



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, OCTOBER 16, 2008

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss the City's current street hump policy and possible revisions to that policy.
2. Discuss proposed amendments to the City's Fire Code and the 2006 International Fire Code.
3. 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 Secretary. No final action will be taken.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 16, 2008 as follows:

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:
 - (A) Czech Heritage Month October, 2008
 - (B) Community Planning Month October, 2008
 - (C) Recognition of the 125th Anniversary of the Temple Fire Department

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes:

- (A) October 2, 2008 Special Called Meeting and Regular Meeting

Contracts, Leases & Bids:

- (B) [2008-5555-R](#): Consider adopting a resolution authorizing the purchase of two (2) Toro Workman MDX Utility Carts, a Toro Reelmaster 5510 Fairway Mower with cutting units, and a Pro Force Debris Blower from Professional Turf Products of Houston through the BuyBoard in the amount of \$64,995.65.
- (C) [2008-5556-R](#): Consider adopting a resolution authorizing an annual purchase agreement with The Parts Depot of Temple for automotive repair parts for FY08-09 in the estimated amount of \$39,836.07.
- (D) [2008-5557-R](#): Consider adopting a resolution authorizing payment for service and repairs to be completed by United Rotorcraft Solutions of Decatur for the police helicopter in the amount of \$33,139.94.
- (E) [2008-5558-R](#): Consider adopting a resolution authorizing a construction contract with Shallowford Construction Company of Temple for the construction of a multi-use athletic field and parking lot to serve this field in Lions Park in the amount of \$202,050.25.
- (F) [2008-5559-R](#): Consider adopting a resolution authorizing a construction contract with Wall Enterprises of Cleburne for the Elevated Storage Tank and Booster Pump Station Fence Rehabilitation Project in the amount of \$91,725.50.
- (G) [2008-5560-R](#): Consider adopting a resolution authorizing change orders to a construction contract with Dixon Paving, Inc. for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$65,208.80.

Ordinances – Second Reading

- (H) [2008-4261](#): SECOND READING – Consider adopting an ordinance authorizing a five year franchise to Scott and White EMS to provide non-emergency ambulance transfer services within the City.
- (I) [2008-4262](#): SECOND READING – Consider adopting an ordinance authorizing a five year franchise to Central Texas EMS to provide non-emergency ambulance transfer services within the City.

Misc.

- (J) [2008-5561-R](#): Consider adopting a resolution denying the increase to the rates and charges requested by Oncor Electric Delivery Company.
- (K) [2008-5562-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

V. REGULAR AGENDA

ORDINANCES

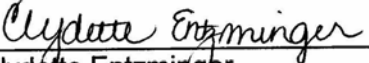
5. [2008-4263](#): FIRST READING – PUBLIC HEARING – Z-FY-08-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on a 12.2± acre tract of land and a zone change to a Single Family Two District (SF-2) on a 38.5± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14.
6. [2008-4264](#): FIRST READING – PUBLIC HEARING -Z-FY-08-40: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Urban Estate District (UE) on 2.1± acres on the north side of FM 2305, north of Weatherford Drive and Inverness Road, out of the George W. Lindsey Survey, Abstract #513.

BOARD APPOINTMENTS

7. [2008-5563-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Building & Standards Commission – one regular member to fill an unexpired term through March 1, 2010
 - (B) Temple Public Safety Advisory Board – two members to fill unexpired terms through September 1, 2010
 - (C) Tree Board – one member to fill an unexpired term through March 1, 2011
8. [2008-5564-R](#): Consider adopting a resolution appointing one member to serve on the I-35 Segment 2 Committee established by the Texas Department of Transportation.

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 11:00 AM, on October 13, 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

10/16/08
Item #3(A)-(C)
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- (A) Czech Heritage Month October, 2008
- (B) Community Planning Month October, 2008
- (C) Recognition of the 125th Anniversary of the Temple Fire Department

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY:

- (A) This proclamation was requested by, and will be received by, Brian Vanicek, on behalf of the SPJST.
- (B) This proclamation was requested by Tim Dolan, Planning Director. It will be received by members of the Planning & Zoning Commission and the Planning Department staff.
- (C) This proclamation was requested by Chief Lonzo Wallace to recognize the Temple Fire Department for 125 years of service.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/16/08
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) October 2, 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:

[October 2, 2008 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

OCTOBER 2, 2008

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

Present:

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

1. Receive a transportation briefing on the K-TUTS and Metropolitan Transportation Plan Update 2008.

David Blackburn, City Manager, provided this report to the City Council. He explained that K-TUTS is the Killeen-Temple Urban Transportation Study, the Metropolitan Planning Organization (MPO) for the Central Texas area. This group studies transportation issues area wide, including roadways and hike and bike trails. K-TUTS is comprised of a Policy Board, of which Mayor Jones is the current Chair and Councilmember Schneider is a member, and a Technical Committee. Both the City Manager and Planning Director serve on the Technical Committee. The K-TUTS boundary encompasses the cities of Belton, Copperas Cove, Harker Heights, Kempner, Killeen, Little River/Academy, Morgan's Point Resort, Nolanville, Salado, Temple and Troy.

Next, Mr. Blackburn reviewed the metropolitan transportation plan (MTP), which contains road projects using current funding, local or CIP projects. The MTP is developed every five years and is used as a transportation planning tool. All entities have the opportunity to submit projects for placement on the funded and unfunded lists. Temple has submitted 35 new projects and 18 remain on the MTP from previous submittals. Mr. Blackburn displayed a map depicting all of these projects. These projects will be reviewed by K-TUTS during an upcoming bus tour and then scored. The draft MTP will then be developed, followed by several comment periods and public hearings. The final MTP is expected to be adopted in May 2009.

Mr. Blackburn also provided the Council with a listing of all projects submitted and encouraged Council feedback.

2. 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 Attorney. No final action will be taken.

Mayor Jones announced the City Council would enter into executive session at this time. No action will be taken following the executive session.

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 2, 2008 as follows:

There was no discussion of this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, October 2, 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

Pastor Tom Robbins, First United Methodist Church, voiced the Invocation.

2. Pledge of Allegiance

Val Roming, Director of Parks, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Presentation of Proclamations:

(A) Domestic Violence Awareness Month October, 2008

Mayor Jones presented this proclamation to Melissa Tyroch, representing Families In Crisis, Inc.

4. Recognize German exchange students as honorary citizens of Temple.

Mayor Jones and Mayor Pro Tem Luna presented Honorary Citizen Certificates to the German Exchange Students. Nella Spurlin, German teacher with Temple High School, explained the program and introduced their sponsors.

III. PUBLIC COMMENTS

Deanna DeGraaff, 815 West French, explained the VIP support group, Visually

Impaired Persons that are Very Important People. She invited the Council to attend the annual event, "Come Walk in My Shoes", this group sponsors each year. This year's event will be held on October 11th in the McLane Room at the Temple Public Library.

Peggy McIlvanie, President of the local chapter of the National Federation of the Blind, requested sidewalks, particularly on the west side of South 1st Street up to Avenue U. She asked the Council to consider installing sidewalks in this location.

Kenny Norton, 111 North Main, also requested more sidewalks in the City of Temple, particularly on the west side of South 31st Street. It is very difficult for the visually impaired to get around without sidewalks. Some of the bus stops are inaccessible to the visually impaired because there is only a pole in the ground to indicate the stop.

IV. CONSENT AGENDA

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

(A) September 18, 2008 Special Called Meeting and Regular Meeting

(B) 2008-5539-R: Consider adopting a resolution authorizing the purchase of an annual maintenance contract with Sungard HTE in the amount of \$132,276.

(C) 2008-5540-R: Consider adopting a resolution authorizing the purchase of an annual maintenance contract with Intergraph Public Safety in the amount of \$38,508.

(D) 2008-5541-R: Consider adopting a resolution authorizing an asbestos abatement contract for the new Municipal Court and Utility Business Office facility with AAR, Inc. of Liberty Hill, in the amount of \$39,700.

(E) Consider adopting resolutions authorizing annual contracts for the following:

- 1. 2008-5542-R: Herbicides and Insecticides - Estes, Inc. and Lesco, Inc. in the estimated amount of \$39,060.42**
- 2. 2008-5543-R: Tires and Tubes - Grays Wholesale Tire, in the estimated amount of \$109,455.27**
- 3. 2008-5544-R: Design and Printing of T-Shirts - Safari Sun LLC, in the estimated amount of \$25,000**

(F) 2008-5545-R: Consider adopting a resolution authorizing a contract

amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design phase services, bid phase services, and construction phase services, required to revise Lorraine Drive street design and design water utilities for the Southeast Industrial Park within the TIF Reinvestment Zone No.1 in an amount not to exceed \$80,200.

(G) 2008-5546-R: Consider adopting a resolution authorizing a developer participation agreement with Holy Trinity Catholic High School for the oversizing of wastewater lines in the Holy Trinity Catholic High School subdivision in an amount not to exceed \$97,680.

(H) 1. 2008-5547-R: Consider adopting a resolution authorizing an agreement with Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Pre-hospital Services division, under which Scott & White provides emergency medical services within the City limits.

2. 2008-5548-R: Consider adopting a resolution authorizing a First Responder Agreement with Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation, through their Scott and White Pre-hospital Services division, under which the City provides first responder services within the City limits in support of Scott & White's EMS services.

(I) 2008-5549-R: Consider adopting a resolution authorizing a Chapter 380 development agreement with Kiella Development, Inc., to share in the cost of a bridge for a proposed extension of Meadowbrook Drive north of FM 2305.

(J) 2008-4260: SECOND READING - 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. Ordinances - First Reading

(K) 2008-4261: FIRST READING - Consider adopting an ordinance authorizing a five year franchise to Scott and White EMS to provide non-emergency ambulance transfer services within the City.

(L) 2008-4262: FIRST READING - Consider adopting an ordinance authorizing a five year franchise to Central Texas EMS to provide non-emergency ambulance transfer services within the City.

(M) 2008-5550-R: Consider adopting a resolution naming the new Family Aquatic Center to be constructed at South Temple Park as the "Lions Junction Family Water Park".

(N) 2008-5551-R: Consider adopting a resolution designating the City Manager as the primary agent and the Director of Finance as the secondary agent authorized to execute and file Application for Public Assistance on behalf of the City for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act or otherwise available for disaster declaration relating to Hurricane Ike.

(O) 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.

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

Motion passed unanimously.

V. REGULAR AGENDA

RESOLUTIONS

- 6. 2008-5552-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd. for renovations to Ferguson Park in the amount of \$98,295.**

Ken Cicora, Director of Parks and Leisure Services, presented this item to the City Council. This is one of the projects approved in the bond election this fall. Phase I of this project has already been completed. Phase II will include picnic pavilions, additional parking and ADA accessible pathways throughout the park. Mr. Cicora recommended the Council award the base bid and bid alternates 1 and 3 in the total amount of \$98,295, to R.T. Schneider Construction Co., Ltd., with alternates 2 and 4 being rejected until a future date.

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

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

- 7. 2008-5553-R: Consider adopting a resolution authorizing a change order to the construction contract with R.T. Schneider Construction Co., Ltd. for construction of drainage improvements near Sundance**

Drive in the City of Temple in the amount of \$36,018.

Michael Newman, Assistant Director of Public Works and City Engineer, presented this item to the City Council. He reviewed the scope of this proposed change order. If approved tonight the work should be complete by the Thanksgiving holiday.

Councilmember Janczak asked about the utility conflicts causing this change order.

Mr. Newman stated the conflict is with Oncor's utility lines and the location (depth) of these. Potholing could have been used to determine the exact location prior to construction but this is a fairly destructive method that is not often used.

Councilmember Jeter asked how you would determine the location without potholing.

Mr. Newman stated they typically assume a depth. An alternate method would be to physically locate the lines which can be expensive. This is a retrofit situation within this subdivision. Private utilities do not always provide the depth of their lines, only the horizontal location.

David Blackburn, City Manager, stated the City staff makes an assumption going into a project and conflicts may or may not be discovered. He asked Mr. Newman if there was any value in assuming versus determining the exact location up front.

Mr. Newman stated he would need to study these types of projects before providing that information. These are typically handled on a case by case basis.

Councilmember Jeter asked if the Development Standards Advisory Board can set standards for private utilities.

Mr. Newman replied they could but then the installation would need to be inspected.

Mr. Blackburn agreed, adding the City can be proactive but much of the data regarding existing lines, both private and City, does not exist.

Councilmember Jeter suggested another way to control private utility location could be through franchise agreements.

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

Councilmember Russell Schneider abstained. The other Councilmembers

voted aye. The motion passed.

BOARD APPOINTMENTS

8. **2008-5554-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

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

It was recommended that Lamar Eidson be appointed to the Airport Advisory Board.

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

Motion passed unanimously.

(B) Parks and Leisure Services Advisory Board - one member to fill an unexpired term through March 1, 2009

It was recommended that David Rapp be appointed to the Parks and Leisure Services Advisory Board.

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

Motion passed unanimously.

(C) Reinvestment Zone No. 1 Board of Directors - two members to fill unexpired terms through September 1, 2009

It was recommended that Jay Bojorquez and Bob Browder be appointed to the Reinvestment Zone No. 1 Board of Directors.

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

Motion passed unanimously.

(D) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2010

It was recommended that James Horton be appointed to the Temple Public Safety Advisory Board.

Motion by Councilmember Tony Jeter approve appointment as recommended, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(E) Tree Board - one member to fill an unexpired term through March 1, 2011

It was recommended this item be tabled.

Motion by Councilmember Tony Jeter to table recommendation for appointment, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/16/08
Item #4(B)
Consent Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two (2) Toro Workman MDX Utility Carts, a Toro Reelmaster 5510 Fairway Mower with cutting units, and a Pro Force Debris Blower from Professional Turf Products of Houston through the BuyBoard in the amount of \$64,995.65.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This new equipment will replace existing maintenance equipment at Sammons Golf Links and will become our frontline equipment. In order to help ensure the golf course mowing operation will not be affected by equipment failure and mowing schedules can be maintained in the future, the mower to be replaced will be retained as a backup unit in case the frontline mower breaks down.

The price received is through the BuyBoard, a cooperative purchasing contract, and meets all competitive bidding requirements.

Workman MDX 16 HP (Qty 2)	\$17,690.72
Reelmaster 5510 – 35.5 HP	\$29,537.06
8 Blade Fairway DPA Cutting Units (Qty 5)	\$11,229.50
Pro Force Debris Blower	\$ 6,190.37
<u>Set up and delivery</u>	<u>\$ 348.00</u>
Total	\$64,995.65

FISCAL IMPACT: Funding in the amount of \$65,470 is available in the FY 2009 operating budget in account 110-3120-551-22-11, which is designated for the golf course's 5-year equipment replacement program. This is the fourth year of that program. A budget adjustment is presented reclassifying these funds to a capital account within the golf course budget, account 110-3120-551-6211, project #100466 in the amount of \$64,996. Once this purchase is complete there will be \$474.35 left in this account.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2009****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
110-3120-551-62-11	100466	Instruments/Special Equipment	\$ 64,996	
110-3120-551-22-11		Instruments/Special Equipment		64,996
TOTAL.....			\$ 64,996	\$ 64,996

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

This budget amendment reclassifies funds to purchase two (2) Workman 16HP mowers for \$17,690.72, a Reelmaster mower for \$29,537.06, five (5) 8-blade fairway cutting units for \$11,229.50, and a Pro Force debris blower \$6,190.37 from Professional Turf Products for the golf course. There is also an additional cost of \$348 for set up and delivery of equipment for a total purchase price of \$64,995.65. The FY 2009 operating budget for the golf course included \$65,470 for the continuation of a five year replacement program for various equipment. Funds were budgeted in a non-capital account and need to be reclassified to a capital account. After the purchase of this mower, \$474.35 will remain for future purchases in the replacement program.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☒

No

DATE OF COUNCIL MEETING

10/16/2008

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 2 TORO WORKMAN MDX UTILITY CARTS, A TORO REELMASTER 5510 FAIRWAY MOWER WITH CUTTING UNITS, AND A PRO FORCE DEBRIS BLOWER FROM PROFESSIONAL TURF PRODUCTS OF HOUSTON, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$64,995.65; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the frontline equipment at the Sammons Golf Links needs to be replaced in order to ensure that the golf course mowing operation will not be affected by equipment failure and mowing schedules can be maintained in the future;

Whereas, the Staff recommends purchasing the equipment from Professional Turf Products of Houston, Texas, through the BuyBoard local government online purchasing cooperative, for a total purchase price of \$64,995.65;

Whereas, funds are available for the purchase in Account No. 110-3120-551-2211; and

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

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

Part 1: The City Council authorizes the purchase of 2 Toro Workman MDX Utility Carts, a Toro Reelmaster 5510 Fairway Mower with cutting units, and a Pro Force Debris Blower from Professional Turf Products of Houston, Texas, through the BuyBoard local government online purchasing cooperative, in the amount of \$64,995.65.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

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

PASSED AND APPROVED this the **16th** 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

10/16/08
Item #4(C)
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 The Parts Depot of Temple for automotive repair parts for FY08-09 in the estimated amount of \$39,836.07.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, Council authorized the rejection of all bids received for automotive repair as the result of only having one bidder who complied with the bid requirements on the bid that was opened on September 4, 2008. The one (1) bid that was received was not deemed responsive with respect to pricing in comparison to the prices submitted by the other two (2) bidders who did not comply with all of the bid requirements. Accordingly, the automotive repair parts were re-bid.

As shown on the attached bid tabulation, on October 7, 2008, the City received three (3) bids for re-bid of automotive repair parts. The low bidder was The Parts Depot.

The City has done business with The Parts Depot and staff finds them to be a responsible vendor.

The proposed purchase agreement will commence immediately and will extend through September 30, 2009. The proposed contract will have the option to renew for four (4) additional one-year periods, if so agreed to by the City and The Parts Depot.

FISCAL IMPACT: Proposed FY08-09 Budgeted Amount: \$ 0 (inventory purchase)
Estimated Expenditure: \$39,836.07.

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

ATTACHMENTS:

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

**Tabulation of Bids Received
on Tuesday, October 7, 2008 at 2:30 p.m
Automotive Repair Parts (Re-bid)**

	BIDDERS		
	The Parts Depot Temple	Carquest Auto Parts Temple	Temtex Auto Parts (NAPA) Temple
Description			
Total Bid Amount	\$39,836.07	\$46,303.21	\$40,511.13 (excluded 2 lines)
Non-Core Items: Cost + Percentage	15%	29%	25%
Delivery	Yes	Yes	Yes
Local Preference	Yes	Yes	Yes
Exceptions	Only w/delivery	Only w/delivery	Yes
Credit Check Authorizator	Yes	Yes	Yes

***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

7-Oct-08

Belinda Mattke, Director of Purchasing

Date

Vendors who picked up the Invitation to Bid:

Carquest - Temple, TX
Chicago Parts and Sound, LLC - Wood Dale, IL
Emergency Vehicle Supply, LLC - Coconut Creek, FL
Equipment Southwest, Inc. - Irving, TX
Covert Ford - Austin, TX
Leif Johnson Ford - Austin, TX
Johnson Bros Ford - Temple, TX
Midway Auto Supply - Dallas, TX
Napa - Temple, TX
O'Reilly Auto Parts - Springfield, MO
Parts Depot - Temple, TX
R&C Wholesale Auto Parts
Vehicle Maintenance Program, Inc. - Boca Raton, FL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH THE PARTS DEPOT OF TEMPLE, TEXAS, FOR AUTOMOTIVE REPAIR PARTS FOR FY2008-2009, IN THE ESTIMATED AMOUNT OF \$39,836.07; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends accepting the bid from The Parts Depot of Temple, Texas, in the estimated amount of \$39,836.07;

Whereas, each department with vehicles has budgeted for repair parts, and these parts will be ordered on an "as needed" basis throughout the year ; 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 The Parts Depot of Temple, Texas, for automotive repair parts for FY2008-2009, in the estimated amount of \$39,836.07.

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 **16th** 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

10/16/08
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment for service and repairs to be completed by United Rotorcraft Solutions of Decatur for the police helicopter in the amount of \$33,139.94.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Central Texas Air Unit initially began in August 2002 with an Inter-local agreement, and Council renewed the agreement between Temple, Killeen, and Harker Heights in July 2007. Each city contributes financially for program maintenance and provides personnel on a part time basis to serve as aircrew. The air unit responds to emergency situations and performs occasional patrol functions.

The service and repairs on the Police Helicopter are for items that require overhaul or replacement by safety rules. The primary items receiving attention during this maintenance interval are:

1. Engine Installation (the new engine was received at no cost from the Department of Defense).
2. Both fuel cells are being replaced.
3. Rotor blade replacement
4. Re-phase the dampers
5. 100 hour inspection

In the past, the Police Department has had issues finding a vendor capable of servicing the helicopter. For safety reasons, the services are unique in that a vendor must have the skillset and experience of working on Hughes OH-6A. In addition, when the helicopter goes in for service, diagnostic services are needed prior to a vendor being able to give the City a quote for the required repairs. Accordingly, based on researched performed by the Police Department, United Rotorcraft Solutions has been identified as the most qualified vendor to provide these diagnostic and repair services to the City, and as such, is being deemed the sole source provider for these repairs as allowed by the Local Government Code Section 252.022.

FISCAL IMPACT: Funds in the amount \$24,000 are remaining from FY 2008 in account 110-2000-521-25-37 which is set aside for helicopter maintenance. The remaining funds will be carried forward to the FY 2009 operating budget. An additional \$35,000 of funding will be added to the FY 2009 budget per the inter-local agreement between the City and Killeen and Harker Heights. A budget amendment is submitted for Council's approval appropriating \$15,000 from state seized funds to fund Temple's FY 2009 contribution. An additional budget adjustment in the amount of \$20,000 will be presented at a future date to appropriate the funds to be received from the other cities.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2009**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
110-2000-521-25-37		Air Support Program	\$ 15,000		
110-0000-313-03-31		State Seized Funds			15,000
TOTAL.....			\$ 15,000		\$ 15,000

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

Appropriate the City's funds for the Central Texas Law Enforcement Interlocal Assistant Agreement for the air support unit for fiscal year 2009.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

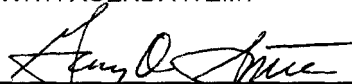
☒ Yes☐ No

DATE OF COUNCIL MEETING

10/16/08

WITH AGENDA ITEM?

☒ Yes☐ No


 Department Head/Division Director

09-16-08
 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 PAYMENT FOR SERVICE AND REPAIRS TO BE COMPLETED BY UNITED ROTORCRAFT SOLUTIONS FOR THE POLICE HELICOPTER IN THE AMOUNT OF \$33,139.94; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Central Texas Air Unit initially began in August, 2002, with an interlocal agreement and the City Council renewed the agreement between Temple, Killeen, and Harker Heights in July, 2007 – each city contributes financially for program maintenance and provides personnel on a part time basis to serve as aircrew on the helicopter which responds to emergency situations and performs occasional patrol functions;

Whereas, the service and repairs on the Police helicopter are for items that require overhaul or replacement by safety rules – the primary items receiving attention during this maintenance interval are: engine installation, replacement of fuel cells, rotor blade replacement, re-phase of dampers; and 100 hour inspection;

Whereas, the Staff recommends that the necessary service and repairs be made by United Rotorcraft Solutions as a sole source provider as approved by the Purchasing Department;

Whereas, funds are available for this service but an amendment to the FY2008-2009 budget needs to be approved by 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 payment for service and repairs for the police helicopter, in the amount of \$33,139.94, to be completed by United Rotorcraft Solutions, a sole source provider for maintenance for the aircraft.

Part 2: The City Council approves an amendment to the FY2008-2009 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

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

PASSED AND APPROVED this the **16th** 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

10/16/08
Item #4(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Shallowford Construction Company of Temple for the construction of a multi-use athletic field and parking lot to serve this field in Lions Park in the amount of \$202,050.25.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project is one that was identified in the Parks bond package that was approved by the voters last fall. It is for the development of a lighted multi-use athletic field and an adjoining parking lot in Lions Park.

The design for the multi-use field was developed by Comprehensive Engineering Solutions of Temple and consists of a 300' X 400' athletic field, irrigation system, and a 44 car parking lot.

We opened bids on September 23, 2008 with five bidders responding with a range in pricing from a low of \$202,050.25 to a high of \$397,401.00.

We recommend accepting the low bid of \$202,050.25 from Shallowford Construction Company for the construction of the multi-use field and parking lot.

FISCAL IMPACT: Funding in the amount of \$400,000 was allocated for the Lions Soccer Fields in the November 2007 election approved by voters. Currently, \$292,256 is available in account 362-3500-552-6844, project #100362 for this construction contract.

ATTACHMENTS:

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

CITY OF TEMPLE - LION'S PARK IMPROVEMENTS

Item No.	Description of Items	Estimated Quantity	Unit	R.T. Schneider Construction		Myers Concrete Construction		Shallow Ford Construction		TTG Utilities		Westar Construction	
				Belton, Texas		Wimberly, Texas		Temple, Texas		Gatesville, Texas		Georgetown, Texas	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization & Bonding	1	LS	\$ 5,830.00	\$ 5,830.00	\$ 11,500.00	\$ 11,500.00	\$ 9,400.00	\$ 9,400.00	\$ 9,500.00	\$ 9,500.00	\$ 19,000.00	\$ 19,000.00
2	Erosion Control	1	LS	\$ 6,121.00	\$ 6,121.00	\$ 10,700.00	\$ 10,700.00	\$ 2,050.00	\$ 2,050.00	\$ 3,650.00	\$ 3,650.00	\$ 2,000.00	\$ 2,000.00
3	Site Preparation	1	LS	\$ 53,792.00	\$ 53,792.00	\$ 9,246.00	\$ 9,246.00	\$ 50,810.00	\$ 50,810.00	\$ 6,500.00	\$ 6,500.00	\$ 12,000.00	\$ 12,000.00
4	Seeding	13,400	SY	\$ 0.22	\$ 2,948.00	\$ 1.00	\$ 13,400.00	\$ 0.32	\$ 4,288.00	\$ 0.70	\$ 9,380.00	\$ 0.81	\$ 10,854.00
5	1.5" Hot Mix Asphaltic Concrete	1,615	SY	\$ 9.90	\$ 15,988.50	\$ 10.00	\$ 16,150.00	\$ 11.35	\$ 18,330.25	\$ 15.20	\$ 24,548.00	\$ 12.00	\$ 19,380.00
6	6" Crushed Limestone Base	1,735	SY	\$ 5.00	\$ 8,675.00	\$ 15.00	\$ 26,025.00	\$ 6.00	\$ 10,410.00	\$ 12.00	\$ 20,820.00	\$ 8.32	\$ 14,435.20
7	General Fill	9,000	CY	\$ 11.05	\$ 99,450.00	\$ 29.00	\$ 261,000.00	\$ 7.90	\$ 71,100.00	\$ 13.65	\$ 122,850.00	\$ 17.00	\$ 153,000.00
8	2' Standard Curb & Gutter	510	LF	\$ 9.50	\$ 4,845.00	\$ 16.00	\$ 8,160.00	\$ 13.15	\$ 6,706.50	\$ 19.00	\$ 9,690.00	\$ 22.00	\$ 11,220.00
9	2' Lay Down Curb & Gutter	135	LF	\$ 8.50	\$ 1,147.50	\$ 15.00	\$ 2,025.00	\$ 27.60	\$ 3,726.00	\$ 16.00	\$ 2,160.00	\$ 22.00	\$ 2,970.00
10	Parking Lot Striping & Signage	1	LS	\$ 880.00	\$ 880.00	\$ 4,200.00	\$ 4,200.00	\$ 925.00	\$ 925.00	\$ 1,500.00	\$ 1,500.00	\$ 1,100.00	\$ 1,100.00
11	4' Sidewalk	140	SY	\$ 27.00	\$ 3,780.00	\$ 35.00	\$ 4,900.00	\$ 34.00	\$ 4,760.00	\$ 46.00	\$ 6,440.00	\$ 50.00	\$ 7,000.00
12	Valley Gutter	60	LF	\$ 23.00	\$ 1,380.00	\$ 66.00	\$ 3,960.00	\$ 30.00	\$ 1,800.00	\$ 66.00	\$ 3,960.00	\$ 64.00	\$ 3,840.00
13	Handicap Curb Ramp	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 989.00	\$ 989.00	\$ 925.00	\$ 925.00	\$ 770.00	\$ 770.00	\$ 1,700.00	\$ 1,700.00
14	4" Schedule 40 PVC Utility Sleeve	30	LF	\$ 10.00	\$ 300.00	\$ 10.00	\$ 300.00	\$ 8.25	\$ 247.50	\$ 15.00	\$ 450.00	\$ 22.00	\$ 660.00
15	Connect Irrigation System to Existing Water	1	LS	\$ 580.00	\$ 580.00	\$ 878.00	\$ 878.00	\$ 600.00	\$ 600.00	\$ 640.00	\$ 640.00	\$ 1,725.00	\$ 1,725.00
16	Hunter 1-90-36S-XX Nozzle	8	EA	\$ 134.00	\$ 1,072.00	\$ 202.00	\$ 1,616.00	\$ 138.00	\$ 1,104.00	\$ 150.00	\$ 1,200.00	\$ 345.00	\$ 2,760.00
17	Hunter 1-90-ADS-XX Nozzle	15	EA	\$ 134.00	\$ 2,010.00	\$ 202.00	\$ 3,030.00	\$ 138.00	\$ 2,070.00	\$ 150.00	\$ 2,250.00	\$ 315.00	\$ 4,725.00
18	Hunter Electric Control Valve	12	EA	\$ 92.00	\$ 1,104.00	\$ 140.00	\$ 1,680.00	\$ 95.00	\$ 1,140.00	\$ 103.00	\$ 1,236.00	\$ 610.00	\$ 7,320.00
19	Hunter H1-44-XX-AW Quick Coupler Valve	3	EA	\$ 28.00	\$ 84.00	\$ 40.00	\$ 120.00	\$ 29.00	\$ 87.00	\$ 31.00	\$ 93.00	\$ 355.00	\$ 1,065.00
20	Hunter ICC-1200 Metal Controller	1	EA	\$ 1,265.00	\$ 1,265.00	\$ 1,720.00	\$ 1,720.00	\$ 1,310.00	\$ 1,310.00	\$ 1,400.00	\$ 1,400.00	\$ 2,325.00	\$ 2,325.00
21	Hunter Wireless Rain Freeze Sensor	1	EA	\$ 780.00	\$ 780.00	\$ 1,080.00	\$ 1,080.00	\$ 825.00	\$ 825.00	\$ 865.00	\$ 865.00	\$ 200.00	\$ 200.00
22	2" Schedule 40 PVC Pipe	1,300	LF	\$ 2.85	\$ 3,705.00	\$ 5.00	\$ 6,500.00	\$ 2.90	\$ 3,770.00	\$ 3.15	\$ 4,095.00	\$ 3.10	\$ 4,030.00
23	3" Schedule 40 PVC Pipe	1,300	LF	\$ 3.35	\$ 4,355.00	\$ 4.00	\$ 5,200.00	\$ 3.45	\$ 4,485.00	\$ 3.70	\$ 4,810.00	\$ 6.40	\$ 8,320.00
24	2" Schedule 40 PVC 90° Bend	2	EA	\$ 55.00	\$ 110.00	\$ 8.00	\$ 16.00	\$ 60.00	\$ 120.00	\$ 60.00	\$ 120.00	\$ 5.00	\$ 10.00
25	3" Schedule 40 PVC 90° Bend	2	EA	\$ 55.00	\$ 110.00	\$ 8.00	\$ 16.00	\$ 60.00	\$ 120.00	\$ 60.00	\$ 120.00	\$ 18.20	\$ 36.40
26	3"x3"x3" Schedule 40 PVC Tee	11	EA	\$ 10.00	\$ 110.00	\$ 165.00	\$ 1,815.00	\$ 10.00	\$ 110.00	\$ 11.00	\$ 121.00	\$ 34.50	\$ 379.50
27	3"x3"x2" Schedule 40 PVC Tee	1	EA	\$ 100.00	\$ 100.00	\$ 170.00	\$ 170.00	\$ 110.00	\$ 110.00	\$ 120.00	\$ 120.00	\$ 32.25	\$ 32.25
28	3"x2"x2" Schedule 40 PVC Tee	1	EA	\$ 100.00	\$ 100.00	\$ 175.00	\$ 175.00	\$ 110.00	\$ 110.00	\$ 120.00	\$ 120.00	\$ 40.25	\$ 40.25
29	2"x2"x3" Schedule 40 PVC Tee	3	EA	\$ 35.00	\$ 105.00	\$ 54.00	\$ 162.00	\$ 37.00	\$ 111.00	\$ 50.00	\$ 150.00	\$ 70.00	\$ 210.00
30	Isolation Valve	4	EA	\$ 110.00	\$ 440.00	\$ 167.00	\$ 668.00	\$ 125.00	\$ 500.00	\$ 122.00	\$ 488.00	\$ 330.00	\$ 1,320.00
Total Base Bid				\$	222,167.00	\$	397,401.00	\$	202,050.25	\$	240,046.00	\$	293,657.60



Kristine B. Andrews
9/24/08

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SHALLOWFORD CONSTRUCTION COMPANY OF TEMPLE, TEXAS, FOR THE CONSTRUCTION OF A MULTI-USE ATHLETIC FIELD AND PARKING LOT TO SERVE THIS FIELD IN LIONS PARK, IN THE AMOUNT OF \$202,050.25; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 23, 2008, the City received 5 bids for the construction of a multi-use athletic field and parking lot to serve this field in Lions Park;

Whereas, the Staff recommends accepting the bid from Shallowford Construction Company of Temple, Texas, in the amount of \$202,050.25;

Whereas, funds are available for this project but an amendment to the FY2008-2009 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, for an amount not to exceed \$202,050.25, with Shallowford Construction Company of Temple, Texas, after approval as to form by the City Attorney, for construction of a multi-use athletic field and parking lot to serve this field in Lions Park.

Part 2: The City Council approves an amendment to the FY2008-2009 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **16th** 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

10/16/08
Item #4(F)
Consent Agenda
Page 1 of 1

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 Wall Enterprises of Cleburne for the Elevated Storage Tank and Booster Pump Station Fence Rehabilitation Project in the amount of \$91,725.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To prepare for increased TCEQ and EPA regulatory requirements related to water system booster pump station and tank sites, City staff prepared plans and specifications for the removal, repair, and/or installation of chain link security fencing at ten locations around the City. When complete, all sites will meet minimum standards for security, upgrading all fencing to a minimum height of six feet, with barbed wire surrounding each location.

On October 7, 2008, three bids were received for construction of the project. Per the attached bid tabulation, Wall Enterprises of Cleburne submitted the low bid in the amount of \$91,725.50. This contractor has performed work for the City of Temple in the past and has performed satisfactorily.

FISCAL IMPACT: Initially, funding in the amount of \$80,000 was appropriated in account 520-5100-535-6310, project # 100116 for the Fence Rehabilitation project in the FY 2008 operating budget. An additional \$11,725.50 of funding is needed and is available from project savings within the same account. Funds in the amount of \$91,726 will be carried forward from the FY 2008 operating budget to the FY 2009 operating budget to fund this project.

ATTACHMENTS:

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

Tabulation of Bids Received
on October 7, 2008 at 2:00 p.m.
Elevated Storage Tank & Booster Pump Station
Fence Rehabilitation Project

Description	Bidders		
	Encore Custom Fence & Deck Bruceville	Construction Rent-A-Fence Thrall	Wall Enterprises Cleburne
Total Bid Price	\$92,317.55	\$108,813.00	\$91,725.50
Local Preference	No	No	No
Bid Bond (required at bid opening)	Cashiers Check	5% -Not on our Form	5% -Not on our Form
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

7-Oct-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 WALL ENTERPRISES OF CLEBURNE, TEXAS, FOR THE ELEVATED STORAGE TANK AND BOOSTER PUMP STATION FENCE REHABILITATION PROJECT, IN THE AMOUNT OF \$91,725.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 7, 2008, the City received 3 bids for the elevated storage tank and booster pump station fence rehabilitation project;

Whereas, the Staff recommends accepting the bid from Wall Enterprises of Cleburne, Texas, in the amount of \$91,725.50;

Whereas, funds are available for this project in Account No. 520-5100-535-6310, project # 100116; 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, for an amount not to exceed \$91,725.50, with Wall Enterprises of Cleburne, Texas, after approval as to form by the City Attorney, for the elevated storage tank and booster pump station fence rehabilitation 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 **16th** 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

10/16/08
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change orders to a construction contract with Dixon Paving, Inc. for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$65,208.80.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Utility infrastructure and street improvements are being constructed to implement the Wendland Road Improvements within the TIF Reinvestment Zone No.1. Water service is currently available through a 1.5-inch diameter line along a portion of Wendland Road north of H.K. Dodgen Loop, but is not available along the extent of Wendland Road to the future outer loop. Wastewater service is unavailable along Wendland Road from the future outer loop to south of Wilsonart Drive.

On September 20, 2007, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in the amount of \$261,500 for services required to design the infrastructure improvements to Wendland. On November 15, 2007, Council authorized an amendment to the professional services agreement with KPA in the amount of \$75,000 for services required to design additional street and sanitary sewer improvements. On February 7, 2008, Council authorized an amendment to the professional services agreement with KPA in the amount of \$124,500 for construction and bid phase services including onsite representation and construction staking. On March 20, 2008, Council authorized a construction contract with Dixon Paving in the amount of \$3,413,406.90 to build the improvements.

The infrastructure being built with this project consists of approximately 5700 feet of streets, 4800 feet of water line, a lift station, 4500 feet of gravity wastewater line, and 4900 feet of force main. Revisions to the design of the water infrastructure are needed to construct the fire hydrants according to City of Temple Fire Department requirements. Encasement of infrastructure already constructed with this project is needed to allow future extension of rail park infrastructure (the encasement will be much less expensive to construct with this project, before the street improvements are completed). Additional wastewater infrastructure is required to extend sanitary sewer service to the property on the west side of Wendland Road. Modifications to the lift station are necessary to utilize existing single-phase power to meet the utility improvements schedule agreed upon with Gulf States Toyota.

The following four change orders are recommended for approval:

CO#2: \$12,300.00 - adjust fire hydrant locations

CO#3: \$17,490.80 - encase utilities for future rail extension

CO#4: \$14,249.00 - extend sewer to northwest tract

CO#5: \$21,169.00 - electrical modifications for single-phase power

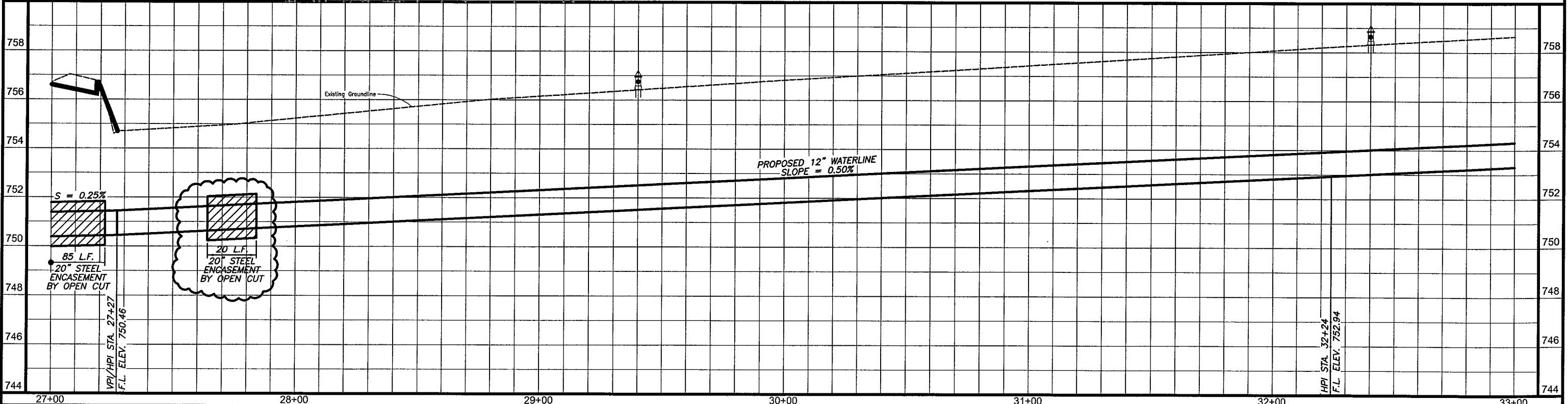
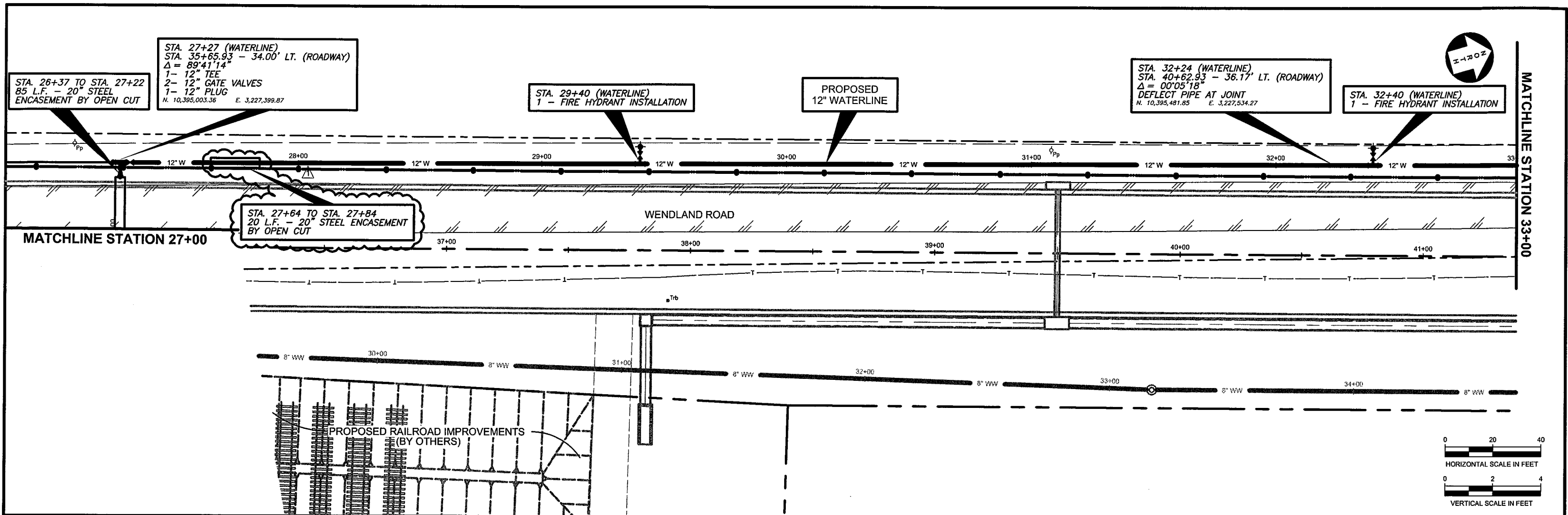
Total: \$65,208.80

Construction time allotted for this project is 330 days. The proposed changes to the construction contract will not incur additional construction time.

FISCAL IMPACT: These four change order costs total \$65,208.80. Funding for these change orders in the amount of \$65,208.80 is available in the Reinvestment Zone No. 1 Financing Plan, account 795-9700-531-6831, project #950007.

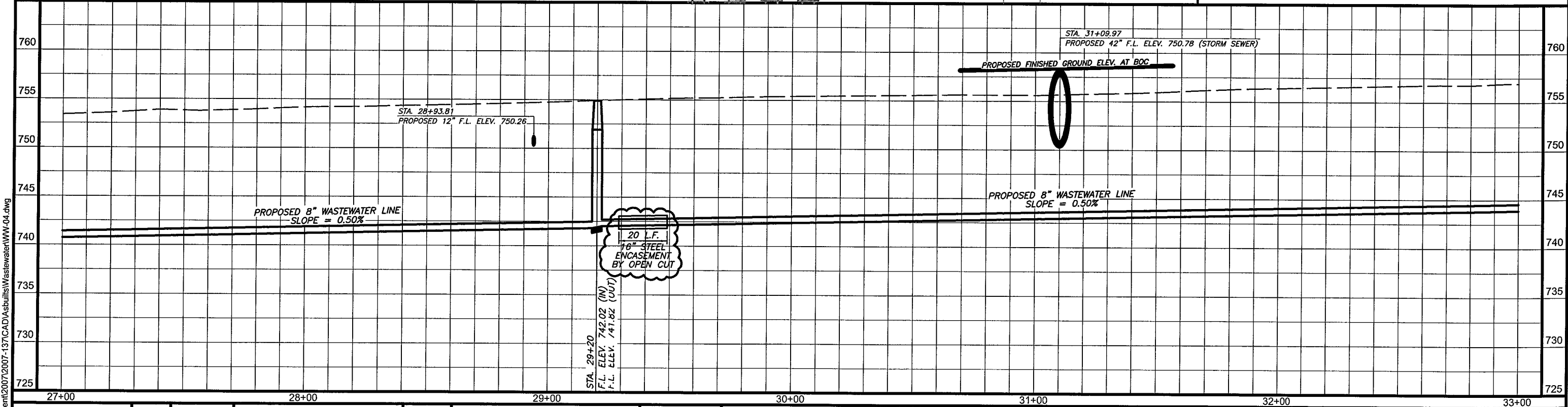
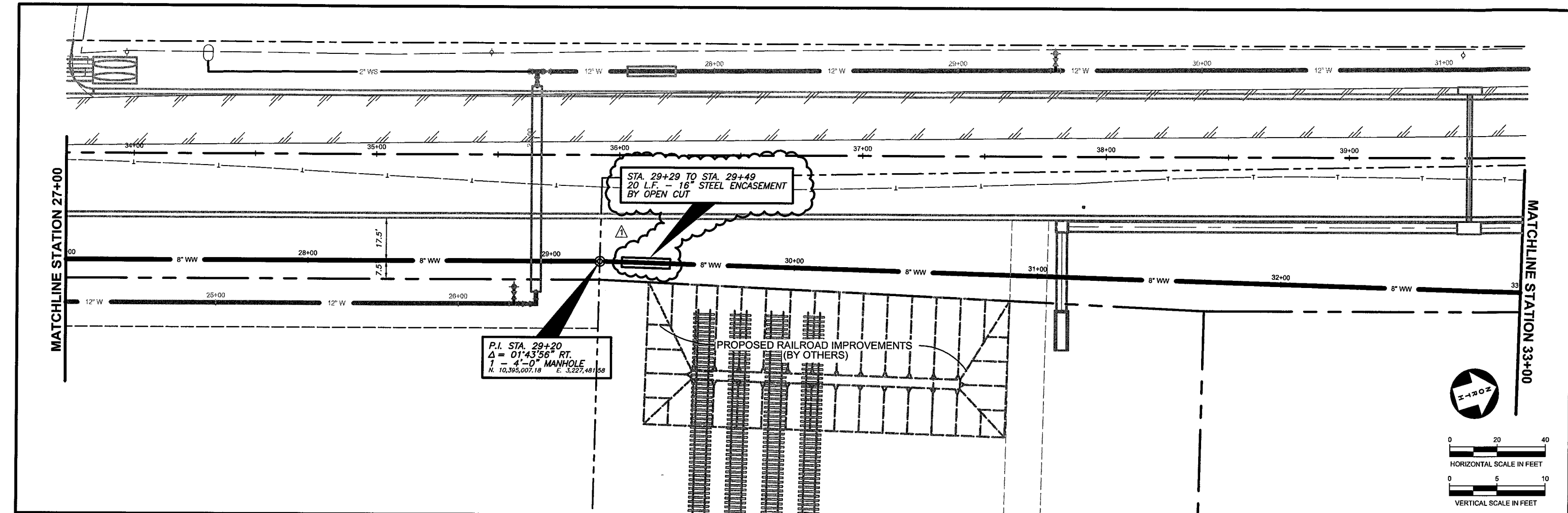
ATTACHMENTS:

[RZ Wendland Road Improvements Plans - Change Orders 3 and 4 Plans Resolution](#)



DESIGN SET					PROJECT NO. 06-142		 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501	CITY OF TEMPLE, TEXAS TAX INCREMENT FINANCING REINVESTMENT ZONE - 1 PROPOSED WENDLAND ROAD IMPROVEMENTS	SHEET NO. W-05	
		8/5/08	20L.F. - 20" ENCASEMENT BY CHANGE ORDER	JDM	DESIGNED BY J. Dustin Marx					
	NO.	DATE	REVISION	BY	APPROVED BY 				PLAN AND PROFILE (WATER IMPROVEMENTS) STATION 27+00 TO STATION 33+00	OF 15 SHEETS
	© 2007 Kasberg, Patrick & Associates, LP Plotted: Aug 11, 2008 - 1:54pm By: JDM							DATE 8/11/08		

P:\Temple Reinvestment\2007-137\CAD\Asbuilts\Water\W-05.dwg



DESIGN SET	PROJECT NO. 06-142					KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501	CITY OF TEMPLE, TEXAS TAX INCREMENT FINANCING REINVESTMENT ZONE - 1 PROPOSED WENDLAND ROAD IMPROVEMENTS	SHEET NO. WW-04 OF 21 SHEETS
	DRAWN BY J. Dustin Marx							
	DESIGNED BY J. Dustin Marx							
APPROVED BY <i>[Signature]</i>			DATE			PLAN AND PROFILE (WASTEWATER IMPROVEMENTS) STATION 27+00 TO STATION 33+00		
NO. DATE REVISION BY			© 2007 Kasberg, Patrick & Associates, LP Plotted: Aug 11, 2008 - 1:38pm By: JDM					

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDERS TO A CONSTRUCTION CONTRACT WITH DIXON PAVING, INC., OF BELTON, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE WENDLAND ROAD IMPROVEMENTS BETWEEN NORTHWEST H.K. DODGEN LOOP AND THE FUTURE OUTER LOOP IN AN AMOUNT NOT TO EXCEED \$65,208.80; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 20, 2008, the City Council approved a construction contract with Dixon Paving, Inc., for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop;

Whereas, 4 change orders are needed for this project, consisting of: CO#2, \$12,300.00 to adjust fire hydrant locations; CO#3, \$17,490.80 to encase utilities to future rail extension; CO#4, \$14,249.00 to extend sewer to northwest tract; and CO#5, \$21,169.00 for electrical modifications for single-phase power;

Whereas, funds are available for this project in Account No. 795-9700-531-6831, project #950007; 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 CO#2, \$12,300.00 to adjust fire hydrant locations; CO#3, \$17,490.80 to encase utilities to future rail extension; CO#4, \$14,249.00 to extend sewer to northwest tract; and CO#5, \$21,169.00 for electrical modifications for single-phase power, for a total not to exceed \$65,208.80, to the construction contract with Dixon Paving, Inc., of Belton, Texas, after approval as to form by the City Attorney, for construction activities required to build the Wendland Road Improvements between northwest H.K. Dodgen Loop and the future outer loop.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

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

PASSED AND APPROVED this the **16th** 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:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance authorizing a five year franchise to Scott and White EMS to provide non-emergency ambulance transfer services within the City.

STAFF RECOMMENDATION: Adopt ordinance as presented on second reading, and schedule the public hearing and third reading for November 6, 2008.

ITEM SUMMARY: On October 3, 2002, the City Council authorized a five year franchise to Scott and White Memorial Hospital to provide non-emergency ambulance transfer services within the City. In October of 2007, the City Council extended that franchise for one year. Scott & White is one of two current non-emergency ambulance transfer service franchisees—the other being Central Texas EMS. S&W provides this service through a joint venture with a third party provider, with the joint venture doing business as “Scott & White EMS.”

The Staff recommends authorizing a five year renewal of the franchise. Five years is the normal franchise term by City ordinance. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram. Because we have to publish a summary of the franchise ordinance in the Telegram, we are proposing that the first two readings of the franchise ordinance be consent agenda items and that the third reading of the ordinance be on the regular agenda with a public hearing. This will give everyone a chance to read the published summary and make informed comments at the public hearing.

FISCAL IMPACT: Franchisees pay the City 3½ % of the total amount billed per year. In the most recent full reported year (FY 2007), Scott & White paid the City \$42,047.96 in non-emergency ambulance transfer service franchise fees.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO SCOTT AND WHITE MEMORIAL HOSPITAL AND THE SCOTT, SHERWOOD, AND BRINDLEY FOUNDATION, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Scott and White Memorial Hospital has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Scott and White Memorial Hospital has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

PART 1: A non-exclusive franchise is granted to Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits

of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean Scott and White Memorial Hospital, or its legally approved successors and assigns.

(c) ***Ambulance*** or ***Transfer Service*** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) ***Transfer Service*** or ***Non-Emergency Ambulance Transfer Service*** means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 7, 2013**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

PART 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

PART 7: Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per

occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;

(b) name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;

(c) not contain a passenger liability exclusion; and

(d) provide for at least thirty (30) days prior written notice of cancellation to the City.

PART 8: Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

PART 9: Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

PART 11: Performance Bond and Revocation Clause.

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.

PART 12: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

PART 13: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

PART 14: 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 15: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **2nd** day of **October**, 2008.

PASSED AND APPROVED on Second Reading on the **16th** day of **October**, 2008.

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the **6th** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

Agreement of Franchisee

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

The franchisee, Scott and White Memorial Hospital and the Scott, Sherwood and Brindley Foundation, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this _____ day of November, 2008.

SCOTT AND WHITE MEMORIAL HOSPITAL
AND THE SCOTT, SHERWOOD AND
BRINDLEY FOUNDATION

By: _____



COUNCIL AGENDA ITEM MEMORANDUM

10/16/07
Item #4(I)
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance authorizing a five year franchise to Central Texas EMS to provide non-emergency ambulance transfer services within the City.

STAFF RECOMMENDATION: Adopt ordinance as presented on second reading, and schedule the public hearing and third reading for November 6, 2008.

ITEM SUMMARY: The City has previously given Central Texas EMS two one year franchises to provide non-emergency ambulance transfer services within the City. While five years is the normal term of a non-emergency ambulance transfer service franchise by City ordinance, the City Council gave two one year franchises to Central Texas EMS to give itself time to receive the 2007 Master Plan Report on Fire, Rescue and EMS services that it had commissioned from a consultant and to review and implement that report's recommendations.

Central Texas EMS has performed well the past two years under its franchise agreement and the Staff recommends authorizing a five year renewal of the franchise with Central Texas EMS. Franchise renewals require three readings, a public hearing, and publication of a summary of the franchise ordinance in the Temple Daily Telegram. Central Texas EMS is one of two current non-emergency ambulance transfer service franchisees—the other being Scott & White EMS (a franchise is also under consideration for them on this same agenda).

Because we have to publish a summary of the franchise ordinance in the Telegram, we are proposing that the first two readings of the franchise ordinance be consent agenda items and that the third reading of the ordinance be on the regular agenda with a public hearing. This will give everyone a chance to read the published summary and make informed comments at the public hearing.

FISCAL IMPACT: Franchisees pay the City 3½ % of the total amount billed per year. In the most recent full reported year (FY 2007), Central Texas paid the City \$31,960.43 in non-emergency ambulance transfer service franchise fees.

ATTACHMENTS:

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO CENTRAL TEXAS REGIONAL EMS, A NON-EXCLUSIVE FRANCHISE FOR ONE YEAR TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

WHEREAS, Central Texas Regional EMS has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple; and

WHEREAS, Central Texas EMS has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

PART 1: A non-exclusive franchise is granted to Central Texas Regional EMS, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

PART 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean Central Texas Regional EMS, or its legally approved successors and assigns.

(c) ***Ambulance*** or ***Transfer Service*** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) ***Transfer Service*** or ***Non-Emergency Ambulance Transfer Service*** means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

PART 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 7, 2013**, to Company in consideration of the payment of a franchise fee as provided in Part 4 of this ordinance.

PART 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

PART 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding

calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the grantee to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The grantee herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

PART 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

PART 7: Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

- (a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;
- (b) **name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;**
- (c) not contain a passenger liability exclusion; and

(d) **provide for at least thirty (30) days prior written notice** of cancellation to the City.

PART 8: Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

PART 9: Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

PART 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

PART 11: Performance Bond and Revocation Clause.

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple.

PART 12: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

PART 13: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

PART 14: 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 15: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **2nd** day of **October**, 2008.

PASSED AND APPROVED on Second Reading on the **16th** day of **October**, 2008.

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the **6th** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

Agreement of Franchisee

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

The franchisee, Central Texas Regional EMS, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this _____ day of _____, 2008.

CENTRAL TEXAS REGIONAL EMS

By:



COUNCIL AGENDA ITEM MEMORANDUM

10/16/08
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution denying the increase to the rates and charges requested by Oncor Electric Delivery Company.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. (Until last year, Oncor was known as TXU Electric Delivery Company.) The Company asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. Oncor's request has been assigned Public Utility Commission Docket No. 35717.

The resolution denies the Company's requested rate increase and requires that the Company's current rates be maintained for all customers within the City.

DISCUSSION: The City, pursuant to § 33.001 of the Public Utility Regulatory Act, has exclusive original jurisdiction over the electric rates charged by the Company. In accordance with that authority, the City lawfully suspended the August 8th effective date for 90 days to review the Company's requested rate increase.

The City's review of Oncor's rate increase request is coordinated by the Oncor Cities Steering Committee ("Steering Committee"). The City is a member of the 145-city Steering Committee. The Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 20 years.

To conduct the review and any necessary litigation of Oncor's requested rate increase, the Executive Committee of the Steering Committee retained lawyers and consultants with expertise in regulatory rate making issues. Legal efforts are being directed by Geoffrey Gay, Kristen Doyle and Thomas Brocato with the law firm of Lloyd Gosselink Rochelle & Townsend. All reasonable consulting and legal fees incurred by the Steering Committee are reimbursable by the Company.

The major components underlying Oncor's requested \$275 million increase include an increase for depreciation expense (\$131 million), a substantial increase to the Company's storm reserve (\$81 million) and additional costs for pension and post retirement benefits (\$36 million). Based upon the analysis of the Company's filing and review of discovery responses, the Steering Committee's consultants have determined that the Company's increase cannot be substantiated by evidence. In particular, Steering Committee experts have identified problems with the evidence offered by the Company supporting its requested rate of return, cash working capital, depreciation expense, consolidated taxes, federal income taxes, storm damage reserve and pension and post retirement benefits. The preliminary analysis indicates that Cities will likely be proposing cumulative reductions to the Company's requested rate increase in excess of \$200 million. In addition, Cities' experts will file testimony regarding the rate design and cost allocation proposals made by Oncor.

The action taken by the City to deny Oncor's rate increase will be appealed by the Company to the Public Utility Commission ("PUC") of Texas. The appeals of all individual city actions will be consolidated into the current proceeding at the PUC, Docket No. 35717. The Steering Committee is already actively involved in Docket No. 35717 and will file testimony challenging the Company's support for the rate increase. The hearing regarding Oncor's requested rate increase will begin January 13, 2009 and is expected to last three weeks. In an effort to avoid litigation if at all possible, parties to the proceeding have scheduled meetings with the Company to investigate the possibility of settlement.

Explanation of "Be It Resolved" Paragraphs:

Section 1. This section finds that the new rates proposed by the Company to be unreasonable and denies Oncor's request to increase rates.

Section 2. This section requires Oncor to continue to charge its existing transmission and distribution rates to customers within the City.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by taking action to deny the Company's rate increase.

Section 4. This section recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DENYING THE PROPOSED CHANGE IN RATES FOR ONCOR ELECTRIC DELIVERY COMPANY LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 27, 2008, Oncor Electric Delivery Company LLC filed with the City of Temple a Statement of Intent to Change Rates;

Whereas, the Staff recommends that Oncor's rate adjustment request be denied, allowing Oncor to pursue a system-wide electric service change with the Texas Public Utilities Commission; 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 proposed changed rate schedules and service regulations filed with the City of Temple by Oncor Electric Delivery Company LLC on June 27, 2008, are hereby denied and disapproved, and Oncor Electric Delivery Company LLC shall continue to provide electric delivery service within this city in accordance with its rate schedules and service regulations in effect within this city on June 27, 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 17th day of **July**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

City Attorney's Office



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$2,757,585.

ATTACHMENTS:

[Budget amendments](#)
[Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
October 16, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-0000-431-0163		Federal Grants (FEMA Reimbursement - Hurricane Ike)		\$ 129,449
110-1200-515-1119		Overtime (Finance)	\$ 262	
110-1900-519-1119		Overtime (ITS)	\$ 787	
110-2000-521-1119		Overtime (Police)	\$ 55,054	
110-2200-522-1119		Overtime (Fire)	\$ 43,706	
110-2200-522-2191		FEMA Supplies - Shelter (Fire)	\$ 715	
110-2400-519-1119		Overtime (Facility Services)	\$ 2,686	
110-2400-519-2191		FEMA Supplies - Shelter (Facility Services)	\$ 18,204	
110-3200-551-1119		Overtime (Recreation)	\$ 535	
110-3500-552-1119		Overtime (Parks)	\$ 7,500	
240-0000-431-0163		Federal Grants (FEMA Reimbursement - Hurricane Ike)		\$ 3,877
240-4400-551-1119		Overtime (Mayborn Center)	\$ 3,877	
520-0000-431-0163		Federal Grants (FEMA Reimbursement - Hurricane Ike)		\$ 1,145
520-5800-535-1119		Overtime (Water Business Office)	\$ 1,145	
Estimated reimbursement from Federal Emergency Management Agency for expenditures incurred for Hurricane Ike.				
110-1400-511-1118		Extra Help/Seasonal (City Secretary)	\$ 672	
110-1400-511-1220		Retirement/Pension	\$ 98	
110-1400-511-1221		Social Security	\$ 10	
110-1400-511-1223		Workers Compensation	\$ 2	
110-0000-318-0000		Fund Balance Reserved/Vital Statistic Preservation Funds		\$ 782
This budget adjustment will increase personnel expenditure accounts to cover additional cost related to the Records Assistant part-time position for Oct. 1, 2007 thru Sept. 30, 2008. The initial budget adjustment approved by Council Dec. 6, 2007, was an estimate. The part-time employee worked additional hours during the fiscal year which resulted in exceeding the original budgeted expenditures. Funds are available from fund balance reserve for the monies collected from prior years for Vital Statistic Preservation.				
110-1500-515-1127		Sick Leave Accrual Pay	\$ 29,372	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 29,372
To appropriate funds for FY 2008 Accrued Leave Liability at 9/30/08. Funds are available in Designated Capital Projects - Unallocated.				
110-2000-521-2333		Auto & Equipment [Fleet Services] - (Police)	\$ 6,052	
110-0000-461-0554		Insurance Claims		\$ 6,052
Reimbursement for police vehicle from August 14, 2008 accident. Vehicle will be repaired.				
110-2000-521-2516		Judgments & Damages (Police)	\$ 350	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 350
Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
October 16, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3300-519-2584		EDC - O&M Funding - Performance	\$ 53,806	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 53,806
<p>Per the 2007 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation (TEDC), the City's base contribution may be supplemented by the City for any fiscal year under this Agreement based on performance measurements established by the City in Section 2 of this Agreement. This budget adjustment appropriates funds for the FY 2008 performance payment to TEDC per this Agreement. Funds are available in Designated Capital Projects-Unallocated.</p>				
260-6100-571-6317	100178	Streets and Alleys - MLK Project (CDBG)	\$ 2,416	
260-6100-571-6530		Special Project Contingency		\$ 2,416
<p>Amend the FY 2007 CDBG annual action plan for the MLK Project. The project costs are more than budgeted due to a change order on the project. \$16,754 of FY 2007 funds were included in the action plan as "Unprogrammed" so that they could be used on any project that needed additional funding. The funds are currently budgeted in the Special Project Contingency account.</p>				
351-1100-513-2616		Contracted Services/Professional (City Manager)	\$ 3,175	
351-0000-461-0865		Miscellaneous Reimbursements		\$ 3,175
<p>This budget adjustment recognizes revenue to be received from Keep Temple Beautiful for their portion of the professional services agreement with TBG Partners and additional reimbursable expenses related to the contract.</p>				
351-0000-461-0865		Miscellaneous Reimbursement	\$ 100,000	
351-0000-490-2582		Transfer In - General Fund		\$ 100,000
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 100,000
110-9100-591-8151		Transfer Out - Capital Projects Fund	\$ 100,000	
<p>A budget adjustment was approved by Council on 9/6/2007 to fund street improvements for Avenue E from MLK Blvd to the Union Pacific Railroad with an appropriation of the contribution from TEDC (\$100,000) and the General Fund's Fund Balance Designated for Capital Projects - Unallocated (\$66,300). TEDC will leave the liability on their books, but will not pay unless Jupe Feed meets their commitments. This budget adjustment removes the anticipated reimbursement from TEDC and funds TEDC's portion of the cost for the street improvements with fund balance. Once Jupe Feed meets the commitments, TEDC will reimburse the City and the funds will be replenished in the General Fund's Fund Balance Designated for Capital Projects-Unallocated.</p>				
361-3400-531-2587	100467	Loop 363 - 57th Street to 5th Street	\$ 796,214	
361-3400-531-6813	100089	Outer Loop		\$ 796,214
<p>Per contract CSJ 0184-04-042 between the City of Temple and the Texas Department of Transportation (TxDot) authorized by Council in FY 2004, the City committed to funding any 10% of the total ROW and Utility Relocation costs related to the Loop 363 57th Street to 5th Street TxDot project. The initial City contribution for our share was \$550,000 and was paid in August 2004. The City's 10% share for this project is now \$1,346,213.66. Per the contract, we owe TxDot an additional \$796,213.66 to fund our 10% share of the total ROW and Utility Relocation. Funds for this project are being reallocated from the Outer Loop project funded with 2008 Certificate of Obligation bonds.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
October 16, 2008

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
361-3400-531-2587	100468	FM 2305 - FM 2271 to SH 317	\$ 1,110,398	
361-3400-531-6813	100089	Outer Loop		\$ 1,110,398
<p>Per contract CSJ 0232-04-012 between the City of Temple and the Texas Department of Transportation (TxDot) authorized by Council in FY 2005, the City committed to funding any 10% of total ROW and Utility Relocation costs related to the FM 2305 - FM 2271 to SH 317 TxDot project. The initial City contribution for our share was \$83,000 and was paid in February 2005. The City's 10% share for this project is now \$1,193,398.33. Per the contract, we owe TxDot an additional \$1,110,398.33 to fund our 10% share of the total ROW and Utility Relocation. Funds for this project are being reallocated from the Outer Loop project funded with 2008 Certificate of Obligation bonds.</p>				
520-5900-535-6632	100469	Loop 363/IH 35 Utilities Relocation	\$ 37,773	
520-5700-580-7211		Bond Interest		\$ 37,773
<p>Per contract CSJ 0015-14-117 between the City of Temple and the Texas Department of Transportation (TxDot) authorized by Council in FY 2006, the City committed to funding any betterments related to the utility relocation associated with the IH 35/ Loop 363 TxDot project. The initial project costs related to the betterments was \$259,534.30 and was paid in October 2005. The betterment percentage for this project was calculated to be 4.09% of the final cost of relocation of the utilities per the contract. The City's costs for the betterment portion of the project is now \$297,306.84. We owe TxDot an additional \$37,773 to fund our portion of the utility relocation. Funds are available in bond interest expense for the 2008 UR bonds that weren't sold until July 2008; therefore, no interest is due during FY 2008.</p>				
520-5900-535-6352	100414	Sewer Mains	\$ 455	
520-5700-580-7211		Bond Interest		\$ 455
<p>To appropriate additional funds for the developer participation agreement with W&B Development, Ltd. for the City's contribution for the over sizing 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. When the item was submitted to Council, the amount of the agreement was \$82,383. Subsequently, it was determined that the numbers were transposed and the correct agreement amount in \$82,838. An additional \$455 is needed to fund the agreement.</p>				
561-0000-461-0865		Miscellaneous Reimbursements (UR Bonds)		\$ 161,616
561-5200-535-6916	100097	Loop 363/31st Street Utility Relocation	\$ 161,616	
<p>To recognize TxDOT's estimated cost sharing reimbursement on the Loop 363/31st Utility Relocation project related to the supplemental agreements for Phase 1, 2 and 3. Utility agreements have been submitted to TxDOT setting the TxDOT eligibility percentage at 51.55% for Phase 1 and 42.07% for Phase 2 & 3. The supplemental agreements increase TxDOT's share by \$161,616.</p>				
561-5000-535-6532		Contingency (UR Bonds)	\$ 220,705	
561-5100-535-6919	100041	Avenue P Storage Tank		\$ 33,488
561-5500-535-6903	100046	Doshier Infrastructure Improvements		\$ 318
561-5100-535-6914	100081	Facility Improvements (WTP)		\$ 136
561-5200-535-6927	100133	Water Line Relocation - US190		\$ 176,777
561-5400-535-6905	100226	Lift Station Improvements		\$ 9,986

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
October 16, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
This budget adjustment transfers project savings to contingency.				
TOTAL AMENDMENTS			\$ 2,757,585	\$ 2,757,585
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	\$	(63,072)
		Net Balance of Judgments & Damages Contingency Account	\$	6,928
		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	\$	50,115
		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
		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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2008 BUDGET
October 16, 2008

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	16,754
		Carry forward from Prior Year	\$	86,477
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(60,182)
		Net Balance of Contingency Account	\$	43,049

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 16th 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



CITY COUNCIL AGENDA ITEM MEMORANDUM

10/16/08
Item #5
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-08-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on a 12.2± acre tract of land and a zone change to a Single Family Two District (SF-2) on a 38.5± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, recommending approval of Case Z-FY-08-37 for the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan for a planned development general retail and single-family residential uses;
2. The request complies with the Thoroughfare Plan for Arterial Roadways of access to South 5th Street and FM 93; and
3. Water serves the site and the sewer will be extended southward from South Temple Park as part of the engineering plans associated with a Preliminary Plat.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-37, from the Planning and Zoning meeting, September 15, 2008. The proposed ordinance contains the regulations for the Planned Development General Retail District (PD-GR).

The Commission recommended a Planned Development General Retail (PD-GR) district allowing almost all the retail uses which are conducive to the planned single family neighborhood, eliminating all residential uses (which are allowed in the GR zoning district and needs to be fixed), and requiring a conditional use permit (CUP) for retail uses which affect the outdoors similar to a florist or garden shop, greenhouse or plant nursery (retail sales) a drive-in restaurant or tool rental store with outside storage. The CUP process requires site plan approval by the Planning & Zoning Commission, with final authority of the City Council. This PD is similar to one approved in 2004 for the commercial area south of FM 93 and on both sides of Dubose Road, associated with the Valley Ranch Subdivision.

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)

[Land Use Map](#)

[Zoning Map](#)

[Notice Map](#)

[PZ Staff Report](#)

[PZ Excerpts](#)

[Letters from property owners](#)

[Ordinance](#)

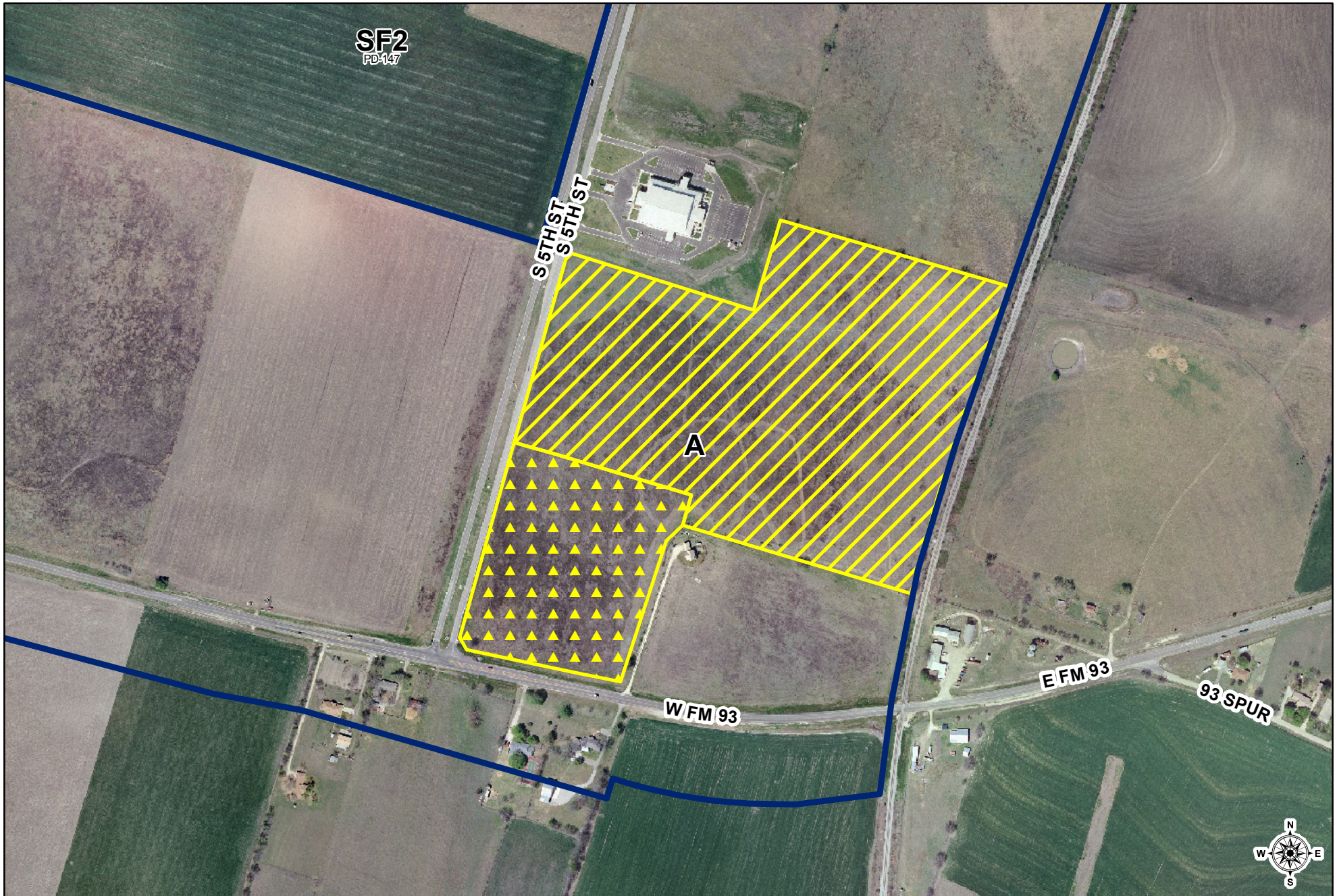


Z-FY-08-37

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.



Proposed SF2



Proposed GR

A to SF2 & GR Zoning

1 inch = 500 feet
J Stone 08.12.08



Z-FY-08-37

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.

Area of Proposed Zoning



Proposed SF2

Proposed GR

CLUP

Agricultural

AGRICULTURE

Residential

LOW DENSITY (UE)

MOD DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MF1)

HIGH DENSITY (MF2)

Commercial

OFFICE (O1, O2)

RETAIL (NS, GR)

COMMERCIAL (C, CA)

Mixed Use

MIXEDUSE (MU)

Industrial

INDUSTRIAL (LI, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bio-Science/Technology

Corporate Capus & Office

Aviation Industrial Dvmt

Fwy Com/Tech/Indust

Intermodal

Community Facilities

COMMUNITYFACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

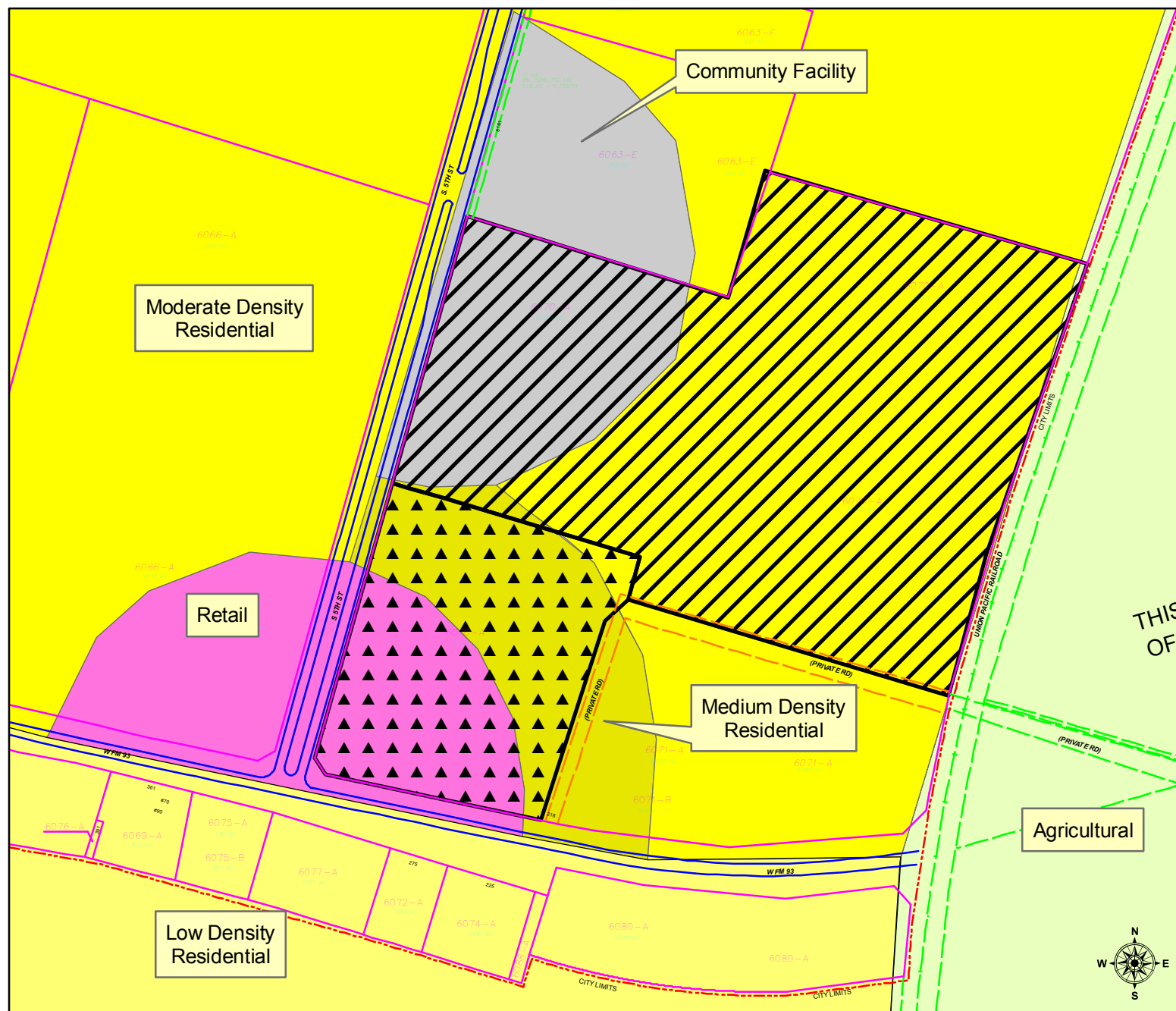
Park Land

PROPOSED FLOATING PARK

PARKS

Downtown

DOWNTOWN



A to SF2 & GR Zoning

1 inch = 400 feet
J Stone 08.12.08

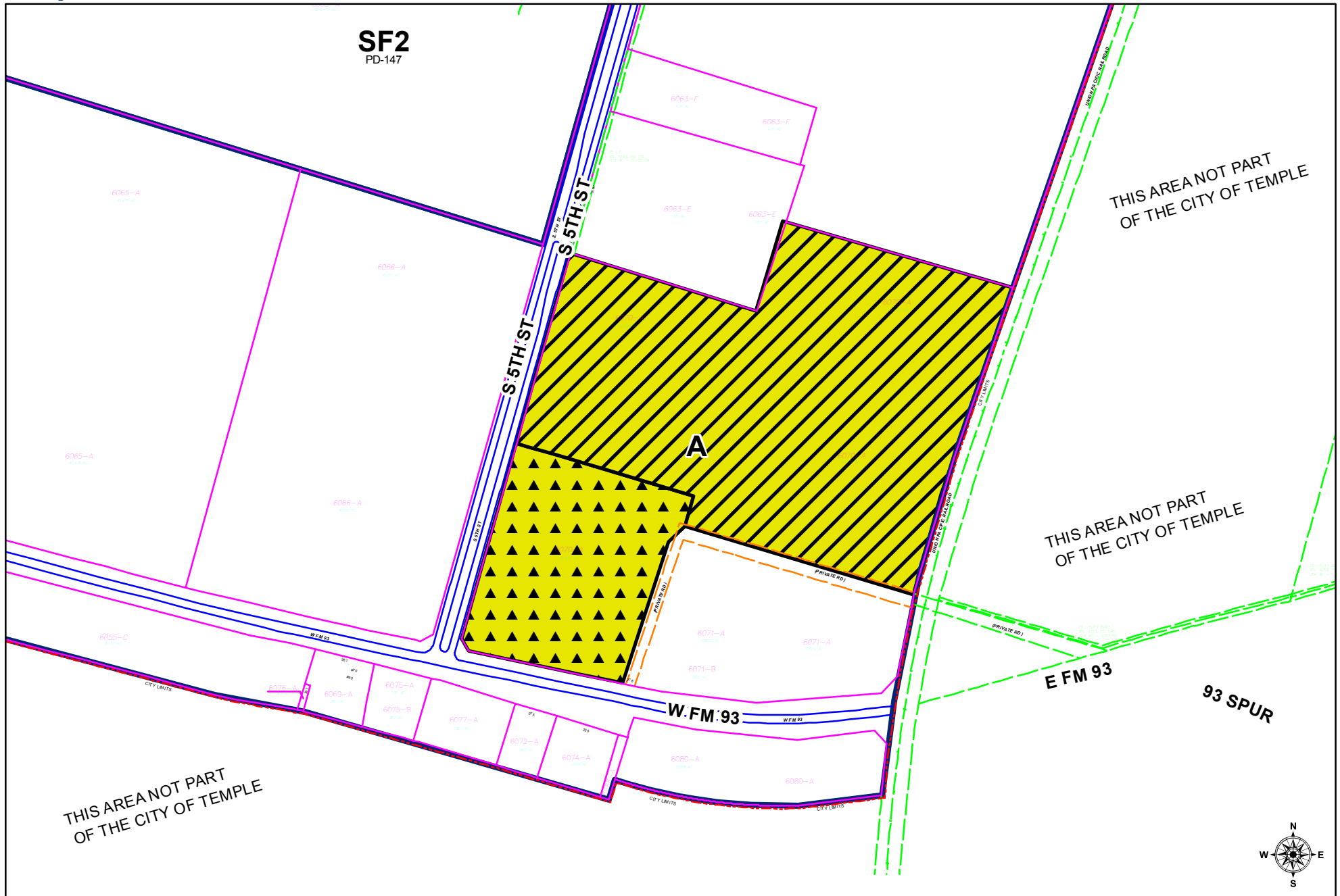


Z-FY-08-37

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.

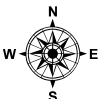


Proposed SF2



Proposed GR

A to SF2 & GR Zoning



1 inch = 500 feet
J Stone 08.12.08

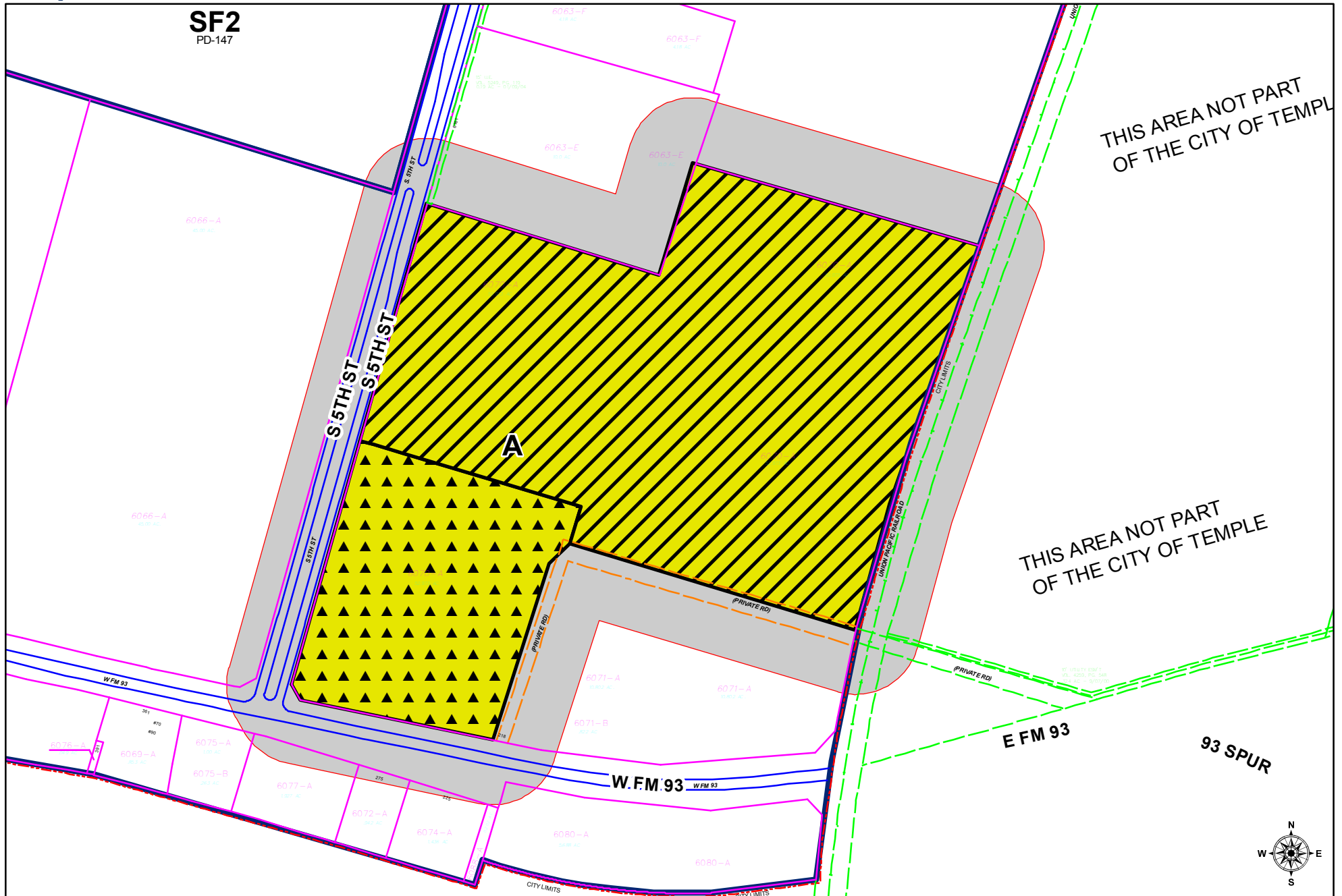


Z-FY-08-37

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.



Proposed SF2 Proposed GR 200' Buffer

A to SF2 & GR Zoning

1 inch = 400 feet
J Stone 08.12.08



PLANNING AND ZONING COMMISSION AGENDA ITEM

09/15/08

Item 4

Regular Agenda

Page 1 of 8

APPLICANT / DEVELOPMENT: Boose-Mitchell Properties Inc. c/o Mitchell & Associates, Inc.

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-08-37: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District to Planned Development General Retail District on a 12.2 ± acre tract of land and a zone change to Single Family Two District on a 38.5 ± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14.

HISTORY:

The applicant withdrew Z-FY-08-26, July 21st, which contained a smaller retail request (7.5 acres with duplex on the eastern edge) and two-family (duplex) residential development.

BACKGROUND:

The applicant requests the PD-GR zoning for 12.2± acres for a planned retail center which will have one point of access from SH 93 and receive access from two points on South 5th. The masonry standards adopted in April 2008 will apply to all buildings on the subject property. The applicant will be required to receive approval from TXDOT for access to FM 93 as part of the subdivision process. The applicant also requests for Single Family-2 (SF-2) single family residential development for the 38.5± acre tract, which would yield 138 single family residential lots. (See Agenda Item 5 – Preliminary Plat).

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	AG	Church
East	ETJ-MKT Railroad	Vacant
South	AG	Rural Residential
West	AG	Rural Residential

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

Future Land Use Plan & Future Trends

The Future Land Use Plan shows the area as a combination of retail, of which a shopping center is allowed and moderate density residential, which allows the SF-2, single family residential. Both requests conform to the Future Land Use Plan.

Thoroughfare Plan

Both FM 93 and South 5th Street are shown as Arterial Roads, which will provide access to the future shopping center and residential subdivision. The request conforms to the Thoroughfare Plan. Access from SH 93 will require approval of a TXDOT permit.

Adequacy of Public Facilities

Adequate water and sewer are available to serve the subject tract.

Development Regulations

Single Family 2 (SF-2) and Traffic Generation

The SF-2 district allows single family-residential development only, with approximately three and one half (3.5) units net per acre, and a maximum building height of 2 ½ stories. The SF-2 dwelling district is designed to accommodate single family. The minimum lot area for SF-2 is 5,000 square foot with setbacks for 25 feet in the front yard, 5 feet in the side yard and 10 feet in the rear yard. The lot yield for the 38.5± acres would yield 138 residential lots.

The trip generation for a residential subdivision is 10 trips per lot. For 138 dwelling units, the trip generation would create 1,380 vehicular trips, requiring two points of access. Staff has been working with Design Standard Advisory Board to use a ratio of one point of ingress for each 75 lots. The applicant will provide two points of access to a proposed subdivision (See Agenda Item 4 – Preliminary Plat).

Planned Development General Retail (PD-GR)

The General Retail District is the standard retail district and allows most retail sales, restaurants, grocery store, department store, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 30' from the street centerline, and 10' adjacent to a residential district with a screening fence to separate the commercial from the residential use.

The use of a Planned Development provides flexibility for development standards because of proximity of other development, topography, road access and the environment. Here the planned GR is across the street from a proposed single family subdivision. Staff recommends a PD approach for land uses, the required screening and buffering and landscaping to prohibit some incompatible uses when located next to single family residential, ensures separation from loading and service areas from the retail to the residential area and to ensure the recommended landscape standards.

Staff has discussed the following PD-GR requirements with applicant which is in agreement. The purpose of the PD is to recommend those base GR district uses allowed by right, requiring a conditional use permit (which requires site plan approval by the Planning & Zoning Commission and the City Council) and prohibited uses. (Staff is working on revised Land Use Tables which will eliminate the possible single family use types in the GR District as part of its work for a modified Unified Development Ordinance).

1. The following uses shall be permitted within the said PD-GR district:

- Antique shop
- Art supply store
- Retail bakery

- Bank or saving and loans office
 - Barber or beauty shop
 - Book or stationery shop
 - Cleaning and pressing small shop and pick up
 - Customer personal service shop
 - Discount or department store
 - Drug store or pharmacy
 - Florist or garden shop
 - Food beverage sales store with gasoline pumps
 - Food beverage sales store without gasoline pumps
 - Furniture and appliance store
 - Greenhouse or plant nursery (retail sales)
 - Handcraft shop and art objects
 - Hardware store or hobby shop
 - Key shop
 - Laboratory, Medical or Dental
 - Laundry and cleaning
 - Medical appliances, fitting, sales or rental
 - Offices, general business and professional
 - Pet shop
 - Restaurant or cafeteria (not drive-in type)
 - Retail shop, gift, apparel, accessory and similar items
 - Retail shop other than listed
 - Photographer studio
 - Studio, music, dance or drama
 - Tool rental (inside only)
 - Travel bureau or consultant
 - Veterinarian office only (no animal hospital, no inside pens)
2. The following uses require a conditional use permit within the said (PD-GR) district:
- Restaurant or eating place (drive-in service)
 - Health and reducing or similar service studio
 - Veterinarian hospital (inside pens)
 - Tool rental (outside equipment storage)
3. The following uses are prohibited within the said (PD-GR) district:
- Single family detached residential
 - Single family attached dwelling
 - Townhouse
 - Two family dwelling (duplex)
 - Industrialized housing
 - Single family dwelling attached 3
 - Family home
 - Accessory dwelling
 - Accessory building (residential)

- Backyard compost operation
- Home occupation
- Hotel or motel
- Stable (private)
- Electrical substation (high voltage bulk power)
- Electrical transmission line (high voltage)
- Gasoline and regulation station
- Cleaning Plant (Commercial)
- Household appliance service or repair
- Pawn Shop
- Radio or television tower
- Radio, television transmitting station
- Telephone Exchange Switch-relay or transmitting equipment
- Public building shop yard of local, state or federal government
- Water Treatment Plant
- Playfield or stadium (public)
- Roller or ice rink
- Child Care: small home facility
- Fraternity or sorority
- Helistop
- Railroad track or right-of-way
- Veterinarian Hospital (outside pens only)
- Farm, ranch orchard or garden
- Flea market (indoors)
- Plumbing shop
- Warehouse office

Required Buffering – PD-GR

The required buffer is a minimum of a six foot fence made of masonry, wood or 'other suitable materials' to separate the non-residential area from a residential area. Landscaping may be used in lieu of a screening fence but no criterion is provided in the Zoning Ordinance. Staff has discussed the following PD buffering requirements with applicant which is in agreement.

The following buffering standards shall apply.

A. North and east side of the said PDD-GR tract -

1. Design. Buffering must meet the following design standards:

- a) Buffering landscaping shall consist of a five-foot wide (5.0') landscape edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.

- b) Buffering walls shall consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.
- c) Openings in fence or wall buffering must not contain openings constituting more than 40 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.

Required Landscaping –PD-GR

The required landscaping for non-residential uses is to cover 5% of the site but excepting driveways, parking lots and loading areas, with trees spaced 40' on center, or to use three shrubs in lieu of trees. No specification of shrub size is required. Essentially, only the building counts towards the landscape requirements. Staff has worked with City Council and received recommendation to consider 5% of the entire site with trees spaced every 25' on center with 5-gallon shrubs to be interspersed between the trees, plus to consider parking lot trees for every 20 spaces. These standards apply here.

4. Landscaping Standards on FM 93 and South Fifth Street and interior parking areas

- a) FM 93: Five percent of the lot area along FM 93 shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
- b) South Fifth Street: Five percent of the lot area along South 5th Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
- c) Dalmore Drive: Five percent of the lot area along South 5th Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
- d) One hardwood trees shall be required in a landscape island in the parking lot for every 20 parking spaces.

5. Development or redevelopment of the property shall be through the building permit process.

Public Notice

A total of eight notices were sent out to property owners within 200 feet of the subject property August 22, 2008. As of September 12th at 5 PM, one notice was received which stated the project is a step in the right direction and requests additional information at today's hearing. The newspaper printed notice of the public hearing on August 22, 2008 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval subject to the Commission finding approval for Z-FY-08-37 subject to:

- 1. The approval for a Planned Development General Retail (PD-GR) with the following land uses allowed by right, requiring a conditional use permit review and prohibited uses, buffering requirements, landscape requirements and the use of a building permit to monitor development for a Planned Development District –General Retail (PD-GR) on 12.15 acres of land at the northeast corner of FM 93 and South Fifth Street out of the Maximo Moreno Survey, Abstract No. 14.

A. The following uses shall be permitted within the said PD-GR district:

1. Antique shop
2. Art supply store
3. Retail bakery
4. Bank or saving and loans office
5. Barber or beauty shop
6. Book or stationery shop
7. Cleaning and pressing small shop and pick up
8. Customer personal service shop
9. Discount or department store
10. Drug store or pharmacy
11. Florist or garden shop
12. Food beverage sales store with gasoline pumps
13. Food beverage sales store without gasoline pumps
14. Furniture and appliance store
15. Greenhouse or plant nursery (retail sales)
16. Handcraft shop and art objects
17. Hardware store or hobby shop
18. Key shop
19. Laboratory, Medical or Dental
20. Laundry and cleaning (self-service)
21. Medical appliances, fitting, sales or rental
22. Offices, general business and professional
23. Pet shop
24. Restaurant or cafeteria (not drive-in type)
25. Retail shop, gift, apparel, accessory and similar items
26. Retail shop other than listed
27. Photographer studio
28. Studio, music, dance or drama
29. Tool rental (inside only)
30. Travel bureau or consultant
31. Veterinarian office only (no animal hospital, no inside pens)

B. The following uses require a conditional use permit within the said (PD-GR) district:

1. Restaurant or eating place (drive-in service)
2. Health and reducing or similar service studio
3. Veterinarian hospital (inside pens)
4. Tool rental (outside equipment storage)

C. The following uses are prohibited within the said (PD-GR) district:

1. Single family detached residential
2. Single family attached dwelling
3. Townhouse
4. Two family dwelling (duplex)
5. Industrialized housing
6. Single family dwelling attached 3

7. Family home

09/15/08
Item 4
Regular Agenda
Page 7 of 8

8. Accessory dwelling
9. Accessory building (residential)
10. Backyard compost operation
11. Home occupation
12. Hotel or motel
13. Stable (private)
14. Electrical substation (high voltage bulk power)
15. Electrical transmission line (high voltage)
16. Gasoline and regulation station
17. Cleaning Plant (Commercial)
18. Household appliance service or repair
19. Pawn Shop
20. Radio or television tower
21. Radio, television transmitting station
22. Telephone Exchange Switch-relay or transmitting equipment
23. Public building shop yard of local, state or federal government
24. Water Treatment Plant
25. Playfield or stadium (public)
26. Roller or ice rink
27. Child Care: small home facility
28. Fraternity or sorority
29. Helistop
30. Railroad track or right-of-way
31. Veterinarian Hospital (outside pens only)
32. Farm, ranch orchard or garden
33. Flea market (indoors)
34. Plumbing shop
35. Warehouse office

D. The approval of the required buffering standards for the north and east side of the said PDD-GR:

1. Design. Buffering must meet one or a combination of the following design standards:
 - a) Buffering shall consist of a ten-foot wide (10.0') landscape edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees wall located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.
 - b) Buffering walls shall consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.
 - c) Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.

- E. The approval of the required landscape standards on FM 93 and South Fifth Street and interior parking areas of the said PD-GR:
- a) FM 93: Five percent of the lot area along FM 93 shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
 - b) South Fifth Street: Five percent of the lot area along South 5th Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
 - c) One hardwood trees shall be required in a landscape island in the parking lot for every 20 parking spaces.
- F. Development or redevelopment of the property shall be through the building permit process.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Photograph
Land Use Map
Zoning Map
Buffer Map

Planned Development General Retail (PDD-GR) requirements:

The Planned Development General Retail (PD-GR) allows following land uses allowed by right, requires a conditional use permit review for some land uses and prohibits other land uses, contains buffering requirements, landscape requirements and the use of a building permit to monitor development for a Planned Development District –General Retail (PD-GR) on 12.15 acres of land at the northeast corner of FM 93 and South Fifth Street out of the Maximo Moreno Survey, Abstract No. 14.

A. Allowed uses in PD-GR:

The following uses are permitted by right within the said PD-GR district:

1. Antique shop
2. Art supply store
3. Retail bakery
4. Bank or saving and loans office
5. Barber or beauty shop
6. Book or stationery shop
7. Cleaning and pressing small shop and pick up
8. Customer personal service shop
9. Discount or department store
10. Drug store or pharmacy
11. Food beverage sales store with gasoline pumps
12. Food beverage sales store without gasoline pumps
13. Furniture and appliance store
14. Handcraft shop and art objects
15. Hardware store or hobby shop
16. Key shop
17. Laboratory, Medical or Dental
18. Laundry and cleaning
19. Medical appliances, fitting, sales or rental
20. Offices, general business and professional
21. Pet shop
22. Restaurant or cafeteria (not drive-in type)
23. Retail shop, gift, apparel, accessory and similar items
24. Retail shop other than listed
25. Photographer studio
26. Studio, music, dance or drama
27. Tool rental (inside only)
28. Travel bureau or consultant
29. Veterinarian office only (no animal hospital, no inside pens)

B. Conditional Use Permit Required

The following uses require a conditional use permit within the said (PD-GR) district:

1. Florist or garden shop
2. Restaurant or eating place (drive-in service)
3. Health and reducing or similar service studio
4. Veterinarian hospital (inside pens)
5. Tool rental (outside equipment storage)

C. Prohibited Uses

The following uses are prohibited within the said (PD-GR) district:

1. Single family detached residential
2. Single family attached dwelling

3. Townhouse
4. Two family dwelling (duplex)
5. Industrialized housing
6. Single family dwelling attached 3
7. Multiple Family
8. Family home
9. Accessory dwelling
10. Accessory building (residential)
11. Backyard compost operation
12. Home occupation
13. Hotel or motel
14. Stable (private)
15. Electrical substation (high voltage bulk power)
16. Electrical transmission line (high voltage)
17. Gasoline and regulation station
18. Cleaning Plant (Commercial)
19. Household appliance service or repair
20. Pawn Shop
21. Radio or television tower
22. Radio, television transmitting station
23. Telephone Exchange Switch-relay or transmitting equipment
24. Public building shop yard of local, state or federal government
25. Water Treatment Plant
26. Playfield or stadium (public)
27. Roller or ice rink
28. Child Care: small home facility
29. Fraternity or sorority
30. Helistop
31. Railroad track or right-of-way
32. Veterinarian Hospital (outside pens only)
33. Farm, ranch orchard or garden
34. Flea market (indoors)
35. Plumbing shop
36. Warehouse office

D. Required Buffering Standards

The following buffering standards for the north and east side of the said PD-GR district shall apply:

1. Design. Buffering must meet the following design standards between the PD-GR and the planned single family subdivision to the north and the eastern property line:
 - a) Buffering shall consist of a ten-foot wide (10.0') edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees wall located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.
 - b) Buffering fences or walls shall be constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.
 - c) Openings in a fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.

E. Landscape Standards

The following landscaping standards for the said PDD-GR district shall apply:

1. The developer of each lot or tract is required to provide a minimum landscaped area of 5% to be utilized including:
 - a) The required landscaped area must be located in the front and/or side yards, and the required landscaping shall be provided between the main building(s) and the street(s) to which the building(s) is (are) oriented for the area along FM 93 and South 5th Street, and Dalmore Drive, and
 - b) One tree for every 20 parking spaces for each lot or tract.
2. All planting material shall consist of hardwood trees from the elm, oak, pistache or walnut species on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon indigenous shrubs placed three feet on center between trees.
3. The required number of trees and shrubs need not be placed uniformly, but may be clustered in groups.
4. All plant material required by this Section shall be maintained at all times in a living and growing condition. All required landscaping shall be irrigated by an automatic sprinkling system.

F. Development of Land

Development or redevelopment of the property shall be through the building permit process.

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

MONDAY, SEPTEMBER 15, 2008

ACTION ITEMS

4. Z-FY-08-37: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District to Planned Development General Retail District on a 12.2 ± acre tract of land and a zone change to Single Family Two District on a 38.5 ± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14. (Applicant: Mitchell Engineering c/o Boose-Mitchell Properties, Inc.)

Mr. Tim Dolan, Planning Director, presented an extensive overview of this zone change request. The purpose of the Planned Development District on the General Retail is to try to eliminate residential uses, add some retail uses and some buffering and landscaping requirements City Council has recommended.

Staff has recommended approval for this zone change because it complies with the Future Land Use Plan, the Thoroughfare Plan and adequate public facilities are going to be able to serve the site.

Commissioner Talley made a motion to approve the zone change from AG to PD GR, including the SF2 request, and excluding self-service laundry cleaning/laundromat.

Commissioner Pilkington seconded the motion.

Motion passed (7:0)

Due to the nature of this request and the lack of developed designs for both the general retail and single family area. I have a few general concerns to express at this point:

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

Concern #2: Single Family Residential

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyntham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

Concern #3: Parks and Green Space

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

Concern #4: City Gateway

The South 5th Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

Concern #5: Traffic

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

Concern #6: Street Access

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5th street as far north of the intersection of FM 93 & 5th Street as possible.

Concern #7: Retail Units

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

Don't make our AREA look like 31st & Canyon Creek -

CUT HERE AND USE LETTER BELOW

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

SEP 3 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Emmett Lewis
EMMETT LEWIS

(95th)

5403 UH 1st/2 St PDR
TEMPLE, TX 76502

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

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Concern #7: Retail Units

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

over →

I'm concerned about the value of my house decreasing due to the single family living. As prior situations show, single living families have an issue with maintaining their areas & I don't want trash for neighbors.

Thanks,
Marcie Turner

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

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Sincerely,

Marcie A. Turner
Marcie A. Turner

212 Arkshire Ln
Temple, TX 76502

RECEIVED

OCT 1-2008

CITY OF TEMPLE, TX
CITY SECRETARY

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members,

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Sincerely,

Allen + Paula Israel

2116 Avrshire Lane

Temple, TX 76502

RECEIVED

OCT 1 - 2008

**CITY OF TEMPLE, TX
CITY SECRETARY**

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

RECEIVED

OCT 3 - 2008

Dear Mr. Mayor and Council Members,

CITY OF TEMPLE
CITY SECRETARY

This letter is in reference to Application #2FY-08-37,
on land commonly known as Outblock 6070-A, located at the
northeast corner of the intersection of South Fifth Street and
West FM 93.

As a resident living very near to the above-mentioned
location, I am aware that the changes proposed in the application
will impact the safety, accessibility, and value of my property.
To that end, I have listed some of my greatest concerns, which
you will find attached to this sheet.

As you discuss the aforementioned proposal during the City
Council meeting on October 16, please understand that
my neighbors and I are trusting that you will give careful
considerations to our concerns. While some of us will be able
to attend the October 16 meeting in person, those of us whose
work schedules do not permit our attendance will be monitoring
your actions closely, and we will all be hoping that your
decisions will be in the best interest of our community and
the City of Temple as a whole.

Sincerely,

Eunice Robinson

6105 Southern Cross

ing. Dr
Temple, TX 76502

Eunice Robinson

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

Concern #2: Single Family Residential

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

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The South 5th Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

Concern #5: Traffic

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

Concern #6: Street Access

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5th street as far north of the intersection of FM 93 & 5th Street as possible. **AND/OR ADD ACCESS FROM FM 93!**

Concern #7: Retail Units

~~Selected business opportunities~~ for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

CUT HERE AND USE LETTER BELOW

RECEIVED

OCT 6 - 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,



CHRIS FOSTER

WYNDHAM HILL NEIGHBORHOOD

406 WYNDHAM HILL PKWY
ZIP: 76502

RECEIVED

OCT 6 - 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Caprice & Sean Eulenfeld

CAPRICE + SEAN EULENFELD

5619 FAIRHILL DR.

Temple 76502

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503


Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,



Michelle Young

29 McGugan Ln
Temple, TX 76502

10-7-08

RECEIVED

OCT 9 - 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members,

This letter is in reference to Application ~~WZY-08-37~~, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

~~In addition to the attached list, an additional concern is present with many area residents.~~ Its nature lies in the history of the developer, and in the nature of his original zoning change request for the residential section of the property in question. Specifically, he has built many rental communities in the Killeen area, and in June 2008 he filed a zoning application No. Z-FY-08-37, which requested that the property in question be rezoned for "Two Family Duplex" dwellings. Quite frankly, myself and many homeowners in my community do not favor having a huge, low-rent subdivision being built so near to our residences, and we are seriously questioning the judgement of this developer. If he thought a duplex community was a good idea for our neighborhood, what other "good ideas" for this project might he be entertaining?

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Cynthia + Gary Bankston
Cynthia + Gary Bankston

Res. address: 218 W. FM 93
Temple, TX 76502

* Our only mailing address is:

P.O. BOX 5072
Temple, TX 76505

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

Concern #2: Single Family Residential

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

Concern #3: Parks and Green Space

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

Concern #4: City Gateway

The South 5th Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

Concern #5: Traffic

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

Concern #6: Street Access

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5th street as far north of the intersection of FM 93 & 5th Street as possible.

Concern #7: Retail Units

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

RECEIVED

OCT 9 - 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Cynthia Wooddell
4602 Stonehaven DR.
Temple TX 76500



RECEIVED

OCT 9 - 2008

CITY OF TEMPLE, TX
CITY CLERK

October 7, 2008

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members:


We are writing in reference to proposed Aberdeen Heights Addition, 2-FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.


As residents living very near to the above-mentioned location, we are aware that the changes proposed in the application will impact the safety, accessibility, and value of our property. Because of this, enclosed is a listing of some of our greatest concerns, as well as questions concerning the proposed addition. It is our request that you and other members of the City Council discuss these items during the scheduled meeting on Thursday, October 16, understanding that these concerns and questions are of intense interest to us.

Some of us will be able to attend that meeting, but for various reasons, some will not. Our non-attendance is not due to disinterest, and we will be contacting those who do attend to learn of any decisions made during that time so we will remain aware of the situation. Our neighbors and we have total confidence that you will give careful consideration to our concerns during your discussion of the application during your meeting on Thursday, October 16.

Thank you for your attention to this matter.

Sincerely,


JOE W. WOOLLEY, SR.
391 W. FM 93
Temple, Texas 76502-7619


M. LOUISE WOOLLEY
391 W. FM 93
Temple, Texas 76502-7619

Encl.

CONCERNS/COMMENTS RE PROPOSED ABERDEEN HEIGHTS ADDITION,
2-FY-08-37

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for "Moderate Density" residencies, and an area for general retail use at the FM 93 intersection for this property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality "High Density." Larger lot sizes to re-reduce the total unit count to "Moderate Density" would be desired.

Questions concerning use of property, if request is approved:

Would there be minimum and maximum requirements established in square footage for the houses built?

How big would the lots be... 1/2 acre, 1/8 acre, etc., or minimum to maximum?

How much of the 38.5 acres allowed for housing would be used by streets?

Would mobile homes be allowed in this addition?

Would city sewer lines be available to any houses built?

Concern #2: Traffic

The recent edition of the Institute of Traffic Engineers' "Trip Generation Manual" sets 10 as the average daily (vehicle) trips per day, per household. One hundred thirty nine units would generate an additional 1390 vehicle trips per day for the area. It's our opinion that this amount of increased traffic would necessitate a red light at the intersection of South Fifth Street and FM 93.

Concern #3: Street Access

Because of the safety involved, if this plan is approved, it is our strong opinion that no access for the General Retail acreage should be allowed from FM 93, but access only from South Fifth Street as far north of the intersection of FM 93 as possible.

Comment #4: Retail Units

Selected business opportunities for the General Retail area should be reputable and established companies that would enhance the image sought by the City and contribute to the safety and well-being of people living in the community and traveling through the area.

FW Zoning Change for 5th St. and FM 93 concerns.txt
From: Clydette Entzminger
Sent: Friday, October 10, 2008 8:34 AM
To: Lacy Borgeson
Subject: FW: Zoning Change for 5th St. and FM 93 concerns

Clydette Entzminger
City Secretary
P O Box 207
Temple, TX 76503-0207
centz@ci.temple.tx.us
254-298-5301 telephone
254-298-5637 fax

-----Original Message-----
From: Sossamon, Janet Mrs ARMY GUEST
[mailto:janet.sossamon@us.army.mil]
Sent: Thursday, October 09, 2008 7:03 PM
To: Bill Jones
Subject: Zoning Change for 5th St. and FM 93 concerns

Dear Mayor Jones,

Please allow me to introduce myself. My name is Janet Sossamon, and I live in the Echo Village subdivision off of S. 5th Street in Temple, TX. I have been to the last two public hearings for the P&Z committee regarding a zoning change proposal by Boose-Mitchell Properties for the corner of 5th St. and FM 93. At the first hearing, the developer withdrew the request "due to heavy community disapproval." I have had the opportunity to speak with Gale Mitchell on three occasions, and each time I was talked "down to" and not taken seriously when voicing legitimate concerns of Temple citizens affected by this change. The first time he told me, "Well, I could change the 70-ft. wide lots to single family 35-ft. wide lots if what you want is single family." That would have been the same higher density that we were opposed to in the first place (traffic/safety concerns). Then, the third time he told me, "Yep, single family 35-ft. wide lots," in a joking manner when these changes happen to be a very serious matter for the nearby homeowners. The original plan was for duplexes, which has now been changed to Single Family 2. I am particularly concerned that this developer does not share our clear 30-year vision for Temple, making the southeast gateway a "suburban character." I am aware that the zoning laws are flexible; however, I am concerned that this would be used to put in apartments or other residential structures in the General Retail zone. We are proud of our community, and we would like to keep the suburban feel by making the General Retail just that with only certain types of businesses allowed that would enable new visitors entering that part of the city to experience the relaxed, less busy feel that attracted us, the homeowners, to this area in the first place. We do not want

*FW Zoning Change for 5th St. and FM 93 concerns.txt
the flexible laws to become "loopholes" for this developer. I plan
to be at the upcoming meeting to voice these concerns, but I felt a
need to make you aware of our newest concerns before the meeting date
arrives so that the discussion thread is begun. I can be reached at
979-549-6383 (cell) if you would like to speak to me over the phone.*

*Thank you for your time,
Janet Sossamon*

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

RECEIVED

OCT 10 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Melissa Poteet
Melissa Poteet

4904 Stonehaven Dr
Temple TX 76502

RECEIVED

OCT 10 2008

CITY OF TEMPLE, TX
CITY SECRETARY

October 7, 2008

Mayor William Jones and Council

PO Box 207

Temple TX 76503

Dear Mr. Mayor and Council Members:

I am writing in regards to the application #2FY-08-37 or proposed Aberdeen Heights Addition. I live in the Echo Village subdivision off Fifth Street. My husband and I moved from Killeen in April. I am happy to be in our first home in a nice neighborhood. We were driving down Fifth Street recently towards FM 93, and I thought out loud how I hoped the area would stay peaceful and quiet. My husband then tells me someone had dropped off information regarding the land purchase and rezoning plans.

My first thought was how this will affect my fellow cyclists and joggers with the increased traffic. The stretch of Fifth Street between Echo Village and FM 93 is a relatively less traveled road. Many cyclists ride their bikes right on the road. I enjoy the scenery and quietness. I am afraid that would be impossible with increased traffic due to more homes and businesses. I would hope that a bike trail or park would be included somewhere in the plans.

Other than traffic and safety for cyclists and pedestrians, I am concerned with how these changes will affect our home value and neighborhood characteristics. I cannot petition the building of more single family residences, because I am happy to be in ours. My husband and I hope that the land would be used for single family homes and not apartment complexes or duplexes based on the fact it would be incongruous to the neighborhood makeup and create more traffic among other social changes.

As far as the general retail aspect of the proposal, I would wish that there would not be any disruptive businesses such as bars, liquor stores, tattoo parlors, pornography shops etc because they can bring traffic at all hours and an increased possibility of intoxicated drivers. I would have no objection to a Coffee Beanery though! Also, with the obvious traffic increase due to rezoning for homes and retail purposes, I can only assume that traffic will be managed by whatever means necessary such as stop signs or stoplights as needed. I work at Scott and White and enjoy my convenient commute up Fifth Street. I would hope that would not dramatically change due to congestion on the roads. Thank you for your time and consideration of my thoughts on this matter.

Sincerely,



Melissa Poteet

10/07/08

RECEIVED

OCT 10 2008

CITY OF TALLAHASSEE, FL
CITY SECRETARY

Mayor William Jones & Council,

Since we received the information on this proposal, we have noticed that the field next to the elementary school seems to be under development as well. We live behind the school so this new project hits a little closer to home. I left a voicemail for councilman Marty Janczak out of curiosity wondering what may soon be adjacent to our back yard. I hope they leave the trees in place to act as any barrier. I love our back yard atmosphere. I guess in time I shall see what takes the place of the field, but if you were to respond to my phonecall or letter it would be appreciated, thanks!

Melissa Bleet

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

RECEIVED

OCT 13 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet. *ALL of ATTACHED LIST.*

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole. P.S. ALSO we have been

Sincerely,

*ANNEXED IN City Limits FOR 10YRS
AND NOTHING HAS BEEN DONE ABOUT
GETTING CITY SEWER IN OUR AREA*

Bernard Bartek
107 Oakwood St.
Temple, TX 76502

BERNARD BARTek

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

Concern #2: Single Family Residential

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

Concern #3: Parks and Green Space

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

Concern #4: City Gateway

The South 5th Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

Concern #5: Traffic

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

Concern #6: Street Access

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5th street as far north of the intersection of FM 93 & 5th Street as possible.

Concern #7: Retail Units

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City"

341 W. FM 93
Temple, TX 76502
October 11, 2008

Mayor William Jones and Council
P.O. Box 267
Temple, TX 76503

RE: Application #2FY-08-37, on land commonly known as outblock 6079-A, located at the northeast corner of the intersection of S. 5th Street and W. FM 93.

Dear Mr. Mayor and Council Members,

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. I am satisfied that the developers have chosen to request a zoning change that reflects their intent to develop a nice single family residential community on approximately 38 plus acres supported by approximately 12 plus acres of general retail.

I am told that the currently requested zoning would prohibit any type of multi-family dwellings including apartment complexes. I would like to emphasize that I do strongly object to any portion of the General Retail 12 plus/minus acres or the 38 plus/minus being utilized for any/all types of multi-family dwellings to include duplexes, four-plexes, etc. or any/all types of one or more story apartment complexes.

As you discuss the proposed zoning request change, I hope that you will give careful consideration to these concerns and that your decisions will continue to promote the southeast gateway into Temple as a quality area in keeping with the numerous existing, newly developed, and future single-family developments in this area.

Sincerely,


Carol Rainer

RECEIVED
OCT 13 2008
CITY OF TEMPLE, TX
CITY SECRETARY

October 7, 2008

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members:

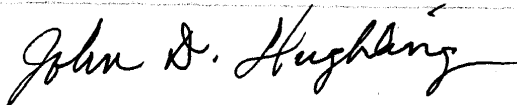
We are writing in reference to proposed Aberdeen Heights Addition, 2-FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As residents living very near to the above-mentioned location, we are aware that the changes proposed in the application will impact the safety, accessibility, and value of our property. Because of this, enclosed is a listing of some of our greatest concerns, as well as questions concerning the proposed addition. It is our request that you and other members of the City Council discuss these items during the scheduled meeting on Thursday, October 16, understanding that these concerns and questions are of intense interest to us.

Some of us will be able to attend that meeting, but for various reasons, some will not. Our non-attendance is not due to disinterest, and we will be contacting those who do attend to learn of any decisions made during that time so we will remain aware of the situation. Our neighbors and we have total confidence that you will give careful consideration to our concerns during your discussion of the application during your meeting on Thursday, October 16.

Thank you for your attention to this matter.

Sincerely,



John D. Hughling
225 W FM 93
Temple, Tx 76502-7619

RECEIVED

OCT 13 2008

CITY OF TEMPLE, TX
CITY SECRETARY

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this time:

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes such as 80' to 100' or larger to reduce the total unit count to 'Moderate Density' would be desired. Also the developer could mix in a percentage of single family one homes with larger lots to diversify and enhance the community which would lower the density count.

Concern #2: Single Family Residential

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others. Please consider not allowing any other use for this section other than nice single family homes with brick faces on all four sides. Rentals, duplexes or multi-family units are not desired.

Concern #3: Parks and Green Space

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods. We feel a small park area would be desired due to the concentration & density of houses on this property.

Concern #4: City Gateway

The South 5th Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

Concern #5: Traffic

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area. With this additional traffic exiting onto South 5th street road, a traffic light might be considered by TxDOT for the intersection of FM 93 & 5th Street road.

Concern #6: Street Access

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5th street as far north of the intersection of FM 93 & 5th Street as possible. The close proximity of the general retail space to this intersection and considering the high speed traffic on FM 93 should preclude any other driveway or entrances to the retail space from Hwy 93.

Concern #7: Retail Units

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation. Examples of retail businesses that are not desired are: Tattoo shops, coin operated laundry, car wash, truck stop, wrecking yard, any business selling alcohol products, flea market, day care, plant nursery, auto repair shop, bar & tavern, cattle sales, cabinet shop, car alarm company, animal hospital, clothing resale outlet, cocktail lounge, consignment service, animal boarding, adult entertainment, funeral home, industrial gas distributor, gun dealer, kennels, laboratories, motorcycle dealer, night club, recycling center, pawn shop, portable toilet company, salvage company, and wrecker service.

TO: Tim Dolan

RE: Aberdeen Heights Addition, City Council Meeting 10/16 @ 5:00 PM

Please review questions regarding Aberdeen Heights Addition

Thank you.

3 pages

Neely Jones

email: njones@fctinsurance.com

4815 S 31st ST

Temple, TX 76502

ph 254.913.5064

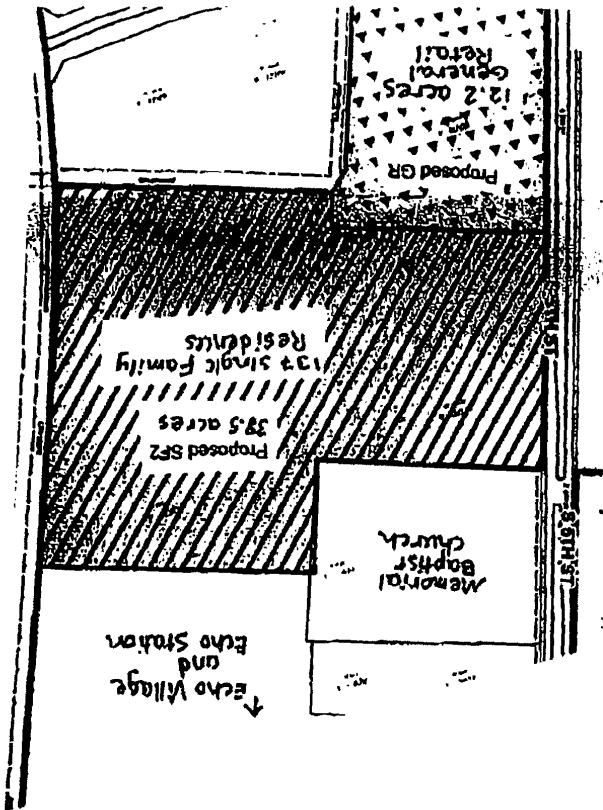
fx 254.773.1120

RECEIVED

OCT 16 2008

**CITY OF TEMPLE, TX
CITY SECRETARY**

Confidentiality Notice: The information contained in this electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete all copies.



CUT HERE AND USE LETTER

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

Dear Mr. Mayor and Council Members,

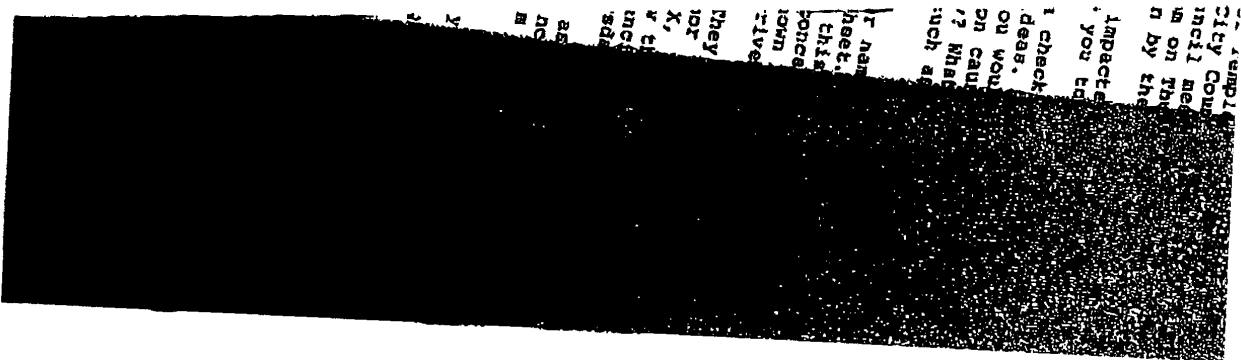
This letter is in reference to the land commonly known as Outblock 6070 northeast corner of the intersection of West FM 93.

As a resident living very near to location, I am aware that the changes will impact the safety, accessibility, To that end, I have listed some of my concerns you will find attached to this sheet.

As you discuss the aforementioned Council meeting on October 16, please let my neighbors and I are trusting that you consider our concerns. While we are to attend the October 16 meeting in person, our work schedules do not permit our attendance your actions closely, and we will all hope decisions will be in the best interest of the City of Temple as a whole.

Sincerely,

Neely Jones (Neely Jones)
100 Tanglewood Rd., Temple, TX



Neely Jones
100 Tanglewood Rd; Temple, 76502 (corner of FM 93 & Tanglewood)

Proposed Aberdeen Heights Addition

Concern#1 – High Density: Opposed to so many duplexes built in the project.

Concern#2 – Single Family Residential: Duplexes are not in harmony with the new residential construction & existing residential on FM 93 and surrounding areas. What is the brick / veneer ratio of the homes/duplexes being built? What is the average square footage? What is the average cost of duplexes and single family dwelling? Single Family “ownership” has more “pride in ownership” appearance than duplex “rentals.”

Concern#3 – Parks and Green Space: There should be a neighborhood park for High Density Single dwelling / Duplexes.

**Concern#4 – City Gateway: Some one besides the City & Keep Temple Beautiful should maintain the city gateway.
(homeowners association, etc)**

Concern#5 – Traffic: Will FM 93 become four lanes? If so, what plan has been established for the additional lanes? Proper drainage from my corner lot requires (93 & Tanglewood) the current frontage.

Concern#6 – Street Access: How will traffic be diverted, how many openings will there be for traffic in the new division to 93, 5th, Water's Dairy, & 1741? Will this put more traffic on Hartrick Bluff which is over populated now with vehicles?

Concern#7 – Retail Units: No bars, no nightclubs, no tire shops, no adult video stores, no dollar/general stores, no service stations, no carwashes.

*** RX REPORT ***

RECEPTION OK

TX/RX NO	7090
CONNECTION TEL	
SUBADDRESS	
CONNECTION ID	
ST. TIME	10/15 16:23
USAGE T	01'12
PGS.	3
RESULT	OK

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

Concern #1: High Density

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Concern #7: Retail Units

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

Mayor William Jones and Council
P.O. Box 207
Temple, TX 76503

RECEIVED

OCT 16 2008

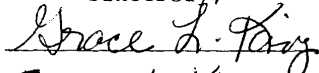
Dear Mr. Mayor and Council Members, CITY OF TEMPLE, TX

This letter is in reference to CITY SECRETARY 2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,


GRACE L. KING

5106 Whistle Stop Dr.
Temple, TX 76503

Mayor William Jones and Council
P.O. Box 207
Temple, Texas 76503

RECEIVED
OCT 16 2008
CITY OF TEMPLE, TX
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on the land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93. As a homeowner living near this location, I am aware of the proposed changes. These possible changes cause my family a great amount of concern.

I just graduated with my medical degree in May, 2008 and began my first year of residency at Scott and White. My wife and I decided to plant roots in Temple and bought a house near the property in question. Being a young couple just starting our lives together, we are of course worried about what the proposed changes will do to the value of our property. Buying our first home together was a big decision, and we are worried about our financial investment.

Perhaps the biggest concern we have is for the safety of our family. My wife and I would like to have children soon. One of the reasons we bought our house in the location we did was because of the zoning of the vacant lots. The thought of having people being able to move in and out of rental units as they please is an unsettling thought. In addition to these rental units, adding retail units as well seems inconceivable. Why in the world do we need another retail unit in this area when we are already mere minutes away from many gas stations, drug stores, grocery stores, and retail stores? The traffic on our streets would go up exponentially by bringing such rental and retail units to our neighborhood. This would also increase the number of strangers that would be coming and going in the surrounding area of my family.

This new development proposal leaves no room for parks or green space. With a project of this size, having no open or recreational space would negatively impact our neighborhood. The city has a slogan that states "Keep Temple Beautiful." By carrying out this proposed application, how is the city following its own slogan?

As you discuss the above-mentioned proposal during the City Council meeting on October 16, please keep my family in mind. We love temple. We chose to move to this city because of the small-town feel. We knew we could raise children here safely. There are many more families just like us. My neighbors and I are trusting that you will give careful thought to our concerns. Unfortunately, my wife's and my work schedules do not allow for either of us to attend the meeting, but we will be monitoring your actions closely. We hope that your decision will be in the best interest of our neighborhood and the City of Temple as a whole.

Sincerely,

Dr. & Mrs. Jonathan Ramirez

Dr. and Mrs. Jonathan Ramirez
(254) 598-2610

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-37]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO A PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON AN APPROXIMATELY 12.2 ACRE TRACT OF LAND AND A ZONE CHANGE TO A SINGLE FAMILY TWO DISTRICT (SF-2) ON AN APPROXIMATELY 38.5 ACRE TRACT OF LAND FOR A TOTAL OF APPROXIMATELY 50.7 ACRES ON THE NORTHEAST CORNER OF FM93 AND SOUTH 5TH STREET, OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of an approximately 12.2 acre tract of land has requested a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR) and a zoning change on an approximately 38.5 acre tract of land to Single Family Two District (SF2), for a total of approximately 50.7 acres on the northeast corner of FM93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14; and

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

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on an approximately 12.2 acre tract of land and a zone change to a Single Family Two District (SF2) on an approximately 38.5 acre tract of land for a total of approximately 50.7 acres on the northeast corner of FM93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development (General Retail) District and Single Family Two District, and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all

local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

A. The following uses shall be permitted within the said PD-GR District:

1. Antique shop
2. Art supply store
3. Retail bakery
4. Bank or saving and loans office
5. Barber or beauty shop
6. Book or stationery shop
7. Cleaning and pressing small shop and pick up
8. Customer personal service shop
9. Discount or department store
10. Drug store or pharmacy
11. Florist or garden shop
12. Food beverage sales store with gasoline pumps
13. Food beverage sales store without gasoline pumps
14. Furniture and appliance store
15. Greenhouse or plant nursery (retail sales)
16. Handcraft shop and art objects
17. Hardware store or hobby shop
18. Key shop
19. Laboratory, Medical or Dental
20. Laundry and cleaning (self-service)
21. Medical appliances, fitting, sales or rental
22. Offices, general business and professional
23. Pet shop
24. Restaurant or cafeteria (not drive-in type)
25. Retail shop, gift, apparel, accessory and similar items
26. Retail shop other than listed
27. Photographer studio
28. Studio, music, dance or drama
29. Tool rental (inside only)
30. Travel bureau or consultant
31. Veterinarian office only (no animal hospital, no inside pens)

B. The following uses require a conditional use permit within the said (PD-GR) District:

1. Florist or garden shop
2. Restaurant or eating place (drive-in service)
3. Health and reducing or similar service studio
4. Veterinarian hospital (inside pens)
5. Tool rental (outside equipment storage)

C. The following uses are prohibited within the said (PD-GR) District:

1. Single family detached residential
2. Single family attached dwelling
3. Townhouse
4. Two family dwelling (duplex)

5. Industrialized housing
6. Single family dwelling attached 3
7. Family home
8. Accessory dwelling
9. Accessory building (residential)
10. Backyard compost operation
11. Home occupation
12. Hotel or motel
13. Stable (private)
14. Electrical substation (high voltage bulk power)
15. Electrical transmission line (high voltage)
16. Gasoline and regulation station
17. Cleaning Plant (Commercial)
18. Household appliance service or repair
19. Pawn Shop
20. Radio or television tower
21. Radio, television transmitting station
22. Telephone Exchange Switch-relay or transmitting equipment
23. Public building shop yard of local, state or federal government
24. Water Treatment Plant
25. Playfield or stadium (public)
26. Roller or ice rink
27. Child Care: small home facility
28. Fraternity or sorority
29. Helistop
30. Railroad track or right-of-way
31. Veterinarian Hospital (outside pens only)
32. Farm, ranch orchard or garden
33. Flea market (indoors)
34. Plumbing shop
35. Warehouse office

D. The approval of the required buffering standards for the north and east side of the said PDD-GR:

1. Design. Buffering must meet one or a combination of the following design standards:
 - a) Buffering shall consist of a ten-foot wide (10.0') landscape edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees wall located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.
 - b) Buffering walls shall consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.

- c) Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.
- E. The approval of the required landscape standards on FM 93 and South Fifth Street and interior parking areas of the said PD-GR:
 - 1. FM 93: Five percent of the lot area along FM 93 shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
 - 2. South Fifth Street: Five percent of the lot area along South 5th Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
 - 3. One hardwood trees shall be required in a landscape island in the parking lot for every 20 parking spaces.
- F. Development or redevelopment of the property shall be through the building permit process.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **October**, 2008.

PASSED AND APPROVED on Second Reading on the 6th day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



CITY COUNCIL AGENDA ITEM MEMORANDUM

10/16/08
Item #6
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING -Z-FY-08-40: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Urban Estate District (UE) on 2.1± acres on the north side of FM 2305, north of Weatherford Drive and Inverness Road, out of the George W. Lindsey Survey, Abstract #513.

PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION: The Planning and Zoning Commission voted 9/0, upon Staff's recommendation on October 6th to recommend approval of Case Z-FY-08-40 for the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan for low-density single-family residential uses;
2. The request complies with the Thoroughfare Plan for a rural residential collector roadway; and
3. Water serves the site and the sewer will be extended from previously developed water lines of the subdivision. All lots are served by septic systems.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-40, from the Planning and Zoning meeting, October 6, 2008.

The Commission recognized that the Urban Estates District accommodates large lot single-family detached residential developments, which is rural in character. The Commission also understands that permitted land uses include, but are not limited to, single-family detached dwellings, educational uses and institutional uses. The houses and amenities conform to the existing covenants and restrictions of the home owner association (HOA). The exceptions granted by the Council in 1997 allow the narrow road pavements and the park land dedication funds to the HOA for use in the private park.

This zone change application tracks with case P-FY-08-66 for an approved 9-lot single-family subdivision called Campus at Lakewood Phase VII. The proposed plat approved by the Commission contains the minimum lot area of 22,500 square feet, 80 foot lot width, and 125 foot lot depth. The plat extends to the City Limit and touches the ETJ of Morgan's Point Resort. Future phases extend into the other municipality's ETJ before coming back into the City limits. The developer will need to continue discussion with Morgan's Point for possible relinquishing of ETJ and Certificate of Convenience and Necessity since the developer will request water service from the City of Temple.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use Map](#)

[Zoning Map](#)

[Notice Map](#)

[Plat Map](#)

[PZ Staff Report](#)

[PZ Excerpts](#)

[Ordinance](#)




Z-FY-08-40B

2.016 Acres

Outblock 7112-A

Campus at Lakewood Ranch Area



 Area of Proposed Zoning

A to UE Zoning

1 inch = 200 feet
J Stone 09.22.08



















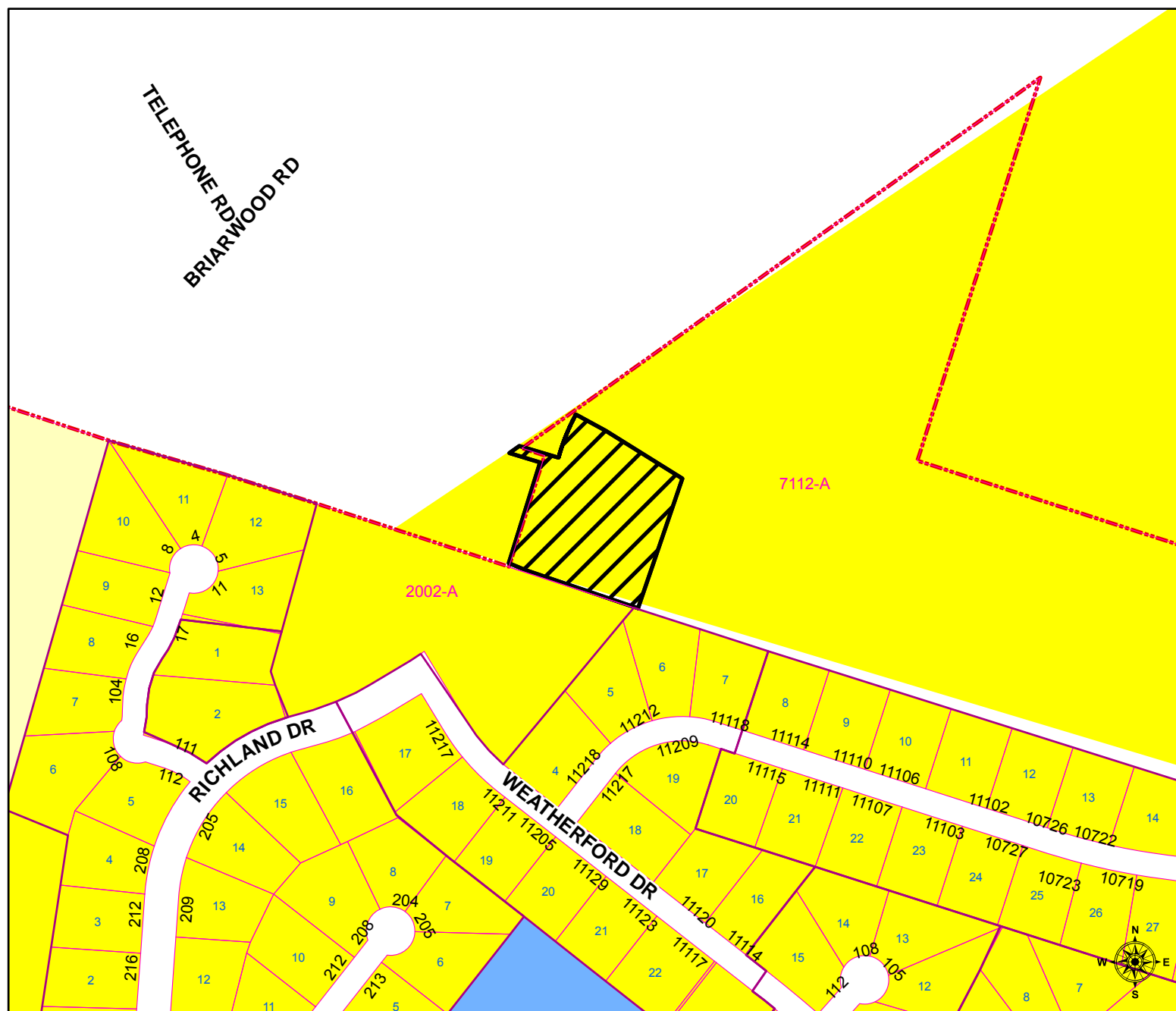
Z-FY-08-40A

2.016 Acres

Outblock 7112-A

Campus at Lakewood Ranch Area

-  Area of Proposed Zoning
-  Neighborhood Conservation
-  Estate Residential
-  Suburban Residential
-  Auto-urban Residential
-  Auto-Urban Multi-Family
-  Auto-Urban Mixed Use
-  Auto-Urban Commercial
-  Suburban Commercial
-  Urban Center
-  Temple Medical Education District
-  Industrial
-  Business park
-  Public/Institutional
-  Parks and Open Space
-  Agricultural/Rural
-  Temple Boundary



1 inch = 300 feet
J Stone 09.22.08

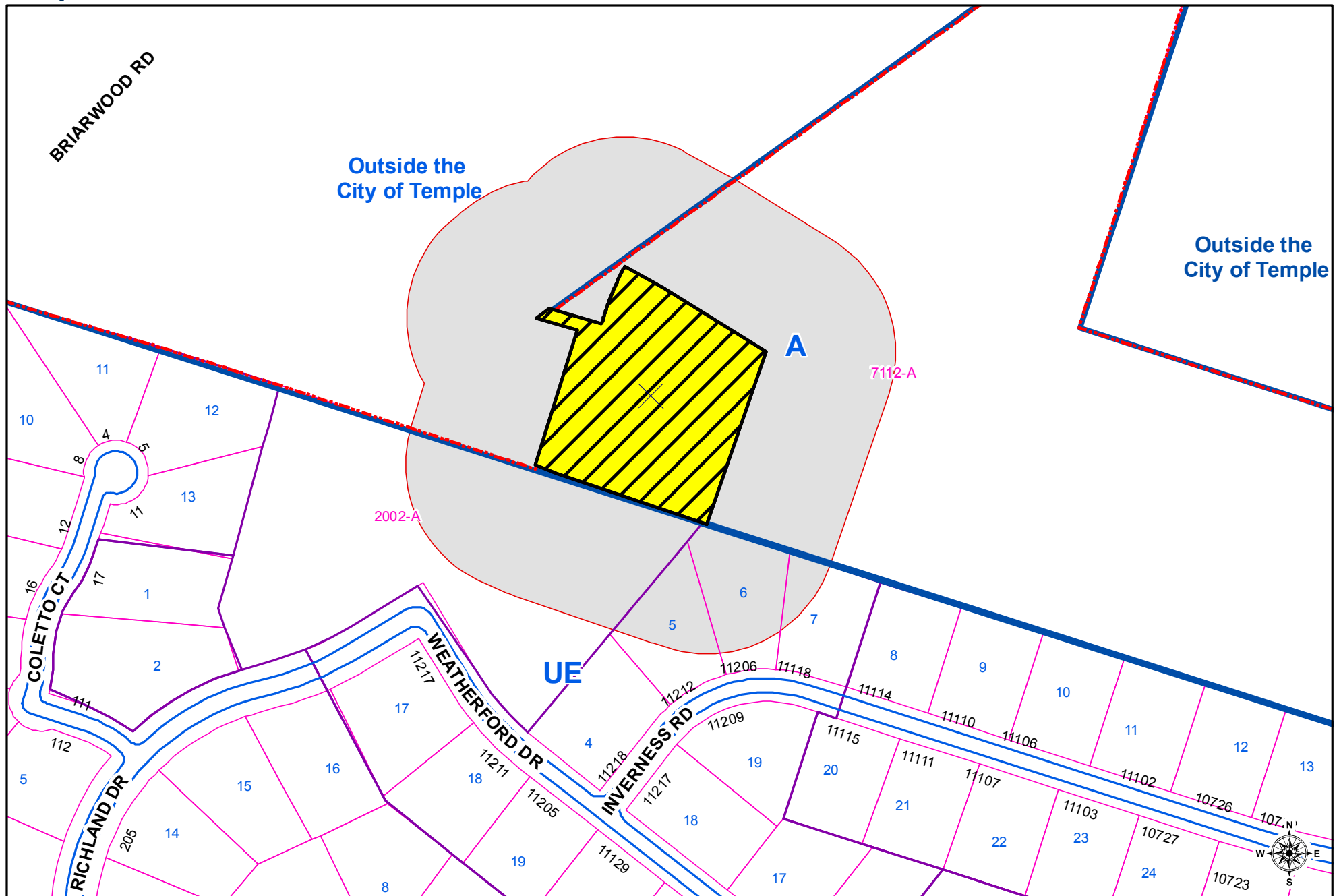


Z-FY-08-40B

2.016 Acres

Outblock 7112-A

Campus at Lakewood Ranch Area



Area of Proposed Zoning

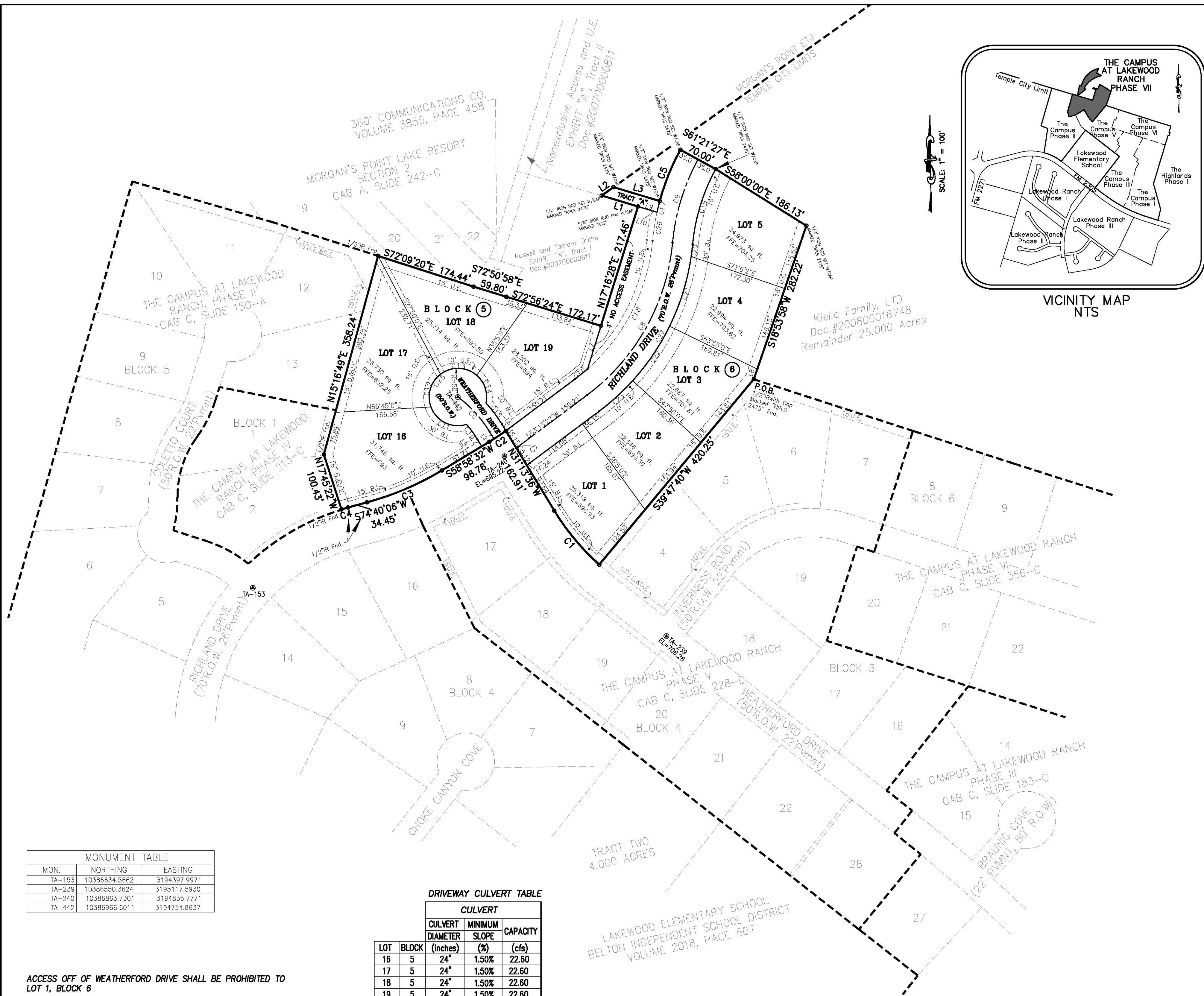


200' Buffer

A to UE Zoning

1 inch = 200 feet

J Stone 09.22.08



MONUMENT TABLE		
MON.	NORTHING	EASTING
TA-153	10386634.5662	3194397.9971
TA-239	10386550.3624	3195117.5930
TA-240	10386863.7301	3194835.7771
TA-442	10386966.6011	3194754.8637

DRIVEWAY CULVERT TABLE				
CULVERT				
LOT	BLOCK	CULVERT DIAMETER (inches)	MINIMUM SLOPE (%)	CAPACITY (cfs)
16	5	24"	1.50%	22.60
17	5	24"	1.50%	22.60
18	5	24"	1.50%	22.60
19	5	24"	1.50%	22.60
1	6	18"	2.33%	9.93
2	6	15"	2.51%	7.45
3	6	15"	2.51%	7.45
4	6	15"	2.51%	7.45
5	6	12"	0.52%	5.08

LINE TABLE		
LINE	LENGTH	BEARING
L1	66.11	N 73°16'08" W
L2	25.33	N 54°35'24" E
L3	83.99	S 73°16'08" E
L4	14.69	N 31°11'39" W
L5	14.74	N 31°11'39" W
L6	13.18	N 31°11'39" W
L7	78.55	N 17°16'28" E
L8	18.44	N 18°53'58" E
L9	34.46	N 73°16'08" W
L10	10.03	S 73°16'08" E

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	TANGENT
C1	122.45	409.01	N 39°49'10" W 122.00'	61.69
C2	34.51	340.00	S 56°7'54" W 34.49'	17.27
C3	141.74	509.14	S 66°54'10" W 141.28'	71.33
C4	11.82	410.00	S 73°50'21" W 11.82'	5.91
C5	95.35	410.00	N 21°54'33" E 95.13'	48.40
C6	82.33	210.00	N 42°25'33" W 81.81'	41.70
C7	3.40	375.00	N 53°29'02" E 3.40'	1.70
C8	313.44	375.00	N 29°16'45" E 304.40'	166.53
C9	152.55	375.00	S 16°59'18" W 151.50'	77.35
C10	31.81	185.00	N 36°07'10" W 31.77'	15.94
C11	75.17	50.00	S 63°54'36" E 69.01'	47.68
C12	63.74	50.00	S 16°14'51" W 59.91'	37.02
C13	68.23	50.00	N 88°08'28" W 63.06'	40.62
C14	53.36	50.00	N 18°28'38" W 50.86'	29.53
C15	46.25	235.00	N 36°49'58" W 46.18'	23.20
C16	28.16	340.00	N 50°51'5" E 28.15'	14.09
C17	20.03	410.00	S 13°48'42" W 20.03'	10.02
C18	256.02	340.00	N 28°54'22" E 250.02'	134.42
C19	138.32	340.00	S 16°59'18" W 137.36'	70.13
C20	21.00	410.00	N 06°48'05" E 21.00'	10.50
C21	127.48	410.00	N 17°10'33" E 126.97'	64.26
C22	115.09	410.00	N 34°07'30" E 114.71'	57.93
C23	79.13	410.00	N 47°41'44" E 79.00'	39.69
C24	5.80	410.00	N 53°41'57" E 5.80'	3.40
C25	261.49	50.00	S 47°15'15" W 50.27'	29.08
C26	50.41	410.00	S 08°51'23" W 50.38'	25.24
C27	342.70	410.00	N 29°16'45" E 332.81'	182.07

ACCESS OFF OF WEATHERFORD DRIVE SHALL BE PROHIBITED TO LOT 1, BLOCK 6

ACCESS OFF OF RICHLAND DRIVE SHALL BE PROHIBITED TO LOT 16, BLOCK 5

ACCESS OFF OF RICHLAND DRIVE SHALL BE PROHIBITED TO LOT 19, BLOCK 5

CITY OF TEMPLE MONUMENT EL=706.26
CENTERLINE P.I. ALUM. MONUMENT TA-239 THE CAMPUS AT LAKEWOOD RANCH, PHASE V

BENCHMARK EL=688.72
R.R. SPIKE SET IN NORTHEAST SIDE OF POWER POLE +/- 125' WEST OF CENTERLINE CYPRESS SPRING AND +/- 5' NORTH OF NORTH RIGHT-OF-WAY FM 2305.

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°29'04" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852 PUBLISHED CITY COORDINATES ARE X=3,198,199.05 Y=10,383,950.33 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N43°52'03" W, 4226.39 FEET

CULVERT NOTES:

ALL CULVERTS TO BE RCP, ULTRA-FLO CMP (N=0.012), OR APPROVED EQUAL. ALL ENTRANCE & EXIT FLOWLINE ELEVATIONS SHALL BE COMPLIANT WITH PROFILE ELEVATIONS SHOWN ON "AS-BUILT" CONSTRUCTION DRAWINGS.

NOTES:

TRACT "A" 0.042 ACRES - FUTURE ACCESS & UTILITY EASEMENT

ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED WITH "RPLS 2475" FOUND UNLESS NOTED OTHERWISE

THE CAMPUS AT LAKEWOOD RANCH, PHASE VII IS NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP No. 480706 0095 B

STATE OF TEXAS
COUNTY OF BELL

KIELLA DEVELOPMENT INC., A TEXAS CORPORATION, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE CAMPUS AT LAKEWOOD RANCH, PHASE VII, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA DEVELOPMENT, INC.

JOHN KIELLA, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF ____, 2008 BY JOHN KIELLA, VICE PRESIDENT OF KIELLA DEVELOPMENT, INC., A TEXAS CORPORATION.

NOTARY PUBLIC

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.
DATED THIS ____ DAY OF ____, 2008.

CITY SECRETARY

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS ____ DAY OF ____, 2008.

SECRETARY TO PLANNING & ZONING COMMISSION:

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS ____ DAY OF ____, 2008

CHAIRPERSON:

I, THE UNDERSIGNED, A REGISTERED SANITARIAN IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION, AND ITS WASTEWATER UTILITY SYSTEM HAS BEEN REVIEWED FOR COMPLIANCE WITH APPLICABLE STATE AND OTHER REGULATIONS GOVERNING SUCH SYSTEMS AND IS HEREBY APPROVED FOR INSTALLATION AS INDICATED.

APPROVED: ____ DATE: ____

TITLE: ____ BCHD

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS ____ DAY OF ____, 2008.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: ____

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT:

VICTOR D. TURLEY, P.E.
NO. 32525

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

MICHAEL E. ALMS, R.P.L.S.
NO. 5402

FINAL PLAT FOR: THE CAMPUS AT LAKEWOOD RANCH PHASE VII

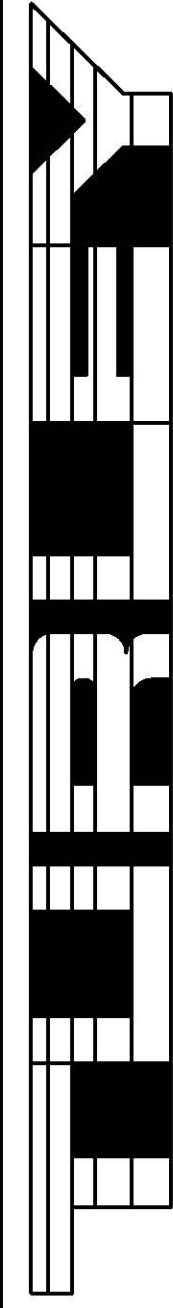
9 Lots, 2 Blocks
LOTS 1-5, BLOCK 6
LOTS 16-19, BLOCK5

6.793 ACRES

OUT OF AND A PART OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT #513
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

6.793 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

TRACT SURVEYED JULY 11, 2008



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

(254) 773-2400
FAX NO. (254) 773-3998

TEMPLE, TEXAS 76501

301 N. 3rd ST.
E-MAIL: VDTURLEY@AOL.COM

FINAL PLAT OF:
THE CAMPUS AT LAKEWOOD RANCH
PHASE VII
GEORGE W. LINDSEY SURVEY, ABSTRACT #513
A SUBDIVISION IN THE
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA DEVELOPMENT, INC.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

Date: July 31, 2008

Drawn By: JFB

96339,9736-D (Master)
96509,9786-D (Survey)
96642,9818-D (Ph I)
98232,10167-D (Ph II)
99100,10385-D (Ph III)
00376,10696-D (Ph IV)
02151,10982-D (Ph VI)

FB/LB: L.B. 541/42

Job Number: 08-382

Sheet 1 of 1

Computer: 08382-fp

11624-D
DRAWING NUMBER



PLANNING AND ZONING COMMISSION AGENDA ITEM

10/06/08
Item 4
Public Hearing
Page 1 of 2

APPLICANT / DEVELOPMENT: Turley Associates for Kiella Development

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-08-40-Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (A) to Urban Estate District (UE) on 2.1± acres on the north side of FM 2305, north of Weatherford Drive and Inverness Road, out of the George W. Lindsey Survey, Abstract #513.

BACKGROUND: This zone change application tracks with case P-FY-08-86 for a subdivision proposed to be called Campus at Lakewood Ranch Phase VII. The applicant requests UE, Urban Estates zoning for the subject property to be used for single-family houses.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	NA	Vacant, ETJ Morgan Point Resort
East	UE	Single-family residential subdivision
South	A & UE	Single-family residential subdivision
West	UE	Single-family residential subdivision

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

Future Land Use Plan & Future Trends

The Future Land Use Map shows Low Density Residential as the future land use category for the subject property. This category recommends the UE, Urban Estates District. The zoning request complies with the Future Land Use Plan.

Thoroughfare Plan

Richland Drive is planned as a rural collector road which complies with the Thoroughfare Plan for providing an adequate road for UE zoning.

Adequacy of Public Facilities

The plat for this development establishes an 8" water line to serve the subdivision. Septic systems will be used instead of sewer. Adequate public facilities will serve the development.

Development Regulations

The UE, Urban Estates District accommodates large lot single-family residential developments. This district is suitable for estate development or areas in which it is desirable to permit only low-density development. Projects should typically be rural in character and well buffered from more intensely developed uses.

Permitted land uses include, but are not limited to single-family detached dwellings, educational uses and institutional uses. The UE District prohibits all residential uses other than single-family detached and prohibits most nonresidential uses.

The UE District has the following dimensional requirements for residential uses.

Urban Estates (UE)	
Min. Lot Area (sq. ft.)	22,500
Min. Lot Width (ft.)	80
Min. Lot Depth (ft.)	125
Max. Height (stories)	3
Min. Yard (ft)	
Front	30
Side	15
Rear	10

Public Notice

Sixteen notices were sent out. As of Thursday, October 1st 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 September 26th in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the zoning request from A to UE for the following reasons:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

Zoning Map

Aerial

Public Notice Map

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

MONDAY, OCTOBER 6, 2008

ACTION ITEMS

4. Z-FY-08-40: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (A) to Urban Estate District (UE) on 2.1± acres on the north side of FM 2305, north of Weatherford Drive and Inverness Road, out of the George W. Lindsey Survey, Abstract #513. (Applicant: Turley Associates for Kiella Development)

Mr. Tim Dolan, Planning Director, presented an overview of this zone change request. This is the continuation of The Campus @ Lakewood which contained a homeowners' association and the Development Review Committee reviewed this process and deemed the application complete on September 29, 2008.

Staff has recommended approval for this zone change because the change from Agricultural to Urban Estate conforms to the Future Land Use Plan, the Thoroughfare Plan and adequate public facilities are going to be able to serve the site.

Commissioner Martin made a motion to approve the zone change from AG to UE.

Commissioner Hurd seconded the motion.

Motion passed (9:0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-08-40]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO URBAN ESTATES DISTRICT (UE) ON APPROXIMATELY 2.1 ACRES ON THE NORTH SIDE OF FM 2305, NORTH OF WEATHERFORD DRIVE AND INVERNESS ROAD, OUT OF THE GEORGE W. LINDSEY SURVEY, ABSTRACT #513; 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 Urban Estates (UE) on approximately 2.1 acres on the north side of FM 2305, north of Weatherford Drive and Inverness Road, out of the George W. Lindsey Survey, Abstract #513, 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 **16th** day of **October**, 2008.

PASSED AND APPROVED on Second Reading on the **6th** day of **November**, 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

10/16/08
Item #7(A)-(C)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Building & Standards Commission – one regular member to fill an unexpired term through March 1, 2010
- (B) Temple Public Safety Advisory Board – two members to fill unexpired terms through September 1, 2010
- (C) Tree Board – one member to fill an unexpired term through March 1, 2011

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) Bishop John Tolbert has forfeited his position on the Building & Standards Commission due to non-attendance. This term expires March 1, 2010.

(B) Doris Easter and Luis Montero have both forfeited their positions on the Temple Public Safety Advisory Board due to non-attendance. Both terms expire September 1, 2010 and must be filled with Temple residents.

(C) Jack Barton resigned from the Tree Board, effective August 22, 2008, as he was appointed to the Planning & Zoning Commission. This position must be filled by a representative from the Parks and Leisure Services Advisory Board. That Board has recommended Doug Smith to fill this unexpired term.

Board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards are being provided in hard-copy form, as well as board applications received from those requesting service on these particular boards, and a summary listing of these applications.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Application Summary w/
Board Summary Forms – hard copy



COUNCIL AGENDA ITEM MEMORANDUM

10/16/08
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to serve on the I-35 Segment 2 Committee established by the Texas Department of Transportation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation (TxDOT) has established four I-35 Corridor Segment Committees. The focus of the committees will be on individual segments of I-35. The committees will provide input and advice to TxDOT regarding the designation of a route or construction of the proposed segment. They will also provide input in the development of master plans for I-35.

Membership of these committees is made up of local transportation partners and stakeholders. All segment committees include counties and metropolitan planning organizations within a given segment. Membership may also include cities, chambers of commerce, economic development corporations and port authorities.

Last week, TxDOT designated several local entities to serve on the I-35 Segment 2 Committee, including the City of Temple. The Council has the opportunity to appoint a representative to this Committee before October 31st.

FISCAL IMPACT: None

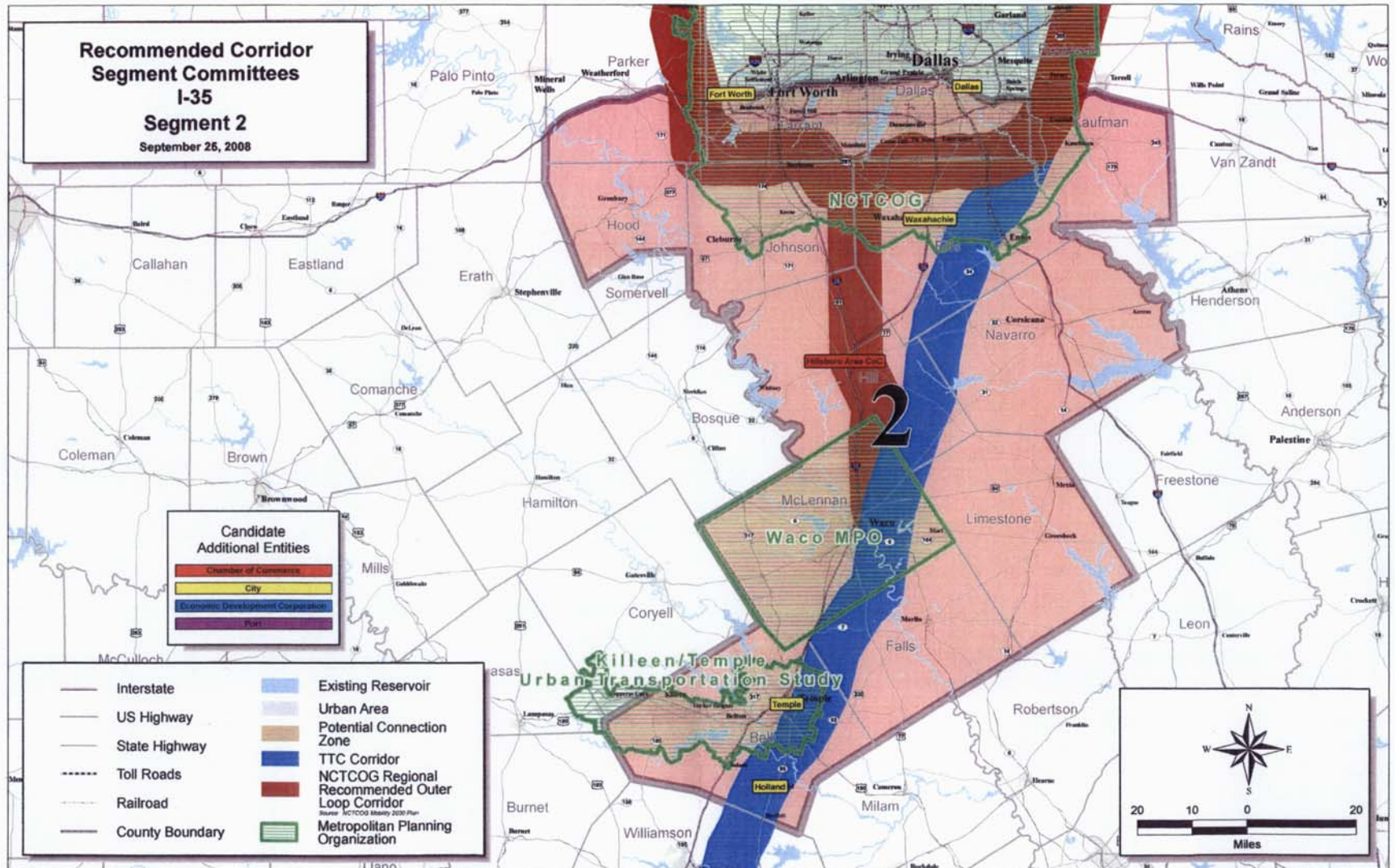
ATTACHMENTS:

[List of Participating Organizations on I-35 Segment 2 Committee](#)
[Segment 2 Map](#)
[Resolution](#)

Exhibit A

I-35 Segment 2 Committee - Recommendations for 22 positions				
	REQUIRED BY REGULATION:			
	<u>COUNTIES</u>			
1	Bell			
2	Dallas			
3	Ellis			
4	Falls			
5	Hill			
6	Hood			
7	Johnson			
8	Kaufman			
9	Limestone			
10	McLennan			
11	Navarro			
12	Parker			
13	Tarrant			
	<u>METROPOLITAN PLANNING ORGANIZATIONS</u>			
14	Killeen/Temple Urban Transportation Study			
15	North Central Texas Council of Governments			
16	Waco MPO			
	INVITED BY COMMISSION:			
	<u>CITIES</u>			
17	Dallas			
18	Fort Worth			
19	Holland			
20	Temple			
21	Waxahachie			
	<u>CHAMBERS OF COMMERCE</u>			
22	Hillsboro Area Chamber of Commerce			

Segment 2
September 26, 2008



RESOLUTION NO. 2008-5564-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING ONE MEMBER TO SERVE ON THE I-35 SEGMENT 2 COMMITTEE ESTABLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) has established four I-35 Corridor Segment Committees which will focus on individual segments of I-35 and provide input to TxDOT regarding the designation of a route or construction of the proposed segment and input into the development of master plans for I-35;

Whereas, membership of these committees is made up of local transportation partners and stakeholders and may also include cities, chambers of commerce, economic development corporations and port authorities;

Whereas, TxDOT has designated several local entities to serve on the I-35 Segment 2 Committee, including the City of Temple, and the City's representative needs to be appointed; 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 appoints _____ as the representative for the City of Temple to serve on the I-35 Segment 2 Committee established by the Texas Department of Transportation.

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 **16th** 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