



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

THURSDAY, MAY 21, 2009

1:00 P.M.

CITY COUNCIL CHAMBERS – 2ND FLOOR

WORKSHOP AGENDA

1. Discuss the preliminary FY 2009-2010 budget.
2. Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2009-2010:
 - Temple Symphony Orchestra
 - Tribal America Network
 - Bell County Business Alliance
 - Bell County Health District
 - Bell County Human Services Department
 - Bloomin' Temple Festival
 - Cen-Texas Alcoholic Rehabilitation Center, Inc.
 - Children's Advocacy Center
 - Cultural Activities Center
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 21, 2009.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [Small Business Week](#) [May 17-29, 2009](#)
(B) [Community Clean Up Day](#) [May 30, 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) [May 7, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2009-5712-R](#): Consider adopting a resolution authorizing an emergency contract with Matous Construction, Ltd, to purchase, furnish and install a clarifier at the conventional water treatment plant in the amount of \$76,091.
- (C) [2009-5713-R](#): Consider adopting a resolution authorizing the renewal of an agreement with Operations Management International, Inc. (OMI) for a term of five years to operate and maintain the Doshier Farm Wastewater Treatment Plant, the City's lift stations in its wastewater distribution system, and the City's Industrial Waste Pretreatment Program.

Ordinances - Second Reading:

- (D) 1. [2009-4294](#): SECOND READING - Consider adopting an ordinance authorizing an amendment the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 for the installation of street lights in the Bioscience Park and along Outer Loop Phase II in an amount not to exceed \$133,000.
2. [2009-5714-R](#): Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC to provide and install street lights on the new boulevard islands for Outer Loop Phase II (Hilliard Road between FM2305/West Adams and SH36/Airport Road) in the amount of \$95,663.04, and Bioscience Park (Roadway B) in the amount of \$36,636.03.

Misc.:

- (E) [2009-5715-R](#): Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2009 Junior Fire Cadet Program in the amount of \$14,545.
- (F) [2009-5716-R](#): Consider adopting a resolution authorizing an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan for \$136,673 of Recovery Act of 2009 Program funds awarded to the City.
- (G) [2009-5717-R](#): Consider adopting a resolution approving second quarter financial results for Fiscal Year 2009.
- (H) [2009-5718-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

V. REGULAR AGENDA

ORDINANCES

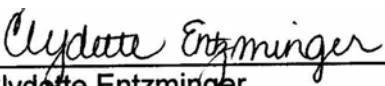
5. [2009-4295](#): FIRST READING – PUBLIC HEARING - Z-FY-09-20: Consider adopting an ordinance authorizing a permanent zoning change from Agricultural District (A) to General Retail District (GR) at 2 Woodland Trail, located on the north part of Lot 14, Block 7, Woodland Trails Subdivision, at the southwest corner of Woodland Trail and FM 2305.
6. [2009-4296](#): FIRST READING – PUBLIC HEARING - Z-FY-09-21: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for petroleum storage and collecting facilities and the management of petroleum products on 10.5 ± acres located on the east side of Wendland Road between Moore's Mill Road and Wilsonart Drive.
7. [2009-4297](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending Chapter 7, "Buildings," Article VII, "Landscape Irrigation Standards," Section 7-103, "Backflow Prevention Methods and Devices," to add the Pressure Vacuum Breaker as an acceptable backflow prevention device; amending Section 7-100, "Definitions," to add the definition for the Pressure Vacuum Breaker.

BOARD APPOINTMENTS

8. [2009-5710-R](#): Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.
9. [2009-5719-R](#): Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an unexpired term through September 1, 2010.

***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 2:15 PM, on May 15, 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

05/21/09
Item #3(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

- | | | |
|-----|------------------------|-----------------|
| (A) | Small Business Week | May 17-29, 2009 |
| (B) | Community Clean Up Day | May 30, 2009 |

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

(A) This proclamation was requested by Randy Garrett, Executive Director, Temple Business Incubator, who will also receive the proclamation.

(B) This proclamation was requested by Tanya Gray, the Executive Director of Keep Temple Beautiful. Ms. Gray will also receive the proclamation.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/21/09
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 7, 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:

[May 7, 2009 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

MAY 7, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 7, 2009, at 3:30 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

2. Discuss requests received for naming the new Municipal Courts Building/Utility Business Office, to be located at 401 North 3rd Street.

Mayor Jones stated several requests have been received to name the new Municipal Court/Utility Business Office building for the late Jamie H. Clements. Mr. Clements served as Mayor of Temple and also as the youngest state representative ever elected in the Texas House. Mr. Clements was instrumental in the relocation of Scott & White Hospital from Avenue G to South 31st Street, as well as many, many more accomplishments during the 1960's, 1970's and 1980's. Mayor Jones indicated he has spoken with Ann Clements and she was quite moved that the City Council would consider naming this building for her husband.

The Councilmembers indicated their desire to take action on this item at a future Council meeting. Mayor Jones noted the request does meet the requirements of the City's policy for naming streets and public facilities and to his knowledge no other requests have been received for the naming of the Municipal Courts/Utility Business Office facility.

3. Receive an update on the adoption of SB 1570 by the Texas Legislature and formation of the South Central High Speed Rail Corporation, Inc.

Mayor Jones stated SB 1570 was passed by the Senate with a vote of 25-4. It is in the House for consideration this week and might be added to the sunset bill for the State of Texas as a rider to expedite its passage. Mayor Jones stated an item was placed on this agenda to name the members of the South Central High Speed Rail Authority but no action will be taken at this time as the bylaws and articles of incorporation are still being developed. He explained the board will be comprised of seven members, three appointed by the Texas Department of Transportation (TxDOT) and four by the high speed rail corporation. Mayor Jones explained that the corporation will be under the authority and oversight of TxDOT. He also discussed the relationship with TxDOT as it relates to funding and construction of high speed rail in Texas.

4. Receive an update on policies and funding for speed humps.

David Blackburn, City Manager, provided this update to the City Council. The last Council discussion regarding traffic calming policies was conducted March 19, 2009. There are currently eight streets that meet the warrants for speed humps - Oaklawn Road, Cripple

Creek Drive, Canyon Creek Drive, Lowe's Road, North 15th Street, West Avenue R, Lawnwood Drive and Killen Lane. Mr. Blackburn displayed maps showing these streets, the approximate locations for the speed humps and the cost. The total cost to install speed humps on these eight streets is estimated at \$20,400 and Mr. Blackburn recommended the contractor performing the street overlay program be authorized to install these speed humps, with funding to come from Child Safety Funds.

Councilmember Schneider questioned whether Canyon Creek and Avenue R would qualify for speed humps due to the width of these streets. He stated he would recommend all of the locations for speed humps except Canyon Creek.

Bruce Butscher, Director of Public Works, indicated the street would qualify for speed humps unless it was a four-lane divided highway. He added they would review both Canyon Creek and Avenue R once again.

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 7, 2009.

David Blackburn, City Manager, discussed item 6(F) on the consent agenda, the authorization to submit an application for pass through financing for the I-35 reliever route project. He stated the City filed a similar application for pass through financing in April 2008 for a project that is over a decade old. There was no action taken on the previous application due to various funding issues with TxDOT and that agency undergoing sunset review. In March 2009, TxDOT issued new guidelines for pass through financing and a call for projects. The deadline for submission of applications is next week.

This project is needed because it will serve as a reliever route for I-35 when it is under construction, Mr. Blackburn explained. The project scope includes grade separations at the BNSF line, Wendland Road and Industrial Boulevard. The SH 36 interchange will also be re-worked.

Jennie Taraborelli, Pate Transportation Partners, addressed the Council. She explained how their firm has tried to position the project in order to get the most money available. Only construction costs are to be considered but the Texas Transportation Commission does have the option to evaluate other costs through a loophole for critical projects. Ms. Taraborelli explained the process by which the application is reviewed and scored by a committee, then sent to the Commission for action. It is likely a contract will be executed by July or August since the dollar amount has already been negotiated with the TxDOT Waco District. Ms. Taraborelli reviewed some of the aspects of the contract, including the guaranteed annual payments.

Traci Barnard, Director of Finance, stated the goal is to minimize the City's contribution and maximize the amount of TxDOT funding. The assumptions used to estimate future costs would require an increase of \$0.035 on the tax rate in 2013. However, there are other revenues available to the City, as well.

Dan Wegmiller, Specialized Public Finance, Inc., explained how the pass through financing debt would be issued to fund the project. An analysis will be provided when an agreement with TxDOT is reached. The project time delivery is critical with these projects, Mr. Wegmiller explained.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 7,

2009 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Father Tom Chamberlain, Our Lady of Guadalupe Catholic Church, voiced the Invocation.

2. Pledge of Allegiance

Haley Capps, Girl Scout Troop 8330, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Youth Week May 4—8, 2009

Mayor Jones presented this proclamation to Willie Capps, representing Temple Elks Lodge #138.

(B) Temple Tourism Week May 9 - 17, 2009

Mayor Pro Tem Luna presented this proclamation to Ken Cicora, staff from the Convention Center & Tourism Department, and Parks and Leisure Services Advisory Board members.

(C) National Public Works Week May 17—23, 2009

Mayor Jones recognized Bruce Butscher and Public Works Department Staff with this proclamation.

(D) Heart & Stroke Healthy Recognition Award

Nicolas Lopez and Mr. Louis West, with the Texas Council on Cardiovascular Disease and Stroke, presented the City of Temple with the Heart & Stroke Healthy Recognition Award. Scott & White was also recognized for Outstanding Community Program under the HeartAware/HeartAware Reaching Rural Populations/StrokeAware Program.

III. PUBLIC APPEARANCE

4. Receive comments from Mike and Jennifer Blanton regarding curbside recycling in the City of Temple.

Jennifer Blanton presented this item to the Council. She discussed the plans she and her husband have to begin a curbside recycling program in Temple. They would provide twice per month pickup, taking the materials collected to a local recycling facility or to facilities in Waco or Austin if the load is too large. A fee for the bin, as well as a monthly pickup fee would be paid by the citizens. Mrs. Blanton outlined some of the many benefits of recycling and discussed how they would provide the service as a way to help out the community and our environment.

IV. PUBLIC COMMENTS

There were no public comments made at this meeting.

V. PRESENTATIONS FROM ADVISORY BOARDS AND STAFF

5. Receive a presentation regarding the City's Water Conservation Plan.

Bruce Butscher, Public Works Director, presented this report to the City Council regarding the City's Water Conservation Plan. He discussed the five stages of the plan. This year, stage 1, the voluntary compliance stage of the plan, will be instituted on June 1. Water conservation is extremely important for everyone and makes sense.

David Blackburn, City Manager, stated he will be meeting with the top ten water users this month to review their water needs and conservation plans. We have an abundant water supply but we do have a finite water distribution center that can be strained during the summer months.

VI. CONSENT AGENDA

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

(A) April 16, 2009 Special Called Meeting and Regular Meeting

(B) 2009-5703-R: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1200.

(C) 2009-5704-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., of Belton for emergency repairs to the sanitary sewer line crossing of Bird Creek at Wren Circle in the amount of \$73,525.

(D) 2009-5705-R: Consider adopting a resolution authorizing the purchase of two (2) one-ton light duty crew cab pickup trucks from Johnson Brothers Ford of Temple in the amount of \$62,747.66.

(E) 2009-4292: SECOND READING - Z-FY-09-17: Consider adopting an ordinance authorizing a zoning change on a 18+ acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two-Family District (2F) and a 3.2+ acre tract of land from Single-Family Attached District (SF-A) and General Retail District (GR) to Single-Family One District (SF-1) on a total of 21.2± acres situated in the

George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352+ feet north of Midway Drive, 190+ west of Arrowhead Drive.

(F) 2009-5706-R: Consider adopting a resolution authorizing the City Manager to file an application for pass through financing for the I-35 reliever route project.

(G) 2009-5707-R: Consider adopting a resolution authorizing payment to Atmos Energy Corporation for the relocation of a gas main to allow for construction of the new Central Fire Station in the amount of \$29,463.27.

(H) 2009-5708-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, with the exception of agenda item 6(E), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(E) 2009-4292: SECOND READING - Z-FY-09-17: Consider adopting an ordinance authorizing a zoning change on a 18+ acre tract of land from Commercial District (C) and Multiple-Family Two District (MF-2) to Two-Family District (2F) and a 3.2+ acre tract of land from Single-Family Attached District (SF-A) and General Retail District (GR) to Single-Family One District (SF-1) on a total of 21.2± acres situated in the George Givens Survey, Abstract No 345, with platted land recorded as Bird Creek Valley VI, Bird Creek Valley Patio Homes, Bird Creek Valley Commercial Park Phase IV and Bird Creek Valley 4-Plexes Phase III, located on both sides of Battle Drive, 352+ feet north of Midway Drive, 190+ west of Arrowhead Drive.

Motion by Councilmember Marty Janczak to table item 6(E), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

VII. REGULAR AGENDA

ORDINANCES

7. 2009-4293: FIRST READING - PUBLIC HEARING - Z-FY-07-18: Consider adopting an ordinance authorizing the creation of an IH-35 Overlay District containing regulations for landscaping, building standards, signs and parking by amending the Zoning Ordinance, Section 7-560.

Tim Dolan, Director of Planning, introduced this item to the City Council. The proposed ordinance conforms to the Comprehensive Plan, Goal 3.4. It also creates special performance standards for I-35 including the portion in the RZ No.1, and improves the corridor's appearance.

Mark Meyers, TBG Partners, presented the proposed ordinance. He discussed the goal of this project, the history of how the project began and has proceeded during the past 6 to 7 months. He showed photos of the existing development along I-35, explaining the four different corridors. The ordinances will apply to all new construction. Existing buildings that add or refurbish by varying degrees will be required to comply over a cumulative 15 year period of time. Mr. Meyers also discussed the landscape design standards, building setbacks, and berm and sidewalk requirements for the various corridors, as well as the tripartate architecture and building articulations that will be required under the proposed ordinance. It is recommended that landscaping standards be coordinated with TxDOT in their right of way areas to be consistent with the City's requirements. Mr. Meyers concluded by stating the I-35 Overlay District Ordinance is being contemplated at this time because of anticipated highway enhancements and widening, the anticipation of redevelopment and lot consolidation in growth areas and to create city entry ways.

Mayor Jones declared the public hearing open with regard to item 7 and asked if anyone wished to address this item.

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

Motion by Councilmember Tony Jeter to adopt ordinance, with second reading set for May 21, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

8. 2009-4294: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 for the installation of street lights in the Bioscience Park and along Outer Loop Phase II in an amount not to exceed \$133,000.

Traci Barnard, Director of Finance, presented this item to the Council. This proposed amendment is to fund the installation of street lights for Bioscience Park in the amount of \$37,000 and Outer Loop Phase II in the amount of \$96,000. The funds are being allocated from available remaining bond proceeds from the Elm Creek Detention Pond Project. Discretionary service agreements with Oncor Electric Delivery Company, LLC will be presented to Council at the May 21st meeting for consideration.

Mayor Jones declared the public hearing open with regard to agenda item 8 and asked if anyone wished to address this item.

Gail Peek, a member of the RZ No. 1 Board of Directors and the Central Texas Astronomical Society, addressed the Council. She expressed her interest in the City utilizing the dark sky compliant lighting being used by TxDOT on new roadways.

Councilmember Janczak asked if the rest of the Outer Loop has this type of lighting.

Mrs. Peek replied that some areas do and some do not. The new lights being installed along I-35 are dark sky compliant.

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading set for

May 21, 2009, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

- 9. 2009-5709-R: Consider adopting a resolution naming the members of the board for the South Central High Speed Rail Authority, Inc.**
- 10. 2009-5710-R: Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.**

Mayor Jones stated there are no recommendations at this time for appointments for items 9 and 10. These items will be considered at a future meeting.

ATTEST:

William A. Jones, III, Mayor

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

05/21/09
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing an emergency contract with Matous Construction, Ltd, to purchase, furnish and install a clarifier at the conventional water treatment plant in the amount of \$76,091.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 4, 2009, clarifier #2 at the conventional water treatment plant stopped working. The plant has four (4) clarifiers that coagulate and settle out solids in the incoming water. The plant depends on clarifier #2 to process approximately four to six million gallons of water per day. As a result, without this clarifier in operation, the plant's treatment capacity is significantly reduced. Another factor related to this clarifying process is that clarifier #1 is also in need of repair, and hence, is at risk of going out of service also.

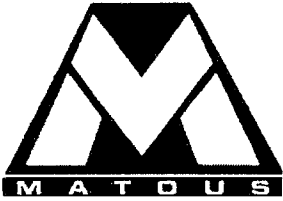
Based on the factors stated above and with the peak water season approaching, staff concluded that repair of clarifier #2 had to be done as quickly as possible. Accordingly, staff contacted Matous Construction, Ltd, for help in evaluating and quoting a cost for the repair of the clarifier. Matous was selected based on their experience in performing similar repairs at other facilities, staff's satisfaction with Matous in performing other work at the water treatment plant, and Matous' willingness to quickly respond to this emergency need in six weeks or less.

This emergency contract will include the partial demolition of the existing bridge and handrail with the temporary removal of mixers, as well as floc, grating, electrical work, and installation of shoring to support existing Floc Cone and I Beams. After placement of the drive unit, existing equipment to be reinstalled, connected to sludge rake arms and oil and lubricated for start-up. The complete start-up will be done by an authorized representative from Enviroquip.

FISCAL IMPACT: A budget adjustment is presented for Council's approval reallocating \$76,100 to fund this emergency project. Funding is available in the FY 2009 operating budget in account 520-5100-535-63-10, project #100446 (Additional Membrane Module Rack). These funds will be allocated to account 520-5100-535-6310, project #100496 (Clarifier Drive Replacement). The additional membrane module rack project has been put on hold until further study has been performed.

ATTACHMENTS:

[Contractor's Quote](#)
[Budget Adjustment](#)
[Resolution](#)



MATOUS CONSTRUCTION, LTD.

GENERAL CONTRACTORS

8602 N. Hwy 317 • Belton, Texas 76513 • Office: (254) 780-1400 • (254) 780-2599

May 12, 2009

Mr. Bruce Butscher, P.E., Director
Department of Public Works
City of Temple
3210 East Avenue H, Bldg A, Ste 130
Temple, Texas 76501

Re: Clarifier Drive Replacement

Dear Bruce:

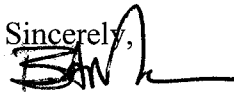
In accordance with your request, we offer the following for your use and consideration:

Item 1 Furnish and install one (1) Enviroquip, LTD 35" PD Clarifier Drive for Clarifier No. 2 at the above referenced project. Work will include the following:

- Install Shoring as required to support existing Floc Cone and beams.
- Disconnect all motors, including mixers and drives
- Cut plate at end of bridge to facilitate removal
- Remove the existing bridge and handrail
- Remove existing drive and dispose.
- 150 TN Crane Rental as required to remove and reinstall equipment.
- Install 35" PD Drive as manufactured by Enviroquip, including adapter plates to connect drive to drive cage.
- Reinstall existing bridge, handrail, mixers, grating, etc.
- Remove Shoring
- Level sludge rake arms after installation.
- Electrical
- Oil and lubricants for proposed unit.
- Start up by authorized Enviroquip representative.
- Payment Bond

For the lump sum of.....\$76,091.00

All work will be completed 6 weeks after receipt of order or earlier. Should you have any questions, please feel free to call.

Sincerely,

Bruce A. Matous

FY 2009**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.
Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5100-535-63-10	100496	Clarifier Replacement	76,100			
520-5100-535-63-10	100446	Additional Membrane Model Rack			76,100	
TOTAL.....			\$ 76,100		\$ 76,100	

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

To reallocate funds originally budgeted for the additional membrane rack. This project has been put on hold until further study has been performed. The funds are needed to fund an emergency contract with Matous Construction, LTD, to purchase, furnish, and install one 35 inch PD Clarifier Drive for the number 2 clarifier at the conventional Water Treatment Plant. The impact of the failure of the clarifier is a decrease in the output from the conventional plant by 4 to 6 million gallons per day.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/21/2009

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 AN EMERGENCY CONSTRUCTION CONTRACT WITH MATOUS CONSTRUCTION, LTD., OF TEMPLE, TEXAS, TO PURCHASE, FURNISH AND INSTALL A CLARIFIER AT THE CONVENTIONAL WATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$76,091 AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 4, 2009, clarifier #2 at the conventional water treatment plant stopped working – the plant has 4 clarifiers that coagulate and settle out solids in the incoming water, and the plant depends on clarifier #2 to process approximately 4-6 million gallons of water per day;

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Whereas, with the peak water season approaching, the Staff concluded that repair of clarifier #2 has to be done as quickly as possible;

Whereas, Matous Construction, Ltd., was chosen to submit a bid (\$76,091) based on the company's experience in performing similar repairs at other facilities, Staff's satisfaction with Matous in performing other work at the water treatment plant, and their willingness to quickly respond to this emergency need in six weeks or less;

Whereas, funds are available for this project but an amendment to the FY 2008-2009 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an emergency construction contract, in an amount not to exceed \$76,091, with Matous Construction, Ltd., of Temple, Texas, after approval as to form by the City Attorney, to purchase, furnish and install a clarifier at the conventional water treatment plant.

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

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

PASSED AND APPROVED this the **21st** day of **May**, 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

05/21/09
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of an agreement with Operations Management International, Inc. (OMI) for a term of five years to operate and maintain the Doshier Farm Wastewater Treatment Plant, the City's lift stations in its wastewater collection system, and the City's Industrial Waste Pretreatment Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution authorizes the renewal of a 5 year operating agreement with OMI to operate Doshier Farm WWTP, to maintain the City's lift stations, and to administer the City's industrial pretreatment program. The current OMI agreement expires at the end of September.

The City has had OMI under contract for fifteen years to operate and maintain its Doshier Farm WWTP, its system of lift stations, and its Industrial Waste Pretreatment Program. The City has had a positive experience with OMI's performance under the three previous (five year) agreements, including the current one which expires on September 30, 2009. In anticipation of the expiration of the current agreement, the Staff has chosen to negotiate the terms of a new agreement a few months before the expiration of the current agreement.

The City has twice (1994 & 1999) published Requests for Proposals for the services provided by OMI, and in both cases, after receiving a number of competitive proposals and conducting interviews with a number of qualified firms, the Staff recommended and the City Council authorized five year agreements with OMI. During the past fifteen years, OMI has provided a very high level of service in the operations at Doshier, their maintenance of our lift stations, and their administration of the City's industrial pretreatment program. During the past fifteen years, the City has not been cited for any significant violations by TCEQ for operations of the Doshier Farm WWTP or operation of our pretreatment program. A significant benefit that the City receives under our operating agreement with OMI, in addition to the services OMI provides directly to the City, is that OMI assumes responsibility for permit violations association with the WWTP and fines associated with any violations, and that

OMI agrees to indemnify the City for claims that may arise from third parties out of the operation of the plant, our lift stations and our pretreatment program.

Based on our 15 year positive experience with OMI, their knowledge and experience running the Doshier Farm WWTP, maintaining our lift stations and administering our pretreatment program, the Staff believes that OMI is the most qualified firm at this point in time to manage those facilities and programs—and chose not to go through the expense and time commitments of an RFP process at this time. In our discussions with OMI, we focused on negotiating favorable terms for a new five year agreement. We think we've done that.

The proposed new five year agreement with OMI leaves their base fee compensation at the current rate (\$1,160,787) for the first year of the agreement and has 3.1% increases in the following four years (\$1,196,771, \$1,233,871, \$1,272,121 and 1,311,557 in year 5). Under the proposed new agreement, OMI assumes responsibility for three (3) additional lift stations that were not part of the current agreement.

The Staff recommends approval of the agreement, which will extend the Agreement for an additional five years effective October 1, 2009.

FISCAL IMPACT: The base compensation paid to OMI would remain unchanged at \$1,160,787 in the first year. A 3.1% annual increase is built into years 2-5.

ATTACHMENTS:

[Cover letter from OMI](#)
[Proposed amendment](#)
[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

March 11, 2009

Mr. Jonathan Graham
City of Temple
2 North Main Street
Temple, Texas 78596

Subject: Professional Services Contract Renewal Extension Proposal

Dear Mr. Graham:

CH2M HILL OMI is pleased to offer to continue providing professional operation and maintenance services for the City of Temple's lift stations, Industrial Pretreatment Program (IPP), and wastewater treatment facilities.

CH2M HILL OMI offers the following proposal to continue serving the City of Temple as your Wastewater Operations Company. The City continues to increase the number of lift stations in the system and to experience increased volume of flow to the existing wastewater treatment system. As you know, key elements of successful system operation and maintenance include effective coordination, operation, and oversight of existing, and new, facilities. We understand that adding lift stations and expanding IPP oversight to the system are rigorous tasks, and we would like to continue our successful partnership during these exciting times of growth and challenge for the City of Temple.

The table below shows our proposed five-year price breakdown and the estimated cost savings to the City. Our proposed price includes *no increase* for the first year with an average (and fixed) annual increase of 3.1% over each of the next four years. This fixed cost increase scenario will save the City approximately \$229,332 as compared to the past National Average CPI/ECI of 3.3%. The table also reflects the savings to the City over the term of the agreement for three additional lift stations recently added to our scope but for which we have not asked for the associated operational cost increase of \$56,641. This alone is a total savings of \$312,507 over the proposed contract term.

March 11, 2009

The following table outlines the proposed Base Fee amount and estimated savings to the City:

Item	Increase	Annual price	Comparison	Savings
2008-2009 Current Base Fee	-	\$ 1,160,787	\$ 1,160,787	-
2009-10 Proposed Base Fee	0 %	1,160,787	1,257,603	\$ 96,816
2010-11 Proposed Base Fee	3.1%	1,196,771	1,299,104	102,333
2011-12 Proposed Base Fee	3.1%	1,233,871	1,341,974	108,103
2012-13 Proposed Base Fee	3.1%	1,272,121	1,386,260	114,139
2013-14 Proposed Base Fee	3.1%	1,311,557	1,432,006	120,449
Five Yr. Proposed Base Fee		\$ 6,175,107	\$ 6,716,947	\$ 541,840

We hope you find these terms agreeable, and that you share our view that continuing the partnership between The City of Temple and CH2M HILL OMI is in the best interest of the City and your ratepayers. We look forward to assisting the City to meet your current and future wastewater challenges.

If you have any questions or need additional information, please contact me at (956) 496-8809.

Sincerely,



Oswaldo Garza, OMI RBM

Cc: Kirby Chaney, OMI RDO
Christopher Parker, Project Manager, Temple Project

AMENDMENT NO. 2
to the
2004 AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS AND OMI FOR THE
MAINTENANCE AND OPERATION OF THE DOSHIER FARM WASTEWATER
TREATMENT PLANT, LIFT STATIONS, AND INDUSTRIAL WASTE
PRETREATMENT PROGRAMS

THIS AGREEMENT is made on this ___ day of ___, 2009, between the City of Temple, Texas (hereinafter "Owner"), whose address for purposes of any formal notice is 2 North Main, Temple, TX 76501, and Operations Management International, Inc., (hereinafter "CH2M HILL OMI"), whose address for purposes of any formal notice is 9193 South Jamaica Street, Englewood, CO 80112. Owner and CH2M HILL OMI are referred to collectively herein as the "Parties."

RECITALS

WHEREAS Owner and CH2M HILL OMI originally entered into an Agreement for the Maintenance and Operation of the Doshier Farm Wastewater Treatment Plant, Lift Stations, and Industrial Waste Pretreatment Programs for the City of Temple, on September 30, 2004 ("2004 Agreement");

WHEREAS Owner and CH2M HILL OMI currently desire to amend and extend the term of the 2004 Agreement, as per this Amendment No. 2;

NOW THEREFORE, Owner and CH2M HILL OMI hereby agree, as follows:

1. Article 4.1 "Compensation" is hereby deleted in its entirety and replaced with the following Article 4.1:

4.1 Base Fee. City shall pay to OMI as compensation for services performed under this Agreement the following fees for each year of the Agreement:

Year 1 (10/1/2009 to 9/30/2010) -	\$1,160,787.00
Year 2 (10/1/2010 to 9/30/2011) -	\$1,196,771.00
Year 3 (10/1/2011 to 9/30/2012) -	\$1,233,871.00
Year 4 (10/1/2012 to 9/30/2013) -	\$1,272,121.00
Year 5 (10/1/2013 to 9/30/2014) -	\$1,311,557.00

2. A new Article 2.1.10 is hereby added to read as follows:

2.1.10 Chemical Costs—OMI shall at its own expense provide for chemical costs. Any increase or decrease of ten percent (10%) or more in the unit price for chemicals in a one year period shall constitute a change in scope of services, and City and OMI shall negotiate a reasonable change in the base fee under Section 4.2.

3. Article 7.1 is hereby deleted in its entirety and replaced with the following Article 7.1:

Term. The original term of this Agreement was for five (5) years, commencing October 1, 2004 through September 30, 2009. The parties hereby agree to extend this Agreement for another five (5) years, commencing October 1, 2009 and continuing until September 30, 2014.

All other terms and conditions of the 2004 Agreement remain in effect. The Parties hereby approve this Amendment No. 2, as is indicated by the signatures of their authorized representatives, below.

Mr. Steve Meininger
Senior Vice President

OPERATIONS MANAGEMENT
INTERNATIONAL, INC.

Date: _____

Mr. David Blackburn
City Manager

CITY OF TEMPLE

Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH OPERATIONS MANAGEMENT INTERNATIONAL, INC., (OMI) FOR THE OPERATION AND MAINTENANCE OF THE DOSHIER FARM WASTEWATER TREATMENT PLANT, THE CITY'S LIFT STATIONS IN ITS WASTEWATER COLLECTION SYSTEM, AND THE CITY'S INDUSTRIAL WASTE PRETREATMENT PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had Operations Management International, Inc., (OMI) under contract for 15 years to operate and maintain its Doshier Farm Wastewater Treatment Plant, its system of lift stations, and to administer the City's industrial pretreatment program – the current OMI agreement expires at the end of September, 2009;

Whereas, the City has had a positive experience with OMI's performance under the 3 previous 5-year agreements, and in anticipation of the expiration of the current agreement, the Staff has chosen to negotiate the terms of anew agreement a few months early before the expiration of the current agreement;

Whereas, the base compensation paid to OMI would remain unchanged at \$1,160,787 in the first year with a 3.1% increase built into years 2 through 5;

Whereas, the Staff recommends approval of the agreement for an additional 5 years, effective October 1, 2009; 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 agreement with Operations Management International, Inc., (OMI), after approval as to form by the City Attorney, for a term of 5 years to operate and maintain the Doshier Farm Wastewater Treatment Plant, the City's lift stations in its wastewater collection system, and the City's Industrial Waste Pretreatment Program.

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 **21st** day of **May**, 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

05/21/09
Item #4(D)-(1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing an amendment the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 for the installation of street lights in the Bioscience Park and along Outer Loop Phase II in an amount not to exceed \$133,000.

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

ITEM SUMMARY: The City has received final cost estimates from Oncor Electric Delivery, LLC, for the installation of street lights in the Bioscience Park and along the Outer Loop Phase II. The cost for the street lights within the Bioscience Park is \$36,636.03. This includes nine 250 watt HPS - Cobra street lights on 30' galvanized steel poles. The cost for the street lights along the Outer Loop Phase II is \$95,663.04. This includes fifty-eight 250 Watt HPS – Cobra street lights on twenty-nine 30' galvanized steel poles. The discretionary service agreements with Oncor Electric Delivery Company LLC, will be presented at the May 21, 2009, Council meeting for your consideration.

There is currently not sufficient funding within these projects for the installation of street lights. There is sufficient funding within the bond projects to reallocate to these projects for the installation of the street lights.

FISCAL IMPACT: The proposed amendment to fund the installation of street lights for Bioscience Park in the amount of \$37,000, account 795-9700-531-6827, project #100259, and Outer Loop Phase II in the amount of \$96,000, account 795-9700-531-6773, project #100150, both within line 399 on the Financing Plan is proposed to be funded from available bond proceeds from the Elm Creek Detention Pond project, line 199 on the Financing Plan. There is currently \$257,563 remaining in the detention pond project, account 795-9700-531-6830, project #950003, that is available for reallocation. The detention pond project is substantially complete per the project engineer which allows us to reallocate the remaining project funds. A budget adjustment is presented for Council's approval reallocating these project savings.

ATTACHMENTS:

Financing Plan

Summary Financing Plan with Detailed Project Plan

Budget Adjustment

Ordinance

DESCRIPTION	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1 Appraised Value	\$ 131,160,668	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,358	\$ 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)	13,590,479	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)	7,309,186	-	-	-	-	-	-	-	-	-	-	-	-	-
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 with Detailed Project Plan

Project Plan - 04/22/09 - to Zone Board

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
<u>NORTH ZONE (including Enterprise Park):</u>							
100 Railroad Spur Improvements	9,324,943	-	-	-	-	-	-
105 Elm Creek Detention Pond	1,041,044	-	-	-	-	-	-
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)	13,590,479	40,000	-	-	800,000	-	-
<u>WESTERN AVIATION ZONE:</u>							
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	-	-
<u>WESTERN BIO-SCIENCE & MEDICAL ZONE:</u>							
300 Greenbelt Development along Pepper Creek	2,376,428	-	-	-	-	-	-
305 Outer Loop Phase 2	4,433,963	-	-	-	-	-	-
306 Bio-Science Park Phase 1	498,795	-	-	-	-	-	-
310 Bio-Science Institute	-	-	-	-	-	-	-
399 Total Western Bio-Science & Medical Zone	7,309,186	-	-	-	-	-	-
<u>OTHER PROJECTS:</u>							
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

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	
795-9700-531-68-27	100259	Bioscience Park	\$ 37,000			
795-9700-531-67-73	100150	Outer Loop Phase II	96,000			
795-9700-531-68-30	950003	Elm Creek Detention Pond			133,000	
TOTAL.....			\$ 133,000		\$ 133,000	

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

To reallocate funds from the Elm Creek Detention Pond project to the Bioscience Park (\$37,000) and Outer Loop Phase II (\$96,000) projects for the installation of street lights. There is currently \$257,563 remaining in the detention pond project that is available for reallocation. The detention pond project is substantially complete per the project engineer which allows us to reallocate the remaining project funds.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/21/2009

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

ORDINANCE NO. 2009-4294

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 \$133,000, FOR THE INSTALLATION OF STREET LIGHTS IN THE BIOSCIENCE PARK AND ALONG OUTER LOOP PHASE II; 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; Ordinance No. 2008-4242 the 21st day of August, 2009; and Ordinance No. 2009-4290 on the 16th day of April, 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. This expenditure requires an amendment to the 2008-2009 budget, a copy of which is attached as Exhibit B.

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 7th day of **May**, 2009.

PASSED AND APPROVED on Second and Final Reading on the 21st day of **May**, 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

05/21/09
Item #4(D)-(2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, PE, Director of Public Works
Michael C. Newman, PE, CFM, Asst. Dir. Of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC to provide and install street lights on the new boulevard islands for Outer Loop Phase II (Hilliard Road between FM2305/West Adams and SH36/Airport Road) in the amount of \$95,663.04, and Bioscience Park (Roadway B) in the amount of \$36,636.03.

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

ITEM SUMMARY: At its April 22, 2009 meeting, the Temple Reinvestment Zone Board of Directors recommended that the City Council enter into an agreement with Oncor to install street lights for the Outer Loop Phase II and Bioscience Park projects.

On May 7, 2009, the City Council conducted a public hearing and approved on first reading an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY2009 in an amount not to exceed \$133,000 to fund the installation of these street lights mentioned in the item description above.

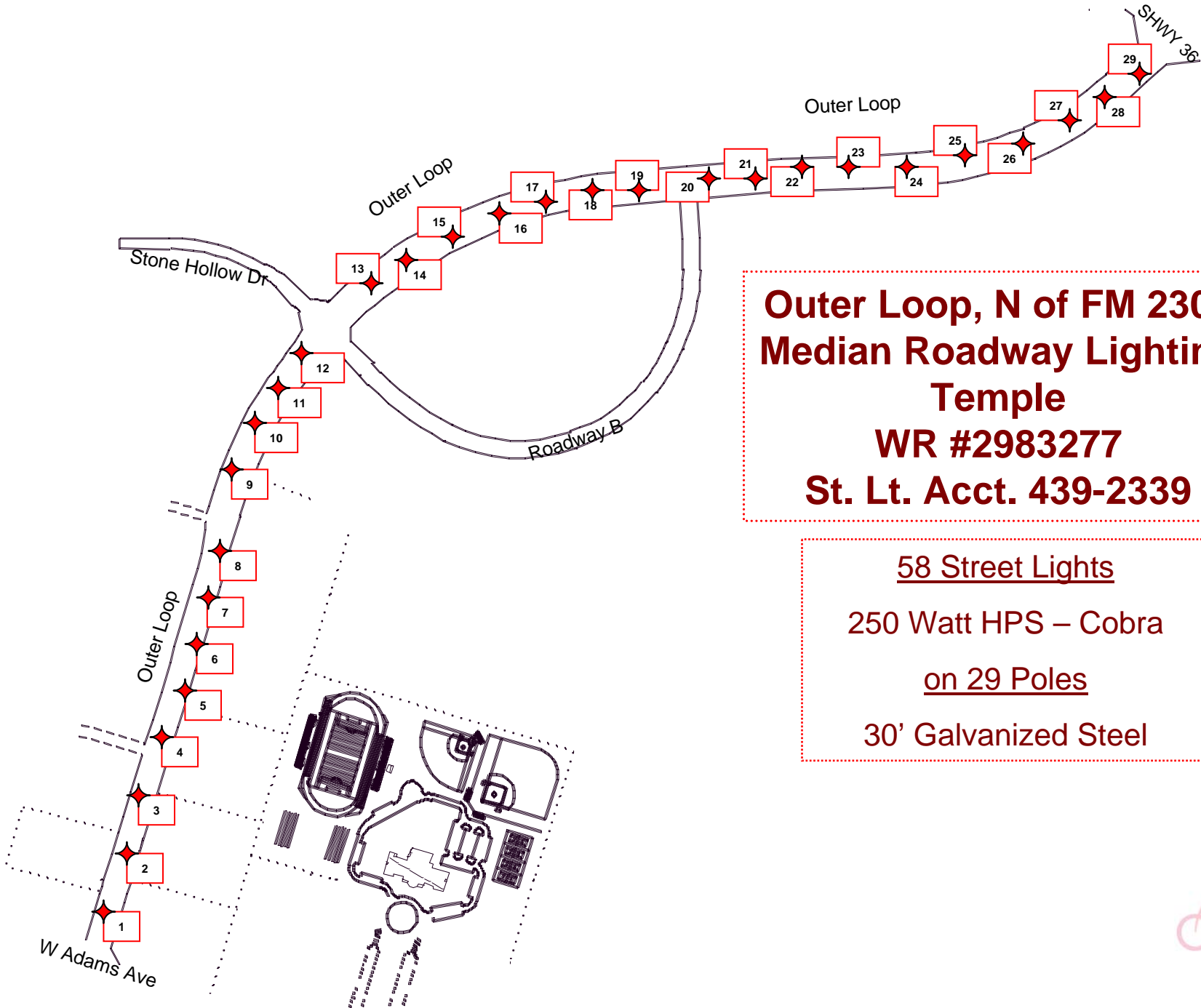
The City has received final cost estimates from Oncor for the installation of street lights in the Bioscience Park and along the Outer Loop Phase 2 that meet the specifications of the City's street light policy. The cost for street lights within the Bioscience Park is \$36,636.03. This includes nine 250 watt HPS (high pressure sodium) Cobra street lights on 30' galvanized steel poles. The cost for the street lights along the Outer Loop Phase 2 is \$95,663.04. This includes fifty-eight 250 watt HPS – Cobra street lights on twenty-nine 30' galvanized steel poles.

During the public hearing, a question was raised by a citizen as to the possibility of installing a certain street light fixture that would be compatible with "dark skies" for citizens interested in less reflective lights at night. The City's street light policy does not address this type of lighting but staff will review our current policy with an effort to move to dark sky/ low impact lighting standards wherever possible and feasible in the future.

FISCAL IMPACT: The proposed amendment to fund the installation of street lights for Bioscience Park in the amount of \$37,000, account 795-9700-531-6827, project #100259, and Outer Loop Phase II in the amount of \$96,000, account 795-9700-531-6773, project #100150, both within line 399 on the Financing Plan is proposed to be funded from available bond proceeds from the Elm Creek Detention Pond project, line 199 on the Financing Plan. There is currently \$257,563 remaining in the detention pond project, account 795-9700-531-6830, project #950003, that is available for reallocation. The detention pond project is substantially complete per the project engineer which allows us to reallocate the remaining project funds.

ATTACHMENTS:

[Outer Loop Phase II Median Lighting map](#)
[Bioscience Park Roadway B Street Lights map](#)
[Oncor Street Light Luminaire Cobra Head Specification](#)
[Resolution](#)



**Outer Loop, N of FM 2305
Median Roadway Lighting
Temple
WR #2983277
St. Lt. Acct. 439-2339**

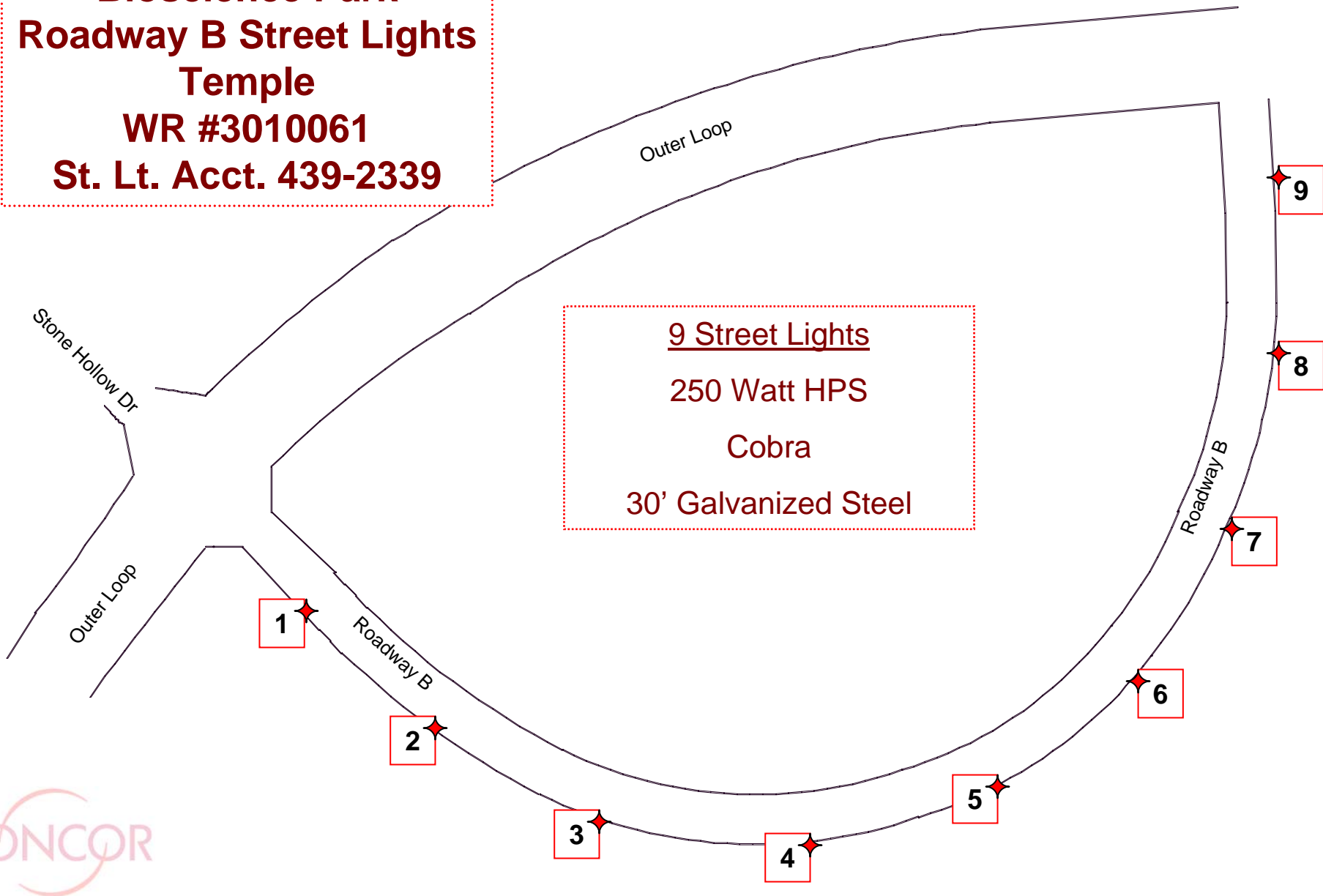
58 Street Lights

250 Watt HPS – Cobra

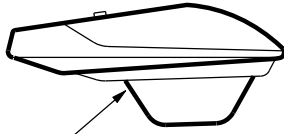
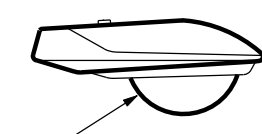
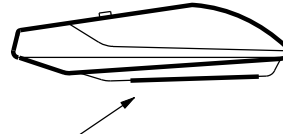
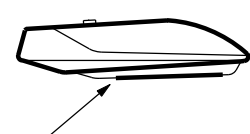
on 29 Poles

30' Galvanized Steel

**Bioscience Park
Roadway B Street Lights
Temple
WR #3010061
St. Lt. Acct. 439-2339**



STREET LIGHT LUMINAIRE COBRA HEAD

**LARGE HOUSING****SMALL HOUSING****CUTOFF LARGE HOUSING****CUTOFF SMALL HOUSING****NOTES:**

1. ADJUST VOLTAGE TAP ON 120 X 240V. (DUAL VOLTAGE) BALLASTS AS NEEDED TO THE CORRECT SUPPLY VOLTAGE.
2. LUMINAIRES WITH 120 X 240V. BALLASTS ARE SUPPLIED WITH PHOTOCONTROL RECEPTACLES. LUMINAIRES WITH 480V. BALLASTS ARE NOT. WHEN PHOTOCONTROL IS NOT NEEDED, A SHORTING CAP (TSN #306698) SHALL BE INSTALLED IN RECEPTACLE.
3. PHOTOCONTROL RECEPTACLE USES SUPPLY VOLTAGE OF LUMINAIRE. USE PROPER VOLTAGE PHOTOCONTROL AS NEEDED. 120VOLT SUPPLY USES TSN #306700 AND 240VOLT SUPPLY USES TSN #321329 OR 301742.
4. LAMPS AND PHOTOCONTROLS ARE NOT SUPPLIED WITH LUMINAIRES.
5. LUMINAIRE REFRACTORS ARE USUALLY MADE OF ACRYLIC MATERIAL FOR 150 WATT AND LOWER, AND GLASS FOR 200 WATT AND HIGHER.

ITEM	QTY	DESCRIPTION	TSN/REF	CU	MU
1		HIGH PRESS. SODIUM LUMINAIRE 100W, TYPE II, 120V	303142	LC100H21	
1		HIGH PRESS. SODIUM LUMINAIRE 100W, TYPE III, 120V	313547	LC100H31	
1		HIGH PRESS. SODIUM LUMINAIRE 100W, TYPE II, 240V	306678	LC100H22	
1		HIGH PRESS. SODIUM LUMINAIRE 150W, TYPE II, 120X240V	303141	LC150H21/2	
1		HIGH PRESS. SODIUM LUMINAIRE 150W, TYPE II, 480V	303144	LC150H24	
1		HIGH PRESS. SODIUM LUMINAIRE 200W, TYPE III, 120X240V	303135	LC200H31/2	
1		HIGH PRESS. SODIUM LUMINAIRE 200W, TYPE III, 480V	312536	LC200H34	
2		HIGH PRESS. SODIUM LUMINAIRE 250W, TYPE III, 120X240V	306687	LC250H31/2	
2		HIGH PRESS. SODIUM LUMINAIRE 250W, TYPE III, 480V	303152	LC250H34	
2		HIGH PRESS. SODIUM LUMINAIRE 400W, TYPE III, 120X240V	303139	LC400H31/2	
2		HIGH PRESS. SODIUM LUMINAIRE 400W, TYPE III, 480V	303128	LC400H34	
2		METAL HALIDE LUMINAIRE 175W, TYPE III, 120V	427361	LC175MH31	
2		METAL HALIDE LUMINAIRE 250W, TYPE III, 240V	393554	LC25MH32	
2		METAL HALIDE LUMINAIRE 400W, TYPE III, 120X240V	303151	LC401H31/2	
2		METAL HALIDE LUMINAIRE 400W CUTOFF, TYPE III, 240V	393554	LC25MH3C2	
2		METAL HALIDE LUMINAIRE 400W CUTOFF, TYPE III, 480V	427491	LC40MH3C4	
3		HIGH PRESS. SODIUM LUMINAIRE 100W, CUTOFF, 120V	328978	LC10H3C1	
3		HIGH PRESS. SODIUM LUMINAIRE 150W, CUTOFF, 120X240V	328900	LC15H3C1/2	
3		HIGH PRESS. SODIUM LUMINAIRE 150W, CUTOFF, 480V	328998	LC15H3C4	
3		HIGH PRESS. SODIUM LUMINAIRE 200W, CUTOFF, 120X240V	329001	LC20H3C1/2	
3		HIGH PRESS. SODIUM LUMINAIRE 200W, CUTOFF, 480V	328999	LC20H3C4	
4		HIGH PRESS. SODIUM LUMINAIRE 250W, CUTOFF, 120X240V	329002	LC25H3C1/2	
4		HIGH PRESS. SODIUM LUMINAIRE 250W, CUTOFF, 480V	329013	LC25H3C4	
4		HIGH PRESS. SODIUM LUMINAIRE 400W, CUTOFF, 120X240V	329014	LC40H3C1/2	
4		HIGH PRESS. SODIUM LUMINAIRE 400W, CUTOFF, 480V	329015	LC40H3C4	

APPROVED BY



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC, TO PROVIDE AND INSTALL STREET LIGHTS ON THE NEW BOULEVARD ISLANDS FOR OUTER LOOP PHASE II (HILLIARD ROAD BETWEEN FM 2305/WEST ADAMS AND SH36/AIRPORT ROAD) IN AN AMOUNT NOT TO EXCEED \$95,664, AND BIOSCIENCE PARK (ROADWAY B) IN AN AMOUNT NOT TO EXCEED \$36,637; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its April 22, 2009 meeting, the Temple Reinvestment Zone Board of Directors recommended that the City Council enter into an agreement with Oncor Electric Delivery Company, LLC, to install street lights for the Outer Loop Phase II and Bioscience projects;

Whereas, on May 7, 2009, the City Council conducted a public hearing and approved on first reading on ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan for FY 2009 in an amount not to exceed \$133,000 to fund the installation of street lights;

Whereas, funds are available for the installation of street lights for the Bioscience Park in Account No. 795-9700-531-6827, Project #100259, and for the Outer Loop Phase II in Account No. 795-9700-531-6773, Project #100150; 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 agreement with Oncor Electric Delivery Company, LLC, after approval as to form by the City Attorney, to provide and install street lights on the new boulevard islands for Outer Loop Phase II (Hilliard Road between FM 2305/West Adams and SH36/Airport Road) in an amount not to exceed \$95,664, and Bioscience Park (Roadway B) in an amount not to exceed \$36,637.

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 **21st** day of **May**, 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

05/21/09
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Jr., Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2009 Junior Fire Cadet Program in the amount of \$14,545.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Under the authority of the Texas Transportation Code, in 2001, the Bell County Commissioners Court imposed a \$ 1.50 per vehicle Child Safety registration fee to be collected by our County Tax Assessor-Collector. The City of Temple's allocation is based on population. These funds must be used for a school crossing guard program if the City operates one. Since the City does not operate a crossing guard program, the funds may be spent on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention.

We are recommending that \$14,545 of the child safety fees collected be provided to the 2009 Junior Fire Cadet Program. Firefighters serve as instructors to youngsters between the ages of 9 to 13. The cadets participate in hands-on activities such as confidence building, ladders, fire hose, and CPR/first-aid. Students learn the importance of setting goals, working as a team, ethics, and respect of self and others. The goal of the program is to give kids the opportunity to improve themselves. Guest speakers explain the importance of exercise, proper nutrition, and staying in school. The Temple Independent School District has partnered with the department and has provided a campus for the program since 2002.

The department started the program in the summer of 1999 with 31 boys and girls attending the four-week long class. We quickly learned the value of this program by seeing the young faces in the classroom and feeling the difference firefighter's make as role models in their lives. It is impossible to put an exact value on the benefits of this program but we do know that we enrich the lives of all the students participating in the program. Funding will be used to operate the class which will last for three weeks and one day. We anticipate a class of 50 participants.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$14,545 to account 110-0000-452-0164, from the Child Safety Fees collected by the County on behalf of the City, to Temple Fire and Rescue's overtime account, 110-2200-522-11-19, in the amount of \$10,970; and Contributions and Prizes, account 110-2200-522-25-10 in the amount of \$3,575.

If funding for this expenditure is approved, there will be \$234,260 available in Child Safety Funds for future eligible expenditures.

ATTACHMENTS:
[Budget Adjustment
Resolution](#)

FY 2009**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.
Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-452-01-64		Child Safety Fee Revenue	\$ 14,545			
110-2200-522-11-19		Fire Department Overtime	10,970			
110-2200-522-25-10		Fire Department Contributions & Prizes	3,575			
TOTAL.....			\$ 29,090		\$ -	

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

To appropriate Child Safety Fees received from Bell County to fund the Jr. Fire Cadet Program for 2009. The child safety fees must be used on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention. The Jr. Fire Cadet Program is a four week long class in which the cadets participate in hands on activities such as confidence building, ladders, fire hose, and CPR/first aid. Students learn the importance of setting goals, working as a team, ethics, and respect of self and others. After approval of this budget adjustment, \$234,260 will remain available in Child Safety Fees for future allocation.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

5/21/2009

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 FUNDING FROM THE CHILD SAFETY FEES FOR THE 2009 JUNIOR FIRE CADET PROGRAM, IN THE AMOUNT OF \$14,545; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

Whereas, these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

Whereas, from those funds, the Fire Department requests an amount of \$14,545 for the 2009 Junior Fire Cadet Program;

Whereas, an amendment to the FY2008-2009 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council approves providing funding from the Child Safety Fees-Bell County for the 2009 Junior Fire Cadet Program in the amount of \$14,545.

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 purpose.

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

PASSED AND APPROVED this the 21st day of May, 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

05/21/09
Item #4(F)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan for \$136,673 of Recovery Act of 2009 Program funds awarded to the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has been awarded \$136,673 of Recovery Act of 2009 Program funds. The funds will be added to the Fiscal Year 2008-2009 CDBG Annual Action Plan.

The City's plan amendment must be submitted to HUD by June 5, 2009 and priority should be given to projects that can be initiated no later than June 17, 2009.

The proposed allocation of funds is as follows:

Park Improvements	\$123,006
General Administration	\$13,667
Total	\$136,673

It is recommended that the park improvement funds be used to expand on the current improvements allocated in the Fiscal Year 2008-2009 CDBG Annual Action Plan for Jones Park. The improvements are proposed to include a new picnic pavilion, demolition of the old pavilion, abandoning the alley, landscaping, shade for over the playground equipment and completing a hike and bike trail at Jones Park.

FISCAL IMPACT: \$136,673 in Recover Act of 2009 Program funds will be allocated as recommended.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2008-2009 CDBG ANNUAL ACTION PLAN FOR \$136,673 OF RECOVERY ACT OF 2009 PROGRAM FUNDS AWARDED TO THE CITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has been awarded \$136,673 of Recovery Act of 2009 Program funds which will be added to the Fiscal Year 2008-2009 CDBG Annual Action Plan;

Whereas, Staff recommends that the park improvement funds be used to expand on the current improvements allocated for Jones Park; and

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

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

Part 1: The City Council authorizes an amendment to the Fiscal Year 2008-2009 CDBG Annual Action Plan for \$136,673 of Recovery Act of 2009 Program funds awarded to the City of Temple.

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

PASSED AND APPROVED this the **21st** day of **May**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger

Jonathan Graham

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

05/21/09
Item #4(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the second quarter ending March 31, 2009, for the General, Water & Sewer, Drainage and Hotel/Motel Tax Funds.

Included with these second quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

The second quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2009.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements (Hard copy)
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SECOND QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2009; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the second quarter 2009 fiscal year financial results need to be approved by the City Council;

Whereas, included in the second quarter results are various schedules detailing grants, sales tax, capital projects and investments; and

Whereas, the City Council 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 the second quarter 2009 fiscal year financial results, 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 **21st** day of **May**, 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

05/21/09
Item #4(H)
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 \$498,171.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 21, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2000-521-6231	100497	OCU Seized Funds/Federal (Police)	\$ 22,838	
110-0000-313-0330		Federal Seized Funds		\$ 22,838
Use federal seized funds to purchase a computer shooting/training simulator.				
110-2000-521-2516		Judgments & Damages (Police)	\$ 17,286	
110-2000-521-2516		Judgments & Damages	\$ 14,979	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 32,265
For payment of judgment - Steven Taylor v City of Temple, Texas. The judgment is broken down as follows: Back-pay \$17,285.98, Interest \$2,712.01, Court costs \$467 and Attorneys' fees in trial court \$11,800.				
110-2350-540-2516		Judgments & Damages (Solid Waste - Frontload)	\$ 297	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 297
Settlement of claim filed against the City by the Hilton Garden Inn seeking reimbursement for the cost of repairing hydraulic hoses for a trash compactor which were damaged when a Solid Waste refuse truck was emptying the container on November 25, 2008.				
110-3200-551-1118		Extra-Help/Seasonal (Recreation)	\$ 103,875	
110-3200-551-2112		Food Items/Supplies	\$ 300	
110-3200-551-2721		Food Products/Preparation	\$ 5,825	
110-0000-445-1879		Summit Store Sales		\$ 17,000
110-0000-445-1590		Special Events/Classes		\$ 93,000
Additional funding is needed for staffing summer camps, a new after school program and new programs at the Summit. The funding will be recovered through revenues related to summer camps, a new after school program and store sales at the Summit. Revenues will come from the following sources: •After School Programs YTD (Oct. - April) \$21,500 • Camp Heatwave \$40,000 • Summer Camps \$33,000 • New After School Program \$7,500 • Summit Store Sales \$17,000				
110-3400-531-2344		Speed Humps (Street)	\$ 20,400	
110-0000-452-0164		Child Safety Fee Revenue		\$ 20,400
To appropriate Child Safety Funds in the amount of \$20,400 to install speed humps in the following locations: Oaklawn \$3,600; Cripple Creek Drive \$3,600; Canyon Creek Drive \$1,200; Lowe's Drive \$3,600; North 15th Street \$1,200; West Avenue R \$1,200; Lawnwood \$2,400; and Kileen \$3,600. After the appropriation of these funds, \$248,805 will remain available in Child Safety Funds for future allocation.				
110-4000-555-2110		Office Supplies (Library)	\$ 340	
110-4000-555-2510		Contributions/Prizes	\$ 200	
110-4000-555-2623		Other Contract Services	\$ 260	
110-0000-461-0841		Donations/Gifts		\$ 800
Expend donated funds as designated for Summer Reading program.				
351-1900-519-6211	100498	Instruments/Special Equipment (ITS CIP)	\$ 18,000	
351-0000-490-2582		Transfer In - Designated Capital Projects Fund		\$ 12,000
351-0000-461-0865		Miscellaneous Reimbursements		\$ 6,000
110-0000-351-0943		Designated Capital Unallocated - Technology Funds		\$ 12,000
110-9100-591-8151		Transfer Out - Designated Capital Projects Fund	\$ 12,000	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 21, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
To appropriate funds from Technology Funds in the amount of \$12,000 and appropriate \$6,000 to be received from a tenant to purchase two cameras, wireless units and upgrade wireless network for the Airport due to facility relocation and reprovisioning of equipment.				
362-3200-551-6841	100359	Summit Expansion (Bonds - Parks)	\$ 58,306	
362-3500-552-6838	100356	Family Aquatics Center	\$ 99,105	
362-3500-552-6844	100362	Lions Soccer Field	\$ 100,000	
362-3500-552-6839	100357	Sammons Park Indoor		\$ 55,000
362-3500-552-6842	100360	Miller Park Improvements		\$ 80,000
362-3500-552-6843	100361	West Temple Spray Park		\$ 20,000
362-3500-552-6845	100363	Ferguson Park Improvements		\$ 55,000
362-0000-461-0111		Interest Income		\$ 47,411
This budget amendment reallocates funding for bond projects to reflect project budgets and appropriates interest earnings. Funds are needed for additional improvements for Summit Expansion, Lions Junction Family Water Park, and at the Multi-Use Field in Lions Park. Project savings are available from the Sammons Park Indoor Pool, Ferguson Park, West Temple Park & Miller Park.				
520-5200-535-2516		Judgments & Damages (Water Distribution)	\$ 2,160	
520-5200-535-6532		Contingency - Judgments & Damages		\$ 2,160
Settlement of claim filed against the City by Thornton Lane Limited Partnership seeking reimbursement for an amount paid to Reliable Paving, Inc., in October 2008, to repair 400 square feet of asphalt in South Loop II Shopping Center on Thornton Lane.				
520-5800-535-6212	100499	Office Machines (Water Business Office)	\$ 22,000	
580-5500-535-6532		Contingency		\$ 22,000
To appropriate funds for the purchase of a remittance processor for the Water Business Office.				
TOTAL AMENDMENTS			\$ 498,171	\$ 498,171
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning Judgments & Damages Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(69,737)
Net Balance of Judgments & Damages Contingency Account			\$	263
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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 21, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	91,421
		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	\$	(166,281)
		Net Balance of Contingency Account	\$	7,840
		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	\$	(95,424)
		Net Balance of T-BRSS Future Plant Expansion Contingency	\$	354,576
		Net Balance Water & Sewer Fund Contingency	\$	850,686
		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
		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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
May 21, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
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 **21st** day of **May**, 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

05/21/09
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-20: Consider adopting an ordinance authorizing a permanent zoning change from Agricultural District (A) to General Retail District (GR) at 2 Woodland Trail, located on the north part of Lot 14, Block 7, Woodland Trails Subdivision, at the southwest corner of Woodland Trail and FM 2305.

P&Z COMMISSION RECOMMENDATION: At its May 4, 2009 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation for zoning case Z-FY-09-20 to recommend approval of a zone change from A to GR for the following reasons:

1. The request complies with the General Retail District;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the property.

Commissioners Secrest and Dusek did not attend the meeting.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for June 4, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes for case Z-FY-09-20, from the Planning and Zoning meeting, May 4, 2009. The property, annexed on January 14, 2008, consists of an existing convenience store with gasoline sales and a restaurant. The applicant requests a zone change from Agricultural District (A) to General Retail District (GR) to bring his property into Zoning Ordinance compliance. The General Retail District is an appropriate zoning district fronting a major arterial such as FM 2305.

At the public hearing on May 4, 2009, the property owner and his partner each spoke in favor of the zone change request. The Commission did not raise any issues requiring additional staff attention.

FISCAL IMPACT: None

ATTACHMENTS:

Aerial
Zoning Map
Land Use and Character Map
Notice Map
P&Z Staff Report (Z-FY-09-20)
P&Z Minutes (May 4, 2009)
Ordinance



Z-FY-09-20

2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition



 ZFY0920

A to GR (Convenience Store/Restaurant)

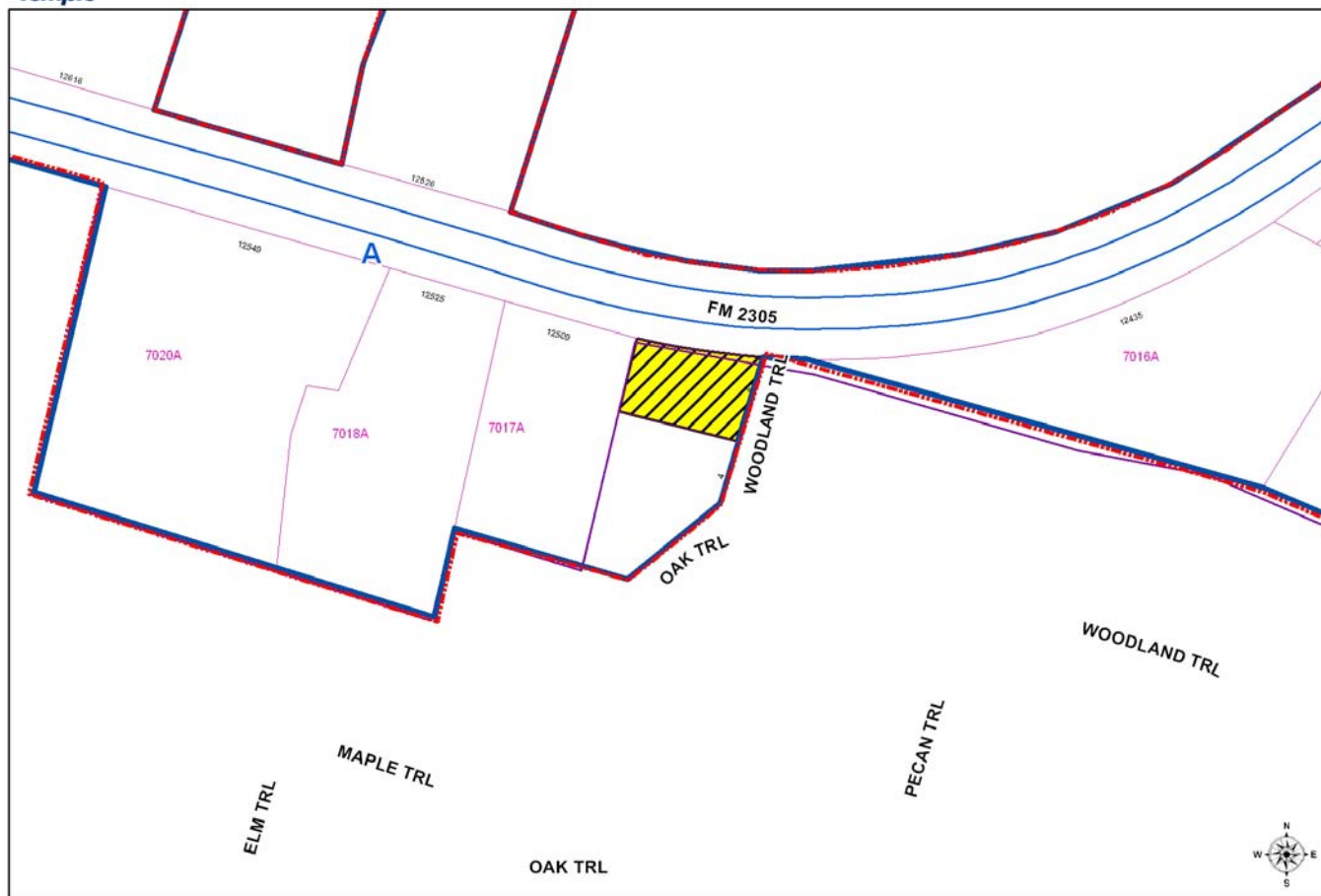
1 inch = 150 feet
J Stone 4.8.9



Z-FY-09-20

2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition



 ZFY0920

A to GR (Convenience Store/Restaurant)

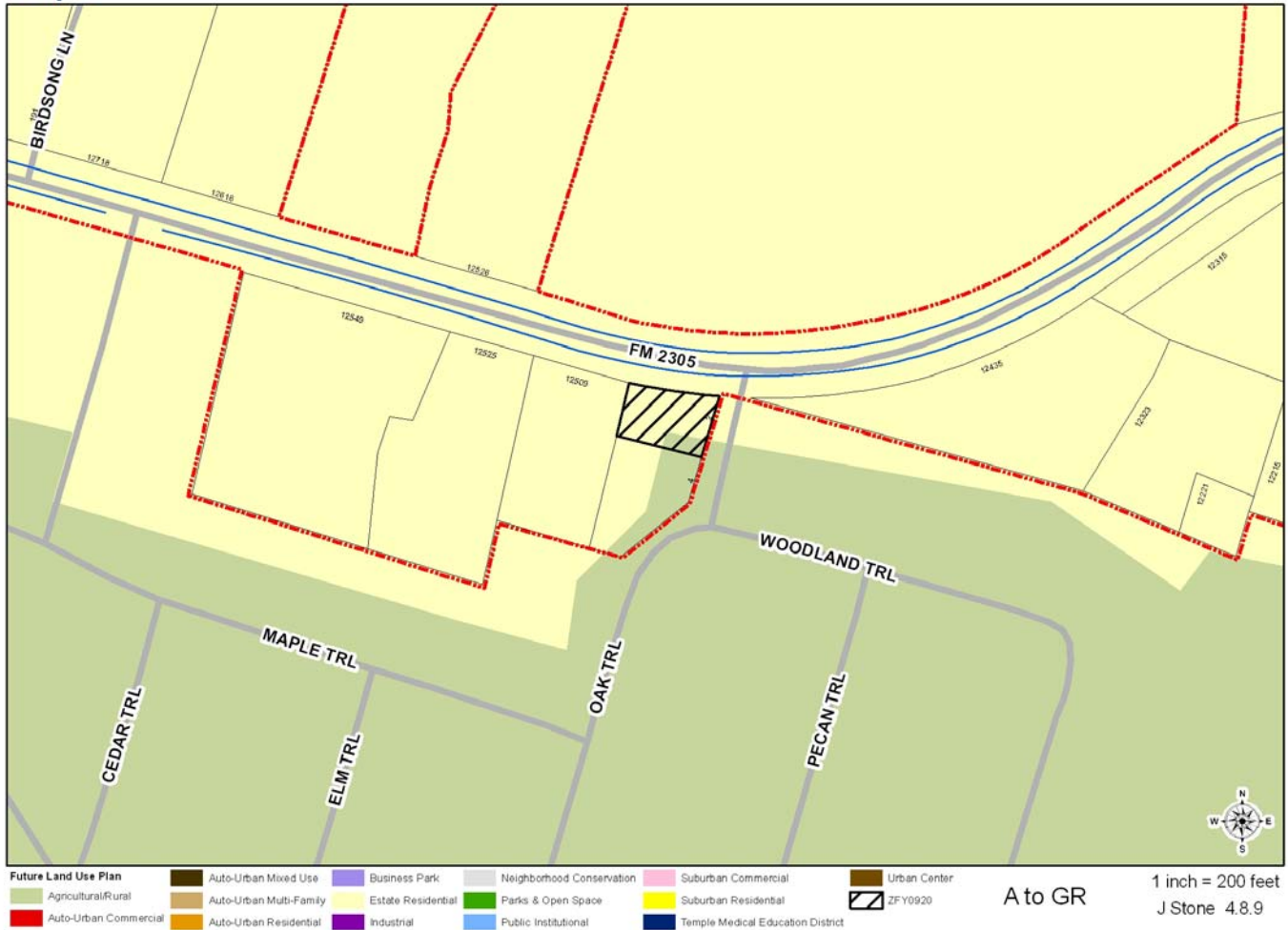
1 inch = 150 feet
J Stone 4.8.9



Z-FY-09-20

2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition





Z-FY-09-20

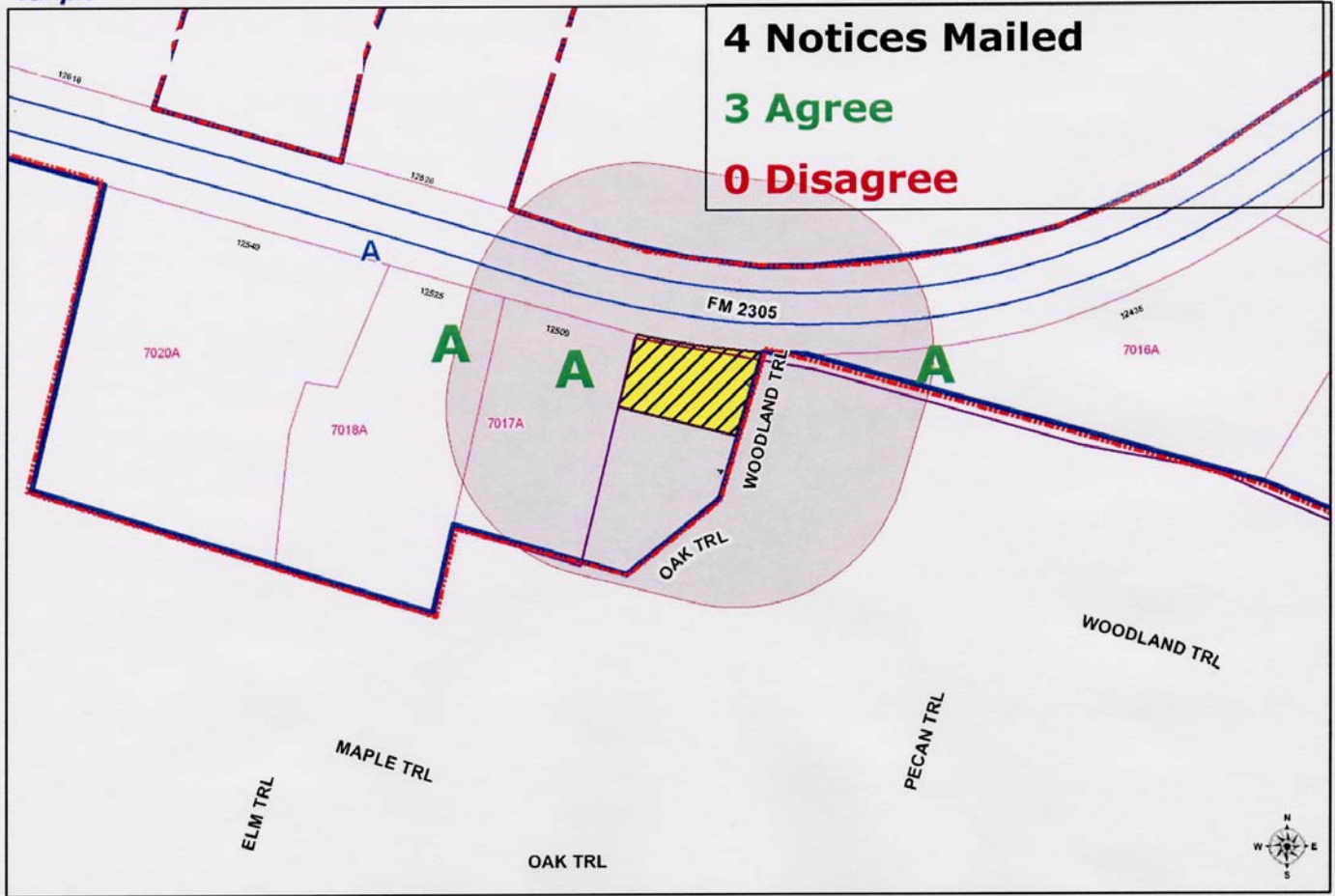
2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition

4 Notices Mailed

3 Agree

0 Disagree



A to GR (Convenience Store/Restaurant)

1 inch = 150 feet
J Stone 4.8.9



PLANNING AND ZONING COMMISSION AGENDA ITEM

05/04/09

Item #2

Regular Agenda

Page 1 of 3

APPLICANT / DEVELOPMENT: Sayed Cheema

CASE MANAGER: Tammy A. Lyerly, Planner

ITEM DESCRIPTION: Z-FY-09-20 Hold a public hearing to discuss and recommend action on permanent zoning from Agricultural District (A) to General Retail District (GR) at 2 Woodland Trail, located on the north part of Lot 14, Block 7, Woodland Trails Subdivision, at the southwest corner of Woodland Trail and FM 2305. (Applicant: Sayed Cheema)

BACKGROUND: The applicant requests a zone change from Agricultural District (A) to General Retail District (GR) for his existing convenience store (with gasoline sales) and restaurant. The City of Temple annexed the applicant's property on January 14, 2008. Although the Zoning Ordinance allows existing uses on annexed properties to continue as "legal non-conforming" uses, the applicant wants to bring his property's existing uses into compliance with the Zoning Ordinance.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	A	FM 2305
	None (Out of City Limits)	Undeveloped Land
East	None (Out of City Limits)	Retail/Office Strip
South	A	Lake Belton VFW Post 10377
West	A	Residential

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

Future Land Use and Character

The Future Land Use and Character map designates the property a combination of Estate Residential and Agricultural/Rural. Both designations agree with existing developments to the south and west of the applicant's existing business. The applicant's existing business, as well as the small retail/office strip along the east side of Woodland Trails, is typical transitional development between a rural/residential area and a major arterial along the edge of the city limits. FM 2305 makes this property suitable for nonresidential development. In the future, staff will pursue semi-annual updates to the Future Land Use and Character map.

Thoroughfare Plan

The Thoroughfare Plan Map designates FM 2305 as a major arterial. Woodland Trail functions as a collector in this area by transitioning traffic from the nearby neighborhood to the existing retail uses along both sides of its intersection with FM 2305.

Adequacy of Public Facilities

A 6-inch water line along FM 2305 serves this property. A septic system serves this property. There is a lift station to the east of this property at the intersection of FM 2271 and FM 2305.

Development Regulations

The purpose of the General Retail District (GR) is to serve larger service areas than neighborhoods. General Retail districts should be located at intersections of major arterials, such as FM 2305, and should provide total on-site traffic maneuvering within the boundaries of retail facilities. The General Retail District **allows** most retail uses, including convenience stores with fuel sales, restaurants, grocery stores, offices, and residential uses except apartments. The General Retail District **prohibits** commercial uses such as truck stops, truck sales, auto storage, wrecker or salvage yards, major vehicle repair, tool rental, building material sales, contractor storage and equipment yards, and mini-storage warehouses.

GR, General Retail (nonresidential uses)	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	3 stories
Min. Yard (ft)	
Front	15'
Side (interior and street side)	10'
Rear	10' adjacent to residential district

The Zoning Ordinance requires a minimum distance of 12 feet from gasoline pump islands and the front property line, and a distance of at least 10 feet from the outer edge of the canopy to the front property line. The applicant's business appears to comply with these distances.

Public Notice

Staff mailed notices to the four property owners within 200 feet of the zone change site. As of Thursday, April 30, 2009 at noon, staff received two response notices in favor of the request and none in opposition to the request. The newspaper printed notice of the public hearing on April 24, 2008 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of zone change Z-FY-09-20 from Agricultural District (A) to General Retail District (GR) for the following reasons:

1. The request complies with the General Retail District;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use and Character Map

Aerial

Notice Map

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

MONDAY, MAY 4, 2009

ACTION ITEMS

Z-FY-09-20: Hold a public hearing to discuss and recommend action on permanent zoning from Agricultural District (A) to General Retail District (GR) at 2 Woodland Trail, located on the north part of Lot 14, Block 7, Woodland Trails Subdivision, at the southwest corner of Woodland Trail and FM 2305. (Applicant: Sayed Cheema)

Ms. Tammy Lyerly, Planner, presented a Powerpoint presentation of zoning case Z-FY-09-20 to the Commission. Ms. Lyerly stated this request was for an existing convenience store with gasoline sales and a restaurant. The applicant requested a zone change from Agricultural District (A) to General Retail (GR). If approved, this item would be scheduled for City Council first reading on May 21, 2009 and second reading for June 4, 2009.

Ms. Lyerly stated this property was annexed into the City of Temple on January 14, 2008. Since the uses were in existence when the property was annexed into the City of Temple, the existing uses on the property are considered legal nonconforming. All the uses presently on the property are allowed by the requested General Retail District. Ms. Lyerly stated the area is along the south side of FM 2305 and situated at the entrance of the Woodland Trail area. A VFW building is to the south of the property and on the east side is an office/retail center. The land use recommendation for this property is Agricultural Rural and Estate Residential uses which is typical for areas bordering the city limit lines.

Ms. Lyerly stated the property is served by a 6" water line which runs along FM 2305 and a septic system. Ms. Lyerly stated FM 2305 is a major arterial which means the requested GR district would comply with the Thoroughfare Plan.

Four notices were sent out; three notices were returned in favor of the request. Staff recommended approval of this request from Agricultural to General Retail since it complies with the GR district, the Thoroughfare Plan, and adequate public facilities serve the site.

Chair Pope opened the public hearing for comment.

Mr. Asmi Alsadi of 662 Benchmark, approached the Commission and stated he was in favor of the General Retail zone request. Mr. Alsadi is Mr. Cheema's partner.

Mr. Sayed Cheema, owner of the property, approached the Commission and stated he was in favor of the zone request to GR and would appreciate the Commission's consideration.

There being no further speakers, Chair Pope closed the public hearing and entertained a motion.

Commissioner Martin moved to approve the zone change from A to GR. Commissioner Talley made the second.

Motion passed. 7:0

Commissioners Dusek and Secrest were absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-20]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO GENERAL RETAIL DISTRICT (GR) AT 2 WOODLAND TRAIL, LOCATED ON THE NORTH PART OF LOT 14, BLOCK 7, WOODLAND TRAILS SUBDIVISION, AT THE SOUTHWEST CORNER OF WOODLAND TRAIL AND FM 2305; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to General Retail District (GR) at 2 Woodland Trail, located on the north part of Lot 14, Block 7, Woodland Trails Subdivision, at the southwest corner of Woodland Trail and FM 2305, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **May**, 2009.

PASSED AND APPROVED on Second Reading on the **4th** day of **June**, 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

05/21/09
Item #6
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-09-21: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for petroleum storage and collecting facilities and the management of petroleum products on 10.5 ± acres located on the east side of Wendland Road between Moore's Mill Road and Wilsonart Drive.

P&Z COMMISSION RECOMMENDATION: At its May 4, 2009 meeting, the Planning and Zoning Commission voted 7-0 in accordance with staff recommendation to recommend approval of a CUP for petroleum storage and collecting facilities and the management of petroleum products subject to:

1. Agreement with the Staff's recommended CUP conditions; (please see conditions in the proposed ordinance);
2. The request conforms to the Future Land Use and Character Plan for industrial uses;
3. The request conforms to the Thoroughfare Plan showing Wendland Road as a minor arterial roadway; and
4. The Adequacy of Public Facilities shows the extension of an 8" water line, a 12" sewer line and the site plan, adopted as Exhibit 'B' contains adequate storm water detention.

Commissioners Dusek and Secrest were absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for June 4, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes for case Z-FY-09-21, from the Planning and Zoning meeting May 4, 2009. The Zoning Ordinance requires a CUP in the LI Zoning District for the petroleum storage and collection facilities. Northland Petroleum will be located to the newly installed railroad spur in the North Temple Industrial Park. The company will blend the product, delivered by train, house it in above ground tanks, and ship it by truck to its customers, including customers in Mexico. The site plan shows two points of ingress/egress on Wendland Road for access to the single-story office building, truck dock, trailer storage area and the tank farm and blending areas. The truck dock also contains a wing wall near Wendland Road to screen the truck dock from passing motorists. The landscaping adjacent to Wendland Road mitigates the trailer storage area, office building and the tank farm.

FISCAL IMPACT: None

ATTACHMENTS:

[Aerial](#)

[Zoning Map](#)

[Land Use and Character Map](#)

[Thoroughfare Plan Map](#)

[Buffer Map](#)

[Site Plan showing proposed improvements](#)

[P&Z Staff Report \(Z-FY-09-21\)](#)

[P&Z Minutes \(May 4, 2009\)](#)

[Ordinance](#)



Z-FY-09-21

10.5 Acres of the JW Moore Survey Abstract; OB# 1130-A



 ZFY0921

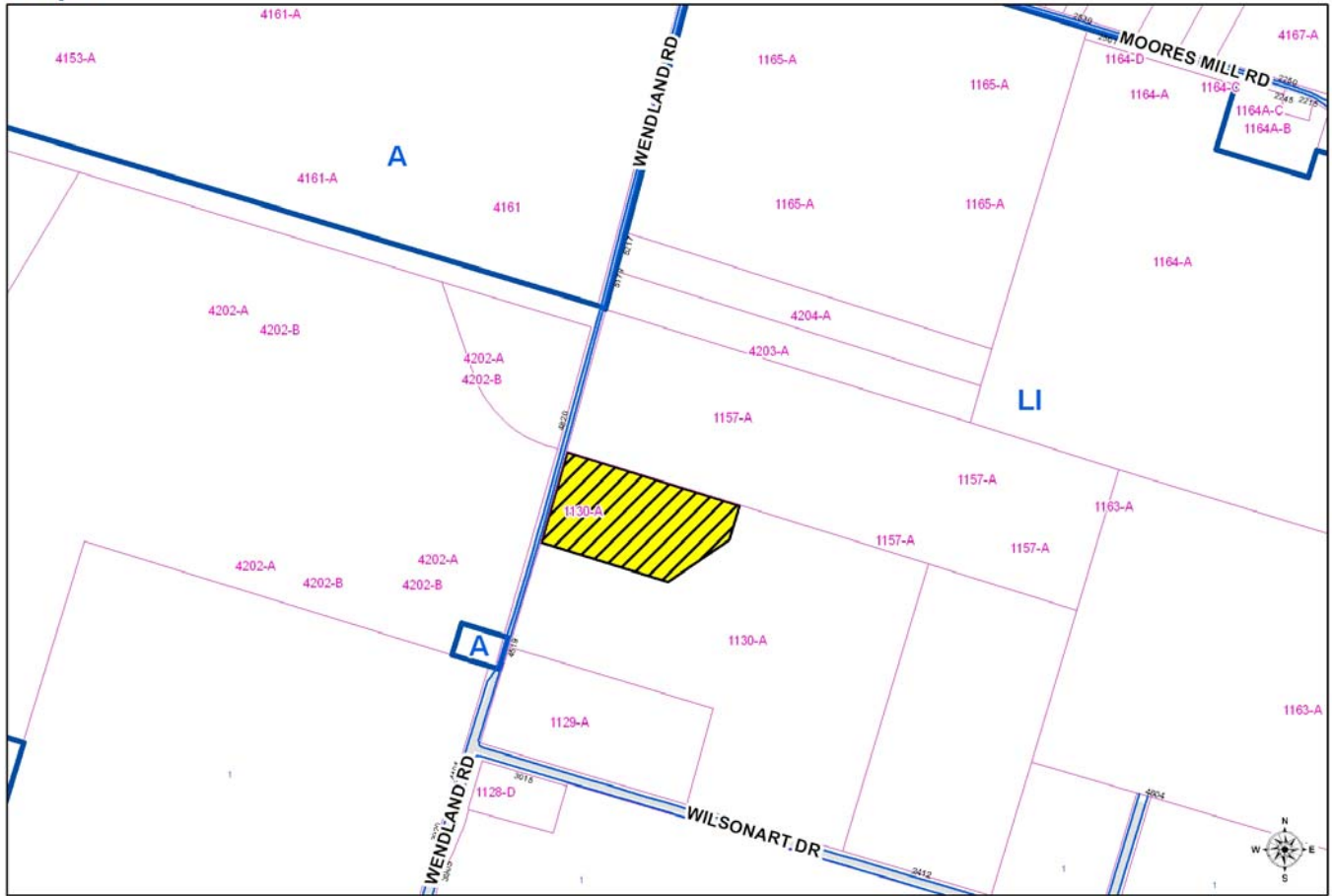
LI to LI w/ CUP for management of petroleum products

1 inch = 700 feet
J Stone 4.13.9



Z-FY-09-21

10.5 Acres of the JW Moore Survey Abstract; OB# 1130-A



 ZFY0921

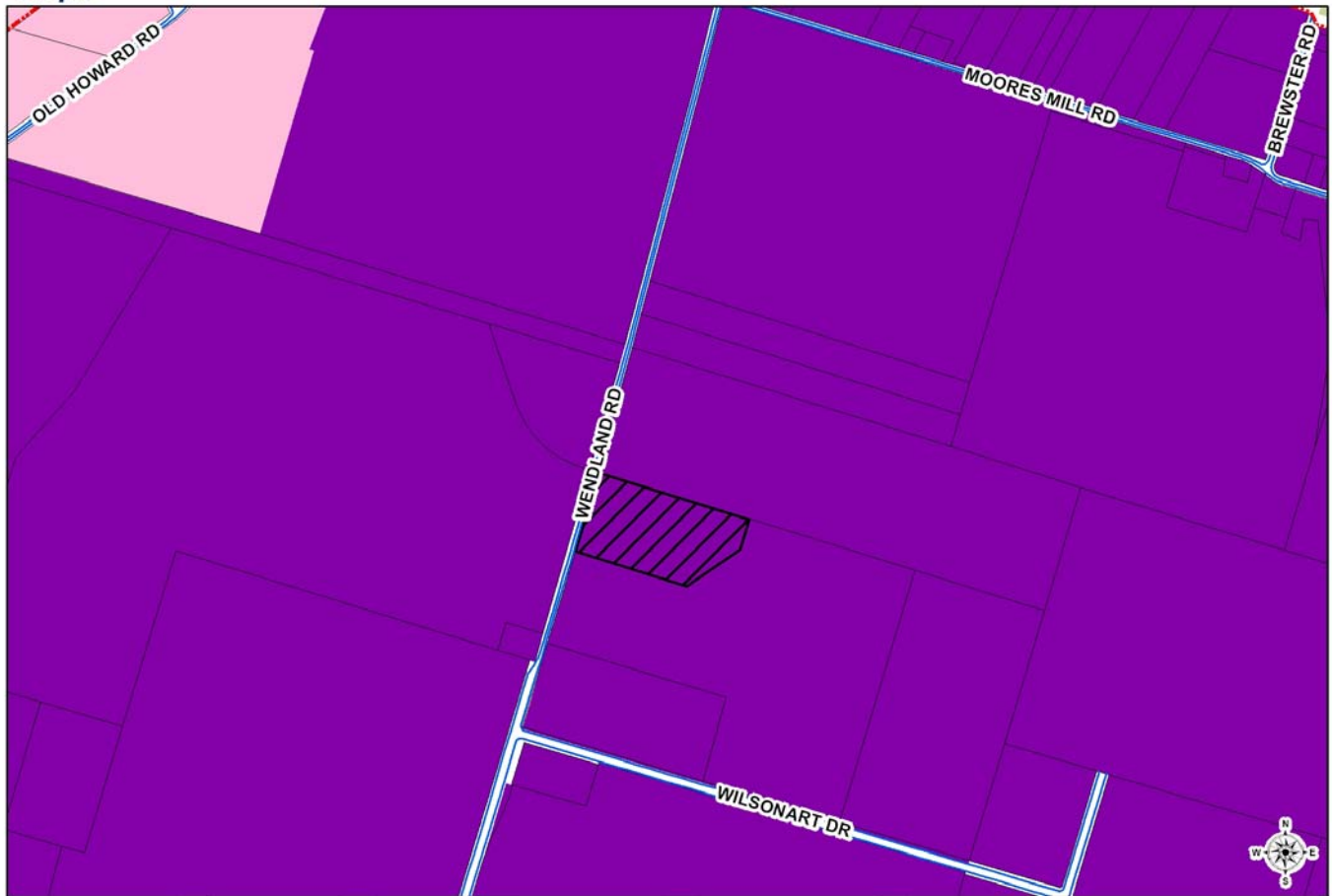
LI to LI w/ CUP for management of petroleum products

1 inch = 700 feet
J Stone 4.13.9



Z-FY-09-21

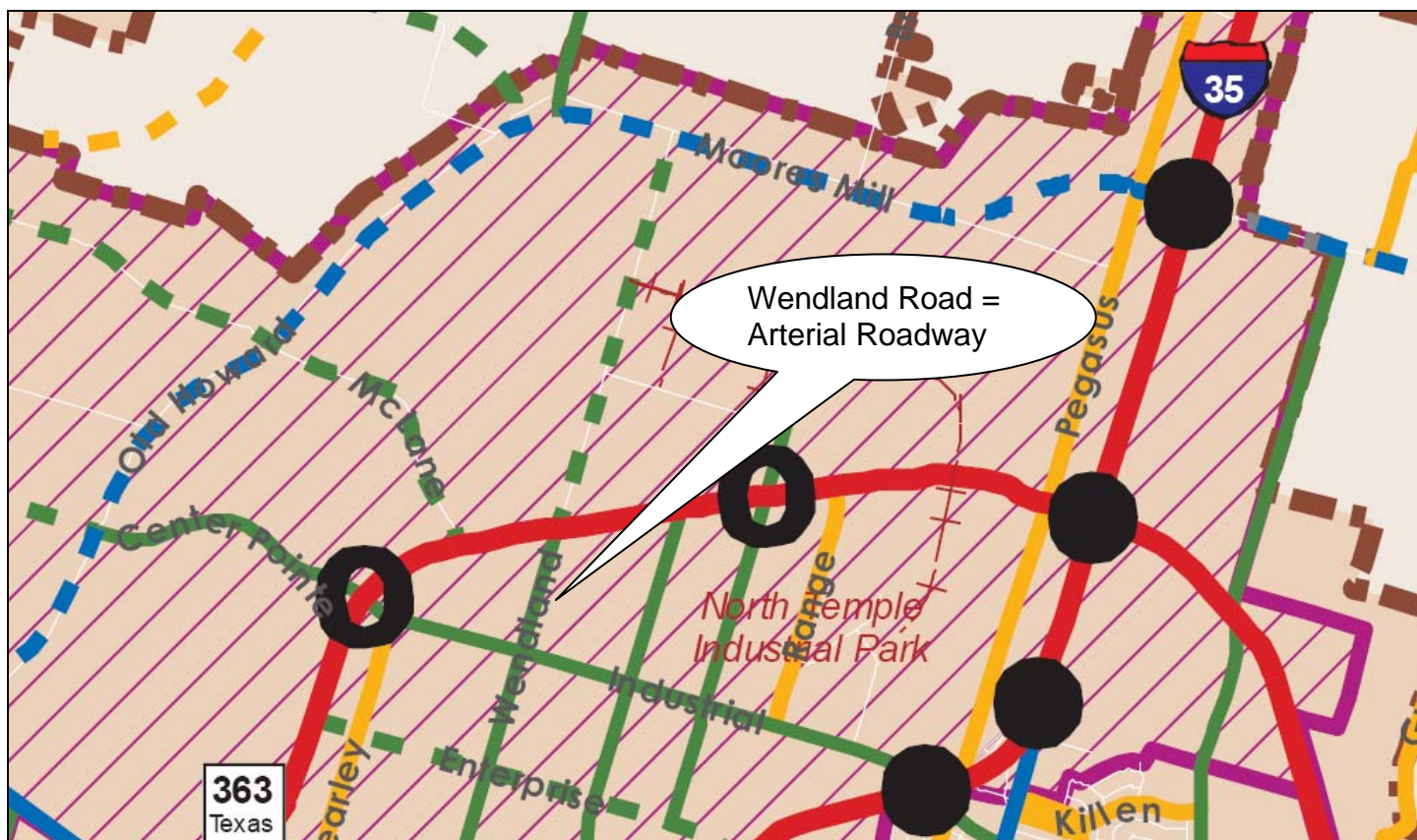
10.5 Acres of the JW Moore Survey Abstract; OB# 1130-A



Future Land Use Plan		Auto-Urban Mixed Use	Business Park	Neighborhood Conservation	Suburban Commercial	Urban Center
Agricultural/Rural	Auto-Urban Multi-Family	Estate Residential	Parks & Open Space	Suburban Residential		
Auto-Urban Commercial	Auto-Urban Residential	Industrial	Public Institutional	Temple Medical Education District		

LI to LI w/CUP

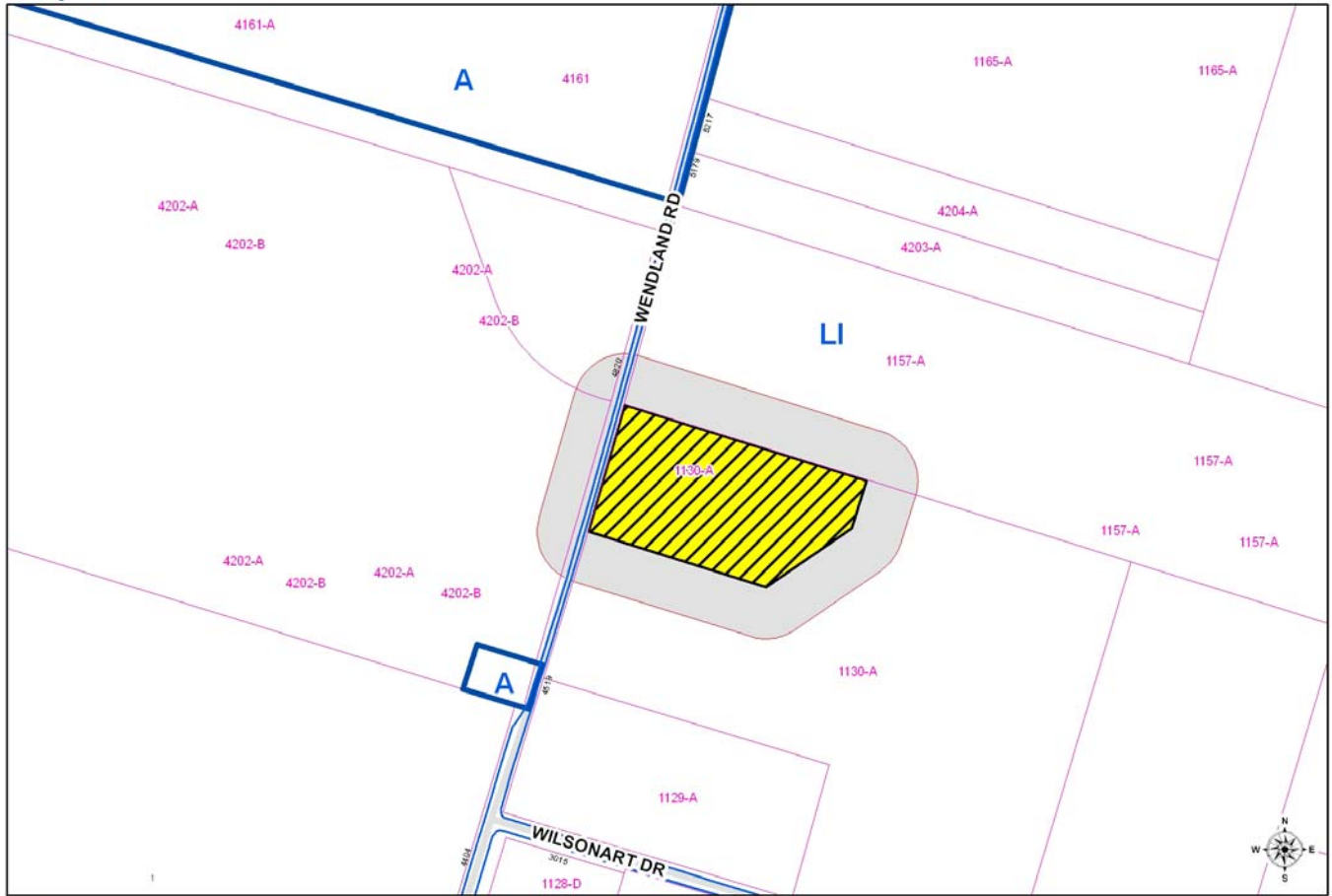
1 inch = 800 feet
J Stone 4.8.9





Z-FY-09-21

10.5 Acres of the JW Moore Survey Abstract; OB# 1130-A



 ZFY0921  200' Buffer

LI to LI w/ CUP for management of petroleum products

1 inch = 500 feet
J Stone 4.13.9

A-1.1



PLANNING & ZONING COMMISSION MEMORANDUM

05/04/09

Item 3

Regular Agenda

Page 1 of 3

APPLICANT:

Temple Economic Development Corporation c/o Northland Petroleum

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-09-21: Hold a public hearing to discuss and recommend action for a Conditional Use Permit (CUP) for petroleum storage and collecting facilities and the management of petroleum products on 10.5± acres located on the east side of Wendland Road between Moore's Mill Road and Wilsonart Drive in the J.W. Moore Survey, Abstract 582. Zoned LI.

STAFF RECOMMENDATION: City Staff will recommend a CUP for petroleum storage and collecting facilities and the management of petroleum products, with the site plan to be adopted as part of the ordinance subject to the conditions discussed below. The proposed site plan to be adopted will show the locations of the petroleum storage, blending, mixing and distribution of materials.

ITEM SUMMARY:

The site plan contains a single-story process control center with a 18' height and 2,500 square feet, a combined manufacturing center and office and administration building with a 31' height, and 34,500 square feet, an eight bay truck dock, a storage area for 24 trailers, a containment area, loading area and tank 'farm' for 11,730 square feet and 75,000 square feet available for expansion. Vehicular ingress and egress come from two points along Wendland Road. A masonry screen wall will screen the truck dock from Wendland Road and it is the height and length of truck and trailer, painted a compatible color to the main building. A total of 23,285 square feet of area will be landscaped which equals the required 5% of the area to be landscaped. All buildings will be 100% fire sprinklered. Masonry exterior standards do not apply for industrial buildings.

The 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	Undeveloped – zoned LI
East	Undeveloped – zoned LI
South	Undeveloped – zoned LI
West	Undeveloped – zoned LI

Future Land Use & Character Plan – The map shows this area as Industrial (I). The requested use conforms to the Future Land Use & Character Plan.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan for access to Wendland Road designated as a Minor Arterial.

Adequacy of Public Facilities – Water and sewer serve the site.

Public Notice

One notice was sent out. As of Thursday, April 23, 2009 at 5 PM, no notice was returned. The newspaper printed notice of the public hearing on April 24, 2009 in accordance with state law and local ordinance

Staff Suggested Conditions of Approval Staff recommends approval of Z-FY-09-19 subject to:

- 1) The project shall proceed in substantial conformance with the plans and application materials submitted April 9, 2009, and on file except as amended by the conditions herein. The DRC deemed it complete April 27, 2009.
- 2) The plat for the area shall be adopted as Exhibit 'A'.
- 3) The site plan shall be 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) All operations will be conducted in a manner which conforms to the maximum permissible environmental noise levels specified of 75 decibels received stated in Zoning Ordinance Section 7-300 (Noise).
- 6) Site illumination shall be designed and located so that lighting sources are not directly visible from Wendland Road. Lighting shall not cast glare on adjacent properties.
- 7) A commercial building permit will be required for concrete foundations related to stabilization of equipment and containment devices, and scale house.
- 8) 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.
- 9) 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.
- 10) Final "as built" drawings shall be delivered to the City of Temple Construction Services Department upon completion.
- 11) The applicant shall be responsible for preventing mud, dirt, dust and debris from leaving the site, including storm water runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
- 12) The internal circulation plan shall be approved by the City of Temple Fire Marshal as part of the construction plan review/acceptance process.
- 13) Prior to building occupancy, the engineer of record shall provide written certification that the above improvements have been completed in conformance with city code requirements.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Thoroughfare Plan Map
Zoning Map
Buffer Map
Site Plan showing proposed improvements

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 4, 2009**

ACTION ITEMS

Z-FY-09-21: Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) for petroleum storage and collecting facilities and the management of petroleum products on 10.5± acres located on the east side of Wendland Road between Moore's Mill Road and Wilsonart Drive in the J.W. Moore Survey, Abstract 582. Zoned LI. (Applicant: Temple Economic Development Corporation Temple Economic Development Corporation c/o Northland Petroleum)

Mr. Tim Dolan, Planning Director, stated this property is the continuation of the North Temple Industrial Park and a railroad spur is being extended to this area. The site plan went through the DRC and was deemed complete on April 27, 2009.

Mr. Dolan stated the Comprehensive Plan showed the area for industrial uses so the request conformed with the Future Land Use and Character Map.

Mr. Dolan stated the property is being improved with a 12" water line and an 8" sewer line will be extended to this and other properties and road widening is currently under construction.

Mr. Dolan stated one notice was mailed out.

Mr. Dolan stated the site plan, which would be adopted as Exhibit B for the CUP, showed a single-story containment area for the petroleum products to come off of the railroad spur which is blended and goes into the single-story, 32,000 square foot facility and put on the trucks that take it onto I35. The Zoning Ordinance allows for industrial buildings to be set back 30 feet from center line of the road and the site plan indicates the buildings are set back approximately 70 feet.

The truck dock, a storage area for 24 trailers, a containment area, loading area and tank 'farm' for 11,730 square feet and 75,000 square feet available for expansion. Vehicular ingress and egress come from two points along Wendland Road. A masonry screen wall will screen the truck dock from Wendland Road and it is the height and length of truck and trailer, painted a compatible color to the main building. A total of 23,285 square feet of area will be landscaped which equals the required 5% of the area to be landscaped. All buildings will be 100% fire sprinklered.

Mr. Dolan stated this area is zoned Light Industrial (LI) and this is an industrial use so the masonry exterior standards do not apply for industrial buildings.

Mr. Dolan stated the 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.

Mr. Dolan stated City Staff recommended a CUP for petroleum storage and collecting facilities and the management of petroleum products, with the site plan to be adopted as part of the ordinance subject to the conditions below. The proposed site plan to be adopted will show the locations of the petroleum storage, blending, mixing and distribution of materials.

- 1) The project shall proceed in substantial conformance with the plans and application materials submitted April 9, 2009, and on file except as amended by the conditions herein. The DRC deemed it complete April 27, 2009.
- 2) The plat for the area shall be adopted as Exhibit 'A'.
- 3) The site plan shall be 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) All operations will be conducted in a manner which conforms to the maximum permissible environmental noise levels specified of 75 decibels received stated in Zoning Ordinance Section 7-300 (Noise).
- 6) Site illumination shall be designed and located so that lighting sources are not directly visible from Wendland Road. Lighting shall not cast glare on adjacent properties.
- 7) A commercial building permit will be required for concrete foundations related to stabilization of equipment and containment devices, and scale house.
- 8) 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.
- 9) 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.
- 10) Final "as built" drawings shall be delivered to the City of Temple Construction Services Department upon completion.
- 11) The applicant shall be responsible for preventing mud, dirt, dust and debris from leaving the site, including storm water runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
- 12) The internal circulation plan shall be approved by the City of Temple Fire Marshal as part of the construction plan review/acceptance process.
- 13) Prior to building occupancy, the engineer of record shall provide written certification that the above improvements have been completed in conformance with city code requirements.

Chair Pope opened the public hearing.

Mr. Jonathan Scott, Temple Economic Development Corporation, south 1st Street. Mr. Scott stated they were in favor of this request and have been working with Northland Products for two years. The primary reason Northland would like to move to Temple is the proximity to Mexico/Laredo. Northland Products is family owned and have been in business for 100 years manufacturing and processing lubricants and things like anti-freeze for equipment manufacturing companies, for example, John Deere is one of their customers in Mexico. Their primary manufacturing facility is in Waterloo, Iowa and another facility in Toronto.

Commissioner Talley asked if there had been any problems with the framework of any of their facilities with county or city and Mr. Scott responded there were not.

There being no further speakers, Chair Pope closed the public hearing and entertained a motion.

Commissioner Talley made a motion to approve this CUP subject to Staff recommendations and Commissioner Luck made the second.

Motion passed: 7:0

Commissioners Dusek and Secrest were absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-21]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR PETROLEUM STORAGE AND COLLECTING FACILITIES AND THE MANAGEMENT OF PETROLEUM PRODUCTS ON A TRACT OF LAND CONSISTING OF APPROXIMATELY 10.5 ACRES LOCATED ON THE EAST SIDE OF WENDLAND ROAD BETWEEN MOORE'S MILL ROAD AND WILSONART DRIVE; 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 consisting of approximately 10.5 acres located on the east side of Wendland Road between Moore's Mill Road and Wilsonart Drive, recommends that the City Council approve the application for this Conditional Use Permit for petroleum storage and collecting facilities and for the management of petroleum products; 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 petroleum storage and collecting facilities and the management of petroleum products on a tract of land consisting of approximately 10.5 acres located on the east side of Wendland Road between

Moore's Mill Road and Wilsonart Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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 development of the property shall conform to the site plan, attached hereto as Exhibit B.
- B. The permittee is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- C. All operations will be conducted in a manner which conforms to the maximum permissible environmental noise levels specified of 75 decibels received stated in the Zoning Ordinance, Section 7-300 (Noise).
- D. Site illumination shall be designed and located so that lighting sources are not directly visible from Wendland Road – lighting shall not cast glare on adjacent properties.
- E. A commercial building permit will be required for concrete foundations related to stabilization of equipment and containment devices, and scale house
- F. 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 or federal regulations.
- G. 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.
- H. Final "as built" drawings shall be delivered to the City of Temple Construction Services Department upon completion.
- I. The permittee shall be responsible for preventing mud, dirt, dust and debris from leaving the site, including storm water runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
- J. The internal circulation plan shall be approved by the City of Temple Fire Marshal as part of the construction plan review/acceptance process.
- K. Prior to building occupancy, the engineer of record shall provide written certification that the above improvements have been completed in conformance with City Code requirements.

- L. The conditional use permit runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- M. The City Council may revoke, suspend or modify a conditional use permit after notice to property owner and hearing before the City Council if the City Council finds evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Sections 7-609 and 7-610 of the Zoning Ordinance.

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 **21st** day of **May**, 2009.

PASSED AND APPROVED on Second Reading on the **4th** day of **May**, 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

05/21/09
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending Chapter 7, “Buildings,” Article VII, “Landscape Irrigation Standards,” Section 7-103, “Backflow Prevention Methods and Devices,” to add the Pressure Vacuum Breaker as an acceptable backflow prevention device; amending Section 7-100, “Definitions,” to add the definition for the Pressure Vacuum Breaker.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for June 4, 2009.

ITEM SUMMARY: On December 18, 2008, the City Council adopted Ordinance No. 2008-4275 which added Landscape Irrigation Standards to Chapter 7 of the City Code to provide for the minimum standards for installation of irrigation systems within the City.

The Staff received a request from the Temple Area Homebuilders Association to consider amending Article VII of Chapter 7 of the Code of Ordinances to add the Pressure Vacuum Breaker as an acceptable backflow prevention device since the device is already a permitted alternative backflow device in many cities around the state at a much lower cost than other alternative methods. Bruce Butscher and Public Works employee Eric Wright have reviewed this request and support this revision to the City’s landscape irrigation standards.

FISCAL IMPACT: None

ATTACHMENTS:

[Letter from Temple Area Homebuilders
Ordinance](#)

Jonathan Graham

From: Troy Glasson [Troy@tahb.org]
Sent: Monday, March 23, 2009 3:05 PM
To: David Blackburn
Cc: Jonathan Graham; Kim Foutz; Richard Therriault; Eric Wright; Tony Jeter; Russell Schneider; Patsy Luna; Bill Jones; Marty JanczakExternal
Subject: Irrigation Ordinance Request...
Importance: High



March 23, 2009
 Mr. David Blackburn
 City Manager
 City of Temple
 2 North Main
 Temple, Texas 76501

Re: Irrigation Ordinance Request

Dear Mr. Blackburn,

On Friday December 12, 2008, the City of Temple hosted a stakeholders group that met to review a proposed irrigation ordinance that the City was considering in keeping with a mandate from the Texas Commission on Environmental Quality. During the meeting TABA advocated for protecting our drinking water with an approach that would do the least to drive up the cost of irrigation systems and limit their effectiveness.

Not long after the stakeholders met, staff recommendations were presented to the Council and they were adopted in short order. During the meeting the Council voiced a similar position as TABA had taken, noting the need to assure water quality, but provided that this should be done in a way that was least detrimental to the ability of the citizen's of Temple to install and maintain their irrigation systems. During the process the issue of back flow prevention was the key area of concern for the stakeholders. We were told that the only device that was sufficient for high hazard monitoring was the Reduced Pressure Zone (RPZ). This was disappointing since it was noted more than once that RPZ's not only cost a great deal more than other double check devices, they also reduce the pressure of systems dramatically. The only other device that was thoroughly discussed was a double check valve. This device was not a supported alternative for back flow prevention in high hazard areas, which were basically described as any irrigated area that could come in contact with fertilizer, pet feces, etc. Since the city's adoption of the standard we have had complaints from our membership notifying us of the real time effects of the new standard. I am attaching a letter from Dean Winkler of CRW Construction that provides an example of the issues we have been alerted to. On a commercial renovation project, the new requirement added \$800 to Mr. Winkler's cost.

In search of a lower cost solution, TABA consulted with Jerry Lewis, an advisor to the TCEQ and past chair of the agency's irrigation advisory council. In a recent meeting that Mr. Lewis attended at TABA, he provided that the Pressure Vacuum Breaker (PVB) is an acceptable device for high hazard situations. The device is already a permitted alternative back flow device in many cities around the state. These devices do not reduce pressure of systems as substantially as RPZ's and they cost approximately two-

5/14/2009

thirds less. We were advised that where a six-station RPZ may cost \$295, a six station PVB may cost \$90.

City employee Eric Wright attended the meeting and agreed with Mr. Lewis's assessment, noting that he would write you a letter supporting the immediate amendment to allow PVB's for check devices in high hazard irrigation areas.

Please accept this letter as an official request from the Temple Area Builders Association to immediately list PVB's as an acceptable high hazard check device in the Temple ordinance and alert your inspectors to this change.

Thank you for your consideration.

Sincerely,

Troy Glasson

Troy Glasson

Director of Government Affairs

Temple Area Builders Association

Cc: Jonathan Graham, Kim Foutz, Richard Therriault, Eric Wright, Temple City Council

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 7, "BUILDINGS," OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE VII, 'LANDSCAPE IRRIGATION STANDARDS,' SECTION 7-103, "BACKFLOW PREVENTION METHODS AND DEVICES," TO ADD THE PRESSURE VACUUM BREAKER AS AN ACCEPTABLE BACKFLOW PREVENTION DEVICE; AMENDING SECTION 7-100, 'DEFINITIONS,' TO ADD THE DEFINITION FOR THE PRESSURE VACUUM BREAKER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas, That:

Part 1: The City Council amends Chapter 7, "Buildings," of the Code of Ordinances of the City of Temple by amending Article VII, 'Landscape Irrigation Standards,' Section 7-103, "Backflow Prevention Methods and Devices," to read as follows:

Section 7-103. Backflow Prevention Methods and Devices.

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(b) If conditions that present a health hazard exist, one of the following methods must be used to prevent backflow;

(1) An air gap may be used if:

a. there is an unobstructed physical separation; and

b. the distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges

is at least one inch or twice the diameter of the water supply outlet, whichever is greater.

(2) Reduced pressure principle backflow prevention assemblies may be used if:

a. the device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and

b. drainage is provided for any water that may be discharged through the assembly relief valve.

(3) Pressure vacuum breakers may be used if:

a. no back-pressure condition will occur; and

b. the device is installed at a minimum of 12 inches above any sprinklers are measured from the retracted position from the top of the sprinkler.

(c) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.

(d) If an irrigation system is connected to a potable water supply through a pressure vacuum breaker or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.

(e) The irrigator shall ensure the backflow prevention device is tested by a licensed Backflow Prevention Assembly Tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.

Part 2: The City Council amends Chapter 7, "Buildings," of the Code of Ordinances of the City of Temple by amending Article VII, "Landscape Irrigation Standards," Section 7-100, "Definitions," to read as follows:

...

(34) **Pressure Vacuum Breaker**—An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.

...

Part 3: 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 4: This ordinance shall take effect upon its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **May**, 2009.

PASSED AND APPROVED on Second Reading on the **4th** day of **June**, 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

05/21/09
Item #8
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dr. William Hardin has served as Temple's representative on the Bell County Public Health District Board of Directors since 1992. Dr. Hardin has indicated his desire to step down from the board at this time to allow a new member some transition time under the direction of the current District Director, Wayne Farrell. Dr. Hardin will continue to serve until his replacement is named by the Council.

FISCAL IMPACT: None

ATTACHMENTS:

[Letter from Dr. Hardin](#)

APR 2 2009
CITY OF TEMPLE, TX
CITY CLERK
April 2, 2009

Mayor Bill Jones
City of Temple
Municipal Building
Temple, Texas 76501

Ref: Public Health District

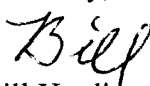
Dear Bill,

I have had the honor of being the representative of the City of Temple on the board of the Bell County Health District since 1992. I feel it is time for a change so I request that you replace me.

The district is in wonderful shape from a financial and leadership standpoint. Wayne Farrell could not be a better District Director. He and I are getting older and he will probably retire in the next few years. I think it would be in the best interest of the city to have someone on board to learn from Wayne and be there for a transition to a new director rather than have me step down about the same time. I will be happy to serve until you name a replacement.

Again, let me say what a pleasure it has been to serve on this board. Wayne's leadership has been a blessing to the entire county!!!

Sincerely,


Bill Hardin

CC:
Wayne Farrell



COUNCIL AGENDA ITEM MEMORANDUM

05/21/09
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an unexpired term through September 1, 2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Mr. Warren Cohen was appointed to the Temple Public Safety Advisory Board in October 2008. Mr. Cohen has taken a job in San Antonio and will not be able to continue serving on the Temple Public Safety Advisory Board.

We recommend the appointment of one member to fill this unexpired term through September 1, 2010. Please see the attached board summary form for information regarding membership, purpose and meeting times.

FISCAL IMPACT: None

ATTACHMENTS:

[Board Summary Form](#)

TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore OMA	06/05	2009	2005 East Avenue K, 76501	773-3589 H
Gaylene Nunn	09/08	2009	3502 Gila Trail 76504 gaylenenunn@netscape.net	254-519-5458 W 771-3556 H 972-989-4040 C
Warren Cohen Resigned 5-4-09	10/08	2010	3201 Las Moras Drive 76502 Slipstick101@sbcglobal.net	742-0982 H 780-6392 C
James M. Horton	10/08	2010	4415 Longhorn Trail, 76502 Jameshorton3937@sbcglobal.net	742-1239 H 254-228-9522 C
John Rude	05/03	2009	214 Cheyenne, 76504 innarude@vvm.com	773-7147 H 298-7031 C 298-7111 F
John Bush	09/04	2010	1302 North 13 th Street Temple, TX 76501 john@rmh-temple.com	770-0910 W 773-1416 H 760-9313 C
Patricia A. Smith, Ph.D. Chair	11/02	2010	3334 Red Cliff Cr., 76502 pat-smith@earthlink.net	778-4425 H
Corey Richardson	09/07	2010	100 Ottoway Drive, 76501 cdrich@excite.com	760-8330 W 598-0280 H
Marcie Davis OMA	5/03	2009	P.O. Box 4267, 76505 Marcie.davis@sbcglobal.net	771-0881 H 721-0212 C
Nancie Etzel	10/08	2010	329 Big Timber Drive 76502 NEtzel@aol.com	780-9898 H 443-742-1478 C
Karl J. Kolbe	04/07	2011	4802 S. 31 st Street, #Apt 515 kkolbe@hot.rr.com	512-771-4132 C 254-231-3445 H
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 C
Stephen Paine OMA	02/08	2011	227 Taylors Drive Temple, TX 76502 Stephen.centraltexasems@gmail.com	771-1136 W 534-1834 C
Arben "Benny" Ismaili	09/07	2011	1810 Marlandwood Rd. #8107 76502 arben1976@hotmail.com	771-0169 W 421-1249 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 johnbarina@hot.rr.com	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

Purpose: Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;
Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 5:30 p.m., Temple Police Department. Revised 10/16/08