



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**TEMPLE, TX**

**THURSDAY, MARCH 19, 2009**

**4:00 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 19, 2009.
2. Discuss traffic calming processes and policies.
3. Discuss alternate project delivery method options regarding the purchase of goods and services.

**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. PUBLIC APPEARANCES**

3. Receive comments from [Andrew Machuca](#) regarding oak wilt prevention.

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

4. (A) Recognize the City of Temple for receiving the [TAGITM Excellence Award](#) for the "City-Wide Wireless Backhaul and Data Ring" project.  
(B) [Absolutely Incredible Kid Celebration](#) April 2, 2009

**IV. 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 promotion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

**V. CONSENT AGENDA**

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

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

**Minutes:**

- (A) [March 5, 2009 Special Called Meeting and Regular Meeting](#)

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

- (B) [2009-5667-R](#): Consider adopting a resolution authorizing the purchase of the following trucks for the Solid Waste Division:
1. Three (3) Side-loading Refuse Trucks from Temple Freightliner, Temple, in the amount of \$494,985; and
  2. One (1) Brush Truck from Temple Freightliner, Temple, in the amount of \$121,943
- (C) [2009-5668-R](#): Consider adopting a resolution authorizing the purchase of plastic refuse containers for the Solid Waste Division as follows:
1. 1,908 95-gallon plastic refuse containers from Toter, Inc, Statesville, North Carolina in the amount of \$82,005.84; and
  2. 125 300-gallon plastic refuse containers from Rotonics Manufacturing, Inc (RMI) of Brownwood, in the amount of \$26,250.
- (D) [2009-5669-R](#): Consider adopting a resolution authorizing the purchase of metal refuse containers for the Solid Waste Division as follows:
1. Front Loading containers from Roll-offs USA, Durant, OK, in the amount of \$18,285; and
  2. Side Loading containers from Roll-offs USA, Durant, OK, in the amount of \$10,100.
- (E) [2009-5670-R](#): Consider adopting a resolution authorizing the purchase of three (3) vehicles from Plant Ford of Spring, in the amount of \$67,393 and rejecting all bids received for two (2) one-ton light duty pickups with special purpose bodies.
- (F) [2009-5671-R](#): Consider adopting a resolution authorizing a one-year renewal to the contract with Wheeler Coating Asphalt, LP of Belton for the FY 2009 Overlay Program based upon unit price of \$59.85 per ton for overlay and \$80 per ton for speed humps.
- (G) [2009-5672-R](#): Consider adopting a resolution authorizing a contract with TCB Construction, Inc. of Austin, for intersection improvements at Central Avenue and 3<sup>rd</sup> Street in the amount of \$108,365.
- (H) [2009-5673-R](#): Consider adopting a resolution authorizing change order #2 to the Lions Junction Family Water Park construction contract with Chaney-Cox Construction, Inc. for the expansion of the concession area in the amount of \$38,530.

### **Misc.:**

- (I) [2009-5674-R](#): Consider adopting a resolution authorizing the use of competitive sealed proposals along with considering procurement options available through the State of Texas and the General Services Administration for the following technology and installation services for the new Municipal Court & Utility Business Office Facility: video surveillance system, card access system, and the fiber and wireless infrastructure.

- (J) [2009-5675-R](#): Consider adopting a resolution authorizing the use of a Request for Proposals for the acquisition of golf carts through a lease agreement for Sammons Golf Links.
- (K) [2009-5676-R](#): Consider adopting a resolution directing staff to use an alternate method, as authorized in Resolution No. 2008-5492-R, to calculate all residential customers' winter water average for sewer charges to be billed from May 2009 through April 2010, due to the current drought conditions.
- (L) [2009-5677-R](#): Consider adopting a resolution appointing election judges and setting their compensation for the City's special local option election to be held on May 9, 2009.

*Considerar la adopción de una resolución designando a los jueces electorales y el establecimiento de su indemnización por la ciudad las elecciones locales especiales que se celebrarán el 9 de mayo de 2009.*

- (M) [2009-5678-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

## **VI. REGULAR AGENDA**

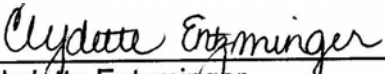
- 6. [2009-4288](#): FIRST READING – PUBLIC HEARING - Z-FY-09-15: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption in a restaurant to be known as 'Kazam's Family Entertainment Center,' located at 2001 West Adams Avenue on Tract 1, Albertson's Addition Replat.
- 7. [2009-4289](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the voluntary annexation of a 176.534 acre tract of land located in the vicinity of Airport Road and SH 317.

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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 2:50 PM, on March 13, 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 at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2009. \_\_\_\_\_





## COUNCIL AGENDA ITEM MEMORANDUM

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03/19/09  
Item #3  
Regular Agenda  
Page 1 of 1

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

David Blackburn, City Manager

**ITEM DESCRIPTION:** Receive comments from Andrew Machuca regarding oak wilt prevention.

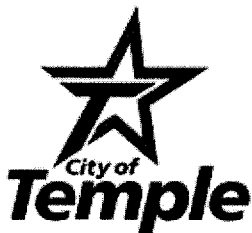
**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Andrew Machuca filed a Request for Placement on the City Council Agenda Please see attached form.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

\_\_\_Priority

NAME OF PRESENTER: Andrew Machuca

ADDRESS: P.O. Box 1332 Temple, TX. 76503

TELEPHONE NO. (254) 773-2174

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) March 19, 2009

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) \_\_\_\_\_

I would like to speak about ways to prevent the spread of  
oak wilt, and a few actions the city can take to inform the  
residents of Temple about oak wilt prevention

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

Andrew Machuca  
SIGNATURE OF PRESENTER

3-11-09  
DATE

RECEIVED

MAR 12 2009

CITY OF TEMPLE, TX  
CITY SECRETARY

For Office Use:

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## COUNCIL AGENDA ITEM MEMORANDUM

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03/19/09  
Item #4(A)-(B)  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

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

- (A) Recognize the City of Temple for receiving the TAGITM Excellence Award for the "City-Wide Wireless Backhaul and Data Ring" project.
- (B) Absolutely Incredible Kid Celebration April 2, 2009

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

### **ITEM SUMMARY:**

- (A) Temple has gained recognition for its progressive adoption of innovative technologies to deliver public services, including online payment options for its 60,000 residents and a state-of-the-art mobile public safety communications system. A representative from TAGITM will be at the meeting to present this award to Alan DeLoera, IT Director.
- (B) This proclamation was requested by, and will be received by Karen Allman, Camp Fire USA Tejas Council.

**FISCAL IMPACT:** None

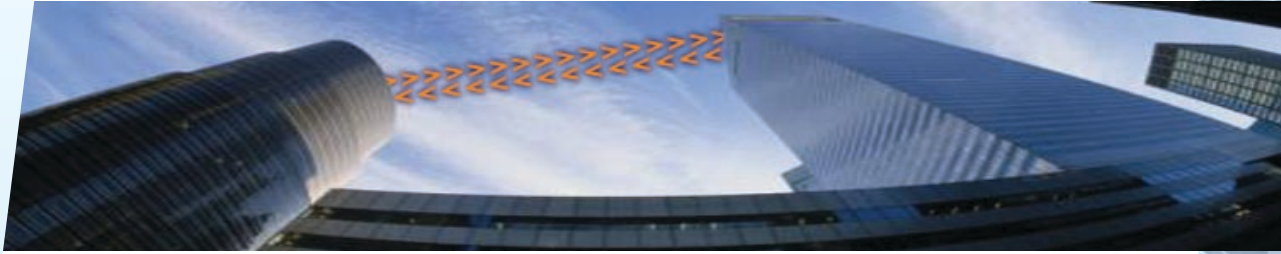
### **ATTACHMENTS:**

[Case Study – TAGITM City of Temple](#)



## Case Study

# City of Temple



### City of Temple Deploys BridgeWave's Gigabit-Upgradeable Wireless Links to Deliver Voice, Data and Video Services



The city of Temple is a thriving metropolis in the heart of central Texas with one of the leading medical centers in the Southwest as well as home to large nationally recognized corporations, an acclaimed historic district and an array of public parks and recreational areas. Temple has gained recognition for its progressive adoption of innovative technologies to deliver public services, including online payment options for its 60,000 residents and a state-of-the-art mobile public safety communications system. Alan DeLoera, IT director for the city of Temple, and an experienced 18-member team oversee the IT needs of 650 employees working at 32 buildings and facilities across a sprawling 70-square mile footprint. A data center located at city hall serves as the hub for computing and network operations.

While city hall and major facilities, including the police station, fire department, library, public works, court and fleet maintenance center, are connected via fiber optic links, the remaining sites initially were linked in a network star topology using an ad hoc combination of low-speed wireless, T1, ISDN, DSL and cable. For Brandon Harris, assistant IT director for the city of Temple, this patchwork quilt of bandwidth-constrained connectivity was incapable of supporting the city's migration to a converged, high-speed voice, data and video infrastructure.

*We're poised to save hundreds of dollars in network deployment costs and access fees. Most importantly, this forward-looking solution protects our network infrastructure investments while ensuring Temple delivers superlative services to the city's employees, residents and businesses."*

- Alan DeLoera  
IT Director  
City of Temple

*"We were eager to roll out additional e-government applications, deploy city-wide VoIP and video surveillance solutions, which meant we needed to upgrade our network substantially," he says.*

## THE CHALLENGES

- Deliver voice, data and video connectivity to 32 city-wide locations.
- The city of Temple desired a robust yet cost-effective approach for scaling its network to accommodate ever-increasing applications.

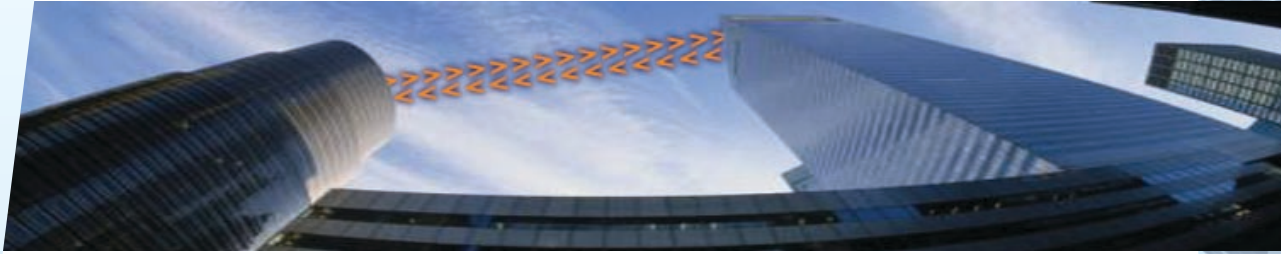
*"We weren't looking for a quick fix," recalls DeLoera. "Our overarching objective was to deploy a best-of-class wireless backbone that would support all our networking needs for the next decade, which meant being able to extend network capacity over time and pay for additional bandwidth as needed."*

- Deteriorating service availability: Temple needed to replace nine aging Proxim 5.8 GHz point-to-multipoint radios that had reached end-of-life and were increasingly unreliable. A robust, highly-available solution was required.



## Case Study

# City of Temple



- Network congestion and bandwidth limitations: Users frequently complained about slow application performance due to network congestion over limited-speed ISDN, DSL and cable modem connections.
- Lack of acceptable leased-line alternatives: Landline service was only available to 18 of the sites, and the cost of even limited 3-Mbps service to these sites was prohibitive at \$64,000 per year. The cost of running fiber to the sites was out of the question.

*"The traditional landline solution was too costly and would only cover about half of our locations," notes Harris. "We really wanted a higher speed solution that would support every location, handle our evolving video requirements and deliver more bang for the buck."*

## THE SOLUTION

In exploring options for the network upgrade, Temple's IT team reviewed a variety of network access and backhaul technologies for connecting its dispersed sites and transporting traffic over a high-speed backbone. While some of the city's buildings were located in close proximity, others were miles apart and situated in rural areas. The team determined that Temple's 10 water towers, which formed a ring around the city, provided an excellent line-of-sight solution for reaching most locations.

Temple then enlisted the assistance of Redmoon Inc., a leading wireless solutions provider based in Plano, Texas, to offer technical guidance and installation support. Redmoon proposed an overall network solution based on integrating a high-capacity backbone using products from BridgeWave Communications with a 5.8 GHz mesh access system. They recommended BridgeWave's FE80U point-to-point wireless links, which provide full-rate 100 Mbps point-to-point backhaul capacity with software-key field upgradability to full Gigabit Ethernet capacity, when needed to support emerging applications.

*"The narrow antenna beamwidth of BridgeWave's GigE and 100 Mbps links provide superior interference immunity while delivering enhanced data security," says Harris. "What's more, the highly scalable links were half the price we anticipated for this level of performance."*

After discovering that BridgeWave was a viable backhaul solution, the city of Temple opted for a mesh-ring network topology, which created a self-healing network with built-in redundancy for maximum service availability. The design called for installation of seven BridgeWave field-upgradeable, FE80U, 80 GHz, 100 Mbps point-to-point wireless bridges, which would be mounted on six water towers and city hall at link distances between 1.5 and 3.5 miles. These connections aggregate and backhaul traffic from the mesh access nodes as well as other applications to be rolled out in the coming months.

*"We'd been building the network plan for a year, but it only took two weeks to make a decision on BridgeWave's 'future proof' backhaul technology," adds DeLoera. "We were really excited about the potential of the upgradeable BridgeWave products, both to support today's applications as well as ensuring support for future initiatives."*

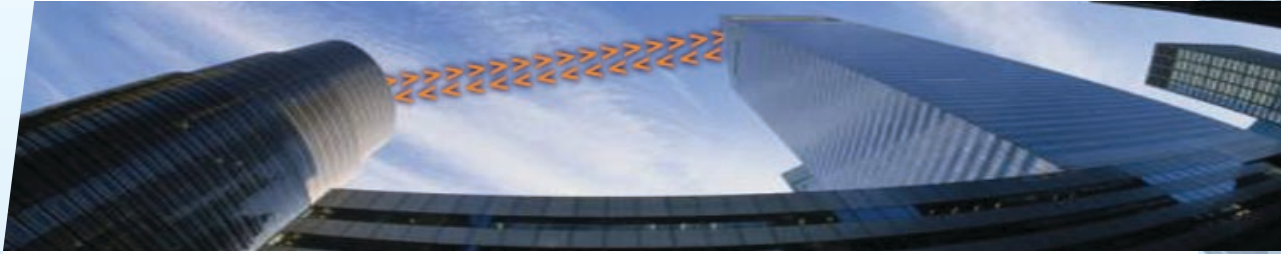
The city expects that its growing network traffic levels will lead to upgrading the 100 Mbps links to full GigE rates within the next few years.





## Case Study

# City of Temple



Since the city of Temple experiences frequent torrential downpours and occasional tornados, weather was a lingering concern in deploying the wireless network. However, after working with Redmoon and BridgeWave to conduct rain-fade calculations, the IT team concluded that the BridgeWave solution would exceed Temple's requirement for "four nines" network availability. Additionally, it was determined that the ultra-low latency links met all necessary criteria for delivering low-latency, jitter-free voice and video transmissions.

## THE BENEFITS

In September 2007, the city of Temple completed its high-speed, wireless network upgrade to meet current requirements while creating seemingly endless possibilities for the future.

*"We have tons of flexibility to help city employees better serve their customers over an incredibly fast network," says Harris. "At the same time, we can accelerate a range of public safety, security and disaster recovery initiatives."*

Employees in outlying areas, who once grappled with basic connectivity, are ecstatic over the ease and speed with which they can access, transmit and download city-wide data. In several of the outlying parks and recreational facilities, for instance, employees now can handle credit-card transactions for the first time. Meanwhile, Temple's IT team has developed a long list of applications to be deployed over the new network.

Topping the list are VoIP, unified messaging and video surveillance, which are being rolled out in various stages. Within the next six months, the city plans to extend VoIP and unified messaging to all city locations. In addition, a major effort to install video surveillance cameras on all city buildings and public works facilities is moving forward rapidly now that ample capacity is available.

*"We're getting a jump on various public safety and security applications leveraging IP video surveillance," explains Harris. "We've started doing around-the-clock remote monitoring using multiple video cameras at the airport and plan to install video cameras on our water towers and water treatment plants as part of a Homeland Security requirement slated for 2009."*

Additionally, Temple will begin migrating traffic from its previously separate, traffic signal monitoring, public safety and fresh water infrastructure monitoring applications onto the high-speed wireless network, improving connectivity and reducing network complexity. Other plans call for adding a series of Wi-Fi "hot zones" around the city to provide police, fire department and city employees with field access to city servers over the high-speed network. Since new network nodes can be quickly and easily deployed, the city also has identified an opportunity to set up temporary mobile data locations around the city as part of a far-reaching disaster recovery plan.

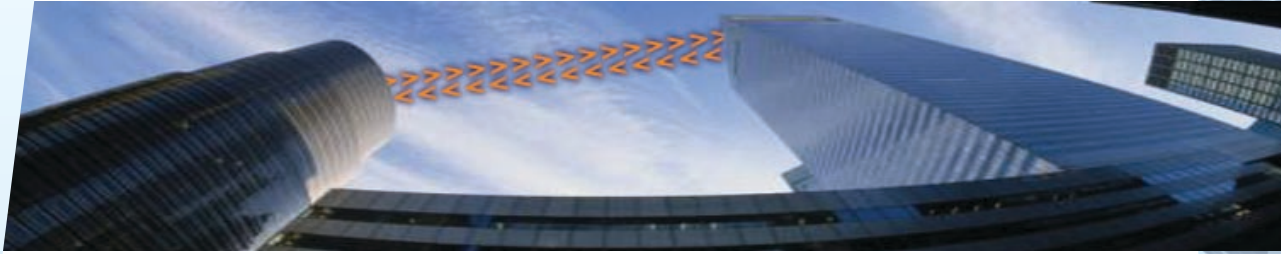
The city of Temple forecasts a complete ROI in less than three years on its new state-of-the-art wireless network. The overall cost savings also are quite compelling.



**BridgeWave**  
COMMUNICATIONS

## Case Study

# City of Temple



*"We estimate saving \$100,000 annually by connecting our existing facilities over a wireless network," concludes DeLoera. "In the long run, we're poised to save hundreds of thousands of dollars in network deployment costs and access fees. Most importantly, this forward-looking solution protects our network infrastructure investments while ensuring Temple delivers superlative services to the city's employees, residents and businesses."*

**CUSTOMER:** City of Temple, Tex., [www.ci.temple.tx.us](http://www.ci.temple.tx.us)

**INDUSTRY:** City Government

### CHALLENGES:

- Remote areas suffered from network congestion and bandwidth limitations
- Wanted to deliver voice, data and video connectivity to 32 city-wide locations
- Aging Proxim 5.8 GHz point-to-multipoint radios were unreliable
- Traditional landline solution was too costly and wouldn't cover about half the locations

**SOLUTION:** Seven BridgeWave FE 80U 80 GHz wireless links.

**CHANNEL PARTNER:** Redmoon, Inc., [www.redmoonbroadband.com](http://www.redmoonbroadband.com)

### BENEFITS:

- High-speed transport of bandwidth-intensive data and video to all locations
- Low-latency performance supports VoIP, video and unified messaging applications
- Ability to upgrade easily to Gigabit Ethernet as capacity needs warrant; provides "future-proof" solution
- Endless flexibility to support current and future applications
- ROI in less than three years, saving hundreds of thousands of dollars in network deployment costs and access fees



**BridgeWave Communications, Inc.**  
3350 Thomas Road, Santa Clara, CA 95054  
Ph: 408-567-6900 | Fax: 408-567-0775

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CASE STUDY

[www.bridgewave.com](http://www.bridgewave.com)



## COUNCIL AGENDA ITEM MEMORANDUM

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03/19/09  
Item #5(A)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) March 5, 2009 Special Called Meeting & Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

**ITEM SUMMARY:** Copies of minutes are enclosed for Council review.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[March 5, 2009 Special Called Meeting & Regular Meeting](#)



## TEMPLE CITY COUNCIL

**MARCH 5, 2009**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 5, 2009, at 3:00 PM in the 3rd Floor Conference Room, 2 North Main Street.

**Present:**

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

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 5, 2009.**

Item 4(O): Councilmember Jeter asked if competitive sealed proposals is the best method to obtain bids for the construction of the new fire station.

David Blackburn, City Manager, replied yes, that is staff's recommendation.

Councilmember Jeter stated he would like to include a policy statement in the bid documents regarding local preference. He asked that this policy be developed and brought back to Council for approval before proceeding with the project.

Item 5 (B) and (C): Councilmember Janczak asked if these redevelopment improvements support the objectives of the Temple Medical and Education District (TMED).

Kim Foutz, Assistant City Manager, replied the City is only supporting those improvements with matching funds that complement the TMED plans.

Mr. Blackburn explained the South 1st Street Corridor is the most active redevelopment corridor at this time. Staff is attempting to balance the TMED and SIZ objectives with the development that is occurring. We are not getting 100% compliance from the property owners but the plans that are underway are being considered.

Mayor Pro Tem Luna asked if there was a timeline for the VA Hospital to donate their property.

Mrs. Foutz explained there is no deadline at this point. The charette that was recently conducted allowed our partners to have a better idea of the outcomes desired.

**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.**

Mayor read stated the Council would enter into executive session at this time regarding items 2, 3 and 4 on the work session agenda as well as item 4(J) on the consent agenda for the regular meeting.

The regular work session was reconvened at approximately 5:00 p.m., with no final action being taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 5, 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**

Pastor D.S. McBride, Grace Temple Ministries, voiced the Invocation.

**2. Pledge of Allegiance**

Tanya Gray, Executive Director, Keep Temple Beautiful, Inc., led the 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.**

Mayor Jones recognized Zoe Rascoe for receiving the Individual Citation Award from the Southwest Region of the National Parks and Recreation Association.

Ken Cicora, Director of Parks and Leisure Services, stated Zoe was nominated for this award by the Parks and Leisure Services Department. He read the criteria that

had to be met in order for an individual to receive this award and highlighted her achievements submitted with the application.

**(B) 2009 Great American Cleanup                      March 2009**

Mayor Jones presented Tanya Gray, Executive Director, Keep Temple Beautiful, and Zoe Rascoe, with this proclamation in recognition of the 2009 Great American Cleanup.

Mayor Jones also presented a proclamation to Jackie Wernli in recognition of the 25th anniversary of the Relay for Life, taking place March 7-15, 2009.

**III. PUBLIC COMMENTS**

Dr. Paul Rothaus, 3006 Hickory Road, addressed the City Council regarding a continuing problem with speeding vehicles coming down Thornton Lane into the turn onto Hickory Road. The cars travel so fast as they make the turn that they leave the roadway and enter their yard, causing extensive damage. Dr. Rothaus stated he has spoken to the traffic department and they said they would install a traffic light at Midway Drive to resolve the problem. Now people speed up to try to make the light so that doesn't work. The City has also installed arrows to alert people of upcoming curves and these have been knocked down by vehicles. Dr. Rothaus asked the Council for help and protection for his family.

Bob Brown, 718 South 53rd, addressed the Council regarding kids who play with the portable basketball hoops in the streets. He suggested the City install some asphalt and poles for basketball nets in Marvin Fenn Park to give kids a safer place to play.

Councilmember Russell Schneider commended the Temple Police Department for their recent actions. He attended the funeral of retired Deputy Chief Bill Lange and it was with great pride that the department honored the memory and family of this fellow fallen officer.

**IV. CONSENT AGENDA**

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

**(A) February 19, 2009 Special Called Meeting and Regular Meeting**

**(B) February 20, 2009 Special Called Meeting**

**(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.**

**(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.**

**(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.

(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.

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

Motion passed unanimously.

## **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 1st 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 1st Street Strategic Investment Zone corridor.

Jonathan Graham, City Attorney, introduced items 5(A), (B) & (C) to the Council. The ordinance, item (A), increases various incentives in the South 1st Street

Strategic Investment Zone Corridor and he explained these proposed increases.

Kim Foutz, Assistant City Manager presented items (B) and (C) to the City Council. The applicants for these matching grants are Pool's Grocery and Don's Medical Equipment. Staff has negotiated the terms of these agreements with the applicants. All grants are up to a 50% match and the City will make no payments made until all improvements have been completed and verified as satisfactory.

Both Pool's Grocery and Don's Medical are located within the South 1st Street SIZ and the TMED District. Mrs. Foutz provided details about these projects and the improvements that will be made and showed photos of these properties. The matching grant for Pool's Grocery is up to \$23,877 based on an estimated \$60,365 investment by the property owner. The matching grant for Don's Medical is up to \$15,400 plus a fee waiver based on an estimated \$62,609 investment by the property owner.

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

Motion passed unanimously.

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

It was recommended that Jeff Byrd be appointed to fill this unexpired term.

Motion by Councilmember Russell Schneider to adopt resolution appointing Jeff Byrd to the Electrical Board, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

ATTEST:

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William A. Jones, III, Mayor

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Clydette Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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03/19/09  
Item #5(B)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of the following trucks for the Solid Waste Division:

1. Three (3) Side-loading Refuse Trucks from Temple Freightliner, Temple, in the amount of \$494,985; and,
2. One (1) Brush Truck from Temple, Freightliner, Temple in the amount of \$121,943.

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

**ITEM SUMMARY:** On March 3, 2009, the City received two (2) bids for purchasing three (3) side loading refuse trucks and one (1) brush truck for the Solid Waste Department. The bids are shown on the attached tabulation sheets.

The City currently uses both vendors and maintains equipment from each as they are both local. Both vendors bid the same body equipment. The side loading refuse trucks use a Heil body and the brush truck will have a Hood boom.

Staff recommends awarding the four (4) trucks to the lower bidder, Temple Freightliner. The City has done business with Temple Freightliner in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Budgeted amount: \$626,000 in account 110-5900-540-62-22  
Total Expenditure \$616,928.00

### **ATTACHMENTS:**

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

Tabulation of Bids Received  
on March 3, 2009 at 2:30 p.m.  
Sideloading Refuse Trucks

		Bidders			
		Temple Freightliner Temple, TX		Longhorn International Temple, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
Sideloading Refuse Trucks	3	\$164,995.00	\$494,985.00	\$165,292.37	\$495,877.11
2 Camera with 7" Monitor		\$3,550.00		\$3,550.00	
Telma Driveline Brake Retarder		\$12,288.00		\$11,500.00	
Delivery		Yes		Yes	
Alternate Bid - CNG fueled unit		\$234,714.00	\$704,142.00	No Bid	
Delivery Lead Time - CNG fueled unit		240 day		N/A	
Exceptions		Yes		Yes	
Local Preference		Yes		Yes	
Credit Check Authorization		Yes		Yes	

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

*Belinda Mattke*

*3-Mar-09*

**Note: Highlighted bid is recommended**

Belinda Mattke, Director of Purchasing

Date



Tabulation of Bids Received  
on March 3, 2009 at 2:30 p.m.  
Brush Truck

	Bidders	
	Temple Freightliner Temple, TX	Longhorn International Temple, TX
Description		
Total Bid Price	\$121,943.00	\$127,422.24
Under Boom Loader	\$4,500.00	None
Delivery	Yes	Yes
Alternate Bid - CNG fueled unit	\$195,000.00	None
Delivery lead-time	240 days	n/a
Local Preference	Yes	Yes
Exceptions	one taken	Yes
Credit Check Authorization	Yes	Yes

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

*Belinda Mattke*

*3-Mar-09*

*Note: Highlighted bid is recommended*

Belinda Mattke, Director of Purchasing

Date

*for Council approval.*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 3 SIDE-LOADING REFUSE TRUCKS FROM TEMPLE FREIGHTLINER OF TEMPLE, TEXAS, IN THE AMOUNT OF \$494,985; AND 1 BRUSH TRUCK FROM TEMPLE FREIGHTLINER OF TEMPLE, TEXAS, IN THE AMOUNT OF \$121,943; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 3, 2009, the City received 2 bids for the purchase of 3 side-loading refuse trucks and for the purchase of 1 brush truck for the Solid Waste Department;

**Whereas**, the Staff recommends accepting the bid (\$494,985) received from Temple Freightliner of Temple, Texas, for the 3 side-loading refuse trucks, and the bid (\$121,943) also received from Temple Freightliner of Temple, Texas, for the brush truck;

**Whereas**, funds are available for these purchases in Account No. 110-5900-540-6222; 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 3 side-loading refuse trucks from Temple Freightliner of Temple, Texas, in the amount of \$494,985, and 1 brush truck also from Temple Freightliner, in the amount of \$121,943, for the Solid Waste Department.

**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 **19<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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03/19/09  
Item #5(C)  
Consent Agenda  
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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 the purchase of plastic refuse containers for the Solid Waste Division as follows:

1. 1,908 95-gallon plastic refuse containers from Toter, Inc, Statesville, North Carolina in the amount of \$82,005.84; and
2. 125 300-gallon plastic refuse containers from Rotonics Manufacturing, Inc (RMI) of Brownwood in the amount of \$26,250.

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

**ITEM SUMMARY:** On March 10, 2009, the City received bids for plastic refuse containers. The bids are shown on the attached bid tabulation sheet.

The low bidder for the 95-gallon plastic containers was Otto Environmental of Charlotte, North Carolina. This vendor took exception to the bid specifications by submitting a bid using an injection molding process. The bidding documents specified rotational molded containers which, in our experience, produces a higher quality product consistent with the quality of container desired.

The second low bidder was Toter, Inc., of Statesville, North Carolina. Toter took one exception to the bid in the type of pin used for the lid. We find this exception to be equal or better than specified. In addition, the bid submitted is based on orders placed in lots of a truckload quantity, which consists of 636 containers. Even though the base bid was for 1,600 units, the bid allowed for the City to purchase additional units at the bid price. Based upon the bid price submitted, funding is available to order three full truckloads totaling 1,908 containers, and the extra quantity is needed by the department. Accordingly, the recommended award is for 1,908 containers at \$82,005.84 versus the quantity shown on the bid tabulation of 1,600 containers at \$68,768. The City has done business with Toter, Inc., and finds them to be a responsible vendor.

The low bidder for the 300 gallon containers was Rotonics Manufacturing, Inc., (RMI) of Brownwood, Texas. RMI took no exceptions to our bid specifications. The City has done business with RMI in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding has been appropriated in the account listed below.

Description	Account #	Budget	Proposed Expenditure
95 & 300 Gallon Containers	110-2330-540-2211	\$109,552	\$108,255.84
TOTALS		\$109,552	\$108,225.84

**ATTACHMENTS:**

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

Tabulation of Bids Received  
on March 10, 2009 at 2:30 p.m.  
Plastic Refuse Containers

Bidders									
		Ameri-Kart Milford, OH		Otto Environmental Systems (NC) LLC Charlotte, NC		Toter, Inc Statesville, NC		Rotonics Manufacturing Brownwood, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
95 Gal Plastic Containers	1600	\$44.00	\$ 70,400.00	\$40.58	\$64,928.00	\$42.98 **	\$68,768.00	\$48.50	\$77,600.00
Replacement Lids		\$15.85		\$17.95		\$17.80		\$17.00	
Replacement Wheels		\$5.00		\$7.95		\$3.00		\$5.00	
300 Gal Plastic Containers	125	No Bid		\$ 337.00	\$42,125.00	No Bid		\$ 210.00	\$26,250.00
Replacement Lids		No Bid		\$ 50.00		No Bid		\$ 88.00	
Delivery		did not acknowledge		Yes		Yes		Yes	
Exceptions		None		Yes		Yes		None	
Local Preference		No		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes	

\*\* based on orders placed in lots  
of a truckload qty

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

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

*Belinda Mattke*

*10-Mar-09*

Belinda Mattke, Director of Purchasing

Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PLASTIC REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION AS FOLLOWS: 1,908 95-GALLON CONTAINERS FROM TOTER, INC., OF STATESVILLE, NORTH CAROLINA, IN THE AMOUNT OF \$82,005.84, AND 125 300-GALLON CONTAINERS FROM ROTONICS MANUFACTURING, INC. (RMI) OF BROWNWOOD, TEXAS, IN THE AMOUNT OF \$26,250.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 10, 2009, the City received bids for the purchase of plastic refuse containers for the Solid Waste Services;

**Whereas**, the Staff recommends purchasing the 95-gallon containers from Toter, Inc., of Statesville, North Carolina, in the amount of \$82,005.84, and the 300-gallon containers from Rotonics Manufacturing, Inc. (RMI) of Brownwood, Texas, in the amount of \$26,250.00;

**Whereas**, funds are available for these purchases in Account No. 110-2330-540-2211; and

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

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

**Part 1:** The City Council accepts the bids from Toter, Inc., of Statesville, North Carolina, for purchase of 1,908 95-gallon plastic refuse containers in the amount of \$82,005.84, and from Rotonics Manufacturing, Inc., (RMI) of Brownwood, Texas, for purchase of 125 300-gallon plastic refuse containers in the amount of \$26,250.00.

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

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

PASSED AND APPROVED this the **19<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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03/19/09  
Item #5(D)  
Consent Agenda  
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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 the purchase of metal refuse containers for the Solid Waste Division as follows:

1. Front Loading containers from Roll-offs USA, Durant, OK, in the amount of \$18,285; and
2. Side Loading containers from Roll-offs USA, Durant, OK, in the amount of \$10,100.

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

**ITEM SUMMARY:** On March 10, 2009, the City received bids for metal refuse containers. The bids are shown on the attached tabulation sheet.

The low bidder for the front loading and side loading containers was Roll-offs USA, Durant, OK. Roll-offs did not take any exceptions to the bid specifications. The City has done business with Roll-offs in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding has been appropriated in the accounts listed below.

Description	Account #	Budget	Proposed Expenditure
Frontload Containers	110-2350-540-2211	\$21,000	\$18,285
Sideload Containers	110-2360-540-2211	11,165	10,100
TOTALS		\$32,165	\$28,385

### **ATTACHMENTS:**

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

Tabulation of Bids Received  
on March 10, 2009 at 2:30 p.m.  
Metal Refuse Containers

		Bidders											
		Fuqua Industries Rio Vista, TX		Steel Form Phoenix, AZ		Otto Environmental Charlotte, NC		Roll-offs USA Durant, OK		Wastequip Beeville, TX		Pro-form Winnsboro, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
6 Yd Flat Top Front Loading Containers	11	\$650.00	\$7,150.00	\$736.00	\$8,096.00	\$933.45	\$10,267.95	\$588.00	\$6,468.00	\$675.00	\$7,425.00	\$680.00	\$7,480.00
8 Yd Flat Top Front Loading Containers	9	\$776.00	\$6,984.00	\$924.00	\$8,316.00	\$1,033.45	\$9,301.05	\$669.00	\$6,021.00	\$777.00	\$6,993.00	\$805.00	\$7,245.00
8 Yd Slant Top Front Loading Containers	9	\$725.00	\$6,525.00	\$1,135.00	\$10,215.00	\$1,003.45	\$9,031.05	\$644.00	\$5,796.00	\$767.00	\$6,903.00	\$767.50	\$6,907.50
<b>Subtotal</b>		\$20,659.00		\$26,627.00		\$28,600.05		\$18,285.00		\$21,321.00		\$21,632.50	
Replacement lid for 6 Yd Flat Top Front Loading Containers		\$40.00		\$39.00		\$50.00		\$25.00		\$29.23		\$19.95	
Replacement lid for 8 Yd Flat Top Front Loading Containers		\$40.00		\$39.00		\$50.00		\$25.00		\$29.23		\$19.95	
Replacement lid for 8 Yd Slant Top Front Loading Containers		\$40.00		\$39.00		\$50.00		\$25.00		\$29.23		\$19.95	
2 Yd Side Loading Containers	4	\$340.00	\$1,360.00	\$500.00	\$2,000.00	No Bid		\$329.00	\$1,316.00	\$420.00	\$1,680.00	\$370.00	\$1,480.00
3 Yd Side Loading Containers	24	\$377.00	\$9,048.00	\$560.00	\$13,440.00	No Bid		\$366.00	\$8,784.00	\$467.00	\$11,208.00	\$410.00	\$9,840.00
<b>Subtotal</b>		\$10,408.00		\$15,440.00		\$0.00		\$10,100.00		\$12,888.00		\$11,320.00	
Replacement lid for 2 Yd Side Loading Containers		\$38.00		\$37.00		No Bid		\$22.00		\$27.00		\$18.95	
Replacement lid for 3 Yd Side Loading Containers		\$38.00		\$37.00		No Bid		\$22.00		\$27.00		\$18.95	
<b>Delivery</b>		Yes		Yes		Yes		Yes		Yes		Yes	
<b>Exceptions</b>		Yes		Yes		Yes		No		Yes		Yes	
<b>Local Preference</b>		No		No		No		No		No		No	
<b>Credit Check Authorization</b>		Yes		No		Yes		Yes		Yes		Yes	

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

*Belinda Mattke*

Belinda Mattke, Director of Purchasing

*10-Mar-09*

Date

**Note: Highlighted bid is recommended**

**for Council approval.**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF METAL REFUSE CONTAINERS FOR THE SOLID WASTE DIVISION AS FOLLOWS: FRONT LOADING CONTAINERS FROM ROLL-OFFS USA, FROM DURANT, OKLAHOMA, IN THE AMOUNT OF \$18,285, AND SIDE LOADING CONTAINERS FROM ROLL-OFFS USA, FROM DURANT, OKLAHOMA, IN THE AMOUNT OF \$10,100; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 10, 2009, the City received bids for the purchase of metal refuse containers for the Solid Waste Services;

**Whereas**, the Staff recommends purchasing the front loading containers from Roll-Offs USA, from Durant, Oklahoma, in the amount of \$18,285, and the side loading containers from Roll-Offs USA, from Durant, Oklahoma, in the amount of \$10,100;

**Whereas**, funds are available for these purchases in Account Nos. 110-2350-540-2211 and 110-2360-540-2211; and

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

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

**Part 1:** The City Council accepts the bids from Roll-Offs USA from Durant, Oklahoma, for purchase of front loading metal refuse containers in the amount of \$18,285, and also for purchase of side loading metal refuse containers in the amount of \$10,100.

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

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

PASSED AND APPROVED this the **19<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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03/19/09  
Item #5(E)  
Consent Agenda  
Page 1 of 2

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

Sam Weed, Fleet Superintendent  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of three (3) vehicles from Plant Ford of Spring, in the amount of \$67,393 and rejecting all bids received for two (2) one-ton light duty pickups with special purpose bodies.

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

**ITEM SUMMARY:** On March 3, 2009, the City received bids on three (3) different specifications of trucks from nine (9) various vendors. Staff recommends award of the following two (2) bids to Planet Ford, the low bidder on each bid specification:

### **Bid Tab #1-Two (2) ¾ ton full-size pickups:**

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
1	Water Treatment Plant: ¾ ton full-size pickup (replaces asset 9780)	1	520-5100-535-6213	100442	\$ 19,500.00	\$ 18,751.00	\$ 19,352.58
1	Aquatic Maintenance: ¾ ton full-size pickup with tinted glass, power pkg, hydraulic lift gate, and light bar (fleet addition)	1	110-5935-552-6213	100434	\$ 33,000.00	\$ 24,257.00	\$ 24,058.58
<b>Sub-Total for two (2) ¾ ton full-size pickups</b>					<b>\$ 52,500.00</b>	<b>\$ 43,008.00</b>	<b>\$ 43,411.16</b>
						2009 Ford F250's	

**Bid Tab #2-One (1) 3/4 ton full size 4x4 full-size pickup:**

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
2	Sewer Collection: 3/4 ton light duty full size extended cab 4x4 pickup (replaces asset #11149)	1	520-5400-535-6213	100452	\$ 24,385.00	\$ 24,385.00	None
<b>Sub-Total for one (1) 3/4 ton full size 4x4 pickup</b>					<b>\$ 24,385.00</b>	<b>\$ 24,385.00</b>	<b>\$ -</b>
						<b>2009 Ford F250 4x4</b>	

No exceptions were taken by Planet Ford on either of the two (2) bids. The City has done business with Planet Ford in the past and finds them to be a responsible vendor.

**In accordance with the City's adopted Local Preference Policy, Council does have the option to award the two ¾-ton full size pickups (Bid Tab #1) to Johnson Brothers Ford of Temple in the amount of \$43,411.16, versus the low bid of \$43,008 from Planet Ford, a \$403.16 spread. Johnson Brother's bid is within 1% of Planet Ford's low bid.**

A third bid was also received for two (2) one-ton light duty pickups with special purpose bodies. Staff has concluded that the bid specifications for this third bid were unclear, and as a result, the bids were not comparable. Accordingly, staff is recommending that all bids be rejected on this particular vehicle and the vehicles be re-bid to eliminate the ambiguousness.

**FISCAL IMPACT:** Funding for the purchase of the three vehicles is identified in the accounts as defined in the Item Summary above in the amount of \$76,885. Total funding needed for the purchases is \$67,393 resulting in a savings over budget in the amount of \$9,492.

**ATTACHMENTS:**

[Bid Tabulations \(2\)](#)  
[Resolution](#)

# Vehicle Bid Tab #1

Tabulation of Bids Received  
on March 3, 2009 at 3:00 p.m.  
2009 3/4 Ton Full-Size Pickups

		Bidders									
		Reliable Chevrolet Richardson, TX		Johnson Bros. Ford Temple, TX		Frank Parra Auto Plex (Chev) Irving, TX		Frank Parra Auto Plex (Dodge) Irving, TX		Mac Haik Ford Georgetown, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3/4 Ton Full-Size Pickups	2	\$20,944.00	\$41,888.00	\$17,832.58	\$35,665.16	\$20,679.00	\$41,358.00	\$20,275.00	\$40,550.00	\$18,413.00	\$36,826.00
Tinted Glass	1	\$85.00	\$85.00	N/A		included		included		included	
Power Package	1	\$782.00	\$782.00	\$681.00	\$681.00	\$736.00	\$736.00	\$736.00	\$736.00	\$681.00	\$681.00
Sprayed-on Bed Liner	2	\$450.00	\$900.00	\$395.00	\$790.00	\$300.00	\$600.00	\$300.00	\$600.00	\$374.00	\$748.00
Headache Rack	2	\$308.00	\$616.00	\$375.00	\$750.00	\$370.00	\$740.00	\$370.00	\$740.00	\$340.00	\$680.00
Class 3 Receive Hitch	2	\$60.00	\$120.00	\$75.00	\$150.00	\$275.00	\$550.00	\$275.00	\$550.00	included	
Tool box	2	\$530.00	\$1,060.00	\$630.00	\$1,260.00	\$325.00	\$650.00	\$325.00	\$650.00	\$620.00	\$1,240.00
Back-up Alarm	2	\$75.00	\$150.00	\$45.00	\$90.00	\$111.00	\$222.00	\$111.00	\$222.00	\$203.00	\$406.00
Electric Trailer Brake Controller	2	included		included		\$175.00	\$350.00	\$175.00	\$350.00	\$191.00	\$382.00
Hydraulic Lift Gate	1	\$1,950.00	\$1,950.00	\$2,350.00	\$2,350.00	\$1,900.00	\$1,900.00	\$1,900.00	\$1,900.00	\$2,135.00	\$2,135.00
Light Bar	1	\$2,355.00	\$2,355.00	\$1,675.00	\$1,675.00	\$2,100.00	\$2,100.00	\$2,100.00	\$2,100.00	\$1,475.00	\$1,475.00
<b>Total Bid Price</b>		\$49,906.00		\$43,411.16		\$49,206.00		\$48,398.00		\$44,573.00	
Delivery within 180 days?		Yes		No		Yes		Yes		Yes	
Local Preference?		No		Yes		No		No		No	
Exceptions?		No		No		Yes		Yes		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes	

		Bidders									
		Grand Praire Ford Grand Praire, TX		Henna Chevrolet Austin, TX		Gunn Chevrolet San Antonio, TX		Caldwell Country Chevrolet Caldwell, TX		Planet Ford Spring, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3/4 Ton Full-Size Pickups	2	\$17,276.00	\$34,552.00	\$19,927.00	\$39,854.00	\$19,997.89	\$39,995.78	\$18,667.00	\$37,334.00	\$17,116.00	\$34,232.00
Tinted Glass	1	\$150.00	\$150.00	\$88.00	\$88.00	\$85.00	\$85.00	N/C		\$100.00	\$100.00
Power Package	1	\$725.00	\$725.00	\$799.00	\$799.00	\$785.00	\$785.00	\$782.00	\$782.00	\$656.00	\$656.00
Sprayed-on Bed Liner	2	\$420.00	\$840.00	\$349.00	\$698.00	\$349.00	\$698.00	\$375.00	\$750.00	\$375.00	\$750.00
Headache Rack	2	\$335.00	\$670.00	\$325.00	\$650.00	\$395.00	\$790.00	\$385.00	\$770.00	\$385.00	\$770.00
Class 3 Receive Hitch	2	\$69.00	\$138.00	\$250.00	\$500.00	\$269.00	\$538.00	\$15.00	\$30.00	\$15.00	\$30.00
Tool box	2	\$565.00	\$1,130.00	\$595.00	\$1,190.00	\$349.00	\$698.00	\$615.00	\$1,230.00	\$581.00	\$1,162.00
Back-up Alarm	2	\$90.00	\$180.00	\$60.00	\$120.00	\$85.00	\$170.00	\$15.00	\$30.00	\$95.00	\$190.00
Electric Trailer Brake Controller	2	\$200.00	\$400.00	\$180.00	\$360.00	\$175.00	\$350.00	\$184.00	\$368.00	\$184.00	\$368.00
Hydraulic Lift Gate	1	\$2,095.00	\$2,095.00	\$2,164.00	\$2,164.00	\$2,700.00	\$2,700.00	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00
Light Bar	1	\$2,399.00	\$2,399.00	\$1,475.00	\$1,475.00	\$2,600.00	\$2,600.00	\$2,625.00	\$2,625.00	\$2,625.00	\$2,625.00
<b>Total Bid Price</b>		\$43,279.00		\$47,898.00		\$49,409.78		\$46,044.00		\$43,008.00	
Delivery within 180 days?		Yes		Yes		Yes		Yes		Yes	
Local Preference?		No		No		No		No		No	
Exceptions?		No		Yes		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes	

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

**Belinda Mattke**

Belinda Mattke, Director of Purchasing

**3-Mar-09**

Date

Low Bid: Recommended for Council approval.

Eligible for consideration of Local Preference.

## Vehicle Bid Tab #2

Tabulation of Bids Received  
on March 3, 2009 at 3:00 p.m.  
2009 3/4 Ton Light Duty Full Size Extended Cab 4x4 Pickup

		Bidders									
		Reliable Chevrolet Richardson, TX		Johnson Bros. Ford Temple, TX		Frank Parra Auto Plex (Chev) Irving, TX		Frank Parra Auto Plex (Dodge) Irving, TX		Mac Haik Ford Georgetown, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3/4 Ton Extended Cab 4x4 Pickup	1	\$26,876.00	\$26,876.00	\$24,248.25	\$24,248.25	\$25,998.10	\$25,998.10	\$25,292.00	\$25,292.00	\$24,136.00	\$24,136.00
Sprayed-on Bed Liner	1	\$450.00	\$450.00	\$395.00	\$395.00	\$300.00	\$300.00	\$300.00	\$300.00	\$374.00	\$374.00
Headache Rack	1	\$308.00	\$308.00	\$375.00	\$375.00	\$350.00	\$350.00	\$350.00	\$350.00	\$340.00	\$340.00
Pair of Full Length Entry Steps	1	\$280.00	\$280.00	\$365.00	\$365.00	\$396.00	\$396.00	\$396.00	\$396.00	\$370.00	\$370.00
Tool box	1	\$530.00	\$530.00	\$630.00	\$630.00	\$350.00	\$350.00	\$350.00	\$350.00	\$620.00	\$620.00
Light Bar	0	\$2,355.00	\$0.00	\$1,675.00	\$0.00	\$2,100.00	\$0.00	\$2,100.00	\$0.00	\$1,475.00	\$0.00
<b>Total Bid Price</b>		\$28,444.00		\$26,013.25		\$27,394.10		\$26,688.00		\$25,840.00	
Delivery within 180 days?		Yes		No		Yes		Yes		Yes	
Local Preference?		No		Yes		No		No		No	
Exceptions?		Yes		No		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes	

		Bidders									
		Grand Praire Ford Grand Praire, TX		Henna Chevrolet Austin, TX		Gunn Chevrolet San Antonio, TX		Caldwell Country Chevrolet Caldwell, TX		Planet Ford Spring, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3/4 Ton Extended Cab 4x4 Pickup	1	\$23,156.00	\$23,156.00	\$24,819.00	\$24,819.00	\$25,266.43	\$25,266.43	\$23,616.00	\$23,616.00	\$22,746.00	\$22,746.00
Sprayed-on Bed Liner	1	\$420.00	\$420.00	\$349.00	\$349.00	\$279.00	\$279.00	\$375.00	\$375.00	\$375.00	\$375.00
Headache Rack	1	\$335.00	\$335.00	\$325.00	\$325.00	\$395.00	\$395.00	\$385.00	\$385.00	\$385.00	\$385.00
Pair of Full Length Entry Steps	1	\$349.00	\$349.00	\$337.00	\$337.00	\$190.00	\$190.00	\$298.00	\$298.00	\$298.00	\$298.00
Tool box	1	\$565.00	\$565.00	\$595.00	\$595.00	\$349.00	\$349.00	\$581.00	\$581.00	\$581.00	\$581.00
Light Bar	0	\$2,399.00	\$0.00	\$1,475.00	\$0.00	\$2,600.00	\$0.00	\$2,625.00	\$0.00	\$2,625.00	\$0.00
<b>Total Bid Price</b>		\$24,825.00		\$26,425.00		\$26,479.43		\$25,255.00		\$24,385.00	
Delivery within 180 days?		Yes		Yes		Yes		Yes		Yes	
Local Preference?		No		No		No		No		No	
Exceptions?		Yes		Yes		No		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes	

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

**Belinda Mattke**

Belinda Mattke, Director of Purchasing

**3-Mar-09**

Date

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 3 VEHICLES FROM PLANET FORD OF SPRING, TEXAS, IN THE AMOUNT OF \$67,393, AND REJECTING ALL BIDS RECEIVED FOR 2 ONE-TON LIGHT DUTY PICKUPS WITH SPECIAL PURPOSE BODIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 3, 2009, the City received bids from 9 various vendors for the purchase of various vehicles for several departments;

**Whereas**, the Staff recommends accepting the bid (\$67,393) for 3 vehicles from Planet Ford of Spring, Texas, and rejecting all bids received for 2 one-ton light duty pickups with special purpose bodies;

**Whereas**, funds are available for the purchases in the departmental FY2008-09 budgets; 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 3 vehicles from Planet Ford, in the amount of \$67,393, and rejects all bids received for 2 one-ton light duty pickups with special purpose bodies.

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

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

PASSED AND APPROVED this the 19<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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03/19/09  
Item #5(F)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the contract with Wheeler Coating Asphalt, LP of Belton for the FY 2009 Overlay Program based upon unit price of \$59.85 per ton for overlay and \$80 per ton for speed humps.

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

**ITEM SUMMARY:** On May 1, 2008, the City authorized a contract with Wheeler Coating Asphalt, LP for asphalt overlaying of streets and the installation of speed humps in the City. The current contract will expire on March 31, 2009. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff believes that the pricing under this contract is fair and reasonable based on the current market. Staff is pleased with the products provided by Wheeler Coating Asphalt, LP, and recommends Council authorize an extension to their contract. This will be the first one-year renewal authorized under this contract, with three remaining.

**FISCAL IMPACT:** Budgeted amount: \$470,000 in account 110-3400-531-2323  
Unit price award amount: \$59.85 per ton for overlay; and  
\$80 per ton for speed humps.

(Estimated annual expenditure of \$470,000; if additional funds are identified for overlaying during the contract period, then the contract would increase accordingly.)

**ATTACHMENTS:**  
[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONTRACT WITH WHEELER COATING ASPHALT, LP, OF BELTON, TEXAS, FOR THE FY2009 OVERLAY PROGRAM BASED ON A UNIT PRICE OF \$59.85 A TON FOR OVERLAY AND \$80.00 PER TON FOR SPEED HUMPS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 1, 2008, the City Council approved a contract with Wheeler Coating Asphalt, LP, of Belton, Texas, based on a unit price of \$59.85 per ton for overlay and \$80.00 per ton for speed humps

**Whereas**, the Staff believes that the pricing under this contract is fair and reasonable based on the current market and recommends a one year renewal to the contract, as allowed in the original bid;

**Whereas**, funds are available in Account No. 110-3400-531-2323 for this project; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract between the City of Temple and Wheeler Coating Asphalt, LP, of Belton, Texas, after approval as to form by the City Attorney, for the construction of the FY2009 Overlay Program based on a unit price of \$59.85 a ton for overlay and \$80.00 per ton for speed humps.

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

THE CITY OF TEMPLE, TEXAS

---

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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03/19/09  
Item #5(G)  
Consent Agenda  
Page 1 of 2

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with TCB Construction, Inc. of Austin for intersection improvements at Central Avenue and 3<sup>rd</sup> Street in the amount of \$108,365.

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

**ITEM SUMMARY:** This CIP project continues the intersection enhancement program that has occurred in the downtown area of Temple. This phase of the program will make improvements to the intersection at Central Avenue and 3<sup>rd</sup> Street.

Enhancements included in the base bid are the construction of 8 ADA compliant curb ramps, concrete sidewalk, pedestrian railing, curb and gutter, striped crosswalks, irrigation and landscaping, and ornamental lighting. Two alternates were included with this bid. Alternate #1 was requested to be added to this project by the Temple Area Builders Association and includes the addition of 2 decorative lights on Adams Avenue and 1 decorative light on 5<sup>th</sup> Street. Alternate #2 is the addition of 2 decorative lights on 2<sup>nd</sup> Street about mid-block between Central Avenue and Adams Avenue.

On March 3, 2009 bids were opened with 4 bidders responding with bids ranging from a low of \$121,640.00 to a high of \$158,778.50 for the base bid plus the two alternates. The Temple Area Builders Association is choosing not to pursue alternate #1 at this time. Staff recommends awarding the base bid and alternate #2 to TCB Construction in the amount of \$108,365.00 and rejecting alternate #1.

TCB Construction, Inc. has been found to be a responsive contractor and the Parks and Leisure Services Department has worked with them in the past.

**FISCAL IMPACT:** The cost of this construction contract is \$108,365.00. Funding in the amount of \$97,504 is available in account 361-3400-531-6833, project #100331 from the 2008 Certificate of Obligation Bond Issue. The remaining funds needed of \$10,861 are available from the Reinvestment Zone #1 in account 795-9500-531-6528, project #100331. The Reinvestment Zone #1 funds are part of the downtown improvement funds appropriated annually as part of the Zone's Financing Plan.

**ATTACHMENTS:**

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

CENTRAL AVENUE and 3rd STREET INTERSECTION IMPROVEMENTS

March 3, 2009; 2:00 PM  
3210 E Ave H, Bldg C, Temple TX 76501

BIDDER INFORMATION											
				TCB Construction, Inc. PO Box 81642 Austin, TX 78708		Barsh Company 304 Douglas Ave Waco, TX 76712		Patin Construction, LLC 641 West Front Street Hutto, TX 78634		TTG Utilities PO Box 299 Gatesville, TX 76528	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
A-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,400.00	\$ 5,400.00	\$ 4,200.00	\$ 4,200.00
A-2	100%	LS	Furnish Traffic Control Plan Sealed by an Engineer Licensed in the State of Texas	1,300.00	1,300.00	2,889.00	2,889.00	3,850.00	3,850.00	4,500.00	4,500.00
A-3	100%	LS	Implement Traffic Control Plan	3,900.00	3,900.00	10,985.00	10,985.00	3,905.00	3,905.00	8,400.00	8,400.00
A-4	30	LF	Furnish, Install & Maintain Silt Fence	7.00	210.00	4.25	127.50	2.75	82.50	4.00	120.00
A-5	100%	LS	Provide Project Record Drawings (As Builts)	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
TOTAL BID AMOUNT PART A (ITEMS A-1 - A-5)					\$ 11,910.00		\$ 21,501.50		\$ 15,737.50		\$ 19,720.00

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
B-1	80	SY	Remove & Dispose Existing Asphalt, including any Brick Pavers under the Existing Roadway	\$ 18.00	\$ 1,440.00	\$ 9.25	\$ 740.00	\$ 18.00	\$ 1,440.00	\$ 34.00	\$ 2,720.00
B-2	560	SY	Remove & Dispose Existing Concrete Driveways, Sidewalks & Curb & Gutter	18.90	10,584.00	10.40	5,824.00	18.00	10,080.00	20.00	11,200.00
B-3	4	EA	Remove & Relocate Existing Signs	225.00	900.00	176.50	706.00	275.00	1,100.00	150.00	600.00
B-4	100%	LS	Site Preparation & Grading	2,200.00	2,200.00	755.00	755.00	2,500.00	2,500.00	2,270.00	2,270.00
B-5	250	SY	Furnish & Place Crushed Limestone Base Material	9.00	2,250.00	13.75	3,437.50	15.00	3,750.00	9.50	2,375.00
B-6	70	SY	Furnish & Place 2" Type 'C' HMAC	36.00	2,520.00	27.60	1,932.00	15.00	1,050.00	28.50	1,995.00
B-7	40	SY	Furnish & Install Standard Concrete Driveway	51.75	2,070.00	54.00	2,160.00	50.00	2,000.00	* 64.00	2,560.00
B-8	275	SY	Furnish & Install Standard Concrete Sidewalk	42.84	11,781.00	38.50	10,587.50	36.00	9,900.00	46.00	12,650.00
B-9	320	LF	Furnish & Install Standard 24" Curb & Gutter	19.00	6,080.00	17.25	5,520.00	10.50	3,360.00	20.00	6,400.00
B-10	61	LF	Furnish & Install Standard 12" Ribbon Curb	17.00	1,037.00	14.00	854.00	9.00	549.00	26.00	1,586.00
B-11	6	EA	Furnish & Install Truncated Dome Pavers Handicap Ramp	950.00	5,700.00	560.00	3,360.00	1,000.00	6,000.00	890.00	5,340.00
B-12	3	EA	Furnish & Install Truncated Dome Pavers Handicap Ramp TxDOT Type 20	1,100.00	3,300.00	567.00	1,701.00	1,250.00	3,750.00	865.00	2,595.00
B-13	200	SF	Furnish & Install Brick Pavers & Concrete Base	7.25	1,450.00	10.80	2,160.00	9.00	1,800.00	75.00	15,000.00
B-14	40	LF	Furnish & Install 18" x 4" Concrete Drainage Flume	55.00	2,200.00	22.20	888.00	60.00	2,400.00	88.00	3,520.00
B-15	40	LF	Furnish & Install Decorative Handrail	45.00	1,800.00	119.25	4,770.00	75.00	3,000.00	194.00	7,760.00
B-16	55	LF	Furnish & Install Decorative Railing	65.00	3,575.00	112.00	6,160.00	75.00	4,125.00	182.00	10,010.00
B-17	1	EA	Remove & Replace Bollard	325.00	325.00	362.00	362.00	250.00	250.00	230.00	230.00
B-18	75	LF	Remove Existing Thermoplastic 24" Wide Stop Bar	3.00	225.00	7.40	555.00	7.00	525.00	* 8.00	600.00
B-19	105	LF	Remove Existing Thermoplastic 24" Pedestrian Crosswalk	4.00	420.00	11.10	1,165.50	7.00	735.00	* 8.00	840.00
B-20	100	LF	Furnish & Install Thermoplastic 24" Wide Stop Bar	6.50	650.00	8.00	800.00	9.00	900.00	10.50	1,050.00
B-21	180	LF	Furnish & Install Thermoplastic Pedestrian Crosswalk	5.00	900.00	12.00	2,160.00	7.50	1,350.00	8.70	1,566.00
B-22	100%	LS	Elevation Adjustments to the Existing Valve Boxes	750.00	750.00	741.00	741.00	250.00	250.00	110.00	110.00
B-23	100%	LS	Remove & Replace Existing Fire Hydrant as Identified in the Standard Details	4,500.00	4,500.00	2,648.00	2,648.00	3,700.00	3,700.00	2,450.00	2,450.00
TOTAL BID AMOUNT PART B (ITEMS B-1 - B-23)					\$ 66,657.00		\$ 59,986.50		\$ 64,514.00		\$ 95,427.00

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
C-1	2	EA	Furnish & Install Park Benches	\$ 650.00	\$ 1,300.00	\$ 1,206.00	\$ 2,412.00	\$ 1,500.00	\$ 3,000.00	\$ 1,100.00	\$ 2,200.00
C-2	2	EA	Furnish & Install Tree Well & Grate	1,600.00	3,200.00	1,261.00	2,522.00	640.00	1,280.00	1,250.00	2,500.00
C-3	2	EA	Furnish & Install 30 Gallon Shumard Red Oak Tree	550.00	1,100.00	277.00	554.00	465.00	930.00	970.00	1,940.00
C-4	100%	LS	Furnish & Install Irrigation System, Including all Piping, Fittings, Taps, Boxes, Backflow Prevention, Curb Stops, Heads & Control & all Appurtenances	2,200.00	2,200.00	1,477.00	1,477.00	7,500.00	7,500.00	4,500.00	4,500.00
C-5	1	EA	Furnish & Install 15 Gallon Crape Myrtle	250.00	250.00	123.00	123.00	275.00	275.00	129.00	129.00
C-6	18	EA	Furnish & Install 3 Gallon Dwarf Yaupon Holly	25.00	450.00	18.50	333.00	33.00	594.00	84.00	1,512.00
C-7	101	EA	Furnish & Install 4" Pots Asian Jasmine	3.00	303.00	1.25	126.25	2.50	252.50	26.00	2,626.00
C-8	8	EA	Furnish & Install 2 Gallon Red Roses	30.00	240.00	22.25	178.00	40.00	320.00	77.00	616.00
C-9	110	LF	For HMAC Trench Repair	12.00	1,320.00	7.85	863.50	15.00	1,650.00	4.90	539.00
TOTAL BID AMOUNT PART C (ITEMS C-1 - C-9)					\$ 10,363.00		\$ 8,588.75		\$ 15,801.50		\$ 16,562.00

\* Written value and numerical value do not correspond. Written value prevails. Extended amount has been corrected.

CENTRAL AVENUE and 3rd STREET IMPROVEMENTS

March 3, 2009; 2:00 PM  
3210 E Ave H, Bldg C, Temple TX 76501

BIDDER INFORMATION											
				TCB Construction, Inc. PO Box 81642 Austin, TX 78708		Barsh Company 304 Douglas Ave Waco, TX 76712		Patin Construction, LLC 641 West Front Street Hutto, TX 78634		TTG Utilities PO Box 299 Gatesville, TX 76528	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
D-1	3	EA	Remove & Dispose of Existing Light Pole Bases	\$ 120.00	\$ 360.00	\$ 155.00	\$ 465.00	\$ 250.00	\$ 750.00	\$ 340.00	\$ 1,020.00
D-2	3	EA	Furnish & Install Ornamental Light Pole Foundations	650.00	1,950.00	805.00	2,415.00	500.00	1,500.00	565.00	1,695.00
D-3	65	LF	Furnish & Install 3" Electrical Conduit with Pull Wire	19.00	1,235.00	43.00	2,795.00	25.00	1,625.00	12.00	780.00
D-4	220	LF	Furnish & Install 2" Electrical Conduit with Pull Wire	17.00	3,740.00	19.00	4,180.00	22.50	4,950.00	11.00	2,420.00
D-5	1	EA	Furnish & Install 3" Galvanized Service Riser with Pull Wire	300.00	300.00	319.00	319.00	250.00	250.00	150.00	150.00
D-6	3	EA	Install Electrical Pull Boxes	350.00	1,050.00	210.00	630.00	400.00	1,200.00	700.00	2,100.00
D-7	225	LF	For HMAC Trench Repair	8.00	1,800.00	7.85	1,766.25	15.00	3,375.00	4.90	1,102.50
TOTAL BID AMOUNT PART D (ITEMS D-1 - D-7)					\$ 10,435.00		\$ 12,570.25		\$ 13,650.00		\$ 9,267.50


Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
I-1	3	EA	Furnish & Install Ornamental Light Pole Foundations	\$ 650.00	\$ 1,950.00	\$ 805.00	\$ 2,415.00	\$ 500.00	\$ 1,500.00	\$ 562.00	\$ 1,686.00
I-2	425	LF	Furnish & Install 2" Electrical Conduit	17.00	7,225.00	17.00	7,225.00	22.50	9,562.50	11.00	4,675.00
I-3	1	EA	Furnish & Install 2" Galvanized Service Riser with Pull Wire	300.00	300.00	174.00	174.00	200.00	200.00	167.00	167.00
I-4	4	EA	Installing Electrical Pull Boxes	350.00	1,400.00	210.00	840.00	400.00	1,600.00	715.00	2,860.00
I-5	300	LF	For HMAC Trench Repair	8.00	2,400.00	7.85	2,355.00	15.00	4,500.00	4.80	1,440.00
TOTAL BID AMOUNT ADD ALTERNATE I (ITEMS I-1 - I-5)					\$ 13,275.00		\$ 13,009.00		\$ 17,362.50		\$ 10,828.00

Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
II-1	2	EA	Furnish & Install Ornamental Light Pole Foundations	\$ 650.00	\$ 1,300.00	\$ 805.00	\$ 1,610.00	\$ 500.00	\$ 1,000.00	\$ 560.00	\$ 1,120.00
II-2	280	LF	Furnish & Install 2" Electrical Conduit	17.00	4,760.00	27.00	7,560.00	22.50	6,300.00	10.90	3,052.00
II-3	2	EA	Installing Electrical Pull Boxes	350.00	700.00	210.00	420.00	400.00	800.00	715.00	1,430.00
II-4	280	LF	For HMAC Trench Repair	8.00	2,240.00	7.85	2,198.00	15.00	4,200.00	4.90	1,372.00
TOTAL BID AMOUNT ADD ALTERNATE II (ITEMS II-1 - II-4)					\$ 9,000.00		\$ 11,788.00		\$ 12,300.00		\$ 6,974.00

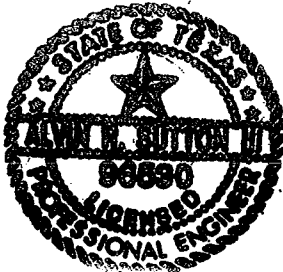
BIDDER INFORMATION											
				TCB Construction, Inc. PO Box 81642 Austin, TX 78708		Barsh Company 304 Douglas Ave Waco, TX 76712		Patin Construction, LLC 641 West Front Street Hutto, TX 78634		TTG Utilities PO Box 299 Gatesville, TX 76528	
BID SUMMARY											
TOTAL BID AMOUNT PART A (ITEMS A-1 - A-5)				\$	11,910.00	\$	21,501.50	\$	15,737.50	\$	19,720.00
TOTAL BID AMOUNT PART B (ITEMS B-1 - B-23)				\$	66,657.00	\$	59,986.50	\$	64,514.00	\$	95,427.00
TOTAL BID AMOUNT PART C (ITEMS C-1 - C-9)				\$	10,363.00	\$	8,588.75	\$	15,801.50	\$	16,562.00
TOTAL BID AMOUNT PART D (ITEMS D-1 - D-7)				\$	10,435.00	\$	12,570.25	\$	13,650.00	\$	9,267.50
				\$	99,365.00	\$	102,647.00	\$	109,703.00	\$	140,976.50
ADD ALTERNATE I (ITEMS I-1 - I-5)				\$	13,275.00	\$	13,009.00	\$	17,362.50	\$	10,828.00
ADD ALTERNATE II (ITEMS II-1 - II-4)				\$	9,000.00	\$	11,788.00	\$	12,300.00	\$	6,974.00

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

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

  
Alvin R "Trae" Sutton, III, PE  
Kasberg, Patrick & Associates, LP

3/4/09  
Date



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TCB CONSTRUCTION, INC., OF AUSTIN, TEXAS, FOR INTERSECTION IMPROVEMENTS AT CENTRAL AVENUE AND 3<sup>RD</sup> STREET, IN THE AMOUNT OF \$108,365; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 3, 2009, the City received 4 bids for construction of intersection improvements at Central and 3<sup>rd</sup> Street;

**Whereas**, the Staff recommends accepting the bid (\$108,365) received from TCB Construction, Inc., of Austin, Texas;

**Whereas**, funds are available for this project in Account No. 361-3400-531-6833, Project No. 100134; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$108,365 with TCB Construction, Inc., of Austin, Texas, after approval as to form by the City Attorney, for construction of intersection improvements at Central and 3<sup>rd</sup> Street.

**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 19<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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03/19/09  
Item #5(H)  
Consent Agenda  
Page 1 of 2

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 to the Lions Junction Family Water Park construction contract with Chaney-Cox Construction, Inc. for the expansion of the concession area in the amount of \$38,530.

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

**ITEM SUMMARY:** On September 18, 2008 the City Council awarded a construction contract to Chaney-Cox Construction, Inc. for the construction of the Lions Junction Family Water Park in the amount of \$3,889,943.00. On December 18, 2008 the City Council approved change order #1 to this contract to upgrade the roof at the bath house and partitions in the changing rooms in the amount of \$38,642.00.

During construction of this project the Parks and Leisure Services Department hired a Concession Consultant to evaluate the different concession operations that the Department manages as well as the new concession operations that will be coming on line at the Lions Junction Family Water Park and the Summit Recreation and Fitness Center.

It is the recommendation of the Consultant that a larger area will be needed for the concession operation to reach the full potentials at the Water Park. The current design of the concession area is approximately 12' X 12'. It is possible to expand the area to approximately 12' X 24' for a modest cost. This larger area will allow for the storage and preparatory space needed to offer a more varied menu at the concession.

This additional space will allow the Parks and Leisure Services Department to better serve the patrons of the Water Park with more menu choices, generate more income than originally anticipated, and ensure revenues from concessions are maximized.

**FISCAL IMPACT:** Funding in the amount of \$4,090,500 was appropriated in account 362-3500-552-6838, project #100356, for design and construction of this project from the 2008 General Obligation Bond Issue. An additional \$200,000 of funding was donated by the Temple Lions Club. After funding engineering-related services in the amount of \$333,200, construction administrative services in the amount of \$5,120, construction cost of \$3,928,585, and miscellaneous cost of \$15,459.21, a balance of \$8,135 remains available in this account to fund change order #2 in the amount of \$38,530.

Attached is a budget adjustment for Council's approval in the amount of \$30,395 appropriating interest earnings from the bond proceeds to fund the remaining cost for the expansion of the concession area. Total interest earned through 02/28/09 is \$81,520 leaving \$51,125 of interest earnings available to be allocated to the parks bond projects.

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY **2009****BUDGET ADJUSTMENT FORM**

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

**Adjustments should be rounded to the nearest \$1.**

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-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
362-3500-552-68-38	100356	Family Aquatics Center	\$ 30,395	
362-0000-461-01-11		Interest Income	30,395	
<b>TOTAL.....</b>			<b>\$ 60,790</b>	<b>\$ -</b>

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

Appropriate interest earnings to partially fund the expansion of the concession area at Lions Junction Family Water Park, formerly known as Temple Family Aquatics Center. As of 02/28/09, \$80,520 of interest has been earned on the 2008 GO bond proceeds sold in July 2008 and bond proceeds deposited on 08/06/08. After the appropriation of \$30,395 to partially fund change order #2 related to the expansion of the concession area (total change order is \$38,530), a balance of \$51,125 of interest earnings is available to be allocated to the parks bond projects.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

March 19, 2009

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #2 IN THE AMOUNT OF \$38,530 TO THE CONSTRUCTION CONTRACT WITH CHANEY-COX CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE LIONS JUNCTION FAMILY WATER PARK, FOR THE EXPANSION OF THE CONCESSION AREA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 18, 2008, the City entered into a contract with Chaney-Cox Construction, Inc., for the construction of the Lions Junction Family Water Park – on December 18, 2008, the City Council approved Change Order #1 to the contract to provide for the installation of a metal roof on the main bath house, replacement of an asphalt shingle roof, and restroom partition upgrades;

**Whereas**, the Staff recommends approving Change Order #2 to the contract to provide for expansion of the concession area;

**Whereas**, funds are available for this change order in Account No. 362-3500-552-6838, Project 100356, but an amendment to the FY2008-09 budget needs to be approved to appropriate interest earnings from the bond proceeds to fund the remaining cost for the expansion for the concession area; 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 Change Order #2 to the contract with Chaney-Cox Construction, Inc., of Temple, Texas, for the construction of the Lions Junction Family Water Park, after approval as to form by the City Attorney, for the expansion of the concession area, in an amount not to exceed \$38,530.

**Part 2:** The City Council approves an amendment to the FY2008-09 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

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

PASSED AND APPROVED this the **19<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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03/19/09  
Item #5(I)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of competitive sealed proposals along with considering procurement options available through the State of Texas and the General Services Administration for the following technology and installation services for the new Municipal Court & Utility Business Office Facility: video surveillance system, card access system, and the fiber and wireless infrastructure.

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

**ITEM SUMMARY:** On November 20, 2008, Vanguard Contractors, LP was awarded a construction contract for construction of and renovations to the new Municipal Court/Utility Business Office Facility. Based on the facility design and feedback from Municipal Court, Utility Billing, Purchasing, Finance and Architectural Edge, a technology plan was put forth to ensure telecommunications, data, security and computing needs were met in the new facility. The total cost of the Technology Plan is approximately \$330,000 with the video surveillance system, card access system, and the fiber and wireless infrastructure estimated to consume approximately \$175,000 budget. Other components of the budget estimated to cost less than \$25,000 each include cabling, telecommunications, audio-visual equipment, and other miscellaneous network and computer hardware costs.

It is staff's desire to use a Request for Proposals (RFP) for the procurement of the video surveillance system, the card access system, and the fiber and wireless infrastructure. In order to procure these contracts, staff would like to use RFPs to be able to consider evaluation criteria other than price in determining the best value for the City. In addition to price, staff would like to be able to evaluate the bids based on the proven experience and the reputation of each vendor, responsiveness based on the current construction timeline, and warranty and continued service offerings.

Although staff is recommending the use of an RFP process, these defined services are also available through previously competitively procured State of Texas Department of Information Resources (DIR) contracts and through Federal Government General Services Administration (GSA) contracts. Historically we have purchased technology through these contracts because we believe that better pricing is achieved based on the impact of volume purchasing power through the participation of numerous agencies purchasing under these contracts. Accordingly, staff would like the flexibility to consider DIR and GSA contracts along with proposals received through the RFP process.

Staff will form a committee to evaluate the proposals and options available through DIR and GSA based on the evaluation criteria. It is staff's desire to advertise for proposals beginning March 22, 2009, with the anticipation of coming back to Council in May with recommendations for awards for each of these three (3) contracts.

**FISCAL IMPACT:** Funding for these technology needs are budgeted in the Courts Restricted Technology and Security funds which can only be used for these purposes along with Utility funds for the Utility Business Office's share of the costs.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF COMPETITIVE SEALED PROPOSALS ALONG WITH CONSIDERING PROCUREMENT OPTIONS AVAILABLE THROUGH THE STATE OF TEXAS AND THE GENERAL SERVICES ADMINISTRATION FOR THE FOLLOWING TECHNOLOGY AND INSTALLATION SERVICES FOR THE NEW MUNICIPAL COURT AND UTILITY BUSINESS OFFICE FACILITY: VIDEO SURVEILLANCE SYSTEM, CARD ACCESS SYSTEM, AND THE FIBER AND WIRELESS INFRASTRUCTURE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 20, 2008, Vanguard Contractors, LP, was awarded a construction contract for construction of and renovations to the new Municipal Court and Utility Business Office facility – based on the facility design and feedback from Municipal Court, Utility Billing, Purchasing, Finance and the project architect, a technology plan was put forth to ensure telecommunications, data, security and computing needs were met in the new facility;

**Whereas**, Staff requests authorization to use competitive sealed proposals along with considering procurement options available through the State of Texas and the General Services Administration – in addition to price, Staff would like to be able to evaluate the bids based on the proven experience and the reputation of each vendor, responsiveness based on the current construction timeline, and warranty and continued savings offerings;

**Whereas**, funding for these technology needs are budgeted in the Courts Restricted Technology and Security funds which can only be used for these purposes along with utility funds for the Utility Business Office's share of the costs; 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 along with considering procurement options available through the State of Texas and the General Services Administration for the following technology and installation services for the new Municipal Court & Utility Business Office facility: video surveillance system, card access system, and the fiber and wireless infrastructure.



**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 **19<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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03/19/09  
Item #5(J)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing  
Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of a Request for Proposals for the acquisition of golf carts through a lease agreement for Sammons Golf Links.

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

**ITEM SUMMARY:** The City is currently leasing its 75 golf carts for Sammons Golf Links under a three year lease with Yamaha Motor Corporation that expires on July 31, 2009. It is staff's desire to negotiate a new three or four year lease for golf carts. In order to obtain the best value for the City under a new lease, it is staff's desire to use a Request for Proposals (RFP) to be able to consider evaluation criteria other than price in selecting the vendor for this contract. The recommended evaluation criteria in addition to price are as follows: reputation of the bidder, quality of the carts, warranty, and other offerings.

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 the golf carts beginning March 22, 2009, with the anticipation of coming back to Council in May, 2009, with a recommendation for award of a new lease agreement.

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 leasing of the Sammons Golf Links golf carts is included in the adopted FY 2009 adopted budget in the annual amount of \$52,155 in account 110-3110-551-2615.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF REQUEST FOR PROPOSALS FOR THE ACQUISITION OF GOLF CARTS THROUGH A LEASE AGREEMENT FOR SAMMONS GOLF LINKS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently leasing its 75 golf carts for Sammons Golf Links under a three year lease with Yamaha Motor Corporation that expires on July 31, 2009;

**Whereas**, in order to obtain the best value for the City under a new lease, the Staff requests authorization to use request for proposals to be able to consider evaluation criteria other than price in selecting the vendor for the contract;

**Whereas**, funding for leasing of the golf carts is included in the FY 2009 adopted budget in Account No. 110-3110-551-2615; 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 Request for Proposals for the acquisition of golf carts through a lease agreement for Sammons Golf Links.

**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 19<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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03/19/09  
Item #5(K)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution directing staff to use an alternate method, as authorized in Resolution No. 2008-5492-R, to calculate all residential customers' winter water average for sewer charges to be billed from May 2009 through April 2010, due to the current drought conditions.

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

**ITEM SUMMARY:** Residential sewer charges are calculated based on water consumption during the months of December, January and February which are billed in the month following consumption. The water consumption average for those three months, which we refer to as "winter water average", is used to calculate the residential sewer charges beginning with the May bill. The residential sewer charge remains constant for the next twelve months. The residential water consumption during months of December, January, and February are used because those months are typically the lowest volume usage months during the year.

The Central Texas area has been experiencing severe drought conditions which have necessitated un-seasonal watering by residential water customers thus increasing residential water consumption in the months used to calculate the winter water average. Staff would like to consider using 2008 winter water averages instead of 2009 winter water averages for residential sewer charges during the billing periods of May 2009 through April 2010. By using the 2008 winter water averages, the residential sewer charges that customers are currently being billed would not change.

Customers wishing to use their 2009 average may request so in writing to the Utility Business Office. Customers will be notified on their May utility bills that they have the option to request this exception.

**FISCAL IMPACT:** Based on average consumption of water for the current number of residential customers, the approximate impact to the City is \$140,000 for FY 2009. The average residential sewer customer would see an increase of approximately \$1.70 in their sewer bill if we choose to use the 2009 winter water average.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE STAFF TO USE AN ALTERNATE METHOD, AS AUTHORIZED BY RESOLUTION NO. 2008-5492-R, TO CALCULATE ALL RESIDENTIAL CUSTOMERS' WINTER WATER AVERAGE FOR SEWER CHARGES TO BE BILLED FROM MAY 2009 THROUGH APRIL 2010, DUE TO THE CURRENT DROUGHT CONDITIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Resolution No. 2008-5492-R is the current resolution setting utility system fees, and it allows for an alternate method of calculating monthly service charges for sewer due to exceptional circumstances;

**Whereas,** for the past few months the entire Central Texas area has been experiencing drought conditions which have necessitated unseasonal watering by residential water customers;

**Whereas,** due to this exceptional circumstance, the Staff recommends using an alternate method to calculate all residential customers' winter water average for sewer charges to be billed from May 2009 through April, 2010;

**Whereas,** the alternate method would be to not calculate the upcoming winter water average on the current year's consumption, but instead to use the prior years when the weather conditions were normal and customers did not have to water their yards during the winter months; 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 Staff to use an alternate method to calculate all residential customers' winter water average for sewer charges to be billed from May 2009 through April 2010 by using the calculations from the previous year.

**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 **19<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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03/19/09  
Item #5(L)  
Consent Agenda  
Page 1 of 2

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing election judges and setting their compensation for the City's special local option election to be held on May 9, 2009.

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

**ITEM SUMMARY:** This proposed resolution recommends the appointment of election judges and sets their compensation for the City's special local option election to be held Saturday, May 9, 2009.

On December 4, 2008, the City Council ordered a special local option election for voters to consider whether to allow the Temple Health and Bioscience Economic Development District to impose an ad valorem tax not to exceed 15 cents per \$100 valuation of all taxable property in the District and issue bonds payable in whole or part from the ad valorem tax. This election was ordered as a result of a petition being filed with the City, in accordance with Section 3831.254 of the Special District Local Laws Code.

The attached resolution recommends the appointment of election judges to serve at the City's four election day polling places and for the Early Voting Ballot Board. The compensation for election judges and clerks is recommended to be set at \$8.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes, and unused election supplies after an election is entitled to additional compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code. However, the minimum compensation to each member of the early voting ballot board is recommended to be \$50.

**FISCAL IMPACT:** Funds in the amount of \$10,000 are budgeted in account 110-1400-511-25-17, Election Expense, for the 2009 Special Local Option Election. Since this election is conducted on behalf of the Temple Health and Bioscience Economic Development District, as required by law, the District has agreed to pay their pro rata share of all election expenses. The City has also entered into a joint election agreement with Temple ISD for the May 9<sup>th</sup> election. However it appears the school district will be able to cancel their election since the incumbents have filed for re-election and are unopposed. Therefore, Temple ISD will not incur any costs for the election.

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING ELECTION JUDGES AND SETTING THEIR COMPENSATION FOR THE CITY'S ELECTION TO BE HELD ON MAY 9, 2009; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 4, 2008, the City Council ordered a Special Local Option Election to submit to the voters a single proposition seeking authorization for the Temple Health and Bioscience Economic Development District to impose an ad valorem tax not to exceed the rate of 15 cents per \$100 valuation of all taxable property in the district and to issue bonds payable in whole or in part from the ad valorem tax;

**Whereas**, the election judges for the May 9, 2009, Special Local Option Election need to be appointed and their compensation needs to be set by the City Council; and

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

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

**Part 1:** The following persons are hereby appointed presiding judges and alternate presiding judges, respectively, for the May 9, 2009, election:

<b><i>City Council District No. 1</i></b>	Frank Mayborn Civic and Convention Center, 3303 North 3rd Street
---	---

Presiding Judge	Charlie Croninger
Alternate Presiding Judge	Marjorie Croninger

<b><i>City Council District No. 2</i></b>	Meridith-Dunbar Elementary School 1717 East Avenue J
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Presiding Judge	Bennett Curtis
Alternate Presiding Judge	Bill Moore

<b><i>City Council District No. 3</i></b>	Thornton Elementary School 2900 Pin Oak Drive
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Presiding Judge	Laura Cloud
Alternate Presiding Judge	Joan Howell

***City Council District No. 4***

Vineyard Christian Fellowship Church  
7425 West Adams Avenue (FM 2305)

Presiding Judge  
Alternate Presiding Judge

Shelley DeLoera  
Lavelle Parsons

***Early Voting Location***

Municipal Building,  
2 North Main Street  
(between Central and Adams)

Presiding Judge  
Alternate Presiding Judge

Roy Wells  
J. W. Perry

**Part 2:** In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of an election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of Chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

**Part 3:** As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$8.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

**Part 4:** The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

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

PASSED AND APPROVED on the 19<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

RESOLUCION NO. \_\_\_\_\_

RESOLUCIÓN DEL AYUNTAMIENTO DE LA CIUDAD DE TEMPLE, TEXAS,  
nombramientos ELECCIÓN Y AJUSTE DE LOS JUECES DE COMPENSACIÓN PARA  
LA CIUDAD DE LA ELECCIÓN QUE SE CELEBRARÁ EL 9 de mayo de 2009; y  
proporcionar un CLÁUSULA DE REUNIONES ABIERTAS.

---

Considerando que, el 4 de diciembre de 2008, el Consejo de la Ciudad ordenó una Opción Local Elección Especial que se presento a los votantes una propuesta única para que autorice el Desarrollo Económico de Bio-Ciencias de Salud del Distrito de Temple para imponer un impuesto ad valoren no exceda la tasa de 15 centavos por cada \$ 100 de valoración de todos los bienes imponibles en el distrito y la expedición de bonos por pagar en su totalidad o en parte del impuesto ad valoren, y

Considerando que, la elección de los jueces electorales de la 9 de mayo de 2009, Elección Especial Opción Local deben ser nombrados y su indemnización debe ser fijado por el Consejo de la Ciudad, y

Considerando que, el Ayuntamiento ha examinado la cuestión y considera que es de interés público para aprobar esta acción.

AHORA, POR LO TANTO, ya sea ordenado por el AYUNTAMIENTO DE LA CIUDAD DE TEMPLE, TEXAS, QUE:

Parte 1: Las siguientes personas se nombran jueces electorales y jueces electorales alternativos que presiden, respectivamente, para el 9 de mayo de 2009, la elección:

*Consejo Municipal Distrito No. 1*

Frank Mayborn Civic and Convention Center,  
3303 North 3rd Street

Juez Electoral  
Juez Electoral Alternativo

Charlie Croninger  
Marjorie Croninger

*Consejo Municipal Distrito No. 2*

Meridith-Dunbar Escuela Primaria  
1717 East Avenue J

Juez Electoral  
Juez Electoral Alternativo

Bennett Curtis  
Bill Moore

*Consejo Municipal Distrito No. 3*

Thornton Escuela Primaria  
2900 Pin Oak Drive

Juez Electoral  
Juez Electoral Alternativo

Laura Cloud  
Joan Howell

*Consejo Municipal Distrito No. 4*

Vineyard Christian Fellowship Church  
7425 West Adams Avenue (FM2305)

Juez Electoral  
Juez Electoral Alternativo

Shelley DeLoera  
Lavelle Parsons

***Votación Temprana Locales***

Edificio Municipal  
2 North Main Street  
(Entre medio de) C. Central y Ave. Adams

Juez Electoral  
Juez Electoral Alternativo

Roy Wells  
J.W. Perry

Parte 2: En el caso de fallecimiento, incapacidad o negación de cualquier persona designada como juez electoral para actuar, el alcalde tendrá la autoridad y se nombrará a una persona o algunas personas en lugar para actuar. Los jueces electorales que presiden cada una de las elecciones del consejo del distrito están autorizados a designar a no menos de dos ni más de tres empleados de elección para ayudar a que el juez en la realización de una elección en el lugar de votación servido por el juez. La Boleta de Votación Temprana Junta procederán al recuento de los votos emitidos durante la votación anticipada para la elección de conformidad con las disposiciones del capítulo 87 del Código de Elecciones de Texas. Las boletas de votación anticipada en todos los casos se consideran como un precinto y un grupo separado de los retornos se realizarán votaciones para la votación temprana.

Parte 3: Como compensación por los servicios prestados en el recinto electoral, los jueces y secretarios electorales recibirán \$ 8,00 por hora de conformidad con lo dispuesto en el § 32.091 del Código Electoral. El juez electoral o empleado que ofrece los registros electorales del recinto, llaves a las urnas electorales o de otros equipos y suministros no utilizados después de la elección tiene derecho a una indemnización por ese servicio en una cantidad no superior a \$ 25.

Parte 4: El juez electoral y los miembros de la boleta de consejo votación anticipada tienen derecho a la misma indemnización que los jueces electorales en ejercicio, conformidad con lo dispuesto en el § 87.005 del Código Electoral, sin embargo, la compensación mínima a cada miembro de la boleta de votación anticipada bordo será de \$ 50.

Parte 5: Por la presente se encuentra oficialmente y determinó que la reunión en la que se aprobó esta ordenanza fue abierta al público que exige y que los avisos públicos de la época, el lugar y el propósito de dicha reunión se dio tal como lo exige la Ley de Reuniones Abiertas.

PASADO Y APROBADO el 19 de marzo de **2009**.

LA CIUDAD DE TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATESTIGUAR:

APROBADO A FORMAR:

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Clydette Entzminger  
Secretaria de Municipio

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Jonathan Graham  
Abogado de Municipio



## COUNCIL AGENDA ITEM MEMORANDUM

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03/19/09  
Item #5(M)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$1,722,302.

**ATTACHMENTS:**

Budget amendments  
Resolution

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 19, 2009**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
<b>110-1500-515-2686</b>		Hill Country Transit	\$ 7,500	
<b>110-0000-352-1345</b>		<b>Designated for Capital Projects - Unallocated</b>		<b>\$ 7,500</b>
<p>Appropriate funds for the City of Temple's share of a new connector route to be operated by the HOP. This new connector route will operate between Killeen and Temple, with stops in Belton. The total cost of the new connector route for the remainder of FY 2009 is \$90,000 split between the following entities: Federal funding \$45,000; Hill Country Transit District \$15,000; Killeen \$7,500; Temple \$7,500; Belton \$7,500 and Bell County \$7,500. The target implementation date is April 1, 2009. The full annual operating costs for the connector route is \$180,000 with the City's share to be \$15,000 in FY 2010.</p>				
<b>110-2000-521-2516</b>		Judgments & Damages (Police)	\$ 120	
<b>110-1500-515-6531</b>		<b>Contingency Judgments &amp; Damages</b>		<b>\$ 120</b>
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Debbie Cecchine seeking reimbursement for damage to a vehicle after it was involved in an accident with a Police vehicle on September 2, 2008.</p>				
<b>110-2000-521-2514</b>		Travel & Training (Police)	\$ 9,530	
<b>110-0000-442-0720</b>		Police Revenue		\$ 9,530
<p>Annual allocation payment from the Law Enforcement Officer Standards and Education (LEOSE) account for expenses related to continuing education.</p>				
<b>110-3700-524-2516</b>		Judgments & Damages (Construction Safety)	\$ 2,794	
<b>110-1500-515-6531</b>		<b>Contingency Judgments &amp; Damages</b>		<b>\$ 2,794</b>
<p>Deductible reimbursement to the Texas Municipal League for a lawsuit filed against the City by Willis Martin, Jr., seeking reimbursement for alleged damage from purchasing a house he felt should have been demolished or repaired.</p>				
<b>240-4400-551-6310</b>	<b>100488</b>	Capital Building & Grounds (Mayborn)	\$ 159,100	
<b>240-4400-551-6224</b>	<b>100489</b>	Communication Equipment	\$ 55,500	
<b>240-4400-551-6310</b>	<b>100491</b>	Facility Improvements	\$ 519,290	
<b>240-0000-352-1345</b>		<b>Designated for Capital Projects - Hotel/Motel Fund CIP FY 2009</b>		<b>\$ 733,890</b>
<p>Appropriate Hotel/Motel fund balance Designated for Capital Projects for Mayborn Center Improvements as authorized by Council on August 28, 2008 as part of the FY 2009 Capital Improvement Program. Items included in the list of projects are Wi-Fi and Voice/Data in Main Hall &amp; Side Rooms, Kitchen upgrade to include flooring &amp; equipment, carpet in main hall, new dimmable lighting in main hall, re-carpet of meeting rooms, refurbish operable walls in meeting rooms, upgrade divider wall finishes in meeting rooms, repaint existing walls in meeting rooms, re-carpet lobby, upgrade wall finishes in public circulation area, repaint existing walls in public circulation area, new lighting in lobby &amp; meeting rooms, concession stand upgrade, architecture &amp; engineering fees and project contingency.</p>				



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 19, 2009**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
359-8800-525-6779	100240	Municipal Court Renovations	\$ 76,637	
359-0000-315-1116		Reserve for Future Expenditures		\$ 76,637
<p>Appropriate interest earnings from the 2003 GO Bond proceeds for the construction of the new Municipal Court building.</p>				
520-5100-535-2118		Chemicals (Water Treatment Plant)	\$ 300,000	
520-5100-535-2651		BRA - Water Services		\$ 50,000
520-5100-535-6532		Contingency		\$ 10,000
520-5700-580-7120		Water Rebate Contracts		\$ 39,476
520-5100-535-2516		Judgments & Damages		\$ 7,000
520-5000-535-6532		Contingency - Administration		\$ 49,121
520-5000-535-6536		Contingency - Administration		\$ 14,240
520-5200-535-6532		Contingency - Water Distribution		\$ 50,000
520-5400-535-6532		Contingency - Sewer Collection		\$ 46,000
520-5500-535-6532		Contingency - Sewer Treatment		\$ 34,163
<p>Appropriate additional funds needed for chemicals at the Water Treatment Plant. It is anticipated that an additional \$300,000 will be needed to fund chemical costs for the remainder of FY 2009 in addition to the \$430,000 that is currently budgeted bringing the total amount needed for chemicals during FY 2009 to \$730,000. \$110,000 to \$125,000 of the shortfall is directly attributable to increased costs in chemicals. The drought situation that we are currently in causes the quality of water to decline causing a need for higher usage of chemicals at the plant. This account was also "under budgeted" in FY 2009. In FY 2008, the original budget was \$430,000 with actual costs to treat water being \$513,091.</p>				
351-1800-525-6849	110240	Municipal Court Facility	\$ 260,935	
351-0000-490-2582		Transfer in - General Fund		\$ 260,935
110-9100-591-8151		Transfer out - Capital Projects Fund	\$ 260,935	
110-0000-317-0000		Reserved for Municipal Court - Security		\$ 141,265
110-0000-317-0000		Reserved for Municipal Court - Technology		\$ 119,670
520-5800-535-6224	100240	Communications Equipment	\$ 69,961	
520-5800-535-6532		Contingency		\$ 5,000
520-5800-535-2630		Banking Service Fees		\$ 25,700
520-5500-535-6532		Contingency		\$ 39,261
<p>To appropriate restricted Municipal Court funds and Water &amp; Sewer Contingency and operating funds to fund technology and security costs related to the building renovations for the Municipal Court/Utility Business Office. Items funded with this budget adjustment include Fiber/wireless equipment, card access security system, video surveillance system, telecom equipment, LCD monitors, multiplexers/video installation in the court room, computers and printers. The restricted funds for Municipal Court can only be used for technology enhancements and security related to court activities.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 1,722,302</b>	<b>\$ 1,722,302</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 19, 2009**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(30,395)
		Net Balance of Judgments & Damages Contingency Account	\$	39,605
		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>	\$	172,731
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2009 BUDGET**  
**March 19, 2009**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	174,121
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(164,121)
		Net Balance of Contingency Account	\$	10,000
		Beginning <b>Compensation</b> Contingency	\$	34,334
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(34,334)
		Net Balance of Compensation Contingency Account	\$	-
		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	\$	(73,424)
		Net Balance of T-BRSS Future Plant Expansion Contingency	\$	376,576
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$</b>	<b>874,846</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>\$</b>	<b>77,400</b>
		<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	\$	36,758

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

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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03/19/09  
Item #6  
Regular Agenda  
Page 1 of 3

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-09-15: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption in a restaurant to be known as 'Kazam's Family Entertainment Center', located at 2001 West Adams Avenue on Tract 1, Albertson's Addition Replat.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 to recommend approval of the Conditional Use Permit at its meeting on March 2, 2009 subject to Staff's recommended conditions. Commissioner Derek Martin abstained.

**STAFF RECOMMENDATION:** Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

**ITEM SUMMARY:** This CUP request is to allow the sale and on-premise consumption of alcoholic beverages in a future restaurant to be known as Kazam's Family Entertainment Center, located on Tract 1, Albertson's Addition Replat. The applicant states that sales of alcoholic beverages will total less than 75% of the gross sales of the restaurant.

The subject property is zoned Commercial (C) which permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. This application is compatible with both existing and future surrounding land uses. This application also conforms to the Thoroughfare Plan. Adequate public facilities serve this site.

The distance from the requested CUP south to the property leased as a church exceeds the minimum distance requirements. The Zoning Ordinance states no conditional use permit may be granted if the establishment for which a permit is sought is within three hundred (300) feet of a church, public school or public hospital. The measurement of the distance between the business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. (No intersection exists here.)

The distance from the door of the proposed CUP is 632± linear feet from the front door of the property leased as a church using the front door on South General Bruce as the beginning point for measurement. (For informational purposes, the distance from the front door of West Adams Avenue of the requested CUP and the residential area to the east measures 557± linear feet.) Both distances exceed the minimum distance.

The Zoning Ordinance, Section 7-611(b), places 10 conditions on CUPs allowing the on-premise consumption of beer or mixed drinks. The Staff Recommendation section lists these conditions. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

Staff mailed 15 notices on February 20, 2009. As of March 9 at 5 PM, five notices were returned in favor and one notice in opposition of the request. The newspaper printed the legal notice of the public hearing on February 20, 2009 in accordance with state law and local ordinance

Please refer to the Staff Report and draft minutes of case Z-FY-09-15, from the Planning and Zoning meeting, March 2, 2009.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Aerial Map  
Land Use Map  
Zoning Map  
Notice Map  
Distance Map from Residence and Leased Church  
Site Plan  
Application  
Overview Description of the proposed Family Entertainment Center  
P&Z Staff Report  
P&Z Minutes  
Ordinance

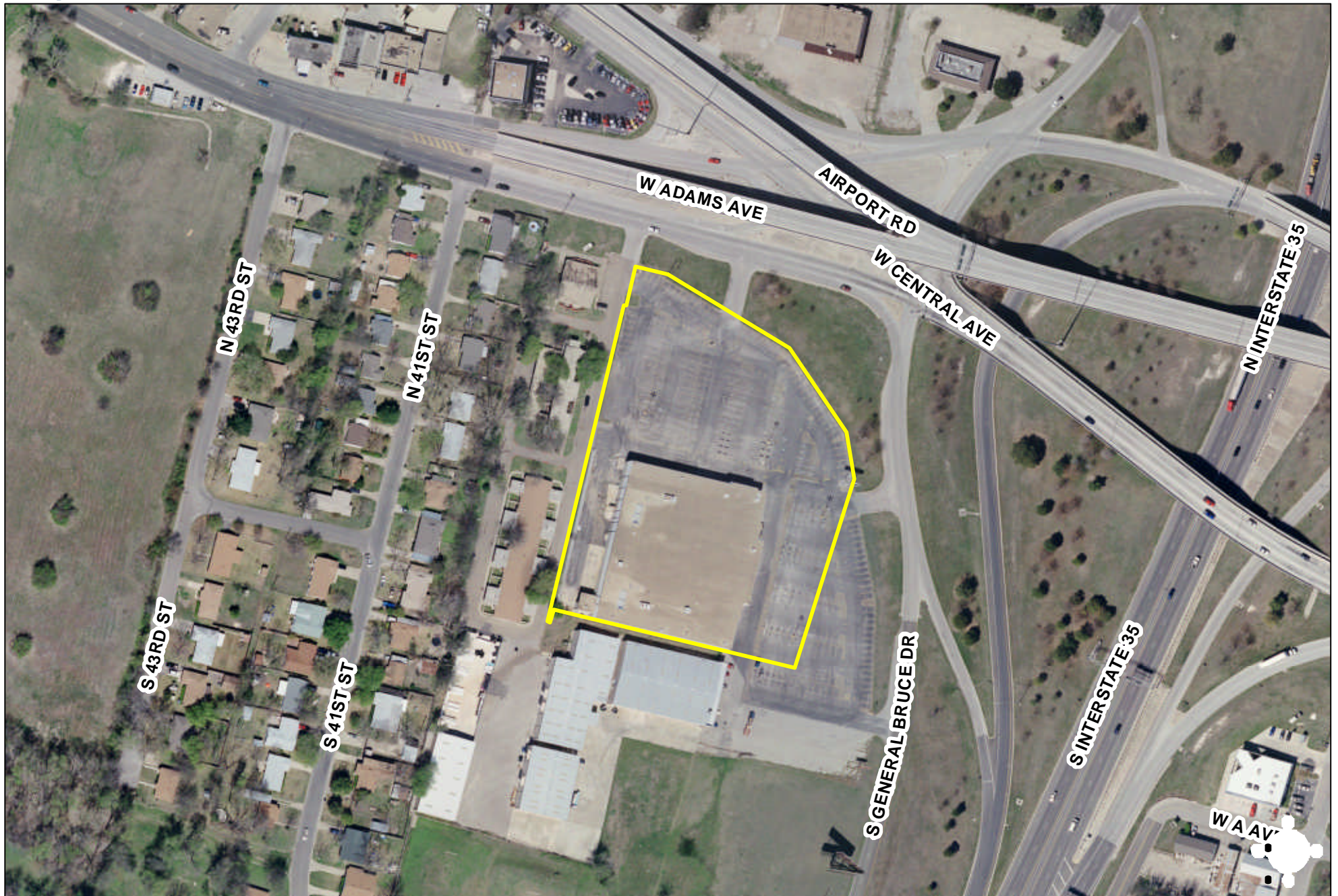




Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



 Area of Proposed Zoning

CUP for Alcohol

1 inch = 200 feet  
J Stone 2.5.9

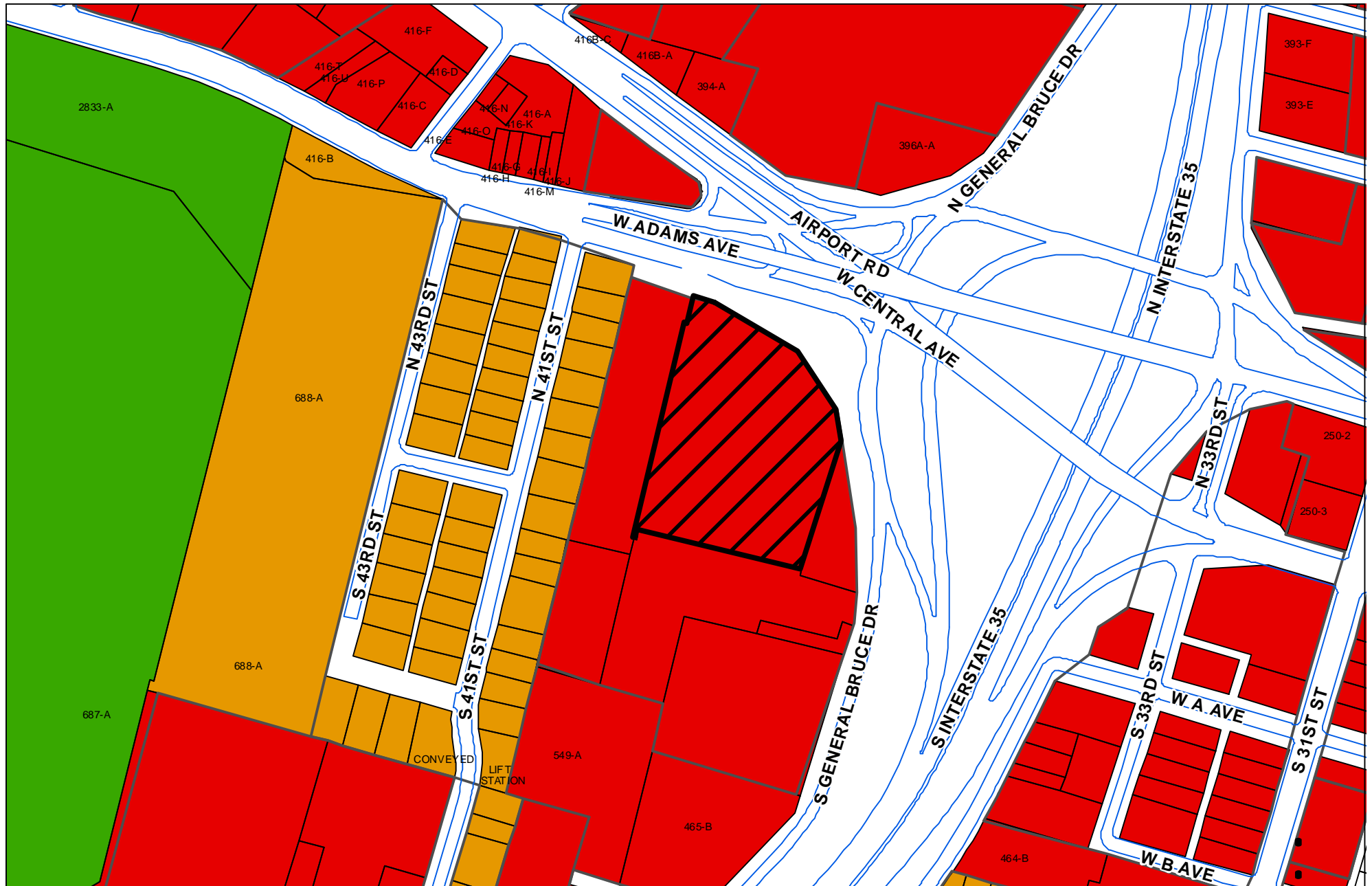




Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



- |  |                           |  |                        |  |                         |  |                                   |  |                      |  |                      |
|--|---------------------------|--|------------------------|--|-------------------------|--|-----------------------------------|--|----------------------|--|----------------------|
|  | ZFY0915                   |  | Estate Residential     |  | Auto-Urban Multi-Family |  | Suburban Commercial               |  | Industrial           |  | Parks and Open Space |
|  | Temple Boundary           |  | Suburban Residential   |  | Auto-Urban Mixed Use    |  | Urban Center                      |  | Business park        |  | Agricultural/Rural   |
|  | Neighborhood Conservation |  | Auto-urban Residential |  | Auto-Urban Commercial   |  | Temple Medical Education District |  | Public/Institutional |  | CUP for Alcohol      |

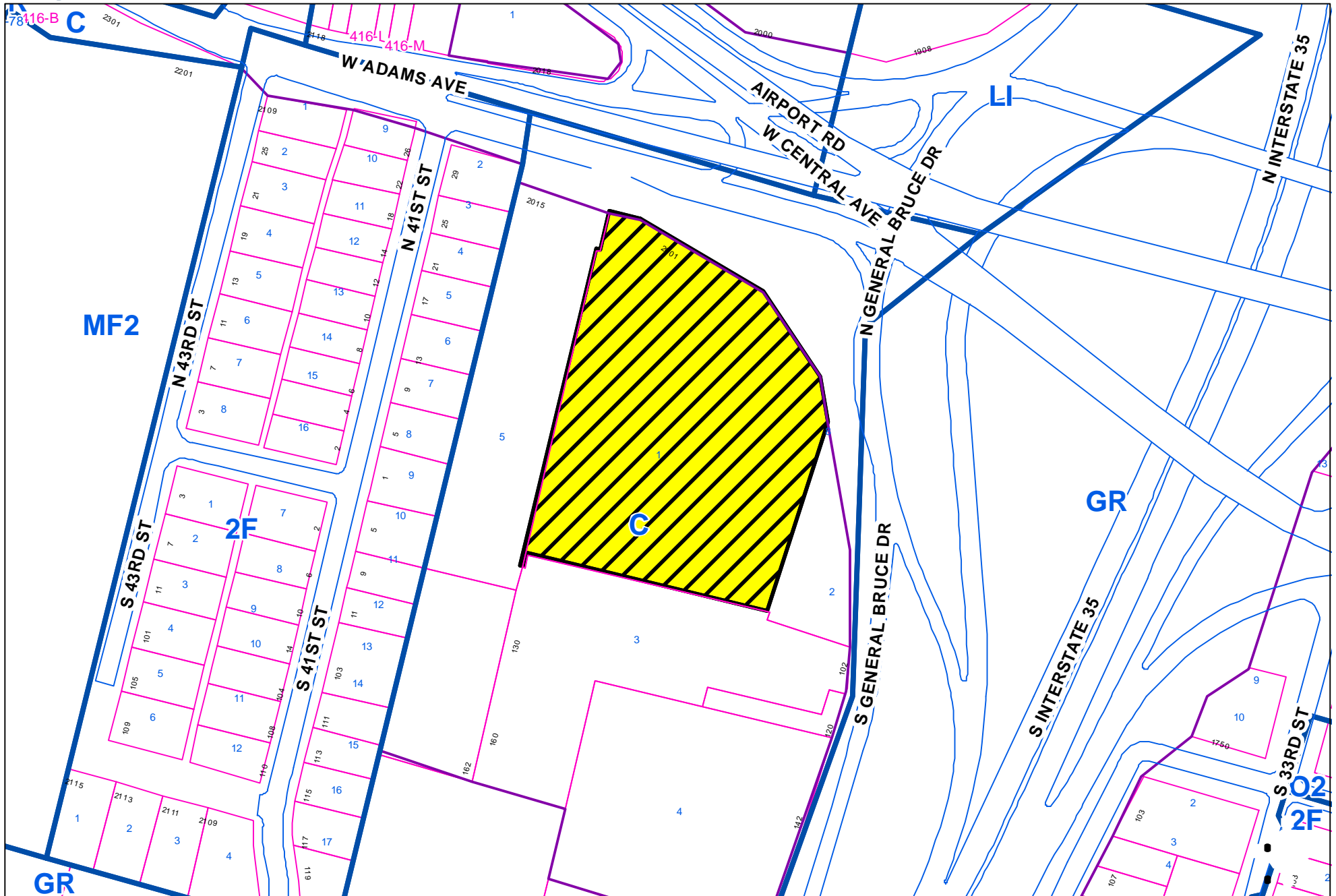
1 inch = 300 feet  
J Stone 2.5.9



Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



Area of Proposed Zoning

CUP for Alcohol

1 inch = 200 feet

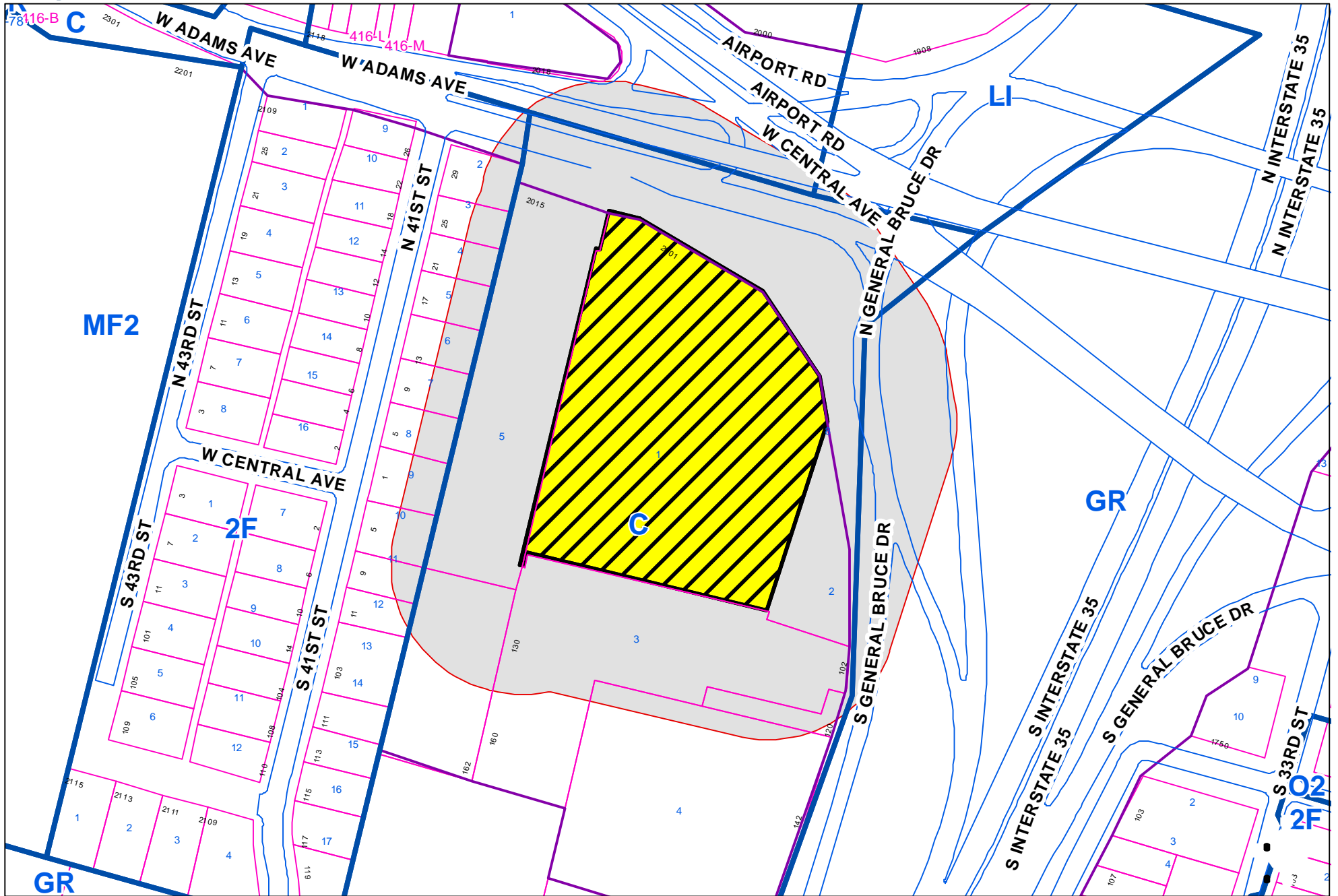
J Stone 2.5.9



Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



Area of Proposed Zoning



200' Buffer

CUP for Alcohol

1 inch = 200 feet

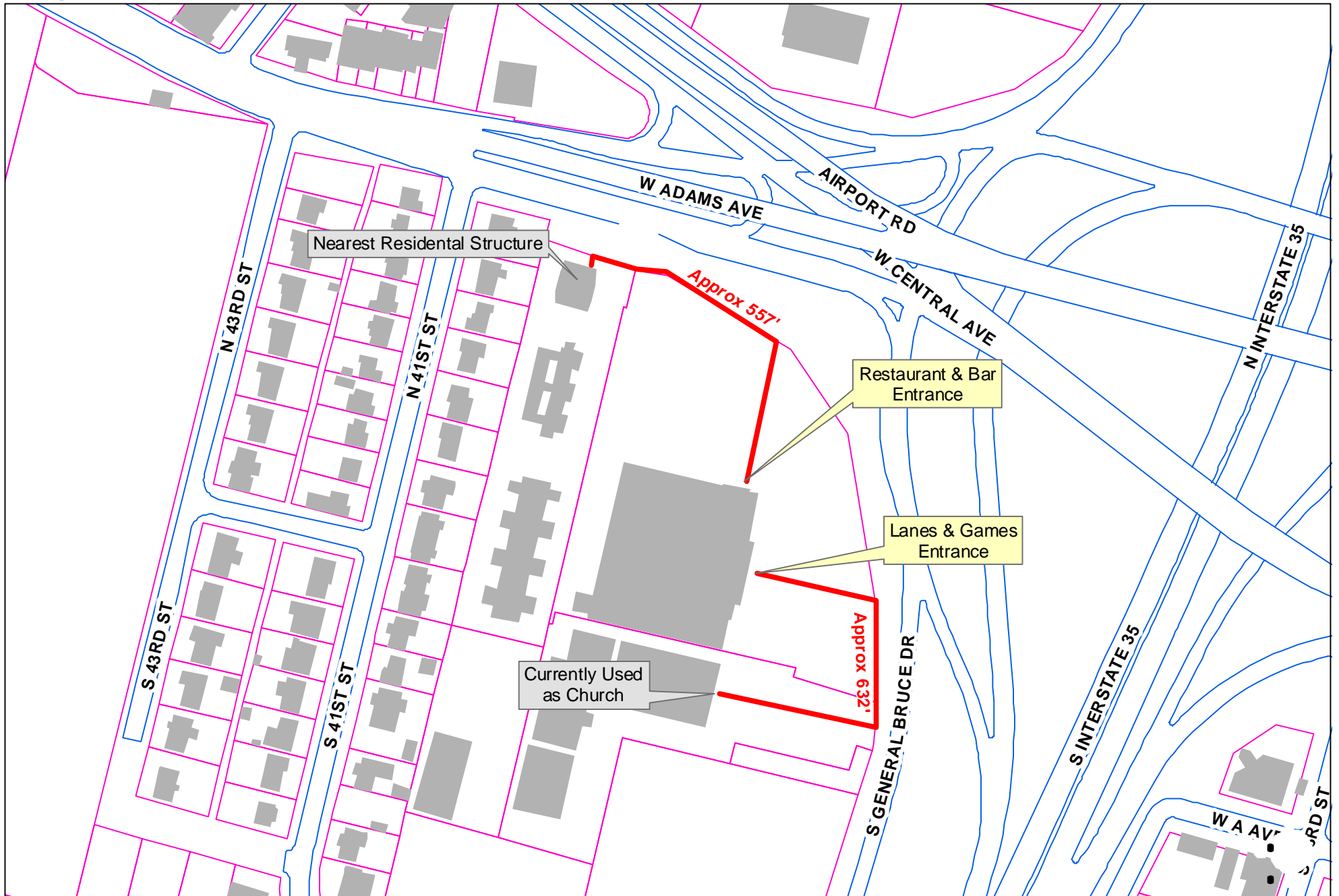
J Stone 2.5.9



Z-FY-09-15

Tract 1, Albertson's Addition Replat

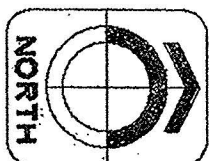
Proposed Kazam's



CUP for Alcohol

1 inch = 200 feet  
J Stone 2.5.9

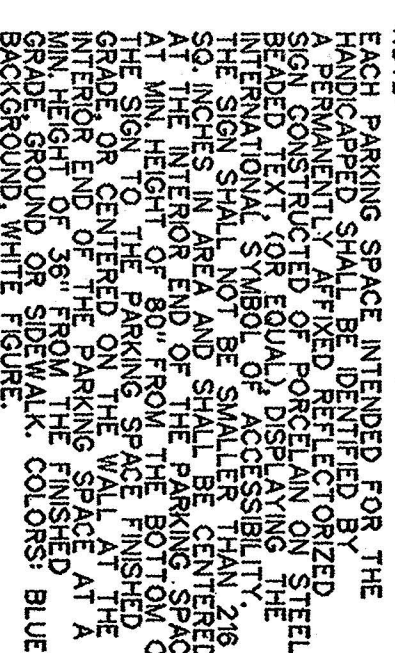




## 10 CONTACT INFORMATION



OWNER'S



INDICATED ON SITE PLAN. ALL DISTURBED PAVING, CONCRETE & BASE MATERIAL SHALL BE REMOVED OFF-SITE. SAWCUT ALL SURFACES FOR

## 12 CODE INFORMATION

UPC: 1991 EDITION  
UMC: 1991 EDITION  
NEC: 1990 EDITION

- 101 SAWCUT AROUND POTHOLE IN A RECTANGULAR SHAPE. REMOVE ALL MATERIAL TO A DEPTH OF 8". APPLY TACK COAT TO SAWCUT EDGES AND FILL AREA WITH HOT COMPACTED ASPHALT.
- 102 SAWCUT PAVERS IN A RECTANGULAR SHAPE AROUND THE OUTSIDE OF AN EXPOSED REINFORCING BOLT OR NAIL. REMOVE ALL MATERIAL TO A DEPTH OF 6" FOR EACH SIDE OF THE BOLT. REINFORCE THE EXISTING LAYER. APPLY A TACK COAT TO THE SAWCUT EDGES AND FILL W/ ASPHALT TO CONCRETE.

## 10 CONTACT INFORMATION

ARCHITECT:	JOHN SHAW 206/385-5521 206/385-5522 206/385-5523 206/385-5524 206/385-5525 206/385-5526 206/385-5527 206/385-5528 206/385-5529 206/385-5530 206/385-5531 206/385-5532 206/385-5533 206/385-5534 206/385-5535 206/385-5536 206/385-5537 206/385-5538 206/385-5539 206/385-5540 206/385-5541 206/385-5542 206/385-5543 206/385-5544 206/385-5545 206/385-5546 206/385-5547 206/385-5548 206/385-5549 206/385-5550 206/385-5551 206/385-5552 206/385-5553 206/385-5554 206/385-5555 206/385-5556 206/385-5557 206/385-5558 206/385-5559 206/385-5560 206/385-5561 206/385-5562 206/385-5563 206/385-5564 206/385-5565 206/385-5566 206/385-5567 206/385-5568 206/385-5569 206/385-5570 206/385-5571 206/385-5572 206/385-5573 206/385-5574 206/385-5575 206/385-5576 206/385-5577 206/385-5578 206/385-5579 206/385-5580 206/385-5581 206/385-5582 206/385-5583 206/385-5584 206/385-5585 206/385-5586 206/385-5587 206/385-5588 206/385-5589 206/385-5590 206/385-5591 206/385-5592 206/385-5593 206/385-5594 206/385-5595 206/385-5596 206/385-5597 206/385-5598 206/385-5599 206/385-5600
OWNER:	ALBERTSON'S INC. GENERAL OFFICES 1000 1ST AVENUE BOISE, IDAHO 83720 BOISE, IDAHO 83720
ELECTRICAL ENGINEER:	PAUL GUNY, P.E. BOISE, IDAHO 83702 206/333-8888 (FAX) 206/333-8889 (FAX)
MECHANICAL ENGINEER:	DAVID MARGHEA, P.E. MARGHEA ENGINEERING 206/385-8700 206/385-8701 206/385-8702 206/385-8703 206/385-8704 206/385-8705 206/385-8706 206/385-8707 206/385-8708 206/385-8709 206/385-8710 206/385-8711 206/385-8712 206/385-8713 206/385-8714 206/385-8715 206/385-8716 206/385-8717 206/385-8718 206/385-8719 206/385-8720 206/385-8721 206/385-8722 206/385-8723 206/385-8724 206/385-8725 206/385-8726 206/385-8727 206/385-8728 206/385-8729 206/385-8730 206/385-8731 206/385-8732 206/385-8733 206/385-8734 206/385-8735 206/385-8736 206/385-8737 206/385-8738 206/385-8739 206/385-8740 206/385-8741 206/385-8742 206/385-8743 206/385-8744 206/385-8745 206/385-8746 206/385-8747 206/385-8748 206/385-8749 206/385-8750 206/385-8751 206/385-8752 206/385-8753 206/385-8754 206/385-8755 206/385-8756 206/385-8757 206/385-8758 206/385-8759 206/385-8760 206/385-8761 206/385-8762 206/385-8763 206/385-8764 206/385-8765 206/385-8766 206/385-8767 206/385-8768 206/385-8769 206/385-8770 206/385-8771 206/385-8772 206/385-8773 206/385-8774 206/385-8775 206/385-8776 206/385-8777 206/385-8778 206/385-8779 206/385-8780 206/385-8781 206/385-8782 206/385-8783 206/385-8784 206/385-8785 206/385-8786 206/385-8787 206/385-8788 206/385-8789 206/385-8790 206/385-8791 206/385-8792 206/385-8793 206/385-8794 206/385-8795 206/385-8796 206/385-8797 206/385-8798 206/385-8799 206/385-8800
OWNER/OPERATION MANAGER:	ALBERTSON'S INC. GENERAL OFFICES 1000 1ST AVENUE BOISE, IDAHO 83720 BOISE, IDAHO 83720

## 11 SCHEDULE OF GENERAL NOTES

- [illegible]

## 12 CODE INFORMATION


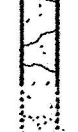



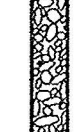


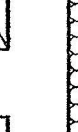
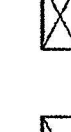

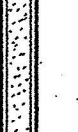

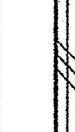


AREA CALCULATIONS  
EXISTING BUILDING (GROUND FLOOR):  
PROPOSED BUILDING (GROUND FLOOR):  
SALES AREA:  
SUPPORT AREA:  
MEZZANINE AREA:  
  
OCCUPANCY LOAD  
SALES AREA (RETAIL): (30)  
SUPPORT AREA (STORAGE, STOCK, SHIPPING): (300)  
MEZZANINE AREA: (300)  
  
TOTAL OCCUPANCY:

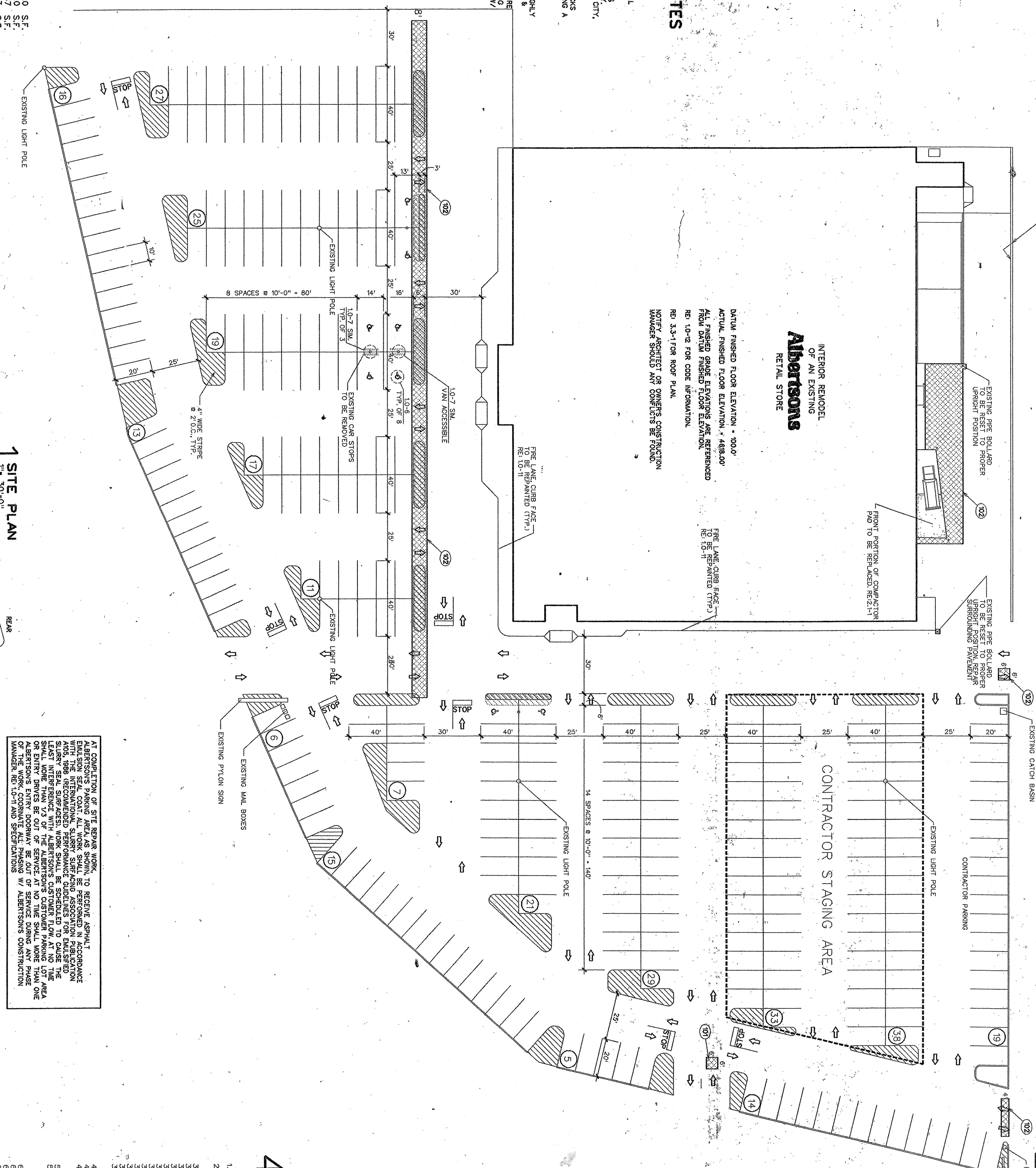


## 2 SCHEDULE OF SYMBOLS & MATERIALS

## MATERIALS

- 
- 10** - ROOF
- 9** - INSULATED, HIDDEN CAVITY ABOVE, BELOW, OR BETWEEN THE LIMIT LINE EXTENSION LINE
- 8** - FINISH ELEVATION
- 7** - COLUMN, BUILDING END
- 6** - FINISH SHEET
- 5** - FINISH SCHEDULE SHOWN ON SHEET
- 4** - SPOT FINISH GAUGE ELEVATION
- 3** - KENOTITE EQUIPMENT TYP. PER SCHEDULE SHOWN ON THIS SHEET
- 2** - REFERENCE SHEET (10) REFERENCE DETAIL SECTION, PLAN NUMBER (1-8)
- 1** - BUILDING SECTION
- 1.1** - SHEET NUMBER HERE DRAWN
- 1.2** - PARTIAL SECTION NUMBER
- 1.3** - SHEET NUMBER WHERE DRAWN
- 1.4** - DETAIL CALL OUT NUMBER
- 1.5** - SHEET NUMBER WHERE DRAWN
- 1.6** - ROOM NUMBER
- 1.7** - ROOM TITLE
- 1.8** - DOOR NUMBER SEE 3.6-25 (DOOR SCHEDULE)
- 1.9** - WINDOW NUMBER SEE 3.6-27, (WINDOW TYPES)
- 1.10** - MAIN SALES
- 1.11** - DETAIL CALL OUT NUMBER
- 1.12** - SHEET NUMBER WHERE DRAWN
- 1.13** - PARTIAL SECTION NUMBER
- 1.14** - SHEET NUMBER WHERE DRAWN
- 1.15** - DETAIL CALL OUT NUMBER
- 1.16** - SHEET NUMBER WHERE DRAWN
- 1.17** - ROOM NUMBER
- 1.18** - ROOM TITLE
- 1.19** - DOOR NUMBER SEE 3.6-25 (DOOR SCHEDULE)
- 1.20** - WINDOW NUMBER SEE 3.6-27, (WINDOW TYPES)
- 1.21** - MAIN SALES
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- 1.23** - SHEET NUMBER WHERE DRAWN
- 1.24** - PARTIAL SECTION NUMBER
- 1.25** - SHEET NUMBER WHERE DRAWN
- 1.26** - DETAIL CALL OUT NUMBER
- 1.27** - SHEET NUMBER WHERE DRAWN
- 1.28** - ROOM NUMBER
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- 1.32** - MAIN SALES
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- 1.36** - SHEET NUMBER WHERE DRAWN
- 1.37** - DETAIL CALL OUT NUMBER
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- 1.59** - DETAIL CALL OUT NUMBER
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- 1.89** - SHEET NUMBER WHERE DRAWN
- 1.90** - PARTIAL SECTION NUMBER
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- 1.92** - DETAIL CALL OUT NUMBER
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- 1.102** - SHEET NUMBER WHERE DRAWN
- 1.103** - DETAIL CALL OUT NUMBER
- 1.104** - SHEET NUMBER WHERE DRAWN
- 1.105** - ROOM NUMBER
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- 1.123** - PARTIAL SECTION NUMBER
- 1.124** - SHEET NUMBER WHERE DRAWN
- 1.125** - DETAIL CALL OUT NUMBER
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- 1.128** - ROOM TITLE
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- 1.134** - PARTIAL SECTION NUMBER
- 1.135** - SHEET NUMBER WHERE DRAWN
- 1.136** - DETAIL CALL OUT NUMBER
- 1.137** - SHEET NUMBER WHERE DRAWN
- 1.138** - ROOM NUMBER
- 1.139** - ROOM TITLE
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- 1.141** - WINDOW NUMBER SEE 3.6-27, (WINDOW TYPES)
- 1.142** - MAIN SALES
- 1.143** - DETAIL CALL OUT NUMBER
- 1.144** - SHEET NUMBER WHERE DRAWN
- 1.145** - PARTIAL SECTION NUMBER
- 1.146** - SHEET NUMBER WHERE DRAWN
- 1.147** - DETAIL CALL OUT NUMBER
- 1.148** - SHEET NUMBER WHERE DRAWN
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- 1.150** - ROOM TITLE
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- 1.156** - PARTIAL SECTION NUMBER
- 1.157** - SHEET NUMBER WHERE DRAWN
- 1.158** - DETAIL CALL OUT NUMBER
- 1.159** - SHEET NUMBER WHERE DRAWN
- 1.160** - ROOM NUMBER
- 1.161** - ROOM TITLE
- 1.162** - DOOR NUMBER SEE 3.6-25 (DOOR SCHEDULE)
- 1.163** - WINDOW NUMBER SEE 3.6-27, (WINDOW TYPES)
- 1.164** - MAIN SALES
- 1.165** - DETAIL CALL OUT NUMBER
- 1.166** - SHEET NUMBER WHERE DRAWN
- 1.167** - PARTIAL SECTION NUMBER
- 1.168** - SHEET NUMBER WHERE DRAWN

- |   |                                       |
|---|---------------------------------------|
|  | BRICK - BRICK WITH DOW ABOVE          |
|  | STUD PARTITION                        |
|  | MASONRY WALL                          |
|  | CONCRETE                              |
|  | EARTH OR COMPACTED FILL               |
|  | DRAINAGE FILL                         |
|  | METAL                                 |
|  | BATT INSULATION                       |
|  | WOOD, CONTINUOUS, BLOCKING            |
|  | FINISHED WOOD                         |
|  | GYPSUM BOARD                          |
|  | PLYWOOD                               |
|  | FREEZER COOLER<br>AND IN CONSTRUCTION |
|  | RIGID INSULATION                      |
|  | PARTICLE/FIBER BOARD                  |
|  | MOISTURE RESISTANT BOARD              |

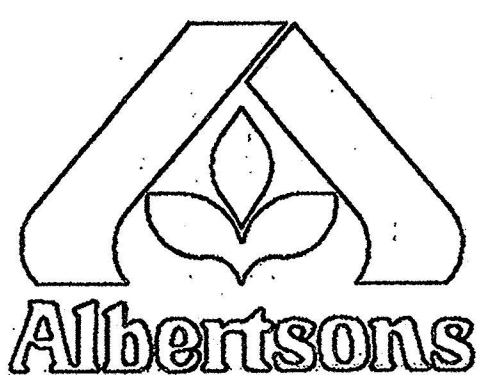


## 4 SCHEDULE OF DRAWINGS

- |    |  |
|----|--|
| 10 | TITLE SHEET, PLAN                                |
| 21 | SLAB PLAN, DETAILS                               |
| 30 | FLOOR PLANS                                      |
| 31 | DEMOTION PLAN                                    |
| 32 | ELEVATION, ELEVATIONS                            |
| 33 | ROOM FISH SCHEDULE                               |
| 34 | FLOOR FINISH SCHEDULE                            |
| 35 | DOOR & WINDOW SCHEDULES                          |
| 36 | EQUIPMENT SCHEDULE                               |
| 37 | FUTURE PLAN                                      |
| 40 | WASTE & VENT PLAN                                |
| 41 | PUMPING WATER & GAS PLAN                         |
| 42 | POURING SCHEDULE & DETAILS                       |
| 50 | MECHANICAL DETAILS, WINDING DIAGRAMS & SCHEDULES |
| 60 | REFRIGERATION SCHEDULE                           |
| 61 | REFRIGERATION DETAILS                            |
| 62 | WINDING DIAGRAMS                                 |
| 70 | ELECTRICAL SCHEDULES                             |
| 71 | POWER PLANS                                      |
| 72 | REGISTRATION & INAC PLANS                        |
| 73 | ELECTRICAL DIAGRAMS                              |
| 74 | ELECTRICAL SCHEDULES                             |
| 75 | ELECTRICAL DEMOTION PLANS                        |

ALBERTSONS NO. 4242  
2001 WEST ADAMS STREET  
ROGER P. GRAHAM, A.I.A.  
250 PARKCENTER BLVD. BOISE, IDAHO 83726

TEMPLE, TX



DRAWN ZOC	CHECKED JES
DATE 3/29/93	PROJECT 4242

SHEET TITLE

TITLE SHEET

SITE PLAN

01



## CONDITIONAL USE PERMIT (CUP) APPLICATION

Date: January 28, 2009

Fee: \$165

Property Owner: Whisper Capital LLC c/o Greyhawke Capital Advisors LLC  
Name Address 340 Pemberwick Road, 1st Fl., Greenwich, CT  
203-769-5308 Phone # 06831

Applicant: David W. Kessler PO Box 1778 Temple, TX 76503 254-718-2778  
Name Address Phone #

Email: kesslerdw@hotmail.com Fax Number:

Address of Property: 2001 West Adams Street, Temple, TX 76502 Lot: 1 Block:  
Subdivision: Albertson's Reg'd

Outblock (if not platted):

Present Zoning: C Commercial District Requested Zoning: C, CUP

Present Use: Retail Grocery Store - Vacant Proposed Use: Family Entertainment Center

IF CUP is granted, when would proposed use begin? August 2009

**Filing Fee:** The CUP Application requires a filing fee of \$150 plus \$3 per acre or portion over one acre. The fee for processing this application is to cover the cost of public notice and necessary adjacent property owner notification. The fee is not refundable, except that a 25% refund will be made if an application is withdrawn in writing and received by the Planning Department prior to public notification for the Planning & Zoning Commission public hearing.

RECEIVED  
FEB 04 2009  
City of Temple  
Planning Department

**Certification:** You as the property owner certify with your signature that the following statements are true:

- This application is complete and all of the information provided is accurate.
- Approval of this request by the City Council does not in itself constitute a waiver of conformance with the Code of Ordinances.
- Any staff assistance in applying for a CUP is based on the explanation indicated above of what specific activities are intended to take place on the rezoned property and that such staff assistance does not in any manner indicate or guarantee any specific action or approval of such request.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

Applicant's Signature

Property Owner's Signature  
Mark L. Plaumann, Manager

### For Office Use Only

Completed Application Field Notes Fee Received By:  
Case #: Zoning Map Page: Project Manager:  
Comp. Plan Affected:  
In Compliance with Comp. Plan: Yes No Tentative P&Z Date:



## **Overview Description of the Kazam's Family Entertainment Center**

Kazam's Family Entertainment Center is an upscale environment bringing together activities, food and fun all under one roof. The Kazam activities offer patrons 32 bowling lanes, two story laser tag, children's soft play area, arcade games, rock climbing walls, interactive gaming lounges, and billiard tables. Food and beverage services are available in the sit down restaurant and bar or in the middle of the action at the bowling bar and café. In addition to the food and activities, Kazam's incorporates private rooms for birthday parties, corporate events, or other group settings. Kazam's is dedicated to providing our valued customers with all the quality products and services an exclusive family entertainment facility has to offer.

The building is located at 2001 West Adams Avenue, while currently needing an extensive amount of exterior and interior renovation, sits conveniently in a highly visible and traveled area of our city. The transformation will take this strategic corner from eyesore to landmark attraction in just a matter of months. Looking at this building from the outside will focus your attention on newly updated landscaping, lighting, and of course, its two primary entrances. The Interstate 35 entrance will proudly display Kazam's Games and Lanes. And the side of the building facing Adams Avenue will advertise the entrance to our restaurant and bar. This design allows our customers to easily enter the area of the facility that they choose to experience first. Once inside the "Kazam's Fun Concourse" will have an extremely open feeling providing visibility to the entire facility and activities mentioned above.

Kazam's will take every opportunity to service its valued customers with the highest quality entertainment available. Our patrons will include families, young adults, seniors, bowling leagues, church groups, schools, community groups, and other association events. With a 54,000 square foot facility, restaurant service, and such a wide variety of activities, Kazam's will host everything from youth group lock-ins to bowling association tournaments. Kazam's will be open seven days a week to take care of our customers. Operating hours will be Monday to Thursday from 10:00 a.m. until 1:00 a.m., Friday and Saturday from 10:00 a.m. until 2:00 a.m., and Sunday from 11:00 a.m. until 11:00 p.m. Kazam's will be staffed with approximately thirty-five employees plus an additional ten part time workers during peak seasons, and all focused on customer satisfaction.



# PLANNING AND ZONING COMMISSION AGENDA ITEM

03/02/09  
Item 3  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** David Kessler c/o Travis Associates, Whisper Capital LLC and Greyhawke Capital Advisors LLC

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

**ITEM DESCRIPTION:** **Z-FY-09-15:** Hold a public hearing to consider a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption in a restaurant to be known as 'Kazam's' located at 2001 West Adams Avenue on Tract 1, Albertson's Addition Replat.

**BACKGROUND:** The CUP request is to allow the sale and on-premise consumption of alcoholic beverages in a future restaurant to be located at, 2001 West Adams Avenue, formerly the site of an Albertson's Grocery Store. The applicant states that sales of alcoholic beverages will total less than 50% of the gross sales of the restaurant.

**Surrounding Property and Uses** - The subject property is zoned LI, Light Industrial. The LI District permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. This application is compatible with the surrounding uses.

	<b>Zoning</b>	<b>Use</b>	<b>Description</b>
N	LI, Light Industrial	Food Pantry Distribution Center	Out parcel
W	Two Family (2F) with CUP 36 for	Apartment complex	Country Club Heights
S	Commercial	Lease space for church and commercial businesses	Albertson's Replat

**Future Land Use & Character Plan** – This application conforms to the Future Land Use Plan for Auto Urban Commercial Uses.

**Thoroughfare Plan** – This application conforms to the Thoroughfare Plan for access to Adams and the South General Bruce Loop, designated as Major Arterials and Freeway.

**Adequacy of Public Facilities** – Adequate public facilities serve this site for water and sewer.

**Zoning Ordinance Section 7-611.c (2<sup>nd</sup> Paragraph-Distance Requirements) – Conditional Use Permit (CUP) for On Premise Sale of beer or Mixed Drinks**

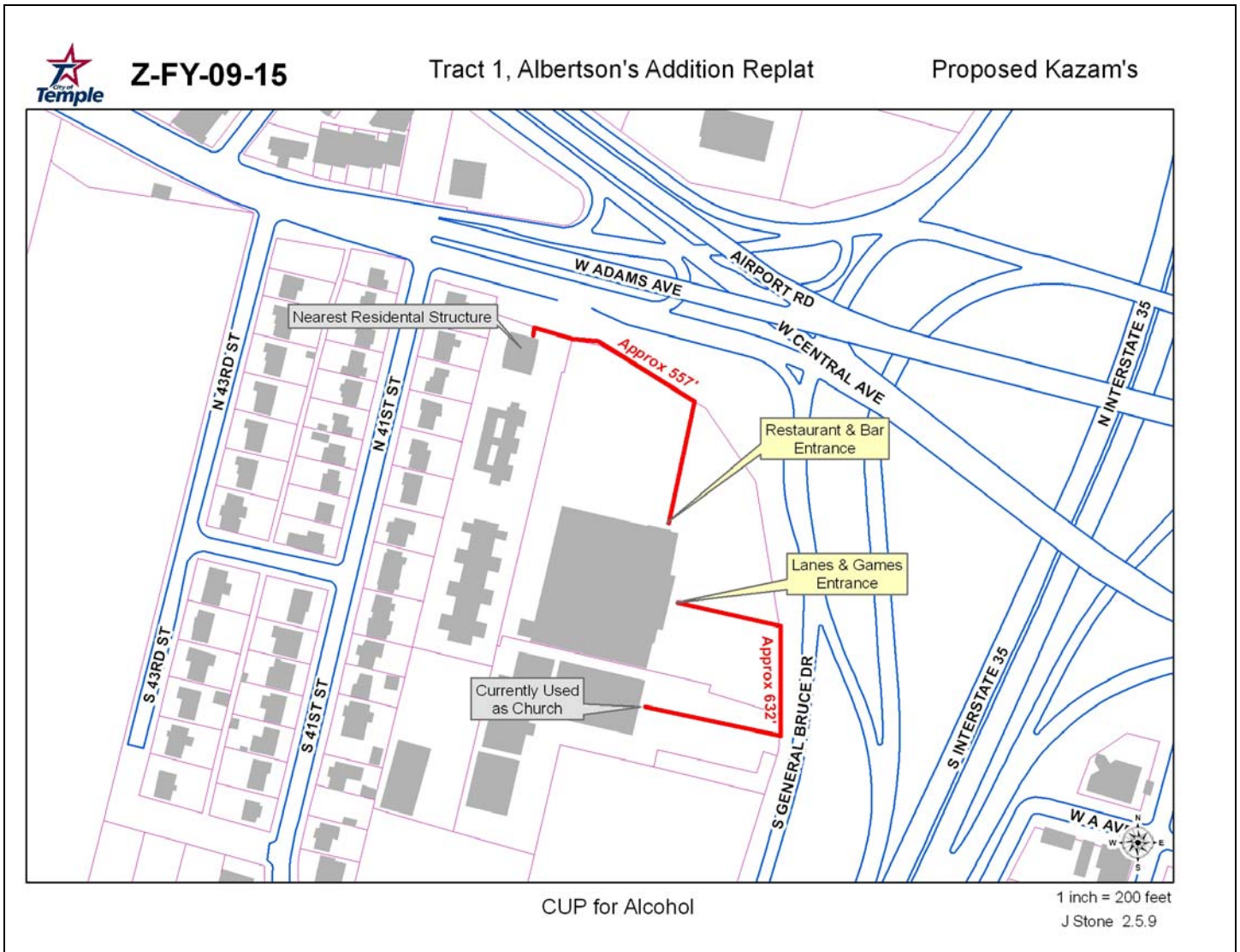
The Zoning Ordinance contains provisions for a CUP for On Premise Sale of beer or Mixed Drinks and distance requirements from a church, public school or public hospital. The lease space to the south of the proposed 'Kazam's' is used as a church.

The Zoning Ordinance states no conditional use permit may be granted if the establishment for which a permit is sought is within three hundred (300) feet of a church, public school or public hospital. The measurement of the distance between the business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door



to front door, shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. (No intersection exists here.)

The following graphic shows the distance is 632± linear feet from the front door of the property leased as a church using the front door on South General Bruce as the beginning point for measurement. (For informational purposes, the distance from the front door of West Adams Avenue of the requested CUP and the residential area to the east measures 557± linear feet.) Both distances exceed the minimum distance.



**Development Regulations** - This application conforms to the area requirements and uses permitted in the LI District. The Zoning Ordinance, Section 7-611(b) places 11 conditions on CUPs allowing the on-premise consumption of beer or mixed drinks. The Staff Recommendation section below lists these conditions. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

**Public Notice** – Staff mailed 15 notices on February 20, 2009. As of February 26 at 5 PM, two notices were returned in favor of the request, with none in opposition. The newspaper printed the legal notice of the public hearing on February 20, 2009 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

City Council First Reading..... March 20, 2009

City Council Second Reading & Final Action .... April 2, 2009

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial

Buffer Map – Including Zoning

Site Plan

Application

Applicant's Letter

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

**MONDAY, MARCH 2, 2009**

**ACTION ITEMS**

**Z-FY-09-15:** Hold a public hearing to consider a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption in a restaurant to be known as Kazam's located at 2001 West Adams Avenue on Tract 1, Albertson's Addition Replat. (Applicant: David Kessler c/o David Kessler c/o Travis Associates, Whisper Capital LLC and Greyhawke Capital Advisors LLC).

Commissioner Martin abstained from this Action Item and left the room during the meeting and public hearing.

Mr. Tim Dolan, Planning Director, presented the background to the Commission and stated this is a proposed lot on the old Albertson's lot and involved on-premise sales for beer and mixed drinks. The Development Review Committee reviewed this site plan on February 16th and deemed it appropriate. Mr. Dolan stated that Conditional Use Permits (CUP) have certain needs in order to be considered, which includes but is not limited to:

Being compatible with nearby uses, would not impede any type of orderly development for the area, had adequate utilities, access, and drainage, safe and convenient movement of traffic, nuisance prevention measures are needed, directional lighting and sufficient landscaping and screening, would not substantially increase traffic from the area, would comply with the Alcoholic Beverage Code within 14 months of the CUP being issued, would not exceed limitation for gross receipts for the sales of alcoholic beverages, would not be detrimental to the welfare and provide adequate security, and adequate parking spaces to minimize any type of disturbance.

Mr. Dolan stated the CUP runs with the property, not with the user, and that City Council may revoke the CUP if it is found to be incompatible with surrounding uses or contrary to the health, safety, and general welfare of the general area.

Mr. Dolan stated 15 notices were mailed out for this permit with five (5) returned in agreement and one (1) in denial.

Mr. Dolan stated the Staff recommendation was to approve the CUP with the 11 conditions in the Zoning Ordinance; that it would not substantially increase traffic; it would comply with the Alcoholic Beverages Code within 14 months; it would not

exceed limitation on gross receipts for sales of alcoholic beverages and that gross revenue from on-premise sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment; would not be detrimental to the public welfare; would provide adequate security; would provide adequate parking spaces; would minimize disturbances; and City Council can revoke the CUP if it is incompatible with any of the surrounding uses or contrary to the health, safety, and general welfare. The CUP runs with the property and may be canceled, suspended, or revoked if it does not occur within 14 months.

Chair Pope opened the public hearing to allow speakers the opportunity to comment on the item. Mr. David Kessler, developer, approached the Commission and stated he was in attendance in case he could answer any questions the Commission might have.

Commissioner Hurd asked about incoming and outgoing access of the area and Mr. Kessler stated the Department of Transportation currently had some plans under reviewed and there was a possibility on the entrance side to the parking lot that the curb cut may go away. If that occurred another curb cut would be requested to be put down further.

Commissioner Talley asked Mr. Kessler about the hours of operation from 11:00 a.m. to 11:00 p.m. noted on Sundays, considering the proximity of the church. Mr. Kessler stated he had previously spoken with the Pastor and they agreed to work something out which would accommodate both parties.

There being no further speakers or discussion, Chair Pope closed the public hearing and entertained a motion. Commissioner Secrest made a motion to approve Z-FY-09-15 with the Staff recommendations and Commissioner Hurd made the second.

Motion passed. (8:0) and 1 Abstention from Commissioner Martin

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

[PLANNING NO. Z-FY-09-15]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCOHOLIC BEVERAGES IS LESS THAN 75% OF THE TOTAL GROSS REVENUE IN A RESTAURANT TO BE KNOWN AS “KAZAM’S FAMILY ENTERTAINMENT CENTER” LOCATED AT 2001 WEST ADAMS AVENUE ON TRACT 1, ALBERTSON’S ADDITION REPLAT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 2001 West Adams Avenue, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue in a restaurant to be known as “Kazam’s Family Entertainment Center,” located at 2001 West Adams on Tract 1, Albertson’s Addition Replat, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.
- B. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area
- C. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- D. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- E. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- F. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- G. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.

- H. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- I. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- J. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- K. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

**Part 3:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

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

PASSED AND APPROVED on Second Reading on the 2<sup>nd</sup> day of **April**, 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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03/19/09  
Item #7  
Regular Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the voluntary annexation of a 176.534 acre tract of land located in the vicinity of Airport Road and SH 317.

**STAFF RECOMMENDATION:** Conduct public hearing, adopt ordinance on first reading and schedule second reading and final adoption for April 2, 2009.

**ITEM SUMMARY:** Woods Robins Trust filed a petition on January 20, 2009, seeking voluntary annexation of approximately 192.831 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is: (1) less than one-half mile in width; (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside. The landowner's petition meets the statutory requirements and is recommended to be granted.

The applicant seeking voluntary annexation proposes to use approximately 92.7 acres out of the annexed area as a quarry, and the proposed ordinance addresses this proposed use by applying Light Industrial (LI) zoning to 92.7 acres and the remaining approximately 100.131 acres as Agricultural (A) zoning. By separate ordinance, the Planning Department will ask the City Council to consider a conditional use permit for the 92.7 acre portion to allow a quarry operation.

Public hearings were conducted on February 19, 2009 (regular meeting) and February 20, 2009 (special meeting) and the proposed City services plan for the area under consideration for annexation. No public comments were received at either hearing.

**FISCAL IMPACT:** No immediate impact. Obligation to provide police and fire services. Some modest property tax revenue.

### **ATTACHMENTS:**

[Petition](#)  
[Maps](#)  
[Service Plan](#)  
[Ordinance](#)

**Voluntary Petition for Annexation**

January 20, 2009

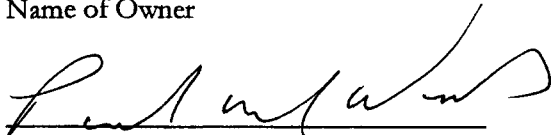
To the City Council of the City of Temple:

We are the sole owners of an approximately 192.831 acre tract of land, more particularly described as follows:

EXHIBIT "A," consisting of two parts, Part I, a sketch of this tract, and Part 2, a metes and bounds description, is attached hereto and made a part hereof by reference for all pertinent purposes.

Said tract of land is one half-mile or less in width; contiguous to the current limits of the City of Temple or which will be at the time this petition is considered by the City Council; and has less than three qualified voters as residents. We are petitioning the City Council to take the appropriate action to annex said tract pursuant to Section 43.028 of the Local Government Code.

Woods Robins Trust  
Name of Owner

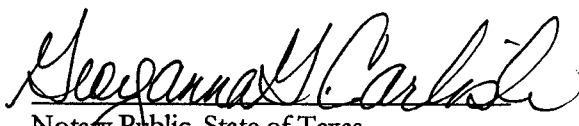
  
Name of Owner

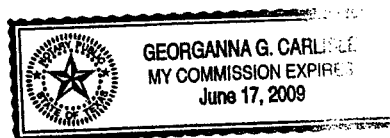
STATE OF TEXAS §

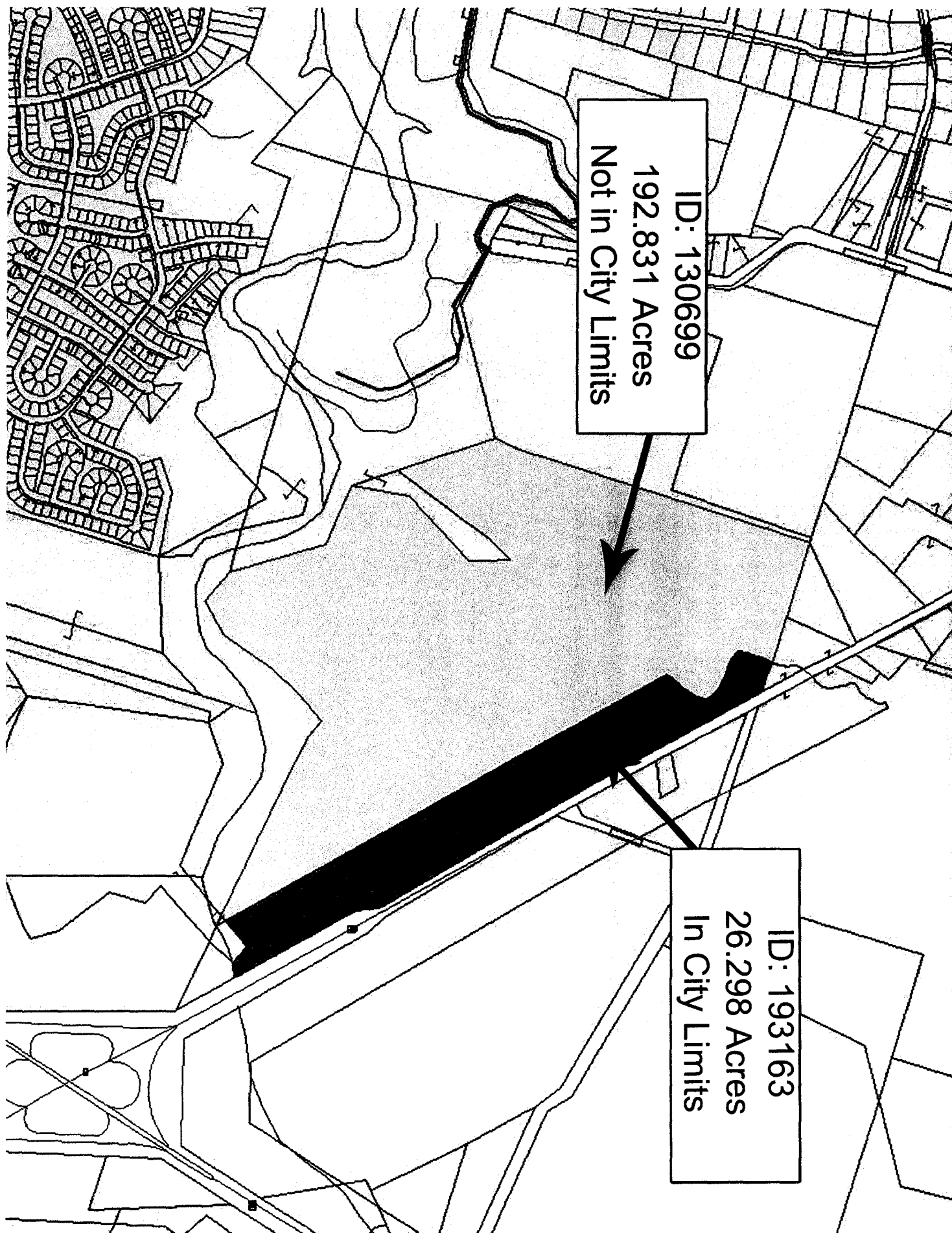
COUNTY OF BELL §

BEFORE ME, the undersigned authority, personally appeared Paul Mark Woods, Known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, for the purpose and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE this the 22<sup>nd</sup> day of January, 2009.

  
Notary Public, State of Texas





ID: 130699  
192.831 Acres  
Not in City Limits

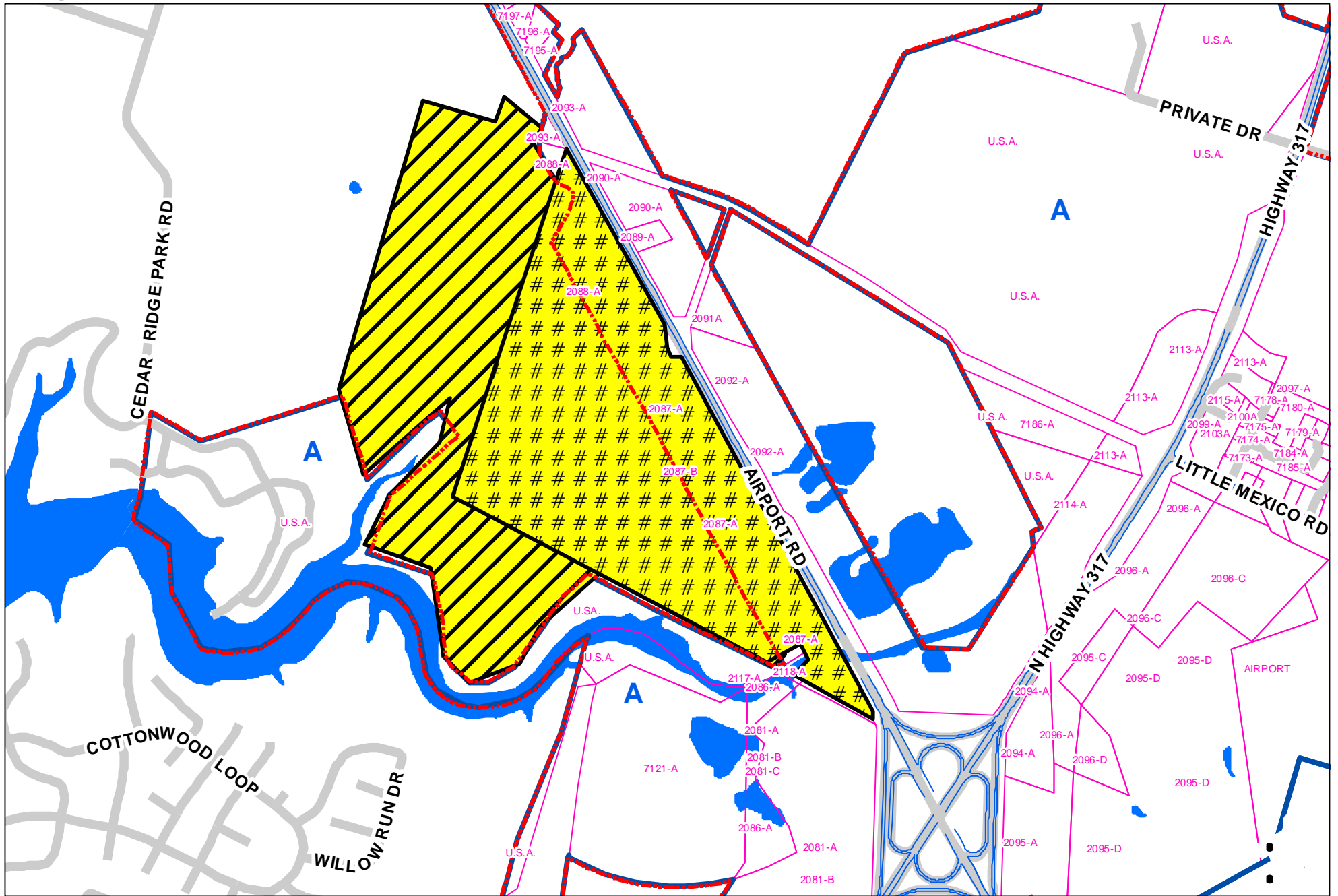
ID: 193163  
26.298 Acres  
In City Limits



Z-FY-09-14

OB# 2087-A&B and 2088-A

Quarry Expansion



Temple Boundary AG Zoning LI Zoning with CUP

CUP for Mining

1 inch = 1,000 feet  
J Stone 2.5.9

**CITY OF TEMPLE  
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – WOODS  
ROBERT TRUST**

For approximately 0.04 square miles situated in Bell County, Texas, located west and north of the current City limits in the proximity of Airport Road (SH 36), north of SH 317, and abutting the City limits, and being more particularly described an Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2009-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection from Station 7 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

**3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

**5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the

applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

#### 6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

#### 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

#### 8. CONSTRUCTION SAFETY

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

#### 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

### CAPITAL IMPROVEMENTS

#### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

#### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in

areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

### 3. WATER AND WASTEWATER FACILITIES

The City of Temple has no water facilities within the boundaries of the voluntary annexation which is served by a rural water corporation, Moffat WSC. In areas served by a rural water supply corporation, which is providing service meeting state standards, no extension of City of Temple water service is planned, and the rural water supply corporation will continue to provide water service.

In areas not served by a rural water supply corporation, the City of Temple proposes no extension of water facilities to the area, taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

The City of Temple has no wastewater providers within the boundaries of the voluntary annexation and property owners rely on septic tank systems. The City of Temple proposes non extensions of wastewater facilities to the boundaries of the voluntary annexation taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

### 4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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## **SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

City of Temple, Texas

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Mayor

ATTEST:

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City Secretary



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

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY CONSISTING OF A 176.534 ACRE TRACT OF LAND IN THE SOUTHWEST CORNER OF THE INTERSECTION OF SH 317 AND SH 36 (AIRPORT ROAD) AND APPROVING A SERVICE PLAN FOR THIS TRACT PROPOSED TO BE ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A ZONING CLASSIFICATION FOR SAID PROPERTY PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City, or portions of property currently subject to a development agreement within the City's ETJ;

**Whereas**, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code;

**Whereas**, the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

**Whereas**, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

**Whereas**, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city;

**Whereas**, there are no dwelling units within the area to be annexed, and no inhabitants; and

**Whereas**, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

**Part 1:** All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**Part 2:** The property consisting of 176.534 acres described in Exhibit "A," attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof, in accordance with the request in the *Petition for Annexation* accepted by the City of Temple, Texas, attached hereto and made a part hereof for all purposes as Exhibit "B."

**Part 3:** The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "C."

**Part 4:** The owners and inhabitants of the Property herein annexed shall be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**Part 5:** The official map and boundaries of the City of Temple, heretofore adopted and amended be and hereby amended so as to include the annexed Property as part of the City of Temple.

**Part 6:** The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as "A," *Agricultural District*, and "LI" *Light Industrial* as shown on the map made a part hereof and attached hereto as Exhibit "D."

**Part 7:** The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

**Part 8:** 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 9:** If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

**Part 10:** 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 11:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED on Second and Final Reading on the **2<sup>nd</sup>** day of **April**, 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