



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, APRIL 2, 2009

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 2, 2009.
2. Receive an update on the I-35 Overlay Project.
3. Presentation and discussion regarding development of a City-wide trails, bike route, and sidewalk master plan.
4. Receive an update on proposed legislation being considered during the 81st Legislative Session.

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

TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Recognition of Residence Inn employees and others assisting with the accident that occurred at the [Residence Inn in Temple](#) on March 12, 2009.
- (B) [Child Abuse Awareness Month](#) April 2009
- (C) [Sexual Assault Awareness Month](#) April 2009
- (D) [National 9-1-1 Education Month](#) April 2009

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes:

- (A) [March 19, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2009-5679-R](#): Consider adopting a resolution authorizing a construction contract with Smetana & Associates of Temple for the relocation of a wastewater line in the vicinity of 3rd Street, Barton Avenue, 5th Street, and Calhoun Avenue in the amount of \$57,062.70.
- (C) [2009-5680-R](#): Consider adopting a resolution authorizing T. Morales Company Electric & Controls, Ltd. of Florence, the City's contracted electrical service provider, to provide installation and programming services related to improvements needed to the City's SCADA system in an estimated amount of \$80,000.
- (D) [2009-5681-R](#): Consider adopting a resolution authorizing an out of scope contract with CH2MHill/OMI of Englewood, Colorado for replacement of the belt press and gravity belt thickener polymer feed units in the not to exceed amount of \$36,585.75.
- (E) [2009-5682-R](#): Consider adopting a resolution authorizing a one-year renewal to the contract with Big Tex Paving of Johnson City for the FY 2009 Seal Coat Program based upon unit price of \$1.76 per square yard.
- (F) [2009-5683-R](#): Consider adopting a resolution authorizing the purchase of exercise equipment for the renovated Summit Fitness & Recreation Center utilizing TxMAS and BuyBoard contracts as part of the parks bond project in the amount of \$118,609.

Ordinances - Second Reading:

- (G) [2009-4288](#): SECOND READING – 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.
- (H) [2009-4289](#): SECOND READING – 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.

Misc.:

- (I) [2009-5684-R](#): Consider adopting a resolution authorizing the City Manager or his designee to authorize the use of an alternative procurement delivery method for procurements that do not relate to a primary contract for construction.
- (J) [2009-5685-R](#): Consider adopting a resolution authorizing City of Temple support for the submittal of a senior citizen tax credit project by Clifton Phillips and Michael Hartman dba Roundstone Development LLC for senior living to be located at 2201 West Adams Avenue.
- (K) [2009-5686-R](#): Consider adopting a resolution authorizing the City Manager to submit a grant application for new police officer positions through the COPS 2009 Stimulus Bill.
- (L) [2009-5687-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

V. REGULAR AGENDA

ORDINANCES

5. **2009-4290:** FIRST READING – PUBLIC HEARING –Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 in an amount not to exceed \$30,000 and authorizing a payment to Temple Economic Development Corporation for the acquisition of Block 2, Lot 12, Enterprise Business Park Phase 2.
6. **2009-4291:** FIRST READING – PUBLIC HEARING - Z-FY-09-14: Consider adopting an ordinance authorizing a Conditional Use Permit for mining and mining storage on 119± acres located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317 and authorizing a zoning change from Agricultural to Light Industrial on a 26.3± acre portion of that tract.

RESOLUTIONS

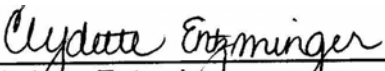
7. **2009-5688-R: RECONSIDER the following acquisition authorized by Council on March 19, 2009:** Consider adopting a resolution authorizing the purchase of three (3) vehicles from Planet Ford of Spring, Texas, in the amount of \$67,393 and rejecting all bids received for two (2) one-ton light duty pickups with special purpose bodies.
8. **2009-5689-R:** Consider adopting a resolution naming the Santa Fe Gardens area at the Santa Fe Depot “Fred Springer Park”.

BOARD APPOINTMENTS

9. **2009-5690-R:** Consider adopting a resolution appointing one member to the Tree Board to fill an unexpired term through March 1, 2012.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:50 PM, on March 27, 2009.



Clydette Entzminger
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ on the _____ day of _____ 2009. _____



COUNCIL AGENDA ITEM MEMORANDUM

04/02/09
Item #3(A)-(D)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- (A) Recognition of Residence Inn employees and others assisting with the accident that occurred at the Residence Inn in Temple on March 12, 2009.
- (B) Child Abuse Awareness Month April, 2009
- (C) Sexual Assault Awareness Month April 2009
- (D) National 9-1-1 Education Month April 2009

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

ITEM SUMMARY:

- (A) Residence Inn has requested the help of the City Council recognize several of their employees, as well as the many individuals that assisted with the accident on March 12, 2009.
- (B) This proclamation was requested by and will be received by Jeannie Pitman, Bell County Child Welfare Board.
- (C) This proclamation was requested by Suzanne Armor, Director of Families in Crisis, and will be received by Barbara Stephens, Temple Families in Crisis Shelter Director.
- (D) This proclamation will be received by representatives from Central Texas Council of Governments.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

04/02/09
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 19, 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 19, 2009 Special Called Meeting & Regular Meeting

TEMPLE CITY COUNCIL

MARCH 19, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 19, 2009, at 4:00 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 19, 2009.

Item 5(M) - Budget Amendments: Councilmember Jeter asked if the \$7,500 funding for the HOP connector route is coming from fund balance.

Traci Barnard, Director of Finance, replied yes.

Councilmember Jeter stated he agreed with funding the connector but he would like to find the funds within the budget. He discussed his desire to budget for such contingencies in the future as opposed to using fund balance.

Mrs. Barnard stated Council contingency funds have not been budgeted in several years, with the exceptions of funds for judgements and damages. She explained a Council approved budget amendment is required for the expenditure of funds from fund balance.

The Council discussed how to fund unforeseen projects during the year.

Mr. Blackburn stated this is a good topic for discussion during the upcoming budget process.

3. Discuss alternate project delivery method options regarding the purchase of goods and services. (Consent Agenda Items 5(I) and (J) - Procurement Options)

David Blackburn, City Manager, stated these two are being discussed in order for staff to get a better sense from Council about what types of procurements to use for various purchases and contracts.

Councilmember Jeter stated he was only concerned with the method of bidding construction projects. He was comfortable with the staff's recommendations regarding other types of purchases.

Belinda Mattke, Purchasing Director, explained the difference between primary and alternative procurement methods. When an alternate method is to be used, the City Council must authorize the method that will provide the best value for the municipality or delegate its authority. Mrs. Mattke continued by reviewing the two specific items on the agenda where alternative procurement methods are being recommended, one being for

video surveillance system, card access system and fiber or wireless infrastructure for the Municipal Court/Utility Business Office facility, Item 5(I), and the other being for the lease of golf carts, Item 5(J).

Following Council discussion, it was the consensus to bring a resolution forward at a future meeting to allow the Council to delegate its authority on procurement methods to the City Manager or his designee, with the exception of construction projects.

Item 5 (K) - Winter Water Average: Traci Barnard, Director of Finance, explained the rationale for winter water averaging to determine a reasonable sewer charge. Due to drought conditions and increased consumption, Mrs. Barnard recommended the winter water average rate not be re-averaged this year. She noted, however, that a customer may request their winter water rate be re-averaged if they feel this will result in a lower sewer charge.

2. Discuss traffic calming processes and policies.

Bruce Butscher, Director of Public Works, provided the Council with an update on traffic calming measures that are being reviewed by staff. Traffic calming is necessary because of excessive speeds, accidents, noise and to increase overall public safety. Measures that can be implemented include increased signage, police presence, road narrowing, rumble strips, speed humps, four-way stops, chokers, neck downs, turn restrictions and half-closures. Mr. Butscher stated staff is considering three categories of measures based on vehicle volume, speed, accidents and various other criteria.

Councilmember Jeter asked if neighborhood density is considered in determining the street type.

Mr. Butscher replied that is figured into the traffic flow.

Councilmember Jeter suggested speed humps be installed when streets are constructed near schools, instead of adding them later.

Councilmember Schneider also recommended speed humps be installed as part of the overlay program.

Traffic calming measures could be initiated by City Council request, City Manager, petition or staff, Mr. Butscher explained. Street Department staff would then perform a study to rank certain criteria before placing the street on a list of proposed projects which would be subject to funding. Possible mechanisms to fund these traffic calming measures include undesignated balance in the Street Department maintenance budget, a designated account in the General Funds, and resident participation.

Mr. Butscher summarized by explaining these are suggestions for possible methods, initiation and funding of traffic calming measures. Other areas need to be explored as this is ultimately a funding and policy issue.

Councilmember Jeter suggested that Child Safety Fees be used to install speed humps where appropriate.

Mr. Blackburn reviewed the policy questions the Council needs to address such as whether the City needs traffic calming policies, whether the proposed methodology is appropriate

and whether more resources should be directed to traffic calming measures. Mr. Blackburn stated these issues will be addressed again during the budget process.

I. CALL TO ORDER

1. Invocation

Doug Young, Associate Pastor, First Baptist Church, voiced the Invocation.

2. Pledge of Allegiance

Members of the Camp Fire USA Tejas Council led the Pledge of Allegiance.

II. PUBLIC APPEARANCES

3. Receive comments from Andrew Machuca regarding oak wilt prevention.

Andrew Machuca, a certified tree worker with Jody's Tree Service, Temple, addressed the City Council regarding oak wilt in our community. He shared some history about the City of Temple and its recognition as a city of trees. Mr. Machuca provided information about oak wilt disease, how it is contracted and spread. He promoted no pruning during the months of February through June when the disease is most likely to be spread. Mr. Machuca also suggested ways the City can inform and educate citizens about oak wilt disease.

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.

Mayor Jones recognized Alan DeLoera, IT Director, for receiving this award from the Texas Association of of Governmental Information Technology Managers . Mr. DeLoera explained the City-wide wireless backhaul and data ring project and its importance to the City.

(B) Absolutely Incredible Kid Celebration April 2, 2009

Mayor Jones presented this proclamation to Karen Allman, Director of Camp Fire USA Tejas Council, and two Camp Fire girls.

Mayor Jones also presented a proclamation to Zoe Rascoe, Keep Temple Beautiful, Inc., in recognition of 'Put it Here' Project Redirectory Days.

IV. PUBLIC COMMENTS

Chester Thompson, 1107 South 10th Street, thanked the Council for the stop sign installed on Avenue M.

V. CONSENT AGENDA

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

(A) March 5, 2009 Special Called Meeting and Regular Meeting

(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 3rd 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.

(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.

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

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

Motion passed unanimously.

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.**

Tim Dolan, Planning Director, presented this case to the City Council. He reviewed the conditions that should be considered when a Conditional Use Permit is being reviewed by Council. Mr. Dolan presented the site plan that will be included as part of the ordinance if approved. He also reviewed the distance requirements for the on-premise consumption of alcohol, noting there is a neighboring church outside of the distance required in the ordinance. Fifteen notices were sent to surrounding property owners, with five being returned in favor and one in opposition of the request. The Planning and Zoning Commission voted 8-0 in approval subject to staff recommendations regarding the CUP conditions, which Mr. Dolan reviewed.

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

Anna Kessler addressed the Council representing David Kessler, her husband and the applicant in this request. She explained this establishment will be family focused.

Mrs. Kessler provided details about the various entertainment aspects to be included in the facility, as well as some of the proposed improvements to the building. There will be a total of 32 bowling lanes, a large arcade, laser tag, party and conference rooms, and a full service restaurant.

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

Motion by Councilmember Russell Schneider to adopt ordinance on first reading and set second and final reading for April 2, 2009, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.

Jonatham Graham, City Attorney, presented this item to the City Council. The applicant is seeking voluntary annexation of their property since they are currently under a development agreement and a proposed change in use would require them to come into the City. Mr. Graham displayed a map of the property being proposed for annexation. There are no residents on this property and the two required public hearings have been held, along with presentation of the municipal services plan. Staff is proposing a portion of the property be rezoned as Light Industrial as part of the annexation ordinance. A separate item to approve a conditional use permit for the property to be used as a quarry will come to Council on second reading of the annexation ordinance.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinance on first reading and set second and final reading for April 2, 2009, seconded by Councilmember Tony Jeter.

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

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

04/02/09
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Assistant Director of Public Works/ Operations
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Smetana & Associates of Temple for the relocation of a wastewater line in the vicinity of 3rd Street, Barton Avenue, 5th Street, and Calhoun Avenue in the amount of \$57,062.70.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008, Council authorized the purchase of the northern two-thirds block bound by 3rd Street, Calhoun Avenue, and 5th Street for the purpose of constructing a new central fire station. As part of preparing the site for construction, an eight-inch wastewater line that runs down the abandoned alleyway in this block needs to be relocated.

Clark & Fuller, PLLC was engaged to design this wastewater line relocation. The wastewater line will be relocated to the east side of 5th Street and will accommodate service tie-ins with the Bank of America drive-thru banking facility along with the new central fire station.

As shown on the attached bid tabulation, on March 17, 2009, five bids were received for this project. Clark & Fuller and City staff are recommending award of the bid to the low bidder, Smetana & Associates of Temple, in the amount of \$57,062.70.

The City has done business with Smetana & Associates in the past and finds them to be a responsible bidder. It is anticipated that this project will be complete by the end of June 2009.

FISCAL IMPACT: In the FY 2007 and FY 2008 Capital Improvement Programs (CIP), \$600,000 was identified and funded for a space needs assessment, Fire Master Plan Update, preliminary design, and land acquisition of the new central fire station. There is currently \$339,104 available in account 361-2200-522-6805, project 100120, to fund the land improvements related to this project.

ATTACHMENTS:

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



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901

March 20, 2009

City of Temple
Belinda Mattke
3210 E. Ave. H
Temple, Texas 76501

Re: City of Temple, Central Fire Station New Sanitary Sewer Main Relocation

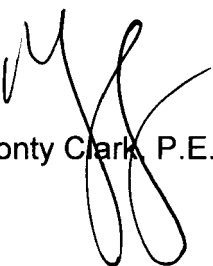
Dear Mrs. Mattke,

We have reviewed the bids for the above referenced project. Smetana & Associates Construction Company, Inc. submitted a Base Bid of \$57,062.70. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to Smetana & Associates Construction Company, Inc. We believe, through personal experience, that Smetana & Associates Construction Company, Inc. is qualified and is capable of providing the sanitary sewer improvements as required in this project.

Smetana & Associates Construction Company, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,



Monty Clark, P.E.

Cc: Thomas Brown, City of Temple, Engineering

Bid Tabulation Sheet

Central Fire Station Sanitary Sewer Main Reconstruction

Bid Date - March 17, 2009

No.	Item Descr.	Est. Quan.	UOM	KAS Backhoe Services, Inc.		Bell Contractors, Inc.		Smetana & Associates		TTG Utilities, Inc		Shelton & Shelton Plumbing, LP	
				Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Exhibit "A" - BID Schedule-Site Preparation													
1	Site R.O.W. Preparation & Clearing	7	STA	\$ 119.42	\$ 776.23	\$ 350.00	\$ 2,275.00	\$ 145.00	\$ 942.50	\$ 400.00	\$ 2,800.00	\$ 319.00	\$ 2,073.50
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 9,113.75	\$ 9,113.75	\$ 3,889.50	\$ 3,889.50	\$ 3,200.00	\$ 3,200.00	\$ 4,250.00	\$ 4,250.00	\$ 12,792.00	\$ 12,792.00
3	Saw Cut, Removal & Replace Ex. HMA/C Pavement	110	SY	\$ 44.03	\$ 4,843.30	\$ 32.50	\$ 3,575.00	\$ 32.00	\$ 3,520.00	\$ 25.00	\$ 2,750.00	\$ 58.43	\$ 6,207.30
4	Sawcut, Remove & Replace Ex. Concrete Pavement	100	SY	\$ 32.26	\$ 3,226.00	\$ 50.00	\$ 5,000.00	\$ 37.00	\$ 3,700.00	\$ 67.26	\$ 6,726.00	\$ 50.21	\$ 5,021.00
5	Remove & Replace Limestone Base Pavement	40	SY	\$ 11.28	\$ 451.20	\$ 27.25	\$ 1,090.00	\$ 13.00	\$ 520.00	\$ 8.00	\$ 320.00	\$ 21.39	\$ 855.60
6	Cap. & Abandon Ex. Sanitary Sewer with flowable sand	115	LF	\$ 8.65	\$ 994.75	\$ 11.40	\$ 1,311.00	\$ 8.00	\$ 920.00	\$ 12.64	\$ 1,453.60	\$ 31.98	\$ 3,677.70
7	Provide & implement a Traffic Control Plan	100%	LS	\$ 1,150.00	\$ 1,150.00	\$ 4,500.00	\$ 4,500.00	\$ 2,062.00	\$ 2,062.00	\$ 2,575.00	\$ 2,575.00	\$ 582.00	\$ 582.00
8	Provide & implement a Trench Safety Plan	100%	LS	\$ 1,725.00	\$ 1,725.00	\$ 2,800.00	\$ 2,800.00	\$ 1,370.00	\$ 1,370.00	\$ 1,550.00	\$ 1,550.00	\$ 2,100.00	\$ 2,100.00
Subtotal Site Preparation Bid:					\$ 22,280.23		\$ 24,440.50		\$ 16,234.50		\$ 22,224.60		\$ 33,309.10
New Sanitary Sewer Main Construction													
9	Demolish & Remove Ex. Sanitary Sewer Manhole	2	EA	\$ 508.88	\$ 1,017.76	\$ 1,540.00	\$ 3,080.00	\$ 485.00	\$ 970.00	\$ 975.00	\$ 1,950.00	\$ 2,106.00	\$ 4,212.00
10	Provide 8" PVC SDR 26 Class 160 pressure rated Main	170	LF	\$ 36.92	\$ 6,276.40	\$ 23.25	\$ 3,952.50	\$ 33.28	\$ 5,657.60	\$ 55.00	\$ 9,350.00	\$ 50.23	\$ 8,539.10
11	Provide 8" PVC SDR 26 Sanitary Sewer Main	460	LF	\$ 39.44	\$ 18,142.40	\$ 21.40	\$ 9,844.00	\$ 33.21	\$ 15,276.60	\$ 42.00	\$ 19,320.00	\$ 50.15	\$ 23,069.00
12	Provide 4" Dia. Precast Conc. Manhole w/ 32" Ring & Lid	5	EA	\$ 2,371.65	\$ 11,858.25	\$ 2,447.00	\$ 12,235.00	\$ 2,168.00	\$ 10,840.00	\$ 3,000.00	\$ 15,000.00	\$ 3,994.00	\$ 19,970.00
13	Provide Connection To Ex. Sanitary Sewer Main	2	EA	\$ 259.26	\$ 518.52	\$ 1,327.00	\$ 2,654.00	\$ 630.00	\$ 1,260.00	\$ 600.00	\$ 1,200.00	\$ 1,872.00	\$ 3,744.00
14	Provide New Sanitary Sewer Service & Service Connection	2	EA	\$ 603.75	\$ 1,207.50	\$ 698.00	\$ 1,396.00	\$ 633.00	\$ 1,266.00	\$ 830.00	\$ 1,660.00	\$ 607.00	\$ 1,214.00
15	Provide Misc. Sanitary Sewer Service Pipe & Replacement	100	LF	\$ 13.08	\$ 1,308.00	\$ 20.50	\$ 2,050.00	\$ 17.73	\$ 1,773.00	\$ 60.00	\$ 6,000.00	\$ 19.86	\$ 1,986.00
16	Provide 16" Steel Pipe Encasement	20	LF	\$ 36.43	\$ 728.60	\$ 345.25	\$ 6,905.00	\$ 77.00	\$ 1,540.00	\$ 65.00	\$ 1,300.00	\$ 67.70	\$ 1,354.00
17	Provide 6" Steel Pipe Encasement	20	LF	\$ 37.50	\$ 750.00	\$ 320.00	\$ 6,400.00	\$ 52.00	\$ 1,040.00	\$ 42.00	\$ 840.00	\$ 48.83	\$ 986.60
18	Provide New Utility Crossing	1	EA	\$ 1,150.00	\$ 1,150.00	\$ 4,820.00	\$ 4,820.00	\$ 1,205.00	\$ 1,205.00	\$ 2,450.00	\$ 2,450.00	\$ 921.00	\$ 921.00
Subtotal New Sanitary Sewer Main Construction :					42,957.43		53,336.50		40,828.20		59,070.00		66,095.70
Total Bid Exhibit "A"					\$ 65,237.66		\$ 77,777.00		\$ 57,062.70		\$ 81,294.60		\$ 99,314.80

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SMETANA & ASSOCIATES CONSTRUCTION COMPANY, INC., OF TEMPLE, TEXAS, FOR THE RELOCATION OF A WASTEWATER LINE IN THE VICINITY OF 3RD STREET, BARTON AVENUE, 5TH STREET, AND CALHOUN AVENUE, IN THE AMOUNT OF \$57,062.70; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 17, 2009, the City received 5 bids for the relocation of a wastewater line in the vicinity of 3rd Street, Barton Avenue, 5th Street, and Calhoun Avenue;

Whereas, the Staff recommends accepting the bid (\$57,062.70) received from Smetana & Associates Construction Company, Inc., of Temple, Texas;

Whereas, funds are available for this project in Account No. 361-2200-522-6805, project 100120; 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 \$57,062.70, with Smetana & Associates Construction Company, Inc., of Temple, Texas, after approval as to form by the City Attorney, for the relocation of a wastewater line in the vicinity of 3rd Street, Barton Avenue, 5th Street, and Calhoun Avenue.

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 2nd day of **April**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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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 T. Morales Company Electric & Controls, Ltd. of Florence, the City's contracted electrical service provider, to provide installation and programming services related to improvements needed to the City's SCADA system in an estimated amount of \$80,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The water treatment and distribution system is continuously monitored through the City's supervisory control and data acquisition system (SCADA), which monitors water levels in tanks, records water quality in the system, and helps operators with treatment of the water at both plants. This current system has been in place for approximately 10 years and is in need of substantial upgrades to keep the system operational and to meet the needs of increased regulatory requirements for site security by 2010. During the last bond issue, a project was identified with funds set aside to complete this work.

Implementation of this project consists of two distinct pieces. The first is to work with the City's IT Department to purchase the necessary components related to acquiring an upgraded radio signal and communications capability within the system for a better signal to be transmitted back to the plant. IT's role also includes acquisition of necessary server equipment and monitors necessary to adequately display the monitored sites. Staff will be coming back to Council at a later date for authorization to make these technology purchases.

The second piece of the project includes having to bring an outside contractor in to complete installation and programming of the specific SCADA components needed to run the system. We have had some discussions with T. Morales Company Electric & Controls, Ltd ("T. Morales"), the City's contracted annual electrical contractor, to complete the work. T. Morales is especially suited to be involved with this project, as they have been an integral part of the history of the water plant and have been the primary programmers involved with the SCADA system. T. Morales has agreed to complete the work at their contracted hourly rates based on the actual time incurred plus a 15% markup on materials, per a scope of services specifically developed to address the components that need to be upgraded. It is estimated that these services and materials related to this project will be approximately \$80,000.

FISCAL IMPACT: Funding in the amount of \$400,000 is currently appropriated in account 561-5100-535-6931, Project #100336 for completion of this work. This contract includes all professional and construction fees associated with the project.

ATTACHMENTS:

[Scope of Services](#)
[Resolution](#)

March 10, 2008

Project: ***Water Treatment Plant & RTU Distribution PLC & SCADA HMI Upgrade
Temple, Texas***

Customer: Mr. Johnny Reisner
City of Temple
4820 Parkside Drive
Temple, Texas 76502

Listed below please find the Scope of Work discussed in regards to the City of Temple upgrade to the existing water plant control PLC systems, Wonderware HMI and Remote terminal units. This Scope of work also includes improvements to the 24Vdc power system and general wiring cleanup.

Proposed Scope of Work:

1. Upgrade to the Modicon's latest PLC programming software is called Unity. Currently all existing Quantum PLCs are utilizing Modicon's ProNxt software except for the Membrane PLC which is programmed utilizing Modicon's Concept software. The City does not own a licensed copy of the ProNxt software. The intent is to upgrade the existing Modicon Quantum PLCs for compatibility with Unity Programming software and provide the City with a licensed copy.
 - A. Purchase copy of the Unity software, licensed to the City, and new Quantum CPU for main plant PLC, Model 140CPU43412U; the old CPU cannot be upgraded to work with the Unity software.
 - B. Upgrade Firmware of all the other Quantum CPUs, Qty 6
 - C. Provide services to convert the existing Quantum PLC programs from ProNxt & Concept to Unity.
2. Currently there is a HMI computer for the main water treatment plant located at the main plant and a HMI computer for the Membrane plant at both the main plant and the Membrane plant. The operator at the main plant can operate both plants but the operator at the Membrane plant can only monitor and operate the Membrane plant. TMC Proposes upgrading the HMI to allow operation of both water plants from either plant's HMI computer.
 - A. Upgrade existing Factory Suite HMI software to Wonderware's Application Server with 5K tags, 5K SQL database 3 workstation licenses.
 - B. Provide services to install above equipment, configure Application Server and merge the Membrane HMI and Conventional WTPs HMI's into a single HMI application. This would allow an operator to operate/control both plants from either site.
3. Upgrade 24Vdc power distribution cabinet located at the main plant. The existing 24Vdc power panel has multiple 24Vdc power supplies installed to power multiple 4-20mA loops. In addition many loops are powered from old pieces of equipment in the old control panel. Propose installing two new 24Vdc power supplies in the existing panel with a redundancy Module so that one power supply backs up the other, adding fusing, and consolidating all of the loops in this panel and eliminating the old equipment.
 - A. Purchase and install Qty 3 (1 spare) 24Vdc power supplies, minimum 180 Watts, and qty 1 Redundancy module with alarm contacts.
 - B. Purchase and install misc. terminal blocks, fuse blocks and wiring to consolidate 4-20mA loop power in existing panel.
 - C. Provide services to clean-up 24Vdc wiring in old control panel.

4. The existing Remote Terminal Units (RTU) located at the storage tanks and pump stations have Modicon Model 612 PLCs installed. The Model 612 is old and not compatible with the Unity software. The City also desires to connect these sites to the newly installed wireless Ethernet network. TMC proposes the following site upgrades:
- A. Airport Tank – Install new Modicon M340 PLC, Ethernet switch, add main power surge protector, re-program and connect to wireless Ethernet network.
 - B. Apache Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, install new power supplies, add UPS, add main power surge protector, clean-up wiring and connect to the wireless Ethernet network.
 - C. Ave G Pump Station – Replace existing enclosure with larger enclosure, install new Modicon M340 PLC, Ethernet switch, replace power supplies, add UPS, add main power surge protector, clean-up wiring and connect to wireless Ethernet network.
 - D. FM2305 Pump Station – Install new Modicon M340 PLC, Ethernet switch, replace power supplies, add UPS, add main power surge protector, clean-up wiring and connect to wireless Ethernet network.
 - E. Loop 363 Pump Station – Replace existing enclosure with larger enclosure, install new Modicon M340 PLC, Ethernet switch, replace power supplies, add UPS, add main power surge protector, clean-up wiring and connect to wireless Ethernet network.
 - F. Nugent Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, install new power supplies, add UPS, add main power surge protector, clean-up wiring and connect to the wireless Ethernet network.
 - G. Old Howard Pump Station – Install new Modicon M340 PLC, Ethernet switch, replace power supplies, add UPS, add main power surge protector, clean-up wiring and connect to wireless Ethernet network.
 - H. Westpark Pump Station – Install new Modicon M340 PLC, Ethernet switch, replace power supplies, add UPS, add main power surge protector, clean-up wiring and connect to wireless Ethernet network.
 - I. Pepper Creek Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, install new power supplies, add UPS, add main power surge protector, clean-up wiring and connect to the wireless Ethernet network.
 - J. Range Road Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, install new power supplies, add UPS, add main power surge protector, clean-up wiring and connect to the wireless Ethernet network.
 - K. Scott Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, install new power supplies, add UPS, add main power surge protector, clean-up wiring and connect to the wireless Ethernet network.
 - L. Taylor Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, install new power supplies, add UPS, add main power surge protector, clean-up wiring and connect to the wireless Ethernet network.
 - M. PRV 1 & PRV 2 – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, add UPS, clean-up wiring add main power surge protector and connect to the wireless Ethernet network.
 - N. 25th Street Tank – Replace PLC with a Modicon Network Interface Module (NIM) with built-in I/O, add Ethernet switch, add main power surge protector and connect to the wireless Ethernet network.
 - O. 720 Tank – Replace PLC with a Modicon M340 PLC, add Ethernet switch, install new power supplies, add main power surge protector and connect to the wireless Ethernet network.
 - P. Master Polling PLC at main water plant – add Ethernet port to allow polling sites via the wireless Ethernet network.

Q. Purchase Unity software with cables

R. Provide spares for PLCs, NIMs, power supplies, UPS's, etc.

The final item discussed was providing labor to "clean-up" the wiring at the main water treatment plant. Much of the wiring going to the PLC in the main panel is routed thru the old control panel and is jumpered to old terminal blocks. The work involved would be to trace the wiring, label, terminate to new blocks and route in cable tray as much as possible.

If you have any questions please email me at Reldridge@moralescompany.com or I can be reached at the office (254-793-4344) or mobile at (254-415-9121) if you may have any further questions regarding this proposal.

Sincerely;
Randy M. Eldridge, COO

T. Morales Company Electric & Controls, Ltd.
P.O. Box 859
Florence, Texas 76527
Ph 254-793-4344
Fax 254-793-3044
Email: reldridge@moralescompany.com
Web: www.moralescompany.com

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING T. MORALES COMPANY, ELECTRIC & CONTROLS, LTD., OF FLORENCE, TEXAS, THE CITY'S CONTRACTED ELECTRICAL SERVICE PROVIDER, TO PROVIDE INSTALLATION AND PROGRAMMING SERVICES RELATED TO IMPROVEMENTS NEEDED TO THE CITY'S SCADA SYSTEM, IN AN ESTIMATED AMOUNT OF \$80,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the water treatment and distribution is continuously monitored through the City's supervisory control and data acquisition system (SCADA), which monitors water levels in tanks, records water quality in the system, and helps operators with treatment of the water at both plants;

Whereas, the current system is in need of substantial upgrades to keep the system operational and to meet the needs of increased regulatory requirements for site security by 2010;

Whereas, the Staff recommends a contract with T. Morales Company, Electric & Controls, Ltd., of Florence, Texas, for this project since the company has been the primary programmers involved with the SCADA system at the water treatment plant;

Whereas, funds are available for this project in Account No. 561-5100-535-6931, Project #100336; 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, in an estimated amount of \$80,000, between the City of Temple and T. Morales Company, Electric & Controls, Ltd., of Florence, Texas, after approval as to form by the City Attorney, to provide installation and programming services related to improvements to the City's SCADA system at the City's Water Treatment Plant.

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 **2nd** day of **April**, 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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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an out of scope contract with CH2MHill/OMI of Englewood, Colorado for replacement of the belt press and gravity belt thickener polymer feed units in the not to exceed amount of \$36,585.75.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Major upgrades of the Doshier Wastewater Treatment Plant were completed in 1994. Since that time, only minor maintenance has occurred at the facility. The plant utilizes two existing belt press feed pumps which supply chemical to the belt press for pressing sludge. Recently, the two belt press feed pumps were replaced. This contract is to replace the polymer feed units which supply the polymer to the pumps.

CH2MHill/OMI (contract operators of the Doshier WWTP facility) have prepared the attached out of scope letter proposal to complete the work. Specific information for tasks to be performed related to replacement of the polymer feed units are described in more detail in the attached documentation.

Per the existing operational contract with OMI, Article 2.8.1 (Financing) states that when requested by the City, OMI shall finance capital improvement projects relating to Doshier WWTP that have been requested or authorized by the City, subject to mutually agreeable terms and conditions of repayment. Additionally, Article 2.9 (Incidental Services) states that OMI shall perform other services that are incidental to the performance by OMI of the services required as directed by the City at OMI's cost plus not more than 15%. Public Works staff recommends that this work be performed utilizing the services of CH2MHill through the attached out of scope contract proposal.

FISCAL IMPACT: Funding in the amount of \$50,000 is currently appropriated in account 520-5500-535-6310, Project # 100458 for completion of this work. This contract includes all professional and construction fees associated with the project.

ATTACHMENTS:

[OMI Proposal
Resolution](#)



CH2MHILL
OMI

CH2M HILL OMI
9193 S. Jamaica Street
Suite 400
Englewood, CO 80112
P.O. Box 6607
Englewood, CO 80155
Tel 303.740.0019
Fax 303.740.7061

2/18/2009

Mrs. Nicole Torralva, P.E.
City of Temple
3210 East Ave H, Bldg A
Temple, Texas 76501

Subject: Out-of-Scope Letter Agreement

Dear Mrs. Torralva,

CH2M HILL OMI is pleased to present you pricing for the replacement of the belt press and gravity belt thickener Stranco Polymer Feed Units. The current units were installed in 1994.

What is being provided:

Gravity Belt Thickener:

- Removal of the old Stranco Unit
- Provide and Install new 1200 gpm Stranco Polyblend Unit part # M1200-D4AA
- Provide all necessary valves and electrical parts for installation
- Start-up of unit

Belt Press:

- Remove the old Stranco Unit
- Provide and install new 2400 gpm Stranco Polyblend Unit part # M2400-D10AA
- Provide all necessary valves and electrical parts for installation
- Start-up of unit

Both units are being furnished by Environmental Improvements and are the sole source representative for Siemens Water Technologies (Stranco) products for our area. (Letter Attached)

All removed parts will be retained by the City of Temple

When it is being provided: *All work to be completed by contract year end (September 30, 2009).*

Price of services: *According to article 2.9 Incidental Services, OMI shall perform other services required that are incidental to the performance by OMI of the services required by this Article as directed by City.*

Such services will be invoiced to City at OMI's cost plus not more than fifteen percent.

Estimate of Costs: \$36,585.75

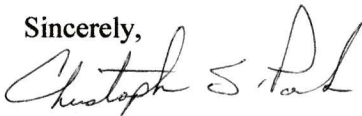
Payment terms: *According to Article 5.2 Other Payments, All other compensation to OMI is due on receipt of OMI's invoice and payable within thirty days.*

All other terms and conditions of the Agreement dated September 30th, 2004 between OMI and the City of Temple remains in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL OMI appreciates the opportunity to provide these additional services to the City of Temple.

Sincerely,



Christopher S. Parker

CH2M HILL OMI Project Manager

Both parties indicate their approval of the above described services by their signature below.

Authorized CH2M HILL OMI:

Authorized City of Temple:

Date: _____

Date: _____



Brian F. Shugrue
Sales Channel Manager
Chemical Feed & Disinfection
Siemens Water Technologies

10300 Suncrest Drive
Leavenworth, WA 98826
PH: 509-548-6408
FAX: 509-548-2382
brian.shugrue@siemens.com

February 16, 2009

TO: City of Temple Wastewater Treatment Plant - OMI

RE: Environmental Improvements – Territory Confirmation

This is to confirm that Environmental Improvements is the sole source representative for Siemens Water Technologies (Stranco) products in your area.

If you have any questions, please feel free to contact us at any time.

Thank you.

Brian Shugrue
Sales Channel Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN OUT OF SCOPE CONTRACT WITH CH2M HILL/OMI OF ENGLEWOOD, COLORADO, FOR REPLACEMENT OF THE BELT PRESS AND GRAVITY BELT THICKENER POLYMER FEED UNITS AT THE DOSHIER FARM WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$36,585.75; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Doshier Wastewater Treatment Plant utilizes two existing belt press feed pumps which supply chemical to the belt press for pressing sludge – recently the two belt press feed pumps were replaced and the Staff now recommends that the belt press and gravity belt thickener polymer feed units be replaced;

Whereas, CH2M Hill/OMI, the contract operators at the Doshier Farm Wastewater Treatment Plant, have submitted a proposal for this project;

Whereas, the Staff recommends approval of an out of scope contract with OMI for an amount not to exceed \$36,585.75;

Whereas, funds are available for this project in Account No. 520-5500-535-6310, Project #100458; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an out of scope contract with CH2M Hill/OMI of Englewood, Colorado, after approval as to form by the City Attorney, for replacement of the belt press and gravity belt thickener polymer feed units at the Doshier Farm Wastewater Treatment Plant, for a cost not to exceed \$36,585.75.

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 2nd day of April, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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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 Big Tex Paving of Johnson City for the FY 2009 Seal Coat Program based upon unit price of \$1.76 per square yard.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 1, 2008, the City authorized a contract with Big Tex Paving for the construction of the FY 2008 Seal Coat Program. The current contract expired 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 is pleased with the products provided by Big Tex Paving 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: \$120,000 in account 110-3400-531-2322
Unit price award amount \$1.76 per square yard.

(Estimated annual expenditure of \$120,000; if additional funds are identified for seal coating 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 BIG TEX PAVING OF JOHNSON CITY, TEXAS, FOR THE FY2009 SEAL COAT PROGRAM BASED ON A UNIT PRICE OF \$1.76 PER SQUARE YARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 1, 2008, the City Council approved a contract with Big Tex Paving of Johnson City, Texas, for the FY 2008 Seal Coat Program which was based on a unit price of \$1.76 per square yard;

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. 110-3400-531-2322 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 Big Tex Paving of Johnson City, Texas, after approval as to form by the City Attorney, for the construction of the FY2009 Seal Coat Program based on a unit price of \$1.76 per square yard.

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 **2nd** day of **April**, 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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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of exercise equipment for the renovated Summit Fitness & Recreation Center utilizing TxMAS and BuyBoard contracts as part of the parks bond project in the amount of \$118,609.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the Parks Bond Election, passed during a citizen vote in November 2007, the Summit Fitness & Recreation Center was approved for expansion. We are requesting City Council approval for the following exercise equipment purchases that exceed \$25,000 per purchase:

1. Eight (8) C954i Precor Programmable Treadmills, two (2) C776ie Precor\climbers, one (1) C240 Precor Stretch Trainer, two (2) Precor AMT Adaptive Motion Trainers, two (2) Espresso Upright Bikes, including freight and installation from Marathon Fitness (TXMAS Contract 9-78010) in the amount of \$57,775;
2. Four (4) E Series Total Body Trainers, six (6) E Series Recumbent Bicycles, five (5) 7070 New Spinner Pro spin bicycles, including freight and installation from Star Trac (TXMAS Contract 7-78070) in the amount of \$34,129; and
3. One (1) two-station Sportwall, one (1) Pro X XerDance server with software, four (4) XerDance wireless dance pads, four (4) XerDance practice pads, one (1) Pro X 4-player license package, one (1) Premium Sound System, six (6) 4-year extended warranties, including freight and installation from FITCO Fitness Center Outfitters (Buy Board quote 10785DN) in the amount of \$26,705.

The total cost of above exercise equipment associated with providing improved exercise, fitness and recreation opportunities in support of the Summit expansion is \$118,609.

Staff is recommending the use of the Texas Multiple Award Schedule (TXMAS) and the BuyBoard contracts to purchase these items. Using TXMAS and the BuyBoard will provide the exact same commercial-grade exercise equipment sold in the retail market at a savings of over \$74,560.

Staff is also planning to purchase (1) SM916 Nautilus StairMaster through the TXMAS Contract in the amount of \$4,099. In addition to the above purchases through the TXMAS and BuyBoard contracts, staff is proposing the purchase of the following items totaling \$15,179 based on written quotes: three (3) S3YBIKE Espresso Youth Bikes, one (1) Espresso wireless base station router, and one (1) H2O RX-950 Club Series Rowing Machine.

The proposed purchase of this fitness equipment will provide expanded exercise capabilities for over 50 more people at any given time at the Summit, and for the first time, provide quality, industry-recognized and appealing exercise opportunities for youngsters. The proposed purchase will provide a wide variety of exercise options considered essential in the commercial health and wellness environment.

FISCAL IMPACT: Funding in the amount of \$1,625,000 was designated in the 2008 General Obligation Bond Issue for the Summit Expansion. To date, \$1,493,807 has been expended for engineering, construction and miscellaneous costs related to the project. A balance of \$131,193 is available in account 362-3200-551-6841, project # 100359 to fund the purchase of exercise equipment. Attached is a budget adjustment in the amount of \$6,694 appropriating interest earnings from the bond proceeds to fund the remaining cost of the equipment. The total cost of exercise equipment associated with providing improved exercise, fitness and recreation opportunities of the Summit expansion is \$137,887.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
362-3200-551-68-41	100359	Summit Recreation Center Expansion	\$ 6,694	
362-0000-461-01-11		Interest Income	6,694	
TOTAL.....			\$ 13,388	\$ -

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

Appropriate interest earnings to partially fund the purchase of exercise equipment at the Summit Recreation Center. After appropriating \$6,694 of interest earnings, a balance of \$51,125 is available of earned interest income through February 28, 2009, to allocate to parks bond projects.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

4/2/2009

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 THE PURCHASE OF EXERCISE EQUIPMENT FOR THE RENOVATED SUMMIT FITNESS & RECREATION CENTER UTILIZING TXMAS AND BUYBOARD CONTRACTS AS PART OF THE PARKS BOND PROJECT, IN THE AMOUNT OF \$118,609; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the Parks Bond Election passed during a citizen vote in November, 2007, the Summit Fitness & Recreation Center was approved for expansion;

Whereas, the Staff recommends purchasing exercise equipment totaling \$118,609 by utilizing TxMAS and BuyBoard contracts for the renovated Summit Fitness & Recreation Center, which equipment is necessary to provide improved exercise, fitness and recreation opportunities in support of the facility expansion;

Whereas, funds are available for these purchases in Account No. 362-3200-551-6841, Project # 100359, but an amendment to the FY2008-2009 budget needs to be approved to appropriate interest earnings from the bond proceeds to fund the remaining cost of the equipment; 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 the following exercise equipment for the renovated Summit Fitness & Recreation Center, in the amount of \$118,609:

Eight (8) C954i Precor Programmable Treadmills, two (2) C776ie Precor\climbers, one (1) C240 Precor Stretch Trainer, two (2) Precor AMT Adaptive Motion Trainers, two (2) Espresso Upright Bikes, including freight and installation from Marathon Fitness (TXMAS Contract 9-78010) in the amount of \$57,775;

Four (4) E Series Total Body Trainers, six (6) E Series Recumbent Bicycles, five (5) 7070 New Spinner Pro spin bicycles, including freight and installation from Star Trac (TXMAS Contract 7-78070) in the amount of \$34,129; and

One (1) two-station Sportwall, one (1) Pro X XerDance server with software, four (4) Xerdance wireless dance pads, four (4) XerDance practice pads, one (1) Pro X 4-player license package, one (1) Premium Sound System, six (6) 4-year extended warranties, including freight and installation from FITCO Fitness Center Outfitters (Buy Board quote 10785DN) in the amount of \$26,705.

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

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

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

PASSED AND APPROVED this the 2nd day of **April**, 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

04/02/09
Item #4(G)
Consent Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance on second and final reading. 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:

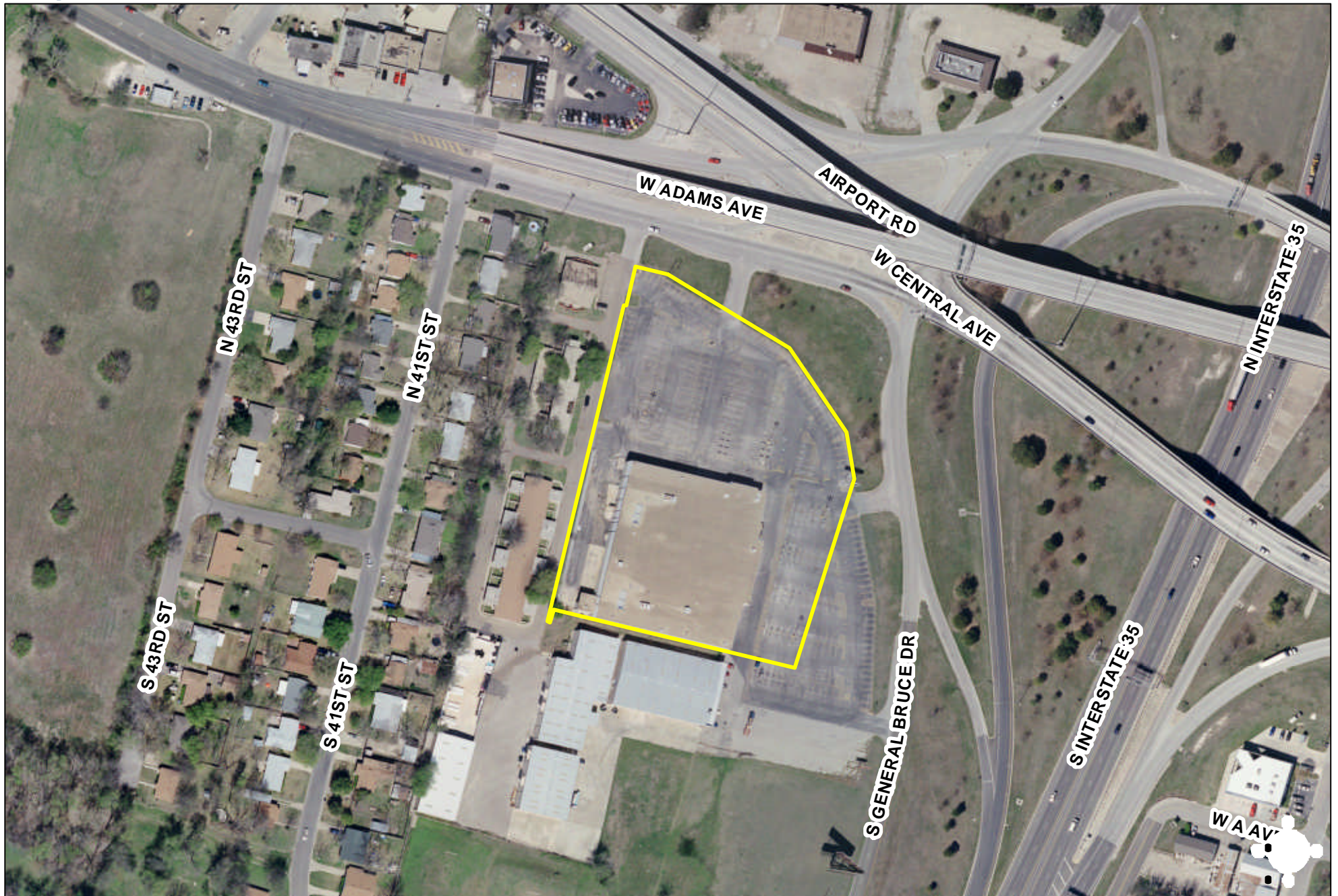
Aerial Map
Land Use Map
Zoning Map
Notice Map
Distance Map from Residence and Leased Church
Site Plan
Application
Overview Description of the proposed Family Entertainment Center
P&Z Staff Report
P&Z Minutes
Ordinance



Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



 Area of Proposed Zoning

CUP for Alcohol

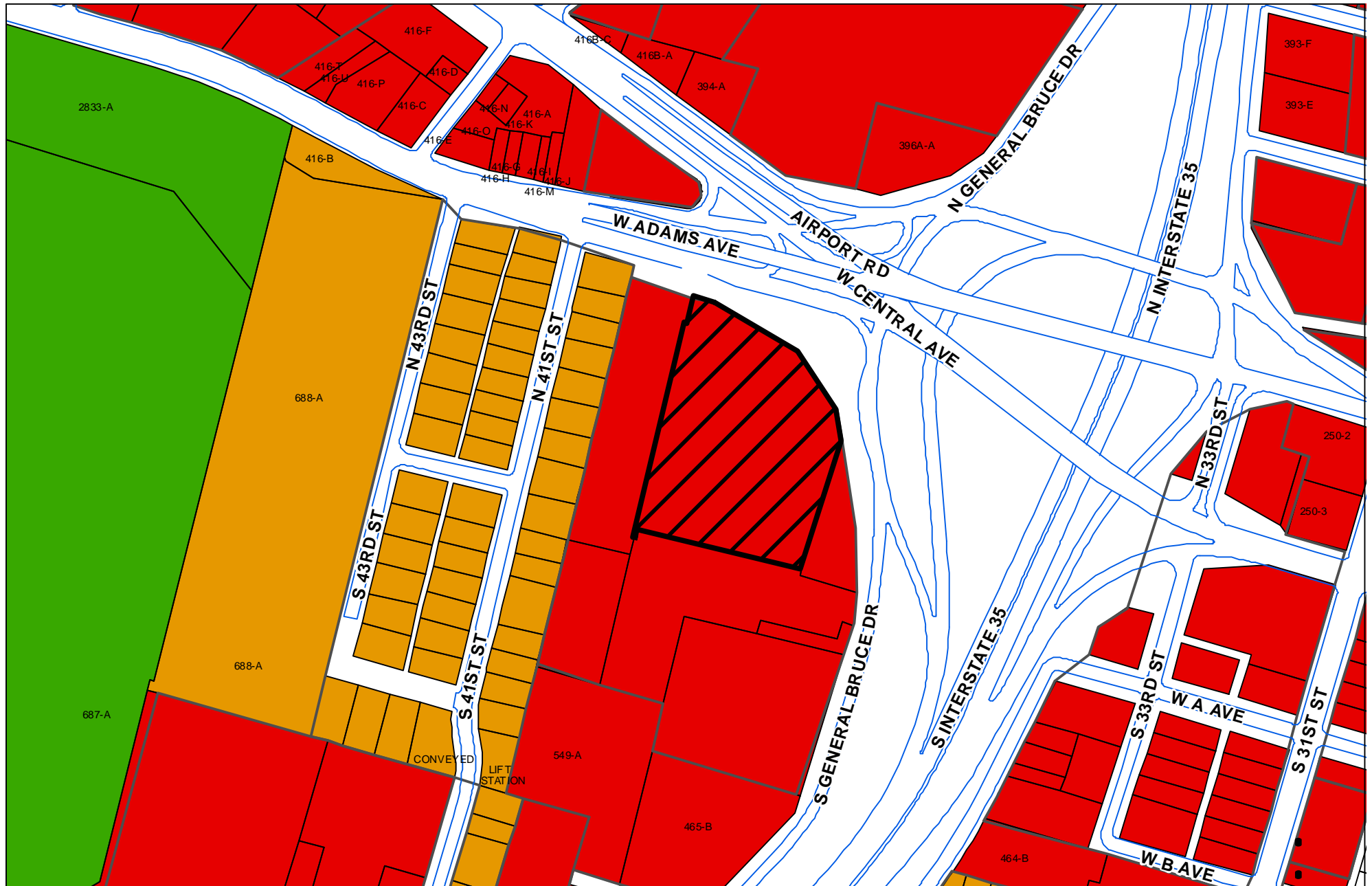
1 inch = 200 feet
J Stone 2.5.9



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 |

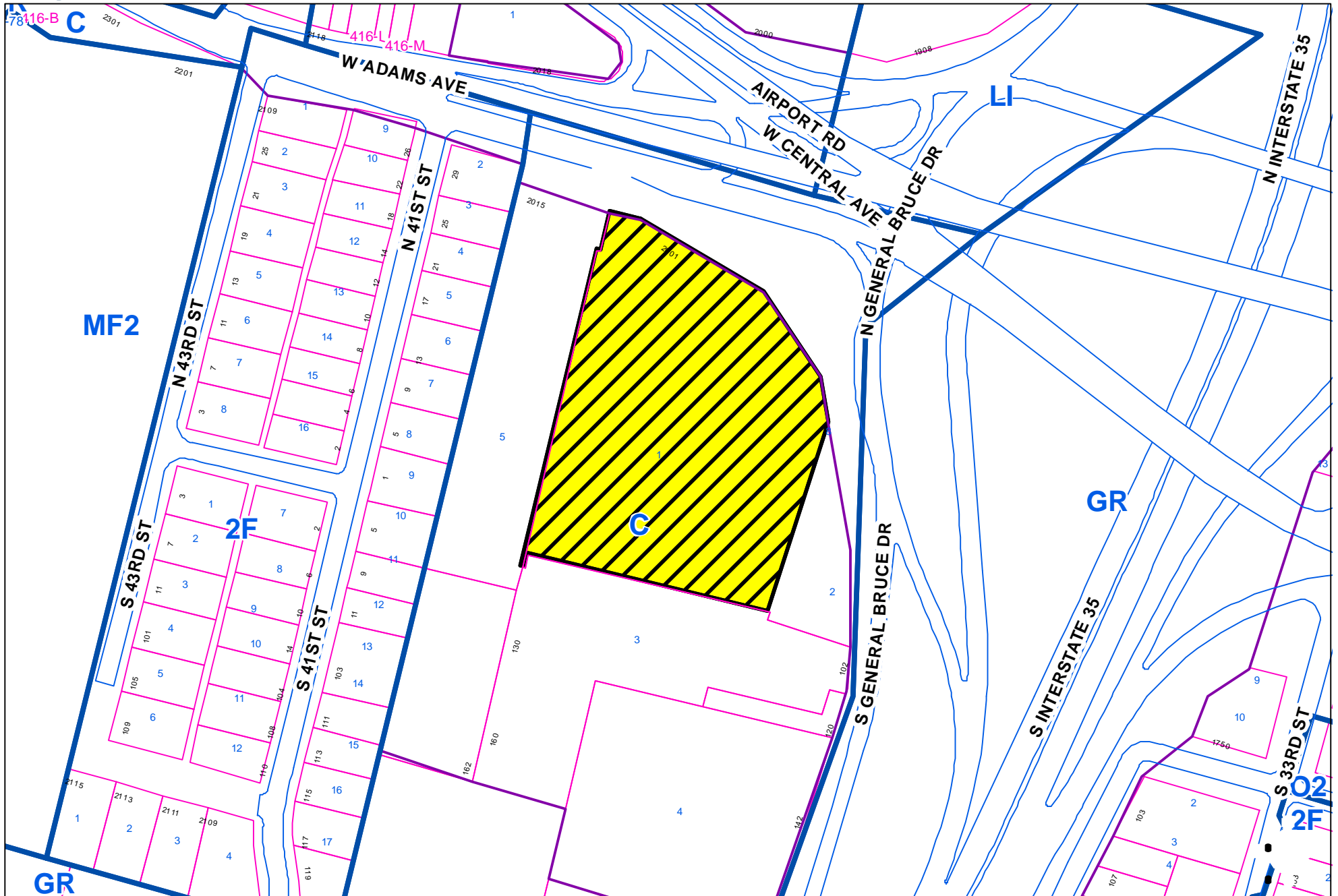
1 inch = 300 feet
J Stone 2.5.9



Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



Area of Proposed Zoning

CUP for Alcohol

1 inch = 200 feet

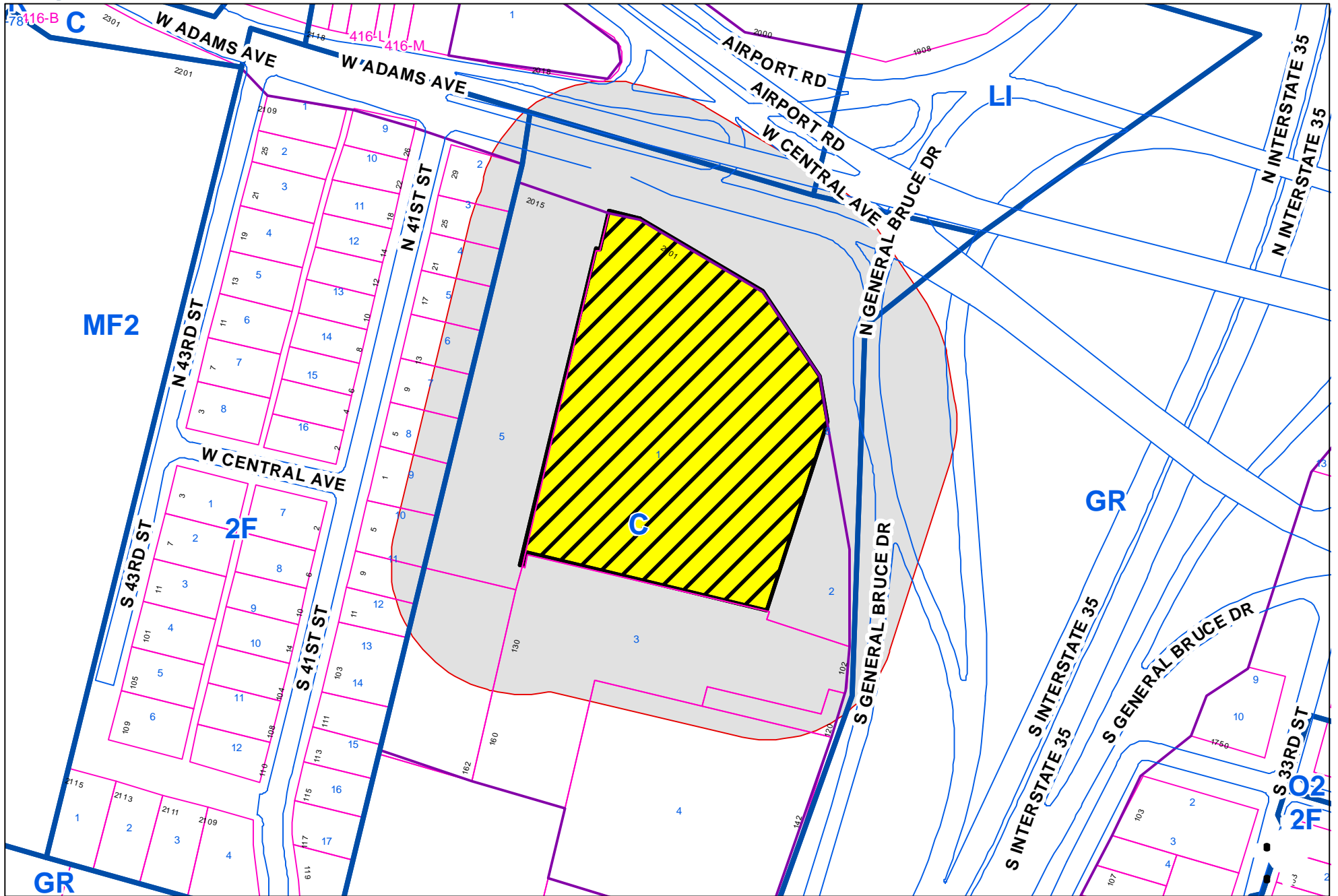
J Stone 2.5.9



Z-FY-09-15

Tract 1, Albertson's Addition Replat

Proposed Kazam's



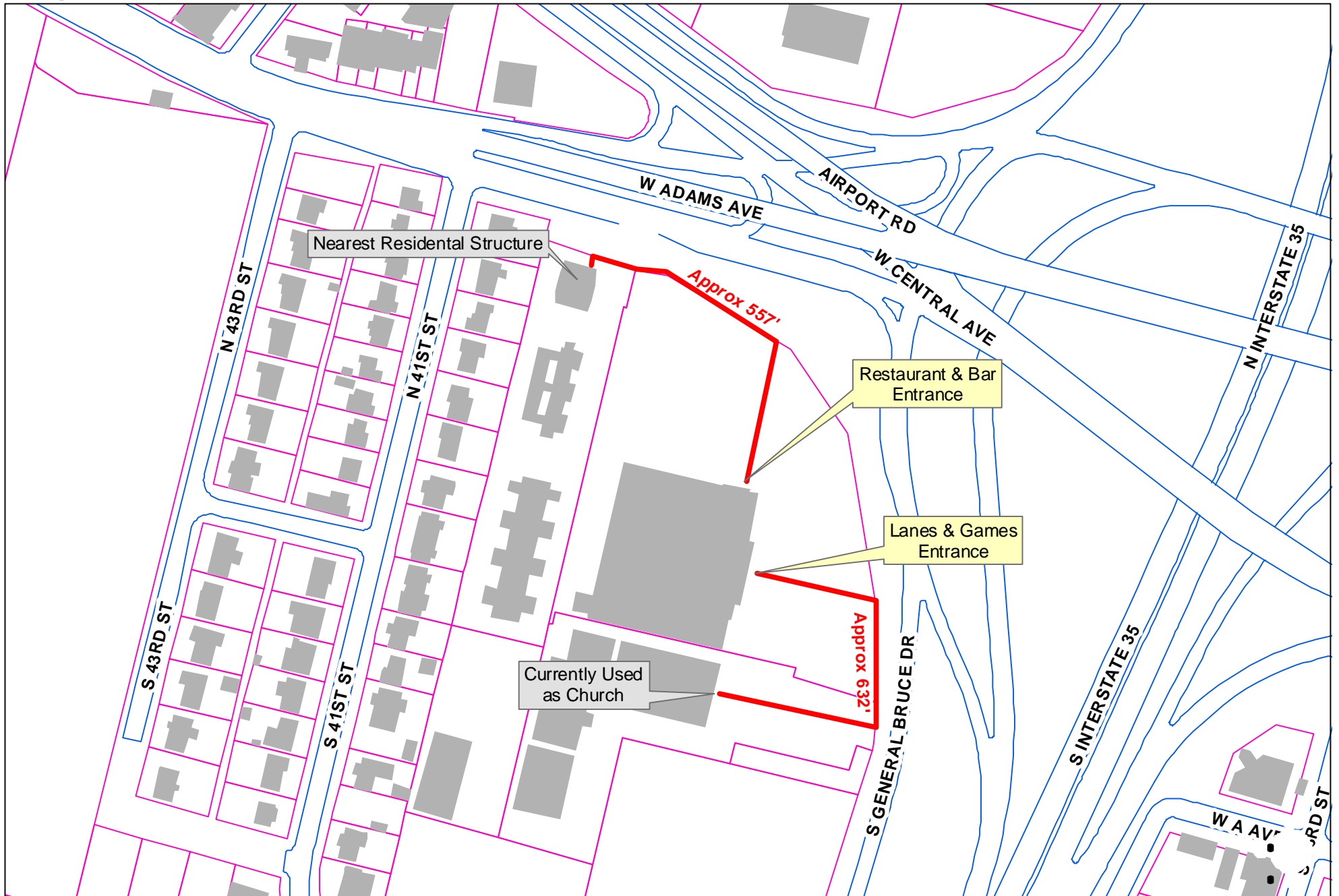
1 inch = 200 feet
J Stone 2.5.9



Z-FY-09-15

Tract 1, Albertson's Addition Replat

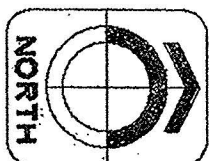
Proposed Kazam's



CUP for Alcohol

1 inch = 200 feet

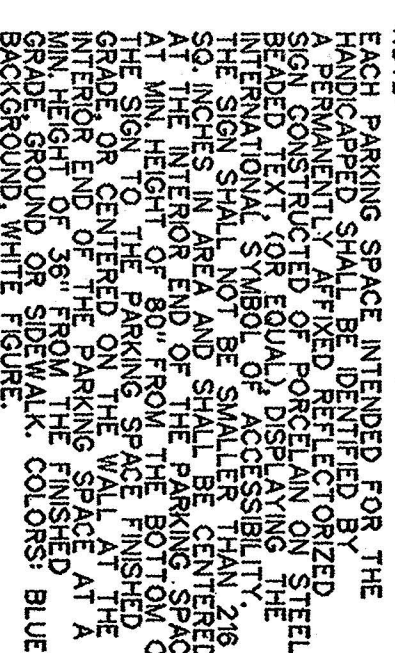
J Stone 2.5.9



10 CONTACT INFORMATION



OWNER'S
AL JESSE
AL PENTONIC INC



MATERIAL SHALL BE REMOVED OFF-SITE. SAWCUT ALL SURFACES FOR CLEAN, STRAIGHT VERTICAL SURFACES

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 PAVEMENT IN A RECTANGULAR SHAPE AROUND THE OUTSIDE OF CRACKED AREA OR AS SPALL. REMOVE ALL MATERIAL TO AT LEAST A DEPTH OF 6". FILL WITH HOT COMPACTED ASPHALT. APPLY TACK COAT TO THE SAWCUT EDGES AND FILL IN ASPHALT. CONCRETE

10 CONTACT INFORMATION

ARCHITECT:	ROGER P. GRAYMAN, AIA 17500 OLD GROVE ROAD BOISE, IDAHO 83708
CONTACT PARTY:	JOHN SHAW 208/285-6621 208/285-6622 208/285-6655 208/335-6412 (FAX)
MECHANICAL ENGINEER:	DAVID MICKROFF, P.E. MUSKOGEE ENGINEERING BOISE, IDAHO 83708 208/384-0785 (FAX)
ELECTRICAL ENGINEER:	PAL BURK, P.E. BOISE, IDAHO 83702 208/333-8658 (FAX)
OWNER:	A. HERTSON'S INC. GENERAL OFFICES BOISE, IDAHO 83726
OWNER'S REPRESENTATION:	AL HERTSON A. HERTSON'S INC. 17500 OLD GROVE ROAD BOISE, IDAHO 83708 208/588-3944

11 SCHEDULE OF GENERAL NOTES

- [illegible]

12 CODE INFORMATION

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

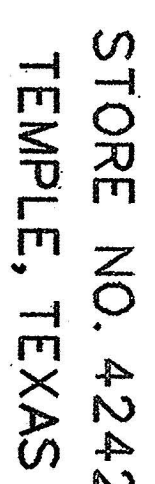
AREA CALCULATIONS
EXISTING BUILDING (GROUND FLOOR):
PROPOSED BUILDING (GROUND FLOOR):
SALES AREA:

- SALES AREA:
- SUPPORT AREA:
- MEZZANINE AREA:

OCCUPANCY LOAD
SALES AREA (RETAIL): (30)
SUPPORT AREA (STORAGE, STOCK, SHIPPING): (300)
VERTICAL AREA: (700)


















TOTAL OCCUPANCY

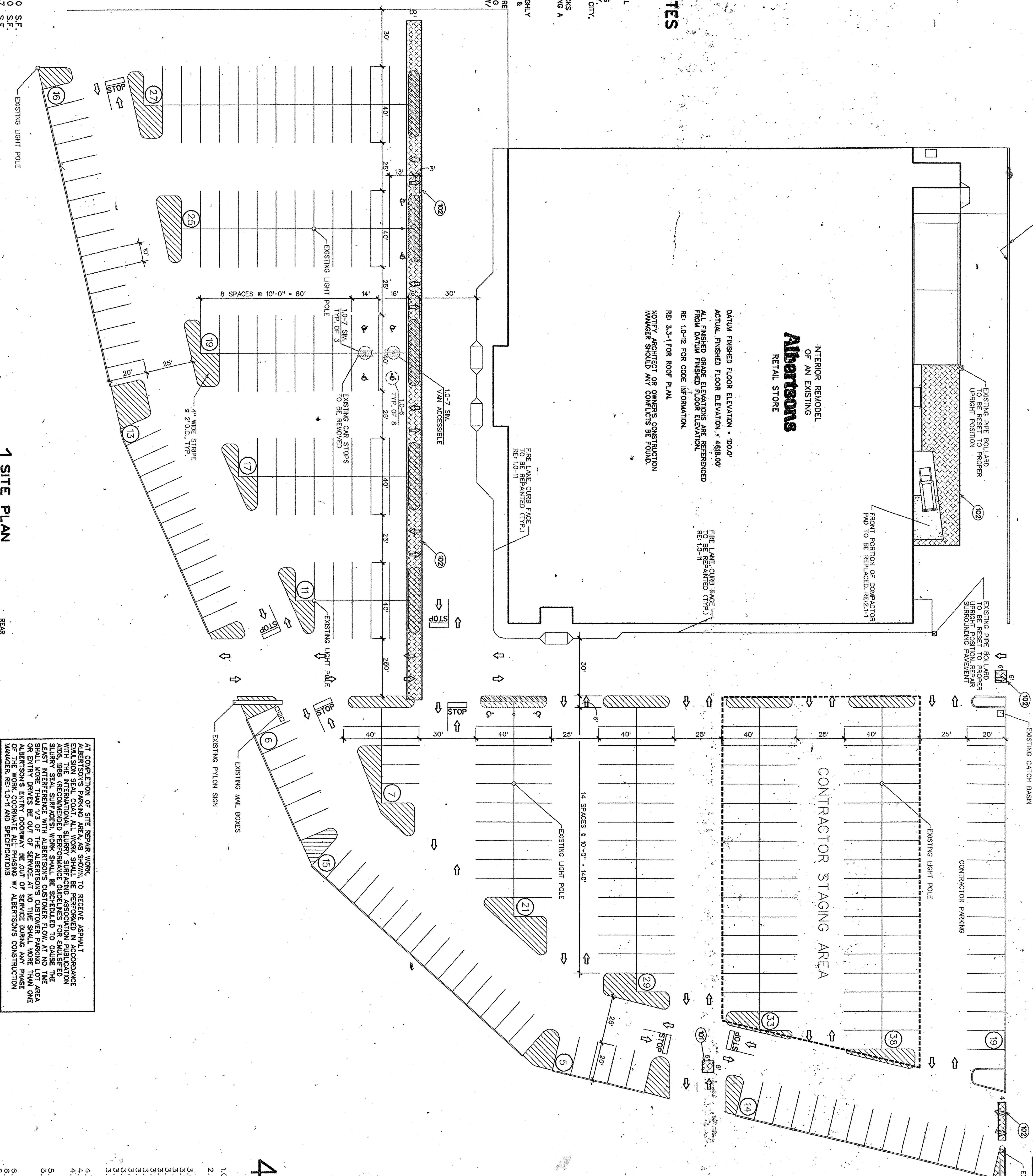
EXIT WIDTH
OCCUPANT LOAD: 1339
TOTAL EXIT WIDTH REQUIRED: 1339 / 50 = 27
TOTAL EXIT WIDTH PROVIDED: 30



MATERIALS

- [illegible]

- | | |
|---|--|
|  | BRICK - BRICK WITH CHU ABOVE |
|  | STUD PARTITION |
|  | MASONRY WALL |
|  | CONCRETE |
|  | EARTH OR COMPACTED FILL |
|  | DRAINAGE FILL |
|  | METAL |
|  | BATT INSULATION |
|  | WOOD CONTINUOUS BLOCKING |
|  | FINISHED WOOD |
|  | GYPSUM BOARD |
|  | PLYWOOD |
|  | FIBERGLASS INSULATION (NOT IN CONTACT) |
|  | RIGID INSULATION |
|  | PARTICLE/FIBER BOARD |
|  | MOISTURE RESISTANT BOARD |
|  | EXPOSED LIGHT POLE |

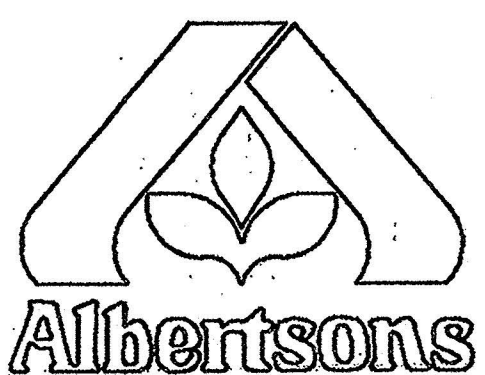


4 SCHEDULE OF DRAWINGS

- | | |
|----|--|
| 10 | TITLE SHEET, SITE PLAN |
| 21 | SLAB PLAN, DETAILS |
| 30 | FLOOR PLANS |
| 31 | DEMOLITION PLAN |
| 32 | EXISTING ELEVATIONS |
| 33 | ROOM FINISH SCHEDULE |
| 34 | FLOOR FINISH PLANS |
| 35 | FLOOR FINISH SCHEDULE |
| 36 | DOOR & WINDOW SCHEDULES |
| 37 | EQUIPMENT SCHEDULE |
| 38 | FUTURE PLAN |
| 40 | WASTE & VENT PLAN |
| 41 | PUMPING WATER & GAS PLAN |
| 42 | HEATING WATER SUPPLY & DETAILS |
| 50 | MECHANICAL DETAILS, WINDING DIAGRAMS & SCHEDULES |
| 60 | REGENERATION SCHEDULE |
| 61 | REGENERATION DETAILS |
| 62 | WINDING DIAGRAMS |
| 70 | ELECTRICAL SCHEDULES |
| 71 | POWER PLANS |
| 72 | REGULATION & HVAC PLANS |
| 73 | ELECTRICAL DIAGRAMS |
| 74 | ELECTRICAL SCHEDULES |
| 75 | ELECTRICAL DEMOLITION 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

0

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:
1 Subdivision: Albertson's Reg'd

Outblock (if not platted): _____

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

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

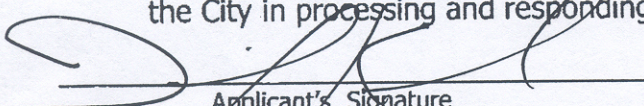
IF CUP is granted, when would proposed use begin? August 2009

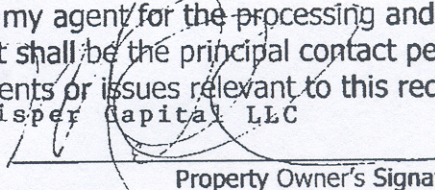
Filing Fee: The CUP Application requires a filing fee of \$150 plus \$3 per acre or portion over one acre. The fee for processing this application is to cover the cost of public notice and necessary adjacent property owner notification. The fee is not refundable, except that a 25% refund will be made 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

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.

	Zoning	Use	Description
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.

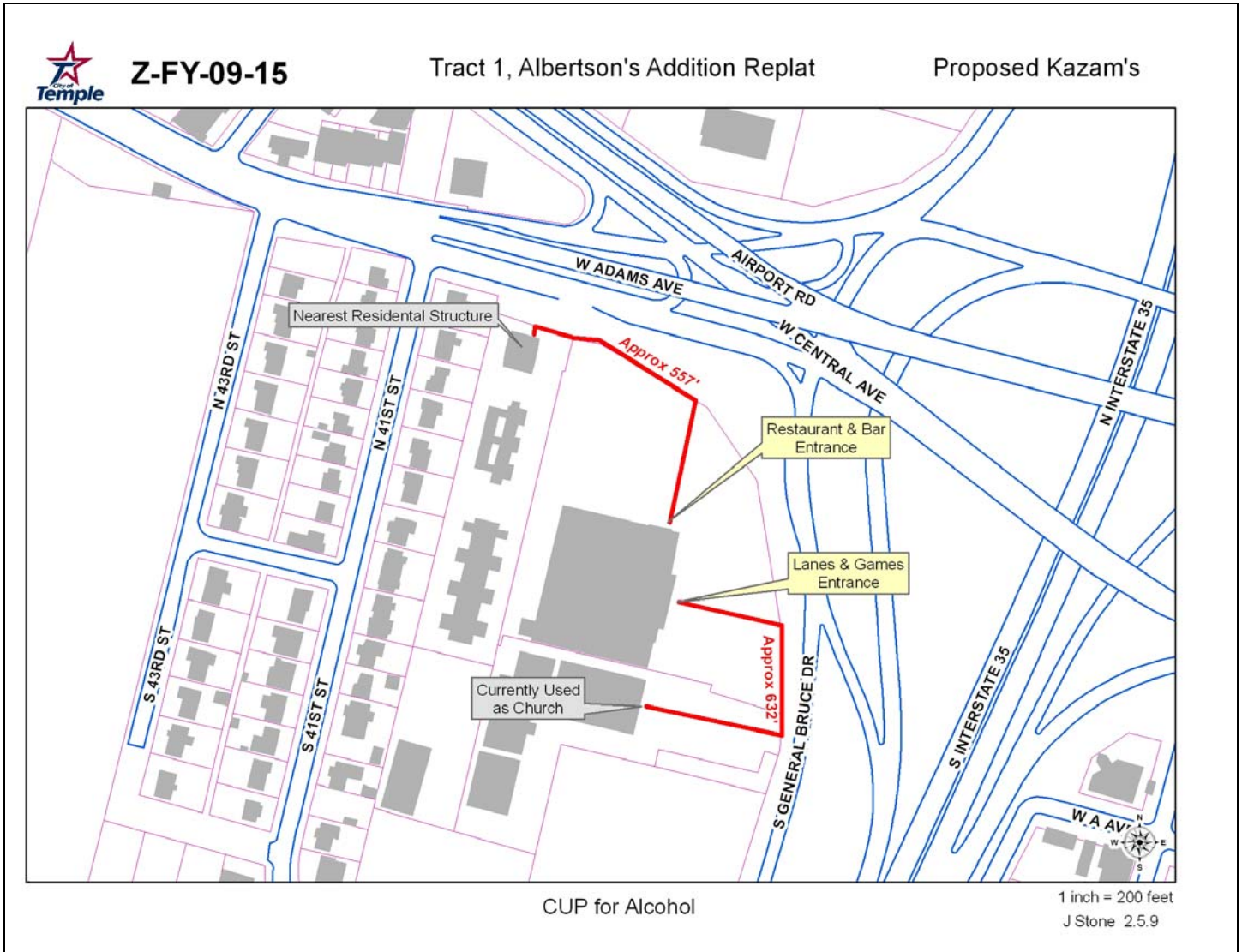
Zoning Ordinance Section 7-611.c (2nd Paragraph-Distance Requirements) – Conditional Use Permit (CUP) for On Premise Sale of beer or Mixed Drinks

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.

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 **19th** day of **March**, 2009.

PASSED AND APPROVED on Second Reading on the 2nd day of **April**, 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

04/02/09
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance on second reading and final adoption.

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:

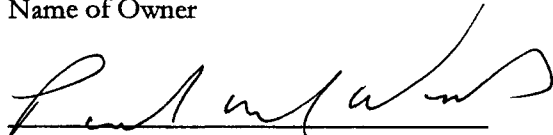
We are the sole owners of an approximately 192.831 acre tract of land, more particularly described as follows:

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

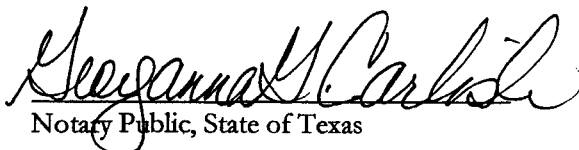

Name of Owner

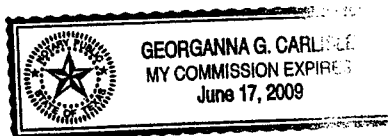
STATE OF TEXAS §

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.

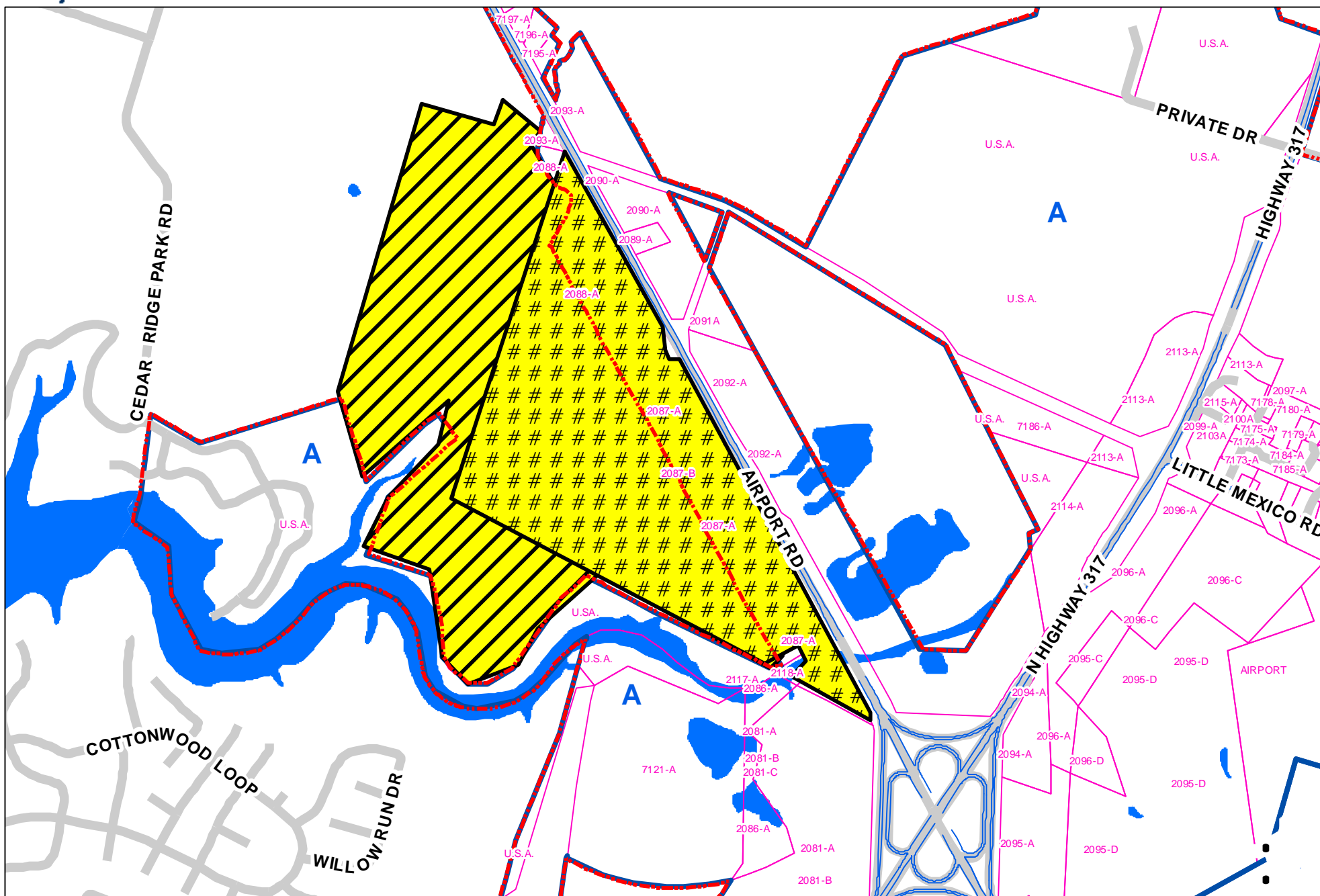
WITNESS MY HAND AND SEAL OF OFFICE this the 22nd day of January, 2009.


Notary Public, State of Texas



ID: 130699
192.831 Acres
Not in City Limits

ID: 193163
26.298 Acres
In City Limits



 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.

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

Mayor

ATTEST:

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.

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 **2nd** day of **April**, 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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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager or his designee to authorize the use of an alternative procurement delivery method for procurements that do not relate to a primary contract for construction.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: 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 process. However, the governing body of a municipality may determine that an alternative procurement method (e.g. a competitive sealed proposal, construction manager-at-risk, design-build contract) may provide the best value for the municipality. The governing body may delegate its authority to determine the best procurement method to a designated representative.

Based on direction received from Council during the Council Workshop on March 19, 2009, this agenda item delegates authority to the City Manager or his designee the right to authorize an alternative procurement delivery method on procurements that do not relate to a primary construction project. Any requests to use an alternative procurement delivery method on primary construction projects (i.e. construction or major renovation to a facility (including parks) or the construction of a public works project less than \$1.5 million) will continue to be brought forth to Council for authorization.

FISCAL IMPACT: There is no defined fiscal impact associated with this Item.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ALLOWING THE CITY MANAGER, OR HIS DESIGNEE, TO AUTHORIZE THE USE OF AN ALTERNATIVE PROCUREMENT DELIVERY METHOD FOR PROCUREMENTS THAT DO NOT RELATE TO THE PRIMARY CONTRACT FOR CONSTRUCTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, § 252.021 of the Local Government Code provides that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding process. However, the governing body of a municipality may determine that an alternative procurement method may provide the best value for the municipality and the governing body may delegate it authority to determine the best procurement method to a designated representative;

Whereas, the Staff recommends authorizing the City Manager, or his designee, to authorize the use of an alternative procurement delivery method for procurements that do not relate to a primary contract for construction; 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 authorize the use of an alternative procurement delivery method for procurements that do not relate to a primary contract for construction.

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 2nd day of **April**, 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

04/02/09
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DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing City of Temple support for the submittal of a senior citizen tax credit project by Clifton Phillips and Michael Hartman dba Roundstone Development LLC for senior living to be located at 2201 West Adams Avenue.

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

ITEM SUMMARY: The proposed senior living community would include 92 one and two bedroom apartment homes located on a 10.4 acre tract directly adjacent to and west of Sammons Park Golf Course and near the Sammons Senior Center. The apartment community would include multiple amenities including a clubhouse, fitness center, business center, pool, spa, gazebo, on-site storage, and sidewalks meandering throughout the development. Resident services will be offered on-site to include daily and weekly special events, health screenings, and salon.

Rental restrictions are as follows:

Unit type	% of AMI	# of Units	Net Sq. Feet	Net Rent
1/1	30%	5	714	\$238.00
1/1	50%	41	714	\$433.00
2/2	60%	46	953	\$622.00

Staff conducted due diligence on the project including tour of a facility in Plano, evaluation of financials, and legal review of corporate structure.

Roundstone Development has met the notice requirements to the City and substantially meets the objectives outlined in Resolution 2005-4280-R including: senior/elderly development; developments that pay property taxes; demonstrated project cost and financial feasibility; provision of both tax credit and market rate units; no City infrastructure required; favorable site conditions; provision of supportive services for residents; conformance and consistency with the Comprehensive Plans; and minimum of impact on existing tax credit developments.

In order for the applicant to receive full points with the TDHCA application, a \$297,000 fully secured loan would be provided through the Temple Economic Development Corporation. In addition, the

application requires evidence of local support, particularly from elected officials. The resolution of the City of Temple is an indication of that support. In addition, support from Senator Fraser and Representative Sheffield will be required to obtain the additional points.

FISCAL IMPACT: This senior living project would not require any financial contribution by the City. Capital investment by Roundstone will be approximately \$7,000,000 with the land and improvements being subject to property taxes. As earlier referenced, a fully secured loan in the amount of \$297,000 would be provided by TEDC.

ATTACHMENTS:

[Project elevations](#)

[Site Plan](#)

[Developer Information](#)

[Resolution](#)

THE FAIRWAYS AT SAMMONS PARK

2201 WEST ADAMS AVENUE
TEMPLE, TEXAS

- LUXURY SENIOR APARTMENT COMMUNITY
- 92 ONE AND TWO BEDROOM APARTMENT HOMES
- COMMUNITY CENTER WITH FULL AMENITIES PACKAGE
- FULLY GATED COMMUNITY WITH CONTROLLED ACCESS



COMPARABLE COMMUNITY- CHASE OAKS, PLANO, TEXAS



ROUNDSTONE
DEVELOPMENT LLC

1750 VALLEY VIEW LANE
SUITE 420

DALLAS, TX 75230

TEL: 972-243-4205

EMAIL: CEP@RSTDEV.COM



NORTH ELEVATION

THE FAIRWAYS AT SAMMONS PARK
TEMPLE, TEXAS

12-09-08





ROUNDSTONE-TEMPLE				CREATED 12.09.2008	
UNIT TABULATION				TOTAL AREA	
TYPE	AREA	NO.	%	50.00%	50.00%
A1	714	46	50.00%	32,844	
B1	953	46	50.00%	43,838	
TOTAL	92	100.00%	76,682		
AVERAGE UNIT SIZE:				833.50	

BUILDING TABULATION			BLDG. AREA	TOT. AREA
TYPE	COUNT	UNIT TYPES	40,964	40,964
A	1	20-A1,28-B1	35,718	35,718
B	1	26-A1,18-B1		76,682
TOTAL	2			

MISCELLANEOUS:
LAND AREA: 10.69 ACRES
DENSITY: 8.61 UNITS/ACRE

PARKING			
1 BEDROOM (1.75*46 UNITS)	=	81 CARS	
2+ BEDROOM (2*46 UNITS)	=	92 CARS	
REQUIRED		173 CARS	
PROVIDED		194 CARS	



Key Individuals

Listed below are the key individuals of Roundstone Development along with a description of their background, unique skills and role within the Company.

Clifton E. Phillips

Director of Development

Clifton Phillips, founder of Roundstone Development, has been involved in the housing arena for the past 5 years. During this time, Mr. Phillips has served as a consultant and developer for nearly 1,100 units of housing in Texas, Mississippi, and Arkansas.

As Mr. Phillips has served as both a consultant and developer, he has gained extensive knowledge in the area of financial negotiations and structuring while at the same time developed a solid understanding of the construction and development process.

Prior to joining Roundstone Development in 2004, Mr. Phillips worked for Unified Housing Foundation, Inc., a Texas not for profit corporation involved in the development, ownership, and management of affordable housing in the state of Texas. During his tenure at Unified Housing Foundation, Mr. Phillips served as the point person in the development of a bond financed, affordable housing community in Fort Worth, Texas. In addition, Mr. Phillips worked with other principals in the analysis, financing, and acquisition of over 3,000 housing units within the Texas market. Prior to joining Unified Housing, Mr. Phillips worked in various aspects of finance from real estate to investment banking.

Mr. Phillips holds a Bachelor of Arts degree from the University of Chicago, where he majored in Economics.

Robert Colvard

Acquisition Developer

Mr. Colvard is an acquisition developer, specializing in identifying suitable rental housing and for-sale properties. Forming his own consulting business in 1997, Mr. Colvard has worked with numerous developers in the affordable housing industry in numerous states. This work included securing property, analyzing state funding applications, working with local and state officials, negotiating purchase contracts, and gathering due diligence for the preparation of Low Income Housing Tax Credit (LIHTC), State Housing Initiatives Partnership (SHIP), State Apartment Incentive Loan (SAIL), Home Investment Partnership Program (HOME), Federal HOME Loan Bank (FHLB), and other conventional and subsidy applications.

At Roundstone, Mr. Colvard works closely with local governments, communities, and non profits, securing local support and funding for future community developments. He also works closely with local real estate brokers in identifying existing and growing markets where rental housing is

needed, following market trends to monitor employment and demographic information.

Mr. Colvard is a licensed real estate sales-associate.

***Michael
Hartman***

Developer

Michael Hartman has been a developer, manager and owner of rental housing since 1993. Over the last fifteen years, he has developed seventy-five rental housing developments totaling approximately 7,700 units in sixteen states.

At Roundstone Development, Mr. Hartman specializes in analyzing acquisitions and determining the economic viability of proposed new construction developments. He also works on land acquisition, securing government support, development design, and financing.

Prior to becoming a developer in 1993, Mr. Hartman practiced as a CPA in Maryland for twelve years as a tax and business consultant. Mr. Hartman was a manager at The Reznick Group from 1988 to 1993, advising clients owning commercial real estate properties, and market rate and affordable housing developments.

Mr. Hartman holds a Bachelor of Arts degree from Loyola College in Baltimore and has been a licensed CPA for over twenty-five years.

***Gene
Lehmann***

Development Analyst

Gene Lehmann recently joined Roundstone Development, LLC in September 2008. Mr. Lehmann is a development analyst facilitating every aspect of the development process. His previous experience in real estate includes selling ranch land in the Texas hill county as well as working for Brightleaf Partners in San Marcos, Texas where he was responsible for researching, financing, and locating potential development sites.

Mr. Lehmann has his Bachelors degree in finance as well as a Masters degree in Land Development, both from Texas A&M. During his Masters program, Mr. Lehmann was an active member of the Texas A&M Real Estate Development Association and graduated magna cum laude.

Lisa Brown

Assistant

Lisa Brown began working with Roundstone Development, LLC in October 2007. Miss Brown is involved in all of the administrative maintenance for the company as well as assisting in development oversight activities such as mailings, filings, monitoring contractual obligations, coordinating information flow etc. Miss brown is heavily involved in the application, syndication, and development process as her knowledge of real estate, finance, and rental housing expands.

Lisa holds a Bachelor of Arts degree from the University of Texas at Dallas.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE APPLICATION OF MR. CLIFTON PHILLIPS AND MR. MICHAEL HARTMAN, dba ROUNDSTONE DEVELOPMENT, LLC, FOR 2009 TAX CREDITS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE FAIRWAYS AT SAMMONS PARK, LOCATED AT 2201 WEST ADAMS AVENUE, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, Mr. Clifton Phillips and Mr. Michael Hartman have requested the City of Temple's support for the development of The Fairways at Sammons Park, to be located at 2201 West Adams Avenue, Temple, Texas;

Whereas, the complex would be designed to provide housing for the elderly;

Whereas, the City Council supports the involvement of the Temple Economic Development Corporation with this project;

Whereas, the City Council understands and supports that the Temple Economic Development Corporation will be providing a fully secured loan in the amount of \$297,000 with a loan term of the later of one year or the Placed in Service Date;

Whereas, the project meets the criteria established by the City Council for tax credit projects in Resolution No. 2005-4280-R;

Whereas, Roundstone Development is the only applicant for a 2009 tax credit housing project in Temple, Texas;

Whereas, Roundstone Development has met Resolution No. 2004-4019-R requirements by advising the City in writing of their intent to file a tax credit application with TDHCA by the pre-application deadline date each year; and

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

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

Part 1: The City of Temple, Texas, expresses full support for the submittal of a senior citizen tax credit project by Mr. Clifton Phillips and Mr. Michael Hartman for the development of The Fairways at Sammons Park, to be located at 2201 West Adams

Avenue, Temple, Texas, and 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 the applicant's submission to the State.

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 the 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 **2nd** day of **April**, 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

04/02/09
Item #4(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David A. Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to submit a grant application for new police officer positions through the COPS 2009 Stimulus Bill.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Department of Justice, Office of Community Oriented Policing Services (COPS) has announced a grant program titled COPS Hiring Recovery Program intended to provide funding to law enforcement agencies to create a preserve jobs and to increase their community policing capacity and crime-prevention efforts. The funding is available for hiring full-time career law enforcement officers. There is no local matching requirement for the duration of the grant. However, grant recipients are required to retain the positions after the grant period has concluded. Total grant funding available is \$1 billion, sufficient funding for approximately 5,500 officers nation-wide.

FISCAL IMPACT: The total cost of hiring 8 Police Officers over the 36 month grant period is \$1,529,218. This cost includes salary, benefits and operational costs. The grant would fund the salaries and benefits for a total of \$1,486,617. The City's operational cost not covered by the grant would be approximately \$42,200. The City's cost of the new positions after the initial grant period must be included in the budget for at least one full budget cycle with an estimated annual cost of \$580,000. The Ad Valorem Tax Rate equivalent for the City's annual cost is approximately 1.62¢.

Additional equipment items, such as police cars, are not requested at this time. These requests will follow over future budgets as needs are better identified and projected.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2009-5686-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GRANT APPLICATION FOR 8 NEW POLICE OFFICER POSITIONS THROUGH THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) 2009 STIMULUS BILL; ACCEPTING ANY FUNDS THAT MAY BE RECEIVED FOR THIS PURPOSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Police Department desires to apply for grant funds available through the Department of Justice COPS 2009 Stimulus Bill, entitled, *COPS Hiring Recovery Program*, which is intended to provide funding to law enforcement agencies to create and to preserve jobs to increase community policing capacity and crime-prevention efforts;

Whereas, there is no local matching requirement for the duration of the grant; however, recipients are required to retain the positions after the 36 month grant period has concluded;

Whereas, the City's cost of the new positions after the initial grant period must be included in the budget for at least one full budget cycle with an estimated annual cost of \$580,000; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to submit a grant application for 8 new police officer positions to the Department of Justice COPS 2009 Stimulus Bill, entitled, *COPS Hiring Recovery Program*, and commits to retaining the positions after the 36 month grant period has concluded, to be included in the budget for at least one full budget cycle with an estimated annual cost of \$580,000.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply, accept funds, implement or renew this grant, 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 **2nd** day of **April**, 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

04/02/09
Item #4(L)
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 \$116,257.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
April 2, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2000-521-2516		Judgments & Damages (Police)	\$ 95	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 95
Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple				
110-2200-522-1115		Skilled (Fire)	\$ 73,861	
110-2200-522-1125		Incentives	\$ 1,530	
110-2200-522-1126		Longevity	\$ 50	
110-2200-522-1220		Retirement/Pension	\$ 10,618	
110-2200-522-1221		Social Security/FICA	\$ 1,100	
110-2200-522-1222		Health Insurance	\$ 4,609	
110-2200-522-1223		Worker Compensation	\$ 1,222	
110-2200-522-1224		Unemployment Insurance	\$ 180	
110-2200-522-1225		Dental Insurance	\$ 160	
110-2200-522-1226		Life Insurance	\$ 98	
110-2200-522-1227		AD&D Insurance	\$ 19	
110-2200-522-1228		Long Term Disability	\$ 149	
110-2200-522-2113		Clothing & Uniforms	\$ 12,000	
110-2200-522-2116		Supplies & Tools	\$ 8,000	
110-2200-522-2628		Uniform Maintenance	\$ 400	
110-1500-515-6532		Contingency - SAFER Grant Match for (4) FCRO Positions		\$ 41,968
110-0000-431-0163		Federal Grants		\$ 72,028
Appropriate funding for 2008 Safer Adequate Fire and Emergency Response (SAFER) grant and recognize associated grant revenue for FY 2009. City was awarded \$433,520 to partially fund salary and benefits for four (4) Fire Control Rescue Officer positions. This funding will be received over a four year grant period with the amount to be received ranging from a maximum of 90% the first year to 30% the fourth year with a \$108,380 limit per position for funding assistance over the life of the grant. The fifth year the city is responsible for 100% of the salary & benefits of the employees. The first year of the grant begins April 8, 2009 and the grant funding period ends April 7, 2014.				
110-2320-540-2516		Judgments & Damages (Solid Waste - Brush/Bulk)	\$ 100	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 100
Settlement of claim filed against the City by Ann Horn seeking reimbursement for damage to a flower bed and clay pots picked up by a Solid Waste Department truck on September 22, 2008 at 1215 Sioux.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 2,066	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,066
Attorney fees for lawsuit filed against the City -- Centex Investments, inc v. City of Temple				
TOTAL AMENDMENTS			\$ 116,257	\$ 116,257
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
April 2, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Judgments & Damages Contingency	\$	70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(32,656)
		Net Balance of Judgments & Damages Contingency Account	\$	37,344
		Beginning SAFER Grant Match Contingency	\$	46,821
		Added to SAFER Grant Match Contingency	\$	-
		Taken From SAFER Grant Match Contingency	\$	(41,968)
		Net Balance of SAFER Grant Match Contingency Account	\$	4,853
		Beginning Compensation Contingency	\$	184,700
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(98,395)
		Net Balance of Compensation Contingency Account	\$	86,305
		Net Balance Council Contingency	\$	128,502
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	174,121
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(164,121)
		Net Balance of Contingency Account	\$	10,000
		Beginning Compensation Contingency	\$	34,334
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(34,334)
		Net Balance of Compensation Contingency Account	\$	-
		Beginning Approach Mains 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 T-BRSS Future Plant Expansion 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
		Net Balance Water & Sewer Fund Contingency	\$	874,846
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	75,221
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	75,221
		Beginning Compensation Contingency	\$	5,401
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(3,222)
		Net Balance of Compensation Contingency Account	\$	2,179
		Net Balance Hotel/Motel Tax Fund Contingency	\$	77,400

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
April 2, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		DRAINAGE FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency		\$ 4,631
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (1,901)
		Net Balance of Compensation Contingency Account		\$ 2,730
		Net Balance Drainage Fund Contingency		\$ 2,730
		FED/STATE GRANT FUND		
		Beginning Contingency 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.**

Whereas, on the 28th 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 2nd day of **April**, 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

04/02/09
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 in an amount not to exceed \$30,000 and authorizing a payment to Temple Economic Development Corporation for the acquisition of Block 2, Lot 12, Enterprise Business Park Phase 2.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 16, 2009.

ITEM SUMMARY: The Reinvestment Zone No. 1 purchased 131 acres to serve as the Enterprise Business Park Phase 2. A 2.23 acre parcel of this land in the Enterprise Business Park Phase 2, known as Block 2, Lot 12, was deeded to Temple Economic Development Corporation (TEDC) in March 2007.

In April 2007, Specialty Pharmacy Services, Inc. purchased Block 2, Lot 12, in Enterprise Park Phase 2 from TEDC for \$30,000 to construct a 6,000 square foot building for the company's manufacturing and distribution operations. The net proceeds from the sale were remitted to the Zone. Since that time, Specialty Pharmacy Services, Inc. has determined that they will not construct a building at that location. The company will be rehabilitating a building on South 1st Street.

On February 1, 2008, TEDC entered into a repurchase agreement with Specialty Pharmacy Services, Inc. for Block 2, Lot 12, in Enterprise Park Phase 2 if certain conditions were not met. Since it has been determined that Specialty Pharmacy Services, Inc. will not be constructing on the specified property, TEDC wishes to exercise its right to repurchase the property for the original purchase price of \$30,000. This amendment allocates funding for the purchase of Block 2, lot 12, Enterprise Business Park Phase 2 in an amount not to exceed \$30,000.

FISCAL IMPACT: The proposed amendment to fund the purchase Block 2, Lot 12, Enterprise Business Park Phase 2 is proposed to be funded from Unreserved Fund Balance within the Reinvestment Zone No. 1. In April 2007, this same property was purchased by Specialty Pharmacy Services, Inc. and proceeds from the sale in the amount of \$29,325.03 were received by TEDC and remitted to the Zone at that time.

ATTACHMENTS:

Financing Plan
Summary Financing Plan with Detailed Project Plan
Ordinance

		Y/E 9/30/09	Y/E 9/30/10	Y/E 9/30/11	Y/E 9/30/12	Y/E 9/30/13	Y/E 9/30/14	Y/E 9/30/15	Y/E 9/30/16	Y/E 9/30/17	Y/E 9/30/18	Y/E 9/30/19	Y/E 9/30/20	Y/E 9/30/21	Y/E 9/30/22
DESCRIPTION		Year 27	Year 28	Year 29	Year 30	Year 31	Year 32	Year 33	Year 34	Year 35	Year 36	Year 37	Year 38	Year 39	Year 40
1	Appraised Value	\$ 131,160,668	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5	FUND BALANCE, Begin	\$ 23,998,646	\$ 1,209,569	\$ 2,374,743	\$ 2,334,314	\$ 1,475,872	\$ 1,403,636	\$ 1,795,805	\$ 1,753,657	\$ 1,773,433	\$ 1,356,959	\$ 1,306,173	\$ 1,553,676	\$ 1,795,022	\$ 2,109,843
SOURCES OF CASH:															
10	Tax Revenues	4,051,439	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15	Allowance for Uncoll. Taxes	(108,507)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20	Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Interest Income-Other	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30	Other-Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Miscellaneous Reimbursements {GST}	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Miscellaneous Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	TOTAL SOURCES	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:															
Operating Expenses															
50	Prof Svcs/Proj Mgmt	125,202	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51	Legal/Audit	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55	Zone Mtc	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60	TEDC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62	Other Contracted Services	30,000	-	-	-	-	-	-	-	-	-	-	-	-	-
65	TISD-Joint Use facilities	129,709	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90	Subtotal-Operating Expenses	461,011	290,530	292,594	294,797	296,940	299,124	301,350	303,617	306,027	308,382	310,780	313,225	315,715	318,354
Projects (2)															
199	North Zone (3)	13,726,479	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299	Western Aviation Zone (3)	42,342	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399	Western Bio-Science & Medical Zone (3)	7,173,186	-	-	-	-	-	-	-	-	-	-	-	-	-
400	Southeast Industrial Park Zone (3)	1,273,500	-	-	-	-	-	-	-	-	-	-	-	-	-
405	General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-	-
410	Major Gateway Entrances	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415	Downtown Improvements	204,260	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420	Loop 363 Improvements	905,410	-	-	-	-	-	-	-	-	-	-	-	-	-
430	Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Public Improvements	295,730	500,000	500,000	500,000	500,000	2,000,000	2,500,000	2,500,000	3,000,000	-	4,000,000	4,500,000	4,500,000	6,874,548
600	Subtotal-Projects	24,271,018	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643	2,705,667	3,207,710	2,909,775	4,211,860	4,713,966	4,716,093	7,092,789
Debt Service															
625	2003 Bond Issue	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626	2008 Bond Issue-Nontaxable {\$16.010 mil}	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784	1,785,948	1,785,868	1,783,544	1,783,976	1,786,960	1,787,292	1,784,972
627	2008 Bond Issue-Taxable {\$10.365 mil}	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-
630	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635	Subtotal-Debt Service	2,039,980	2,042,140	2,042,015	3,895,630	3,898,436	3,896,130	3,893,147	3,894,532	3,894,604	3,893,454	3,895,589	3,895,544	3,898,232	3,898,664
650	TOTAL USES	26,772,009	3,364,783	4,655,506	7,063,968	6,795,031	6,396,893	6,898,140	6,903,816	7,408,341	7,111,611	8,418,229	8,922,735	8,930,040	11,309,807
660	FUND BALANCE, End	1,209,569	2,374,743	2,334,314	1,475,872	1,403,636	1,795,805	1,753,657	1,773,433	1,356,959	1,306,173	1,553,676	1,795,022	2,109,843	116,585
670	Required Debt Reserve	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	-
700	AVAILABLE FUND BALANCE	\$ 336,332	\$ 1,501,506	\$ 1,461,077	\$ 602,635	\$ 530,399	\$ 922,568	\$ 880,420	\$ 900,196	\$ 483,722	\$ 432,936	\$ 680,439	\$ 921,785	\$ 1,236,606	\$ 116,585
800	FUND BALANCE, Begin	23,998,646	1,209,569	2,374,743	2,334,314	1,475,872	1,403,636	1,795,805	1,753,657	1,773,433	1,356,959	1,306,173	1,553,676	1,795,022	2,109,843
	Prior period Adjustment-net	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805	Revenue over(under)expense	(22,789,077)	1,165,174	(40,429)	(858,442)	(72,236)	392,169	(42,148)	19,776	(416,474)	(50,786)	247,503	241,346	314,821	(1,993,258)
810	FUND BALANCE, End	\$ 1,209,569	\$ 2,374,743	\$ 2,334,314	\$ 1,475,872	\$ 1,403,636	\$ 1,795,805	\$ 1,753,657	\$ 1,773,433	\$ 1,356,959	\$ 1,306,173	\$ 1,553,676	\$ 1,795,022	\$ 2,109,843	\$ 116,585

SUMMARY FINANCING PLAN								
	Adjusted FY 09 (with Carry Forwards)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
5	Beginning Available Fund Balance, Oct 1	\$ 23,998,646	1,239,569	2,404,743	2,364,314	1,505,872	1,433,636	1,825,805
40	Total Sources (Revenue & Bonds)	3,982,932	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45	Less Required Debt Reserve	-	-	-	-	-	-	-
49	Net Available for Appropriation	27,981,578	5,769,526	7,019,820	8,569,840	8,228,667	8,222,698	8,681,797
50	General Administrative Expenditures	126,302	93,107	94,947	96,924	98,838	100,791	102,783
55	Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60	Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62	Other Contracted Services	30,000	-	-	-	-	-	-
65	TISD - Joint Use Facilities	129,709	22,423	22,647	22,873	23,102	23,333	23,567
70	Debt Service - 2003 Issue	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71	Debt Service - 2008 Issue {\$16.010 mil}	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784
72	Debt Service - 2008 Taxable Issue {\$10.365 mil}	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73	Issuance Costs	-	-	-	-	-	-	-
75	Total Operating & Committed Expenditures	2,500,991	2,332,670	2,334,609	4,190,427	4,195,376	4,195,254	4,194,497
99	Net Available for Projects	\$ 25,480,587	\$ 3,436,856	\$ 4,685,211	\$ 4,379,413	\$ 4,033,291	\$ 4,027,444	\$ 4,487,300

PROJECT PLAN								
	Adj'd FY 2009 (with Carry Forwards)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
NORTH ZONE (including Enterprise Park):								
100	Railroad Spur Improvements	9,324,943	-	-	-	-	-	-
105	Elm Creek Detention Pond	1,177,044	-	-	-	-	-	-
110	Railroad Improvements Engineering Analysis	-	-	-	-	-	-	-
115	Railroad Repairs/Maintenance based on Analysis	243,469	40,000	-	-	-	-	-
120	Enterprise Park Water Tank	-	-	-	-	800,000	-	-
121	ROW Acquisition - Public Improvements	3,661	-	-	-	-	-	-
122	Land Acq-Wendland property {approx 355 acres}	-	-	-	-	-	-	-
125	Wendland Road Improvements	2,977,362	-	-	-	-	-	-
199	Total North Zone (including Enterprise Park)	13,726,479	40,000	-	-	800,000	-	-

WESTERN AVIATION ZONE:								
200	Detention Pond #2 including W 1-A	-	-	-	-	-	-	-
205	Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-
210	Old Howard Road Gateway Entrance Project	8,872	-	-	-	-	-	-
215	WWI--Waste Water Ext SH36 to Ind Blvd	-	-	-	-	-	-	-
220	R I-B, W I-B--Industrial Blvd Extension	2,100	-	-	-	-	-	-
221	Airport Park Infrastructure Construction	31,370	-	-	-	-	-	-
225	Airport Study	-	-	-	-	-	-	-
230	Airport Trail Roadway-Ind Blvd to Pepper Crk (R III)	-	-	115,500	654,500	-	-	-
235	Airport Trail Utilities (W-V, W II, W III)	-	-	109,650	621,350	-	-	-
240	Old Howard North (R II)	-	300,000	1,000,000	700,000	-	-	-
245	Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	200,000	1,100,000	-	-
299	Total Western Aviation Zone	42,342	300,000	1,225,150	2,175,850	1,100,000	-	-

WESTERN BIO-SCIENCE & MEDICAL ZONE:								
300	Greenbelt Development along Pepper Creek	2,376,428	-	-	-	-	-	-
305	Outer Loop Phase 2	4,335,463	-	-	-	-	-	-
306	Bio-Science Park Phase 1	461,295	-	-	-	-	-	-
310	Bio-Science Institute	-	-	-	-	-	-	-
399	Total Western Bio-Science & Medical Zone	7,173,186	-	-	-	-	-	-

OTHER PROJECTS:								
400	Southeast Ind Park (Lorraine Drive)	1,273,500	-	-	-	-	-	-
405	Roadway Maintenance/Improvements	250,111	-	-	-	-	-	-
410	Gateway Entrance Projects (after Old Howard)	400,000	-	400,000	-	-	-	-
415	Downtown Improvements	204,260	192,113	195,747	197,691	199,655	201,639	203,643
420	Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-	-
430	Reserve for Acer facility	-	-	-	-	-	-	-
499	Total Other Projects	3,033,281	192,113	595,747	197,691	199,655	201,639	203,643

500	Undesignated Funding-Public Impr-nontaxable bonds	295,730	500,000	500,000	500,000	500,000	2,000,000	2,500,000
501	Undesignated Funding-Public Impr-taxable bonds	-	-	-	-	-	-	-

600	Total Planned Project Expenditures	24,271,018	1,032,113	2,320,897	2,873,541	2,599,655	2,201,639	2,703,643
660	Fund Balance at Year End	\$ 1,209,569	\$ 2,404,743	\$ 2,364,314	\$ 1,505,872	\$ 1,433,636	\$ 1,825,805	\$ 1,783,657
670	Required Debt Reserve	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)
700	AVAILABLE FUND BALANCE	\$ 336,332	\$ 1,531,506	\$ 1,491,077	\$ 632,635	\$ 560,399	\$ 952,568	\$ 910,420

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2009 IN AN AMOUNT NOT TO EXCEED \$30,000 AND AUTHORIZING PAYMENT TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR THE ACQUISITION OF BLOCK 2, LOT 12, ENTERPRISE BUSINESS PARK PHASE 2 FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT WITHIN THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; and Ordinance No. 2008-4242 the 21st day of August, 2009;

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

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

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

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

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

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

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

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A.

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

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

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

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

Part 7: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading on the **2nd** day of **April**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **16th** day of **April**, 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

04/02/09
Item #6
Regular Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-14: Consider adopting an ordinance authorizing a Conditional Use Permit for mining and mining storage on 119± acres located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317 and authorizing a zoning change from Agricultural to Light Industrial on a 26.3± acre portion of that tract.

P&Z COMMISSION RECOMMENDATION: At its March 16, 2009 meeting, the Planning and Zoning Commission voted 4/3 in accordance with City Staff's recommendation for Light Industrial (LI) zoning for this area with a Conditional Use Permit (CUP) for mining and mining storage, with the site plan to be adopted as part of the ordinance subject to the conditions included in the proposed ordinance. The applicant agrees to the conditions. The Commissioners voting in opposition believed the CUP should not be approved. Commissioners Susan Luck and Derek Martin were absent from the meeting.

STAFF RECOMMENDATION: Adopt ordinance on first reading, with second reading and final adoption set for April 16, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-14, from the Planning and Zoning meeting, March 16, 2009. The Mining, Inc. c/o Thomas Parker for Paul Mark Woods Trust submitted the application for a conditional use permit (CUP) for mining and mining storage of limestone for the subject property located off Airport Highway, north of SH 317. The site is the location of an existing quarry. The applicant has requested the owner's permission to continue mining the area. This area includes a portion of the area recently annexed on the second reading today, and a portion of the land (26.3 ± acres) already in the City Limits.

Since the Planning and Zoning Commission meeting on March 16th, the applicant has submitted another CUP application, with a site plan showing a larger area for mining and mining storage in this area. That item will process through the Development Review Committee (DRC), the Planning & Zoning Commission and City Council. Provided the new CUP application is recommended for approval by the Commission, the Council will review it May 7th in a public hearing and the second reading May 21st.

The site plan will also be adopted as Exhibit 'B' which shows the locations where the quarrying, storage, rock crushing, silt fences, berms, etc will be placed. If, for example, the applicant wants to quarry material outside of the adopted plan area, the applicant would be required to apply again for the CUP public hearing process.

The applicant will use the mine for a source of needed construction materials in the Bell County area. The mining and extraction operations will be sited and designed to minimize conflicts with adjacent land uses, and to have a minimal impact on critical habitats, natural vistas, cultural resources and the environment. The applicant has also applied for an air quality permit with the Texas Commission on Environmental Quality, Registration Number 87255, customer number CN602311896 and the regulation entity number RN105672588.

The applicant will use existing topography to screen and minimize blasting, noise, dust, vibration, and visual impacts when developing new mineral extraction sites. Where heavy equipment, mines and pits cannot be effectively screened from residential and/or commercial areas, a combination of existing topography, berms and landscaping may be utilized to screen the site. Adequate screening and buffering will be maintained between adjacent land uses and the mining site, and will be the responsibility of the new or expanded mineral extraction development. A vertical wall which measures 12± vertical feet will screen the rock crusher, stockpile area and mining area from SH 36.

The applicant will need to ensure that mining sites and associated off-site stockpiles are maintained during the life of the operation, particularly in regard to the control of noxious weeds and dust. Any reclamation of mining and extraction sites is an integral part of all mining operations, and will be required and completed in a manner that will encourage future land uses that are compatible with local comprehensive plans. All road construction projects shall meet or exceed the minimum requirements for storm water runoff.

The City Council must consider the following items when reviewing a conditional use permit (CUP):

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Surrounding Property and Uses

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

Direction	Current Land Use
North	Vacant – area being annexed as Agriculture (A)
East	Vacant – area being annexed as Agriculture (A)
South	Vacant – county land
West	Vacant – area being annexed as Agriculture (A)

Future Land Use & Character Plan – The map shows this area as Agriculture (A). When the City Council adopted the Plan, Staff advised they would update the map twice a year. A portion of this area will be shown as industrial for the mining and mining storage area, provided the CUP is approved.

This area was part of a ‘Development Agreement’ when the City Council annexed areas near here in 2008. This area contained more than 10 acres, and had an agriculture classification since the mine was inactive. The City offered development agreements to property owners who owned more than 10 acres and the Bell County Tax Appraisal District had classified as agriculture or wildlife management. The same agreement states if a property owner changes the use of its land, here the continuation of mining, that it would trigger annexation. The property owner sought voluntary annexation, leasing the area to continue the mining operation.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan for access to State Highway 36 (SH36) designated as a Freeway.

FISCAL IMPACT: NA

ATTACHMENTS:

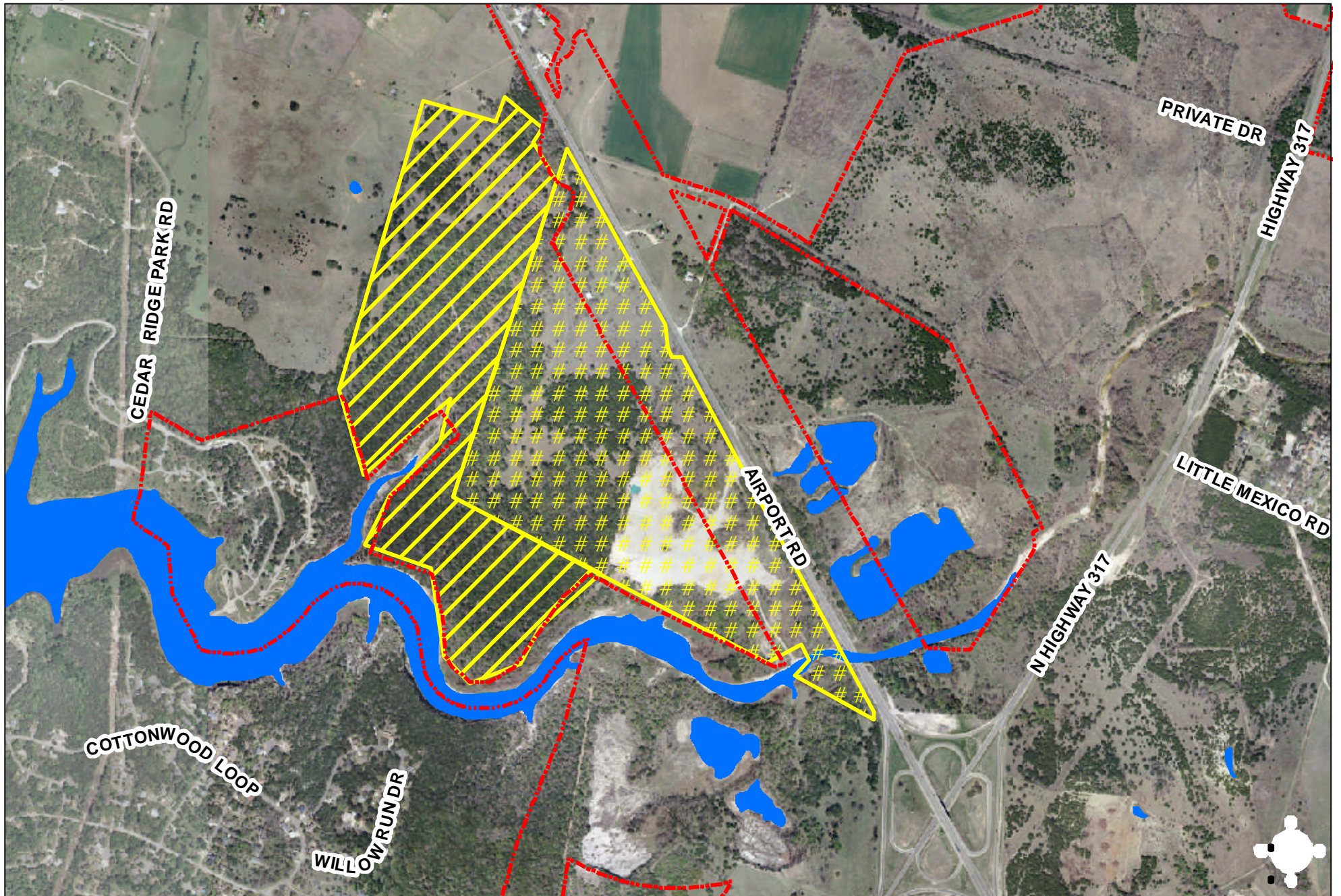
[Aerial](#)
[Land Use and Character Map](#)
[Zoning Map](#)
[Buffer Map](#)
[Contrasting Map between Area Annexed – A & LI Zoning](#)
[Site Plan](#)
[P&Z Staff Report \(Z-FY-08-14\)](#)
[P&Z Minutes Excerpts \(March 16, 2008\)](#)
[Ordinance](#)



Z-FY-09-14

Outblock #2088-A

Mining Operations



 Temple Boundary  AG Zoning  LI Zoning with CUP

CUP for Mining

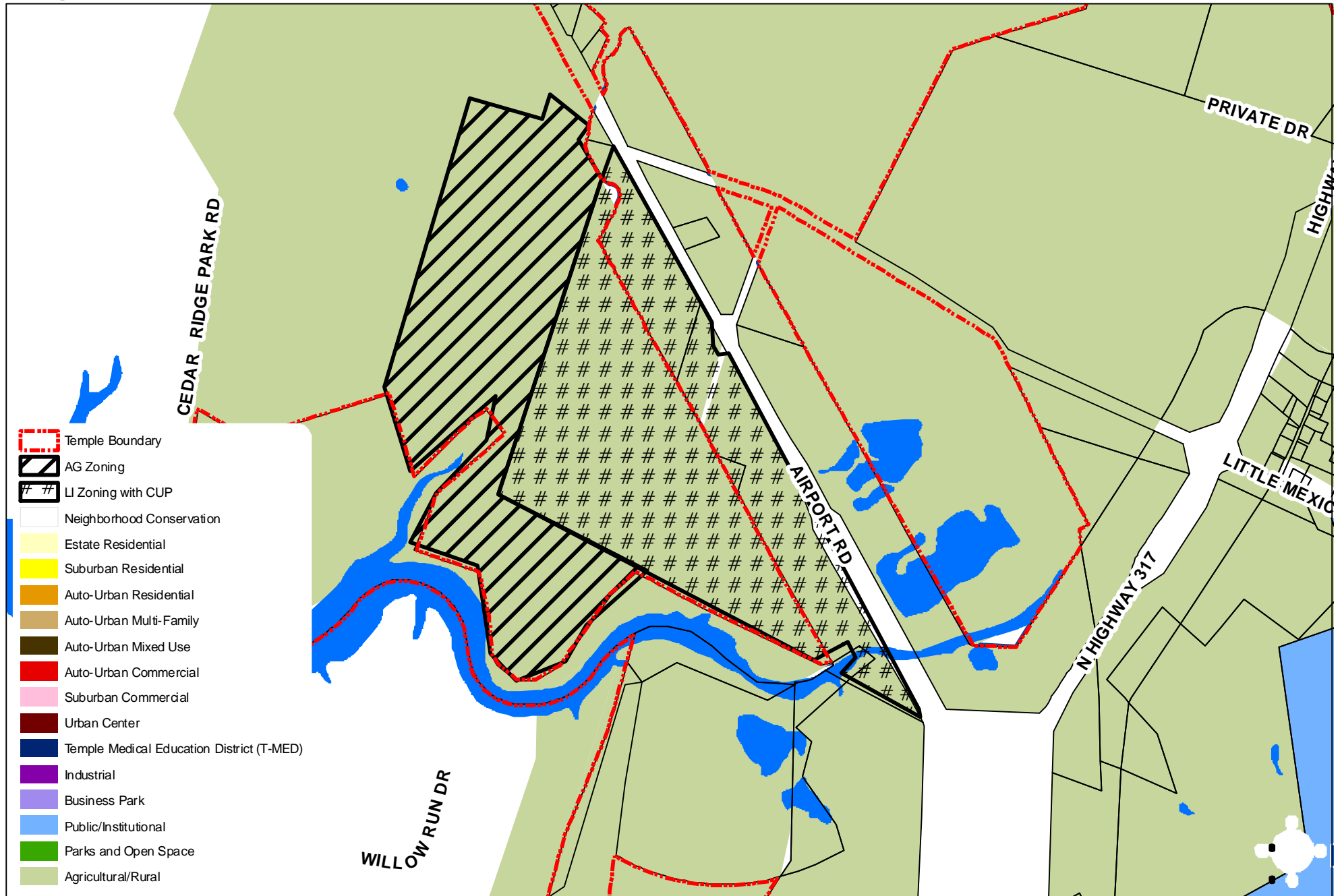
1 inch = 1,000 feet
J Stone 2.5.9



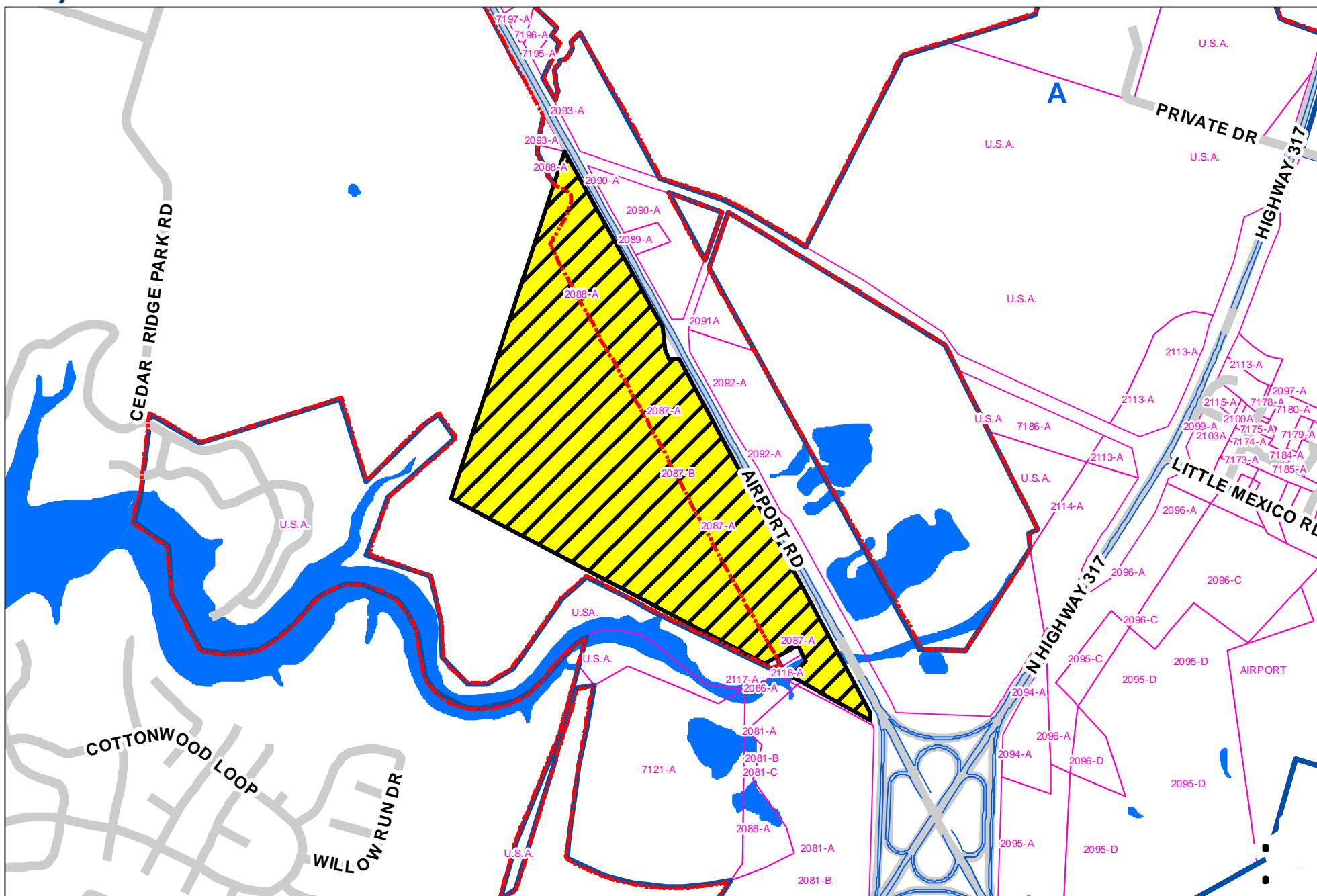
Z-FY-09-14

Outblock #2088-A

Mining Operations



CUP for Mining



 Temple Boundary Area of Proposed Zoning

CUP for Mining

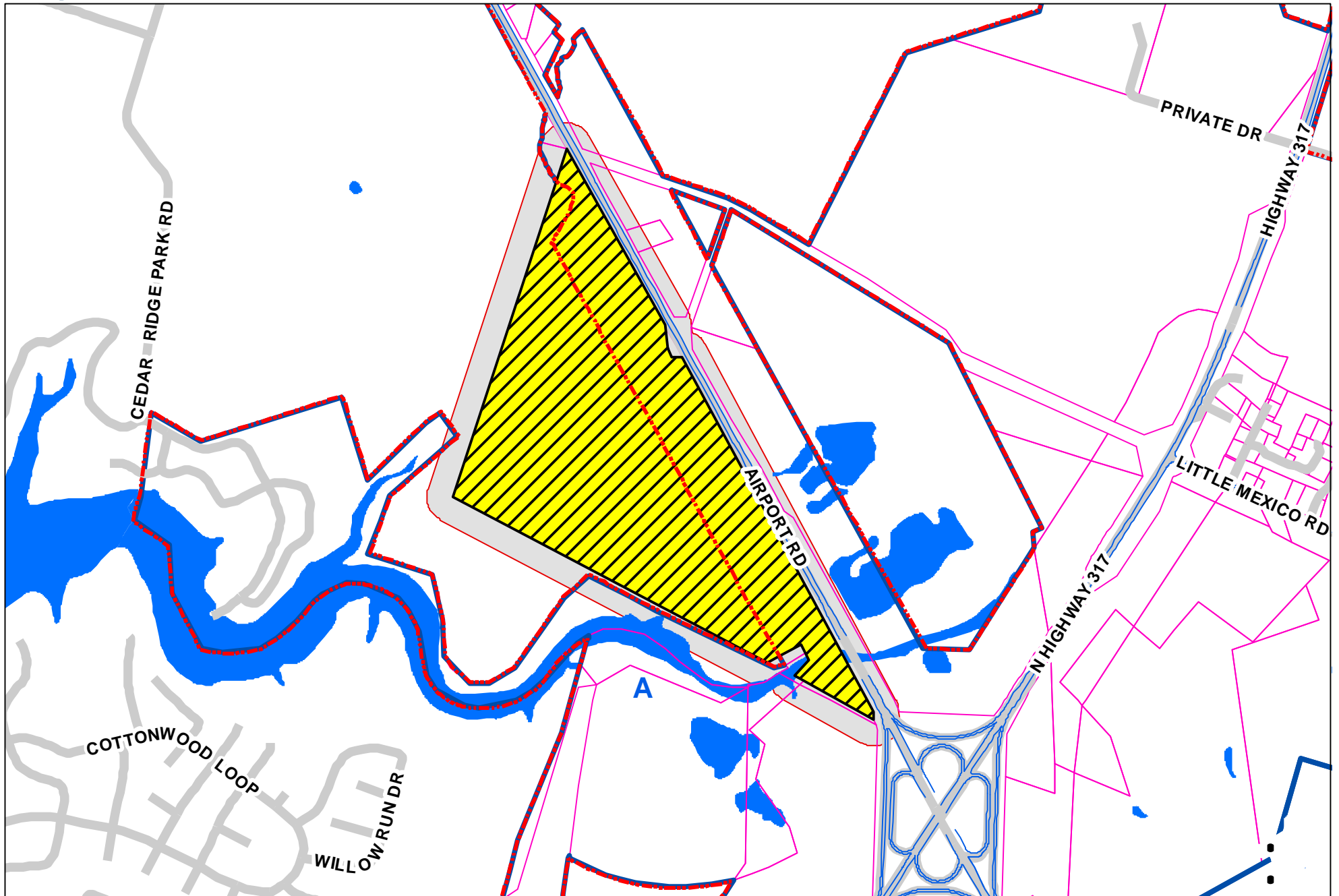
1 inch = 1,000 feet
J Stone 2.5.9



Z-FY-09-14

Outblock #2088-A

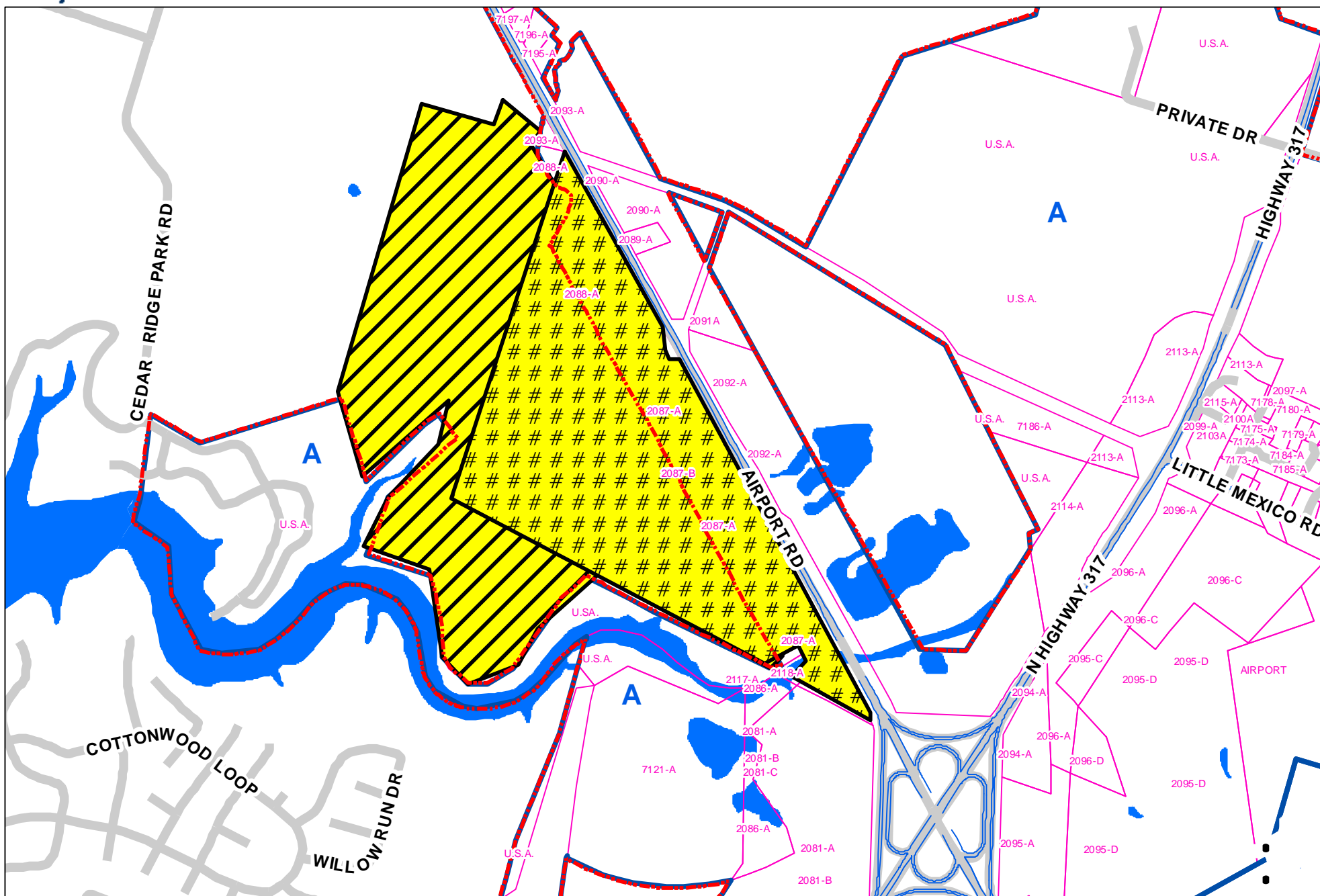
Mining Operations



 Temple Boundary  ZFY0914  200' Buffer

CUP for Mining

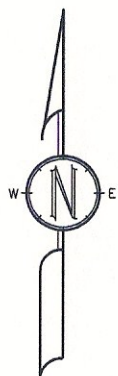
1 inch = 1,000 feet
J Stone 2.5.9



 Temple Boundary
  AG Zoning
  LI Zoning with CUP

CUP for Mining

1 inch = 1,000 feet
J Stone 2.5.9



Agricultural

WOODS ROBINS TRUST
A-0529 McCampbell Longley
Property ID 130699
Geographic ID 0549250000
192.831 Acres
Vol. 5632 / Page 741



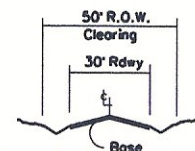
119 Acre C.U.P.

NOTES:

1. No proposed signs since only mining personnel will be present.
2. No setbacks or easements within C.U.P. property boundaries.
3. No Landscaping or fencing proposed.

Texas Commission on Environmental Quality

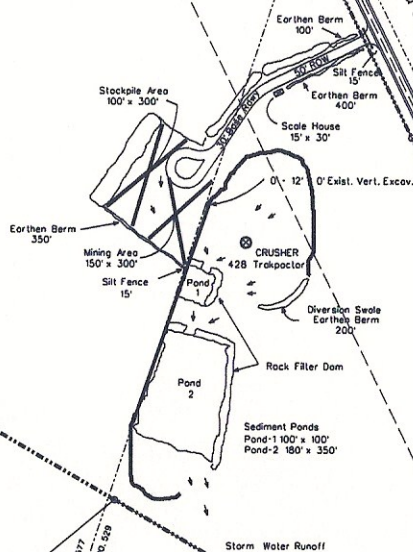
4. Air Quality Registration No. 87255
5. Customer Reference No. CN602311896
6. Regulation Entity No. RN105672588



Proposed Access Road

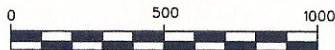
Corps Land

192.831 Acres
C.U.P. Area
119 Acres



Agricultural

SCALE



(Feet)



PLANNING & ZONING COMMISSION MEMORANDUM

03/16/09

Item 3

Regular Agenda

Page 1 of 5

APPLICANT:

Mining, Inc. c/o Thomas Parker for Paul Mark Woods Trust

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-09-14: Hold a public hearing to discuss and recommend action for a Conditional Use Permit for mining and mining storage on 119± acres which includes a 26.3± acre tract of land in the Temple City Limits, described as Outblock 2088-A, City Addition, to be zoned Light Industrial District, and the City Council's review of the applicant's request for permanent zoning for a 92.7± acre tract of land out of the McCampbell Langley Survey, Abstract No. 529 and the Elias Tuttle Survey, Abstract No. 835 upon annexation for the Light Industrial District with a Conditional Use Permit for mining and mining storage to be located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317.

STAFF RECOMMENDATION: The annexation and zoning for Light Industrial (LI) for this area will have its second reading and approval April 2, 2009 by the City Council. Today, the Commission should consider a conditional use permit for mining and mining storage of limestone for the subject property located off Airport Highway, north of SH 317. The site is the location of an existing limestone quarry. The applicant has requested the owner's permission to continue mining the area. Staff requests the Commission recommend approval of the Staff's conditions. The applicant agrees.

ITEM SUMMARY: City Staff will recommend a Light Industrial (LI) zoning for this area with a Conditional Use Permit (CUP) for mining and mining storage, with the site plan to be adopted as part of the ordinance subject to the conditions discussed below. The site plan will also be adopted which shows the locations where the quarrying, storage, rock crushing, silt fences, berms, etc will be placed. If for example, an applicant wanted to quarry material outside of the adopted plan area, an applicant would be required to apply again for the CUP process. The remaining area being annexed, outside of the quarry will be zoned Agriculture (A).

The site characteristics for the subject property are characterized as relatively sloping (0-7% slope) to sloping toward the east (35-40% slope). The proposed rock crusher, mining and mining storage area and activities would be located on the relatively flat portion of the site. There are currently past stockpiles located onsite. A scale house (450 square feet) would be placed on-site north of the access road from State Highway 36 for truck access entering and leaving the site.

The applicant will use the mine for a source of needed construction materials in the Bell County area. The mining and extraction operations will be sited and designed to minimize conflicts with adjacent land uses, and to have a minimal impact on critical habitats, natural vistas, cultural resources and the environment. The applicant has also applied for an air quality permit with the Texas Commission on Environmental Quality, Registration Number 87255, customer number CN602311896 and the regulation entity number RN105672588.

The applicant will use existing topography to screen and minimize blasting, noise, dust, vibration, and visual impacts when developing new mineral extraction sites. Where heavy equipment, mines and pits cannot be effectively screened from residential and/or commercial areas, a combination of existing topography, berms and landscaping may be utilized to screen the site. Adequate screening and buffering will be maintained between adjacent land uses and the mining site, and will be the responsibility of the new or expanded mineral extraction development. Here a vertical wall which measures 12± vertical feet will screen the rock crusher, stockpile area and mining area from SH 36.

The applicant will need to ensure that mining sites and associated off-site stockpiles are maintained during the life of the operation, particularly in regard to the control of noxious weeds and dust. Any reclamation of mining and extraction sites is an integral part of all mining operations, and will be required and completed in a manner that will encourage future land uses that are compatible with local comprehensive plans. All road construction projected shall meet or exceed the minimum requirements for storm water runoff.

The Planning and Zoning Commission must consider the following items when reviewing a conditional use permit (CUP):

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Surrounding Property and Uses

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

Direction	Current Land Use
North	Vacant – area being annexed as Agriculture (A)
East	Vacant – area being annexed as Agriculture (A)
South	Vacant – county land
West	Vacant – area being annexed as Agriculture (A)

Future Land Use & Character Plan – The map shows this area as Agriculture (A). When the City Council adopted the Plan, Staff would revise the map twice with updates. A portion of this area will be shown as industrial for the mining and mining storage area, provided the approval of the CUP.

This area was part of a 'Development Agreement' when the City Council annexed area near here in 2009, which began in 2008. This area contained more than 10 acres, and had an agriculture classification since the mine was inactive. By practice the Legal Department offered development agreements to property owners who owned more than 10 acres, and the county assessor's office had classified it as agriculture or wildlife management. The same agreement states if a property owner changes the use of its land, here the continuation of mining, that it would trigger annexation. The property owner sought voluntary annexation, leasing the area to continue the mine.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan for access to State Highway 36 (SH36) designated as a Freeway.

Staff Suggested Conditions of Approval Staff recommends approval of Z-FY-09-14 subject to:

- 1) The project shall proceed in substantial conformance with the plans and application materials submitted February 2, 2009, amended on March 9, 2009, and March 12, 2009 and on file except as amended by the conditions herein. The DRC deemed it complete March 9, 2009.
- 2) The field notes for the area shall be adopted as Exhibit 'A'.
- 3) The mining and mining storage shall be limited to the area shown on the site plan, adopted as Exhibit 'B'.
- 4) The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- 5) The maximum height of stockpiles shall not exceed 30 feet.
- 6) All operations will be conducted in a manner that complies the maximum permissible environmental noise levels specified of 75 decibels received stated in Zoning Ordinance Section 7-300 (Noise) and the City of Temple Code of Ordinances four hours of operation to be Monday-through Friday, 7:00 a.m. to 6:00 p.m.
- 7) Blasting shall be done by permit and in accordance with regulations found in Chapter 12 of the City of Temple Code of Ordinances.

- 8) Site illumination shall be designed and located so that lighting sources are not directly visible from the highway or residential uses. Lighting shall not cast glare on adjacent properties.
- 9) A commercial building permit will be required for concrete foundations related to stabilization of equipment and containment devices, and scale house.
- 10) An emergency spill response plan shall be established for the new site prior to the commencement of operation. In the event of a spill or waste generated during the move, the company shall designate the waste as per state and or federal regulations.
- 11) Prior to building permit issuance the City of Temple Fire Department shall verify that storage of combustible and flammable liquids shall comply with applicable Fire Code and Building Code regulations.
- 12) The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- 13) During construction, all work associated with the proposed project shall occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday.
- 14) Final "as built" drawings shall be delivered to the City of Temple Construction Services Department upon completion.
- 15) Private improvements shall be clearly shown and labeled as such on each sheet of the construction plans. The note below shall appear on the cover sheet of the construction plans for private improvements:

The City of Temple shall not be responsible for the maintenance of roadway and appurtenant improvements, including storm drainage structures and pipes for all roadways in the development, specifically driveways and private accesses.
- 16) The applicant shall be responsible for preventing mud, dirt and debris from the site, including storm water runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties. One access point for construction (via SH 36) shall be approved by the Texas Department of Transportation (TXDOT).
- 17) The internal circulation plan shall be approved by the City of Temple Fire Marshal as part of the construction plan review/acceptance process.
- 18) Prior to building occupancy, the engineer of record shall provide written certification that the above improvements have been completed in conformance with city code and geotechnical assessments. Monitoring shall be required as determined appropriate by the engineer or geologist of record and in accordance with the Comprehensive Road Standards (DCC) with final reports submitted to the City of Temple Fire Department.
- 19) A final storm water drainage report and plan prepared by a professional engineer licensed in the State of Texas shall be submitted to and approved by City of Temple construction services prior to construction. The storm water plan shall have supporting calculations and, in the event that a computer program is used as an aid in the analysis, all input data and variables used shall be clearly identified. This includes but is not necessarily limited to: design storm unit hydrograph data points; basin data & time of concentration calculation; runoff hydrograph; reach data; storage / infiltration data; and a summary of the hydraulic design parameters for each storm water conveyance and detention / infiltration element proposed on the plans. Final "as built" drawings and material test reports shall be delivered to the City of Temple Construction Services upon completion.
- 20) The storm water facilities shall be owned and maintained by the property owner.

21) The property owner and lessee shall be responsible for the long-term operation, maintenance, repair and replacement of the storm water facility, and that the City of Temple will not be responsible for the maintenance of the storm water facility.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map and Buffer Map
Contrasting Map between Area Annexed – A & LI Zoning
Site Plan

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

MONDAY, MARCH 16, 2009

ACTION ITEMS

Z-FY-09-14: Hold a public hearing to discuss and recommend action for a Conditional Use Permit for mining and mining storage on 119± acres which includes a 26.3± acre tract of land in the Temple City Limits, described as Outblock 2088-A, City Addition, to be zoned Light Industrial District, and the City Council's review of the applicant's request for permanent zoning for a 92.7± acre tract of land out of the McCampbell Langley Survey, Abstract No. 529 and the Elias Tuttle Survey, Abstract No. 835 upon annexation for the Light Industrial District with a Conditional Use Permit for mining and mining storage to be located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317 (Applicant: Thomas Parker for Paul Mark Woods Trust).

Mr. Tim Dolan, Planning Director, presented the background to the Commission and stated the Commission should consider a conditional use permit (CUP) for mining and mining storage of limestone for the subject property located off Airport Highway, north of SH 317. The site is the location of an existing limestone quarry. The applicant had requested the owner's permission to continue mining the area.

Mr. Dolan stated if the CUP was recommended for approval tonight, it would appear on the City Council agenda on April 2nd for the Ordinance's first reading followed by a second reading on April 16th.

Mr. Dolan stated this would be the site plan that would be adopted as **Exhibit "B"** showing the proximity of the facilities being planned by the applicant which included the roadway access from SH 36 with the area being planned for the storage area, the mining area, detention pond, and several fences and berms. The Commission must consider several items when reviewing a CUP.

Mr. Dolan went on to state the conditions:

1. The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;

3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
7. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

Mr. Dolan also stated there are 21 stipulations being recommended by Staff for the CUP and they've been shown to the applicant and no questions have been raised by the applicant.

1. The project shall proceed in substantial conformance with the plans and application materials submitted February 2, 2009, amended on March 9, 2009, and March 12, 2009 and on file except as amended by the conditions herein. The DRC deemed it complete March 9, 2009.
2. The field notes for the area shall be adopted as **Exhibit 'A'**.
3. The mining and mining storage shall be limited to the area shown on the site plan, adopted as **Exhibit 'B'**.
4. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
5. The maximum height of stockpiles shall not exceed 30 feet.
6. All operations will be conducted in a manner that complies the maximum permissible environmental noise levels specified of 75 decibels received stated in Zoning Ordinance Section 7-300 (Noise) and the City of Temple Code of Ordinances four hours of operation to be Monday-through Friday, 7:00 a.m. to 6:00 p.m.
7. Blasting shall be done by permit and in accordance with regulations found in Chapter 12 of the City of Temple Code of Ordinances.

8, Site illumination shall be designed and located so that lighting sources are not directly visible from the highway or residential uses. Lighting shall not cast glare on adjacent properties.

9. A commercial building permit will be required for concrete foundations related to stabilization of equipment and containment devices, and scale house.

10. An emergency spill response plan shall be established for the new site prior to the commencement of operation. In the event of a spill or waste generated during the move, the company shall designate the waste as per state and or federal regulations.

11. Prior to building permit issuance the City of Temple Fire Department shall verify that storage of combustible and flammable liquids shall comply with applicable Fire Code and Building Code regulations.

12. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

13. During construction, all work associated with the proposed project shall occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday.

14. Final "as built" drawings shall be delivered to the City of Temple Construction Services Department upon completion.

15. Private improvements shall be clearly shown and labeled as such on each sheet of the construction plans. The note below shall appear on the cover sheet of the construction plans for private improvements:

The City of Temple shall not be responsible for the maintenance of roadway and appurtenant improvements, including storm drainage structures and pipes for all roadways in the development, specifically driveways and private accesses.

16. The applicant shall be responsible for preventing mud, dirt and debris from the site, including storm water runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties. One access point for construction (via SH 36) shall be approved by the Texas Department of Transportation (TXDOT).

17. The internal circulation plan shall be approved by the City of Temple Fire Marshal as part of the construction plan review/acceptance process.

18. Prior to building occupancy, the engineer of record shall provide written certification that the above improvements have been completed in

conformance with city code and geotechnical assessments. Monitoring shall be required as determined appropriate by the engineer or geologist of record and in accordance with the Comprehensive Road Standards (DCC) with final reports submitted to the City of Temple Fire Department.

19. A final storm water drainage report and plan prepared by a professional engineer licensed in the State of Texas shall be submitted to and approved by City of Temple construction services prior to construction. The storm water plan shall have supporting calculations and, in the event that a computer program is used as an aid in the analysis, all input data and variables used shall be clearly identified. This includes but is not necessarily limited to: design storm unit hydrograph data points; basin data & time of concentration calculation; runoff hydrograph; reach data; storage / infiltration data; and a summary of the hydraulic design parameters for each storm water conveyance and detention / infiltration element proposed on the plans. Final "as built" drawings and material test reports shall be delivered to the City of Temple Construction Services upon completion.

20. The storm water facilities shall be owned and maintained by the property owner.

21. The property owner and lessee shall be responsible for the long-term operation, maintenance, repair and replacement of the storm water facility, and that the City of Temple will not be responsible for the maintenance of the storm water facility.

Mr. Dolan stated a total of five letters were sent out to property owners in the vicinity. Only two letters were received back in opposition to this request. The Commission was given copies of these responses prior to the meeting.

Mr. Dolan stated Staff requested the Commission to recommend approval of the CUP with the Staff's recommendations to which the applicant agreed.

Chair Pope opened the public hearing for comment.

Mr. Robert Boop of 10990 W. Highway 36 approached the Commission. Mr. Boop is a property owner in the area and stated this project will be nothing more than leaves a 120 acre hole in the ground which would never be repaired or used for anything else. Mr. Boop opposed this request due to the desolation and destruction he felt it would bring to the area.

Mr. Mark Forbes of 10044 State Highway 36 approached the Commission to speak. Mr. Forbes stated a few years back another pit had been opened and when some of the blasting occurred it created cracks in his sheetrock which Mr. Forbes spent approximately \$4,000 out of his own pocket to have repaired.

Mr. Forbes was also concerned the mining would end up extending all the way up to the highway and the amount of traffic and dust this would create.

Commissioner Talley asked Mr. Forbes about his written concern regarding the oil and grease from the crusher and trucks affecting the drinking water. Mr. Forbes stated when it rains, it all goes to Lake Belton which is where the area gets their water. Mr. Forbes did admit he had never tasted any tainted water himself but was just looking at possibilities down the road.

Mr. Keith Debault of P.O. Box 32, Rockdale, Texas addressed the Commission to respond to some of the issues rose. In reference to spillage or contamination Mr. Debault stated their equipment was fitted with "spill kits" which are absorbent pads and buckets in case a hydraulic hose broke or some type of rupture occurred. He stated all of their diesel tanks would be double lined to help prevent any kind of spills. It is a law that if a 5 or 10 gallon spill occurs, it has to be cleaned up properly.

Mr. Debault also stated the mining operation would be looking at working perhaps 3-5 acres per year. When asked by the Commission where the mining would occur exactly, Mr. Tim Dolan responded they would not expand outward than what is shown on the current site plan without coming through the CUP process again. Mr. Dolan stated that was why Staff recommended the site plan be adopted as **Exhibit "B."**

Regarding the dynamite issues, Mr. Debault stated they would put up seismographs to measure the waves but dynamiting can be done very close to anything without any type of damage, which has been proven over the years. The people they use for blasting are insured and well trained and they try to discourage any blasting during high humidity or cloudy days.

Chair Pope asked Mr. Debault about keeping down the dust and noise. Mr. Debault responded they would have misters at each transfer point for dust and a water truck would be on-site in the areas being worked in. With the newer equipment and the type of engines they have now, the noise should not be a problem.

Mr. Tom Parker, Engineer from Mine Services, P.O. Box 32, Rockdale, Texas approached the Commission. Mr. Parker stated he did not want to leave anybody the idea that this was the only area which would be worked on. Mr. Parker offered to submit a revised map showing a year by year plan in areas where they anticipated doing work. Mr. Dolan explained why the site plan currently submitted should be adopted as part of the plan to show that it would occur only in this area. If expansion were required, the applicant would have to go through the CUP process again which included proper newspaper notification(s), contact of all pertinent property owners, and another hearing. Mr. Parker agreed to proceed as is.

Mr. Damon Boniface, 5038 Lakeaire Circle, Temple, Texas approached the Commission. Mr. Boniface managed a surface water treatment plant located on Lake Belton and spoke regarding the pollution and/or contamination issue raised. Mr. Boniface stated that State agencies have stringent rules and regulations for compliance should problems or violations occur. Once a violation occurred, a time period is allowed to cure or fix that violation. If the violation is fixed during that given time period, it is not recorded and will not show up on any records.

There being no further speakers, discussion or questions, Chair Pope closed the public hearing.

Commissioner Hurd made a motion to approve Z-FY-09-14 request from county land to Light Industrial (LI) with the CUP for mining and mining storage subject to City Council annexing the land and subject to Staff's 21 recommendations and that the request complied with the Future Land Use Plan, the Thoroughfare Plan and water services. Commissioner Secrest made the second.

Motion passed. (4:3)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-14]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR MINING AND MINING STORAGE ON APPROXIMATELY 119 ACRES LOCATED IN THE VICINITY OF THE SOUTHWEST CORNER OF SH 36 (AIRPORT ROAD) AND NORTH SH 317, AND AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO LIGHT INDUSTRIAL DISTRICT ON AN APPROXIMATELY 26.3 ACRE PORTION OF THAT TRACT; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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 conditions, operation and location of land located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317, recommends that the City Council approve the application for this Conditional Use Permit for mining and mining storage, including a zoning change from Agricultural District to Light Industrial District on an approximately 26.3 acre portion of that tract; 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 by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said 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 for mining and mining storage on approximately 119 acres located in the vicinity of the southwest corner of SH 36

(Airport Road) and North SH 317, and authorizes a zoning change from Agricultural to Light Industrial on an approximately 26.3 acre portion of that tract, both tracts being more fully shown on a map which is attached hereto and made a part hereof for all purposes as Exhibit A.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. The project shall proceed in substantial conformance with the plans and application materials submitted February 2, 2009, amended on March 9, 2009, and March 12, 2009, and on file except as amended by the conditions herein. The DRC deemed it complete March 9, 2009.
- B. The mining and mining storage shall be limited to the area shown on the site plan, attached hereto as Exhibit B.
- C. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- D. The maximum height of stockpiles shall not exceed 30 feet.
- E. All operations will be conducted in a manner that complies the maximum permissible environmental noise levels specified of 75 decibels received stated in Zoning Ordinance Section 7-300 (Noise) and the City of Temple Code of Ordinances four hours of operation to be Monday-through Friday, 7:00 a.m. to 6:00 p.m.
- F. Blasting shall be done by permit and in accordance with regulations found in Chapter 12 of the City of Temple Code of Ordinances.
- G. Site illumination shall be designed and located so that lighting sources are not directly visible from the highway or residential uses. Lighting shall not cast glare on adjacent properties.
- H. A commercial building permit will be required for concrete foundations related to stabilization of equipment and containment devices, and scale house.
- I. An emergency spill response plan shall be established for the new site prior to the commencement of operation. In the event of a spill or waste generated during the move, the company shall designate the waste as per state and or federal regulations.
- J. Prior to building permit issuance the City of Temple Fire Department shall verify that storage of combustible and flammable liquids shall comply with applicable Fire Code and Building Code regulations.
- K. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- L. During construction, all work associated with the proposed project shall occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday.
- M. Final "as built" drawings shall be delivered to the City of Temple Construction Services Department upon completion.
- N. Private improvements shall be clearly shown and labeled as such on each sheet of the construction plans. The note below shall appear on the cover sheet of the construction plans for private improvements:

The City of Temple shall not be responsible for the maintenance of roadway and appurtenant improvements, including storm drainage

structures and pipes for all roadways in the development, specifically driveways and private accesses.

- O. The applicant shall be responsible for preventing mud, dirt and debris from the site, including storm water runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties. One access point for construction (via SH 36) shall be approved by the Texas Department of Transportation (TXDOT).
- P. The internal circulation plan shall be approved by the City of Temple Fire Marshal as part of the construction plan review/acceptance process.
- Q. Prior to building occupancy, the engineer of record shall provide written certification that the above improvements have been completed in conformance with city code and geotechnical assessments. Monitoring shall be required as determined appropriate by the engineer or geologist of record and in accordance with the Comprehensive Road Standards (DCC) with final reports submitted to the City of Temple Fire Department.
- R. A final storm water drainage report and plan prepared by a professional engineer licensed in the State of Texas shall be submitted to and approved by City of Temple construction services prior to construction. The storm water plan shall have supporting calculations and, in the event that a computer program is used as an aid in the analysis, all input data and variables used shall be clearly identified. This includes but is not necessarily limited to: design storm unit hydrograph data points; basin data & time of concentration calculation; runoff hydrograph; reach data; storage / infiltration data; and a summary of the hydraulic design parameters for each storm water conveyance and detention / infiltration element proposed on the plans. Final "as built" drawings and material test reports shall be delivered to the City of Temple Construction Services upon completion.
- S. The storm water facilities shall be owned and maintained by the property owner.
- T. The property owner and lessee shall be responsible for the long-term operation, maintenance, repair and replacement of the storm water facility, and that the City of Temple will not be responsible for the maintenance of the storm water facility.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: 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 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this

ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **April**, 2009.

PASSED AND APPROVED on Second Reading on the **16th** day of **April**, 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

04/02/09
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sam Weed, Fleet Superintendent
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: RECONSIDER the following acquisition authorized by Council on March 19, 2009: Consider adopting a resolution authorizing the purchase of three (3) vehicles from Planet Ford of Spring, Texas, 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: Reconsider as presented in the item description the acquisition of vehicles from Item #5(E) on the March 19, 2009, Consent Agenda.

ITEM SUMMARY: Per requests from Councilmembers, this item brings back to Council for reconsideration the purchase of three pickup trucks.

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
Sub-Total for two (2) ¾ ton full-size pickups					\$ 52,500.00	\$ 43,008.00	\$ 43,411.16
						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
Sub-Total for one (1) 3/4 ton full size 4x4 pickup					\$ 24,385.00	\$ 24,385.00	\$ -
						2009 Ford F250 4x4	

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 \$43,008.00 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
Total Bid Price		\$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
Total Bid Price		\$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
Total Bid Price		\$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
Total Bid Price		\$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, REPEALING RESOLUTION NO. 2009-5670-R WHICH AUTHORIZED THE PURCHASE OF 3 VEHICLES FROM PLANET FORD OF SPRING, TEXAS, IN THE AMOUNT OF \$67,393, AND REJECTED ALL BIDS RECEIVED FOR 2 ONE-TON LIGHT DUTY PICKUPS WITH SPECIAL PURPOSE BODIES; AUTHORIZING THE PURCHASE OF ONE VEHICLE FROM PLANET FORD OF SPRING, TEXAS, IN THE AMOUNT OF \$24,385, AND 2 VEHICLES FROM JOHNSON BROTHERS FORD OF TEMPLE, TEXAS, IN THE AMOUNT OF \$43,411.16 TO INVOKE THE LOCAL PREFERENCE POLICY; REJECTING ALL BIDS RECEIVED FOR 2 ONE-TON LIGHT DUTY PICKUPS WITH SPECIAL PURPOSE BODIES AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 19, 2009, the City Council passed Resolution No. 2009-5670-R which authorized the purchase of 3 vehicles from Spring, Texas, and rejected all bids received for 2 one-ton light duty pickups;

Whereas, the City Council desires to reconsider this action by repealing Resolution No. 2009-5670-R in order to invoke the City's local preference policy for purchasing 2 vehicles from Johnson Brothers Ford of Temple, Texas, and one vehicle from Planet Ford of Spring, Texas;

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 repeals Resolution No. 2009-5670-R passed on March 19, 2009.

Part 2: The City Council invokes the City's local preference policy by authorizing the purchase of 2 vehicles from Johnson Brothers Ford of Temple, Texas, in the amount of \$43,411.16, and one vehicle from Planet Ford of Spring, Texas, in the amount of \$24,385.00, and rejects all bids received for 2 one-ton light duty pickups with special purpose bodies.

Part 3: 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 4: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **2nd** day of **April**, 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

04/02/09
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution naming the Santa Fe Gardens area at the Santa Fe Depot “Fred Springer Park”.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Fred Springer has been involved with the Railroad and Heritage Museum since 1980. Over that period of time he has dedicated a tremendous amount of time, railroad artifacts and timetable collections, and money to the Railroad and Heritage Museum and the City of Temple. In addition, Fred actively worked with the City to save the Katy Depot from being demolished and donated the funds to have the roof replaced on that depot. Fred has truly been the largest supporter of the Museum since the Museum’s opening in the 1970’s.

Over those years, Mr. Springer has asked for nothing in return, and in fact, has insisted on being in the background as a quiet supporter. At the March 10 Parks and Leisure Services Advisory Board meeting, the department staff proposed that we name the Santa Fe Gardens ‘Fred Springer Park’ in honor and recognition of the many contributions Fred has given to the citizens of Temple through his dedication to the Railroad and Heritage Museum. The Board voted unanimously to name that area ‘Fred Springer Park’.

The current policy adopted by City Council for the naming of a park or park facility, in part states:

Naming a park or facility after living people or an organization:

Naming a Park or park facility after a living person is not recommended, however there may be times when the community believes it to be the proper and necessary thing to do. The person should have made a major contribution to Temple in either deed or monetary contribution. The organization also should have made a major contribution to Temple in either deed or monetary contribution.

Some criteria considerations can include:

*A significant monetary contribution toward acquisition or development of a public facility;
When 50 percent or more of the value of the property is donated by the person or organization;
When 50 percent or more of the cost of development is donated by the person or organization;
When a major contribution has been made by the person or organization to the enhancement of the quality of life in the community; and
Outstanding accomplishments by an individual for the good of the community. Quality of the contribution should be considered along with the length of service by the individual.*

We believe Fred Springer more than exceeded the above standards.

Fred has been an outstanding supporter of the Museum, active mentor to the Museum staff and supporter of the City of Temple. Fred and his wife are preparing to move to Santa Fe, New Mexico to be closer to their children and grandchildren. We believe it is appropriate at this time that City Council approve the naming the Santa Fe Gardens area as 'Fred Springer Park'.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, NAMING THE SANTA FE GARDENS AREA AT
THE SANTA FE DEPOT “FRED SPRINGER PARK;” AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at the March 10, 2009, meeting of the Parks and Recreation Advisory Board, the board unanimously voted to recommend to the City Council that the Santa Fe gardens area at the Santa Fe Depot be named “Fred Springer Park;”

Whereas, since 1980, Fred Springer has dedicated a tremendous amount of time, railroad artifacts and timetable collections, and money to the Railroad and Heritage Museum – he worked actively to save the Katy Depot from being demolished and donated funds to have the roof replaced on that depot;

Whereas, it is the desire of the citizens of Temple to honor Fred Springer for his many outstanding contributions to the City of Temple through his support of and dedication to the Railroad and Heritage Museum; and

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

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

Part 1: The City Council approves naming the Santa Fe gardens area at the Santa Fe Depot “Fred Springer Park,” in honor and recognition of the many contributions Fred Springer has given to the citizens of Temple through his support of and dedication to the Railroad and Heritage Museum.

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 **2nd** day of **April**, 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

04/02/09
Item #9
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Tree Board to fill an unexpired term through March 1, 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the February 19th City Council meeting, Dennis Hoffman was reappointed to the Tree Board as the representative from Blackland Research Center. Mr. Hoffman has indicated his desire to resign from the Tree Board at this time. However, Mr. Tom Gerik, Director of Blackland Research Center, has indicated his willingness to fill this position on the Tree Board.

Please see the attached board summary form, which lists current board members, purpose, membership requirements, term and meeting time/place for the board.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board Summary Form](#)

TREE BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
David Lockwood, Vice Chair (at large)	04/05/07	2010	Tem-Bel Nursery 5300 S. General Bruce Dr. Temple, TX 76502	778-5651 W 774-8489 H
Allen Einboden (Keep Temple Beautiful) aeinboden@swmail.sw.org	04/05/07	2012	S&W Health Plan 2401 S. 31 st Street Temple, TX 76508	298-3030 W 780-3634 H 298-3011 F
Dr. Dennis Hoffman (Blackland Research Ctr) resigned 3-20-09	04/05/07	2012	720 East Blackland Road Temple, TX 76502-9622	774-6000 W 774-6001 fax
Doug Smith (Parks & Leisure Services Board) dougs@papergraphicsltd.com	10/16/08	2011	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
H. Allan Talley (Planning & Zoning Comm.) ftalley735@aol.com	03/20/08	2011	5004 Wildflower Lane Temple, TX 76502	770-2089 H
Max Cleaver (Ex Officio-TISD) max.cleaver@tisd.org			Temple ISD 300 South 27 th Street Temple, TX 76504	215-6894 W
Denise Whitley (Ex Officio-BISD) denise.whitley@bisd.org	04/05/07		Belton ISD 616 East 6 th Ave Belton, TX 76513	215-2038 W
Staff: Ken Cicora, Director of Parks & Leisure Services				

Created by Ordinance 2006-4117, Section 22-92

Purpose: To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks & Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.

Membership: 5 members – (1) member of Parks and Leisure Services Advisory Board; (1) member of Keep Temple Beautiful, Inc. Board of Directors; (1) member of Planning and Zoning Commission; (1) member of Blackland Research and Extension Center; and (1) member at large. Ex Officio members from Temple ISD and Belton ISD

Term: 3 year terms

Meeting Time/Place: Board shall meet a minimum of 4 times each year