



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, AUGUST 21, 2008

**3:30 P.M.
3RD FLOOR CONFERENCE ROOM**

WORKSHOP AGENDA

1. Discuss draft ordinance regarding amendments to Section 13 of the Zoning Ordinance relating to Fence and Wall Regulations, Display for Sale, and Open Storage.
2. Discuss proposed renaming/dual naming of the planned Outer Loop as Research Parkway.
3. Discuss Preliminary FY 09 budget issues, including City's Solid Waste services.
4. Discuss third quarter financial results for Fiscal Year 2008.
5. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 21, 2008 as follows:

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize [Mr. Tom Heard](#) for his contributions to the Santa Fe Depot.

IV. BUDGET ITEMS

4. PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the [proposed tax rate](#) of 55.95 cents per \$100 valuation for fiscal year 2009 (2008 tax year), and announce meeting to adopt the proposed tax rate on August 28, 2008.

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.

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

Minutes:

- (A) [August 7, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2008-2476-R](#): Consider adopting a resolution authorizing the purchase of a John Deere skid steer 328 (skid loader) from Coufal-Prater Equipment of Temple through the BuyBoard local government online purchasing cooperative, in the amount of \$33,043.22
- (C) [2008-2477-R](#): Consider adopting a resolution authorizing a contract with Perry Office Plus for the purchase of office supplies with estimated annual expenditures in the amount of \$160,000.
- (D) [2008-2478-R](#): Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc. of Temple for the expansion of the Summit Recreation Center in the amount of \$1,332,844.
- (E) [2008-2479-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design improvements necessary to address the solids removal and disposal process from the Membrane Water Treatment Plant waste stream in an amount not to exceed \$483,958.
- (F) [2008-2480-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design Tarver Road Extension to Outer Loop Phase 3 for an amount not to exceed \$176,000.
- (G) [2008-2481-R](#): Consider adopting a resolution authorizing a beautification agreement with Misty Creek Development, Inc., for the right-of-way and median along FM 93 adjacent to the Misty Creek Subdivision.
- (H) [2008-2449-R](#): Consider adopting a resolution (1) authorizing amendments to existing City leases with McLane Company, Inc., and RDM Commerce, Inc., that allow the exchange of hangar 19 (transferring from RDM to McLane) and hangar 23 (transferring from McLane to RDM); and (2) authorizing a new lease agreement with RDM that will combine their newly assigned leasehold interest in hangar 23 with a previously authorized ground lease on Lot 23-A for the construction of a new hangar.

Ordinances - Second and Final Reading

- (I) 1. [2008-4242](#): SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan and future year bond payments.
- 2. [2008-2482-R](#): Consider adopting a resolution authorizing a construction contract with Westar Construction, Inc. of Georgetown for the creation of a Greenbelt Park and Trail within the Reinvestment Zone No. 1 boundaries in the amount of \$2,207,073.20.
- (J) [2008-4244](#): SECOND READING – Consider adopting an ordinance re-establishing the regulations for metal façade residential primary and accessory buildings, and amending

the City of Temple Zoning Ordinance, Section 13-200, "Regulations for Metal Façade Residential Primary and Accessory Buildings," to delete Section 7, "Sunset Review."

Plats:

- (K) [2008-2483-R](#): P-FY-08-52: Consider adopting a resolution approving the final plat of Cuevas Hickman Subdivision, 2 lots on 10.13 ± acres, a single family residential subdivision on the east side of Bob White Road, north of FM 3117 and south of the Tower Road/Bob White Road intersection, in Temple's Eastern ETJ, with approval of the applicants' requested exceptions to Subdivision Ordinance for street paving, fire protection and suppression, sidewalks and park land dedication fee.

Misc:

- (L) [2008-2484-R](#): Consider adopting a resolution authorizing a street use license for a 2 foot encroachment into the 20' wide alley from an un-permitted building at EZ Tire & Lube, located at the rear of Lot 8, Block 2, Eugenia Terrace Addition, addressed as 1402 South 1st Street/Veteran's Memorial Drive.
- (M) [2008-2485-R](#): Consider adopting a resolution approving third quarter financial results for Fiscal Year 2008.
- (N) [2008-2486-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

VI. REGULAR AGENDA

ORDINANCES

6. (A) [2008-4245](#): FIRST READING – PUBLIC HEARING – Z-FY-08-32-A: Consider adopting an ordinance authorizing an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.
- (B) [2008-4246](#): FIRST READING – PUBLIC HEARING - Z-FY-08-32-B: Consider adopting an ordinance authorizing a zoning change from Commercial (6.1 ac.), General Retail (1.2 ac.), Multiple-Family Two (11.2 ac.) and Single-Family Attached Districts (3.0 ac.) to Two-Family District on 21.5 ± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.
7. (A) [2008-4247](#): FIRST READING – PUBLIC HEARING - Z-FY-08-36-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan from low density residential to commercial uses on a 1.4 ± acre tract of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive.
- (B) [2008-4248](#): FIRST READING – PUBLIC HEARING - Z-FY-08-36-B –Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District on 1.4 ± acres of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive.

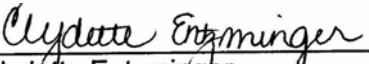
8. [2008-4249](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.
9. [2008-4250](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.

BOARD APPOINTMENTS

10. [2008-4251](#): Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Airport Advisory Board – two members to fill expiring terms through September 1, 2011
 - (B) Animal Services Advisory Board – two members to fill expiring terms through September 1, 2011 and appoint Chair for the period of September 1, 2008 through August 31, 2009
 - (C) Civil Service Commission - one member to fill expiring term through September 1, 2011
 - (D) Community Services Advisory Board – three members to fill expiring terms through September 1, 2011
 - (E) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2011
 - (F) Library Board – three members to fill expiring terms through September 1, 2011
 - (G) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2011
 - (H) Reinvestment Zone No. 1 Board of Directors – three members to fill expiring terms through September 1, 2010
 - (I) Temple Economic Development Corporation – three members to fill expiring terms through September 1, 2011
 - (J) Temple Public Safety Advisory Board – five members to fill expiring terms through September 1, 2011
 - (K) Transit Advisory Committee – four members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:00 PM, on August 15, 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.



ADDENDUM

NOTICE OF MEETING

TEMPLE CITY COUNCIL

THURSDAY, AUGUST 21, 2008

**5:00 P.M. REGULAR MEETING – MUNICIPAL BUILDING
COUNCIL CHAMBERS – 2ND FLOOR, 2 NORTH MAIN STREET**

VI. REGULAR AGENDA

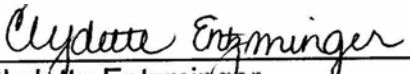
RESOLUTIONS

11. **2008-2475-R:** Consider adopting a resolution authorizing a Chapter 380 development agreement with the potential developers of a tract of land in south Temple north of FM 93 and east of South 31st Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.

Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations. The City Council may also meet in executive session pursuant to Section 551.072 of the Government Code, to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.

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 9:30 AM, on August 18, 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

08/21/08
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Recognize Mr. Thom Heard for his contributions to the Santa Fe Depot.

STAFF RECOMMENDATION: Present recognition as indicated in item description.

ITEM SUMMARY: Ken Cicora has requested the opportunity to recognize Mr. Tom Heard for his many contributions to the Santa Fe Depot. Mr. Heard painted the train cars and donated money to tile the floor in the Depot.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

08/21/08
Item #4
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 55.95 cents per \$100 valuation for fiscal year 2009 (2008 tax year), and announce meeting to adopt the proposed tax rate on August 28, 2008.

STAFF RECOMMENDATION: Conduct a public hearing but no action is required.

ITEM SUMMARY: At the August 7, 2008 regular meeting, Council discussed the proposed tax rate of 55.95 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for August 28, 2008, and setting public hearings for August 15, 2008 and August 21, 2008 on the proposed tax rate for FY 2008-2009. Following this action, the publication of a “Notice of Public Hearing on Tax Increase” occurred on August 8th and the “Notice of Tax Revenue Increase” occurred on August 16th and will occur again on August 22nd. The proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth in SB 18 adopted by the 79th Legislature and the City Charter.

The FY 2008-2009 budget was prepared with a preliminary total tax rate of 57.81 cents per \$100 valuation. This rate was based on the FY 2008 rate of 56.81 cents plus an additional 1 cent as approved by the voters for the November 2007 Parks General Obligation Bond debt. On July 21, 2008, the Chief Appraiser calculated a final effective tax rate of 54.33 cents. The final effective tax rate as compared to the preliminary tax rate used in the filed budget June 27, 2008, required a decrease in the proposed total tax rate from 57.81 to 55.95 cents (2.98% above the effective tax rate). Changes in the tax rate components as compared to the preliminary budget filed June 27, 2008 are as follows:

Comparing proposed tax rate of 55.95 cents to the *preliminary* rate of 57.81 cents as proposed in the budget filed on June 27, 2008:

	PRELIMINARY FY 2009	PROPOSED FY 2009	Increase (Decrease)	Effective Tax Rate	% FY 2009 > ETR
Proposed Tax Rate					
M&O (Maintenance & Operation)	\$ 0.3438	\$ 0.3322	\$ (0.0116)		
I&S (Interest & Sinking - Debt)	0.2343	0.2273	(0.0070)		
	<u>\$ 0.5781</u>	<u>\$ 0.5595</u>	<u>\$ (0.0186)</u>	\$ 0.5433	<u>2.98%</u>

The decrease in the proposed tax rate, along with an adjustment of the certified taxable value (\$3,100,594,231) from the preliminary taxable value (\$3,017,035,099) will decrease the M&O revenue by \$39,453 as compared to the preliminary budget filed on June 27, 2008. The frozen tax levy increased to \$1,540,393 from a preliminary levy total of \$1,536,357. This increase of \$4,036 will help offset the decrease in revenue as mentioned above. The net decrease of \$35,417 in property tax revenue will be offset by an increase in electric franchise revenues.

Comparing the proposed tax rate of 55.95 cents to the *current FY 2008 adopted* tax rate of 56.81 cents:

	FY 2008	PROPOSED FY 2009	Increase (Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3392	\$ 0.3322	\$ (0.0070)
I&S (Interest & Sinking - Debt)	0.2289	0.2273	(0.0016)
	<u>\$ 0.5681</u>	<u>\$ 0.5595</u>	<u>\$ (0.0086)</u>

Example 1 – Annual Property Tax - \$100,000 Taxable Value:

With the proposed tax rate of 55.95 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would be an annual savings of \$8.60 if there was no change in taxable value from the prior year. If a homeowner with a taxable value of \$100,000 in 2008 experienced an increase in taxable value of 4.92% (average increase in appraised value), the annual property tax would increase by \$18.93.

Example 2 – Annual Property Tax - Average Taxable Value for City of Temple:

The preceding tax year's average taxable value of a residence homestead in Temple was \$85,865. In the current tax year, the average taxable value a residence homestead in Temple is \$91,038. With the proposed tax rate of 55.95 cents per \$100 valuation, there would be an annual increase of \$21.56 in taxes.

FISCAL IMPACT:

Changes from the preliminary tax rate and base used to calculate the filed budget on June 27, 2008 to the proposed rate with the certified tax roll as presented August 21, 2008 are as follows:

	Filed Budget 6/27/08	Proposed Budget 8/21/08	Increase/ (Decrease)
Tax Base*	\$3,017,035,099	\$3,100,594,231	\$83,559,132
Tax Rate:			
M&O	34.38¢	33.22¢	(1.16¢)
I&S	23.43¢	22.73¢	(0.07¢)
Total Tax Rate	57.81¢	55.95¢	(1.86¢)
Tax Levy:			
M&O	\$9,315,113	\$9,275,660	(\$39,453)
Frozen Taxes	1,536,357	1,540,393	4,036
I&S	6,348,258	6,346,651	(1,607)
Total Tax Levy*	\$17,199,728	\$17,162,704	(\$37,024)

*Excludes Reinvestment Zone No. 1

General Fund:

Explanation of Changes from Filed Budget to Proposed Budget @ 8/21/2008:

^A **Revenue Changes:**

Reduced property tax - from preliminary to certified roll	\$ (35,417)
Increased electric franchise revenue	35,417
Total Revenue Changes	\$ -

^B **Expenditure Changes:**

Increased Compensation Contingency to appropriate funding for Civil Service and General Government compensation pay plan adjustments to include performance pay and incentive/certification pay adjustments.	\$ 184,700
Reduced personnel services for all departments to fund compensation pay plan adjustments. Changes to personnel services include deferring implementation date for General Government employees and a reduction in health insurance premiums to actual rate.	(184,700)
Total Expenditures Changes	\$ -
Net Revenue Over (Under) Expenditures	\$ -

Debt Service Fund:

Explanation of Changes from Filed Budget to Proposed Budget @ 8/21/2008:

^A ***Revenue Changes:***

Reduced property tax - from preliminary to certified roll	\$ (1,607)
Increased interest earnings	13,786
<i>Total Revenue Changes</i>	<i>\$ 12,179</i>

^B ***Expenditure Changes:***

<i>Total Expenditures Changes</i>	<i>\$ -</i>
<i>Net Revenue Over (Under) Expenditures</i>	<i>\$ 12,179</i>

ATTACHMENTS:

[Historical Tax Rate Information](#)

CITY OF TEMPLE, TEXAS

ADOPTED TAX RATE VS. EFFECTIVE TAX RATE

Fiscal Year	Adopted Tax Rate			Effective Tax Rate	Increase in Adopted Rate over Effective Tax Rate	
	I & S	M & O	Total		\$	%
2000	\$0.2302	\$0.3270	\$0.5572	\$0.5404	\$0.0168	3.11%
2001	0.2402	0.3520	0.5922	0.5518	0.0404	7.32%
2002	0.2445	0.3520	0.5965	0.5792	0.0173	2.99%
2003	0.2620	0.3273	0.5893	0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
2008	0.2289	0.3392	0.5681	0.5516	0.0165	2.99%
2009*	0.2273	0.3322	0.5595	0.5433	0.0162	2.98%

* PROPOSED tax rate



COUNCIL AGENDA ITEM MEMORANDUM

08/21/08
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) August 7, 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:

[August 7, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

AUGUST 7, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 7, 2008 at 3:00 pm 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. Discuss the preliminary FY 2008-2009 Budget.

David Blackburn, City Manager, discussed several issues as a follow-up from the July 31st Council budget work session. With regard to the tax rate, he recommended the Council set the preliminary tax rate at \$0.5595 based on discussions last week. This rate represents a 2.99% increase in the effective tax rate and will be very challenging this year to maintain current service levels at that rate.

Mr. Blackburn stated the Council has also directed funding of performance pay in the City's compensation plans. He explained this can be done if the performance pay is imbedded in the across the board approach and tied to evaluations for general government employees.

The other main topic discussed in the last budget work session was the Council's desire to eliminate out of cycle charges and policies for brush pickup. Council also asked that a separate fee for bulk/mixed waste be explored. Mr. Blackburn stated he will present a report and recommendation to the Council regarding this option at the work session on August 21st.

2. Discuss possible amendments to Section 13 of the Zoning Ordinance relating to Fence and Wall Regulations, Display for Sale, and Open Storage.

Tim Dolan, Planning Director, presented this item for discussion. He explained the issue of fences is being reviewed due to citizen inquiries and complaints, to determine the viability of other suitable materials and to ensure clarity of the ordinance for enforcement purposes. Some potential areas to address include establishing a better list of suitable materials, separating and clarifying buffering standards, including barb wire and electric fences, which are currently located in the Code of Ordinances, clarifying requirements for refuse (dumpster) enclosures and open storage, and identifying maintenance standards.

Mr. Dolan discussed some of the suitable materials for fences in the City, as well as a number of materials that are recommended to be prohibited. The goal of buffering would

be to separate commercial or industrial from single family uses. The recommendation regarding barbed or razor is to disallow this in a residential district but address its use in Agricultural, Commercial and Industrial Districts. Our current ordinance encourages the location of screened refuse containers but the proposed changes would require a location, suitable material and improve the design standards to address the Solid Waste Department's operational needs and criteria. Open storage is also currently allowed, with an adequate height screening fence constructed from suitable materials. The recommendation is to more adequately address the location and height, requiring a location, certain materials and design standards.

Mr. Dolan concluded with a request for Council direction. If Council desires to make changes to the current ordinance, Mr. Dolan suggested a draft ordinance be forwarded to Council at the next meeting, then conducting meetings with stakeholders, followed by Planning & Zoning Commission workshop, hearings and recommendation, before coming back to Council for action in November. Mr. Dolan showed several photos depicting both suitable and undesirable fence materials.

The Councilmembers discussed maintenance standards, which do not currently exist, and suitable materials in commercial versus residential areas. The consensus was to bring a draft ordinance back to Council at their next meeting.

Jonathan Graham, City Attorney, confirmed that existing fences would continue to be grandfathered if the standards are changed unless there was a health or safety issue.

4. Discuss future appointments to the following City boards and commissions:

(A) Airport Advisory Board - two members to fill expiring terms through September 1, 2011

(B) Animal Services Advisory Board - two members to fill expiring terms through September 1, 2011 and appoint Chair for the period of September 1, 2008 through August 31, 2009

(C) Civil Service Commission - one member to fill expiring term through September 1, 2011

(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2011

(E) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2011

(F) Library Board - three members to fill expiring terms through September 1, 2011

(G) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2011

(H) Reinvestment Zone No. 1 Board of Directors - three members to fill expiring terms through September 1, 2010

(I) Temple Economic Development Corporation - three members to fill expiring terms through September 1, 2011

(J) Temple Public Safety Advisory Board - five members to fill expiring terms through September 1, 2011

(K) Transit Advisory Committee - four members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009

The Council discussed the process of determining qualifications to serve on a particular board. Councilmember Jeter stated he was very pleased with large number of applications received from new citizens in our community. This is an opportunity to get alot of new people on City boards with diverse backgrounds and experiences. Councilmember Janczak agreed that those with special or unique skills should be considered for the appropriate boards.

Mayor Jones suggested if Councilmembers have strong feelings about any of these appointments they can convey that information to other Councilmembers. This will give us a good pool of people to draw from for not only these appointments but for those vacancies that occur mid-cycle.

- 5. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 7, 2008.**

Mr. Blackburn stated staff is requesting item 6 on the regular agenda be tabled, following the public hearing, to allow the Planning & Zoning Commission to bring forth their recommendation.

- 3. Discuss the proposed development agreement with Panda Temple Power, L.L.C.**
- 8. 2008-2472-R: Consider approving a resolution authorizing the execution of a development agreement with Panda Temple Power, L.L.C., for the sale of effluent for the operation of an electric generation facility. Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the office of a financial or other incentive to a business prospect the public discussion of which would adverse affect ongoing economic development negotiations.**
- 9. 2008-2473-R: Consider adopting a resolution authorizing the conveyance of up to 180 acres of City-owned land located on Wendland Road, south of Moores Mill Road and**

on the west side of Wendland Road, to the Temple Economic Development Corporation for economic development purposes.

Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the office of a financial or other incentive to a business prospect the public discussion of which would adverse affect ongoing economic development negotiations.

11. **2008-2475-R:** Consider adopting a resolution authorizing a Chapter 380 development agreement with the potential developers of a tract of land in south Temple north of FM 93 and east of South 31st Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.

Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the office of a financial or other incentive to a business prospect the public discussion of which would adverse affect ongoing economic development negotiations. The City Council may also meet in executive session pursuant to Section 551.072 of the Government Code, to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person

Mayor Jones stated the City Council would enter into executive session at this time for the discussion of work session item 3 (also item 8 on the regular agenda), and items 9 and 11 from the regular agenda. No action was taken at this time.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 7, 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

Police Chief Gary Smith voiced the Invocation.

2. Pledge of Allegiance

Mr. Marvin Hurd led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Betty Elliott, 305 East Xavier, thanked the Council for fixing the pothole on 57th Street and General Bruce Drive. She stated, however, the cameras must still not be working since she hasn't heard of anyone getting a ticket. Ms. Elliott commented about people that have to set on the curbs waiting on buses because we do not have enough benches at our bus stops. It is unbearable in this heat, particularly where there is no shade.

Shirley Daniels, 605 Apache, expressed her concern about conserving gas. Meter readers are driving from house to house, stopping between each. This is wasting fuel. She recommended they walk a few blocks before moving their vehicles.

III. BUDGET ITEMS

3. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2008-2009 operating budget.

(B) 2008-2461-R: Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 28, 2008, and setting public hearings for August 15, 2008 and August 21, 2008 on the proposed tax rate for FY 2008-2009.

David Blackburn, City Manager, began with an overview of this budget presentation, noting issues to be discussed. He reviewed the budget calendar, fence posts used to develop the preliminary budget, and the FY 2009 budget challenges with both expenses and revenues. Mr. Blackburn also presented some of the strategies, tactics and highlights used in developing this proposed budget, such as creative and innovative fuel management and conservation approaches, GO bond issues and other new programs, rate increases, and growing the tax base by increasing economic development incentive funds.

Next, Mr. Blackburn discussed several budget issue points reviewed by the City Council during budget work sessions conducted during the month of July. These issues included the proposed tax rate, compensation plans, Texas Municipal Retirement System (TMRS), drainage fees, police cars, wireless broadband network, master comprehensive plan, Mayborn Center capital improvements, solid waste collection services and rates, and traffic signals.

Traci Barnard, Director of Finance, provided an overview of the General Fund and Water and Wastewater Fund revenues and expenditures. She also compared changes made to each of these funds since the budget was filed on June 27, 2008. Mrs. Barnard explained the proposed increases in water and sewer rates for the upcoming fiscal year. The tax rate is being proposed at \$0.5595, which includes a maintenance and operation rate of \$0.3322 and an interest and sinking rate of \$0.2273. She provided a summary review of the other proposed funds making up the budget.

Mrs. Barnard discussed the impact of the proposed tax rate, \$0.5595, for an owner of a \$100,000 home that receives no change in the taxable value or receives the average of 4.92%. The proposed tax rate is 2.98% less than the effective tax rate. She also provided some statistics on the City's historical tax base, total market values and new taxable values.

Mayor Jones declared the public hearing open regarding agenda item 3 and asked if anyone wished to address this item.

Paula Conti, Treasurer of Families in Crisis, asked the Council for support of the Temple Shelter, which is celebrating its first anniversary tomorrow. She provided statistics about the services being provided in Temple. The Temple Shelter will likely be closed if additional funding is not received by the first of 2009. Ms. Conti asked the supporters of Families in Crisis present at the meeting to stand and be recognized. It is important to the community to keep this shelter open and Ms. Conti requested Council allocate funds from the General Fund budget in the amount of \$35,000 to allow the shelter to operate for 4 to 5 more months so they can actively raise funds.

Ann Thompson, United Way Executive Director, addressed the Council in support of Families in Crisis. They are a viable agency that is well-run. The Shelter is critical for this community and United Way will do what it can to make sure the Shelter remains open.

Marvin Hurd, 14 West Welton, addressed the Council and stated this is a very good budget being proposed. The brush pickup needs to be continued, with no special dates for pickup.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution setting the proposed tax rate of \$0.5595 per \$100 in value and scheduling the adoption of the proposed tax rate for the August 28, 2008 Special City Council meeting, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

Motion by Councilmember Marty Janczak to adopt resolution setting the public hearings on the proposed tax rate of \$0.5595 per \$100 in value for 5:00 pm August 15, 2008 Special City Council meeting and 5:00 pm August 21, 2008 Regular City Council meeting, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

IV. CONSENT AGENDA

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

(A) July 10, 2008 Special Called Meeting

(B) July 17, 2008 Special Called Meeting and Regular Meeting

(C) July 24, 2008 Special Called Meeting

(D) 2008-2462-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, for engineering, bidding and construction phase services for enhancements to the intersection of Central Avenue & 3rd Street in an amount not to exceed \$37,250.

(E) 2008-2463-R: Consider adopting a resolution authorizing a contract with Kraftsman, LP (dba Kraftsman Commercial Playgrounds and Water Parks) of Spring, for the design and construction of a Spray Park in West Temple Community Park in the amount of \$425,000.

(F) 1. 2008-2464-R: Consider adopting a resolution authorizing an interlocal agreement between the Region 4 Education Service Center, which sponsors The Cooperative Purchasing Network (TCPN), providing for a cooperative purchasing program for goods and services, and designating the Director of Purchasing as official representative for the City relating to this program.

2. 2008-2465-R: Consider adopting a resolution authorizing the purchase of audio visual technology equipment for the newly designated Emergency Operations Center (EOC) from Data Projections, Inc. through The Cooperative Purchasing Network (TCPN) in the amount of \$77,894.16.

(G) 2008-2466-R: Consider adopting a resolution authorizing a contract with AT&T for the purchase and installation of new Nortel Communication phones at the new EOC and Service Center, in the amount of \$49,902.98.

(H) 2008-2467-R: Consider adopting a resolution authorizing the purchase of eight (8) wireless ticket writers and printers with associated software from Advanced Public Safety (APS) in the amount of \$69,000.

(I) 2008-4238: SECOND READING - Z-FY-08-28: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, 91-201, Section 7-108 (Automobile and Related Service Uses) to allow motorcycle sales by right in the General Retail (GR) District.

(J) 2008-4239: SECOND READING - Z-FY-08-30: Consider adopting an ordinance authorizing a zoning change from Agriculture (A) to Commercial (C) on a 5.0+ acre tract of land located at the southwest corner of the 53.8+ acre tract being out of the M. Moreno Survey, Abstract Number 14, adjacent to the East right of way line of Loop 363 and adjoining the northwest property corner

of the 29.83 acre City of Temple tract.

(K) 2008-4240: SECOND READING - Z-FY-08-27: Consider adopting an ordinance authorizing a zoning change from Planned Development (PD) District to General Retail (GR) District, on 0.904 ± acres situated in the George Givens Survey, Abstract No. 345, located on the south side of West Adams Avenue, between Kegley Road and the Wildflower Villa Apartments.

(L) 2008-4241: SECOND READING - Z-FY-08-29: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Single Family One (SF-1) District on 55.95 ± acres recorded as Eagle Oaks At The Lake Phases One, Two, Three , Four and Five, located on both sides of Eagle Landing Drive, east of Cen-Tex Sportsman Club Road.

(M) 2008-2468-R: Consider adopting a resolution granting a street use license for a 19 square foot encroachment of an existing house in a 15' foot wide utility easement along the southern property line for Saulsbury Phase II, Block 1, and Lot 13.

(N) 2008-2469-R: Consider adopting a resolution granting a street use license for a 176 square foot encroachment of an existing house in a 15' foot wide utility easement along the northern property line for Saulsbury Phase II, Block 1, and Lot 12.

(O) 2008-2470-R: Consider adopting a resolution authorizing the transfer of funds from the Child Safety Fees-Bell County to the Temple Police Department's Overtime Account for traffic control and direction on State Highway 2305 at Lakewood Elementary School in the amount of \$7,500 for FY 2007-2008.

(P) 2008-2471-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Councilmember Marty Janczak to adopt resolution approving Consent Agenda, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

5. 2008-4242: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects

within the Project Plan and future year bond payments.

Traci Barnard, Director of Finance, presented this item to the Council. This amendment is basically a clean up item to reallocate funds between projects. She explained the actual amendments to be made which result in no change to fund balance.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for August 21, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

6. 2008-4243: FIRST READING - PUBLIC HEARING - FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, certain sign types, and creation of a sign maintenance section.

Barbara Morgenroth, Code Enforcement Officer, presented this item to the City Council. She presented the philosophy that was followed in the development of this ordinance. She also reviewed each of the changes being proposed and those that will be addressed in future phases of this amendment process. Ms. Morgenroth explained how these changes will assist the City's code enforcement officers in performing their duties, while enhancing the appearance of the community. The signs to be addressed include inflatables, streamers, pole signs, banners, handmade/cardboard signs, vehicular signs, and window signs. Ms. Morgenroth concluded with the staff's recommendation, which is to conduct the public hearing tonight, then go back to the stakeholder group to address a few remaining issues. The proposed ordinance will then go back to the Planning and Zoning Commission before coming back to the City Council.

Mayor Jones stated this item was tabled by the Planning and Zoning Commission at their August 4, 2008 meeting.

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

Mr. Travis Brett, 1002 East Shell Avenue, addressed the Council regarding campaign signs. He asked if these can be cardboard signs. He also asked how this ordinance would affect a campaign sign on a vehicle.

Ms. Morgenroth replied the City would follow state law regarding campaign signs.

Councilmember Janczak asked Ken Higdon, Director of the Temple Chamber of Commerce, if the Chamber's constituents can live with this ordinance as proposed.

Mr. Higdon stated the Chamber facilitated some of the stakeholder meetings. The ordinance is a good first step. We can live with it but there needs to be some minor amendments made.

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

Motion by Mayor Pro Tem Patsy E. Luna to table item 6, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

7. 2008-4244: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance re-establishing the regulations for metal façade residential primary and accessory buildings, and amending the City of Temple Zoning Ordinance, Section 13-200, "Regulations for Metal Façade Residential Primary and Accessory Buildings," to delete Section 7, "Sunset Review."

Tim Dolan, Planning Director, presented this item to the Council. This ordinance has been in place for one year and is being presented for sunset review. Forty permits have been issued under this new criteria, which applies only to residential structures, and only one could not comply with the requirements. Mr. Dolan recommended the ordinance be re-established with the deletion of the sunset review provision.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for August 21, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Councilmember Janczak stated this will eliminate the Council's ability to review these standards in the future. He asked if the review should be extended.

Mayor Jones stated removing the sunset review provision does not preclude the Council or staff from reviewing this ordinance in the future and recommending changes.

Motion passed unanimously.

RESOLUTIONS

8. **2008-2472-R: Consider approving a resolution authorizing the execution of a development agreement with Panda Temple Power, L.L.C., for the sale of effluent for the operation of an electric generation facility. Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.**

David Blackburn, City Manager, introduced this item to the Council. He explained the City has been working with Panda since last fall regarding the sale of effluent from the City's Doshier Farm Wastewater Treatment Plant. This water would be used for the operation of an electric generation facility in southeast Temple.

Jonathan Graham, City Attorney, reviewed the terms of the agreement. As an inducement for Panda to come to Temple, we would provide them with their water needs. This a major facility being proposed which would produce a very large amount of electricity. The agreement would be for a term of 20 years and would provide Panda with effluent from our Doshier Farm Wastewater Treatment Plant and the Temple-Belton Regional Sewer System Plant we share with the City of Belton. He explained the compensation Panda would pay to the City for use of this effluent, including both a demand charge and a commodity charge. Panda would construct the facility at their cost and obtain all necessary permits. A similar agreement would be required with the City of Belton and the Temple-Belton Regional Sewer System.

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

Motion passed unanimously.

Mayor Jones stated the City Council would enter into executive session at this time, approximately 7:00 p.m., for the discussion of both items 9 and 10.

The regular session was reconvened at approximately 7:20 p.m.

9. **2008-2473-R: Consider adopting a resolution authorizing the conveyance of up to 180 acres of City-owned land located on Wendland Road, south of Moores Mill Road and on the west side of Wendland Road, to the Temple Economic Development Corporation for economic development purposes. Executive Session: Pursuant to Section 551.087 of the Government Code,**

the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the office of a financial or other incentive to a business prospect the public discussion of which would adverse affect ongoing economic development negotiations.

David Blackburn, City Manager, presented this item to the City Council. The Board of Directors of the Temple Economic Development Corporation have requested the City convey up to 180 acres in the City's northeast industrial park to TEDC for economic development purposes, including job creation and additional tax value. This property is part of a 350+ acre tract acquired by the City in June 2008 for such purposes. The TEDC Board is in the process of negotiating an economic development agreement with a prospect which would involve the transfer of up to 180 acres to their prospect. The actual legal description of the property would be determined prior to the transfer.

Mr. Graham explained that Chapter 380 agreements allow the conveyance of public property for less than fair market value for economic development purposes and that is what is being proposed.

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

Motion passed unanimously.

- 10. 2008-2474-R: Consider adopting a resolution authorizing the purchase of land for: (a) the construction of a new central fire station in the downtown area, and (b) a new fire station, training center & emergency operations center (EOC) in northwest Temple. Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may meet in executive session to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.**
- 11. 2008-2475-R: Consider adopting a resolution authorizing a Chapter 380 development agreement with the potential developers of a tract of land in south Temple north of FM 93 and east of South 31st Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City. Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the office of a**

financial or other incentive to a business prospect the public discussion of which would adverse affect ongoing economic development negotiations. The City Council may also meet in executive session pursuant to Section 551.072 of the Government Code, to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person

Mayor Jones stated items 10 and 11 require no action from the Council at this time.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

08/21/2008
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a John Deere skid steer 328 (skid loader) from Coufal-Prater Equipment of Temple through the BuyBoard local government online purchasing cooperative, in the amount of \$33,043.22

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the FY 2008 budget, Council authorized the creation of a construction crew for the Public Works Utilities Division. Along with the crew, the following vehicles were also authorized: a 420 Caterpillar backhoe, a 12-yard dump truck, and a 1-ton utility truck. The construction crew has completed five projects year-to-date. After careful evaluation by the Public Works staff, it was determined that the purchase of a skid loader would enable the crew to more safely and efficiently enter areas of limited space (backyards, easements, etc.) and to lessen the inconvenience to homeowners and the public.

The purchase price includes training for City personnel; this skid loader will also be used for in-house sewer line replacement and SSO Initiative Program projects. All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: A budget adjustment is attached reallocating funding from the in house sewer crew's construction dollars account 520-5400-535-6359, project # 100316 to account 520-5400-535-6220, project # 100402, to fund this purchase.

ATTACHMENTS:

[Coufal-Prater BuyBoard Proposal](#)
[Budget Adjustment](#)
[Resolution](#)



Sam Weed
City of Temple
Temple, TX

August 07, 2008

Quote Number 113886 : Skid Steer 328

All the prices in the detailed sections are Per machine basis.

Machine Configuration

Code	Description	Qty	List Price	Unit Price
1670T	328 SKID STEER LOADER BASE	1	\$36,547.00	\$35,650.00
0800	NO PACKAGE	1	In Base	In Base
0950	JOYSTICK CONTROLS	1	\$2,150.00	\$2,150.00
1025	SINGLE SPEED SKID STEER	1	In Base	In Base
2330	TIRES 14X17.5 XTRA-WALL	1	In Base	In Base
3001	HYDRAULIC CIR 328 SELF	1	\$453.00	\$453.00
4001	2" SEAT BELT W/SHOULDERSTRAP	1	\$167.00	\$164.00
5002	LESS HND&FT CONTROLS - EH	1	In Base	In Base
8040	BACKUP ALARM	1	\$206.00	\$202.00
8060	CAB ENCLOSURE WITH WIPER KIT	1	\$1,287.00	\$1,287.00
8075	DUAL WARNING LIGHTS	1	\$37.00	\$169.00
8115	A/C HEAT/DEFROSTER	1	\$1,890.00	\$1,890.00
8130	REAR WEIGHT BRACKETS KIT	1	\$191.00	\$187.00
8181	SUSPENSION SEAT KIT	1	\$386.00	\$378.00
8210	HORN	1	\$108.00	\$106.00
9041	72" CONST BKT W/ EDGE	1	\$1,013.00	\$956.00
Total			\$44,435.00	\$43,592.00
Discount (26%)				\$11,333.92
Net Price				\$32,258.08

Code	Description	Qty	List Price	Unit Price
0253KV	48" RAIL PALLET FORK/FRAME	1	\$773.00	\$773.00
Total			\$773.00	\$773.00
Discount (26%)				\$200.98
Net Price				\$572.02

Attachments

Code	Description	Qty	List Price	Price
R66949Y	44 LB FRNT WEIGHT (YELLOW)	8	\$288.00	\$213.12
Total			\$288.00	\$213.12

Quote Summary - Skid Steer 328 (per unit)	
Item Description	Prices
Machine Net Price	\$32,830.10
Attachments	\$213.12
Price per Machine	\$33,043.22

Total Net Price (Quantity = 1) \$33,043.22

Warranty Terms

328 includes Standard Warranty of 12 months.

Remarks:

Please note that this quote is valid for 30 days.

Contact Keri Suiter; Phone 309-765-0260, Fax 309-765-3358; Email:
 SuiterKeriJ@JohnDeere.com -- PO Must be made out to: John Deere Construction Retail Sales,
 1515 Fifth Avenue, Moline, IL 61265

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

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5400-535-62-20	100402	Heavy Equipment	\$ 33,043			
520-5400-535-63-59	100316	Sewer Line Replacement-In house crew			33,043	
TOTAL.....			\$ 33,043		\$ 33,043	

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

To reallocate funds from the in house sewer crew's construction dollars to purchase a skid loader. The skid loader will be used in limited spaces such as alleys and backyards. It will be used to load the 12 yard dump truck. This piece of equipment was requested in the FY 2009 proposed budget, but not funded. The in house sewer crew is currently renting the equipment for use on small space jobs. There is currently, \$168,692 of funds remaining of the original \$300,000 appropriated for the material costs for the sewer line replacements done by the in house crew. This budget adjustment reallocates the funds for the purchase of the skid loader.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

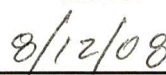
DATE OF COUNCIL MEETING

8/21/2008

WITH AGENDA ITEM?

☒ Yes☐ No


Department Head/Division Director



Date

☒ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A JOHN DEERE SKID STEER 328 (SKID LOADER) FROM COUFAL-PRATER EQUIPMENT OF TEMPLE, TEXAS, THROUGH THE BUY BOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$33,043.22; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the FY2008 budget, the City Council authorized the creation of a construction crew for the Public Works Utilities Division, which included purchasing several vehicles;

Whereas, the Staff recommends purchasing a John Deere skid steer 328 (skid loader) from Coufal-Prater Equipment through the Buy Board in the amount of \$33,043.22, to enhance the effectiveness of the projects worked by the construction crew;

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

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

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

Part 1: The City Council authorizes the purchase of a John Deere skid steer 328 (skid loader) from Coufal-Prater Equipment through the Buy Board local government online purchasing cooperative, in the amount of \$33,043.22.

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

Part 3: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

Part 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 **21st** day of **August**, 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

08/21/08
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Perry Office Plus for the purchase of office supplies with estimated annual expenditures in the amount of \$160,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As shown on the attached bid tabulation, on July 15, 2008, the City received four (4) bids for an annual contract for the purchase of office supplies, not to include office furniture with an individual list price in excess of \$300, computer peripheral equipment, or computer cables. The delivery requirements as defined in the bid were to have on-line ordering capabilities and guarantee next day, desk top delivery to the ordering department. This new approach will eliminate the need for an office supply warehouse in the Purchasing Department and allow departments to receive delivery directly to their departments.

The bid was stated to be awarded to the company providing the “best value” to the City as allowed under the Local Government Code Section 252.043. The evaluation criteria as defined in the bid were as follows: price, 50%; online bidding system including ease of use and training offered, 15%; the reputation of the bidder and the bidder’s services, 15%; responsiveness to delivery, 10%; additional services provided, including solution for disposing of existing inventory in the office supply warehouse, 10%. The bid required the submission of pricing on 156 core items that represent approximately 60% of the City’s office supply purchases along with a stated discount for non-core purchases.

The bid also included a price adjustment clause which allows the successful bidder to raise their price on core items no more often than quarterly, with the exception of copy paper, as long as the price increase does not exceed the original margin of the item. In order for the successful bidder to submit price adjustments, a list certified by the successful bidder’s supplier must be received by the City by September 1, 2008, to be used as a base-line to validate any price increase requests. Likewise, under the price adjustment clause, the City shall have the right to request price decreases to maintain the original bid margin of an item.

A bid evaluation committee was formed to evaluate the bids comprised of staff members from the City Manager's office, Information Technology, Parks, Public Works, and Purchasing. The committee was able to narrow their selection down to two vendors, Perry's and Staples, after evaluating exceptions taken by OfficeMax and significantly higher pricing offered by V-Quest. As shown on the attached bid tabulation, Perry's pricing on the 156 core items was \$7,292.56 less than Staples. However, on non-core purchases, both Perry's and Staples qualified their discount to state that they would maintain a minimum margin. In order to better understand this "minimum margin," the committee requested specific pricing on 30 non-core items. The results of this price sampling indicated that Staples granted the stated discount on 90% of the sampled items, while Perry's only granted the stated discount on 13% of the sampled items, and when purchasing all 30 items on the sampled list, the City would save \$185 by purchasing the \$2,530 worth of goods from Staples versus Perry's (approximately \$4,300 worth of savings if extrapolated to an estimated \$60,000 worth of non-core item purchases in a year). Based on the lack of assurance gained on the pricing of the non-core items and the fact that Staples has a sizable retail store to shop from in Temple, it was the committee's recommendation to award the contract to Staples.

While the City Manager appreciates the work of the committee, the City Manager does not support the recommendation to award the contract to Staples. The City Manager believes that the evaluation of the pricing should be focused on the 'core list' of bid items since there is historically data to prove that these items makeup the majority of the City's office supply purchases. In addition, extrapolation of the non-core purchasing discounts and associated projected savings is just that...a projection that is non-verifiable. Thus, using non-core items as the primary basis for consideration in the decision-making process is not, in the opinion of the City Manager, in the best interests of the City.

The City Manager would also submit that, contrary to the Committee's scoring, the reputation of Perry's and the responsiveness to delivery and additional services that can be offered by Perry's is at a minimum equal to that of Staples. The City Manager also believes that, while Perry's does not have a retail store front presence in Temple, access and availability issues can be adequately addressed by Perry's. Accordingly, the City Manager respectfully disagrees with the Committee's recommendation and presents this item to the Council with a recommendation to award the office supply contract to Perry Office Plus.

The proposed contract will commence on September 1, 2008, and shall continue through September 30, 2009. The City reserves the right to extend the contract for four (4) additional one-year periods, if agreeable to both parties. This proposed contract takes the place of a contract that expires on August 31, 2008, through the Central Texas Purchasing Cooperative (CTPC).

FISCAL IMPACT: Budgeted amount: each department has budgeted for office supplies
Estimated annual expenditure: \$160,000

ATTACHMENTS:

[Bid Tabulation \(Core List\)](#)
[Resolution](#)

Tabulation of Bids Received
on July 15, 2008 at 2:00 p.m.
Office Supplies

Description	UOM	Est Yr Qty	OfficeMax		V-Quest Office Machines & Supplies		Staples		Perry Office Plus	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3-PART ROLL PAPER -CDP-1859 OR EQUAL	EA	1140	\$1.88	\$2,143.20	\$1.69	\$1,926.60	\$0.51	\$581.40	\$1.08	\$1,231.20
ADD TAPE 2.25 X 150-IMP-3305 OR EQUAL	RL	217	\$0.56	\$121.52	\$0.49	\$106.33	\$0.25	\$54.25	\$0.35	\$75.95
ADD/CASH/POS ROLLS-IPS-3305 OR EQUAL	RL	72	\$0.37	\$26.64	\$0.49	\$35.28	\$0.37	\$26.64	\$0.35	\$25.20
BATTERY,ALKA,6V-DUR-MN908 (NO SUBS)	EA	60	\$9.57	\$574.20	\$8.29	\$497.40	\$5.82	\$349.20	\$6.12	\$367.20
BATTERY,ALKA,AAAA -DURACELL (NO SUBS)	EA	48	\$1.70	\$81.60	\$1.29	\$61.92	\$0.91	\$43.68	\$0.79	\$37.92
BATTERY,ALKA,PROCELL,9-VOLT,12-DURACELL (NO SUBS)	BX	36	\$29.43	\$1,059.48	\$24.95	\$898.20	\$13.72	\$493.92	\$15.47	\$556.92
BATTERY,ALKA,PROCELL,AA,24-DUR-PC1500TC24 (NO SUBS)	BX	348	\$6.44	\$2,241.12	\$12.99	\$4,520.52	\$7.33	\$2,550.84	\$9.07	\$3,156.36
BATTERY,ALKA,PROCELL,AAA,24-DUR-PC2400TC24 (NO SUBS)	BX	210	\$6.34	\$1,331.40	\$12.99	\$2,727.90	\$7.91	\$1,661.10	\$9.33	\$1,959.30
BATTERY,ALKA,PROCELL,C,12-DUR-PC1400 (NO SUBS)	BX	110	\$10.94	\$1,203.40	\$11.69	\$1,285.90	\$6.01	\$661.10	\$8.03	\$883.30
BATTERY,ALKA,PROCELL,D,12-DUR-PC1300 (NO SUBS)	BX	62	\$10.64	\$659.68	\$11.99	\$743.38	\$7.58	\$469.96	\$8.30	\$514.60
BINDER CLIPS LRG. 12/BX-LOP-13353 OR EQUAL	BX	41	\$1.31	\$53.71	\$1.79	\$73.39	\$1.10	\$45.10	\$1.11	\$45.51
BINDER DATA 11X 8.50,ASST CLRS-ACC OR EQUAL	EA	172	\$4.30	\$739.60	\$5.79	\$995.88	\$3.70	\$636.40	\$4.43	\$761.96
BINDER,3-RNG,SLNT,3", ASST CLRS-AVERY OR EQUAL	EA	56	\$5.54	\$310.24	\$5.39	\$301.84	\$5.08	\$284.48	\$5.64	\$315.84
BINDER,DATA,11X8.5,EXRD-ACC-54129 OR EQUAL	EA	37	\$4.30	\$159.10	\$5.79	\$214.23	\$3.70	\$136.90	\$4.43	\$163.91
BINDER,VIEW,DESNEDEG,1.5"-WE-AVE-68085 OR EQUAL	EA	24	\$2.99	\$71.76	\$5.69	\$136.56	\$4.60	\$110.40	\$5.03	\$120.72
BNDR,3-RNG,VNYL,1"-ASST CLRS-WILSON JONES OR EQUAL	EA	374	\$1.92	\$718.08	\$4.69	\$1,754.06	\$1.09	\$407.66	\$1.17	\$437.58
BNDR,3-RNG,VNYL,2"-ASST CLRS-WILSON JONES OR EQUAL	EA	67	\$3.54	\$237.18	\$6.79	\$454.93	\$2.16	\$144.72	\$2.27	\$152.09
BNDR,PRSNT,3-RNG,1"-ASST CLRS-WILSON JONES OR EQUAL	EA	880	\$2.72	\$2,393.60	\$1.49	\$1,311.20	\$1.54	\$1,355.20	\$1.31	\$1,152.80
BNDR,PRSNT,3-RNG,1.5"-ASST CLRS-WILSON JONES OR EQUAL	EA	288	\$3.88	\$1,117.44	\$1.89	\$544.32	\$1.84	\$529.92	\$2.07	\$596.16
BNDR,PRSNT,3-RNG,2"-WE-WLJ-36244W OR EQUAL	EA	72	\$2.33	\$167.76	\$2.29	\$164.88	\$2.02	\$145.44	\$2.42	\$174.24
BNDR,SPINEVUE,SLNT-D,1"-ASST CLRS-CRD OR EQUAL	EA	41	\$6.39	\$261.99	\$5.29	\$216.89	\$3.85	\$157.85	\$6.62	\$271.42
BNDR,SPINEVUE,SLNT-D,1.5, ASST CLRS-CRD OR EQUAL	EA	43	\$7.56	\$325.08	\$6.89	\$296.27	\$5.99	\$257.57	\$8.71	\$374.53
BNDR,SPINEVUE,SLNT-D,2"-ASST CLRS-CRD OR EQUAL	EA	28	\$8.72	\$244.16	\$6.99	\$195.72	\$5.55	\$155.40	\$9.78	\$273.84
BOOK,MEMO,END,FAINT,3X5-SPR-69350 OR EQUAL	EA	576	\$0.45	\$259.20	\$0.65	\$374.40	\$0.69	\$397.44	\$0.72	\$414.72
BOOK,NOTE,COLG RUL,1SUB,AST-RED-31186 OR EQUAL	EA	90	\$3.12	\$280.80	\$3.09	\$278.10	\$3.07	\$276.30	\$3.03	\$272.70
BOOK,STENO,GREGG,6X9,60SHT-TOP-8001 OR EQUAL	EA	252	\$0.68	\$171.36	\$21.95	\$5,531.40	\$0.61	\$153.72	\$0.54	\$136.08
BOOK,WIREBND,WD,70CT,AST-SPR-83250 OR EQUAL	EA	35	\$0.81	\$28.35	\$0.65	\$22.75	\$0.81	\$28.35	\$0.61	\$21.35
BOOK,WRBND,WDRLD,120CT,3SUB-SPR-83251 OR EQUAL	EA	27	\$2.38	\$64.26	\$2.39	\$64.53	\$0.96	\$25.92	\$2.38	\$64.26
CARD,TIME,F/PTR-4000-PTI 4410010 OR EQUAL	PK	29	\$9.76	\$283.04	\$10.95	\$317.55	\$7.07	\$205.03	\$9.58	\$277.82
CARDS,INDEX,LSR,3X5,WE-AVE-5388 OR EQUAL	BX	29	\$11.57	\$335.53	\$12.45	\$361.05	\$16.86	\$488.94	\$11.80	\$342.20
CARDS,POST,INKJT,5.75X4.5WE-AVE8387 OR EQUAL	PK	25	\$11.56	\$289.00	\$12.45	\$311.25	\$14.86	\$371.50	\$11.80	\$295.00
CARDS,TIME,F/7000E,#1-100-LTH-E7100 OR EQUAL	PK	10	\$10.61	\$106.10	\$11.50	\$115.00	\$7.84	\$78.40	\$8.00	\$80.00
CARTRIDGE,TAPE, 1/2"-BK/WE-BRT-TZ231 OR EQUAL	EA	11	\$8.18	\$89.98	\$11.35	\$124.85	\$9.20	\$101.20	\$9.68	\$106.48
CARTRIDGE,TAPE, 3/8"-BK/WE-BRT-TZ221 OR EQUAL	EA	13	\$8.14	\$105.82	\$10.75	\$139.75	\$8.42	\$109.46	\$9.03	\$117.39
CASSETTE,AUD,PRO,1HR#102411-MAX-102411 OR EQUAL	EA	180	\$0.47	\$84.60	\$0.89	\$160.20	\$0.82	\$147.60	\$0.53	\$95.40
CASSETTE,AUD,PRO,90,#102211-MAX-102211 OR EQUAL	EA	190	\$0.45	\$85.50	\$0.89	\$169.10	\$0.46	\$87.40	\$0.41	\$77.90
CD-R COMPUTER DISC,VERBATIM,80MIN,24X700MB-IMA-17262 (N	EA	3600	\$0.28	\$1,008.00	\$15.95	\$57,420.00	\$0.44	\$1,584.00	\$0.22	\$792.00
CD-RW COMPUTER DISC,VERBATIM,80MIN,700MB-IMA-41149 (N	EA	1800	\$0.62	\$1,116.00	\$8.95	\$16,110.00	\$0.59	\$1,062.00	\$0.49	\$882.00
CLIP BOARD,LETTER-LOP-13450 OR EQUAL	EA	88	\$0.78	\$68.64	\$3.99	\$351.12	\$0.75	\$66.00	\$0.59	\$51.92

Description	UOM	Est Yr Qty	OfficeMax		V-Quest Office Machines & Supplies		Staples		Perry Office Plus	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
CLIP, BINDER, MED,BK,12/BX-LOP-13352 OR EQUAL	BX	180	\$0.56	\$100.80	\$1.19	\$214.20	\$0.35	\$63.00	\$0.44	\$79.20
CLIP,PAPER,JUMBO SMTH 100/BX-LOP-13301	BX	310	\$0.40	\$124.00	\$0.41	\$127.10	\$0.34	\$105.40	\$0.31	\$96.10
CLIPS, BINDER SM 12/BX-LOP-13351 OR EQUAL	BX	336	\$0.24	\$80.64	\$0.86	\$288.96	\$0.14	\$47.04	\$0.17	\$57.12
COLORED PAPER,COPY,8.5X11,ASST COLORS-SPARCO OR EQUAL	RM	240	\$3.67	\$880.80	\$4.35	\$1,044.00	\$3.66	\$878.40	\$4.27	\$1,024.80
COMPRESSED AIR DUSTER -CCS-24305 OR EQUAL	CAN	60	\$4.20	\$252.00	\$3.39	\$203.40	\$3.80	\$228.00	\$2.91	\$174.60
COMPUTER SURGE PROTECTORS,6 SOCKET-TRP-TLP602 OR EQUAL	EA	36	\$6.68	\$240.48	\$6.95	\$250.20	\$4.99	\$179.64	\$5.04	\$181.44
COMPUTER, JEWEL, CD, CASES	EA	900	\$0.18	\$162.00	\$0.30	\$270.00	\$2.89	\$2,601.00	\$0.12	\$108.00
COPY PAPER,LDG SZ,20#, WHITE-GP SPECTRUM MULTI-USE 99	RM	30	\$3.26	\$97.80	\$9.99	\$299.70	\$3.46	\$103.80	\$6.89	\$206.70
COPY PAPER,LG (8 1/2x14) SZ,20#,WHITE-GP SPECTRUM MULTI	RM	40	\$3.26	\$130.40	\$4.89	\$195.60	\$4.41	\$176.40	\$4.55	\$182.00
COPY PAPER,LT SZ, 3-HOLE PUNCHED-RELAY MP 00251 OR EQUAL	RM	200	\$3.47	\$694.00	\$4.29	\$858.00	\$3.46	\$692.00	\$3.44	\$688.00
COPY PAPER,LT SZ,20#,WHITE-GP SPECTRUM MULTI-USE 9997	CS	840	\$33.33	\$27,997.20	\$29.75	\$24,990.00	\$32.47	\$27,274.80	\$32.22	\$27,064.80
CORD,NECK,NYLON,RD-BAU-68902 OR EQUAL	EA	210	\$0.82	\$172.20	\$0.29	\$60.90	\$0.33	\$69.30	\$0.26	\$54.60
CRTDG,INK,HP 21,BK-HEW-C9351AN OR EQUAL	EA	34	\$11.98	\$407.32	\$12.75	\$433.50	\$11.88	\$403.92	\$9.03	\$307.02
CUBE,MEMO,3X3,AST-MMM-2027 OR EQUAL	EA	252	\$1.64	\$413.28	\$1.89	\$476.28	\$3.33	\$839.16	\$2.68	\$675.36
CVR,PSBD,8.5CC,LTR,BK-SMD-81152 OR EQUAL	EA	25	\$0.97	\$24.25	\$1.39	\$34.75	\$0.95	\$23.75	\$1.02	\$25.50
CVR,PSBD,CLTHBND,11X8.5,DBE-ACC-25973 OR EQUAL	EA	100	\$0.97	\$97.00	\$1.29	\$129.00	\$1.42	\$142.00	\$1.02	\$102.00
DAILY DSK CLNDR REFILL- AAG-E71750 OR EQUAL	EA	75	\$1.10	\$82.50	\$1.19	\$89.25	\$1.16	\$87.00	\$1.13	\$84.75
DISPENSER,TAPE,BK-MMM-C38BK OR EQUAL	EA	25	\$1.66	\$41.50	\$0.90	\$22.50	\$1.35	\$33.75	\$0.92	\$23.00
DVD,DVD+RW,4.7GB-SON-DPW47 OR EQUAL	EA	150	\$4.24	\$636.00	\$1.79	\$268.50	\$1.98	\$297.00	\$0.86	\$129.00
EASEL,HVYDTY,INSTA,BK-QRT-27E OR EQUAL	EA	29	\$21.56	\$625.24	\$24.50	\$710.50	\$19.18	\$556.22	\$18.57	\$538.53
ENV,CLASP,6X9,BN-WEV-CO955 OR EQUAL	BX	44	\$5.64	\$248.16	\$6.99	\$307.56	\$5.56	\$244.64	\$4.51	\$198.44
ENV,CLASP,9X12,BN-WEV-CO990 OR EQUAL	BX	33	\$6.48	\$213.84	\$7.99	\$263.67	\$8.68	\$286.44	\$5.37	\$177.21
ENV,WVN,24#,#10,WE-WEV-CO125 OR EQUAL	BX	35	\$7.71	\$269.85	\$9.99	\$349.65	\$14.96	\$523.60	\$5.87	\$205.45
ERASER,PINK PEARL,LRG-PAP-70521 OR EQUAL	EA	36	\$0.33	\$11.88	\$0.46	\$16.56	\$0.42	\$15.12	\$0.31	\$11.16
FILE,QUIK/STOR,LTR/LGL,WHI-FEL-00789 OR EQUAL	EA	48	\$1.01	\$48.48	\$29.99	\$1,439.52	\$4.87	\$233.76	\$1.64	\$78.72
FILE,STOR,ECONO,LID,LGL-FEL-00702 OR EQUAL	EA	96	\$2.20	\$211.20	\$44.99	\$4,319.04	\$7.83	\$751.68	\$2.16	\$207.36
FILE,STOR,ECONO,LID,LT/LG-FEL-00703 OR EQUAL	EA	61	\$1.01	\$61.61	\$22.99	\$1,402.39	\$1.96	\$119.56	\$1.14	\$69.54
FILE,STOR,ECONO,LID,LTR-FEL-00701 OR EQUAL	EA	96	\$1.76	\$168.96	\$39.99	\$3,839.04	\$0.83	\$79.68	\$2.03	\$194.88
FILE,STOR,ECONO,LTR-FEL-00704 OR EQUAL	EA	25	\$2.55	\$63.75	\$52.99	\$1,324.75	\$3.86	\$96.50	\$2.57	\$64.25
FLAGS,POSTIT"SIGNHERE"YW/RD-MMMM-6809 OR EQUAL	PK	48	\$1.90	\$91.20	\$3.95	\$189.60	\$3.10	\$148.80	\$1.66	\$79.68
FLAGS,POSTIT,ASST CLRS-MMM OR EQUAL	PK	84	\$3.36	\$282.24	\$3.39	\$284.76	\$2.59	\$217.56	\$1.88	\$157.92
FLDR,HANG,1/3,LTR,STD GN,25BX-LOP-10230 OR EQUAL	BX	25	\$6.09	\$152.25	\$5.49	\$137.25	\$6.65	\$166.25	\$4.46	\$111.50
FLDR,HANG,1/5,LTR,STD GN,25BX-LOP-10231 OR EQUAL	BX	25	\$5.97	\$149.25	\$5.49	\$137.25	\$5.87	\$146.75	\$4.09	\$102.25
FLUID, CORRECTION,PMOP,WE-PAP-28411 OR EQUAL	EA	48	\$0.50	\$24.00	\$0.92	\$44.16	\$0.48	\$23.04	\$0.38	\$18.24
FOLDER FILE 1/3 LTR,MNLA-VPO-00128 OR EQUAL	BX	45	\$6.62	\$297.90	\$5.49	\$247.05	\$7.86	\$353.70	\$4.84	\$217.80
FOLDER HANGING 1/5 LTR,GRN-VPO-00133 OR EQUAL	BX	32	\$5.97	\$191.04	\$4.99	\$159.68	\$11.73	\$375.36	\$4.09	\$130.88
FOLDER,2 POCKET,UNLAMINATED-AVE47986 OR EQUAL	BX	43	\$4.74	\$203.82	\$7.99	\$343.57	\$4.36	\$187.48	\$5.10	\$219.30
FOLDER,FILE,MAN 1/3CUT, LTR-LOP-10001 OR EQUAL	BX	69	\$6.62	\$456.78	\$5.49	\$378.81	\$4.99	\$344.31	\$4.84	\$333.96
GLUE STICK,.28OZ PURPLE-VPO-00077 OR EQUAL	EA	156	\$0.37	\$57.72	\$0.23	\$35.88	\$0.33	\$51.48	\$0.19	\$29.64
HIGHLIGHTER,DESK,ASST COLORS-AVERY OR EQUAL	EA	25	\$0.34	\$8.50	\$0.45	\$11.25	\$0.39	\$9.75	\$0.13	\$3.25
HIGHLIGHTER,MAJOR ACCENT,YW-SAN-25005 OR EQUAL	EA	96	\$0.11	\$10.56	\$4.99	\$479.04	\$0.39	\$37.44	\$0.13	\$12.48
INDEX,INSERT,5TAB,CL-AVE-11110 OR EQUAL	ST	412	\$0.18	\$74.16	\$0.30	\$123.60	\$0.13	\$53.56	\$0.31	\$127.72
INDEX,INSERT,5TAB,MI - AVE-11109 OR EQUAL	ST	179	\$0.20	\$35.80	\$0.30	\$53.70	\$0.49	\$87.71	\$0.31	\$55.49
INDEX,INSERT,8TAB,MI-AVE-11111 OR EQUAL	ST	96	\$0.25	\$24.00	\$0.42	\$40.32	\$0.71	\$68.16	\$0.43	\$41.28
LABEL,FOLDER,WE,248/PK-AVE-30531 OR EQUAL	PK	25	\$1.39	\$34.75	\$1.89	\$47.25	\$0.55	\$13.75	\$0.60	\$15.00

Description	UOM	Est Yr Qty	OfficeMax		V-Quest Office Machines & Supplies		Staples		Perry Office Plus	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
LABEL,LSR, 2-5/8X1,WE,3M-AVE-30600 OR EQUAL	BX	22	\$4.21	\$92.62	\$6.95	\$152.90	\$7.71	\$169.62	\$6.86	\$150.92
LEAD,.5MM-PEN-C505HB OR EQUAL	TB	36	\$0.29	\$10.44	\$0.49	\$17.64	\$0.36	\$12.96	\$0.49	\$17.64
MAILER,JIFYPAD,SS,6X10-SEL-21484 OR EQUAL	EA	25	\$0.42	\$10.50	\$10.99	\$274.75	\$0.11	\$2.75	\$0.29	\$7.25
MARKER,BROADLINE,8CT-BIN-587708 OR EQUAL	ST	25	\$1.90	\$47.50	\$2.69	\$67.25	\$1.71	\$42.75	\$2.26	\$56.50
MARKER,DRYERASE,ASST CLRS, ASST POINTS-SANFOR OR EQ	EA	70	\$0.70	\$49.00	\$0.89	\$62.30	\$0.54	\$37.80	\$0.32	\$22.40
MARKER,FINETIP,8CT-BIN-587709 OR EQUAL	ST	25	\$2.62	\$65.50	\$2.69	\$67.25	\$2.49	\$62.25	\$2.26	\$56.50
MARKER,PERM,BULLETP,LRG,BK-AVE-24878 OR EQUAL	EA	25	\$0.37	\$9.25	\$0.65	\$16.25	\$0.45	\$11.25	\$0.50	\$12.50
MARKER,PERM,CHISELTP,LRG,ASST CLRS-AVERY OR EQUAL	EA	116	\$0.36	\$41.76	\$0.52	\$60.32	\$0.20	\$23.20	\$0.26	\$30.16
MARKER,PERM,SHARPIE,ASST CLRS-SANFORD OR EQUAL	EA	368	\$0.56	\$206.08	\$0.55	\$202.40	\$0.54	\$198.72	\$0.19	\$69.92
MARKER,PERM,SHARPIEX,ASST CLRS-SANFORD OR EQUAL	EA	48	\$0.56	\$26.88	\$0.62	\$29.76	\$0.56	\$26.88	\$0.60	\$28.80
MARKER,SHARPIE,ULTRA FN,ASST CLRS-SANFORD OR EQUAL	EA	42	\$0.52	\$21.84	\$0.62	\$26.04	\$0.53	\$22.26	\$0.58	\$24.36
PAD,DESK,2COLOR,MO,22X17,BK-AAG-GG250000 OR EQUAL	EA	47	\$2.17	\$101.99	\$4.89	\$229.83	\$2.15	\$101.05	\$3.84	\$180.48
PAPER CLIPS #1 SMOOTH 100/BX-LOP-13300 OR EQUAL	BX	320	\$0.15	\$48.00	\$0.11	\$35.20	\$0.12	\$38.40	\$0.11	\$35.20
PAPER,VELLUM,67#,8.5X11,ASST CLRS-WAUSAU OR EQUAL	PK	42	\$4.64	\$194.88	\$8.29	\$348.18	\$3.73	\$156.66	\$6.54	\$274.68
PEN,BALLPT,FLEXGRIP,ASST CLRS -FINE/MED-PAPERMATE (NO	EA	396	\$0.77	\$304.92	\$0.62	\$245.52	\$0.39	\$154.44	\$0.73	\$289.08
PEN,BALLPT,FLEXGRIP,RETRACT-ASST CLRS- FINE/MED -PAPE	EA	1896	\$0.77	\$1,459.92	\$0.79	\$1,497.84	\$0.50	\$948.00	\$0.81	\$1,535.76
PEN,BALLPT,RDSTIC,MED,BK-BIC-GSM11BK OR EQUAL	DZ	39	\$0.72	\$28.08	\$1.49	\$58.11	\$0.96	\$37.44	\$0.62	\$24.18
PEN,BRITELINER,PK, ASST CLRS-BIC OR EQUAL	EA	384	\$0.20	\$76.80	\$0.45	\$172.80	\$0.32	\$122.88	\$0.27	\$103.68
PEN,ROLLBALL,G-2,FN,ASST CLRS-PILOT (NO SUBS)	EA	684	\$0.87	\$595.08	\$1.19	\$813.96	\$0.82	\$560.88	\$0.93	\$636.12
PEN,ROLLBALL,UNI,FN/XFN,ASST CLRS-SANFORD OR EQUAL	EA	276	\$1.09	\$300.84	\$0.62	\$171.12	\$0.45	\$124.20	\$0.66	\$182.16
PEN,ROLLBALL,V-BALL,FN,ASST CLRS, FINE/MED-PILOT (NO S	EA	252	\$1.12	\$282.24	\$0.99	\$249.48	\$0.91	\$229.32	\$1.01	\$254.52
PENCIL,#2,AMERICAN-PAP-12132 OR EQUAL	DZ	36	\$0.78	\$28.08	\$1.11	\$39.96	\$0.70	\$25.20	\$0.54	\$19.44
PENCIL,MECH,QUICKER,.5MM,BE-PEN-PD345TC OR EQUAL	EA	168	\$0.37	\$62.16	\$2.39	\$401.52	\$1.78	\$299.04	\$2.52	\$423.36
PENCIL,MECH,TECH II,.7MM,BK-PAP-64211 OR EQUAL	EA	34	\$1.69	\$57.46	\$3.99	\$135.66	\$1.85	\$62.90	\$2.93	\$99.62
PKT,FILE,LTR,2"EXP,STRT-SMD-75560 OR EQUAL	BX	62	\$14.22	\$881.64	\$17.69	\$1,096.78	\$29.44	\$1,825.28	\$16.67	\$1,033.54
PORTFOLIO,DBLPKT,8.5X11-SPR-71445 OR EQUAL	BX	40	\$7.19	\$287.60	\$6.99	\$279.60	\$3.03	\$121.20	\$7.37	\$294.80
PORTFOLIO,ORGANIZER,8PKT,MI-ESS-99656 OR EQUAL	EA	34	\$1.87	\$63.58	\$1.69	\$57.46	\$1.16	\$39.44	\$1.17	\$39.78
POST-IT,POPOP,RECY,3X3,YW-MMM-R330YW OR EQUAL	PD	156	\$0.31	\$48.36	\$0.95	\$148.20	\$0.78	\$121.68	\$0.31	\$48.36
PRINT CARTRIDGE-HP-51645A (NO SUBSTITUTIONS)	EA	84	\$24.24	\$2,036.16	\$26.95	\$2,263.80	\$25.97	\$2,181.48	\$25.59	\$2,149.56
PRINT CARTRIDGE-HP-C4911A,CYAN (NO SUBSTITUTIONS)	EA	14	\$31.28	\$437.92	\$36.00	\$504.00	\$29.17	\$408.38	\$32.24	\$451.36
PRINT CARTRIDGE-HP-C4912A, MAGEN (NO SUBSTITUTIONS)	EA	14	\$31.28	\$437.92	\$36.00	\$504.00	\$32.99	\$461.86	\$32.24	\$451.36
PRINT CARTRIDGE-HP-C4913A, YELLOW (NO SUBSTITUTIONS)	EA	14	\$31.28	\$437.92	\$36.00	\$504.00	\$32.99	\$461.86	\$32.24	\$451.36
PRINT CARTRIDGE-HP-C6615DN (NO SUBSTITUTIONS)	EA	46	\$23.27	\$1,070.42	\$24.95	\$1,147.70	\$29.17	\$1,341.82	\$24.18	\$1,112.28
PRINT CARTRIDGE-HP-C6656AN (NO SUBSTITUTIONS)	EA	96	\$16.20	\$1,555.20	\$16.50	\$1,584.00	\$53.56	\$5,141.76	\$17.10	\$1,641.60
PRINT CARTRIDGE-HP-C6657AN (NO SUBSTITUTIONS)	EA	76	\$27.28	\$2,073.28	\$28.00	\$2,128.00	\$16.92	\$1,285.92	\$28.72	\$2,182.72
PRINT CARTRIDGE-HP-Q6000A BLK (NO SUBSTITUTIONS)	EA	40	\$65.73	\$2,629.20	\$62.00	\$2,480.00	\$66.12	\$2,644.80	\$65.76	\$2,630.40
PRINT CARTRIDGE-HP-Q6001A CYAN (NO SUBSTITUTIONS)	EA	40	\$71.64	\$2,865.60	\$76.00	\$3,040.00	\$72.07	\$2,882.80	\$72.41	\$2,896.40
PRINT CARTRIDGE-HP-Q6002A YELLOW (NO SUBSTITUTIONS)	EA	40	\$71.64	\$2,865.60	\$76.00	\$3,040.00	\$72.07	\$2,882.80	\$72.41	\$2,896.40
PRINT CARTRIDGE-HP-Q6003A MAGENTA (NO SUBSTITUTIONS)	EA	40	\$71.64	\$2,865.60	\$76.00	\$3,040.00	\$72.07	\$2,882.80	\$72.41	\$2,896.40
REFILL,ERASER-PEN-PDE1 OR EQUAL	TB	25	\$0.69	\$17.25	\$0.99	\$24.75	\$0.69	\$17.25	\$0.92	\$23.00
ROLL,MACH,CREDIT CARD,WE-PMC-06382	CT	12	\$73.64	\$883.68	\$109.00	\$1,308.00	\$71.94	\$863.28	\$57.90	\$694.80
RULER 12" SEE-THRU PLASTIC UPC-SAN00209 OR EQUAL	EA	48	\$2.89	\$138.72	\$0.89	\$42.72	\$0.17	\$8.16	\$0.21	\$10.08
SCISSORS, 8",CAST-VPO-00108 OR EQUAL	EA	42	\$0.59	\$24.78	\$1.79	\$75.18	\$0.75	\$31.50	\$0.23	\$9.66
STAPLE REMOVER BROWN-VPO-00086 OR EQUAL	EA	24	\$0.19	\$4.56	\$0.30	\$7.20	\$0.21	\$5.04	\$0.31	\$7.44
STAPLER,DESK,STD,FULL,BK-SWI-74701 OR EQUAL	EA	27	\$2.24	\$60.48	\$12.99	\$350.73	\$10.24	\$276.48	\$1.91	\$51.57

			OfficeMax		V-Quest Office Machines & Supplies		Staples		Perry Office Plus	
Description	UOM	Est Yr Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
STAPLES,STD,210/STRIP,5M/BX-SWI-35450 OR EQUAL	BX	156	\$0.49	\$76.44	\$2.29	\$357.24	\$1.99	\$310.44	\$0.51	\$79.56
STICKY NOTE,2X3 YEL PAD-VPO-00017 OR EQUAL	PD	72	\$0.18	\$12.96	\$0.33	\$23.76	\$0.15	\$10.80	\$0.17	\$12.24
STICKY NOTE,2X3,YW,DZ-LOP-21402 OR EQUAL	PD	108	\$0.18	\$19.44	\$0.24	\$25.92	\$0.15	\$16.20	\$0.17	\$18.36
STICKY NOTE,3X3,YEL PD-VPO-00018 OR EQUAL	PD	228	\$0.18	\$41.04	\$0.25	\$57.00	\$0.17	\$38.76	\$0.19	\$43.32
STICKY NOTE,3X5 YEL PAD-VPO-00019 OR EQUAL	PD	72	\$0.36	\$25.92	\$0.39	\$28.08	\$0.30	\$21.60	\$0.31	\$22.32
STICKY NOTE,3X5,YW,DZ-LOP-21405 OR EQUAL	PD	108	\$0.34	\$36.72	\$0.36	\$38.88	\$0.30	\$32.40	\$0.31	\$33.48
STICKY NOTE,4X6 YEL LINED PAD-VPO-00020 OR EQUAL	PD	72	\$0.64	\$46.08	\$0.62	\$44.64	\$0.83	\$59.76	\$0.37	\$26.64
TAPE,1/2"-BK/WE-BRT-M231 OR EQUAL	EA	31	\$5.83	\$180.73	\$6.69	\$207.39	\$5.65	\$175.15	\$5.83	\$180.73
TAPE,BOOK,TRANS,2"X15YD-MMM-8452 OR EQUAL	RL	34	\$3.76	\$127.84	\$4.29	\$145.86	\$3.42	\$116.28	\$3.88	\$131.92
TAPE,CARTON SEALING2"-TRAN-MMM-37102CR OR EQUAL	RL	90	\$0.68	\$61.20	\$29.95	\$2,695.50	\$1.12	\$100.80	\$0.41	\$36.90
TAPE,CORRECTION-TOM-68620 OR EQUAL	EA	240	\$0.84	\$201.60	\$2.09	\$501.60	\$1.61	\$386.40	\$0.62	\$148.80
TAPE,INDUST,3/8"-BRT-TZS221 OR EQUAL	EA	17	\$9.62	\$163.54	\$12.99	\$220.83	\$9.43	\$160.31	\$11.27	\$191.59
TAPE,INVISBL,ECON,3/4X1296-MMMM-6200341296 OR EQUAL	RL	456	\$0.61	\$278.16	\$0.60	\$273.60	\$0.76	\$346.56	\$0.52	\$237.12
TAPE,VHS,30,#217112-MAX-217112 OR EQUAL	EA	30	\$2.58	\$77.40	\$1.95	\$58.50	\$2.96	\$88.80	\$1.78	\$53.40
TONER,BROTHER,FAX-PC-201 OR EQUAL	EA	36	\$20.66	\$743.76	\$22.50	\$810.00	\$20.58	\$740.88	\$9.89	\$356.04
TONER-HPC4096A (NO SUBSTITUTIONS)	EA	15	\$80.59	\$1,208.85	\$82.00	\$1,230.00	\$72.07	\$1,081.05	\$86.91	\$1,303.65
TONER-HPC7115A (NO SUBSTITUTIONS)	EA	16	\$49.45	\$791.20	\$52.00	\$832.00	\$84.98	\$1,359.68	\$54.27	\$868.32
TONER-HP-C8765WN (NO SUBSTITUTIONS)	EA	48	\$16.20	\$777.60	\$16.75	\$804.00	\$26.99	\$1,295.52	\$17.10	\$820.80
TONER-HP-C8766WN (NO SUBSTITUTIONS)	EA	48	\$20.48	\$983.04	\$19.75	\$948.00	\$18.04	\$865.92	\$20.50	\$984.00
TONER-HP-C8767WN (NO SUBSTITUTIONS)	EA	120	\$24.28	\$2,913.60	\$25.00	\$3,000.00	\$21.41	\$2,569.20	\$25.63	\$3,075.60
TONER-HP-C9363WN (NO SUBSTITUTIONS)	EA	120	\$27.00	\$3,240.00	\$27.50	\$3,300.00	\$26.30	\$3,156.00	\$28.72	\$3,446.40
TONER-HP-Q2612A (NO SUBSTITUTIONS)	EA	38	\$57.21	\$2,173.98	\$59.00	\$2,242.00	\$60.83	\$2,311.54	\$59.29	\$2,253.02
TONER-HP-Q2613X (NO SUBSTITUTIONS)	EA	10	\$75.72	\$757.20	\$75.00	\$750.00	\$77.69	\$776.90	\$79.39	\$793.90
TONER-HP-W5949A (NO SUBSTITUTIONS)	EA	33	\$59.95	\$1,978.35	\$59.00	\$1,947.00	\$60.52	\$1,997.16	\$60.58	\$1,999.14
TRAY,LETTER,STCKBLE,S/L,EY-RUB-16001 OR EQUAL	EA	26	\$1.31	\$34.06	\$2.29	\$59.54	\$1.45	\$37.70	\$1.50	\$39.00
UNIVERSAL CALCULATOR RIBBON-GRC-E201-NTBR OR EQUAL	EA	60	\$0.99	\$59.40	\$0.89	\$53.40	\$1.68	\$100.80	\$0.69	\$41.40
WALLET,15X10,5.25 EXP-SMD-71076 OR EQUAL	EA	30	\$2.07	\$62.10	\$2.69	\$80.70	\$0.99	\$29.70	\$2.76	\$82.80
TOTAL			\$100,148.73		\$197,993.94		\$103,422.80		\$96,130.24	
Discount off General Office Supplies			50%		15%		51% with 12% floor		58% with min margin	
Discount off Office Furniture			35%		15%		25% with 12% floor		45% with min margin	
Discount off Small Office Machines			35%		5%		30% with 12% floor		56% with min margin	
Discount off Desk Accessories			50%		15%		51% with 12% floor		57% with min margin	
Discount off Printer, Copier & Machine Supplies			35%		15%		25% with 12% floor		56% with min margin	
Discount off Audio Visual			35%		15%		30% with 12% floor		58% with min margin	
Exceptions Taken			Yes		None		None		None	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH PERRY OFFICE PLUS FOR THE PURCHASE OF OFFICE SUPPLIES, WITH ESTIMATED ANNUAL EXPENDITURES OF \$160,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 15, 2008, the City received 4 bids for an annual contract for the purchase of office supplies;

Whereas, the staff recommends accepting the bid submitted by Perry Office Plus of Temple, Texas, in an estimated annual amount of \$160,000;

Whereas, there are sufficient funds in the various departmental accounts for the purchases; 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 bid from Perry Office Plus of Temple, Texas, for an estimated annual expenditure of \$160,000, for the purchase of office supplies for each City department, in accordance with the bid tabulation attached hereto as Exhibit A.

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 these purchases.

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 **21st** day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/21/08
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc. of Temple for the expansion of the Summit Recreation Center in the amount of \$1,332,844.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects identified in the Parks bond package that was approved by the voters last fall was the expansion of the Summit Recreation Center. Due to the popularity of this center, additional space is needed to accommodate programming and workout space requirements of the membership. Another need was for a family changing facility to serve the pool and an additional entrance into the facility.

A design for the improvements was created that added 3 multi-purpose rooms, an additional room that will be used for weight training, a new entrance and foyer on the north end of the building and a family changing facility for the pool. The base design of the additions to the building encompasses over 7,000 square feet. Four add alternates were also bid at the same time and include painting the public and office spaces in the building, creating a new entrance desk at the south entrance to the building, building a new office for the facility manager, adding a concession area adjacent to the south entrance, and updating the existing south entrance to compliment the new entrance on the north side of the building.

Bids were opened on August 5, 2008, with eight bidders responding. Bids received ranged from a low of \$1,332,844 for the base bid and all four alternates to a high of \$1,579,918. The time for construction is 270 days.

Base bid	\$1,241,179	New addition, connecting corridor, family changing rooms
Alternate #1	\$ 54,621	Concession area, relocation of office, new reception desk
Alternate #2	\$ 2,743	Painting all public spaces
Alternate #3	\$ 1,122	Painting all office spaces
Alternate #4	\$ 33,179	Updating south entrance
Total Project	<u>\$1,332,844</u>	

The low bidder was Chaney-Cox Construction, Inc. of Temple. Since we have not used Chaney-Cox for any Parks project in the past, reference checks were made and all came back positive.

FISCAL IMPACT: Funding in the amount of \$1,625,000 is designated in account 362-3200-551-6841, project # 100359 for engineering and construction of this project from the 2008 General Obligation Bond Issue which were issued in July 2008. After funding of engineering related services in the amount of \$129,672 and other miscellaneous costs of \$17,844 a balance of \$1,477,528 remains available to fund this construction contract. and other costs associated with the project.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 5, 2008 at 2:00 p.m.
Summit Recreation Center Expansion

Description	Bidders			
	J.L. Construction Gatesville	Wurzel Builders LTD Austin	Whiteco Const. Serv. LLC Temple	Chaney-Cox Const. Temple
Base Bid	\$1,430,000.00	\$1,498,000.00	\$1,425,153.00	\$1,241,179.00
Alternate 1 (Add Bid)	\$76,000.00	\$51,000.00	\$70,866.00	\$54,621.00
Alternate 2 (Add Bid)	\$7,000.00	\$4,000.00	\$3,800.00	\$2,743.00
Alternate 3 (Add Bid)	\$3,000.00	\$1,000.00	\$977.00	\$1,122.00
Alternate 4 (Add Bid)	\$17,000.00	\$25,000.00	\$27,122.00	\$33,179.00
Total Bid	\$1,533,000.00	\$1,579,000.00	\$1,527,918.00	\$1,332,844.00
Local Preference	Yes	No	No	Yes
Bid Bond (Required at bid opening)	AIA Form	5%	5%	5%
Acknowledge Addendum	Yes	Yes	Yes	Yes
Bond Affidavit	Yes	Yes	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes

Description	Bidders			
	Jamail & Smith Const. Austin	Vanguard Contractors Temple	C.W.A Construction Waco	Aycock Construction Harker Heights
Base Bid	\$1,459,190.00	\$1,388,000.00	\$1,270,551.00	\$1,368,408.00
Alternate 1 (Add Bid)	\$30,624.00	\$57,500.00	\$54,967.00	\$76,230.00
Alternate 2 (Add Bid)	\$7,543.00	\$5,100.00	\$5,317.00	\$7,832.00
Alternate 3 (Add Bid)	\$4,365.00	\$1,900.00	\$977.00	\$4,614.00
Alternate 4 (Add Bid)	\$17,108.00	\$42,200.00	\$27,660.00	\$28,549.00
Total Bid	\$1,518,830.00	\$1,494,700.00	\$1,359,472.00	\$1,485,633.00
Local Preference	No	Yes	No	No
Acknowledge Addendum	Yes	Yes	Yes	Yes
Bid Bond (Required at bid opening)	5%	5%	5%	5%
Bond Affidavit	Yes	Yes	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes

Local Preference has not been validated

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

Belinda Mattke

5-Aug-08

Belinda Mattke, Director of Purchasing

Date

Note: Highlighted bid is recommended
for Council approval.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CHANEY-COX CONSTRUCTION, INC., OF TEMPLE, TEXAS, FOR THE EXPANSION OF THE SUMMIT RECREATION CENTER, IN THE AMOUNT OF \$1,332,844; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 5, 2008, the City received 8 bids for expansion of the Summit Recreation Center;

Whereas, the Staff recommends accepting the bid (\$1,332,844) received from Chaney-Cox Construction, Inc., of Temple, Texas;

Whereas, funding for this project is available in Account No. 362-3200-551-6841, project # 100359; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$1,332,844, with Chaney-Cox Construction, Inc., of Temple, Texas, after approval as to form by the City Attorney, for the expansion of the Summit Recreation Center.

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 **21st** day of **August**, 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

08/21/08
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design improvements necessary to address the solids removal and disposal process from the Membrane Water Treatment Plant waste stream in an amount not to exceed \$483,958.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October, 2007, the City entered into an agreement with KPA to determine the cause of and offer solutions to current solids handling problems associated with the Membrane Water Treatment Plant (MWTP). Since the MWTP was placed into operation in 2004, raw water changes in the Leon River have adversely affected the MWTP's ability to produce the plant's rated capacity of 11.6 MGD. The changes in raw water quality have altered the type and increased the amount of sediment removed during the treatment process.

KPA, in cooperation with Carollo Engineers, has completed the preliminary design phase of this project which included developing recommendations for restoring the MWTP to its original capacity. It has been determined that the capacity problems are due to a build up of inorganic matter on the membrane surface which has not allowed the current cleaning sequence (recommended by the membrane manufacturer during the treatment plant design process) to effectively clean the membrane. The build up is due to a general change in raw water quality and the amount of solids recycled through the system. The solution to the problem is two-fold – modify the cleaning regimen and implement an improved solids removal process on the backwash water.

The first phase of the project will be an expansion of the existing bulk chemical storage tanks and pumping units at the MWTP to allow for the proper implementation of a strong clean in place (CIP) sequence. Completion of this task will enable proper cleaning of the membranes, which will increase water production at the membrane water treatment plant. Design for this portion of the project will take approximately 90 days, with the construction contract award scheduled for late fall 2008. Work on the tanks will occur during the spring of 2009, which will enable water treatment plant personnel to perform the proper CIP process on all eleven racks before high summer water usage begins.

The second phase of the project will address the backwash water sedimentation process. Work completed during the preliminary engineering phase identified use of a plate settler to remove solids from the front end of the operation, reducing the amount of solids that are conveyed through the membrane racks which also contributes to fouling. This portion of the work will include installation of a plate settler, addition of a backwash equalization tank, static mixer, and recycle pumps. To accurately determine the optimal design parameters for the plate settler, it is recommended that a pilot study be performed to observe the operation of the unit under different design parameters. Performance of a pilot will allow parameters to be established based upon real world data instead of theoretical numbers for optimal operation of the constructed facilities. Fees associated with implementation of the pilot (estimated to be approximately \$15,000) are not a part of these proposed engineering services, and instead will be contracted separately between the City and the equipment manufacturer to eliminate unnecessary markup for overhead costs. Design for this portion of the project will take approximately 210 days, with construction complete by summer 2010.

Per the attachment, the engineering services are broken down as follows:

Basic Services

Plans and Specifications (Both Contracts)	\$ 237,652
Bidding (2 Separate Contracts)	
Bulk Storage Modifications	\$ 6,225
Backwash Sedimentation System	\$ 10,837
Construction Administration (Both Contracts)	<u>\$ 125,668</u>
	\$ 380,382

Special Services

Design Surveying	\$ 3,000
Plat Settler Pilot Study	\$ 22,576
On-Site Representation	
Bulk Storage Modifications	\$ 13,000
Backwash Sedimentation System	<u>\$ 65,000</u>
	\$ 103,576

TOTAL **\$483,958**

The construction cost included in the preliminary engineering report was approximately \$2.5.

FISCAL IMPACT: Funding in the amount of \$3,665,000 is designated in account 561-5100-535-6921,, project #100229 for this project from the 2006 & 2008 Utility Revenue Bond Issues. After funding engineering related services in the amount of \$108,540 from 2006 Utility Revenue Bonds, other miscellaneous costs including the purchase of module units in the amount of \$5,880 and the professional service agreement a balance of \$3,066,622 remains available for construction.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

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

August 14, 2008

Mrs. Nicole Torralva, P.E.
Assistant Director of Public Works - Operations
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Membrane Water Treatment Plant
Solids Handling and Capacity Improvements
Proposal for Amendment to Contract Agreement for Professional Services

Dear Mrs. Torralva:

The *Temple Membrane Water Treatment Plant Solids Handling and Capacity Improvements Study* report, dated August 2008, includes recommendations for restoring the Membrane Plant's original capacity (11.6 mgd) and for improving solids removal and disposal from the membrane waste stream. In the Study, we stated that the capacity problems experienced at the Membrane Plant are due to a build up of inorganic matter on the membrane surface that has not allowed the current cleaning sequence to effectively clean the membrane. This build up is due to a general change in the raw water quality experienced over the past 4 years and the amount of solids recycled through the system. The Study recommendations are generally two-fold, modify the cleaning regimen and implement an improved solids removal process on the backwash water.

This letter is in response to your request for a proposal to amend the Contract Agreement for Professional Services for the Membrane Water Treatment Plant Solids Handling and Capacity Improvement Study dated October 25, 2007, to include engineering services required to implement the Study's recommendations, more specifically for the Backwash Water Sedimentation Process and Bulk Storage Modifications. These recommendations are detailed in the aforementioned report, but generally consist of:

1. Modifications to the existing Membrane Plant operations (including piping, pumping and controls modifications):
 - a. Utilization of Excess Recirculation (XR) Loop.
 - b. Increase Reverse Filtration (RF) flow from 14 gpm/module to 18 gpm/module.
 - c. Addition of a barometric loop in the filtrate piping downstream of each rack.
 - d. Addition of acid and chlorine Enhanced Flux Maintenance (EFM) washes.
 - e. Modification of existing lagoon to be utilized as a Clean In Place (CIP)/EFM waste lagoon and as a sludge storage facility.
 - f. Replace supernatant pumps with lower output pumps.

2. Modifications/improvements to allow full implementation of Pall Corporation's (membrane manufacturer) "strong" CIP recommendation.

- a. Addition of larger bulk storage containers and pumping units required due to increased chemical requirements.
- b. Coordination with Pall Corporation to size and sequence the cleaning mechanisms.
- c. Mechanical, electrical, instrument and control mechanisms to allow implementation of recommended modifications.

To date, a "strong" CIP has been completed on one of the membrane racks which showed recovery to when the membrane was first placed into operation. Likewise, the revised CIP sequence has been implemented with positive results. The plant has been operated at 10 mgd for periods since these modifications were implemented.

3. Plate Settler Pilot Study to define final design parameters.

4. Removal of solids from the Backwash Stream

- a. Addition of 20,000 gallon backwash equalization tank.
- b. Addition of two (2) coagulation/flocculation/sedimentation basins (plate settlers) after flow equalization to remove solids.
- c. Addition of a static mixer and recycle pumps.

KPA will continue to utilize Carollo Engineers' network of specialized engineers and scientists in the final design and construction phases. We have developed the scope of work, detailed in Attachment A, required to implement the recommendations outlined above.

The implementation of these improvements will restore the Membrane Plant's capacity to 11.6 mgd and address removal of solids from the backwash waste. The order of magnitude Construction Cost included in the Study for this project was \$ 2.5 million.

In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

Basic Services

• Plans and Specifications	\$ 237,652
• Bidding (2 Separate Contracts)	
Bulk Storage Modifications	\$ 6,225
Backwash Sedimentation System	\$ 10,837
• Construction Administration (both Contracts)	\$ 125,668
Sub-Total Basic Services	\$ 380,382

Additional Services

• Design Surveys	\$ 3,000.
Sub-Total Additional Services	\$ 3,000.

Special Services

• *Plate Settler Pilot Study	\$ 22,576
• Daily On-Site Representation (2 Separate Contracts)	
Bulk Storage Modifications	13,000
Backwash Sedimentation System	65,000
Sub-Total Special Services	\$ 100,576

TOTAL PROFESSIONAL SERVICES \$ 483,958

*Does not include fees from manufacturer for use of equipment. We recommend these costs be contracted directly with Manufacturer to eliminate markup for overhead costs. Also, professional liability insurance (errors and omissions) provided by design engineers does not provide the type of coverage needed for activities associated with furnishing and installing equipment. We anticipate that the Manufacturer fees for furnishing a pilot unit and proper insurance coverage will be approximately \$15,000.

Attachment B outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

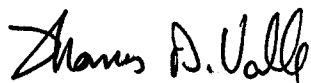
KPA will begin work once a written notice to proceed is issued by the City and will have bid documents prepared within the following time frames:

- Bulk Storage Modifications – 90 calendar days
- Backwash Sedimentation System – 210 calendar days

These schedules will allow the Bulk Storage Modifications to be bid and construction to begin before or around the first of the year. This will allow the remaining “strong” CIPs to be performed prior to next summer. The construction of the Backwash Sedimentation System will be online prior to summer 2010.

We are available to address any questions or comments that you may have about this proposal.

Sincerely,



Thomas D. Valle, P.E.

TDV,RNK/tdv

ATTACHMENT A – SCOPE OF SERVICES
CITY OF TEMPLE, TEXAS
MEMBRANE WATER TREATMENT PLANT
SOLIDS HANDLING AND CAPACITY IMPROVEMENTS

BACKGROUND

The City of Temple has operated the Membrane Water Treatment Plant (MWTP) for four years. The design of the membrane system was based on a pilot testing study. However, source water characteristics have changed since the pilot testing study was completed and the current cleaning regiment must be modified accordingly. Additionally, recycle of solids from the backwash stream must be addressed to lengthen the time required between “strong” CIPs. The following professional services are required to allow modification of the existing system and construction of new facilities to allow the MWTP to consistently produce its rated capacity of 11.6 million gallons per day (mgd).

SCOPE OF WORK

Task 1 – Modify Chemical Storage and Feed System to Implement Revised Cleaning Sequence

This first task will expand the bulk storage capacity of the Membrane Plant to allow “strong” CIPs to be performed on the remaining 10 racks.

- 1.1 Consult with Pall Corporation (membrane manufacturer) to further define design parameters.
- 1.2 Size and locate chemical storage and neutralization tanks, including discussions with plant operators to incorporate operations concerns.
- 1.3 Prepare control strategy to allow operator initiated operation of new “strong” CIP.
- 1.4 Preparation of plans and specifications to allow competitive bidding of proposed project.

Task 2 – Pilot Study

The purpose of this task will be to observe the operation of a plate settler pilot unit operated under different parameters on the backwash water at the MWTP. This will allow the design parameters to be established (based on piloted data instead of theoretical) and optimize the operation of the constructed facilities.

- 2.1 Coordination with City and Manufacturer to develop Pilot Study plan and protocol, installation and operating parameters.
- 2.2 Daily site visits to observe operation and record operating conditions and parameters for approximately one month.
- 2.3 Review and analyze completed Pilot Study data.
- 2.4 Prepare Summary Letter outlining results of Pilot Study and recommendations.

Task 3 – Design of Backwash Sedimentation System and Modifications to Existing MWTP

Task 3 encompasses the design of the recommended modifications and/or improvements outlined in the Study and further summarized in bullets 1 and 4 of the attached letter proposal.

- 3.1 Coordination with City and Plant personnel concerning location and operation of proposed improvements.
- 3.2 Preparation of plans and specifications (civil, electrical and structural) to allow competitive bidding of proposed project.
- 3.3 Refine cost estimate to the level of a budget estimate.

Task 4 – Bidding

Bid phase services will be provided for two (2) separate construction contracts and consist of the following:

- 4.1 Provide 25 copies of 11x17 Plan Sets for bidding purposes.
- 4.2 Provide 1 hard copy of Bid Schedule and Technical Specifications for bidding purposes.
- 4.3 Conduct Pre-Bid meeting with prospective contractors.
- 4.4 Issue Addendum addressing contractor questions.
- 4.5 Review bids, prepare bid tabulation and write letter of recommendation.

Task 5 – Construction Administration Services

Construction phase services will be provided for two (2) separate construction contracts and consist of the following:

- 5.1 Provide 10 copies of 11x17 Plan Sets for construction purposes.
- 5.2 Conduct Pre-Construction Conference with City and Plant personnel and Contractor.
- 5.3 Reviewing, for compliance with design concepts, shop and erection drawings submitted by the contractor.
- 5.4 Address requests for information (RFIs) from Contractor.
- 5.5 Visiting the project site at appropriate intervals as construction proceeds to observe and report on the progress and quality of the executed work.
- 5.6 Issuing instructions from the City to the contractors, issuing necessary interpretations and clarifications of contract documents, preparing change orders requiring special inspections and testing of the work, and making recommendation as to acceptability of the work.
- 5.7 Making recommendations to the client on corrective actions or contractual measures that may be exercised by the City.
- 5.8 Preparing sketches required to resolve problems due to actual field conditions encountered.
- 5.9 Assisting the City in determining amounts of progress payments due, based on degree of completion of the work.

- 5.10 Preparing 11x17 record drawings (2 hard copies and 1 electronic copy in pdf form) from information submitted by the Contractor.
- 5.11 Making a final review and reporting on completion of the project, including recommendations concerning final payments to contractors and release of retained percentages.

Task 6 – On-Site Representative during Construction Phases

The Resident Project (On-Site) Representative will act under the direct supervision of the Engineer, will be the Engineer's agent in all matters relating to on-site construction review of the Contractor's work, will communicate only with the Engineer and the Contractors, and will communicate with Subcontractors only through the Contractor or his authorized superintendent. On-Site Representative services will be provided for two (2) separate construction contracts and consist of the following:

- 6.1 Providing the services of an on-site construction representation (OSR) to observe the executed work and to determine in general if the work is proceeding in accordance with the contract documents. In carrying out this function, it is understood that the Engineer does not guarantee the Contractor's performance, nor is he responsible for supervision of the Contractor's performance and employees and that he is not responsible for jobsite safety. It is anticipated that the time required for an OSR will vary from day to day throughout construction depending on the particular activities being conducted by the Contractor.
- 6.2 Advise and consult with the Engineer in matters regarding progress, shutdown, operations, City's request, and other matters as may be necessary for proper execution for the construction contract.
- 6.3 Advise the Engineer in matters related to approval or disapproval of field laboratory tests performed by a soils testing laboratory, shop drawings, and mill tests of materials and equipment.
- 6.4 Provide field interpretation of the contract plans and specifications.
- 6.5 Perform, in company with the Engineer and the City, a final inspection of the Project.
- 6.6 Assist in the revision of the contract drawings to conform with construction records.

Task 7 – Project Management

Effective communication and teamwork will be key to the delivery of plans and specifications within the required project timeframe. We will coordinate the planning, execution, monitoring, and controlling process, and the closing process throughout the duration of the project.

ATTACHMENT B

Charges for Additional Services

City of Temple

Membrane WTP Solids Handling and Capacity Improvements

KPA Rates

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

Carollo Rates

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 102.00/hour
Project Manager	2.4	94.00/hour
Project Engineer	2.4	94.00/hour
Professional (Structural)	2.4	67.00/hour
Engineer-in-Training	2.4	52.00/hour
CAD Technician	2.4	43.00/hour
Clerical	2.4	32.00/hour
Expenses	1.1	actual cost

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO DESIGN IMPROVEMENTS NECESSARY TO ADDRESS THE SOLIDS REMOVAL AND DISPOSAL PROCESS FROM THE MEMBRANE WATER TREATMENT PLANT WASTE STREAM, IN AN AMOUNT NOT TO EXCEED \$483,958; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in October, 2007, the City entered into a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to address the solids removal and disposal process from the Membrane Water Treatment Plant waste stream;

Whereas, Kasberg, Patrick & Associates, LP, in cooperation with Carollo Engineers, has completed the preliminary design of the project which included developing recommendations for restoring the Membrane Water Treatment Plant to its original capacity;

Whereas, the contract needs to be amended to provide for the additional engineering services which are necessary for this purpose;

Whereas, funds are available for these additional services in Account No. 561-5100-535-6921, Project No. 100229; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for engineering services required to design improvements necessary to address the solids removal and disposal process from the Membrane Water Treatment Plant waste stream, for an amount not to exceed \$483,958.

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 **21st** day of **August**, 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

08/21/08
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, PE, Public Works Director
Michael C. Newman, PE, CFM, Assist. Public Works Director/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services required to design Tarver Road Extension to Outer Loop Phase 3 for an amount not to exceed \$176,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Tarver Roadway extension when completed will provide continuous east-west connection between Outer Loop 3 (Old Waco Road) and State Highway 317. Tarver Road will help serve several new residential subdivisions and provide an alternative to West Adams/FM 2305.

The project will consist of extending the existing Tarver roadway approximately 1,800 linear feet to the east and connect to Outer Loop Ph. 3. The project also includes storm drainage system and water utility system improvements. Professional services will include complete design surveys, archeological investigations, environmental investigations, geotechnical analysis, horizontal/vertical roadway alignment, traffic control, water utility design, wastewater utility coordination, drainage analysis and design of the project area drainage, conveyance of storm water to the Outer Loop drainage system, bidding of project, construction administration, construction staking, on-site representation, and record drawings. The scope of services does not include right-of-way surveys, documents and acquisition services. KPA recommends that these services be contracted directly with a right-of-way acquisition company.

The proposed timeline for the design portion of this project is 6-months from notice of proceed. An outline of rates that would be used to charge for additional services authorized beyond the scope are also described and included with KPA's attached proposal.

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

Basic Services

Civil Design (street/drainage)	\$ 69,500
Civil Design (water/wastewater)	\$ 18,000
Bidding (street/drainage)	\$ 2,800
Bidding (water/wastewater)	\$ 700
Construction Administration (street/drainage)	\$ 24,500
Construction Administration (water/wastewater)	\$ 4,000
Subtotal Basic Services	\$ 119,500

Special Services

Design Surveys (street/drainage)	\$ 8,800
Design Surveys (water/wastewater)	\$ 2,200
Construction Staking (street/drainage)	\$ 7,200
Construction Staking (water/wastewater)	\$ 1,800
Geotechnical Services (street/drainage)	\$ 5,600
Geotechnical Services (water/wastewater)	\$ 1,400
Environmental Services (street/drainage)	\$ 2,800
Environmental Services (water/wastewater)	\$ 700
Archeological Services (street/drainage)	\$ 3,200
Archeological Services (water/wastewater)	\$ 800
Subtotal Special Services	\$ 34,500

On-site Representation (street/drainage)	\$ 17,600
On-site Representation (water/wastewater)	\$ 4,400
Subtotal On-Site Representation	\$ 22,000

TOTAL **\$ 176,000**

FISCAL IMPACT: The total cost of professional services for the Tarver Road project is \$176,000. The cost of professional services related to the Street and Drainage portion of the project is \$142,000. Funding in the amount of \$1,360,000 is designated in account 361-3400-561-6847, project #100392, for the engineering and construction costs associated with the extension of Tarver Road as part of the FY 2008 CIP funded with Certificate of Obligation bonds sold on July 8, 2008. After funding this portion of this agreement, \$1,218,000 remains available for construction and other cost to be incurred with this project.

The cost of the professional services related to the relocation of water and sewer utilities associated with the project is \$34,000. Funding in the amount of \$200,000 is designated in account 561-5200-535-6936, project #100391, for engineering and construction cost associated with the utility relocation as part of the FY 2008 CIP funded with Utility Revenue bonds sold on July 8, 2008. A balance of \$166,000 remains available to fund construction and other costs to be incurred on this project.

ATTACHMENTS:

[KPA Engineer's Proposal](#)
[Tarver Road Extension illustration](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

One South Main
Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

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

July 16, 2008

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple
Tarver Road Extension

Dear Mr. Newman:

At the request of the City of Temple, we were directed to prepare a proposal for the above referenced project. The project will complete the design, bidding, construction administration and on site representation phases.

This project will consist of the extension of approximately 1,800 linear feet of Tarver Road to the east with a connection to the Outer Loop. The connection point is within Phase III of the Outer Loop which is currently under design. The project also includes storm water drainage facilities, water utility improvements and manhole adjustments. Our current opinion of probable cost for these improvements is \$ 1,300,000.00. Currently approximately thirty (30) feet of right-of-way for the roadway exists, but an additional 1.65 acres will be needed to complete the project. Rights-of-way acquisition services are not included in this proposal.

Kasberg, Patrick & Associates, LP will complete all phases of the project as described above. The proposed timeline for this portion of the project is six (6) months from the notice to proceed.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

The scope of services for this project will include the following:

- Design surveys.
- Topographical design.
- Archeological investigations
- Environmental investigations
- Roadway horizontal alignment.
- Roadway vertical alignment.
- Roadway connection to the Outer Loop.
- Drainage conveyance to the Outer Loop System.
- Traffic control for the project.
- Storm Water Pollution Prevention Plan for the project.
- Water utility design.
- Wastewater utility coordination.
- Bidding services.
- Attend the pre-bid conference.
- Attend the bid opening.
- Tabulate and certify bids.
- Recommend award of the project.
- Provide construction administration.
- Provide construction staking.
- Provide on-site representation.
- Record Drawings for the project.

City of Temple- Tarver Road Extension

Basic Services

Civil Design (Street & Drainage)	\$	69,500
Civil Design (Water & Wastewater)	\$	18,000
Bidding (Street & Drainage)	\$	2,800
Bidding (Water & Wastewater)	\$	700
Construction Administration (Street & Drainage)	\$	24,500
Construction Administration (Water & Wastewater)	\$	4,000
Total Basic Services	\$	119,500

On-Site Representation (Street & Drainage)	\$	17,600
On-Site Representation (Water & Wastewater)	\$	4,400
	\$	22,000

Special Services

Design Surveys (Street & Drainage)	\$	8,800
Design Surveys (Water & Wastewater)	\$	2,200
Construction Staking (Street & Drainage)	\$	7,200
Construction Staking (Water & Wastewater)	\$	1,800
Geotechnical Services (Street & Drainage)	\$	5,600
Geotechnical Services (Water & Wastewater)	\$	1,400
Phase I Environmental (Street & Drainage)	\$	2,800
Phase I Environmental (Water & Wastewater)	\$	700
Archeological Clearances (Street & Drainage)	\$	3,200
Archeological Clearances (Water & Wastewater)	\$	800
Total Special Services	\$	34,500

The total for Street & Drainage is \$142,000 and the total for Water & Wastewater is \$34,000.

We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



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

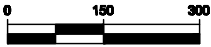
RDP/crc

EXHIBIT C

Charges for Additional Services

City of Temple Tarver Road Extension

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 45.00 – 60.00/hour
Project Manager	2.4	38.00 – 48.00/hour
Project Engineer	2.4	30.00 – 40.00/hour
Engineer-in-Training	2.4	24.00 – 35.00/hour
Engineering Technician	2.4	18.00 – 32.00/hour
CAD Technician	2.4	18.00 – 32.00/hour
Clerical	2.4	10.00 – 16.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	85.00 – 100.00/hour
Registered Public Surveyor	1.0	60.00/hour
On-Site Representative	2.1	31.00/hour



HORIZONTAL SCALE IN FEET



PROPOSED TARVER RD. EXTENSION



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76781

**PROPOSED TARVER RD.
EXTENSION**

**PROPOSED
OUTERLOOP
PHASE III**

TARVER RD.

FREEDOM RD.

OLD WACO RD

JUPITER RD.

VENUS DR.

OLD WACO LN.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO DESIGN TARVER ROAD EXTENSION TO OUTER LOOP PHASE 3, IN AN AMOUNT NOT TO EXCEED \$176,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Tarver Road extension when completed will provide continuous east-west connection between Outer Loop 3 (Old Waco Road) and State Highway 317, and Tarver Road will also help serve several new residential subdivisions and provide an alternative to West Adams/FM 2305;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering services for this project in the amount of \$176,000, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 361-3400-531-6847, Project No. 100392; 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 \$176,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to design Tarver Road Extension to Outer Loop Phase 3.

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 **21st** day of **August**, 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

08/21/08
Item #5(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham/City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a beautification agreement with Misty Creek Development, Inc., for the right-of-way and median along FM 93 adjacent to the Misty Creek Subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September 2005, the City Council passed a resolution adopting a policy on beautification of City medians and rights-of-way in residential neighborhoods. The applicants have submitted a request for a beautification development agreement under this policy. Their application proposes that the City provide water for landscaping improvements for the rights-of-way and median on FM 93 adjacent to the Misty Creek subdivision.

Per the policy adopted by the City Council, the developer and homeowners association will construct a screening fence along FM 93 to screen the abutting residential properties from the right-of-way. The developer commits, as a condition of the Agreement, to creating a home owners association and maintaining the fencing, irrigation system and landscaping. The City commits to providing water for the landscaping system. The term of the Agreement is fifteen years.

The Staff recommends approval of the Agreement.

FISCAL IMPACT: The Parks and Leisure Services Department will provide water for this project. The estimated impact from this agreement on the FY 2009 proposed operating budget for the PALS Department is \$2,500. The Parks and Leisure will request a budget amendment at a later date to address the additional expense of this agreement if needed.

ATTACHMENTS:

[Application](#)
[Resolution](#)

City of Temple
Application for Beautification Development Agreement
(City-provided Water)

Applicant	Name	Misty Creek Development, Inc.		
	Street	15 N Main Street		
	City, State & Zip	Temple	TX	76501
Subdivision	Name	Misty Creek Subdivision		
	Location	Temple, Texas		

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

Attach a site-plan showing all improvements proposed by the developer within public right-of-way. The plan must show:

- Continuous wood, masonry or wrought-iron fencing along length of adjacent collector or arterial street
- Landscaping (type, size and approximate location)
- Irrigation (Upon completion, applicant must provide the City with "as built plans")
- Other improvements located within the beautification area to be included in the development agreement.
- Dimensions of the area to be irrigated and the proximity to arterial or primary collector streets.

The plan must demonstrate that the landscaping improvements will be installed in a manner that the landscaping will not provide a traffic safety hazard when fully mature, if properly maintained.

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

24 Lots

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

I have reviewed the City's policy (back side) and agree to comply with all terms contained therein. I understand I will be required to complete the improvements according to the approved plans and that the City Council reserves the right to deny any application, see policy on reverse side.

Applicant's Signature:  for Misty Creek Development, Inc.

Date: August 12, 2008 Telephone No. 254-774-8333

City of Temple
Application for Beautification Development Agreement—City Provided Water
Identification of Parties-In-Interest

Subdivision	Misty Creek Subdivision				
Developer	Misty Creek Development, Inc.				
All owner's of property within the subdivision	Full Name	Address	City	State	Zip
	Harry and Suzzanne Adams	6820 Misty Creek Lane	Temple	TX	76502
	Michael and Ruth Spiekerman	6816 Misty Creek Lane	Temple	TX	76502
	Misty Creek Development, Inc.	Remaining lots			

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

	Entity Name	Entity Style <small>(Corporation, Partnership, etc.)</small>	Shareholders / Partners / Members
1	Misty Creek Development, Inc.	Corporation	Michael L. Brock, Juanita A. Weir
2			
3			

Completed by:

Juanita A. Weir
 Juanita A. Weir

Date: August 12, 2008

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A BEAUTIFICATION AGREEMENT WITH MISTY CREEK DEVELOPMENT, INC., FOR THE RIGHT-OF-WAY AND MEDIAN ALONG SH93 ADJACENT TO THE MISTY CREEK SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 4, 2005, the City Council adopted Resolution No. 2005-4455-R adopting a policy on beautification of City medians and rights-of-way in residential neighborhoods;

Whereas, Misty Creek Development, Inc., submitted a request for a beautification agreement under this policy which proposes maintaining landscaping for the right-of-way and median along SH93 adjacent to the Misty Creek Subdivision;

Whereas, in accordance with the policy adopted by the City Council, the developer commits to maintaining the fencing, irrigation system and landscaping during the term of the fifteen year agreement – the City commits to providing water for the landscaping system;

Whereas, the Parks and Leisure Services Department will provide the water for this project from their budgeted funds; 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 beautification agreement with Misty Creek Development, Inc., after approval as to form by the City Attorney, for the right-of-way and median along SH93 adjacent to the Misty Creek Subdivision.

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

PASSED AND APPROVED this the 21st day of August, 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

08/21/08
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Manager
David Blackburn, City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution (1) authorizing amendments to existing City leases with McLane Company, Inc., and RDM Commerce, Inc., that allow the exchange of hangar 19 (transferring from RDM to McLane) and hangar 23 (transferring from McLane to RDM); and (2) authorizing a new lease agreement with RDM that will combine their newly assigned leasehold interest in hangar 23 with a previously authorized ground lease on Lot 23-A for the construction of a new hangar.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently has a lease with McLane Company, Inc., for HangArs #21, #22, and #23 (expires December 31, 2014) and a lease with RDM Commerce, Inc., for HangAr #19 (expires May 17, 2014) at Draughon Miller Central Texas Regional Airport. The City also authorized a ground lease with RDM in April 2008 that expires in 2028 and allows them to construct a new large private hangar. McLane and RDM wish to exchange their leasehold interests in Hangars 19 and 23 respectively, so that McLane will end up leasing Hangar 19 and RDM will lease Hangar 23. The proposed resolution authorizes amendment of the McLane lease to remove Hangar 23 from that lease, and substitutes McLane as the lessee on the existing [RDM] lease for Hangar 19.

At RDM's request, the proposed resolution would also allow the City to execute a new lease agreement with RDM that will combine the ground lease for the new hangar (Hangar 23A) with the Hangar 23 lease that RDM is assuming from McLane. In the newly authorized lease agreement, RDM would continue to pay the annual lease payment for the ground lease for the property on which Hangar 23A will sit, and a monthly hangar lease payment for Hangar 23 for a term that will extend through 2028 (the term of the ground lease for the new hangar). RDM currently plans to tear down Hangar 23 and construct additional parking on that site for the new Hangar 23A. The Staff proposes in the new lease agreement that if Hangar 23 is torn down, that the City and RDM will renegotiate the compensation terms for the remainder of the term of that lease (through 2028) to reflect the addition in land area (the ground lease for the new hangar is based on \$.10 s.f.) and also to compensate the City for the loss of its asset, the existing Hangar 23.

In the event, that RDM decides not to tear Hangar 23, they would continue to make monthly payments to the City for Hangar 23 (in the amounts currently set out in the City's current lease with McLane Company) through December 31, 2014 (the expiration date of existing McLane lease) after which the parties agree to renegotiate the monthly lease payment to reflect the current market value of that hangar for the remainder of the term of the lease through 2028. (Note that the current monthly lease payment for Hangar 23 is below market rates to allow the lessee to recover its investment in constructing an improvement which becomes the property of the City.) If Hangar 23 is not torn down, RDM would also continue to pay the compensation approved by the City in April 2008 for the annual ground lease for the Hangar 23A.

In summary, the resolution authorizes amendments of the two existing leases with RDM and McLane, the execution of ancillary agreements with RDM and McLane necessary to approve the exchange of hangars 19 and 23, and authorizes a new agreement with RDM combining their assumed lease on Hangar 23 with the recently authorized ground lease on Lot/Hangar 23A for a new hangar.

FISCAL IMPACT: RDM Commerce, Inc., leases approximately 3,600 square feet @ \$.07 cents per square foot for a total of \$252 monthly. McLane Company leases approximately 2,900 square feet @ \$.07 cents per square foot for a total of \$203 monthly. After the leases are transferred each company will continue to pay the rental fee previously paid by the original lessee. RDM's ground lease for a new hangar requires RDM to make an annual payment to the City of \$4,135 and has a CPI adjustment. Those amounts would not change until the earlier of: (1) RDM demolishing Hangar 23, which will trigger an adjustment in the ground lease rate for the entire tract on which Hangar 23 and 23A are sited; or (2) December 31, 2014, at which time the original lease on Hangar 23 would have expired, and the monthly hangar rental on Hangar 23 would be renegotiated to reflect current market rates.

ATTACHMENTS:

Conveyance Agreement (to be provided)
Release Agreement (to be provided)
Resolution



COUNCIL AGENDA ITEM MEMORANDUM

08/21/08
Item #5(l)-(1)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2008-2022 to include redesignation of projects within the Project Plan and future year bond payments.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second reading and final adoption for August 21, 2008.

ITEM SUMMARY: On May 15, 2008, the Financing Plan was amended to reflect the increase in the amount of taxable revenue bonds to be issued. The amount was increased to provide additional funding to cover updated project cost, purchase of land, and a project contingency. Rail construction estimates increased due to rising prices of steel. The contingency was added due to the uncertainties in the future cost of steel. The Financing Plan was also amended to adjust debt service payments to actual for the 2008 Nontaxable CO issue sold on March 20, 2008, and adjusted debt service payments proposed for the 2008 Taxable Revenue Bonds for the change in issuance amount. These bonds were sold on June 5, 2008.

The proposed Financing Plan amendment adjusts the 2008 Taxable Revenue Bonds debt service payments in FY 2008 through FY 2022 to actual and adjusts for the cost of issuance of the bonds. The additional amendments increase funding for the Greenbelt Development along Pepper Creek, provide funding for the add alternate in the Rail Park bid, and various other clean up items that are detailed below.

The proposed amendment adjusts the following line items on the Financing Plan:

Line 33 – Miscellaneous Reimbursements: Reduced miscellaneous reimbursements by \$128,410 to reflect the actual amount to be received from Gulf States Toyota (GST) for 50% of the construction cost of the underground storm water system. The actual amount received from GST on July 3, 2008 was \$796,590.

Line 50 – Professional: Reduced by \$431 to cover bond issuance costs.

Line 71 – Debt Service – 2008 Taxable Revenue Bonds: The debt service amounts for FY 2008 - FY 2022 was adjusted to reflect the actual amortization of \$10,365,000 for 15 years at a net interest cost of 5.29%.

Line 73 – Issuance Costs: Added \$5,000 to issuance costs. Actual issuance costs for both bond issues totaled \$169,998. \$4,569 of the funding needed comes from the savings realized on the debt service payments of the 2008 Taxable Revenue Bonds and \$431 comes from the Professional account.

Line 100 – Railroad Spur Improvements: Added \$1,075,498 to this line from the following: reallocated \$800,000 of funding issued in the 2008 Taxable Revenue Bonds from contingency, reduced the funding for the underground storm water system by \$128,410 to account for the revenue that will not be received by GST, added \$95,240 for the construction of the underground storm water system and added \$68,303 from the remaining funds from the Wendland property land acquisition. This line was also increased by \$240,365 to fund the add alternate of the Rail Park bid to be funded from the Northwest Loop funding.

Line 105 – Elm Creek Detention Pond: Reduced \$95,240 to reallocate funding for the underground storm water system.

Line 121 – ROW Acquisition: Reduced \$15,000 to fund additional costs associated with the Airport Park.

Line 122 – Land Acquisition-Wendland property: Reduced \$68,303. Land purchase is complete, reallocating remaining funds from Taxable Revenue Bond issue to the Rail Park, Line 100.

Line 221 – Airport Park: Added \$15,000 to the Airport Park project to fund a change order for clearing and seeding and fund testing fees for the entire project.

Line 300 – Greenbelt Development along Pepper Creek: Added \$464,225 to fund bid item A {Hike & Bike Trail}, item B {Water features}, item C {site accessories}, and a 5% contingency for the project. This funding comes from the from the Northwest Loop funding.

Line 420 – Northwest Loop: Reduced by \$704,590 to partially fund the add alternate of the Rail Park bid {\$240,365} and to supplement funding for the Greenbelt Development along Pepper Creek {\$464,225}.

Line 501 – Taxable Revenue Bond Contingencies: Reduced \$800,000 to reallocate the bond funds to the Railroad Spur Improvements.

FISCAL IMPACT: The proposed amendment was funded by reallocating funds between projects and line items. There is a decrease of revenue in the amount of \$128,410 for funds that will not be received from GST. There is no use of fund balance for any of the line items. When reallocating funds among/between projects, our goal was to apply bond proceeds to eligible projects first since there are more restrictions on what projects bond proceeds can be used.

ATTACHMENTS:

Financing Plan

Summary Financing Plan with Detailed Project Plan

Budget Adjustment

Ordinance

DESCRIPTION		Y/E 9/30/08 Year 26	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	Appraised Value	\$ 123,405,421	\$ 131,160,668	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5	FUND BALANCE, Begin	\$ 8,788,778	\$ 1,453,464	\$ 1,282,134	\$ 2,447,308	\$ 2,406,879	\$ 1,548,437	\$ 1,476,201	\$ 1,868,370	\$ 1,826,222	\$ 1,845,998	\$ 1,429,524	\$ 1,378,738	\$ 1,626,241	\$ 1,867,587	\$ 2,182,408
SOURCES OF CASH:																
10	Tax Revenues	3,934,627	4,051,439	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15	Allowance for Uncoll. Taxes	(105,146)	(108,507)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20	Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Interest Income-Other	240,000	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30	Other-Bond Proceeds	26,375,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Miscellaneous Reimbursements {GST}	796,590	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	TOTAL SOURCES	31,241,071	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:																
Operating Expenses																
50	Prof Svcs/Proj Mgmt	88,003	90,202	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51	Legal/Audit	1,100	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55	Zone Mtc	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60	TEDC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65	TISD-Joint Use facilities	107,508	22,201	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90	Subtotal-Operating Expenses	371,611	288,503	290,530	292,594	294,797	296,940	299,124	301,350	303,617	306,027	308,382	310,780	313,225	315,715	318,354
Projects (2)																
199	North Zone (3)	20,665,420	40,000	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299	Western Aviation Zone (3)	3,057,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399	Western Bio-Science & Medical Zone (3)	11,019,715	-	-	-	-	-	-	-	-	-	-	-	-	-	-
400	Southeast Industrial Park Zone (3)	73,500	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-
405	General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-	-	-
410	Major Gateway Entrances	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415	Downtown Improvements	18,481	185,779	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420	Loop 363 Improvements	905,410	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430	Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Public Improvements	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000	2,500,000	3,000,000	-	4,000,000	4,500,000	4,500,000	6,874,548
600	Subtotal-Projects	36,270,580	1,825,779	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643	2,705,667	3,207,710	2,909,775	4,211,860	4,713,966	4,716,093	7,092,789
Debt Service																
625	2003 Bond Issue	867,935	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626	2008 Bond Issue-Nontaxable {\$16.010 mil}	623,705	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784	1,785,948	1,785,868	1,783,544	1,783,976	1,786,960	1,787,292	1,784,972
627	2008 Bond Issue-Taxable {\$10.365 mil}	271,354	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628	Issuance Costs	170,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
630	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635	Subtotal-Debt Service	1,934,194	2,039,980	2,042,140	2,042,015	3,895,630	3,898,436	3,896,130	3,893,147	3,894,532	3,894,604	3,893,454	3,895,589	3,895,544	3,898,232	3,898,664
650	TOTAL USES	38,576,385	4,154,262	3,364,783	4,655,506	7,063,968	6,795,031	6,396,893	6,898,140	6,903,816	7,408,341	7,111,611	8,418,229	8,922,735	8,930,040	11,309,807
660	FUND BALANCE, End	1,453,464	1,282,134	2,447,308	2,406,879	1,548,437	1,476,201	1,868,370	1,826,222	1,845,998	1,429,524	1,378,738	1,626,241	1,867,587	2,182,408	189,150
670	Required Debt Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	-
700	AVAILABLE FUND BALANCE	\$ 485,464	\$ 314,134	\$ 1,479,308	\$ 1,438,879	\$ 580,437	\$ 508,201	\$ 900,370	\$ 858,222	\$ 877,998	\$ 461,524	\$ 410,738	\$ 658,241	\$ 899,587	\$ 1,214,408	\$ 189,150
800	FUND BALANCE, Begin	8,788,778	1,453,464	1,282,134	2,447,308	2,406,879	1,548,437	1,476,201	1,868,370	1,826,222	1,845,998	1,429,524	1,378,738	1,626,241	1,867,587	2,182,408
	Prior period Adjustment-net	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805	Revenue over(under)expense	(7,335,314)	(171,330)	1,165,174	(40,429)	(858,442)	(72,236)	392,169	(42,148)	19,776	(416,474)	(50,786)	247,503	241,346	314,821	(1,993,258)
810	FUND BALANCE, End	\$ 1,453,464	\$ 1,282,134	\$ 2,447,308	\$ 2,406,879	\$ 1,548,437	\$ 1,476,201	\$ 1,868,370	\$ 1,826,222	\$ 1,845,998	\$ 1,429,524	\$ 1,378,738	\$ 1,626,241	\$ 1,867,587	\$ 2,182,408	\$ 189,150

SUMMARY FINANCING PLAN								
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5Beginning Available Fund Balance, Oct 1	\$ 8,788,778	\$ 1,453,464	1,282,134	2,447,308	2,406,879	1,548,437	1,476,201	1,868,370
40Revenues, net	31,241,071	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45Less Required Debt Reserve (increase after FY2006)	-	-	-	-	-	-	-	-
49Net Available for Appropriation	40,029,849	5,436,396	5,812,091	7,062,385	8,612,405	8,271,232	8,265,263	8,724,362
50General Administrative Expenditures	89,103	91,302	93,107	94,947	96,924	98,838	100,791	102,783
55Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65TISD - Joint Use Facilities	107,508	22,201	22,423	22,647	22,873	23,102	23,333	23,567
70Debt Service - 2003 Issue	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71Debt Service - 2008 Issue {\$16.010 mil}	623,705	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784
72Debt Service - 2008 Taxable Issue {\$10.365 mil}	271,354	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73Issuance Costs	170,000	-	-	-	-	-	-	-
75Total Operating & Committed Expenditures	2,305,805	2,328,483	2,332,670	2,334,609	4,190,427	4,195,376	4,195,254	4,194,497
99Net Available for Projects	\$ 37,724,044	\$ 3,107,913	\$ 3,479,421	\$ 4,727,776	\$ 4,421,978	\$ 4,075,856	\$ 4,070,009	\$ 4,529,865

PROJECT PLAN								
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):								
100Railroad Spur Improvements	10,793,458	-	-	-	-	-	-	-
105Elm Creek Detention Pond	2,009,260	-	-	-	-	-	-	-
110Railroad Improvements Engineering Analysis	-	-	-	-	-	-	-	-
115Railroad Repairs/Maintenance based on Analysis	295,005	40,000	40,000	-	-	-	-	-
120Enterprise Park Water Tank	-	-	-	-	-	800,000	-	-
121ROW Acquisition - Public Improvements	935,000	-	-	-	-	-	-	-
122Land Acq-Wendland property {approx 355 acres}	2,631,697	-	-	-	-	-	-	-
125Wendland Road Improvements	4,001,000	-	-	-	-	-	-	-
199Total North Zone (including Enterprise Park)	20,665,420	40,000	40,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:								
200Detention Pond #2 including W 1-A	42,559	-	-	-	-	-	-	-
205Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-
210Old Howard Road Gateway Entrance Project	53,583	-	-	-	-	-	-	-
215WWI--Waste Water Ext SH36 to Ind Blvd	510,644	-	-	-	-	-	-	-
220R I-B, W I-B--Industrial Blvd Extension	1,095,925	-	-	-	-	-	-	-
221Airport Park Infrastructure Construction	1,306,017	-	-	-	-	-	-	-
225Airport Study	48,400	-	-	-	-	-	-	-
230Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	-	-	115,500	654,500	-	-	-
235Airport Trail Utilities (W-V, W II, W III)	-	-	-	109,650	621,350	-	-	-
240Old Howard North (R II)	-	-	300,000	1,000,000	700,000	-	1,000,000	-
245Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	-	200,000	1,100,000	-	-
299Total Western Aviation Zone	3,057,128	-	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:								
300Greenbelt Development along Pepper Creek	2,433,825	-	-	-	-	-	-	-
305Outer Loop Phase 2	6,665,390	-	-	-	-	-	-	-
306Bio-Science Park Phase 1	1,295,500	-	-	-	-	-	-	-
310Bio-Science Institute	625,000	-	-	-	-	-	-	-
399Total Western Bio-Science & Medical Zone	11,019,715	-	-	-	-	-	-	-
OTHER PROJECTS:								
400Southeast Ind Park (Lorraine Drive)	73,500	1,200,000	-	-	-	-	-	-
405Roadway Maintenance/Improvements	250,111	-	-	-	-	-	-	-
410Gateway Entrance Projects (after Old Howard)	-	400,000	-	400,000	-	-	-	-
415Downtown Improvements	18,481	185,779	192,113	195,747	197,691	199,655	201,639	203,643
420Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-	-	-
430Reserve for Acer facility	-	-	-	-	-	-	-	-
499Total Other Projects	1,247,502	1,785,779	192,113	595,747	197,691	199,655	201,639	203,643
500Undesignated Funding-Public Impr-nontaxable bonds	280,815	-	500,000	500,000	500,000	500,000	2,000,000	2,500,000
501Undesignated Funding-Public Impr-taxable bonds	-	-	-	-	-	-	-	-
600Total Planned Project Expenditures	36,270,580	1,825,779	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643
660Fund Balance at Year End	\$ 1,453,464	\$ 1,282,134	\$ 2,447,308	\$ 2,406,879	\$ 1,548,437	\$ 1,476,201	\$ 1,868,370	\$ 1,826,222
670Required Debt Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)
700AVAILABLE FUND BALANCE	\$ 485,464	\$ 314,134	\$ 1,479,308	\$ 1,438,879	\$ 580,437	\$ 508,201	\$ 900,370	\$ 858,222

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
795-0000-461-08-65		Miscellaneous Reimbursements		\$ 128,410
795-9700-531-68-36	100166	Underground Stormwater Improvements		128,410
795-9500-531-26-16		Professional		431
795-9700-531-73-12		Issuance Costs	5,000	
795-9500-531-71-10		Bond Principal		15,000
795-9500-531-72-11		Bond Interest	10,431	
795-9500-531-68-25	100166	Rail Park	240,365	
795-9500-531-65-18	100222	Loop 363 Improvements		240,365
795-9500-531-68-25	100166	Rail Park	68,303	
795-9700-531-61-10	100383	Land Purchase		68,303
795-9700-531-68-26	100257	Airport Park	15,000	
795-9700-531-61-10	100166	Land Purchase		15,000
795-9500-531-68-29	950003	Greenbelt Park Improvements	464,225	
795-9500-531-65-18	100222	Loop 363 Improvements		464,225
			\$ 803,324	\$ 1,060,144

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

To appropriate the changes as amended in the TIF RZ#1's financing plan as adopted by the Zone Board on 07/23/08. First reading to be presented to Council on 08/07/08 and second reading to be presented to Council on 08/21/08.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

8/21/2008

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2008-2022 TO INCLUDE REDESIGNATION OF PROJECTS WITHIN THE PROJECT PLAN AND FUTURE YEAR BOND PAYMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 on the 15th day of May, 2008;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing Plan for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing Plan is necessary and convenient to the implementation of the Reinvestment Zone Financing Plan and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City.

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

Part 1: Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2007-2008 budget, a copy of which is attached as Exhibit B.

Part 3: Plans Effective. The Financing Plan for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. 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 8: Open Meetings. 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 Meeting Act.

PASSED AND APPROVED on First Reading on the 7th day of **August**, 2008.

PASSED AND APPROVED on Second and Final Reading on the 21st day of **August**, 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

08/21/08
Item #5(l)-(2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Westar Construction, Inc. of Georgetown for the creation of a Greenbelt Park and Trail within the Reinvestment Zone No. 1 boundaries in the amount of \$2,207,073.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In the continuing effort to develop and attract business to the Biosciences area of the Temple Reinvestment Zone No. 1, this project utilizes and enhances the natural topography in creating a Greenbelt Park and Trail following Pepper Creek from its intersection with the existing FM 2305 Hike/Bike Trail and going north nearly to Highway 36.

This project was broken into six different portions when advertised and summarized as follows:

Part A – consisting of the site clearing, 12 foot wide trail installation, bridge installation, and miscellaneous concrete work

Part B – consisting of the water features in the park including a dam to create a pond, a well for water supply, and a pumping station for recirculation of water

Part C – consisting of landscaping in several areas along the trail

Part D – consisting of irrigation installation for the landscaping areas

Part E – consisting of site accessories including park benches, trash receptacles, and entry monuments

Part F – consisting of lighting for the trail

Bids were received from five different vendors for this project ranging from a low of \$3,068,241.90 to a high of \$5,126,336 for all six portions.

The Reinvestment Zone No. 1 Board met on July 23, 2008, and made a recommendation to Council to approve Parts A, B, and E of this project due to funding constraints. At that same meeting, the Board also made a recommendation to amend the financing plan sufficient to fund those parts of the bid and included a 5% contingency for the project. The second reading of the ordinance to amend the financing plan will be presented just prior to this item at Council at the August 21, 2008, meeting.

We are recommending the award of: Part A – Trail @ \$1,098,859.20, Part B – Water Features @ \$947,162.00. and Part E – Site Accessories @ \$161,052.00, for a total of \$2,207,073.20 to Westar Construction, Inc. of Georgetown, Texas

We also recommend rejecting Part C, Part D, and Part F of the bid due to funding constraints.

The City's engineering company for this project, KPA, contacted several references about Westar Construction, Inc. and it is their recommendation that they are qualified for this project.

This project will not only enhance the Bio-Sciences area it will also add an additional 1¼ miles of length to the trail system within the City of Temple. The time for construction is 360 days.

FISCAL IMPACT: This project is funded within the Reinvestment Zone No.1 financing plan. Funding is available in account #795-9500-531-68-29, project # 100220, in the amount of \$2,317,428. The construction contract is \$2,207,073.20, leaving a balance of \$110,354.80 available as contingency for any other costs to be incurred on the project.

ATTACHMENTS:

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

BID TABULATION
TEMPLE REINVESTMENT ZONE

2006-131-40

GREENBELT HIKE BIKE TRAIL
PHASE I

July 1, 2008; 2:00 PM; 3210 E Ave H, Bldg C; Temple, TX 76501

				BIDDER INFORMATION									
				Westar Construction, Inc. 4500 Williams Drive, Ste 212-PMB411 Georgetown, TX 78628		Barsh Company 304 Douglas Avenue Waco, TX 76712		Austin Filter Systems, Inc. 13653 Rudledge Spur Austin, TX 78717		TTG Utilities LP PO Box 299 Gatesville, TX 76528		James Construction Group LLC 5880 West Highway 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
PART A - HIKE AND BIKE TRAIL													
A-1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 52,000.00	\$ 52,000.00	\$ 46,112.00	\$ 46,112.00	\$ 50,000.00	\$ 50,000.00	\$ 54,000.00	\$ 54,000.00	\$ 75,000.00	\$ 75,000.00
A-2	100%	LS	Provide Site Clearing as Shown on Sheets RP-1-RP-3 of the Plans	27,000.00	27,000.00	92,027.00	92,027.00	30,000.00	30,000.00	37,000.00	37,000.00	40,000.00	40,000.00
A-3	100%	LS	Submit Trench Safety Plan prepared and signed by a PE, in Conmance with State Law & OSHA	3,000.00	3,000.00	2,561.00	2,561.00	5,000.00	5,000.00	1,125.00	1,125.00	2,000.00	2,000.00
A-4	101	LF	Implement and Follow Trench Safety Plan (Pipe)	1.20	121.20	20.00	2,020.00	13.00	1,313.00	2.00	202.00	5.00	505.00
A-5	1	EA	Furnish & Install Stabilized Construction Entrance	1,500.00	1,500.00	2,576.00	2,576.00	1,800.00	1,800.00	1,000.00	1,000.00	3,000.00	3,000.00
A-6	100%	LS	Implement and Administer Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits TCEQ	15,000.00	15,000.00	17,411.00	17,411.00	30,000.00	30,000.00	1,350.00	1,350.00	2,000.00	2,000.00
A-7	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
A-8	100%	LS	Provide DVD of right-of-way pre-construction and post construction site conditions the total project	2,000.00	2,000.00	1,442.00	1,442.00	1,200.00	1,200.00	1,000.00	1,000.00	500.00	500.00
A-9	425	LF	Furnish, Install, Maintain and Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	25.00	10,625.00	23.00	9,775.00	18.00	7,650.00	18.00	7,650.00	30.00	12,750.00
A-10	220	LF	Removing and Disposing of Existing Barbed Wire Fence	2.00	440.00	3.35	737.00	3.00	660.00	1.50	330.00	2.50	550.00
A-11	2	EA	Connecting to Existing Barbed Wire Fence with Fence Corner Brace Posts, Per Detail on Sheet G06 of the Plans	300.00	600.00	869.00	1,738.00	625.00	1,250.00	500.00	1,000.00	500.00	1,000.00
A-12	150	LF	Furnish & Install 5-Strand Barbed Wire Fence, Per Detail on Sheet G06 of the Plans	10.00	1,500.00	12.20	1,830.00	8.50	1,275.00	6.80	1,020.00	7.00	1,050.00
A-13	4,000	CY	Unclassified Excavation	4.20	16,800.00	14.20	56,800.00	10.00	40,000.00	7.50	30,000.00	15.00	60,000.00
A-14	4,000	CY	Placing and Compacting Unclassified Fill (Embankment)	5.80	23,200.00	15.75	63,000.00	4.50	18,000.00	4.60	18,400.00	15.00	60,000.00
A-15	6,640	LF	Constructing 12-Foot Wide Hike and Bike Trail, Per Detail on Sheet D01 of the Plans	63.00	418,320.00	50.90	337,976.00	58.00	385,120.00	51.00	338,640.00	70.00	464,800.00
A-16	100%	LS	Furnish & Install Preconstructed Pedestrian Bridge, 80' Span, as Detailed on Sheets S02 and S03 of the Plans	79,000.00	79,000.00	115,272.00	115,272.00	135,000.00	135,000.00	90,500.00	90,500.00	300,000.00	300,000.00
A-17	100%	LS	Furnish & Install Pedestrian Bridge, 10' Span, as Detailed on Sheets S07 of the Plans	25,000.00	25,000.00	8,169.00	8,169.00	5,200.00	5,200.00	15,500.00	15,500.00	30,000.00	30,000.00
A-18	640	LF	Constructing Pedestrian Handrail, Per Detail on Sheet D01 of the Plans	80.00	51,200.00	63.85	40,864.00	137.00	87,680.00	168.00	107,520.00	160.00	102,400.00
A-19	28	LF	Furnish & Install 24" Diameter RCP, Class III, Including Bedding and Backfill	90.00	2,520.00	109.00	3,052.00	145.00	4,060.00	53.00	1,484.00	80.00	2,240.00
A-20	14	LF	Furnish & Install 3-30" Diameter RCP, Class III, Including Bedding and Backfill	400.00	5,600.00	384.00	5,376.00	300.00	4,200.00	220.00	3,080.00	400.00	5,600.00
A-21	14	LF	Furnish & Install 4-30" Diameter RCP, Class III, Including Bedding and Backfill	550.00	7,700.00	514.00	7,196.00	500.00	7,000.00	300.00	4,200.00	500.00	7,000.00
A-22	17	LF	Furnish & Install 6'x4' RCB, Including Bedding and Backfill	600.00	10,200.00	466.00	7,922.00	525.00	8,925.00	485.00	8,245.00	500.00	8,500.00
A-23	15	LF	Furnish & Install 3-7'x6' RCB, Including Bedding and Backfill	2,720.00	40,800.00	750.00	11,250.00	2,000.00	30,000.00	1,725.00	25,875.00	1,500.00	22,500.00
A-24	4	EA	Furnish & Install Parallel Headwall 24" RCP	1,900.00	7,600.00	1,494.00	5,976.00	3,900.00	15,600.00	2,050.00	8,200.00	7,000.00	28,000.00
A-25	2	EA	Furnish & Install Parallel Headwall 3-30" RCPs	2,700.00	5,400.00	1,821.00	3,642.00	5,000.00	10,000.00	3,050.00	6,100.00	8,000.00	16,000.00
A-26	2	EA	Furnish & Install Concrete Headwall with Flared Wingwalls 4-30" RCPs	4,100.00	8,200.00	5,179.00	10,358.00	6,500.00	13,000.00	4,450.00	8,900.00	8,000.00	16,000.00
A-27	2	EA	Furnish & Install Parallel Headwall 6'x4' RCB	6,700.00	13,400.00	6,214.00	12,428.00	4,500.00	9,000.00	6,150.00	12,300.00	7,000.00	14,000.00
A-28	2	EA	Furnish & Install Concrete Headwall with Flared Wingwalls 3-7'x6' RCBs	7,000.00	14,000.00	8,900.00	17,800.00	6,000.00	12,000.00	9,350.00	18,700.00	12,000.00	24,000.00
A-29	20	CY	Miscellaneous Class "A" Concrete Construction	200.00	4,000.00	234.15	4,683.00	500.00	10,000.00	425.00	8,500.00	400.00	8,000.00
A-30	25	SY	Furnish & Place 8" Diameter Rock Rip Rap	16.00	400.00	55.00	1,375.00	40.00	1,000.00	35.00	875.00	50.00	1,250.00
A-31	760	SY	Furnish & Install 12" Diameter Rock Riprap	18.00	13,680.00	34.40	26,144.00	49.00	37,240.00	38.00	28,880.00	80.00	60,800.00
A-32	199	SY	Construction of 6" Thick Concrete Channel, Including Boulder Scape, Per Sheet D04 of the Plans	147.00	29,253.00	391.00	77,809.00	620.00	123,380.00	525.00	104,475.00	600.00	119,400.00
A-33	300	SY	Construction of 6" Thick Concrete Channel, Including Mortared Limestone, Per Sheet DR07 of the Plans	153.00	45,900.00	166.00	49,800.00	146.00	43,800.00	115.00	34,500.00	300.00	90,000.00
A-34	650	SY	Furnish & Install 6" Thick Mortared Limestone Riprap Facade	198.00	128,700.00	127.00	82,550.00	156.00	101,400.00	95.00	61,750.00	600.00	390,000.00
A-35			This Item Has Been Deleted.										
A-36	100%	LF	Clearing Areas Listed as 'Add Alternate Clearing Areas' on Sheets RP-2 and RP-3	2,200.00	2,200.00	8,322.00	8,322.00	15,100.00	15,100.00	6,600.00	6,600.00	20,000.00	20,000.00
A-37	15	LF	Furnish & Install 3-5'x3' RCB, Including Bedding and Backfill	1,200.00	18,000.00	378.00	5,670.00	1,900.00	28,500.00	1,065.00	15,975.00	1,200.00	18,000.00
A-38	2	EA	Furnish & Install Concrete Headwall with Flared Wingwalls 3-5'x3' RCBs	5,000.00	10,000.00	7,363.00	14,726.00	10,000.00	20,000.00	5,750.00	11,500.00	12,000.00	24,000.00
TOTAL AMOUNT PART A (ITEMS A-1 - A-38)				\$ 1,098,859.20		\$ 1,160,389.00		\$ 1,299,353.00		\$ 1,080,376.00		\$ 2,034,845.00	

* Written amount prevails. ** Total amount has been corrected. *** Extended amount has been corrected. @ Quantity corrected to reflect addendum No. 1. # Unit price changed to reflect Bid Schedule.

BID TABULATION
TEMPLE REINVESTMENT ZONE

2006-131-40

GREENBELT HIKE BIKE TRAIL
PHASE I

July 1, 2008; 2:00 PM; 3210 E Ave H, Bldg C; Temple, TX 76501

				BIDDER INFORMATION																			
				Westar Construction, Inc. 4500 Williams Drive, Ste 212-PMB411 Georgetown, TX 78628		Barsh Company 304 Douglas Avenue Waco, TX 76712		Austin Filter Systems, Inc. 13653 Rudledge Spur Austin, TX 78717		TTG Utilities LP PO Box 299 Gatesville, TX 76528		James Construction Group LLC 5880 West Highway 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										
PART B - WATER FEATURES																							
B-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount	* \$	40,000.00	\$	40,000.00	\$	16,008.00	\$	16,008.00	\$	40,000.00	\$	40,000.00	\$	25,000.00	\$	25,000.00	\$	100,000.00	\$	100,000.00
B-2	100%	LS	Provide Site Clearing as Shown on Sheets RP-1-RP-3 of Plans		7,000.00		7,000.00		7,173.00		7,173.00		8,000.00		8,000.00		4,955.00		4,955.00		4,000.00		4,000.00
B-3	100%	LS	Submit Trench Safety Plan prepared & signed by a P.E., in Conformance with State Law & OSHA		3,000.00		3,000.00		1,921.00		1,921.00		2,500.00		2,500.00		900.00		900.00		2,000.00		2,000.00
B-4	1,420	LF	Implement & Follow Trench Safety Plan (Pipe)		1.20	@	1,704.00		13.00		18,460.00		12.00	@	17,040.00		2.00		2,840.00		5.00		7,100.00
B-5	9,400	SF	Implement & Follow Trench Safety Plan (Manholes & Structures)		1.20		11,280.00		1.90		17,860.00		0.60		5,640.00		1.00		9,400.00		1.00		9,400.00
B-6	1,800	LF	Constructing 12-Foot Wide, 6" Flexbase Access Road, Per Detail on Sheet PS01 of Plans		9.33		16,794.00		21.85		39,330.00		13.50		24,300.00		10.50		18,900.00		20.00		36,000.00
B-7	20	CY	Miscellaneous Class "A" Concrete Construction		200.00		4,000.00		235.00		4,700.00		500.00		10,000.00		425.00		8,500.00		400.00		8,000.00
B-8	760	SY	Furnishing & Installing 12" Diameter Rock Riprap		18.00		13,680.00		34.40		26,144.00		49.00		37,240.00		38.00		28,880.00		80.00		60,800.00
B-9	100%	LS	Construction of Concrete Dam, Including Boulder Scape, Per Sheets DR06 & S04-S06 of Plans		137,000.00		137,000.00		166,508.00		166,508.00		295,000.00		295,000.00		295,000.00		295,000.00		389,000.00		389,000.00
B-10	199	SY	Construction of 6" Thick Concrete Channel, Including Boulder Scape, Per Sheet D04 of Plans		126.00		25,074.00		391.00		77,809.00		620.00		123,380.00		525.00		104,475.00		500.00		99,500.00
B-11	255	SY	Construction of 6" Thick Concrete Channel, Including Boulder Scape, Per Sheet DR04 of Plans		126.00		32,130.00		391.00		99,705.00		620.00		158,100.00		525.00		133,875.00		500.00		127,500.00
B-12	100%	LS	Construction of Water Feature Outfall Structure, Per Sheet DR-04		54,000.00		54,000.00		3,593.00		3,593.00		3,700.00		3,700.00		8,500.00		8,500.00		5,000.00		5,000.00
B-13	100%	LS	Furnishing & Installing Pump & Utility Building, Including All Interior Pumps, Piping & Electrical Appurtenances		300,000.00		300,000.00		433,658.00		433,658.00		330,000.00		330,000.00		499,500.00		499,500.00		270,000.00		270,000.00
B-14	108	LF	Furnishing & Installing 24" Diameter Ductile Iron Pipe, Including Bends, Bedding & Backfill, as Shown on Sheet PP-27 of Plans		250.00		27,000.00		441.50		47,682.00		180.00		19,440.00		209.00		22,572.00		400.00		43,200.00
B-15	1,320	EA	Furnishing & Installing 8" Diameter PVC C-900 Pipe, Including Bends, Bedding & Backfill, as Shown on Sheet PP-24-PP-26 of Plans		30.00		39,600.00		45.50		60,060.00		68.00		89,760.00		22.00		29,040.00		30.00		39,600.00
B-16	1	EA	Furnish & Install 17'x8'x6" Thick Concrete Pad, Per Sheet PP-27 of Plans		1,300.00		1,300.00		2,138.00		2,138.00		1,900.00		1,900.00		1,580.00		1,580.00		2,500.00		2,500.00
B-17	400	SY	Furnish & Install 12" Diameter Limestone Riprap		18.00		7,200.00		34.50		13,800.00		49.00		19,600.00		60.00		24,000.00		600.00		240,000.00
B-18	100	LF	Furnish & Install 2" Diameter PVC Strainer Flush Line, Including Bedding & Backfill		22.00		2,200.00		36.60		3,660.00		75.00		7,500.00		17.00		1,700.00		15.00		1,500.00
B-19	100	LF	Furnish & Install 4" Diameter PVC Strainer Flush Line, Including Bedding & Backfill		45.00		4,500.00		41.00		4,100.00		60.00		6,000.00		17.50		1,750.00		15.00		1,500.00
B-20			This Item Has Been Deleted.				-				-				-				-				-
B-21	160	LF	Provide & Install 2" PVC Water Line, including Thrust Restraint, Bedding & Backfill		22.00		3,520.00		24.50		3,920.00		40.00		6,400.00		11.00		1,760.00		15.00		2,400.00
B-22	1	EA	Constructing 2'x2'x4" Thick Concrete Block		300.00		300.00		158.00		158.00		300.00		300.00		160.00		160.00		500.00		500.00
B-23	580	SY	Furnishing & Installing Cut Limestone Retaining Wall, Per Detail on Sheet D-05 of Plans		107.00		62,060.00		344.20		199,636.00		315.00		182,700.00		106.00		61,480.00		270.00		156,600.00
B-24	100%	LS	Allowance Direct Charges Required by Oncor to Provide Electrical Service to the Pump House		5,000.00		5,000.00		5,000.00		5,000.00		5,000.00		5,000.00		5,000.00		5,000.00		5,000.00		5,000.00
B-25	100%	LS	Drill Well, Furnish & Install Pump, Housing, Electrical & All Other Appurtenances		145,000.00		145,000.00		191,060.00		191,060.00		67,000.00		67,000.00		158,000.00		158,000.00		180,000.00		180,000.00
B-26	160	LF	Furnish & Install 2" Diameter PVC Pipe		22.00		3,520.00		7.85		1,256.00		40.00		6,400.00		11.00		1,760.00		15.00		2,400.00
B-27	1	EA	Furnish & Install 2'x2' Concrete Block		300.00		300.00		158.00		158.00		291.00		291.00		150.00		150.00		500.00		500.00
TOTAL BID AMOUNT PART B (ITEMS B-1 - B-27)				**	\$	947,162.00			\$	1,445,497.00		**	\$	1,467,191.00			\$	1,449,677.00			\$	1,794,000.00	

PART C - LANDSCAPING																							
C-1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of Base Bid Amount	\$	4,700.00	\$	4,700.00	\$	9,218.00	\$	9,218.00	\$	8,000.00	\$	8,000.00	\$	8,500.00	\$	8,500.00	\$	2,500.00	\$	2,500.00
C-2	72	EA	Furnish & Plant 3-Inch Caliper Deciduous Trees, Including Watering and Fertilizing to Sustain Growth, Per Sheets LP-0-LP-16 of Plans		196.00		14,112.00		576.00		41,472.00		591.00		42,552.00		531.00		38,232.00		405.00		29,160.00
C-3	222	EA	Furnish & Plant 15 Gallon Ornamental Shrubs, Including Watering and Fertilizing to Sustain Growth, Per Sheets LP-0-LP-16 of Plans		225.00		49,950.00		160.00		35,520.00		145.00		32,190.00		330.00		73,260.00		184.00		40,848.00
C-4	282	EA	Furnish & Plant 5 Gallon Shrubs, Including Watering and Fertilizing to Sustain Growth, Per Sheets LP-0-LP-16 of Plans		22.00		6,204.00		32.00		9,024.00		41.00		11,562.00		37.00		10,434.00		29.00		8,178.00
C-5	683	EA	Furnish & Plant 5 Gallon Grasses, Including Watering and Fertilizing to Sustain Growth, Per Sheets LP-0-LP-16 of Plans		15.30		10,449.90		32.00		21,856.00		28.00		19,124.00		26.00		17,758.00		29.00		19,807.00
C-6	646	EA	Furnish & Plant Vines/Groundcover (4-Inch Pots), Including Watering and Fertilizing to Sustain Growth, Per Sheets LP-0-LP-16 of Plans		6.60		4,263.60		2.50		1,615.00		8.00		5,168.00		7.00		4,522.00		3.00		1,938.00
C-7	2,000	EA	Furnish & Plant Daffodil Bulbs, Per Sheets LP-0-LP-16 of Plans		1.50		3,000.00		0.65		1,300.00		3.00		6,000.00		2.55		5,100.00		1.00		2,000.00
C-8	42,000	SF	Furnish & Plant Native Seed Mix (Oklahoma & Texas Mix), Per Sheets LP-0-LP-16 of Plans		0.10		4,200.00		0.04		1,680.00		0.15		6,300.00		0.11		4,620.00		0.08		3,360.00
C-9	220	CY	Furnish & Place 3" Bark Mulch, Per Sheets LP-0-LP-16 of Plans		29.46		6,481.20		100.00		22,000.00		60.00		13,200.00		31.00		6,820.00		35.00		7,700.00
C-10	660	CY	Furnish & Place Bed Mix (9" Depth), Per Sheets LP-0-LP-16 of Plans		10.80		7,128.00		77.00		50,820.00		87.00		57,420.00		11.30		7,458.00		60.00		39,600.00
TOTAL BID AMOUNT PART C (ITEMS C-1 - C-10)					\$	110,488.70			\$	194,505.00		**	\$	201,516.00			\$	176,704.00			\$	155,091.00	

* Written amount prevails. ** Total amount has been corrected. *** Extended amount has been corrected. @ Quantity corrected to reflect addendum No. 1. # Unit price changed to reflect Bid Schedule.

BID TABULATION
TEMPLE REINVESTMENT ZONE

GREENBELT HIKE BIKE TRAIL
PHASE I

July 1, 2008; 2:00 PM; 3210 E Ave H, Bldg C; Temple, TX 76501

				BIDDER INFORMATION									
				Westar Construction, Inc. 4500 Williams Drive, Ste 212-PMB411 Georgetown, TX 78628		Barsh Company 304 Douglas Avenue Waco, TX 76712		Austin Filter Systems, Inc. 13653 Rudledge Spur Austin, TX 78717		TTG Utilities LP PO Box 299 Gatesville, TX 76528		James Construction Group LLC 5880 West Highway 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
PART D - IRRIGATION													
D-1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 4,500.00	\$ 4,500.00	\$ 1,537.00	\$ 1,537.00	\$ 3,000.00	\$ 3,000.00	\$ 17,800.00	\$ 17,800.00	\$ 7,500.00	\$ 7,500.00
D-2	100%	LS	Furnish Irrigation System, As Shown on Sheets LI-0-LI-17 of the Plans	100,000.00	100,000.00	99,214.00	99,214.00	80,000.00	80,000.00	355,000.00	355,000.00	188,000.00	188,000.00
TOTAL BID AMOUNT PART D (ITEMS D-1 - D-2)					\$ 104,500.00		\$ 100,751.00		\$ 83,000.00		\$ 372,800.00		\$ 195,500.00

PART E - SITE ACCESSORIES													
E-1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 6,000.00	\$ 6,000.00	\$ 1,921.00	\$ 1,921.00	\$ 6,000.00	\$ 6,000.00	\$ 7,500.00	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00
E-2	10	EA	Provide Park Bench, Per Detail on Sheet SD-1 of the Plans	2,300.00	23,000.00	2,231.00	22,310.00	2,700.00	27,000.00	950.00	9,500.00	600.00	6,000.00
E-3	4	EA	Providing Trash Receptacle, Per Detail on Sheet SD-1 of the Plans	1,500.00	6,000.00	1,439.00	5,756.00	2,000.00	8,000.00	550.00	2,200.00	350.00	1,400.00
E-4	60	SY	Construct 4-Inch Thick Concrete Pads, Per Details on Sheet SD-1 of the Plans	34.20	2,052.00	82.00	4,920.00	64.00	3,840.00	100.00	6,000.00	100.00	6,000.00
E-5	4	EA	Furnish & Install Entry Sign, Per Detail on Sheet SD-3 of the Plans	6,000.00	24,000.00	2,353.00	9,412.00	1,250.00	5,000.00	4,000.00	16,000.00	3,500.00	14,000.00
E-6	2	EA	Furnish & Install Entry Monument, Per Detail on Sheet SD-3 of the Plans	15,000.00	30,000.00	12,590.00	25,180.00	12,000.00	24,000.00	16,500.00	33,000.00	25,000.00	50,000.00
E-7	200	EA	Furnish & Install Limestone Boulders, Avg. Size 24"x36"x36", Per Detail on Sheet SD-2 of the Plans	100.00	20,000.00	295.00	59,000.00	157.00	31,400.00	225.00	45,000.00	200.00	40,000.00
E-8	500	EA	Furnish & Install Limestone Ledgestone, Avg. Size 24"x18"x36", Per Detail on Sheet SD-2 of the Plans	100.00	50,000.00	181.00	90,500.00	147.00	73,500.00	335.00	167,500.00	250.00	125,000.00
TOTAL BID AMOUNT PART E (ITEMS E-1 - E-8)				\$ 161,052.00		\$ 218,999.00		\$ 178,740.00		\$ 286,700.00		\$ 247,400.00	


PART F - LIGHTING													
F-1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 74,000.00	\$ 74,000.00	\$ 17,211.00	\$ 17,211.00	\$ 10,000.00	\$ 10,000.00	\$ 6,500.00	\$ 6,500.00	\$ 15,000.00	\$ 15,000.00
F-2	87	EA	Furnish & Install Light Pole Assemblies, Including Foundations	3,390.00	294,930.00	3,754.00	326,598.00	5,463.00	475,281.00	4,610.00	401,070.00	4,700.00	408,900.00
F-3	6,900	LF	Furnish & Install 2-Inch Diameter PVC Conduit, Sch 40, With Pull String	21.50	148,350.00	10.00	69,000.00	9.50	65,550.00	21.60	149,040.00	10.00	69,000.00
F-4	43	EA	Furnish & Install Pull Boxes	2,300.00	*** 98,900.00	1,209.00	51,987.00	1,200.00	51,600.00	2,430.00	104,490.00	1,200.00	51,600.00
F-5	100%	LS	Allowance for Direct Charges Required by Oncor to Provide Electrical Service to the Trail Lighting Enclosure	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
F-6	100%	LS	Furnish & Install All Electrical Wiring and Appurtenances as Detailed on Sheets E-03, E-04, E-06 and E-09	25,000.00	25,000.00	164,838.00	164,838.00	145,000.00	145,000.00	26,100.00	26,100.00	150,000.00	150,000.00
TOTAL BID AMOUNT PART F (ITEMS F-1 - F-6)				**	\$ 646,180.00		\$ 634,634.00		\$ 752,431.00		\$ 692,200.00		\$ 699,500.00

BID SUMMARY


BID SUMMARY	BIDDER INFORMATION				
	Westar Construction, Inc. 4500 Williams Drive, Ste 212-PMB411 Georgetown, TX 78628	Barsh Company 304 Douglas Avenue Waco, TX 76712	Austin Filter Systems, Inc. 13653 Rudledge Spur Austin, TX 78717	TTG Utilities LP PO Box 299 Gatesville, TX 76528	James Construction Group LLC 5880 West Highway 190 Belton TX 76513
PART A (ITEMS A-1 - A-38)	\$ 1,098,859.20	\$ 1,160,389.00	\$ 1,299,353.00	\$ 1,080,376.00	\$ 2,034,845.00
PART B (ITEMS B-1 - B-27)	\$ 947,162.00	\$ 1,445,497.00	\$ 1,467,191.00	\$ 1,449,677.00	\$ 1,794,000.00
PART C (ITEMS C-1 - C-10)	\$ 110,488.70	\$ 194,505.00	\$ 201,516.00	\$ 176,704.00	\$ 155,091.00
PART D (ITEMS D-1 - D-2)	\$ 104,500.00	\$ 100,751.00	\$ 83,000.00	\$ 372,800.00	\$ 195,500.00
PART E (ITEMS E-1 - E-8)	\$ 161,052.00	\$ 218,999.00	\$ 178,740.00	\$ 286,700.00	\$ 247,400.00
PART F (ITEMS F-1 - F-6)	\$ 646,180.00	\$ 634,634.00	\$ 752,431.00	\$ 692,200.00	\$ 699,500.00
	\$ 3,068,241.90	\$ 3,754,775.00	\$ 3,982,231.00	\$ 4,058,457.00	\$ 5,126,336.00

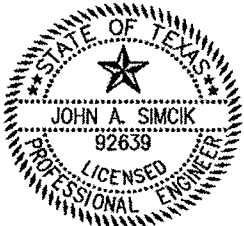
Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES

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


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP
7/7/08
Date




John A. Simcik, PE, CFM
Kasberg, Patrick & Associates, LP
7/7/08
Date



* Written amount prevails. ** Total amount has been corrected. *** Extended amount has been corrected. @ Quantity corrected to reflect addendum No. 1. # Unit price changed to reflect Bid Schedule.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WESTAR CONSTRUCTION, INC., OF GEORGETOWN, TEXAS, FOR THE CREATION OF A GREENBELT PARK AND TRAIL WITHIN THE REINVESTMENT ZONE NO. 1 BOUNDARIES, IN THE AMOUNT OF \$2,207,073.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 1, 2008, the City received 5 bids for the creation of a Greenbelt Park and Trail within the Reinvestment Zone No. 1 boundaries;

Whereas, the Staff recommends accepting the bid (\$2,207,073.20) received from Westar Construction, Inc., of Georgetown, Texas;

Whereas, funding for this project is available in Account No. 795-9500-531-6829, project # 100220; 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 \$2,207,073.20, with Westar Construction, Inc., of Georgetown, Texas, after approval as to form by the City Attorney, for the creation of a Greenbelt Park and Trail within the Reinvestment Zone No. 1 boundaries.

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 **21st** day of **August**, 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

08/21/07
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance re-establishing the regulations for metal façade residential primary and accessory buildings, and amending the City of Temple Zoning Ordinance, Section 13-200, “Regulations for Metal Façade Residential Primary and Accessory Buildings,” to delete Section 7, “Sunset Review.”

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second reading and final adoption for August 21, 2008.

ITEM SUMMARY: The City Council approved this ordinance October 18, 2007 with the provision for Staff to report the history of building permits to regulate accessory buildings in rear yards, which includes garages. The purpose of the ordinance was to limit metal buildings in the rear yard. The requirement is to limit a steel or vinyl siding building from public view in a residential neighborhood.

Since the ordinance’s adoption, Staff has reviewed over 40 permits for accessory buildings. Only one owner chose not to develop an accessory building which meets the regulations and the permit was applied for in early 2008. That area was for a lot not containing a house, in a single family neighborhood, and the vertical wall was requested to be 16’ vertical height encased in metal. The ordinance allows an eight-foot (8.0’) vertical wall for a platted lot on less than two acres, which contains a primary dwelling or a house. Staff discussed other scenarios for a Replat to consolidate the two lots into one lot, decrease the vertical wall height of eight feet as required by ordinance and to consider some other type of exterior material.

ATTACHEMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RE-ESTABLISHING THE REGULATIONS FOR METAL FAÇADE RESIDENTIAL PRIMARY AND ACCESSORY BUILDINGS, AND AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 13 REGARDING FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE AND METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS,” SECTION 13-200, “REGULATIONS FOR METAL FAÇADE RESIDENTIAL PRIMARY AND ACCESSORY BUILDINGS,” DELETING SECTION 7, “SUNSET REVIEW;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 18, 2007, the City Council adopted Ordinance No. 2007-4165 amending the Zoning Ordinance to create regulations for metal façade residential primary and accessory buildings;

Whereas, the ordinance contained a sunset review provision after 180 days for the City Council to review the building permits issued for this purpose; and

Whereas, the Staff has provided this information and the City Council desires to remove the sunset review provision and re-establish the regulations for metal façade residential primary and accessory buildings.

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

Part 1: The City Council re-establishes the regulations for metal façade residential primary and accessory buildings adopted in Ordinance No. 2007-4165.

Part 2: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 13, entitled, “Fence and Wall Regulations, Display for Sale, Open Storage, and Metal Façade Residential Building Regulations” to read as follows:

SECTION 13

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

...

13-200. Regulations for Metal Facade Residential Primary and Accessory Buildings.

1. **Definition of a Metal Facade Residential Primary or Accessory Building.** A primary or accessory residential building in which 25% or more of the area of each of the building's exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resistant barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders. For purposes of calculating whether 25% or more of the area of each of the building's exterior walls are metal, doors, windows and roofs are exempt from the percentage calculation and the percentage is calculated per side of the building.
2. **Metal Façade Residential Accessory Buildings; Where Allowed by Right.**
 - (a) For lots of less than two acres, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:
 1. A City building permit is obtained;
 2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
 3. The square footage of the metal façade residential accessory building does not exceed 15 percent of the primary residential building, or a maximum floor area of 320 square feet;
 4. The metal façade residential accessory building has a maximum vertical wall height of eight feet;
 5. There is only one accessory building per lot; and
 6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.
 - (b) For lots of two acres or more, a new or remodeled metal façade residential accessory building is allowed by right (no Special Permit required), if:
 1. A City building permit is obtained;
 2. The metal façade residential accessory building is placed on the same lot as the primary residential building;
 3. The square footage of the metal façade residential accessory building does not exceed 5,000 square feet;
 4. The metal exterior accessory building has a maximum vertical wall height of sixteen feet;
 5. There is only one accessory building per lot; and

6. The metal façade residential accessory building is located in the rear yard, and meets all yard setbacks and coverage maximums established by the Zoning Ordinance.

3. Metal Façade Primary Residential Buildings; Where Allowed by Right.

- (a) A new or remodeled metal façade primary residential building is allowed by right (no Special Permit required), if:
 1. A City building permit is obtained;
 2. It is the first structure placed on a lot;
 3. The metal façade primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a horizontal lap joint treatment as recognized by the City of Temple Adopted International Residential Code, or any future amendments;
 4. The metal façade primary residential building is complimentary to the character of the residential neighborhood served as determined by the Director of Planning taking into consideration the factors set out in subsection 5 below; and
 5. The metal façade primary residential building meets all yard setbacks and coverage maximums, as defined by the Zoning Ordinance.

4. Metal Façade Residential Accessory or Primary Buildings; Where Allowed by Special Permit Only.

- (a) In situations where a metal façade primary or accessory residential building is not allowed as a matter of right, a metal exterior primary or accessory residential building may only be placed on a lot used for residential uses by Special Permit.
- (b) A Special Permit may be issued administratively by the Planning Director as part of the building permit process. If a request for a special permit is denied by the Planning Director, the property owner may appeal the decision to the City Council, which may grant a Special Permit.

5. Factors to be considered in Approving Special Permits. In considering whether to approve a Special Permit for a metal façade primary or accessory residential building, the Planning Director or City Council, as applicable, shall consider:

- (a) Current and future uses of the property and adjacent property for which a Special Permit for a metal façade primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
- (b) Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;

- (c) The visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
 - (d) Whether twenty-five percent (25) or more of any exterior wall of the metal façade primary or accessory residential building is made of metal and visible to the surrounding properties or public streets;
 - (e) The extent to which the appearance of the metal façade mimics the appearance of wood or masonry products for which no Special Permit is required; and
 - (f) Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal façade from adjoining properties or public streets from view.
6. **Documentation.** The Director of Planning may require that a person asserting the right to place or construct a metal façade residential building by right or an applicant for a Special Permit for a metal façade residential building submit reasonable documentation in support of their assertion or application and to address the evaluation of the criteria established by this ordinance.
- ~~7. **Sunset review.** The City Council will conduct a sunset review of this ordinance 180 days after adoption. The City Council can repeal ordinance or renew it. The intent of Staff would be to have a replacement policy in effect that tightly integrates with City codes.~~

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **August**, 2008.

PASSED AND APPROVED on Second Reading on the 21st day of **August**, 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

08/21/08
Item #5(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-08-52: Consider adopting a resolution approving the final plat of Cuevas Hickman Subdivision, 2 lots on 10.13 ± acres, a single family residential subdivision on the east side of Bob White Road, north of FM 3117 and south of the Tower Road/Bob White Road intersection, in Temple's Eastern ETJ, with approval of the requested applicants' exceptions to Subdivision Ordinance for street paving, fire protection and suppression, sidewalks and park land dedication fee.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning & Zoning Commission and Staff recommend approval of the final plat with the following exceptions requested by the applicant:

1. Street Paving - Subdivision Ordinance Section 33-94(a) (1&2),
2. Fire protection and suppression - Section 33-97 and Code of Ordinance Chapter 12-145 and 146 for fire protection, and
3. Sidewalks - Section 33-93;
4. Park land dedication fee - Section 33-102.

ITEM SUMMARY: The two-lot subdivision is on a county road. Two existing manufactured houses are fed from a city water line which was inherited after annexation from a water supply corporation. A flush valve will be added and an extended easement for the water line extension. No sidewalks are in the area. The applicant requests a waiver required park fees in the sum of \$225 for this proposed subdivision since the closest park is 5+ miles away. The Bell County Commissioners must review the plat also.

Staff supports the exceptions listed above because of the applicant's justification for the rural county road and curb and gutter; water and wastewater because of the existing 3" water line and the addition of a flush valve and easement to extend the water line, sidewalks since the area is removed from other sidewalks, the park land dedication fee because the subdivision is approximately five miles from the nearest City park.

Please review the Planning & Zoning Commission Agenda Memo and minutes from the meeting, August 4, 2008.

ATTACHMENTS:

Survey

P&Z Staff Report (Z-FY-08-52)

P&Z Minutes (08/04/08)

Resolution

MEMORANDUM

DATE: July 28, 2008

TO: Michael Newman, P.E., CFM
City Engineer
City of Temple

FROM: Jerry Matl
Turley Associates, Inc.

RE: Cuevas-Hickman Plat
E.T.J. City of Temple
P-FY-08-52

In our telephone conversation this date, additional DRC Comments as e-mailed July 18, 2008 from your office to Turley Associates, Inc. are to be modified as noted below:

- The 3" diameter proposed water-line extension is sufficient.
- Off-site water line extension in front of adjacent property (Marek Tract) in right-of-way of Bob White Road is sufficient. A 15' wide utility easement shall be added to the 2 lots of the Cuevas-Hickman Plat. The proposed 3" diameter water line shall be directed into this easement once it passes the aforementioned Marek Tract.
- 3" diameter water-line shall be designed through proposed Lot 1 and shall install meter and flush assembly near the south lot line of proposed Lot 2 (see revised plans) and end 3" diameter water line.

**CUEVAS-HICKMAN SUBDIVISION
CITY OF TEMPLE, TEXAS**

REQUESTED EXCEPTIONS

The following exceptions are requested on the above mentioned project:

Section 33-102. Requirements for park land dedication.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of CUEVAS-HICKMAN SUBDIVISION.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of CUEVAS-HICKMAN SUBDIVISION.***

Section 33-94. Curbs and gutters.

- (a) Standard streets shall be edged with curbs and gutters. Rural streets shall be edged with 12 inch wide concrete ribbons.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in a rural area with no existing curb and gutter streets in proximity.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The property is in a rural area with no existing curb and gutter streets in proximity.***

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in a rural area with no existing curb and gutter streets in proximity.***

Section 33-98. Sidewalks.

Section 33-10. Exceptions.

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary. The anticipated volume of vehicular and pedestrian traffic in the area based on the proposed development will not be impacted.***
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***There are no existing sidewalks in the area and sidewalk construction would be unnecessary.***

Section 33-97. Water and wastewater.

- (a) Water mains smaller than six (6) inches, but not less than three (3) inches may be constructed to serve blocks with no more than six (6) dwelling units.
 - (a)(3) Fire protection and hydrant coverage.
- (e) Fire hydrants.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. ***The property is in a rural area and adequate water line capacity does not exist.***
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. ***The***

property is in a rural area and adequate water line capacity does not exist.

- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. ***The property is in a rural area and adequate water line capacity does not exist.***



TURLEY ASSOCIATES, INC.

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

June 27, 2008

Mr. Tim Dolan, AICP
Planning Director
City of Temple
2 N. Main Rm. 201
Temple, TX 76501

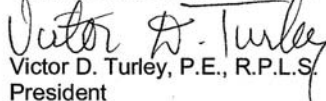
**RE: CUEVAS-HICKMAN SUBDIVISION
E.T.J. City of Temple, Texas**

Dear Mr. Dolan,

The following exceptions are requested on the above mentioned project:

- 1) Exception to Fees for Parks and Leisure.
Property is in the Extra Territorial Jurisdiction of the City of Temple and not located within reasonable distance from any existing City Park. Also, no expectation of City of Temple Park to be built in proximity of CUEVAS-HICKMAN SUBDIVISION.
- 2) Exception to perimeter street fees (including sidewalk).
Property is in a rural area with no existing curb and gutter streets in proximity. No existing sidewalks are in area and sidewalk construction would be unnecessary.
- 3) Exemption from fire suppression/fire protection. City shall allow extension of a 3" diameter water line. (Ref: Michael Newman's comments)

Sincerely,
TURLEY ASSOCIATES, INC.


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

VDT/cd

Enclosure

(ref: 08-293)



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/04/08
Item# 8
Page 1 of 2

APPLICANT / DEVELOPMENT: Turley Associates

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

P-FY-08-52 Consider a recommendation to approve the final plat of Cuevas Hickman Subdivision, 2 lots on 10.13 ± acres, a single family residential subdivision on the east side of Bob White Road, north of FM 3117 and south of the Tower Road/Bob White Road intersection, in Temple's Eastern ETJ, with approval of the requested exceptions to Subdivision Ordinance Section 33-94(a) (1&2) for local street paving, Section 33-97 and Code of Ordinance Chapter 12-145 and 146 for fire protection, Section 33-93 for sidewalks and Section 33-102 for park land dedication fee.

STAFF RECOMMENDATION: Staff recommends approval of the plat with approval of the requested exceptions to Subdivision Ordinance Section 33-94(a) (1&2) for local street paving, Section 33-97 and Code of Ordinance Chapter 12-145 and 146 for fire protection, Section 33-93 for sidewalks and .Section 33-102 for park land dedication fee.

BACKGROUND: The Development Review Committee administratively accepted the application as complete July 14th. Except for the exceptions requested below, it meets the requirements of the Subdivision Ordinance.

Sub Citation	Regs	Requirement	Applicant's Justification	Staff Support?
Sec. (1&2)	33-94(a)	Rural streets shall be edged with 12 inch wide concrete ribbons.	Limited frontage on Bob White Road – a county maintained road	Yes
Sec. Chapter and 146	33-97, 12-145	Water, Wastewater, Fire Protection	3" city inherited line from water corporation less than 6" required	Yes, flush valve to be installed and easement provided per plat
Sec. 33-98		Sidewalks	No sidewalks in existing area – 2 five acre residential lots in	Yes

		eastern ETJ	
Sec. 33-102(d)(2)	Payment of \$225 in park fees per dwelling unit	Closest park is over 5 ± miles away	Yes

Staff supports the exceptions listed above because of the applicant's justification for the rural county road and curb and gutter; water and wastewater because of the existing 3" water line and the addition of a flush valve and easement to extend the water line, sidewalks since the area is removed from other sidewalks, the park land dedication fee because the subdivision is approximately five miles from the nearest City park.

The City Council is the final plat authority since exceptions have been requested.

ATTACHMENTS:

Plat

Exception request

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

MONDAY, AUGUST 4, 2008

ACTION ITEMS

7. **P-FY-08-52** Consider a recommendation to approve the final plat of Cuevas Hickman Subdivision, 2 lots on 10.13 ± acres, a single family residential subdivision on the east side of Bob White Road, north of FM 3117 and south of the Tower Road/Bob White Road intersection, in Temple's Eastern ETJ. (Turley Associates) 8. Discuss and recommend discussion for amendments to the accessory building regulations in Section 13, of the City of Temple Zoning Ordinance. (Applicant: City of Temple Staff)

Mr. Dolan, Planning Director, informs the Commission approximately three-fourths to one mile outside the City limits in the ETJ, for proposed two (2) lots subdivision, there are some exceptions being requested by the applicant this evening that focus on the rural street concrete ribbon curves and also water/wastewater fire protection, sidewalks and the parkland dedication fee. With the justifications presented by the applicants' representative, Staff is recommending support of all four (4) of those exceptions. There will be an easement installed as part of the plat with a fresh baffle for water protection. The Staff is recommending approval of this final plat this evening for P-FY-08-52 subject to the following exceptions, for the curbs and gutters, the water/wastewater fire protection, sidewalks and park land dedications. This is the normal list that you see associated with plats out in the ETJ and has been explained previously to the Commission on the subdivision regulations. It doesn't distinguish between those areas that are inside the City limits or are outside the City limits. This item will require City Council attention and it is scheduled for their meeting August 18th.

Commissioner Carothers makes a motion to approve P-FY-08-52 subject to the exceptions listed by the applicant. Commissioner Kjelland make a second.

Motion passed. (5/0)

RESOLUTION NO. _____

(PLANNING NO. P-FY-08-52)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF CUEVAS HICKMAN SUBDIVISION, 2 LOTS ON APPROXIMATELY 10.13 ACRES, A SINGLE FAMILY RESIDENTIAL SUBDIVISION ON THE EAST SIDE OF BOB WHITE ROAD, NORTH OF FM 3117 AND SOUTH OF THE TOWER ROAD/BOB WHITE ROAD INTERSECTION, IN TEMPLE EASTERN EXTRATERRITORIAL JURISDICTION (ETJ), SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE AND CHAPTER 12 OF THE CITY OF TEMPLE CODE OF ORDINANCES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 4, 2008, the Planning and Zoning Commission approved the final plat of Cuevas Hickman Subdivision, 2 lots on approximately 10.13 acres, a single family residential subdivision, subject to the developer's requested exceptions to the Subdivision Ordinance regarding street paving, fire protection and suppression, sidewalks, and parkland dedication fee; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Cuevas Hickman Subdivision.

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

Part 1: The City Council approves the final plat of Cuevas Hickman Subdivision, 2 lots on approximately 10.13 acres, a single family residential subdivision on the east side of Bob White Road, north of FM 3117 and south of the Tower Road/Bob White Road intersection, in Temple's eastern ETJ, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-94(a) (1&2)* waiving the requirement for local street paving; *Section 33-97 and Chapter 12-145-146 of the City Code* waiving the requirement for fire protection; *Section 33-98* waiving the requirement for sidewalks; and *Section 33-102(d)(2)* waiving the requirement for payment of park fees.

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 **21st** day of **August**, 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 MEMORADUM

08/21/08
Item #5(L)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a street use license for a 2 foot encroachment into the 20' wide alley from an un-permitted building at EZ Tire & Lube, located at the rear of Lot 8, Block 2, Eugenia Terrace Addition, addressed as 1402 South 1st Street/Veteran's Memorial Drive.

STAFF RECOMMENDATION: Adopt resolution as indicated in item description, subject to:

1. The un-permitted structure, including the encroached area into the alley, being brought into compliance with all applicable codes within 90 days of the City Council issuing a street use license; and
2. The revocation of the street use license after 90 days if the applicant fails to bring the said structure into compliance.

ITEM SUMMARY: This request evolved through the code enforcement process of an un-permitted building addition at the rear of the existing EZ Tire & Lube building. The applicant uses the building addition for tire storage. Ordinance 96-2441 allows City Council to grant street use licenses for minor temporary encroachments (15-year term) that are deemed in the public interest. The building addition encroaches 2 feet into the alley and it is less than one-foot away from an existing pole containing electrical transformers feeding electrical and telephone power to this and other locations.

Staff contacted utility providers, including City Services, regarding the requested street use license. None of the utility providers had objections to the request, but AT&T Texas had this statement:

"AT&T Texas has no objection to the proposed street use license at the address above, since the building is already built and in place. If the building causes any damage to our outside plant facilities, such as to the aerial cable or poles, then the property owner who built into the alley, would then be responsible, in case of fire etc."

Multiple city departments have determined the current structure is non-compliant with city and state codes. The issues include the use of high piled combustibles (in this case tires) without adequate safety access, fire protection and suppression, and compliance with local and state building codes.

FISCAL IMPACT: \$150 will be received from the applicant for this 15-year street use license.

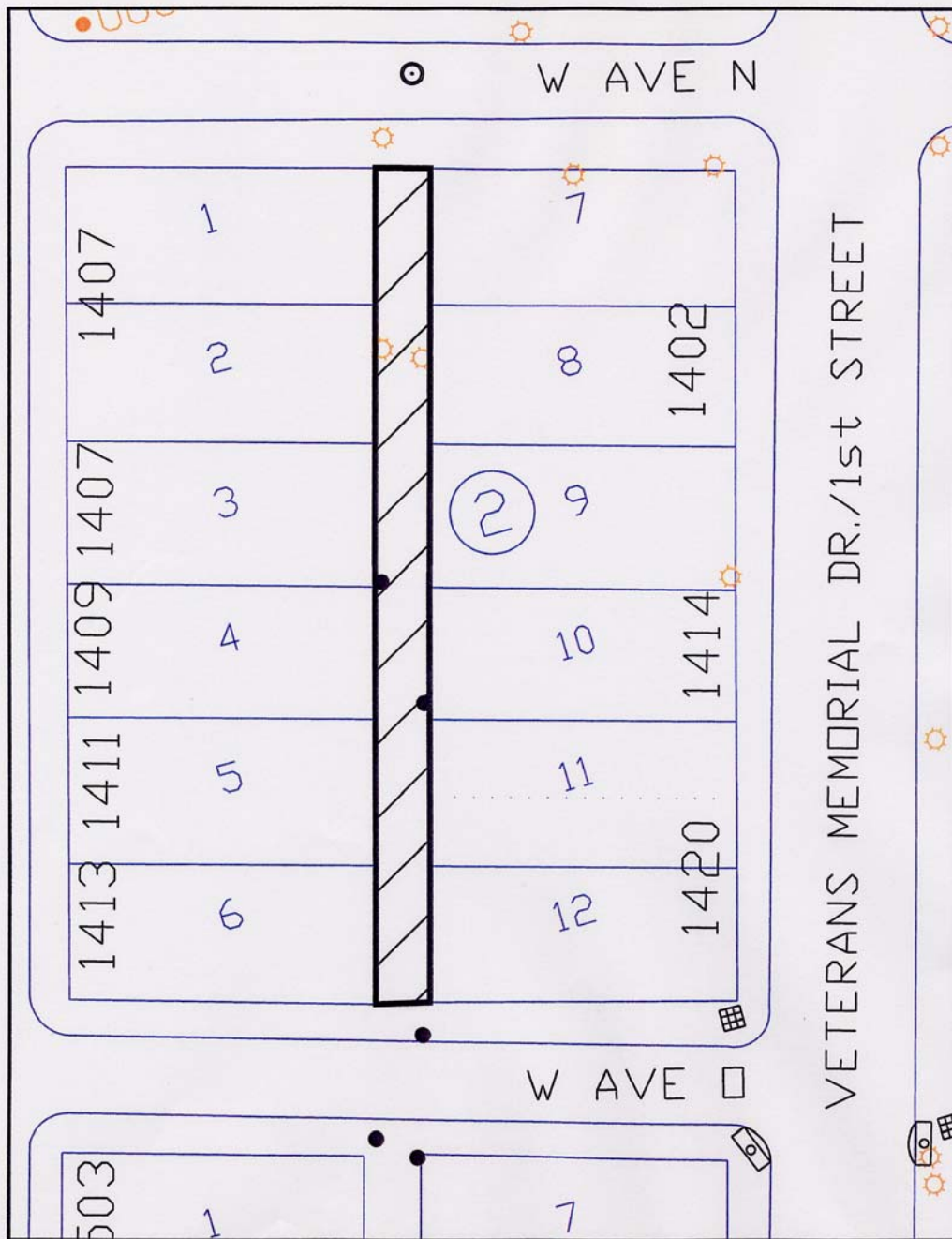
ATTACHMENTS:


[Map](#)

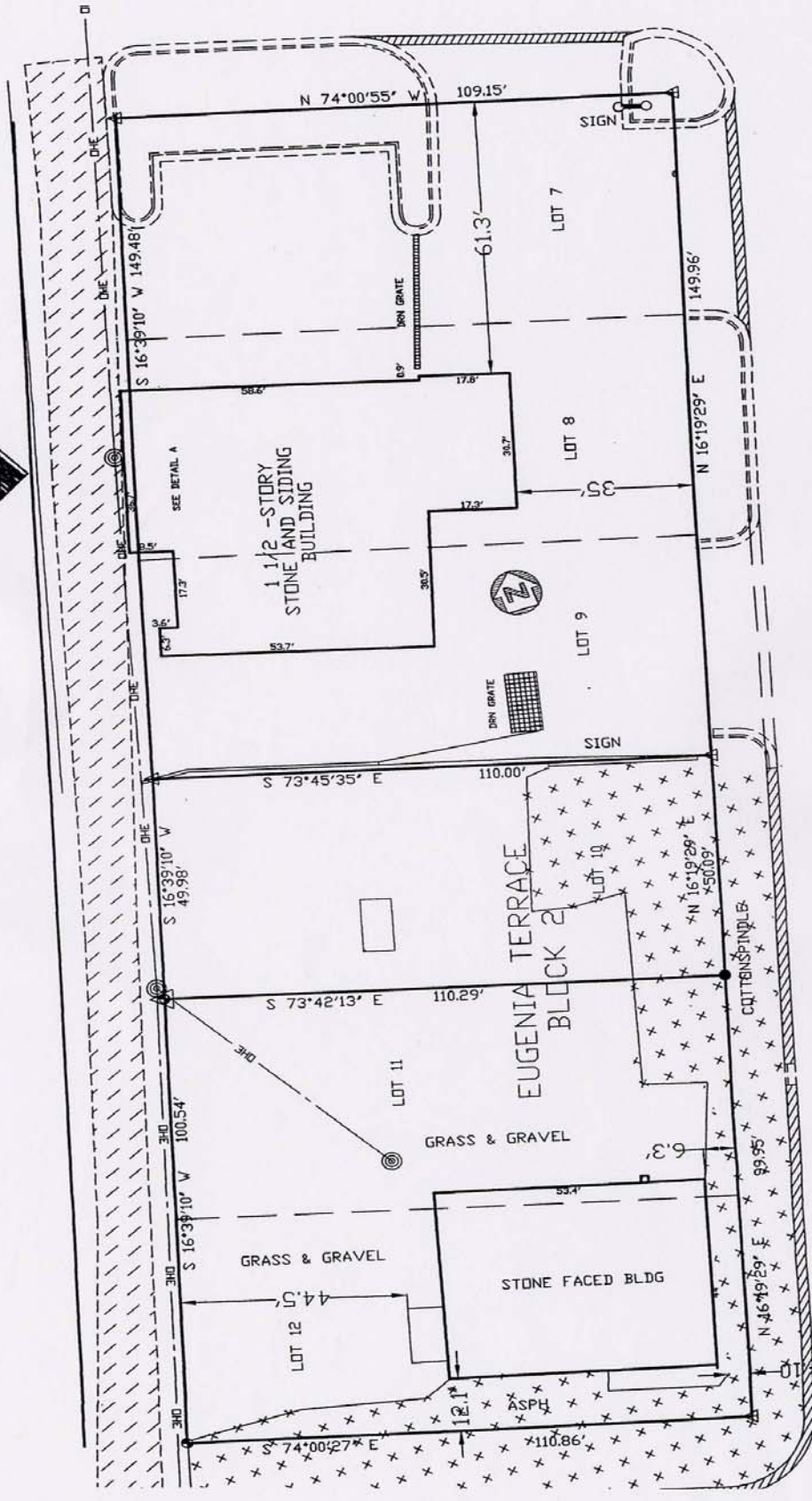
[Survey](#)

[Picture](#)

[Resolution](#)



 Alley Site for Street Use License



FIRST STREET (80' ROW)



Un-permitted Building
Addition in Alley Right-of-Way

Looking North From Alley Between West
Avenue O and West Avenue N

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE FOR A 2 FOOT ENCROACHMENT INTO THE 20 FOOT WIDE ALLEY FROM AN UNPERMITTED BUILDING AT EZ TIRE & LUBE, LOCATED AT THE REAR OF LOT 8, BLOCK 2, EUGENIA TERRACE ADDITION, ADDRESSED AS 1402 SOUTH 1ST STREET/VETERAN'S MEMORIAL DRIVE; 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 2 foot encroachment into the 20 foot wide alley from an un-permitted building located at 1402 South 1st Street;

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 Kelum Pelawatta, owner of EZ Tire & Lube, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a 2 foot encroachment into the 20 foot wide alley from an un-permitted building at EZ Tire & Lube, located at the rear of Lot 8, Block 2, Eugenia Terrace Addition, addressed as 1402 South 1st Street/Veteran's Memorial Drive, 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 2 foot encroachment into the 20 foot wide alley from an un-permitted building at EZ Tire & Lube, located at the rear of Lot 8, Block 2, Eugenia Terrace Addition, addressed as 1402 South 1st Street/Veteran's Memorial Drive, 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.

(4) The un-permitted structure, including the encroached area into the alley, must be brought into compliance with all applicable codes within 90 days of the City Council issuing a street use license.

(5) If Licensee fails to bring the said structure into compliance after 90 days this street use license will be revoked.

(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 **21st** day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of August, 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, Kelum Pelawatta, owner of EZ Tire & Lube, hereby accept the terms and conditions of Resolution No. _____ granting a Street Use License for a 2 foot encroachment into the 20 foot wide alley from an un-permitted building at EZ Tire & Lube, located at the rear of Lot 8, Block 2, Eugenia Terrace Addition, addressed as 1402 South 1st Street/Veteran's Memorial Drive, Temple, Bell County, Texas.

Kelum Pelawatta

County of Bell §

State of Texas §

This instrument was acknowledged before me on the ____ day of _____, 2008, by -
Kelum Pelawatta, owner of EZ Tire & Lube.

Notary Public, State of Texas

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



COUNCIL AGENDA ITEM MEMORANDUM

08/21/08
Item #5(M)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the third quarter ending June 30, 2008, for the General, Water & Sewer, Drainage and Hotel/Motel Tax Funds.

Included with these second quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements (Hard copy)

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE THIRD QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2007-2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the third quarter 2007-2008 fiscal year financial results need to be approved by the City Council;

Whereas, included in the third quarter results are various schedules detailing grants, sales tax, capital projects and investments; and

Whereas, the City Council deems it in the public interest to authorize this action.

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

Part 1: The City Council approves the third quarter 2007-2008 fiscal year financial results, 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 **21st** day of **August**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/21/08
Item #5(N)
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 \$688,790.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
August 21, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2000-521-2516		Judgments & Damages (Police)	\$ 88	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 88
Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple				
110-2000-521-2538		Crime Victim's Expenditure (Police)	\$ 933	
110-0000-442-0722		Police Donations		\$ 933
Crime Victim's traded in cell phones that were donated to the Temple Police Dept. to be used for crime victims of domestic violence, with Shelter Alliance, a cell phone recycling program. This money is to be used for domestic violence cases only.				
110-2200-522-2617		Employment Expense (Fire)	\$ 19,117	
110-1500-515-6534		Contingency - Master Plan Implementation		\$ 19,117
This budget adjustment appropriates funds to provide Haz-Mat physicals for 29 fire fighters. OSHA requires members of hazmat teams to have medical examinations and consultations at least once every twelve months. Funds are available from Contingency - Fire Master Plan implementation.				
110-2200-522-2335		Alarm Systems - Siren Repair (Fire)	\$ 11,362	
110-1500-515-6534		Contingency - Master Plan Implementation		\$ 11,362
This budget adjustment appropriates funds to pay for repairs to the outdoor warning sirens. Funds are available from Contingency - Fire Master Plan implementation.				
110-3200-551-2513		Special Services (Recreation)	\$ 33,120	
110-0000-445-0485		Tennis Fees		\$ 14,000
110-0000-445-0496		Basketball Entry Fees		\$ 1,000
110-0000-445-0498		Soccer Entry Fees		\$ 3,500
110-0000-445-1877		Summit Classes		\$ 9,220
110-0000-445-0488		Football Entry Fees		\$ 4,700
110-0000-445-0494		Volleyball Entry Fees		\$ 700
Increased attendance in the above mentioned areas of programming has created an increase in revenue, but also an increase in the need for special services. Special services includes contracted labor such as umpires and officials, personal trainers, and tennis instructors.				
110-3200-551-1118		Extra Help/Seasonal (Recreation)	\$ 139,000	
110-3200-551-1221		Social Security	\$ 10,700	
110-3200-551-1223		Workers Compensation	\$ 7,400	
110-0000-445-0582		Swimming Pool Fees		\$ 12,000
110-0000-445-1583		Alcoholic Beverages		\$ 3,800
110-0000-445-1584		Facility Rental Parks		\$ 5,800
110-0000-445-1586		Recreation Membership Fees		\$ 2,300
110-0000-445-1590		Special Events Classes		\$ 131,000
110-0000-445-1876		Summit Facility Rental		\$ 2,200
Additional part-time dollars are needed due to increased attendance in several programming areas as well as an increase of facility rentals. Examples of programs, activities, and services that showed an increase are: Afterschool programs, summer camps, aquatics, senior programs, facility rentals, etc.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
August 21, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3500-552-2516		Judgments & Damages (Parks)	\$ 1,832	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,832
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed by Angela Kiesle as a result of a vehicle accident on May 23, 2008, involving a Parks Department employee.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 1,750	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,750
Attorney fees for lawsuits filed against the City -- Centex Investments, Inc v. City of Temple (\$131.25) and Martinson v. City of Temple (\$1,618.75)				
351-1100-513-2616		Professional Services (City Manager)	\$ 5,800	
351-0000-490-2582		Transfer In - General Fund		\$ 5,800
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 5,800	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 5,800
This budget adjustment appropriates \$5,800 needed for a professional services agreement with Architectural Edge to field measure the existing Hawn building structure. The consultant will also prepare dimensional, as-built drawings for the footprint, each individual floor, structural grid, elevator shaft, and stairwell, in addition, document all existing walls, doors, counters, etc. The total of the services are not to exceed \$5,800. These funds are available in Designated Capital Projects - Unallocated.				
361-2000-521-6804	100330	Police Armored Vehicle		\$ 2,500
361-0000-490-2582		Transfer In - General Fund	\$ 2,500	
110-9100-591-8161		Transfer Out - 2006 CO's		\$ 2,500
110-0000-313-0330		Federal Seized Funds	\$ 2,500	
Funding in the amount of \$2,500 for delivery of the armored vehicle was not needed. This budget adjustment unallocates funding for the delivery costs.				
361-2200-522-6803	100052	Portable Digital Radios (Fire)	\$ 61,888	
361-2800-532-6810	100150	Traffic Signals - RZ Outler Loop Phase 2	\$ 132,325	
361-2800-532-6810	100209	Traffic Signals - Adams/Pea Ridge	\$ 68,208	
361-2800-532-6810	100352	Traffic Signals - Old Waco Rd/FM-2305	\$ 14,500	
361-2800-532-6810	100403	Traffic Signals	\$ 169,967	
361-0000-461-0111		Interest Income		\$ 42,164
361-0000-315-1116		Reserved for Future Expense		\$ 404,724
This budget adjustment appropriates additional funding from interest earnings to fund 2006 CO projects.				
TOTAL AMENDMENTS			\$ 688,790	\$ 688,790
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
August 21, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Judgments & Damages Contingency	\$	70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(61,058)
		Net Balance of Judgments & Damages Contingency Account	\$	8,942
		Beginning Master Plan Implementation Contingency	\$	250,000
		Added to Master Plan Implementation Contingency	\$	-
		Taken From Master Plan Implementation Contingency	\$	(206,813)
		Net Balance of Master Plan Implementation Contingency Account	\$	43,187
		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	\$	52,129
		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	\$	(213,528)
		Net Balance of Contingency Account	\$	691,144
		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	\$	(13,568)
		Net Balance of Approach Mains Contingency Account	\$	486,432
		Net Balance Water & Sewer Fund Contingency	\$	1,177,576
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	20,126
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(18,928)
		Net Balance of Contingency Account	\$	1,198
		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	\$	1,198
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	1,495
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	1,495

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
August 21, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		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 **21st** day of **August**, 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

08/21/08
Item #6(A)
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-32-A: Consider adopting an ordinance authorizing an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to recommend approval of moderate density residential uses amending the Temple Comprehensive Plant at its meeting on August 4, 2008. Staff recommends approval of the future land use map amendment from Commercial, Retail, High Density Residential and Moderate Density Residential to Moderate Density Residential because:

1. Lack of nonresidential development on the subject property warrants an amendment to the Future Land Use Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-32 from the Planning and Zoning meeting, August 4, 2008.

The applicant proposes a duplex development on both sides of Battle Drive. The property is located within the boundaries of the South Temple Plan. The South Temple Plan was adopted in 1998. The future land use map shows a variety of future land use categories for the subject property, including: Commercial, Retail, High Density Residential and Moderate Density Residential. Moderate density residential is appropriate for the area.

FISCAL IMPACT: None

ATTACHMENTS:

[Land Use Map](#)

[P&Z Staff Report \(Z-FY-08-32-A\)](#)

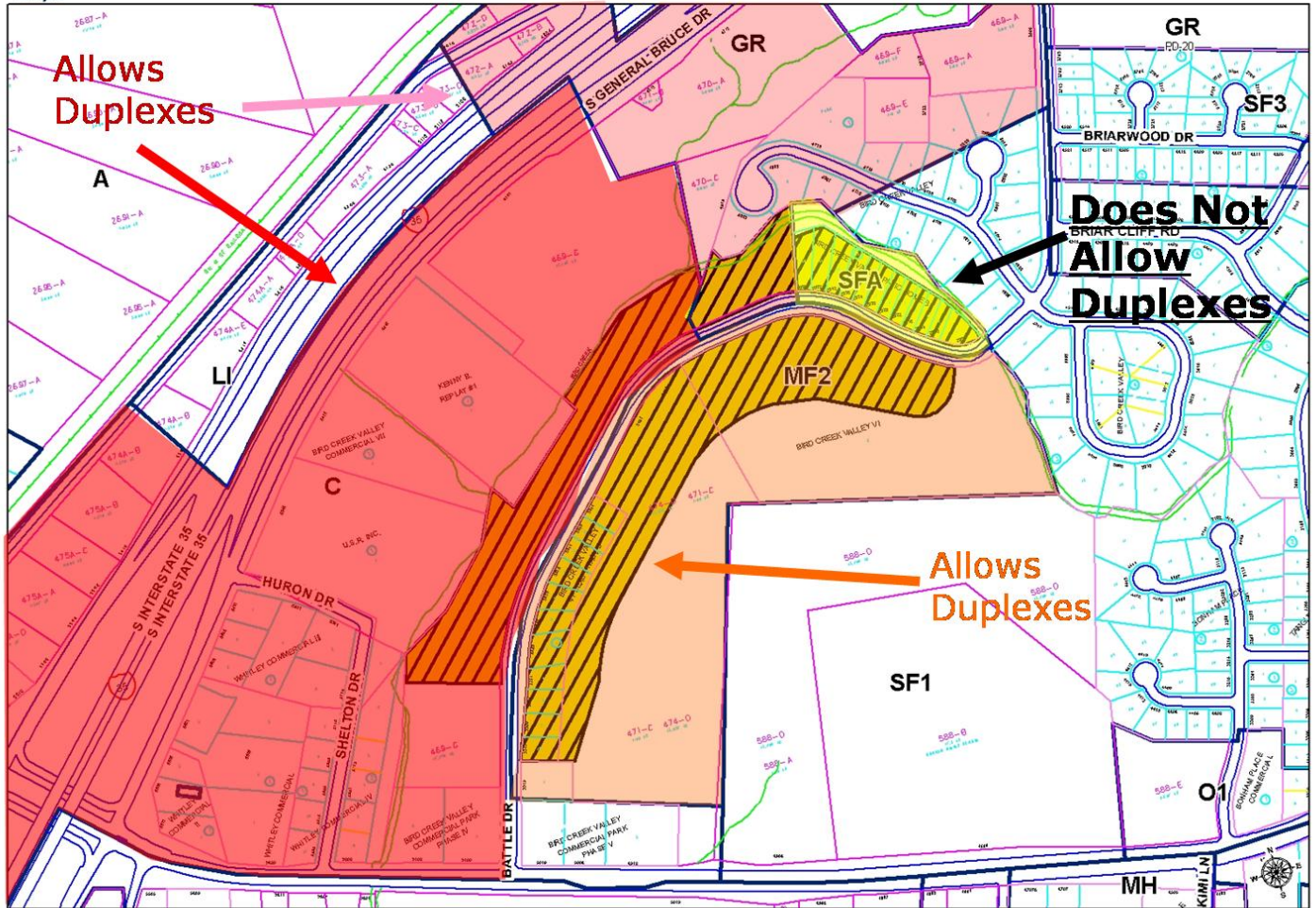
[P&Z Minutes \(08/04/08\)](#)

[Ordinance](#)



Z-FY-08-32

21.49 Acres of Proposed Residences at Bird Creek



ZFY0832

C, GR, SFA & MF2 to 2F Zoning

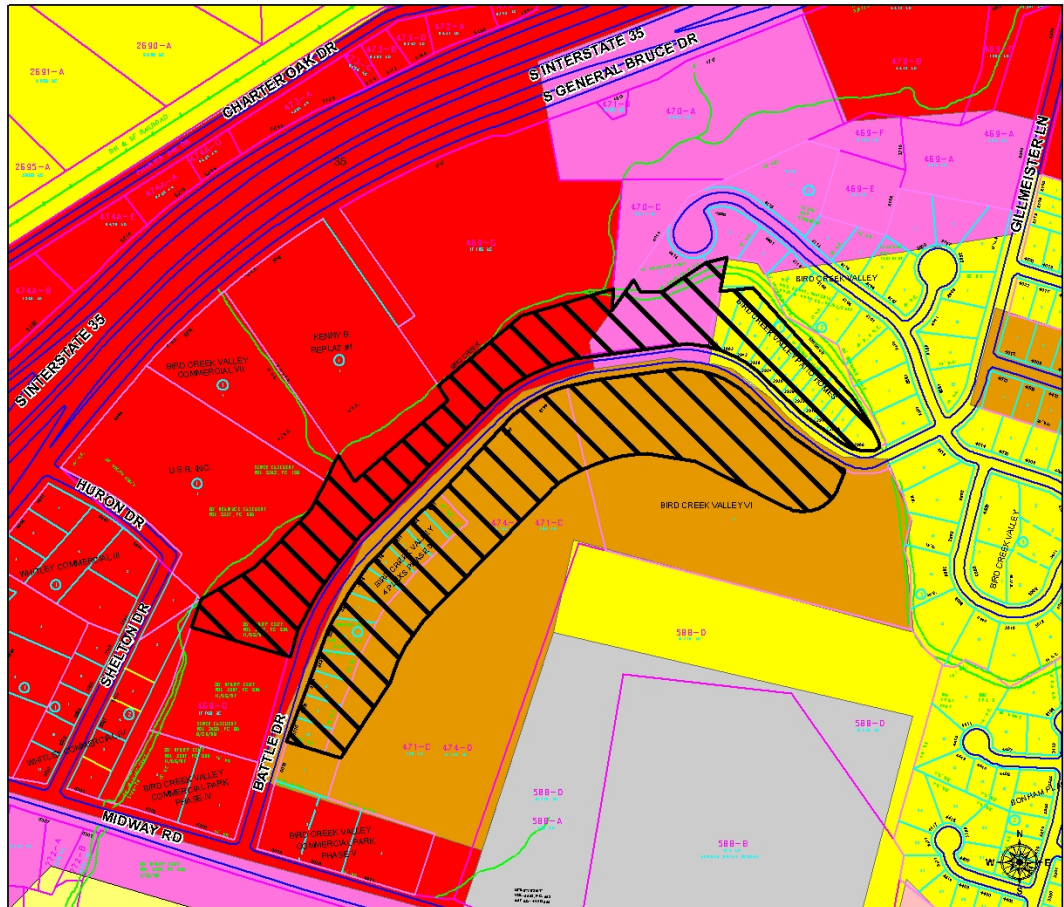
1 inch equals 400 feet
J Stone 07.21.08



Z-FY-08-32

21.49 Acres of Proposed Residences at Bird Creek

- ZFY0832
- CLUP**
- Agricultural**
- AGRICULTURE
- Residential**
- LOW DENSITY (UE)
- MOD DENSITY (SF1, SF2, SF3, MH, 2F)
- MED DENSITY (MH, 2F, TH, MF1)
- HIGH DENSITY (MF2)
- Commercial**
- OFFICE (O1, O2)
- RETAIL (NS, GR)
- COMMERCIAL (C, CA)
- Mixed Use**
- MIXEDUSE (MU)
- Industrial**
- INDUSTRIAL (I, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bio-Science/Technology
- Corporate Capus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust
- Intermodal
- Community Facilities**
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)
- Park Land**
- PROPOSED FLOATING PARK
- PARKS
- Downtown**
- DOWNTOWN



C, GR, SFA & MF2 to 2F Zoning

1 inch equals 400 feet
J Stone 07.01.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/04/08
Item #4
Page 1 of 2

APPLICANT / DEVELOPMENT: Central Texas Interests

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-32-A Hold a public hearing to consider an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.49 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

BACKGROUND: The applicant proposes a duplex development on both sides of Battle Drive. The property is located within the boundaries of the South Temple Plan. The South Temple Plan was adopted in 1998. The future land use map shows a variety of future land use categories for the subject property, including: Commercial, Retail, High Density Residential and Moderate Density Residential.

Future Land Use Plan

The portions of the subject property designated High and Moderate Density Residential accommodate the requested zoning district. The portions of the property designated Commercial and Retail do not. Since the plan was adopted in 1998, no nonresidential development has occurred on portions of the subjected property designated Commercial or Retail, so an amendment to the Future Land Use Map is warranted.

Thoroughfare Plan

Battle Drive is designated as collector road on the Thoroughfare Plan. The South Temple Plan says that residential uses may be appropriate to front on collectors provided that access is managed. Staff is working with the applicant through the platting process to provide rear lot access for many of the lots in the proposed subdivision. The request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The platting process will ensure that adequate public water and sewer lines will be provided for those portions of the property that do not currently have such services.

STAFF RECOMMENDATION: Staff recommends approval of the future land use map amendment from Commercial, Retail, High Density Residential and Moderate Density Residential to Moderate Density Residential because:

1. Lack of nonresidential development on the subject property warrants an amendment to the Future Land Use Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Land Use Map

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

MONDAY, AUGUST 4, 2008

ACTION ITEMS

4. **Z-FY-08-32-A** Hold a public hearing to consider an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III. (Applicant: Central Texas Instruments).

Mr. Tim Dolan, Planning Director, presented this item on behalf of Mr. Brian Mabry. Mr. Dolan presented a detailed Powerpoint and explained the area is being planned for a 2-Family or duplex subdivision and there's a preliminary plat that has been submitted which shows 52 residential lots, essentially a doubled lot subdivision, double loaded on the street with 26 lots either way. The applicant is also aware of the soil condition settling in that area.

The aerial photograph shows some of the pictures around the area and the condition of Battle Drive, along with some of the gabions or rock retaining wall along the area. Currently, three-fourths of the zoning already allows duplexes. Staff recommended to the applicant to consider cleaning this up because in the Commercial, General Retail and MF2 Zoning it already allows duplexes and the only area that is not is the area zoned SFA.

21 notices were mailed to area property owners and the notice was advertised in the local paper as required by Local Ordinance and State Law. Out of the 21 notices, two (2) notices agreed to it and at least three (3) recommended opposition to this zoning case.

There are some existing sewer and water lines that would either be extended through the area as they did come enforce some type of subdivision platting. The Battle Drive is designated on the thoroughfare plan as a collector road which is a minimum of 55 feet of right-of-way and the 36 feet of pavement. Staff reviewed the zoning request and has recommended approval to combine the zoning from the MF2, Commercial, General Retail, Single Family Attached to 2-Family, subject to the request complying with the Future Land Use Plan, the Thoroughfare Plan and adequate public facilities to serve the site.

Vice-Chair Pope opened the public hearing asking anyone wishing to speak in favor or opposition to this item to address the Commission.

Mr. Wayne Pope, resident of 4713 Arrowhead Drive, addressed the Commission. Mr. Pope pointed out three (3) specific concerns: 1) he purchased the lot knowing he would be in a single family neighborhood and his back door neighbor in the future would be a single family home as well and he would like to keep it that way.

The rest of Battle is undeveloped. Mr. Pope would prefer just to look back on single family houses versus a duplex or anything else that should go up and keep the neighborhood from becoming a transient neighborhood like duplexes and apartments tend to be and to keep it an established neighborhood like single family homes normally are.

2) Battle is one of the worst roads in town. It collects water in areas that aren't suppose to hold water and creates one lane traffic which has to swerve around. Hopefully, if this is approved, the road is approved as well.

3) Mr. Pope indicated where it says SFA, it is the low spot of the neighborhood and becomes a holding area for water when it rains. It slopes from the lower right hand corner back up to the left. The street is higher than where the houses are going to be built and the creek is higher than where the houses are going to be built. The houses would be built some number of feet below street level and below creek level which concerns Mr. Pope since he backs up to it. Where are they going to put that water? If it knocks the dirt down going into the creek, it's going upstream from where it enters the creek at this point.

Mr. Pope stressed again these issues are a big concern. There are a lot of street water issues on this side of town already and it wouldn't be fair to the 10 homeowners or so that live right next to it.

Mr. Howard Burkholz, 4709 Arrowhead Drive, also spoke. Mr. Burkholz is Mr. Wayne Pope's neighbor and built his home there in 1976. Mr. Burkholz echoed the same complaints Mr. Pope did. His main concern is also the water. About a year ago, the City dug a ditch between their two houses to control water from a subdivision that was built uphill and now runs down the street, down the hill, and into their front yards. With all the construction on the Loop, the new mall, and the shopping area going on the Loop, there will be a lot more water coming down on us. The gabions that were shown on the pictures were put there about 20 years ago and really helped the erosion problem but will the City make sure to keep that area cleaned up. If something were to be done downstream, there should be something to improve the drainage in Bird Creek. When it gets just

past Arrowhead, the cul-de-sac down there, where the gabions and the concrete ends, it's just water and trees. If something could be done with that, it would probably help control the water.

Mr. Burkholtz said there has been progress made, and things have to be built, but it is his feeling that it's endangering the homes by doing all this without taking anything else into consideration like the flood control.

Mr. Dolan defers this issue to the Engineering Department for any clarification.

Mr. Michael Newman responds that they anticipate there would be some kind of mitigation, including possibly channel work downstream along the property where the creek is, to help get water to go through there and then whether or not there's detention is required, that still remains to be seen and would be a study associated with the final plat.

Mr. Newman explains they just implemented the Flood Damage Prevention Ordinance and actually had drainage criteria that allowed to require one foot above, now we've got a Flood Plain Ordinance that's up to date with that and with the current FEMA standards and is one foot above the base foot elevation or the 100 year.

Commissioner Talley inquires about Battle Drive?

Mr. Newman responds that they've looked at the Ordinance and typically, there's a section that talks about upgrading roadways and that's usually when they're not of the right proportion but we can require developments contiguous to roadways to actually put up fiscal or do physical improvements to widen those roadways. Since Battle Drive is already collector size in width street, it's really on our list of projects that needs attention and Public Works is aware of its condition as well as other streets in the City. Currently, we do not have funding for any projects or will and/or maintenance of that street.

Vice-Chair Pope closes the public hearing.

Commissioner Secrest asks if the applicant is in attendance. Mr. Dolan responds they tried to contact the applicant to attend today's meeting and have not heard anything that would have prevented applicant from attending. Mr. Dolan responds that the applicant's name is Cy Long who submitted the project on behalf of the owners.

Commissioner Kjelland clarifies that it was City Staff who recommended clean up and not the applicant. Mr. Dolan confirms this statement. Mr. Dolan also comments that the Ordinance that is currently written allows a

lot of residential development of any type and here is the case for the 2-Family, the duplex that can already occur in the GR, the Commercial, and the Multi-family. The applicant was asked as they were going through the process, to go ahead and look at the zoning for residential only and there's still plenty of commercial area for the non-residential area for that area adjacent to General Bruce.

Vice Chair Pope asks Mr. Dolan if the Commission is being asked to approve an amendment to reflect a Moderate Density Residential use of the entire 21 ± acres, but the Commission could exclude, if they chose to do so, part of the acreage that are 2-Family or Single Family in the Comprehensive Plan and leave the rest alone. Mr. Dolan confirms that yes, if the Commission chose to do so.

Trudi Dill, Assistant City Attorney, brought up the fact that the Moderate Density Residential would still hold for the Single Family Attached.

Motion to recommend approval of Z-FY-08-32-A to amend the South Temple Comprehensive Plan to reflect Moderate Density Residential by Commissioner Secrest; seconded by Commissioner Martin.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-32(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE SOUTH TEMPLE COMPREHENSIVE PLAN TO REFLECT MODERATE DENSITY RESIDENTIAL USES ON APPROXIMATELY 21.5 ACRES SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, WITH PLATTED LAND RECORDED AS BIRD CREEK VALLEY VI AND BIRD CREEK VALLEY PHASE 4-PLEXES PHASE III; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the South Temple Comprehensive Plan to reflect moderate density residential uses on approximately 21.5 acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the **4th** day of **September**, 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

08/21/08
Item #6(B)
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-32-B: Consider adopting an ordinance authorizing a zoning change from Commercial (6.1 ac.), General Retail (1.2 ac.), Multiple-Family Two (11.2 ac.) and Single-Family Attached Districts (3.0 ac.) to Two-Family District on 21.5 ± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0 to deny the recommendation of Single-Family Attached Districts (3.0 ac.) on August 4, 2008. The Planning & Zoning Commission voted 7/0 to recommended approval of the remaining area to be rezoned from Commercial (C), General Retail (GR) and Multiple Family-2 (MF-2) to the Two-Family District on the remaining 18.5± acres. Staff recommends approval of the zoning change because:

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-32-B from the Planning and Zoning meeting, August 4, 2008. The Commission recommended keeping the SF-A area's zoning intact, since the platted lots across Arrowhead Drive and Court are built at SF-A standards.

The minimum lot size for a two-family dwelling in the Multiple-Family Two, General Retail and Commercial zoning districts that already exist on the property is 3,500 square feet per dwelling unit so approval of the zoning request has the effect of reducing the maximum achievable density of the development. Two family developments are described as moderate density residential in the Comprehensive Plan.

The applicant is required to request the Zoning Board of Adjustment to grant a variance for some lots with Bird Creek to the rear once a plat is ready for a public meeting. The plat is an incomplete application. The applicant will request a 20' front yard setback rather than the 25' setback that is required so that a buildable area will be available. Staff has discussed keeping the area for a smaller lot single family to mitigate the potential of multiple curb-cuts and vehicles parked on the front lot area.

In addition, Staff will schedule a future work item to amend the zoning ordinance to require that all two-family dwellings in the future provide rear vehicular access in order to reduce the number of street-side curb cuts.

FISCAL IMPACT: NA

ATTACHMENTS:

[Zoning Map](#)

[P&Z Staff Report \(Z-FY-08-32-B\)](#)

[P&Z Minutes \(08/04/08\)](#)

[Ordinance](#)



Z-FY-08-32

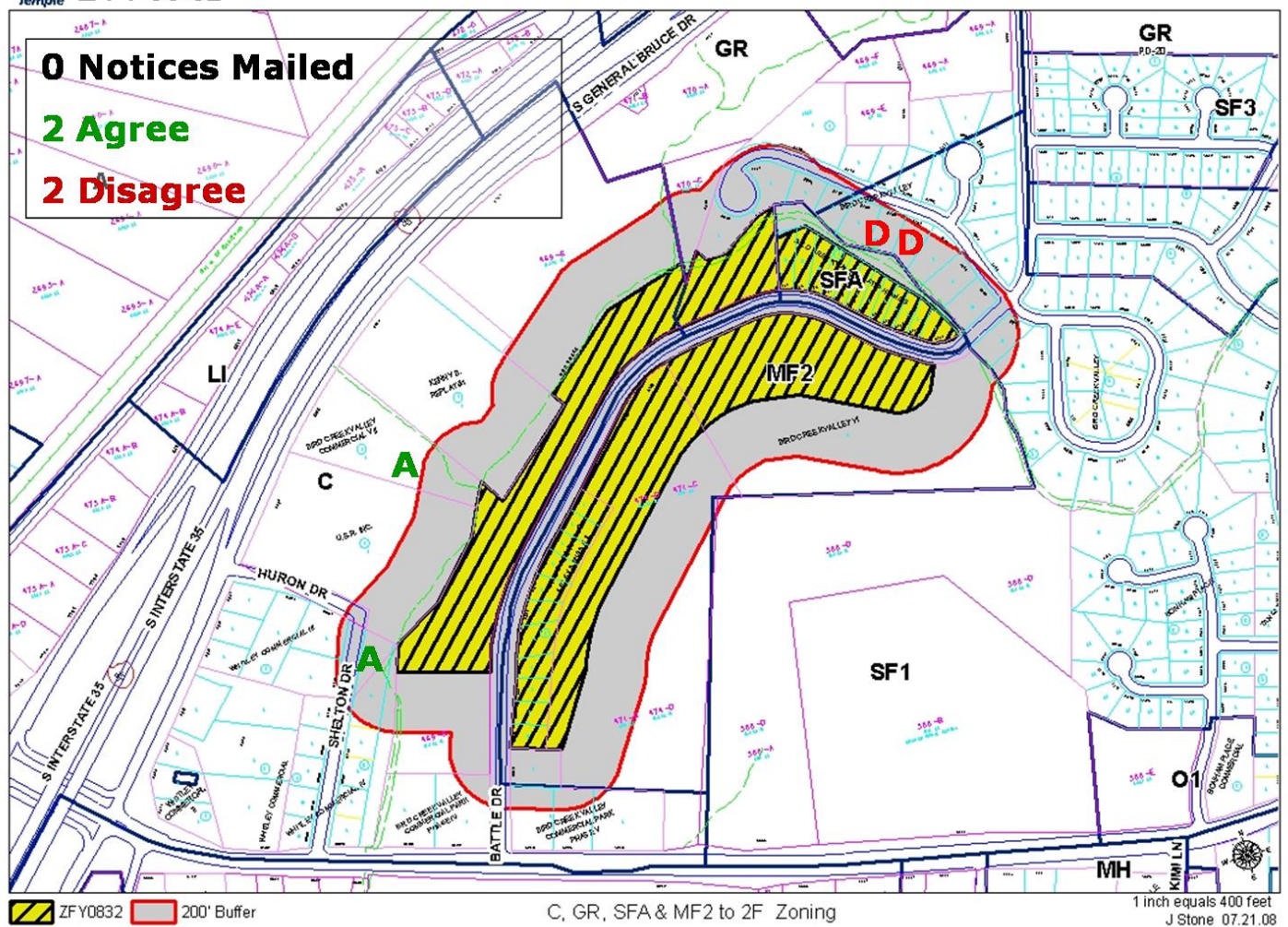
21.49 Acres of Proposed Residences at Bird Creek



ZFY0832

C, GR, SFA & MF2 to 2F Zoning

1 inch equals 400 feet
J Stone 07.21.08





PLANNING AND ZONING COMMISSION AGENDA ITEM

08/04/08
Item #5
Page 1 of 3

APPLICANT / DEVELOPMENT: Central Texas Interests

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-32-B Hold a public hearing to consider a zone change from Commercial (6.1 ac.), General Retail (1.2 ac.), Multiple-Family Two (11.2 ac.) and Single-Family Attached Districts (3.0 ac.) to Two-Family District on 21.49 ± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

BACKGROUND: The applicant proposes a two-family residential development. The Development Review Committee is currently reviewing the preliminary plat for the development.

Surrounding Property and Uses

The following table shows the existing zoning and current land uses abutting the subject property:

Direction	Zoning	Current Land Use
North	GR	Single-family subdivision
		Vacant
East	MF2	Vacant
	SF-1	Single-family subdivision
South	MF2	Vacant
	C	Vacant
West	C	Equipment Rental
		Vacant

Zoning for the subject property consists of the Commercial, General Retail, Multiple-Family Two and Single-Family Attached zoning districts. As noted on the first attachment to this staff report, two-family dwellings are a permitted use in all of these zoning districts except for Single-Family Attached.

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

Future Land Use Plan

The portions of the subject property designated High and Moderate Density Residential accommodate the requested zoning district. The portions of the property designated Commercial and Retail do not. The zoning request complies with the requested amendment to the Future Land Use Map.

Thoroughfare Plan

Battle Drive is designated as collector road on the Thoroughfare Plan. The South Temple Plan says that residential uses may be appropriate to front on collectors provided that access is managed. Staff is working with the applicant through the platting process to provide rear vehicular access for all of the

Double Sided

lots in the proposed subdivision. Some of the lots back to Bird Creek which may pose difficulties for rear entry lots. The request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The platting process will ensure that adequate public water and sewer lines will be provided for those portions of the property that do not currently have such services.

Development Regulations

The purpose of the two-family dwelling district is to accommodate single-family and duplex dwellings allowing an orderly transition from single-family neighborhoods to higher densities of residential use.

Permitted uses include two-family dwellings, single-family dwellings and supporting public uses such as schools or places of worship. Most other nonresidential uses are prohibited.

Minimum lot area and setback requirements for a two-family dwelling in the 2F, Two-Family zoning district are as follows.

2F, Two-Family Dwelling	
Min. Lot Area (sq. ft.)	4,000 per dwelling unit
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½
Min. Yard (ft)	
Front	25
Side	5
Rear	10

The minimum lot size for a two-family dwelling in the Multiple-Family Two, General Retail and Commercial zoning districts that already exist on the property is 3,500 square feet per dwelling unit so approval of the zoning request has the effect of reducing the maximum achievable density of the development.

The applicant is required to request the Zoning Board of Adjustment to grant a variance for some lots with Bird Creek to the rear. The applicant will request a 20' front yard setback rather than the 25' setback that is required so that a larger buildable area will be available.

In addition, Staff will schedule a future work item to amend the zoning ordinance to require that all two-family dwellings in the future provide rear vehicular access in order to reduce the number of street-side curb cuts.

Public Notice

Twenty one notices of the Planning and Zoning Commission public hearing were sent out. As of July 31, 2008 at 5 PM, two notices were returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the public hearing on July 26, 2008 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the zone change for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notice Map
Response Letters

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

MONDAY, AUGUST 4, 2008

ACTION ITEMS

5. **Z-FY-08-32-B** Hold a public hearing to consider a zone change from Commercial (6.1 ac.), General Retail (1.2 ac.), Multiple-Family Two (11.2 ac.) and Single-Family Attached Districts (3.0 ac.) to Two-Family District on 21.49 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III. (Applicant: Central Texas Instruments)

Vice-Chair Pope comments that part B has to do with the zone change from Commercial to 2-Family.

Vice-Chair Pope opened the public hearing asking anyone wishing to speak in favor or opposition to this item to address the Commission.

Mr. Wayne Pope of 4713 Arrowhead, Temple, Texas, asks for some clarification on the current proceedings since he is not use to the Zoning Commission process.

Mr. Dolan states that what is being discussed is when the letter was sent out it stated that if it were recommended for approval today, the first reading public hearing would be scheduled for the August 18th City Council meeting. This is not the first reading, this is only the public hearing.

The process is essentially a three step process which begins with the first step for the public hearing to consider recommending for the Comprehensive Plan. As you took action on the first item, this is the zoning case, both of those move forward to City Council and that is where it has been described for the first reading public hearing.

Vice-Chair Pope closes the public hearing.

Commissioner Secrest asks for clarification on whether the Commission can grant some portions of the zoning and deny other portions of the zoning. Mr. Dolan confirms that is correct if that is what the Commission recommends.

Motion to approve Z-FY-08-32-B, excluding the Single Family attached District of 3 acres and leaving it as is by Commissioner Kjelland; seconded by Commissioner Carothers.

Commissioner Talley asks about the issue with Battle Drive and if anything like an amendment to this motion can come in to either repair it or add some kind of structure that will make it drivable from the perspective of the homeowners that are already there.

Mr. Dolan explains there are two items associated with this issue: One is the funding issue and there is no response for that issue this evening; research is part of the zoning case. One has to look at the adequacy of the land uses and how they are standing and how they are in relation with the other areas. Secondly, this is more what Mr. Dolan describes as a subdivision platting issue and is not associated with the Comprehensive Plan Amendment nor its zoning. As you review the whole process in previous cases, you do not give in to the condition of the roadway at the zoning of the Comprehensive Plan Amendment. The comments are duly noted, this is more of a development issue associated with the subdivision platting.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-32(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM COMMERCIAL (6.1 ACRES), GENERAL RETAIL (1.2 ACRES), MULTIPLE-FAMILY TWO (11.2 ACRES) AND SINGLE-FAMILY ATTACHED DISTRICTS (3.0 ACRES) TO TWO-FAMILY DISTRICT ON APPROXIMATELY 21.5 ACRES SITUATED IN THE GEORGE GIVENS SURVEY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Commercial (6.1 acres), General Retail (1.2 acres), Multiple-Family Two (11.2 acres), and Single-Family Attached Districts (3.0 acres) to Two-Family District on approximately 21.5 acres situated in the George Givens Survey, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the 4th day of **September**, 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

08/21/08
Item #7(A)
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-36-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan from low density residential to commercial uses on a 1.4 ± acre tract of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning & Zoning Commission will hear this case on August 18th and Staff will present their recommendation at the Council meeting. This zoning case for the applicant, Mr. A.C. Boston, was publicized to allow Council's second and final reading on September 4th, if the first reading is approved.

Staff recommends approval of the first reading for Case Z-FY-08-36-A to amend the Future Land Use Map from low density residential to commercial Uses subject to:

1. The proposed Plan Amendment for Regional Commercial conforms to the Future Trends of the Future Land Use Plan since the area is located near a designated intersection and contains adequate size for development;
2. The Plan Amendment conforms to the Thoroughfare Plan since access comes from an Arterial roadway; and
3. The Plan Amendment conforms to the Adequacy of Public Facilities since the site contains sufficient area for the existing septic tank.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agriculture, which shows the future use as low density residential. The existing dance studio was in business prior to the annexation.

The guidelines in the West Temple Plan are summarized as follows:

- Maximum building height of one to two-story buildings
- Low profile appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction where possible, and
- Parking areas screened from street view where possible by continuous hedge along street

Staff will provide the Staff Report and the draft minutes of for the second reading for Z-FY-08-36.

FISCAL IMPACT: None

ATTACHMENTS:

[Land Use Map](#)

[Aerial](#)

[Ordinance](#)



Z-FY-08-36A

1.366 Acres

OB#7001A & 7009A

12435 FM 2305

CLUP

Agricultural

AGRICULTURE

Residential

- LOW DENSITY (UE)
- MOD DENSITY (SF1, SF2, SF3, MH, 2F)
- MED DENSITY (MH, 2F, TH, MF1)
- HIGH DENSITY (MF2)

Commercial

- OFFICE (O1, O2)
- RETAIL (NS, GR)
- COMMERCIAL (C, CA)

Mixed Use

- MIXEDUSE (MU)

Industrial

- INDUSTRIAL (LI, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bio-Science/Technology
- Corporate Capus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust
- Intermodal

Community Facilities

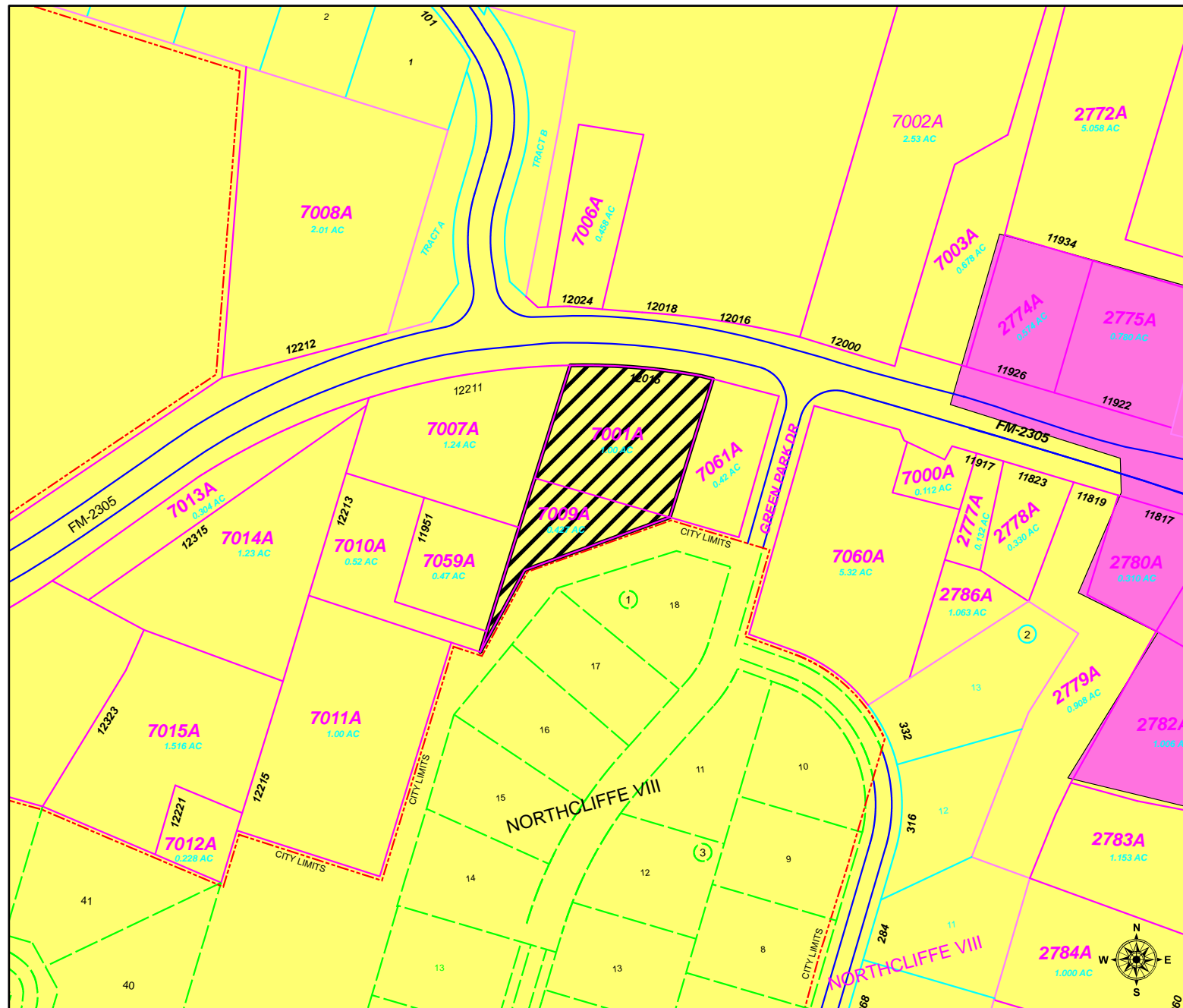
- COMMUNITYFACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

- DOWNTOWN



A to C Zoning

1 inch = 200 feet
J Stone 07.30.08

ORDINANCE NO. _____

[PLANNING. Z-FY-08-36(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL USES ON AN APPROXIMATELY 1.4 ACRE TRACT OF LAND OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT NO. 513, LOCATED ON THE SOUTH SIDE OF FM 2305, WEST OF GREEN PARK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan from low density residential to commercial uses on an approximately 1.4 acre tract of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the 4th day of **September**, 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

08/21/08
Item #7(B)
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-36-B –Consider adopting an ordinance authorizing a zoning change from Agricultural District to Commercial District on 1.4 ± acres of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive.

PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION: The Planning & Zoning Commission will hear this case on August 18th and Staff will present their recommendation at the Council meeting. This zoning case for the applicant, Mr. A.C. Boston, was publicized to allow Council's second and final reading on September 4th, if the first reading is approved.

Staff recommends approval of the Zone change from A, Agricultural District C, Commercial because:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public and private facilities will serve the site from existing septic service.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-36A. The purpose of the zone change request from A to C is to enlarge an existing dance studio.

Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use Plan of the West Temple Plan.

Thoroughfare Plan

FM 2305 functions as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The on-site sewage facility serves the site and the expanded studio.

Development Regulations

The purpose of the C, Commercial Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the most intensive retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments.

Minimum lot area and setback requirements for the C, Commercial district are as follows:

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

Public Notice

A total of seven notices of the P&Z meeting were sent out. As of Thursday, August 14 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on August 7, 2008 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)
[Notification Map](#)
[Zoning Map](#)
[Ordinance](#)



Z-FY-08-36B

1.366 Acres

OB#7001A & 7009A

12435 FM 2305



ZFY0836

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08

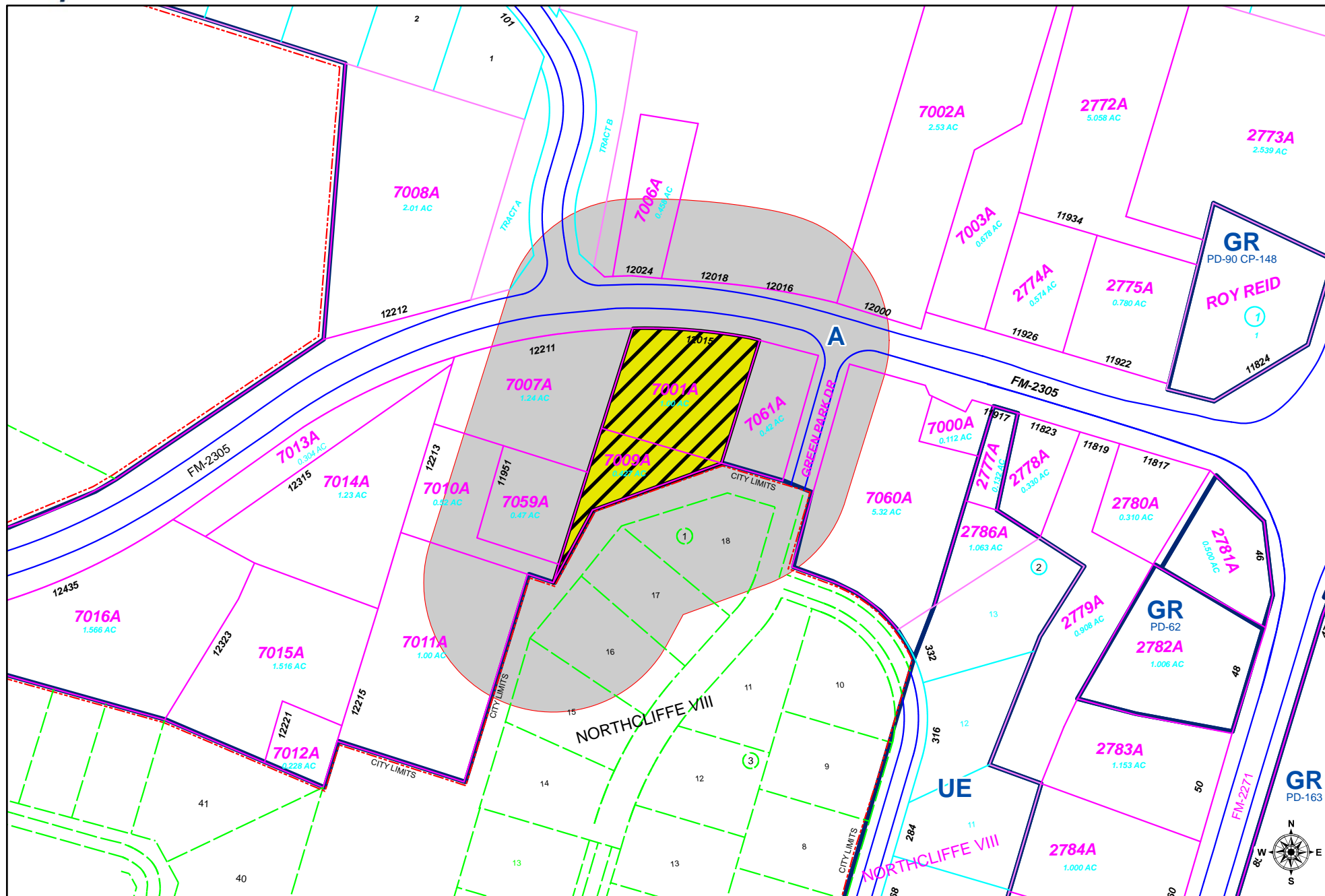


Z-FY-08-36B

1.366 Acres

OB#7001A & 7009A

12435 FM 2305



ZFY0836 200' Buffer

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08

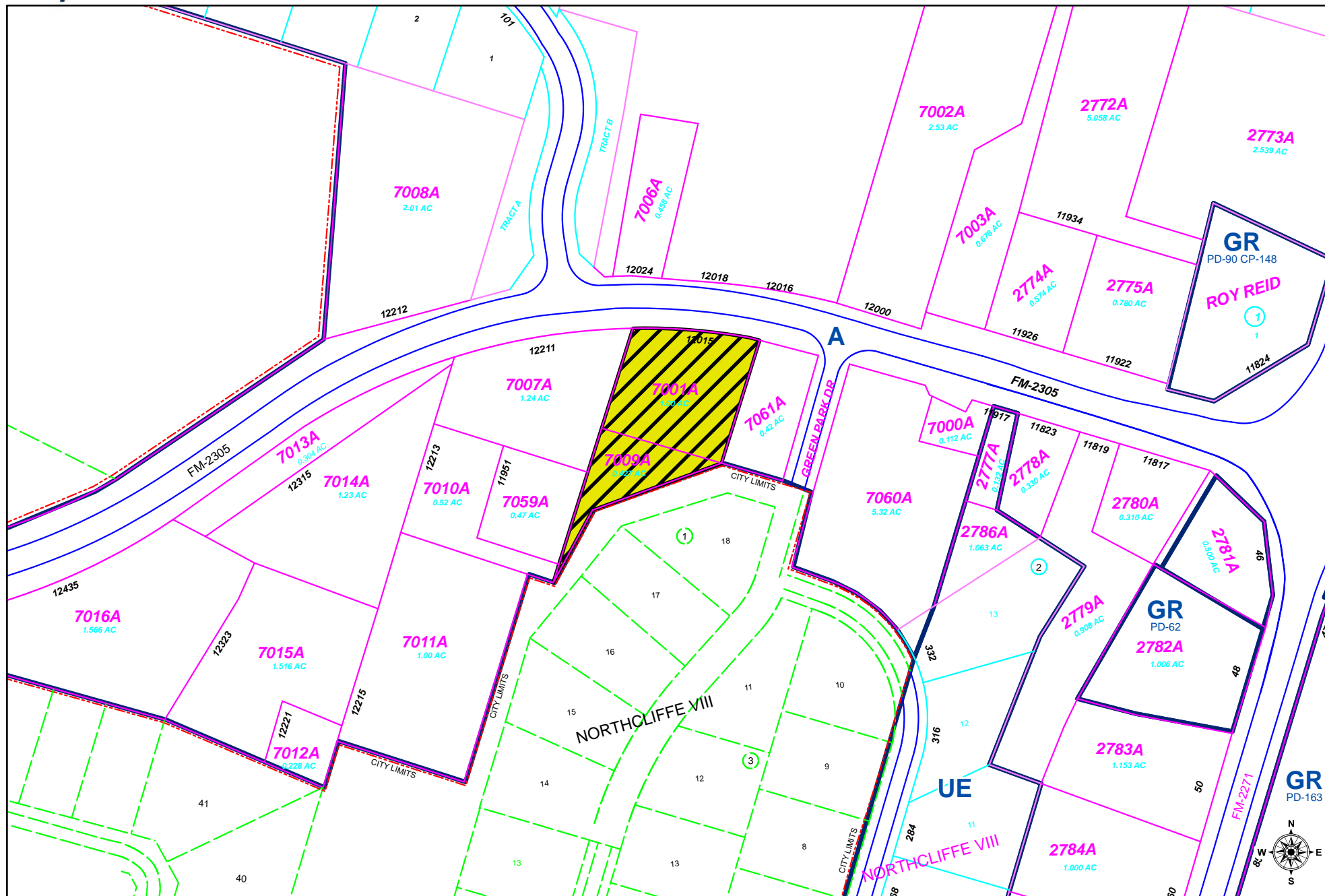


Z-FY-08-36B

1.366 Acres

OB#7001A & 7009A

12435 FM 2305



ZFY0836

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-36(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO COMMERCIAL DISTRICT ON APPROXIMATELY 1.4 ACRES OF LAND OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT NO. 513, LOCATED ON THE SOUTH SIDE OF FM 2305, WEST OF GREEN PARK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District to Commercial District on approximately 1.4 acres of land out of the G.W. Lindsey Survey, Abstract No. 513, located on the south side of FM 2305, west of Green Park Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the **4th** day of **September**, 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

08/21/08
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for September 4, 2008.

ITEM SUMMARY: In January of 2008 the City adopted an ordinance establishing school crosswalks and setting limits within the school zones as agreed upon by City, TISD and BISD. TISD will open the Dickson campus at 1100 South 33rd Street in August of 2008 as a fully functioning pre-kindergarten campus. TISD has requested that the 1100 block of South 33rd Street between West Avenue K and West Avenue L to be a one way street south bound from the hours of 7:00am – 8:30am and 2:00pm – 3:00pm. The ordinance needs to be updated to accommodate these changes.

FISCAL IMPACT: Budgeted Amount \$33,200.00 in account 110-3400-531-23-34
Estimated Expenditures \$130.65

ATTACHMENTS:

[List of school crossings](#)
[Map](#)
[Ordinance](#)

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Bethune Elementary 510 East Ave J A. Crossing Guard works "Crosswalk" on 8th Street and Ave J. B. School Zone is on East Ave. J and on 10th Street, (In front and on the West side of the school)	X	X	
Cater Elementary 4111 Lark Trail A. Crossing Guard works "Crosswalk" in school parking area. B. School Zone is on Lark Trail. (In front of the school)	X	X	
Emerson Elementary 1400 East Ave. B A. Crossing Guard works Ave. B and 24th Street. B. Crossing Guard works Ave. B and Adams C. Crossing Guard works Ave. H and 24th Street.	X	X	
Hector Garcia Elementary 2525 Lavendusky Drive A. No "Crosswalks" planned at this time. School Zone 50th & E. Adams Lights			X 6:30 to 8:15 14:45 to 15:30
Jefferson Elementary 400 West Walker A. Crossing Guards (2) work "Crosswalk" on 3rd and Walker. B. Crossing Guard works 3rd and Industrial (This is a controlled signal light) C. Flashing Lights on North 3rd Street and Walker (Lights are north and south of Walker on 3 rd Street)	X	X	X 6:30 to 8:15 14:45 to 15:30
Kennedy-Powell Elementary 3707 West Nugent A. Crossing Guard will work Nugent and Cearly Roads B. No lights.	X	X	
Meridith-Dunbar Elementary 1717 East Ave. J A. Crossing Guard works 30th Street and Ave. J. B. Flashing lights at S 30 th and Ave J	X	X	X 6:30 to 8:15 14:45 to 15:30

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Raye-Allen Elementary 5015 South 5th Street A. Crossing Guards will work South 5th and Marlandwood Road. B. Crossing Guard to work RxR Crossing on South 5th Street C. Flashing Lights to be activated north of Marlandwood on 5th Street and south of school site on 5th Street.	X	X	X 6:30 to 8:15 14:45 to 15:30
Scott Elementary 2301 West Ave. P A. Crossing Guard works 45th Street and Ave M. B. School Zone is on Ave. P in front of the school.	X	X	
Thornton Elementary 2900 Pin Oak Drive A. Crossing Guard works on Pin Oak and East Street. B. School Zones on Pin Oak and Cottonwood.	X	X	
Western Hills Elementary 600 Arapaho A. Crossing Guard works Deer and Apache. B. Crossing Guard works Gila and Apache. C. Flashing Lights north of Deer on Apache and south of Gila on Apache.	X	X	X 6:30 to 8:15 14:45 to 15:30
Kennedy-Powell Elementary 3707 W Nugent Ave A. Flashing Lights north of school on W Nugent Ave Bonham Middle School 4600 Midway Drive A. Flashing Lights east of school and west of school on Midway.			X 6:30 to 8:15 14:45 to 15:30 X 7:00 to 8:30 15:00 to 16:30
Dickson Elementary 1100 S 33 rd St One way south from W Ave K to W Ave L Lamar Middle School 2120 North 1st Street A. School Zone is north at Virginia and 1st Street and south to Oakland Avenue. One way north from Oakland to Virginia B. Flashing lights north of Shell Avenue and south of Shell Avenue, on North 3 rd Street (Spur 290)			7:00 to 8:00 14:00 to 15:00 X 7:00 to 8:30 15:00 to 16:30
Travis Middle School 1500 South 19th Street A. Crossing Guards works at 19th Street and Ave M.	X	X	X 7:00 to 8:30 15:00 to 16:30

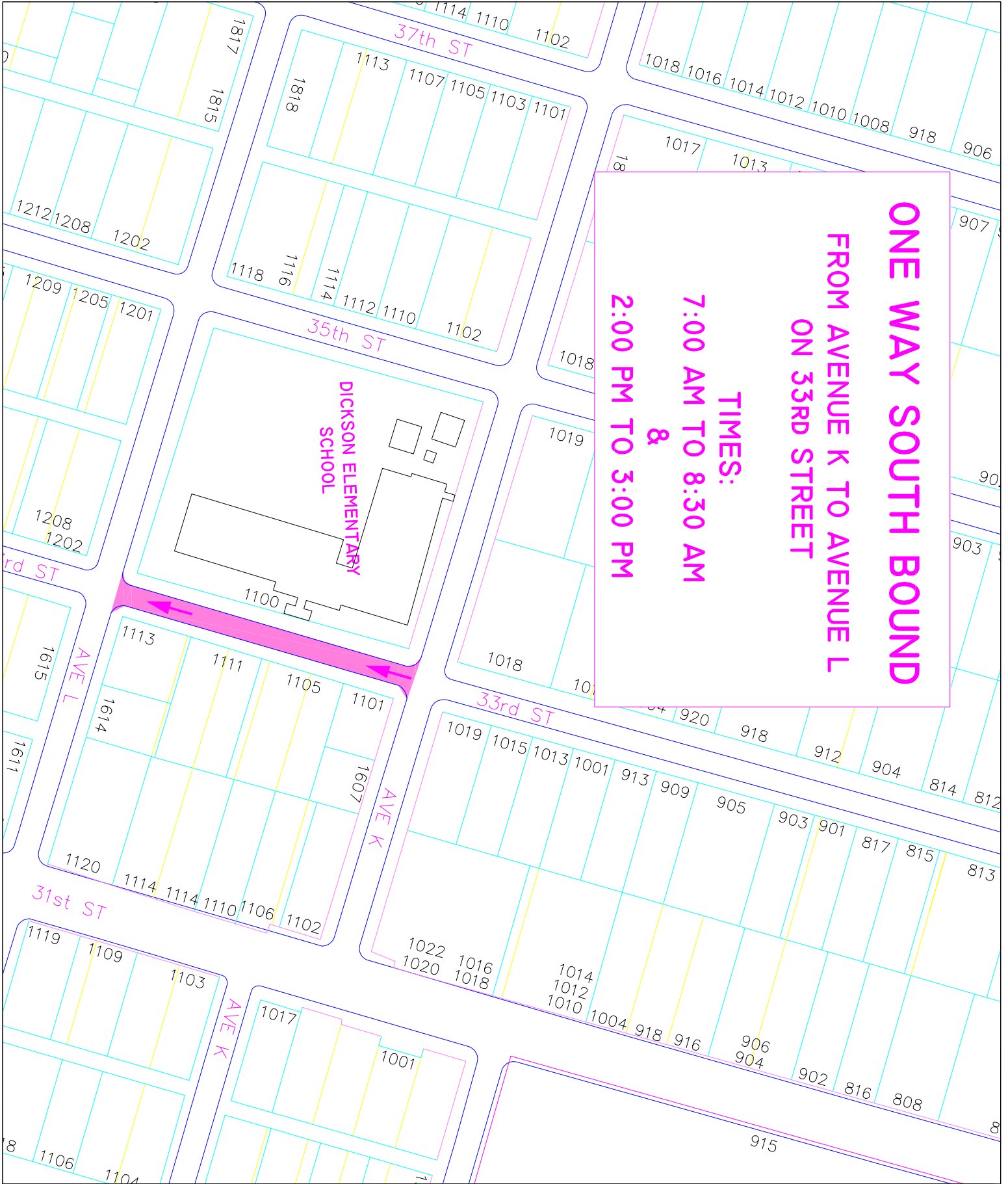
B. Flashing Lights west of 19th Street on Ave. M and east of 19th on Ave. M.			
C. Flashing lights west of 19th Street on Ave. R and east of 19th Street on Ave. R.			

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Temple High School 415 North 31st Street A. School Zone from north of Barton on 31st to north of Houston Drive on 31st Street.			x 7:00am to 16:00pm
Temple High South Campus 1414 West Barton A. School Zone west on Barton to 31st Street and East on Barton to 27th Street.			

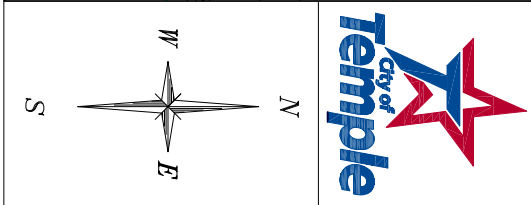
Belton School Zones (in Temple City Limits)

Lakewood Elementary 2305 Lake Road A. School Zone Flashing Lights			X 7:15 to 8:00 14:15 to 15:00
Tarver Middle School 8818 Tarver A. School signs.			
Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours)			X 7:15 to 8:00 14:15 to 15:00

Lake Belton Middle School 8818 Tarver A. School signs.			
Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours)			X 7:15 to 8:00 14:15 to 15:00
Tarver Elementary School			
7949 Stone Hollow Dr			
School Zone is on Stone Hollow (in Front of School)			
Prairie Lark (on North side of school)			
Westfield (on South side of school)			7:00 to 8:00
A. 20mph zone (school hours)			14:15 to 15:00



ONE WAY SOUTH BOUND
FROM AVENUE K TO AVENUE L
ON 33RD STREET
TIMES:
7:00 AM TO 8:30 AM
&
2:00 PM TO 3:00 PM



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS IN THE CITY OF TEMPLE; PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMITS IN THE SCHOOL ZONES; DECLARING FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Staff and the Temple Independent School District worked together to establish recommended school crosswalk locations in the City of Temple and entered into an interlocal agreement in 1997 regarding the designation and equipping of school zones within the City;

Whereas, the Temple Independent School District and the City of Temple desire to update the crosswalk and school zone time schedule;

Whereas, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles within the school zones;

Whereas, it has been determined by these traffic and engineering investigations that the reasonable and safe prima facie maximum speed limit shall be 20 miles per hour; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the school crosswalks, including the speed limits within the school zones, for the benefit of the citizens for the promotion of the public welfare and safety.

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

Part 1: The City of Temple hereby establishes the school crosswalk locations, which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The Director of Public Works is authorized to proceed with installation of flashing lights and school crossing painting and signage, as needed, for the locations described in Exhibit A.

Part 3: The reasonable and prudent prima facie maximum speed limit for vehicular traffic within the school zones described in Exhibit A, shall be established at 20 miles per hour on the days when school is in session.

Part 4: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the

reasonable and prudent prima facie maximum speed limits as set forth in Part 3 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 6: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

Part 7: 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 8: 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 9: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED on Second Reading on the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Finance Director

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 4, 2008.

ITEM SUMMARY: On October 1, 1998, City Council adopted an ordinance establishing a Special Drainage Revenue Fund and levying municipal drainage fees. This ordinance was the result of a 1997 engineering study which identified the need for infrastructure improvements to the City's drainage system in excess of \$16M and annual appropriations for the operation and maintenance of the drainage system of \$600,000 annually. In 2008, an engineering study identified and prioritized 104 drainage capital improvement projects totaling \$32M (2008 dollars). In addition, the state has mandated that cities, less than 100,000 in population, comply with Texas Pollution Discharge Elimination System Phase II rules. Operation expenses are estimated to be approximately \$1.1M by the time the Storm Water Management Program is fully implemented by year 2011. Drainage capital improvement projects may be supported by drainage fees as funding is available. Drainage fees have not been changed since their inception in 1998. Drainage rates need to change to at least keep up with increased operational expenses.

City staff recommends that drainage fee calculations be established by City Council resolution and reference to the calculation of the drainage fees be removed from the Special Revenue Drainage Fund Ordinance. Drainage fee calculations will continue to apply to single-family residential and other than single-family residential properties. City staff also recommends the sunset review language be removed from the Special Revenue Drainage Fund Ordinance in order to not inhibit the city's ability to acquire multiple-year bonds for drainage capital improvement projects.

Proposed language specific to city staff recommendations are included in the attached ordinance. The City Council has previously received presentations related to proposed ordinance changes via TPDES Ph.2 – Storm Water Management Plan, Drainage Capital Improvement Project Implementation/Drainage Rate Study (2008) and FY2008-2009 budget discussions.

FISCAL IMPACT: The Special Revenue Drainage Fund Ordinance currently sets the rates to be charged by the City for the drainage fee. Staff is recommending that the calculation of drainage fees be set by resolution of the Council, on second reading of this ordinance, September 4th. Drainage fees shall apply to single-family residential property and developed property other than single family residential property.

In the proposed FY 2009 Annual Operating Budget, the rates that were recommended by Staff are shown below:

Single-family Residential Property:

\$2.75 per monthly billing cycle per single family dwelling unit (The \$2.75 per month billing cycle drainage fee will be waived during any billing cycle in which the owner of a single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.

Developed Property other than Single-Family Residential Property:

<u>Building Size</u>	<u>Monthly Billing Cycle</u>
0 to 2,500 sq.ft.	\$6.88
2,501 to 10,000 sq.ft.	\$13.75
10,001 to 50,000 sq.ft.	\$34.38
50,001 to 100,000 sq.ft.	\$51.56
100,001 sq.ft. and above	\$68.75

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

An Ordinance Reenacting the Special Revenue Drainage Fund; Providing for Administration of the Fund; Levying a Drainage Fee; Providing a Mechanism to Review the Assessment of the Drainage Fee; ~~Establishing a Sunset Provision~~; Providing a Severability Clause; Providing a Repealer Clause; Providing an Effective Date; and Providing an Open Meetings Clause.

WHEREAS, Chapter 402, Subchapter C, “Municipal Drainage Utility Systems,” of the Texas Local Government Code authorizes municipalities to create municipal drainage utilities and to levy a municipal drainage fee;

WHEREAS, on October 1, 1998, the City Council adopted Ordinance No. 98-2576 which established a Special Drainage Revenue Fund and levied municipal drainage fees;

WHEREAS, this ordinance was the result of a 1997 engineering study which identified the need for infrastructure improvements to the City’s drainage system in excess of \$16 million, and annual appropriations for operation and maintenance of the drainage system of \$600,000 annually;

WHEREAS, the ordinance was amended on March 18, 1999, by Ordinance No. 99-2618 which recalculated drainage fees for developed property other than single-family residential property;

~~**WHEREAS**, Ordinance No. 98-2576 contains a 5-year sunset provision which was included for the City Manager to provide the City Council with a comprehensive report on the operation and financial state of the City's drainage system and fund, and the need for reenacting this ordinance;~~

WHEREAS, the accomplishments of this special fund have been very successful over the past **10** 5 years and the Staff recommends its continuance and reauthorization of the current drainage fee structure; and

WHEREAS, the City Council has determined that the most effective way to continue to meet the financial constraints imposed by these drainage system needs is through continuing a combination of property tax revenue and continued imposition of a municipal drainage fee on property owners in the City.

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

Part 1:

SPECIAL REVENUE DRAINAGE FUND

Sections:

- 1.010 Purpose.
- 1.020 Definitions.
- 1.030 Dedication of Assets to the Special Revenue Drainage Fund.
- 1.040 Drainage service area.
- 1.050 Special Revenue Drainage Fund.
- 1.060 Administration of the drainage services.
- 1.070 No assumed liability for floods and nonpoint source pollution.
- 1.080 Establishment of a drainage fee.
- 1.090 Calculation of drainage fees.
- 1.100 Billing and payment -- penalties.
- 1.110 Adjustment of fees.

1.010 Purpose.

The Special Revenue Drainage Fund and associated drainage functions are established in order to protect the public health and safety within the City from the loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from nonpoint source runoff within the boundaries of the service area of the special revenue drainage fund as established in the Ordinance. Drainage service will be offered on nondiscriminatory, reasonable and equitable terms within the service area.

1.020 Definitions.

The following definitions shall apply to terms within this Ordinance:

"Benefited property" means an improved lot or tract to which a drainage service is made available under this Ordinance. "Improved lot or tract" means a lot or tract that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure.

"Building square footage" means the total square footage of structural improvements, as determined by the Bell County Central Appraisal District, that is associated with a municipal water or sanitation account and can include the living or working areas of buildings, and garages, or carports. In the case of multiple water meters, each with separate utility billings, serving the same building areas, such square footage will be counted only once and billed to only one utility account.

"Cost of service" as applied to a drainage system service to any benefited property means allowable uses of such funds, including:

1. The prorated cost of the acquisition, whether by eminent domain or otherwise, of land, rights-of-way, options to purchase land, easements and interests in land relating to structures, equipment and facilities used in draining the benefited property;

2. The prorated cost of the acquisition, construction, repair and maintenance of structures, equipment and facilities used in draining the benefited property or the repayment of debt used to finance the same;

3. The prorated cost of architectural, engineering, legal and related services, mapping, plant and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing or determining the feasibility and practicability of structures, equipment and facilities used in draining the benefited property;

4. The prorated cost of all machinery, equipment, furniture and facilities necessary or incident to the provision and operation of draining the benefited property; and

5. The direct and indirect administrative costs of operating a municipal drainage system (e.g., computer, postage, bill, legal, financial services, etc.).

"Drainage" means bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

"Drainage charge" means:

1. The levy imposed to recover the cost of the service of the municipality in furnishing drainage for any benefited property; and

2. An amount made in contribution to funding of future drainage system construction by the City.

"Drainage system" means the drainage owned or controlled in whole or in part by the City and dedicated to the service of benefited property, including provisions for additions to the system.

"Drainage fee" means the drainage charge, including any interest and penalties paid by a benefited or served property for stormwater drainage services including, but not limited to, the items described as "cost of service" in Section 1.020 of this Ordinance, provided by the drainage function.

"Drainage services" are those municipal drainage functions that are regularly provided by the City through City property dedicated to that service to the users of benefited property within the service area and that is based on:

1. An established schedule of charges;

2. The use of the police power to implement the service; and

3. Nondiscriminatory, reasonable and equitable terms as determined by the City Council.

"Facilities" means the property, either real, personal or mixed, that is used in providing

drainage and included in the system.

"Non-single family residential property" shall mean any developed lot or parcel used for something other than single family residential use, including apartments, commercial, religious, industrial, institutional (including non-profit organizations) and governmental activities.

"Parcel" means one or more lots or portions of lots which are contiguous and under single ownership.

"Service area" means the geographic area which shall be served by the City's drainage services, as established by this Ordinance.

"Single-family Residential property" shall refer to any property platted or used for single family residential development (i.e., single-family residential, mobile homes, duplex, triplex, fourplex, etc., but not including larger apartment buildings) upon which a structure has been placed.

"Single-family residential dwelling unit" shall refer to the number of dwelling units contained within any property platted or used for single family residential purposes. For purposes of this ordinance, a single family detached structure shall equal one dwelling unit, a duplex shall equal two dwelling units, a triplex shall equal three dwelling units, and a fourplex shall equal four dwelling units. Larger apartment buildings shall not be considered as single family dwelling units.

"User" means the person or entity who owns or occupies a benefited property.

1.030 Dedications of Assets to Special Revenue Drainage Fund.

The City dedicates all City-owned property, facilities, materials and supplies constituting the City's drainage system to the Special Revenue Drainage Fund created under Section 1.050 hereinafter on the effective date of the ordinance codified. All future acquisitions of real or personal property related to drainage shall be maintained as a part of the Special Revenue Drainage Fund.

1.040 Drainage service area.

The service area for the Special Revenue Drainage Fund shall include the City limits as they shall be amended from time to time by action of the City Council.

1.050 Special Revenue Drainage Fund.

A separate special revenue drainage fund, within the City's fund structure, shall be created as of the effective date of the ordinance codified in this ordinance, known as the Special Revenue Drainage Fund, for the purpose of identifying the controlling all revenues and expenses attributable to municipal drainage services. All drainage fees collected by the City after the effective date of this Ordinance and such other monies as may be available by or to

the City for the purpose of drainage shall be deposited in the Special Revenue Drainage Fund. Such drainage revenues shall be used for the purpose of the creation, operation, planning, engineering, inspection, construction, repair, maintenance, capital improvements as funding is available improvement, reconstruction administration and other reasonable and customary charges associated with the operation of drainage services of the City. It shall not be necessary that the expenses from the Special Revenue Drainage Fund for any authorized purpose specifically relate to any particular benefited property from which the revenues for such purposes were collected. The income derived from the operation of municipal drainage services must be segregated in one or more accounts and completely identifiable from other City accounts. Drainage fees will be used for the sole purpose of promoting drainage services and will not be transferred to other municipal fund accounts for non-drainage purposes, except where specifically permitted by Chapter 402, Subchapter C, of the Local Government Code.

1.060 Administration of Municipal Drainage Services.

The City Manager, acting through the Director of Planning and Community Development, shall be responsible for the administration of this Ordinance including, but not limited to, enacting any procedures necessary for the administration of the drainage charges and the consideration of variances, developing maintenance programs, capital improvements as funding is available, and establishing drainage criteria and standards for operation of the drainage system.

1.070 No assumed liability for floods and nonpoint source pollution.

Floods from drainage and stormwater runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation and pollution arising from nonpoint source runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with drainage charges. This Ordinance does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or nonpoint source pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can be constructed effectively. Nothing whatsoever in this Ordinance should be construed as or be deemed to create additional duties on the part of the City to hold the City liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this Ordinance shall be deemed to waive the City's immunity under State law or reduce the need or necessity for flood insurance by property owners within or without the City.

1.080 Establishment of a drainage fee.

A drainage fee is imposed upon each developed lot and parcel with structural improvements within the City for drainage services and facilities provided by the City. For purposes of imposing the drainage fee, all lots and parcels within the City are classified into the following two customer categories:

- A. Single-family residential property; and
- B. Non-(single family residential) property (which includes all other developed property).

1.090 Calculation of drainage fees.

A. Calculation of drainage fees shall be set by separate resolution approved by the City Council. Drainage fees shall apply to single-family residential and other than single-family residential properties.

~~A. The following schedule shall be used to determine the applicable drainage fee:~~

~~Single family Residential Property:~~

~~\$2.00 per monthly billing cycle per single family dwelling unit~~

~~(The \$2.00 per monthly billing cycle drainage fee will be waived during any billing cycle in which the owner of a single family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.)~~

~~Developed property other than Single Family Residential Property:~~

<u>Building Size</u>	<u>Monthly Billing Cycle</u>
0 to 2,500 sq.ft.	\$5.00
2,501 to 10,000 sq. ft.	\$10.00
10,001 to 50,000 sq. ft.	\$25.00
50,001 to 100,000 sq. ft.	\$37.50
> 100,000 sq. ft.	\$50.00

B. Drainage fees will apply to improved lots and parcels within the City regardless of whether or not the City of Temple Water & Wastewater Department bills the improved lots or parcels for water and/or sewage and/or garbage service.

C. The City Manager shall be responsible for determining building square footage area of non-single family residential property based on data obtained from the Bell County Appraisal District. If such information is unavailable from the Appraisal District files, the property owner, tenant or developer may submit a certified survey or a foundation survey to assist the City Manager in determining building area. The City Manager may require additional information as necessary to make the determination. The amount of any fee may be revised by the City Manager based on additions to the impervious area as approved through the City of Temple's building permit process or as shown from the records of the Bell County Appraisal District.

D. The City Council may review the ~~foregoing schedule~~ of fees at any time and may, by resolution, increase or decrease the fees within the schedule upon a determination that such increase or decrease is warranted.

E. The City Council finds and determines that the drainage fee has been established in accordance with the provisions of the Chapter 402, Subchapter C, "Municipal Drainage Utility Systems,@ of the Local Government Code.

1.100 Billing and payment -- Penalties.

A.1. Bills or statements for the drainage fee shall be rendered by the City for all properties subject to the fee. Bills shall be payable when rendered and shall be considered as received by the customer and/or owner, whether actually received or not, when deposited in the United States mail, postage prepaid, addressed to the utility customer.

2. Bills shall be rendered monthly.

3. Bills shall be for services for the preceding month.

B. Bills are due when rendered, and subject to late charges, disconnection of service, and reconnection fees authorized under the provisions relating to water/wastewater service under Section 38-33, 38-38 and 38-43 of the City Code. Current penalties and service charges for reconnection are reflected in a resolution approved by the City Council

C. Drainage fees shall be billed with the City's water and/or sanitation billings and shall be identified separately on the bill as a drainage fee. Delinquent fee bills shall be mailed to the customer at the address at which the owner receives other City utility services, or if no other City utility services are rendered, to any known address of the owner.

D. 1. Any charge due hereunder which is not paid when due will subject the user to discontinuance of all utility services provided by the City of Temple, including water, wastewater, and sanitation service.

2. Any drainage charge due hereunder which shall not be paid when due may be recovered in an action at law by the City. The employees of the City's drainage services shall have access, at all reasonable times, to any benefited properties served by the drainage services for inspection, repair or enforcement of Sections 1.090 through 1.110.

E. Notice of the imposition of drainage fees shall be mailed to all customers of the City's water, wastewater, and sanitation services. Such notice shall state that drainage fees will be billed to the customer of each such service and that failure of a customer and/or owner to pay such fees may result in the discontinuance of all City water, sewer and sanitation services.

1.110 Adjustment of fees.

A. A request for adjustment of a drainage fee shall be submitted through the City Manager or his designee, who shall be given authority to administer the procedures and standards, and review criteria for the adjustment of fees as established herein. All requests shall be evaluated based upon the amount of building square footage. *No drainage fee credit shall be given for the installation of facilities required by City development codes or Texas Water Code Requirements.* The following procedures shall apply to all requests for adjustment of the drainage fee:

1. Any owner or customer who has paid drainage fees and who believes the calculation or determination of the drainage fee to be incorrect may, subject to the restrictions set forth in this Ordinance, submit an adjustment request to the **Public Works Department Planning and Development**. Requests for adjustment of drainage fees paid by an owner or customer making the request shall be in writing and set forth in detail the grounds upon which relief is sought.
2. Adjustment requests for drainage fees will be reviewed by the Director of **Public Works Planning and Community Development** within 30 days from the date of receipt of an adjustment request. Adjustments resulting from such a request shall be prospective, but may be made retroactive for no greater time period than three months prior to the receipt of the request, at the discretion of the Director of **Public Works Planning and Community Development**.
3. The owner or customer requesting an adjustment may be required, at the requesting party's own cost, to provide supplemental information to the Director of **Public Works Planning and Community Development**, including, but not limited to, survey data approved by a Texas registered professional land surveyor (R.P.L.S.), or detailed development plan (DDP) approved by the City of Temple. Failure to provide requested information may result in the denial of the adjustment request.
4. Adjustments to the drainage fee will be made upon the granting of the adjustment request, in writing, by the Director of **Public Works Planning and Community Development**. Denials of adjustment request shall be made in writing by the Director of **Public Works Planning and Community Development**.

B. Upon receipt of the written denial of the adjustment request, the owner or customer who initially requested the adjustment may, within 30 days of receipt of such denial, apply to the City Manager for review of the denial.

1. The City Manager, shall complete this review within 60 days of receipt of the request for review. The City Manager's determination on the review shall be in writing and set forth in detail the reasons for the decision.
2. In reviewing denial of adjustment requests, the City Manager, exclusive of his designee, shall apply the standards and review criteria contained in this section.
3. All findings and determinations made by the City Manager arising out of this section will be final.

~~**Part 2:** Sixty (60) months after the effective date of this Ordinance, this Ordinance shall expire and be of no further effect, subject to the right of the City Council to reenact said Ordinance. In addition to Council's annual review of the special revenue drainage fund as part of the City's annual financial reports and during the annual budgetary review, the City Manager shall, not less than ninety (90) days before the sunset of this Ordinance, provide the City Council with a comprehensive report on the operation and financial state of the City's drainage system and fund, and the need for any of reenacting this Ordinance.~~

Part 2: If any provision of this ordinance or the application of any provision to any

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

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

Part 4: This ordinance shall take effect on September 4, 2008.

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

PASSED AND APPROVED on first reading and public hearing on the **21st** day of **August**, 2008.

PASSED AND APPROVED on second reading on the **4th** day of **September**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

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

- (A) Airport Advisory Board – two members to fill expiring terms through September 1, 2011
- (B) Animal Services Advisory Board – two members to fill expiring terms through September 1, 2011 and appoint Chair for the period of September 1, 2008 through August 31, 2009
- (C) Civil Service Commission - one member to fill expiring term through September 1, 2011
- (D) Community Services Advisory Board – three members to fill expiring terms through September 1, 2011
- (E) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2011
- (F) Library Board – three members to fill expiring terms through September 1, 2011
- (H) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2011
- (I) Reinvestment Zone No. 1 Board of Directors – three members to fill expiring terms through September 1, 2010
- (J) Temple Economic Development Corporation – three members to fill expiring terms through September 1, 2011
- (K) Temple Public Safety Advisory Board – five members to fill expiring terms through September 1, 2011
- (L) Transit Advisory Committee – four members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards. In accordance with that resolution, appointments to the above stated boards are to be made at the second regular meeting in August, with an effective date of September 1, 2008.

Please see the attached updated summary listing of all applications received for board appointments, as well as applications received since August 7th.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Application Summary w/
Board Summary Forms – hard copy



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 development agreement with the potential developers of a tract of land in south Temple north of FM 93 and east of South 31st Street to provide for the development of that property and the conveyance of certain right-of-way and infrastructure to the City.

Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations. The City Council may also meet in executive session pursuant to Section 551.072 of the Government Code, to deliberate the purchase, exchange, lease, or value of real property when the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We have been approached by several individuals about the City participating in the acquisition of a piece of property that, if developed, would improve vehicle access and public safety to a large portion of property bounded by FM 93 to the south, South 31st Street to the west and Hartrick Bluff Road to the east.

We will discuss in executive session the price of property which might be acquired by the City and the terms of a development agreement under Chapter 380 of the Local Government Code which might be negotiated with the potential developers of that property.

FISCAL IMPACT: Unknown at this time

ATTACHMENTS:

To be provided at the meeting