



**MEETING OF THE  
TEMPLE CITY COUNCIL**

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

**THURSDAY, MARCH 5, 2009**

**3:00 P.M.**

**3<sup>RD</sup> FLOOR CONFERENCE ROOM**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 5, 2009.
2. Executive Session – Chapter 551, Government Code, §551.087, the City Council will enter into executive session to discuss commercial and financial information regarding redevelopment proposals received for the Hawn Hotel and Arcadia. No final action will be taken.
3. Executive Session – Chapter 551, Government Code, §551.087, the City Council will enter into executive session to discuss certain economic development services associated with the Rail Park at Central Pointe. No final action will be taken.
4. Executive Session – Chapter 551, Government Code, §551.072 – Real Property – The City Council will enter into executive session to discuss the purchase, exchange, lease or value of real property relating to the South Temple Water System Improvement project and the Temple Parks system, the public discussion of which would have a detrimental effect on negotiations with a third party. No final action will be taken.

**5:00 P.M.**  
**CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. (A) Recognition of Zoe Rascoe for receiving the [Individual Citation Award](#) from the Southwest Region of the National Parks and Recreation Association for outstanding service to the Temple Parks and Leisure Services Department and the citizens of Temple.
- (B) [2009 Great American Cleanup](#) March 2009

**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) [February 19, 2009 Special Called Meeting and Regular Meeting](#)
- (B) [February 20, 2009 Special Called Meeting](#)

### **Contracts, Leases & Bids:**

- (C) **2009-5651-R:** Consider adopting a resolution authorizing the purchase of ten (10) Ford Crown Victoria marked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$268,331.30.
- (D) **2009-5652-R:** Consider adopting a resolution authorizing an interlocal agreement with Harris County Department of Education to enable the City to utilize purchasing programs and services competitively procured under the Harris County Department of Education.
- (E) **2009-5653-R:** Consider adopting a resolution authorizing a professional services agreement with Architectural Edge, Inc. of Temple to provide architectural and engineering services related to the construction of a new Fire Station No. 8/Training Center with EOC capabilities in an amount not to exceed \$199,730 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.
- (F) **2009-5654-R:** Consider adopting a resolution authorizing a professional services agreement with Eleven Thirteen Architects, Inc. of Georgetown to provide architectural services to remediate the exterior at the Santa Fe Depot for an amount not to exceed \$31,000.
- (G) **2009-5655-R:** Consider adopting a resolution authorizing a professional services agreement with Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP), for engineering services, including design, design surveys, bid phase services, and inspection services, required to install new wastewater lines for the Lilac Lane Sewer Extension Project in south central Temple in an amount not to exceed \$39,700.
- (H) **2009-5656-R:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Carter Burgess in an amount not to exceed \$1,440,300 for Phase 3, Phase 4, and Phase 5 of the Bird Creek Interceptor Project, to include preliminary and final design for four construction contracts, bidding and contract award for the first construction contract, construction phase services for the first construction contract, and special services for the project, which include easement preparation, acquisition, and appraisal services.
- (I) **2009-5657-R:** Consider adopting a resolution authorizing a professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services commencing April 1, 2009, at an annual cost of \$27,720.
- (J) **2009-5644-R:** Consider adopting a resolution authorizing an agreement with David Blackburn, City Manager, regarding terms of employment consistent with State law and the City Charter.

*Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council may meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager, City Attorney, Director of Finance, City Secretary and Municipal Court Judge.*

## **Ordinances – Second Reading:**

- (K) [2009-4284](#): SECOND READING – Consider adopting an ordinance amending the City's Economic Development Policy ordinance by establishing new criteria and guidelines for tax abatement in the Avenue H Strategic Investment Zone to promote local economic development and to stimulate business and commercial activity.
- (L) [2009-4286](#): SECOND READING – Consider adopting an ordinance designating the Avenue H corridor as Tax Abatement Reinvestment Zone Number 15 and authorizing tax abatement agreements and certain other economic development incentives therein.

## **Plats**

- (M) [2009-5658-R](#): P-FY-09-15: Consider adopting a resolution approving the final plat of T.B.T. Ranch Subdivision, 3 single family lots on 10.8± acres located on the east side of Water Supply Road, west of SH 36, 2.2 miles from the City Limits, in Temple's Western E.T.J, with the developer's requested exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees of the Subdivision Ordinance and Sec. 12-145 of the Code of Ordinances, Fire Protection.

## **Misc.**

- (N) [2009-5659-R](#): Consider adopting a resolution authorizing the use of a competitive sealed proposal for the acquisition of services needed to crack-seal and re-paint certain airport runways and taxiways.
- (O) [2009-5660-R](#): Consider adopting a resolution authorizing the use of a competitive sealed proposal for the acquisition of construction services related to the construction of the new Central Fire Station.
- (P) [2009-5661-R](#): Consider adopting a resolution authorizing the adoption of the Temple Tomorrow Strategic Vision and Plan 2009 Update.
- (Q) [2009-5662-R](#): Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.
- (R) [2009-5663-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

## **V. REGULAR AGENDA**

- 5. (A) [2009-4285](#): SECOND READING – Consider adopting an ordinance amending Ordinance Number 2008-4218, adopted June 5, 2008, by amending Part 3 therein to revise the economic incentive matching grants offered by the City in the South 1st Street Strategic Investment Zone.
- (B) [2009-5664-R](#): Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement between the City of Temple and JZI Primetime LLC (Pool's Grocery) for redevelopment improvements in the Temple Medical Education District and the 1<sup>st</sup> Street Strategic Investment Zone corridor.



(C) [2009-5665-R](#): Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement between the City of Temple and Don’s Medical Equipment for redevelopment improvements in the Temple Medical Education District and the 1<sup>st</sup> Street Strategic Investment Zone corridor.

### **Board Appointments**

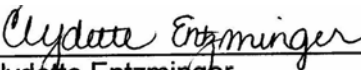
6. [2009-5666-R](#): Consider adopting a resolution appointing one member to the Electrical Board to fill an unexpired term through March 1, 2011.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:40 PM, on February 27, 2009.

  
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 \_\_\_\_\_ 2009. \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #3(A)-(B)  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

### **ITEM DESCRIPTION:** Presentation of Proclamations:

- (A) Recognition of Zoe Rascoe for receiving the Individual Citation Award from the Southwest Region of the National Parks and Recreation Association for outstanding service to the Temple Parks and Leisure Services Department and the citizens of Temple.
- (B) 2009 Great American Cleanup                      March 2009

**STAFF RECOMMENDATION:** Present recognitions and proclamations as presented in item description.

### **ITEM SUMMARY:**

- (A) On February 25<sup>th</sup>, Zoe Rascoe was recognized at the Texas Recreation and Parks Society Annual Conference in Austin. She was presented with the Individual Citation Award from the Southwest Region of the National Parks and Recreation Association for outstanding service to the Temple Parks and Leisure Service Department and the citizens of Temple. Zoe was nominated for this award by the Temple Parks and Leisure Services Department.
- (B) Tanya Gray, Executive Director, Keep Temple Beautiful, Inc., requested this proclamation and she will be present to receive it.

**FISCAL IMPACT:** None

**ATTACHMENTS:** None



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #4(A)-(B)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) February 19, 2009 Special Called Meeting & Regular Meeting
- (B) February 20, 2009 Special Called 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:**

February 19, 2009 Special Called Meeting & Regular Meeting  
February 20, 2009 Special Called Meeting

## TEMPLE CITY COUNCIL

**FEBRUARY 19, 2009**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 19, 2009, at 1:00 PM in the 3rd Floor Conference Room, 2 North Main Street.

**Present:**

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

**1. The Temple City Council will conduct a work session to discuss the current 2009 budget, the anticipated FY 2010 budget, and the City's Strategic Plan.**

David Blackburn, City Manager, began with discussion of the proposed Strategic Plan. He stated the Council has previously been provided with the document entitled "Temple Tomorrow Strategic Vision and Plan 2009 Update" for their review and discussion today. He also provided Council with a copy of the Staff Action Plan for information only, as it is more tactical in nature. This document will be used by the City Manager in developing work plans with staff and budgeting available resources.

The Council discussed at length the fourth focus area, Growing Community Enhancements, that was added as a result of discussions at the previous strategic planning work session.

Councilmember Jeter stated he felt this fourth focus area was on a different level than the other three areas.

Mayor Jones stated these focus areas should support our vision, which is to have the best jobs, best education and best quality of life in Temple. This new focus area addresses the quality of life issue. The staff gets direction from the Council through the Strategic Plan, as well as policies and procedures that are adopted.

Councilmember Jeter stated the cost of doing business is maintaining our core services, not strategic focus areas. He felt the Strategic Plan would drive Council decisions even more in the next few years so we need to be cautious about what is included in the Plan.

Mayor Jones stated he felt the guidance Council gives during budget discussions will determine what and how much can be done each year.

Councilmember Jeter noted the residential/mixed use growth objective is missing from the tax base focus area and he felt it was a very important component to growing the tax base.

After continued discussion by the Council, Mr. Blackburn staff would continue to review Strategic Goals 11 and 12 to determine if they should be removed from Grow Community Enhancements and added to Grow Tax Base. The focus areas should be areas of great importance to the Council. The priority for achieving the goals will be determined during

the budget process.

Next, Traci Barnard, Director of Finance, discussed the first quarter financial results. She reviewed the General Fund revenues, providing statistical information regarding the top five revenue sources - sales tax, ad valorem taxes, solid waste fees, franchise fees and fines. General Fund expenditures were discussed, highlighting fuel prices, which are currently quite a bit lower than the budgeted amount. The unallocated fund balance at December 31, 2008 was \$1,192,684.

Mrs. Barnard continued with a review of the Water and Wastewater Fund revenues, including statistics relating to monthly water consumption and annual rainfall. In response to Mayor Jones' question, Mrs. Barnard stated the City is compiling data to determine if a change in the winter water average is needed this year. Mrs. Barnard concluded her presentation with a review of the City's investments and Capital Improvement Program.

Mr. Blackburn continued with a discussion of fence posts for the FY 2009-2010 budget process. He provided statistical information regarding the economic picture on the national, state and local levels. To summarize the economic picture, Mr. Blackburn stated on the national level, the forecast was troubling but Texas is in better shape than most states, as is the Temple economy. This is mainly due to our diversity and strong health care based industry. The question is how hard and how long Temple's economy will be impacted.

Mr. Blackburn discussed the fence posts for the current year, noting they will be much the same for FY 2009-2010. He explained the alignment of planning and resource documents will be even more critical in the upcoming budget because fewer resources will demand more, better planning and create challenging choices. The main priority emphasis will continue to be on our people, Mr. Blackburn stated, although programs and services will likely be impacted which will also impact our people to some extent. Regarding the tax rate, Mr. Blackburn stated the City cannot continue to provide the same level of services with the current tax rate. The economy will make it difficult to raise taxes so some hard choices will have to be made. In conclusion, Mr. Blackburn asked for direction and communication from the City Council as we go into the budget development.

Next, Mrs. Barnard provided a brief overview of the City Council travel and business related expenditures for the first quarter of FY 2008-2009, which is part of the quarterly financial reports.

**3. Discuss the Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2008.**

Item 3 was presented at this time.

Mr. Steve Niemeier, with the audit firm of Brockway, Gersbach, Franklin and Niemeier, presented a summary review of the 2008 audit report. He began by discussing the financial highlights of the audit. Next, he presented several graphs detailing the revenues, expenses and increase in net assets of primary government. Mr. Niemeier explained his firm has issued their independent auditor's report without qualifications and the report on internal controls showed no significant or material weaknesses. The report on compliance with the single audit provisions was issued with no questionable cost or findings and the separate management letter only contained two recommendations for improvement, which include tightening P-Card controls and TEDC's need to record land transfers from the City

as they occur.

**4. Discuss alternate project delivery method options and the City's current local preference policy regarding the purchase of goods and services.**

Jonathan Graham, City Attorney, addressed some of the questions from the previous work session regarding the Construction Manager At Risk (CMAR) process. He stated his research indicates this is a very transparent process and the City actually sees more information than with the traditional sealed bid method. In the CMAR process, the City is provided with a list of the suppliers and subcontractors that will be used. Regarding the other alternative procurement methods, Mr. Graham stated staff needed more time to research those issues and bring a recommendation forward to the Council.

Mr. Blackburn stated the next issue for the Council to discuss is the local preference policy in place and its value.

Councilmember Jeter stated he would like to see the Council set some standards on how local vendors will be evaluated and request the same information from all contractors. He also suggested a dollar amount be budgeted to cover the possibility of choosing the local preference option during the year.

Councilmember Schneider stated he felt all contractors were getting about the same subcontractor bids. The difference is the margin between the general contractors. He stated he did not feel the City would continue to get the same bidders if we keep awarding contracts using local preference and that the competition will become different.

Mayor Jones asked if 5% for a local preference option is too high. Do we want to lower it or do we want it at all, he asked.

Councilmember Schneider asked if we wanted to continue to use local preference on construction projects at all. Instead, should we just use it for purchase of supplies and similar items?

Mayor Jones stated those purchases can be made using best value bids.

Councilmember Jeter stated the City needs to treat all of the contractors fairly. He discussed the two previous local preference bids awarded and the possible misunderstandings about the local subcontractors. He added this policy is not just about the "local company." It is about the impact on the local economy. Councilmember Jeter felt they should define what is a local subcontractor and get the most we can for local dollars.

Councilmember Schneider asked if the City should only apply the local preference to contracts under a certain dollar amount.

Councilmember Janczak gave the example of some national homebuilding companies that come into the City and nothing stays in Temple.

Councilmember Jeter stated we can be flexible with the CMAR method to use local preference. With hard bids, we should include information in the bid that local subcontractors, those within a pre-determined number of miles from the City, will be given preference and are encouraged. This type of policy statement should be included in the bid documents.

Mayor Jones suggested giving preference to bids that utilize subcontractors that are as close to Temple as possible. The policy statement should be clear that local preference will be awarded not just on the location of the general contractor but also on the use of local subcontractors.

Belinda Mattke, Purchasing Director, asked if the statement could also indicate that general contractors should be prepared to submit a list of their subcontractors is local preference is to be considered by the Council.

Mayor Jones replied that would be appropriate.

Mr. Graham stated the City can define what the local benefit is with regard to local preference. However, he recommended that the requirements not be as strict as a mathematical equation. The Council can state they will look at certain criteria without establishing a point system.

**2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 19, 2009.**

Item 13: Councilmember Janczak asked why this ordinance was being considered on an emergency basis.

Amy House, Human Resources Director, replied the Fire Department currently has an employee who is going off civil service status today without a position to go into. We do have a position, Ms. House explained, but it is in a promotional status and we must test to fill that position to be in compliance with Civil Service rules. After the promotional test is given and an employee promoted, then the employee can be moved back into the appropriate position.

Item 7(D): Mayor Jones stated the Council would enter into executive session at this time for this discussion of this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 19, 2009 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

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

**2. Pledge of Allegiance**



The Children of the Republic of Texas, Elizabeth Lawrence Aldrich Chapter, led the Pledge of Allegiance.

## **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. Presentation of Proclamations:**

#### **(A) Healthy Marriage Day                      February 14, 2009**

Mayor Jones presented this proclamation to Richard Welch and Patricia Polega with Lutheran Social Services.

#### **(B) Children of the Republic Of Texas' 80th Anniversary      March 2, 2009**

Mayor Jones presented this proclamation to Suzanne Steeves, Elizabeth Lawrence Aldrich Chapter of the Children of the Republic of Texas, along with several other members of the Chapter.

#### **(C) Adopt-A-Street Program**

Mayor Jones read this proclamation for those in attendance.

## **III. PUBLIC COMMENTS**

Mr. Roy Heist thanked Council for the work being done around Avenues G and H. The added police patrol is appreciated. He stated he is a real estate investor and the incentive ordinance being proposed will go a long way in helping this area.

Chester Thompson, 1107 South 10th Street, addressed the Council. He stated there have been a lot of accidents along Avenue M at 10th Street and many near misses. Kids walk in this area and it is dangerous. Mr. Thompson asked that a stop sign be installed on either street, Avenue M or 10th Street.

## **IV. REPORTS**

### **4. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2008.**

Traci Barnard, Director of Finance, stated an annual independent audit is required by the City Charter. The City engaged the firm of Brockway, Gersbach, Franklin & Niemeier to prepare the annual audit, as they have for a number of years.

Steve Niemeier, with Brockway, Gersbach, Franklin & Niemeier, P.C., presented the annual audit report to the Council, beginning with some financial highlights of FY 2008. He also reviewed schedules showing the Revenues by Component of Primary Government, Expenses by Component of Primary Government, Investment in Capital Assets Net of Related Debt, and Net Assets by Component of Primary Government. Mr. Niemeier also presented the audit results, noting the report was issued without qualifications, with no material weaknesses being noted, and no questionable costs or findings in the single audit provisions.

5. **Receive a report from the Temple Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.**

Gary Smith, Chief of Police, presented this report to the Council. He discussed several of the statistics provided in the report, including the number of citations by descent in comparison to population. Other statistics presented related to citations with search, citations with search by consent, traffic stops leading to arrest, traffic stops leading to arrest with search, and traffic stops leading to arrest with consent to search. He reviewed the requirements of the statute on the Police Department regarding bias-based policing. Chief Smith stated the statistics presented indicate the Temple Police Department operates in a fair and consistent manner throughout the community.

## **V. PUBLIC HEARINGS**

6. **PUBLIC HEARING - Conduct a public hearing to receive comments on the possible voluntary annexation of a 176.534 acre tract located west of Airport Road (SH 36) just northwest of the intersection of SH 317 and Airport Road (SH 36).**

Mayor Pro Tem Luna introduced this item.

Jonathan Graham, City Attorney, stated this item relates to a voluntary annexation petition accepted by the City on February 5, 2009, from the Woods Robins Trust (Paul Mark Woods), the owner of this tract. The City is required to by law to hold two public hearings, this being the first, with the second hearing scheduled for tomorrow morning, 8:00 a.m. There are no residents on this property.

Tim Dolan, Planning Director, presented the municipal services plan relating to this property, noting the services that would be provided. He reiterated there are no residents on this property and no extension of water or sewer services are planned. A Conditional Use Permit for Light Industrial zoning may be presented on the second reading of the annexation ordinance to accommodate the existing mining operation.

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

## **VI. CONSENT AGENDA**

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

**(A) February 5, 2009 Special Called Meeting and Regular Meeting**

**(B) 2009-5642-R: Consider adopting a resolution authorizing joint election agreements with Temple Independent School District and the Temple Health and Bioscience Economic Development District for the May 9, 2009 election.**

**(C) 2009-5643-R: Consider adopting a resolution authorizing a change order to a construction contract with Ranger Excavating, LP, for construction activities required to build the Rail Park Detention Pond between northwest H.K. Dodgen Loop and the future outer loop in an amount not to exceed \$41,112.50.**

**(D) 1. 2009-5644-R: Consider adopting a resolution authorizing an agreement with David Blackburn, City Manager, regarding terms of employment consistent with State law and the City Charter.**

**2. 2009-5645-R: Consider adopting a resolution setting the compensation for certain Council-appointed employees.**

**(E) 2009-5646-R: Consider adopting a resolution authorizing the acceptance of funding from the Children's Justice Act (CJA), a federal award granted to develop, establish, and operate programs designed to improve the investigation, prosecution, and judicial handling of cases of child abuse and neglect, in the amount of \$2,312.**

**(F) 2009-5647-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2009.**

**(G) 2009-5648-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.**

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, with the exception of items (D) 1 and (F), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(D) 1. 2009-5644-R: Consider adopting a resolution authorizing an agreement with David Blackburn, City Manager, regarding terms of employment consistent with State law and the City Charter.**

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

Motion passed unanimously.

**(F) 2009-5647-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2009.**

Traci Barnard, Director of Finance, presented the highlights of the first quarter financial report to the Council. She discussed General Fund revenues, including the top five revenue sources - sales tax, ad valorem taxes, solid waste fees, franchise fees and fines. Mrs. Barnard also reviewed the General Fund expenditures, highlighting budgeted and year to date fuel costs. The unallocated Fund Balance Designated for Capital Projects had a balance of \$1,192,684 at December 31, 2008. Mrs. Barnard concluded her presentation with a review of the Water and Wastewater Fund revenues and expenses, including

statistics for monthly water consumption and annual rainfall amounts.

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

Motion passed unanimously.

## VII. REGULAR AGENDA

Mayor Jones stated that item 9 would be considered at this time.

**9. (A) 2009-4283: SECOND READING - Consider adopting an ordinance designating a tract of land consisting of approximately 66.561 acres located on Moore's Mill Road west of Wendland Road, as City of Temple Tax Abatement Reinvestment Zone Number Fourteen for commercial/industrial tax abatement.**

**(B) 2009-5649-R: Consider adopting a resolution authorizing a tax abatement agreement with HEB Grocery Company, L.P., for property consisting of approximately 66.561 acres located on Moore's Mill Road west of Wendland Road.**

Mayor Jones recognized Lee Peterson, President of Temple Economic Development Corporation, for his hard working in bringing HEB Grocery Company to Temple.

Mr. Peterson introduced the three HEB representatives present at the meeting.

Jonathan Graham, City Attorney, presented both items (A) and (B) to the City Council. Item (A) is the second reading of the ordinance creating Tax Abatement Reinvestment Zone Number 14. All taxing entities have been notified of this designation. This is part of a 300 acre tract, known as the Wendland Tract, that was acquired by the City last year for economic development purposes. TEDC has been actively marketing the tract, which was displayed on a map. The tract meets the criteria for designation of a tax abatement reinvestment zone and the proposed ordinance makes the required findings.

Item (B) authorizes a tax abatement agreement with HEB Grocery Company, L.P., on the entire tract presented in item (A). The agreement will abate 100% of the increased taxable value of real property improvements for ten years, beginning next year or upon completion of the project. Mr. Graham outlined the commitment by HEB, which is to construct a new 400,000 square foot regional distribution center, with a taxable value of \$28,000,000, and employing not less than 112 people, with estimated payroll in excess of \$4 million.

Motion by Councilmember Russell Schneider to adopt both items (A) and (B), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

**8. 2009-4282: SECOND READING - PUBLIC HEARING - Z-FY-09-09: Consider adopting an ordinance authorizing a zoning change from Single Family Two District (SF-2) to Planned Development Single Family Two District (PD-SF-2) and Planned Development Single Family Three District (PD-SF-3) on 50.3± acres located on the south side of Tarver Drive and the north side of Hogan**

**Road 506± feet east of State Highway 317, being a part of the Baldwin Robertson Survey, Abstract No. 17 and including The Village of Sage Meadows Phase II, Section 1.**

Brian Mabry, Senior Planner, presented this item to the City Council. He focused on the three items from the first reading of this ordinance that needed some review and amendment. Item 7 adds optional brick or stone accents to exterior siding of fibrous cement required. Item 10 adds a statement that fences shall be owned and maintained by the HOA. Item 14 modifies the recommendations regarding Hogan Road to require the developer to pay the proportionate perimeter street fee for the share of each phases' frontage on Hogan Road. All perimeter street fees will be based on the surveying, engineering and construction costs required to bring the development's one-half of Hogan Road to collector street standards at the time of final platting of the relevant phase so the City will not be locked into 2009 dollars.

Mayor Jones asked what would happen if Hogan Road is built out before phase 7.

Mr. Graham stated the City will have the right of way from the developer but would not get the street improvement fees.

Councilmember Jeter asked why item 7 was re-written to include brick accents instead of other masonry products.

Mr. Mabry stated brick accents only are recommended, as this is in keeping with the developer's look for this subdivision, which is more siding-oriented. The Planned Development Ordinance would have to be amended if the subdivision was to be developed with other materials.

Councilmember Jeter expressed some concern with losing the street improvement fees if the City constructs Hogan Road before the subdivision is built out.

Mr. Graham explained the City deals with this situation much of the time when infrastructure improvements come just ahead of development.

Mayor Jones reconvened the public hearing which was suspended at the February 5, 2009 Council meeting, and asked if anyone wished to address this item.

Mr. Zinsmier, the developer, expressed his appreciation to staff in working through these issues. He added he would support an amendment to allow the City to call for street fees if Hogan Road is built out before phase 7 is developed.

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

Motion by Councilmember Marty Janczak to adopt ordinance on second and final reading, with exception that payment of agreed upon perimeter street fees will occur when final plat is approved or construction on Hogan Road commences, whichever is earlier as determined by the City, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**10. 2009-4284: FIRST READING - PUBLIC HEARING - Consider adopting an**

**ordinance amending the City's Economic Development Policy ordinance by establishing new criteria and guidelines for tax abatement in the Avenue H Strategic Investment Zone to promote local economic development and to stimulate business and commercial activity.**

- 11. 2009-4286: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance designating the Avenue H corridor as Tax Abatement Reinvestment Zone Number 15 and authorizing tax abatement agreements and certain other economic development incentives therein.**

Jonathan Graham, City Attorney, presented items 10 and 11. Item 10 will amend the City's economic development policy ordinance by setting out standards for tax abatement in the Avenue H Strategic Investment Zone. Mr. Graham outlined the incentive matrix to be included in the ordinance.

Item 11 creates a second strategic investment zone with tax abatement and other matching grant incentives, Mr. Graham explained. The ordinance designates the Avenue H corridor as Tax Abatement Reinvestment Zone Number 15 for commercial and residential tax abatement. The ordinance also provides matching incentives, similar to those adopted for South 1st Street, including grants for facade improvement, landscaping, sign improvement, asbestos survey/abatement, demolition, sidewalk improvements, waiver of platting, zoning and permit fees and residential remodeling. The current budget for these incentives is \$170,000.

Mayor Jones declared the public hearing open with regard to agenda items 10 and 11 and asked if anyone wished to address these items.

Sue Hamby, 4110 Cripple Creek, expressed her support of this ordinance as a real estate investor and member of the Heart of Temple Angels Alliance. She thanked the City Council and staff for their support in this area of our community. The incentives will help encourage development by both businesses and homeowners.

Beverly Hamby, 1440 Eagle Bluff, Troy, stated she is a licensed real estate broker and member of the Heart of Temple Angels Alliance. She supported this revitalization effort, as this area has been a real concern to those wanting to invest in property in this area, as well as the senior citizens that live there.

Judy Morales, Temple Help Center, also expressed her support of this effort on behalf of the Heart of Temple Angels Alliance. This area is part of the heart of Temple and holds a lot of history and heritage for our community. These incentives will encourage others to develop in the area of our community.

Willard Bennett, investor of property on South 7th Street, stated this is a unique area of our community that needs to be taken care. It can also be a rewarding area for investors and he expressed support for adoption of this ordinance.

There being no further comments, Mayor Jones closed the public hearing regarding items 10 and 11.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances in items 10 and 11, with second readings set for March 5, 2009, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 12. 2009-4285: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance amending Ordinance Number 2008-4218, adopted June 5, 2008, by amending Part 3 therein to revise the economic incentive matching grants offered by the City in the South 1st Street Strategic Investment Zone.**

Jonathan Graham, City Attorney, stated this ordinance amends the first incentive ordinance adopted for the South 1st Street corridor. He explained why staff is asking Council to create another zone, item 11, when nothing has come forward from the South 1st Street corridor. Information provided by Kim Foutz, Assistant City Manager, indicates that 5 or 6 businesses are ready to move forward, following Council approval of this amendment. There is a lot of interest in the South 1st Street area and we hope to see the same interest on the Avenue H corridor. Mr. Graham displayed a map of the area designated in the ordinance, noting there is some overlap in the two areas, South 1st and Avenue H corridors, so a property owner can take advantage of the incentive package that is most advantageous to them. Mr. Graham explained the increases being requested in the matching incentives, which are more appropriate to this area.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for March 5, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 13. 2009-4287: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance setting out the civil service classifications and setting the number of positions in each classification in the Temple Fire Department, to be considered on an emergency basis.**

Amy House, Human Resources Director, presented this item to the City Council. Chapter 143 of the Local Government Code requires the Council to establish the classifications and number of positions in each classification in both the Police and Fire Departments. Due to the successful Fire bond election for the establishment of Fire Station 8, twelve additional firefighters will be needed. In order to stagger the costs of these additional employees, it was decided they would be phased in at four per year. In addition, the City applied for a SAFER grant to fund four of the positions. We were notified in January that the City had been awarded the grant in the amount of \$433,520 so we are now seeking Council authorization to add four positions for the additional fire control and rescue officers.

Mayor Jones declared the public hearing open with regard to agenda item 13 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.



Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance on first and final reading, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

**14. 2009-5650-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

The following recommendations for appointment were made.

**(A) Building & Standards Commission - two regular members and three alternate members to fill expiring terms through March 1, 2011**

Reappoint Derek Martin and appoint Tony Gallagher as regular members and reappoint Alan Brown and appoint Ed Laughlin and Scott Morrow as alternate members.

**(B) Building Board of Appeals - two members to fill expiring terms through March 1, 2013**

Reappoint Ralph Hernandez and Ben Mauldin.

**(C) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2012**

Reappoint Daniel Brown and Bryant Davis and appoint Pat Patterson.

**(D) Electrical Board - one member to fill expiring term through March 1, 2012**

Appoint Kenneth Malina.

**(E) Library Board - one member to fill unexpired term through September 1, 2009**

Appoint Susan Corman to fill unexpired term.

**(F) Parks and Leisure Services Advisory Board - four members to fill expiring terms through March 1, 2012**

Reappoint David Rapp, Doug Smith and Ron Perry and appoint Danny Dunn.

**(G) Tree Board - two members to fill expiring terms through March 1, 2012**

Reappoint Allen Einboden (Keep Temple Beautiful, Inc. representative) and Dr. Dennis Hoffman (Blackland Research Center representative).

**(H) Zoning Board of Adjustment - two regular members and two alternate members to fill expiring terms through March 1, 2011**

Reappoint Robbie Johnson and Mat Naegele as regular members and reappoint Lamar Collins and appoint Cynthia Martinez as alternate members.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution appointing board members as recommended, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**FEBRUARY 20, 2009**

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, February 20, 2009 at 8:00 am in the City Council Chambers, 2nd Floor, Municipal Building, 2 North Main Street.

**Present:**

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

Mayor Jones called the meeting to order. Councilmember Russell Schneider voiced the Invocation and Councilmember Marty Janczak led the Pledge of Allegiance to the United States Flag.

- 1. PUBLIC HEARING - Conduct a public hearing to receive comments on the possible voluntary annexation of a 176.534 acre tract located west of Airport Road (SH 36) just northwest of the intersection of SH 317 and Airport Road (SH 36).**

Mayor Pro Tem Patsy Luna introduced this item and declared the public hearing open.

There being no comments, Mayor Pro Tem Luna closed the public hearing.

Jonathan Graham, City Attorney, stated the municipal services plan has been prepared and is available for public review.

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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Gary O. Smith, Chief of Police Department

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of ten (10) Ford Crown Victoria marked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$268,331.30.

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

**ITEM SUMMARY:** On October 19, 2000, Council authorized the City to join with Tarrant County through an interlocal agreement for the purchase of aggregating a bid for police vehicles. This interlocal agreement does not expire, and therefore, we have joined with Tarrant County again this year for our annual purchase of police vehicles.

The Tarrant County Commissioner's Court has awarded the full-size Ford Crown Victoria police vehicles to Philpott Motor Company. The City has done business with Philpott in the past, and finds them to be a responsible vendor. The aggregation of these vehicles has allowed a price incentive that provides pricing at less than the State contract for the same vehicles.

In accordance with the police vehicle replacement schedule, eleven police vehicles (10 marked and 1 un-marked) are due for replacement this year. Staff is pleased with the services provided by Tarrant County and desires to purchase ten marked units from Philpott Motor Company through the bid awarded by Tarrant County.

**FISCAL IMPACT:** Funding in the amount of \$340,000 is designated for the purchase of the police vehicles and related required equipment in account 110-2000-521-62-13, project #100413 (\$170,000) and \$170,000 in account 361-2000-521-68-32, project #100406. After purchasing these ten vehicles, \$71,668.70 will remain available for the purchase of vehicle accessories and one unmarked unit.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 10 FORD CROWN VICTORIA MARKED POLICE VEHICLES FROM PHILPOTT MOTOR COMPANY OF NEDERLAND, TEXAS, UNDER THE JOINT VENTURE/COOPERATIVE PURCHASE INTERLOCAL AGREEMENT WITH TARRANT COUNTY, IN THE AMOUNT OF \$268,331.30; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 19, 2000, the City Council authorized the City to join with Tarrant County through an interlocal agreement for the purchase of aggregating a bid for police vehicles – the interlocal agreement does not expire, and the Staff recommends joining with Tarrant County again this year for the annual purchase of police vehicles;

**Whereas**, the Tarrant County Commissioner's Court awarded the full-size Crown Victoria police vehicles to Philpott Motor Company of Nederland, Texas;

**Whereas**, the Staff recommends purchasing 10 marked police vehicles from Philpott Motor Company, for a total expenditure of \$268,331.30;

**Whereas**, funds are available for this purchase in Account No. 110-2000-521-6213, Project 100413 and Account No. 361-2000-521-6832, Project 100406; 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 10 Ford Crown Victoria marked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$268,331.30.

**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 are 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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an interlocal agreement with Harris County Department of Education to enable the City to utilize purchasing programs and services competitively procured under the Harris County Department of Education.

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

**ITEM SUMMARY:** Harris County Department of Education (HCDE) has created several programs with competitively procured services which they offer out to other governmental agencies throughout the state. HCDE currently has the following programs and/or services that can be utilized by the City: Choice Facility Partners, Gulf Coast Food Cooperative, Purchasing Cooperative, Drug Testing Services, and a Fuel Cooperative.

It is staff's desire to initially be able to consider the use of the services offered by Choice Facility Partners (CFP). Through a competitive bid process, CFP has partnered with 13 job order contracting firms that can help public agencies design and perform remodeling and renovations. The CFP job order contracting (JOC) process uses R.S. Means pricing with a CFP-negotiated discount off of the R.S. Means pricing. Corporate Facilities Management Services, Inc. of Temple is currently a contracted JOC vendor under CFP.

State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars. As identified in the attached Interlocal Agreement, by the City executing the interlocal agreement, the City is agreeing to participate in any or all services that HCDE has to offer when it is in the best interest of the City.

**FISCAL IMPACT:** There is no membership fee for the City to utilize programs and/or services procured through the Harris County Department of Education. Each program sponsored by HCDE charges each vendor a small administrative fee.

### **ATTACHMENTS:**

[Interlocal Agreement  
Resolution](#)



**Municipality Master Service Interlocal Contract**  
**Between**  
**Harris County Department of Education**  
**& City of \_\_\_\_\_**

Pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, this Interlocal Contract ("Contract") is made and entered into by and between the Harris County Department of Education ("HCDE"), located in Houston, Texas, and City of \_\_\_\_\_ ("City"), located in Texas, for the purpose of providing services.

**Preamble**

HCDE is a local governmental entity established to promote education in Harris County, Texas and is also duly authorized to provide programs and services in the State of Texas. Both HCDE and City desire to set forth, in writing, the terms and conditions of their agreement.

**General Terms and Conditions**

In consideration of the mutual covenants and conditions contained in this Contract and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties intending to be legally bound agree as follows:

1. Purpose. City agrees to retain HCDE and HCDE agrees to provide requested programs, services, labor, and resources to City. The services provided by HCDE are those selected by City and made available from HCDE's separate programs and services as mentioned in section 15 of this Contract. HCDE shall perform such contractual services and responsibilities with reasonable care, skill, judgment, experience, and in a professional business-like manner.
2. Term. This Contract is effective from the date of the last signature and shall automatically renew unless either party gives thirty (30) days prior written notice of non-renewal. This Contract may be terminated by either party with or without cause with thirty (30) days written notice. See other means of terminating the contract in Article 14, below.
3. Agreement. The terms of this Contract shall apply and will be considered a part of any Addendum for programs and services delivered by HCDE. This Contract and the attached and incorporated Addendum, purchase orders, or exhibits, if any, contain the entire agreement of the parties and there are no representations, agreements, arrangements, or undertakings, oral or written, between the parties to this Contract other than those set forth in this Contract and duly executed in writing.

4. Scope of Work.
- A. **HCDE agrees to:**
- Provide City with subsequent independent contracts and/or descriptive offerings of each of the programs and services that HCDE provides through its respective divisions.
  - Provide services upon the submission of independent contracts or purchase orders within the HCDE divisions.
  - Conduct, as a minimum, an annual audit or survey, as appropriate, for each of the programs.
- B. **City agrees to:**
- Participate in any or all of the services that HCDE has to offer.
  - Submit purchase order(s) or independent contract(s) for each of the programs it wishes to purchase and/or collaborate.
  - Agree to follow the terms and conditions of each independent contract or purchase orders for each of the programs.
  - Assign the appropriate person to act as representative to each respective program delivered.
5. Payment. Notwithstanding anything to the contrary, this Contract is contingent upon HCDE receiving sufficient payments. In the event HCDE does not receive sufficient payments, HCDE may terminate this Contract or reduce the scope of work provided under this Contract without pecuniary risk or penalty, at its sole discretion. Payment requirements will be described in each of the separate purchase orders to this Contract.
6. Confidentiality. HCDE agrees that all knowledge and information that HCDE may receive from City and its employees, or by virtue of the performance of services under and pursuant to this Contract; and all information provided by HCDE to City in reports of work done, together with any other information acquired or gained by HCDE, shall for all time and for all purposes be regarded by HCDE as strictly confidential and shall be held by HCDE in confidence, and solely for the benefit and use of City, and shall not be used by HCDE directly or indirectly except with written permission from City.
7. Assignment. Neither this Contract nor any duties or obligations entered in subsequent contracts because of this agreement shall be assignable by either party without the prior written acknowledgment and authorization of both parties.
8. Conflict of Interest. During the Term of HCDE's service to City; City, its personnel and agents, shall not, directly or indirectly, whether for City's own account or with any other person or entity whatsoever, employ, solicit or endeavor to entice away any person who is employed by HCDE.
9. Contract Amendment. This Contract may be amended only by the mutual agreement of all parties in writing to be attached to and incorporated into this Contract.

10. Notice. Any notice provided under the terms of this Contract by either party to the other shall be in writing and shall be sent by certified mail, return receipt requested. Notice to shall be sufficient if made or addressed as follows:

Harris County Department of Education  
Attn: John E. Sawyer, Ed.D.  
County School Superintendent  
6300 Irvington Blvd.  
Houston, Texas 77022  
713-694-6300

City of \_\_\_\_\_  
Attn: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address 1: \_\_\_\_\_  
Address 2: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

11. Relation of Parties. It is the intention of the parties that City is independent of HCDE and not an employee, agent, joint venturer, or partner of HCDE and nothing in this Contract shall be interpreted or construed as creating or establishing the relationship of employer and employee, agent, joint venturer or partner, between HCDE and City or HCDE and any of City's agents.
12. Hold Harmless. City shall protect and hold harmless HCDE from any and all, loss, claims, assessments, and suits in law or in equity, expenses, and attorney's fees, and damages arising from City's actual or alleged infringement of any United States or foreign patent, trademark or copyright in connection with this Contract to the extent permitted by law.
13. Non-Exclusivity of Services. Nothing in this Contract may be construed to imply that HCDE has exclusive right to provide City these services. During the Term of Contract, City reserves the right to use all available resources to procure other professional services as needed and, in doing so, will not violate any rights of HCDE.
14. Termination. This Contract may be terminated prior to the expiration of the Term hereof as follows:
- By City upon 30 days notice if the work/service is not provided in a satisfactory and proper manner after a remedy has been reported and discussed;
  - By mutual written agreement of the parties, upon thirty (30) days prior notice; or
  - By either party immediately if the other party commits a material breach any of the terms of this Contract and no remedial action can be agreed upon by the parties.
15. Master Contract. This Contract can be utilized as the Master Contract. The general terms and conditions in this Contract will serve to outline the working relationship between HCDE and the City. Both parties agree to allow the City to use any or all of the following programs and/or services with no charge from HCDE: Choice Facility Partners (CFP), Gulf Coast Food Cooperative, Purchasing Cooperative, Drug Testing Services, Fuel Cooperative, plus any new non-fee based programs and services in the future.

The City agrees to adhere to the terms and conditions set forth for the programs and/or services as contracted under these programs. All other programs and/or services provided by HCDE requiring a fee will need an addendum to the approved Master Interlocal Contract. The specific terms and conditions of the addendum will govern that individual contract. In the case of a conflict between the Master Contract and any addendum, the provisions of the addendum will govern.

16. Severability. In the event that any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions, and the Contract shall be construed as if such invalid, illegality, or unenforceable provision had never been contained in it.
17. Governing Law and Venue. This Contract shall be governed by and construed in accordance with the laws of the State of Texas. The mandatory and exclusive venue for the adjudication or resolution of any dispute arising out of this Contract shall be in Harris County, Texas.
18. Authorization. Each party acknowledges that the governing body of each party to the Contract has authorized this Contract.
19. Benefit for Signatory Parties Only. Neither this Contract, nor any term or provisions hereof, not any inclusion by reference, shall be construed as being for the benefit of any party not in signatory hereto.
20. Funding. Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

In witness whereof, HCDE and City have executed this Contract to be effective on the date specified in Article 2.  
Term above:

_____	Harris County Department of Education
Name of City	
_____	_____
Authorized Signature	
_____	John E. Sawyer, Ed.D.
Printed Name	
_____	County School Superintendent
Title	
_____	_____
Date	Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY DEPARTMENT OF EDUCATION TO ENABLE THE CITY TO UTILIZE PURCHASING PROGRAMS AND SERVICES COMPETITIVELY PROCURED UNDER THE HARRIS COUNTY DEPARTMENT OF EDUCATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Harris County Department of Education has created several programs with competitively procured services which they offer out to other governmental agencies throughout the state – Harris County Department of Education currently has several programs and/or services that can be utilized by the City;

**Whereas,** the Staff recommends entering into an interlocal agreement with the Harris County Department of Education to have the capability to use the programs and/or services if there is an offer that is in the best interest of the City;

**Whereas,** there is no membership fee for the City to utilize programs and/or services procured through the Harris County Department of Education; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an interlocal agreement with Harris County Department of Education, after approval as to form by the City Attorney, to enable the City to utilize purchasing programs and services competitively procured under the Harris County Department of Education.

**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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Architectural Edge, Inc. of Temple to provide architectural and engineering services related to the construction of a new Fire Station No. 8/Training Center with EOC capabilities in an amount not to exceed \$199,730 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

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

**ITEM SUMMARY:** In May 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition included \$4,775,000 for a new Fire Station #8/Training Center/Emergency Operations Center.

Staff has identified a location in front of the airport as being an ideal location for the new facility and has identified Architectural Edge as the most qualified architectural firm to assist the City with the design of the facility. Staff has been pleased with the services Architectural Edge has provided in the past in the design of Station No. 3 and is currently pleased with the services being provided by Architectural Edge on the Municipal Court and Utility Business Office Facility. As stated in Architectural Edge's attached proposal, it is their intent to accompany staff on tours of comparable stations and centers. Architectural Edge is also agreeing to work with a consulting architect with expertise in the area of designing fire training centers.

Per the timeline defined in Architectural Edge's attached proposal, the assessment phase will commence in April with the anticipation of being ready to bid the project in December 2009 and construction being completed by January 2011. Staff is currently evaluating the best procurement delivery approach for this project and will come back to Council in the near future if a delivery approach other than a competitive low bid is deemed most advantageous.



**FISCAL IMPACT:** This item declares an official intent to reimburse the engineering services related to the construction of Fire Station No. 8 from the 2009 General Obligation bonds to be issued the late summer/early fall of 2009. The General Obligation bond issue was approved by voters May 10, 2008. Total project costs for the construction of Fire Station No. 8 is \$4,775,000, which will be funded in account 363-2200-522-6851, project #100411. Of the \$4,775,000 designated for this project, \$33,600 has been allocated to fund construction administration services. A balance of \$4,741,400 is available for design and construction, of which \$500,000 is being set aside to begin construction of an off site fire training drill grounds.

**ATTACHMENTS:**

[Architectural Edge Proposal  
Resolution](#)



February 24, 2009

Belinda Mattke – Director of Purchasing  
City of Temple  
3210 East Avenue H  
Temple, Texas 76501

**RE: Architectural Services – Fire Station #8 – Hwy 36  
Temple, Texas**

**ARCHITECTURAL EDGE INC.** is pleased to submit a proposal to provide the City of Temple with Architectural and Engineering Services for the proposed Fire Station #8, located on Highway 36 near the Airport water tower. The scope of work used as a basis for determining fee includes coordination with consultants as necessary, touring of comparable stations and centers, preliminary design, final design and construction administration for approximately a 13,000 s.f. Fire Station and Training Center with EOC capabilities. The proposal is based on the approximately 2 acre site adjacent to the airport water tower.

Architecture

Design Services

Consultation

Architectural and engineering fees, as required for Construction Documentation and Construction Administration, will be based on the estimated construction cost of the facility. The estimated construction cost of this Fire Station as outlined in the Request for Proposals is \$3,400,000, less the actual cost of the site prep at \$100,000, FF&E at \$135,000, IT infrastructure, and equipment at \$250,000, and material testing for \$30,000. This leaves the budget for construction and professional fees over \$2,800,000. The fee includes out of pocket fees related to the design and construction documentation fees of this project.

The Professional Design fee has been calculated using **6.5%** of the estimated \$2,800,000 construction budget. This fee is inclusive of work required of the following disciplines; Architect, Civil Engineer, Structural Engineer, Mechanical, Electrical and Plumbing Engineers

\$182,000

*Additional Services: (To be coordinated by the architect, included in this contract)*

Surveying (based on 2.5 acres)

\$ 4,350

Plan Review and Building Inspection with TDLR

\$ 1,100

Platting fees to include pre and post drainage study:

\$ 6,480

Geotechnical Investigation

\$ 5,800

**TOTAL FEE:**

**\$199,730**

3010 Scott Blvd.  
Suite 102  
Temple, TX 76504

P 254.771.2054  
F 254.773.2144

email@  
archedge.com

Page 2  
Belinda Mattke  
February 17, 2009

Total fee of \$199,730.00 shall be broken into the following phases:

Platting and Survey		\$ 10,830
Geotechnical Investigation		\$ 5,800
Preliminary Design	(15% of professional fee)	\$ 27,300
Final Design	(25% of professional fee)	\$ 45,500
Construction Documents	(40% of professional fee)	\$ 72,800
TDLR Requirements		\$ 1,100
Bidding & Negotiation	(5% of professional fee)	\$ 9,100
Construction Administration	(15% of professional fee)	\$ 27,300

Architectural Edge will submit a bill at the first of each month based on a percentage of completion of each stage outlined above.

Included in this fee are 25 sets of plans at the completion of the Construction Documentation Stage. All additional copies will be the responsibility of the City. Any change of scope beyond to this project will be performed under a separate contract.

All design shall be in accordance with City and State Laws and will meet the minimum requirements for a building permit issued by the City of Temple.

Thank you for the opportunity to serve you in this capacity, we look forward to working with you on this project.

Sincerely,

**ARCHITECTURAL EDGE INC.**



Randy Stumberg, AIA  
Owner / Architect

## Proposed Timeline

Phase	Duration	Approx. Date
Selection of Firm		March 2009
Notice to proceed		April 2009
Space Needs Assessment incl. Visit and Evaluate Sites	6 weeks	May 20, 2009
Preliminary Design	6 weeks	July 8, 2009
Review/Approval of Design (City)	3 weeks	July 29, 2009
Construction Documents	3 months	November 4, 2009
Bidding/Negotiation	4 weeks	December 2, 2009
Contract Award	4 weeks	January 6, 2010
Begin Construction		January 22, 2010
Substantial Completion	10 months	December 2, 2010
Move In		January 2011

*(All dates are contingent upon City Council and Staff making progress decisions reflective to this timeline. Deviation in this turnaround time will NOT affect the design and report durations that are the design professionals' responsibility.)*

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTURAL EDGE, INC., OF TEMPLE, TEXAS, TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF A NEW FIRE STATION NO. 8/TRAINING CENTER WITH EOC CAPABILITIES, IN AN AMOUNT NOT TO EXCEED \$199,730; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends entering into a professional services agreement with Architectural Edge, Inc., to provide architectural and engineering services related to the construction of a new Fire Station No. 8/Training Center with EOC capabilities;

**Whereas**, Architectural Edge, Inc., submitted a proposal (\$199,730) and the staff recommends accepting it;

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

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

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

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

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



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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$199,730, between the City of Temple, Texas, and Architectural Edge, Inc., of Temple, Texas, after approval as to form by the City Attorney, for architectural and engineering services related to the construction of a new Fire Station No. 8/Training Center.

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

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

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

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Architectural and engineering services related to the construction of a new Fire Station No. 8/Training Center	\$199,730

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

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

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

PASSED AND APPROVED on this the **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydetta Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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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 a professional services agreement with Eleven Thirteen Architects, Inc. of Georgetown to provide architectural services to remediate the exterior at the Santa Fe Depot for an amount not to exceed \$31,000.

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

**ITEM SUMMARY:** The City of Temple acquired and then restored the Santa Fe Depot in 1999/2000. The building not only houses the Railroad and Heritage Museum and an active Amtrak Station but is also used as rental space for several social and business functions throughout the year. Over the last 9 years the building envelope has experienced accelerated aging problems allowing water to infiltrate numerous window sections and exterior door components as well as into the building in specific locations.

The City of Temple engaged Eleven Thirteen Architects, Inc. to complete a review of the building envelope, to investigate and report findings and propose solutions. That report has been completed and it identifies over \$300,000 worth of restoration work that needs to be accomplished to protect the investment the City of Temple has in this historic structure. This professional services agreement begins this process.

Eleven Thirteen Architects, Inc. will prepare traditional construction documents – drawings and specifications, bid documents, conduct a pre-bid conference, evaluate bids, recommend a successful bidder, conduct a pre-construction conference, and conduct site visits during the construction process. Other duties will include reviewing payment applications, complete a punch list at substantial completion and determine final completion.

**FISCAL IMPACT:** Funding in the amount of \$300,000 is appropriated in account 361-2400-519-6807, project #100329 for this project from the 2008 Certificate of Obligation Bond issue. After funding professional services in the amount of \$17,000 and the architectural contract in the amount of \$31,000, a balance of \$252,000 remains available to complete this project.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ELEVEN THIRTEEN ARCHITECTS, INC., OF GEORGETOWN, TEXAS, TO PROVIDE ARCHITECTURAL SERVICES TO RENOVATE THE EXTERIOR OF THE SANTA FE DEPOT, NOT TO EXCEED \$31,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the exterior of the Santa Fe Depot is in need of renovation to prevent the building from further deterioration due to accelerated aging problems of the building envelope which has allowed water to infiltrate numerous window sections and exterior door components as well as into the building in specific locations;

**Whereas**, Eleven Thirteen Architects, Inc., completed a review of the building envelope to investigate and report findings and propose solutions – the report identifies over \$300,000 worth of restoration work that needs to be accomplished to protect this historic structure;

**Whereas**, the Staff recommends entering into an agreement with Eleven Thirteen Architects, Inc., to provide architectural services for the renovation project for a cost not to exceed \$31,000;

**Whereas**, funds are available for this project in Account No. 361-2400-519-6807, Project 100329; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, for a cost not to exceed \$31,000, with Eleven Thirteen Architects, Inc., after approval as to form by the City Attorney, to provide architectural services for the Santa Fe Depot restoration 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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP), for engineering services, including design, design surveys, bid phase services, and inspection services, required to install new wastewater lines for the Lilac Lane Sewer Extension Project in south central Temple in an amount not to exceed \$39,700.

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

**ITEM SUMMARY:** Several properties located along Lilac Lane, Marlandwood Circle, and East Drive, in the south central portion of the City (Meadow Oaks South and Marland Wood Subdivisions), have never been connected to the City's sanitary sewer system. These lots were developed with septic tanks on each lot serving each home. Over the past several decades, these septic tanks have serviced this area and are now deteriorating, leaving these lots without proper access to sanitary sewer lines.

Through the master planning process and citizen inquiries, this area was identified as a high priority for new wastewater service and proper planning and funding was secured to install new wastewater lines to adequately service these lots. Engineering services authorized under this resolution will provide design services, design surveys, bid phase services, and inspection services to design the project known as Lilac Lane Sewer Extension. Infrastructure designed with this project will consist of approximately 1,100 feet of new wastewater line and eight wastewater service taps.

The proposed timeline for the design phase of the project is 80 calendar days, with a construction length of approximately 120 days. Given this timeline, the project is expected to be completed by September 2009. Per the attachment, the engineering services are broken down as follows:

**Basic Services**

Preliminary Design	\$ 8,700
Final Design	\$ 8,700
Bidding	\$ 750
Construction Administration	<u>\$ 2,250</u>
	<b>\$ 20,400</b>

**Special Services**

Design Surveying	\$ 4,900
Construction Staking	\$ 4,500
On-Site Representation	<u>\$ 9,900</u>
	<b>\$ 19,300</b>

**TOTAL** **\$ 39,700**

The engineer's opinion of probable cost for construction of the project is approximately \$220,000 dollars.

**FISCAL IMPACT:** Funding in the amount of \$500,000 is currently appropriated in account 561-5400-535-6935, Project #100390 for the Lilac Lane Project from the 2008 Utility Revenue Bond Issue.

**ATTACHMENTS:**

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

15 West Central Avenue  
Temple, Texas 76501  
Phone: 254.774.9611  
Fax: 254.774.9676  
www.beachengineers.com



February 18, 2009

City of Temple  
Department of Public Works  
Bryan Neaves, P.E.  
3210 E. Ave. H, Bldg. A  
Temple, TX 76501

RE: City of Temple, 2009 Sanitary Sewer Extension  
Lilac Lane

Dear Mr. Neaves,

As per your request, we have prepared our professional services fee proposal for Engineering Services required for the above referenced project. Scope of work to conform to the attached proposed sanitary sewer layout and Preliminary Opinion of Probable Cost:

**BASIC SERVICES:**

The BASIC SERVICES shall include Professional Engineering and Survey Topography Surveys, as required to prepare the design and construction drawings, and all other information as required to supplement project Bid manual.

We propose to complete all services within BASIC SERVICES for a lump sum Professional Fee of **\$ 39,700.00**. This amount shall be invoiced monthly based upon the percent complete through invoice date.

Design Topography Survey (Includes existing FF elevations)	\$4,900.00
Preparation of Construction Documents (50% Complete)	\$8,700.00
Preparation of Construction Documents (100% Complete)	\$8,700.00
Contract Bidding Phase	\$ 750.00



**BASIC SERVICES: CONTINUED**

Project Representation \$ 2,250.00

- Pre-construction Meeting
- Additional (3) Meetings as required for project coordination
- Pay request Review and Certification
- Preparation of no design Change Orders
- Final Walk-through

Construction Surveying \$ 4,500.00

- Calculation and Preparation of all Construction Layout points
- Provide a one-time construction stake-out of Proposed Structures
- Preparation of Cut Sheets

Inspection Services \$ 9,900.00

- Daily Inspections (Estimated at 2 hours per day x 90 days)
- Daily Construction Reports
- Photos taken during the Construction Process
- Pay Request Review and Quantity Verification
- Construction Progress Meetings with Contractor as required

**PROJECT DELIVERABLES:**

- (2) Contract Drawings - 50% Complete Review Sets 11x17
- (25) – 100% Complete hardcopy sets 11x17 Construction Drawings
- (1) Mylar set 11x17
- SWPPP as required by TCEQ "Notice of Intent"
- Opinion of Probable Cost
- Bid Exhibit including itemized Bid Items
- Bid Tabulation including review and Contractor recommendation

**PROJECT SCHEDULE:**

Time Required

Design Topography Survey	20 Cal Days
Preparation of Documents (50% Complete)	35 Cal Days
Preparation of Documents (100% Complete)	25 Cal Days
Contract Bidding Phase	30 Cal Days
Construction Phase	120 Cal Days

**ADDITIONAL SERVICES:**

The following are estimated ADDITIONAL SERVICES associated with the above referenced BASIC SERVICES:

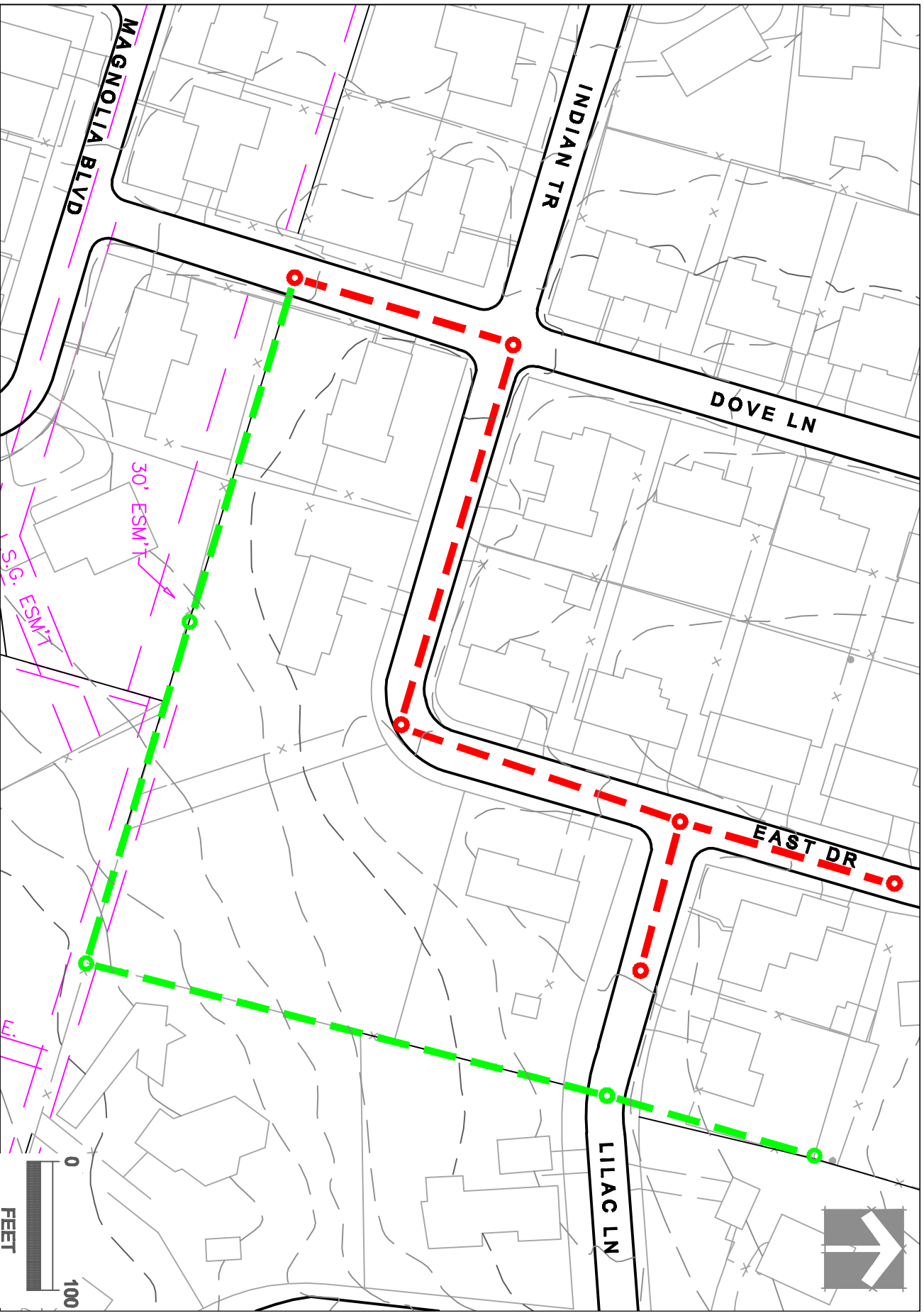
ROW Documents / Boundary Surveys (None Anticipated) \$ Hourly

After you have had the opportunity to review this proposal, we will be pleased to meet with you to discuss the specifics of the outlined services and fees.

Sincerely,

A handwritten signature in black ink that reads "Anthony D. Beach". The signature is written in a cursive style with a large, stylized 'A' and a long, sweeping underline.

Anthony D. Beach, P.E.  
Beach Sulak Partners  
[www.beachengineers.com](http://www.beachengineers.com)



**CITY OF TEMPLE**  
**PROPOSED SANITARY SEWER**  
**DOVE LANE / LILAC LANE**

- LEGEND**
- OPTION 1 (Red dashed line with red circles)
  - OPTION 2 (Green dashed line with green circles)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BEACH SULAK PARTNERS ENGINEERS, INC., DOING BUSINESS AS BEACH SULAK PARTNERS (BSP), FOR ENGINEERING SERVICES, INCLUDING DESIGN, DESIGN SURVEYS, BID PHASE SERVICES, AND INSPECTION SERVICES, REQUIRED TO INSTALL NEW WASTEWATER LINES FOR THE LILAC LANE SEWER EXTENSION PROJECT IN SOUTH CENTRAL TEMPLE, IN AN AMOUNT NOT TO EXCEED \$39,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, several properties located along Lilac Lane, Marlandwood Circle, and East Drive in the south central portion of the City have never been connected to the City's sanitary sewer system – through the master planning process and citizen inquiries, the area was identified as a high priority for new wastewater service, and proper planning and funding was secured to install new wastewater lines to adequately service these lots;

**Whereas**, the Staff recommends accepting a proposal, in the amount of \$39,700, from Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP), for engineering services, including design, design surveys, bid phase services, and inspection services, require to install new wastewater lines for the Lilac Lane Sewer Extension Project in south central Temple;

**Whereas**, funds are available for this project in Account No. 561-5400-535-6935, Project 100390; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, for a cost not to exceed \$39,700, with Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP), after approval as to form by the City Attorney, for engineering services for the Lilac Lane Sewer Extension Project in south central Temple.

**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 **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Carter Burgess in an amount not to exceed \$1,440,300 for Phase 3, Phase 4, and Phase 5 of the Bird Creek Interceptor Project, to include preliminary and final design for four construction contracts, bidding and contract award for the first construction contract, construction phase services for the first construction contract, and special services for the project, which include easement preparation, acquisition, and appraisal services.

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

**ITEM SUMMARY:** The Bird Creek Interceptor Project was originally identified during the summer of 2006 as a result of discussions with operational staff and pending TCEQ regulatory issues related to sanitary sewer overflows. The project was scoped through an in depth investigation of the existing interceptor by measuring existing flows and developing a hydraulic model to simulate existing and future conditions within the interceptor. Over the past two years, Carter Burgess has defined the full extent of the project and provided solutions to rehabilitating or replacing the existing sanitary sewer line to accommodate ultimate build out, including an evaluation of alternative alignments, detailed cost estimates, and recommended project phasing. These findings were officially presented to the City through completion of the Preliminary Engineering Report, a summary of which was briefed to Council during a workshop session in December 2008.

As shown on the attached exhibit, this project runs through the heart of the south central portion of the City and ranges in size from a 42" line to a 15" line, beginning on the downstream end at the BRA Shallow Ford Lift Station south of Lion's Park and terminating on the northern end at FM 2305. Due to the technical complexities related to introducing more flow to the BRA lift station and wastewater plant on the downstream end prior to expansion of the BRA facility, the recommendation has been made to complete final design for the entire project first and to complete construction of the entire project phases, enabling Phase 1 construction to proceed on the upper end first. This approach for construction will minimize the immediate impact of increased flows to the BRA lift station and work in concert with fiscal impacts related to completing the full project.

The total cost for this project was originally estimated at \$15 million, which continues to be the estimate for total project completion. As shown on the attached exhibit, the full project has been broken down into four construction phases with corresponding costs for each phase shown respectively.

To date, Phase 1 and Phase 2 are complete. Professional Services related to this contract amendment include Phase 3, Phase 4, Phase 5, and Special Services, as outlined below:

<b>Phase 1</b>	<b>Existing System Evaluation</b>		<b>\$ 342,234</b>
<b>Phase 2</b>	<b>Preliminary Engineering</b>		<b>\$ 213,620</b>
<b>Phase 3</b>	<b>Engineering Design (Four Construction Contracts)</b>		
	Preliminary Design	\$ 112,100	
	Final Design	\$ 928,300	
	<b>Total Phase 3 Fees</b>		<b>\$1,040,400</b>
<b>Phase 4</b>	<b>Bidding and Contract Award (First Construction Contract)</b>		<b>\$ 14,100</b>
<b>Phase 5</b>	<b>Construction Phase Services (First Construction Contract)</b>		
	Contract Administration	\$ 44,900	
	Site Observation	\$ 93,800	
	<b>Total Phase 5 Fees</b>		<b>\$ 138,700</b>
<b>Special Services</b>			
	Easement Preparation	\$ 31,500	
	Easement Acquisition	\$ 154,000	
	Appraisal Services	\$ 61,600	
	<b>Total Phase 6 Fees</b>		<b>\$ 247,100</b>

Total fees for this contract amendment are \$1,440,300, with the total estimated project cost remaining at \$15 million. Future contract amendments for bidding and contract administration for Phase 2, 3, and 4 will be forthcoming as the project progresses and construction of Phase 1 is underway.

Per the attached schedule, completion of design for Contract 1 is anticipated by fall 2009, with bidding of Phase 1 to occur during winter 2009, funded through the next bond issue. Design for the remainder of the construction contracts will be complete by summer 2010. The timing for bidding and construction of subsequent phases will be determined during the preliminary design phase in concert with future bond issues.

**FISCAL IMPACT:** Funding in the amount of \$2,000,000 has been appropriated in account 561-5400-535-6925, project # 100045 for design of this project from the 2006 and 2008 Utility Revenue Bond Issues. After funding professional services in the amount of \$555,854 and miscellaneous cost related to the project in the amount of \$79, a balance of \$1,444,067 remains available to fund this contract.

Construction of the project is anticipated to be phased over subsequent fiscal years, and includes a proposed budget of \$3 M during FY 2009 for Phase 1 construction, with the remaining balance of the total estimated project cost of \$15 M to be issued at a future date. Timing of future bond issues related to this project will be more clearly defined when preliminary engineering is completed and an opinion of probable cost is presented to the City.

**ATTACHMENTS:**

Engineer's Proposal Letter  
Attachment A - Scope of Work Amendment No. 2  
Attachment B - Fee Schedule  
Attachment C - Project Schedule  
Project Map  
Resolution

February 26, 2009

Ms. Nicole Torralva, P.E.  
Assistant Public Works Director  
City of Temple  
3210 E. Ave. H., Building A  
Temple, Texas 76501

Re: Bird Creek Interceptor Improvements  
Amendment No. 2 - Final Design & Construction Phase Services (Ph 3-5A)

Dear Ms. Torralva:

Based on the preliminary engineering study performed by Carter Burgess, Inc. in 2007 and 2008, it was determined that the Bird Creek Wastewater Interceptor is significantly under-sized to convey the required flow and, as a result, will need to be replaced and/or rehabilitated for most it's 26,500 linear feet (l.f.) length. The estimated cost of these improvements is \$15,000,000.

We enjoyed working with the City of Temple in the Preliminary Engineering phase of the project and are pleased to submit the attached Amendment No. 2 for additional services to perform final design services for the Bird Creek Interceptor Improvements. The proposed fee for all services included in this scope of work is \$1,440,300. The major work that will be performed as a part of Amendment No. 2 includes the following:

**Phase 3A - Preliminary Design.** This scope of work will include identification of the final alignment and public relations to work with impacted stakeholders along the alignment. We will also be performing television inspection of approximately 5,000 l.f. of existing interceptor. A report will be generated from this analysis with recommendations on the final alignment, pipe and manhole materials, easements required, rehabilitation methods, final project phasing, and proposed location for geotechnical borings. An updated cost estimate will also be produced with this report.

Proposed Fee: \$112,100

Estimated Schedule: March 2009 to August 2009

**Phase 3B - Final Design.** The final design services will include generation of design drawings and specifications for approximately 21,500 of new pipe and 5,000 l.f. of pipeline rehabilitation. To accurately develop the plans and specifications, significant field work will be required including a topographical survey and geotechnical investigation. In addition, the final design will include all obtaining all permits and easements required to construct the necessary improvements. The design documents will be delivered to the City at interim milestones of 30%, 75%, and 100% completion for review and approval. An updated cost estimate will be provided at each of these milestones.

Proposed Fee: \$928,300

Estimated Schedule: May 2009 to May 2010

**Phase 4 - Bid Phase Services (Contract 1).** Bid phase services will be included for Contract 1 only. This will include attending the pre-bid conference, answering questions during bidding, receiving and evaluating bids, and making a recommendation of award.

Proposed Fee: \$14,100

Estimated Schedule: September 2009 to November 2009

**Phase 5 - Construction Phase Services (Contract 1).** Construction phase services, including both construction administration and inspection, will be performed for Construction Contract 1 only as a part of this scope of work. These services will include review of shop drawings and submittals, answering requests for information (RFIs) from the contractor, conducting monthly construction meetings, as-built preparation, and part-time construction inspection.

Proposed Fee: \$138,700

Estimated Schedule: November 2009 to July 2010

**Easement Acquisition Services.** This scope of work includes preparation of easement documents and easement acquisition for a maximum of 35 easements along the alignment. In addition, 8 property appraisals are included if they should be needed.

Proposed Fee: \$247,100 (paid on per unit basis)

Estimated Schedule: May 2009 to July 2010

We look forward to our continued relationship with the City of Temple as we work together to ensure a successful completion to this project. Please let me know if you need any additional information or would like to discuss any of the items contained herein.

Sincerely,



Drew Hardin, P.E., PMP  
Manager, Water Infrastructure Austin

Enclosures

- Attachment A – Scope of Work
- Attachment B – Fee Schedule
- Attachment C – Schedule



## **ATTACHMENT A – SCOPE OF WORK**

### **Amendment No. 2 Temple Bird Creek Interceptor Improvements Final Design and Construction Phase Services (Ph 3-5A) Prepared By Carter Burgess, Inc.**

#### **Project Description**

The Bird Creek Interceptor is one of the primary wastewater collection lines through the City of Temple, traversing pastureland, park areas, neighborhoods, and golf courses. This interceptor, comprised of vitrified clay pipe and brick manholes, over the years has experienced numerous overflows due to excessive infiltration/inflow (I/I), lack of capacity and poor condition. The interceptor is approximately 5.3 miles long and about 50-years old.

Phases 1 (Flow Monitoring & Rain gauge installation) and Phase 2 (Preliminary Engineering Report & Hydraulic Modeling) have been completed.

The purpose of this Scope of Work for Amendment No. 2 is to provide additional engineering services for Preliminary Design and Final Design of the entire project, and Bidding/Contract Award and Construction Phase services for the first phase of construction. Anticipated improvements include approximately 26,500 LF of 21-inch through 42-inch diameter relief interceptor, including rehabilitation of approximately 5,000 LF of 15-inch and 30-inch wastewater lines.

Detailed tasks included this Amendment No. 2 are described herein.

#### **A. PHASE 3A - PRELIMINARY DESIGN**

##### **1. Project Administration & Management**

- 1.1. Attend and conduct one (1) project kickoff meeting and three (3) monthly progress meetings with City staff.
- 1.2. Attend two (2) meetings with Temple Parks Department to discuss alignment through the golf course and/or park.
- 1.3. Project administration & control – Manage overall scope, schedule, budget of project, and coordinate activities of sub consultants.

##### **2. Public relations** – Attend and prepare presentation materials for two (2) public meetings and attend up to fifteen (15) individual meetings with property owners and other affected stakeholders to provide information and receive input. Prepare two (2) project summary sheets to be distributed as directed by the City.

##### **3. Research of Existing Utilities** – Obtain all existing as-built information concerning existing utilities and document location along the proposed interceptor alignment.

- 3.1. **TV Inspection** – Includes high velocity jetting and Television (TV) inspection of approximately 4,000 l.f. of 30-inch and 1,000 l.f. of 15-inch existing sanitary sewer lines. If during the inspection operation the TV camera will not pass through the entire line segment to do obstructions, which could not be removed during heavy cleaning, the crew will set up equipment so that the inspection can be performed from the opposite manhole. If again the camera fails to pass, the inspection will be considered complete.



Carter Burgess, Inc. will be paid for revised set up fee of \$175 per occurrence plus footage televised. All film footage will be delivered to the City at the completion of the inspection phase.

**4. Preliminary Design Analysis**

- 4.1. Refine Proposed Alignment – Verify horizontal and vertical alignment proposed during Phase 2 and create a schematic level plan and profile alignment. The plan view will include existing easements, surface features, and other critical constraints. The profile will show the natural ground profile and approximate location of pipe, including connection points to existing lateral connections to verify the four phase construction phasing plan.
- 4.2. Determine rehabilitation methods for existing lines to remain in service.
- 4.3. Finalize pipe materials and manhole types.
- 4.4. Verify phasing of construction contracts.
- 4.5. Identify final location for geotechnical borings.

**5. Estimate of Probable Cost -** Revise cost estimate for recommended improvements and determine schedule of improvements.

**6. Preliminary Design Report -** Generate and submit six (6) copies of the draft preliminary design report for City review. Following receipt of City's comments, submit six (6) copies of the Final Report with electronic copies of project files (.doc, .xls, .pdf).

**B. PHASE 3B - FINAL DESIGN (4 CONSTRUCTION CONTRACTS)**

**1. Project Administration & Management**

- 1.1. Attend and conduct thirteen (13) monthly progress meetings with City staff.
- 1.2. Project administration & control – Manage overall scope, schedule, budget of project, and coordinate activities of sub consultants.

**2. Survey (for selected alignment)**

- 2.1. Topographic Survey. Design survey will include topographic (1-foot contours) and planimetric survey, boundary survey, and property/easement research for 100 foot corridor along the 26,500 l.f. proposed alignment.
- 2.2. Tree Survey. Survey, tag and identify all trees 8" in larger. A certified arborist will not be utilized.

**3. Geotechnical investigation.**

- 3.1. The geotechnical investigation will consist of two separate mobilizations of drilling equipment/crew and preparation of two separate geotechnical reports.
- 3.2. Soil borings. Identify optimum locations and drill 26 borings (from 15 to 45 ft deep) in truck-accessible locations and perform laboratory testing. Backfill boreholes with cuttings upon completion. Kleinfelder will retain soil and rock samples for 30 days after completion of laboratory testing. Further storage or transfer of samples can be made at owner expense upon written request.

- 3.3. Observation wells. Install 5 permanent observation wells to a depth of 25 to 40-ft each. File required well reports with TCEQ and coordinate with the Clearwater Conservation District.
- 3.4. Laboratory Testing. Selected laboratory testing will be conducted on samples that are representative of materials obtained during the field exploration. The tests will be used to evaluate and classify the soils, identify subsurface site characteristics, and provide data for analysis.
- 3.5. Preliminary Geotechnical Data Report. A geotechnical data report will be compiled. Information to be provided in the report includes boring location, log of each boring, depth of each stratum, soil classification and description, field and laboratory data, and groundwater information, Water level readings from the observation wells, description of the field exploration and laboratory testing, detail summary of laboratory test results, discussion of subsurface soil, rock, and groundwater conditions, discussion of the alignment geology including cross-sections. Recommendations for earthwork, compaction, backfill requirements and filter fabric around the bedding envelop will be included. Includes two project meetings in Temple. Five (5) copies of the draft and final report will be submitted.
- 3.6. Additional Tunnel Soil Borings. Drill 3 borings (two at 40-ft and one 30 degree angled at 60-ft deep) along the tunnel section and perform laboratory testing. Backfill boreholes with cuttings upon completion. Kleinfelder will retain soil and rock samples for 30 days after completion of laboratory testing. Further storage or transfer of samples can be made at owner expense upon written request.
- 3.7. Final Geotechnical Data Report. A geotechnical data report will be compiled specifically for the tunnel section and anticipated fault line area. Information to be provided in the report includes boring location, log of each boring, depth of each stratum, soil classification and description, field and laboratory data,
4. **Plans and Specifications.** Prepare six (6) copies of preliminary plans (full size) for construction of the replacement interceptor and abandonment of the existing interceptor, and specifications at intervals of 30%, 75%, and 100% complete for four different construction contracts and submit to the City for review. Includes preparation of Geotechnical Baseline Report (GBR), as required for design of the approximately 1,600 LF tunnel portion. Independent constructability and quality control reviews will be included in each major submittal. One meeting is anticipated with the City at each major submittal.
  - 4.1. 30% Plans and Specifications. Prepare and submit 30% design drawings which will include: the cover sheet, plan and profile sheets (showing the plan view and the natural ground elevation, and profile (no annotation). The 30% submittal will include the Table of Contents for the Specifications. The final alignment will be input into the hydraulic model to confirm the capacity of the proposed pipeline.
  - 4.2. 75% Plans and Specifications. The 75% design drawing submittal will include: the cover sheet, general notes, the ROW map, a sheet index, wastewater sheets at 1:40 scale displaying 400 linear feet per sheet, proposed creek crossing stabilization, proposed aerial crossing (if necessary), pavement repair plan, civil detail sheets, erosion sedimentation control sheets, and traffic control plans. The 75% submittal will include the final specifications and an outline of any special provisions needed.

- 4.3. 100% Final Plans and Specifications. The final design drawings will include revised sheets from the 75% submittal and quality assurance and control comments. The final specification submittal will include all special provisions.
- 4.4. Bid documents. Revise the Bidding Documents in accordance with comments and instructions and submit twenty-five (25) paper copies and a single mylar set of plans (full "D" sized Prints 22" x 34") and specifications suitable for advertising the first construction contract. Final plans and specifications will also be provided on CD in electronic format. Reproduction of bid sets will performed by a separate reproduction company in Temple.
5. **Environmental Evaluation and Permitting** will consist of coordinating and communicating with agencies, compiling comments, preparing final permits and making design change recommendations:
  - 5.1. Acquiring necessary permits from the US Army Corps of Engineers (COE).
    - 5.1.1. Delineation (Fieldwork): Conduct delineations of the boundaries of waters of the U.S. within the proposed easement area and identified alignment, including: In-house review of pertinent documents prior to conducting the fieldwork, field investigation of the proposed alignment to determine the extent of observed waters of the U.S., survey of waters of the U.S. using a Global Positioning System (GPS), photographs of the potential waters and surrounding habitats, along with field notes and data sheets (where appropriate).
    - 5.1.2. Preliminary Jurisdictional Determination (PJD): Incorporate information gathered during the initial investigations into the PJD for potential submittal to the USACE (only if required under the Section 404 permit program).
    - 5.1.3. Section 404 Permitting Analysis: Conduct an analysis of proposed project improvements based on final alignment and the delineation/PJD. Analysis will include: (1) a description of the likely permitting scenarios and possible ways to avoid permitting (avoidance and minimization of impacts); (2) an estimate of the total cost to mitigate for the proposed impacts, if necessary; and (3) an estimated schedule or timeframe for the Section 404 permitting, if necessary. The deliverable for this task consists of a memorandum to file with the USACE, if necessary. It is assumed that the project can proceed under a Nationwide Section 404 Permit and will require pre-construction notification (PCN). Additional services will be required if an Individual Permit is required.
  - 5.2. Acquiring necessary permits from the Texas Commission on Environmental Quality (TCEQ).
6. **Archeological Evaluation and Permitting**
  - 6.1. Prepare and submit an Antiquities Permit Application for the study from the Texas Historical Commission
  - 6.2. Conduct a comprehensive pedestrian survey of the proposed route, this would include up to two days of backhoe trenching if needed and standard shovel testing along the

route and in known and yet unknown prehistoric or historic archaeological sites. Does not include excavations required if archeological deposits are encountered. Prepare a report for submission to the Texas Historical Commission and possibly the Corps of Engineers

6.3. Revise the report as needed and have artifacts and records curated at the Texas Archeological Research Laboratory at UT

**7. Miscellaneous Permitting and Approvals.** Obtain permitting and approvals from all local, state and federal agencies. Includes permits and approvals from TXDOT, County, City, TCEQ, and railroads.

**8. Estimate of probable cost** will be determined for the proposed improvements. The estimate will include estimated depths of pipe, estimated depth of manholes, linear footage of borings, estimates for erosion control, estimates for traffic control, and estimates for pavement repair.

### **C. PHASE 4A - BIDDING AND CONTRACT AWARD (Contract 1)**

After acceptance by City of the Bidding Documents and the most recent opinion of probable construction cost as determined in the Final Design Phase, assist with the Bid Phase for the 1<sup>st</sup> phase of construction of the project between Airport Blvd and NW of I-35. It is assumed that this project will consist of four construction contracts.

1. Attend pre-Bid conference.
2. Answer questions during the bidding process.
3. Attend the City Council meeting for the award of the first construction contract.
4. Receive and evaluate bids and make a recommendation on award.

### **D. PHASE 5A – CONSTRUCTION PHASE SERVICES (Contract 1)**

- 1.0 Project Management. Manage scope, schedule and budget of construction management phase and coordinate with City and sub consultants.
- 2.0 Review Shop Drawings and Submittals – maintain a submittal log. Submittals will be reviewed and returned within 14 calendar days.
- 3.0 Requests for Information – answer RFI's and maintain an RFI log
- 4.0 Construction Meetings – Conduct pre-construction and monthly construction meetings (10 max). Prepare field change orders, meeting minutes and issue field inspection reports during each month of construction. Process pay applications and issue pay recommendations to the City.
- 5.0 As-built preparation

- 6.0 Inspection - provide on-site field representation assuming 140 working days construction time with average inspection of four hours per day. Prepare progress and inspection reports, identify and rectify noncompliant work, prepare punch list of deficient items and conduct final walkthrough. Provide construction staking one time for contractor.

## E. SPECIAL SERVICES

Special services will be paid on a per unit price basis and will not be performed unless prior written authorization is obtained from the City.

1. **Easement preparation.** Prepare exhibit and metes and bounds description for maximum of 35 easement documents. For properties where combination temporary and permanent easements are acquired, the temporary easement will only be shown on the exhibit and will not be included on the metes and bounds description.
2. **Easement Acquisition.** Negotiate on behalf of the City a maximum of 35 combination temporary/permanent easements and temporary construction easements as required for access and/or storage. Includes the following services:
  - 2.1. Secure preliminary title commitment to establish current ownership.
  - 2.2. Attempt to secure all documents to clear any defects in title.
  - 2.3. Coordinate with the title company to remove any exceptions from "Schedule C" of the title policy that are not considered standard exception in order to provide City clear title to property.
  - 2.4. A maximum of 3 attempts to secure the easement will be made.
2. **Appraisal Services.** Prepare up to 8 appraisals. Lone Star R.O.W. will mail a notification letter and acquisition policies brochure to the property owner, requesting permission to conduct an on-site inspection of the property, and requesting information regarding the property being appraised. Appraiser will prepare a narrative appraisal report that conforms to the Uniform Standards of Professional Appraisal Practice (USPAP). Lone Star R.O.W. will receive and analyze the completed appraisal reports and will reconcile the real estate and fixtures and equipment conclusions as necessary. Includes improvement survey of subject property.

## F. ADDITIONAL SERVICES

The following services are not included in the scope of services:

1. Construction phase services including construction administration and/or inspection services are not included in this scope of work and will be included in subsequent supplemental agreement.
2. Bidding and contract award services for construction contracts 2, 3 and 4.
3. Analysis of either TBRSS or Hickory Lift Stations.
4. Design of lateral lines coming into the Bird Creek Interceptor other than re-routing existing laterals from the existing to the new interceptor.

5. Television inspection and cleaning beyond 5,000 l.f. shall be billed at \$3.50 per linear foot for cleaning and \$1.75 per linear foot for TV inspection.
6. Design includes stream bank stabilization at creek crossings only. Additional design of stream bank stabilization will be performed as additional services.
7. Services for condemnation proceedings if required for easement acquisition.
8. Design of entire roadways. It was assumed that pavement will be replaced on top of trench only where the pipeline is in paved areas.

**Project Assumptions:**

1. Recommended improvements will consist of approximately 26,100 LF of 21-inch to 42-inch diameter relief interceptor for the existing Bird Creek Interceptor – the Hickory Interceptor is not included.
  2. Entire length of improvements will be open-cut construction with the exception of the following locations:
    - Hwy 53 – Airport Road – rehabilitated in place
    - FM 2305 – Adams Avenue - rehabilitated in place
    - BNSF Railroad – installed by trenchless method (to be determined)
    - Pecan Valley & Midway Drive – approximately 1,600 LF installed by trenchless method (to be determined)
    - Approximately 3,600 LF of 30-inch interceptor located south of Midway Drive
  3. City of Temple will provide the following:
    - All existing City owned utility information required to conduct geotechnical investigations.
    - Site clearing for access to boring locations, if necessary
  4. Project will be performed in general time frame shown in attached project schedule, or as agreed to by City and Carter Burgess, Inc.
  5. Right-of-Entry was included in the Phase 2 scope but was not completed and, consequently, is not included in this scope of work.
  6. All fees charged by title company for vesting information, preliminary title commitments and any and all closing costs charged by the title company on the closing statement, including but not limited to, title insurance premiums, recording fees, document preparation, tax certificates, courier fees, guaranty fee, overnight fees, escrow and/or closing fees will be a pass through expense and billed directly to City by the title company.
  7. Archeological investigation and permitting assumes no mitigation of significant historical sites will be required.
  8. TV cleaning that includes the removal of tuberculation, fixed debris, or heavy root intrusions that will not allow the TV camera to proceed, will terminate the inspection.
  9. City will provide a municipal disposal site for sewer cleaning materials at no charge. This disposal will be utilized for materials removed from the existing interceptor prior to TV inspection.
  10. Aerial creek crossings assume two (2) crossing with concrete piers; suspension system design is not included.
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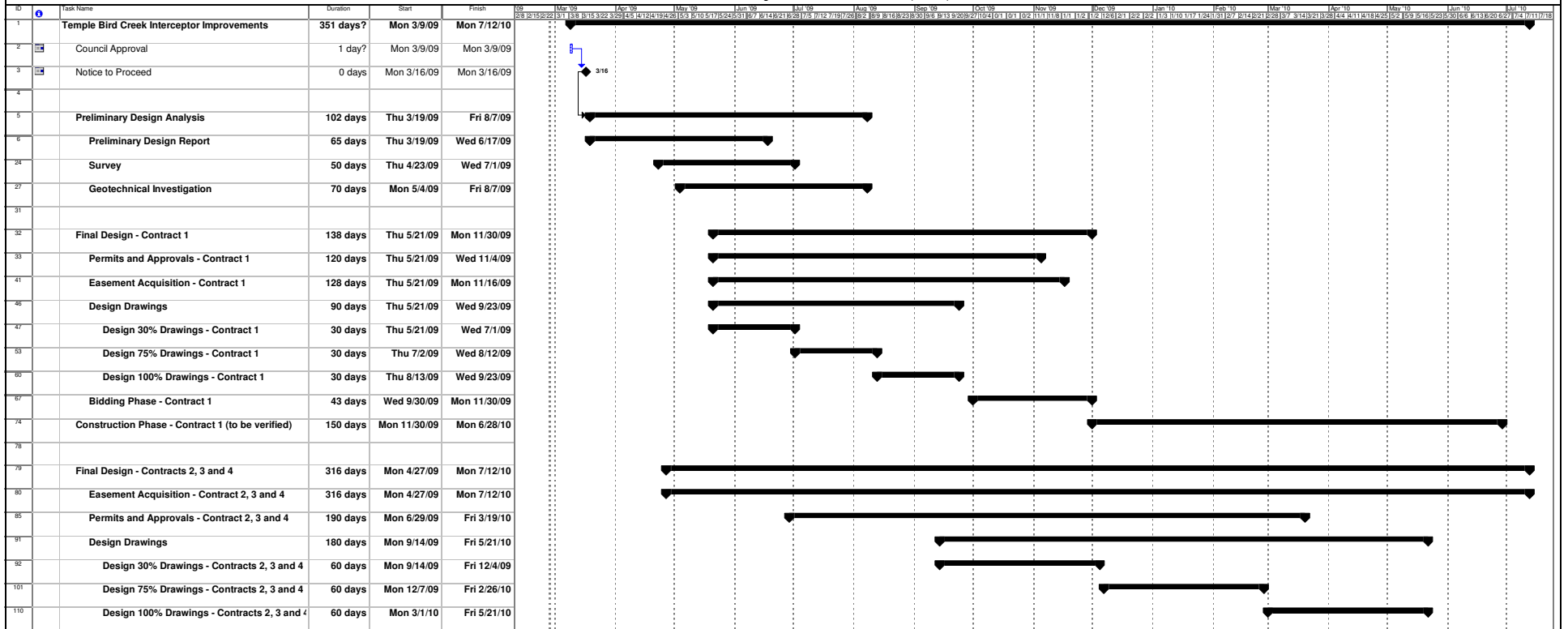


**Temple Bird Creek Interceptor Improvements  
Amendment No. 2 - Final Design & Construction Phase Services (Ph 3-5)**

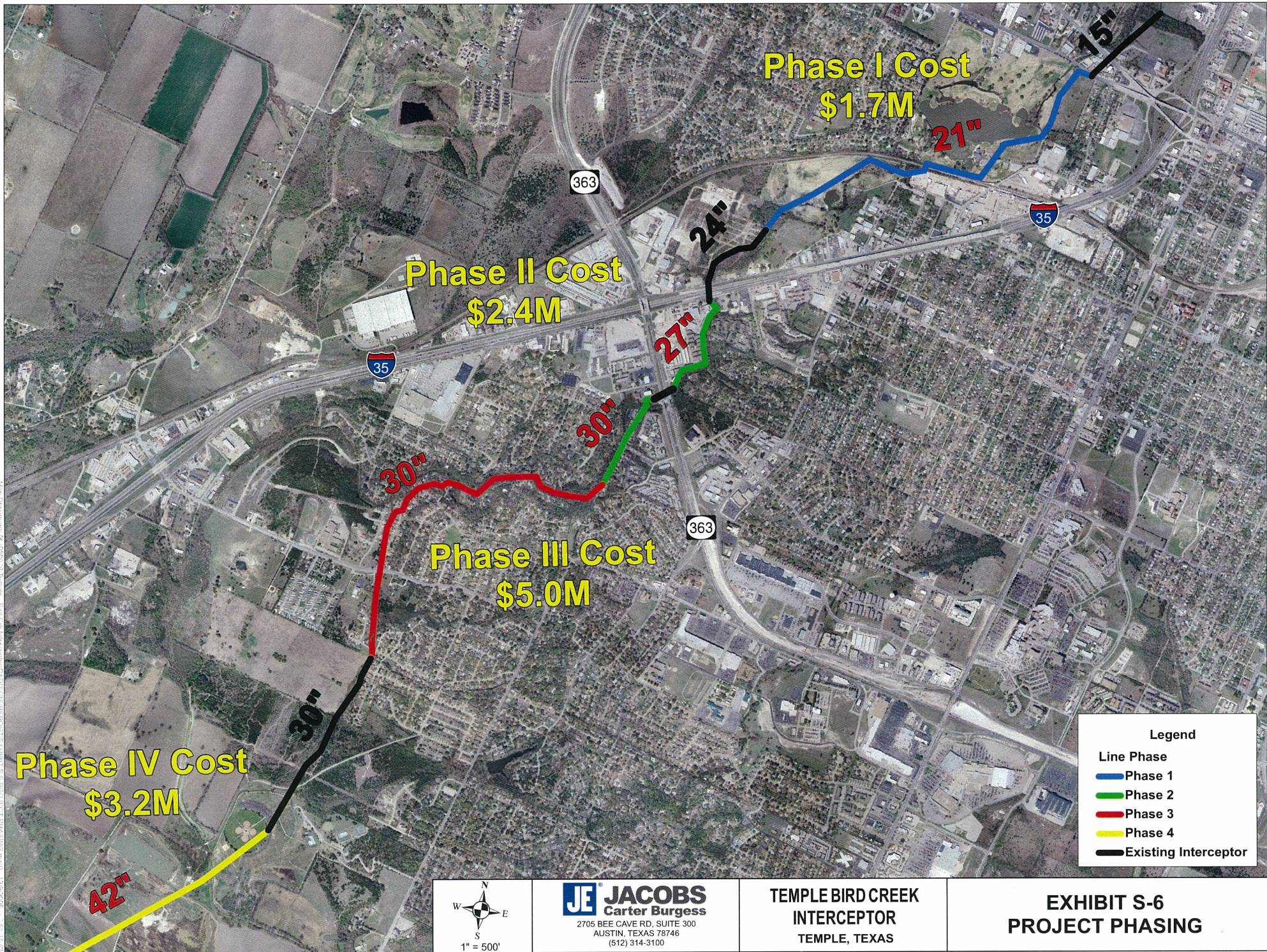
26-Feb-09

Scope Item	Description	Total Carter & Burgess	Total Sub Consultant	Expenses	Total Services
<b>Amendment No. 2</b>					
<b>A. Ph 3A - Preliminary Design</b>					
1	Project Administration & Management	\$ 7,779	\$ -	\$ 250	\$ 8,029
2	Public Relations	\$ 31,152	\$ -	\$ 1,000	\$ 32,152
3	Research Existing Utilities	\$ 10,514	\$ 31,425	\$ 250	\$ 42,189
4	Preliminary Design Analysis	\$ 17,226	\$ -		\$ 17,226
5	Estimate of Probable Cost	\$ 3,427	\$ -	\$ 250	\$ 3,677
6	Preliminary Design Report	\$ 8,540	\$ -	\$ 250	\$ 8,790
<b>Subtotal</b>		<b>\$ 78,637</b>	<b>\$ 31,425</b>	<b>\$ 2,000</b>	<b>\$ 112,100</b>
<b>B. Ph 3B - Final Design (4 Constn Contracts)</b>					
1	Project Administration & Management	\$ 53,930	\$ 2,500	\$ 1,000	\$ 57,430
2	Survey	\$ -	\$ -		\$ -
2.1	Topographic Survey	\$ 2,103	\$ 99,500		\$ 101,603
2.2	Tree Survey	\$ 2,116	\$ 10,000		\$ 12,116
3	Geotechnical investigation	\$ 6,695	\$ 114,891		\$ 121,586
4	Plans & Specifications	\$ -			
4.1	30% plans and specifications	\$ 111,897	\$ 59,180	\$ 250	\$ 171,327
4.2	75% plans and specifications	\$ 165,131	\$ 5,000	\$ 250	\$ 170,381
4.3	Final plans and specifications	\$ 159,541	\$ 5,000	\$ 250	\$ 164,791
4.4	Bid documents	\$ 44,271	\$ 5,000	\$ 5,000	\$ 54,271
5	Environmental Evaluation & Permitting	\$ 18,260	\$ -	\$ 350	\$ 18,610
6	Archeological Evaluation & Permitting	\$ 2,567	\$ 18,221	\$ 350	\$ 21,138
7	Misc Permitting & Approvals	\$ 12,745	\$ -	\$ 750	\$ 13,495
8	Estimate of probable cost	\$ 20,569	\$ 1,000		\$ 21,569
<b>Subtotal</b>		<b>\$ 599,823</b>	<b>\$ 320,292</b>	<b>\$ 8,200</b>	<b>\$ 928,300</b>
<b>C. Ph 4 - Bid and Contract Award (1st Contract)</b>					
1	Attend pre-bid conference	\$ 1,729	\$ -	\$ 250	\$ 1,979
2	Answer questions during bidding	\$ 6,848	\$ 1,500		\$ 8,348
3	Attend City Council meeting to award contract	\$ 1,277	\$ -	\$ 250	\$ 1,527
4	Recommendation of award	\$ 2,238	\$ -		\$ 2,238
<b>Subtotal</b>		<b>\$ 12,092</b>	<b>\$ 1,500</b>	<b>\$ 500</b>	<b>\$ 14,100</b>
<b>D. Ph 5A - Constn Phase Services (1st Contract)</b>					
1	Project Management	\$ 7,147	\$ -	\$ 250	\$ 7,397
2	Review Shop Drawings	\$ 7,284	\$ -		\$ 7,284
3	Requests for Information	\$ 6,403	\$ -	\$ 250	\$ 6,653
4	Construction Meetings/Periodic Site Visits	\$ 15,577	\$ -	\$ 600	\$ 16,177
5	As-built preparation	\$ 7,138	\$ -	\$ 200	\$ 7,338
6	Inspection (4 hours / day avg.)	\$ 7,056	\$ 84,256	\$ 2,500	\$ 93,812
<b>Subtotal</b>		<b>\$ 50,605</b>	<b>\$ 84,256</b>	<b>\$ 3,800</b>	<b>\$ 138,700</b>
<b>Subtotal - Lump Sum (Sect A-D)</b>		<b>\$ 741,157</b>	<b>\$ 437,473</b>	<b>\$ 14,500</b>	<b>\$ 1,193,200</b>
<b>E. Special Services (to be paid on per unit basis)</b>					
1	Easement Preparation (per each, 35 max)	\$ 2,625	\$ 28,875		\$ 31,500
2	Easement Acquisition - 35 easements x \$4,400 per easement (Does not include closing costs & title insurance)	\$ 14,000	\$ 140,000		\$ 154,000
3	Appraisal Services - 8 appraisals x \$7,700 per appraisal	\$ 5,600	\$ 56,000		\$ 61,600
<b>Subtotal - Special Services (Per Unit Basis)</b>		<b>\$ 22,225</b>	<b>\$ 224,875</b>	<b>\$ -</b>	<b>\$ 247,100</b>
<b>TOTAL - Amendment No. 2 (Phase 3-5A)</b>		<b>\$ 763,382</b>	<b>\$ 662,348</b>	<b>\$ 14,500</b>	<b>\$ 1,440,300</b>
<b>Original Contract Amount - Phase 1</b>		<b>\$ 96,900</b>	<b>\$ 238,934</b>	<b>\$ 6,400</b>	<b>\$ 342,234</b>
<b>Amendment No. 1 - Phase 2</b>		<b>\$ 125,790</b>	<b>\$ 84,580</b>	<b>\$ 3,250</b>	<b>\$ 213,620</b>
<b>Grand Total - Original Contract + Amend No. 1 &amp; 2</b>		<b>\$ 986,072</b>	<b>\$ 985,862</b>	<b>\$ 24,150</b>	<b>\$ 1,996,154</b>

## ATTACHMENT C - PROJECT SCHEDULE

Temple Bird Creek Interceptor Improvements  
Amendment No. 2 - Final Design & Constn Phase Services (Ph 3-5)







RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARTER & BURGESS, INC., FOR ENGINEERING SERVICES RELATED TO PHASES 3, 4 & 5 OF THE BIRD CREEK INTERCEPTOR PROJECT, FOR AN AMOUNT NOT TO EXCEED \$1,440,300; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 1, 2007, the City Council authorized a professional services agreement with Carter & Burgess, Inc., for engineering services for Phase 1 of the Bird Creek Interceptor Project – an amendment to the agreement was approved on May 17, 2007, for Phase 2 services;

**Whereas**, the Staff recommends approval of an additional amendment to the contract for Phases 3, 4 & 5 of the project, to include preliminary and final design for 4 construction contracts, bidding and contract award for the first construction contract, and special services which include easement preparation, acquisition and appraisal services;

**Whereas**, Carter & Burgess, Inc., submitted a proposal in the amount of \$1,440,300, for these services, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 561-5400-535-6925, Project 100045; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an amendment to the Professional Services Agreement, in an amount not to exceed \$1,440,300, with Carter & Burgess, Inc., after approval as to form by the City Attorney, for engineering services related to the Bird Creek Interceptor Project, Phases 3, 4 and 5.

**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 **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #4(I)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with City-County Benefits Services (C-CBS) for employee benefits consulting services commencing April 1, 2009, at an annual cost of \$27,720.

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

**ITEM SUMMARY:** On February 13, 2009, City-County Benefits Services submitted a proposal for providing professional benefit consulting services over a five year period to be awarded one year at a time. Staff has worked closely with City-County Benefits Services over the past four years on health insurance, dental insurance, retiree insurance, long term disability insurance, life insurance, Section 125 insurances, and GASB 45 compliance issues. City-County Benefits Services has provided invaluable guidance in these areas. Throughout the year, C-CBS will continue to monitor our claims experience and help staff with administering the contracts, as well as guiding us through recommendations for complying with GASB 45.

Staff recommends Council authorize a one-year professional services agreement with City-County Benefits Services.

**FISCAL IMPACT:** Budgeted amount: \$25,800 in account 110-2700-515-2616  
3,000 in account 520-5000-535-2616  
900 in account 240-4400-551-2616  
300 in account 292-2900-534-2616  
\$30,000

Recommended expenditure: \$27,720

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH  
CITY-COUNTY BENEFITS SERVICES (C-CBS) FOR EMPLOYEE BENEFITS  
CONSULTING SERVICES AT AN ANNUAL COST OF \$27,720; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 13, 2009, City-County Benefits Services submitted a proposal for providing professional benefit consulting services over a 5 year period to be awarded one year at a time;

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

**Whereas**, the Staff recommends authorizing a professional services agreement for an annual cost of \$27,720;

**Whereas**, funds are available for this service in Account Nos. 110-2700-515-2616, 520-5000-535-2616, 240-4400-551-2616, and 292-2900-534-2616; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with City-County Benefits Services, for an annual cost not to exceed \$27,720, after approval as to form by the City Attorney, for employee benefit consulting services.

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

PASSED AND APPROVED this the 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #4(J)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an agreement with David Blackburn, City Manager, regarding terms of employment consistent with State law and the City Charter.

*Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council may meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager.*

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

**ITEM SUMMARY:** Evaluations and work plan reviews were recently conducted with all Council appointed employees. During the City Manager's review, the Council and City Manager discussed several amendments to a proposed employment agreement. Some of the terms are still being reviewed but we anticipate having an agreement ready for Council consideration before the March 5th meeting.

**FISCAL IMPACT:** Not available at this time.

### **ATTACHMENTS:**

Employment Agreement – to be provided prior to Council meeting  
[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH DAVID BLACKBURN, CITY MANAGER, REGARDING TERMS OF EMPLOYMENT CONSISTENT WITH STATE LAW AND THE CITY CHARTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, evaluations and work plan reviews were recently conducted by all City Council appointed employees;

**Whereas**, during the City Manager's review, the City Council and the City Manager discussed several amendments to a proposed employment agreement;

**Whereas**, the City Council authorizes an agreement with David Blackburn, City Manager; 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 agreement with David Blackburn, City Manager, substantially in the form of the copy attached hereto as Exhibit A, after approval as to form by the City Attorney, regarding terms of employment consistent with State law and the City Charter.

**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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(K)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance amending the City's Economic Development Policy ordinance, by establishing new criteria and guidelines for tax abatement in the Avenue H Strategic Investment Zone to promote local economic development and to stimulate business and commercial activity.

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

**ITEM SUMMARY:** The proposed ordinance amends the City's comprehensive economic development ordinance to add new criteria and guidelines for authorizing tax abatement agreements in the proposed tax abatement reinvestment zone for the Avenue H Strategic Investment Zone. This is a companion item to the ordinance creating the Avenue H Strategic Investment Zone—which designates the Avenue H corridor (roughly Avenue F, G, H & I from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street) as a tax abatement reinvestment zone and also authorizes other match grant incentives from the City.

The matrix proposed for to be considered for 5 year, 100% tax abatement on the increase value of eligible real and personal property (useful life of at least 10 years) in the Avenue H Strategic Investment Zone Corridor is as follows:

Percentage of increased value To be abated	Inside the Avenue H Strategic Investment Zone Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$35,000 or more	\$60,000 or more	5-25 jobs

Under the proposed amendment, projects involving an investment in real property in excess of \$250,000, more than \$1,000,000 in eligible personal property, or the creation of more than 25 new full time jobs would be individually negotiated.



**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Ordinance](#)

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

**Whereas**, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

**Whereas**, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

**Whereas**, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

**Whereas**, the City has nominated an area of the City for designation by the State, acting through its Department of Commerce, as an enterprise zone pursuant to Tex. Rev. Civ. Stat. Ann. art 5190.7;

**Whereas**, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

**Whereas**, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

**Whereas**, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; and

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

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

**Part 1:** That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

# ECONOMIC DEVELOPMENT POLICY

## FOR THE CITY OF TEMPLE, TEXAS

ADOPTED MAY 15, 2008

### I. Criteria and Guidelines Governing Tax Abatement.

#### A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. "**Agreement**" means a contract between a property owner or lessee and the City.

3. "**Base year value**" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.

7. "**Expansion**" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

9. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improved the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

12. **"South 1<sup>st</sup> Street Corridor"** is an area comprised of approximately a 74 block area, which includes South 1<sup>st</sup> Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2<sup>nd</sup> Street, South 3<sup>rd</sup> Street and South 5<sup>th</sup> Street, as shown by the map and description attached hereto as Exhibit "B."

13. **"Avenue H Strategic Investment Zone"** is an area consisting of Avenue F, G, H & I from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street, as shown by the map and description attached hereto as Exhibit "C."

## **B. Statement of Purpose.**

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

## **C. Designation of Tax Abatement Reinvestment Zones.**

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

## **D. Abatement Authorized.**

**1. Eligible Facilities.** Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

## **2. Standards for Tax Abatement.**

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area or within the South 1<sup>st</sup> Street Corridor, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

**b. Minimum Required Investment.** An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation <sup>†</sup>
<b>25%</b>	<b>\$250,000-\$400,000</b>	<b>\$1,000,000-\$1,600,000</b>	<b>25-30 jobs</b>
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
<b>50%</b>	<b>1,000,001-1,300,000</b>	<b>4,000,001-5,200,000</b>	<b>51-55 jobs</b>
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation <sup>†</sup>
<b>75%</b>	<b>2,500,001-3,500,000</b>	<b>10,000,001-14,000,000</b>	<b>76-85 jobs</b>
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
<b>100%</b>	<b>7,500,001-10,000,000</b>	<b>30,000,001-40,000,000</b>	<b>126-175 jobs</b>

Percentage of increased value To be abated	Inside the Downtown Development Area or the South 1 <sup>st</sup> Street Corridor Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$100,000 or more	5-25 jobs

Percentage of increased value To be abated	Inside the Avenue H Strategic Investment Zone Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$35,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development Area, or the South 1<sup>st</sup> Street and Avenue H Strategic Investment Zones) in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Downtown Development Area or the South 1<sup>st</sup> Street and Avenue H Strategic Investment Zones), or the creation of more than 175 (25 in the Downtown Development Area or the South 1<sup>st</sup> Street and Avenue H Strategic Investment Zones) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

\*Personal property with a useful life of less than ten years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

<sup>†</sup> As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

**Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.**

**3. Abatement barred in certain circumstances.** Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:



- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

**4. Property subject to Taxation.** From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

#### **5. Application for Tax Abatement.**

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

## **6. Tax Abatement Agreements**

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;
- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

## **7. Recapture of Abated Taxes Upon Default.**

a. In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,

(3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

## **8. Administration.**

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

## **9. Assignment of Tax Abatement Agreements.**

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

## **10. Sunset Provision.**

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

# **II. Availability of Tax Increment Financing of Public Improvements.**

## **A. Existence of tax increment financing district.**

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

## **B. Development agreements.**

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advise and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

## **III. Additional Economic Incentives within the City**

### **A. Designation of Enterprise Zone.**

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

#### **1. Sales and use tax refunds.**

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as a enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

## **2. Waiver of permit fees.**

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone.

## **B. Other economic incentives within the City.**

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

<b>Additional Incentives within the City</b>	
Value of grant, or value of reduction in lease payments	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <b><u>both</u></b> improvements to real property (new construction or

or sale price	expansion of existing facility) <b>and</b> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

*Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated.*

### **C. Additional economic incentives in Downtown Development Area.**

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

<b>Additional Incentives in the Downtown Development Area</b>	
Value of grant, or value of reduction in lease payments	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <b>either</b> improvements to real property (new construction or

or sale price or surplus property	expansion of existing facility) <del>or</del> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a Business Plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

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

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

**Part 4:** 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 **19<sup>th</sup>** day of **February**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #4(L)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance designating the Avenue H corridor as Tax Abatement Reinvestment Zone Number 15 and authorizing tax abatement agreements and certain other economic development incentives therein.

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

**ITEM SUMMARY:** This ordinance, if adopted, will designate the Avenue H corridor as a tax abatement reinvestment zone and authorize additional incentives to promote redevelopment of commercial and residential property in the area. It is modeled after the South 1<sup>st</sup> Street incentive ordinance and furthers the purposes of the City's Strategic Investment Zone program.

This ordinance is the second of several planned economic incentive ordinances targeted at encouraging redevelopment in the areas of the City designed by the City Council as Strategic Investment Zones (SIZ). As with the South 1<sup>st</sup> Street incentive ordinance, this ordinance encourages redevelopment of the Avenue H corridor primarily through two means: (1) the availability of tax abatement on the increased value of eligible real and personal property; and (2) providing "matching" grant incentives where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

As the SIZ report recommended, the City is employing a 'combined-arms' approach to redevelopment in our Strategic Investment Zones. On one hand we have sought voluntary compliance with existing codes and standards and backed that up with a willingness to require compliance through enforcement proceedings before the City's Building and Standards Commission. We've also tried a "carrot" incentive through a willingness to assist property owners with the demolition of substandard buildings and signs in our corridors. As the report we presented to the City Council in December 2007 showed, we've demolished a number of high profile buildings and signs in the past two years, both within and near our SIZs.



The proposed ordinance continues those efforts by offering tax abatement and economic development incentives. The tax abatement were proposing is similar to what has been successfully offered in the Downtown area for the past decade: 100% tax abatement for five years on the increased value of eligible real and personal property constructed in accordance with a tax abatement agreement. Tax abatement would be available for both commercial and residential redevelopment above a certain threshold.

Eligible property improvements for tax abatement in this SIZ corridor would include a mixture of commercial redevelopment and residential redevelopment given the current nature of this neighborhood. The tax abatement area is essentially Avenues F, G, H and I from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street. A detailed map will be provided to the City Council at our meeting. The condition of property within the defined area is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, and conditions that endanger life or property by fire or other cause.

The matching grants for economic development and in-kind services include funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos surveys and abatements, demolitions and sidewalk replacement. Availability of these matching funds would be on a first-come/first-served basis for eligible projects. A limited amount of funds (approximately \$170,000) are available in the current fiscal year for both the Avenue H corridor and the South 1<sup>st</sup> Street corridor, and if the City Council approves this ordinance we will seek additional funds in future budget years. A detailed description of the matching grants will be made during our presentation before the City Council.

Other potential candidates for similar ordinances are Martin Luther King, Jr. Boulevard; North 3<sup>rd</sup> Street; and the Downtown area. Providing adequate funding for the City matching funds will pose a fiscal challenge for the City, but the proposed incentives are tied to private investment in these SIzs that will help the City to recover its investment.

**FISCAL IMPACT:** In FY 2007-2008, \$ 85,000 was appropriated for the Strategic Investment Zone matching grant incentives. This amount was not spent during the fiscal year and was carried forward to FY 2008-2009. An additional \$ 85,000 was appropriated in the FY 2008-2009 operating budget. Total amount currently available for the Strategic Investment Zone matching grant incentives is \$ 170,000.

**ATTACHMENTS:**

[Ordinance](#)

**ORDINANCE NO. \_\_\_\_\_**

DESIGNATING THE AVENUE H CORRIDOR (FROM SOUTH 1<sup>ST</sup> STREET TO 25<sup>TH</sup> STREET AND AVENUE F TO AVENUE I) AS TAX ABATEMENT REINVESTMENT ZONE NUMBER FIFTEEN FOR COMMERCIAL, INDUSTRIAL OR RESIDENTIAL TAX ABATEMENT AND AS THE "AVENUE H STRATEGIC INVESTMENT ZONE;" ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; ESTABLISHING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES IN THE AVENUE H STRATEGIC INVESTMENT ZONE; ESTABLISHING A SUNSET PROVISION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code;

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

WHEREAS, the City finds that the condition of property adjoining Avenue G and Avenue H (from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street and from Avenue F to Avenue I) is likely to substantially arrest or impair the sound growth of the municipality, because of the presence of one or more of the conditions: a substantial number of substandard, slum, deteriorated, or deteriorating structures; the predominance of defective or inadequate sidewalks or streets; faulty size, adequacy, accessibility, or usefulness of lots; unsanitary

or unsafe conditions; the deterioration of site or other improvements; or conditions that endanger life or property by fire or other cause;

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

**Part 1:** The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**Part 2:** (a) **Designation of Avenue H Tax Abatement Reinvestment Zone.** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial, industrial or residential tax abatement consisting of property within the area described as follows:

**BEGINNING** at the eastern ROW line of South 25<sup>th</sup> Street and a point in the south line of the Burlington Northern & Santa Fe Railroad rail yard;

**THENCE** southerly along the east line of said South 25<sup>th</sup> street to a point in the south line of Lot 1, Block 62 Freeman Heights Addition;

**THENCE** easterly along the south line of this and continuing along the southern boundaries of parcels as follows:

Lot 8, Block 62, Freeman Heights Addition;  
Lot 1, Block 63, Freeman Heights Addition;  
Lot 1, Block 25, Jones & Moore Addition;  
North 62.5 feet of Lot 3, Block 25, Jones & Moore Addition;  
North 60 feet of Lot 1, Block 26, Jones & Moore Addition;  
North 60 feet of Lot 1, Block 27, Jones & Moore Addition;  
North 90 feet of Lot 3, Block 27, Jones & Moore Addition;  
North 120 feet of Lot 1, Block 28, Jones & Moore Addition;  
North 75 feet of Lot 3, Block 28, Jones & Moore Addition;  
North 75 feet of Lot 1, Block 29, Jones & Moore Addition;  
North 120 feet of Lot 3, Block 29, Jones & Moore Addition;  
North 60 feet of Lot 1, Block 30, Jones & Moore Addition;  
North 60 feet of Lot 11, Block 9, W.A. Barclay Addition;  
North 15 feet of Lot 7, Block 9, W.A. Barclay Addition;  
Lot 1, Block 10, W.A. Barclay Addition;  
Lot 6, Block 10, W.A. Barclay Addition;  
Lot 1, Block 11, W.A. Barclay Addition;  
Lot 6, Block 11, W.A. Barclay Addition;  
Lot 1, Block 220, Temple Original Addition;  
Lot 6, Block 220, Temple Original Addition;  
Lot 1, Block 1, Robertson Addition;  
Lot 5, Block 1, Robertson Addition;  
North 25 feet of Lot 2, Block 2, Robertson Addition;

**THENCE** easterly along the south line of Lot 5, Block 2, Robertson Addition to a point in the west line of South First Street (Veterans Memorial Drive) for corner;

**THENCE** northerly along said west line of South First Street to a property line 80 feet north of West Avenue F for corner;

**THENCE** westerly along the north line of this, and continuing along the northern boundaries of parcels as follows:

Lot 2, Block 53, Temple Original Addition;  
South 105 feet of Lot 4, Block 52, Temple Original Addition;  
Lot 1, Block 52, Temple Original Addition;  
South half of Lot 4, Block 51, Temple Original Addition;  
South 90 feet of Lot 2, Block 51, Temple Original Addition;  
South 100 feet of Lot 4, Block 50, Temple Original Addition;  
Lot 2, Block 50, Temple Original Addition;  
South 90 feet of Lot 4, Block 15, Temple Original Addition;  
South 90 feet of Lot 2, Block 15, Temple Original Addition;  
South 60 feet of Lot 4, Block 18, Temple Original Addition;  
South 45 feet of Lot 2, Block 18, Temple Original Addition;  
South 45 feet of Lot 2, Block 6, Jones & Moore Addition;  
South 51 feet of Lot 4, Block 5, Jones & Moore Addition;  
South 40 feet of Lot 2, Block 5, Jones & Moore Addition;  
South 50 feet of Lot 4, Block 4, Jones & Moore Addition;  
South 58 feet of Lot 2, Block 4, Jones & Moore Addition;  
South 43 feet of Lot 4, Block 3, Jones & Moore Addition;  
South 90 feet of Lot 2, Block 3, Jones & Moore Addition;  
South 40 feet of Lot 4, Block 2, Jones & Moore Addition;  
South 40 feet of Lot 2, Block 2, Jones & Moore Addition;

**THENCE** westerly along the north line of the south 90 feet of Lot 4, Block 1, Jones & Moore Addition to a point in the east line of Lot 2, Block 1, Jones & Moore Addition;

**THENCE** northerly to the south line of aforementioned Burlington Northern & Santa Fe Railroad rail yard;

**THENCE** westerly along the south line of this to the POINT OF BEGINNING containing 122 acres of land, more or less, as depicted in Exhibit "A" attached hereto.

Such reinvestment zone is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Fifteen, City of Temple, Texas. The City Council specifically finds that the boundaries of the reinvestment zone (hereinafter "AVENUE H STRATEGIC INVESTMENT ZONE") should be as shown in the map attached hereto as Exhibit "A."

(b) **Findings Relative to Creation of Tax Abatement Reinvestment Zone.** The City Council, after conducting a public hearing and hearing evidence and testimony, makes the following findings and determinations based on the testimony presented to it:

1. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

2. That creation of the AVENUE H STRATEGIC INVESTMENT ZONE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

3. That the AVENUE H STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

4. That the AVENUE H STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

(c): The AVENUE H STRATEGIC INVESTMENT ZONE shall take effect on March 5, 2009, and continue in effect until March 5, 2014.

(d) To be considered for execution of an agreement for tax abatement the commercial/industrial or residential project shall:

1. Be located wholly within the AVENUE H STRATEGIC INVESTMENT ZONE as established herein;

2. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

3. Conform to the requirements of the City's Zoning Ordinance, all other City codes and regulations, City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones previously adopted by the City Council, and all other applicable laws and regulations; and

4. Have and maintain all land located within the AVENUE H STRATEGIC INVESTMENT ZONE, appraised at market value for tax purposes.

(e) Written agreements with property owners located within the AVENUE H STRATEGIC INVESTMENT ZONE shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

(f) Written agreements for tax abatement as provided for by Section 312.205 of the Tax Code shall include provisions for:

1. Listing the kind, number and location of all proposed improvements of the property;
2. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
3. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the AVENUE H STRATEGIC INVESTMENT ZONE during the period that property tax exemptions are in effect; and
4. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

(g) Applications. Applications for tax abatement in the AVENUE H STRATEGIC INVESTMENT ZONE are available in the City Attorney's Office, Suite 308, Municipal Building, 2 North Main Street, Temple, TX 76504 or from the City's website, [ci.temple.tx.us](http://ci.temple.tx.us).

**Part 3:** (a) **Additional Economic Development Incentives for the Avenue H Strategic Investment Zone.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development in the Avenue H Investment Zone as provided below. If property is located within the Avenue H Strategic Investment Zone and another investment zone offering similar incentives by the City, the applicant may apply under either program, subject to the rules of eligibility. *To be eligible for any of the grants in Part 3 of this Ordinance, the applicant must propose and complete real property improvements on property located within the Avenue H Strategic Investment Zone with a minimum investment of not less than \$20,000 for non-residential or \$10,000 for residential.*

- (1) **Façade Improvement Grants.** (commercial only) The City will consider making grants of up to **\$10,000** on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the Avenue H Strategic Investment Zone is maintained in the Construction Safety Office, 1<sup>st</sup> Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (2) **Sign Improvement Grants.** (commercial only) The City will consider making grants of up to **\$1,500** on a 1:1 matching basis for the installation of new ground-mounted, monument type signs on eligible properties or the

replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

- (3) **Landscaping Improvement Grants.** (commercial only) The City will consider making grants of up to **\$2,500** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$3,500** on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.
- (4) **Asbestos Survey or Abatement Grants.** (commercial only) The City will consider a grant of up to **\$1,000** on a 1:1 matching basis for owner-initiated asbestos survey of a building and up to **\$3,000** on a 1:1 matching basis for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, and replacement materials.
- (5) **Demolition Grants.** When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant of up to **\$2,500** on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
- (6) **Sidewalk Improvement Grants.** The City will consider grants of up to **\$5,000** on a 1:1 matching basis for the construction of new sidewalks within the AVENUE H INVESTMENT ZONE, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill

costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.

(7) **Waiver of Platting, Zoning and Permit Fees.** The City will consider waiving up to \$2,000 in platting, zoning, water and wastewater tap fees, and building permit fees for eligible projects.

(8) **Remodeling of residential property to meet City codes.** The City will consider grants of up to **\$5,000** on a 1:1 matching basis for the cost of remodeling residential property to meet City codes within the Avenue H Strategic Investment Zone.

(b) **Eligible Property.** To be eligible for a grant under Part 3(a)(1)-(8) above, the applicant must be the owner or lessee of property lying within the boundaries of the Avenue H Strategic Investment Zone. Eligible property improvements are as described in Part 3(a)(1)-(8) above.

(c) **Application Form.** To be eligible for the grants described in Part 3(a), an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **City Manager's Office** (c/o of the Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

(d) **Evaluation of Applications.** In evaluating whether to approve an application for a grant under Part 3(a), the City Council will consider: (1) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect; (2) whether the proposed redevelopment is at a higher level than which exists on other properties in the Avenue H Strategic Investment Zone at the time of adoption of this ordinance; (3) whether the applicant has the financial resources to complete the described in the application; (4) whether the property is unlikely to redevelop without an incentive by the City; (5) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council. Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 3(d) above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

(e) **Approval of grants.** The City Council may approve a request for a grant under Part 3(a) in whole or in part, or deny the same.



(f) **No Vested Right to Receive a Grant.** The existence of the grant program established in Section 3(a) does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

(g) **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. Payment to grantees shall be made within thirty (3) days of the work described in the development agreement being completed, inspected and accepted by the City.

**Part 4: Severance clause.** 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 5: Effective date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6: Sunset provision.** The designation of Tax Abatement Reinvestment Zone Number Fifteen shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19th** day of **February**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **5th** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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William A. Jones, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #4(M)  
Consent Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Tim Dolan, Director of Planning

**ITEM DESCRIPTION:** P-FY-09-15: Consider adopting a resolution approving the final plat of T.B.T. Ranch Subdivision, 3 single family lots on 10.8± acres located on the east side of Water Supply Road, west of SH 36, 2.2 miles from the City Limits, in Temple's Western E.T.J, with the developer's requested exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees of the Subdivision Ordinance and Sec. 12-145 of the Code of Ordinances, Fire Protection.

**P&Z COMMISSION AND STAFF RECOMMENDATION:** At its February 16, 2009 meeting, the Planning and Zoning Commission voted 7/0 in accordance with the staff recommendation to approve Final Plat with the developer's requested exceptions.

1. Subdivision Ordinance Section 33-93(p) -12" ribbon curb on rural streets
2. Subdivision Ordinance Section 3-102(d)(2) - Payment of \$225 in park fees per dwelling unit and
3. Section 12-145 (City Code) - One fire hydrant per 600' of street frontage.

Vice-Chair Pilkington abstained citing the potential he may build the houses in the proposed subdivision and Commissioner Martin was absent.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-09-15, from the Planning and Zoning Commission meeting, February 16, 2009.

Except for the exceptions requested below, the final plat meets the requirements of the Subdivision Ordinance.

Sub Regs Citation	Requirement	Applicant's Justification	Staff Support?
Sec. 33-102(d)(2)	Payment of \$225 in park fees per dwelling unit	West Temple Park is 7+ miles way	Yes
Sec. 33-94(a)	Rural streets shall be edged with 12 inch wide concrete ribbons.	Limited frontage on Water Supply Road	Yes
Section 12-145 (City Code)	One fire hydrant per 600' of street frontage	Water line insufficient for additional hydrant. The Moffat VFD will serve the site with its pumper trucks.	Yes

**FISCAL IMPACT:** NA

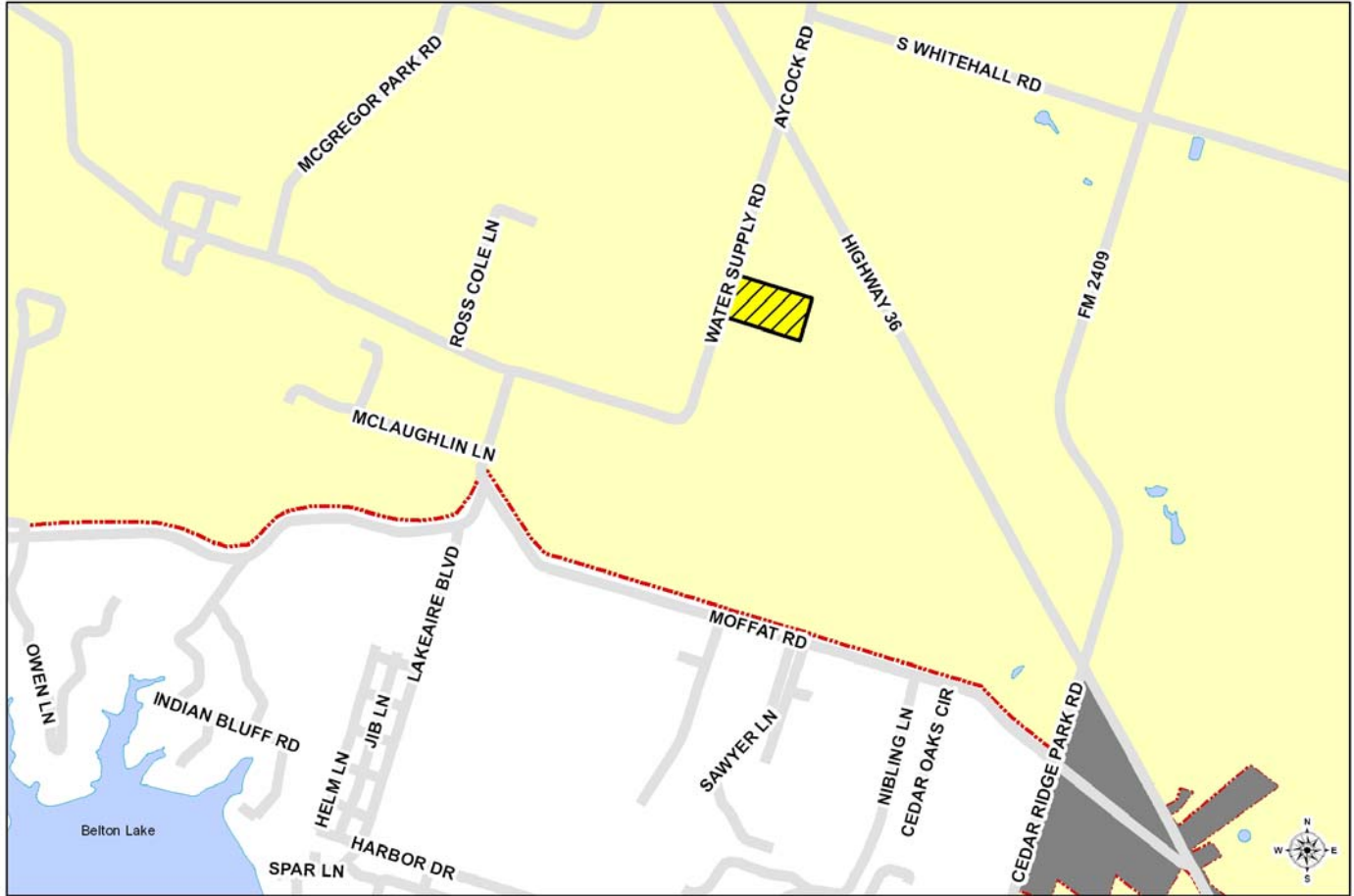
**ATTACHMENTS:**

Locator Map  
Plat  
P&Z Staff Report (P-FY-09-15)  
P&Z Minutes (02/16/09)  
Resolution



P-FY-09-15

# T.B.T. Ranch Subdivision



Plat



Temple ETJ



Temple City Limits

Proposed ETJ Subdivision

1 inch = 1,500 feet  
J Stone 01.23.09



EDWARD PEREZ, ETUX.  
10.218 ACRES  
DOC # 2008-43438

ADJOINER N 72°44'40" W 941.24'  
S 72°44'40" E 941.24'

S 72°44'40" E 642.01'  
25' Building Line

LOT 1, BLK 1  
3.391 AC

150' Building Line

25' Building Line

10' PUE

S 72°44'40" E 642.43'  
S 72°44'40" E 642.52'

EXH B-DCC#2008-32332  
15' PUE

150' Building Line

LOT 3, BLK 1  
3.217 ACRES

25' Building Line

N 72°44'40" W 642.92'

N 72°44'40" W 942.15'  
ADJOINER S 72°44'40" E 942.15'

WATER SUPPLY ROAD  
(EXIST ROW - APPROX. 50')  
N 17°13'55" E 498.00'

N 17°13'55" E 218.00'

N 17°13'55" E 230.00'

S 17°07'39" W 230.00'

S 17°07'39" W 218.00'

S 72°44'40" E 299.23'  
25' Building Line

LOT 2, BLK 1  
4.158 ACRES

50' Building Line

50' Building Line

25' Building Line

N 72°44'40" W 299.23'

ROBERT ELWOOD WHITIS & GRACE RUTH WHITIS  
REM. 69.44 AC - VOL. 5489, PG. 827

S 17°07'39" W 498.00'  
ADJOINER N 17°07'39" E 498.00'



# PLANNING AND ZONING COMMISSION AGENDA ITEM

02/16/09  
Item #2  
Regular Agenda  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** Carl Pearson for Suzie Bean & Mitch Tierney

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

**FY-09-15:** Consider a recommendation to approve the Final Plat T.B.T. Ranch Subdivision, 3 single family lots on 10.8± acres with exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees and City Ordinance Sec. 12-145 (City Code), Fire Protection, located on the east side of Water Supply Road, west of SH 36, 2.2 miles from the City Limits, in Temple's Western E.T.J.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Final Plat subject to the Commission recommending approval of the applicant's requested exceptions. If recommended for approval subject to the applicant's exceptions, the item will be scheduled for the City Council meeting, Thursday, March 5, 2009. All ETJ Plats also require review and approval by the Bell County Commissioner's Court.

**BACKGROUND:**

The applicant requests exceptions to the following requirements. This plat was reviewed by the Design Review Committee (DRC) on February 2, 2009 and was considered administratively complete on February 9, 2009. The area is 2.2 miles outside of City Limits for three single-family lots. The average lot size measures 3.5 acres, with the largest lot of 4.2± acres.

Subdivision Regulations Citation	Requirement
Sec. 33-93(p)	12" ribbon curb on rural streets
Sec. 3-102(d)(2)	Payment of \$225 in park fees per dwelling unit
Sec. 12-145 (City Code)	One fire hydrant per 600' of street frontage

The Fire Department supports the fire hydrant exemption request due to the Moffat Water Supply's statement that the 3" water line serving the property is not sufficient to support an additional fire hydrant. The Moffat VFD will serve the site with its pumper trucks. An existing fire hydrant measures 2,470 feet from the site. The Parks and Leisure Services Department supports the park fee exception request due to the distance of the subdivision into the ETJ and the small number of lots being platted. The nearest City Park is 7.3 miles from the subject property. The Planning Department supports the ribbon curb exemption request due to the distance of the subdivision into the ETJ and three lots being platted.

**ATTACHMENTS:**

Locator Map  
Plat

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

**MONDAY, FEBRUARY 16, 2009**

**ACTION ITEMS**

**P-FY-09-15:** Consider a recommendation to approve the Final Plat T.B.T. Ranch Subdivision, 3 single family lots on 10.8± acres with exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees and City Ordinance Sec. 12-145 (City Code), Fire Protection, located on the east side of Water Supply Road, west of SH 36, 2.2 miles from the City Limits, in Temple's Western E.T.J. (Applicant: Carl Pearson for Suzie Bean & Mitch Tierney).

Commissioner Pilkington abstained from this issue and excused himself from the room.

Mr. Tim Dolan, Planning Director presented the Staff Report with Findings of Fact to the Commissioners via Powerpoint and explained this land was in the ETJ and no public hearing was required. Mr. Dolan also stated the applicant was in attendance to answer any questions the Commission might have.

Mr. Dolan stated this is a four-step process: the Commission will review the plat and if recommended for approval, it will be scheduled for City Council for final decision, then scheduled with Bell County Commissioners Court and finally recordation of the plat.

Mr. Dolan stated the design engineer requested three (3) exceptions:

1. the curb and gutter described as ribbon curb designed for rural areas;
2. parkland dedication; and
3. fire protection suppression issues.

Staff recommended approval of the Final Plat subject to the Commission recommending approval of the applicant's requested exceptions. If recommended for approval subject to the applicant's exceptions, the item will be scheduled for the City Council meeting, Thursday, March 5, 2009. All ETJ Plats also require review and approval by the Bell County Commissioner's Court.

The applicant requested exceptions to the following requirements. This plat was reviewed by the Design Review Committee (DRC) on February 2, 2009 and was considered administratively complete on February 9, 2009. The area is 2.2 miles outside of City Limits for three single-family lots. The average lot size measures 3.5 acres, with the largest lot of 4.2+ acres.



The Fire Department supports the fire hydrant exemption request due to the Moffat Water Supply's statement that the 3" water line serving the property is not sufficient to support an additional fire hydrant. The Moffat VFD will serve the site with its pumper trucks. An existing fire hydrant measures 2,470 feet from the site. The Parks and Leisure Services Department supports the park fee exception request due to the distance of the subdivision into the ETJ and the small number of lots being platted. The nearest City Park is 7.3 miles from the subject property. The Planning Department supports the ribbon curb exemption request due to the distance of the subdivision into the ETJ and three lots being platted.

There being no required public hearing and no further discussion, Commissioner Barton made a motion to accept P-FY-09-15 as written with the exceptions. Commissioner Martin made the second.

Motion passed. (7:0 with 1 abstention)

RESOLUTION NO. \_\_\_\_\_

(PLANNING NO. P-FY-09-15)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF T.B.T. RANCH SUBDIVISION, 3 SINGLE FAMILY LOTS ON APPROXIMATELY 10.8 ACRES LOCATED ON THE EAST SIDE OF WATER SUPPLY ROAD, WEST OF SH 36, 2.2 MILES FROM THE CITY LIMITS, IN TEMPLE'S WESTERN E.T.J., SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE AND CHAPTER 12 OF THE CODE OF ORDINANCES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 16, 2009, the Planning and Zoning Commission approved the final plat of T.B.T. Ranch Subdivision, 3 single family lots on approximately 10.8 acres located on the east side of Water Supply Road, west of SH 36, 2.2 miles from the city limits, in Temple's Western E.T.J., subject to the developer's requested exceptions to the Subdivision Ordinance regarding requirements for rural streets edged with 12 inch wide concrete ribbons, fire protection, and park fees; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of T.B.T. Ranch Subdivision.

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

**Part 1:** The City Council approves the final plat of T.B.T. Ranch Subdivision, 3 single family lots on approximately 10.8 acres located on the east side of Water Supply Road, west of SH 36, 2.2 miles from the city limits, in Temple's Western E.T.J., more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-94(a)* to waive the requirement for rural streets to be edged with 12 inch wide concrete ribbons; *Section 33-97 and Chapter 12-145-146 of the City Code* to waive the requirement for fire protection; and *Section 33-102(d)(2)* to waive the requirement for park fees.

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

PASSED AND APPROVED this the **5<sup>th</sup>** day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing  
Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of a competitive sealed proposal for the acquisition of services needed to crack-seal and re-paint certain airport runways and taxiways.

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

**ITEM SUMMARY:** Identical to a grant received in FY 2008, the airport has received a matching \$50,000 RAMP grant for FY 2009 for the designated purpose of crack-sealing and re-painting certain runways and taxiways. It is staff's desire to be able to consider evaluation criteria other than price in determining the best value for the City in the purchase of this service as a result of the unique regulatory environment in which these services must be performed. The recommended evaluation criteria are as follows: price, 60%; reputation of the vendor and the quality of vendor's services, 20%; and proven experience of the vendor in providing like-kind services to airports, 20%.

Staff will form a committee to evaluate the proposals based on the stated evaluation criteria. It is staff's desire to advertise for proposals for this service beginning March 8, 2009, with the anticipation of coming back to Council on April 16, 2009, with a recommendation for award for these services.

Per §252.021 of the Local Government Code, before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding procedures. However, the governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality.

**FISCAL IMPACT:** There is no defined fiscal impact associated with this Item. Funding in the amount of \$100,000 for this project is designated in account 110-5900-560-6310, project # 100440.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF A COMPETITIVE SEALED PROPOSALS FOR THE ACQUISITION OF SERVICES NEEDED TO CRACK-SEAL AND RE-PAINT CERTAIN AIRPORT RUNWAYS AND TAXIWAYS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Airport has received a matching \$50,000 RAMP grant for FY 2009 for the designated purpose of crack-sealing and re-painting certain runways and taxiways;

**Whereas**, it is the Staff's desire to be able to consider evaluation criteria other than price in determining the best value for the City in the purchase of this service as a result of the unique regulatory environment in which these services must be performed;

**Whereas**, §252.021 of the Local Government Code provides that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding procedures; however, the governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality; 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 use of competitive sealed proposals for the acquisition of services needed to crack-seal and re-paint certain airport runways and taxiways.

**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 **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing  
Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of a competitive sealed proposal for the acquisition of construction services related to the construction of the new Central Fire Station.

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

**ITEM SUMMARY:** In May 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition included \$7,175,000 for a new Central Fire Station #1 with administrative offices. On September 17, 2008, Council authorized a professional services agreement with Wiginton Hooker Jeffry P.C. (WHJ) for the design of the facility.

It is WHJ's recommendation that the City use a competitive sealed proposal (RFP) instead of a competitive sealed bid to procure the construction services for the project. The basis for WHJ's recommendation is to allow consideration to the contractor's experience in the evaluation of the bids. Staff has considered WHJ's recommendation and is in agreement with their recommendation for the following reasons:

- The fire station is a unique facility and consideration of a bidder's experience and reputation in building like-kind structures could potentially add a level of quality to the project, and
- Bert Pope has been engaged as the City's construction consultant on this project and is adding construction expertise to the design process, not unlike services that would be provided by using the construction manager-at-risk procurement delivery method.

Staff's recommendation for the RFP evaluation criteria are as follows: price, including consideration of local preference, 70%; reputation of the vendor and the quality of vendor's services, 20%; and proven experience of the vendor in providing like-kind construction services, 10%.

Staff will form a committee to evaluate the proposals based on the stated evaluation criteria. It is anticipated that the project will be ready for procuring construction services in July 2009 with construction beginning in October 2009 and ending in October 2010.

Per § 252.021 of the Local Government Code, before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding procedures. However, the governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality.

**FISCAL IMPACT:** There is no defined fiscal impact associated with this Item. Funding for the construction of the new Central Fire Station is designated in account 363-2200-522-6850, project # 100120.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF A COMPETITIVE SEALED PROPOSALS FOR THE ACQUISITION OF CONSTRUCTION SERVICES RELATED TO THE CONSTRUCTION OF THE NEW CENTRAL FIRE STATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the architect for the new Central Fire Station has recommended that the City consider the use of competitive sealed proposals for the acquisition of construction services for the facility since the fire station is a unique facility and consideration of a bidder's experience and reputation in building like-kind structures could potentially add a level of quality to the project;

**Whereas**, in addition, the City hired a construction consultant on the project which will add construction expertise to the design process, not unlike services that would be provided by using the construction manager-at-risk procurement delivery method;

**Whereas**, §252.021 of the Local Government Code provides that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding procedures; however, the governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality; 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 use of competitive sealed proposals for the acquisition of construction services related to the construction of the new Central Fire Station.

**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 **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor



ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

D. Blackburn, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the adoption of the Temple Tomorrow Strategic Vision and Plan 2009 Update.

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

**ITEM SUMMARY:** In 2003, the City Council formally adopted the City of Temple's first Strategic Plan and, in 2006, the City Council adopted an update to the Plan.

In 2008, the City began the process to prepare the 2009 update to the Plan. The City engaged a consultant to facilitate this process. Several planning sessions were held including a pre-retreat staff session, a Council planning retreat, a staff follow-up session, and a Council work session. The attached document reflects the plan update resulting from Council's discussions.

This plan, titled 'Temple Tomorrow Strategic Vision and Plan', is intended to be a visionary long-range planning tool. The plan includes mission, vision, areas of focus, goals, and objectives. Currently, staff is preparing the 'Temple Action Plan' which will include action items associated with the various goals and objectives in the Strategic Plan and will be linked to the Strategic Plan through the annual budget process.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

['Temple Tomorrow' – the City of Temple's Strategic Vision and Plan Resolution](#)

# **City of Temple**

# **Temple Tomorrow**

## **Strategic Vision and Plan**

## **2009 Update**

### **Our Mission:**

Choose Temple

### **Our Vision:**

Best Jobs, Best Education, Best Quality of Life

### **Our Areas of Focus:**

#### **Grow the Tax Base**

In recognition of the linkage between the City's ability to provide services and the ability to pay for these services and the finite capacity of the existing tax base, focus and priority should be given toward expanding the tax base. Recognizing that a large portion of general fund revenues come from sales tax receipts the aforementioned expansion of the tax base should include efforts to grow both property and sales tax.

#### **Grow Health and Bioscience**

In recognition of the unique and advantageous position the City is in with regard to the existing health and biosciences industry, and the promise that the future holds with regard to health and biosciences industry, focus and priority should be given to partnering, collaborating and facilitating the further development and expansion of the health and biosciences industry.

#### **Grow the Transportation Infrastructure**

In recognition of the importance of the movement of goods and people to the expansion and growth of residential, manufacturing, distribution and retail development and the general well-being of the community, focus and priority should be given to the improvement and extension of transportation infrastructure.

#### **Grow Community Enhancements**

In recognition of the substantial investments made by the City in the areas of community enhancement, focus and priority should be given to supporting community development; public safety; adequate and sustainable City facilities, infrastructure, equipment, and staffing; inviting neighborhood environments and living options; and citizen engagement, involvement, and education.

## **Grow the Tax Base**

**Strategic Goal 1:** Economic development and tax base enhancement through addition to existing job base, new business creation, redevelopment, and industry retention and expansion.

**Objectives:**

- 1.1 Expand retail sales in Temple.
- 1.2 Foster downtown redevelopment.
- 1.3 Foster redevelopment along Temple's strategic corridors.
- 1.4 Improve the development process.
- 1.5 Support and encourage small business development.
- 1.6 Support the efforts of the Temple Economic Development Corporation (TEDC).

**Strategic Goal 2:** Excellence in Temple schools and higher education to assist in attracting employers and employees.

**Objectives:**

- 2.1 Expand our collaborative efforts with public and private education to enhance or improve the image of education in the community.
- 2.2 Further develop business/education collaborations related to specific industries the City and TEDC are targeting with an emphasis on higher-end, creative class businesses and workforce.

## **Grow Health and Bioscience**

**Strategic Goal 3:** A vibrant and growing Healthcare and Bioscience economic cluster in Temple.

**Objectives:**

- 3.1 Facilitate expansion of the Texas A&M University Health Science Center College of Medicine Temple mission and programs.
- 3.2 Facilitate introducing the entrepreneurial climate to commercialize ongoing research.
- 3.3 Promote and enhance both the healthcare mixed-use district (TMED) and the West Temple Life Science, Research, and Technology Campus (S&W West Campus).
- 3.4 Support skills training and education efforts in basic science and life science.

## **Grow the Transportation Infrastructure**

**Strategic Goal 4:** A local transportation system that moves people through the community in a safe, efficient, and convenient manner.

**Objectives:**

- 4.1 Maintain, manage, and improve the transportation network.
- 4.2 Plan for the unique needs of aging and disabled persons.

**Strategic Goal 5:** A national and state transportation network for moving people and goods to, from and through the community in an efficient and effective manner.

**Objectives:**

- 5.1 Develop and implement expansion of rail transportation through Temple.
- 5.2 Improve and expand the capacity of existing and planned surface transportation system.
- 5.3 Maximize use and development of the Draughon-Miller Central Texas Regional Airport.

**Strategic Goal 6:** A transportation system that is integrated with and compliments neighborhood and community character.

**Objectives:**

- 6.1 Develop and implement a formal traffic calming program.
- 6.2 Promote well-designed roadways that are aesthetically pleasing and reflective of the surrounding community character.

**Strategic Goal 7:** A transportation system that offers a variety of choice in modes of transit.

**Objectives:**

- 7.1 Develop and implement inter-modal facilities for moving goods through the community.
- 7.2 Develop new and/or enhance existing pedestrian and bicycle amenities and facilities throughout the City.
- 7.3 Enhance the public transit system to better address the varying needs of the community.

## Grow Community Enhancements

**Strategic Goal 8:** Adequate and sustainable City facilities, infrastructure, equipment and staffing.

**Objectives:**

- 8.1 Address code content and enforcement procedures to enhance public safety and better coordinate inter-departmental functions.
- 8.2 Maintain, manage, and improve the water, wastewater, solid waste, and drainage systems to meet current and future demands.
- 8.3 Support the mission and essential responsibilities of the City's key public safety functions and personnel through adequate budget and community support.

**Strategic Goal 9:** Citizen engagement, education, responsive government, and community support.

**Objectives:**

- 9.1 Keep citizens informed and engaged to encourage participation in local government and the community.

**Strategic Goal 10:** Enhanced image and identity for Temple.

**Objectives:**

- 10.1 Develop policies, practices, and incentives to influence the location, pattern, character, quality and timing of new growth.
- 10.2 Focus on development quality and outcomes, as well as public beautification efforts, along Temple's major corridors and at community entries.
- 10.3 Support a renewed vitality and development interest in Temple's oldest neighborhoods.

**Strategic Goal 11:** Neighborhood environments and diverse residential living options that make Temple an inviting place to call home.

**Objectives:**

- 11.1 Encourage a diverse mix of residential options.
- 11.2 Encourage an expanding housing stock that offers local buyers and renters both affordability and value.
- 11.3 Invest in parks and related facilities and programs that enhance community wellness, quality of place, and community amenities.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE “TEMPLE TOMORROW STRATEGIC VISION AND PLAN” 2009 UPDATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2003, the City Council adopted the City of Temple’s first ever Strategic Plan and, in 2006, the City Council adopted an update to the Plan;

**Whereas**, in 2008 the City engaged a consultant to facilitate the process of updating the Plan which is now complete;

**Whereas**, this plan, entitled, “Temple Tomorrow Strategic Vision and Plan,” is intended to be a visionary long-range planning tool which includes mission, vision, areas of focus, goals, and objectives; 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 adopts the “Temple Tomorrow Strategic Vision and Plan,” 2009 update, substantially in the form of the copy attached hereto as Exhibit A.

**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 5<sup>th</sup> day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.

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

**ITEM SUMMARY:** This item is to add the authority for Stacey Hawkins, the new Accountant, to conduct cash management and investment functions for the City. Stacey Hawkins will be serving as secondary for the Treasury Manager's financial transaction responsibilities.

A new resolution is required any time a change occurs in any of the positions authorized to conduct financial transactions. Approval of this item will add authorization for Stacey Hawkins, the new Accountant. The following employees will have authorization to conduct cash management and investment functions for the City:

David A. Blackburn – City Manager  
Traci L. Barnard – Director of Finance  
Melissa Przybylski – Assistant Director of Finance  
Stacey Reisner – Treasury/Grants Manager  
Stacey Hawkins - Accountant  
Clydetta Entzminger – City Secretary

**FISCAL IMPACT:** No fiscal impact.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING THE CITY MANAGER AND DIRECTOR OF FINANCE AND DESIGNATED DEPUTIES AUTHORITY TO CONDUCT INVESTMENT TRANSACTIONS, TRANSFER FUNDS, AND REPRESENT THE CITY OF TEMPLE IN OTHER FINANCIAL TRANSACTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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WHEREAS, the City Council desires to grant City Manager, David A. Blackburn, and Director of Finance, Traci L. Barnard, and certain designated deputies named herein, the authority to conduct investment transactions, transfer funds, and represent the City in other financial transactions; 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 David A. Blackburn, City Manager; Traci L. Barnard, Director of Finance; Melissa Przybylski, Assistant Director of Finance; Stacey Reisner, Treasury/Grants Manager; Stacey Hawkins, Accountant; and Clydette Entzminger, City Secretary, full authority and empowers them to take all actions and execute all documents necessary or incidental to such direct security repurchase agreements, reverse security repurchase agreements, U.S. Treasury Securities, and U.S. Government Agency Securities to the full extent they may exercise that authority consistent with the Texas Depository Act and other applicable state and federal laws and regulations. **Their true signatures appear below:**

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David A. Blackburn  
City Manager

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Traci L. Barnard  
Director of Finance

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Melissa Przybylski  
Assistant Director of Finance

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Stacey Reisner  
Treasury/Grants Manager

---

Clydette Entzminger  
City Secretary

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Stacey Hawkins  
Accountant

**Part 2:** The City Council authorizes the above named individuals, on behalf of the City of Temple and as its own act, to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money; to endorse any checks, notes, bills, or other instruments owned, held, or endorsed to the City of Temple; to issue instructions regarding deposits, withdrawal, orders for payment or transfer of funds whether oral, by telephone, or electronic means; or to do any other convenient or necessary acts to the opening, maintenance, and closing of the accounts in accordance with the charter and ordinances of the City of Temple.

**Part 3:** Controls will remain in place to assure compliance with the City of Temple Fiscal and Budgetary Policies and Investment Policies to assure that assets are safeguarded against loss from unauthorized use or disposition; and that transactions are executed in accordance with management authorization are recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles.

**Part 4:** This authority shall remain in full force and effect until written notice revoking or modifying same has been given by the City Council and received by all other parties to this transaction.

**Part 5:** The City Manager and Director of Finance and the deputies herein named shall have an official bond in the sum adequate to protect the City, but of not less than Five Hundred Thousand (\$500,000) Dollars, each which fully meets the bonding requirements of Article 4, Section 4.28 and 4.29 of the City Charter.

**Part 6:** This Resolution 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 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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## 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 2008-2009.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2008-2009 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$28,634.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 5, 2009**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
110-1800-525-2221		Computer Equipment (Municipal Court)	\$ 6,598	
110-0000-317-0000		<b>Fund Balance Reserved/Designated -</b> <b>Municipal Court Restricted Fees - Judicial Efficiency</b>		\$ 2,100
110-0000-317-0000		<b>Fund Balance Reserved/Designated -</b> <b>Municipal Court Restricted Fees - Technology</b>		\$ 4,498
<p>To appropriate funds for the purchase of five scanners and associated licensing and maintenance for Municipal Court. This purchase will be funded from restricted court fees designated for judicial efficiency and technology. This purchase will allow conversion of a paper, "alpha" filing system to an electronic, "numeric" filing system. This will also reduce the storage needs for Municipal Court.</p>				
110-2000-521-2516		Judgments & Damages (Police)	\$ 4,228	
110-1500-515-6531		<b>Contingency Judgments &amp; Damages</b>		\$ 4,228
<p>Attorney fees for lawsuit filed against the City - Steven Taylor v. City of Temple.</p>				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 808	
110-1500-515-6531		<b>Contingency Judgments &amp; Damages</b>		\$ 808
<p>Attorney fees for lawsuits filed against the City - Centex Investments, Inc. v. City of Temple (\$570.00) and Martinson v. City of Temple (\$237.50).</p>				
110-5900-540-6213	100285	Automotive (Solid Waste)	\$ 1,511	
110-2330-540-2649		Landfill Tipping Fees - Residential		\$ 1,511
<p>Decreasing tipping fees in the Residential Division by amount to cover the additional cost in purchasing a service truck. This service truck was bid in the 2007-2008 budget. There was a conflict in the specifications of the original bid which required revised specifications resulting in additional cost and time to manufacture. As a result, a 2009 service truck was received rather than a 2008. These tipping fees are not committed at this time and are set aside to cover cost of transportation of recyclables and community clean-up fees.</p>				
260-6000-515-2616		Professional (Community Development Administration)	\$ 15,489	
260-6000-515-6532		<b>Contingency</b>		\$ 15,489
<p>To adjust the FY 2009 operating budget for the administrative fee that will be incurred for the administration of a program income amount included in the fiscal year 2008 and 2009 annual action plans.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 28,634</b>	<b>\$ 28,634</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 5, 2009**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Judgments &amp; Damages</b> Contingency		\$ 70,000
		Added to Contingency Judgments & Damages from Council Contingency		\$ -
		Taken From Judgments & Damages		\$ (27,481)
		Net Balance of Judgments & Damages Contingency Account		\$ 42,519
		Beginning <b>SAFER Grant Match</b> Contingency		\$ 46,821
		Added to Master Plan Implementation Contingency		\$ -
		Taken From Master Plan Implementation Contingency		\$ -
		Net Balance of Master Plan Implementation Contingency Account		\$ 46,821
		Beginning <b>Compensation</b> Contingency		\$ 184,700
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (98,395)
		Net Balance of Compensation Contingency Account		\$ 86,305
		<b>Net Balance Council Contingency</b>		<b>\$ 175,645</b>
		Beginning Balance <b>Budget Sweep</b> Contingency		\$ -
		Added to Budget Sweep Contingency		\$ -
		Taken From Budget Sweep		\$ -
		Net Balance of Budget Sweep Contingency Account		\$ -
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ 174,121
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ (4,000)
		Net Balance of Contingency Account		\$ 170,121
		Beginning <b>Compensation</b> Contingency		\$ 34,334
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (20,094)
		Net Balance of Compensation Contingency Account		\$ 14,240
		Beginning <b>Approach Mains</b> Contingency		\$ 500,000
		Added to Approach Mains Contingency		\$ -
		Taken From Approach Mains Contingency		\$ (11,730)
		Net Balance of Approach Mains Contingency Account		\$ 488,270
		Beginning <b>T-BRSS Future Plant Expansion</b> Contingency		\$ 450,000
		Added to T-BRSS Future Plant Expansion Contingency		\$ -
		Taken From T-BRSS Future Plant Expansion Contingency		\$ -
		Net Balance of T-BRSS Future Plant Expansion Contingency		\$ 450,000
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>		<b>\$ 1,122,631</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ 75,221
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ 75,221
		Beginning <b>Compensation</b> Contingency		\$ 5,401
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (3,222)
		Net Balance of Compensation Contingency Account		\$ 2,179
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>		<b>\$ 77,400</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 5, 2009**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	4,631
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(1,901)
		Net Balance of Compensation Contingency Account	\$	2,730
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$</b>	<b>2,730</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	7,962
		Carry forward from Prior Year	\$	99,254
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(70,458)
		Net Balance of Contingency Account	<b>\$</b>	<b>36,758</b>

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2008-2009  
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

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**Whereas**, on the 28<sup>th</sup> day of August, 2008, the City Council approved a budget for the 2008-2009 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2008-2009 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 2008-2009 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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #5(A)  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance amending Ordinance Number 2008-4218, adopted June 5, 2008, by amending Part 3 therein to revise the economic incentive matching grants offered by the City in the South 1st Street Strategic Investment Zone.

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

**ITEM SUMMARY:** This ordinance, if adopted, will amend City Ordinance Number 2008-4218, the South 1st Street incentive ordinance, to increase the dollar amount of matching grant incentives offered by the City in the South 1st Street Strategic Investment Zone.

Since the adoption of the South 1<sup>st</sup> Street incentive ordinance, which designated the South 1<sup>st</sup> Street corridor as a tax abatement reinvestment zone and also authorized incentive matching grants to encourage redevelopment on South 1<sup>st</sup> Street, the City has received applications from a number of property owners on South 1<sup>st</sup> Street. In the course of those discussions, the Staff has come to believe that the incentives offered under Part 3 of the incentive ordinance need to be revised to provide more of an incentive and to bring the incentive amounts more into line with actual costs. Even with the proposed changes, our 50% matching grant is unlikely in many cases to cover ½ of the cost of the improvements we're seeking to encourage. We anticipate bringing several of the applications to the City Council in the next 30-60 days for consideration.

The attached ordinance revises the City's **matching** grant program in the South 1<sup>st</sup> Street Strategic Investment Zone as follows:

**Façade improvement grants**—the limit would be increased from \$10,000 to \$15,000

**Sign improvement grants**—the limit would be increased from \$1,500 to \$2,500

**Landscaping improvement grants**—the limit would be increased from \$2,500 to \$5,000 if no irrigation system is installed, and from \$3,500 to \$10,000 if an irrigation system is in place

**Sidewalk improvement grants**—the limit would be increased from \$2,500 to \$10,000



**FISCAL IMPACT:** In FY 2007-2008, \$ 85,000 was appropriated for the Strategic Investment Zone matching grant incentives. This amount was not spent during the fiscal year and was carried forward to FY 2008-2009. An additional \$ 85,000 was appropriated in the FY 2008-2009 operating budget. Total amount currently available for the Strategic Investment Zone matching grant incentives is \$ 170,000.

**ATTACHMENTS:**

[Ordinance](#)

Added Text

~~Deleted Text~~

ORDINANCE NO. \_\_\_\_\_

AMENDING ORDINANCE NO. 2008-4218, ADOPTED JUNE 5, 2008, BY AMENDING PART 3 THEREIN TO REVISE THE ECONOMIC INCENTIVE GRANTS OFFERED BY THE CITY IN THE SOUTH 1<sup>ST</sup> STREET STRATEGIC INVESTMENT ZONE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 5, 2008, the City Council adopted Ordinance No. 2008-4218 which created the South 1<sup>st</sup> Street Strategic Investment Zone;

**Whereas**, the Staff recommends amending the ordinance to revise the incentive grants offered by the City in the South 1<sup>st</sup> Street Strategic Investment Zone; and

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

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

**Part 1:** The City Council approves amending Ordinance No. 2008-4218, adopted June 5, 2008, which created the South 1<sup>st</sup> Street Strategic Investment Zone, by amending Part 3 therein to revise the economic incentive grants offered by the City, to read as follows:

...

**Part 3:** (a) **Additional Economic Development Incentives for South 1<sup>st</sup> Strategic Investment Zone.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development in the South 1<sup>st</sup> Street Strategic Investment Zone as provided below. *To be eligible for any of the grants in Part 3 of this Ordinance, the applicant must propose and complete real property improvements on property located within the SOUTH 1<sup>ST</sup> STREET STRATEGIC INVESTMENT ZONE with a minimum investment of not less than \$20,000 for non-residential or \$10,000 for residential.*

- (1) **Façade Improvement Grants.** The City will consider making grants of up to ~~\$10,000~~ **\$15,000** on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS,

rough-faced block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1<sup>st</sup> Street Strategic Investment Zone is maintained in the Construction Safety Office, 1<sup>st</sup> Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

- (2) **Sign Improvement Grants.** The City will consider making grants of up to **\$1,500 \$2,500** on a 1:1 matching basis for the installation of new ground-mounted, monument type signs on eligible properties or the replacement of a dilapidated sign. To be eligible, ~~the base or footing of the sign must be concrete or metal~~ the **10% or more of the new or replacement sign must be constructed from the approved masonry material list**. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (3) **Landscaping Improvement Grants.** The City will consider making grants of up to **\$2,500 \$5,000** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$3,500 \$10,000** on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.
- (4) **Asbestos Survey or Abatement Grants.** The City will consider a grant of up to **\$1,000** on a 1:1 matching basis for owner-initiated asbestos survey of a building and up to **\$3,000** on a 1:1 matching basis for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, and replacement materials.
- (5) **Demolition Grants.** When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant of up to **\$2,500** on a 1:1 matching basis for the demolition of existing

buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.

- (6) **Sidewalk Improvement Grants.** The City will consider grants of up to **\$2,500** **\$10,000** on a 1:1 matching basis for the construction of new sidewalks with a minimum width of six feet on South 1<sup>st</sup> Street and five feet (5') on other streets within the SOUTH 1<sup>st</sup> STREET STRATEGIC INVESTMENT ZONE, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.

- (7) **Waiver of Platting, Zoning and Permit Fees.** The City will consider waiving up to **\$2,000 in** platting, zoning, **water and wastewater tap fees**, and building permit fees for eligible projects

(b) **Eligible Property.** To be eligible for a grant under Part 3(a)(1)-(6) above, the applicant must be the owner or lessee of property lying within the boundaries of the South 1<sup>st</sup> Street Strategic Investment Zone. Eligible property improvements are as described in Part 3(a)(1)-(7) above.

(c) **Application Form.** To be eligible for the grants described in Part 3(a), an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **City Manager's Office** (c/o of the Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

(d) **Evaluation of Applications.** In evaluating whether to approve an application for a grant under Part 3(a), the City Council will consider: (1) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect; (2) whether the proposed redevelopment is at a higher level than which exists on other properties in the South 1<sup>st</sup> Street Strategic Investment Zone at the time of adoption of this ordinance; (3) whether the applicant has the financial resources to complete the described in the application; (4) whether the property is unlikely to redevelop without an incentive by the City; (5) if the property for which a grant is sought is on South 1<sup>st</sup> Street, whether the applicant's proposed redevelopment eliminates a continuous curb cut on South 1<sup>st</sup> Street or retains limited access to such street; and (6) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council

for the Temple Medical Education District (TMED). Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 3(d) above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

(e) **Approval of grants.** The City Council may approve a request for a grant under Part 3(a) in whole or in part, or deny the same.

(f) **No Vested Right to Receive a Grant.** The existence of the grant program established in Section 3(a) does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

(g) **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. Payment to grantees shall be made within thirty (3) days of the work described in the development agreement being completed, inspected and accepted by the City.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19<sup>th</sup>** day of **February**, 2009.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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William A. Jones, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #5(B)  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kim Foutz, Assistant City Manager  
Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement between the City of Temple and JZI Primetime LLC (Pool’s Grocery) for redevelopment improvements in the Temple Medical Education District and the 1<sup>st</sup> Street Strategic Investment Zone corridor.

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

**ITEM SUMMARY:** This agreement outlines the obligations and representations of Primetime LLC and also defines the City’s incentive package. Pool’s Grocery, located on First Street, is situated in the Temple Medical Education District and is within the South 1<sup>st</sup> Street Strategic Investment Zone. The proposed incentives are consistent with the incentive guidelines for the South 1st Street Strategic Investment zone adopted by City Council.

The agreement and resolution will allow Pool’s to receive a Chapter 380 matching grant of up to \$10,000 match (\$26,869 total facade) for façade improvements; up to \$6,177 match (\$12,355 total landscaping) for landscaping improvements cover costs associated with irrigation and landscaping; and up to \$7,700 (\$15,400 total) for sidewalk improvements. Pool’s total project investment is \$60,364 with the City’s match up to \$23,877.50. The agreement and resolution also provide a grant for trees from the City’s tree farm. Renovations must be completed by December 31, 2009. In return, Pools has agreed to:

- Stucco and paint on all four sides of the building
- Install awnings and exterior lighting
- Install new doors and windows
- Install landscaping and irrigation system (well above the minimum City standards)
- Install sidewalks and handicap ramps
- Install a solid wooden fence for buffer (not grant eligible)
- Replace/upgrade asphalt parking lot (not grant eligible)
- Engineering, survey work, etc (not grant eligible)

**FISCAL IMPACT:** The total grant amount by the City may not exceed \$23,877.50 which reflects a 1:1 match. In FY 2007-2008, \$85,000 was appropriated for the Strategic Investment Zone matching grant incentives. This amount was not spent during the fiscal year and was carried forward to FY 2008-2009. An additional \$ 85,000 was appropriated in the FY 2008-2009 operating budget. Total amount currently available for the Strategic Investment Zone matching grant incentives is \$ 170,000 and is available in account 110-1500-515-2695.

Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

**ATTACHMENTS:**

[Grant Agreement](#)

[Location map and picture](#)

[Resolution](#)



# South 1st Street Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and JZI Primetime LLC (Pool’s Grocery), a Limited Liability Company hereinafter “Owner”).

City and Owner agree as follows:

**Section 1. Purpose.** Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2009-4285, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 1720 South 1<sup>st</sup> Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

**Section 2. Obligations of Owner.** Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property as a Grocery Store after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements describe in the subparts of Section 3.

Stucco and paint on all four sides of the building; Install awnings and exterior lighting; Install new doors and windows; Install landscaping and irrigation system (well above the minimum City standards); Install sidewalks and handicap ramps; Install a solid wooden fence for buffer (not grant eligible); Replace/upgrade asphalt parking lot (not grant eligible); Engineering, survey work, etc. (not grant eligible), hereinafter collectively referred to as “the Improvements.”

Owner agrees to commence the Improvements on or before \_\_\_\_\_, 2009, and to complete said Improvements on or before December 31, 2009. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

**Section 3. Matching Grants by the City.** The City agrees to provide matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

**(a) Façade Improvement Grant.** The City will make a grant of \$10,000 on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product on the Improvements, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

A description of the Façade Improvements to be completed by Owner is as follows:

Stucco and paint on all four sides of the building

Install awnings and exterior lighting

Install new doors and windows

Install sidewalks and handicap ramps

**(b) Landscaping Improvement Grant.** The City will make a grant of \$6,177.00 on a 1:1 matching basis for the installation of new or additional landscaping and irrigation system on the Property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, irrigation, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically exclude design costs. The City will also consider making grants of trees from the City's tree farm if requested by the Owner as part of a landscaping improvement grant application.

A description of the Landscaping Improvements to be completed by Owner is as follows:

Install landscaping and irrigation system (well above the minimum City standards) as per approved design.

**(c) Sidewalk Improvement Grant.** The City will make a grant of \$7,700.00 (not to exceed \$10,000) on a 1:1 matching basis for the construction or replacement of new sidewalks with a minimum width of 4 feet on the Property or the replacement of existing sidewalks or curb and guttering on the Property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.

A description of the Sidewalk Improvements to be completed by Owner is as follows:

Install sidewalks and handicap ramps

**Section 4. Acceptance of Improvements and Payment of Matching Grants.**

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

**Section 5. Maintenance of Improvements.** Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

**Section 6. Assignment.** Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

**Section 7. Availability of Records.** Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Temple, Texas

Owner

\_\_\_\_\_  
David A. Blackburn  
City Manager

\_\_\_\_\_  
(Insert Name)  
(Insert Title)

Attest:

Approved as to form:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

State of Texas       §

County of Bell       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by David A. Blackburn, City Manager, for the City of Temple, a Texas  
home rule City.

\_\_\_\_\_  
Notary Public

State of Texas       §

County of Bell       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public





# Pools Grocery

1720 South 1st Street



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND JZI PRIMETIME, LLC (POOL’S GROCERY) FOR REDEVELOPMENT IMPROVEMENTS IN THE TEMPLE MEDICAL EDUCATION DISTRICT AND THE SOUTH 1<sup>ST</sup> STREET STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, JZI Primetime, LLC (Pool’s Grocery) is located on South First Street and is situated in the Temple Medical Education District and also within the South 1<sup>st</sup> Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

**Whereas**, the Staff recommends entering into a Chapter 380 “matching grant” agreement which will outline the obligations and representations of JZI Primetime, LLC (Pool’s Grocery) and define the City’s incentive package;

**Whereas**, the total project investment by JZI Primetime, LLC (Pool’s Grocery) is \$60,364, and the City’s total match may not exceed \$15,400;

**Whereas**, funds are available for this matching grant incentive in Account No. 110-1500-515-2695; 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 Chapter 380 “matching grant” agreement, between the City of Temple and JZI Primetime, LLC (Pool’s Grocery), after approval as to form by the City Attorney, for redevelopment improvements in the Temple Medical Education District and the South 1<sup>st</sup> Street Strategic Investment Zone corridor.

**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 5<sup>th</sup> day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #5(C)  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney  
Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement between the City of Temple and Don’s Medical Equipment for redevelopment improvements in the Temple Medical Education District and the 1<sup>st</sup> Street Strategic Investment Zone corridor.

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

**ITEM SUMMARY:** This agreement outlines the obligations and representations of Don’s Medical Equipment and also defines the City’s incentive package. Don’s Medical, located on First Street, is situated in the Temple Medical Education District and is within the South 1<sup>st</sup> Street Strategic Investment Zone. The proposed incentives are consistent with the incentive guidelines for the South 1st Street Strategic Investment Zone adopted by City Council.

The agreement and resolution will allow Don’s Medical to receive a Chapter 380 matching grant of up to \$10,000 (\$21,741 total facade) for façade improvements and up to \$4,400 (\$8,800 total investment) to cover costs associated with upgrading fencing. Don’s total project investment is \$62,609 with the City’s match up to \$14,400. The agreement and resolution also provide a grant for municipal permits and fees not to exceed \$1,000. Renovations must be completed by December 31, 2009. In return, Don’s Medical has agreed to:

- Install Austin Chalk Tejas textured stone on front facade
- Remove asbestos shingles from the sides of the building and replace with Hardi-Plank
- Replace all doors and windows on street side
- Painting remainder of the facades and pole fence
- Replace/upgrade asphalt parking lot (not grant eligible)
- Install wrought iron fence and gate in the front

**FISCAL IMPACT:** The total grant amount by the City may not exceed \$15,400 which reflects a 1:1 match. In FY 2007-2008, \$85,000 was appropriated for the Strategic Investment Zone matching grant incentives. This amount was not spent during the fiscal year and was carried forward to FY 2008-2009. An additional \$85,000 was appropriated in the FY 2008-2009 operating budget. Total



amount currently available for the Strategic Investment Zone matching grant incentives is \$170,000 and is available in account 110-1500-515-2695.

Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

**ATTACHMENTS:**

[Grant Agreement](#)

[Location map and picture](#)

[Resolution](#)

## South 1st Street Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Don’s Medical Equipment, hereinafter “Owner”).

City and Owner agree as follows:

**Section 1. Purpose.** Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2009-4285, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 1900 South 1<sup>st</sup> Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

**Section 2. Obligations of Owner.** Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property as a medical equipment sales and service business after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements describe in the subparts of Section 3.

Install Austin Chalk Tejas textured stone on front façade; Remove asbestos shingles from the sides of the building and replace with Hardi-Plank®; Replace all doors and windows on street side; Painting remainder of the facades and pole fence; Replace/upgrade asphalt parking lot (not grant eligible); Install wrought iron fence and gate in the front, hereinafter collectively referred to as “the Improvements.”

Owner agrees to commence the Improvements on or before \_\_\_\_\_, 2009, and to complete said Improvements on or before December 31, 2009. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

**Section 3. Matching Grants by the City.** The City agrees to provide matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

**(a) Façade Improvement Grant.** The City will make a grant of \$10,000 on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product on the Improvements, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

A description of the Façade Improvements to be completed by Owner is as follows:

Install Austin Chalk Tejas textures stone on front façade

Remove asbestos shingles from the sides of the building and replace with Hardi-Plank®

Replace all doors and windows on street side

Painting remainder of the facade and pole fence

Install wrought iron fence and gate in front

**(b) Landscaping Improvement Grant.** The City will make a grant of \$4,400.00 on a 1:1 matching basis for the installation of new or additional landscaping on the Property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If Owner installs an irrigation system, or an irrigation system already exists, and will be maintained by Owner, the maximum amount of the landscaping grant is \$10,000 on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically exclude design costs. The City will also consider making grants of trees from the City's tree farm if requested by the Owner as part of a landscaping improvement grant application.

A description of the Landscaping Improvements to be completed by Owner is as follows:

48' decorative wrought iron fence and wrought iron gate.

**(c) Waiver of Platting, Zoning and Permit Fees.** The City will waive up to \$2,000 in platting, zoning, water and wastewater tap fees, and building permit fees related to the Improvements on the Property.

**Section 4. Acceptance of Improvements and Payment of Matching Grants.**

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance.

**Section 5. Maintenance of Improvements.** Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

**Section 6. Assignment.** Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

**Section 7. Availability of Records.** Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Temple, Texas

Owner

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David A. Blackburn  
City Manager

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(Insert Name)  
(Insert Title)

Attest:

Approved as to form:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

State of Texas       §

County of Bell       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by David A. Blackburn, City Manager, for the City of Temple, a Texas  
home rule City.

\_\_\_\_\_  
Notary Public

State of Texas       §

County of Bell       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public





# Don's Medical

1900 South 1st Street

S 3RD ST

S 1ST ST



0 25 50  
Feet

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND DON’S MEDICAL EQUIPMENT FOR REDEVELOPMENT IMPROVEMENTS IN THE TEMPLE MEDICAL EDUCATION DISTRICT AND THE SOUTH 1<sup>ST</sup> STREET STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** Don’s Medical Equipment is located on South First Street and is situated in the Temple Medical Education District and also within the South 1<sup>st</sup> Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

**Whereas,** the Staff recommends entering into a Chapter 380 “matching grant” agreement which will outline the obligations and representations of Don’s Medical Equipment and define the City’s incentive package;

**Whereas,** the total project investment by Don’s Medical Equipment is \$62,609, and the City’s total match may not exceed \$15,400;

**Whereas,** funds are available for this matching grant incentive in Account No. 110-1500-515-2695; 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:**

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**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 **5<sup>th</sup>** day of **March**, 2009.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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03/05/09  
Item #6  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one member to the Electrical Board to fill an unexpired term through March 1, 2011.

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

**ITEM SUMMARY:** At the February 19<sup>th</sup> City Council meeting, Pat Patterson was appointed to the Development Standards Advisory Board (DSAB). Mr. Patterson was currently serving on the Electrical Board and the Temple Economic Development Corporation Board but indicated he would resign from the Electrical Board to accept the appointment to the DSAB.

Please see the attached board summary form, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. City Board Application Forms from interested parties are also attached.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

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

# ELECTRICAL BOARD

TERM EXPIRATION MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Kenneth Malina Journeyman Electrician O/OMA	02/09	2012	2006 North 13 <sup>th</sup> Street Temple, TX 76501	778-4271 W 534-0176 C
Melissa Tyroch Attorney	02/08	2011	110 Arbor Drive Little River, TX 76554	774-8333 W 624-5606 C/H
Lowell Coates Master Electrician	03/03	2010	P O Box 357 Belton, Texas 76513	534-2718 W
Jack Brown Insurance OMA	03/04	2010	4102 S. 31 <sup>st</sup> Street Temple, TX 76502	778-0304 W
Alan Brown Brown Electric Contractors Master Electrician OMA	03/05	2011	4201 Spanish Oak Temple, Texas 76502	773-4823 W 760-5928 C 773-1225 F
John Toone TXU Delivery Representative	12/06	2010	P.O. Box 688 Temple, Texas 7650	770-6204 W
Pat Patterson General Construction Resigned 02-19-09 OMA	02/05	2011	2116 West Avenue H Temple, TX 76504	771-2228 W 771-0728 F

Created March 18, 1976 by Ordinance #869.

**Purpose:** Hear and rule on appeals of application of the Electrical Code; provide recommendations for changes and additions to the Code; review and upgrade license examinations.

**Membership:** 7 members to include the following:

- 2 master electricians
- 1 journeyman electrician
- 1 representative of TU Electric
- 1 representative from construction industry
- 1 architect, engineer or insurance industry
- 1 attorney

\* Members which require licenses must be licensed to perform work in the City of Temple. No 2 members shall be appointed from the same firm or business organization.

**Term:** 3 years

**Meeting Time/Place:** Called basis; Council Chambers, Municipal Building.

**City Staff:** Director of Construction Safety & Services



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

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

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM  
TREE BOARD

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

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

\*\*\*\*\*  
Name David Patterson Residence Address 12677 Sunshine Rd Holland TX 76534

Mailing Address 2116 W Ave H Temple, TX 76504 Phone Number (Business) 760-9199 (Home) \_\_\_\_\_

Fax Number \_\_\_\_\_ Cell Phone Number 760-9199 E-Mail Address David.patterson@patcoconstructionllc.com

Temple Resident: \_\_\_\_\_ Yes ☒ No

Current Employer/Nature of Business: Real Estate Investor

What City Boards have you served on before & When? public works Advisory, board of Adjustments,  
Re-Investment Zone, Airport Advisory

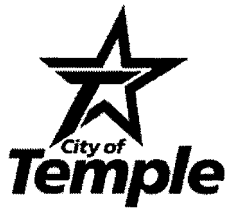
Name, in priority order, the Board or Boards on which you would prefer to serve: \_\_\_\_\_

Building board of Appeals, Electrical Board

What experience and/or educational background do you have that could be applied to community service?  
Business Degree, past Board of Directors Temple/Beltway Habitat for Humanity, Past President Temple/Beltway  
Board of Realtors, Past Board member Temple education foundation, Compass Bank Board of Directors.  
Comments (Attach additional page if desired): \_\_\_\_\_

Signed: David Patterson Date: 2-11-09

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



## CITY OF TEMPLE

### CITY BOARD APPLICATION FORM

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

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
☒ ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
☒ BUILDING BOARD OF APPEALS  
☒ COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
☒ DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name Bernie Trevino Residence Address 1003 South 13th St

Mailing Address 1003 S. 13th St Phone Number(Business) \_\_\_\_\_ (Home) 254-771-3859

Fax Number 254-771-3851 Cell Phone Number \_\_\_\_\_ E-Mail Address bntrevino@yahoo.com  
bntrevino@yahoo.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: not employed

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

Name, in priority order, the Board or Boards on which you would prefer to serve: Building Board of Appeals  
electrical board, community services, public safety board

What experience and/or educational background do you have that could be applied to community service?  
25 years as an electrician 18 as an industrial maintenance electrician

Comments (Attach additional page if desired):

Signed: Bernie Trevino Date: 1-28-07

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