



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, SEPTEMBER 18, 2008

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. No final action will be taken.
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 18, 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. Presentation of check from the Lions Club of Temple to the City Council for the South Temple [Family Aquatic Center](#).
4. Presentation of Proclamations:
 - (A) Recognize [Mr. Jim Boyd](#) for Outstanding Community Service
 - (B) [Constitution Week](#) September 17—23, 2008
 - (C) [Worldwide Day of Play](#) September 27, 2008

IV. CONSENT AGENDA

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

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

Minutes:

- (A) [August 28, 2008 Special Called Meeting](#)
- (B) [September 4, 2008 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (C) [2008-5516-R](#): Consider adopting a resolution authorizing a professional services agreement with TBG Partners Inc. of Dallas for development of a comprehensive district ordinance for the I-35 Corridor, in an amount not to exceed \$62,500.
- (D) [2008-5499-R](#): Consider adopting a resolution authorizing a one-year renewal to the professional services agreement with Kleinfelder Central, Inc. of Waco to provide construction materials testing for all public infrastructural projects, both City-initiated and subdivision-related, for FY 08-09 in the estimated amount of \$100,000.
- (E) Consider adopting resolutions authorizing annual contracts for the following:
 - 1. [2008-5517-R](#): Hot Mix Asphalt - Ironhorse Asphalt, in the estimated amount of \$63,000
 - 2. [2008-5518-R](#): Concrete Repair and Construction Services - Alpha Constructors, Inc., in the estimated amount of \$41,000
 - 3. [2008-5519-R](#): Sign and Traffic Control Supplies - Various Vendors, in the estimated amount of \$48,375.26
 - 4. [2008-5520-R](#): Traffic Signal Equipment and Supplies - Naztec, in the estimated amount of \$25,000
 - 5. [2008-5521-R](#): Oils and Lubricants - Brazos Valley Lubricants, in the estimated amount of \$59,473.12
 - 6. [2008-5522-R](#): Water Treatment Plant Chemicals - Various Vendors, in the estimated amount of \$271,032
 - 7. [2008-5523-R](#): Electric Motor and Pump Repair - Smith Pump, in the estimated amount of \$60,000
 - 8. [2008-5524-R](#): Water Meters - Various Vendors, in the estimated amount of \$115,417
 - 9. [2008-5525-R](#): Utility Supplies - Various Vendors, in the estimated amount of \$377,499.43
 - 10. [2008-5526-R](#): Building Materials - Lengefeld Lumber Company, in the estimated amount of \$25,000
 - 11. [2008-5527-R](#): Fire Department Uniforms - Miller Uniforms & Emblems, in the estimated amount of \$25,377.50
 - 12. [2008-5528-R](#): Books, DVDs, CDs - Baker and Taylor and Ingram Library Services, in the estimated amount of \$105,000
- (F) [2008-5529-R](#): Consider adopting a resolution rejecting all bids received for auto repair parts on September 4, 2008.
- (G) [2008-5530-R](#): Consider adopting a resolution authorizing a contract with Eagle Airport Marking, Inc., of Gladewater for airfield crack filling and runway and taxiway markings at the Draughon-Miller Central Texas Regional Airport in the amount not to exceed \$100,000.

- (H) [2008-5531-R](#): Consider adopting a resolution authorizing a construction contract with CB&I Inc. of The Woodlands for construction activities required to build the 835 pressure plane elevated storage tank as part of the Expansion of West Temple Water & Wastewater Utilities North of FM 2305, Phase 2, in an amount not to exceed \$2,010,000.
- (I) [2008-5532-R](#): Consider adopting a resolution authorizing a developer participation agreement with W&B Development, Ltd., for the oversizing of wastewater lines in Phases I and II of the Windmill Farms subdivision in the amount of \$82,383.

Ordinances - Second and Final Reading

- (J) [2008-4243](#): SECOND READING – Z-FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, criteria, and maintenance.
- (K) [2008-4253](#): SECOND READING – Z-FY-08-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road.
- (L)
 - 1. [2008-4254](#): SECOND READING – Z-FY-08-33-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.
 - 2. [2008-4255](#): SECOND READING – Z-FY-08-33-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.
- (M)
 - 1. [2008-4256](#): SECOND READING – Z-FY-08-34-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.
 - 2. [2008-4257](#): SECOND READING – Z-FY-08-34-B: Consider adopting an ordinance authorizing a zoning change from the Agricultural District to General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317
- (N)
 - 1. [2008-4258](#): SECOND READING – Z-FY-08-35-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7± acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

2. [2008-4259](#): SECOND READING – Z-FY-08-35-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

Misc:

- (O) [2008-5533-R](#): Consider adopting a resolution abandoning a Taylor's Water Valley Supply easement in the D'Antoni's Park Center Subdivision at the northeast corner of FM 93 and SH 31.
- (P) [2008-5534-R](#): Consider adopting a resolution naming the new trail in Jackson Park in the memory of Robert Daniel (Bob) Worley.
- (Q) [2008-5535-R](#): Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2008-2009, in accordance with Section 4.20 of the Charter of the City of Temple.
- (R) [2008-5536-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

V. REGULAR AGENDA

ORDINANCES

- 6. [2008-4260](#): FIRST READING – PUBLIC HEARING - Consider and adopt an ordinance approving a negotiated resolution between the Atmos cities steering committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction.

RESOLUTIONS

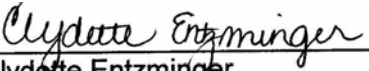
- 7. [2008-5537-R](#): Consider adopting a resolution authorizing submission of an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2008 HOME Investment Partnerships Program grant funds in the amount of \$382,500.
- 8. [2008-5538-R](#): Consider adopting a resolution authorizing a construction contract with Chaney-Cox Construction, Inc of Temple for the construction of the South Temple Family Aquatic Center in the amount of \$3,889,943, as part of the voter approved Parks bond election.
- 9. (A) [2008-5515-R](#): Consider adopting a resolution authorizing the purchase of land in the downtown area for the construction of a new central fire station.

Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may conduct a closed meeting 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.

(B) [2008-5511-R](#): Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:30 PM, on September 12, 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

09/18/08
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of check from the Lions Club of Temple to the City Council for the South Temple Family Aquatic Center.

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: The City of Temple will receive a check in the amount of \$100,000 from the Lions Club of Temple for their partnership in the new family aquatics center. As part of our agreement with the Lions Club, the facility will be named after them.

FISCAL IMPACT: None.

ATTACHMENTS: None.



COUNCIL AGENDA ITEM MEMORANDUM

09/18/08
Item #5(A)&(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) August 28, 2008 Special Called Meeting
- (B) September 4, 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 28, 2008 Special Called Meeting
September 4, 2008 Special Called Meeting & Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

AUGUST 28, 2008

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 28, 2008 at 5:00 pm in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Municipal Court Judge Kathleen Person voiced the Invocation.

2. Pledge of Allegiance

Mr. Lee Peterson, President of Temple Economic Development Corporation, led the Pledge of Allegiance.

II. BUDGET ITEMS

3. PUBLIC HEARING - Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2008 and ending September 30, 2009 and consider adopting a resolution:

(A) Ratifying the property tax increase reflected in the budget - "This budget will raise more total property taxes than last year's budget by \$1,073,378 (6.67%) and of that amount, \$791,061 is tax revenue to be raised from new property added to the tax roll this year;" and

(B) 2008-5488-R: Adopting the City's budget for fiscal year beginning October 1, 2008 and ending September 30, 2009, including the Operating Budget for 2008-2009, two Civil Service Compensation Plans and Fiscal & Investment Policies.

David Blackburn, City Manager, stated this is the final meeting in the budget adoption process. He reviewed the items to be presented to the Council for consideration.

Traci Barnard, Director of Finance, provided an overview of the proposed budget, explaining the new language added to the Local Government Code to ratify a property tax

increase. She also provided the 'big picture' review of the General Fund expenditures and revenues, noting those changes that are being recommended since the proposed budget was filed in June. Also included with the adoption of the budget is the Fiscal and Budgetary Policy and Mrs. Barnard provided a summary of the objectives of this document. She also reviewed the total Capital Improvement Program projects for 2009-2013.

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

Christina McNeil, 2701 Valley Forge, addressed the Council regarding page 88 in the budget, the Special Services Budget. There are a lot of 501(C)3 agencies receiving funds from the City and she asked if they are eligible to receive tax dollars. The Police and Fire Departments are in need of more money, as well as water, sewer and streets and she asked for them to be considered.

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

Motion by Councilmember Marty Janczak to ratify the tax increase reflected in the budget, acknowledging "this budget will raise more total property taxes than last year's budget by \$1,073,378 (6.67%) and of that amount, \$791,061 is tax revenue to be raised from new property added to the tax roll this year", seconded by Mayor Pro Tem Patsy Luna.

Motion passed unanimously.

Motion by Councilmember Marty Janczak to adopt resolution approving the City's budget for fiscal year beginning October 1, 2008 and ending September 30, 2009, including the Operating Budget for 2008-2009, two Civil Service Compensation Plans and Fiscal & Investment Policies, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

4. 2008-5489-R: Consider adopting a resolution authorizing the adoption of the 2009-2013 Capital Improvement Plan.

David Blackburn, City Manager, stated Mrs. Barnard covered this information during the presentation of item 3.

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

Motion passed unanimously.

5. 2008-4251: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that

can be determined for all real and personal property in the City for the tax year 2008, to be considered on an emergency basis.

Traci Barnard, Director of Finance, presented this item to the Council. The tax roll, as certified by the Tax Appraisal District of Bell County, is \$3,230,553,530. She showed the growth in assessed value of taxable property, the total market value and the total taxable value.

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

Motion passed unanimously.

6. 2008-4252: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2008, making the appropriation for the regular operation of the City, to be considered on an emergency basis.

Traci Barnard, Director of Finance, presented this item to the Council. The proposed tax rate of \$0.5595 is comprised of a maintenance and operation rate of \$0.3322 and an interest and sinking rate of \$0.2273. Mrs. Barnard provided a comparison of the proposed tax rate to the effective tax rate. She also explained the effect of this proposed tax rate to a homeowner with a \$100,000 home with no increase in the taxable value and with the average increase of 4.92%. Mrs. Barnard noted the proposed rate is the lowest rate since 2000.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak approving property taxes to be increased by the adoption of a tax rate of 55.95 cents per \$100 valuation, seconded by Mayor Pro Tem Patsy Luna.

Motion passed unanimously.

Motion by Councilmember Marty Janczak to adopt ordinance setting the 2008-2009 tax rate for the City of Temple, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

7. **2008-5490-R: Consider adopting a resolution funding the rates for medical/prescription insurance and dental insurance for employees and under age 65 retirees, as well as, Life Insurance, Accidental Death & Dismemberment Insurance and Long Term Disability Insurance.**

Amy House, Director of Human Resources, presented this item to the Council. She stated the Trustees of the City of Temple Employee Benefits Trust awarded contracts for medical insurance to Scott & White Health Plan and dental insurance to MetLife at their meeting on July 24, 2008. The Council is now being asked to fund those contracts awarded by the Trust, as well as multi year contracts previously approved for life insurance, accidental death and dismemberment insurance and long term disability insurance.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

SEPTEMBER 4, 2008

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

Present:

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

1. Review of City Council travel expenditures for quarter ending June 30, 2008.

David Blackburn, City Manager, stated this information is being presented as a result of work session discussions by the Council earlier this year. In the future, the Council's expenditures will be incorporated into and discussed with the quarterly financial reports.

Traci Barnard, Director of Finance, reviewed the spreadsheets summarizing the City Council expenditures for food items/supplies and travel and training. She focused on the details of the third quarter expenditures.

2. Receive update on Avenue G and Avenue H Strategic Investment Zone Corridor activities and initiatives.

Kim Foutz, Assistant City Manager, provided this update to the Council. She began by discussing the partnership formed with the Angels Task Force, coordinated by Judy Morales, and comprised of business owners located on the corridor, social service agencies, investors and churches. The focus for these two corridors has been from 1st Street to 25th Street. Mrs. Foutz discussed some of the efforts by the City to date, which include adding and updating lighting, code enforcement, CDBG funded park projects and various police activities. Mrs. Foutz and Police Chief Gary Smith discussed some of the problems identified in this area and how the Police Department has targeted those problems.

The Angels Task Force, in coordination with Salvation Army, has offered supportive services at Martha's Kitchen, although they have not been accepted to date. A multi story building has been redeveloped for office use and the Ambassador Hotel, a drug front business, has now been closed. Chief Smith reviewed the results of their responses to violent calls in this area over the past two years. Significant decreases in these types of calls, including part 1 crimes such as murder, rape, and auto theft, have occurred since 2006.

Mrs. Foutz continued with a discussion of the planned efforts by the City to continue the revitalization efforts in the Avenue G/H corridor. The staff will be developing an incentive ordinance to promote redevelopment in this corridor, inspect all commercial businesses and conduct an inventory, rezone select areas to Mixed Use District with special conditional use provisions and investigate special lighting designed to deter crime. The City will also attempt to use CDBG funds to repair and replace sidewalks, research use of HOME funds for a possible housing project, and increase code enforcement activity. The Task Force will attempt to increase the number of neighborhood watch programs, continue to encourage development of businesses and revitalization of neighborhoods and encourage home ownership.

Councilmember Jeter asked if the locations of violent calls could be graphed.

Chief Smith replied yes, noting that these crimes do occur in clusters, typically around Jones Park, Martha's Kitchen and the bars in this area. A great number of the calls involve alcohol.

The Councilmembers discussed some of the issues concerning Martha's Kitchen and the need to make changes regarding that facility in order to allow revitalization of the corridor.

Mr. Blackburn concluded that a collective, collaborative strategy is needed, not just police work. The first step to effectuate change is to care, with the second step being to collaborate.

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

Mayor Jones indicated he would ask that the following items be pulled from the consent agenda at the regular meeting for discussion: items 4 (D), (F), (G), (H), (I)-1, (I)-4, (K) and (N).

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 4, 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

Dr. Ulysses Barnes, Sr., Corinth Baptist Church, voiced the Invocation.

2. Pledge of Allegiance

Judy Duer, Library Director, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. Robert Street, 4601 Longhorn Trail, told the Council he moved here about 18 months ago, expecting it to be very quiet. On Labor Day morning, he heard gunshots 29 times in 2 minutes due to the opening of dove season. This is not peaceful for the residents. Also, there is a paved alley behind his house and people run up and down it all night long. It is so dark people hide in the ditch. He asked that one or two lights be installed in the alley. Mr. Street also indicated he has talked with the Police Department about a neighborhood watch in their area.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize 2008 Summer Reading Program Sponsors

Erin Gaines, Children's Librarian at the Temple Public Library, stated there was a 25% increase in participation this year and a new program was added. She thanked the City Council and their sponsors for their great support of this program.

Mayor Jones read the proclamation and presented a copy to the sponsors present at the meeting.

IV. CONSENT AGENDA

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

(A) August 15, 2008 Special Called Meeting

(B) August 21, 2008 Special Called Meeting and Regular Meeting

(C) 2008-5491-R: Consider adopting a resolution accepting a report on the Water and Wastewater Capital Improvement Implementation Plan (2008) prepared by Kasberg, Patrick & Associates (KPA) and adopting it as the Water and Wastewater Capital Improvement Implementation Plan (2008).

(D) 2008-5492-R: Consider adopting a resolution amending the current utility system fees to be effective October 1, 2008 by:

- 1. Increasing the current water rate monthly minimum service charge based on meter size and increasing the volumetric rate;**
- 2. Increasing the current wastewater rate monthly minimum service**

charge and increasing the volumetric rate.

(E) 2008-5493-R: Consider adopting a resolution accepting a report on Drainage Capital Improvements and Drainage Rate Recommendations prepared by Jacobs Carter & Burgess and adopting it as the Drainage Capital Improvement Implementation Plan (2008).

(F) 1. 2008-4250: SECOND READING - Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.

2. 2008-5494-R: Consider adopting a resolution setting drainage fees.

(G) 2008-5495-R: Consider adopting a resolution setting the collection charges for solid waste services.

(H) 2008-4230: SECOND READING - Z-FY-07-19: Consider adopting an ordinance approving the Draft Comprehensive Plan, Choices '08, including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.

(I) Consider adopting resolutions authorizing contract renewals for the following:

- 1. 2008-5496-R: Aggregate Base - Franklin Industrial Minerals, in the estimated amount of \$40,000.**
- 2. 2008-5497-R: HVAC Repairs & Maintenance - Temple Heat & Air, in the estimated amount of \$130,000.**
- 3. 2008-5498-R: Electrical Services - T. Morales, in the estimated amount of \$43,000.**
- 4. 2008-5499-R: Construction Material Testing - Kleinfelder, in the estimated amount of \$100,000.**
- 5. 2008-5500-R: Bacteriological Sample Testing - Waco Regional Water Quality Lab and EMSL Analytical, in the estimated amount of \$32,000.**
- 6. 2008-5501-R: Sludge Disposal -S&M Vacuum & Waste, in the estimated amount of \$100,000.**
- 7. 2008-5502-R: Library Security Guard Services - Texas Star USA, in the estimated amount of \$28,145.**
- 8. 2008-5503-R: Brochure Printing - Temple Daily Telegram, in the**

estimated amount of \$46,000.

9. **2008-5504-R: Utility Statement Printing - MailMax Direct, in the estimated amount of \$170,000.**
10. **2008-5505-R: Brokerage Opinions, Title Letters, and Appraisals - W. Howard Wright Real Estate for broker's opinions - \$65 per unit; Centraland Title Company for title work services - title letters \$100 each and runsheets \$125 each; and Central Texas Appraisal Company and Kokel-Oberrender-Wood on a rotating basis for appraisals (prices vary).**

(J) 2008-5506-R: Consider adopting a resolution authorizing a construction contract with Smetana & Associates Construction Company, Inc., for the 2008 East Adams Avenue Sanitary Sewer Rehabilitation Project in the amount of \$294,315.40.

(K) 1. 2008-5507-R: Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to provide for the construction of a gas line on Wendland Road.

2. **2008-5508-R: Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to reimburse them for the construction of a rail spur in Tax Increment Financing Reinvestment Zone Number One.**

(L) 2008-5509-R: Consider adopting a resolution authorizing an escrow agreement with Northland Oil Company and Extraco Bank under which Northland Oil will fund its portion of rail improvements under a rail spur construction contract authorized by the City of Temple.

(M) 2008-5510-R: Consider adopting a resolution authorizing lease agreements with Alltel for the lease of two City of Temple properties for the construction of communications towers.

(N) 2008-5511-R: Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

(O) 2008-4249: SECOND READING - Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules, and changing the 1100 block of South 33rd Street between West Avenue K and West Avenue L to be a one way street south

bound from 7:00am - 8:30am and 2:00pm - 3:00pm. Misc:

(P) 2008-5512-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving the Consent Agenda, with exception of items (D), (F), (G), (H), (I)-1, (I)-4, (K)-1 and (N), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(D) 2008-5492-R: Consider adopting a resolution amending the current utility system fees to be effective October 1, 2008 by:

- 1. Increasing the current water rate monthly minimum service charge based on meter size and increasing the volumetric rate; and**
- 2. Increasing the current wastewater rate monthly minimum service charge and increasing the volumetric rate.**

Traci Barnard, Director of Finance, stated the utility system rate increases were included in the budget adopted on August 28th. There will be a 3.64% increase or an additional \$2.20 per month to the average residential water and sewer rates and a 2.94% increase or an additional \$11.00 per month to commercial water and sewer rates. Mrs. Barnard displayed charts of proposed water and wastewater rates for volumetric rates and by meter size.

Motion by Councilmember Russell Schneider to adopt resolution approving item (D), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(F) 1. 2008-4250: SECOND READING - Consider adopting an ordinance re-establishing the Special Revenue Drainage Fund.

2. 2008-5494-R: Consider adopting a resolution setting drainage fees.

Traci Barnard, Director of Finance, stated the proposed fee increase from \$2.00 to \$2.75 is to fund Texas Commission on Environmental Quality (TCEQ) requirements and will continue primary funding for maintenance of existing drainage ways. If a customer uses less than 2,000 gallons of water per month a drainage fee is not assessed. Mrs. Barnard displayed a chart showing drainage fees for developed property other than single family residential based on square footage of property.

Mrs. Barnard explained that the ordinance establishing the Special Revenue Drainage Fund was enacted in 1997. This proposed ordinance will continue the Fund but the sunset review will be removed from the ordinance. The fees are also being removed from the ordinance and will be established by resolution.

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

Motion passed unanimously.

(G) 2008-5495-R: Consider adopting a resolution setting the collection charges for solid waste services.

Traci Barnard, Director of Finance, reviewed the proposed solid waste rates. Residential rates will increase by \$1.25 per month, to \$14.55, and commercial rates will increase by 6%. Out of cycle and over limit charges for brush and bulk will continue but the timeframe for placement has been expanded to allow a 7-day set out period instead of 24 hours. Six cubic yards are included in regular collection services and fees.

David Blackburn, City Manager, stated the City is planning an extensive community education program regarding the brush and bulk collection services.

Motion by Councilmember Marty Janczak to adopt resolution approving item (G), seconded by Councilmember Russell Schneider.

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

(H) 2008-4230: SECOND READING - Z-FY-07-19: Consider adopting an ordinance approving the Draft Comprehensive Plan, Choices '08, including the Introduction, Community Overview, Urban Design & Future Land Use, Growth Plan, Transportation, Housing, Economic Development, Implementation, Tables and Documents Included by Reference.

Tim Dolan, Planning Director, addressed the changes that have occurred since the first reading of the ordinance on June 5th and the Council District meetings there were held in June and July. Changes are recommended to the following four items: 1) Land Use - 31st Street, FM 93 and Hartrick Bluff Road changed to single family estate; 2) Thoroughfare Plan - collector from FM 93 to Hartrick Bluff Road, deletes connection to 31st Street, eliminate the creek crossing; 3) Economic Development - Chapter 7, eliminates language regarding Southeast Industrial Park for intermodal and Freeport; and 4) Implementation - indicates immediate tasks as recommended by City Manager.

Mr. Dolan noted the Comprehensive Plan Advisory Committee (CPAC) recommended approval of the comprehensive plan, *Choices '08*, on May 10th and the Planning and Zoning Commission recommended approval on May 19th.

Mayor Jones declared the public hearing open regarding item 4(H) and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public

hearing.

David Blackburn, City Manager, expressed the City's thanks to Gary Mitchell, with Kendig Keast Collaborative, and the CPAC that developed the plan brought forward for adoption. This document is a work in progress and will continue to be fluid and change as the community grows, while providing pointers and guideposts for staff in their daily operations. Automatic review dates are also included in the plan. The 17 immediate task items will come forward within the next 12 months.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance approving item (H), seconded by Councilmember Tony Jeter.

Councilmember Marty Janczak voted nay. The other Councilmembers voted aye. The motion passed.

(I) Consider adopting resolutions authorizing contract renewals for the following:

1. 2008-5496-R: Aggregate Base - Franklin Industrial Minerals, in the estimated amount of \$40,000.

Mayor Pro Tem Luna introduced this item for Council consideration, at the request of Mayor Jones.

Bruce Butscher, Director of Public Works, stated this is a continuation of a contract for aggregate base that is in place now and he recommended approval.

Motion by Councilmember Tony Jeter to adopt resolution approving item (I)-1, seconded by Councilmember Marty Janczak.

Mayor William A. Jones, III abstained. The other Councilmembers voted aye. The motion passed.

(I) Consider adopting resolutions authorizing contract renewals for the following:

4. 2008-5499-R: Construction Material Testing - Kleinfelder, in the estimated amount of \$100,000.

Councilmember Jeter stated he asked that this item be pulled to request it be tabled.

Motion by Councilmember Tony Jeter to table item (I)-4, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(K) 1. 2008-5507-R: Consider adopting a resolution authorizing a development agreement with Temple Economic Development Corporation pursuant to Chapter 380 of the Local Government Code to provide for the construction of a gas line on Wendland Road.

Jonathan Graham, City Attorney, stated as part of the City's agreement with Gulf States Toyota last fall the City and TEDC agreed to extend a 6" gas line up Wendland Road to serve both sides of the road. The line extension is still needed but all of the terms of the agreement have not been completed as of today so Mr. Graham recommended the item be tabled.

Motion by Councilmember Marty Janczak to table item (K)-1, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(N) 2008-5511-R: Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

Mayor Jones stated this item would be considered following the discussion of item 12.

V. REGULAR AGENDA

ORDINANCES

5. 2008-4243: FIRST READING - PUBLIC HEARING - Z-FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, criteria, and maintenance.

Barbara Morgenroth, Code Enforcement Officer, presented this item to the Council. She reviewed some of the changes made since this item was previously presented to Council, several of which were housekeeping in nature.

Stakeholder initiated changes include: streamers - allow with permit, 3 per calendar year for 3 consecutive days in non-residential areas and entrances of residential districts under construction; development signs - separated residential and commercial; residential development signs - no permit required, 2 allowed, up to 10; commercial development signs - 2 signs allowed per 100 acres not to exceed 128 square feet per sign; construction signs - separate residential from non-residential, non residential to stay same, residential one on every platted lot not to exceed 6 sq feet; real estate signs - separate residential from non-residential with non-residential to stay the same, 1 builder and 1 real estate agent sign per every platted lot or tract not exceeding 6 square feet for residential.

Planning and Zoning Commission initiated changes include: directional signs - change from 2 square feet to 3 square feet; real estate signs - allow 1 builder sign and 1 real estate agent sign per street frontage on corner lots.

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 Marty Janczak to adopt ordinance, with second and final reading set for September 18, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 6. 2008-4253: FIRST READING - PUBLIC HEARING - Z-FY-08-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road.**

Tim Dolan, Director of Planning, presented this zoning case to the Council. He displayed an aerial of the property and the future land use plan, which shows this property as suitable for warehouse and distribution. Twenty-four notices were mailed to surrounding property owners, with 1 being returned in agreement and 3 in disagreement. Mr. Dolan also presented the development standards for the LI zoning district. The Planning and Zoning Commission and the Staff recommended approval of the proposed rezoning.

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 comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second and final reading set for September 18, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 7. (A) 2008-4254: FIRST READING - PUBLIC HEARING - Z-FY-08-33-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre**

tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

(B) 2008-4255: FIRST READING - PUBLIC HEARING - Z-FY-08-33-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

8. **(A) 2008-4256: FIRST READING - PUBLIC HEARING - Z-FY-08-34-A:** Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

(B) 2008-4257: FIRST READING - PUBLIC HEARING - Z-FY-08-34-B: Consider adopting an ordinance authorizing a zoning change from the Agricultural District to General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

9. **(A) 2008-4258: FIRST READING - PUBLIC HEARING - Z-FY-08-35-A:** Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7+ acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

(B) 2008-4259: FIRST READING - PUBLIC HEARING - Z-FY-08-35-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

Mayor Jones introduced items 7 (A and (B), 8 (A) and(B) and 9 (A) and (B).

Tim Dolan, Director of Planning, addressed all three items as they are in the same vicinity with the same applicant, Thomas Hoherd. The West Temple Comprehensive Plan was adopted in 1994 with the purpose to establish architectural guidelines to create an attractive look of single story, masonry building for non-residential uses. The Plan also recommends all non-residential uses by Planned Developments. Mr. Dolan displayed aerial photos of these properties, as well as the land use plan. He noted the arterial roads, SH 317 and Tarver Drive. The Planning and Zoning Commission and Staff recommended approval of the future land use map amendment from low density residential to retail, as well as the requested rezoning from Agricultural to General Retail.

Mayor Jones declared the public hearing open with regard to agenda items 7(A) and (B), 8(A) and (B), and 9(A) and (B) and asked if anyone wished to address these items.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances presented in items 7(A) and (B), 8(A) and (B), and 9(A) and (B), with second and final readings set for September 18, 2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

- 10. 2008-5513-R: Consider adopting resolutions authorizing the Mayor to cast an official ballot for the election of four members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.**

David Blackburn, City Manager, stated the City is a member of the Texas Municipal Intergovernmental Risk Pool and is entitled to vote for Board of Trustee members. Four places are up for election at this time. Mr. Blackburn recommended the Council authorize the Mayor to submit the official ballot on behalf of the City of Temple.

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

Motion passed unanimously.

- 11. 2008-5514-R: Consider adopting a resolution authorizing appointing members to the following City boards and Commissions:**

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

It was recommended that Gene Moeller be appointed to fill the unexpired term on this board through September 1, 2009.

Motion by Councilmember Tony Jeter to approve appointment as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

(B) Civil Service Commission - one member to fill an unexpired term through September 1, 2009

It was recommended that Ron Heuss be appointed to fill the unexpired term on this board through September 1, 2009.

Motion by Mayor Pro Tem Patsy E. Luna to approve appointment as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(C) Parks and Leisure Services Advisory Board - one member to fill an expired term through March 1, 2011

It was recommended that this position not be filled to allow the board membership to decrease to nine positions.

Motion by Mayor Pro Tem Patsy E. Luna to not fill this position as recommended, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

(D) Temple Public Safety Advisory Board - one member to fill unexpired term through September 1, 2009 and one member to fill expired term through September 1, 2011

It was recommended that John Barina be appointed to fill the expired term and that Gaylene Nunn be appointed to fill the unexpired term through September 1, 2009.

Motion by Councilmember Tony Jeter to approve appointments as recommended, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

OTHER BUSINESS

- 12. 2008-5515-R: Consider adopting a resolution authorizing the purchase of land in the downtown area for the construction of a new central fire station.**

Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may conduct a closed meeting 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 announced the Council would enter into executive session at this time, approximately 6:08 p.m.

Mayor Jones reconvened the regular session at 6:17 p.m.

Jonathan Graham, City Attorney, recommended this item be tabled at this time.

Motion by Councilmember Tony Jeter to table item 12, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

- 4. (N) 2008-5511-R: Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.**

Jonathan Graham, City Attorney, recommended this item be tabled also.

Motion by Councilmember Marty Janczak to table item 4(N), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/18/08
Item #5(C)
Regular Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with TBG Partners Inc. of Dallas for development of a comprehensive district ordinance for the I-35 Corridor, in an amount not to exceed \$62,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past 2 1/2 years, the Planning and Zoning Commission has worked with staff on a district ordinance for the I-35 corridor. The Commission recognized that the I-35 Corridor, being the City's major gateway, sets the tone and impression of the City for all its visitors and economic development prospects. The idea behind the ordinance was to provide adequate information to guide building and site design, ensure establishment of quality, and create value while generating definable standards for the City. A subcommittee was formed, with three Commissioners, and substantial work was done to develop a draft ordinance. However, this process did not include additional stakeholder input.

David Blackburn, City Manager, recognized the importance of the work and suggested a different approach to include the Reinvestment Zone No. 1 Board, to work with TBG Partners to facilitate the effort. As part of its overall duties, the RZ Board is challenged with creating standards that guide development of land in the Reinvestment Zone. A significant area of I-35 resides in the Zone.

The Reinvestment Zone Board met and determined that it would like to help facilitate development of an ordinance, while at the same time, acknowledging the discussions and work that had already occurred. The RZ suggested forming an umbrella group to work on the standards which would include the sub-committee from the Planning & Zoning Commission, the TEDC, and RZ. This group would meet with property owners and other stakeholders in the I-35 corridor. During discussion of this contract, RZ members noted that they appreciated the process and felt that bringing a consultant in greatly enhanced the ultimate product for the Airport Park.

In addition to creating design standards for the Airport Park, TBG is now working with the Coordinating Group of the Temple Medical Education District (TMED).

FISCAL IMPACT: At its August meeting, the RZ Board voted to fund up to \$35,000 of the total cost of the professional services contract. Funding is not to exceed \$62,500. This item is funded with RZ No.1 account #795-9500-531-2616, and \$27,500 from Planning Department Professional Services account #110-1700-519-2616.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TBG PARTNERS, INC., OF DALLAS, TEXAS, FOR DEVELOPMENT OF A COMPREHENSIVE DISTRICT ORDINANCE FOR THE I-35 CORRIDOR, IN AN AMOUNT NOT TO EXCEED \$62,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the I-35 Corridor is the City's major gateway which sets the tone and impression of the City for all its visitors and economic development prospects;

Whereas, the Staff and the Reinvestment Zone Board recommend entering into a professional services agreement with TBG Partners, Inc., of Dallas, Texas, for an amount not to exceed \$62,500, to develop a comprehensive district ordinance for the I-35 Corridor which will provide information to guide building and site design, ensure establishment of quality, and create value while generating definable standards for the City;

Whereas, funds are available for this project in the Reinvestment Zone No. One Account No. 795-9500-531-2616 and the Planning Department Professional Services Account No. 110-1700-519-2616; 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 with TBG Partners, Inc., of Dallas, Texas, after approval as to form by the City Attorney, for development of a comprehensive district ordinance for the I-35 Corridor, in an amount not to exceed \$62,500.

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 18th 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

09/18/08
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Michael Newman, PE, CFM, Assistant Director of Public Works/City Engineer
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the professional services agreement with Kleinfelder Central, Inc. of Waco to provide construction materials testing for all public infrastructural projects, both City-initiated and subdivision-related, for FY 08-09 in the estimated amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is being brought back to Council after it was tabled upon the request of Councilman Jeter at September 4, 2008, Council Meeting.

On September 6, 2007, the City Council authorized a professional services agreement with Kleinfelder Central, Inc. to provide construction materials testing for all infrastructural projects, both City-initiated and subdivision-related. This testing includes, but is not limited to, density of subgrade, base and hot mixed asphaltic concrete (MHAC) for roadway construction, gradation of subgrade and base material as well as HMA, California Bearing Ratios (CBR), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards. The current contract will expire on September 30, 2008. The original proposal allowed for four (4) additional one-year extensions.

Staff is satisfied with the professional services provide by Kleinfelder Central, Inc. and recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: Budgeted amount: \$40,000 in 110-3900-533-2513 for subdivision testing.
Estimated expenditure: \$100,000.00 (based on estimated actual expenditures in FY 07-08)

*Project specific testing is budgeted within each project's budget

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER CENTRAL, INC., OF WACO, TEXAS, TO PROVIDE CONSTRUCTION MATERIALS TESTING FOR ALL INFRASTRUCTURAL PROJECTS, BOTH CITY-INITIATED AND SUBDIVISION-RELATED FOR FISCAL YEAR 2008-2009, IN THE ESTIMATED AMOUNT OF \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2007, the City authorized a professional services agreement with Kleinfelder Central, Inc., of Waco, Texas, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for FY2007-2008;

Whereas, the Staff recommends a one-year renewal with Kleinfelder Central, Inc., for FY2008-2009 for these services, for an estimated annual expenditure of \$100,000;

Whereas, funds are budgeted in Account No. 110-3900-553-2513 for subdivision testing, and specific project testing is budgeted within each project's budget – the estimated annual expenditure is \$100,000; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to the professional services agreement with Kleinfelder Central, Inc., of Waco, Texas, after approval as to form by the City Attorney, for construction materials testing for all infrastructural projects, both City-initiated and subdivision-related, for Fiscal Year 2008-2009 (estimated expenditure of \$100,000).

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 **18th** 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

09/18/08
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for hot mix asphalt with Ironhorse Asphalt, Ltd of Belton for FY 08-09 in the estimated amount of \$63,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 4, 2008, the City received one (1) bid for hot mix asphalt. The bid of \$63.00 per ton is shown on the attached bid tabulation sheet.

The bidder was Ironhorse Asphalt, Ltd of Belton. The asphalt will be available for pickup from Ironhorse's Belton facility. The City has done business with Ironhorse Asphalt in the past and finds them to be a responsible bidder.

The recommended contract is for a period of one (1) year commencing on October 1, 2008, with the option for four (4) one-year renewals, if so agreed to by the City and Ironhorse Asphalt.

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$63,000.

*These items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 4, 2008 at 3:00 p.m.
Hot Mix Asphalt

Bidders	
Ironhorse Asphalt Belton	
Description	
Hot Mix Asphalt - price per ton for 1,000 tons	\$63.00
Delivery within 48 hours	Yes
Local Preference	No
Exceptions	None
Credit Check Authorization	Yes

Memo 2007-2008 Contracted Prices
\$45.00

Vendors who picked up the Invitation to Bid:

Austin Asphalt - Irving, TX

Austin Bridge & Road

Ironhorse Asphalt - Belton

Prime Vendor - Plan Room

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

4-Sep-08

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH IRONHORSE ASPHALT, LTD, OF BELTON, TEXAS, FOR THE PURCHASE OF HOT MIX ASPHALT AT A PRICE OF \$63 PER TON, WITH AN ESTIMATED ANNUAL PURCHASE FOR FISCAL YEAR 2008-2009 OF \$63,000; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City received one bid for the purchase of hot mix asphalt for Fiscal Year 2008-2009;

Whereas, the staff recommends an annual purchase agreement with Ironhorse Asphalt, Ltd, of Belton, Texas, for the purchase of hot mix asphalt at a price of \$63 per ton;

Whereas, sufficient funds are available within departmental budgets for this expense – the estimated annual expenditure is \$63,000; and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Ironhorse Asphalt, Ltd, of Belton, Texas, for the purchase of hot mix asphalt at a price of \$63 per ton for Fiscal Year 2008-2009 in the estimated annual amount of \$63,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **18th** 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

09/04/08
Item #5(E)-(2)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract with Alpha Constructors, Inc. of Temple for concrete repair and construction services for FY 08-09 in the estimated amount of \$41,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 5, 2008, the City received one (1) bid for concrete repair and construction. The bid is shown on the attached bid tabulation sheet.

The bidder was Alpha Constructors, Inc. of Temple. The City has done business with Alpha Constructors in the past and finds them to be a responsible bidder.

The bid included estimated quantities based on historical usage. Due to price increases in the construction market, the total bid based on the estimated quantities totaled \$59,750. Staff will make adjustments as necessary to manage these expenditures within the appropriated budgets.

The recommended contract is for a period of one (1) year commencing on October 1, 2008, with the option for four (4) one-year renewals, if so agreed to by the City and Alpha Constructors.

FISCAL IMPACT: Budgeted amount: \$16,000 in account 110-3400-531-2315
\$25,000 in account 520-5200-535-2315
Estimated expenditure: \$41,000.00

ATTACHMENTS:

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

Tabulation of Bids Received
on August 5, 2008 at 3:00 p.m.
Concrete Repair & Construction

		Bidders	
		Alpha Constructors Temple	
Description	Est. Qty	Unit Cost	Total Cost
Repair/Replacement of Concrete Sidewalks (per SF)	1900	\$12.50	\$23,750.00
Repair/Replacement of Concrete Driveways and Driveway Approaches (per SF)	750	\$14.50	\$10,875.00
Repair/Replacement of Concrete Curb and Gutter (per LF)	50	\$40.00	\$2,000.00
Construction of New Concrete Sidewalk (per SF)	1500	\$9.75	\$14,625.00
Construction of New Curb and Gutter (per LF)	100	\$30.00	\$3,000.00
Construction of Handicap Access Curb Ramps at Intersections (EA)	5	\$1,100.00	\$5,500.00
TOTAL BID PRICE		\$59,750.00	
Local Preference		Yes	
Bid Bond		5%	
Insurance Affidavit		Yes	
Bond Affidavit		Yes	
Credit Check		Yes	

Memo 2007-2008 Contracted Prices	
Unit Cost	Total Cost
\$9.00	\$17,100.00
\$9.75	\$7,312.50
\$30.00	\$1,500.00
\$5.25	\$7,875.00
\$22.00	\$2,200.00
\$950.00	\$4,750.00
\$40,737.50	

Vendors who picked up the Invitation to Bid:

Alpha Constructors - Temple, TX

Apollo Construction & Engineering Services - Sun City Center, FL

Ellis McGinnis

Onvia Inc. - Seattle, WA

TCB Construction

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

Belinda Matthe

Belinda Matthe, Director of Purchasing

8/5/2008

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES FOR FISCAL YEAR 2008-2009 WITH ALPHA CONSTRUCTORS, INC., OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$41,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 5, 2008, the City received one bid for concrete repair and construction for Fiscal Year 2008-2009;

Whereas, the Staff recommends accepting the bid from Alpha Constructors, Inc., of Temple, Texas, for an estimated annual expenditure of \$41,000;

Whereas, funds are budgeted in Account Nos. 520-5100-535-2315 and 110-3400-531-2315 for these services; and

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

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

Part 1: The City Council authorizes an annual contract for concrete repair and construction services for Fiscal Year 2008-2009 with Alpha Constructors, Inc., of Temple Texas, in accordance with the Staff recommendations on the bid tabulation sheet, attached as Exhibit A, for an estimated annual expenditure of \$41,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, subject to approval as to form by the City Attorney.

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 **18th** 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

09/18/08
Item #5(E)-(3)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement with various vendors for sign and traffic control supplies for FY 08-09 the estimated amount of \$48,375.26.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 29, 2008, the City received ten (10) bids for sign and traffic control supplies shown on the attached bid tabulation. The items were bid and stated to be awarded by nine (9) categories/sections and nine (9) line-item awards. The recommended bid awards with estimated annual expenditures are as follows:

1. Vulcan Signs, Foley, AL – Sign Face Materials (\$7,608.31); Sign Caps, Crosses, Brackets & Clamps (\$1,706.05); Road Marking Accessories (\$830.50); and Sign Blanks (\$9,498.52);
2. Allied Tube & Conduit Corp, Harvey, IL – Sign Pipes & Accessories (\$10,862.00); and Telespar Support System (\$4,438.50);
3. Custom Products Corp, Jackson, MS – Emergency Flasher for Barricade with Solar Switch (\$245.20); Replacement Bulbs for 6-volt Emergency Flashers (\$15.84); Dead End Barricade Tape (Red-White) (\$720.00); and Traffic Cones (Fluorescent Orange 18") (\$1,170.00);
4. Pathmark Traffic Products, San Marcos, TX - Spring-type Battery for Emergency Flasher (\$90.72); Traffic Cones (Fluorescent Orange 28") (\$869.00); Traffic Cones (Fluorescent Orange with White Reflective Stripes) (\$1,419.00); and Traffic Buttons & Accessories (\$837.50);
5. 3M Company , St Paul , MN – Barricade Tape Left (orange/white) (\$193.50); Barricade Tape Right (orange/white) (\$193.50); and Sign Material Roll Goods (\$2,745.98); and
6. American Traffic Safety Materials, Inc., Orange Park, FL – Electro-Cut Materials (\$4,931.14)

The City has done business with all of the companies listed above and finds them to be responsible vendors.

The recommended contracts will expire on September 30, 2009, with the option of four (4) additional one-year renewals, if so agreed to by both parties.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchases-to be purchased as needed throughout the year)*
Estimated expenditure in FY 08-09: \$48,375.26

*The City of Belton and other City of Temple departments who have budgeted for graphics and signs within their departmental budgets may purchase off this contract, at the prices submitted, and their budgets will be charged when the actual purchases are made.

The estimated expenditure reflects the cost if all the items bid are actually purchased. No materials are purchased for the City of Belton or other City of Temple departments until the request for signs or graphics are submitted to the Street Department. Temple has an interlocal agreement with Belton to provide signs at our cost for material and labor. Belton purchased one of the plotters the City of Temple uses in making the signs.

ATTACHMENTS:

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

Tabulation of Bids Received
on July 29, 2008 at 3:00 p.m.
Sign and Traffic Control Supplies

Description	BIDDERS									
	American Sign Brackets Green Forest, AR	3M Company St Paul, MN	Allied Tube & Conduit Corp. Harvey , IL	Pathmark Traffic Products San Marcos, TX	Rocal, Inc. Frankfort, OH	Roadrunner Traffic Supply, Inc Ft. Worth, TX	Custom Products Corp. Jackson, MS	Vulcan Signs Foley, AL	American Traffic Safety Materials, Inc. Orange Park, FL	Hall Signs Bloomington, IN
Sign Face Material	No Bid	No Bid	No Bid	No bid	\$8,351.11	\$8,601.06	\$9,126.35	\$7,608.31	No Bid	No Bid
Sign Caps, Crosses, Brackets and Clamps	\$2,052.05	No Bid	No Bid	\$1,840.40	No Bid	\$2,117.75	\$2,112.70	\$1,706.05	No Bid	No Bid
Sign Pipes and Accessories	No Bid	No Bid	\$10,862.00	\$13,092.50	No Bid	\$12,316.00	No Bid	\$10,551.50	No Bid	No Bid
Road Marking Accessories	No Bid	No Bid	No Bid	\$984.50	No Bid	\$988.50	\$1,038.50	\$830.50	No Bid	No Bid
Emergency Flashers for Barricade w/solar switch	No Bid	No Bid	No Bid	\$15.49	No Bid	\$18.72	\$12.26	\$16.40	No Bid	No Bid
Spring-type Battery for Emergency Flasher	No Bid	No Bid	No Bid	\$1.89	No Bid	\$4.75	\$2.25	\$2.60	No Bid	No Bid
Replacement Bulb for 6-volt Emergency Flashers	No Bid	No Bid	No Bid	\$0.80	No Bid	\$2.31	\$0.66	\$1.25	No Bid	No Bid
Dead End Barricade Tape (red-white)	No Bid	\$40.48	No Bid	\$29.00	No Bid	No Bid	\$12.00	No Bid	No Bid	No Bid
Barricade Tape Left (orange/white)	No Bid	\$96.75	No Bid	\$215.00	No Bid	\$172.75	\$135.33	\$150.37	No Bid	No Bid
Barricade Tape Right (orange/white)	No Bid	\$96.75	No Bid	\$215.00	No Bid	\$172.25	\$135.33	\$150.37	No Bid	No Bid
Traffic Cones (Fluorescent Orange) 18"	No Bid	No Bid	No Bid	\$5.49	No Bid	\$7.23	\$5.85	\$5.93	No Bid	No Bid
Traffic Cones (Fluorescent Orange) 28"	No Bid	No Bid	No Bid	\$8.69	No Bid	\$10.19	\$9.71	\$8.75	No Bid	No Bid
Traffic Cones (Fl Orange w.White Refl Stripes)	No Bid	No Bid	No Bid	\$14.19	No Bid	\$14.89	\$16.54	\$13.23	No Bid	No Bid
Sign Blanks	No Bid	No Bid	No Bid	No Bid	\$13,507.97	\$11,222.41	\$10,638.82	\$9,498.52	No Bid	No Bid
Traffic Buttons and Accessories	No Bid	\$223.00	No Bid	\$837.50	No Bid	No Bid	\$2,955.90	No Bid	No Bid	No Bid
Sign Material-Roll Goods	No Bid	\$2,745.98	No Bid	No bid	No Bid	No Bid	\$3,106.30	No Bid	\$3,371.45	No Bid
Electro-Cut Materials	No Bid	\$8,359.51	No Bid	No Bid	No Bid	No Bid	\$7,407.10	No Bid	\$4,931.14	No Bid
Telespar Support System	No Bid	No Bid	\$4,438.50	\$6,473.25	No Bid	No Bid	\$5,645.20	No Bid	No Bid	No Bid
Delivery within 45 days?	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No Bid
Local Preference	No	No	No	No	No	No	No	No	No	No Bid
Exceptions?	Yes	Yes	None	Yes	None	Yes	Yes	Yes	Yes	No Bid
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No Bid

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

Didn't bid on every item as required
Minimum order required

Belinda Mattke 7/29/2008
Belinda Mattke, Director of Purchasing Date

Vendors who picked up the Invitation to Bid:					
3M Traffic Controls - St. Paul, MN	Control Technologies of Central Florida, Inc. - Sanford, FL	Multicom Inc - Longwood, FL	Professional Pavement Products, Inc. - Jacksonville, FL	SmarTek Systems, Inc - Arnold, MD	U.S. Standard Sign - Franklin Park - IL
Alamo Iron Works - San Antonio, TX	Custom Products Corporation - Jackson, MS	Municipal Supply & Sign Company - Naples, FL	Rexel Summers Electric - Temple, TX	Tapco - Plan Room?	Vulcan Signs - Foley, AL
Allied Tube & Conduit - Harvey, IL	Dobco - Manchester, GA	Paradigm Traffic Systems, Inc. - Ft. Worth, TX	RoadRunner Traffic Supply, Inc. -Ft. Worth, TX	Texas Highway Products Corporation - Round Rock, TX	
American Traffic Safety Materials, Inc. - Orange Park, FL	Hall Signs, Inc. - Bloomington, IL	Pathmark Traffic Products of Texas, Inc. - San Marcos, TX	Rocal Inc - Frankfort, OH	Traffic Safety Brackets - Green Forest, AR	
Computec Systems Group - League City, TX	Korman Signs, Inc. - Richmond, VA	Prime Vendor Inc - Plan Room	Safety Zone Specialists, Inc. - Lakeland, FL	Trastar - Richardson, TX	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH
VARIOUS VENDORS FOR SIGN AND TRAFFIC CONTROL SUPPLIES
IN THE ESTIMATED ANNUAL AMOUNT OF \$48,375.26; PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, on July 29, 2008, the City received 10 bids for the purchase of sign and traffic control supplies for Fiscal Year 2008-2009;

Whereas, the Staff recommends accepting the bids from the vendors and in the amounts as more fully described below;

Whereas, funds are budgeted in each department's FY2008-09 budget, and the items will be purchased as they are needed throughout the year (estimated annual expenditure is \$48,375.26); 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 bids for the purchase of sign and traffic control supplies for Fiscal Year 2008-2009, as follows:

- (A) Vulcan Signs, Foley, AL – Sign Face Materials (\$7,608.31); Sign Caps, Crosses, Brackets & Clamps (\$1,706.05); Road Marking Accessories (\$830.50); and Sign Blanks (\$9,498.52);
- (B) Allied Tube & Conduit Corp, Harvey, IL – Sign Pipes & Accessories (\$10,862.00); and Telespar Support System (\$4,438.50);
- (C) Custom Products Corp, Jackson, MS – Emergency Flasher for Barricade with Solar Switch (\$245.20); Replacement Bulbs for 6-volt Emergency Flashers (\$15.84); Dead End Barricade Tape (Red-White) (\$720.00); and Traffic Cones (Fluorescent Orange 18”) (\$1,170.00);
- (D) Pathmark Traffic Products, San Marcos, TX - Spring-type Battery for Emergency Flasher (\$90.72); Traffic Cones (Fluorescent Orange 28”) (\$869.00); Traffic Cones (Fluorescent Orange with White Reflective Stripes) (\$1,419.00); and Traffic Buttons & Accessories (\$837.50);
- (E) 3M Company , St Paul , MN – Barricade Tape Left (orange/white) (\$193.50);

Barricade Tape Right (orange/white) (\$193.50); and Sign Material Roll Goods (\$2,745.98); and

- (F) American Traffic Safety Materials, Inc., Orange Park, FL – Electro-Cut Materials (\$4,931.14).

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **18th** 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

09/18/08
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Naztec, Inc. of Sugarland for traffic signal equipment and supplies for FY 08-09 in the estimated amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 26, 2008, the City received one (1) bid for traffic signal equipment and supplies. The bids are shown on the attached tabulation sheet. The bid asked for pricing on several possible items that may be needed throughout the year, and will be ordered on an 'as needed' basis.

The sole bidder was Naztec, Inc. of Sugarland. The City has done business with Naztec, Inc in the past and finds them to be a responsible bidder.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2008, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and Naztec.

FISCAL IMPACT: Funding in the amount of \$22,528 is budgeted in the adopted FY 08-09 budget in account 110-2800-532-2334. Additional funding for traffic signal equipment and supplies will most likely be designated as part of capital improvement projects.

ATTACHMENTS:

[Bid Tabulations](#)
[Resolution](#)

Tabulation of Bids Received
on August 26, 2008 at 2:15 p.m.
Traffic Signal Equipment and Supplies

Description	Bidders
	Naztec Inc. Sugarland, Texas
Section 1 - Signal Cabinets with Controllers	\$36,780.00
Section 2 - Singal Cabinets w/o Controllers	\$26,800.00
Section 3 - Miscellaneous Components	\$2,106.00
Section 4 - Conflict Monitor w/o Red Light Inhibitor	\$2,970.00
Section 5 - Conflict Monitor w Red Light Inhibitor	\$13,970.00
Section 6 - Video Detection Equipment	No Bid
Section 7 - Signal Heads, Brackets, Lenses and Accessories	\$35,411.02
Section 8 - Batteries	\$1,582.00
Section 9 - Solar School Flashing Beacon	\$6,989.30
Section 10 - Naztec/Traficon Video Detection Equipment	\$20,959.00
Acknowledge Addendum	Yes
Local Preference	No
Delivry within 45 days?	No
Exceptions?	None
Credit Check Authorization	Yes

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

26-Aug-08

Date

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

Memo 2007-2008 Contracted Prices
\$36,780.00
\$26,800.00
\$2,106.00
\$2,970.00
\$13,970.00
\$14,920.00
\$33,094.72
\$1,174.50
\$6,989.30
No on bid

Vendors who picked up the Invitation to Bid:

Allied Tube & Conduit - Harvey, IL

Computec Systems Group - League City, TX

Consolidated Traffic Controls, Inc. - Arlington, TX
Control Technologies of Central Florida - Sanford, FL
JEM Engineering & Manufacturing, Inc. - Tulsa, OK
Multicom Inc. - Longwood, FL

Naztec, Inc - Sugarland, TX

Paradigm Traffic Systems, Inc. - Fort Worth, TX
Prime Vendor (Plan Room)

SmarTek System, Inc. - Arnold, MD
Swarco Industries, Inc. - Columbia, TN
Traffic Parts Inc.

Trastar - Richardson, TX

Twincrest Technologies - Mansfield, TX

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR TRAFFIC SIGNAL
EQUIPMENT AND SUPPLIES FOR FISCAL YEAR 2008-2009 WITH NAZTEC, INC., OF
SUGAR LAND, TEXAS, IN THE ESTIMATED AMOUNT IN EXCESS OF \$25,000; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 26, 2008, the City received one bid for the purchase of traffic signal equipment and supplies for Fiscal Year 2008-2009;

Whereas, the Staff recommends authorizing an annual purchase agreement with Naztec, Inc., of Sugar Land, Texas;

Whereas, funds for this expenditure are budgeted in Account No. 110-2800-532-2334 – estimated annual expenditure is in excess of \$25,000; and

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

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

Part 1: The City Council authorizes an annual purchase agreement for traffic signal equipment and supplies for Fiscal Year 2008 – 2009 with Naztec, Inc., of Sugar Land, Texas, for an estimated annual expenditure in excess of \$25,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **18th** 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

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Brazos Valley Lubricants of Bryan for oils and lubricants for FY08-09 in the estimated amount of \$59,473.12.

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

ITEM SUMMARY: On September 4, 2008, the City received one (1) bid for oil and lubricants. The bid is shown on the attached bid tabulation sheet.

The only bidder was Brazos Valley Lubricants. The City has done business with Brazos Valley Lubricants in the past and finds them to be a responsible bidder.

The proposed purchase agreement is for a one (1) year period commencing on October 1, 2008, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by the City and Brazos Valley Lubricants.

FISCAL IMPACT: Proposed FY08-09 Budgeted Amount: \$ 0 (inventory purchase)
Estimated Expenditure: \$59,473.12

These items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are services by Fleet Services.

ATTACHMENTS:

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

**Tabulation of Bids Received
on September 4, 2008 at 3:15 p.m.
Oil and Lubricants**

			BIDDERS	
			Brazos Valley Lubricants Bryan, TX	
Description	Est Qty	Unit	Unit Price	Total Price
Automatic Transmission Fluid	2	drum	\$392.15	\$784.30
	300	gallon	\$7.13	\$2,139.00
	7	case	\$31.74	\$222.18
Synthetic Automatic Transmission Fluid	3	drum	\$1,616.31	\$4,848.93
Gear Lubricant	1	drum	\$453.75	\$453.75
Synthetic Gear Lubricant	1	drum	\$1,454.52	\$1,454.52
Synthetic Manual Transmission Lubricant	1	keg	\$455.42	\$455.42
Anti-Wear 68 Hydraulic Oil	2	drum	\$348.15	\$696.30
	1500	gallon	\$6.33	\$9,495.00
Anti-Wear 32 Food Grade Hydraulic Oil	1	drum	\$768.00	\$768.00
Anit-Wear 68 Food Grade Hydraulic Oil	1	drum	\$783.71	\$783.71
Anit-Wear 100 Food Grade Hydraulic Oil	1	drum	\$787.48	\$787.48
Anti-Wear 220 Food Grade Hydraulic Oil	1	drum	\$772.39	\$772.39
Machinery 460 Food Grad Gear Oil	1	drum	\$776.16	\$776.16
High Performance Multipurpose Tractor Transmission Hydraulic Fluid	10	drum	\$397.65	\$3,976.50
	500	gallon	\$7.23	\$3,615.00
30W Transmission and Drive Train Oil	1	drum	\$477.95	\$477.95
50W Transmission and Drive Oil	1	drum	\$498.30	\$498.30
5W20 Premium Multi-Grade Engine Oil	2	drum	\$471.35	\$942.70
	500	gallon	\$7.99	\$3,995.00
	10	case	\$35.99	\$359.90
10W30 Premium Multi-Grade Engine Oil	500	gallon	\$7.65	\$3,825.00
	10	case	\$35.99	\$359.90
15W40 Premium Commerical Engine Oil	1200	gallon	\$9.64	\$11,568.00
	3	case	\$52.14	\$156.42
10W Premium Commercial Single Viscostiy Engine Oil	1	drum	\$431.02	\$431.02
30W Premium Commercial Single Viscosity Engine Oil	1	drum	\$431.02	\$431.02
40W Premium Commercial Single Viscosity Engine Oil	1	drum	\$431.02	\$431.02
Contractor/Mining Grease	3	drum	\$284.12	\$852.36
	2	drum	\$974.42	\$1,948.84
	10	case	\$25.13	\$251.30
Food Grade Water Resistant Grease	25	case	\$36.63	\$915.75
Oil Samples	200	each	N/C	\$0.00
Transmission Fluid Samples	100	each	N/C	\$0.00
Differential Oil Samples	100	each	N/C	\$0.00
Total			\$59,473.12	
Deposits Required?			None	
Delivery within 48 hours?			Yes	
Local Preference			No	
Exceptions?			None	
Credit Check Authorization			Yes	

Memo 2007-2008 Contracted Prices	
Unit Price	Total Price
\$314.65	\$629.30
\$5.71	\$1,713.00
\$24.17	\$169.19
\$1,463.65	\$4,390.95
\$355.30	\$355.30
\$1,017.29	\$1,017.29
\$335.00	\$335.00
\$272.25	\$544.50
\$4.95	\$7,425.00
\$569.15	\$569.15
\$569.15	\$569.15
Not on Bid	\$0.00
\$569.15	\$569.15
Not on Bid	\$0.00
\$336.60	\$3,366.00
\$6.12	\$3,060.00
\$416.90	\$416.90
\$416.90	\$416.90
\$333.85	\$667.70
\$6.07	\$3,035.00
\$25.63	\$256.30
\$5.89	\$2,945.00
\$24.46	\$244.60
\$6.40	\$7,680.00
\$34.19	\$102.57
Not on Bid	\$0.00
\$327.80	\$327.80
\$327.80	\$327.80
\$242.20	\$726.60
\$634.00	\$1,268.00
\$16.54	\$165.40
\$23.94	\$598.50
No Charge	\$0.00
No Charge	\$0.00
\$12.00	\$1,200.00
\$45,092.05	

Vendors who picked up the Invitation to Bid:

Arnold Oil Company - Austin, Texas
Brazos Valley Lubricants - College Station
Carquest - Temple, Texas
Performance Fluids
Prime Vendor (Plan Room)

Belinda Matthe

Belinda Matthe, Director of Purchasing

9/4/2008

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR FISCAL YEAR 2008-2009 FOR OILS AND LUBRICANTS WITH BRAZOS VALLEY LUBRICANTS OF BRYAN, TEXAS, FOR AN ESTIMATED EXPENDITURE OF \$59,473.12; PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City received one bid for the purchase of oils and lubricants for Fiscal Year 2008-2009;

Whereas, the staff recommends accepting the bid from Brazos Valley Lubricants of Bryan, Texas;

Whereas, these items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are serviced by the Fleet Services;

Whereas, the estimated annual expenditure is \$59,473.12; and

Whereas, the Staff recommends awarding the bid in accordance with the attached bid tabulation sheet; 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 for oil, lubricants and grease from Brazos Valley Lubricants of Bryan, Texas, in accordance with the bid tabulation attached as Exhibit A, for Fiscal Year 2008-2009, in the estimated amount of \$59,473.12.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **18th** 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

09/18/08
Item #5(E)-(6)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements for the purchase of Water Treatment Chemicals for FY 08-09 with various companies in the estimated amount of \$271,032.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY:

- A. **Liquid Ammonium Sulfate** to General Chemical Performance Products LLC of Parsippany, NJ, at \$0.123/lb for an estimated annual amount of \$35,416.

As shown on the attached bid tabulation, on August 12, 2008, the City received two (2) bids for liquid ammonium sulfate. Liquid ammonium sulfate will be ordered on an as-needed basis depending on treatment needs of the raw water.

The City has done business with General Chemical Performance Products LLC in the past and is pleased with products provided and recommends Council award the annual contract to them.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and General Chemical Performance Products LLC.

- B. Liquid Chlorine** to DPC Industries, Inc of Cleburne, TX, at \$539/ton for an estimated annual amount of \$58,434.

As shown on the attached bid tabulation, on August 12, 2008, the City received two (2) bids for liquid chlorine. Liquid chlorine will be ordered on an as-needed basis depending on treatment needs of the raw water.

DPC did take exception to the delivery within forth-eight (48) hours after notification and stated that they could deliver within two to three business days. Water Treatment Plant staff evaluated this delivery exception and is willing to accept the longer delivery lead-time on this particular chemical.

The City has done business with DPC Industries, Inc. in the past and is pleased with products provided and recommends Council award the annual contract to them.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and DPC Industries, Inc.

- C. PolyDimethylidallylammonium Chloride & Clarifloc A-3310 Polymer** to Ashland Water Technologies of Dublin, OH, at \$0.60/pound for PolyDimethylidallylammonium Chloride and \$1.86/pound for Clarifloc A-3310 Polymer for an estimated annual usage of \$2,000.

As shown on the attached bid tabulation, on August 12, 2008, the City received four (4) bids for PolyDimethylidallylammonium Chloride & Clarifloc A-3310 Polymer. Products will be ordered on an as-needed basis depending on treatment needs of the raw water.

Ashland Waster Technologies did take exception to the delivery within seventy-two (72) hours after notification and stated that they could deliver within 5 to 14 days. Water Treatment Plant staff evaluated this delivery exception and is willing to accept the longer delivery lead-time on these particular chemicals.

The City has not done business with Ashland Water Technologies in the past. Accordingly, references were check and favorable responses were received to deem Ashland Water Technologies a responsible bidder.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and Ashland Water Technologies.

- D. Liquid Fluoride** to Pencco of San Felipe, TX at \$.3168/wet pound for an estimated annual amount of \$22,767.

As shown on the attached bid tabulation, on September 4, 2008, the City received two (2) bids for liquid fluoride. Liquid fluoride will be ordered on an as-needed basis depending on treatment needs of the raw water.

Pencco did take exception to the delivery within forty-eight (48) hours after notification and stated that they could deliver within 14 to 21 days. Water Treatment Plant staff evaluated this delivery exception and is willing to accept the longer delivery lead-time on this particular chemical.

The City has not done business with Pencco in the past. Therefore, references were check and after receiving favorable references, Pencco was deemed a responsible bidder. Staff recommends Council award the annual contract to them.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and Pencco.

- E. Liquid Caustic Soda** to Altivia Corporation of Houston, TX at \$.3218/wet pound for an estimated annual amount of \$30,000.

As shown on the attached bid tabulation, on September 4, 2008, the City received three (3) bids for liquid caustic soda. Liquid caustic soda will be ordered on an as-needed basis depending on treatment needs of the raw water.

The City has done business with Altivia Corporation in the past and is pleased with products provided and recommends Council award the annual contract to them.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and Altivia Corporation.

- F. Citric Acid** to General Chemical Performance Products of Parsippany, TX, at \$1.09/pound and \$11.01/gallon for an estimated annual amount of \$13,947.

As shown on the attached bid tabulation, on September 4, 2008, the City received one (1) bid for citric acid. Citric acid will be ordered on an as-needed basis depending on treatment needs of the raw water.

The City has done business with General Chemical Performance Products in the past and is pleased with products provided and recommends Council award the annual contract to them.

The proposed contract is for three months commencing on October 1, 2008 continuing through December 31, 2008.

G. A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and a Water Treatment Grade Polymer Suitable for Potable Water to Altivia Corporation of Houston, TX with an estimated annual usage of \$108,468 broken down under the following line item bids:

Alum & Copper without polymer	- \$0.1125/wet pound
Alum & Polymer with 2% copper	- \$0.1275/wet pound
Alum & polymer without copper	- \$0.1078/wet pound
Aluminum sulfate	- \$0.0895/wet pound

Per the attached bid tabulation, on September 9, 2008, the City received two (2) bids for the above listed items. Products will be ordered on an as-needed basis depending on treatment needs of the raw water.

This recommended award is the result of a re-bid. Originally these chemicals were bid on August 12, 2008. However, the City did not receive any responsive bids; two vendors failed to submit to the mandatory jar-testing and one vendor did not bid on every line item as required per the bid specifications.

The City has done business with Altivia Corporation in the past and is pleased with products provided and recommends Council award the annual contract to them.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and Altivia Corporation.

FISCAL IMPACT: Budgeted amount: \$430,000 in account 520-5100-535-2118
Estimated expenditure on chemicals identified above: \$ 271,032.

ATTACHMENTS:

[Bid Tabulations \(7\)](#)
[Resolution](#)

Tabulation of Bids Received
on August 12, 2008 at 3:15 p.m.
Liquid Ammonium Sulfate

	Bidders	
	Altivia Corporation Houston, TX	General Chemical Performance Products LLC Parsippany, NJ
Description		
Total Bid Price for Liquid Ammonium Sulfate per Pound	\$0.125	\$0.123
Acknowledge Addendum	Yes	Yes
Delivery	Yes	Yes
Exceptions	None	None
Local Preference	No	No
Credit Check Authorization	Yes	Yes

Memo 2007-2008 Contracted Prices
\$0.0362

Vendors who picked up the Invitation to Bid:

Altivia - Houston, TX

General Chemical Performance Products - Parsippany, N.

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

Recommended for bid award.

Belinda Mattke

12-Aug-08

Belinda Mattke, Director of Purchasing

Date

Tabulation of Bids Received
on August 12, 2008 at 3:00 p.m.
Liquid Chlorine

Description	Bidders	
	DPC Industries, Inc. Cleburne, Texas	Altivia Corporation Houston, Texas
Liquid Chlorine per ton	\$539.00	\$574.00
Acknowledged Addendum	Yes	Yes
Delivery	No (2 to 3 bus days)	Yes (48 hrs)
Local Preference	No	No
Exceptions	None	None
Credit Check Authorization	None	Yes

Memo 2007-2008 Contracted Prices
\$523.00

Vendors who picked up the Invitation to Bid:

Altivia - Houston, Texas
DPC Industries - Houston, Texas
Water Products of Oklahoma - Owasso, OK

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

12-Aug-08

Date

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

Tabulation of Bids Received
on August 12, 2008 at 3:45 p.m.
PolyDimethylidallylammonium Chloride & Clarifloc A-3310 Polymer

	BIDDERS			
	Industrial Chemicals, Inc. Birmingham, AL	Ashland Water Technologies Dublin, OH	Chameleon Industries Inc. Mesquite	Polydyne Riceboro, GA
Description	Unit Price	Unit Price	Unit Price	Unit Price
PolyDimethylidallylammonium Chloride (55 gallon)	\$1.90	\$0.60	\$1.10	No Bid
Clarifloc A-3310 Polymer	\$2.05	\$1.86	\$3.00	No Bid
Acknowledged Addendum	Yes	Yes	Yes	No Bid
Delivery within 72 hours?	No	No	Yes	No Bid
Local Preference	No	No	No	No Bid
Exceptions?	None	None	None	No Bid
Credit Check Authorization	Yes	Yes	Yes	No Bid

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

12-Aug-08

Date

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

Memo 2007-2008 Contracted Prices
\$0.46/pound
Not on bid last time

Vendors who picked up the Invitation to Bid:

Altivia - Houston, TX

Ashland - Greenboro, NC

Atlatic Coast Polymers - Austin, TX

Chameleon Industries, Inc. - Mesquite, TX

Ciba Corporation - Suffolk, VA

General Chemical - Parsippany, NJ

Industrial Chemicals, Inc. - Vestavia, AL

Kemira Water Solutions -Lawrence, KS

Polydyne, Inc. - Riceboro, GA

Tabulation of Bids Received
on September 4, 2008 at 2:30 p.m.
Liquid Fluoride

	BIDDERS	
	Key Chemical Waxhaw, NC	Pencco San Felipe, TX
Description		
Per Wet Pound Price	\$0.3504	\$0.3168
Delivery within 48 hours?	No (4-6 wks)	No (14-21 days)
Local Preference	No	No
Exceptions?	Yes	No
Credit Check Authorization	Yes	Yes

Vendors who picked up the Invitation to Bid:

Key Chemical - Waxhaw, NC

Lucier Chemical Industries Ltd - Jasonville Beach, FL

Pencco - San Felipe, TX

Prime Vendor - (Plan Room)

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

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

Belinda Mattke

Belinda Mattke, Purchasing Agent

9/4/2008

Date

**Tabulation of Bids Received
on September 4, 2008 at 2:45 p.m.
Liquid Caustic Soda**

	Bidders		
	General Chemical Performance Products Parsippany, NJ	PVD Minibulk Detroit, MI	Altivia Corporation Houston
Description			
Membrane or Diaphragm Grade Liquid Caustic Soda /Wet Pound	\$0.348	No Bid	\$0.3218
Delivery	?	No Bid	Yes
Local Preference	No	No Bid	No
Exceptions	Yes; price firm thru 12/31/08	No Bid	No
Credit Check Authorization	Yes	No Bid	Yes

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

Belinda Mattke

4-Sep-08

Belinda Mattke, Director of Purchasing

Date

*Note: Highlighted (yellow) bid is recommended
for Council approval.*

Vendors who picked up the Invitation to Bid:

Altivia Corporation - Houston, TX
Basic Chemical Solutions - Santa Fe Springs, CA
DPC Industries - Houston, TX
FSTI Chemical Logistics - Manor, TX
General Chemical Performance Products - Parsippany, NJ
Key Chemical - Washaw, NC
Prime Vendor - Plan Room
PVS Chemicals - Detroit, MI

Tabulation of Bids Received
on September 4, 2008 at 2:30 p.m.
Citric Acid (Re-bid)

BIDDERS	
General Chemical Performance Products Parsippany, NJ	
Description	
Citric Acid (275# Totes)	\$1.09
Citric Acid (Gallon)	\$11.01
Delivery	Yes
Local Preference	No
Exceptions?	Yes
Credit Check Authorization	Yes

Vendors who picked up the Invitation to Bid:

Chameleon Industries

General Chemical Performance Products -- Parsippany, NJ

Prime Vendor - Plan Room

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

Belinda Mattke

4-Sep-08

Belinda Mattke, Director of Purc

Date

Tabulation of Bids Received
on September 9, 2008 at 2:30 p.m.
A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and
a Water Treatment Grade Polymer Suitable for Potable Water(Re-bid)

		Bidders			
		Chameleon Industries Mesquite, TX		Altivia Houston	
Description	Est Qty	Unit Price	Total Price	Unit Price	Total Price
Liquid Aluminum Sulfate and Copper Sulfate - price per wet pound	186833	\$.122 (800 lb)	\$22,793.63		
		0.11 (500 lb)	\$20,551.63	\$0.1125	\$21,018.71
Liquid Aluminum Sulfate, Polymer, and 2% Copper - price per wet pound	700990	\$.141 (800 lb)	\$98,839.59		
		\$.129 (500lb)	\$90,427.71	\$0.1275	\$89,376.23
Liquid Aluminum Sulfate & Polymer - price per wet pound	562720	\$0.1090	\$61,336.48	\$0.1078	\$60,661.22
Aluminum Sulfate - price per wet pound	358210	\$0.0900	\$32,238.90	\$0.0895	\$32,059.80
Total Bid Amount		\$204,554.72		\$203,115.95	
Delivery		Yes		Yes	
Local Preference		No		No	
Exceptions		No		No	
Credit Check Authorization		Yes		Yes	

Memo 2007-2008 Contracted Prices
Unit Price
\$.0685 -- CI3302
\$.0695 -- CI3304

Vendors who picked up the Invitation to Bid:

Altivia - Houston, TX

Carus Phosphates, Inc - Peru, IL

Chameleon Industries - Mesquite, TX

Ciba Corporation - Suffolk, VA

General Chemical Performance Products - Parsippany, NJ

Kamira Water Solutions - Lawrence, KS

US Polymers, Inc - Charlotte, NC

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

9-Sep-08

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 ONE-YEAR RENEWAL TO THE ANNUAL
PURCHASE AGREEMENTS WITH VARIOUS COMPANIES FOR THE
PURCHASE OF WATER TREATMENT CHEMICALS FOR FY2007-08 IN
THE ESTIMATED AMOUNT OF \$157,531; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on August 12, 2008, September 4, 2008 and September 9, 2008, the City received bids from various companies for the purchase of water treatment chemicals for Fiscal Year 2008-2009;

Whereas, the Staff recommends award of the bids as more fully described in Part 1 below;

Whereas, funds are available for these purchases in Account No. 520-5100-535-2118 – the estimated annual expenditure is \$271,032; 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 annual purchase agreements for water treatment chemicals for Fiscal Year 2008-2009, for an estimated annual expenditure of \$271,032, as follows:

- (A) Liquid Ammonium Sulfate to General Chemical Performance Products LLC of Parsippany, NJ, at \$0.123/lb for an estimated annual amount of \$35,416;
- (B) Liquid Chlorine to DPC Industries, Inc of Cleburne, TX, at \$539/ton for an estimated annual amount of \$58,434;
- (C) PolyDimethylidallylammonium Chloride & Clarifloc A-3310 Polymer to Ashland Water Technologies of Dublin, OH, at \$0.60/pound for PolyDimethylidallylammonium Chloride and \$1.86/pound for Clarifloc A-3310 Polymer for an estimated annual usage of \$2,000;
- (D) Liquid Fluoride to Pencoco of San Felipe, TX, at \$.3168/wet pound for an estimated annual amount of \$22,767;
- (E) Liquid Caustic Soda to Altivia Corporation of Houston, TX, at \$.3218/wet pound for an estimated annual amount of \$30,000;
- (F) Citric Acid to General Chemical Performance Products of Parsippany, TX, at \$1.09/pound and \$11.01/gallon for an estimated annual amount of \$13,947; and
- (G) A Blend of Liquid Aluminum Sulfate, Copper Sulfate, and a Water Treatment Grade Polymer Suitable for Potable Water to Altivia Corporation of Houston,

TX, with an estimated annual usage of \$108,468 broken down under the following line item bids.

Alum & Copper without polymer	- \$0.1125/wet pound
Alum & Polymer with 2% copper	- \$0.1275/wet pound
Alum & polymer without copper	- \$0.1078/wet pound
Aluminum sulfate	- \$0.0895/wet pound

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 **18th** 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

09/18/08
Item #5(E)-(7)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for electric motor and pump repair services needed at the Water Treatment Plant for FY 08-09 with Smith Pump Company, Inc. of Waco in the estimated annual amount of \$60,000.

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

ITEM SUMMARY: On August 26, 2008, the City received one (1) bid for electric motor and pump repair services on as as-needed basis for the Water Treatment Plant. The bid is shown on the attached tabulation sheet.

Smith Pump currently holds the contract for electric motor and pump repair services. Staff has been pleased with the services provided by Smith Pump Company, and recommends Council award the annual contract to them.

The proposed contract is for a one (1) year period commencing on October 1, 2008, and is renewable for four (4) additional one-year periods, if agreed to by the City and Smith Pump Company.

FISCAL IMPACT: Budgeted amount: \$60,000 in account 520-5100-535-2331
Estimated expenditure: \$60,000.

ATTACHMENTS:

[Bid Tabulation
Resolution](#)

Tabulation of Bids Received
on August 26, 2008 at 2:30 p.m.
Electric Motor and Pump Repair Service

	Bidders
	Smith Pump Company Waco, Texas
Description	
Motor Repair - Material (Cost plus %) \$0-\$100.99	20%
Motor Repair - Material (Cost plus %) \$101-\$500.99	20%
Motor Repair - Material (Cost plus %) \$501-\$1000.99	20%
Motor Repair - Material (Cost plus %) \$1001-\$5000.99	20%
Motor Repair - Material (Cost plus %) \$5001-and up	20%
Motor Repair - Rental Equipment (Cost plus %)	20%
Motor Repair - Labor Shop (Straight Time)	\$60.00
Motor Repair - Labor Shop (Overtime)	\$90.00
Motor Repair - Labor Field (Straight Time)	\$70.00
Motor Repair - Labor Field (Overtime)	\$105.00
Motor Repair - Truck Mileage	\$0.90
Motor Repair - truck and trailer mileage	\$2.15
Motor Repair - semi-truck mileage	Rental
Pump Repair - Material (Cost plus %) \$0-\$100.99	20%
Pump Repair - Material (Cost plus %) \$101-\$500.99	20%
Pump Repair - Material (Cost plus %) \$501-\$1000.99	20%
Pump Repair - Material (Cost plus %) \$1001-\$5000.99	20%
Pump Repair - Material (Cost plus %) \$5001-and up	20%
Pump Repair - Rental Equipment (Cost plus %)	20%
Pump Repair - Labor Shop (Straight Time)	\$60.00
Pump Repair - Labor Shop (Overtime)	\$90.00
Pump Repair - Labor Field (Straight Time)	\$70.00
Pump Repair - Labor Field (Overtime)	\$105.00
Pump Repair - truck mileage	\$0.90
Pump Repair - truck and trailer mileage	\$2.15
Pump Repair - semi-truck mileage	Rental
Exceptions	None
Bid Bond	Yes (not on our form)
Insurance Affidavit	Yes
Bond Affidavit	Yes
Credit Check Authorization	Yes

Memo 2007-2008 Contracted Prices
20%
20%
20%
20%
20%
15%
\$40.00
\$60.00
\$40.00
\$60.00
\$.50/mile
\$1.00/Mile
\$1.50/Mile
20%
20%
20%
20%
20%
15%
\$40.00
\$60.00
\$40.00
\$60.00
\$.50/Mile
\$1.00/Mile
\$1.50/Mile

Vendors who picked up the Invitation to Bid:

Smith Pump -Waco, Texas

Prime Vendor - (Planroom)

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

26-Aug-08

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES NEEDED AT THE WATER TREATMENT PLANT FOR FISCAL YEAR 2008-2009 WITH SMITH PUMP COMPANY, INC., OF WACO, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$60,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 26, 2008, the City received one bid for electric motor and pump repair services on an as-needed basis for the Water Treatment Plant;

Whereas, the Staff recommends accepting the bid from Smith Pump Company, of Waco, Texas, for an estimated annual expenditure of \$60,000;

Whereas, funds are budgeted in Account No. 520-5100-535-2331, for these services; and

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

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

Part 1: The City Council authorizes an annual contract for electric motor and pump repair services on an as-needed basis for the Water Treatment Plant for Fiscal Year 2008-2009 with Smith Pump Company of Waco, Texas, in accordance with the Staff recommendations on the bid tabulation sheet, attached as Exhibit A, for an estimated annual expenditure of \$60,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these services, subject to approval as to form by the City Attorney.

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 **18th** 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

09/18/08
Item #5(E)-(8)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Utility Business Office Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement with various vendors for water meters for FY 08-09 the estimated amount of \$115,417.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 12, 2008, the City received seven (7) bids for water meters shown on the attached bid tabulation. The items were bid and stated to be awarded by line item. The recommended bid awards with estimated annual expenditures are as follows:

1. Pipe & Supply, Temple, TX – 6" Turbine Type Meters (\$1,967.00);
2. Municipal Water Works Supply, Royse City, TX – 6" Dual Body Compound Meters (\$2,100.00);
3. Badger Meter, Milwaukee, WI – 3" & 4" Turbine Type Meters and 4", 6" & 8" FM or UL Approved Fire Service Meters (\$16,748.00);
4. Hersey Meters, Cleveland, NC – 1-1/2" & 2" Turbine Type Meter (\$2,700.00); and
5. Elster AMCO Water, Ocala, FL – Positive Displacement Meters (all sizes), 8" Turbine Type Meters, 2", 3" & 4" Dual Body Compound Meter and 3" Fire Hydrant Turbo Meters (\$91,902.00)

As allowed by Chapter 271 of the Local Government Code, local preference was enacted on one line item bid. The Local Preference Policy allows the City to give preference to the local bidder if they have a storefront within the city limits of Temple, and whose bid is within five (5) percent of the lowest bid received from a bidder who does not have a physical presence or storefront within the incorporated limits of Temple. The low bid that was overridden by a local preference bid is highlighted in green on the attached bid tabulation and accumulate to an additional cost based on estimated annual usage of \$27.00.

The City has done business with all of the companies listed above and finds them to be responsible vendors.

The recommended contracts will expire on September 30, 2009, with the option of four (4) additional one-year renewals, if so agreed to by both parties.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchases-to be purchased as needed throughout the year)*
Estimated expenditure in FY 08-09: \$115,417

*Sufficient funds exist in the utility accounts to pay for these purchases. The estimated expenditure reflects the cost if all the items bid are actually purchased.

ATTACHMENTS:

[Bid Tabulation
Resolution](#)

Tabulation of Bids Received
on August 12, 2008 at 2:15 p.m.
Water Meters

Description	Bidders							Memo 2007-2008 Contracted Prices
	ACT Pipe & Supply Temple	HD Supply Waterworks Belton	Aqua Metric Sales Riverside, CA	Muni Water Works Supply Royse City	Badger Meter Milwaukee, WI	Hersey Meters Cleveland, NC	Elster AMCO Water Ocala, FL	
Positive Displacement Meters 5/8"x3/4"	\$34.70	\$37.00	\$44.02	\$36.00	\$36.50	\$34.00	\$33.00	\$35.00
Positive Displacement Meters Full 3/4"	\$45.60	\$56.66	\$70.34	\$57.35	\$51.00	\$60.00	\$41.00	\$46.00
Positive Displacement Meters 1"	\$85.00	\$86.66	\$99.97	\$101.00	\$92.46	\$80.00	\$73.00	\$76.45
Positive Displacement Meters 1-1/2"	\$232.50	\$247.76	\$283.49	\$538.10	\$244.00	\$208.00	\$185.00	\$180.00
Positive Displacement Meters 2"	\$296.00	\$347.76	\$410.51	\$642.60	\$305.00	\$264.00	\$260.00	\$260.00
Turbine Type Meters 1-1/2"	\$338.00	\$647.76	\$523.19	No Bid	\$355.00	\$307.00	\$420.00	\$290.00
Turbine Type Meters 2"	\$510.00	\$709.73	\$636.71	\$457.78	\$415.00	\$368.00	\$568.00	\$360.00
Turbine Type Meters 3"	\$785.00	\$1,072.22	\$837.67	\$691.00	\$680.00	\$901.00	\$925.00	\$655.00
Turbine Type Meters 4"	\$998.00	\$1,616.66	\$1,700.91	\$893.48	\$799.00	\$1,158.00	\$1,200.00	\$768.95
Turbine Type Meters 6"	\$1,967.00	\$3,066.66	\$2,862.98	\$1,299.00	\$2,510.00	\$2,211.00	\$1,940.00	\$1,648.00
Turbine Type Meters 8"	\$2,697.00	\$4,872.22	\$4,418.65	\$1,860.00	\$3,150.00	\$2,685.00	\$2,012.00	\$2,400.00
Dual Body Compound Meters 2"	\$945.05	\$1,468.56	\$1,326.57	No Bid	\$1,216.08	No Bid	\$830.00	\$830.00
Dual Body Compound Meters 3"	\$1,276.00	\$2,038.88	\$1,715.87	\$1,457.00	\$1,533.28	No Bid	\$1,145.00	\$1,145.00
Dual Body Compound Meters 4"	\$1,694.00	\$2,755.55	\$2,812.76	\$1,721.00	\$2,474.08	No Bid	\$1,525.00	\$1,525.00
Dual Body Compound Meters 6"	\$2,715.00	\$4,783.33	\$5,094.60	\$2,100.00	\$3,476.08	No Bid	\$2,397.00	\$2,235.00
Fire Hydrant Turbo Meters 3"	\$521.00	\$611.11	\$663.88	\$650.00	\$460.00	\$485.00	\$220.00	\$485.00
FM or UL Approved Fire Service Meters 4"	No Bid	\$5,338.88	\$4,704.23	No Bid	\$3,120.00	\$3,153.00	No Bid	\$2,998.00
FM or UL Approved Fire Service Meters 6"	No Bid	\$7,000.00	\$7,102.62	No Bid	\$4,510.00	\$4,414.00	No Bid	\$4,379.00
FM or UL Approved Fire Service Meters 8"	No Bid	\$9,038.88	\$9,524.79	No Bid	\$6,160.00	\$7,274.00	No Bid	\$5,978.00
30 Day Delivery	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Exceptions	Yes	None	Yes	Yes	Yes	Yes	Yes	
Local Preference	Yes	No	No	No	No	No	No	
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

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

Belinda Matthe

Belinda Matthe, Director of Purchasing

12-Aug-08

Date

Vendors who picked up the Invitation to Bid:

ACT Pipe & Supply - Temple, TX
Badger Meter - Milwaukee, WI
Elster AMCO Water, Inc - Ocala, FL
Ferguson Waterworks - McKinney, TX
HD Supply - Belton, TX
Hersey Meters - Cleveland, NC
Itron - Liberty Lake, WA

Liquid Measurement, LLC
Master Meter - Mansfield, TX
Mountain States Pipe & Supply - CO Spgs, CO
Prime Vendor (Plan Room)
Sensus Metering Systems - Pittsburgh, PA
USA Blue Book - Waukegan, IL
Water Products of Oklahoma - Owasso, OK

Exceptions deemed unacceptable
Low bid, but another vendor who has
local preference is being recommended
for award
Recommended for bid award.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A PURCHASE AGREEMENT WITH VARIOUS VENDORS FOR
WATER METERS FOR FISCAL YEAR 2008-2009, IN THE ESTIMATED AMOUNT
OF \$115,417.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 12, 2008, the City received 7 bids for the purchase of water meters for Fiscal Year 2008-2009;

Whereas, the Staff recommends accepting the following bids: (1) ACT Pipe & Supply, Temple, TX – 6” Turbine Type Meters (\$1,967.00); (2) Municipal Water Works Supply, Royse City, TX – 6” Dual Body Compound Meters (\$2,100.00); (3) Badger Meter, Milwaukee, WI – 3” & 4” Turbine Type Meters and 4”, 6” & 8” FM or UL Approved Fire Service Meters (\$16,748.00); (4) Hersey Meters, Cleveland, NC – 1-1/2” & 2” Turbine Type Meter (\$2,700.00); and (5) Elster AMCO Water, Ocala, FL – Positive Displacement Meters (all sizes), 8” Turbine Type Meters, 2”, 3” & 4” Dual Body Compound Meter and 3” Fire Hydrant Turbo Meters (\$91,902.00);

Whereas, the Water Department has budgeted funds for the purchase of these meters from inventory – the items will be stocked at minimum levels and will be issued to the department as needed; 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 a purchase agreement with various vendors for the following water meters for Fiscal Year 2008-009, in the estimated amount of \$115,417.00:

- (A) ACT Pipe & Supply, Temple, TX – 6” Turbine Type Meters (\$1,967.00);
- (B) Municipal Water Works Supply, Royse City, TX – 6” Dual Body Compound Meters (\$2,100.00);
- (C) Badger Meter, Milwaukee, WI – 3” & 4” Turbine Type Meters and 4”, 6” & 8” FM or UL Approved Fire Service Meters (\$16,748.00);
- (D) Hersey Meters, Cleveland, NC – 1-1/2” & 2” Turbine Type Meter (\$2,700.00); and
- (E) Elster AMCO Water, Ocala, FL – Positive Displacement Meters (all sizes), 8” Turbine Type Meters, 2”, 3” & 4” Dual Body Compound Meter and 3” Fire Hydrant Turbo Meters (\$91,902.00).

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 **18th** 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

9/18/08
Item #5(E)-(9)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with various vendors for utility supplies for FY 08-09 in the estimated amount of \$377,499.43.

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

ITEM SUMMARY: On August 12, 2008, the City received six (6) bids for the annual purchase of utility supplies. Staff recommends award of the bids to the following vendors with estimated annual purchases as highlighted in yellow on the attached 79 line-item (category) bid tabulation: ACT Pipe & Supply of Temple (\$170,360.30); Ferguson Waterworks of Killeen and Temple (\$186,672.81); Municipal Water Works Supply, LP of Royse City (\$10,205.84); and HD Supply Waterworks of Belton (\$10,260.48).

As allowed by Chapter 271 of the Local Government Code, local preference was enacted on fourteen line item (category) bids. The Local Preference Policy allows the City to give preference to the local bidder if they have a storefront within the city limits of Temple, and whose bid is within five (5) percent of the lowest bid received from a bidder who does not have a physical presence or storefront within the incorporated limits of Temple. Low bids that were overridden by a local preference bid are highlighted in green on the attached bid tabulation and accumulate to an additional cost based on estimated annual usage of \$3,019.25; estimated purchases impacted total \$86,232.61.

The City has done business in the past with all of the vendors being recommended for award, and has found each to be a responsible vendor. The proposed contracts will not have options for annual renewals.

FISCAL IMPACT: Budgeted amount: \$0 (inventory purchase that will be ordered as needed throughout the year)
Estimated expenditure: \$377,499.43 *

*The estimated expenditure reflects the cost if all the items bid are actually purchased. Items will be purchased as needed.

ATTACHMENTS:

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

Bid Opening
August 12, 2008 -2:30 p.m.
Annual Utility Supplies

Description	BIDDERS						Memo 2007-2008 Contracted Prices
	ACT Pipe & Supply Temple	Ferguson Waterworks Killeen	HD Waterworks Belton	Munil Water Works Supply Royse City	Alamo Iron Works San Antonio	F & D Supply Laughlin, NV	
Water Pipe	\$6,182.80	\$5,816.80	No Bid	\$6,600.20	No Bid	No Bid	\$4,363.80
Brass Ball Valves	\$26,584.06	\$26,790.10	\$27,385.30	\$27,867.33	No Bid	No Bid	\$23,984.69
Brass Corporation Stops	\$5,429.80	\$5,423.10	\$5,543.28	\$5,801.01	No Bid	No Bid	\$4,855.08
Brass Meter Couplings	\$15,510.40	\$21,364.40	\$22,067.20	\$16,574.40	No Bid	No Bid	\$14,379.60
Brass Straight Couplings	\$3,389.64	\$3,292.72	\$3,366.14	\$3,576.06	No Bid	No Bid	\$2,948.20
Brass Bell Reducer Couplings FIPT x FIPT	\$1,023.00	\$814.30	\$672.90	\$972.56	No Bid	No Bid	\$650.82
Elbow Brass 90 deg PJ x PJ	\$2,066.43	\$1,878.39	\$2,193.15	\$2,042.98	No Bid	No Bid	\$1,684.71
Elbow Brass 90 deg FIPT x FIPT	\$479.00	\$412.44	\$386.80	\$455.36	No Bid	No Bid	\$309.88
Brass Threaded Nipples	\$3,331.20	\$3,134.27	\$2,798.45	\$2,966.85	No Bid	No Bid	\$1,760.47
Copper Tubing Type K Soft	No Bid	\$3,453.50	No Bid	\$2,900.00	No Bid	No Bid	\$32,029.60
Polyethylene Tubing	\$6,176.00	\$3,539.36	No Bid	\$4,860.00	No Bid	No Bid	\$2,308.00
Stainless Steel Stiffeners	\$942.45	\$1,318.65	\$1,346.25	\$1,091.05	No Bid	No Bid	\$757.20
Full Circle Clamps (Single Band) (With Removable Lugs)	\$16,145.65	\$16,737.75	\$17,720.83	\$16,528.78	No Bid	No Bid	\$13,055.37
Full Circle Clamps (Double Band) (With Removable Lugs)	\$4,237.20	\$5,216.00	\$6,885.38	\$5,695.58	No Bid	No Bid	\$3,875.76
Collar Leak Clamps	\$771.42	\$1,352.00	\$995.32	\$1,044.76	No Bid	No Bid	\$693.66
Tapping Saddles DI or CI with CC Threads	\$6,776.78	\$5,850.00	\$3,015.09	\$3,447.06	No Bid	No Bid	\$6,005.43
Multi-Range Repair Couplings	\$35,322.50	\$30,260.00	\$29,117.35	\$32,597.75	No Bid	No Bid	\$27,024.10
Adjustable Valve Box Bottom	\$1,581.00	\$1,590.00	\$1,410.60	\$1,207.50	\$2,346.00	No Bid	\$600.60
Adjustable Valve Box Top	\$1,499.75	\$1,139.25	\$1,274.00	\$1,109.50	\$2,312.80	No Bid	\$696.15
Valve Box Lid	\$1,188.00	\$576.00	\$939.20	\$976.00	\$1,324.00	No Bid	\$576.00
MJ x MJ Gate Valve DI	\$36,571.90	\$38,913.00	\$34,922.58	No Bid	No Bid	No Bid	\$28,381.24
MJ X Flange Gate Valve DI	\$4,329.85	\$4,455.00	\$4,377.78	No Bid	\$5,153.00	No Bid	\$3,602.07
Threaded Gate Valve DI	\$1,762.00	\$1,840.00	\$1,776.80	No Bid	\$2,260.00	No Bid	\$1,527.60
MJ Bends 22-1/2 deg DI	\$1,265.60	\$1,081.92	\$1,269.58	\$1,080.56	No Bid	No Bid	\$907.12
MJ Bends 45 deg DI	\$1,694.80	\$1,208.94	\$1,728.40	\$1,470.90	No Bid	No Bid	\$1,235.56
MJ Bends 90 deg DI	\$2,102.02	\$1,611.18	\$2,431.64	\$1,827.18	No Bid	No Bid	\$1,468.72
Flange x Flange Bends 22-1/2 deg DI	\$1,544.00	\$1,134.84	\$1,331.65	\$1,133.36	No Bid	No Bid	\$951.28
Flange x Flange Bends 45 deg DI	\$1,350.00	\$1,037.19	No Bid	No Bid	No Bid	No Bid	\$859.44
Flange x Flange Bends 90 deg DI	\$1,555.00	\$1,129.43	\$1,324.05	\$1,127.02	No Bid	No Bid	\$945.76
Reducer MJ x MJ DI	\$2,105.60	\$1,493.06	\$1,946.90	\$1,660.52	No Bid	No Bid	\$1,391.96
MJ Tees DI	\$4,524.60	\$3,970.44	\$4,645.80	\$3,959.32	No Bid	No Bid	\$3,324.88

	BIDDERS						Memo 2007-2008 Contracted Prices
	ACT Pipe & Supply Temple	Ferguson Waterworks Killeen	HD Waterworks Belton	Municipal Water Works Supp Royse City	Alamo Iron Works San Antonio	F&D Supply Laughlin, NV	
Description							
MJ x Flange Tees DI	\$215.00	\$191.10	\$255.00	\$190.85	No Bid	No Bid	\$160.08
Flange x Flange x Flange Tees DI	\$210.00	\$153.86	\$180.00	\$153.65	No Bid	No Bid	\$118.16
Cap MJ	\$575.00	\$518.44	\$586.00	\$498.92	No Bid	No Bid	\$419.52
Plug MJ Solid	\$547.20	\$479.22	\$559.00	\$478.40	No Bid	No Bid	\$402.04
Tapped Plugs	\$383.00	No Bid	\$391.20	\$335.60	No Bid	No Bid	\$281.52
MJ Solid Sleeves (Long)	\$3,793.00	\$3,230.82	\$3,812.00	\$3,254.95	No Bid	No Bid	\$2,730.56
MJ Solid Sleeves (Short)	\$1,336.00	\$1,054.60	\$1,374.00	\$1,084.00	No Bid	No Bid	\$910.80
CI Valve Box Riser	\$3,980.00	\$3,370.00	\$1,941.10	\$3,014.60	\$3,710.00	No Bid	\$2,251.30
Swivel x Solid Anchor Couplings	\$5,302.00	\$4,698.61	\$5,513.55	\$4,692.15	No Bid	No Bid	\$3,938.98
PVC Compression Coupling	\$645.50	\$518.85	\$714.25	\$639.15	\$929.50	No Bid	\$535.95
All Thread Rods and Couplings	\$1,023.00	\$3,352.20	No Bid	\$372.25	\$926.60	No Bid	\$359.50
Gland Packs (complete with gaskets and bolts)	\$3,949.85	\$3,762.80	\$3,873.87	\$3,340.61	No Bid	No Bid	\$3,253.00
PVC Mega Lugs - Packs (with MJ Gaskets and bolts)	\$3,674.00	\$2,754.50	\$3,009.25	\$2,651.60	No Bid	No Bid	\$2,133.04
DI Mega Lugs - Packs (with MJ Gaskets)	\$835.80	\$644.00	\$690.62	\$612.74	No Bid	No Bid	\$471.66
CI Lug Washers	No Bid	\$45.00	No Bid	\$38.20	No Bid	No Bid	\$30.00
Underground Clamps	No Bid	\$105.50	No Bid	\$149.18	No Bid	No Bid	\$105.50
Brass Pack Joint or Compression Tee	\$1,952.90	\$2,085.34	No Bid	\$1,970.05	No Bid	No Bid	\$1,824.34
Brass Tees (FIPT)	\$436.50	\$375.50	\$356.52	\$1,246.20	No Bid	No Bid	\$285.20
Flanged Coupling Adapters	\$1,515.00	\$1,060.00	\$1,130.35	\$1,063.82	No Bid	No Bid	\$771.41
Brass Threaded Bushing	\$2,149.10	\$2,485.00	No Bid	\$2,098.10	No Bid	No Bid	\$2,102.70
Redi-Clamps	\$476.37	\$754.29	\$434.37	\$481.58	No Bid	No Bid	\$325.21
Bell Joint Leak Clamps	No Bid	\$826.00	\$794.21	\$754.79	No Bid	No Bid	\$610.09
Brass Sleeve Coupling FIPT	\$820.75	\$701.20	\$655.25	\$2,240.50	No Bid	No Bid	\$528.10
Fire Hydrants	\$23,271.20	\$23,058.00	\$23,592.40	No Bid	\$28,066.00	No Bid	\$18,712.02
Meter Risers	\$36,158.53	\$37,017.11	\$37,836.09	\$38,735.48	No Bid	No Bid	\$32,131.36
Brass Meter Flange Complete Kits	\$260.80	\$386.12	\$337.60	\$411.60	No Bid	No Bid	\$276.00
Concrete Meter Box (Box Only)	\$3,045.50	\$2,915.00	\$3,184.10	\$4,405.30	No Bid	No Bid	\$3,514.40
CI Reader Lid Only (for Concrete Meter Box)	\$5,849.90	\$5,505.00	\$6,160.70	\$8,609.00	No Bid	No Bid	\$6,576.95
PE Meter Box with Overlapping Lid and CI Reader	\$22,840.00	\$18,775.00	No Bid	\$22,528.00	\$21,625.00	No Bid	\$13,300.50
CI Reader Lid Only (for PE Meter Box)	\$409.75	\$330.24	No Bid	\$450.77	No Bid	No Bid	\$299.15
Meter Washers	\$1,295.00	\$1,199.00	No Bid	\$805.00	No Bid	No Bid	\$702.00

Description	BIDDERS						Memo 2007-2008 Contracted Prices
	ACT Pipe & Supply Temple	Ferguson Waterworks Killeen	HD Waterworks Belton	Municipal Water Works Supp Royse City	Alamo Iron Works San Antonio	F&D Supply Laughlin, NV	
Sewer Supplies - SDR 35 Deep Bell	\$368.02	\$301.67	No Bid	\$371.09	No Bid	No Bid	\$234.67
Non-Shear Flex Boot Coupling	\$9,224.44	\$9,610.62	No Bid	\$9,702.66	No Bid	\$10,058.78	\$7,099.50
Sewer Caps Threaded PVC with Sleeve - SDR35	\$795.00	\$552.00	No Bid	\$658.50	No Bid	No Bid	\$448.50
Sewer Pipe	\$17,354.72	\$16,002.26	No Bid	\$18,934.15	No Bid	No Bid	\$6,187.22
Sewer Clean Outs	\$2,139.40	\$1,892.90	No Bid	\$2,095.12	No Bid	No Bid	\$788.84
Sewer Wyes GxGxG (with Deep Bell)	\$3,143.95	\$2,680.83	No Bid	\$3,315.14	No Bid	No Bid	\$1,325.42
Sewer Tee Wyes GxGxG (with Deep Bell)	\$2,158.60	\$2,261.68	No Bid	\$2,806.84	No Bid	No Bid	\$1,225.10
Type M2 Adjustable Steel Manhole Risers	No Bid	\$10,587.00	No Bid	No Bid	No Bid	No Bid	\$8,705.00
Cast Iron Manhole Rings & Covers	\$19,275.00	\$17,055.00	No Bid	\$20,718.00	\$19,770.00	No Bid	\$10,212.60
Concrete Manhole Ring Risers	\$741.40	\$643.18	\$681.58	\$1,071.70	No Bid	No Bid	\$65.72
Concrete Manhole Cones - 24-inch	\$3,444.00	\$4,950.00	No Bid	\$3,780.00	No Bid	No Bid	\$1,154.00
Concrete Manhole Risers - 48-inch	\$7,134.00	\$7,585.00	No Bid	\$7,830.00	No Bid	No Bid	\$2,218.05
Sewer SDR35 Gasketed PVC Bends	\$2,500.50	\$2,136.21	No Bid	\$2,656.15	No Bid	No Bid	\$1,356.96
PVC Sewer Tapping Saddles (Gasketed with Bands)	\$601.75	\$513.30	No Bid	\$633.40	No Bid	No Bid	\$446.40
Flexible Saddle Wyes for Use on Clay Pip	\$850.00	\$722.10	No Bid	\$1,225.00	No Bid	\$1,131.60	\$660.00
Mushroom Valve Box Cover	\$4,800.00	\$3,600.00	No Bid	\$3,996.00	\$4,400.00	No Bid	\$688.80
Eye Bolts with Washers and Nuts	\$731.50	\$364.00	No Bid	\$249.60	No Bid	No Bid	\$267.00
Flat Fee for Emergency/After Hour Delivery	\$45.00	None	None	None	None	None	\$330,299.57
Delivery within 14 days?	Yes	Yes	Yes	Yes	No	Yes	
Invoicing	Yes	Yes	Yes	Yes	Yes	Yes	
Exceptions	Yes	None	Yes	Yes	None	None	
Local Preference	Yes	Yes	No	No	No	No	
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes	
Acknowledge Addendum	Yes	Yes	Yes	Yes	Yes	Yes	

Recommended Bid

Low bid, but another vendor who has local preference is being recommended for award
Did not provide required information

Can not meet delivery time

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

Vendors who picked up the Invitation to Bid:

Belinda Matthe

Belinda Matthe, Director of Purchasing

8-12-08

Date

ACT Pipe - Temple, TX

Advantage M&E LLC - Houston, TX

Alamo Iron Works - San Antonio, TX

Brad Greer & Associates - Richardson, TX

F&D Supply - Laughlin, NV

Ferguson Waterworks - McKinney, TX

HD Waterworks - Belton, TX

Prime Vendor (Plan Room)

Rexel Summers Electric - Temple, TX

Techline, Inc. - Temple, TX

USA Blue Book - Waukegan, IL

Water Products of Oklahoma, Inc - Owasso, OK

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS FOR UTILITY SUPPLIES FOR FISCAL YEAR 2008-2009, IN THE ESTIMATED ANNUAL EXPENDITURE OF \$377,499.43; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 12, 2008, the City received 6 bids for the purchase of utility supplies for Fiscal Year 2008-2009;

Whereas, the bid stated it would be awarded to the lowest vendor per section, and the Staff recommends authorizing the purchase of utility supplies in accordance with the attached bid tabulation sheet;

Whereas, sufficient funds for these purchases are available in the utility accounts – estimated annual expenditure is \$377,499.43; 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 bids for the purchase of utility supplies for the Water Utilities Department for Fiscal Year 2008-2009 in accordance with the bid tabulation sheet attached as Exhibit A.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **18th** 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

09/18/08
Item #5(E)-(10)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement for building materials with Lengefeld Lumber Company of Temple for FY 08-09 in the estimated amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 5, 2008, the City received one (1) bid for building materials. The bid is shown on the attached bid tabulation sheet.

The bidder was Lengefeld Lumber of Temple. The City has done business with Lengefeld Lumber in the past and finds them to be a responsible bidder.

The recommended contract is for a period of one (1) year commencing on October 1, 2008, with the option for four (4) one-year renewals, if so agreed to by the City and Lengefeld Lumber.

FISCAL IMPACT: Budgeted amount: Sufficient amounts in various accounts*
Estimated expenditure: \$25,000.

*These items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases.

ATTACHMENTS:

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

**Tabulation of Bids Received
on August 5, 2008 at 3:30 p.m.
Building Materials**

		Bidders	
		Lengefeld Lumber Temple	
Description	Qty	Unit Price	Total Price
Sheetrock 4x8x1/2	25	\$ 4.74	\$ 118.50
Sheetrock 4x8x5/8	50	\$ 5.66	\$ 283.00
Joint Compound	20	\$ 6.25	\$ 125.00
Float Tape (250')	2	\$ 1.62	\$ 3.24
8" Common Nails (50#)	2	\$ 37.55	\$ 75.10
6" Common Nails (50#)	2	\$ 21.15	\$ 42.30
Drywall Screws 1-1/4" (29#)	4	\$ 31.93	\$ 127.72
2x4x8 #2 YP	85	\$ 2.57	\$ 218.45
2x4x8 Treated	30	\$ 2.77	\$ 83.10
2x4x10 #2 YP	140	\$ 2.57	\$ 359.80
2x4x12 #2 YP	10	\$ 3.40	\$ 34.00
2x4x16 #2 YP	15	\$ 4.78	\$ 71.70
2x4x16 Treated	15	\$ 5.86	\$ 87.90
1x8x8 C Grade YP	20	\$ 5.98	\$ 119.60
1x6x8 C Grade YP	20	\$ 4.92	\$ 98.40
Liquid Nails	60	\$ 1.49	\$ 89.40
All Weather Silicone Caulking	12	\$ 3.00	\$ 36.00
80# Concrete Mix	500	\$ 2.91	\$ 1,455.00
Portland Cement (94# bags)	100	\$ 7.86	\$ 786.00
80# Biodegradable Bags of Concrete Mix for Riprap/Retaining Walls	5,000	\$ 3.36	\$ 16,800.00
Roof Sealer/Sealant (1 gal)	12	\$ 4.81	\$ 57.72
Door Stops (Flex)	10	\$ 0.35	\$ 3.50
Door Stops (Kick down)	20	\$ 2.61	\$ 52.20
Commercial Duty Door Closers	12	\$ 44.54	\$ 534.48
TOTAL BID FOR LINE ITEMS		\$	21,662.11
Cost + Percentage			15%
Delivery			Yes
Local Preference Claimed			No
Exceptions			None
Credit Check Authorization			Yes

Memo 2007-2008 Contracted Prices	
Unit Price	Total Price
\$ 5.43	\$ 135.75
\$ 7.32	\$ 366.00
\$ 6.39	\$ 127.80
\$ 1.54	\$ 3.08
\$ 20.88	\$ 41.76
\$ 22.13	\$ 44.26
\$ 35.83	\$ 143.32
\$ 2.50	\$ 212.50
\$ 2.89	\$ 86.70
\$ 2.41	\$ 337.40
\$ 2.86	\$ 28.60
\$ 4.60	\$ 69.00
\$ 5.35	\$ 80.25
\$ 7.42	\$ 148.40
\$ 5.88	\$ 117.60
\$ 1.92	\$ 115.20
\$ 1.88	\$ 22.56
\$ 2.89	\$ 1,445.00
\$ 7.98	\$ 798.00
\$ 2.98	\$ 14,900.00
\$ 5.18	\$ 62.16
\$ 0.26	\$ 2.60
\$ 2.26	\$ 45.20
\$ 57.95	\$ 695.40
\$	20,028.54

Vendors who picked up the Invitation to Bid:

Accredited Lock Supply - Secaucus, NJ
 Continental Flooring Company - Scottsdale, AZ
 Lengefeld Lumber Company - Temple, TX
 Paintsquare - Pittsburgh, PA
 Rexel Summers Electric - Temple, TX
 The Sherwin Williams - Temple, TX

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

Belinda Matthe

8/5/2008

Belinda Matthe, 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 AN ANNUAL PURCHASE AGREEMENT WITH LENGEFELD LUMBER COMPANY, LLC, OF TEMPLE, TEXAS, FOR BUILDING MATERIALS FOR FISCAL YEAR 2008-2009 IN THE ESTIMATED AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 5, 2008, the City received 1 bid for building materials for Fiscal Year 2008-2009;

Whereas, the Staff recommends accepting the bid from Lengefeld Lumber Company, LLC, of Temple, Texas;

Whereas, the materials will be purchased on an "as needed" basis, and funds are available for these purchases in various Department accounts (estimated annual expenditure is \$25,000); and

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

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

Part 1: The City Council authorizes an annual purchase agreement with Lengefeld Lumber Company, LLC, of Temple, Texas, for the purchase of building materials for Fiscal Year 2008-2009, in accordance with the Staff recommendations on the bid tabulation sheet, attached as Exhibit A, for an estimated annual expenditure of \$25,000.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for these purchases, subject to approval as to form by the City Attorney.

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 **18th** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Chief of Fire

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Miller Uniforms & Emblems of Austin for the purchase fire department uniforms during FY 08-09 in an estimated annual amount of \$25,377.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 12, 2008, the City received two (2) bids for the purchase of fire department uniforms. The bids are shown on the attached bid tabulation.

The bid was stated to be awarded to the company providing the “best value” to the City as allowed by Chapter 252 of the Local Government Code. This means that other factors can be considered in the evaluation of the bids in addition to price, including quality of service and products, and the extent to which the bidder’s services meet the City’s needs.

A committee was formed comprised of employees from the Fire Department to review and evaluate the bids based on the award criteria outlined in the bid. Based on the committee’s evaluation of the two (2) bids, staff recommends award of the uniform contract to Miller Uniforms & Emblems. Miller Uniforms & Emblems met all the required specifications of the bid and was the low bidder. In addition, Miller Uniforms & Emblems has provided the City with superior service in the past.

The proposed purchase agreements will commence October 1, 2008, and will expire on September 30, 2009. The agreement will provide for four (4) additional one-year extensions, if so agreed to by the City and Miller Uniforms & Emblems.

FISCAL IMPACT: Funding in the amount of \$27,510 is currently included in the adopted FY 2009 budget for fire uniforms and coats in account 110-2200-522-2113.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 12, 2008 at 2:00 p.m.
Purchase of Fire Uniforms

Bidders					
GT Distributors Austin			Miller Uniforms Austin		
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
FD-Firefighter Station Wear Pants (Navy)	180	\$72.06	\$12,970.80	\$82.00	\$14,760.00
FD-Firefighter Station Wear Pants (Black)	20	\$72.06	\$1,441.20	\$82.00	\$1,640.00
FD-Firefighter Station Wear Pants Oversized		\$86.47 - size 48-58		\$102.50 - Sizes 44-50	
FD-SS Shirts- Light Blue	180	\$24.31	\$4,375.80	\$28.25	\$5,085.00
FD-LS Shirts- Light Blue	90	\$27.31	\$2,457.90	\$30.25	\$2,722.50
FD-SS Shirts -White	20	\$24.31	\$486.20	\$28.25	\$565.00
FD-LS Shirts -White	20	\$27.31	\$546.20	\$30.25	\$605.00
FD-Shirts Oversized		size 2XL-4XL \$29.17 ss & \$32.17 ls		None	
Neck ties	20	\$3.33	\$66.60	\$3.50	\$70.00
Work Coats (Black or Navy)	25	No Bid		\$41.20	\$1,030.00
Work Coats (Black) Oversized		No Bid		Sizes XXL - 3XL \$43.20 & \$45.20	
Embroidered Name on Jacket	25	No Bid		\$6.00	\$150.00
Total Bid Amount		\$22,344.70		\$25,377.50	
Delivery 7 Days		No		No	
Exceptions?		No		Yes	
Credit Check Authorization		Yes		Yes	
Acknowledged Addendum		Yes		Yes	

Memo 2007-2008 Contracted Prices	
Unit Price	Total Price
\$72.00	\$12,960.00
\$72.00	\$1,440.00
\$90.00	
\$26.50	\$4,770.00
\$28.50	\$2,565.00
\$26.50	\$530.00
\$28.50	\$570.00
N/C	
\$3.40	\$68.00
\$39.95	\$998.75
41.95-43.95	
\$5.00	\$125.00
\$24,026.75	

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

12-Aug-08

Date

Vendors who picked up the Invitation to Bid:

Atlenco - Marietta, GA

C & G Wholesale - Dallas, TX

Elbeco Incorporated - Reading, PA

GST Public Safety Supply, LLC - Grand Prairie, TX

GT Distributors - Austin, TX

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

Miller Uniforms - Austin, TX

Perfection Uniform Company - Brentwood, TN

Prime Vendor (Plan Room)

Superior Uniform Group - Seminole, FL

Tyler Uniform - Tyler, TX

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH MILLER UNIFORMS & EMBLEMS OF AUSTIN, TEXAS, FOR THE PURCHASE OF FIRE DEPARTMENT UNIFORMS DURING FISCAL YEAR 2008-2009, IN AN ESTIMATED ANNUAL AMOUNT OF \$25,377.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 12, 2008, the City received 2 bids for the purchase of Fire Department uniforms;

Whereas, the Staff recommends accepting the bid received from Miller Uniforms & Emblems of Austin, Texas;

Whereas, the estimated annual expenditure for the uniforms is \$25,377.50, and funds are budgeted in Account No. 110-2200-522-2113; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Miller Uniforms and Emblems of Austin, Texas, after approval as to form by the City Attorney, for the purchase of Fire Department uniforms for Fiscal Year 2008-2009, in the estimated annual amount of \$25,377.50.

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 **18th** 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

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with Baker and Taylor and Ingram Library Services for the purchase of library books, DVD's, books on CD and compact disks in the estimated annual amount of \$105,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 29, 2008 the City received five (5) bids for the purchase of various types of library materials. The bids are shown on the attached tabulation sheet. The Library Director reviewed the bids received and recommends awards in the various categories as shown below:

1. General Trade Books: Baker and Taylor (primary) and Ingram Library Services (secondary)
2. Paperbacks (Mass Market and Trade): Baker and Taylor (primary) and Ingram Library Services (secondary)
3. Paperbacks—Prebound: Ingram Library Services (primary) and Baker and Taylor (secondary)
4. Library Bindings: Baker and Taylor (primary) and Ingram Library Services (secondary)
5. Books on CD: Baker & Taylor (primary) and Ingram Library Services (secondary)
6. Playaways: Baker & Taylor (primary) and Ingram Library Services (secondary)
7. DVD's: Baker & Taylor (primary) and Ingram Library Services (secondary)
8. Compact Disks: Baker & Taylor (primary) and Ingram Library Services (secondary)

The recommendations are for the bidders with the highest discount with the exception of the Trade Book category. Brodart did offer 1% higher discount in that category, but Brodart had the contract in the past, and did not honor the discount on multiple occasions. The library has had a good experience with both Baker and Taylor and Ingram Book Services in both fill rate and discount.

The recommended contracts will expire on September 30, 2009, with the option of four (4) additional one-year renewals, if so agreed to by both parties.

FISCAL IMPACT: Budgeted amount: \$162,600 in accounts 110-4000-555-22-25, 110-4000-555-22-26 & 110-4000-555-25-22. Estimated expenditure: \$105,000

ATTACHMENTS:

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

Tabulation of Bids Received
on July 29, 2008 at 3:30 p.m.
Books/CDs/DVDs

Description	Bidders				
	HMH Supplemental Austin, Texas	Scholastic Library Publishing, Inc. Danbury, CT	Brodart Co. Willamsport, PA	Ingram Library Services La Vergne, TN	Baker & Taylor Charlotte, NC
General Trade Books*	No Bid	No Bid	46%	43.9%	45%
Paper Backs: Mass Market *	No Bid	No Bid	40%	40.5%	40.8%
Paper Backs: Trade *	No Bid	40%	40%	40.5%	40.8%
Paper Backs: Pre-Bound *	No Bid	No Bid	23%	40.5%	10%
Library Bindings*	No Bid	30% from selected presses	23%	15.5%	24.1%
Books on CD: Abridged *	No Bid	No Bid	40%	45.5%	45.6%
Books on CD: Unabridged *	No Bid	No Bid	40%	45.5%	45.6%
Playaways*	No Bid	No Bid	18%	20.5%	21.8%
DVDs*	No Bid	No Bid	No Bid	26.0%	31.6%
Compact Discs*	No Bid	No Bid	No Bid	26.0%	27.1%
Any other Category*	No Bid	None	10% - Non Trade Hardcover 40% Single Reinforced Editions	10.5% - Short discounted/Non-trade titles	10% - Movies
Additional Charges	No Bid	Shipping & Handling	\$2.00 or 15% off list	See List	\$4.95
Exceptions?	Yes	Yes	Yes	Yes	Yes
Local Preference	No	No	No	No	No
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

*Percentages stated are the "Guaranteed Discount from Publishers' Price List.

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

29-Jul-08

Date

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

Vendors who picked up the Invitation to Bid:

Baker & Taylor- Charlotte, NC

Brodart Co. - McElhattan, PA

Highsmith Inc.- Fort Atkinson, WI

Holt, Rinehart and Winston - Westerville, OH

Ingram Library Service - La Vergne, TN

Prime Vendor (Plan Room)

Rigby, Saxon & Steck-Vaughn, Division of Harcourt Inc.- Austin, Texas

Scholastic Library Publishing - Danbury, CT

School Health Corporation - Hanover Park, IL

Primary

Secondary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH BAKER AND TAYLOR OF CHARLOTTE, NC, AND WITH INGRAM LIBRARY SERVICES OF LAVERGNE, TN, FOR THE PURCHASE OF LIBRARY BOOKS, DVDs, BOOKS ON CD AND COMPACT DISCS FOR FISCAL YEAR 2008-2009, IN THE ESTIMATED ANNUAL AMOUNT OF \$105,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 29, 2008, the City received 5 bids for the purchase of various types of library materials for Fiscal Year 2008-2009;

Whereas, the Staff recommends awards in the various categories as follows: (1) General Trade Books: Baker and Taylor (primary) and Ingram Library Services (secondary); (2) Paperbacks (Mass Market and Trade): Baker and Taylor (primary) and Ingram Library Services (secondary); (3) Paperbacks—Prebound: Ingram Library Services (primary) and Baker and Taylor (secondary); (4) Library Bindings: Baker and Taylor (primary) and Ingram Library Services (secondary); (5) Books on CD: Baker & Taylor (primary) and Ingram Library Services (secondary); (6) Playaways: Baker & Taylor (primary) and Ingram Library Services (secondary); (7) DVD's: Baker & Taylor (primary) and Ingram Library Services (secondary); (8) Compact Disks: Baker & Taylor (primary) and Ingram Library Services (secondary);

Whereas, the estimated annual expenditure for these materials is \$105,000, and funds are available in Account Nos. 110-4000-555-2225, 110-4000-555-2226, and 110-4000-555-2522; and

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

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

Part 1: The City Council approves annual purchase agreements with Baker and Taylor of Charlotte, NC, and Ingram Library Services of Laverne, TN, for the purchase of library books, DVDs, books on CD and compact discs (estimated expenditure \$105,000) in accordance with the following:

- (A) General Trade Books: Baker and Taylor (primary) and Ingram Library Services (secondary);
- (B) Paperbacks (Mass Market and Trade): Baker and Taylor (primary) and Ingram Library Services (secondary);

- (C) Paperbacks—Prebound: Ingram Library Services (primary) and Baker and Taylor (secondary);
- (D) Library Bindings: Baker and Taylor (primary) and Ingram Library Services (secondary);
- (E) Books on CD: Baker & Taylor (primary) and Ingram Library Services (secondary);
- (F) Playaways: Baker & Taylor (primary) and Ingram Library Services (secondary);
- (G) DVD's: Baker & Taylor (primary) and Ingram Library Services (secondary); and
- (H) Compact Disks: Baker & Taylor (primary) and Ingram Library Services (secondary).

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 18th 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:

Bruce Butscher, PE, Director of Public Works
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution rejecting all bids received for auto repair parts on September 4, 2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 4, 2008, the City received three (3) bids for the FY 08-09 annual contract for the purchase of auto repair parts. The three bidders were Carquest of Temple, Parts Depot of Temple, and Russell & Smith Ford of Houston. The bid specified that bidders must bid on every line in the core list of items to be considered a responsive bid. Only one (1) of the bidders, Carquest, complied with this bid requirement. However, upon staff evaluation of the pricing received on the one (1) bid that complied with the bid requirements, the prices were not deemed responsive to the needs of the City.

Accordingly, as allowed by the Local Government Code Section 252.043, staff is requesting that Council reject all bids received for auto repair parts on September 4, 2008, and allow staff to make refinements to the bid and re-bid the contract.

FISCAL IMPACT: This item does not have any fiscal impact. The automotive repair parts will be re-bid and staff will bring back to Council a recommendation at a later date.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2008-5529-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING ALL BIDS RECEIVED FOR AUTO REPAIR PARTS ON SEPTEMBER 4, 2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City received 3 bids for the FY2008-2009 annual contract for the purchase of auto repair parts;

Whereas, the bid specified that bidders must bid on every line in the core list of items to be considered a responsive bid, but only one of the bidders complied with this bid requirement;

Whereas, Staff has determined that the pricing received on the one bid that complied with the bid requirements are not deemed responsive to meet the needs of the City; therefore, Staff recommends rejecting all bids received; 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 rejects all bids received for auto repair parts on September 4, 2008.

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 **18th** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Eagle Airport Marking, Inc., of Gladewater for airfield crack filling and runway and taxiway markings at the Draughon-Miller Central Texas Regional Airport in the amount not to exceed \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 3, 2008, the City accepted a Texas Department of Transportation, Aviation Division Routine Airport Maintenance Grant in the amount of \$100,000 (City match \$50,000) to crack seal and remark Runway 02/20 and Runway 15/33 centerline, hold lines and enhanced taxiway markings at the Airport. The Airport estimates 205,000 square feet of markings and 15,000 linear feet of crack sealing to be accomplished.

The bid was stated to be awarded to the company providing the “best value” to the Airport as allowed under the Local Government Code Section 252.043. The evaluation criteria as defined in the bid were as follows: price 60%; reputation of the bidder and the bidder’s services 20%; and the quality of the bidder’s service 20%. Eighteen companies picked up the invitation to bid and four companies submitted bid proposals for review; however, only three acknowledged the addendums and were considered. An evaluation committee was formed consisting of employees from the Purchasing Department and the Airport. The Committee agreed Airport work is unique and qualified contractors with Airport operations experience is critical to meet Airport compliance requirements. Accordingly, Eagle Airport Marking, Inc. was the top rated company by the Evaluation Committee. Eagle Airport Marking, Inc. has broad Airport experience and received favorable references from TxDOT Aviation and several Airports in Texas; therefore, the Committee unanimously recommends award of the contract not to exceed \$100,000 to Eagle Airport Marking, Inc.

FISCAL IMPACT: Funding in the amount of \$100,000 is available in account 260-3600-560-6310, project #100263. Upon acceptance of the project and submittal of the project related invoices to TxDot, a 50% match up to \$50,000 will be received, which is currently budgeted in 260-0000-431-0261.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 26, 2008 at 2:00 p.m.
Airport Runway and Taxiway Crack-Sealing and Re-Painting

	Bidders			
	Stripes & Stops Co, Inc. Houston, TX	Hi-Lite Markings, Inc Adams Center, NY	Eagle Airport Marking, Inc Gladewater, TX	B&B Pavement Markings Georgetown, TX
Description				
Crack-Sealing price per lf		\$0.98	\$0.60	\$0.31
Painting w/ reflective glass bids - price per sf		\$0.29	\$0.38	\$0.36
Painting w/o reflective glass bids - price per sf		\$0.25	\$0.38	\$0.21
Paint removal - price per sf		\$1.00	\$0.40	\$0.06
Completion within 30 days		Yes	Yes	Yes
Exceptions		None	Yes	None
Acknowledge Addendums	NO	Yes	Yes	Yes
Bid Bond		5%	Yes	Yes
Bond Affidavit		Yes	Yes	Yes
Insurance Affidavit		Yes	Yes	Yes
Credit Check Authorization Form		Yes	Yes	Yes

Vendors who picked up the Invitation to Bid:

AGC Planroom
Amteck Planroom
Armadillo Parking Lot Services - Springtown, TX
Eagle Enterprises - Gladewater, TX
Frontier Pavement Specialists
Hi-Lite Markings, Inc. - Adams Center, NY
Interstate Improvements, Inc. - Faribault, MN
Interstate Sealant & Concrete
JDR Construction - Austin, TX
P2 Emulsions
Pavecon, Ltd - San Antonio, TX
Prime Vendor (Planroom)
Scodeller Construction
Silvercreek Construction
Stripes & Stopes - Houston
Texas Curb Cut
Wheeler Coatings
Whitley & Siddons (planroom) - Austin, TX

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

Belinda Mattke

26-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 CONTRACT WITH EAGLE AIRPORT MARKING, INC., OF GLADEWATER, TEXAS, FOR AIRFIELD CRACK FILLING AND RUNWAY AND TAXIWAY MARKINGS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN AN AMOUNT NOT TO EXCEED \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, On July 3, 2008, the City accepted a Texas Department of Transportation, Aviation Division Routine Airport Maintenance Grant in the amount of \$100,000 (City match \$50,000) to crack seal and remark Runway 02/20 and Runway 15/33 centerline, hold lines and enhanced taxiway markings at the Draughon-Miller Central Texas Regional Airport;

Whereas, bids were received and reviewed by a staff committee who recommend awarding a contract, for a cost not to exceed \$100,000, to Eagle Airport Marking, Inc. of Gladewater, Texas, who have extensive airport experience and received favorable references from TxDOT Aviation and several airports in Texas;

Whereas, funding in the amount of \$100,000 is available in Account No. 260-3600-560-6310, Project No. 100263 – upon acceptance of the project and submittal of the project related invoices to TxDOT, a 50% match up to \$50,000 will be received; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Eagle Airport Marking, Inc., of Gladewater, Texas, after approval as to form by the City Attorney, for airfield crack filling and runway and taxiway markings at the Draughon-Miller Central Texas Regional Airport, in an amount not to exceed \$100,000.

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 **18th** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with CB&I Inc. of The Woodlands for construction activities required to build the 835 pressure plane elevated storage tank as part of the Expansion of West Temple Water & Wastewater Utilities North of FM 2305, Phase 2, in an amount not to exceed \$2,010,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Current and anticipated growth in West Temple is placing an excessive burden on the water delivery system in the area, resulting in near water shortages to this region of the City. Currently, all water supplied to west Temple is delivered through infrastructure east of SH 317 and is pumped through the FM 2305 pump station to Pepper Creek Tank (near FM 2271) where the majority of water is stored for West Temple. In addition, there is no sanitary sewer service from north of FM 2305 (near SH 317) to the intersection of FM 2483. A map is attached showing the proposed project area. The location of the tank is within the city limits of Temple after recent annexations.

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

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

The infrastructure built with this project will consist of a 1-million gallon elevated water storage tank supplying the 835' pressure plane. Bids ranged from \$2,010,000.00 to \$2,036,000.00 (see attached Bid Tab). The engineer's OPC for this construction project was \$1,650,000.00. However, material

prices have continued to escalate dramatically in recent months, and the low bid does not differ significantly from recently-bid storage tanks in this area. KPA recommends awarding the contract to the low bidder, CB&I Inc. (see attached KPA Recommendation)

Construction time allotted for this project is 360 days.

FISCAL IMPACT: Funding in the amount of \$5,900,000 is appropriated in account 561-5200-535-6928, project #100172, as part of the FY 2007 and FY 2008 Capital Improvement Program for design, construction and expansion of West Temple Water & Wastewater Utilities North of FM 2305. After awarding this construction contract in the amount of \$2,010,000.00, \$ 3,083,427 will remain available for additional infrastructure improvements that include a pump station, water pipelines and sewer pipelines.

ATTACHMENTS:

[West Temple 835 Pressure Plane Elevated Storage Tank Bid Tab](#)
[West Temple 835 Pressure Plane Elevated Storage Tank Recommendation](#)
[West Temple 835 Pressure Plane Elevated Storage Tank Map](#)
[Resolution](#)

BID TABULATION

2007-141-42

CITY OF TEMPLE

835 Service Area - 1,000,000 Gallon Composite Elevated Storage Tank

August 28, 2008; 2:00 PM; 3210 E Avenue H, Building C, Temple, TX 76501

				BIDDER INFORMATION			
				CB&I Inc. 2103 Forest Drive The Woodlands, Texas 77380		Landmark Structures I, L.P. 1665 Harmon Road Fort Worth, Texas 76177	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 100,000.00	\$ 100,000.00	\$ 65,000.00	\$ 65,000.00
2	100%	LS	Prepare Trench Safety Plan in Conformance with State Law & OSHA, Sealed by a Licensed Professional Engineer in State of Texas	600.00	600.00	500.00	500.00
3	100%	LS	Implement & Follow Trench Safety Plan (Pipe)	600.00	600.00	500.00	500.00
4	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	2,500.00	2,500.00	1,000.00	1,000.00
5	100%	LS	For Constructing a 1,000,000 Gallon Steel Composite Elevated Storage Tank, including but not limited to site work, grading, driveway, concrete flume, electrical, instrumentation, piping, valves, appurtenances & coating system called for in the plans & specifications, all in accordance with the American Water Works Association Specification D-100, D-102 & C652	1,819,280.00	1,819,280.00	1,844,000.00	1,844,000.00
6	100%	LS	Furnish & Install complete Excavation Safety & Support System in full accordance with the latest OSHA Standards	600.00	600.00	1,000.00	1,000.00
7	2	EA	Painting a City of Temple Logo on the Exterior of the Tank Bowl, Including Clear Coat	6,000.00	12,000.00	5,000.00	10,000.00
8	100	LF	Provide & Install 16-inch Diameter DIP Water Line, including Reducer, Connection & Thrust Restraint	65.00	6,500.00	150.00	15,000.00
9	1	EA	Standard Fire Hydrant	3,000.00	3,000.00	4,000.00	4,000.00
10	100%	LS	Provide Project Record Drawings (As Builts)	3,000.00	3,000.00	3,000.00	3,000.00
11	100%	LS	Provide DVD of site pre-construction & post construction site conditions for the total project	1,000.00	1,000.00	1,000.00	1,000.00
12	100%	LS	Furnish & Install perimeter fencing	20,000.00	20,000.00	30,000.00	30,000.00
13	470	SY	Furnish & Install Asphalt Pavement	50.00	23,500.00	40.00	18,800.00
14	3,820	SY	Furnish & Install Crushed Limestone	3.50	13,370.00	10.00	38,200.00
15	50	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	45.00	2,250.00	20.00	1,000.00
16	250	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	2.00	500.00	4.00	1,000.00
17	100%	LS	Materials, Equipment, Tools & Labor Necessary for Microbiological Testing in accordance with AWWA C-651	500.00	500.00	1,000.00	1,000.00
18	100%	LS	Materials, Equipment, Tools & Labor for Pressure Testing Water Pipe with Any Necessary Repairs	800.00	800.00	1,000.00	1,000.00
TOTAL BID AMOUNT (Items 1 - 18)				\$ 2,010,000.00		\$ 2,036,000.00	

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

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

Ginger R. Tolbert

Ginger R. Tolbert, P.E.

Kasberg, Patrick & Associates, LP

8/28/08

Date





KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main

Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

September 4, 2008

Mr. Don Bond, E.I.T.

CIP Project Manager

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple, Texas

835 Service Area, 1,000,000 Gallon Composite Elevated Storage Tank

Dear Mr. Bond:

On August 28, 2008, the City of Temple received competitive bids from two pre-qualified contractors for the 835 Service Area, 1 MG Composite Tank Project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows CB&I Inc. of The Woodlands, Texas as the low bidder with a total project bid of \$2,010,000.00. Our Opinion of Probable Cost for this project was \$1,650,000.00. This cost was developed in 2007 and the basis was the 25th Street 1 MG Composite and similar tanks in the area at the time. However, the costs of steel and concrete have continued to escalate, dramatically affecting the cost of this type of construction. We have verified actual bid prices to composite tanks recently bid in Georgetown and Killeen and found that the bid price for Temple's Tank reflects current market prices.

We have reviewed CB&I Inc.'s bid, similar projects, preliminary drawings and foundation design drawings. Therefore, we recommend that a contract in the amount of \$2,010,000.00 be awarded to CB&I Inc. for this project.

Sincerely,

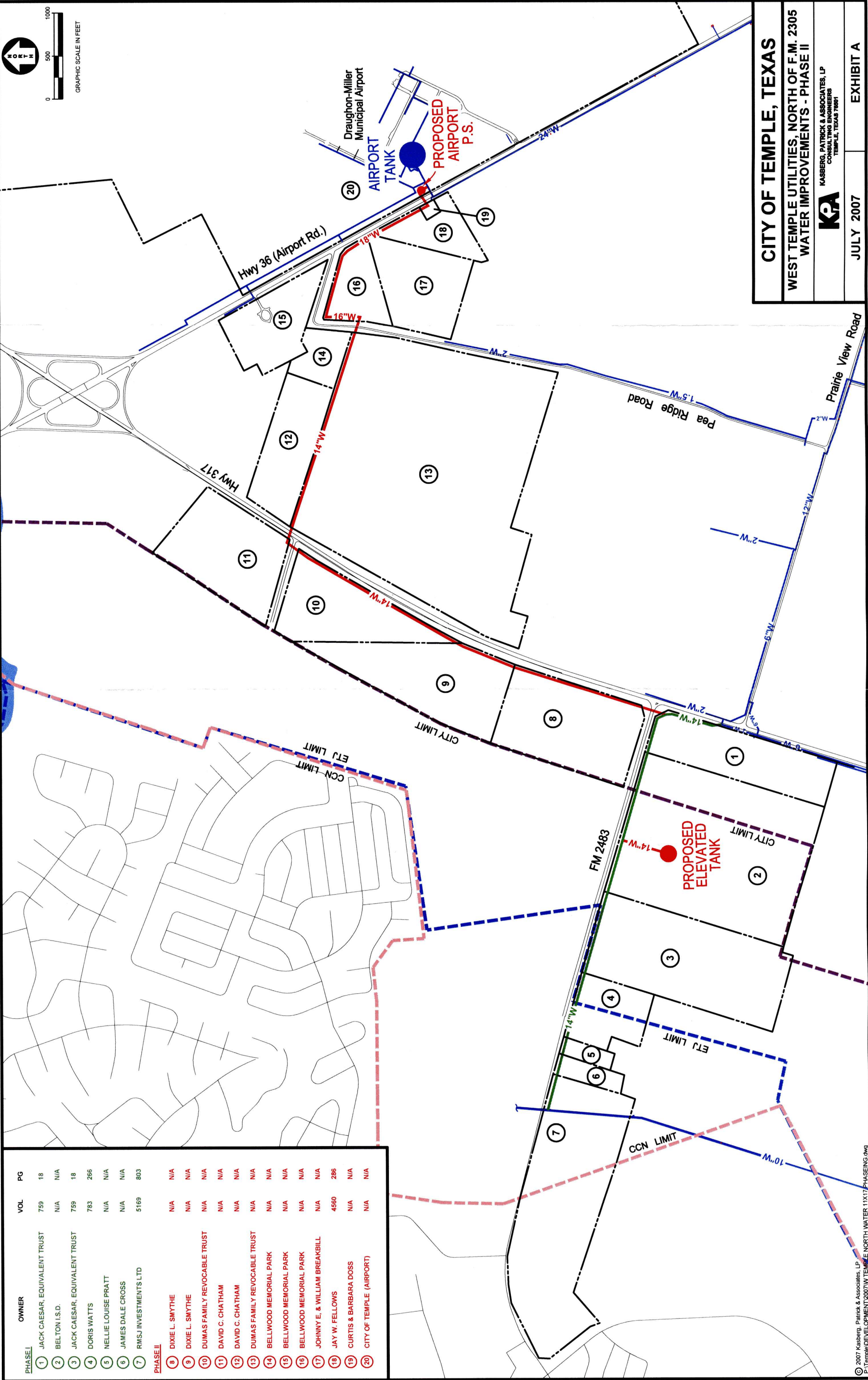
A handwritten signature in cursive script that reads "Ginger R. Tolbert".

Ginger R. Tolbert, P.E.

GRT/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2007-141-42


PHASE I	OWNER	VOL	PG
1	JACK CAESAR, EQUIVALENT TRUST	759	18
2	BELTON I.S.D.	N/A	N/A
3	JACK CAESAR, EQUIVALENT TRUST	759	18
4	DORIS WATTS	783	266
5	NELLIE LOUISE PRATT	N/A	N/A
6	JAMES DALE CROSS	N/A	N/A
7	RMSJ INVESTMENTS LTD	5169	803
PHASE II			
8	DIXIE L. SMYTHE	N/A	N/A
9	DIXIE L. SMYTHE	N/A	N/A
10	DUMAS FAMILY REVOCABLE TRUST	N/A	N/A
11	DAVID C. CHATHAM	N/A	N/A
12	DAVID C. CHATHAM	N/A	N/A
13	DUMAS FAMILY REVOCABLE TRUST	N/A	N/A
14	BELLWOOD MEMORIAL PARK	N/A	N/A
15	BELLWOOD MEMORIAL PARK	N/A	N/A
16	BELLWOOD MEMORIAL PARK	N/A	N/A
17	JOHNNY E. & WILLIAM BREAKBILL	N/A	N/A
18	JAY W. FELLOWS	4560	286
19	CURTIS & BARBARA DOSS	N/A	N/A
20	CITY OF TEMPLE (AIRPORT)	N/A	N/A



CITY OF TEMPLE, TEXAS

WEST TEMPLE UTILITIES, NORTH OF F.M. 2305

WATER IMPROVEMENTS - PHASE II



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701

JULY 2007

EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CB&I, INC., OF THE WOODLANDS, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE 835 PRESSURE PLANE ELEVATED STORAGE TANK AS PART OF THE EXPANSION OF WEST TEMPLE WATER AND WASTEWATER UTILITIES NORTH OF FM 2305, IN AN AMOUNT NOT TO EXCEED \$2,010,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 28, 2008, the City received 2 bids for construction activities required to build the 835 pressure plane elevated storage tank as part of the expansion of West Temple Water and Wastewater Utilities north of FM 2305;

Whereas, the Staff recommends accepting the bid (\$2,010,000) received from CB&I, Inc., of the Woodlands, Texas;

Whereas, funds are available for the project in Account 561-5200-535-6928, project #100172; 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 \$2,010,000, with CB&I, Inc., of the Woodlands, Texas, after approval as to form by the City Attorney, for construction activities required to build the 835 pressure plane elevated storage tank as part of the expansion of West Temple Water and Wastewater Utilities north of FM 2305.

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

PASSED AND APPROVED this the 18th 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

09/18/08
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Michael Newman, City Engineer/Asst. Director of Public Works
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a developer participation agreement with W&B Development, Ltd., for the oversizing of wastewater lines in Phases I and II of the Windmill Farms subdivision in the amount of \$82,383.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: State law allows cities and private developers to enter into “developer participation agreements” in which a city can financially participate in the construction of public improvements (which will be dedicated to the City upon acceptance of a subdivision). Participating in a developer participation agreement is an exception to the general rule that when public dollars are spent on public constructions the work must be bid out. Typically, cities find it beneficial to enter into these developer participation agreements when they are requesting that the developer do something beyond what they are required to do, but which would benefit the residents of the city. Some example include widening a road, extending a water line beyond a point required by the City’s subdivision standards, oversizing water or sewer lines, building oversized regional detention ponds, etc.

Our proposed developer participation agreement with W&B Development, Ltd., relates to the Windmill Farms subdivision, and under the agreement we are inducing W&B Development to increase the size of certain wastewater lines within Phases I and II of that subdivision from 8 inches to 12 inches for the benefit of the City’s wastewater collection system.

By law, our contribution cannot exceed 30% of the value of the total contract price of public improvements constructed by the developer for the benefit of the City. In the case of this project, our contribution is capped at \$82,383 and the total value of those improvements to be constructed by W&B Development is estimated to be in excess of \$1,000,000. The City will make a contribution to W&B Development, if the City council authorizes this agreement, after the improvements are completed and accepted by the City. Our contribution is also capped at \$82,383, even if the project comes in over budget.

To satisfy the requirements of Chapter 212, Subchapter C, "Developer Participation in Contract for Public Improvements," Section 212.073 and 212.074, of the Local Government Code, W&B Development agrees to make its books and other records relating to the construction available to the City for inspection purposes.

FISCAL IMPACT: This project was not budgeted in as part of the FY 2008 operating budget. Due to the circumstances surrounding the sewer line, it is recommended that funding in the amount of \$82,383 be reallocated from account 520-5700-580-7211, Bond Interest, to account 520-5900-535-6352, project # 100414, Sewer Mains, for the City's contribution for the upsizing of the sewer lines in Phases I & II of the Windmill Farms subdivision. A budget adjustment is presented for Council's approval reallocating these funds to the appropriate account.

In the FY 2008 operating budget, rates were set to fund principal and interest payments related to the Utility Revenue bonds sold to fund the FY 2008 Capital Improvement Program. Since the bonds were not sold until July 2008, there will be no interest or principal payments on these newly issued bonds until FY 2009. Since there are no payments to be made related to this bond issue, there are sufficient funds available for this project.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
520-5900-535-63-52	100414	Sewer Mains	\$ 82,383	
520-5700-580-72-11		Bond Interest		82,383
TOTAL.....			\$ 82,383	\$ 82,383

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

To appropriate funds for the developer participation agreement with W&B Development, Ltd. for the City's contribution for the oversizing of sewer lines in Phases I & II of the Windmill Farms subdivision. Funds are available from interest expense that was appropriated to pay interest cost related to the FY 2008 Utility Revenue bonds. These bonds were sold in July 2008. There will be no debt service payment related to these bonds in FY 2008.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

9/18/2008

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH W&B DEVELOPMENT, LTD., FOR THE OVERSIZING OF WASTEWATER LINES IN PHASES I AND II OF THE WINDMILL FARMS SUBDIVISION IN THE AMOUNT OF \$82,383; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law allows cities and private developers to enter into “developer participation agreements” in which a city can financially participate in the construction of public improvements which will be dedicated to the City upon acceptance of a subdivision;

Whereas, the Staff recommends entering into a developer participation agreement with W&B Development, Ltd., relating to the Windmill Farms Subdivision – the agreement will provide that the developer will increase the size of certain wastewater lines within Phases I and II of that subdivision from 8 inches to 12 inches for the benefit of the City’s wastewater collection system;

Whereas, the City’s contribution cannot exceed 30% of the value of the total contract price of public improvements constructed by the developer for the benefit of the City – for this project the City’s contribution cannot exceed \$82,383;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a developer participation agreement with W&B Development, Ltd., after approval as to form by the City Attorney, for the oversizing of wastewater lines in Phases I and II of the Windmill Farms Subdivision in the amount of \$82,383.

Part 2: The City Council approves an amendment to the FY2007-08 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **18th** 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

09/18/08
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-23: Consider adopting an ordinance amending the City of Temple Zoning Ordinance, Section 12, regarding sign definitions, criteria and maintenance.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Commission, by a vote of 7/0, and Staff recommend adoption of ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: The Council took no action at its last meeting August 7th, because this item was double notified, meaning it was scheduled before the Planning & Zoning Commission could review it and make a recommendation. The Planning and Zoning Commission recommended tabling the ordinance August 4th since it had more questions from the Code Enforcement and the City Manager Staff.

The stakeholder committee met on August 8th to review the questions from the Planning and Zoning Commission. The following changes were made:

- Section 12-132 Construction Signs was divided into 2 separate sections, Construction Signs, Commercial and Construction Signs, Residential. Commercial construction signs stayed the same and residential construction signs changed from per construction work site not to exceed 64 s.f. to one per every platted lot or tract not to exceed 6 s.f.
- Section 12-133 Development Signs was divided into 2 separate sections, Development Signs, Commercial and Development Sign, Residential. Commercial development signs were changed from one per every 100 acres not to exceed 300 s.f. to 2 per every 100 acres not to exceed 128 s.f. Residential development signs were changed to 2 signs on the exterior/perimeter of the development not to exceed 128 s.f. and a maximum of 10 signs on the interior of the development not to exceed 320 s.f.
- Section 12-155 Real Estate Signs was changed from 1 sign per property to 1 builder sign and 1 real estate agent sign per property.
- Section 12-159 Streamers was prohibited and was changed to allow with a permit, only 3 permits per calendar year and only to be displayed for 3 consecutive days per permit.

The Planning & Zoning Commission, on August 18th, recommended the following amendments:

- Section 12-135 (Directional Signs) to allow directional signs with three square feet instead of two; and
- Section 12-156 (Real Estate Signs, Residential) to allow two real estate signs on corner lots, one for each street frontage.

The area stakeholders agreed to the Commission's recommendations. The Code Enforcement Division of the Construction Safety Department has worked with stakeholders, including sign companies, Chamber of Commerce and others to create the attached draft.

Please refer to the Staff Report and draft minutes of case Z-FY-08-23, from the Planning and Zoning meeting August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/18/08
Item # 4
Page 1 of 1

APPLICANT: City of Temple

CASE MANAGER: Tim Dolan, AICP – Planning Director

ITEM DESCRIPTION: FY-08-23 - Public Hearing: Discuss and recommend to City Council certain proposed amendment(s) to the definitions, certain sign types, creation of a maintenance section, for Section 12 (Signs) of the City of Temple Zoning Ordinance.

STAFF RECOMMENDATION: Staff recommends that the Commission review the ordinance and consider recommending the ordinance to the City Council. If the Commission recommended approval the first reading of the ordinance would be at the City Council meeting of September 4, 2008. While the recommended amendment contains some changes to temporary and dilapidated signs, other sections of the ordinance required major work and codification.

PROJECT STATUS: The Code Enforcement Division of the Construction Safety Department has worked with stakeholders, including sign companies, chamber of commerce and others to create the attached draft.

FISCAL IMPACT: None

ATTACHMENTS:
Proposed Ordinance

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, AUGUST 16, 2008**

ACTION ITEMS

4. **Z-FY-08-23:** Hold a public hearing to recommend approval and recommend action for certain proposed amendment(s) to Section 12 (Sign Regulations) of the City of Temple Zoning Ordinance. (Applicant: Staff)

Ms. Barbara Morgenroth, Construction & Safety, gives an overview of the updates and clarifications of definitions, wording, details, permit requirements, and related information to provide better accuracy of the Ordinance.

Commissioner Pilkington discussed size changes he would recommend to include in the Ordinance regarding corner lot signs. Ms. Morgenroth stated the change would go back to the stakeholders for approval. Chair Luck asked if the Commission approved it as is, what would happen taking it back to the stakeholders.

Tim Dolan, Planning Director, explained that if the Commission desired to recommend approval, Staff would be able to report to City Council what the stakeholders wanted and be able to bring that forward to the Commission, unless the Commission wanted to review it again at the next meeting. It has been scheduled to go forward.

Commissioners are in agreement they want to see it approved and not held up.

Chair Luck opened the public hearing for comments.

Troy Glasson, Temple Area Builders Association, approached the Commission and explained TABA was not a stakeholder for this overview but did meet with the stakeholders, and asks the Commission for favorable support on the Sign Ordinance.

There being no other speakers, Chair Luck closed the public hearing.

Commissioner Pilkington moved to approve the amendment of the Sign Ordinance, with the exceptions of the change to 12-135 to 3 square feet on corner lots and 12-156 regarding increasing two signs to four on corner lots. Commissioner Secrest seconded the motion.

Chair Luck asked for clarification on how the Commissioners would vote not knowing if the stakeholders want these changes or not. Mr. Dolan stated the Commission is recommending those changes be included if the stakeholders want them and the stakeholders can either accept them or not.

Motion passed. (7/0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 12, "SIGN REGULATIONS," TO REGARDING SIGN DEFINITIONS, CERTAIN SIGN TYPES, AND CREATION OF A SIGN MAINTENANCE SECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 12, entitled, "Sign Regulations," to read as follows:

SECTION 12: SIGN REGULATIONS

12-100. Short Title. This zoning ordinance section shall hereafter be known and cited as the "Sign Regulations".

12-101. Purpose. Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This Section provides standards for the erection and maintenance of private signs. ~~All private signs not exempted as provided in this Section shall be erected and maintained in accordance with these standards.~~ The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

1. **Safety.** To promote the safety of persons and property by providing that signs do not:
 - (a) Create a hazard due to collapse, fire, decay or abandonment;
 - (b) Obstruct fire fighting or police surveillance; and
 - (c) Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs.
2. **Communications efficiency.** To promote the efficient transfer of information in sign messages provided that:
 - (a) Those signs which provide messages and information most needed and sought by the public are given priorities,
 - (b) Businesses and services may identify themselves;

- (c) Customers and other persons may locate a business or services;
 - (d) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes;
 - (e) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and
 - (f) ~~Preserve~~ The right of free speech **is preserved** ~~exercised~~ through the use of signs containing non-commercial messages.
 - (g) Community events may be identified to the public at large, at strategic locations throughout the city, as approved by the Administrative Official.
3. **Landscape quality and preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:
- (a) Do not interfere with scenic views;
 - (b) Do not create a nuisance to persons using the public rights-of-way;
 - (c) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height or movement;
 - (d) Are not detrimental to land or property values;
 - (e) Do not contribute to visual blight or clutter; and
 - (f) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

12-102. Definitions. As used in this ordinance, unless the context otherwise indicates, these words shall be defined as follows:

- 1. **A-Frame Sign** – A freestanding portable sign typically hinged at the top and widening at the bottom to form a shape similar to the letter “A”.
- 2. **Abandoned Sign** – A sign that has not been used for advertising for one year.
- 3. **Administrative Official** – The person or persons charged with enforcing the zoning ordinance of the **City**.
- 4. **Advertising Device** – ~~Banners or streamers affixed to poles, wires, or ropes, wind operated devices, flashing lights, and other similar contrivances.~~ **A device, sign, flag, light, figure, statue, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on the premises.**
- 5. **Agricultural Sign** – ~~An accessory~~ sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

6. **Animated Sign** – A sign that uses mechanical movement or change of lighting to depict action or create a special effect or scene.
7. **Apartment Name Sign** – An accessory **A** sign for the identification of an apartment building or complex of apartment buildings.
8. **Awning Sign (Canopy or Marquee)** – ~~Along Central Avenue, an on-premise sign that is mounted or painted on or attached to an awning, canopy or marquee such that the sign does not project more than one (1) foot above, below or beyond the physical dimensions of the awning, canopy, or marquee.~~ **An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a rigid covering is attached.**
9. **Banner** – ~~A temporary sign of no more than 100 square feet containing a worded message or graphic image composed of lightweight material secured or mounted so as to allow movement caused by wind. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this chapter.~~ **A flexible roll-up sign made of vinyl, cloth, or any other lightweight material, containing words, symbols or logos intended for advertising or attracting attention to a business or event. A banner is not a wall sign, fence sign, or a flag.**
10. **Banner, Pole** – **A device made of any lightweight material, whether or not containing a message of any kind, suspended from a permanent pole secured with braces. A pole banner is not a banner or a flag.**
11. **Bench Sign** – **A sign mounted, affixed or painted on a bench.**
12. **Building** – **Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind.**
13. **Canopy** – **An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a rigid covering is attached.**
14. **Cardboard Sign** – **A sign made of cardboard.**

~~"Changeable Copy Sign (Reader Board)" – An on-premise sign advertising commodities or services offered on the premises consisting of individual message elements such as letters, numbers or symbols, which are designed and intended for frequent manual replacement or alteration after the sign is erected.~~

~~"Civic Organization" – An organization which offers community programs to citizen, city or civil affairs groups.~~

~~"Commercial Occupancy or Directional Signs" – Sign identifying the name and profession of the occupant(s) and not exceeding two (2) square feet in area.~~

~~"Commercial Real Estate" – Retail properties, office buildings, shopping centers, hotels, warehouses, manufacturing facilities, apartment complexes, and vacant land that has the potential for development for these types of buildings.~~

15. **Community Event Sign** – ~~An event of civic interest, such as parades, organized holiday festivities, or special events on behalf of charitable organizations.~~ A sign that solicits support for or advertises a nonprofit community use, city event, public use or social institution. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, community festivals, religious activities or events of community interest, but not including any business sign or real estate sign.

~~"Community Service Sign" – A sign that solicits support for or advertises a nonprofit community use, city events, public use or social institution. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, religious activities or events of community interest.~~

16. **Construction Sign** – A temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premise on which the sign is located.

~~"Copy" – Letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof, designed to communicate information of any kind, or to advertise announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premises.~~

17. **Corporate Flag** – The official flag of a company, including a logo flag supplied by a parent company. A corporate flag does not include advertising of any kind.

18. **Curb Line** – An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

19. **Development Sign** – A temporary accessory sign related to the promotion of new developments and located on the premises involved in the development.

20. **Directional Sign** – A permanent sign which directs the flow of traffic or pedestrians and which contains no commercial message.

21. **Directory Sign** – A sign, or group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex, and no commercial message.

~~"Dilapidated or Deteriorated Condition" – A sign which has any of the following characteristics:~~

- ~~_____ (a) Where elements of the surface or background can be seen, as viewed from the normal viewing distance, to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or~~
- ~~_____ (b) Where the structural support or frame members are visibly bent, broken, dented, or torn;
or~~
- ~~_____ (c) Where the panel is visibly cracked, or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or~~

- (d) ~~Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or~~
- (e) ~~Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.~~
22. **Double Faced Sign (Back to Back)** – An advertising structure device with two closely located signs with faces in opposing directions, with less than a 15 degree angle between the sign faces.
23. **Erect** – To build, construct, attach, hang, place, suspend, or affix, or paint a sign and ~~shall also include the painting of signs.~~
24. **Facade** – Any separate face of a building, including parapet walls and vertical offsets, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single façade.
25. **Face, Facing or Surface** – The surface of the sign, excluding structural trim or supports, upon, against, or through which the message is displayed or illustrated on the sign. The face includes trim and architectural design elements.
26. **Fence Sign** – A sign attached to or painted on the side of a fence.
- ~~"Flashing Sign" – A sign, the illumination of which is not constant in intensity when in use, but not including illuminated signs that indicate the date, time or temperature, or other public service information shall be considered a flashing sign."~~
- ~~"Free Standing Service Facility" – Automatic bank teller machine, film photo finishing outlet or other similar facility located in a free standing structure devoted solely to such use as an accessory to one or more principal buildings.~~
27. **Freestanding (Pole or Ground) Sign** – A sign which is not affixed to a building or structure, but which is permanently affixed to the ground independent of any other structure.
28. **Garage or Yard Sale Sign** – A sign that advertises the date, time or location of a garage or yard sale. The sale of items by a resident or group of residents at discount prices, conducted from a garage, and/or yard, and which items offered for sale are used or discarded by or from those residents offering them for sale. Garage Sale signs are to advertise the date, time and location of the sale, not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale.
29. **Governmental Sign** – A sign erected by a governmental entity for a governmental purpose, including but not limited to traffic control devices, street signs, barricades, survey monuments and markers, signs of public utility companies indicating location of utilities or aiding service or safety, signs identifying city infrastructure projects, pedestrian signs, and signs identifying governmental facilities.
- ~~"Grand Opening" – The formal offering of a new business of its goods, wares, merchandise, service, entertainment, or activity.~~
30. **H-Frame Sign** – A freestanding portable sign typically with two horizontal struts between two vertical supports that form a shape similar to the letter H.

31. **Handheld Sign** – A sign personally held so that neither the sign nor any object that supports the sign touches the ground held in human hands that is of a noncommercial nature not set on or affixed to the ground and not exceeding ten (10) square feet in area.
 32. **Handmade Sign** – A sign made by hand—not produced by a commercial sign-making establishment.
 33. **High Profile Sign** – Along Central Avenue, an on-premise sign, including its supporting structure, which is mounted on one or more free-standing poles or other supports independent of a building, with a height over eight (8) feet.
 34. **Historical Signs** – An integral part of the A sign announcing the historic character of a landmark building or historic district.
 35. **Holiday Decoration Sign** – An advertising device A temporary sign in the nature of a decoration, clearly incidental to, and customarily and commonly associated with, a national any nation's local or religious holiday.
 36. **Home Occupation Sign** – A sign or any other advertising device, advertising a business, profession, occupation or trade conducted in the residence.
 37. **Horizontal Projecting Sign** – A projecting sign which is greater in width than height.
 38. **Illuminated Sign** – Any sign which has characters, letters, figures, designs or outlines illuminated externally or internally by electric lights or internally by luminous tubes.
 39. **Inflatable Device** – A device filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed) designed to attract attention to a business or event. An inflatable device includes but is not limited to a balloon that is lighter than air and tethered, a balloon that is filled with air and anchored, or another inflatable device that is set in motion by a constant air supply (air-powered device).
 40. **Institutional Sign** – An accessory A sign for the identity of a school, church, hospital or similar public or quasi-public institution.
 41. **Logo** – Any registered trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual company, or product.
- ~~"Low Profile Sign" – Along Central Avenue, an on-premise sign including its supporting structure, eight (8) feet or less in height, which is placed upon, or supported by the ground and independent of a principal building. Signs on accessory structures, free-standing service facilities, or fences not exceeding this eight (8) feet height, shall be considered a low profile sign.~~
42. **Luminance** – The brightness of a sign or a portion thereof expressed in terms of foot candles. For the purposes of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.
- ~~"Marquee Sign" – Any sign affixed to a permanent canopy projecting over an entrance or on the face of a building and supported from the building.~~
43. **Median Strip** – A paved or planted strip dividing a street or highway into lanes according to direction of travel.

44. **Memorial Sign** – A memorial or commemorative plaque or tablet denoting a building name and/or date of erection of a location of historic significance.
45. **Message Board** – A permanent changeable sign whose informational content is in the form of individual letters or numbers which can be changed or altered by any means, including manual, electric, electromechanical or electronic means.
46. **Monument Sign** – A freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves.

~~"Moving Sign" – Any sign which moves or has moving parts other than parts which indicate time, temperature; or other than moving devices which may be approved by the Board of Adjustment to provide needed public service information.~~
47. **Mural** – A decorative hand-painted work of art applied to an exterior wall within public view that does not include graphics or text advertising a specific business, product, or brand. Embellishments to or decoration of architectural elements are not considered a mural. A mural is not a wall sign.
48. **Name Plate Sign** – A sign which is located on the premises, giving the name or address or both, of the owner or occupant of a building or premise.
49. **National Flag** – The flag of the United States of America.
50. ~~"Incombustible"~~ **Noncombustible Material** – Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
51. **Off-Premise Sign** – A sign of which is ~~erected outdoors and maintained for a purpose other than to specifically serve or~~ the contents does not relate to the premises on which it is located, and which does not refer exclusively to the name, location, products, persons, accommodations, services, sale, lease, construction, or activities of or on the premises where it is erected. The premises of a shopping center include the outparcels.
52. **On-Premise Sign** – A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises. The premises of a shopping center include the outparcels.

~~"Other Advertising Structure" – Any marquee, canopy or awning, as further defined in this ordinance.~~
53. **Outdated Sign** – A sign or other advertising structure that continues to advertise a business or project which has been out of business in excess of 90 days.
54. **Permittee** – A person receiving a permit pursuant to the provisions of this ordinance.

~~"Person" – Any person, firm, partnership, association, corporation, company or organization of any kind.~~
55. **Political Campaign Sign** – A temporary sign that supports or opposes a political candidate, issue, election or party or advertising device (Constructed of lightweight material with a surface area of not more than four

~~(4) square feet), announcing or supporting political candidates or issues in connection with any national, state or local election.~~

56. **Portable Sign** – Any sign which is easily moved from one location to another, including a signs which is are mounted on skids, trailers, wheels, legs or stakes (including an A-Frame or H-Frame sign), and which is not fixed permanently to the ground, and which is not an attached sign, political sign, or a sign which refers solely to the sale or lease of the premises.
57. **Projecting Sign** – A sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which is attached. A marquee is considered a projecting sign.
58. **Protective Sign** – A sign which is commonly associated with safeguarding the permitted uses of the occupancy, for example, “beware of dog,” “no trespassing,” and “no solicitors.”

~~**"Public Signs"**—A sign that regulates vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites or public facilities.~~

~~**"Reader Board"**—An on-premise sign with changeable copy advertising commodities or services offered on the premises consisting of individual message elements such as letters, numbers or symbols, which are designed and intended for frequent manual replacement or alteration after the sign is erected.~~

59. **Real Estate Sign** – A sign that is used to advertise the sale, lease or rental of property. Means any sign which is used to offer for sale, lease or rent the property upon which the sign is place. Commercial Real Estate signs may be erected in all zoning districts and shall not exceed 32 square feet with a maximum height of 15 feet on state and federal highways with posted speed limits at least 45 mph. The required setback shall be a minimum of eight (8) feet from any property line.
60. **Roof Sign** – A sign erected, constructed and maintained wholly upon or above the roof of a building with the principal support attached to the roof structure.
61. **Setback Clearance Zone** – That area enclosed by drawing an imaginary line connecting two points located within fifteen (15) feet of the curb line of any street intersection, street/driveway intersection, or street/alley intersection, within which signs over two (2) feet in height and less than eight (8) feet in height are prohibited.

~~**"Sign"**—Any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, and is placed out of doors in view of the general public and is used for purposes of advertisement, identification or expression.~~

62. **Sign Area** – The entire advertising face of a sign excluding any framing, trim, or molding and the supporting structure. The largest area of the sign visible at any one time from any one point enclosed by a single continuous perimeter including any framing or trim enclosing a message, but not including any structural parts lying outside the limits of such sign which does not form an integral part of the message display. The sign area shall be measured on only one side of a double faced sign provided that the two faces are parallel to each other and provided that the faces are the same size and share a common structural support.

63. **Sign Height** – The vertical distance between the base of the sign at the nearest natural grade to the highest part of the sign or any attached component.
64. **Sign Setback** – Along Central Avenue, the sign setback is measured as the perpendicular distance between the nearest curb line parallel to Central Avenue and the outer (leading) edge of any portion of a sign. In all other locations, sign setback is measured as the distance between the property line and the outer (leading) edge of any portion of a sign.
65. **Snipe Sign** - A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, utility poles, fences, public structures, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. This may include but is not limited to signs advertising property for sale or rent, garage sale signs, flyers, wanted signs, lost signs, et cetera.
66. **Special Height Sign** – A special sign for highway-oriented automotive uses such as hotels, motels, service stations, shopping centers, office centers, and other similar uses where because of location or setback special signs identification is desirable.
67. **Spirit Flag** – A school flag that contains crests, pictures and such but no advertising.
68. **State Flag** – The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.
69. **Streamer** – An attention-attraction device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes, or similar objects strung together on a common line, string, wire, pole, or attached to one or more products offered for sale.
- ~~"Structural Trim" – The molding, battens, capping, nailing strips, lattice, and platforms which are attached to the sign structure.~~
70. **Subdivision Entry Sign** – A permanent freestanding sign identifying a subdivision entrance wherein only the name of the subdivision is specified.
- ~~"Temporary Sign" – A sign intended to be displayed for thirty (30) days or less. Temporary signs may be of cloth canvas, light fabric, cardboard or wallboard of at least one fourth inch thickness, or other light material.~~
71. **Vertical Projecting Sign** – A projecting sign which is greater in height than in width.
72. **Wall Sign** – ~~An on-premise~~ A sign permanently affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. ~~A wall sign shall include canopy signage associated with gasoline service stations and shall be limited to gas price, name, and company identification. A fence sign shall be considered a wall sign.~~
73. **Window Sign** – ~~Means~~ A sign attached to, placed upon, or painted on the exterior or interior of a window or door, or a building, which is intended for viewing from the exterior of such building. A window sign is not considered a handmade sign or a hand-painted sign. ~~A window sign shall not:~~

- (a) ~~exceed eighty (80) percent of the length of the window in which, on which, or through which the sign is installed; and~~
- (b) ~~exceed thirty three (33) percent of the height of the window in which, on which, or through which the sign is installed;~~
- (c) ~~obstruct visibility of the cashier clerk from the street level.~~

12-103. ~~The zoning districts in which the various types of signs are permitted are indicated by the schedule of uses, 7-100. The following special provisions apply to the various types of signs in the districts indicated:~~

12-121. ~~No sign shall be constructed to exceed the maximum building height permitted in the specific district (See Section 9, Height Regulations) where the sign is located except in shopping centers or similar retail, commercial, or office centers containing six (6) acres or more, or for gasoline service stations, hotels/motels, restaurants, auto dealerships, and other highway related services when located on or adjacent to IH-35 or H. K. Dodgen Loop. Pylon or major identification signs not to exceed seventy five (75) feet in height may be erected when such special height signs comply with the adopted City of Temple Building Code for design and construction. For allowed locations within the Central Avenue Corridor, See Section 12-127.~~

GENERAL REGULATIONS

12-103. Permit Required. ~~Except as provided in Section 12-115, It shall be unlawful for any person to erect, relocate or structurally alter, within the City of Temple, any sign or other advertising device for which a permit is required, structure as defined in this ordinance, without first obtaining a permit from the City and paying make a payment of the required fee required by Section 12-110. No permit is required for repair, repainting or maintenance which does not entail structural change or for change of copy or message. Failure to obtain a required sign permit subjects the property owner/lessee to prosecution under this ordinance.~~

12-104. Application for Sign Erection Permit. Application for a sign an erection permit shall be made upon a form provided by the City and shall contain and have attached the following information:

1. Name, address and telephone number of the applicant and name and firm of person erecting sign;
2. If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;
3. Location of building, structure, address or legal lot and block to which or upon which the sign or other advertising structure is to be attached or erected;
4. Site plan, indicating street frontage, property lines, sight visibility triangles, proposed and existing right-of-way, location of sign on property, relationship of proposed sign to ingress and egress points, and relationship of proposed sign to any other sign within 15 feet spacing of the proposed sign;

5. Copy of stress diagrams or plans containing information necessary for the Administrative Official to determine safety and structural integrity of sign;
6. Indicate whether the sign will require electricity, and if so, obtain an electrical permit as required;
7. Insurance policy or bond as required by Section 12-112;
8. Copy of permit approved by TxDOT if state law requires a state permit; and
9. Such other information as the Administrative Official shall require to show full compliance with this **Section** and all other standards of the City of Temple.

12-105. Permit Issuance. Upon the filing of an application for a permit, the Administrative Official shall:

1. Examine the plans and specifications and the premises upon which the proposed structure shall be erected as needed; and
2. Issue a permit if the proposed structure complies with the requirements of this ordinance and all other standards of the City of Temple. If the work authorized under an erection permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.

12-106. Permit Fee. Every applicant, prior to issuance of a permit pursuant to ~~Section 12-109~~, shall pay the City a nonrefundable fee in an amount determined by current sign permit rates.

12-107. ~~Number, Date and Voltage.~~ Display of Permit. Every permitted sign or other advertising structure shall display in a conspicuous place the date of erection, the permit number and the voltage of any electrical apparatus used.

12-108. Bond Requirement. Subject to the need determined by the Administrative Official based on the construction materials for the sign type proposed, an applicant for a sign permit shall, before the permit is granted, present to the Administrative Official a bond in the minimum amount established by current rates, conditioned for the faithful observance of all laws and ordinances relating to signs and other advertising structures, and which shall indemnify and save harmless the City of Temple from any and all damages, judgments, costs or expenses which the City may incur or suffer by reason of the granting of the permit.

12-109. Building Code. No sign or advertising device shall be erected in violation of the building code of the City.

12-110. Compliance With Other Laws. Signs and advertising devices shall be erected in compliance with all other local, state and federal laws and regulations.

12-111. Revocation of Permit. The Administrative Official may revoke any permit where there has been a violation of the provisions of this ordinance or a misrepresentation of fact on the permit application.

12-112. Enforcement.

1. No sign or other advertising structure shall be erected or maintained in violation of ~~sign~~ the permit requirements of ~~Section 12-109~~. An unlawful sign is not a nonconforming sign and must be removed ~~or brought into conformance~~ within thirty (30) days.
 2. If the Administrative Official finds that ~~a~~ **any** sign or other advertising **device is erected or maintained in violation of this Section,** ~~structure installed since the adoption of this ordinance is prohibited by the provisions of this ordinance,~~ the Administrative Official shall give written notice **of the violation** to the permittee or the owner of the property **where the violation exists** ~~upon which the structure is located.~~
 3. **An unlawful sign or advertising device that is lightweight or portable (for example, banner or H-frame sign) must be removed within 24 hours after notice of violation. An unlawful sign that is not lightweight or portable (for example, freestanding or monument sign) must be removed within 30 days after notice of violation.**
 4. If the permittee or owner fails, **after notice,** to **timely abate a violation** ~~remove or alter the structure so as to comply with the standards set forth in this ordinance thirty (30) days after such notice,~~ the Administrative Official may undertake **enforcement by filing a complaint in municipal court, seeking quasi-judicial enforcement through the Building and Standards Commission, or bringing a civil action** ~~removal or alteration of the sign as is necessary to bring the structure into compliance and assess the costs to the permittee or owner.~~
- ~~Any sign erected or maintained which is not in conformance with this chapter or prior ordinances of the city, is hereby declared to be a public nuisance and shall be removed or brought into compliance within the thirty (30)-day period indicated.~~
5. The Administrative Official may cause any sign or other advertising **device** ~~structure~~ which presents an immediate peril to persons or property to be removed ~~or altered~~ immediately and without notice, and without compensation to the sign owner.

12-113. Nonconforming Signs **Nonconformance.** A permanent advertising **device** ~~sign~~ not in conformance with these regulations, which was lawfully permitted and erected prior to the enactment of said regulations, shall be considered a non-conforming sign. Non-conforming signs shall be exempted from the provisions of this ordinance, unless damaged by natural causes or otherwise destroyed or taken down, or removed for any purpose other than maintenance operation which is allowed. It may not be re-erected, reconstructed, or rebuilt, except in full compliance and conformance with this ordinance. ~~Any non-conforming sign which is damaged or is deteriorated to a point where its restoration cost exceeds sixty (60%) percent of its replacement value shall be removed, unless otherwise authorized to remain.~~

12-114. Variances. **A sign owner may request a variance from the Board of Adjustment from the provisions of this chapter relating to sign spacing, area, height, and setback.** Within ~~thirty (30)~~ days after denial of a sign permit by the Administrative Official, a request for a variance may be filed with the **Administrative Official** ~~Planning Director~~ to appear before the Zoning Board of Adjustment. The Board of Adjustment may grant a variance if it finds that the unusual shape or topography of the property in question or some other significant factor prevents signage allowable under the provisions of this ordinance from adequately identifying the business or other activity located on such property.

12-115. First Amendment Rights. Any sign allowed under this ordinance may contain, in lieu of any other copy, any lawful noncommercial message that does not direct attention to a business operated for

profit or to a commodity or service for sale and that complies with all other requirements of this ordinance.

12-116. Signs Exempt from Regulation. The following signs and advertising devices are allowed, and exempt from regulation under this Section and do not require a sign permit the permit requirements of this ordinance:

1. Address and postbox numerals;
2. Governmental sign;
3. Public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
4. Sign inside a building, not attached to a window or door, and not legible from a distance of more than five feet beyond the lot line of the property on which such sign is located;
5. Work of art that does not include a commercial message; and

~~Temporary real estate signs not exceeding sixteen (16) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property. "Sale" in this instance shall mean occupancy of the unit by a new resident.~~

~~Temporary political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area. Such signs shall be erected no earlier than sixty (60) days prior to an election or referendum and removed no later than seven (7) days after the election or referendum.~~

~~Temporary garage or yard sale signs.~~

~~Signs attached to the inside of a window. (Window Signs)~~

~~Historical Signs.~~

~~Public signs.~~

~~Flags.~~

~~Temporary community event signs.~~

~~Temporary holiday decorations.~~

~~Hand-held signs.~~

~~Temporary construction signs.~~

~~Commercial signs.~~

~~Memorial signs.~~

~~Property signs.~~

12-117. Maintenance.

1. All sign and advertising devices, whether on or off-premise, shall be maintained and kept in good repair.
2. Signs and advertising devices having a painted face shall be kept free of fading, rusting, cracking, peeling, gaps and holes. Signs that have more than 25 percent of the face damaged must be repaired or removed.
3. Signs and advertising devices having plastic faces shall be kept free of fading, cracking, peeling, gaps and holes. Broken or damaged faces must be repaired or the entire sign removed. Signs that have faces removed due to vacancy of the building must have blank faces installed. Sign poles with open metal frames must be removed.

4. Signs and advertising devices with paper or fabric faces must be maintained free of tears, rips, fading and voids where part of the text or face is missing. Fabric faces that are held in place with ties must be kept secure and taut, with no loose or missing ties.
5. Poles must be maintained in a uniform and sound condition. Poles that are dented to the point where they are leaning out of plumb or have damage to the support or hangers shall be repaired or removed. Poles must be maintained free of rust, peeling, or fading, so that they are uniform in color.
6. Flags, banners and pole banners must be maintained free of tears, fading, and rips. Flags, banners and pole banners must be removed when they become torn, faded, or ripped.

12-118. Luminance.

1. No lighted sign or advertising device shall be erected within 150 feet of a residential district unless the lighting is shielded from view of the residential district.
2. ~~**Glaringly Illuminated Signs.**~~ No sign or other advertising structure shall be illuminated with lights which glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public right-of-way.

12-119. Prohibited signs. The following signs and advertising devices are prohibited:

3. ~~**Outdated/Abandoned Signs.**~~ ~~No sign or other advertising structure shall continue to advertise a business or project which has been out of business in excess of ninety (90) days.~~ A sign which is abandoned such that it has not been used for advertising for one (1) year shall be removed. A tarp on an abandoned sign for more than 30 days is prohibited.
4. **Animated Signs.**
5. **Bench Signs.**
6. **Cardboard Sign.**
7. **Handmade Sign.**
8. **Home Occupation Sign.**
9. ~~**Obscene Signs.**~~ ~~No sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.~~ Signs and advertising devices shall not display gestures, graphics, or words that are obscene, profane or pornographic in nature.
10. **Obstructing Signs.** No sign or other advertising device structure shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign or advertising device of any kind shall be attached to a stand pipe or fire escape.

11. **Outdated/Abandoned Signs.** No sign or other advertising **device** structure shall continue to advertise a business or project which has been out of business in excess of ~~ninety (90)~~ days. ~~A sign which is abandoned such that it has not been used for advertising for one (1) year shall be removed.~~ **A tarp on an outdated sign for more than 30 days is prohibited.**
12. **Pole Signs in Mixed Use District.**
13. **Portable Sign.** **A portable sign shall not be converted into a permanent sign. Signs tied together on poles are considered portable and are prohibited.**
14. **Sign Creating Traffic Hazard.** No sign or other advertising **device** structure shall:
- (a) Obstruct free and clear vision at any street intersection.
 - (b) Interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
 - (c) Make use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.
 - (d) Present a traffic hazard by using illumination resembling an emergency signal.
15. **Sign on or over Public Property or Rights-of-Way.**
- (a) No ~~advertising~~ sign, shall be erected so as to project into the public right-of-way of any street or alley, except **as allowed** in the CA, Central Area District. Any projecting sign shall not extend outward from any building face to the public right-of-way for a distance of more than ten ~~(10)~~ feet or to within one ~~(1)~~ foot of the street curb, whichever is more restrictive. ~~The following public, informational, subdivision signs, and safety signs are allowed in the public right of way of streets and alleys: public signs on behalf of a governmental body to post legal notices, identify public property, convey public information, direct or regulate pedestrian or vehicular traffic; transit stops; and informational signs of a public utility regarding its poles, lines, pipes, or facilities; and subdivision signs to mark subdivision entrances.~~
 - (b) **It shall be unlawful for any person to place a sign or advertising device, except a governmental sign or subdivision entry sign, on the premises of any public property, including but not limited to park land, median strips, and rights-of-way maintained by a governmental entity.**
 - (c) **No person shall attach any sign, advertising device, paper, material, paint, stencil, or write any name, number (except house or street address numbers) or otherwise mark on or obstruct any sidewalk, curb, gutter, or street.**
 - (d) **Signs or advertising devices over or in the right-of-way are prohibited. No sign shall be erected in the right-of-way except traffic control devices, street signs, directional signs or real estate kiosks authorized by the City or State.**
16. **Sign not listed.** **Any sign or advertising device not listed, classified, or defined in Section 12 is prohibited.**

17. **Snipe sign.**
18. **Unsafe sign.** No sign or other advertising **device** structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance, ~~and if so, may be declared a public nuisance and be forwarded to the Building Standards Commission for action.~~
19. **Stationary Vehicular Signs.** No sign or other advertising structure shall be painted on or be attached to a motor vehicle used primarily for the display of such sign, including, but not limited to a billboard truck. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

Categories. For purposes of this section, signs are regulated in the following categories:

1. Temporary signs. ———
2. General Standards for On-Premise Signs;
3. Special Standards for Central Avenue Corridor, IH 35 to 3rd Street;
4. Standards for Off-Premise Signs.
5. Standards for Subdivision Signs.

TEMPORARY SIGNS

1. Temporary real estate signs not exceeding thirty-two (32) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property. “Sale” in this instance shall mean occupancy of the unit by a new resident. Signs are limited to one per street frontage.
2. Temporary political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area. Such signs shall be erected no earlier than sixty (60) days prior to an election or referendum and removed no later than seven (7) days after the election or referendum. Political signs placed within the rights-of-way or upon public property may be removed and disposed of by the City of Temple personnel.
3. Temporary signs advertising the date, time and location of a garage or yard sale and not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale.
4. Signs attached to the inside of a window that do not exceed 80% of the window length, or 33% of the window height, and do not obstruct vision of cashier clerk from the street level.
5. Signs which are an integral part of the historic character of a landmark building or historic district.
6. Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, public facilities, or community events.

7. ~~Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization not exceeding forty (40) square feet in area.~~
8. ~~Temporary signs in conjunction with special events signs such as a philanthropic campaign or church, school, circus, carnival or other community activity. Such signs shall not exceed fifty (50) square feet in area, shall not be erected more than fourteen (14) days in advance of the event and shall be removed within three (3) days after the termination of the event.~~
9. ~~Temporary displays or holiday decorations customarily associated with any national, state, local or religious holiday or celebration. Such signs shall be erected no more than forty five (45) days before and removed no later than fourteen (14) days after the celebration.~~
10. ~~Hand held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten (10) square feet in area.~~
11. ~~Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding sixty four (64) square feet in area. Such signs shall not be erected prior to issuance of a building permit and shall be removed no later than seven (7) days after completion of the project.~~
12. ~~Commercial building occupational signs identifying the name and profession of the occupant(s) and not exceeding two (2) square feet in area.~~
13. ~~Memorial or commemorative plaques or tablets denoting a building name and/or date of erection of a location of historic significance and not exceeding four (4) square feet in area.~~
14. ~~Property identification signs indicating address and/or name and not exceeding two (2) square feet in area for residential land uses or five (5) square feet in area for non residential land uses.~~

GENERAL STANDARDS FOR ON-PREMISE SIGNS

~~GENERAL STANDARDS FOR ON-PREMISE SIGNS~~, exclusive of the Central Avenue Corridor and off-premise signs. These standards apply to on-premise signs including:

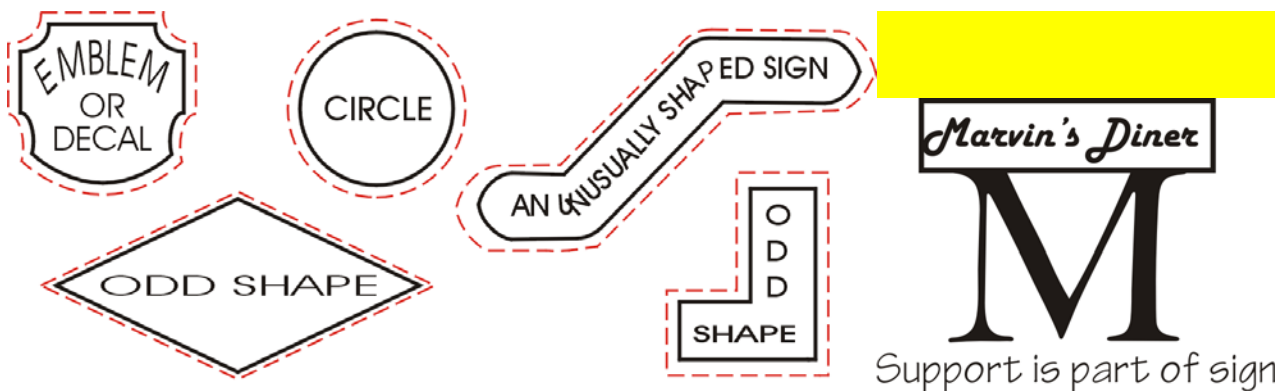
1. Free-standing Signs
2. Wall Signs
3. Roof Signs
4. Projecting Signs
5. Awnings and Canopies

12-120 Sign Measurement Standards

The following principles shall control the measurement of sign area, sign height and sign setback.

A. Measurement of Sign Area

(1) The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The area of uprights, bracings and other structures supporting a sign shall be omitted in measuring the area of the sign unless such upright or bracing consists of a corporate logo, is made part of the message, face or border of the sign or is otherwise designed or used to attract the attention of the public.



Commentary: The “golden arches” at McDonald’s, if used as support for a sign, are clearly integral to the sign message and would be included in the measurement of the area of the sign face.

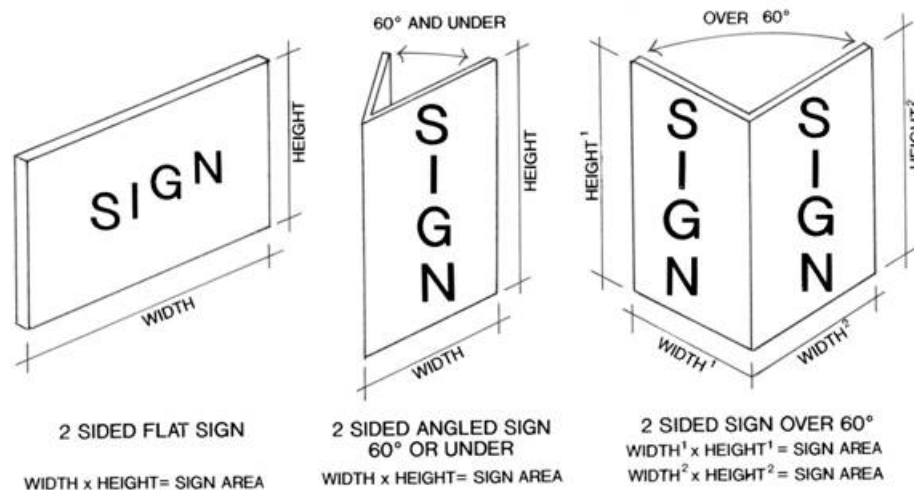
(2) Where a sign consists of individual letters, words or symbols attached to a surface, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall.



Commentary: Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets – the wall area between multiple elements does not count as sign area.

(3) The area for a sign with more than one face shall be measured by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 60 degrees or where the sign faces are parallel and not more than 36 inches apart.

Commentary: It is presumed that where sign faces are placed less than 60 degrees apart, both faces are not readable from any one point.



B. Measurement of Sign Height

The height of a sign shall be measured as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. Finished grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

C. Measurement of Sign Setback

The setback of a sign shall be measured as the shortest distance from each property line to the leading edge of the sign.

Commentary: The setback should be measured from the property to the edge of the sign, not to the pole, in the case of a pole sign.

12-121. Number of Advertising Devices.

1. No more than 3 types of advertising devices and no more than 12 advertising devices shall be used per business at a time with a business property frontage of less than 200 feet. A business with 150 feet of property frontage, for example, is allowed is allowed a pole sign, a wall sign, and a banner.
2. No more than 4 types of advertising devices and no more than 15 advertising devices shall be used per business at a time with a business frontage of 200 feet or more.

12-122. Height of On-Premise Sign.

1. ~~No sign shall~~ **Only Special Height Signs may** be constructed to exceed the maximum building height permitted in the specific district (~~See Section 9, Height Regulations~~) where the sign is located ~~except~~.
2. **Special Height Signs are allowed** in shopping centers or similar retail, commercial, or office centers containing six ~~(6)~~ acres or more, or for gasoline service stations, hotels/motels, restaurants, auto dealerships, and other highway related services when located on or adjacent to IH-35 or H. K. Dodgen Loop. These pylon or major identification signs **must** not ~~to exceed seventy five (75) feet in height may be erected when such special height signs comply with the adopted City of Temple Building Code for design and construction. For allowed locations within the Central Avenue Corridor, See Section 12-127..~~

12-123. Freestanding (Pole or Ground) Signs.

Definition. ~~Free standing sign, as regulated by this portion of the ordinance, shall mean any sign supported by uprights or braces placed into or upon the ground and not attached to any building. Standards for off premise advertising are addressed separately in Section 12-142 below. Standards for low and high profile signs in the Central Avenue Corridor are addressed in Section 12-141.~~

1. **Permit and District.** **Freestanding signs are allowed in nonresidential districts.** No freestanding sign may be erected without a **sign** permit.
2. **Location. Height and area limitations.**
 - (a) Freestanding signs shall conform to the area-height-setback relationship indicated in Table **1** ~~2~~, except as allowed in ~~12-106~~ for **Special Height Signs** in highway-orientated locations and for group signage ~~as followed in incentive provisions.~~
 - (b) Free-standing signs shall not exceed a height of greater than fifty (50) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
 - (c) Free-standing signs shall not exceed three hundred (300) square feet in area, except as allowed in incentive provisions.
 - (d) In a Mixed Use District, free standing signs shall be monument style, not exceeding 5 feet in height.

TABLE 1 ON-PREMISE SIGNS AREA—HEIGHT—SETBACK RELATIONSHIP		
MAXIMUM AREA	MAXIMUM HEIGHT	MINIMUM SETBACK
0 to 50 square feet	20 feet	0 feet
>50 to 100 square feet	15 feet	5 feet
>100 to 150 square feet	25 feet	5 feet

>150 to 200 square feet	30 feet	10 feet
>200 to 250 square feet	40 feet	10 feet
>250 to 300 square feet	50 feet	15 feet
>300 square feet	75 feet	25 feet
See Section 12-106		

3. **Setback Line.** A freestanding signs shall be set back from the property line of the property on which the sign is erected in relation to its area and height, as indicated in Table 12, ~~except as allowed in incentive provisions.~~

4. **Space Between Sign and Other Signs and Structures.** No freestanding sign shall be nearer than ten (10) feet to any other sign, building or structure.

5. **Number of Freestanding Signs Allowed.**

- (a) One (1) freestanding sign is allowed per lot, or tract, or parent shopping center plot, or separate building. A lot or tract located at a street intersection is allowed one (1) freestanding sign per street frontage. (Amended by Ordinance 2000-2707)
- (b) **Multiple Businesses, Services, Tenants.** Buildings housing multiple businesses are encouraged to group signage. A 30% increase in sign area is allowed for a group sign, advertising a center with multiple businesses, with no corresponding effect on sign setback and height specified in Table 12. This incentive may be increased to 35% over the sign area allowed in Table 12 when a group sign is combined with landscaping.
- (c) The number of freestanding signs allowed may be increased by one of the following credits.
 - (1) If more than one (1) business, service or tenant occupies a single building on a lot or tract, a maximum two (2) freestanding signs are allowed. The combination of sign area for the two signs shall not exceed the maximum allowed area in Table 2 in relation to sign height and setback. For example, two (2) 25 square foot signs (maximum 50 square feet) are allowed if two or more tenants are present in one building. The signs may not exceed 15 feet in height, and may be placed on the property line (0' setback), or
 - (2) Property Frontage: If the lot, tract, or parcel exceeds 200' of frontage along the street where the sign is proposed, additional freestanding signs are allowed, in accordance with Table 2, or
 - (3) Alternate Signage Plan. If neither (1) nor (2) above satisfactorily meet the applicant's needs, the Board of Adjustment will review a variance request for an alternate signage plan which meets the unique advertising needs of the site, business, service or tenant and, at the same time, carries out the intent of this ordinance to balance on site advertising needs with community appearance.

TABLE 2	
PROPERTY FRONTAGE	NUMBER ALLOWED
0 to 200 feet	1 sign
201 to 400 feet	2 signs
401 to 600 feet	3 signs
601 feet and over	4 signs (maximum)

12-124. WALL SIGNS.

Definition. ~~Wall sign, as regulated by this ordinance, shall mean any sign affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. A wall sign shall include canopy signs associated with gasoline service stations and shall be limited to gas prices, name, and company identification. A fence sign shall be considered a wall sign.~~

1. **Permit and District.** Wall signs are allowed in nonresidential districts. No wall sign may be erected without a sign permit.
2. **Location and area.**
 - (a) A maximum ~~fifty (50%)~~ percent of each tenant's store front, side or rear oriented to each street may be utilized for a wall sign. No single wall sign may exceed ~~three hundred (300)~~ square feet in area.
 - (b) In the MU district, the maximum aggregate area of wall signs shall be ~~two hundred (200)~~ square feet in area.
 - (c) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached in excess of ~~four (4)~~ feet.
 - (d) **Projection Above Sidewalk and Setback Line.** No wall sign shall ~~be permitted to~~ extend more than six (6) inches beyond the building line or ~~and shall not~~ be attached to a wall at a height of less than ~~ten (10)~~ feet above the sidewalk or ground.

~~12-124. ROOF SIGNS.~~

Definition. ~~"Roof Sign" as regulated by this portion of the ordinance shall mean any sign erected, constructed and maintained wholly upon or above the roof of any building with the principal support attached to the roof structure.~~

~~2. Location.~~

- (a) **Height and Area Limitations.** ~~No roof sign shall have a surface or facing exceeding three hundred (300) square feet, nor have its highest point extended more than twenty (20) feet above the roof level.~~

- (b) **Prohibited Obstructions.** No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof.

12-125. PROJECTING SIGNS.

1. Definitions.

- (a) **"Projecting Sign"** as regulated by this portion of the ordinance shall mean any sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. A marquee is a projecting sign for this portion of the ordinance. A projecting sign over public property is allowed to be permitted in the routine manner only in the Central Area District. In other locations, a projecting sign over public property requires approval of a right of way license by the city council.
- (b) **"Horizontal Projecting Sign"** shall mean any sign which is greater in width than in height.
- (c) **"Vertical Projecting Sign"** shall mean any sign which is greater in height than in width.

2. Area/Size

- (a) **Area Limitations.** Projecting signs shall be limited in area as follows:
 - (1) Horizontal projecting signs shall not exceed fifty (50) square feet on each side.
 - (2) Vertical projecting signs shall not exceed one hundred (100) square feet on each side.
- 3. **Thickness Limitation.** The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
- 4. **Location; Projection Over Public Property.** Every projecting sign shall be placed at least nine (9) feet above the public sidewalk over which it is erected, no more than two (2) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall, and at least one (1) foot from the curb line. Every projecting sign shall be placed at least fifteen (15) feet above the public driveway, alley or thoroughfare over which it is erected.

12-126. AWNINGS AND CANOPIES.

—1. Definitions.

- (a) **"Awning"** as regulated by this portion of the ordinance shall mean any structure made of cloth or metal with a metal frame attached to a building which may be fixed or can be retracted to a position flat against the building when not in use. A Central

Area District or approval of a right of way license by the city council is required for sign projection into the public street right of way.

- (b) ~~"Canopy" as regulated by this portion of the ordinance shall mean any structure, other than an awning, made of cloth or metal with metal frames attached to a building which is carried by a frame supported by the ground or sidewalk. A Central Area District or approval of a right of way license by the city council is required for sign projection into the public right of way, even if legs of a canopy sign project into sidewalk.~~

~~2. Location.~~

- (a) ~~**Height Above Sidewalk; Awnings.** No portion of an awning shall be less than nine (9) feet above the level of the sidewalk or public thoroughfare over which it is erected.~~
- (b) ~~**Height Above Sidewalk; Canopies.** No portion of a canopy shall be less than nine (9) feet above the level of the sidewalk or public thoroughfare over which it is erected.~~
- (c) ~~**Setback from Curb Line.** No awning or canopy shall be permitted to extend beyond a point one (1) foot inside the curb line.~~
- (d) ~~**Width.** No limitation on width of awnings. No canopy shall be permitted to exceed eight (8) feet in width.~~

~~**3. Advertising.** The name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space on the front and side of the awning _____ or _____ canopy.~~

12-125. STANDARDS ACCORDING TO SIGN TYPE. The standards applicable to each permitted sign type are set forth in Table 3 below. Signs and advertising devices listed in Table 3 must be On-Premise Signs unless off-premise placement is specifically allowed. [This draft does not show revision of language to fit text into table format. Substantive changes are highlighted.]

Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	TABLE 3	Illustration
						Standards	
12-126	Agricultural Sign	A, UE, NS, GR, C, LI, HI	100 SF	Yes	None	One per every 200 LF	
12-127	Apartment Name Sign	All	64 SF	Yes	None	One per street frontage	
12-128	Awning	All except residential		Yes	None	<p>Not less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected.</p> <p>Not extending beyond 1 foot inside the curb line.</p> <p>The name of the owner and the business, industry, or pursuit conducted on the premises may be painted or otherwise permanently placed in a space on the front and side of the awning.</p> <p>Awnings shall be constructed of a rigid framework with an approved covering that is flame resistant in accordance with NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84.</p>	
12-129	Banner	All except residential	10% of façade mounted on. On multi-tenant buildings, not to exceed 10% of leased frontage façade it is mounted on	No	None	<p>One per building or tenant.</p> <p>Banners shall be affixed flush to a façade, awning, or canopy, or attached flush to a fence. No stakes, posts, poles, A-frames, or H-frames are permitted to secure a banner to the ground.</p>	
12-130	Banner, Pole	All except residential	12 SF	No	None	<p>One per every 40 LF, separated by at least 5 feet, not to exceed 10 pole banners per property.</p> <p>Height of pole must not exceed 35 feet.</p> <p>Must be secured to permanent pole and mounted with brackets</p>	

TABLE 3							
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
						<p>manufactured for that purpose. No T-posts allowed.</p> <p>Combinations of corporate, spirit, and pole banners may be used, but may not exceed a combined total of 10.</p>	
12-131	Canopy	All except residential	25% of surface	Yes	None	<p>Shall not be less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected.</p> <p>Shall not extend beyond 1 foot inside the curb line.</p> <p>The name of the owner and the business, industry, or pursuit conducted on the premises may be painted or otherwise permanently placed in a space on the front and side or the awning.</p> <p>Canopy signs associated with gasoline service stations shall be limited to gas prices, name, and company identification.</p>	
12-132	Community Event Sign	All districts	40 SF	No	From 30 days before to 7 days after event	<p>Banners or other advertising devices placed, hung, or attached to the inside walls of an event, which advertise businesses that sponsored the event, are allowed only during the event.</p> <p>No community event sign shall be placed in public right-of-way.</p>	
12-133	Construction Sign, Commercial	Non-Residential	64 SF	No	From issuance of building permit to 7 days after completion of project	One per construction work site.	
12-134	Construction Sign, Residential	Residential	6 SF	No	From issuance of building permit to 7 days after completion of project	<p>1 per platted lot or tract</p> <p>H-Frame allowed.</p>	
12-135	Development Sign, Commercial	All	128 SF	Yes	7 days after completion of project.	<p>Two per project for every 100 acres in the project.</p> <p>Signs may be double faced.</p>	
12-136	Development Sign, Residential	Residential	<p>128 SF</p> <p>Exterior</p> <p>320 SF</p>	No	From issuance of building permit to 7 days after completion of project	<p>Two per entrance at exterior/perimeter roads of development.</p> <p>One interior residential sign per 40 LF, not to exceed total of 10, with a maximum combined area of 320 SF</p> <p>Signs may be double faced.</p>	

Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	TABLE 3	Illustration
						Standards	
			Interior			Must have uniform design elements and colors	
12-137	Directional Sign	Non-residential	3 SF or per MUTCD	No	None	<p>Signs may be attached or detached.</p> <p>A maximum of two signs may be visible from the roadway.</p> <p>Must be stationary. If a sign is an attached sign, the words must not exceed 4 inches in height.</p> <p>Each sign must convey a message that directs vehicular or pedestrian movement within or onto the premise on which the sign is located.</p> <p>Must contain no advertising, but may have company identification or logo.</p>	
12-138	Directory Sign	All except residential	4 SF	Yes	None	One per street frontage.	
12-139	Fence Sign	Non-residential	25% of fence area, not to exceed 60 SF	Yes	None	<p>One per street frontage</p> <p>Fence signs must be affixed directly to and flush with the fence. No extender poles are allowed.</p> <p>Fence signs are prohibited in shopping centers.</p>	
12-140	Flag, Corporate and Spirit	All except residential	48 SF	No	None	<p>One per 40 feet of street frontage, separated by at least 5 feet, not to exceed 10 flags per property.</p> <p>Combinations of corporate flags, spirit flags and pole banners may be used, but may not exceed a combined total of 10.</p> <p>Height of pole must not exceed 35 feet.</p> <p>When tags become torn, tattered or faded, they must be removed or replaced.</p>	
12-141	Flag, State and National	All	<p>375 SF along I-35 and H. K. Dodgen LP.</p> <p>150 SF in non-residential district.</p> <p>48 SF in residential</p>	No	None	<p>Anytime the American flag is displayed, it will be in accordance with Public Law 94-344, dated July 7, 1976, and will not be torn, tattered or faded.</p> <p>Height of pole must not exceed 50 feet in nonresidential districts or 20 feet in residential districts.</p>	

Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	TABLE 3	Illustration
						Standards	
			district.				
12-142	Freestanding (pole or ground) Sign	See section 12-123					
12-143	Garage or Yard Sale Sign	Residential Churches in any district.	2 SF	No	From 3 days before to 1 day after sale	One per property. Off-premise signs are prohibited.	
12-144	Handheld Sign	All	10 SF	No	None		
12-145	Historical Sign	All	4 SF	No	None	None	
12-146	Holiday Decoration	Non-residential	N/A	No	From 45 days before to 14 days after celebration		
12-147	Inflatable device	Residential	None	No	From 45 days before to 14 days after celebration	Maximum of 10 feet tall.	
12-148	Inflatable device	Non-residential	N/A	Yes	14 consecutive days per permit. 30 days after grand opening.	Maximum of 2 permits per year per business. Maximum of 20 feet tall. Must be ground mounted; must not be affixed to roof.	
12-149	Institutional Sign	All	32 SF	Yes	None	One per street frontage.	
12-150	Memorial Sign	All	4 SF	No	None	N/A	
12-151	Message Board	Non-residential	150 SF	Yes	None	A message board must not have any distracting appearance of animated motion of graphics, blinking, flashing, or shimmering. A message board with an electronic message may have a scrolling message. When the display of a message board with an electronic message displays changes from message to message, it must change as rapidly	

Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	TABLE 3	Illustration
						Standards	
						as technologically practicable with no phasing, rolling, flashing, or blending and no more than every 8 seconds.	
12-152	Mural	Non-residential	None	Yes.	None	<p>The design of a mural must be approved the Administrative Official before being placed.</p> <p>A mural shall not contain a commercial message or be used as an advertising device.</p> <p>A mural is not a Wall Sign.</p>	
12-153	Name Plate Sign	All	2 SF in residential district; 6 SF in non-residential district	No	None	One per building or tenant per street frontage	
12-154	Political Campaign Sign	All	16 SF in residential district; 32 SF in non-residential district	No	From 60 days before to 7 days after election or referendum	<p>Shall only be placed on private property, outside of the public right-of-way. No sign affixed to an automobile, truck, trailer or other vehicle may be parked on public property for any period of time longer than it takes the operator of owner to transact ordinary day-to-day business (for example, shopping, paying bills, and picking up laundry). The owner may, however, park such a vehicle on public property adjacent to his own property.</p> <p>An owner or operator of a vehicle in violation of the preceding section will be contacted and given an opportunity to move the vehicle immediately. If the registered owner or operator cannot be contacted, or when contacted refuses to remove the vehicle, the vehicle will be taken into police custody and towed away at the owner's expense.</p> <p>Shall not be illuminated or have any moving elements.</p>	
12-155	Projecting Sign	All except residential	50 SF for horizontal sign; 100 SF for vertical	Yes	None	<p>The distance between the principal faces of a projecting sign shall not exceed 18 inches.</p> <p>Every projecting sign shall be placed at least 9 feet above the public sidewalk over which it is erected, no more than 2 feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall and at least 1 foot from the curb line. Every projecting sign shall be placed at least 15 feet above the public driveway, alley or thoroughfare over which it is erected.</p> <p>A projecting sign over public property is allowed to be permitted in the routine manner only in the Central Area District. In other locations, a</p>	

TABLE 3							
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
						projecting sign over public property requires approval of a right-of-way license by the City Council.	
12-156	Protective Sign	All	1 SF	No	None	No more than 2 per property.	
12-157	Real Estate Sign, Commercial	Non-residential	32 SF	No	7 days after sale or rental of subject property	One per street frontage, platted lot or tract. For acreage, one per 200 feet of street frontage. The set back for a nonresidential sign is 8 feet from the property line. The maximum height of an on-premise real estate sign in a non-residential district is 15 feet. An off-premise real estate sign is allowed only if erected on a City-authorized kiosk.	
12-158	Real Estate Sign, Residential	Residential	6 SF	No	7 days after sale or rental of subject property	One builder sign and one real estate agent sign per platted lot or tract. On corner lots, one builder sign and one real estate agent sign per street frontage per platted lot or tract. For acreage, one builder sign per 200 feet of street frontage, with combined maximum area of 32 SF. H-Frame sign is allowed.	
12-159	Roof Sign	Non-residential	300 SF	Yes	None	No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof. Highest point must not extend 20 feet above the roof level.	
12-160	Searchlight	All except residential	N/A	Yes.	3 consecutive days per permit	Shall not have glaring or illumination which interferes with traffic safety. Shall not be within 500 feet of a residential area. Shall not be placed in public right-of-way. Limit of 2 permits per year per business.	
12-161	Streamers	All	N/A	Yes	3 consecutive days per permit; 3 permits per business per calendar year	In residential districts streamers are allowed only at entrances of developments under construction. Must not be tied to a utility pole or other public structure.	
12-162	Subdivision	All except	80 SF	Yes		The signs shall bear only the name of the subdivision.	

TABLE 3							
Sec. Number	Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
	Entry Sign	LI and HI				<p>No more than 2 signs located at each entrance to a subdivision.</p> <p>Shall be constructed of masonry and/or wood, and metal, or other natural materials.</p> <p>The placement of all signs must comply with the 15 foot visibility triangle setback from property corners and intersections.</p> <p>Sign placement within public right-of-way will require Street Use Licenses and be subject to visibility and vehicle safety review during the permit process.</p> <p>Shall not project more than 8 feet above the curb line.</p>	
12-163	Vehicular Sign	All	N/A	No	None	<p>A vehicular sign shall not extend more than 24 inches from the top of any vehicle.</p> <p>It shall be unlawful to attach any sign to a trailer, skid, boat, or similar mobile structure or to a vehicle, where the primary use of such structure or vehicle is to provide a base for such sign or constitute a sign itself.</p> <p>Signs painted on or attached to an inoperable vehicle shall be prohibited.</p> <p>This Section does not prohibit identification of a business or its products or services on a fleet vehicle parked in a manner appropriate to the normal course of business.</p> <p>This Section does not prohibit transportation of a sign to a site of permanent erection.</p> <p>Signs on temporary construction trailers on construction sites are allowed.</p>	
12-164	Wall Sign	See Section 12-124					
12-165	Window Sign	Non-residential	25% of the window area	No	None	Shall not obstruct visibility of the cashier clerk from the street level.	

GENERAL STANDARDS FOR OFF-PREMISE SIGNS

- 12-166. General Standards for Off-Premise Signs.** An off-premise sign erected after March 7, 2002, shall comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.
- 12-167. Location.** An off-premise sign is permitted solely in C, LI and HI zoning districts on property fronting Interstate Highway 35 (IH-35) or H. K. Dodgen Loop.
- 12-168. Spacing.** No off-premise sign along Interstate 35 may be erected within 1,500 feet of another off-premise sign. No off-premise sign along H. K. Dodgen Loop may be erected within 2,000 feet of another off-premise sign, except that, in exchange for the removal of one double-faced sign that is larger than 386 square feet and existing along the Loop on March 7, 2002, three 386-square-foot double-faced signs may be erected within 1,500 square feet of another off-premise sign, if the permittee has sufficient sign replacement credits. Spacing is measured on the same side of the road, between points along the right of way of the regulated highway perpendicular to the center of the signs.
- 12-169. Area.** The dimensions of an off-premise sign erected on property fronting IH-35 must be 14 feet by 48 feet, for a total surface display area per face of 672 square feet. The dimensions of an off-premise sign erected on property fronting H. K. Dodgen Loop must be 10 feet, 6 inches by 36 feet, for a total surface display area per face of 386 square feet.
- 12-170. Faces.** An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display.
- 12-171. Height.** An off-premise sign must be 42.5 feet in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.
- 12-172. Setback.** An off-premise sign must be set back at least 20 feet from any road or street right-of-way line, measured from the closest part of the sign.
- 12-173. Residential Zone.** No off-premise sign shall be permitted if property zoned residential is located between the sign location and the roadway toward which the sign would be oriented.
- 12-174. Consent.** No part or foundation or support of any off-premise sign may be placed on, in, or over any private property without the written consent of the property owner.
- 12-175. Encroachment.** No part or foundation or support of any off-premise sign may be placed on, in, or over any public property or street rights-of-way, or upon telephone or utility poles, or natural features such as trees and rocks. Encroachment into a public utility or drainage easement may be allowed with a street use license.
- 12-176. Protected vegetation.** Notwithstanding any other provision or other applicable law or regulation, no person shall remove, cut, or otherwise alter any vegetative screening on public property or private landscaping required by code as a condition of permit approval in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited shall be deemed nonconforming and shall be required to become the next nonconforming off-premise sign relocated.

- 12-177. **Roof.** No off-premise sign may be erected or maintained upon the roof of any building structure.
- 12-178. **Light.** No off-premise sign may be constructed where it obscures or shades the windows or doorways of adjacent buildings.
- 12-179. **Traffic hazard.** No off-premise sign may be permitted which, because of its size, shape, or location, may obscure or obstruct the view of vehicular or pedestrian traffic so as to endanger the safe movement thereof or be confused with any authorized traffic control sign, signal, or device.
- 12-180. **Scenic vista.** No off-premise sign may be permitted which, because of its size, shape, or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.
- 12-181. **Construction.** An off-premise sign must have a steel post and be constructed and erected in conformance with current building codes.
- 12-182. **Identification.** An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.
- 12-183. **Inventory.** The owner or operator of one or more off-premise signs within the City of Temple must inventory the signs on forms provided by the City's planning department and file the completed forms with the planning department within six months from March 7, 2002. No incentive credit or permit for alteration or relocation may be issued for an off-premise sign that was not timely inventoried and reported to the City.
- 12-184. **Permit required.** No off-premise sign may be erected without a valid permit issued by the City. A permit for off-premise signs may be issued only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six (6) months from date of issuance. The Administrative Official may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Administrative Official ~~Planning Director~~ shall consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.
- 12-185. **Alteration.** An off-premise sign may not be altered with regard to size, shape, orientation, height, or location without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size, shape, orientation, height, or location of an inventoried off-premise sign do not require an alteration permit. An alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.
- 12-186. **Demolition.** A demolition permit is required prior to removal of an existing off-premise sign. Demolition must be completed within 90 days from permit issuance. The permit must state the number of faces to be demolished.
- 12-187. **Maintenance.** Whenever the Administrative Official ~~Planning Director~~ finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the Administrative Official ~~Planning Director~~ will notify and order the owner to repair the sign within 30 calendar days. If the Administrative Official ~~Director~~ finds that an off-premise sign has deteriorated more than 50 percent of its replacement value, or is not repaired within 30 calendar days, the Administrative Official ~~Planning Director~~ shall notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All

off-premise signs ordered to be removed shall be stricken from the authorized list when the time limit is set and the removal notice ends.

12-188. Off-Premise Sign Cap. The number of off-premise signs in the City is limited to the number of such signs in existence on March 7, 2002.

12-189. Incentives. To encourage removal of off-premise signs that do not comply with current sign standards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City may be awarded credit for removing such sign.

1. One credit will be awarded for each face that is removed from a lawfully existing off premise sign. In order to receive a permit for the erection of an off-premise sign, 1.25 credits must be used per each new face.
2. The City shall issue a permit to any person holding sufficient credits, for erection of an off-premise sign in a location approved by the City, in its sole discretion. The permit must state the number of faces to be erected.
3. Credits are transferable.
4. Credit is received when a permittee removes a sign voluntarily, even if the reason is loss of the lease. No credit may be awarded for the removal of an off-premise sign that was in violation of Federal, State, or City laws when erected.
5. To be awarded a credit under the incentive program, a sign owner or operator must notify the City within 60 days of the removal of an off-premise sign and receive a letter issued by the City awarding a credit. Failure to apply for a credit within 60 days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces.
6. The **Administrative Official** ~~Planning Director~~ will provide to the Planning and Zoning Commission, as part of the Commission's annual report, an accounting of unused credits. The Commission's annual accounting shall be final if not appealed in writing to the Commission within 30 days from the date that the accounting is presented to the Commission. In making a final determination, the Commission will consider evidence presented by the appellant, **Administrative Official** ~~Planning Director~~ and any other interested person.

12-190. Relocation. When a sign located in the City of Temple within the proposed right of way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the City will also issue a permit for a sign that meets all current City standards, except that the relocated sign:

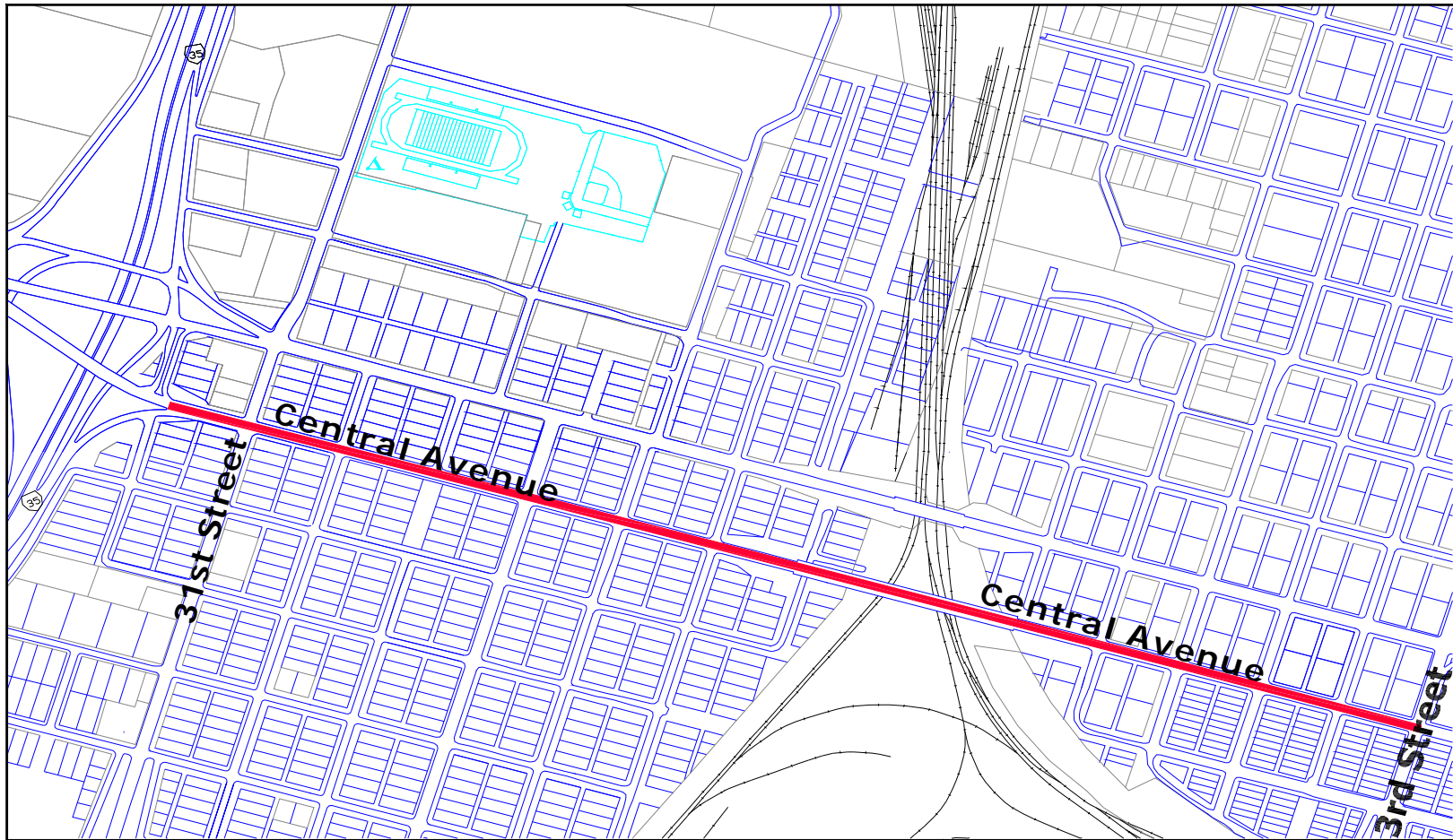
1. must have a permit, but will not require payment of a permit fee;
2. may be erected no less than 5 feet from any highway right of way line;
3. may be constructed with the same number of poles and same type of materials as the existing sign; and

4. may be erected without enlarging the sign face.

SPECIAL STANDARDS FOR CENTRAL AVENUE CORRIDOR

- 12-191. Special Standards for Central Avenue Corridor From IH 35 to Third Street.** These standards describe distinctive on-premise sign standards for this unique location in the community, intended to preserve the visual character of this important entry corridor into downtown Temple. Incentive and encouragement are given to low profile signage, with high profile and wall signs also allowed. Signage is limited to advertisement for land use activities occurring on the site. Allowed signs include low profile, high profile, and wall signs.
- 12-192. Jurisdiction:** These standards represent an overlay district and shall apply to signage oriented to Central Avenue for all land uses within the Central Avenue Corridor, bounded on the west by IH-35 and on the east by 3rd Street, as indicated on the attached boundary map (Exhibit 1). This shall include all properties adjacent to and/or abutting Central Avenue, and all properties situated 240' north and south of the centerline of Central Avenue.
- 12-193. Advertising.** Signs within the Central Avenue Corridor may advertise and promote the business or use conducted directly on the property where the sign is located. Signs may not advertise businesses, goods, or services which are offered in other locations.
- 12-194. Prohibited Signs.** The following sign types shall not be permitted within the Central Avenue Corridor: off-premise advertising signs, portable and trailer signs, vehicle signs, trash receptacle and bench signs, flashing illuminated signs, temporary non-affixed signs, satellite dish signs, and roof mounted advertising signs. Also, flashing and moving signs are prohibited, except that time and temperature and digital scroll displays are allowed.
- 12-195. Illumination:** Signs may be illuminated internally or externally. Illumination shall be constant and represent no traffic hazard.
- 12-196. Movement:** Signs shall not be permitted to move or rotate in any manner.
- 12-197. Materials:** Signs shall be constructed from environmentally sound materials and meet all city building, electrical, and other safety codes.
- 12-198. Maintenance:** All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions. All abandoned signs and supports shall be removed within ninety (90) days of abandonment. All damaged signs shall be repaired or removed within ninety (90) days of damage.
- 12-199. Non-Conforming Central Avenue Signs:** A permanent, on-premise advertising sign not in conformance with the Central Avenue Corridor Sign Regulations governing structure, dimension, height and placement, which was lawfully erected prior to the enactment of said regulations, shall be considered a non-conforming sign. Non-conforming signs in the Central Avenue Corridor shall be exempted from the provisions of this ordinance which prohibit reconstruction of damaged or deteriorated non-conforming structures. A permit for reconstruction of a non-conforming sign in the Central Avenue Corridor shall require that the sign be reconstructed within six (6) months of substantial deterioration or destruction, in place, without increasing any non-conforming characteristic of the sign. Existing portable signs and all off-premise advertising signs within the Central Avenue Corridor promoting business uses in another location shall be removed within thirty (30) days of the adoption of this ordinance.

- 12-200.** Street right-of-way encroachment by any advertising sign is prohibited within the Central Avenue Corridor.
- 12-201.** A sign may not conflict with the operation of utilities located within an easement area.
- 12-202.** The setback clearance zone shall be observed at each street corner intersection, each driveway opening, and each street/alley intersection.



Central Avenue Boundary Map
From Interstate-35 to Third Street

updates



City of Temple
Planning Department

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m.steer 2/07/01
scale:1"/600'



12-203. Permits Required: A permit from the City shall be required to erect or construct a sign, or to reconstruct a damaged or deteriorated non-conforming sign, along or oriented to Central Avenue between IH-35 and 3rd Street within the effective boundary of this ordinance, except as indicated in Section 12-116. A detailed site plan (line drawing) shall be provided describing the project and showing the information indicated in Section 12-109.

12-204. Permits Not Required: Permits shall not be required for signs along or oriented to Central Avenue exempted in Section 12-116, unless required by another city ordinance or regulation. Nevertheless, these signs, although exempted from permits, shall conform in all respects to the maximum height, maximum size, minimum 16' curblin setback and all other provisions stated for low profile, high profile, and wall signs, depending on which Class of sign is used, except that public safety, traffic, emergency and other civic signage shall not be limited by this item.

12-205.SIGNS PERMITTED ALONG CENTRAL AVENUE

1. LOW-PROFILE SIGNS: (Class 1): Low-Profile signs all conform to the following standards:

- (a) **Minimum Height:** not applicable
- (b) **Maximum Height:** eight (8) feet
- (c) **Maximum Size:** fifty (50) sq. ft., unless sign size is increased by one or more of the following provisions:
 - (1) Maximum 15 square feet bonus for separate changeable copy if used;
 - (2) Two (2) square feet overall area bonus per tenant over one in a single building;
 - (3) One (1) square foot overall area bonus for each one (1) foot setback in addition to 16 feet from curb;
 - (4) Maximum overall sign size not exceeding 75 square feet.
- (d) **Minimum Setback:** The outermost (leading) sign face shall observe a minimum setback of 16' from the curb and shall not encroach in public right-of-way.
- (e) **Maximum Number:** One Class 1 sign per building in addition to allowable wall signs. One Class 1 or one Class 2 sign may be used per building but not both. A tract located at an arterial street intersection may erect one Class 1 or Class 2 sign oriented to each street, as well as allowable wall signs.

2. HIGH-PROFILE SIGNS: (Class 2): High Profile Signs shall conform to the following standards:

- (a) **Minimum Height:** Eight (8) feet

- (b) **Maximum Height:** Fifteen (15) feet except that:
 - (1) Allowed on-premise signs on properties located west of the west right-of-way line of 31st Street may be a maximum height of thirty-five (35) feet for visibility from IH-35;
 - (2) Signs located east of the centerline of 21st Street and west of the centerline of 11th Street, in the vicinity of the Central Avenue grade separation, shall be no higher than the higher of either:
 - (a) fifteen (15) feet above the nearest natural grade; or
 - (b) the top of the nearest curb of Central Avenue where such curb exceeds fifteen (15) feet above the natural grade.
- (c) **Maximum Size:** thirty-five (35) square feet, unless sign size is increased by one or more of the following provisions:
 - (1) a maximum fifteen (15) feet bonus for separate changeable copy, if used;
 - (2) two (2) square feet overall area bonus per tenant over one in single building;
 - (3) one (1) square feet overall area bonus for each one (1) foot sign setback in addition to sixteen (16) feet from curb;
 - (4) maximum overall sign size shall not exceed one hundred (100) square feet.
- (d) **Minimum Setback:** The outermost (leading) sign face shall observe a minimum setback of sixteen (16) feet from the curb and shall not encroach in public right-of-way.
- (e) **Maximum Number:** One Class 2 sign per building in addition to allowable wall signs. One Class 1 or one Class 2 sign is allowed per building but not both. A tract located at an arterial street intersection may erect one Class 1 or Class 2 sign oriented to each street, as well as allowable wall signs.
- (f) **Separation:** A minimum twenty (20) feet separation shall be observed between signs on a tract.

12-206. WALL SIGNS: (Class 3): Wall signs shall conform to the following standards:

- (a) **Minimum Height:** Not applicable

- (b) **Maximum Height:** A wall sign may extend a maximum eighteen (18) inches above the building if no supports are needed or utilized for the sign.
- (c) **Size:** Ten (10%) percent of each tenants' store front wall area oriented to the street.
- (d) **Setback:** Not applicable.
- (e) **Maximum Number:** One per business facade will be allowed. Number/letters indicating property address will not be counted in this calculation. A wall sign may be used in conjunction with either a Class 1 or Class 2 sign.
- (f) **Separation:** Not applicable.

GENERAL STANDARDS FOR SIGNS IN PLANNED DEVELOPMENT DISTRICTS

12-207. In a PD (Planned Development District) the sign standards shall be specified in the amending ordinance, either explicitly or by means of a base zoning district.

TABLE 3 SUMMARY SIGN REGULATIONS			
SIGN TYPE	DISTRICT PERMITTED	MAXIMUM AREA	SPACING STANDARDS
Permanent On-Premise Signs			
Agricultural	A, UE, NS, GR, C, LI, HI	100 square feet	200 feet
Apartment name	MF 1, MF 2, MF 3, O 2	64 square feet	One per street frontage
Institutional	Residential Non residential	32 square feet See below	One per street frontage See below and Table 3
Name plate	Residential Non residential	2 square feet See below	One per street frontage See below
Subdivision	All, except LI and HI	80 square feet	See Standards for complete details
Other on-premise	O 1, O 2, NS, GR, CA, C, LI, HI	See below	See General and Central Avenue Standards, Sections 12-131, 12-132
Temporary On-Premise Signs			
Commercial	Any		
Construction	All	64 square feet	None
Development	All	300 square feet	One per project or one for each 100 acres in project
Garage/Yard Sales	Residential/Church	4 square feet	
Hand Held	Any	10 square feet	
Historical	Historical District	Not applicable	
Holiday Decorations	Any		
Memorial	Any	4 square feet	
Overheight	O 2, GR, CA, C, LI,	See Sec. 12-106	

	HI		
Political	All Districts		
Property	Residential	2 square feet	
	Non Residential	5 square feet	
Public	Any	Not applicable	
Real estate	Residential	32 square feet	One per platted lot or tract. For acreage, one per 200 feet of street frontage
	Non-residential	32 square feet	None
Special Events	Any	50 square feet	
Window	All Non Residential	80% of window length, or 33% of the window height	
Off Premise Signs			
Allowed only on property fronting: Interstate 35 H.K. Dodgen Loop	C, LI, HI C, LI, HI	Uniform area and dimensions:* 14' x 48' (672 square feet) 10' 6" x 36' (386 square feet)	On same side of road: 1,500 square feet 2,000 square feet 1,500 square feet for downsize with credits

*Effective February 21, 2002.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **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:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/18/08
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-31 for the following reasons:

1. The Future Land Use Plan Map shows the area as Industrial;
2. The Thoroughfare Plan shows McLane Boulevard and on the east side of Old Howard Road (area to be part of the future Outer Loop) both Minor Arterial Roadways; and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

Staff's recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). The Council approved several zoning cases last year in this general area.

Please refer to the Staff Report and draft minutes of case Z-FY-08-31, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

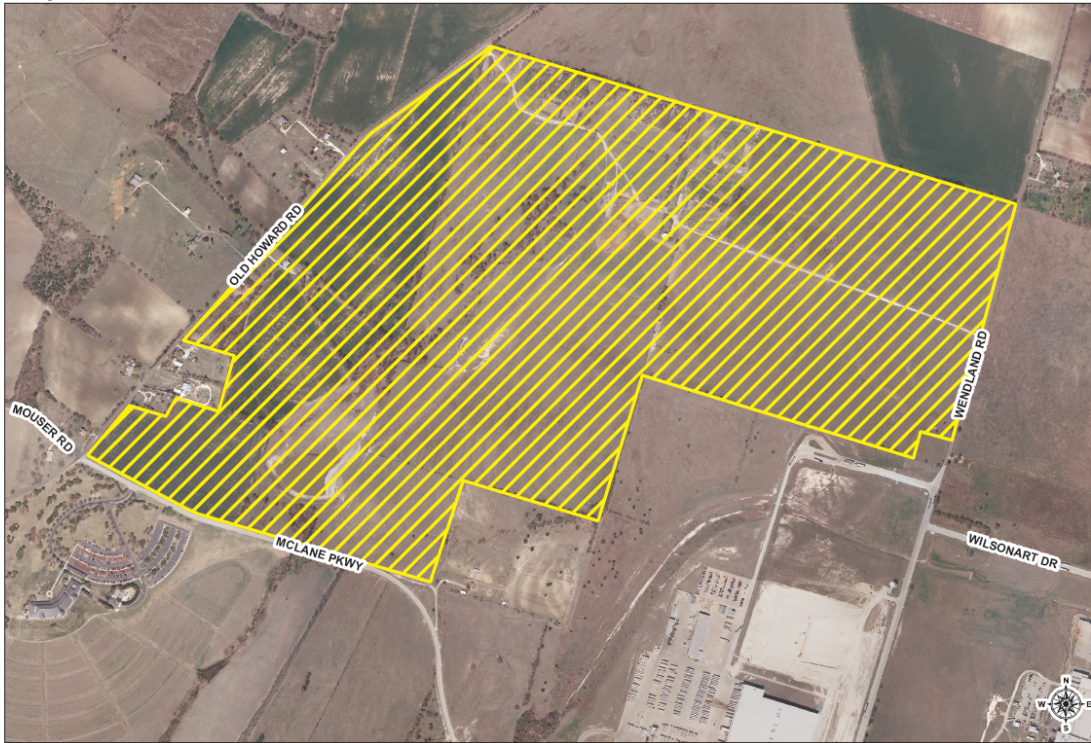
[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-08-31

349.39 Acres

Temple Economic Development Corporation



 ZFY0831

A to LI Zoning

1 inch equals 800 feet
J Stone 07.09.08

Future Land Use Plan

Warehouse & Distribution

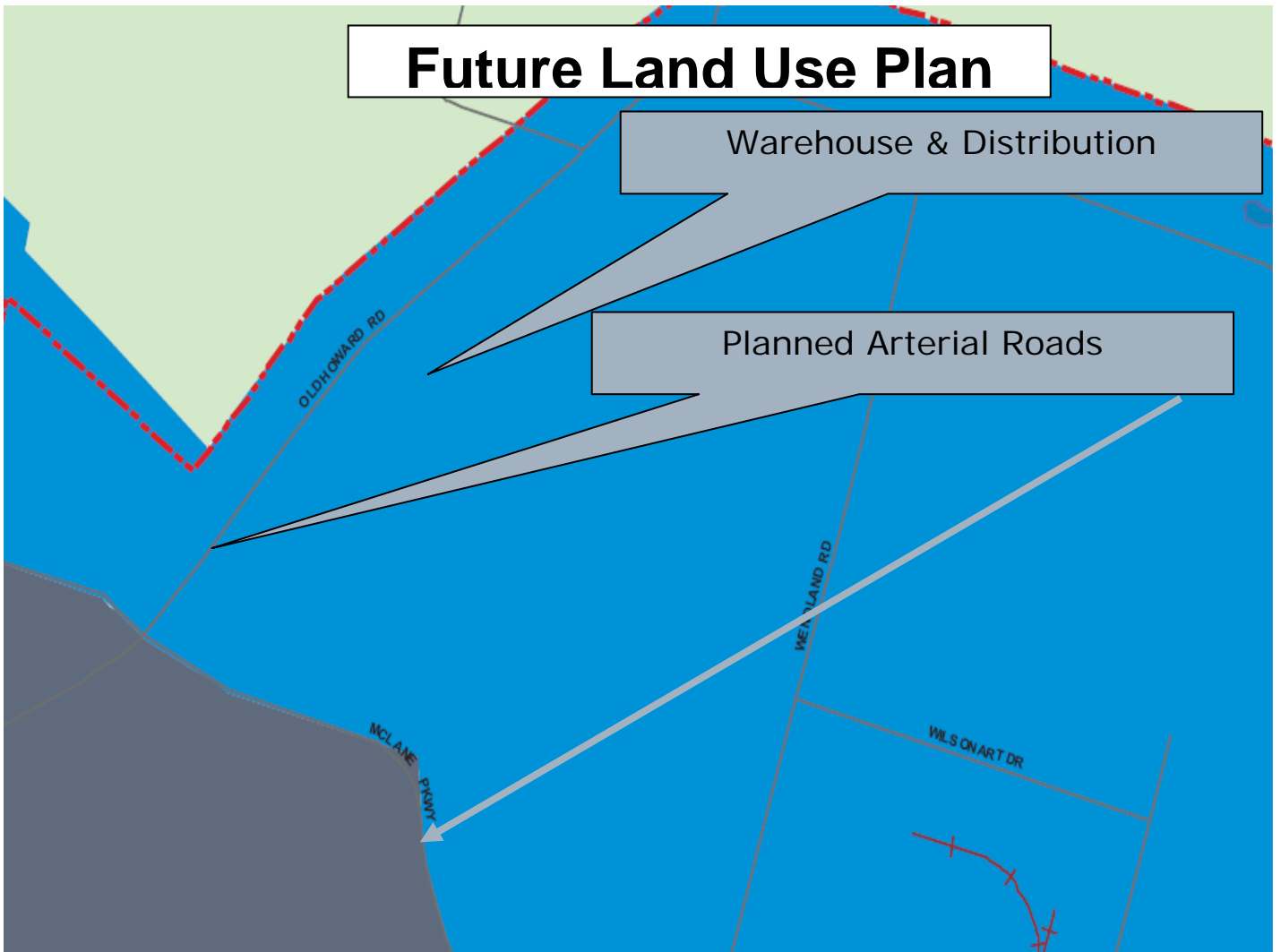
Planned Arterial Roads

OLDHOWARD RD

MENTLAND RD

WILSONART DR

MCLANE PKWY

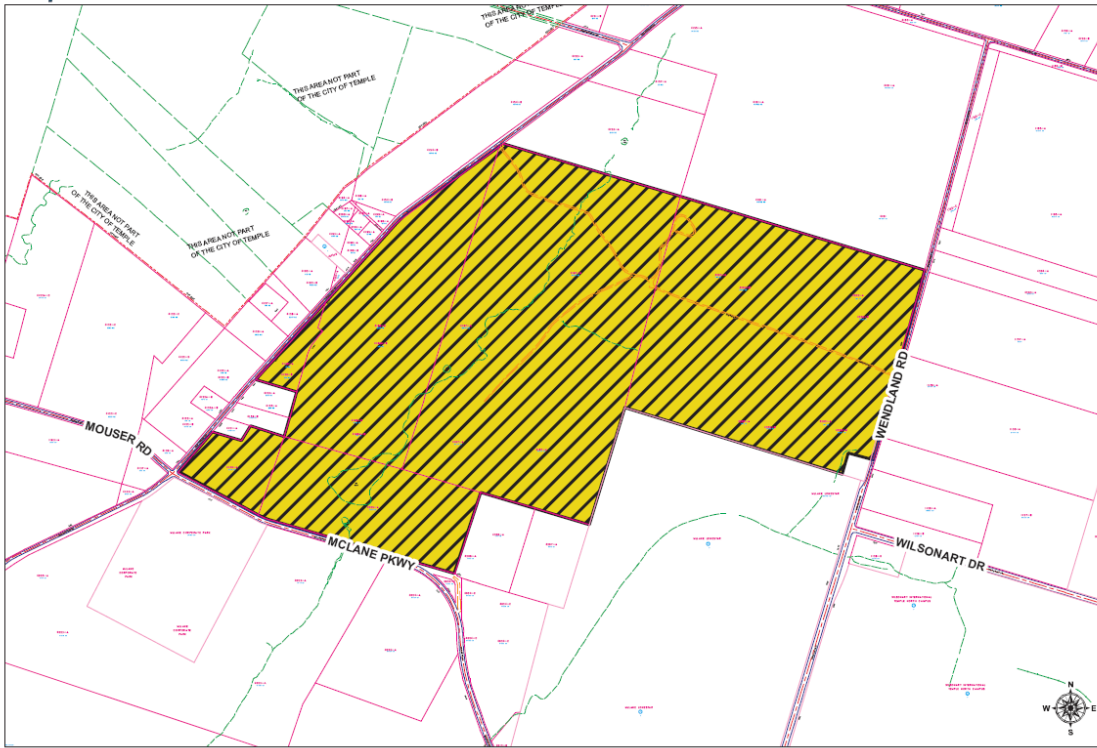




Z-FY-08-31

349.39 Acres

Temple Economic Development Corporation



 ZFY0831

A to LI Zoning

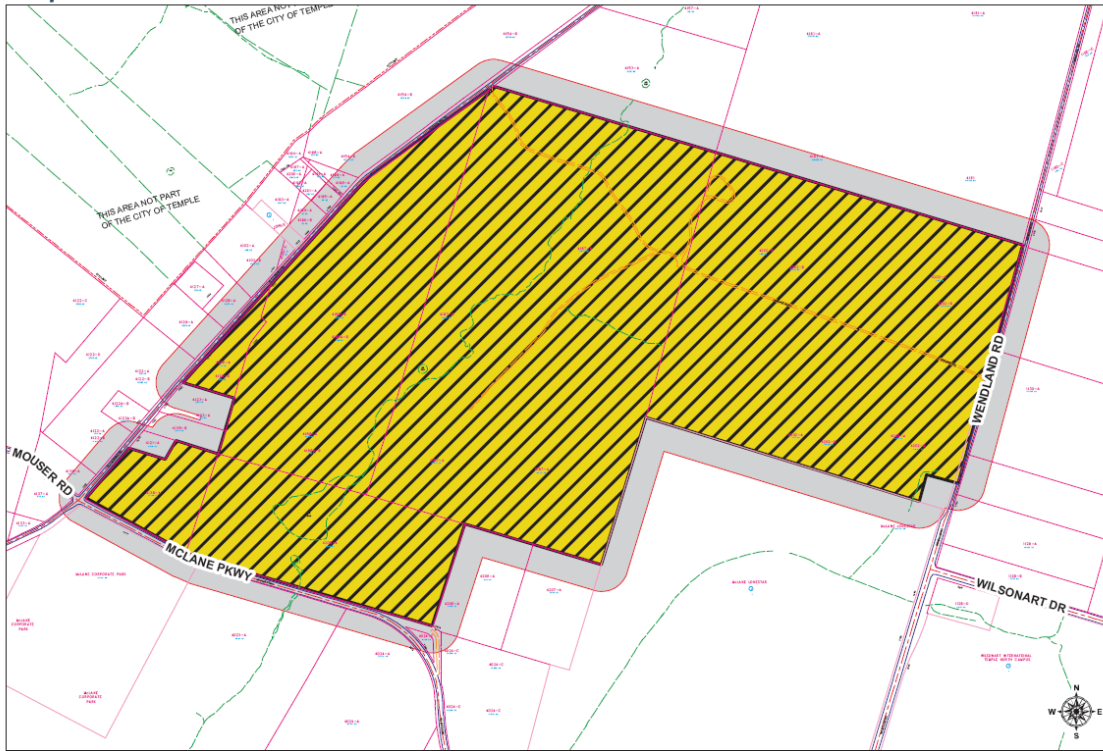
1 inch equals 1,000 feet
J Stone 07.09.08



Z-FY-08-31

349.39 Acres

Temple Economic Development Corporation



 ZFY0831  200' Buffer

A to LI Zoning

1 inch equals 800 feet
J Stone 07.09.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/18/08
Item 5
Page 1 of 5

APPLICANT / DEVELOPMENT: Applicant: Temple Economic Development Corporation

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-08-31 Discuss and recommend action to consider a zone change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas. Property is located on the north side of McLane Boulevard and on the east side of Old Howard Road.

BACKGROUND:

The Commission tabled this item from the last meeting at the applicant's request.

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission recommend approval of the zoning case. The Commission should remember that it approved several zoning cases last year in the general area.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped land.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to McLane Boulevard and on the east side of Old Howard Road (area to be part of the future Outer Loop) both Minor Arterial Roadways.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from

the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of three notices were sent out. As of August 1, 2007 at 5:00 P.M., one letter was returned in favor. The letters were mailed and the newspaper printed the public hearing on August 8th, in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-08-32 subject area to:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing McLane Boulevard and on the east side of Old Howard Road (area to be part of the future Outer Loop) both Minor Arterial Roadways, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial

Land Use Map

Zoning Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

5. **Z-FY-08-31:** Hold a public hearing to recommend approval and recommend action to consider a zone change from Agricultural District (A) to Light Industrial District (LI) on 349. 4 ± acre of land being out of the J.B. Daniel Survey, Abstract 259, M.A. Young Survey, Abstract 937 and the G.W. Graves Survey, Abstract 355 in Bell County Texas. Property is located on the north side of McLane Boulevard and on the east side of Old Howard Road. (Applicant: Temple Economic Development Corporation).

Staff recommends approval of the zone change from Agricultural to Light Industrial since it complies with the future land use plan, thoroughfare plan, and adequate public facilities are being extended to the site.

Chair Luck opened the public hearing for comments.

Mr. Pat Patterson commented that Temple Economic Development Corporation owns this property and wants to change the zoning to make it more marketable.

There being no further questions, Chair Luck closed the public hearing. Commissioner Martin moved to approve a zone change from Agricultural to Light Industrial for Z-FY-08-31 and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-31]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 349.4 ACRES OF LAND OUT OF THE J.B. DANIEL SURVEY, ABSTRACT NO. 259, M.A. YOUNG SURVEY, ABSTRACT NO. 937 AND THE G.W. GRAVES SURVEY, ABSTRACT NO. 355 IN BELL COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF MCLANE BOULEVARD AND ON THE EAST SIDE OF OLD HOWARD ROAD; 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 (A) to Light Industrial District (LI) on approximately 349.4 acres of land out of the J.B. Daniel Survey, Abstract No. 259, M.A. Young Survey, Abstract No. 937, and the G.W. Graves Survey, Abstract No. 355 in Bell County, Texas, located on the north side of McLane Boulevard and on the east side of Old Howard Road, 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 **4th** day of **September**, 2008.

PASSED AND APPROVED on Second Reading on the **18th** 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

09/18/08
Item #5(L)-(1)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-33-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-33-A to amend the Future Land Use Map from low density residential to commercial Uses for the following reasons:

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 SH 317, 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.

Staff recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agricultural, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)

[PZ Staff Report](#)

[PZ Minutes](#)

[Ordinance](#)

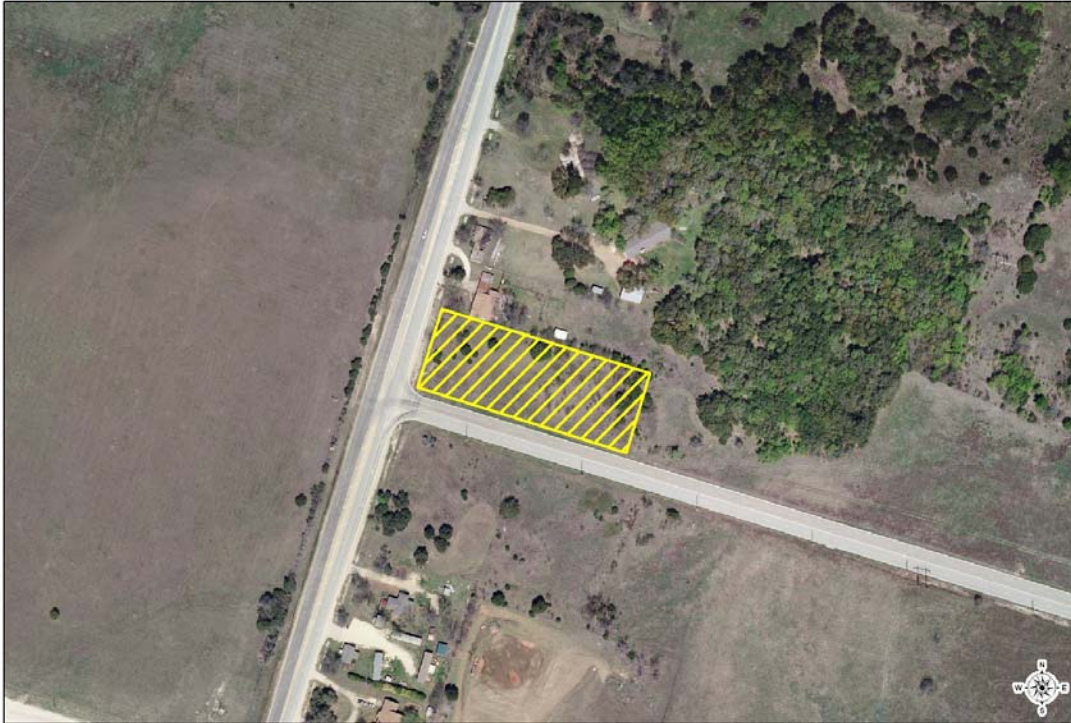


Z-FY-08-33_^A

1.5476 Acres

OB#2506-A

NEC Hwy 317 & Tarver Dr



 ZFY0833

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 6A
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director _____

ITEM DESCRIPTION:

Z-FY-08-33-A: Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION:

Staff recommends approval of the first reading for Case Z-FY-08-33-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 SH 317, 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.

If approved on first reading, the second reading is set for September 4, 2008.

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. Commercial uses are suitable for the properties fronting SH 317.

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

FISCAL IMPACT: None

ATTACHMENTS:

Land Use Map
Aerial

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 6A. Z-FY-08-33-A:** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 1.6 ± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was an amendment to the West Temple Plan with zoning change of Agricultural to General Retail. If this moved forth, the City Council would consider a public hearing at the first reading on September 4th with a second regarding on September 18th.

This area is part of West Temple Plan adopted approximately 1994 and the purpose was to salvage architectural guidelines of single story masonry buildings for non-residential and all uses to be recommended for planned development. The future land use plan is moving it from Agricultural to General Retail.

Staff recommended approval for this case.

Chair Luck opened the public hearing for comments. Since no one approached, Chair Luck closed the public hearing.

Commissioner Talley made a motion to approve and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-33(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO ALLOW COMMERCIAL USES ON AN APPROXIMATELY 1.6 ACRE TRACT OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE NORTHEAST CORNER OF TARVER DRIVE AND SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan to allow commercial uses on an approximately 1.6 acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the northeast corner of Tarver Drive and SH 317, 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 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** 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

09/18/08
Item #5(L)-(2)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-33-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-33B for the following reasons:

1. The request complies with 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.

Staff recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-33A. The purpose of the zoning change request is to change from A to GR for proposed commercial uses.

Please refer to the Staff Report and draft minutes of case Z-FY-08-33B, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[PZ Staff Report](#)
[PZ Minutes](#)
[Ordinance](#)

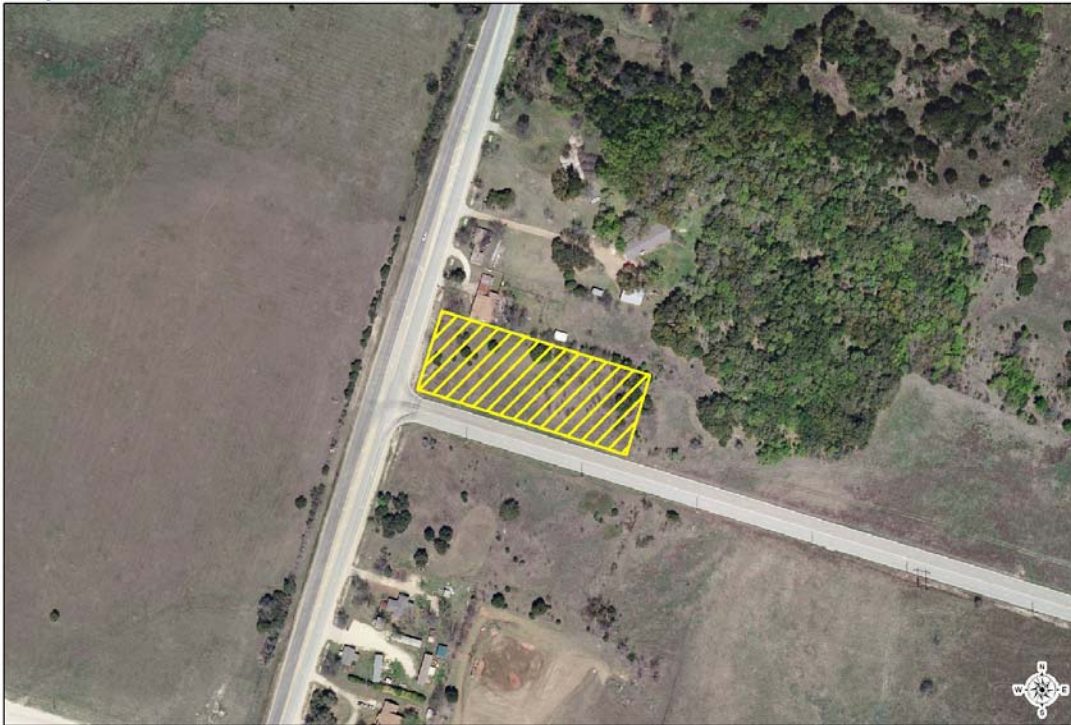


Z-FY-08-33B

1.5476 Acres

OB#2506-A

NEC Hwy 317 & Tarver Dr



 ZFY0833

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



Z-FY-08-33B

1.5476 Acres

OB#2506-A

NEC Hwy 317 & Tarver Dr

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 (RS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXED USE (MU)

Industrial

INDUSTRIAL (U, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bi-Science/Technology

Corporate Campus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet

J Stone 07.30.08



Z-FY-08-33B

1.5476 Acres

OB#2506-A

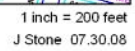
NEC Hwy 317 & Tarver Dr



 ZFY0833

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08





PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 6B
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director _____

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING -

Z-FY-08-33-B: Discuss and recommend action to consider a zone change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail 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-08-33A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

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

SH 317 and Tarver Road function as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The site is large enough for on-site sewage facility.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the 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 GR, General Retail district are as follows:

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

Public Notice

A total of four 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.

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail 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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notification Radius Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 6B. Z-FY-08-33-B:** Discuss and recommend action to consider a zone change from Agricultural District to General Retail District on 1.6± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the northeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, gave a detailed presentation and explained this was a zone change from Agricultural to General Retail. If this moved forth, the City Council would consider a public hearing at the first reading on September 4th with a second regarding on September 18th.

Four (4) notices were mailed out; one (1) was received in support of this and zero (0) were received in opposition.

Staff recommended approval for this case.

Commissioner Talley made a motion to approve the zone change from Agricultural to General Retail and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-33(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.6 ACRES OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE NORTHEAST CORNER OF TARVER DRIVE AND SH 317; 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 (A) to General Retail District (GR) on approximately 1.6 acres of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the northeast corner of Tarver Drive and SH 317, 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 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** 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

09/18/08
Item #5(M)-(1)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-34-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 7/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-34A for the following reasons:

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 SH 317, 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.

Staff recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agricultural, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

Aerial

Land Use Map

PZ Staff Report

PZ Minutes

Ordinance

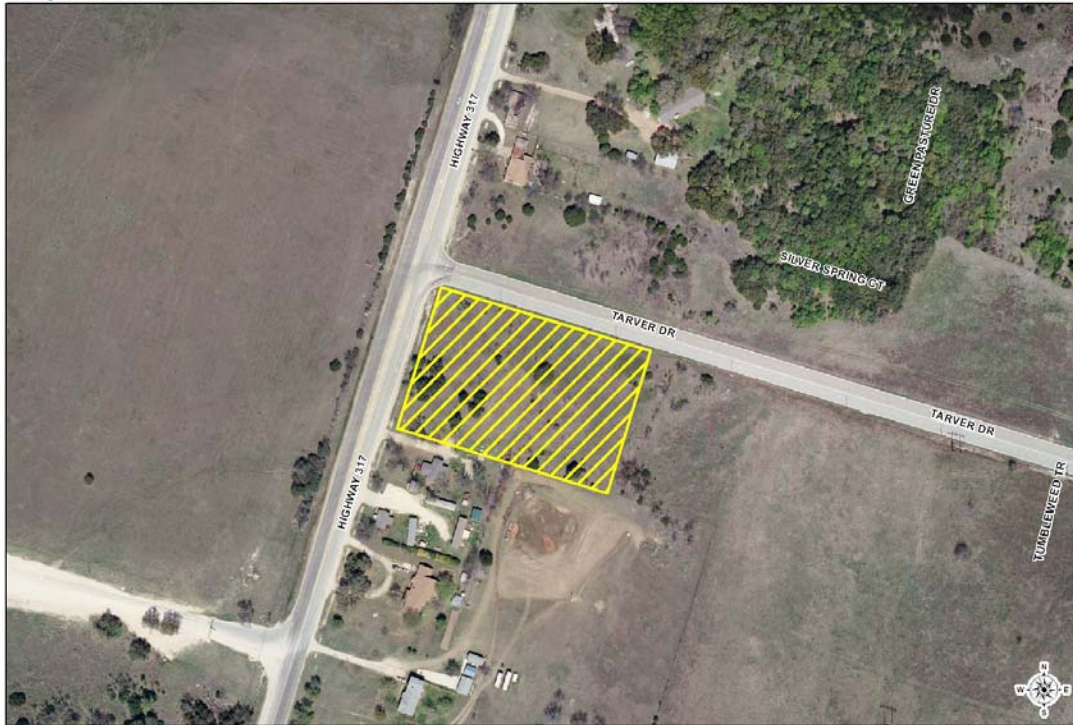


Z-FY-08-34 A

2.764 Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr



 ZFY0834

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



Z-FY-08-34A

2.764Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (UE)

MED DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MFI)

HIGH DENSITY (MF2)

Commercial

OFFICE (O1, O2)

RETAIL (RS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXED USE (MU)

Industrial

INDUSTRIAL (U, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bi-Science/Technology

Corporate Campus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

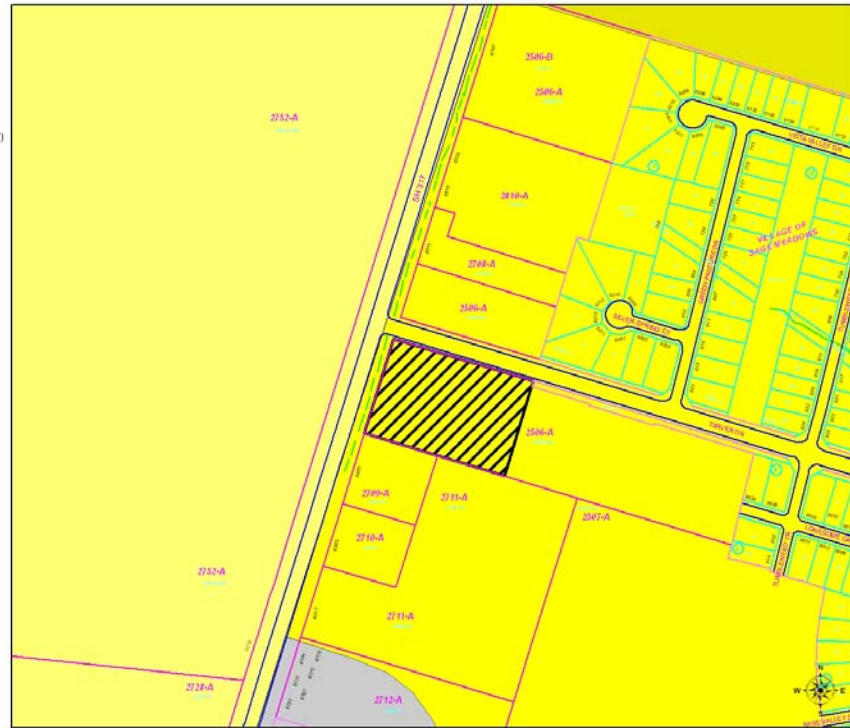
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet

J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 7A
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director _____

ITEM DESCRIPTION:

Z-FY-08-34-A: Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION:

Staff recommends approval of the first reading for Case Z-FY-08-34-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 SH 317, 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.

If approved on first reading, the second reading is set for September 4, 2008.

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. Commercial uses are suitable for the properties fronting SH 317.

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

FISCAL IMPACT: None

ATTACHMENTS:

Land Use Map
Aerial

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 7A. Z-FY-08-34-A:** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on a 2.8± acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was an amendment to the West Temple Plan with zoning change from Agricultural to General Retail.

Staff recommended approval for this case.

Commissioner Kjelland made a motion to approve and Commissioner Martin seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-34(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO ALLOW COMMERCIAL USES ON AN APPROXIMATELY 2.8 ACRE TRACT OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE SOUTHEAST CORNER OF TARVER DRIVE AND SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan to allow commercial uses on an approximately 2.8 acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the southeast corner of Tarver Drive and SH 317, 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 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** 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

09/18/08
Item #5(M)-(2)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-34-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to the General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-34B for the following reasons:

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.

Staff recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-34A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Please refer to the Staff Report and draft minutes of case Z-FY-08-34B, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[PZ Staff Report](#)
[PZ Minutes](#)
[Ordinance](#)

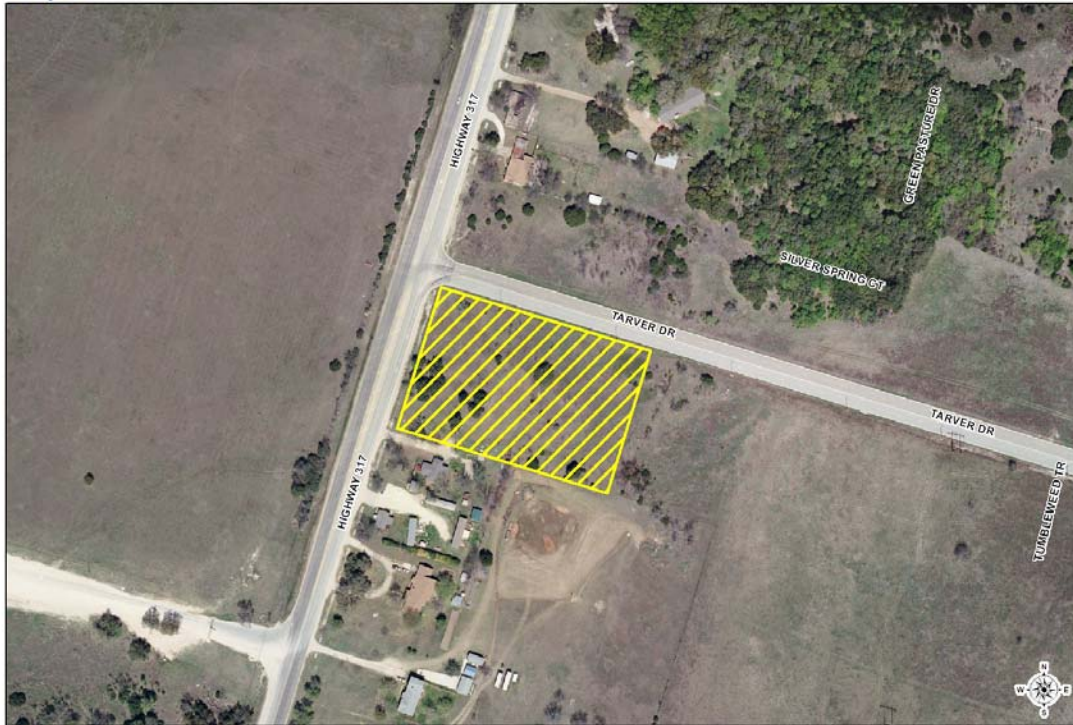


Z-FY-08-34B

2.764 Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr



 ZFY0834

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



Z-FY-08-34, B

2.764Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (UE)

MED DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MF1)

HIGH DENSITY (MF2)

Commercial

OFFICE (O1, O2)

RETAIL (RS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXED USE (MU)

Industrial

INDUSTRIAL (U, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bi-Science/Technology

Corporate Campus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

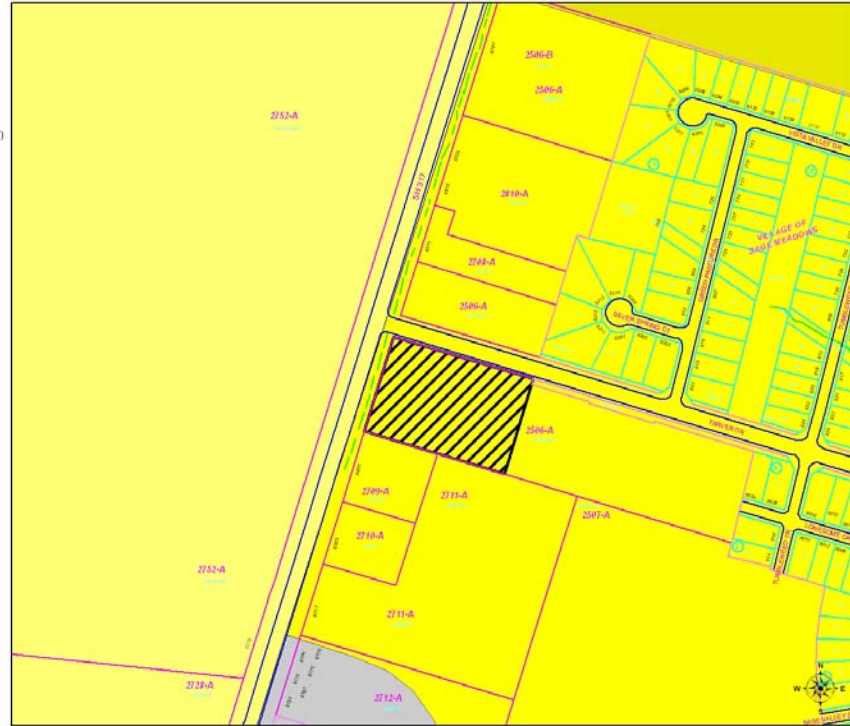
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet

J Stone 07.30.08

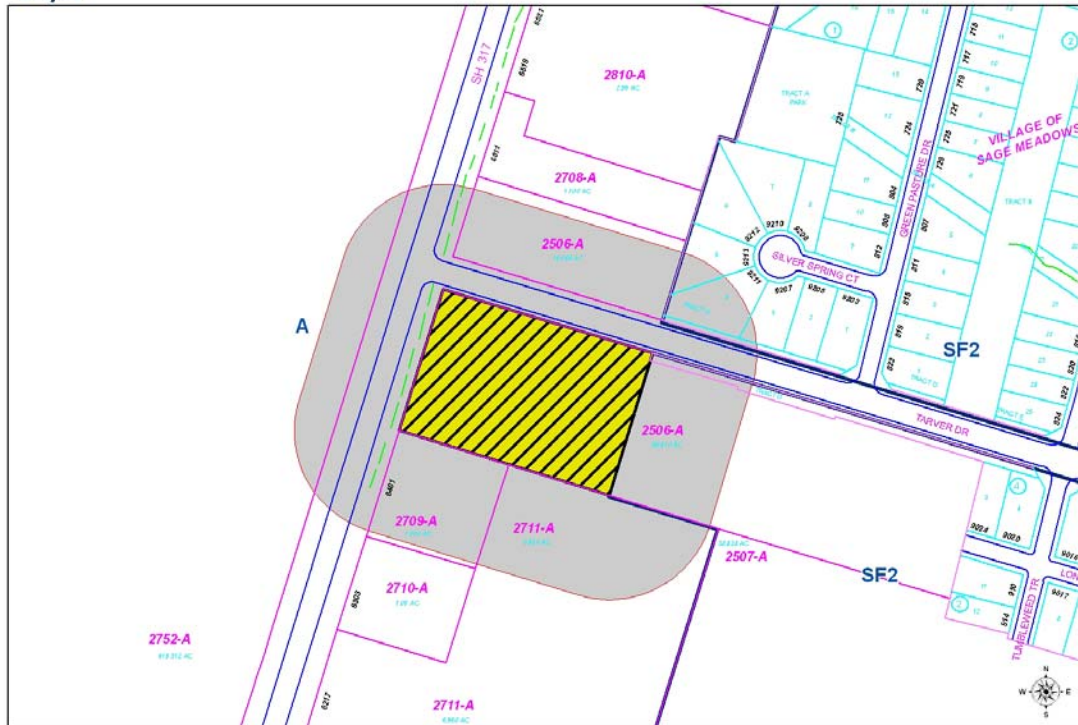


Z-FY-08-34B

2.764 Acres

OB#2506-A

SEC Hwy 317 & Tarver Dr



ZFY0834 200' Buffer

A to C Zoning

1 inch = 200 feet
J Stone 07.30.08



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 7B
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director _____

ITEM DESCRIPTION: Z-FY-08-34-B: Hold a public hearing to consider a zone change from the Agricultural District to the General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to the GR, General Retail District 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-08-34A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

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

SH 317 and Tarver Road function as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The site is large enough for on-site sewage facility.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the 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 GR, General Retail district are as follows:

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

Public Notice

A total of four 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.

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail 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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notification Radius Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 7B Z-FY-08-34-B** Hold a public hearing to consider a zone change from the Agricultural District to to the General Retail District on 2.8± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located at the southeast corner of Tarver Drive and SH 317. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was a zone change from Agricultural to General Retail.

Staff recommended approval for this case.

Commissioner Secrest made a motion to approve and Commissioner Norman seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-34(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 2.8 ACRES BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE SOUTHEAST CORNER OF TARVER DRIVE AND SH 317; 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 General Retail District on approximately 2.8 acres of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the southeast corner of Tarver Drive and SH 317, 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 4th day of **September**, 2008.

PASSED AND APPROVED on Second Reading on the 18th 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

09/18/08
Item #5(N)-(1)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-35-A: Consider adopting an ordinance authorizing an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7± acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-35-A to amend the Future Land Use Map from low density residential to commercial Uses for the following reasons:

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 SH 317, 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.

Staff recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: This item was annexed in the late 1990's and the holding zoning was Agricultural, which shows the future use as low density residential. Commercial uses are suitable for the properties fronting SH 317.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)

[Land Use Map](#)

[PZ Minutes](#)

[Ordinance](#)



Z-FY-08-35 A

3.650 Acres

OB#2506-A & B

6707 Hwy 317



 ZFY0835

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08



Z-FY-08-35A

3.650 Acres

OB#2506-A & B

6707 Hwy 317

CLUP

Agricultural

AGRICULTURE

Residential

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

Commercial

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

Mixed Use

MIXED USE (MU)

Industrial

- INDUSTRIAL (I, HI)
- Warehouse/Distribution
- Manufacturing/Distribution
- Bi-Science/Technology
- Corporate Campus & Office
- Aviation Industrial Dvmt
- Fwy Com/Tech/Indust
- Intermodal

Community Facilities

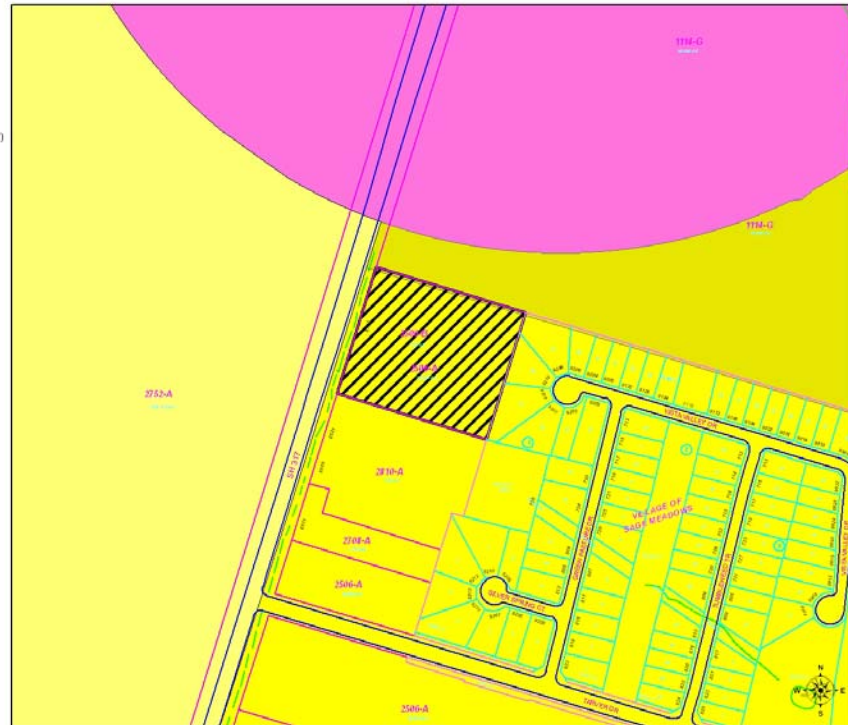
- COMMUNITY FACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

Park Land

- PROPOSED FLOATING PARK
- PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet
J Stone 07.30.08

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 8A Z-FY-08-35-A** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan to allow commercial uses on 3.7+ acre of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive. (Applicant: Lloyd Thomas for Thomas Hoherd).

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was an amendment to the West Temple Plan.

Staff recommended approval for this case.

Commissioner Pilkington made a motion to approve and Commissioner Talley seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING. Z-FY-08-35(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN TO ALLOW COMMERCIAL USES ON AN APPROXIMATELY 3.7 ACRE TRACT OF LAND BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE EAST SIDE OF SH 317, NORTH OF TARVER DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves an amendment to the West Temple Comprehensive Plan to allow commercial uses on an approximately 3.7 acre tract of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver 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 4th day of September, 2008.

PASSED AND APPROVED on Second Reading on the **18th** 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

09/18/08
Item #5(N)-(2)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-35-B: Consider adopting an ordinance authorizing a zoning change from Agricultural District to the General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, to recommend approval of Case Z-FY-08-35B for the following reasons:

1. The request complies with 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.

Staff recommendation is to adopt ordinance as presented in item description, on second reading and final adoption.

ITEM SUMMARY: This application tracks with a requested amendment to the West Temple Plan, Z-FY-08-35A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

Please refer to the Staff Report and draft minutes of case Z-FY-08-35B, from the Planning and Zoning meeting, August 18, 2008.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Aerial](#)
[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[PZ Staff Report](#)
[PZ Minutes](#)
[Ordinance](#)



Z-FY-08-35B

3.650 Acres

OB#2506-A & B

6707 Hwy 317



 ZFY0835

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08



Z-FY-08-35/ B

3.650Acres

OB#2506-A & B

6707 Hwy 317

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (LD)

MED DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MF1)

HIGH DENSITY (MF2)

Commercial

OFFICE (O1, O2)

RETAIL (NS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXEDUSE (MU)

Industrial

INDUSTRIAL (LI, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bio-Science/Technology

Corporate Campus & Office

Aviation Industrial Dvmt

Flex Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITY FACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RECREATIONAL)

CF-M (MEDICAL)

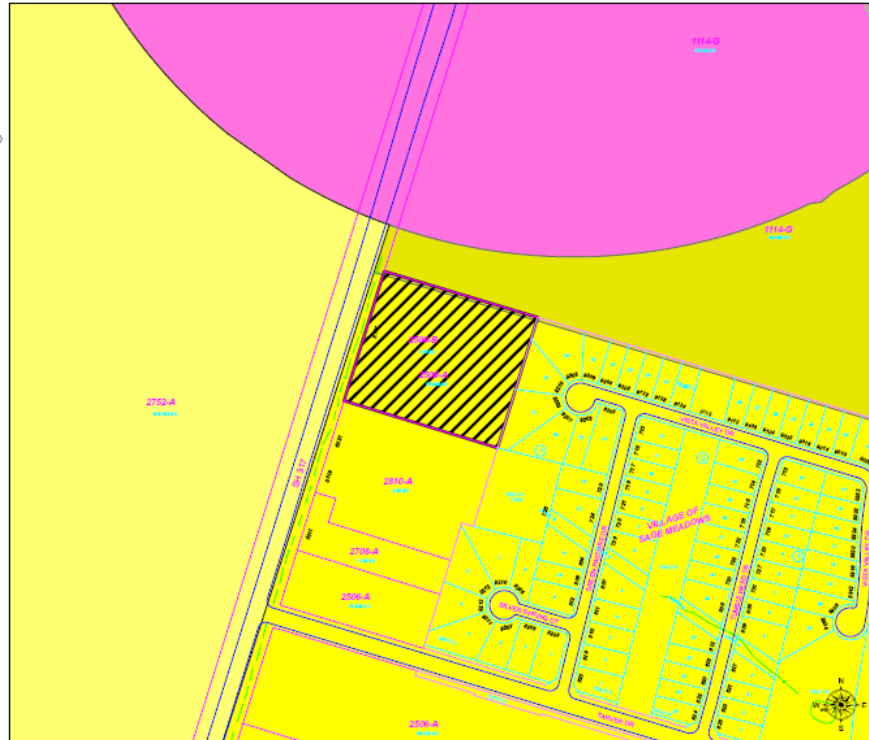
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to C Zoning

1 inch = 300 feet

J Stone 07.30.08

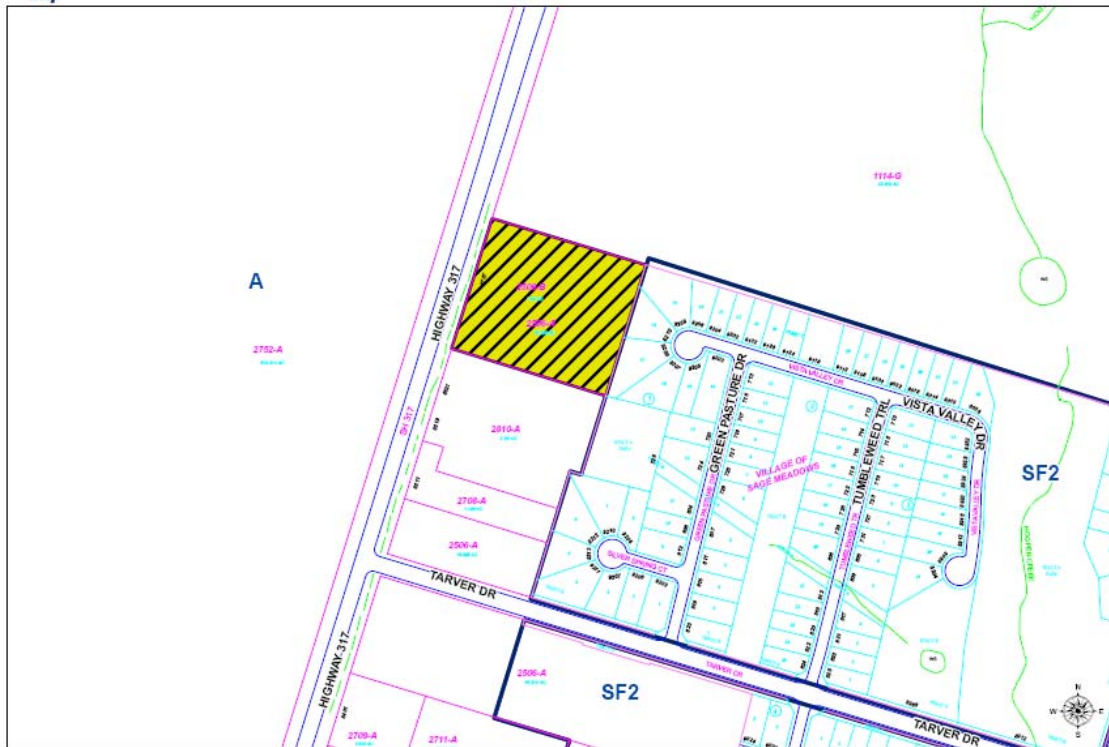


Z-FY-08-35B

3.650Acres

OB#2506-A & B

6707 Hwy 317



 ZFY0835

A to C Zoning

1 inch = 300 feet
J Stone 07.30.08

6707 Hwy 317



PLANNING & ZONING COMMISSION AGENDA ITEM MEMORANDUM

08/18/08
Item 8B
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director _____

ITEM DESCRIPTION: Z-FY-08-35-B: Hold a public hearing to consider a zone change from the Agricultural District to the General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive. (Applicant: Lloyd Thomas for Thomas Hoherd).

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to the GR, General Retail District 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-08-35A. The purpose of the zone change request is to change from A to GR for proposed commercial uses.

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

SH 317 and Tarver Road function as an Arterial on the Thoroughfare Plan. The zone change complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The site is large enough for on-site sewage facility.

Development Regulations

The purpose of the GR, General Retail district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the 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 GR, General Retail district are as follows:

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

Public Notice

A total of four 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.

STAFF RECOMMENDATION: Staff recommends approval of the Zone change from A, Agricultural District to GR, General Retail 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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial
Notification Radius Map

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

MONDAY, AUGUST 16, 2008

ACTION ITEMS

- 8B. Z-FY-08-35-B:** Hold a public hearing to consider a zone change from Agricultural District to to General Retail District on 3.7± acres being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver Drive. (Applicant: Lloyd Thomas for Thomas Hoherd)

Mr. Tim Dolan, Planning Director, presented a detailed presentation and explained this was a zone change from Agricultural to General Retail.

Staff recommended approval for this case.

Commissioner Martin made a motion to approve the zone change and Commissioner Kjelland seconded the motion.

Motion passed. (7/0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-35(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 3.7 ACRES BEING PART OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, LOCATED ON THE EAST SIDE OF SH 317, NORTH OF TARVER 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 General Retail District on approximately 3.7 acres of land being part of the Baldwin Robertson Survey, Abstract No. 17, located on the east side of SH 317, north of Tarver 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 4th day of **September**, 2008.

PASSED AND APPROVED on Second Reading on the 18th 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

09/18/08
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution abandoning a Taylor's Water Valley Supply easement in the D'Antoni's Park Center Subdivision at the northeast corner of FM 93 and SH 31.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple will provide water to the proposed commercial subdivision and the single-family subdivision to the north.

The final plat is encumbered by an easement, which contains no active lines and no plans for activation. This easement must be abandoned before the final plat may be recorded. An existing 12" water line in the state right-of-way for FM 93 will provide service to the commercial tract. The existing line will link to the planned 8" water line to come north on SH 31 also serve the commercial site and the planned single-family residential subdivision.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2008-5533-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING A UTILITY EASEMENT IN THE D'ANTONI'S PARK CENTER SUBDIVISION AT THE NORTHEAST CORNER OF FM93 AND SH31; AUTHORIZING THE EXECUTION OF ANY LEGAL INSTRUMENT NECESSARY TO EVIDENCE THE ABANDONMENT OF SAID EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has been requested to abandon a 10 foot wide utility easement in the D'Antoni's Park Center Subdivision;

Whereas, the utility easement contains no active lines and there are no plans for activation – the easement must be abandoned before the final plat of the subdivision can be recorded; and

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

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

Part 1: The City of Temple, Texas, and the general public, permanently relinquish and abandon a 10 foot wide utility easement recorded in Volume 900, Page 159 of the Deed Records of Bell County, Texas, on March 23, 1969, located in the D'Antoni's Park Center Subdivision, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: Upon request the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

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 on the 18th 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

STATE OF TEXAS §

COUNTY OF BELL §

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

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

09/18/08
Item #5(P)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution naming the new trail in Jackson Park in the memory of Robert Daniel (Bob) Worley.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: About two years ago Mr. Robert (Bob) Worley contacted the Parks and Leisure Services Department about improvements needed in Jackson Park. Mr. Worley scheduled a meeting at the park with Mayor Pro Tem Patsy Luna and staff from the Department where he described how much he enjoyed the park but it could be made much better by making a few improvements – one being a hiking trail that was ADA accessible to connect the various amenities located within the park. All agreed with Mr. Worley that the improvements needed to be made but we had no funds available to make this happen.

After that meeting we discovered that Jackson Park was eligible to receive Community Development Block Grant (CDBG) funds for improvements and informed Mr. Worley. He agreed to participate with us to ensure improvements to Jackson Park were added to the projects that were considered when the funding decisions were made at the City and Federal level for the CDBG funds. He also attended City Council meetings to champion this project.

Bob Worley moved to Temple from Louisiana in 1998, after retiring from the J.C. Penney Company. As a store manager, he was active in civic organizations and local government, and felt it was our responsibility as citizens, to let our leaders know what was needed in our communities. He believed that while the City was growing west and investing money in new facilities, it still had a responsibility to the older neighborhoods and the people who had helped put Temple on the map. Bob always had a great love for the outdoors and he felt passionately that if Jackson Park was updated, with walking trails and pavilions, usage would increase. Accessibility for those with disabilities was important to him.

Through his efforts the Jackson Park project was funded and we are currently in the construction phase of these improvements. The improvements consist of a new ADA accessible hiking trail, new playground and a new picnic pavilion. Unfortunately Mr. Worley passed away before he could see the

final results of this process. Due to his efforts, the Department believes it appropriate that the new trail be dedicated in the memory of Mr. Worley.

The Council adopted policy for the naming a park or park facility, in part states:

If the park or park facility is to be named after an individual, it is recommended that it be after the person is deceased.

Some criteria considerations can include:

- Naming a city park in memory or a deceased person should be considered until after at least 12 months after the date of the death of that person.*

On September 9, the Parks and Leisure Services Advisory Board voted unanimously to recommend to City Council naming the Jackson Park Hiking Trail the "Bob Worley Trail" and to request an exemption to the 12 month consideration so that the trail can be dedicated this fall with the completion of the Jackson Park renovations.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, NAMING THE NEW TRAIL IN JACKSON PARK IN MEMORY OF ROBERT DANIEL (BOB) WORLEY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at the September 9, 2008, meeting of the Parks and Recreation Advisory Board, the board unanimously voted to recommend to the City Council that the new trail in Jackson Park be named the “Bob Worley Trail;”

Whereas, Mr. Worley’s efforts were instrumental in the Jackson Park Improvement Project, unfortunately he passed away before he could see the final results of the process – the Staff recommends that the new trail be dedicated to and named for Mr. Worley to honor his memory in this very special way; and

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

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

Part 1: The City Council approves naming the Jackson Park Hiking Trail the “Bob Worley Trail,” in honor of his support of and dedication to the Jackson Park Improvements Project.

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 **18th** 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

09/18/07
Item #5(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution designating the *Temple Daily Telegram* as the official newspaper for the City for fiscal year 2008-2009, in accordance with Section 4.20 of the Charter of the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Section 4.20 of the City Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year, and enter into a contract with the designated paper. The proposed resolution will accomplish this Charter requirement.

Reference: City Charter

Section 4.20 OFFICIAL CONTRACT FOR PUBLISHING: The City Council shall, as soon as practicable after the commencement of each fiscal year, enter into a contract with a public newspaper in the City as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the City to be published

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE *TEMPLE DAILY TELEGRAM* AS THE OFFICIAL NEWSPAPER FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2008-2009, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE *TEMPLE DAILY TELEGRAM*; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 4.20 of the Charter requires the City to designate an official newspaper for the publication of City ordinances, legal descriptions, and notices for each fiscal year and to enter into a contract with the designated paper; and

Whereas, the City Council has considered the matter and deems the *Temple Daily Telegram* as the newspaper of most general circulation in Temple.

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

Part 1: The City Council designates the *Temple Daily Telegram* as the official newspaper for the City of Temple for fiscal year 2008-2009.

Part 2: The City Manager, or his designee, is authorized to execute a contract with the *Temple Daily Telegram*, after approval as to form by the City Attorney, affirming the designation of the *Temple Daily Telegram* as the City's official newspaper.

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 18th day of **September**, 2008.

TEMPLE DAILY TELEGRAM

THE CITY OF TEMPLE, TEXAS

ANYSE SUE MAYBORN

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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 \$91,767.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 18, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-1400-511-2625		Advertising/Legal (City Secretary)	\$ 1,500	
110-1700-519-2625		Advertising/Legal (Planning)		\$ 1,500
This budget adjustment appropriates an additional \$1,500 to pay the advertising costs associated with more rezoning notices. Funding for the advertising is being reallocated from the Planning Department's Advertising/Legal account to the City Secretary's account where the ads are paid.				
110-2330-540-2516		Judgments & Damages (Solid Waste - Residential)	\$ 264	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 264
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Comisha Newman for damage to her vehicle by a Solid Waste Dept. truck on March 21, 2008, at West Central and North 3rd Street.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 1,400	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,400
Attorney fees for lawsuits filed against the City -- Centex Investments, Inc. v. City of Temple (\$218.75) and Martinson v. City of Temple (\$1,181.25)				
110-1500-515-6533		Capital Projects - Contingency	\$ 9,852	
110-5935-552-6222	100292	Automotive (Parks)	\$ 846	
110-5938-519-6213	100264	Automotive (Fleet Services)		\$ 9
110-5919-519-6218	100265	Computer Hardware (ITS)		\$ 570
110-5900-522-6211	100275	Instruments/Special Equipment (Fire)		\$ 49
110-5900-522-6222	100276	Machinery & Equipment (Fire)		\$ 310
110-5900-531-6222	100281	Machinery & Equipment (Street)		\$ 35
110-5900-532-6211	100282	Machinery & Equipment (Traffic Signal)		\$ 25
110-5900-540-6222	100286	Machinery & Equipment (Solid Waste)		\$ 7,752
110-5900-540-6222	100287	Machinery & Equipment (Solid Waste)		\$ 1
110-5900-551-6211	100289	Instruments/Special Equipment (Recreation)		\$ 254
110-5935-552-6213	100290	Automotive (Parks)		\$ 356
110-5935-552-6222	100293	Machinery & Equipment (Parks)		\$ 846
110-5935-552-6222	100293	Machinery & Equipment (Parks)		\$ 105
110-5935-552-6222	100294	Machinery & Equipment (Parks)		\$ 191
110-5935-552-6222	100295	Machinery & Equipment (Parks)		\$ 73
110-5900-560-6310	100299	Building & Grounds (Airport)		\$ 122
This budget adjustment reallocates capital project savings to contingency.				
292-2900-534-2516		Judgments & Damages (Drainage)	\$ 4,497	
292-2900-534-2317		Drainage Systems		\$ 4,497
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Tom Nelson for damage to his vehicle by a Drainage Division vehicle at 111 N. General Bruce Drive on July 2, 2008.				
351-1900-519-6218	100401	Computer Software (ITS - Capital)	\$ 20,000	
351-0000-490-2582		Transfer In - Designated Capital Project Fund		\$ 20,000
110-2000-521-2338		Maintenance Contract (Police)		\$ 20,000
110-9100-591-8151		Transfer Out - Designated Capital Project Fund	\$ 20,000	
Appropriate funding to purchase wireless ticket writers.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 18, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
430-0000-461-0111		Interest Revenue		\$ 16,704
430-9100-591-8110		Transfer Out - General Fund	\$ 16,704	
110-0000-490-2582		Transfer In		\$ 16,704
110-0000-352-1345		Designated Capital Projects - Unallocated	\$ 16,704	

Appropriate interest earnings on the Reserve Fund for the 2005 Airport Revenue bonds that will be transferred to the General Fund since the initial reserve balance was funded by the General Fund. The Reserve Fund will still maintain the required balance of \$475,000.

TOTAL AMENDMENTS	\$ 91,767	\$ 91,767
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GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -

Beginning Judgments & Damages Contingency	\$ 70,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (62,722)
Net Balance of Judgments & Damages Contingency Account	\$ 7,278

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	\$ 50,465
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Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ 9,852
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ 9,852

WATER & SEWER FUND

Beginning Contingency Balance	\$ 904,672
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (245,528)
Net Balance of Contingency Account	\$ 659,144

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
September 18, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Net Balance Water & Sewer Fund Contingency		\$ 1,145,576
		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	\$ (1,495)	
		Net Balance of Contingency Account	\$ -	
		Beginning Performance Pay Contingency	\$ 2,000	
		Added to Compensation Plan Contingency	\$ -	
		Taken From Compensation Plan Contingency	\$ (2,000)	
		Net Balance of Compensation Plan Contingency Account	\$ -	
		Net Balance Drainage Fund Contingency		\$ -
		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 **18th** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider and adopt an ordinance approving a negotiated resolution between the Atmos cities steering committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for October 2, 2008.

ITEM SUMMARY: The City, along with 150 other cities served by Atmos Energy Mid-Tex Division ("Atmos" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On April 14, 2008, Atmos filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff approved by the City earlier this year. The Company's April RRM filing seeks a \$33.5 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos to support its request to increase rates. The Ordinance and attached tariff approving rates that will increase the Company's revenues by \$20 million effective October 1, 2008, are the result of negotiation between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The monthly bill impact for the average residential customer is \$0.81. The ACSC Executive Committee recommends that all ACSC cities adopt the ordinance implementing the rate change.

RRM Background:

The RRM tariff was approved by cities as part of the settlement agreement to resolve Atmos' 2007 rate increase case. Atmos' rate request represents the first filing pursuant to the three-year trial project known as the RRM process. The RRM process was created collaboratively by the Steering Committee and Atmos as an alternative to the GRIP surcharge process. The RRM process allows for a more comprehensive rate review and annual adjustment that will function as a substitute for future GRIP filings during the three-year trial period specified by the tariff.

There are two components to the RRM adjustment. The prospective component adjusts rates for known and measurable changes in O&M and net plant investment. Atmos and ACSC agreed to cap changes to expenses and invested capital at no more than five percent. The true up component evaluates whether the Company has over or underrecovered its earnings for the previous year. For purposes of the RRM true up component, Atmos' rate of return on equity and its capital structure are frozen to avoid the parent company from manipulating the overall rate of return. Costs expressly prohibited from recovery through the RRM include first class air-fare, travel, meals or entertainment for employee's spouse, alcohol, sports events, entertainment, arts and cultural events, sponsorship of sports, arts or cultural events, and social club membership dues.

Purpose of the Ordinance:

The purpose of the Ordinance is to approve rate tariffs (Attachment A) that reflect the negotiated rate change pursuant to the RRM process. The Ordinance also approves the Company's proof of revenues (Attachment B), a required part of the RRM filing.

As a result of the negotiations, ACSC was able to reduce the Company's requested \$33.5 million RRM increase by more than 35 percent. Approval of the Ordinance will result in rates that implement a \$20 million increase in Atmos' revenues effective October 1, 2008.

Reasons Justifying Approval of the Negotiated Resolution:

During the time that the City has retained original jurisdiction in this case, consultants working on behalf of ACSC cities have investigated the support for the Company's requested rate increase. While the evidence does not support the \$33.5 million increase requested by the Company, ACSC consultants agree that the Company can justify an increase in revenues of at least \$19.8 million.

A contested case proceeding before the RRC on the Company's current application will take several months and cost ratepayers millions of dollars in rate case expenses and would not likely produce a request more favorable than that to be produced by the settlement. The ACSC Executive Committee recommends that ACSC members take action to approve the ordinance authorizing new rate tariffs.

FISCAL IMPACT: None.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN OPEN MEETINGS ACT.

WHEREAS, the City of Temple, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex;

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of more than 150 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area (such participating cities are referred to herein as "ACSC Cities");

WHEREAS, Atmos and ACSC Cities have been in continuing disagreement, dispute, and litigation over the implementation of GRIP surcharges pursuant to Section 104.301 of the Texas Utilities Code;

WHEREAS, as part of the negotiations to resolve Atmos' 2007 rate case, ACSC Cities and the Company worked collaboratively to develop the Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled by Cities as a substitute to the current GRIP process instituted by the Legislature;

WHEREAS, the City took action earlier this year to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM Tariff;

WHEREAS, on or about April 14, 2008, Atmos Mid-Tex filed with the City its first application pursuant to the RRM tariff to increase natural gas rates by approximately

\$33.5 million, such increase to be effective in every municipality that has adopted the RRM tariff within its Mid-Tex Division;

WHEREAS, ACSC Cities coordinated its review of Atmos' RRM filing and designated a Negotiation Committee made up of ACSC representatives and assisted by ACSC attorneys and consultants to resolve issues identified by ACSC in the Company's RRM filing;

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed;

WHEREAS, independent analysis by ACSC's rate expert concluded that Atmos is able to justify a rate increase of \$19.8 million;

WHEREAS, the ACSC Executive Committee, as well as ACSC lawyers and consultants, recommends ACSC members approve the attached rate tariffs ("Attachment A" to this ordinance) that will increase the Company's revenue requirement by \$20 million;

WHEREAS, the attached tariffs implementing new rates and Atmos' Proof of Revenues ("Attachment B" to this ordinance) are consistent with the negotiated resolution reached by ACSC Cities (including but not limited to a reduction of the residential customer monthly charge to \$7.00 per month) and are just, reasonable, and in the public interest;

WHEREAS, it is the intention of the parties that ACSC Cities receive the benefit of any Settlement Agreement that Atmos enters into with other entities arising out of its RRM or any associated appeals of a decision entered by the Railroad Commission regarding the Company's request to increase rates. The ACSC Cities' acknowledge that the exercise of this right is conditioned upon the ACSC Cities' acceptance of all rates, revenues, terms and conditions of any other Settlement Agreement or associated appeals arising out of the Company's RRM filing *in toto*; and

WHEREAS, the negotiated resolution of the Company's RRM filing and the resulting rates are, as a whole, in the public interest.

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

Part 1: The findings set forth in this ordinance are hereby in all things approved.

Part 2: The City Council finds that the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs and Atmos' proof of revenues, which are attached hereto and incorporated herein as Attachments A and B, are just and reasonable and are hereby adopted.

Part 3: To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this ordinance, it is hereby repealed.

Part 4: The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Part 5: If any one or more sections or clauses of this ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance and the remaining provisions of the ordinance shall be interpreted as if the offending section or clause never existed.

Part 6: If ACSC Cities determine any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in Atmos' RRM filing would be more beneficial to the ACSC Cities than the terms of the attached tariff, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the ACSC Cities. Exercise of this right is conditioned upon ACSC Cities' acceptance of all rates, revenues, terms and conditions of any other Settlement Agreement or associated appeals arising out of the Company's RRM filing *in toto*.

Part 7: This ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for customer bills delivered on or after October 1, 2008.

Part 8: A copy of this ordinance shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED First Reading and Public Hearing this the **18th** day of **September**, 2008.

PASSED AND APPROVED on Second Reading this the **2nd** day of **October**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2008 HOME Investment Partnerships Program grant funds in the amount of \$382,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TDHCA is soliciting applications for HOME Investment Partnership Program funding for Owner-Occupied Rehabilitation/Reconstruction Programs. The City may apply for up to \$375,000 of project grants funds and \$7,500 of administrative grant funds with a required City match of \$58,125 (15.5%) to reconstruct and/or rehabilitate a minimum of six homes.

The Owner-Occupied Rehabilitation/Reconstruction program has two options: 1) deteriorated homes are demolished and replaced with newly construction homes, or 2) deteriorated homes receive select demolition and are rehabilitated. Both options create additional value in the community and assist with securing decent, safe, sanitary and affordable housing for low income homeowners. Upon award of the grant, staff would seek Council direction whether to pursue home rehabilitation or home reconstruction projects. If awarded the grant, staff would recommend extensive Council and Stakeholder input to establish process and criteria for homeowner selection.

These funds are available on a first-come, first-served basis. Project and fund requests are not competitively scored. These grant funds comes from regional funding and after October 15, if not committed, are pooled with statewide funding.

The City's outside grant management firm, Traylor and Associates, will write the application and manage the grant if it is awarded to the City. Grant administration would also include bid preparation, construction oversight, and program documentation.

The application requires a resolution of support for the housing programs from the City of Temple.

Note: Applying for these Program funds does not impact the City's ability or competitiveness to apply for other TDHCA Programs which will occur in the March/April timeframe. These programs include Homebuyer Assistance and Rental Project Development.

FISCAL IMPACT: If the City is awarded the grant, the City would receive \$375,000 of project funds and \$7,500 of administrative funds and be required to provide a \$58,125 match for a total project of \$440,625. A budget amendment of \$58,125 is presented for your approval from Designated Capital Projects-Unallocated to Designated Capital Projects-HOME Owner Occupied Grant Match.

ATTACHMENTS:

[Budget Amendment
Resolution](#)

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-352-13-45		Desg Cap Projects-2008 HOME Grant	\$ 58,125			
110-0000-352-13-45		Desg Cap Projects-Unallocated			58,125	
		Do not post				
TOTAL.....			\$ 58,125		\$ 58,125	

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

To designate funds for the 2008 HOME Owner Occupied Rehabilitation/Reconstruction Assistance Program grant match.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

9/18/2008

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2008-5537-R

A RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council of the City of Temple desires to expand the supply of decent safe, sanitary, and affordable housing;

Whereas, the living environments of an increasing number of Americans have deteriorated over the past several years as a result of reductions in Federal assistance to low, very low, and extremely low income families;

Whereas, many Americans face the possibility of homelessness unless Federal, State, and local governments work together with the private sector to develop and rehabilitate the housing stock of the Nation to provide decent, safe, sanitary, and affordable housing for very low-income and low-income families;

Whereas, there is a need to improve homeownership opportunities for low-income families, carry out comprehensive housing strategies tailored to local housing market conditions, and protect the Federal State, and local investment in low-income housing to ensure affordability of the housing for the remaining useful life of the property; and

Whereas, the City Council supports the City's application for HOME Program Funds.

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

Part 1: An application for HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS is hereby authorized to be filed on behalf of the City with the Texas Department of Housing and Community Affairs in the amount of \$375,000.00 of grant funds to carry out an Owner-Occupied Rehabilitation/Reconstruction Program.

Part 2: The City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the HOME Program.

Part 3: The City contribute project match in the amount of \$58,125.00 as a cash contribution and/or in-kind services for properties assisted through this program.

Part 4: The City commit a \$120,000.00 cash reserve designated for payment of requested project expenses before receiving reimbursement by the State of Texas.

Part 5: The City Council approves an amendment to the FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this grant.

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

PASSED AND APPROVED this the **18th** 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

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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 construction of the South Temple Family Aquatic Center in the amount of \$3,889,943, as part of the voter approved Parks bond election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the Parks bond package was the development of a Family Aquatics Center to serve the residents of Temple. This facility will include some of the most popular amenities of a modern aquatics facility including a zero depth entry, an open and an enclosed water tube slide, a lazy river, splash pads, and an interactive water based play structure. The facility will be located in the South Temple Community Park on South 5th Street. It will replace the Lions Park Swimming Pool.

The City employed Kimley-Horn and Associates to develop the plans and specifications for this facility. Kimley-Horn is very well known and respected in the industry and they developed a package for bidding purposes that was comprised of a base bid and eight alternates.

Bids were opened on September 4, 2008 with 3 bidders responding. Bids ranged from a low of \$3,928,585 to a high of \$4,609,000 for the base bid and all eight alternates. The low bid is broken down as follows:

Base bid	\$3,666,215.00	
Alternate #1	\$ 120,408.00	Sprayground B
Alternate #2	\$ 28,102.00	Site Furnishings
Alternate #3	\$ 23,084.00	Irrigation
Alternate #4	\$ 23,318.00	Plant Material
Alternate #5	\$ 20,122.00	HVAC for changing rooms
Alternate #6	\$ 8,694.00	Lockers
Alternate #7	\$ 34,692.00	Metal roofing upgrade
Alternate #8	\$ 3,950.00	Restroom partition upgrade
	\$3,928,585.00	Total Base Bid and all alternates

At this time we are recommending awarding the base bid and alternates #1 through #6 for a total award of \$3,889,943.00. It is our intention, barring unforeseen cost increases during construction, that we will come back and add alternate #7 and alternate #8 back into the project towards the end of construction via a change order.

Kimley-Horn and Associates did reference checks on Chaney-Cox Construction, Inc. Although Chaney-Cox Construction, Inc. is a not swimming pool contractor, they will be hiring Progressive Commercial Aquatics as their pool subcontractor. Kimley- Horn has worked with Progressive Contractors before, most recently on the Northwest Community Aquatic Center in Cedar Park, Texas. Kimley-Horn and Associates recommend that the City award the contract to Chaney-Cox Construction, Inc for the South Temple Family Aquatic Center project.

FISCAL IMPACT: Funding in the amount of \$ 3,942,354 is appropriated in account 362-3500-552-6838, project # 100356 for the construction of the Family Aquatics Center. After the award this contract in the amount of \$3,889,943, \$ 52,411 will remain to complete the project.

ATTACHMENTS:

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

Tabulation of Bids Received
on September 4, 2008 at 1:30 p.m.
South Temple Aquatic Center

Description	Bidders		
	Hassell Construction, Inc. Houston	Vanguard Contractors LP Temple	Chaney-Cox Construction Temple
Base Bid	\$3,791,000.00	\$4,325,000.00	\$3,666,215.00
AA#1	\$123,000.00	\$127,000.00	\$120,408.00
AA#2	\$27,000.00	\$26,000.00	\$28,102.00
AA#3	\$22,500.00	\$20,000.00	\$23,084.00
AA#4	\$23,700.00	\$23,000.00	\$23,318.00
AA#5	\$35,000.00	\$16,000.00	\$20,122.00
AA#6	\$24,000.00	\$33,000.00	\$8,694.00
AA#7	\$34,000.00	\$36,000.00	\$34,692.00
AA#8	\$1,800.00	\$3,000.00	\$3,950.00
Total Bid Price	\$4,082,000.00	\$4,609,000.00	\$3,928,585.00
Bid Bond	5%	5%	5%

Local Preference	No	Yes	Yes
Bond Affidavit	Yes	Yes	Yes
Insurance Affidavit	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes

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

Belinda Mattke

4-Sep-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 CONSTRUCTION OF THE SOUTH TEMPLE FAMILY AQUATIC CENTER, IN THE AMOUNT OF \$3,889,943; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City received 3 bids for construction of the South Temple Family Aquatic Center which was part of the voter approved Parks bond election;

Whereas, the Staff recommends accepting the bid (\$3,889,943) received from Chaney-Cox Construction, Inc., of Temple, Texas;

Whereas, funding for this project is available in Account No. 362-3500-552-6838, project # 100356; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$3,889,943, with Chaney-Cox Construction, Inc., of Temple, Texas, after approval as to form by the City Attorney, for construction of the South Temple Family Aquatic 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 **18th** 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

09/18/08
Item #9(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of land in the downtown area for the construction of a new central fire station

Executive Session: Pursuant to Section 551.072 of the Government Code, the City Council may conduct a closed meeting 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: The Staff has been working to identify sites in downtown Temple for a new central fire station called for in the Master Plan for the Fire Department adopted by the City Council. We have narrowed our choices to a single site and entered into negotiations with the owner of that tract. We believe that we will have the terms of an agreement to purchase that site completed by the September 4th meeting.

Since the public discussion of the possible sites for a central fire station would have a detrimental impact on negotiations to acquire those tracts, we will discuss this item with you in executive session.

FISCAL IMPACT: In the FY 2007 and FY 2008 Capital Improvement Programs (CIP), \$600,000 was identified and funded for a space needs assessment, Fire Master Plan Update, preliminary design, and land acquisition for the new central fire station. There is currently \$507,702 available in the account 361-220-522-6805, project 100120, to fund the items listed above.

ATTACHMENTS:

To be handed out at the meeting



COUNCIL AGENDA ITEM MEMORANDUM

09/18/08
Item #9(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Purchasing Director
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Wiginton, Hooker, & Jeffry, P.C., for design of the proposed new main fire station in an amount not to exceed \$696,000 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: WIGINTON, HOOKER & JEFFRY, Plano, Texas, was engaged this past spring to prepare a conceptual design for the new main fire station and to prepare a preliminary cost estimate for the station to allow the City to go to voters for a bond election. Based on their knowledge of our needs and prior experience designing fire stations in other Texas cities, the Staff now proposes to hire WIGINTON, HOOKER & JEFFRY as the most qualified design engineer for the design and construction phase of the new main fire station. We are currently negotiating the terms of the architectural contract with WIGINTON, HOOKER & JEFFRY and anticipate completing those negotiations prior to next week's City Council meeting. Due to recent increases in construction materials, we are trying to maintain a tight design and construction schedule.

FISCAL IMPACT: This item declares an official intent to reimburse the professional services costs from the 2009 General Obligation bonds to be issued the summer of 2009. The General Obligation bond issue was approved by voters on May 10, 2008. Total project costs for the proposed new main fire station are \$7,174,840, which will be funded in account 363-2200-522-6850, project # 100120.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WIGINTON, HOOKER & JEFFREY, P.C., FOR DESIGN OF THE PROPOSED NEW MAIN FIRE STATION, IN AN AMOUNT NOT TO EXCEED \$696,000.00; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Wiginton, Hooker & Jeffry, P.C., of Plano, Texas, was engaged this past spring to prepare a conceptual design for the new main fire station and to prepare a preliminary cost estimate for the station to allow the City to go to voters for a bond election;

Whereas, based on their knowledge of the City's needs and prior experience designing fire stations in other Texas cities, the Staff proposes hiring Wiginton, Hooker & Jeffry as the most qualified design engineer for the design and construction phase of the new main fire station, for an amount not to exceed \$696,000.00;

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

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

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

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

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$696,000.00, between the City of Temple, Texas, and Wiginton, Hooker & Jeffrey, P.C., after approval as to form by the City Attorney, for the design of the proposed new main fire station.

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

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

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

Project Description

Debt To Be Issued

Design of proposed new fire station

\$696,000.00

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

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

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

PASSED AND APPROVED on this the **18th** 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