARD ROAD

20' U.E.

S89°51'26"E
82.66'
1/2" R.SET w/CAP
MARKED "RPLS 2475"

DED. PUBLIC R.O.W. (OUTER LOOP)
16.31 AC., DOC. #2007-00049023

TRACT 1
CITY OF TEMPLE
VOL. 4624, PG. 124

1"=100'

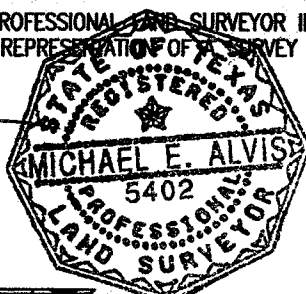
NO.	RAD.	ARC	CHD.BRG.	CHD.	DELTA	TAN.
C1	2075.00	222.03	S.37°08'37"W.	221.92	06°07'50"	111.12

ROBERT H. SCHLIEKER
VOLUME 4070, PAGE 347
5.58 ACRES

BEING A TRACT OF LAND IN BELL COUNTY, TEXAS, LYING AND SITUATED IN THE NANCY CHANCE SURVEY ABSTRACT NO.5, BELL COUNTY TEXAS, AND BEING A PORTION OF A PUBLIC ROADWAY KNOWN AS HILLIARD ROAD (NO RECORDATION FOUND), AND ALSO BEING A PORTION OF THAT CERTAIN 16.31 ACRE TRACT DEDICATED TO THE PUBLIC AS RIGHT-OF-WAY (OUTER LOOP), RECORDED IN DOCUMENT NUMBER 2007-00049023, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY SEPARATE FIELD NOTES.

I, MICHAEL E. ALVIS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THESE FIELD NOTES ARE A CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND.

Michael E. Alvis
MICHAEL E. ALVIS, R.P.L.S. NO.5402
APRIL 24, 2008



TURLEY ASSOCIATES, INC.

ENGINEERING • PLANNING • SURVEYING • CONSTRUCTION MANAGEMENT
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BEARING BASE: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 1983, CENTRAL ZONE

11922-A, 08-063, DWM

NO.	BEARING	LENGTH
L1	N.80°48'02"W.	22.47'

MICHAEL KIRK VON ROSENBERG
INSTRUMENT NO.2006-00053196
88.33 ACRES

1/2" I.R. SET w/CAP
MARKED RPLS 2475"

1/2" I.R. SET w/CAP
MARKED RPLS 2475"

EXIST. ASPHALT LANE

N16°53'30"E-481.42'

HILLIARD ROAD 0.766 AC.

S16°21'09"W-431.74'

1/2" I.R. SET w/CAP
MARKED RPLS 2475"

1/2" I.R. SET w/CAP
MARKED RPLS 2475"

N44°54'39"W
71.57'

1/2" I.R. SET w/CAP
MARKED RPLS 2475"

P.O.B. 5/8" I.R. FND. w/CAP
MARKED "ALL COUNTY"

5/8" I.R. FND. w/CAP
MARKED "ALL COUNTY"

TRACT 1
CITY OF TEMPLE
VOL. 4624, PG. 124

DED. PUBLIC R.O.W. (OUTER LOOP)
16.31 AC., DOC. #2007-00049023

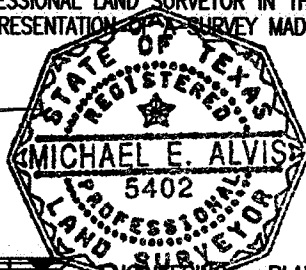
NO.	RAD.	ARC	CHD.BRG.	CHD.	DELTA	TAN.
C1	1288.03	68.34	S.54°04'33"E.	68.34	03°02'24"	34.18
C2	841.44	11.41	N.45°17'58"W.	11.41	00°46'23"	5.71
C3	173.36	69.42	S.05°57'23"E.	68.96	22°56'37"	35.18

BEING A TRACT OF LAND IN BELL COUNTY, TEXAS, LYING AND SITUATED IN THE NANCY CHANCE SURVEY ABSTRACT NO.5, BELL COUNTY TEXAS, AND BEING A PORTION OF A PUBLIC ROADWAY KNOWN AS HILLIARD ROAD (NO RECORDATION FOUND), AND ALSO BEING A PORTION OF THAT CERTAIN 16.31 ACRE TRACT DEDICATED TO THE PUBLIC AS RIGHT-OF-WAY (OUTER LOOP), RECORDED IN DOCUMENT NUMBER 2007-00049023, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY SEPARATE FIELD NOTES.

I, MICHAEL E. ALVIS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THESE FIELD NOTES ARE A CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND.

Michael E. Alvis

MICHAEL E. ALVIS, R.P.L.S. NO.5402
APRIL 24, 2008



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BEARING BASE: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 1983, CENTRAL ZONE

11919-A, 08-063, DWM

0.282 ACRE

BEING a tract of land in Bell County, Texas, lying and situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas, and the land herein described being a portion of a public roadway known as Hilliard Road (no recordation found), and also being a portion of that certain 16.31 acre tract dedicated to the public as right-of-way (outer loop) recorded in Document Number 2007-00049023, Official Public Records of Real Property, Bell County, Texas, and being more particularly described by metes and bounds as follows:

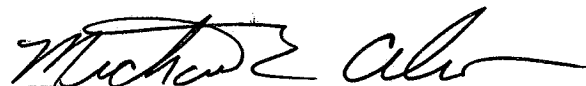
BEGINNING at a $\frac{5}{8}$ " iron rod with cap marked "All County" in concrete found along the common line of that certain 88.35 acre tract of land distributed to Michael Kirk Von Rosenberg by Distribution Deed recorded in instrument number 2006-00053196, Official Public Records of Real Property, Bell County, Texas, (east line) and the west right-of-way line of said public roadway known as Hilliard Road and bearing N. $66^{\circ} 17' 46''$ E., (bearing base), 4334.43 feet from City of Temple Monument No. 4004, for corner;

THENCE with common line, N. $16^{\circ} 53' 30''$ E., 303.25 feet, to a $\frac{1}{2}$ " iron rod with cap marked "RPLS 2475" set, for corner;

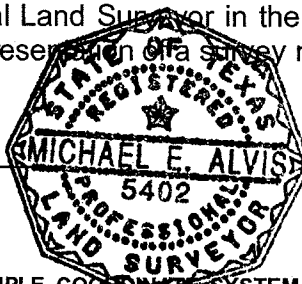
THENCE departing said common line, over and across said public roadway known as Hilliard Road, and said 16.31 acre right-of-way (outer loop) tract, the following three (3) calls:

- (1) S. $44^{\circ} 54' 39''$ E., 44.95 feet to a $\frac{1}{2}$ " iron rod with cap marked "RPLS 2475" set, for corner;
- (2) S. $09^{\circ} 51' 26''$ E., 82.66 feet to a $\frac{1}{2}$ " iron rod with cap marked "RPLS 2475" set at the beginning of a curve to the left, for corner;
- (3) THENCE with said curve to the left, radius equals 2075.00 feet, arc length equals 222.03, and the long chord bearing equals S. $37^{\circ} 08' 37''$ W., 221.92 feet to the Point of BEGINNING and containing 0.282 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
April 24, 2008



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 4004

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 30' 24''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884

PUBLISHED CITY COORDINATES ARE X = 3,206,128.30 Y = 10,383,154.18

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N. $62^{\circ} 54' 58''$ E., 4668.87 FEET.

See attached surveyors sketch, which accompanies this set of field notes (ref: drawing no.11922-A)



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0.766 ACRE

BEING a tract of land in Bell County, Texas, lying and situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas, and the land herein described being a portion of a public roadway known as Hilliard Road (no recordation found), and also being a portion of that certain 16.31 acre tract dedicated to the public as right-of-way (outer loop) recorded in Document Number 2007-00049023, Official Public Records of Real Property, Bell County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap marked "All County" in concrete found, along the common line of that certain 466.603 acre tract (TRACT 1) conveyed to the City of Temple, Texas, by Special Warranty Deed recorded in Volume 4624, Page 124, Official Public Records of Real Property, Bell County, Texas, (west line) and said public roadway known as Hilliard Road (east line), said iron rod being a northwesterly corner of said 16.31 acre tract (outer loop) and bearing N. 62° 54' 58" E., (bearing base) 4668.87 feet from City of Temple Monument No. 4004, for corner;

THENCE with a northwesterly boundary line of said 16.31 acre tract (outer loop), along a curve to the left, radius equals 173.36 feet, arc length equals 69.42 feet, and the long chord bearing equals S. 05° 57' 23" E., 68.96 feet to a 5/8" iron rod with cap marked "All County" in concrete found, for corner;

THENCE over and across, said 16.31 acre tract (outer loop) and public roadway known as Hilliard Road, the following three (3) calls:

- 1) N. 80° 48' 02" W., 22.47 feet to a 1/2" iron rod with cap marked "RPLS 2475" set, for corner;
- 2) N. 44° 54' 39" W., 71.57 feet to a 1/2" iron rod with cap marked "RPLS 2475" set at the beginning of a curve to the left, for corner;
- 3) THENCE with said curve to the left, radius equals 841.44 feet, arc length equals 11.41 feet, and the long chord bearing equals N. 45° 17' 58" W., 11.41 feet to a 1/2" iron rod with cap marked "RPLS 2475" set, along the common line of that certain 88.33 acre tract of land distributed to Michael Kirk Von Rosenberg by Distribution Deed recorded in Instrument Number 2006-00053196, Official Public Records of Real Property, Bell County, Texas (east line) and the west right-of-way line of said public roadway known as Hilliard Road, for corner;



TURLEY ASSOCIATES, INC.

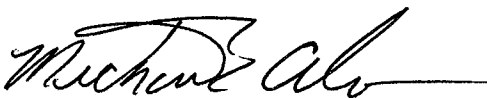
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THENCE with common line N. 16° 53' 30" E., 481.42 feet, to a ½" iron rod with cap marked "RPLS 2475" set at the beginning of a curve to the right, for corner;

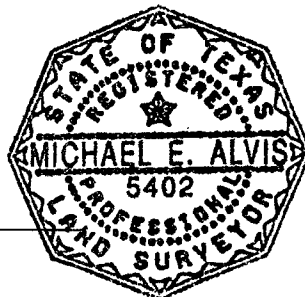
THENCE departing said common line, over and across said Hilliard Road, with said curve to the right, radius equals 1288.03 feet, arc length equals 68.34 feet, and the long chord bearing equals S. 54° 04' 33" E., 68.34 feet, to a ½" iron rod set with cap marked "RPLS 2475", along the common line of aforementioned 466.603 acre City of Temple, Texas tract (TRACT 1) (west line), and the east right-of-way line of said Hilliard Road, for corner;

THENCE with said common line, S. 16° 21' 09" W., 431.74 feet to the Point of BEGINNING and containing 0.766 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
April 24, 2008



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

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THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884

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THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N. 62° 54' 58" E., 4668.87 FEET.

See attached surveyors sketch, which accompanies this set of field notes (ref: drawing no.11919-A)



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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING PORTIONS OF HILLIARD ROAD, CONSISTING OF 0.282 AND 0.766 ACRE TRACTS OF LAND IN THE NANCY CHANCE SURVEY, ABSTRACT #5, DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the developer of Westfield Phase V Subdivision, Kiella Development, Inc., has requested the abandonment of a portion of Hilliard Road to facilitate the commercial development of approximately 20 acres of land for a 2 lot commercial subdivision with frontage on the future Outer Loop and access to the future Stone Hollow Drive;

Whereas, the developer of Westfield Phase V Subdivision has conveyed a temporary access easement to the City pending completion of the proposed Outer Loop and an east-west collector street (Stonehollow Drive);

Whereas, the portions of Hilliard Road to be abandoned will not be necessary for the purpose of serving adjacent land or the general public once Stonehollow Drive and the intersecting segment of the Outer Loop are built, dedicated as public streets, and opened to the public for travel; and

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

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

Part 1: The City Council abandons 0.282 and 0.766 acre portions of Old Hilliard Road out of the Nancy Chance Survey, Abstract #5, more fully described in Exhibit A, attached hereto for all purposes.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 3, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, which when done, shall be and become a binding act and deed of the City of Temple.

Part 3: The City recently purchased 43 acres adjacent to Hilliard Road for \$16,000 an acre, and for appraisal purposes determines that \$16,000 an acre is the fair market value.

Part 4: As consideration for the conveyance described in Part 2 hereof, the abutting property owner shall pay \$16,768.00 to the City of Temple and execute an agreement conveying to the City a temporary public access easement in the tracts described in

Exhibit A, for the purpose of continuing to use those tracts as a public street until the City accepts and opens Stonehollow Drive and the intersecting segment of the Outer Loop.

Part 5: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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 **19th** day of **June**, 2008.

PASSED AND APPROVED on Second Reading the **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of July, 2008, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Texas Department of Transportation, Aviation Division, on the City of Temple's behalf, to enter into eminent domain proceedings for the purpose of acquiring real estate to comply with applicable runway surface protection requirements for a runway extension at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple entered into a grant agreement with the Texas Department of Transportation, Aviation Division on September 4, 2004 to extend the primary precision approach runway 15/33 700'. It was determined during the engineering phase that six parcels totaling 49.159 acres were required to comply with Federal Aviation Administration runway surface protection requirements. In December 2007, appraisals were completed and offers were made to the land owners. A second appraisal was completed in January 2008 and offers were forwarded to the land owners. All but one land owner accepted the offers. TxDOT made numerous attempts to negotiate with Mr. Carl Grisham, the owner of 24.63 acres. Mr. Grisham rejected the final offered price of \$365,400 as determined by the appraisal on May 30, 2008. Mr. Grisham was given the opportunity to provide his own appraisal to TxDOT within 15 days of the final offer letter, but failed to comply.

TxDOT, on behalf of the City of Temple, request authority to enter into eminent domain proceedings for the acquisition of the 24.63 acres needed for TxDOT Project # APTEMPLE9 and requests authorization to retain counsel from the Texas Attorney General's office to represent the City of Temple and the State of Texas in these proceedings.

FISCAL IMPACT: Funds were appropriated in account 260-3600-560-6524, project # 100190 for land acquisition for the runway extension project. The project is 90% funded by grant dollars.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, ON THE CITY OF TEMPLE'S BEHALF, TO ENTER INTO EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF ACQUIRING REAL ESTATE TO CONSTRUCT AIRPORT IMPROVEMENTS AND SAFETY AREAS TO BE IN COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION STANDARDS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council of the City of Temple has jointly entered into a contract with the Texas Department of Transportation, Aviation Division, to expand and make improvements at the Draughon-Miller Central Texas Regional Airport;

Whereas, the project requires the acquisition of 24.638 acres for runway expansion, safety areas and other improvements;

Whereas, the property has been appraised, but landowner Carl Grisham has rejected the offered price as determined by the appraisal; 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 Texas Department of Transportation, Aviation Division, on the City of Temple's behalf, to enter into eminent domain proceedings for the acquisition of 24.638 acres needed for TxDOT Project #0709TEMPL and requests and authorizes the Attorney General's Office of the State of Texas to represent and take action on behalf of the City of Temple, Texas, and authorizes its City Manager, or his designee, to execute all documents and undertake all action required by the State of Texas to initiate and finalize said proceedings.

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

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 **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance of a Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, to assist with airfield crack filling and runway/taxiway pavement markings at the Draughon-Miller Central Texas Regional Airport in the amount of \$100,000, with a City match of \$50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple, as part of our Airport Grant Assurance, has participated in the yearly grant program. TxDOT has provided matching funds up to \$50,000 for eligible projects such as lower cost airside and landside Airport improvements and maintenance projects. The \$50,000 City match was approved in the FY 2007/2008 operating budget to assist the Airport with runway/taxiway crack sealing and marking.

The RAMP grant is a pro-active, flexible grant program and allows the City to determine projects on an as needed basis upon execution of the grant. The funds would be used to crack seal approximately 6,000 linear feet on runways 02/20 and 15/33 and taxiways A,B,C,D and E. The remaining funds would be used for airfield markings primarily on Runway 02/20 and Taxiways C and E. TxDOT has determined the project request meets the eligibility requirement.

The Resolution and Grant Agreement must be forwarded to TxDOT upon acceptance not later than July 31, 2008.

FISCAL IMPACT: Funds were appropriated in account 110-3600-560-6310 in the amount of \$100,000 in the FY 2007/2008 Airport operating budget, this included the City's match of \$50,000 and the state's grant amount of \$50,000. A budget adjustment is presented for Council's approval reallocating the funds budgeted to the Federal/State Grant Fund.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-3600-560-63-10	100263	Buildings & Grounds	\$ 100,000			
260-0000-431-02-61		State Grants	50,000			
260-0000-490-25-88		Transfer In - Airport Grant	50,000			
110-9100-591-81-60		Transfer Out - Airport Grant	50,000			
110-0000-431-02-61		State Grants			50,000	
110-3600-560-63-10	100263	Buildings & Grounds			100,000	
TOTAL.....			\$ 250,000		\$ 150,000	

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

This budget amendment moves the 2008 Airport RAMP grant budgeted in the FY 2008 operating budget to the grant fund. The total grant project for the FY 2008 year is \$100,000. The funds will be used to assist with arifield crack filling and runway/taxiway pavement markings at the airport.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/3/2008

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 ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, ROUTINE AIRPORT MAINTENANCE GRANT, TO ASSIST WITH AIRFIELD CRACK FILLING AND RUNWAY/TAXIWAY PAVEMENT MARKINGS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN THE AMOUNT OF \$100,000, WITH A CITY MATCH OF \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City requested consideration for funding from TxDOT's Aviation Division, under the Routine Airport Maintenance Program (RAMP), to assist with airfield crack filling and runway/taxiway pavement marking at the Draughon-Miller Central Texas Regional Airport;

Whereas, TxDOT has approved Temple's project for inclusion in the FY2008 RAMP Program in the amount of \$100,000;

Whereas, the City's 50% share (\$50,000) is available in Account No. 110-3600-560-6310, but an amendment to the FY2007-08 budget needs to be approved to transfer the funds to the appropriate expenditure accounts; and

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

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

Part 1: The City Council accepts the grant funds (\$100,000) from the Texas Department of Transportation, Aviation Division, for a Routine Airport Maintenance Program (RAMP) Grant in fiscal year 2008 to assist with airfield crack filling and runway/taxiway pavement marking at the Draughon-Miller Central Texas Regional Airport, and approves the City's 50% share (\$50,000) of the funds.

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

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

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 **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(l)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2008-2009 budget for August 7, 2008 and August 28, 2008 at 5:00 p.m. in the City Council Chambers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 7, 2008 Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the August 28, 2008 Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2008-2009 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME, AND PLACE OF PUBLIC HEARINGS ON THE PROPOSED FY2008-2009 BUDGET FOR AUGUST 7, 2008, AND AUGUST 28, 2008, AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICES SETTING FORTH THE TIMES AND PLACES THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council directs that a public hearing on the budget for the City of Temple Fiscal Year 2008-2009 shall be held at a meeting of the City Council at 5:00 p.m. on **August 7, 2008**, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 2: The City Council directs that a supplemental public hearing on the budget for the City of Temple Fiscal Year 2008-2009 shall be held at a meeting of the City Council at 5:00 p.m. on **August 28, 2008**, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 3: The City Council directs the City Secretary to cause the publication of notices of said hearings setting forth the times and places thereof in a newspaper of general circulation within the City.

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 **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #7(J)
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 \$12,720.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
July 3, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
240-7000-551-6310	700001	Buildings & Grounds (Santa Fe Depot)	\$ 11,120	
240-4400-551-6532		Contingency		\$ 11,120
To appropriate funds to repair the HVAC system at the Santa Fe Depot. Funds are available from contingency - fund balance.				
351-1000-511-6310	100372	Buildings & Grounds (CIP - Council)	\$ 800	
351-0000-490-2582		Transfer In - General Fund		\$ 800
110-9100-591-8151		Transfer Out - General Fund	\$ 800	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 800
To appropriate additional funding for 2007 Delinquent property taxes and additional cost associated with the purchase of the property located at 212 East Avenue A, commonly known as the Nadine Apartments. Funding will come from the General Fund's Fund Balance - Designated for Capital Projects - Unallocated.				
TOTAL AMENDMENTS			\$ 12,720	\$ 12,720
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			\$	(56,157)
Net Balance of Judgments & Damages Contingency Account			\$	13,843
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			\$	87,509
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			\$	(169,258)
Net Balance of Contingency Account			\$	735,414

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
July 3, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	1,093,995
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(11,120)
		Net Balance of Contingency Account	\$	9,006
		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	\$	9,006
		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	\$	(57,766)
		Net Balance of Contingency Account	\$	28,711

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 3rd day of **July**, 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

07/03/08
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an amendment to Ordinance 2005-4006 abandoning the following street rights-of-way for the First United Methodist Church; and retaining blanket utility easements for the abandoned rights-of-way to protect existing utilities:

- (A) A portion of North 2nd Street, near its intersection with Calhoun Avenue (Original Town – Volume 36, Page 640 and Moore's First Addition – Volume 115, Page 416), and
- (B) A portion of East Barton Avenue, south of Main Street, and north of the portion previously abandoned (Original Town – Volume 36, Page 640 and Moore's First Addition – Volume 115, Page 416).

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for July 17, 2008.

ITEM SUMMARY: In 2005, at the request of First United Methodist Church, the City Council abandoned other rights-of-way along North 2nd Street, Calhoun and Barton, pursuant to Ordinance 2005-4006. The church requested other right-of-way to be abandoned; however, access issues arose at that time. Subsequently, the church has acquired this property and is requesting the abandonment.

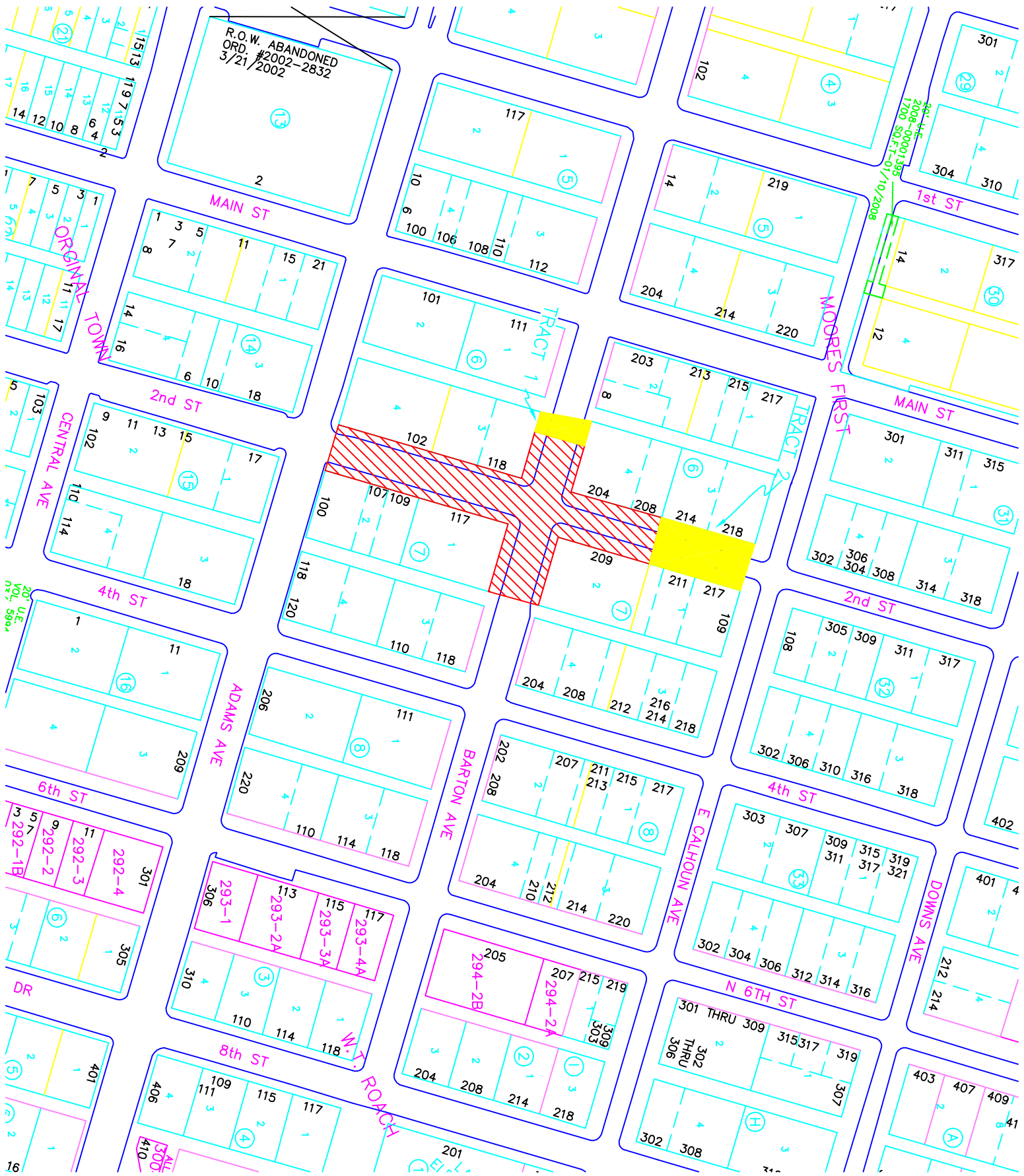
The First United Methodist Church requests this abandonment to allow expansion of the church and improve pedestrian safety between existing and future buildings. First United Methodist Church owns the properties on both sides of the proposed abandonment. All utility companies have responded with the proposed abandonment, with TXU utility requesting access to its guy wire and anchors, AT&T access to a buried wire in the right-of-way of Barton Avenue. Existing water and waste water lines will need to have an easement also.

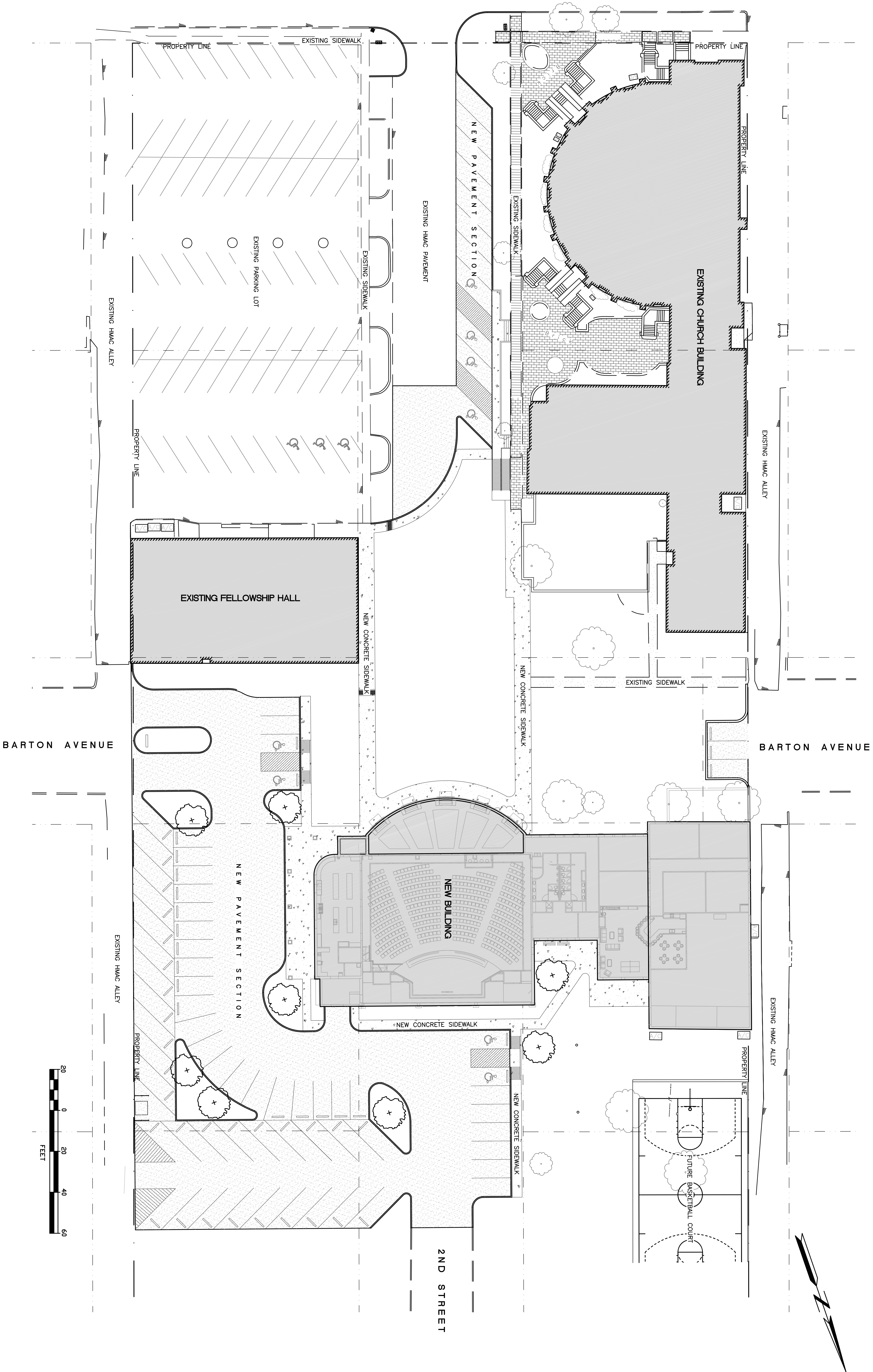
Centrovision will be provided parking by the church improvements.

FISCAL IMPACT: The previous case from 2005 established the fair market value for this area and was accepted by the City Council.

ATTACHMENTS:

[Location Map](#)
[Church exhibit](#)
[Ordinance](#)





KEYED NOTES:

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL CONSULT WITH THE ARCHITECT TO DETERMINE THE EXISTING SIDEWALK, MATERIALS, PLACEMENT) WITH PROJECT ARCHITECT.

- NOTES:**
1. FURNISH & INSTALL NEW HANDICAP SIDEWALK RAMP (PER IAS STANDARDS)
 2. FURNISH & INSTALL NEW HEAVY DUTY SIDEWALK GRATE (PER DETAILS)

①

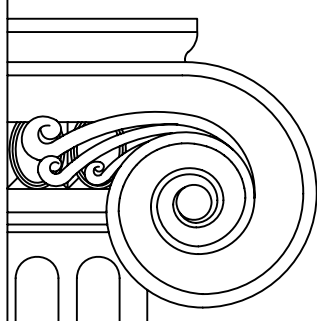
LEGEND:

- NEW PRECAST CONCRETE WHEEL STOP (PER DETAILS)
- NEW PARALLEL SECTION (PER GEOTECHNICAL REPORT)
- NEW STANDARD CONCRETE CURB AND GUTTER (PER DETAILS)
- NEW CONCRETE FLATWORK (PER DETAILS)
- NEW FIRELANE STRIPING (PER CITY OF TEMPLE FIRE MARSHALL REQUIREMENTS)

NOT FOR CONSTRUCTION

THIS DOCUMENT IS PREPARED FOR THE PURPOSE OF INTERNAL REVIEW UNDER THE AUTHORITY OF JUSTIN B. FULLER, PE, 00083 AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION.

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



Heimsath Architects
2108 EM Franklin, Austin, Texas 78723
Tel. (512) 478 1621 Fax (512) 477-7259 E-Mail arch@heimsath.com

FIRST UNITED METHODIST CHURCH
102 NORTH 2ND STREET, TEMPLE, TX 76501

SITE PLAN

C1.1

Project #	718
Date	05/14/08
Drawn	JBF
Checked	CMC
Scale	MLC

ORDINANCE NO. 2008-4231

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2005-4006 ABANDONING ADDITIONAL STREET RIGHTS-OF-WAY FOR THE FIRST UNITED METHODIST CHURCH; RETAINING BLANKET UTILITY EASEMENTS FOR THE ABANDONED RIGHTS-OF-WAY TO PROTECT EXISTING UTILITIES; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in on May 5, 2005, the City Council passed Ordinance No. 2005-4006 which abandoned certain rights-of-way along North 2nd Street and Calhoun and Barton Avenues at the request of the First United Methodist Church;

Whereas, the First United Methodist Church has requested that additional rights-of-way be abandoned consisting of a portion of North 2nd Street, between Calhoun and Barton Avenues and a portion of East Barton Avenue from the west side of the alley to 4th Street;

Whereas, a blanket utility easement will be maintained for the entire abandoned area allowing utility companies easement rights, clearances and access to their facilities;

Whereas, the Staff recommends that the property be abandoned and that the land be sold for not less than the fair market value of \$0.694 per square foot;

Whereas, the land is not necessary for the purpose of serving the general public or landowners adjacent thereto for any public purposes and the Staff recommends this action; and

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

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

Part 1: The City Council abandons The City Council abandons the following public rights-of-way:

- (a) A portion of North 2nd Street, near its intersection with Calhoun Avenue (Original Town – Volume 36, Page 640 and Moore’s First

Addition – Volume 115, Page 416) of the Deed Records of Bell County, Texas); , and

- (b) A portion of East Barton Avenue, south of Main Street, and north of the portion previously abandoned (Original Town – Volume 36, Page 640 and Moore’s First Addition – Volume 115, Page 416 of the Deed Records of Bell County, Texas).

Part 2: The City Council reserves in the entire area abandoned for public street purposes, an easement for drainage purposes and for the installation, operation, maintenance, repair, use and replacement of public utilities, including but not limited to electric power, water, sewer, gas, and telecommunications.

Part 3: The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 4, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, which when done, shall be and become a binding act and deed of the City of Temple. Provided, however, the actual transfer of ownership will be executed following formal site plan approval by the City Manager or the filing of a building permit for improvements within a particular phase.

Part 4: As consideration for the conveyance described in Part 1 hereof, the abutting property owner shall pay an amount which is equal to or greater than the appraised fair market value of **\$0.694 per square foot** for the property.

Part 5: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 6: 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 **July**, 2008.

PASSED AND APPROVED on Second Reading the **17th** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of July, 2008, by
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #9
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance repealing and replacing Chapter 13, “Flood Damage Prevention,” of the City Code of Ordinances to be consistent with updated language complying with Federal Emergency Management Agency requirements and City of Temple Drainage Criteria.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for July 17, 2008.

ITEM SUMMARY: Subdivision Ordinance Section 33-35 requires that all subdivisions comply with Ordinance No. 1376 of the Code of Ordinances known as “Flood Damage Prevention Ordinance of the City of Temple”. Bell County and its communities have been involved in updating and digitizing Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRMs). In association with this process, the City of Temple is required to also update the Flood Damage Prevention Ordinance.

On March 26, 2008 FEMA sent a Letter of Final Determination stating that “prior to September 26, 2008, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM.”

Temple, as a participating community in the NFIP, is required to meet FEMA rules as outlined in the Code of Federal Regulations (CFR) regarding flood plain management.

The previous ordinance was approved on May 21, 1987. Along with the process of adopting the current model ordinance as provided by FEMA, this is an opportunity to clean up language regarding elevating structures above the Base Flood Elevation. The BFE is defined to be the 100-year frequency storm event or a storm event having a 1% chance of being equaled or exceeded in a given year. In order to be consistent between the proposed flood damage prevention ordinance and Temple’s drainage criteria, it is recommended to elevate finish floors to “not less than 1 foot above” the Base Flood Elevation (BFE). This language is included in the proposed new ordinance. Many

communities have adopted this recommendation as it allows a margin of safety for building structures located in proximity to special flood hazard areas.

On June 12, 2008 city staff provided a presentation of the proposed language to the Governmental Affairs Committee of the Temple Area Builders Association (TABA). TABA provided a letter dated June 12, 2008 supporting the proposed language change in order to maintain Temple's status as a participating community in the National Flood Insurance Program and to be consistent with FEMA regulations and City of Temple drainage criteria.

On June 16, 2008, Planning and Zoning Commission approved a recommendation to repeal and replace Chapter 13 Flood Damage Prevention Ordinance in order to be consistent with FEMA and current City of Temple drainage criteria. The approval vote was 7-0 with two members absent.

FISCAL IMPACT: No fiscal impact to City funds.

ATTACHMENTS:

[Temple Area Builders Association – Governmental Affairs Committee Letter of Support Ordinance](#)



June 12, 2008

Michael Newman
City Engineer
City of Temple
2 North Main Street
Temple, Texas 76501

Re: Repeal and replacement of 1987 FDP Ordinance.

Dear Mr. Newman,

Thank you for your recent briefing to our Government Affairs Committee on the Temple ordinance relating to Flood Damage Prevention. Up to date flood plain management regulations will reduce potential loss to properties and allow our community to participate in the National Flood Insurance Program.

It is important that the City of Temple update our ordinance to achieve compliance with FEMA's regulations prior to September 26, 2008 so that we can continue to participate in the NFIP.

In order to accomplish this update, TABA supports your recommendations to bring our local ordinance in line with current federal standards. We ask that the Planning and Zoning Commission and Temple City Council would repeal and replace Chapter 13 Flood Damage Prevention Ordinance consistent with updated ordinance language complying with FEMA requirements and City of Temple Drainage Criteria.

Thanks again for the opportunity to review and comment on this issue.

Sincerely,

Derrick Hunt
President

Troy Glasson
Government Affairs Director

Cc: Temple City Council, Temple Planning and Zoning Commission, Temple Public Works Department.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING CHAPTER 13 “FLOOD DAMAGE PREVENTION” AND ENACTING A NEW CHAPTER 13 “FLOOD DAMAGE PREVENTION” OF THE CODE OF THE ORDINANCES OF THE CITY OF TEMPLE, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

—
WHEREAS, the City Council of the City of Temple, Texas (the “City Council”) has determined that flooding can cause loss of life and property; and

WHEREAS, the City Council has determined that it will be beneficial to the citizens of Temple and its inhabitants to have an updated flood damage prevention ordinance.

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

Part 1: All of the recitals and preambles hereinabove stated in this ordinance are hereby found and declared to be true and correct and are incorporated herein and made part of this ordinance.

Part 2: That Chapter 13 “Flood Damage Prevention” of the City’s Code of Ordinances is hereby repealed and that a new Chapter 13 “Flood Damage Prevention,” is hereby enacted to read as follows:

Chapter 13
FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sec. 13-1. Statutory authorization.

The Legislature of the State of Texas has in ~~Article 8280-13 V.A.C.S.~~ the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Temple, Texas does ordain as follows:

Sec 13-2. Findings of fact.

(a) ~~Certain~~ The flood hazard areas of the City of Temple are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which ~~cause~~ ~~can contribute to~~ an increase in flood heights and velocities; by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. ~~and by the development of land upstream from any downstream point.~~

Sec. 13-3. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

Sec. 13-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or **which** cause **excessive** ~~dangerous or damaging~~ increases in flood heights **(more than one foot)** or velocities;
- (2) Require that uses vulnerable to floods **s** ~~damage~~, including facilities which serve such uses, be ~~appropriately~~ protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) **Prevent or** regulate the construction of flood barriers which will **unnaturally** divert flood waters or which may increase flood hazards to other lands.

Secs. 13-5 – 13-9. Reserved.

ARTICLE II. DEFINITIONS

Sec. 13-10. Words, terms and phrases defined.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~(a) *Administrator.* The city manager, or the person designated by him or her to administer this ordinance.~~

~~(b) *Appeal.* A request for a review of the administrator's interpretation of any provisions of this chapter or a request for a variance.~~

(a) ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(b) **APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(c) **BOARD OF ADJUSTMENTS** – means the Appeal Board, called the (Zoning) Board of Adjustments, the body that hears and renders judgment on requests for variances. This board hears appeals and rules on special exceptions and variances.

(d) **APPURTENANT STRUCTURE** – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(e) **AREA OF FUTURE CONDITIONS FLOOD HAZARD** – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

(f) **AREA OF SHALLOW FLOODING** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with ~~base flood depths from one to three (3) feet~~ a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(g) **AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

(h) **BASE FLOOD** - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

(i) **BASE FLOOD ELEVATION (BFE)** – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

(j) **BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

(k) **BREAKAWAY WALL** – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific

lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

~~(f) *Channel.* A creek, ravine, swale, river bed, or other such similar hydraulic conveyer whose hydraulic characteristics for uniform flow can be defined by Mannings equation:~~

$$Q = \frac{1.486 A R^{2/3} S^{1/2}}{n}$$

Where: Q = Flow in cfs; n = roughness coefficient; A = cross sectional area; R = hydraulic radius; S = energy gradient.

(l) CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(m) DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(n) ELEVATED BUILDING - ~~A nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program Regulations.~~ means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(o) EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(p) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(q) **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(r) **FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters.

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

~~(1) Flood hazard boundary map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.~~

(s) **FLOOD ELEVATION STUDY** – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(t) **FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency** has delineated both the ~~areas of special flood hazard areas~~ and the risk premium zones applicable to the community.

(u) **FLOOD INSURANCE STUDY (FIS)** – ~~The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the flood hazard boundary floodway map~~ **see Flood Elevation Study**

(v) **FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

(w) **FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited

to emergency preparedness plans, flood control works and floodplain management regulations.

(x) FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(y) FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(z) FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(aa) FLOODWAY – ~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot~~ *see Regulatory Floodway.*

(bb) FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(cc) HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(dd) HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

(ee) **LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(ff) **LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(gg) **LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of this ordinance-Section 60.3 of the National Flood Insurance Program regulations.

(hh) **MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. ~~For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.~~ The term "manufactured home" does not include a "recreational vehicle".

(ii) **MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(jj) MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

~~(y) National Geodetic Vertical Datum (NGVD). Based on the mean seal level (MSL) of 1929 which was defined as the average height of surface of the sea (Atlantic, Pacific, and Gulf of Mexico) over a nineteen year period at twenty six (26) tidal stations.~~

(kk) NEW CONSTRUCTION - means, for floodplain management purposes for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of a floodplain management of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(ll) NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(mm) RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(nn) REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(oo) RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(pp) SPECIAL FLOOD HAZARD AREA – see *Area of Special Flood Hazard*

(qq) START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or

other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(rr) STRUCTURE – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a ~~mobile home~~ manufactured home.

(ss) SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(tt) SUBSTANTIAL IMPROVEMENT - ~~Any expected and/or proposed repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the verified market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~ means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(uu) **VARIANCE** – ~~A grant of relief to a person from the requirements of this chapter when specific enforcement of this chapter would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter.~~ means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(vv) **VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections 13-13, 13-26, 13-27, and other applicable sections of this chapter and Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Insurance Program Regulations is presumed to be in violation until such time as that documentation is provided.

(ww) **WATER SURFACE ELEVATION** - means the height, in relation to the ~~National Geodetic Vertical Datum (NGVD) of 1929~~ North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III. GENERAL PROVISIONS

Sec. 13-11. Lands to which this chapter applies.

The chapter shall apply to all areas of special flood hazard with the jurisdiction of the City of Temple.

Sec. 13-12. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, ~~"The Flood Insurance Study of the City of Temple, Texas", dated July 19, 1982,~~ "The Flood Insurance Study (FIS) for Bell County Texas and Incorporated Areas," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated September 26, 2008 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 13-13. Establishment of development permit.

~~A development permit shall be required to ensure conformance with the provisions of this chapter. This permit is separate from and supplementary to the requirements for a building permit.~~ A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Sec. 13-14. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 13-15. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, **easement, covenant, or deed restriction** conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 13-16. Interpretation.

In the interpretation and application of this chapter, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 13-17. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Secs. 13-18—13-23. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 13-24. Designation of the floodplain administrator.

~~The city manager shall appoint the administrator as required under this chapter.~~ The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 13-25. Duties and responsibilities of the **floodplain administrator.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by ~~Article III, section 13-13,~~ adoption of this chapter.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) ~~The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 13-27(b) of this article~~ the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the ~~Texas Department of Water Resources~~ Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal ~~Insurance Administration~~ Emergency Management Agency.
- (7) ~~Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished~~ Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article III, ~~section 13-12~~ Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V.

- (9) ~~Develop and obtain city council approval of the amount of permit fees.~~ When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) ~~Promulgation of forms as necessary to implement this ordinance~~ Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.
- (11) ~~When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~

Sec. 13-26. Permit procedures.

(a) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation ~~in relation to National Geodetic Vertical Datum (N.G.V.D.)~~ (in relation to mean sea level), of the lowest floor (including basement) of all ~~proposed~~ new and substantially improved structures;
- (2) Elevation in relation to ~~N.G.V.D.~~ mean sea level to which any nonresidential structure shall be floodproofed;

- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, ~~Section 13-32(b)~~ Section B (2);
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(b) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, and duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) ~~The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use~~ The necessity to the facility of a waterfront location, where applicable;
- (9) ~~The relationship of the proposed use to the City's comprehensive plan(s).~~ The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 13-27. Variance procedure.

(a) ~~The City Planning Commission as established by the City of Temple~~ Board of Adjustments, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.

(b) ~~The City Planning Commission~~ Board of Adjustments shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(c) Any person or persons aggrieved by the decision of the ~~City Planning Commission~~ Board of Adjustments may appeal such decision in the City ~~Commission of the City of Temple~~ courts of competent jurisdiction. ~~Such appeal must be filed in the office of the administrator within ten (10) days after the decision of the city planning commission. The decision of the city commission shall be the final determination of all matters herein and no right of appeal exists from said decision.~~

(d) ~~The City Commission~~ Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal ~~Insurance Administration~~ Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(f) ~~Generally,~~ Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section ~~13-25(b)~~ C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this chapter, the ~~board~~ Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter. ~~(Article 1, sections 13-3 and 13-4).~~ (Article 1, Section C).

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

(a) showing a good and sufficient cause;

(b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

~~(c) When an error, described in section 13-27(b), has been identified and ruled upon by the city planning commission.~~

(c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local existing laws or ordinances.

(3) Any applicant application to whom which a variance is granted shall be given written notice by the administrator that the structure will be permitted to be built with the lowest floor elevation no more than one foot below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria outlined in Article 4, Section D (1)-(9) are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 13-28 – 13-30. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 13-31. General Standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be ~~anchored~~ designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- ~~(7) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;~~
- ~~(8) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with~~

~~screens, louver, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters~~

Sec. 13-32. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (1) Article III, Sec. 13-12, (2) Article IV, Sec. 13-25 ~~(7)~~ (8), or (3) Article V, Sec. 13-33~~(4)~~ (c), the following provisions are required:

- (1) **Residential Construction** - new construction ~~or~~ and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to ~~or above~~ be not less than 1 (one) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article IV, Sec 13-26 C (a)(1), is satisfied.
- (2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the be not less than 1 (one) foot above the base flood elevation level or together with attendant utility and sanitary facilities, be floodproofed designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- (3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

~~(4) Floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:~~

~~(a) Encroachments are prohibited, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.~~

~~(b) If Article V, Section 13-32(4)(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.~~

~~(c) The placement of any manufactured home in floodways is prohibited.~~

(4) Manufactured Homes -

~~All manufactured homes to be substantially improved within Zone A shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Federal Emergency Management Agency Manual Number 85, "Manufactured Home Installation in Flood Hazards Areas."~~

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i)

outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is shall be not less than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is elevated to not less than one (1) foot above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

~~Sec. 13-34. Standards for subdivision proposals.~~

~~— (a) all subdivision proposals shall be consistent with Article I, sections 13-2, 13-3 and 13-4 of this chapter.~~

~~(b) All proposals for the development of subdivisions shall meet development permit requirements of: Article III, section 13-13, Article IV, section 13-26, and the provisions of Article V of this chapter.~~

~~(c) Base flood elevation data shall be provided by the owner for subdivision proposals and other proposed development if not otherwise provided pursuant to Article III, section 13-12 or Article IV, section 13-25(7) of this chapter.~~

~~—(d) All subdivision proposals shall have drainage designed to minimize exposure to flood hazards.~~

~~—(e) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~

Sec. 13-33. Standards for subdivision proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Secs. 13-2, 13-3, and 13-4 of this ordinance.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Sec. 13-13; Article 4, Section 13-26; and the provisions of Article 5 of this ordinance.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Sec. 13-12 or Article 4, Section 13-25 (8) of this ordinance.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 13-34. Standards for areas of shallow flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Article III, Sec. 13-12, are areas designated as shallow flooding. These areas have special flood hazards associated with **base** flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be

evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) ~~elevated above the highest adjacent grade~~ shall be not less than 1 (one) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (2) All new construction and substantial improvements of **non-residential** structures;
 - (a) have the lowest floor (including basement) ~~elevated above the highest adjacent grade~~ shall be not less than 1 (one) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities be designed so that below the base specified flood level depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article IV, Sec. ~~13-36(a)(1)~~ 13-13 are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

~~Sec. 13-35. Restricted uses of the flood hazard area.~~

~~—(a) Any development in flood hazard areas not classified an unrestricted use shall be considered a restricted use and shall require a development permit.~~

~~—(b) Agricultural development requiring a permit will, for most farm and ranch operations, be limited to residential structures which are proposed for construction in the identified flood hazard area.~~

~~—(c) Certain uses of the floodplain may not be appropriate and the administrator may deem it necessary to restrict or prohibit uses that are dangerous to health, safety, or property in times of flood. These uses may include, but are not limited to, the following:~~

- ~~(1) Hospitals, nursing homes and other facilities where elderly or invalid persons reside.~~
- ~~(2) Boarding schools, orphanages and any other facility where young children reside.~~
- ~~(3) Detention facilities, sanitariums and any other facility where movements of persons may be restricted.~~
- ~~(4) Refuge centers, disaster relief centers, disaster shelters and any other operation which may be utilized during times of emergency.~~
- ~~(5) Permanent storage materials or equipment.~~

~~(d) Certain uses are not appropriate within a floodway where extreme velocities and flood depths pose serious threats to life and property, and the administrator may deem it necessary to restrict or prohibit uses that are dangerous to health, safety, property or which may cause an increase in flood heights. These uses include, but are not limited to:~~

- ~~(1) Land fills and obstructive structures.~~
- ~~(2) Floatable storage.~~
- ~~(3) Disposal of garbage, rubbish, or trash.~~

~~Sec. 13-36. Unrestricted uses of the flood hazard areas.~~

~~—The following uses having a low flood damage potential, shall be permitted to the extent that they cause no obstruction of flood flows, are not prohibited by any other regulation or statute, and provided that they do not require the construction of structures, placement of fill, alteration of stream channels, or storage of materials or equipment:~~

- ~~—(1) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, sod farming, game farming, and fish hatcheries. Catagorized under general farming are temporary structures such as animal pens, cribs, temporary crop covers, machinery storage, sheds, wells and well installations primarily for stock or crop use, open wire fences such as stranded barbed wire and wire netting sheep and goat fences and, in general, any type of open agricultural fence (breakaway wire gaps should be provided on all fences crossing streams or drainage channels).~~
- ~~—(2) Private and public recreational uses such as golf courses, picnic grounds, parks, wildlife and nature preserves, target ranges, hunting and fishing areas, hiking, bike, and horseback riding trails.~~

- ~~(3) Residential uses such as lawns, gardens, parking areas, and play areas. Lawn or yard fences such as chain link or wooden privacy fence will not be permitted to cross stream channels or drainage easements unless provisions are made for the unobstructed passage of flood water flows.~~

Sec. 13-35. Floodways.

Floodways - located within areas of special flood hazard established in Article 3, Sec. 13-12, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

Sec. 13-36. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$400.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

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

Part 4: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Part 5: If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Part 6: It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

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

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

07/03/08
Item #10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance renaming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as Research Parkway.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for July 17, 2008.

ITEM SUMMARY: The Reinvestment Zone No. 1 Board of Directors, upon a request from the Temple Economic Development Corporation, recommended changing the name for a portion of the Outer Loop to Research Parkway, as indicated on the attached map. The purpose is to facilitate its identification for economic development purposes. The proposed street name does not conflict with other names in Temple. All City departments reviewed the request. The ordinance will take affect 30 days after the second reading to allow time for the installation of new street signs and update maps.

According to the City of Temple policy, described in Resolution #2002-3395-R, a street name change may be considered when a majority of the area is recognized as a significant contribution by an organization to the enhancement of the quality of life in the community. This portion of the Outer Loop is suited to the name change of Research Parkway.

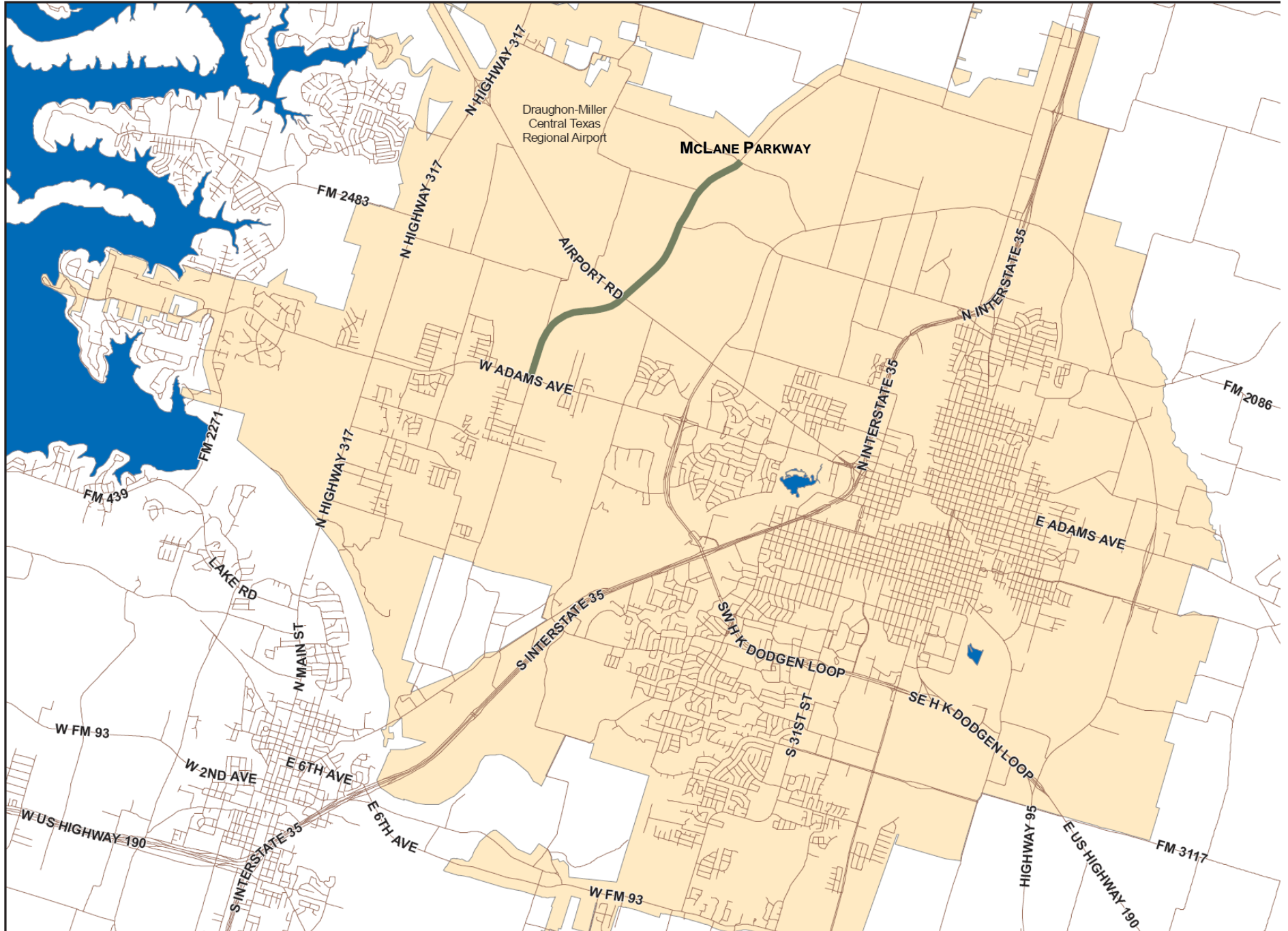
FISCAL IMPACT: None

ATTACHMENTS:

Map
Ordinance



Proposed Renaming: Research Parkway



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RENAMING A PORTION OF THE PLANNED OUTER LOOP TO *RESEARCH PARKWAY* NORTH OF FM 2305, THROUGH THE BIOSCIENCE PARK, TO MCLANE PARKWAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its meeting on June 25, 2008, the Reinvestment Zone Committee, upon a request from the Temple Economic Development Corporation, recommended changing the name for a portion of the Outer Loop to *Research Parkway* from McLane Parkway south to FM 2305;

Whereas, the Staff concurs in this recommendation and feels that the change will be beneficial to facilitate the roadway's identification for economic development purposes; and

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

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

Part 1: The City Council approves a street name change renaming a portion of the planned Outer Loop to *Research Parkway* north of FM 2305, through the Bioscience Park, to McLane Parkway.

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

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: This ordinance shall take effect 30 days 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 **July**, 2008.

PASSED AND APPROVED on Second Reading on the **17th** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #11
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with James Construction Group, LLC, of Belton for construction activities required to build the Industrial Rail Spur Phases 1 & 2 between Northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$9,140,115 and declaring an official intent to reimburse the portion of this contract related to Phase I of the construction of the Industrial Rail Spur funded with Certificates of Obligation bonds in the amount not to exceed \$1,890,000 prior to the issuance of tax-exempt obligations designated for that portion of the project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Rail infrastructure is required to provide rail access to the Industrial Rail Park within the TIF Reinvestment Zone #1. Burlington Northern/Santa Fe (BNSF) rail lines currently extend northwest-southeast along the eastern boundary of the rail park. Rail spurs are required to connect future industrial developments with the BNSF line.

On March 17, 2005, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in the amount of \$42,000 for services required to develop the conceptual plan for the rail park. On August 17, 2006, Council authorized a professional services agreement with KPA in the amount of \$32,500 for services required to develop the layout of the rail park. On December 7, 2006, Council authorized a professional services agreement with KPA in the amount of \$394,500 for services required to design Phase 1 of the rail park. On April 5, 2007, Council authorized a professional services agreement with KPA in the amount of \$298,400 for services required to design Phase 2 of the rail park. On October 4, 2007, Council authorized an amendment to the April 5th professional services agreement with KPA in the amount of \$173,000 for services required to implement design revisions to Phase 2 of the rail park.

The City has previously agreed to contribute \$5 million towards the construction of the North and West portions of Loop 363. This contribution of funds was allocated from two sources, \$2.3 million (46%) of TIRZ funds and \$2.7 (54%) million of City funds. In turn, the Texas Transportation Commission as authorized \$20 million towards construction. In planning and design for the project,

the elimination of the BNSF Spur track where it currently crosses the north loop has been discussed on multiple occasions.

With the City assuming the responsibility for removing and relocating the BNSF Spur tract and purchasing the necessary property for this work, the Texas Department of Transportation (TX DOT) has agreed to accept this concept and grant the City a credit on their initial funding commitments. The cost savings to the department associated with this work amounts to \$3 million. By the City taking the lead in accomplishing this portion of the project, TxDOT agrees to lower the City's funding contribution for the remainder of the NW Loop 363 from North IH 35 to SH 36/SH 53 from \$5 million to \$2 million.

Phase 1 of this construction contract accomplishes the elimination of the BNSF Spur track where it currently crosses the north loop and fulfills the requirements of this agreement.

The infrastructure built with this project will consist of approximately 22,200 linear feet of rail and associated crossovers, turnouts, switches, and culverts. Four bids were received and the bids ranged from \$9,140,115 to \$10,209,827. (see attached Bid Tab). KPA recommends awarding the contract to the low bidder, James Construction Group, LLC (see attached KPA Recommendation). The Reinvestment Zone No. 1 Board and staff recommend the award of this construction contract.

Construction time allotted for this project is 365 days.

FISCAL IMPACT: The cost of this construction contract is \$9,140,115.00. The total bid price of \$9,529,955.00 includes an add alternate of \$414,840.00 and a deductive alternate of \$25,000. The add alternate consists of infrastructure which a third party may opt to contract directly with the contractor to build, but which will not be contracted or funded by the City. The deductive alternate is a discount for allowing the contractor to salvage removed rail and will not be awarded - the City's Department of Public Works will reuse the rail to maintain existing lines.

The base bid award of \$9,140,115.00 includes Phase 1 costs totaling \$3,125,756.72 and Phase 2 costs totaling \$6,014,358.28.

Phase 1 funding is comprised of funds allocated in the 2008 Certificate of Obligation Bonds, Series 2008A in the amount of \$1,890,000. Of this amount \$1,687,908.63 is available to fund the construction contract for Phase 1 in account 361-3400-531-6835, project # 100222 which represents 54% of the total construction cost for Phase 1. The remaining funding of Phase 1 construction cost is funded by the Reinvestment Zone #1 in the amount of \$1,437,848.09 which represents 46% of the total construction cost for Phase 1. Funds in the amount of \$515,200 are available in account 795-9500-531-6825, project # 100166, and \$922,648.09 is available in account 795-9700-531-6825, project # 100166.

Phase 2 of the project is \$6,014,358.28 and funding is comprised of TIRZ Taxable Revenue Bond funds sold on June 5, 2008, to fund this project. These funds are available in account 795-9700-531-6825, project # 100166. A budget adjustment is presented for Council's approval appropriating the contingency dollars in the amount of \$800,000 that were included in this bond issue specifically for funding the Rail Park.

ATTACHMENTS:

[RZ Rail Park Phases 1 & 2 Bid Tab](#)
[RZ Rail Park Phases 1 & 2 Recommendation](#)
[RZ Rail Park Phases 1 & 2 Map](#)
[Budget Adjustment](#)
[TxDOT Letter Dated June 25, 2007](#)
[RZ Rail Park Phases 1 & 2 Resolution](#)

TEMPLE TABULATION ZONE

INDUSTRIAL RAIL PARK
RAIL SPUR - PHASE I and II

June 19, 2008; 11:00 AM
3210 E Ave H, Bldg C, Temple, TX 76501

BIDDER INFORMATION					BIDDER INFORMATION					BIDDER INFORMATION				
Item No.	Estimated Quantity	Unit	Description	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Total Amount Bid	\$ 430,000.00	\$	200,000.00	\$	200,000.00	\$	500,000.00	\$	500,000.00	\$	443,400.00
2	100%	LS	Preparation of Right-of-Way Including Grading Areas to Drain as Shown in the Plans	182,000.00		60,000.00		60,000.00		247,345.00		247,345.00		58,300.00
3	100%	LS	Prepare French Safety Plan in Conformance with State Law & OSHA	2,000.00		2,000.00		2,000.00		2,268.00		2,268.00		1,000.00
4	100%	LS	Prepare Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	2,000.00		2,000.00		5,900.00		1,701.00		1,701.00		600.00
5	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	15,000.00		30,000.00		30,000.00		5,670.00		5,670.00		10,100.00
6	19,200	CY	12" Sub Ballast (Crushed Limestone Base) as Described in the Geotechnical Report	27.50		528,000.00		29.00		556,800.00		518,400.00		582,912.00
7	63,400	SY	Biasial Geogrid as Described in the Geotechnical Report	3.00		190,200.00		3.50		221,900.00		221,900.00		221,900.00
8	63,400	SY	Preparation of 6" Subgrade as Stated in the Geotechnical Report	1.30		82,420.00		1.35		85,590.00		46,282.00		15,850.00
9	100%	LS	Provide Project Record Drawings (As Buils)	4,000.00		4,000.00		4,000.00		11,340.00		11,340.00		3,500.00
10	20,400	LF	AREMA Class I Continuous Welded Relay Rail, 112-Pound or Greater, Including Two Rails, Ballast, Cross Ties, Leveling & All Appurtenances	144.00		2,997,600.00		160.00		3,264,000.00		3,325,200.00		3,345,600.00
11	6,000	LF	AREMA Class I Relay Rail, 112-Pound or Greater Including Two Rails, Cross Ties, Ballast, Leveling & All Appurtenances	130.00		780,000.00		142.00		852,000.00		882,000.00		994,000.00
12	1,900	LF	Remove & Dispose of Existing Rail, as Shown on Sheet G-55 of the Plans	6.00		11,400.00		7.00		13,300.00		13,300.00		28,500.00
13	100%	LS	Remove Existing Road Crossing, as Shown on Sheet G-56 of the Plans	10,000.00		8,000.00		8,000.00		8,114.00		10,000.00		10,000.00
14	1	EA	Remove & Dispose of Existing Switch & Switch Stand	4,000.00		4,000.00		4,000.00		3,961.00		3,961.00		3,500.00
15	100%	LS	Provide All Grading, Drainage & Placement of Sub Ballast & Construction of the Berm/Pad as Shown on Sheet G-31 of the Plans the Insulated No 11 Turnout to be Installed by the BNSF	10,000.00		10,000.00		10,000.00		7,684.00		7,684.00		9,970.00
16	100%	LS	Provide Railroad Protective Insurance Meeting the Requirements of Working Within the BNSF Right-of-Way	25,000.00		25,000.00		2,200.00		2,268.00		2,268.00		36,000.00
17	100%	LS	Provide Flagging Services while Working Within 25' of the Center Line of BNSF Tracks as Required by BNSF	35,000.00		35,000.00		19,800.00		102,059.00		102,059.00		60,000.00
18	100%	LS	Obtain BNSF Right-Of-Way Entry Agreement	1,000.00		1,000.00		2,750.00		113.00		113.00		750.00
19	1	EA	Double Switch Point Detail Including Cross ties, Ballast, Leveling & all Appurtenances	14,000.00		14,000.00		15,000.00		14,760.00		14,760.00		26,000.00
20	1	EA	Insulated Continuous Weld No. 11 112-Pound Turnout Including Two Rails, Cross Ties, Ballast, Leveling & Appurtenances	65,000.00		65,000.00		71,000.00		69,297.00		69,297.00		83,500.00
21	5	EA	Non-Insulated Continuous Weld No. 11 112-Pound Turnout Including Two Rails, Cross Ties, Ballast, Leveling & Appurtenances	66,000.00		330,000.00		71,000.00		355,000.00		352,550.00		407,500.00
22	2	EA	Non-Insulated No. 9 112-Pound Turnout Including Two Rails, Cross Ties, Ballast, Leveling & Appurtenances	44,000.00		88,000.00		48,000.00		92,840.00		92,840.00		104,000.00
23	4	EA	Non-Insulated Welded No. 11 112-Pound Cross Over Including Two Switches, Two Rails, Cross Ties, Ballast, Leveling & Appurtenances	126,000.00		504,000.00		138,000.00		552,000.00		540,280.00		668,000.00
24	1	EA	Concrete Rail Crossing at Loop 363	28,000.00		28,000.00		31,000.00		30,052.00		30,052.00		24,000.00
25	1	EA	Concrete Rail Crossing at Wilbourn Drive	26,000.00		26,000.00		28,000.00		27,282.00		27,282.00		25,900.00
26	4	EA	Earthen Berms	400.00		1,600.00		500.00		567.00		567.00		2,000.00
27	1	EA	Earthen Berm near Wendland Road at Ladder Track	8,000.00		8,000.00		500.00		567.00		567.00		500.00
28	100%	LS	Remove Existing Chain Link Fence Along the Delta Property	770.00		770.00		2,000.00		1,077.00		1,077.00		13,650.00
29	770	LF	Chain Link Fence as per the Detailing in the Plans	22.50		17,325.00		22.00		16,940.00		19,635.00		17,710.00
30	100%	LS	Saw Cut & Remove Existing Pavement Material at Loop 363 Near Wilson Art Adhesive Plant	3,500.00		3,500.00		3,000.00		4,277.00		4,277.00		1,750.00
31	100%	LS	Saw Cut & Remove Existing Pavement Material at Wilson Art Drive	3,500.00		3,500.00		3,000.00		4,245.00		4,245.00		2,100.00
32	100%	LS	Saw Cut & Remove Existing Pavement Material at Loop 363	5,000.00		5,000.00		3,000.00		6,721.00		6,721.00		1,750.00
33	500	TN	Type B HMAAC	85.00		42,500.00		162.80		81,400.00		84,000.00		52,500.00
34	100	TN	Type C HMAAC	110.00		11,000.00		231.00		23,100.00		23,800.00		12,000.00
35	150	LF	Concrete Curb & Gutter	35.00		5,250.00		22.00		3,300.00		3,450.00		5,400.00
36	10	LF	Saw-Tooth Concrete Curb & Gutter	40.00		400.00		27.50		275.00		230.00		360.00
37	28	LF	20" Steel Encasement Pipe 12" Waterline	180.00		5,040.00		495.00		13,860.00		284.00		8,680.00
38	25	LF	Concrete Backfill over 18" RCP Storm Sewer	100.00		2,500.00		110.00		2,750.00		2,825.00		2,800.00
39	290,000	CY	Unclassified Excavation	5.00		1,450,000.00		3.35		971,500.00		1,348,500.00		1,447,100.00
40	240,000	CY	Compacted Fill as Detailed in the Geotechnical Report	1.00		240,000.00		1.00		240,000.00		316,800.00		386,400.00
41	100%	LS	Remove Existing Earthen Berm Near Wilson Art Drive	3,000.00		3,000.00		3,000.00		636.00		636.00		500.00
42	2,800	LF	15' Access Road with 8' Flexbase & Double Course Penetration Surface Treatment	30.00		84,000.00		32.50		91,000.00		75,600.00		48,020.00
43	1,200	LF	Furnish, Install & Maintain Rock Berm	15.00		18,000.00		33.00		39,600.00		28,800.00		36,000.00
44	3	EA	Stabilized Construction Entrance	2,000.00		6,000.00		1,100.00		3,300.00		4,083.00		7,500.00
45	1,300	LF	Furnish, Install, Maintain & Remove Silt Fence	3.00		3,900.00		3.75		3,900.00		3,900.00		2,925.00
46	75,000	SY	Hydro mulching, including topsoil & watering to sustain growth	1.20		90,000.00		1.40		105,000.00		93,750.00		18,750.00
47	275,000	SY	Erosion Control Blankets with Seed or Flexible Growth Medium Capable of Establishing 2:1 Slope Including Topsoil & Watering to Sustain Growth	1.50		412,500.00		2.15		591,250.00		440,000.00		550,000.00
48	100%	LS	Stripping & Signage as Detailed on Sheets S-1 & S-2	9,000.00		9,000.00		5,500.00		2,835.00		2,835.00		6,950.00
49	160	LF	2' x 3' x 3' Concrete Box Culverts with Headwalls as Detailed on Sheet C-02	350.00		56,000.00		520.00		83,200.00		92,480.00		82,240.00
50	105	LF	3' x 8' x 4' Concrete Box Culverts with Headwalls as Detailed on Sheet C-03	900.00		94,500.00		1,400.00		147,000.00		129,570.00		132,300.00
51	105	LF	1' x 4' x 3' Concrete Box Culvert with Headwalls as Detailed on Sheet C-04	250.00		26,250.00		380.00		39,900.00		30,030.00		30,450.00
52	64	LF	2' x 6' x 3' Concrete Box Culverts with Headwalls as Detailed on Sheet G-05	500.00		32,000.00		885.00		56,640.00		47,168.00		61,440.00
53	70	LF	24" RCP Culvert with Headwalls as Detailed on Sheet G-06	100.00		7,000.00		200.00		14,000.00		20,790.00		9,240.00
54	42	LF	2' x 7' x 7' Concrete Box Culverts with Headwalls as Detailed on Sheet C-07	800.00		33,600.00		1,250.00		51,600.00		48,342.00		51,080.00
55	1	EA	Junction Box 7' x 7' Culvert	25,000.00		25,000.00		33,000.00		17,684.00		17,684.00		9,500.00
56	32	LF	1' x 5' x 7' Concrete Box Culvert as Detailed on Sheet C-08	480.00		15,360.00		800.00		25,600.00		28,000.00		17,600.00
57	1	EA	Junction Box 5' x 7' Culvert	14,000.00		14,000.00		15,000.00		9,797.00		9,797.00		6,000.00
58	200	CY	Miscellaneous Class "A" Concrete	350.00		70,000.00		550.00		110,000.00		61,000.00		45,000.00
59	200	SY	4" - 6" Rip Rap	50.00		10,000.00		22.00		4,400.00		9,400.00		3,200.00
60	3	EA	Junction Box Inlet as Detailed on Sheet C-09	3,000.00		9,000.00		4,000.00		2,003.00		6,009.00		3,900.00
TOTAL BASE BID AMOUNT (ITEMS 1 - 60)				\$ 9,140,115.00		\$ 9,291,290.00		\$ 10,002,887.00		\$ 10,209,827.00				

AA-1	100%	LS	Prepare Stormwater Pollution Prevention Plan	\$ 2,000.00	\$	4,400.00	\$	5,670.00	\$	2,500.00	\$	2,500.00		
AA-2	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permit from TCEQ (See Sheet G-32)	2,000.00		8,800.00		6,700.00		300.00		300.00		
AA-3	1,300	CY	12" Sub Ballast (Crushed Limestone Base) as Described in the Geotechnical Report	27.50		37,700.00		27.00		35,100.00		30.36		39,468.00
AA-4	4,300	SY	Biasial Geogrid as Described in the Geotechnical Report	3.00		12,900.00		3.50		15,050.00		3.50		15,050.00
AA-5	4,300	SY	Preparation of 6" Subgrade as Stated in the Geotechnical Report	1.30		5,590.00		1.35		5,805.00		1.00		1,075.00
AA-6	1,900	LF	AREMA Class I Relay Rail, 112-Pound or Greater, Including Two Rails, Cross Ties, Ballast, Leveling & All Appurtenances	130.00		247,000.00		138.00		262,200.00		142.00		332,500.00
AA-7	1	EA	Earthen Berm at Ladder Track Near Windland Road	400.00		400.00		500.00		567.00		500.00		500.00
AA-8	1	EA	Earthen Berm	400.00		400.00		500.00		567.00		500.00		500.00
AA-9	25,000	SY	Erosion Control Blankets with Seed or Flexible Growth Medium Capable of Establishing 2:1 Slope Including Watering to Sustain Growth	1.50		37,500.00		2.15		53,750.00		31,250.00		50,000.00
AA-10	105	LF	3' x 4-Foot x 2-Foot Concrete Box Culverts with Headwalls	400.00		42,000.00		640.00		67,200.00		52,395.00		66,150.00
AA-11	300	SY	Concrete Rip Rap	50.00		15,000.00		88.00		26,400.00		14,100.00		3,900.00
AA-12	760	CY	Unclassified Excavation	5.00		3,800.00		5.00		3,736.00		4.99		3,792.40
AA-13	2,100	CY	Compacted Fill as Detailed in the Geotechnical Report	5.00		10,500.00		3.00		6,300.00		3.55		3,381.00
TOTAL BID AMOUNT ADD ALTERNATE 1 (ITEMS A-1 - A-13)				\$ 414,840.00		\$ 492,405.00		\$ 445,690.00		\$ 519,116.40				

DA-1	100%	LS	Amount to Deduct From the Base Bid Price for Allowing the Contractor to Salvage the Rail Removed from the Site. This Rail Shall not Be Used on This Project, But for Other Use by the Contractor	\$ 25,000.00	\$	25,000.00	\$	25,000.00	\$	25,000.00	\$	5,700.00	\$	5,700.00
TOTAL BID AMOUNT ADD ALTERNATE 1 (ITEMS A-1 - A-13)				\$	\$	25,000.00		\$	\$	25,000.00		\$	\$	5,700.00

BID SUMMARY

BIDDER INFORMATION				
	James Construction Group, LLC 5880 West Highway 190 Belton, TX 76513	Ranger Excavating, LP 5222 Thunder Creek Road, #B-1 Austin, TX 78759	M. Hanna Construction Co., Inc. PO Box 296 Sulfur Springs, TX 75483	W. T. Byler Co, LP 15203 Lillija road Houston, TX 77060-5299
BASE BID (ITEMS 1 - 60)	\$ 9,140,115.00	\$ 9,291,290.00	\$ 10,002,887.00	\$ 10,209,827.00
ADD ALTERNATE 1 (ITEMS AA-1 - AA-13)	\$ 414,840.00	\$ 492,405.00	\$ 445,690.00	\$ 519,116.40
DEDUCTIVE ALTERNATE (ITEM DA-1)	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 5,700.00
BASE BID plus ADD ALTERNATE 1	\$ 9,554,955.00	\$ 9,783,695.00	\$ 10,448,577.00	\$ 10,728,943.40
BASE BID minus DEDUCTIVE ALTERNATE	\$ 9,115,115.00	\$ 9,266,290.00	\$ 9,977,887.00	\$ 10,204,127.00
BASE BID plus ADD ALTERNATE 1 minus DEDUCTIVE ALTERNATE	\$ 9,529,955.00	\$ 9,758,695.00	\$ 10,423,577.00	\$ 10,723,243.40



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

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

June 24, 2008

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

Re: Temple Reinvestment Zone - Industrial Rail Park
Rail Spur – Phase I and II

Dear Mr. Bond:

On June 19, 2008 the City of Temple received competitive bids from four (4) contractors for the Industrial Rail Park Rail Spur – Phase I and II project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows James Construction Group, LLC of Belton, Texas as the low bidder with a total project bid (Base Bid + Add Alternate 1 – Deductive Alternate) of \$9,529,955.00. Our opinion of probable cost for this project was \$10,500,000.00.

The following table represents each section of the successful low bid received:

1.	Base Bid	\$ 9,140,115.00
2.	Add Alternate 1 (Northland Products)	\$ 414,840.00
3.	Deductive Alternate	\$ 25,000.00

Phase I infrastructure for the project totals \$3,125,756.72 and Phase II totals \$6,014,358.28. In addition to the Base Bid items, Add Alternate 1 includes an additional 1,900 linear feet of rail spur with related appurtenances. The Add Alternate is connected to the Northland Products Project and will ultimately be paid for by Northland Products. The Deductive Alternate is for an amount the Contractor will subtract from his total bid price in exchange for being allowed to salvage the rail removed from the site.

Mr. Don Bond, E.I.T.

June 24, 2008

Page Two

We have reviewed the references for James Construction Group, LLC and find them to be a reputable contractor and well qualified to complete this project. Therefore, we recommend that the contract amount of \$9,529,955.00, which includes the Base Bid + Add Alternate 1 - Deductive Alternate, be awarded to James Construction Group, LLC for this project.

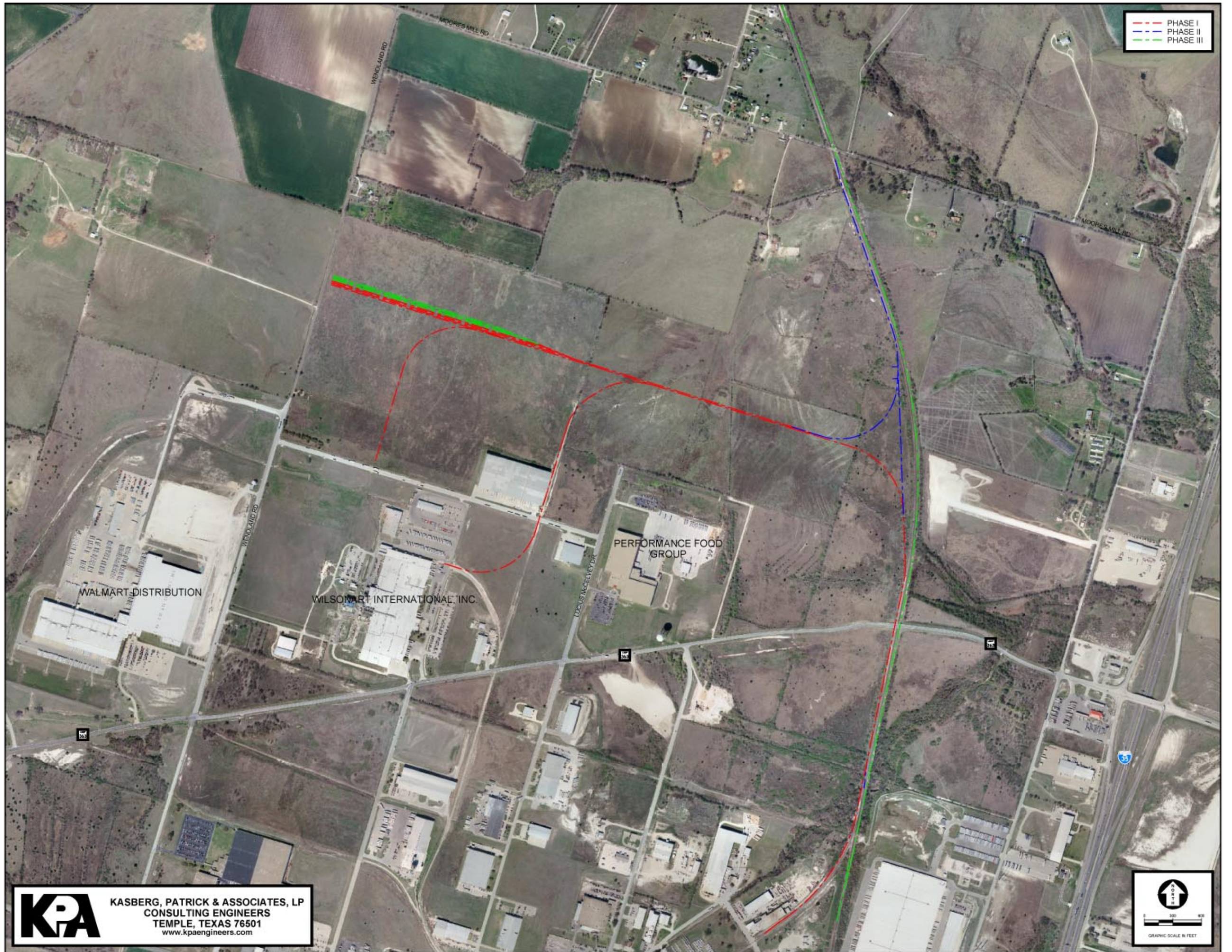
Sincerely,

A handwritten signature in black ink, appearing to read "R. David Patrick", with a long horizontal flourish extending to the right.

R. David Patrick, P.E., C.F.M.

RDP/crc

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2006-142-40



PHASE I
PHASE II
PHASE III

WALMART DISTRIBUTION

WILSONART INTERNATIONAL, INC.

PERFORMANCE FOOD GROUP

KPA KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501
www.kpaengineers.com

GRAPHIC SCALE IN FEET

FY 2007**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
795-9700-531-68-25	100166	Rail Park Phase II	\$ 800,000	
795-9700-531-65-30		Taxable Bond Contingency		\$ 800,000
TOTAL.....			\$ 800,000	\$ 800,000

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

TIRZ Taxable Revenue bonds were sold on June 5, 2008, to fund Phase II of the Rail Park with in the Reinvestment Zone #1. Included in that bond issue, was \$6,310,000 of bonds allocated for the construction of Phase II of the Rail Park. In addition, \$800,000 of "contingency" dollars was also issued to fund Phase II of the Rail Park. This budget adjustment appropriates those contingency dollars to the Rail Park Phase II account to be used to fund the construction contract with James Construction Group LLC.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/3/2008

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



Texas Department of Transportation

100 SOUTH LOOP DRIVE • WACO, TEXAS 76704-2858 • (254) 867-2700

June 25, 2007

Subject: NW Loop 363
From North IH35 to SH 36/SH 53
Funding Contributions by the City of Temple
CSJ: 0320-06-001

RECEIVED

JUN 26 2007

City Manager's Office

Mr. David Blackburn
City Manager, City of Temple
2 North Main Street
Temple, Texas 76501

Dear Mr. Blackburn:

This letter serves to acknowledge the City of Temple's commitment to the highway expansion project for the North and West portions of LP 363.

The City has previously agreed to contribute \$5 million towards the construction of the Project. In turn, the Texas Transportation Commission has authorized \$20 million towards the construction.

The planning and design for the Project is on-going and the Waco District is committed to meeting the goals established for advancing towards construction. One part of the overall project design plan, both the City and TxDOT have discussed on multiple occasions, is the elimination of the BNSF Spur track where it currently crosses the north loop. In so doing, the City of Temple has agreed to take the lead in getting this part of the plan accomplished prior to beginning highway construction. We believe this to be in the best interest of all parties. This approach should lessen the time needed to complete the overall project.

With the City assuming the responsibility for removing and relocating the BNSF Spur track and purchasing the necessary property for this work, the Department has agreed to accept this concept and grant the City a credit on their initial funding commitments. Our staff has evaluated the cost involved in the Spur track removal. The cost savings to the Department associated with this work amounts to \$3 million. By the City taking the lead in accomplishing this portion of the project, TxDOT agrees to lower the City's funding contribution for the remainder of the project from North IH 35 to SH 36/SH 53 from \$5 million to \$2 million.

TxDOT looks forward to completing this important local and regional highway improvement as an excellent example of local and state government partnership working together to accomplish mutual goals for the citizens of Texas.

Sincerely,

Richard J. Skopik, P.E.
Waco District Engineer

Acknowledged By:

For City of Temple

Date

7.17.07

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE INDUSTRIAL RAIL SPUR PHASES 1 & 2 BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP, IN AN AMOUNT NOT TO EXCEED \$9,140,115, AND DECLARING AN OFFICIAL INTENT TO REIMBURSE THE PORTION OF THIS CONTRACT RELATED TO PHASE 1 OF THE CONSTRUCTION OF THE INDUSTRIAL RAIL SPUR FUNDED WITH CERTIFICATES OF OBLIGATION BONDS IN THE AMOUNT NOT TO EXCEED \$1,890,000 PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS DESIGNATED FOR THAT PORTION OF THE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 19, 2008, the City received 4 bids for the Industrial Rail Spur, Phases 1 and 2, project;

Whereas, the Staff recommends accepting the bid (\$9,140,115) received from James Construction Group, LLC, of Belton, Texas;

Whereas, the City previously agreed to contribute \$5 million towards the construction of the North and West portions of Loop 363 – this contribution of funds was allocated from two sources, \$2.3 million (46%) of TIRZ funds and \$2.7 (54%) million of City funds; in turn, the Texas Transportation Commission has authorized \$20 million towards construction – in planning and design for the project, the elimination of the BNSF Spur track where it currently crosses the north loop has been discussed on multiple occasions;

Whereas, with the City assuming the responsibility for removing and relocating the BNSF Spur tract and purchasing the necessary property for this work, the Texas Department of Transportation (TxDOT) has agreed to accept this concept and grant the City a credit on their initial funding commitments – the cost savings to the department associated with this work amounts to \$3 million, and by the City taking the lead in accomplishing this portion of the project, TxDOT has agreed to lower the City's funding contribution for the remainder of the NW Loop 363 from North IH 35 to SH 36/SH 53 from \$5 million to \$2 million;

Whereas, Phase 1 of the construction contract accomplishes the elimination of the BNSF Spur track where it currently crosses the north loop and fulfills the requirements of this agreement;

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

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

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

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$9,140,115, with James Construction Group, LLC, of Belton, Texas, after approval as to form by the City Attorney, for construction activities required to build the Industrial Rail Spur Phases 1 and 2 between northwest H.K. Dodgen Loop and the future Outer Loop, and authorizes an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

Industrial Rail Spur
Phase 1

\$1,890,000

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 **3rd** day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Ranger Excavating, LP, of Austin for construction activities required to build the Rail Park Detention Pond and Underground Stormwater Conveyance system between Northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$3,201,991.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Storage capacity is required to detain increased stormwater runoff generated by future development in the Industrial Rail Park within the TIF Reinvestment Zone #1.

On September 20, 2007, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in the amount of \$104,500 for services required to design the detention pond. On November 15, 2007, Council authorized an amendment to the professional services agreement with KPA in the amount of \$223,500 for services required to incorporate underground stormwater conveyance into the design of the detention pond.

The infrastructure built with this project will consist of approximately 375,000 cubic yards of detention pond excavation, 1,600 linear feet of reinforced concrete box culverts, and 108 linear feet of reinforced concrete pipe. Eleven bids were received and ranged from \$3,201,991.00 to \$6,037,019.59 (see attached Bid Tab). KPA recommends awarding the contract to the low bidder, Ranger Excavating, LP. (see attached KPA Recommendation). The Reinvestment Zone No. 1 Board and staff recommend the award of this construction contract.

Construction time allotted for this project is 300 days.

FISCAL IMPACT: This construction contract in the amount of \$3,201,991 is comprised of two projects funded by the Reinvestment Zone #1. The first of these projects is the Rail Park Detention Pond. Construction costs for this portion of the contract are \$1,608,811. There are funds available in the Reinvestment Zone #1's Financing Plan in account 795-9700-531-6830, project # 950003, for this project. Funds for this project were provided by Certificate of Obligation bonds sold in March 2008 to be repaid by revenues of the Reinvestment Zone #1.

The second project is the Underground Storm Water Conveyance system. Construction costs for this portion of the contract are \$1,593,180. Gulf States Toyota (GST) has agreed to pay 50% of the cost of bid items associated with underground stormwater conveyance, which total \$796,590.00. These funds will be paid by GST upon award of the contract. All of the funds needed for the Underground Stormwater Conveyance project are available in the Reinvestment Zone #1's Financing Plan to include GST's share of the project. Funds for the Zone's share of this project were provided by Certificate of Obligation bonds sold in March 2008 to be repaid by revenues of the Reinvestment Zone #1.

A budget adjustment is presented for Council's approval reallocating \$95,240 (\$95,090 for construction plus \$150 for advertising) from the Rail Park Detention Pond account to the Underground Stormwater Conveyance account 795-9700-531-6836, project #100166, to fund the additional amount needed for this part of the project.

ATTACHMENTS:

[RZ Rail Park Detention Pond Bid Tab](#)
[RZ Rail Park Detention Pond Recommendation](#)
[RZ Rail Park Detention Pond Map](#)
[Rail Park Detention Pond/Underground Stormwater Improvements Budget detail](#)
[Budget Adjustment](#)
[RZ Rail Park Detention Pond Resolution](#)

BID TABULATION
TEMPLE REINVESTMENT ZONE

2007-136-20

RAIL PARK DETENTION POND

June 19, 2008; 2:00 PM
3210 E Ave H, Bldg C, Temple, TX 76501

				BIDDER INFORMATION											
				Ranger Exavating, LP 5222 Thunder Creek Road, #B-1 Austin TX 78759		JO'B Site Construction LLC 3000 Joe Dimaggio Blvd, Bldg 2300, 86 Round Rock TX 78665		Rodman, LLC 2300 Picadilly Drive Round Rock, TX 78664		Austin Filter Systems, Inc 13653 Rutlegde Spur Austin TX 78717		M. Hanna Construction Co. , Inc P.O. Box 296 Sulphur Springs, TX 75483		James Construction Group 5800 W Hwy 190 Belton, TX 76513	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID															
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 80,000.00	\$ 80,000.00	* \$ 106,564.35	\$ 106,564.35	\$ 184,000.00	\$ 184,000.00	\$ 175,000.00	\$ 175,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00
2	81.5	AC	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	400.00	32,600.00	* 200.90	16,373.35	860.00	70,090.00	3,800.00	309,700.00	1,522.00	124,043.00	2,500.00	203,750.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by a P.E., in Conformance with State Law & OSHA	1,000.00	1,000.00	* 416.00	416.00	1,800.00	1,800.00	2,000.00	2,000.00	2,260.00	2,260.00	1,000.00	1,000.00
4	1,400	LF	Implement & Follow Trench Safety Plan (Pipe)	1.00	1,400.00	* 0.55	770.00	1.00	1,400.00	15.00	21,000.00	1.13	1,582.00	1.50	2,100.00
5	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	3,000.00	3,000.00	* 1,456.00	1,456.00	3,500.00	3,500.00	36,000.00	36,000.00	6,114.00	6,114.00	2,000.00	2,000.00
6	100%	LS	Provide Project Record Drawings (As Builts)	4,000.00	4,000.00	* 4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00
7	100%	LS	Remove & Dispose of Existing Structures & Light Posts & Relocate Existing Horse Walker to Adjacent Property	5,000.00	5,000.00	* 10,316.00	10,316.00	23,000.00	23,000.00	3,400.00	3,400.00	26,000.00	26,000.00	20,000.00	20,000.00
8	100%	LS	Remove & Dispose of Existing Railroad Box Cars	4,000.00	4,000.00	* 9,152.00	9,152.00	5,000.00	5,000.00	9,300.00	9,300.00	1,857.00	1,857.00	8,000.00	8,000.00
9	770	LF	Remove & Dispose of Existing Barbed Wire Fence	2.00	1,540.00	* 2.90	2,233.00	2.00	1,540.00	2.00	1,540.00	1.10	847.00	1.00	770.00
10	2,273	LF	Remove & Dispose of Existing Wooden Fence	1.00	2,273.00	* 2.90	6,591.70	2.00	4,546.00	1.50	3,409.50	1.00	2,273.00	3.00	6,819.00
11	70	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	25.00	1,750.00	* 32.40	2,268.00	32.00	2,240.00	30.00	2,100.00	32.50	2,275.00	35.00	2,450.00
12	1	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,000.00	1,000.00	* 1,456.00	1,456.00	1,500.00	1,500.00	2,500.00	2,500.00	678.00	678.00	3,000.00	3,000.00
13	375,000	CY	For Unclassified Detention Pond Excavation, Including Spreading & Compacting Spoils Onsite According to the Plans & Specifications	2.70	1,012,500.00	* 3.03	1,136,250.00	2.85	1,068,750.00	3.15	1,181,250.00	3.87	1,451,250.00	4.10	1,537,500.00
14	22,100	CY	Place & Compacting Unclassified Fill (Pond)	1.00	22,100.00	* 0.76	16,796.00	0.50	11,050.00	3.50	77,350.00	1.43	31,603.00	3.30	72,930.00
15	5,300	SY	Furnish & Place 6" Flexbase Access Road	6.30	33,390.00	* 6.10	32,330.00	7.20	38,160.00	5.80	30,740.00	3.75	19,875.00	7.00	37,100.00
16	1,412	LF	Furnish & Install Four - 8' x 4' Reinforced Concrete Box Culverts	1,115.00	1,574,380.00	* 1,315.40	1,857,344.80	1,306.00	1,844,072.00	1,140.00	1,609,680.00	1,347.00	1,901,964.00	1,200.00	1,694,400.00
17	179	LF	Furnish & Install Two - 5' x 4' Reinforced Concrete Box Culverts	375.00	67,125.00	* 485.60	86,922.40	430.00	76,970.00	560.00	100,240.00	509.00	91,111.00	400.00	71,600.00
18	1	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Four - 8' x 4' Reinforced Concrete Box Culverts	7,500.00	7,500.00	* 17,640.65	17,640.65	16,400.00	16,400.00	9,800.00	9,800.00	10,397.00	10,397.00	10,000.00	10,000.00
19	1	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Four - 8' x 4' Reinforced Concrete Box Culverts, with Energy Dissipators	11,300.00	11,300.00	* 20,448.65	20,448.65	19,200.00	19,200.00	17,000.00	17,000.00	14,691.00	14,691.00	15,000.00	15,000.00
20	2	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Two - 5' x 4' Reinforced Concrete Box Culverts	6,000.00	12,000.00	* 10,152.60	20,305.20	8,710.00	17,420.00	5,600.00	11,200.00	4,266.00	8,532.00	7,000.00	14,000.00
21	2	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Two - 5' x 4' Reinforced Concrete Box Culverts, with Energy Dissipators	9,200.00	18,400.00	* 16,600.60	33,201.20	15,410.00	30,820.00	19,000.00	38,000.00	13,562.00	27,124.00	12,000.00	24,000.00
22	770	SY	Furnish & Place 12" Diameter Rock Rip Rap	10.00	7,700.00	* 4.15	3,195.50	10.00	7,700.00	35.00	26,950.00	35.00	26,950.00	30.00	23,100.00
23	119,300	SY	Furnish & Install Erosion Control Blankets with Seed or Flexible Growth Medium Capable of Establishing 4:1 Slope Including Watering, Fertilizing & Mowing to Sustain Growth	2.05	244,565.00	* 2.30	274,390.00	2.00	238,600.00	2.70	322,110.00	2.13	254,109.00	2.00	238,600.00
24	100%	LS	Remove & Dispose of Existing Concrete Slabs / Foundations / Sidewalks & other Miscellaneous Concrete Structures on the Project Site	8,000.00	8,000.00	* 4,706.25	4,706.25	540.00	540.00	11,000.00	11,000.00	903.00	903.00	2,000.00	2,000.00
25	2	EA	Furnish & Install 6' x 6' Area Inlet as Detailed on Sheet DR03	5,090.00	10,180.00	* 3,656.45	7,312.90	3,705.00	7,410.00	5,400.00	10,800.00	6,781.00	13,562.00	11,000.00	22,000.00
26	108	LF	Furnish & Install 54-Inch Diameter RCP, Class III	136.00	14,688.00	* 146.30	15,800.40	160.50	17,334.00	225.00	24,300.00	192.00	20,736.00	300.00	32,400.00
27	2	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for 54-Inch Diameter RCP	10,300.00	20,600.00	* 11,504.60	23,009.20	9,375.00	18,750.00	5,200.00	10,400.00	6,216.00	12,432.00	7,500.00	15,000.00
TOTAL BASE BID AMOUNT (ITEMS 1 - 27)				\$ 3,201,991.00		\$ 3,711,249.55		\$ 3,715,792.00		\$ 4,050,769.50		\$ 4,267,168.00		\$ 4,273,519.00	

TOTAL DETENTION POND	\$ 1,608,811.00	\$ 1,815,815.45	\$ 1,836,120.00	\$ 2,414,289.50	\$ 2,340,116.00	\$ 2,554,119.00
TOTAL 4-8'X4' BOX CULVERT (Items 16, 18 & 19)	\$ 1,593,180.00	\$ 1,895,434.10	\$ 1,879,672.00	\$ 1,636,480.00	\$ 1,927,052.00	\$ 1,719,400.00

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

BID TABULATION
TEMPLE REINVESTMENT ZONE

RAIL PARK DETENTION POND


June 19, 2008; 2:00 PM
3210 E Ave H, Bldg C, Temple, TX 76501

				BIDDER INFORMATION									
				Hurtado Construction Company 2115 Center St Richmond TX 77469		W.T. Byler Co., LP 15203 Lillja Road Houston, TX 77060		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Austin Engineering Co., Inc. PO Box 342349 Austin TX 78734		Double Oak Constructiin, Inc. PO Box 979 Waller TX 77484	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID													
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 98,888.00	\$ 98,888.00	\$ 262,300.00	\$ 262,300.00	\$ 250,000.00	\$ 250,000.00	257,000.00	\$ 257,000.00	\$ 199,133.09	\$ 199,133.09
2	81.5	AC	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	888.00	** 72,372.00	1,900.00	154,850.00	750.00	61,125.00	1,800.00	146,700.00	1,037.00	84,515.50
3	100%	LS	Submit Trench Safety Plan prepared & signed by a P.E., in Conformance with State Law & OSHA	600.00	600.00	1,000.00	1,000.00	1,750.00	1,750.00	1,000.00	1,000.00	1,875.00	1,875.00
4	1,400	LF	Implement & Follow Trench Safety Plan (Pipe)	1.00	1,400.00	1.00	1,400.00	2.45	3,430.00	4.00	5,600.00	1.00	1,400.00
5	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	600.00	600.00	300.00	300.00	21,000.00	21,000.00	7,000.00	7,000.00	3,100.00	3,100.00
6	100%	LS	Provide Project Record Drawings (As Builts)	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00
7	100%	LS	Remove & Dispose of Existing Structures & Light Posts & Relocate Existing Horse Walker to Adjacent Property	38,000.00	38,000.00	73,500.00	73,500.00	43,500.00	43,500.00	30,000.00	30,000.00	28,500.00	28,500.00
8	100%	LS	Remove & Dispose of Existing Railroad Box Cars	18,000.00	18,000.00	15,000.00	15,000.00	15,000.00	15,000.00	3,500.00	3,500.00	24,500.00	24,500.00
9	770	LF	Remove & Dispose of Existing Barbed Wire Fence	2.00	1,540.00	3.00	2,310.00	1.75	1,347.50	2.00	1,540.00	3.00	2,310.00
10	2,273	LF	Remove & Dispose of Existing Wooden Fence	2.00	4,546.00	3.50	7,955.50	3.00	6,819.00	3.00	6,819.00	2.00	4,546.00
11	70	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	20.00	1,400.00	25.00	1,750.00	30.00	2,100.00	28.00	1,960.00	22.00	1,540.00
12	1	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,800.00	1,800.00	2,500.00	2,500.00	4,000.00	4,000.00	1,000.00	1,000.00	1,900.00	1,900.00
13	375,000	CY	For Unclassified Detention Pond Excavation, Including Spreading & Compacting Spoils Onsite According to the Plans & Specifications	5.18	1,942,500.00	6.65	2,493,750.00	7.00	2,625,000.00	7.70	2,887,500.00	6.18	2,317,500.00
14	22,100	CY	Place & Compacting Unclassified Fill (Pond)	5.18	114,478.00	1.50	33,150.00	4.20	92,820.00	3.00	66,300.00	0.48	10,608.00
15	5,300	SY	Furnish & Place 6" Flexbase Access Road	8.88	47,064.00	7.50	39,750.00	6.00	31,800.00	6.70	35,510.00	11.24	59,572.00
16	1,412	LF	Furnish & Install Four - 8' x 4' Reinforced Concrete Box Culverts	1,300.00	1,835,600.00	1,300.00	1,835,600.00	1,350.00	1,906,200.00	1,295.00	1,828,540.00	1,883.00	2,658,796.00
17	179	LF	Furnish & Install Two - 5' x 4' Reinforced Concrete Box Culverts	350.00	62,650.00	450.00	80,550.00	365.00	65,335.00	460.00	82,340.00	1,130.00	202,270.00
18	1	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Four - 8' x 4' Reinforced Concrete Box Culverts	25,000.00	25,000.00	17,400.00	17,400.00	15,200.00	15,200.00	10,250.00	10,250.00	28,350.00	28,350.00
19	1	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Four - 8' x 4' Reinforced Concrete Box Culverts, with Energy Dissipators	34,000.00	34,000.00	24,900.00	24,900.00	18,500.00	18,500.00	13,400.00	13,400.00	34,125.00	34,125.00
20	2	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Two - 5' x 4' Reinforced Concrete Box Culverts	14,000.00	28,000.00	12,650.00	25,300.00	5,100.00	10,200.00	8,900.00	17,800.00	23,730.00	47,460.00
21	2	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for Two - 5' x 4' Reinforced Concrete Box Culverts, with Energy Dissipators	14,000.00	28,000.00	16,800.00	33,600.00	7,200.00	14,400.00	10,400.00	20,800.00	31,500.00	63,000.00
22	770	SY	Furnish & Place 12" Diameter Rock Rip Rap	23.00	17,710.00	23.60	18,172.00	39.00	30,030.00	26.00	20,020.00	77.70	59,829.00
23	119,300	SY	Furnish & Install Erosion Control Blankets with Seed or Flexible Growth Medium Capable of Establishing 4:1 Slope Including Watering, Fertilizing & Mowing to Sustain Growth	1.50	178,950.00	2.07	246,951.00	1.85	220,705.00	1.75	208,775.00	0.96	114,528.00
24	100%	LS	Remove & Dispose of Existing Concrete Slabs / Foundations / Sidewalks & other Miscellaneous Concrete Structures on the Project Site	4,800.00	4,800.00	7,700.00	7,700.00	5,000.00	5,000.00	20,000.00	20,000.00	10,300.00	10,300.00
25	2	EA	Furnish & Install 6' x 6' Area Inlet as Detailed on Sheet DR03	1,500.00	3,000.00	4,500.00	9,000.00	6,500.00	13,000.00	6,600.00	13,200.00	10,815.00	21,630.00
26	108	LF	Furnish & Install 54-Inch Diameter RCP, Class III	128.00	13,824.00	225.00	24,300.00	240.00	25,920.00	175.00	18,900.00	269.00	29,052.00
27	2	EA	Furnish & Install Concrete Headwall, Type CH-FW-0, for 54-Inch Diameter RCP	5,000.00	10,000.00	5,500.00	11,000.00	4,700.00	9,400.00	7,080.00	14,160.00	11,340.00	22,680.00
TOTAL BASE BID AMOUNT (ITEMS 1 - 27)				***	\$ 4,588,722.00		\$ 5,427,988.50		\$ 5,497,581.50		\$ 5,723,614.00		\$ 6,037,019.59

TOTAL DETENTION POND	\$ 2,694,122.00	\$ 3,550,088.50	\$ 3,557,681.50	\$ 3,871,424.00	\$ 3,315,748.59
TOTAL 4-8'X4' BOX CULVERT (Items 16, 18 & 19)	\$ 1,894,600.00	\$ 1,877,900.00	\$ 1,939,900.00	\$ 1,852,190.00	\$ 2,721,271.00

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

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


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

6/23/08
Date





KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

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

June 24, 2008

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

Re: Temple Reinvestment Zone
Rail Park Detention Pond

Dear Mr. Bond:

On June 19, 2008 the City of Temple received competitive bids from eleven (11) contractors for the Rail Park Detention Pond project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Ranger Excavating, LP of Austin, Texas as the low bidder with a total project bid of \$3,201,991.00. Our opinion of probable cost for this project was \$3,200,000.00.

Gulf States Toyota has agreed to participate in the cost of construction of the four – 8'x4' reinforced concrete box culverts and headwalls, which is \$1,593,180.00 (sum of Bid Items 16, 18 and 19). They will pay for one-half of the total cost of Bid Items 16, 18 and 19, which is \$796,590.00. As a result, the City of Temple will be responsible for the remaining \$2,405,401.00 of the contract.

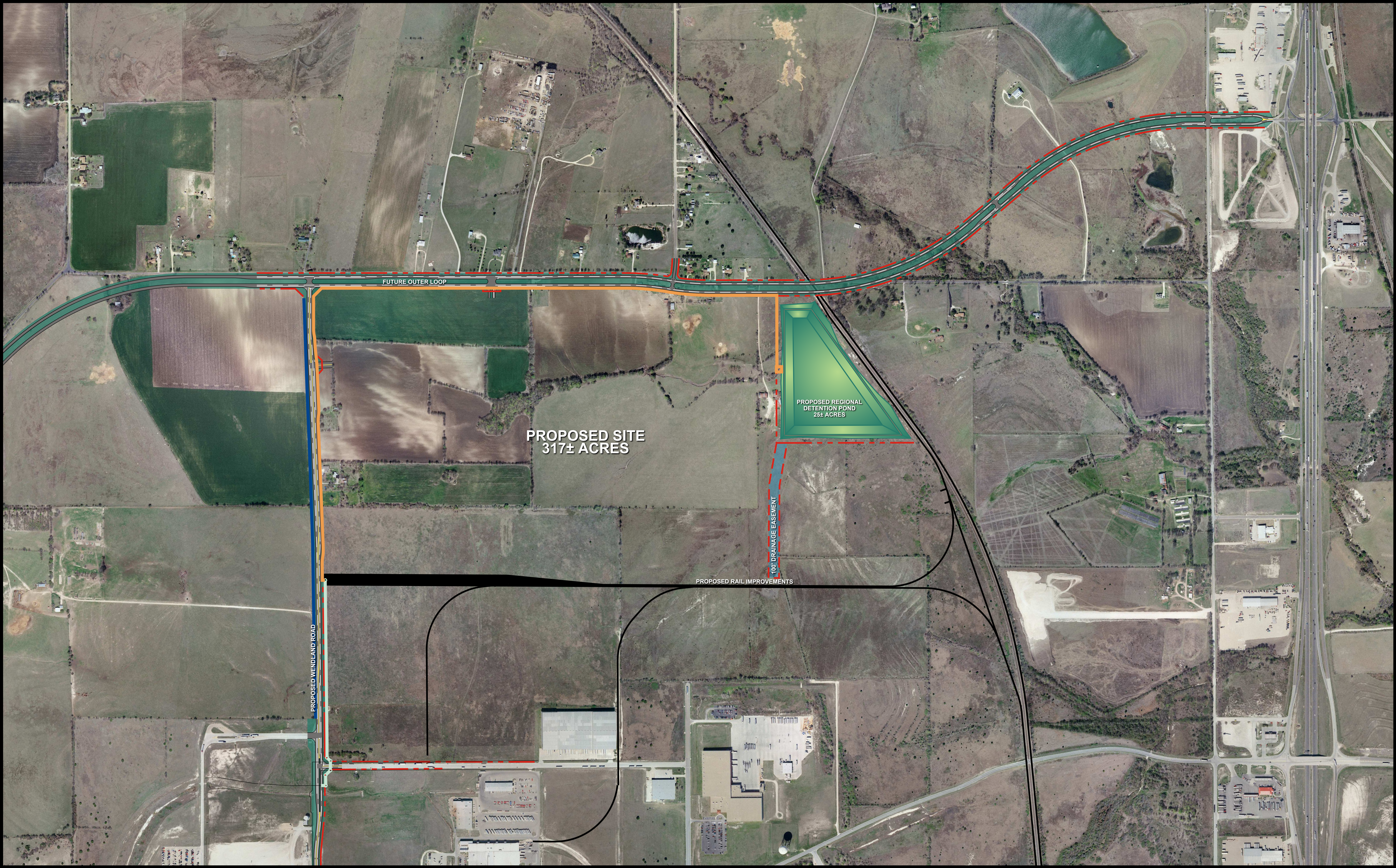
We have reviewed the references for Ranger Excavating, LP and find them to be a reputable contractor and well qualified to complete this project. Therefore, we recommend that the contract amount of \$3,201,991.00 be awarded to Ranger Excavating, LP for this project.

Sincerely,

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

JAS/crc

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2007-136-40



FUTURE OUTER LOOP

PROPOSED SITE
317± ACRES

PROPOSED REGIONAL
DETENTION POND
25± ACRES

100' DRAINAGE EASEMENT

PROPOSED RAIL IMPROVEMENTS

PROPOSED WENDLAND ROAD

REINVESTMENT ZONE NO. 1

RAIL PARK {ELM CREEK} DETENTION POND/UNDERGROUND STORM WATER IMPROVEMENTS BUDGET DETAIL

Description	Construction - Opinion of Probable Cost	Bid Tab	Budget	Difference
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ELM CREEK DETENTION POND-BASE BID:

TOTAL ELM CREEK DETENTION POND	\$ 2,000,000	\$ 1,608,811	\$ 2,000,000	\$ 391,189
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UNDERGROUND STORM WATER IMPROVEMENTS-BASE BID:

TOTAL UNDERGROUND STORM WATER IMPR.	\$ 1,600,000	\$ 1,593,180	\$ 1,498,090	\$ (95,090)
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TOTAL PROJECT	\$ 3,600,000	\$ 3,201,991	\$ 3,498,090	\$ 296,099
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TOTAL BUDGET FOR THE UNDERGROUND STORM WATER IMPROVEMENTS:

CONTRIBUTION FROM GULF STATES TOYOTA {GST}

GST to pay one half (1/2) of the cost of installing the box culvert
or \$925,000, payable upon the award of the contract.

\$ 796,590

Zone's budget for the underground storm
water improvements

\$ 925,000

Design costs

(223,500)

\$ 701,500

TOTAL

\$ 1,498,090

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	
795-9700-531-68-36	100166	Underground Storm water Improvements	\$ 95,240		
795-9700-531-68-30	950003	Elm Creek Detention Pond		\$ 95,240	
TOTAL.....			\$ 95,240	\$ 95,240	

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

A budget adjustment is necessary to fund the construction contract for the underground storm water improvements in the amount of \$95,240. Gulf States Toyota (GST) is to pay one half of the cost of installing the box culvert, payable upon award of the contract. One half of the cost of construction for the underground storm water improvements is \$796,590. It was anticipated that GST would pay one half of the engineering cost in addition to one half of the engineering cost, but this is not the case. Therefore, some of the Zone's construction funds will have to be used to fund the engineering costs, leaving an amount needed to fund the construction contract of \$95,090 plus \$150 for advertising costs. This BA reallocates funds available from the Elm Creek Detention Pond project. These two projects are being awarded as one construction contract with Ranger Excavating, LP.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/3/2008

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 CONSTRUCTION CONTRACT WITH RANGER EXCAVATING, LP, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE RAIL PARK DETENTION POND AND UNDERGROUND STORMWATER CONVEYANCE SYSTEM BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP, IN AN AMOUNT NOT TO EXCEED \$3,201,991; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 19, 2008, the City received 11 bids for construction of the Rail Park Detention Pond and Underground Stormwater Conveyance system between Northwest H.K. Dodgen Loop and the future Outer Loop;

Whereas, the Staff recommends accepting the bid (\$3,201,991) received from Ranger Excavating, LP, of Austin, 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 construction contract, not to exceed \$3,201,991, with Ranger Excavating, LP, of Austin, Texas, after approval as to form by the City Attorney, for construction activities required to build the Rail Park Detention Pond and Underground Stormwater Conveyance system between Northwest H.K. Dodgen Loop and the future Outer Loop.

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 3rd day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

07/03/08
Item #13
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Airport Advisory Board to fill an unexpired term through September 1, 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the June 19th meeting, the City Council adopted a resolution re-establishing the Airport Advisory Board to change the composition of the membership to include representation from the Reinvestment Zone No. 1 Board of Directors and TEDC.

At that meeting, the Council also appointed Mr. Gary Schmidt as the TEDC representative on the Airport Advisory Board for a term through September 1, 2010. One remaining unexpired term, through September 1, 2008, still needs to be filled at this time by a Temple resident. We have one City Board Application form, attached, on file that meets the residency requirement.

FISCAL IMPACT: None

ATTACHMENTS:

[Current Board Member List](#)
[City Board Application Form](#)

AIRPORT ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	POSITION FILLED	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
*Kyle McQueen, Vice Chair kmcqueen@sunbeltusa.com	At large	04/02	2008	1922 South MLK Jr. Dr. Temple, TX 75604	771-3777 W 771-5719 F
Vacant – (formerly Susan Strasburger; Forfeit non-attendance)	Temple Resident	04/02	2008	3108 West Avenue T Temple, Texas 76504	771-2952 H
*Perry Cloud (RZ-1), Sec. ptcloud@cloudconstruction.com	At large & Reinvestment Zone	12/05	2009	P O Box 667 Temple, Texas 76503	778-1363 W 778-6492 H 778-5877 Fax
David Patterson David.patterson@patcoconstructionllc.com	Temple Resident	09/06	2009	2116 West Avenue H Temple, TX 76504	771-2228 W 771-0728 Fax 760-9199 H
*Don Gidden giddenyg@vvm.com	At large	01/04	2010	5000 Hickory Temple, TX 76502	773-9933 W 778-3753 H
David M. Brown ghostrydur@clearwire.net	Temple Resident	06/06	2010	3218 E. Munroe Ave P O Box 28 Temple, Texas 76503	774-6992 H 214-763-2387 Cell
Timm White twhite3486@aol.com	Temple Resident	07/06	010	2906 Erie P O Box 2420 Temple, TX 76503	771-2228 W 771-0729 F 760-3414 Cell
Hugh Shine, Vice Chair Hugh.shine@wachoviasec.com	Temple Resident	09/04	2010	3001 Las Cruces Temple, TX 76502-1638	42-1885 W 774-9685 H 742-7714 Fax 760-6007 Cell
Gary Schmidt (TEDC) gschmidt@cnbtemple.com	Temple Resident	06/08	2010	Central National Bank P O Box 4107 Temple, TX 76505	770-1613 W 938-2429 H 770-3186 Fax

Created August 21, 1980 by Ordinance #1287; amended by Ordinances 1755 (5-15-86) and 2132 (4-16-92) to increase membership from 6 to 9 (addition of 3 at large positions).

Purpose: Serves in an advisory capacity to City Council in matters pertaining to the Airport, make recommendations as to fees, charges, facility improvements, and airport services.

Membership: 5 residents of the City of Temple
1 resident of the City of Belton (chosen by the Mayor of Belton)
3 residents at-large
Ex-officio - Airport Manager, City Manager and Mayor

Term: 3 years

Meeting Time/Place: Quarterly; conducted at the Airport Operations Bldg.

City Staff : Sharon Rostovich, Airport Manager REVISED 06/19/08

Clydette Entzminger

From: spartacus@ci.temple.tx.us
Sent: Wednesday, May 09, 2007 3:53 PM
To: Clydette Entzminger
Subject: Data posted to form 1 of <http://www.ci.temple.tx.us/chtml/boardform.htm>

Name: Vernon Starnes
Address: 121 Calvin Drive
Contact_WorkPhone: NA
Contact_HomePhone: 254-773-4700
Contact_Email: vstarnes@hotmail.com
previous boards: Airport Advisory Board - 2003
Boards preferred: Airport Advisory Board
Attend meetings: Yes

experience/educational:

comments:

Due to my wife's illness I had to resign from the Airport Board. She passed away in 2004.