



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

THURSDAY, JUNE 4, 2009

1:00 P.M.

CITY COUNCIL CHAMBERS – 2ND FLOOR

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 4, 2009.
2. Discuss City code provisions relating to parking in residential areas.
3. Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2009-2010:

Families In Crisis, Inc.
Family Promise
Hill Country Community Action Association, Inc.
Hill Country Transit District
Keep Temple Beautiful
Railroad & Heritage Museum
Ralph Wilson Youth Clubs of Temple, Inc.
Czech Heritage Museum
Temple Civic Theatre
Temple College Education Foundation

4. Discuss mineral rights and potential regulations relating thereto.

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) [CPR-AED Awareness Week](#) [June 1-7, 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. BUDGET ITEMS

4. PUBLIC HEARING – Presentation of the proposed [Community Development Block Grant](#) Annual Action Plan and Budget for 2009-2010, including the funding recommendations for public service agencies from the Community Services Advisory Board.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [May 12, 2009 Special Called Meeting](#)
- (B) [May 21, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (C) [2009-5720-R](#): Consider adopting a resolution authorizing change order #7 to the Lions Junction Family Water Park construction contract with Chaney-Cox Construction, Inc. for the construction of a sidewalk along South 5th Street in South Temple Community Park in the amount of \$41,225.
- (D) [2009-5721-R](#): Consider adopting a resolution authorizing the following technology contracts and purchases for the new Municipal Court & Utility Business Office Facility:
 - 1. Video surveillance system from DHS Security dba 3Sixty Integrated of San Antonio in the amount of \$55,548.80;
 - 2. Reject all three (3) proposals received for the card access system and award the contract to A-1 Fire & Security Equipment Company under GSA Contract GSO 7F 7733C in the amount of \$25,107.93; and
 - 3. Phone system from Affiliated Telephone of Austin in the amount of \$35,958.76 under DIR contract #DIR-SDD-289
- (E) [2009-5722-R](#): Consider adopting a resolution authorizing the City Manager to enter into a railroad licensing and operating agreement with Patriot Rail Corp and Temple & Central Texas Railway, Inc. for operational and management services in the Temple Rail Park.
- (F) [2009-5723-R](#): Consider adopting a resolution authorizing a renewal agreement with Central Texas 4C, Inc., for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.
- (G) [2009-5724-R](#): Consider adopting a resolution authorizing a four-year guaranteed buy-back lease of 74 fleet electric golf cars, 2 marshal electric golf cars, and 2 beverage cars from Yamaha Golf Car Company with an annual lease payment of \$52,155.

Ordinances - Second Reading:

- (H) [2009-4295](#): SECOND READING – 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.
- (I) [2009-4296](#): SECOND READING – 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.

- (J) [2009-4297](#): SECOND READING - 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.

Misc.:

- (K) [2009-5725-R](#): Consider adopting a resolution approving the articles of incorporation and bylaws for the South Central High-Speed Rail and Transportation Authority, Inc., a local government corporation whose purpose is to promote high speed rail passenger service in Texas.
- (L) [2009-5726-R](#): Consider adopting a resolution authorizing the nomination of a member to serve on the Brazos G Regional Water Planning Group.

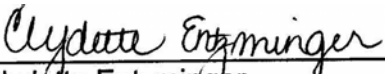
VI. REGULAR AGENDA

BOARD APPOINTMENTS

6. [2009-5710-R](#): Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.

***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 1:30 PM, on May 29, 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

06/04/09
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

(A) CPR-AED Awareness Week June 1-7, 2009

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation will be received by Robin & Pat Smith, members of the Temple CPR Anytime Task Force, who will provide information about a recent AED save at McLane Company by one of their employees.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

06/04/09
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed Community Development Block Grant Annual Action Plan and Budget for 2009-2010, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Receive presentations as indicated in item description and conduct public hearings. No action is required.

ITEM SUMMARY: 2009/10 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 76 entitlement communities located in the State of Texas. For Fiscal Year 2009-2010, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2009-2010 CDBG in Texas

CDBG	Amount
State Total	\$181,805,883
Minimum	217,245
Maximum	30,256,697
Average	2,424,078
Temple	\$515,539

Other Recent CDBG Grant Amounts

2005-2006	\$585,728
2006-2007	\$524,380
2007-2008	\$524,136
2008-2009	\$503,239

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$515,539 as this year's funding, which will be the fifth year of the 5-Year Consolidated Plan (2005-2010). In addition, the City will have \$12,335 in program income to allocate and \$26,695 in prior funding reallocation. Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$72,175
Infrastructure Improvements	\$160,000
Public Facilities	\$45,000
Park Improvements	\$75,000
Demolition	\$100,000
General Administration	\$102,394
Total	\$554,569

Public Services - \$72,175

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 8 requests (See Attachment) totaling \$156,634 while debating the merits of each agency and the needs of the community. It is recommended the City Council allocate \$72,175 to 5 agencies as follow:

1. Bell County Human Service (Temple HELP Center) \$15,000
2. Family Promise of East Bell County Inc. \$16,087
3. Hill County Community Action Association (Meals on Wheels) \$15,000
4. Families in Crisis, Inc. \$16,088
5. Aware Central Texas (formerly Family Outreach) \$10,000

Infrastructure Improvements - \$160,000

Sidewalks will be installed along Ave. G within the boundaries of 25th Street and 1st Street. It is recommended that \$120,000 be allocated from 2009 CDBG funds.

Approximately 9,168 linear feet of streets in low to moderate income neighborhoods will be seal coated. The streets will include South 30th Street from East Ave. H to East Ave. N, South 24th Street from East Ave. H to East Ave. N, South 24th Street from East Adams Ave. to East Ave. D and South 22nd Street from East Adams Ave to East Ave. E. It is recommended that \$40,000 be allocated from 2009 CDBG funds.

Public Facilities - \$45,000

HOP Bus shelters/pavilions will be installed at the following locations:

Southbound 1st Street mid-block after Ave. G
Southbound 1st Street before Ave. M
Eastbound Ave. H before 17th Street

It is recommended that \$45,000 be allocated from 2009 CDBG funds.

Park Improvements - \$75,000

A bridge will be constructed at Jeff Hamilton Park. It is recommended that \$75,000 be allocated from 2009 CDBG funds.

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from the previous year. It is recommended that \$100,000 be allocated from 2009 CDBG funds.

Administration - \$102,394

It is recommended that \$102,394 be allocated for the City's administration of the CDBG Program, including contracted services.

This presentation and public hearing for the 2009-2010 Annual Action Plan and budget will be followed by a 30-day public comment period. A final public hearing and action on the 2009-2010 Annual Action Plan will occur at the July 16, 2009 Council Meeting.

FISCAL IMPACT: \$515,539 in FY 2009-2010 CDBG funds along with \$12,335 program income and \$26,695 prior funding reallocation to be allocated as recommended.

ATTACHMENTS:

[2009-2010 CSAB Public Service Agency Funding Recommendations](#)

[2009-2010 CSAB meeting minutes](#)

2009-2010 Annual Action Plan and Budget - Hard copy provided

**2009-2010 CSAB PUBLIC SERVICE AGENCIES
FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care	\$15,000	\$15,000
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$15,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$16,087
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$10,000	\$10,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$45,464	\$16,088
Central Texas 4C, Inc.	Transition from Welfare to Work Issues: Child care	\$15,850	\$0
Open Arms of Central Texas, Inc.	Youth: Self-sufficiency, Mentoring	\$5,320	\$0
Christian Farms-Treehouse, Inc.	Transition from Welfare to Work Issues: Child care	\$30,000	\$0
	Total	\$156,634	\$72,175

COMMUNITY SERVICES ADVISORY BOARD
PSA INTERVIEWS
March 30, 2009
3:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Lamar Collins	Vice Chair Dr. Robert Beamon
Rev. Roscoe Harrison	Jody Donaldson
Sharon Holleman	Nancie Etzel

BOARD MEMBERS ABSENT

Steve Rublee	Melissa Tyroch
Corey Richardson	

STAFF PRESENT

Lois Whitley, Traylor & Associates, Inc.

GUEST'S PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 24, 2009, at 4:35 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Due to absence of Chair Collins, Vice Chair Beamon called the Community Services Advisory Board to order at 3:36 P. M.

2. Elect Chair and Vice-Chair.

Vice Chair Beamon opened the floor for discussion and nominations for new Chair and Vice-Chair.

Rev. Harrison moved for the re-election of the current Chair & Vice Chair and the motion was seconded by Ms. Holleman.

Vice Chair Beamon called for a vote and the motion carried by a unanimous vote.

3. Receive Comments from the Public

Vice Chair Beamon noted that no guests from the public were in attendance.

4. Review City of Temple Policies Governing City Boards and Commissions

Vice Chair Beamon referred to Lois Whitley. Ms. Whitley stated that she wanted to make sure that all members were aware of the board attendance policy referenced in City of Temple Resolution # 2004-4025-R, Part 5(c) stating that members forfeit positions if 3 consecutive meetings are missed.

5. Receive Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2009 Program Year

Vice Chair Beamon acknowledged that Chair Collins had arrived and asked him to proceed with the agenda.

Chair Collins confirmed that each board member had received a PSA applicant packet binder and opened the floor for discussion.

Chair Collins asked Ms. Whitley how much CDBG funds would be available this year.

Ms. Whitley stated that HUD had not yet released the amount that would be allocated and Leona Mincie at HUD recommended that we proceed with the usual process on the assumption that the City would receive at least as much as last year and that there was no estimate of when we would received a confirmation of the amount of CDBG funds to be received.

Chair Collins opened the floor for discussion of the any of the applicants.

Chair Collins noted the Christian Farms Treehouse was requesting \$30,000. He asked if there was a problem with previous funding due to their faith-based program.

Mr. Donaldson also asked if Christian Farms also requested funding for the same activities last year.

Ms. Whitley stated the Christina Farms had received funding in 2006-7 but returned the funds because they felt their use of the funds was related to religious services. They applied for funding in 2008-09 for playground equipment and class curriculum but were not recommended by the Board. This year they are requesting funds for their child care program for a playground cover and driveway repair. CDBG allows subrecipients to be faith based but states that no CDBG funds can be used for religious services or training but can be used for child care at that facility.

Ms. Whitley did state that she did have some concerns about Open Arms of Central Texas, who is requesting \$5,320.

Ms. Donaldson noted that Open Arms included the purchase of bibles and hymnals in there request and that that would certainly be religious training.

Ms. Holleman stated that she was familiar with the Open Arms program. It is a choir group that is acting as a youth mentoring and intervention for at-risk youth and meets on Saturdays at Wheatley School. She stated that the program had been very successful and hopes that they are eligible.

Ms. Whitley said that she would research the issue and get some input from HUD as to their eligibility.

Chair Collins asked if there were any other issues to be discussed. There were none.

6. Schedule Upcoming Board Meetings

Chair Collins opened the floor for suggestions for dates of upcoming meeting.

Ms. Whitley said that Melissa Tyroch had contacted her and would not be able to attend any daytime meeting. Ms. Tyroch requested that the board consider scheduling future meeting after regular business hours.

Chair Collins asked for discussion of the issue. No discussion was offered and Chair Collins ruled that meetings would be scheduled during normal business hours as usual, with apologies to Ms. Tyroch.

Ms. Whitley stated that she had suggested that Ms. Tyroch should contact the City Secretary to determine her ability to remain a member of the CSAB.

Chair Collins asked if the members present were available to hold PSA interviews on Thursday, April 9th.

Mr. Donaldson said that he would be out of town.

Ms. Holleman stated that she would also not be available.

Chair Collins suggested Monday, April 13th.

All members confirmed that they were available on that date.

Ms. Whitley suggested that the time be set from 1:00 to 5:00, which would allow 15-20 for each applicant interview.

All members present agreed to scheduled PSA interviews on Monday, April 13th, from 1:00 to 5:00 pm.

Ms. Whitley asked what day to schedule the follow up meetings for discussion and funding recommendations.

Rev. Harrison suggested the following Monday, April 20th, from 3:00 to 5:00.

Ms. Etzel stated that she had an appointment at 4:00 on that date.

Chair Collins suggested the same date but 1:00 to 3:00.

All members present agreed to schedule the meeting on Monday, April 20th, from 1:00 to 3:00 pm.

Chair Collins suggested that they try to conclude their discussions on the 20th and make funding recommendation.

Mr. Donaldson agreed that they will probably have some discussion after the interviews are ended on the 13th and feels that they should be able to make recommendations on the 20th with no other meeting needed.

Chair Collins confirmed that the board would meet on Monday, April 13th, from 1:00 to 5:00 pm, for PSA interviews and the on Monday, April 20th, from 1:00 to 3:00 pm for discussion and funding recommendations.

All members present agreed.

7. Adjournment

Chair Collins opened the floor for any other items of business to discuss.

Ms. Holleman submitted a Certificate of Course Completion of the Open Meetings Act and reminded that this was new state requirement for board members. She said that you could take the course on-line at the Office of the Attorney General website.

There being no further discussion, Chair Collins adjourned the meeting at 5:20 p.m.

Respectfully submitted,

Lois Whitley

COMMUNITY SERVICES ADVISORY BOARD
PSA INTERVIEWS
April 13, 2009
1:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Lamar Collins	Vice Chair Dr. Robert Beamon
Rev. Roscoe Harrison	Jody Donaldson
	Nancie Etzel

BOARD MEMBERS ABSENT

Steve Rublee	Sharon Holleman
Melissa Tyroch	Corey Richardson

STAFF PRESENT

Lois Whitley, Traylor & Associates, Inc.

GUEST'S PRESENT

Judy Morales, Bell County Human Services Temple HELP Center
Esther Roque, Bell County Human Services Temple HELP Center
Rhonda Montgomery, Bell County
Susan Rivera, Family Promise
Tama Shaw, Hill Country Community Action
Janell Sherwood, Central Texas 4C
Beverly Miller, Christian Farms Treehouse
June Morrison, Christian Farms Treehouse
William K. Hall, Families in Crisis
Sue Ellen Jackson, Aware Central Texas (Family Outreach)
John Louie, Open Arms of Central Texas
Cynthia Louie, Open Arms of Central Texas

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 09, 2009, at 9:00 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

- 1. In the absence of Chair Collins, Vice Chair Beamon called the Community Services Advisory Board to order at 1:28 P. M.**

- 2. Receive Comments from the Public**

Vice Chair Beamon noted that no guests from the public were in attendance.

3. Interview Public Service Agencies (PSA) Applicants for Community Development Block Grant (CDBG) 2005-6 Program Year.

Vice Chair Beamon welcomed each applicant and set 20 minutes for each presentation with questions from the board following each presentation.

HELP CENTER:

Judy Morales, Bell County Human Services Temple HELP Center, was the next applicant interviewed.

Ms. Morales thanked the board members for taking time out of their busy schedule to meet with them and appreciate their care about the community. She is very thankful for any past support and hopes that the partnership can continue.

She introduced Ms. Esther Roque, Office Manager and Ms. Rhonda Montgomery, Staff Accountant, Bell County.

The HELP Center this year is requesting \$15,000 for child care. The HELP Center is a department of Bell County and provides all kinds of emergency assistance to individuals who are in a crisis. Also, non-emergency assistance such as notarizing forms, to weatherization program and help to coordinate the client with available assistance. Emergency financial assistance is provided after looking at what the situation is and they provide assistance based on the funds the agency is able to provide. They receive funds from Bell County, United Way, and TXU, applied for federal funds, which are usually very restrictive. The need for services varies greatly. It could be they need utility assistance, rent, medication or a full gamut of things. What they are trying to focus on are the areas that they can help the individual move to the next step, whether it's getting a job, going back to school, being able to search for work, etc. The basic things that they need to improve their lives. They have found that the greatest areas of need that keep people from being able to take care of their families are child care and transportation since both are so costly; especially if the client is out of work, laid off or had hours cut. The HELP partners with the Texas Workforce Child Care Services. When the Workforce is out of funds and have closed enrollment, the HELP Center is able to use CDBG funds to allow them to get child care for families when needed. Also, the funds are matched 2 to 1 by the Workforce so they are able to help more families.

They provide assistance thru the voucher system with the voucher being given directly to the vendor. Anyone who applies must attend orientation where they provide basic information of what they can or cannot do and what resources are available and other basic information. So the system is in place in very tight. They send the paperwork to the County and the County Auditor's Office send the direct funding to the vendor. They try their very best to look at all the needs of the people. They have anywhere from 800 to 1,000 contacts a month. A contact could be just a phone call but it also could be someone that is homeless, lost job, etc. With the families they work with, they try to break it down and look at the big picture, not just what the immediate need is, but is it that we could do to help them move to the next level to self-sufficiency.

Ms. Morales noted that they were requesting more this year, \$15,000 for child care compared to \$10,000 last year, mainly because of the economic situation. She named local companies that have cut back hours or laid off employees: C&H Die Casting, Wilson Art, Artco Bell, TX. Hydraulics, the construction industry has

really laid off a lot of people as have local restaurants. As a result a lot of local residents are trying to have a new career. They are excited about that but need to give them the tools to accomplish this. It's a pretty desperate situation for the clients but they are able to help them through their many services and resources.

Last year they were able to help 31 families and 33 children and it is such a good investment. These families want to improve their situation and want a hand up not just a handout. This also helps keep family off public assistance which is much more costly.

Vice Chair Beamon what effect it would have if a lesser amount was funded than requested.

Ms. Morales stated that it would have a direct effect to reduce the amount of clients they could serve.

Ms. Montgomery also reiterated that this money is matched 2 for 1 and is also subsidized by Bell County and United Way so every dollar has a big impact.

Ms. Etzel asked if their income eligibility is based on federal guidelines or state guideline.

Ms. Morales confirmed that it is based on federal guidelines and that the client has to work at least 30 hours a week or attending school full time.

Ms. Etzel asked if a Community College student is also eligible.

Ms. Morales confirmed that it is eligible as well as tech school as long as it has some kind of certificate or verification of completion.

Mr. Donaldson asked if the Workforce had a long waiting list.

Ms. Morales said that yes it usually but that the HELP Center is able to get assistance for the client immediately.

Ms. Roque stated that the applicants have to follow of the CCS guidelines. CCS approves the client and then refers them to the HELP Center to funds enrollment.

There being no further questions, Vice Chair Beamon thanked Ms. Morales, Ms. Roque & Ms. Montgomery and closed the interview.

FAMILIES IN CRISIS

William K. Hall, Director of Operations for Families in Crisis (FIC) was next to be interviewed. FIC is a non-profit organization the supports families and individuals effected by family violence and sexual assault and provide safe shelter, outreach services. Last year CDBG funded \$10,000 to their agency and that was spent in the 1st quarter. Last year they served 89 folks in the shelter and contributed to 3,258 bed nights for people. Their outreach in Temple served 31 people and they responded to 145 sexual assault calls from Scott & White. The program is very needed in the community. In August of 2007 the Temple shelter was built with the assistance of Leadership Temple and since day one it has been at 81% occupancy or high. Currently, one bed is available. Temple residents are reluctant to go to Killeen because of family, church, school ties or a job. They are able to help a lot of clients now that were not able to assist before the Temple

shelter was open. Those people chose to stay in a violent situation rather than separate themselves from their ties to Temple.

They are asking for money to support two of the positions, Crisis Intervention Specialist. Their job is to insure that the clients receive everything they need from the time they get to the shelter, throughout the day and the night. They are the night staff for the shelter, answering phones and provide security.

Mr. Donaldson asked how many beds were at the Temple shelter.

Mr. Hall stated there were 15 beds and 1 crib.

Vice Chair Beamon if all the funds requested were to be used in Temple.

Mr. Hall confirmed that they were for the Temple shelter.

Ms. Etzel asked if they transported the client to the shelter or does the client have to get themselves to the shelter.

Mr. Hall confirmed that they provide transportation to the shelter. They ask the client to get to a local public place, 7-11, Wal-Mart etc., because they can't go to the house because that puts the driver at risk. If the client can not get out of the house they send the Temple Police Dept. or the Sheriff's Dept. for transport.

Rev. Harrison said that he had read the Bell County was number 1 again for abuse in this county.

Mr. Hall stated that statewide the % of increase was 2.1% but Bell County increased 8.1%, one of the highest rates of sexual assault and domestic assault in the state.

Rev. Harrison asked if the Temple shelter was handling any overflow from the Killeen shelter.

Mr. Hall said no. On one occasion the Temple shelter was full and 2 clients were transported to the Killeen shelter.

Ms. Etzel asked what happens if both shelters are full.

Mr. Hall stated that there were multiple things they could do. They have 2 day rooms in Killeen where they can set up cots. Not an ideal situation, but they don't turn anyone away. If they get to the point where they can't handle anymore clients, they have Round rock and Waco facilities as their first backups and then will go to Austin if they need to. They have never had to go outside of Roundrock. The facilities transfer back and forth if there are safety issues.

Rev. Harrison asked if they received criminal justice funding.

Mr. Hall stated that they do not receive that funding. They stopped getting that funding 2 years ago but do apply every year.

Rev. Harrison suggested that they contact their legislature, Ralph Sheffield, who just got elected and make sure that he allocated some money in the budget for family violence, especially since the state runs so high in that particular.

Mr. Hall stated that they ranked #4 to receive funding this year but don't know much money is coming to Central Texas this year but they do expect they will get some this year.

There being no other questions, Chair Collins thanked Mr. Hall for his time and closed the interview.

Vice Chair Beamon recognized that Chair Collins had arrived and deferred to him for remainder of the meeting.

Since the next interviewee has not yet arrived, Chair Collins opened the floor for questions.

Vice Chair Beamon asked if we knew yet how much money the City was receiving.

Ms. Whitley stated that we still did not know how much was to be received. HUD' instructions were to proceed with the Action Plan using last year's budget.

Chair Collins asked if Christian Farms Treehouse was asking for the same thing they requested last year.

Ms. Whitley stated that they had asked for playground equipment but not specifically for a cover for the playground.

Rev. Harrison stated that Temple needs some of the federal stimulus money.

Ms. Whitley confirmed that Temple had received notice that they would be receiving \$136,673 of stimulus money through CDBG.

Rev. Harrison asked if Families in Crisis received funds from United Way.

Ms. Whitley confirmed that they did.

Mr. Donaldson stated that some of Mr. Hall's statements about occupancy did not add up. He said he had 15 beds and 1 vacancy and was at 82% occupancy. 14 out of 15 is not 82%, so he did not understand his math. That since the Temple facility opened they have had high number of occupancy every day.

Ms. Etzel noted that she had some experience in social work and it is a very hard job with low pay for the services they provide.

Rev. Harrison noted that when it comes to human services, this state ranks low on human services. Texas likes to put people in prison and keep them locked up. We like to build more prisons instead of funding human services.

Ms. Etzel stated that she like programs like the HELP Center in that the clients are not just handed money or services. They had to be doing something, attending school or starting a new job.

Mr. Donaldson said that the HELP Center does a good job and stretch their funding dollars wonderfully.

Rev. Harrison & Chair Collins agreed.

HILL COUNTRY COMMUNITY ACTION ASSOCIATION (HCCAA) – (Meals on Wheels)

Ms. Tama Shaw, Executive Director, HCCAA, was the next applicant to be interviewed.

HCCAA operates the Senior Nutrition Program here in Temple and have done so for many years. They provide home-delivered meals to people 60 and older and to the homebound disabled. They have congregate meals and home delivered meals. They are requesting \$15,000 to cover the expenses of salary and fringe for two part-time meal delivery drivers. They have a very large home delivered program in Temple. They serve 50, 498 home delivered in a year's time. Last year they had to place a freeze on accepting new clients because they over serving and were in a deficit budget but the now have that corrected and they are now ready to add new clients and move forward. They cannot find enough have volunteers who deliver meals. The volunteers have to use their own vehicles and pay for their own gas and it gets harder & harder to find enough volunteers.

Ms. Etzel asked for clarification of the congregate meals.

Ms. Shaw stated that the congregate meals are meals that are served at the different senior center, like Sammons, Kyle, Friendship House etc.

The goal is to improve the living environment for people 60 or older or people with a disability and help them remain independent in their homes. They refer them to other social services agencies as needed and having a good nutritious meal will help improve their health.

Ms. Shaw stated that their clients are people who cannot go to the senior center for the congregate meals and they have no one in the home with them to serve them and are not able to go out for a meal. She also stated that a lot of the clients they see, the HCCAA personnel are the only contact they have with another person all day. There have been several incidents in Temple when the HCCAA driver had come in and the client had fallen and needed help. HCCAA is also a source for the clients to have outside contact. If the driver attempts to deliver a meal and someone does not answer their door, HCCAA has emergency contact phone numbers and if no one can be reached at the emergency contact numbers, then 911 is called and somebody goes in to check on the client. So they are checked on daily.

Rev. Harrison confirmed the need for this service and how profoundly it affects the homebound client.

Rev. Harrison also confirmed this and that many clients have only that one meal a day.

Chair Collins asked if some of their clients did not receive this meal delivered at their home, they don't eat that day or have any other human contact.

Ms. Shaw confirmed that was true.

Ms. Etzel stated that she has been on a home delivered program and it is a lot more than just a meal, it's human contact and knowing that someone was going to be checking on you. She asked if they serve clients with disability.

Ms. Shaw confirmed that some of their funding is specifically for the disabled. The state case workers do the eligibility assessments for the Medicaid Title 3 meals and they request the agency to serve a meal to the client.

There being no further questions, Chair Collins thanked Ms. Shaw for her time and closed the interview.

FAMILY PROMISE:

Ms. Susan Rivera, Executive Director, with Family Promise was the next applicant interviewed.

Ms. Rivera stated that Family Promise was part of a national network but each program is expected to adapt to the community they are in. The Temple program has looked at what the families need when they need when they come to them and how they can expedite their getting into permanent low-income housing. Their program is fairly unique in that, not only do they work with the families but they also identify any barriers they may be having as a family unit. For example they have a child right now that has an undiagnosed learning disability of some kind and they have been working with Scott & White Pediatric, a Medicaid social worker and with the school system to get together and get a firm diagnosis and get an individualized education plan for the child. So they try to go the extra mile. They get to know their families and work together with the churches. They currently have 14 churches working with their organization as host churches and 400 volunteers. They provide everything that the family might need to move into a house. In Texas a landlord can evict a family with 1 day notice and can padlock the door. The family can lose all their clothes, furniture, kids toys, everything. They started a program called Make a House a Home. They accept donations from Casey's Furniture, the mattress companies, Lowe's Hardware and supply families with all appliances and basic furniture, dishes, linen, everything they need for their new home. That program has become so successful that in addition to helping the 18 families, 93 individuals in the last contract, they have helped in 11 other families in the community. 2 who were referred by Red Cross because their house burned and they provided everything they needed. If they help someone who is not part of their program, they asked the family to make a donation, whatever they can afford. One family got enough furniture for 3 bedrooms, living room & dining room, dishes and pots & pans and they made a donation of \$90, which is all they had. The agency also has volunteers to move the family, so there is no expense to pay movers.

They also have a follow-up program for 18 months after they leave the program to make sure they remain in housing, remain employed and that if CPS was involved, that the case remains closed and that there isn't any ongoing problem that put them in a homeless situation again. They also have a program to provide funds for homeless prevention. If someone loses their job or a child gets sick and the parent has to take off work, they will help the family make their rent until they get back on their feet. It costs the country a lot less money in tax dollars to keep a family from becoming homeless than it does to get them up from being homeless and get them back in housing and back in the labor market. A lot of her research and grant writing is going toward prevention funds to make sure that they secure permanently when they leave their program. To that end, they are also looking at expanding the program to include transitional housing. They are looking at buying a small apartment building and then families that have good credit and are waiting on getting down payment assistance, etc. could live in these apartments for up to 24 months under the transitional housing definition. They would pay rent based on their income and but they could further stabilize their families during that time.

Chair Collins confirmed that they are requesting \$20,000 and asked what the funds were to be used for specifically.

Ms. Rivera stated that it was for direct case management with families.

Ms. Rivera also stated that one of the things that she is requesting other funding for is for Aware House to be built on the adjacent lot next to their building to keep the furniture for the Make a House a Home program. They have expanded the center into the bay areas and have added a brand new bathroom, improvements to the laundry room with 2 washers & 2 dryers for the families to use while they are there. They have a full bathroom with a bathtub for the children. Construction will be completed by the fall of the year for a nursery for the babies with glass in from so the moms can watch the babies. There will also be day sleeping room with 2 twin beds for people who work at night and need to sleep in the day, or a child that is home sick from school. They will also have a study room for kids to do homework and BISD donated a lot of school supports so they will everything the kids need to do there projects. They have had 3 computers donated and Time Warner has donated the Internet service for research papers.

Chair Collins asked about the item on page 11 requesting \$800 for misc. expenses.

Ms. Rivera stated that was for insurance required on the Suburban and trailer to transport families and the beds & cots to the churches.

Ms. Rivera added that they are working on getting paper products and other normal misc. expense items donated now. They have set up with Central Texas Christian to do paper drives for them thru the year. Several churches are having their Sunday school class participants bring a roll of papers towels or toilet tissue to donate. They have been able to cut costs in a lot of ways. They have experience a tremendous amount of donations, not just of products, but of money donations from individuals and churches. They have 5 new churches donating on a regular basis and have received a couple of very large grants and are going to be receiving another grant for \$75,000 for the capital expenses. They have received \$90,000 in the last few months for construction and expansion. She stated the on-going delivery of the services to the families is the difficult part; keeping the salaries covered, because of course they would also like to pay good wages & benefits. That is always a challenge for a small non-profit

Mr. Donaldson asked if they had every gotten their website up.

Ms. Rivers stated that they were working on that now. It is under construction. They have approved all of the pages and are working with a non-profit that is doing it for them, named Charity Advantage and one of the board members is designing the website and the design is complete but the site is not up and running yet.

Mr. Donaldson noted that in their December minutes that it was going to cost \$1,200 a year for this website.

Ms. Rivers said that they are actually getting that done for a lot less. They found an alternative source that will be a lot less.

Mr. Donaldson said that he could probably get it done for them free and would contact her with the info.

Ms. Rivera added that another program that they have applied for federal funds for the Family Savings Program which would be open to the general community. The first year will start with just families that are currently in their program or have left the program. It is a savings program that matches, dollar for dollar, any money that a family saves, and because they already require savings from their families, this will tie very closely with their program since they have to save 50% of their income while they are in the program. After 2 years, it will be open to the general community and all that a person has to do is provide meeting federal income standards for being a low-income family. It is an excellent because the family is able to withdraw for emergencies, to buy a house or car, etc.

There being no further questions, Chair Collins thanked Ms. Rivera for her time and closed the interview.

Mr. Donaldson asked if we knew anything about the Rick Chaney.

Dr. Beamon stated that had all been resolved and that Ms. Rivera was Mr. Chaney's replacement.

Mr. Donaldson noted that in the minutes in said that Rich Chaney has offered to start paying us back twice a month at \$60.00 each time but they have been told not to accept any money from him until he is arrested and they will get the money back from the court system thru restitution. He asked if he had ever been arrested.

No member knew if an arrest had been make or what the actual offense had been.

Mr. Donaldson noted what a good job Ms. Rivers had done since she took over in Feb. a year ago in getting money in the bank and expanding their program.

Vice Chair Beamon said that his church is a host church with the program and she has a lot of support thru the community. Different churches come together, brainstorm, and different agencies and individuals work with her.

Mr. Donaldson noted that in the application, that, as may be common in this industry, the board voted to pay her 3% of any grant she gets and 10% of any new grant that she gets and he wondered if that amount was included in the grant written. He said it probably could not come out of the CDBG and would have to come out of something else.

CHRISTIAN FARMS TREEHOUSE

Ms. Beverly Miller, Interim Executive Director, of Christian Farms Treehouse and Ms. June Morrison, Office Manager, were the next applicants to be interviewed.

Ms. Miller stated that their program is a residential drug & alcohol treatment facility that is now, proudly, state licensed, as of Oct. 8, 2008. They also no have both men & women on the same campus. They closed the men's facility and moved the men to the extra dorm on the property and it is working well. They have an awesome treatment that now meets with the state requirements and the clients are getting some really good intensive treatment with a wonderful curriculum called Living in the Balance that does really well for their clients.

Chair Collins asked what they planned to do with the property.

Ms. Miller stated they had the property is up for sale. 40 acres have already been sold a few years back with 12+ acres remains with the dorms.

Ms. Millers added that they have been through a lot of changes this year. They have Noah's Boat, the early childhood center which was originally designed for the women in the program that had children, but is now open to the private sector. It is currently now filled with children from the private sector.

Rev. Harrison asked for more info on Living in the Balance.

Ms. Miller said it was a program that was produced by Hazelton, which does mental health and substance abuse treatment programs and one of the best out there.

Chair Collins asked about the funds they were requesting and what the funds would be used for.

Ms. Miller said they are requesting \$30,000 to be used to add a cover to their playground. This is needed to enable to make better use of their playground and protect the children from the hot Texas sun. They are also requesting funds to repaid their driveway. Since 1996 when the property was built, the driveway, over the course of the years, have some big holes and areas that need repair.

Rev. Harrison asked if they received funds from United Way.

Ms. Miller confirmed they do and that they use those funds subsidize the treatment costs so they can take in as many as they can that are on probation.

Rev. Harrison asked if they still get direct referrals from the courts.

Ms. Miller confirmed they did, thru probation.

She added that one set of good news is that from Sept. thru Dec. two-thirds of their clients were full pay clients. They are getting referrals from La Hacienda, the courts and private physicians.

Rev. Harrison asked how many clients they have at a time.

Ms. Miller stated that they had a total capacity of 48, but as of their first quarter, which ended on March 31, they had a total of 19 men & women.

Chair Collins asked if they had asked for funding for playground equipment last year.

Ms. Miller confirmed they did but when did not receive funding, they had a youth group from Richland Hills that used them as a mission. They brought everything needed for the playground.

Rev. Harrison asked if they still have their garden.

Ms. Miller said that they had someone till up the ground for them recently and are going to use it as part of the life skills training for their clients.

Mr. Donaldson noted that at the Feb. meeting minutes it talks about their owing Brockway over \$10,000 and owing the electric \$12,000. He asked what happened to bring those on.

Ms. Miller stated that when she started in July of 2007, they had just started their audit for 2006 and it was an intense audit because there were some problems found that needed to be corrected. The Brockway expenses are related to that audit and they have been making monthly payments to them.

Ms. Morrison stated that the electric bill is from a previous provider and that they were delinquent on electric service and the company added a \$3,000 deposit in addition to the delinquent. They now have service with TXU and repaying the amount to the previous provider.

Mr. Donaldson asked about page 7 of the proposal, which is the salary information. The full time employee column does not look right and asked for clarification.

Ms. Morrison stated that it was all employees that had come & gone.

Mr. Donaldson noted that the count of employees should be positions and not each individual person that have filled that position, so it skews the individual costs calculations.

Ms. Whitley said that they could correct the information and send it to her.

Ms. Miller confirmed that would make those corrections.

There being no further questions, Chair Collins thanked Ms. Miller & Ms. Morrison for their time and closed the interview.

Mr. Donaldson noted that the director is getting a 30% increase in her salary this year. In today's economy, getting a 30% raise is pretty unreal.

Rev. Harrison noted that Janice Holmes was executive director and she would have a big fundraiser every year and they raised a lot of money & stayed afloat. Between the time that Janice left & Beverly took over they really slipped.

Mr. Donaldson noted that they sold off all that land for cash to help with their money problems. He added that it just concerns him that they would approve a 30% increase in today's economy for salary increase and the other salaries are increasing like that.

Vice Chair Beamon said that she had taken over something that had a lot of problems and had done a really good job.

Mr. Donaldson said he agreed but that when someone does a big job like that, you give them a bonus which does not tie you into this 30% jump, because once you jump 30% you can't go back.

The members reviewed the board members list and current funding for Christian Farms.

The next applicant had not yet arrived so Chair Collins called for any questions.

Ms. Whitley mentioned that she had some concerns about the eligibility of Open Arms of Central Texas. She provided the section of the grant contract on religious activity and stated that she would have to get approval of eligibility from HUD.

Rev. Harrison stated that Open Arms was part of the United Methodist Ministry.

Ms. Whitley confirmed that from reading the by-laws the non-profit agency was created to support the ministry of the United Methodist Church. Specifically, they are requesting money for bibles, hymnals, uniforms, instruments and scholarships.

Mrs. Donaldson stated that he really didn't like to award them the money and then have them turn around and give it to someone else.

CENTRAL TEXAS 4C:

Ms. Janell Sherwood, Executive Director of Central Texas 4C (4C) was the next applicant interviewed.

Ms. Sherwood stated that 4C administers Early Head Start, children 0-3, Head Start, children 3-5, and a small child care program at Saulsbury-Jean Wilson Children's center here in Temple. They serve low-income, at-risk children and families. A very high quality, holistic program and have received regional, national & international recognition for the work they are doing. They have a chance to expand for the first time ever with this new stimulus money. They have to write 7 grants to get the money and do it in 30 days. They are planning to almost triple the size of their 0-3 program. That's where the CDBG money comes in because they have a facility at Saulsbury Center that includes a separate building that is too small for a toddler program because toddlers need a lot of room. They have used the building in the past but because it was built on an old garage slab that was on grade they continually had problems moisture making the tiles loosen from the floors and they don't feel it's all that sanitary. They had an estimate done for foundation repair to get the facility appropriate for health and safety of children.

She added that the new Head Start Act is making some moneys available for what they call Centers of Excellence. If you are named a Center of Excellence you get \$200,000 extra more per year. They have not done that yet by the criteria has been set. That is going to be first sentence in her grant applications. Because they have their sight set on being named a Center of Excellence. She is hoping that Dr. Frank Fuentes will be named the head of Head Start, because he is an incredible man.

She so strongly believes in what they are doing and sees the result of what they are doing. Whether or not we can get every family out of poverty, which is a lofty goal. they have a much better chance of doing it with a 5 year program with children than just a 2 year, which was the old program. Now they have 3 years and are getting some good feedback from the public schools on TAKS for 3rd grade reading and so forth and the internal assessments are excellent. Their teachers are doing a great job.

Ms. Etzel asked if their program included life skills for parents.

Ms. Sherwood confirmed that it does. They do monthly parent meetings and individual family partnership agreements. They help people understand what their strengths and help them to set goals. They do a lot of mental health with the parents and children. It encompasses nutrition in the home, budgeting, all of those kinds of things.

Ms. Etzel asked if the center is on 24th Street.

Ms. Sherwood stated that was one of their centers. They have a center there that serve 0-5, Hal Rose Head Start on Barton & 11th serves 3-5 year olds, Dixon serves both Head Start & Early Head Start with 6 classrooms and they have 3 Head Start classrooms located at Bethune. They work with the public schools on all of their pre-K programs.

Ms. Etzel noted that their program includes physical & dental exams and she asked that if they have children with mobility issues, do they work with physical therapists or any of that kind of assistance.

Ms. Sherwood confirmed that they did PT, OT, speech, all of those things are provided. That for 0-3 they work with Early Childhood Intervention (ECI), for 3-5 they work with LEA., and they work with the schools on mobility issues. There are times when the school does not classify a child as disable but 4C does.

There being no further questions, Chair Collins thanked Ms. Sherwood for her time and closed the interview.

OPEN ARMS OF CENTRAL TEXAS

Mr. John Louie and Ms. Cynthia Louie with Open Arms of Central Texas were the next applicant to be interviewed.

Mrs. Louie stated that Open Arms is a non-profit organization that is used to bring in funds to support other activities. They have been dormant for the last year or so but when the Community Mass Choir came up; they saw it as an opportunity to become active again. This is their first endeavor into an active project and are very excited to support this project. The project is already ongoing. They helped the Choir with some funds. They need the money because they have started the kids out of town for singing engagements, to Georgetown, to the VA for Christmas carols, so they are very interested in making sure that they get these singing engagements, because some of these kids have not been very far and every experience they can give them will be beneficial to them. But it takes some money to do it. Most of it has just been taken out of pocket, but they thought they could be more effective if they could have other resources for funding.

Ms. Louie added that the Choir is made up of young people and youth in the community, ages 7 to 23 right now. They started with 10 or 12 and now have 35 and sing all types of songs, patriotic, gospel, whatever songs they want to sing and they go in to various community places singing these songs. They have a musician that plays guitar and need drums. They would like to advertise and get other activities and engagements for the Choir. They are making a difference in the lives of these youngsters. They rehearse at Wheatley and some of the members come from Wheatley. These are behavioral at alternative schools. Because of the community choir these young people are becoming accountable. respecting each other more and more loving. They have been able to leave the alternative and go back into public school just because their attitudes are changed just from the participation, love & respect and the encouragement they receive with this community choir. She thinks it is a really good project because it helps them become accountable and responsible and they need that. We are losing a lot of our young people in the community and this is helping to keep them off the streets, not in trouble and not going to jail. They are helping them to become responsible young people. They currently have a member who can play the drums and they would like to get some drums for him to play. They would like to advertise on the radio and TV about engagements. They need some songbooks and supplies to help with the schedules and keep up with their engagement. They are going to the Expo Center in May. They have been invited to sing at the World Day of Prayer. It is really a good project and is making a difference in the lives of the young people in the community. They would also

like to go into the local colleges and try to recruit more young adults. She would like some more young adults to help mentor some of the younger people in the Choir to be examples for them.

Ms. Etzel asked if they had been to any of the senior centers.

Ms. Louie stated that they had not but had been to the VA Center to sing Christmas Carols and that seem to be very successful. They even make Christmas cards for the patients. The patients were touched and she really thinks that it really did something to those youths to touch their hearts. She plans to visit senior center also.

Mr. Collins asked for more info on the mentoring aspect of the organization.

Mr. Louie confirmed that the most important part of this thing is that they are able to teach these youngsters how to be cooperative instead of competitive. Throughout the system, competition is the name of the game and kids are not learning how to cooperate with each other when something happens. He is surprised as to how successful the program is with these kids. This program changes the kids. The value is in teaching the kids how to cooperate with different kinds of people to make something come together.

Ms. Louie added that the kids are encouraged the kinds to let her know if they need something in relationship to their schooling help with their homework, having problems at home, whatever kind of help they need.

Mr. Collins noted that they are requesting reference materials and asked what reference materials she would need.

Ms. Louie stated that she wants to go to bookstores and get songbook, hymnals and study books so they can study about different artists or styles of music. Other supplies are needed for schedules and engagements.

Mr. Collins stated that after reading their application for funding, there are some concerns about their eligibility under CDBG due to the restriction for activities that are related to religious instruction or counseling. He asked if they are asking for funds to purchase materials that are related in nature.

Mr. Louis stated that there would not be any worship service atmosphere. He has had situations before when mentoring a youngster where he'll say "Do you have a bible?" and he would provide him with one. But as far as pointing those kids toward a specific church or religious organization, they don't do that.

Ms. Whitley stated that she would have to submit the question to HUD for a ruling as to their eligibility since their mission statement specifically mentions support for the Methodist church.

Ms. Louie said that they are not affiliated or representing any church.

Ms. Whitley read directly from the mission statement and by-laws that state that their group "supporting the mission of the Open Arms United Methodist Church Ministry".

Ms. Louie felt that that was an error and she could provide revised mission statement and by-laws.

Ms. Whitley asked if they would be comfortable signing the statement saying that they are bound by the fact that they are not affiliated with a church and not conducting religious practice and instruction.

Ms. Louie said that she would be. They are not affiliated with a church and is a community project.

Rev. Harrison stated that in order to resolve this question of faith-based and he thinks the word mentor is important and the words at-risk are very important. He feels that if they should include the explanation that this program is directed as a mentoring program for at-risk youngsters preventing possible delinquency.

Ms. Etzel agreed that the focus should be more on that issue because also, in general, in advertising, if you say faith-based, people turn off, but if they look at it first as mentoring, they will investigate and participate.

There being no further questions, Chair Collins thanked Mr. & Ms. Louie for their time and closed the interview.

AWARE CENTRAL TEXAS (ACT)

Sue Ellen Jackson, Executive Director of Aware Central Texas, was the next applicant to be interviewed.

Ms. Jackson distributed some material for review as she spoke. They are requesting \$10,000 to support the cases they serve in Temple through their case management services. The information she brought today is really more of a focus on the problem they are faced with. The information comes directly from the Texas Department of Family Protective Services data book. In terms of ranking numbers of child abuse/neglect reports, Bell County ranks #2 out of 254 Texas counties. In terms of reports of child abuse/neglect, in 2008 we were 10th, just straight numbers, not ranking per capita. In 2007 we were 9th. This past year we had 7 little ones die at the hand of their caregivers due to child abuse/neglect. In 2008 we ranked #6 out of all 254 Texas counties in child deaths. These numbers are actual reports, not alleged cases. Their mission is prevention. If they can get to these families that are struggling for whatever reason, they want to get to them and offer them loving support and encouragement and help them get on track and sustain a lifestyle change. The number of child deaths puts us in the number 1 position per capita, so it is a real problem. The good news is that it can be prevented. The things they are doing in their agency are researched and are proven effective methods for preventing child abuse and neglect and they are very proud of that. The case management piece that they do is, they receive a referral really anyone in the community, historically it's CPS who refer cases to them that have been called in to them for whatever reason. What they would ideally like to do would get referrals from anybody in the community that sees a family out there struggling, because they know that stressed out families equals stressed little ones. And the little ones are all too often get hurt. It impacts their lives forever and there have been a lot of research and a lot of studies done on the impact of child abuse in our country. According to the National Institute of Justice it costs this country, with 2007 value, \$103.8 Billion to deal with the issue of child abuse/neglect. So not only is it a family cycle that effects a family in their home and their ability to be successful in life by it is also costing us a ton of money to deal with. Research is showing that child abuse/neglect can be and is believed the root cause of a lot of problems, including criminal activity, addiction, poverty, poor job skills, mental & physical health problems, juvenile delinquency, truancy, runaways, etc. You can pretty much name any social problem we have and the last statistics show that 80-90% can be traced back to some form of neglect or abuse. What happens is that natural childhood development is stifled and so these folks grow up and become adults and more than anything in world they want to have a family and someone that will love them but they didn't grow up with the life skills that they need to deal with life stresses and the cycle continues. Prevention is so important.

We are so good at cancer prevention and physical health awareness but the problems associated with child abuse/neglect are shameful. It's a dark little secret in the closet and they want to change that. They want people to understand and be optimistic and hopeful that child abuse and neglect that we do not have to live with and we can move away from it.

She concluded that she is asking for continued support to help with the case management aspect of their program. Last year they served 50 families in Temple. They get referrals but families don't agree to have them come in. They are invitation only and she believes that the more they are out there and the more families that know who they are and what they do, and that they are not coming in to judge people, but to encourage people to make better life choices, more & more people will be able to accept their services and allow them to get in their and help & encourage them to make the changes that they believe will help.

Rev. Jackson

Ms. Jackson confirmed that Ms. Jones-Collins was a blessing to the agency.

Rev. Harrison asked how many case managers they had. What was the case load?

Ms. Jackson confirmed that they have only one and she averages about 40 hours a week, with the average length of service of about 90 days. The length of service for the volunteer coach is indefinite, as long as that family needs it. They can be flexible according to what the needs are of the family. They had a young lady that just got help with her GED from one of family coaches. She could tell lots of stories, everyone so different from the other. She believes they are reaching families that otherwise would have fallen through the cracks. They've made referrals to Family Promise and excited to have that relationship with them because they are about the business of taking care of those social needs and making sure these families get to where they need to be.

Rev. Harrison asked if they have a statistic on soldiers coming back from Iraq and the impact on the child abuse numbers.

Ms. Jackson stated that they have recently joined with the Home Front project at Scott & Whit and they are going to be focusing on military volunteers serving military families so they expect to have additional insight and start tracking that. She does not know that Fort Hood is our problem and she gets that a lot. The numbers don't reflect Fort Hood but they just don't know. They have contacted CDC to please come and do what they call and FEA because we do have such high numbers and so far have not been successful, but that is another goal of theirs, is to have some professional to come in and really find out what's going on here and why we have these high numbers. If they don't grow and can't impact on a much larger way, we will continue to have these numbers, so they plan to grow, but in the process we are going to have to find out what the problem is and why.

Rev. Harrison said that the economy might be one reason.

Ms. Jackson said that even when the economy is good we still have high rates. She feels there is a generational thing going on here. There is a large rural population and isolation is a very fertile backdrop for child abuse and neglect. We are probably impacted by Fort Hood.

Mr. Collins asked what specifically the funds they are requesting would be used for.

Ms. Jackson said they would be used specifically to support a portion of the caseworker's salary. She is a master's level case manager and goes all over Bell & Coryell county.

Rev. Harrison asked what her salary.

Ms. Jackson said they pay her about \$36,500. She added that they are blessed to have her at that salary.

There being no further questions, Chair Collins thanked Ms. Jackson for her time and closed the interview.

4. Confirm next scheduled meeting to discuss PSA applicants and make final recommendations to Council for the CDBG 2009 Program Year.

Chair Collins confirmed that the next meeting was scheduled for Monday, April 20th, from 1:00 to 3:00 pm and asked if members present had any scheduling problems with that date & time. All members confirmed they were available and that the meeting should remain as scheduled.

6. Adjournment

Chair Collins opened the floor for a motion to adjourn.

Rev. Harrison so moved

Dr. Beamon seconded the motion.

Chair Collins adjourned the meeting at 4:50 p.m.

Respectfully submitted,

Lois Whitley

COMMUNITY SERVICES ADVISORY BOARD
PSA INTERVIEWS
April 20, 2009
1:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Lamar Collins	Vice Chair Dr. Robert Beamon
Rev. Roscoe Harrison	Jody Donaldson
	Nancie Etzel

BOARD MEMBERS ABSENT

Steve Rublee	Melissa Tyroch
Corey Richardson	Sharon Holleman

STAFF PRESENT

Lois Whitley, Traylor & Associates, Inc.

GUEST'S PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 15, 2009, at 10:30 a.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Chair Collins called the Community Services Advisory Board to order at 1:07 P. M.

2. Receive Comments from the Public

Chair Collins noted that no guests from the public were in attendance.

3. Review Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2009 Program Year

Chair Collins asked Ms. Whitley if we knew yet how much CDBG funding was going to be received.

Ms. Whitley stated that she had spoken to Leona at HUD and received an e-mail confirmation that the amount is not yet available and that the City should proceed with the normal action plan process using the dollar amount from last year. Leona stated that we should keep in mind that the action plan is just a proposal that is submitted to HUD and until the funds are awarded and the action plan is approved it is really not a binding action, just a plan of action. If the City has not received notification by the deadline date for submission of the action plan, it will be assumed that the City will not be awarded any CDBG funds in 2009 and there would be no action plan to be submitted. She has not received any notification as to why

the funding approval has been delayed and their only instruction has been to proceed using last year's amounts. Ms. Whitley added that the board could choose allocate any funding amount received that exceed last year's amount should be distributed to specific agencies on a percentage basis not to exceed specific amounts for each agency or they could hold another meeting once the final amount of funding to be received is confirmed.

Chair Collins recapped the amount that each agency was requesting and opened the floor for discussion.

Chair Collins started the Christian Farms Treehouse who was requesting \$30,000 for playground cover & asphalt repair.

Ms. Etzel asked if they had asked for the same thing last year.

Ms. Whitley said that she had checked their application last year and that they had requested actual playground equipment. Ms. Miller stated in her presentation that when they did not receive that CDBG funding last year they had a youth organization that donated the work, equipment, ground cover and everything they needed at that time. What they are requesting now is a playground cover for that new equipment.

Chair Collins asked members which agencies they are passionate about funding.

Mr. Donaldson stated that he is always passionate about the Meals on Wheels program and he noted that they had funded HCCAA last year for the same amount they are requesting this year, \$15,000.

Dr. Beamon said that his 1st priority would be the HELP Center

Mr. Donald agreed that they are one of the top ones for him too. He added that they had received \$10,000 last year and are asking for \$15,000 this year.

Ms. Etzel said she would agree with those top 2 choices.

Rev. Harrison said he would go with the HELP Center and Family Promise.

Chair Collins stated that he is agreement with the HELP Center & HCCAA, so that takes care of \$30,000. He asked if Family Promise was the next priority.

Mr. Donaldson recapped the Family Promise was asking \$17,000 for a caseworker and \$3,000 for supplies.

Dr. Beamon stated that he did not think they should give Family Promise the full \$20,000 they were requesting.

Chair Collins suggested they fund Family Promise for \$17,000.

Rev. Harrison said that they should also look at which agencies have more access to other funding sources, such as the HELP Center, ACT, Central Texas 4C and Families in Crisis. They need to look at the agencies that are struggling to stay alive. Family Promise is struggling to stay alive. Even Christian Farms right now is struggling to stay alive, but, at the same time they evidently are getting funding from some other source for

staffing. Why do they want money for materials at the same time they are having a 30% increase in the executive director's salary? He feels like they will be able to get money from other sources.

Dr. Beamon noted that the Ms. Miller took that organization over it was really in the red.

Rev. Harrison agreed but feels that they have get old money that was probably set up as a trust by Bob Beardon when the organization was first set up. 4C get federal money especially under the new budget.

Mr. Donaldson noted that the 4C application was for work to be done on the building, such as a French drain, but it bothered him that in her presentation she said that she had since been informed that they probably can't do it they way they had presented in their application. They are now looking tearing the whole building down and starting over. He feels that since she will not be able to do what she has requested funding to do.

Chair Collins agreed that he is not comfortable with that.

Dr. Beamon went back to Christian Farms Treehouse and noted that they have property for sale and if & when they sell that they will have some influx of funding.

Ms. Etzel agreed and also noted that according to their own application they are getting more money from Bell County and the Carpenter Foundation than they did last year.

Mr. Donaldson said that he would not fund 4C and Christian Farms this year. He would like to fund Family Promise, ACT, HELP Center and whatever is left over, give to Families in Crisis.

Dr. Beamon suggested that they fund Family Promise for \$15,000 because they have Jeanette Kelly on their board and she is a go getter.

Chair Collins asked if ACT, for prevention of child abuse, is requesting funding for salary.

Ms. Whitley confirmed that was correct. They are requesting funds for a portion of the caseworker's salary.

Chair Collins recommended they fund ACT for the amount they are requesting, \$10,000.

All members agreed.

Ms. Etzel stated that she is all for the organizations that help with those bad numbers of child numbers and family violence.

Rev. Harrison agreed that Families in Crisis need some money.

Chair Collins asked if ACT and Families in Crisis provide similar services.

Ms. Whitley confirmed that they were similar in that they both address family violence. Families in Crisis is family abuse situations where the family has to be removed from the home whereas ACT is child abuse specifically and is a day program that provides case management in the home. The family stays in the home. Most of their clients are through Child Protective Services. ACT works toward prevention.

Mr. Donaldson recommended \$15,000 each for Families in Crisis and Family Promise.

Chair Collins agreed and noted that Families in Crisis is requesting funding for salaries for 2 employees but \$15,000 almost gets him 1.

Rev. Harrison asked about Open Arms.

Ms. Whitley noted that Open Arms had submitted revised by-laws and a revised funding detail letter that removed all reference to the Methodist church and religious materials, but she referred them to the 1st page of their application under Program Goals & Program Objectives they make directly reference "in the name of Jesus Christ...spiritual education... to live as disciples of Jesus Christ..." . She noted that the application is a permanent part of the agencies file if they are approved for funding and subject to review by HUD representatives. She also noted that the by-laws were change without a meeting and vote by their Board of Directors.

Rev. Harrison said that he did not think they had a board. They are too board. He added that he sees this group as more than a singing group. It is being used as a deterrent for at-risk kids. He would like to see this group get funded but he know that it is a risk. He asked if they could give \$10,000 to Family Promise and \$5,000 to Open Arms.

Chair Collins stated that he knows John Louie and he likes what he is doing but the way that the application is worded. He feels that their activity is religious based and that is how they are able to accomplish such great results, but that makes them not a good fit for this particular funding.

Rev. Harrison reluctantly agreed. He then went back to Christian Farms and said he would like give them something.

Dr. Beamon agreed.

Chair Collins suggested they discuss funding Christian Farms if the City received more money.

Ms. Whitley noted that partial funding may not help Christian Farms because the playground cover cost \$22,000 so giving them less may not help them complete that one activity. If they have no other funding to complete the activity, they can not use CDBG funds for any other purpose and will not be able to draw the funds.

Dr. Beamon thought that may make them work harder to find the other funds.

Chair Collins stated that he felt if Christian Farms need that they will find funding and will find that cover for less that \$22,000.

Ms. Etzel asked if they could take some away from the 5 selected agencies to give something to Christina Farms.

Chair Collins stated that he would much rather fund people that projects. He would rather see a person get put in place to make a difference rather that a building renovated.

Ms. Etzel agreed that was a good way to look at it. That the money to ACT would be used more for preventative measures. She hoped that Open Arms would be encouraged to apply for funding in the future if their program could be not so directly tied to religion. She suggested that when they are denied for funding, they are told something to the effect that "the Board thought your presentation was positive and they would look forward to your applying and encourage you to do so". She feels that if they get a little of "try again... we thought the mentoring idea of your program was a good aspect, etc.." that would be a bit more encouraging.

Chair Collins recapped the agencies and amounts they had agreed on so far:

Aware Central Texas (ACT)	\$10,000
HELP Center	15,000
Families in Crisis	15,000
Family Promise	15,000
Hill Country Community Action	15,000
	<hr/>
	\$ 70,000

That leaves \$453 dollars if using last year's funding amount of \$70,453. He asked if the members felt they should meet again after the final funding amount is received.

Mr. Donaldson suggested that the \$453 balance from last year's amount and any additional funds received in the final 2009 grant amount be split equally between Family Promise and Families in Crisis since the amounts recommended for the HELP Center, ACT and HCCAA are the full amounts requested by those agencies. He felt that they should not recommend an agency for more than they request.

All members agreed.

Mr. Donaldson moved that any additional CDBG funding above and beyond last year's amount be split evenly between Family Promise and Families in Crisis without another meeting by the CSAB unless the final amount exceeded the requested amounts.

Dr. Beamon seconded and the motion carried unanimously.

Mr. Donaldson added that they could meet again if the final amount received by City exceeded the amounts requested by the 5 agencies recommended and determine at that time what recommendations to make for the additional funds.

4. Make final recommendation to City Council

Chair Collins called for a motion to make the final recommendation to Council of:

Aware Central Texas	\$10,000
HELP Center	15,000
Families in Crisis	15,227
Family Promise	15,226
Hill Country Community Action	15,000

with any additional funding received for 2009 to be split evenly between Family Promise & Families in Crisis not to exceed the amount originally requested by each of the two agencies and an additional meeting of the CSAB will be called if the final 2009 funding amount exceeds the requested amounts.

Rev. Harrison so moved.

Dr. Beamon seconded and the motion carried unanimously.

Ms. Whitley stated that she would forward the recommendations to City staff and let the members know as soon as possible when their recommendations would need to be presented to Council. She asked that Chair Collins attend to make the presentation and as many members of the Board as possible be present is any questions or forthcoming from the Council

Chair Collins confirmed that he should be able to attend.

Reverend Harris asked if any other funding was expected under the stimulus package and if the CSAB would be involved in award allocations for any additional funds.

Ms. Whitley stated that the only additional CDBG funds that Temple is to receive is \$136,373 as additional funding amendment to the 2008 funded amount. Public hearings had already been held as required by CDBG. City staff will make recommendations to Council on projects to be funded and the CSAB would not need to be involved.

Rev. Harrison asked Ms. Whitley to let the members know if that changed and the CSAB could meet again

Ms. Whitley stated that she would notify all members as soon as the final 2009 funding amount is confirmed and schedule a meeting if necessary.

5. Adjournment

Chair Collins opened the floor for any other items of business to discuss.

Rev. Harrison moved they adjourn.

Dr. Beamon seconded and the motion agreed unanimously.

Chair Collins adjourned the meeting at 2:28 p.m.

Respectfully submitted,

Lois Whitley



COUNCIL AGENDA ITEM MEMORANDUM

06/04/09
Item #5(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) May 12, 2009 Special Called Meeting
- (B) May 21, 2009 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Minutes are attached for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

May 12, 2009 Special Called Meeting
May 21, 2009 Special Called Meeting & Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 12, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, May 12, 2009 at 8:00 am in the City Council Chambers, 2nd Floor - Municipal Building, 2 North Main Street.

Present:

Councilmember Marty Janczak

Mayor Pro Tem Patsy Luna

Mayor William A. Jones, III

Absent:

Councilmember Tony Jeter

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Mayor Jones voiced the Invocation.

2. Pledge of Allegiance

Councilmember Janczak led the Pledge of Allegiance.

II. REGULAR AGENDA

3. Consider adopting a resolution canvassing the returns of the May 09, 2009 City of Temple Special Local Option election, declaring the results.

Mayor Jones stated the City conducted a special local option election on May 9th for deciding whether the Temple Health and Bioscience Economic Development District may impose an ad valorem tax not to exceed 15 cents per \$100 valuation of all taxable property and issue bonds payable in whole or in part from the ad valorem tax. Of the 34,396 registered voters in the City of Temple, 1752 cast votes in the May 9th election. The City Council was provided with the official tabulation of the election results.

Clydette Entzminger, City Secretary, stated a total of 890 votes were cast in favor of the proposition and 862 were cast against it. Therefore, the proposition was approved by a majority vote and it was recommended the resolution canvassing the election returns be approved.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

MAY 21, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 21, 2009, at 1:00 PM in the Council Chambers, 2 North Main Street.

1. Discuss the preliminary FY 2009-2010 budget.

David Blackburn, City Manager, provided the Council with some background on the FY 09-10 preliminary budget process and the remaining timeline. He began with a review of the fence posts by which the 2010 budget will be developed, the three main ones being to maintain fiscal soundness, maintain the tax rate and align programs and services with revenues.

Traci Barnard, Director of Finance, presented a chart showing the assessed taxable value since 1982 which indicates a slight decrease this year. She also displayed a chart showing the total tax rate adopted versus the effective tax rate. With the base declining the rate will increase, Mrs. Barnard explained.

Next, Mr. Blackburn discussed 15 issue points identified in the budget reviews to date, presenting what the issue is and his preliminary recommendations or comments regarding each of the following: capital and fleet needs; drainage master plan; economic development; fee and rate adjustments; Fire Station 8; fuel; fund balance policy; health insurance; new operating and maintenance expenses; public service agency funding; revenue sources; service levels; tax base and tax rate; water rights and costs; and water treatment. Mr. Blackburn concluded with a review of the remaining dates on the budget calendar through budget adoption on September 3, 2009.

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**

The following agencies made presentations regarding their requests for funding, which included the purpose of their programs, description of services provided, and objectives of the program.

Temple Symphony Orchestra - Rick Thomssen: Funding requested for the 2010 Holiday Symphony Concert - \$5,000

Tribal America Network - Rafael Tallbear Montez: Funding requested for Tribal American Network Annual PowWow - \$25,000

Bell County Business Alliance - Randy Garrett: Funding requested for continued operation of Temple Business Incubator - \$25,000

Bell County Health District - Dr. Wayne Farrell: Funding requested for environmental health/food protection services - \$144,340

Bell County Human Services Department - Judy Morales: Funding requested for continued operational support, rent and utilities for Temple HELP Center - \$50,000

Bloomin' Temple Festival - Kenny Martin: Funding requested to produce Bloomin' Temple Festival in 2010 - \$25,000

Cen-Texas Alcoholic Rehabilitation Center, Inc. - Jim Cooper: Funding requested for therapeutic community substance abuse treatment program - \$12,500

Children's Advocacy Center - Michelle Farrell: Funding requested for continued operation of the Center which provides a child friendly environment for forensic interviews for abused children - \$10,000

Cultural Activities Center - Terri Matthew: Funding requested for salary support of technical and marketing staff and event promotions - \$60,000

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 21, 2009.

Item 4(D): David Blackburn, City Manager, stated a request was made at the last City Council meeting to consider 'dark sky' lights for the Bioscience Park and Outer Loop projects. Lighting standards were set in 1995 through a resolution adopted by the Council. His recommendation is to follow the adopted policy, which does not include the dark sky standard. Staff has no issue with the dark sky lights but an additional \$3000 would be necessary to fund those lights. Mr. Blackburn stated he has asked staff to review the lighting standard policy and discuss with Oncor and others. The review will include not only dark sky lights but also low impact lighting and energy efficient lights.

Michael Newman, Assistant Director of Public Works, stated a tour of the City shows that dark sky lights were used on South 5th Street, Canyon Creek Drive and Westfield Boulevard.

Councilmember Janczak stated there are a mixture of lights on Canyon Creek, which were done by Oncor at their discretion.

Mr. Newman added the lighting for this project is time sensitive since paving is almost complete on the Outer Loop Phase II and lighting needs to be installed prior to re-vegetating behind the curb.

Item 4(G): Traci Barnard, Director of Finance, briefly discussed the second quarter financial report, in particular the General Fund forecast relating to revenues and expenditures. Even though revenues are projected to come in less than 100% of budget at year end, expenditures are projected to come in less than 100%, as has been the practice. Mrs. Barnard discussed those revenues sources that will likely come in less than budgeted. She also explained other significant changes to fund balance during the first quarter of FY

2009.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 21, 2009 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Tony Jeter

I. CALL TO ORDER

1. Invocation

Reverend Shelton C. Rhodes, Greater Zion Church of God in Christ, voiced the invocation.

2. Pledge of Allegiance

Randy Garrett, Executive Director, Temple Business Incubator, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Small Business Week May 17-29, 2009

Mayor Jones presented this proclamation to Randy Garrett, Executive Director of the Temple Business Incubator, members of the Incubator Board of Directors and several small business owners that reside in the Incubator.

(B) Community Clean Up Day May 30, 2009

Mayor Jones presented this proclamation to Tanya Gray, Executive Director, Keep Temple Beautiful, and Mr. Willie Floyd, representing the NAACP.

III. PUBLIC COMMENTS

Dr. Paul Rothaus, 3006 Hickory Road, stated he previously addressed the Council in late January or early February regarding vehicles travelling at a high rate of speed and running through his property. Another incident occurred just recently, knocking his mailbox down and causing ruts in his property. Three accidents have occurred within a very short period of time. He felt people lose control because the curve sign makes them slow down as they enter the curve, probably applying their brakes. The sun can also be a factor in this location. Someone at the City mentioned putting up a guard rail and that is acceptable to him, although he does not think that is the answer to this problem. A stop sign is needed at

the point before the vehicle enters the curve.

IV. CONSENT AGENDA

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

(A) May 7, 2009 Special Called Meeting and Regular Meeting

(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.

(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.

(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.

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

Motion passed unanimously.

(G) 2009-5717-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2009.

Traci Barnard, Director of Finance, began with a review of the General Fund revenues, providing data for the major revenue sources, which include sales tax, ad valorem tax, solid waste fees, franchise fees, fines and fees, and interest income. General Fund expenditures are projected at 92.92% at year end, with revenues at 96.54%, resulting in a positive addition to fund balance. Mrs. Barnard discussed expenditures related to fuel costs and the chart depicting weekly fuel pricing for FY 2009. Mrs. Barnard also reviewed the projected sources of net additions to the General Fund fund balance at year end, which are estimated at \$2,127,039.

Mrs. Barnard also presented the Water and Wastewater Fund revenues and expenses, as well as a review of the monthly water consumption. She concluded her presentation with a summary of the City's investments.

Motion by Councilmember Russell Schneider to adopt resolution approving item 4 (G), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Tim Dolan, Director of Planning, presented this item to the City Council. This property is part of the tract annexed in January 2008 and is the first to bring a non-conforming use into compliance. A 6-inch water line provides adequate service to the convenience store and restaurant, which are also served by a septic tank. Mr. Dolan displayed photos of surrounding properties and reviewed the development regulations for this property. Four notices were mailed to surrounding property owners, with three being returned in favor and none in opposition. The proposed ordinance received a 7-0 recommendation for approval by the Planning and Zoning Commission.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt the ordinance on first reading, with second reading set for June 4, 2009, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Tim Dolan, Director of Planning, presented this zoning case to the Council. This conditional use permit is a continuation of economic development efforts in north Temple where a railroad spur was extended to serve this area. Mr. Dolan showed the location map, noting the road is also being expanded and water and sewer service are being extended to serve the property. One notice was mailed to the surrounding property owner and was not returned. The site plan will be adopted as an exhibit to the ordinance. With a 7-0 vote, the Planning and Zoning Commission recommended approval of the proposed CUP.

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

Motion by Councilmember Marty Janczak to adopt ordinance on first reading, with second reading set for June 4, 2009, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.**

Jonathan Graham, City Attorney, presented this item to the City Council. In December 2008 the City adopted an irrigation ordinance which was mandated by the State. There was some discussion at that meeting regarding backflow prevention devices and City staff had concerns about two of the devices included in the model ordinance. The adopted ordinance allowed two devices, with the commonly installed one being a Reduced Pressure Zone (RPZ). TABA asked the City to look at this ordinance again, with the specific request that we allow Pressure Vacuum Breaker (PVB) devices. This device is recommended by TCEQ and it is acceptable to the Public Works staff. One disadvantage of the RPZ is that it reduces pressure in the line, which can be a problem. This does not occur with the PVB, which also costs about 1/3 less than the RPZ and meets the spirit of state law.

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

Motion by Councilmember Russell Schneider to adopt ordinance on first reading, with second reading set for June 4, 2009, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

BOARD APPOINTMENTS

- 8. 2009-5710-R: Consider adopting a resolution appointing one member to the Bell County Public Health District Board of Directors.**

Mayor Jones stated he did not have a recommendation for appointment to this board at this time.

- 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.**

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution appointing Steven Baskerville to the Temple Public Safety Advisory Board to fill the unexpired term, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/04/09
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #7 to the Lions Junction Family Water Park construction contract with Chaney-Cox Construction, Inc. for the construction of a sidewalk along South 5th Street in South Temple Community Park in the amount of \$41,225.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 18, 2008 the City Council awarded a construction contract to Chaney-Cox Construction, Inc. for the construction of the Lions Junction Family Water Park in the amount of \$3,889,943.00.

On December 18, 2008 the City Council approved change order #1 to this contract to upgrade the roof at the bath house and partitions in the changing rooms in the amount of \$38,642.00. On March 19, 2009 the City Council approved change order #2 to expand the concession area at this facility in the amount of \$38,530.00. Change orders #3 – #6 were approved by the City Manager as they were not over \$25,000 each. The total of change orders #3 - #6 was a credit of \$10,930.

The change order in this agenda item will create a 5' wide sidewalk approximately 1992' in length along South 5th Street from the north end to the south end of South Temple Community Park.

This new sidewalk will connect into existing sidewalks at both ends of this park. The sidewalk will give visitors to the Community Park and to Lions Junction Family Water Park an alternate way to get to these facilities if they choose to visit by either biking or walking.

FISCAL IMPACT: Funding in the amount of \$4,090,500 was appropriated in account 362-3500-552-6838, project #100356, for design and construction of this project from the 2008 General Obligation Bond Issue. An additional \$200,000 of funding was donated by the Temple Lions Club. In March of 2009, \$30,395 of interest earnings was appropriated to fund a portion of change order #2 and \$99,105 of project savings was reallocated to complete this project. After funding engineering-related services in the amount of \$342,200, construction administrative services in the amount of \$5,120,

construction cost of \$3,956,185, and miscellaneous cost of \$54,945.16, a balance of \$61,549 remains available in this account to fund change order #7.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2009-5720-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #7 IN THE AMOUNT OF \$41,255 TO THE CONSTRUCTION CONTRACT WITH CHANEY-COX CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE LIONS JUNCTION FAMILY WATER PARK, FOR THE CONSTRUCTION OF A SIDEWALK ALONG SOUTH 5TH STREET IN SOUTH TEMPLE COMMUNITY PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2008, the City entered into a contract with Chaney-Cox Construction, Inc., for the construction of the Lions Junction Family Water Park – on December 18, 2008, the City Council approved Change Order #1 to the contract to provide for the installation of a metal roof on the main bath house, replacement of an asphalt shingle roof, and restroom partition upgrades; on March 19, 2009, the City Council approved Change Order #2 to expand the concession area; Change Orders #3--#6 were approved by the City Manager since they were not over \$25,000 each;

Whereas, the Staff recommends approving Change Order #7 to the contract to provide for the construction of a sidewalk along South 5th Street in South Temple Community Park in the amount of \$41,255;

Whereas, funds are available for this change order in Account No. 362-3500-552-6838, Project 100356; and

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

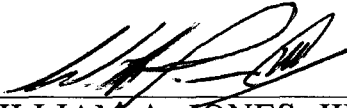
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the City Manager, or his designee, to execute Change Order #7 to the contract with Chaney-Cox Construction, Inc., of Temple, Texas, for the construction of the Lions Junction Family Water Park, after approval as to form by the City Attorney, for the construction of a sidewalk along South 5th Street in South Temple Community Park, in an amount not to exceed \$41,255.

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 4th day of **June**, 2009.

THE CITY OF TEMPLE, TEXAS



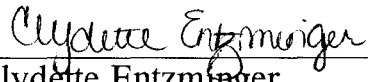
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ATTEST:



Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/04/09
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following technology contracts and purchases for the new Municipal Court & Utility Business Office Facility:

1. Video surveillance system from DHS Security dba 3Sixty Integrated of San Antonio in the amount of \$55,548.80;
2. Reject all three (3) proposals received for the card access system and award the contract to A-1 Fire & Security Equipment Company under GSA Contract GSO 7F 7733C in the amount of \$25,107.93; and
3. Phone system from Affiliated Telephone of Austin in the amount of \$35,958.76 under DIR contract #DIR-SDD-289.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 20, 2008, Vanguard Contractors, LP was awarded a construction contract for construction of and renovations to the new Municipal Court/Utility Business Office Facility, which is on schedule to be finished in mid-September 2009. Based on the facility design and feedback from Municipal Court, Utility Billing, Purchasing, Finance and Architectural Edge, a technology plan was put forth to ensure telecommunications, data, security and computing needs were met in the new facility. The total cost of the Technology Plan is approximately \$330,000 with the purchases being proposed in this agenda item totaling \$116,615.49 of the \$330,000.

Per the attached proposal price tabulation, on April 14, 2009, 13 proposals were received for the video security system. A committee of five City personnel was formed to review and analyze the proposals. Based on the experience demonstrated by DHS Security dba 3Sixty Integrated (DHS) and the pricing being offered, the committee concluded that DHS offered the City the best value for the video security system. The proposed video surveillance system will consist of 29 strategically located indoor cameras, 8 outdoor cameras, and 37 OnSSI client licenses. The City currently utilizes the OnSSI management system in other facilities; thus for consistency and ease of operation purposes, staff would like to standardize and build on the OnSSI system. The City has not previously used DHS as a vendor in the past. Accordingly, references were checked by staff with feedback received that DHS is a responsible vendor.

Per the attached proposal price tabulation, on April 14, 2009, three (3) proposals were received for the access control system. In reviewing the three (3) proposals received for the access control system, the committee did not identify a vendor that could match the experience and value that could be obtained from A-1 Fire & Security Equipment Company through an existing GSA contract. Accordingly, it is the committee's recommendation to reject all proposals received for the card access system and to award the contract under an existing Federal Government GSA Contract GSO 7F 7733C. The proposed access control system to be installed will use the same technology as the systems already in place at City Hall and the Police Facility. The system will be based on Access Control 7 security management solution based on Hirsch Electronics Velocity access control software and Proximity card readers. The City has used A-1 Fire & Security for other access control projects and staff has found them to be a responsible vendor.

The City has been working to upgrade and standardize all phone systems to the Nortel system. The State has awarded a DIR contract for licensing and installation of the Nortel phone system to Affiliated Telephone. Accordingly, it is staff's recommendation to piggyback off of this State contract for the purchase and installation of a Nortel 36-phone system.

FISCAL IMPACT: Municipal Court's portion of the cost for the video surveillance system is \$41,106.11. Funding is available in account 351-1800-525-6849, project #100240. This portion of the purchase is funded from Municipal Restricted Security funds which can only be used for this type of purchase. The Utility Business Office's portion of this purchase is \$14,442.69 and is available in account 520-5800-535-6224, project # 100240. Total amount available for the purchase of the video surveillance system awarded in this item is \$55,548.80.

Municipal Court's portion of the cost of the card access system is \$18,579.87. Funding is available in account 351-1800-525-6849, project #100240. This portion of the purchase is funded from Municipal Restricted Security funds which can only be used for this type of purchase. The Utility Business Office's portion of this purchase is \$6,528.06 and is available in account 520-5800-535-6224, project # 100240. The total amount available for the purchase of the card access system awarded in this item is \$25,107.93.

Municipal Court's portion of the cost of the phone system is \$26,609.48. Funding is available in account 351-1800-525-6849, project # 100240. This portion of the purchase is funded from Municipal Court Restricted Technology funds which can only be used for this type of purchase. The Utility Business Office's portion of this purchase is \$9,349.28 and is available in account 520-5800-535-6224, project #100240. The total amount available for the purchase of the phone system awarded in this item is \$35,958.76.

ATTACHMENTS:

[Proposal Price Tabulations \(2\)](#)
[Resolution](#)

MC/UBO Facility Access Control & Security Mgmt System
Proposal Price Tabulation
April 14, 2009

	Henry Bros Electronics, Inc. Irving, TX	Associated Time & Parking Controls Austin, TX	InHouse Systems, Inc. Temple, TX
Hirsch MN-8N2 Digitrac Controller (3)	\$ 5,929.00	\$ 19,253.85	\$ 9,600.00
Hirsch MELM-2 Line Module (24)	135.00	600.00	192.00
Hirsch MR20LA Proximity Card Reader (24)	4,235.00	5,002.00	4,200.00
Mirsch MB1 Flush Mounting Box (24)	678.00	1,468.00	840.00
Power Supply 10A AL1024ULX for Locks (3)	903.00	1,734.00	1,125.00
Battery pair for AL1024ULX Power Supply (3)	55.00	600.00	180.00
Cabling	2,208.00	1,500.00	3,500.00
Installation and Testing	8,420.00	6,435.00	4,800.00
Programming/Configuration of Velocity	560.00	2,200.00	1,440.00
TOTAL COST	\$ 23,123.00	\$ 38,792.85	\$ 25,877.00
Yearly Maintenance (after 1 yr maintenance)	\$ 1,470.00	\$ 8,500.00	\$ 2,400.00

Note: Staff recommendation is to reject all proposals received and award the project to A-1 Fire & Security Equipment Company through an existing GSA contract.

MC/UBO Facility Video Security System
 Proposal Price Tabulation
 April 14, 2009

	Associated Time & Parking Controls Austin, TX	TAC Americas, Inc. Austin, TX	Total Protection Systems, Inc. Austin, TX	911 Security Cameras, Inc. Dallas, TX	Henry Bros Electronics, Inc. Irving, TX	American Security Solutions Royse City, TX	Convergint Technologies, LLC Austin, TX	Data Tex Services, Inc. Lewisville, TX	DHS Security dba 3Sixty Integrated San Antonio, TX	Safe Sight Austin, TX	Kratos Southwest, LP Houston, TX	Thomas Defense Group Orlando, FL	InHouse Systems, Inc. Temple, TX
Indoor Fixed Dome IP Cameras with covers (28)	\$ 31,640.00	\$ 23,625.00	\$ 24,798.45	\$ 16,520.00	\$ 18,717.00	\$ 33,495.00	\$ 22,776.04	\$ 17,381.00	\$ 23,520.00	\$ 29,709.96	\$ 20,862.45	\$ 16,571.73	\$ 15,260.00
Indoor PTZ IP Camera with cover (1)	2,085.00	1,071.25	1,067.69	754.00	940.00	1,364.09	852.60	720.00	854.10	1,221.22	1,026.83	1,006.98	910.00
Outdoor PTZ IP Cameras with covers (8)	16,680.00	11,480.00	15,770.53	8,800.00	9,237.00	19,727.40	15,860.16	10,560.00	10,032.00	14,414.40	11,235.70	14,171.72	6,840.00
Corner Mnts/Arm Equip for Outdoor Cams (8)	6,850.00	2,790.00	3,045.12	included in line above	3,005.00	3,899.94	2,701.28	included in line above	3,786.30	included in line above	included in line above	5,431.04	1,080.00
OnSSI Client Licenses (37)	19,675.00	9,296.25	10,700.40	8,880.00	11,479.00	12,515.25	9,658.48	7,437.00	8,924.40	8,460.05	11,149.95	8,180.70	8,436.00
Camera Installation	8,500.00	4,000.00	12,300.00	9,250.00	7,866.00	4,497.00	8,266.40	11,956.68	9,350.00	6,000.00	15,749.92	7,000.00	6,000.00
System Design/Project Management	2,000.00	1,160.00	1,200.00	1,450.00	2,140.00	1,140.00	3,096.11	2,819.06	882.00	920.00	3,627.11	2,500.00	960.00
Programming/Configuring OnSSI	3,800.00	7,022.68	1,700.00	950.00	560.00	1,339.50	1,932.47	2,625.00	1,200.00	270.00	1,332.00	3,000.00	1,440.00
Warranty											1,383.58		
Discount										(11,300.00)			
TOTAL COST	\$ 91,230.00	\$ 60,445.18	\$ 70,582.19	\$ 46,604.00	\$ 53,944.00	\$ 77,978.18	\$ 65,143.54	\$ 53,498.74	\$ 58,548.80	\$ 49,695.63	\$ 66,367.54	\$ 57,862.17	\$ 40,926.00
Yearly Maintenance (after 1 yr maintenance)	\$ 10,000.00	\$ 4,946.00	\$ 8,154.47	\$ 1,580.00	\$ 5,477.00	\$ 9,747.74	\$ 23,480.50	N/A	\$ 5,408.70	\$ 6,200.00	\$ 9,120.63	\$ 3,000.00	\$ 4,900.00

Negotiated Price

\$ 55,548.80

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FOLLOWING TECHNOLOGY CONTRACTS AND PURCHASES FOR THE NEW MUNICIPAL COURT & UTILITY BUSINESS OFFICE: (1) VIDEO SURVEILLANCE SYSTEM FROM DHS SECURITY DBA 3SIXTY INTEGRATED OF SAN ANTONIO, TEXAS, IN THE AMOUNT OF \$55,548.80; (2) REJECT ALL 3 PROPOSALS RECEIVED FOR THE CARD ACCESS SYSTEM AND AWARD THE CONTRACT TO A-1 FIRE & SECURITY EQUIPMENT COMPANY UNDER GSA CONTRACT GSO 7F 7733C IN THE AMOUNT OF \$25,107.93; (3) AND A PHONE SYSTEM FROM AFFILIATED TELEPHONE OF AUSTIN, TEXAS, IN THE AMOUNT OF \$35,958.76 UNDER DIR CONTRACT #DIR-SDD-289; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the project for construction of and renovations to the new Municipal Court/Utility Business Office is currently underway and expected to be completed in mid-September, 2009;

Whereas, 3 technology contracts and purchases need to be approved for a video surveillance system, card access system, and phone system for the building;

Whereas, on April 14, 2009, 13 proposals were received for the video security system – as best value for the City, Staff recommends the purchase from DHS Security dba 3Sixty Integrated of San Antonio, Texas, in the amount of \$55,548.80;

Whereas, on April 14, 2009, 3 proposals were received for the access control system – the Staff recommends rejecting all proposals and awarding the contract to A-1 Fire & Security Equipment Company under GSA Contract GSO 7F 7733C in the amount of \$25,107.93;

Whereas, the City has been working to upgrade and standardize all phone systems to the Nortel system – the State has awarded a DIR contract for licensing and installation of the Nortel phone system to Affiliated Telephone and it is Staff's recommendation to piggyback off of this State contract for the purchase and installation of a Nortel 36-phone system;

Whereas, funds are available for these technology contracts and purchases in Account No. 351-1800-525-6849, Project 100240; 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 following technology contracts and purchases for the new Municipal Court & Utility Business Office: (1) video surveillance system from DHS Security dab 3Sixty Integrated of San Antonio, Texas, in the amount of \$55,548.80; (2) rejects all 3 proposals received for the card access system and awards the contract to A-1 Fire & Security Equipment Company under GSA Contract GSO 7F 7733C in the amount of \$25,107.93; and (3) phone system from Affiliated Telephone of Austin, Texas, in the amount of \$35,958.76 under DIR contract #DIR-SDD-289.

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

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

PASSED AND APPROVED this the 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

06/04/09
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to enter into a railroad licensing and operating agreement with Patriot Rail Corp and Temple & Central Texas Railway, Inc. for operational and management services in the Temple Rail Park.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The proposed resolution would authorize a twenty year license and operating agreement (Licensing Agreement) with Patriot and Central Texas Railway (CTR) (CTR is a wholly owned subsidiary of Patriot) to manage the City's Rail Park. The agreement has a two year initial term after which the agreement automatically extends to a twenty year term (in total) if Patriot and CTR are still in compliance and performing satisfactorily.

After a selection process to select a firm to manage our rail park and handle switching operations within the Park, the City signed a letter of intent with Patriot Rail expressing its intent to enter into a definitive operating agreement. Over the past two months, we have negotiated the terms of that agreement.

The major elements of the Licensing Agreement are that the City grants an exclusive right for Patriot and CTR to actively manage and assist the City and TEDC in developing the Rail Park. The typical "railroad functions," rail car switching, loading, unloading and storage operations, routine maintenance of the rail infrastructure (rails, switches, etc.) would be performed by CTR. While Patriot, the parent company, would focus their efforts on developing a master plan for the Rail Park, conducting a site survey to identify any needed rail improvements, developing a marketing plan to increase usage of the Rail Park and to attract new customers to the Rail Park, and provide the City with data about usage of the Rail Park.

As the rail service provider, CTR will have ninety days under the Licensing Agreement to enter into an agreement with Burlington Northern Santa Fe Railroad to provide switching services from BNSF's rail yard. If they are unable to do so, the Licensing Agreement will terminate. CTR agrees to provide "safe, consistent and reliable rail service, which service shall be consistent with the providing of quality rail service as recognized in the rail service industry" and to charge users in the Rail Park

“fees charged to users of services offered by Licensee shall be reasonably competitive with similar services offered by rail service providers in the rail service industry.”

As compensation to the City for the exclusive right to provide rail services within the Rail Park, Patriot and CTR agree to compensate the City with four percent (4%) of their gross receipts prior to Gulf States Toyota coming on line, and five percent (5%) thereafter.

A team consisting of the City Manager, and members of TEDC and the Reinvestment Zone boards, interviewed several railroads with strong credentials to manage and operate rail parks, what set Patriot apart in the group being considered was their experience and enthusiasm for identifying and bringing businesses into rail parks and recent experience developing new business parks.

FISCAL IMPACT: The City will receive a percentage of Patriot’s and CTR’s gross receipts from their switching operations—4% initially, escalating to 5% when Gulf States Toyota comes online. The responsibility for repairs, maintenance, and capital improvements for the Rail Park will still remain with the City, but under the Licensing Agreement there is the potential for the City to contract some of that work with Patriot/CTR and for Patriot to finance some of those improvements.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A RAILROAD LICENSING AND OPERATING AGREEMENT WITH PATRIOT RAIL CORP AND CENTRAL TEXAS RAILWAY, INC., FOR OPERATIONAL AND MANAGEMENT SERVICES IN THE TEMPLE RAIL PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, after a selection process to select a firm to manage the City's rail park and handle switching operations within the Park, the Staff recommends entering into a railroad licensing and operating agreement with Patriot Rail Corp and Central Texas Railway, Inc.,(CTR), a wholly owned subsidiary of Patriot Rail Corp, because of their experience and enthusiasm for identifying and bringing businesses into rail parks and recent experience developing new business parks;

Whereas, the license and operating agreement has a 2 year initial term after which the agreement automatically extends to a 20 year term (in total) if Patriot and CTR are still in compliance and operating satisfactorily;

Whereas, the City will receive a percentage of Patriot's and CTR's gross receipts from their switching operations—4% initially, escalating to 5% when Gulf States Toyota comes online – the responsibility for repairs, maintenance, and capital improvements for the Rail Park will still remain with the City, but under the Licensing Agreement there is the potential for the City to contract some of that work with Patriot/CTR and for Patriot to finance some of those improvements; 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 enter into a railroad licensing and operating agreement with Patriot Rail Corp and Central Texas Railway, Inc., for operational and management services in the Temple Rail Park.

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 **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

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Item #5(F)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a renewal agreement with Central Texas 4C, Inc., for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The annual lease for the Robert M. Blackmon, Jr. Neighborhood Center, located in Wilson Park, expired September 30, 2008. Central Texas 4C, Inc., would like to keep leasing the facility for their preschool programs.

4C has been occupying the Blackmon Center since 1986. Under the lease the City pays water, sewer and garbage. 4C pays for electrical services. The City maintains the exterior walls, drives, etc., of the building and pipes and wiring which are internal to the walls of the building. 4C pays for plumbing and electrical within the building such as toilets, light fixtures, etc. The total cost anticipated to be expended for FY2008-09 for all costs by the City at the Blackmon Center, to include water, sewer and garbage pickup, is budgeted at \$1,100.

FISCAL IMPACT: The total annual rent is \$9,261.48, with City expenditures as outlined in the agreement is budgeted at \$1,100 in FY 2009. An additional \$30,000 is budgeted in the FY 2009 operating budget to replace the flooring at the Blackmon Center.

ATTACHMENTS:

[Resolution](#)

RESOLUTION. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND THE CENTRAL TEXAS 4C, INC., FOR LEASE OF SPACE AT THE ROBERT M. BLACKMON, JR., NEIGHBORHOOD CENTER FOR PRESCHOOL PROGRAMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Central Texas 4C, Inc., has requested a renewal of the lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs;

Whereas, the Staff recommends approval of the renewal lease at the rate of \$771.79 per month (\$9,261.46 per year); and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a lease agreement between the City of Temple and the Central Texas 4C, Inc., after approval as to form by the City Attorney, for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.

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 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

06/04/09
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a four-year guaranteed buy-back lease of 74 fleet electric golf cars, 2 marshal electric golf cars, and 2 beverage cars from Yamaha Golf Car Company with an annual lease payment of \$52,155.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City's current three-year lease on 75 gas-powered golf cars for Sammons Golf Links expires on July 31, 2009, with a guaranteed buy-back of \$1,700 per car. On March 19, 2009, Council authorized the use of a Request for Proposals (RFP) for the acquisition of new golf cars through a lease agreement. On May 5, 2009, 1 proposal was received from Yamaha Golf Car Company, the City's current lessor. However, as noted in the RFP, staff also considered offerings available from E-Z-Go and Club Car through the TxMAS and BuyBoard cooperatives, respectively.

Sammons currently runs gas powered golf cars and the course does not currently have any food and beverage designated units. In addition, the course currently uses fleet golf cars for marshalling purposes. As a result, it was staff's desire as part of this procurement process to evaluate the following:

If transitioning to electric cars, which is preferred by golfers due to their quiet nature, was an affordable option for the course;

If 2 uniquely painted and equipped marshal cars could be obtained in place of 2 of the standard equipped fleet cars; and

If 2 beverage cars could be obtained to facilitate beverage food and beverage service on the course.

As part of this evaluation, golf course personnel stated that they were willing to reduce the fleet size of the golf cars to accommodate these enhancements as the need to have a full fleet of 73 golf cars on hand is only necessary for certain tournaments.

With respect to converting from gas powered cars to electric cars, it was determined that it will cost approximately \$22,000 to add the necessary electrical infrastructure to the golf car barn. Staff also determined that there are savings to be reaped in the amount of approximately \$8,000 per year to operate and maintain the electric golf cars versus the gas cars. Accordingly, staff concluded that the initial investment of equipping the golf barn to electric is recoverable over a three year period and the initial funding to make the cart barn improvements is available from CIP savings on other parks projects.

With respect to leasing 2 specially equipped marshal cars and 2 beverage cars, staff determined that if the golf car fleet was reduced by 1 unit, that the monthly lease payment for all vehicles would be inline with the current lease payment. Accordingly, it is staff's recommendation to lease 72 fleet golf cars (versus 73), two uniquely painted and equipped marshal cars, and two beverage cars (one Fairway Lounge and one multi-purpose utility vehicle with drop in cooler).

The evaluation criteria as defined within the RFP weighted price at 50%; reputation of the offeror and the quality of the offeror's goods and services at 20%; extent to which the proposed cars meet the City's needs, including maintenance, service, and warranties at 15%; and payment terms, responsiveness to timeline, and the presentation of their offerings at 15%. Staff's evaluation concluded that the pricing offered by Yamaha, with the E-Z-Go and Club Car offerings being over 30% higher, would offer the City the best value.

As shown in the attached Price Comparison, the RFP requested pricing for three different leasing arrangements (straight lease, capital lease, and buy-out lease), three different terms (48, 54, and 60 months), and for both electric and gas-operated cars. Based on the battery warranty expiring after four years, it is staff's recommendation to go with a 48-month lease on the electric cars. It is also staff's recommendation to use the guaranteed buy-back lease option, which will save on personal property taxes and will give the City flexibility at the end of the lease term. The guaranteed buy-back offered by Yamaha on the fleet and marshal cars is \$1,300 per unit while the buy-back on the two beverage cars is a total of \$3,900.

FISCAL IMPACT: Funding for the golf cars is currently appropriated in the FY 2009 budget in the amount of \$52,155, the current annual lease commitment under the lease expiring on July 31, 2009. Staff has requested funding in the FY 2010 budget of a like-kind amount, which would allow for adequate funding for the proposed lease in the amount of \$52,155. The golf car lease and maintenance expenditures are recovered through usage fees charged to golfers.

ATTACHMENTS:

[Price Comparison](#)
[Resolution](#)

Golf Car Price Comparison

Gas-operated Cars:

	True Lease - No ownership by City			Lease with Full Ownership at End of Lease			Lease with Buyout at End of Lease		
	48-month	54-month	60-month	48-month	54-month	60-month	48-month	54-month	60-month
Price per MONTH for 75 golf cars & 1 beverage car (Current \$4,346.25 with \$1,700 guaranteed buyout, not including a beverage car):									
E-Z-Go	\$ 5,441.81	\$ 4,991.96	\$ 4,894.87	\$ 7,071.95	\$ 6,382.18	\$ 5,830.71	\$ 5,189.42	\$ 4,736.40	\$ 4,645.43
Buyout per unit							\$ 1,350.00	\$ 1,350.00	\$ 1,100.00
Club Car	\$ 5,739.55	\$ 5,242.76	\$ 4,998.29	\$ 7,152.39	\$ 6,468.64	\$ 5,892.05	\$ 5,161.19	\$ 4,732.04	\$ 4,515.69
Buyout per unit							\$ 1,400.00	\$ 1,400.00	\$ 1,250.00
Yamaha	\$ 4,023.99	\$ 3,849.03	\$ 3,661.00	\$ 6,311.35	\$ 5,729.33	\$ 5,217.85	\$ 3,648.33	\$ 3,459.37	\$ 3,310.23
Buyout per golf car							\$ 1,600.00	\$ 1,500.00	\$ 1,400.00
Buyout per beverage car (blended for 2 different type of cars)							\$ 2,400.00	\$ 2,200.00	\$ 2,000.00
Price per YEAR for 75 cars & 1 beverage car: (Current \$52,155, not including a beverage car)									
E-Z-Go	\$ 65,301.72	\$ 59,903.52	\$ 58,738.44	\$ 84,863.40	\$ 76,586.16	\$ 69,968.52	\$ 62,273.04	\$ 56,836.80	\$ 55,745.16
Club Car	\$ 68,874.60	\$ 62,913.12	\$ 59,979.48	\$ 85,828.68	\$ 77,623.68	\$ 70,704.60	\$ 61,934.28	\$ 56,784.48	\$ 54,188.28
Yamaha	\$ 48,287.88	\$ 46,188.36	\$ 43,932.00	\$ 75,736.20	\$ 68,751.96	\$ 62,614.20	\$ 43,779.96	\$ 41,512.44	\$ 39,722.76
Life of Lease Cost:									
E-Z-Go	\$ 261,206.88	\$ 269,565.84	\$ 293,692.20	\$ 339,453.60	\$ 344,637.72	\$ 349,842.60	\$ 249,092.16	\$ 255,765.60	\$ 278,725.80
Club Car	\$ 275,498.40	\$ 283,109.04	\$ 299,897.40	\$ 343,314.72	\$ 349,306.56	\$ 353,523.00	\$ 247,737.12	\$ 255,530.16	\$ 270,941.40
Yamaha	\$ 193,151.52	\$ 207,847.62	\$ 219,660.00	\$ 302,944.80	\$ 309,383.82	\$ 313,071.00	\$ 175,119.84	\$ 186,805.98	\$ 198,613.80

Price to Purchase Cars

E-Z-Go - 2010 RXV	\$ 3,746.00
Club Car	\$ 3,969.29
Yamaha	\$ 3,400.00

Price to Purchase Marshall Cars:

E-Z-Go	\$ 3,746.00
Club Car	\$ 4,199.20
Yamaha	\$ 3,875.00

Price to Purchase Beverage Car

E-Z-Go	\$ 13,552.00
Club Car - includes \$9,750 'free goods' disc	\$ 4,091.94
Yamaha	\$ 9,050.00

TOTAL to purchase 73 golf cars, 2 marshal cars, and 1 beverage car:

E-Z-Go	\$ 294,502.00
Club Car - includes \$9,750 'free goods' disc	\$ 302,248.51
Yamaha	\$ 265,000.00

City of Temple, Texas - Golf Car Pricing Schedule - RFP 31-01-09

Electric-operated Cars:

	True Lease - No ownership by City			Lease with Full Ownership at End of Lease			Lease with Buyout at End of Lease		
	48-month	54-month	60-month	48-month	54-month	60-month	48-month	54-month	60-month
Price per MONTH for 75 golf cars & 1 beverage car (Current \$4,346.25 with \$1,700 guaranteed buyout, not including a beverage car):									
E-Z-Go - TXTPDS 2010 model	\$ 5,637.56	\$ 5,142.71	\$ 4,954.87	\$ 6,546.95	\$ 5,908.18	\$ 5,397.96	\$ 5,417.42	\$ 4,920.90	\$ 4,742.18
Buyout per unit							\$ 800.00	\$ 800.00	\$ 600.00
Club Car	\$ 6,130.92	\$ 5,586.76	\$ 5,306.32	\$ 7,266.36	\$ 6,571.72	\$ 5,985.76	\$ 5,559.40	\$ 5,082.88	\$ 4,829.80
Buyout per unit							\$ 1,200.00	\$ 1,200.00	\$ 1,050.00
Yamaha	\$ 4,462.74	\$ 4,234.53	\$ 4,112.50	\$ 6,329.35	\$ 5,745.08	\$ 5,232.85	\$ 4,086.33	\$ 3,844.12	\$ 3,760.98
Buyout per unit							\$ 1,300.00	\$ 1,200.00	\$ 1,100.00
Buyout per beverage car							\$ 1,950.00	\$ 2,200.00	\$ 2,000.00
Price per YEAR for 75 cars & 1 beverage car: (Current \$52,155, not including a beverage car)									
E-Z-Go	\$ 67,650.72	\$ 61,712.52	\$ 59,458.44	\$ 78,563.40	\$ 70,898.16	\$ 64,775.52	\$ 65,009.04	\$ 59,050.80	\$ 56,906.16
Club Car	\$ 73,571.04	\$ 67,041.12	\$ 63,675.84	\$ 87,196.32	\$ 78,860.64	\$ 71,829.12	\$ 66,712.80	\$ 60,994.56	\$ 57,957.60
Yamaha	\$ 53,552.88	\$ 50,814.36	\$ 49,350.00	\$ 75,952.20	\$ 68,940.96	\$ 62,794.20	\$ 49,035.96	\$ 46,129.44	\$ 45,131.76
Life of Lease Cost:									
E-Z-Go	\$ 270,602.88	\$ 277,706.34	\$ 297,292.20	\$ 314,253.60	\$ 319,041.72	\$ 323,877.60	\$ 260,036.16	\$ 265,728.60	\$ 284,530.80
Club Car	\$ 294,284.16	\$ 301,685.04	\$ 318,379.20	\$ 348,785.28	\$ 354,872.88	\$ 359,145.60	\$ 266,851.20	\$ 274,475.52	\$ 289,788.00
Yamaha	\$ 214,211.52	\$ 228,664.62	\$ 246,750.00	\$ 303,808.80	\$ 310,234.32	\$ 313,971.00	\$ 196,143.84	\$ 207,582.48	\$ 225,658.80

Price to Purchase Cars

E-Z-Go - TXTPDS 2010 Model	\$ 3,450.00
Club Car	\$ 4,031.29
Yamaha	\$ 3,400.00

Note: This analysis was prepared and pricing information based on acquiring 1 Beverage Car. However, it is staff's preference to have 2 Beverage Cars with the 2nd car being a multi-purpose type of vehicle with a drop-in cooler. The adjusted pricing by Yamaha including this additional beverage car is as follows:

Price to Purchase Marshall Cars:

E-Z-Go	\$ 3,450.00
Club Car	\$ 4,351.40
Yamaha	\$ 3,700.00

Mo Lease payment above for 73 fleet cars, 2 marshal, and 1 beverage car	\$ 4,086.33
Reduction of fleet by one fleet car to accommodate fleet upgrades	(52.31)
Additon of Pro-Fill Battery Watering System to 74 cars @ \$2.76/car/mo	204.24
Addtl Lease Payment per month to lease 1 Utility vehicle with drop-in cooler	107.99

Price to Purchase Beverage Car - Gas

E-Z-Go	\$ 13,552.00
Club Car - includes \$9,750 'free goods' disc	\$ 4,091.94
Yamaha (1) Fairway Lounge (2) Utility w/ drop in cooler	\$ 9,050.00 \$ 5,904.37

Adjusted Monthly Lease Payment

\$ 4,346.25

Annualized Life of Lease

**\$ 52,155.00
\$ 208,620.00**

TOTAL to purchase 73 golf cars, 2 marshal cars, and 1 beverage car:

E-Z-Go	\$ 272,302.00
Club Car - includes \$9,750 'free goods' disc	\$ 307,078.91
Yamaha	\$ 264,650.00

Staff recommendation for Council Award

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 4-YEAR GUARANTEED BUY-BACK LEASE OF 74 FLEET ELECTRIC GOLF CARS, 2 MARSHAL ELECTRIC GOLF CARS, AND 2 BEVERAGE CARS FROM YAMAHA GOLF CAR COMPANY WITH AN ANNUAL LEASE PAYMENT OF \$52,155; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's current 3-year lease on 75 gas-powered golf cars for Sammons Golf Links expires on July 31, 2009, with a guaranteed buy-back of \$1,700 per car – on March 19, 2009, the City Council authorized the use of a Request for Proposals (RFP) for the acquisition of new golf cars through a lease agreement;

Whereas, on May 5, 2009, one proposal was received from Yamaha Golf Car Company, the City's current lessor; however as noted in the RFP, Staff also considered offerings available from E-Z-Go and Club Car through the TxMAS and BuyBoard cooperatives, respectively;

Whereas, Staff's evaluation concluded that the pricing offered by Yamaha would offer the City the best value;

Whereas, funds are appropriated in the FY2009 Sammons Golf Course budget for this lease agreement – annual cost will be \$52,155; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a 4-year guaranteed buy-back lease of 74 fleet electric golf cars, 2 marshal electric golf carts and 2 beverage carts from Yamaha Golf Car Company, after approval as to form by the City Attorney, with an annual lease payment of \$52,155.

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 4th day of **June**, 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

06/04/09
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading.

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)

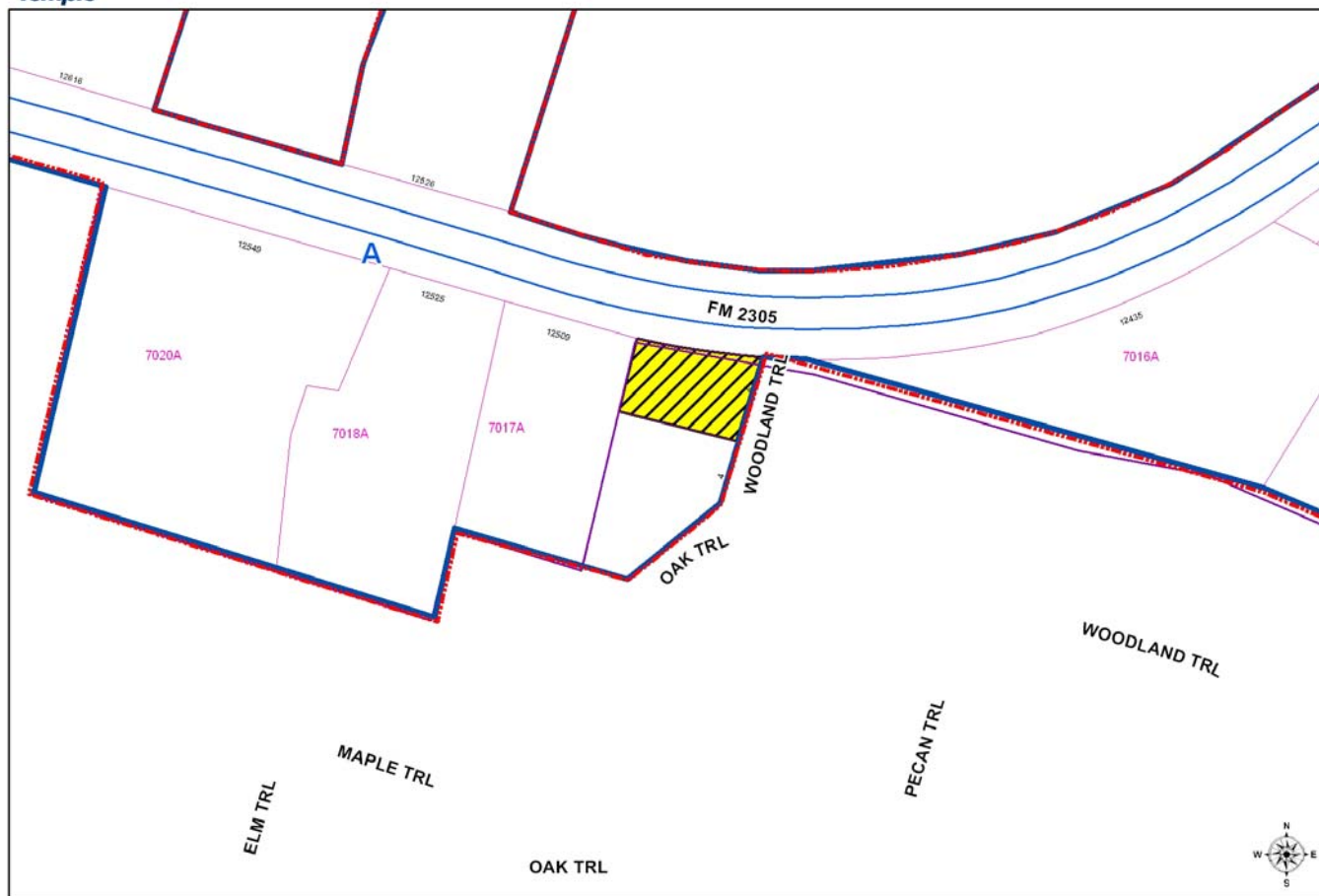
1 inch = 150 feet
J Stone 4.8.9



Z-FY-09-20

2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition



 ZFY0920

A to GR (Convenience Store/Restaurant)

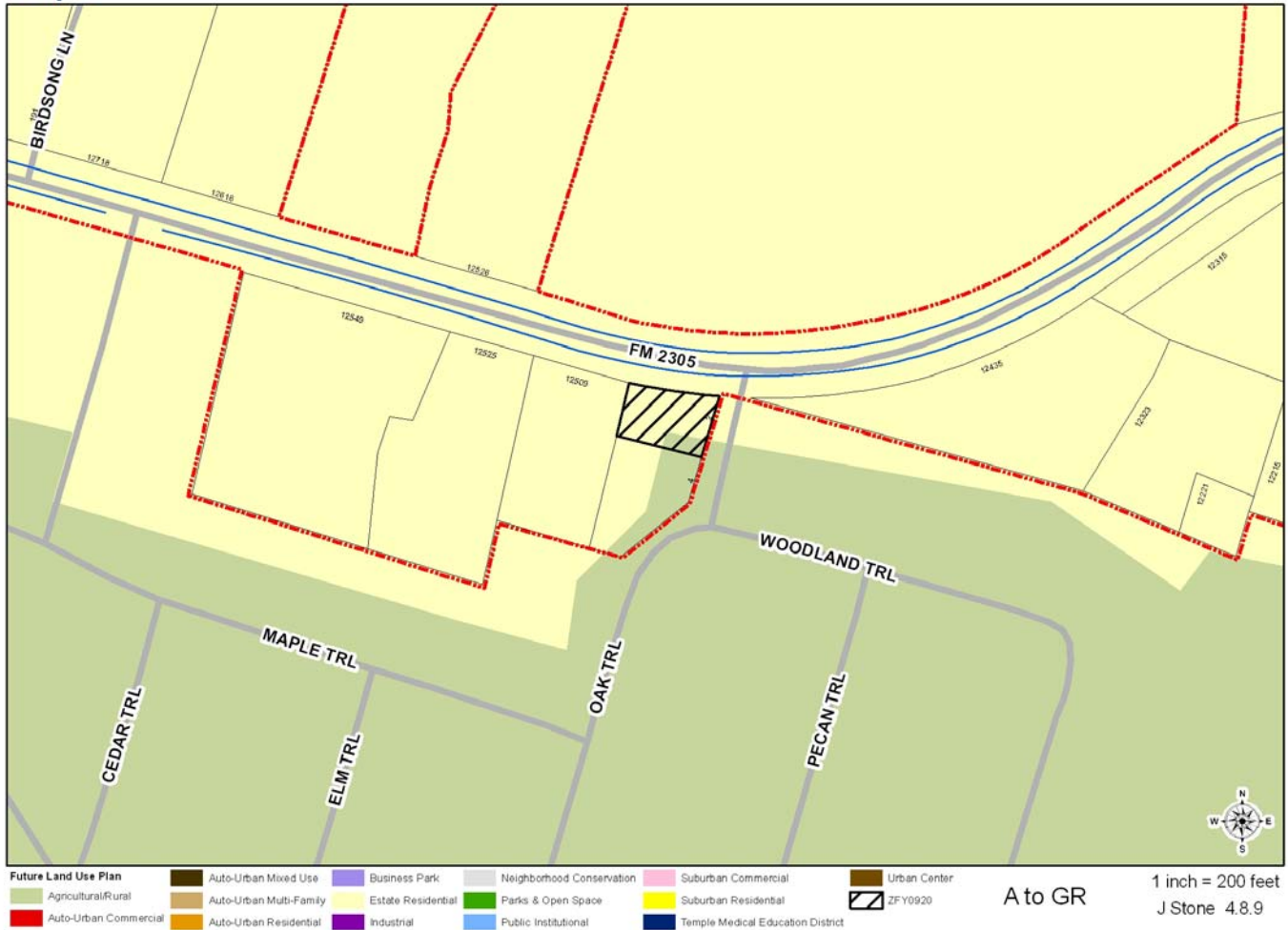
1 inch = 150 feet
J Stone 4.8.9



Z-FY-09-20

2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition





Z-FY-09-20

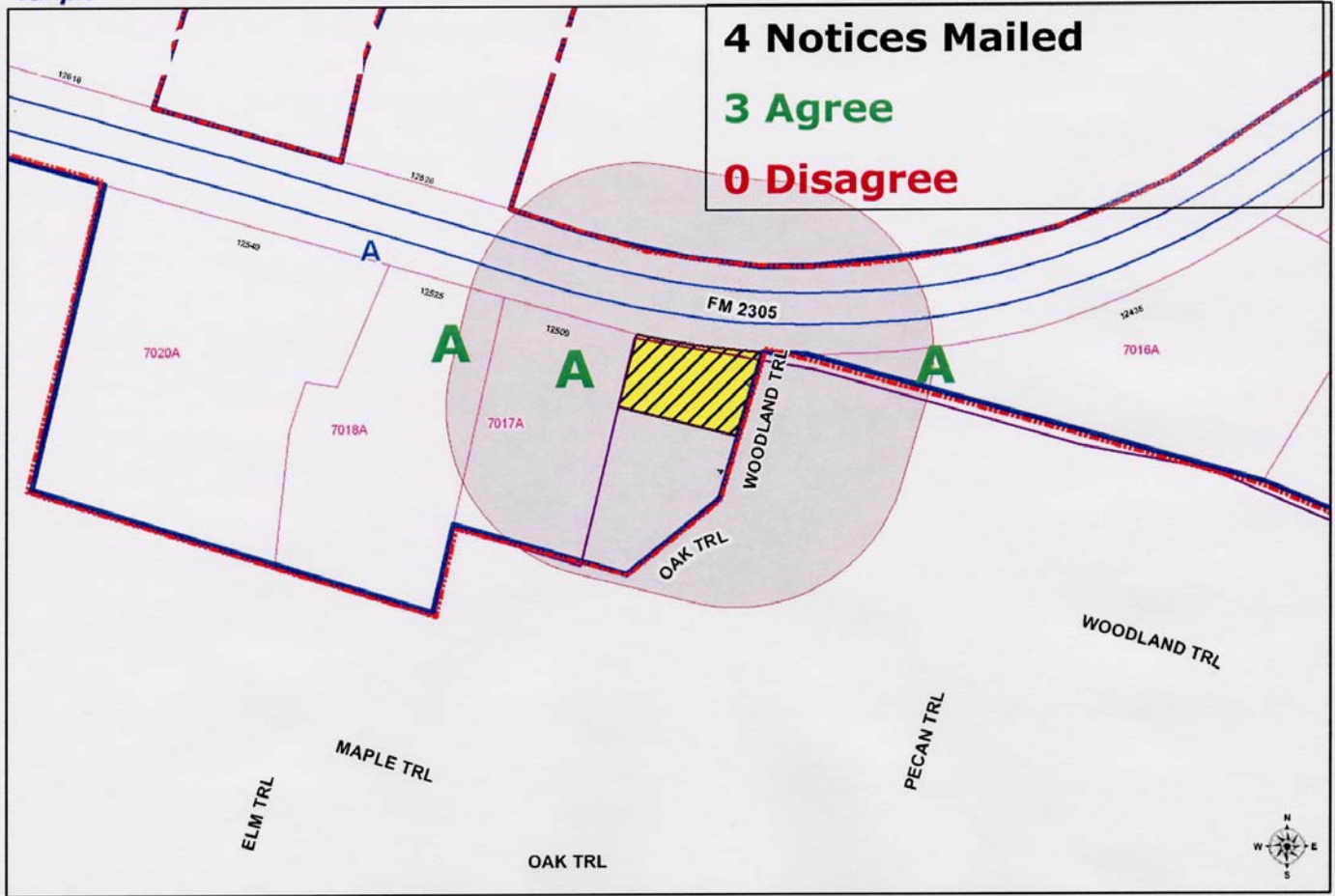
2 Woodland Trails

Lot 14, Block 7, Woodland Trails Addition

4 Notices Mailed

3 Agree

0 Disagree



ZFY0920



200' Buffer

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

06/04/09
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading.

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



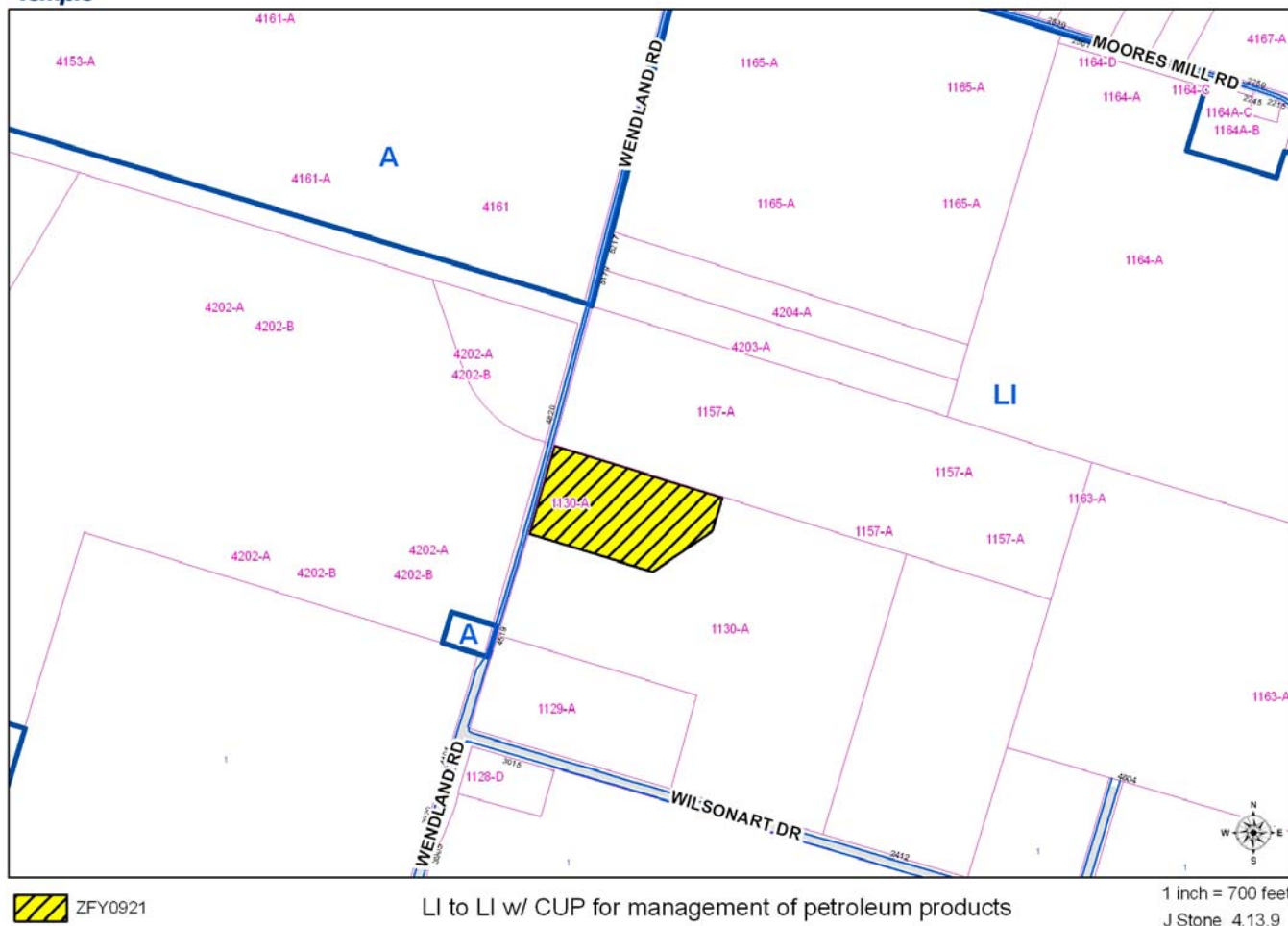
 ZFY0921

LI to LI w/ CUP for management of petroleum products

1 inch = 700 feet
J Stone 4.13.9



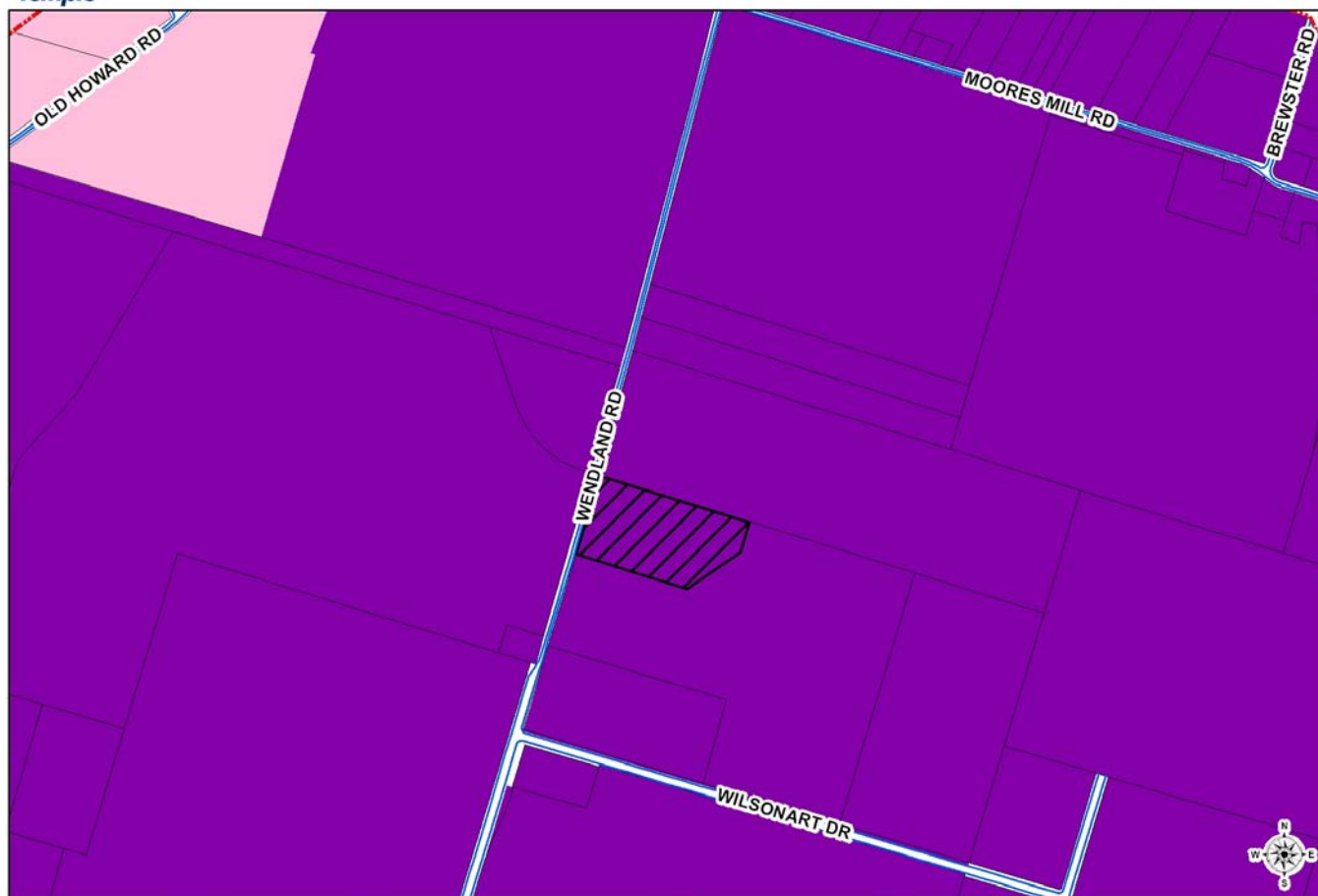
10.5 Acres of the JW Moore Survey Abstract; OB# 1130-A





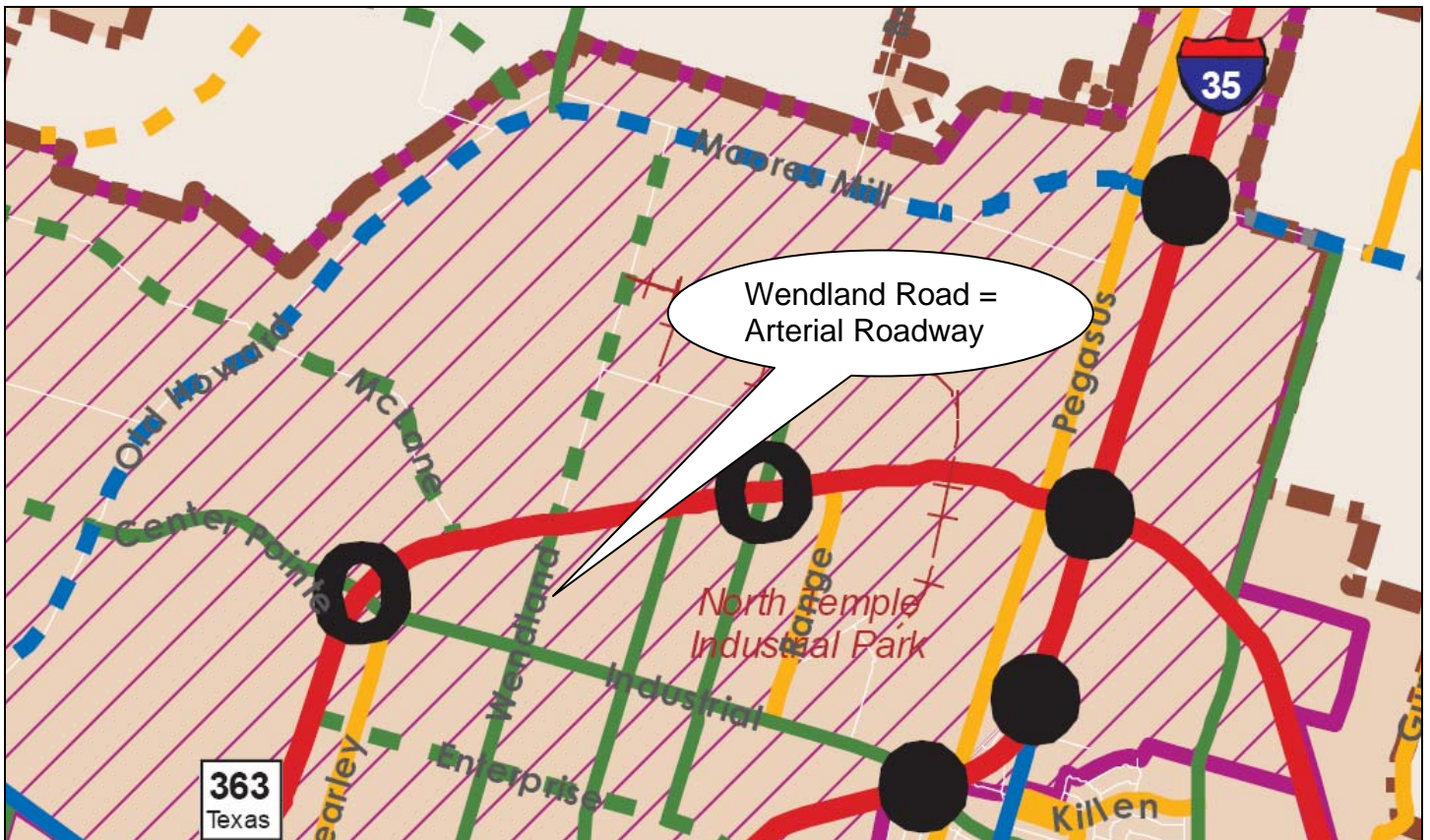
Z-FY-09-21

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		

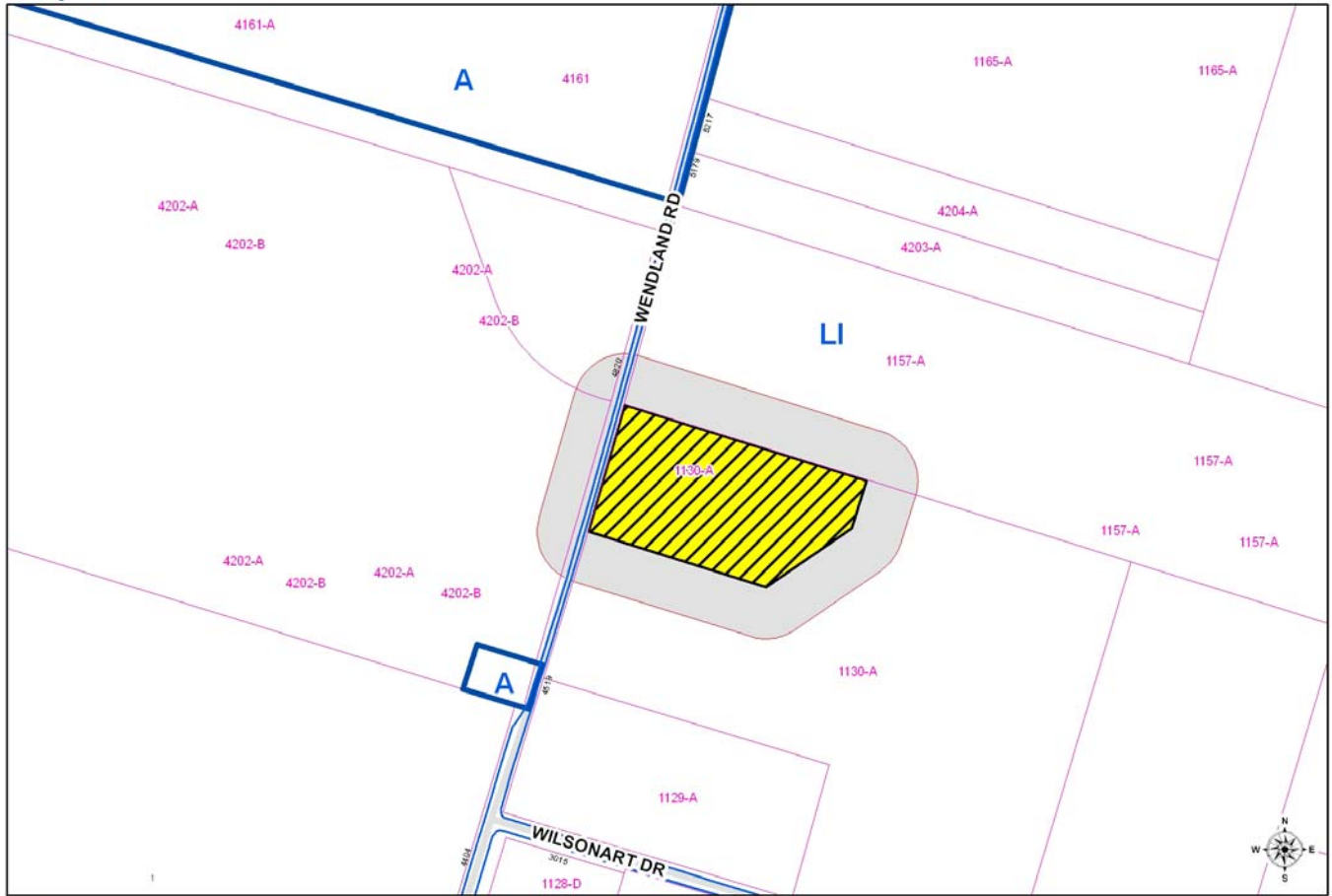
LI to LI w/CUP 1 inch = 800 feet
J Stone 4.8.9





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

LANDSCAPING TABULATION		CODE REVIEW DATA		PARKING TABULATION		DRAINAGE FACILITIES STATEMENT			
<p>NOTE: PROPOSED ORNAMENTAL IRON FENCE ALONG THE TRAIL. GATES TO TRAIL ORNAMENTAL IRON FENCE.</p> <p>SECTION 01 - TEMPLE DENSE ORNAMENTAL CH 8</p> <p>SECTION 02 - LANDSCAPE AREA CH 14 OF 14</p> <p>LOCATION REQUIRED (LANDSCAPING SHALL BE PROVIDED REGARDLESS OF THE WARE PROVIDED. THE WARE PROVIDED SHALL BE THE SAME AS THE WARE PROVIDED IN THE TRAIL. THE TRAIL IS SITUATED IN THE TRAIL DISTRICT.)</p> <p>TOTAL LOT AREA - 10.0 ACRES - 437,330 SF</p> <p>REQUIRED LANDSCAPE AREA - 147,889 SF OR 3.3% OF TOTAL REQUIRED LANDSCAPE AREA</p> <p>LANDSCAPE AREA ONE - 11,448 SF</p> <p>LANDSCAPE AREA TWO - 8,422 SF</p> <p>LANDSCAPE AREA THREE - 3,422 SF</p> <p>TOTAL LANDSCAPE AREA - 23,292 SF</p>		<p>CONSTRUCTION TYPE 02</p> <p>SECTION 01 - TEMPLE DENSE ORNAMENTAL CH 8</p> <p>SECTION 02 - LANDSCAPE AREA CH 14 OF 14</p> <p>LOCATION REQUIRED (LANDSCAPING SHALL BE PROVIDED REGARDLESS OF THE WARE PROVIDED. THE WARE PROVIDED SHALL BE THE SAME AS THE WARE PROVIDED IN THE TRAIL. THE TRAIL IS SITUATED IN THE TRAIL DISTRICT.)</p> <p>TOTAL LOT AREA - 10.0 ACRES - 437,330 SF</p> <p>REQUIRED LANDSCAPE AREA - 147,889 SF OR 3.3% OF TOTAL REQUIRED LANDSCAPE AREA</p> <p>LANDSCAPE AREA ONE - 11,448 SF</p> <p>LANDSCAPE AREA TWO - 8,422 SF</p> <p>LANDSCAPE AREA THREE - 3,422 SF</p> <p>TOTAL LANDSCAPE AREA - 23,292 SF</p>		<p>SECTION 01 - TEMPLE DENSE ORNAMENTAL CH 8</p> <p>SECTION 02 - LANDSCAPE AREA CH 14 OF 14</p> <p>LOCATION REQUIRED (LANDSCAPING SHALL BE PROVIDED REGARDLESS OF THE WARE PROVIDED. THE WARE PROVIDED SHALL BE THE SAME AS THE WARE PROVIDED IN THE TRAIL. THE TRAIL IS SITUATED IN THE TRAIL DISTRICT.)</p> <p>TOTAL LOT AREA - 10.0 ACRES - 437,330 SF</p> <p>REQUIRED LANDSCAPE AREA - 147,889 SF OR 3.3% OF TOTAL REQUIRED LANDSCAPE AREA</p> <p>LANDSCAPE AREA ONE - 11,448 SF</p> <p>LANDSCAPE AREA TWO - 8,422 SF</p> <p>LANDSCAPE AREA THREE - 3,422 SF</p> <p>TOTAL LANDSCAPE AREA - 23,292 SF</p>		<p>SECTION 01 - TEMPLE DENSE ORNAMENTAL CH 8</p> <p>SECTION 02 - LANDSCAPE AREA CH 14 OF 14</p> <p>LOCATION REQUIRED (LANDSCAPING SHALL BE PROVIDED REGARDLESS OF THE WARE PROVIDED. THE WARE PROVIDED SHALL BE THE SAME AS THE WARE PROVIDED IN THE TRAIL. THE TRAIL IS SITUATED IN THE TRAIL DISTRICT.)</p> <p>TOTAL LOT AREA - 10.0 ACRES - 437,330 SF</p> <p>REQUIRED LANDSCAPE AREA - 147,889 SF OR 3.3% OF TOTAL REQUIRED LANDSCAPE AREA</p> <p>LANDSCAPE AREA ONE - 11,448 SF</p> <p>LANDSCAPE AREA TWO - 8,422 SF</p> <p>LANDSCAPE AREA THREE - 3,422 SF</p> <p>TOTAL LANDSCAPE AREA - 23,292 SF</p>		<p>SECTION 01 - TEMPLE DENSE ORNAMENTAL CH 8</p> <p>SECTION 02 - LANDSCAPE AREA CH 14 OF 14</p> <p>LOCATION REQUIRED (LANDSCAPING SHALL BE PROVIDED REGARDLESS OF THE WARE PROVIDED. THE WARE PROVIDED SHALL BE THE SAME AS THE WARE PROVIDED IN THE TRAIL. THE TRAIL IS SITUATED IN THE TRAIL DISTRICT.)</p> <p>TOTAL LOT AREA - 10.0 ACRES - 437,330 SF</p> <p>REQUIRED LANDSCAPE AREA - 147,889 SF OR 3.3% OF TOTAL REQUIRED LANDSCAPE AREA</p> <p>LANDSCAPE AREA ONE - 11,448 SF</p> <p>LANDSCAPE AREA TWO - 8,422 SF</p> <p>LANDSCAPE AREA THREE - 3,422 SF</p> <p>TOTAL LANDSCAPE AREA - 23,292 SF</p>	



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

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading.

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

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving the articles of incorporation and bylaws for the South Central High-Speed Rail and Transportation Authority, Inc., a local government corporation whose purpose is to promote high speed rail passenger service in Texas.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: At its April 16th meeting, the City Council authorized the formation of a local government corporation as part of a coalition of cities and counties promoting high speed rail in Texas. Since that time representatives of a coalition of cities and counties, including the City of Temple, interested in being the initial sponsors of the South Central High-Speed Rail and Transportation Authority, Inc., have been working to finalize the articles of incorporation for the proposed nonprofit corporation and to draft the initial bylaws of the corporation. The proposed resolution approves those articles of incorporation and the initial bylaws. The articles of incorporation will be filed with the Secretary of State's office, and the initial bylaws will be officially approved by the Board of Directors for the corporation subsequent to incorporation.

The articles of incorporation created a nonprofit corporation whose purpose is the "planning, acquiring, developing, managing, operating, and maintaining high-speed rail and transportation facilities . . . along the routes of the federally-designated South Central High-Speed Rail Corridor and Gulf Coast High-Speed Rail Corridor"

The resolution also approves the appointment of the initial directors for the corporation, of which Mayor Jones is one. The nonprofit corporation will initially have 15 board members (drawn from the 12 cities and counties who participate in the Texas High Speed Rail and Transportation Corporation (THSRTC) and three "at large" members. The proposed resolution provides that the articles of incorporation and bylaws may be amended if one or more of the anticipated sponsoring cities or counties fail to adopt the articles of incorporation or bylaws to remove that entity from the list of sponsoring entities and to remove their designated representative from the board of directors.

FISCAL IMPACT: None

ATTACHMENTS:

Articles of Incorporation, South Central High-Speed Rail and Transportation Authority, Inc.
Bylaws, South Central High-Speed Rail and Transportation Authority, Inc.
Resolution

**ARTICLES OF INCORPORATION
OF
SOUTH CENTRAL HIGH-SPEED RAIL AND TRANSPORTATION AUTHORITY,
INC.**

We, the undersigned natural persons, all being residents of the State of Texas and above the age of 18 years, acting as incorporators of a corporation under Subchapter D, Texas Transportation Corporation Act, TEX TRANSP. CODE ANN. §431.101 *et seq.* (the “Act”) and with the approval of the governing bodies of the local governments specified herein (the “Sponsors”), adopt the following articles of incorporation for such corporation:

**ARTICLE ONE
NAME**

The name of the corporation is the South Central High-Speed Rail and Transportation Authority, Inc.

**ARTICLE TWO
CHARACTER**

The corporation is a public, nonprofit corporation.

**ARTICLE THREE
DURATION**

The period of duration of the corporation is perpetual.

**ARTICLE FOUR
PURPOSE**

The corporation is organized to aid and act on behalf of the Sponsors to accomplish their governmental transportation purposes by planning, acquiring, developing, managing, operating, and maintaining high-speed rail and transportation facilities accommodating the operation of high-speed passenger trains, including related stations and developments, including by developing and implementing plans to link, with an efficient transportation system comprised of high-speed rail and other transportation means, the Sponsors with each other and future sponsors and other municipalities and transportation systems and with other local governments, military installations, seaports, and airports generally along the routes of the federally-designated South Central High-Speed Rail Corridor and Gulf Coast High-Speed Rail Corridor (as expanded by the Passenger Rail Investment and Improvement Act of 2008) and other corridors that may be designated by the corporation in the future.

**ARTICLE FIVE
MEMBERS**

The corporation shall have no members.

**ARTICLE SIX
INITIAL REGISTERED OFFICE AND AGENT**

The street address of the initial registered office of the corporation is 8080 Park Lane, Suite 600, Dallas, Texas, 75231. The name of the initial registered agent of the corporation at that address is David Dean.

**ARTICLE SEVEN
DIRECTORS**

The number of directors on the initial board of directors of the corporation shall be fifteen. The names and addresses of the persons who are to serve as the initial directors, each of whom resides in the Sponsor specified opposite his or her name, are as follows:

<u>Name</u>	<u>Address</u>	<u>Expiration of Term</u>	<u>Sponsor</u>
Maurine Dickey	2311 Joe Field Road Dallas, Texas 75229	12/31/2014	Dallas County
Ed Emmett	1001 Preston St, Suite 911 Houston TX 77002	12/31/2014	Harris County
John Erwin, MD	214 E. Elm Street Hillsboro, TX 76645	12/31/2012	City of Hillsboro
Gary Fickes	100 E. Weatherford Street Room 502A Fort Worth, Texas 76196	12/31/2014	Tarrant County
William A Jones III	2 North Main Street Temple, TX 76501	12/31/2014	City of Temple
Kenny Mallard	300 E. 26th Street Bryan, TX 77803	12/31/2014	Brazos County
Sam Smith	825 W. Irving Blvd. Irving, TX 75060	12/31/2012	City of Irving
William Tate	200 S. Main St Grapevine, TX 76051	12/31/2012	City of Grapevine
John Terrell	1400 Main Street, Suite 270 Southlake, Texas 76092	12/31/2012	City of Southlake
Timothy Welch	7301 N.E. Loop 820 North Richland Hills, TX 76180	12/31/2012	City of North Richland Hills
Ben White	1101 Texas Avenue College Station, Texas 77840	12/31/2014	City of College Station
Sam Young	PO Box 68	12/31/2012	Franklin County

	Mount Vernon , TX 75457-0068		
James Edmonds	111 East Loop North	12/31/2010	“At Large”
	Houston, Texas USA 77029		
Robert Eckels	2001 Kirby Dr, Suite 800	12/31/2010	“At Large”
	Houston TX 77019		
Paul Lovier	641 Church Street	12/31/2010	“At Large”
	Sulphur Springs, TX 75482		

ARTICLE EIGHT INCORPORATORS

The name and street address of each incorporator is:

<u>Name</u>	<u>Address</u>
Robert Eckels	2001 Kirby Dr, Suite 800, Houston TX 77019
Maureen Dickey	2311 Joe Field Road, Dallas, Texas 75229
William A Jones III	2 North Main Street, Temple, TX 76501

ARTICLE NINE INDEMNIFICATION AND RELEASE

To the maximum extent authorized by applicable law, the corporation shall indemnify each director, officer, former director, and former officer of the corporation for expenses and costs, including attorney’s fees, actually and necessarily incurred by the director or officer in connection with, and each such person is released by the corporation from, a claim asserted against the director or officer, by action in court or other forum, because of the person’s being or having been a director or officer.

ARTICLE TEN NOT FOR PROFIT

No part of the corporation’s net earnings shall inure to the benefit of, or be distributable to, any director, officer, or other private person, but the corporation may pay reasonable compensation for services rendered or property provided. No part of the corporation’s net earnings remaining after payment of its liabilities and expenses in accomplishing its public purpose may benefit any person other than the Sponsors.

No substantial part of the corporation's activities shall be carrying on propaganda or otherwise attempting to influence legislation. The corporation shall not participate in, or intervene (including by publishing or distributing of statements) in, any political campaign on behalf of or in opposition to any candidate for public office.

**ARTICLE ELEVEN
ADOPTION OF RESOLUTIONS**

Resolutions approving the form of these articles of incorporation have been adopted by the governing bodies of the Sponsors on the respective dates specified below:

Sponsor

Date of Adoption

Brazos County, Texas
City of College Station, Texas
Dallas County, Texas
Franklin County, Texas
City of Grapevine, Texas
Harris County, Texas
City of Hillsboro, Texas
City of Irving, Texas
City of North Richland Hills, Texas
City of Southlake, Texas
Tarrant County, Texas
City of Temple, Texas

IN WITNESS WHEREOF, we have hereunto set our hands as of this ____ day of _____ 2009.

[Name]

[Name]

[Name]

The State of Texas §

County of _____ §

Before me, the undersigned authority, on this day personally appeared _____, _____ and _____ whose names are subscribed to the foregoing instrument and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this the _____ day of _____, 2009

Name: _____
Notary Public in and for the State of Texas

**BYLAWS
OF
SOUTH CENTRAL HIGH-SPEED RAIL AND TRANSPORTATION AUTHORITY,
INC.**

**ARTICLE 1
GENERAL**

1.1. Name. The name of the corporation is South Central High-Speed Rail and Transportation Authority, Inc.

1.2. Sponsors. The local governments that have approved the creation of the corporation (the “*Sponsors*”) pursuant to Subchapter D of the Texas Transportation Corporation Act, Texas Transportation Code §431.101 *et seq.* (the “*Act*”), are the following:

- (a) Brazos County, Texas;
- (b) City of College Station, Texas;
- (c) Dallas County, Texas;
- (d) Franklin County, Texas;
- (e) City of Grapevine, Texas;
- (f) Harris County, Texas;
- (g) City of Hillsboro, Texas;
- (h) City of Irving, Texas;
- (i) City of North Richland Hills, Texas;
- (j) City of Southlake, Texas;
- (k) Tarrant County, Texas; and
- (l) City of Temple, Texas;

1.3. Purpose. The corporation is organized pursuant to the Act to aid and act on behalf of the Sponsors to accomplish their governmental transportation purposes by planning, acquiring, developing, managing, operating, and maintaining high-speed rail and transportation facilities accommodating the operation of high-speed passenger trains, including related stations and developments, including by developing and implementing plans to link, with an efficient transportation system comprised of high-speed rail and other transportation means, the Sponsors and future sponsors and other municipalities and transportation systems with each other and with other local governments, military installations, seaports, and airports generally along the routes of the federally-designated South Central High-Speed Rail Corridor and Gulf Coast High-Speed Rail Corridor (as expanded by the Passenger Rail Investment and Improvement Act of 2008) and other corridors that may be designated by the corporation in the future.

1.4. Nonprofit Corporation. No part of the corporation's net earnings shall inure to the benefit of, or be distributable to, any director, officer, or other private person, but the corporation may pay reasonable compensation for services rendered or property provided. No part of the net earnings of the corporation remaining after payment of its bonds and expenses in accomplishing its public purpose may benefit any person other than the corporation's sponsor.

No substantial part of the corporation's activities shall be carrying on propaganda or otherwise attempting to influence legislation. The corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

ARTICLE 2 BOARD OF DIRECTORS

2.1. Authority, Number, Term, Removal, and Vacancy.

(a) **Authority.** The corporation's affairs shall be governed by a board of directors.

(b) **Number.** The board of directors shall comprise fifteen directors.

(c) **Terms.** Members of the initial board of directors shall hold office for the initial terms specified in the articles of incorporation. After the initial term, all directors shall serve a term of six years. A term (other than the initial terms) shall end on the sixth anniversary of the beginning of the term, regardless of the date of the actual appointment to the board.

(d) **Removal.** A director may be removed at any time, with or without cause, by written order or resolution of the governing body of the Sponsor which appointed the director or, in the case of the initial directors (except those described in the following sentence), the Sponsor within which the director resided as shown in the articles of incorporation on the date of filing of the articles of incorporation of the corporation. A director appointed by act of the governing bodies of a majority of the Sponsors and an initial director shown to be "At Large" in the articles of incorporation of the corporation may be removed at any time, with or without cause, by written order or resolution of a majority of the Sponsors of the corporation.

(e) **Vacancies.** Any seat on the board of directors shall be vacant when the incumbent of such seat has resigned, died, or been removed or the board of directors has determined that the incumbent has become so disabled that he or she will be incapable of participating in the governance of the corporation for a continuous period of six months or more.

(f) **Appointment.** Each successor to a director whose term shall have expired or who shall have died, resigned, been removed, or become incapacitated, shall be appointed by the Sponsor which appointed the director or, in the case of the initial directors (except those described in the following sentence), the Sponsor within which the director resided as shown in the articles of incorporation on the date of filing of the articles of incorporation of the corporation. Each new director whose seat has been created by increase in the number of directors, and each director appointed to succeed (directly or indirectly) an initial director shown to be "At Large" in the articles of incorporation of the corporation, shall be appointed by written order or resolution of the governing bodies of a majority of the Sponsors of the corporation.

(g) **Succession.** Any director whose term of office has expired may succeed himself or herself.

2.2. Meetings of Directors.

(a) **Place.** Meetings of the board of directors may be held at such place or places in the State of Texas as the board of directors may from time to time determine. In the absence of any such determination, meetings of the board of directors shall be held at 8080 Park Lane, Suite 600, Dallas, Texas 75231. Subject to paragraph (e) of this section, meetings of the board of directors may be held by telephone conference.

(b) **Regular Meetings.** Regular meetings of the board of directors shall be held annually or more frequently on such dates and at such times as the board of directors may determine. Regular meetings of the board of directors may be held without notice to directors. Subject to applicable law, any matter may be considered and acted upon at a regular meeting.

(c) **Special Meetings.** Special meetings of the board of directors shall be held whenever called by or at the request of the president of the corporation or any two directors. Except in the event of an emergency, at least three days notice of the date, time, and place of each special meeting of the board of directors shall be given to each director. At least two hours notice of each emergency meeting of the board of directors shall be given to each director. Unless otherwise indicated in the notice thereof and subject to applicable law, any matter may be considered and acted upon at a special meeting. At any meeting at which every director shall be present, any matter may be considered and acted upon consistent with applicable law.

(d) **Notices.** Whenever any notice is required to be given to a director, such notice shall be deemed to be given when deposited in a post office box in a sealed postpaid wrapper addressed to the director at his or her post office address as it appears on the books of the corporation or when successfully transmitted by facsimile to the facsimile number of the director as it appears on the books of the corporation or by email to the most recent email address provided by the director. Notice may also be delivered in person or by delivery service or orally by telephone. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, *except* attendance of a director at a meeting for the express purpose of objecting to the

transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted nor the purpose of any regular or special meeting of the board of directors need be specified in the notice to directors or waiver of notice of such meeting, unless required by the board of directors. A waiver of notice in writing, signed by the person or persons entitled to the notice, whether before or after the time that would have been stated therein, shall be deemed equivalent to the giving of notice.

(e) **Open Meetings Act.** All meetings and deliberations of the board of directors shall be called, convened, held, and conducted, and notice thereof shall be given to the public, in accordance with chapter 551, Texas Government Code, as amended.

2.3. Quorum.

(a) **General.** A majority of the number of appointed directors shall constitute a quorum to transact business at all meetings convened in accordance with these bylaws. The act of a majority of the directors present at a meeting at which a quorum is present shall constitute the act of the board of directors, *except* as provided in paragraph (b) of this section.

(b) **Weighted Voting.** The following actions shall be authorized by, and only by, the act of directors appointed by the governing bodies of Sponsors with resident populations totaling at least a majority of the total resident populations of all Sponsors, as determined by the then most recent federal decennial census, and no such action may be authorized by a committee:

(A) **Budget:** adoption or amendment of the budget of the corporation, and authorization of any unbudgeted expenditure or transfer of funds or property;

(B) **Debt:** incurrence of indebtedness, leases, or other monetary obligations of the corporation;

(C) **Mergers, etc.:** mergers, consolidations, or transfers substantially as an entirety of assets of the corporation; and

(D) **Dissolution:** dissolution, liquidation, or receivership of the corporation.

2.4. Conduct of Business.

(a) **Procedures.** At meetings of the board of directors, matters pertaining to the business of the corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the board of directors.

(b) **Presiding Officer.** At all meetings of the board of directors, the president of the corporation shall preside. In the absence of the president, the vice president of the corporation shall preside. In the absence of both the president and vice president, a director selected by the board of directors shall preside.

(c) **Chair Votes.** The presiding officer or director shall be entitled to vote on all matters before the board of directors.

(d) **Minutes.** The secretary of the corporation shall act as secretary of all meetings of the board of directors. In the absence of the secretary, the presiding officer may

appoint any person to act as secretary of the meeting. The secretary of the meeting or his or her designee shall keep minutes of the meetings of the board of directors.

2.5. Committees of the Board of Directors.

(a) **Executive Committees.** By resolution adopted by a majority of the number of directors fixed by these bylaws, the board of directors may designate one or more committees consisting of two or more directors to exercise the authority of the board in the management of the corporation to the extent provided by the resolution, *subject* to Section 2.4(b).

(b) **Other Committees.** The president or the board of directors may appoint other committees without power to exercise the authority of the board of directors. Such committees need not be limited to directors.

(c) **Committee Meetings.** Each committee of the corporation shall keep minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the corporation. Any such meetings shall be called, convened, held, and conducted, and notice thereof shall be given to the public, in accordance with chapter 551, Texas Government Code, as amended.

2.6. Compensation of Directors. Directors shall not receive any salary or compensation for their services as directors, but shall be reimbursed for actual expenses incurred by them in the performance of their duties as directors.

**ARTICLE 3
OFFICERS**

3.1. Offices Generally.

(a) **Offices.** The officers of the Corporation shall be a president, a vice president, a secretary, a treasurer, an executive director, and such other officers as the board of directors may from time to time determine to be necessary. A person may simultaneously hold more than one office, *except* that the same person may not simultaneously hold the offices of president and secretary.

(b) **Term.** Each officer shall serve for a term of two years ending simultaneously with the term of one or more directors. At the expiration of their terms, officers may be reappointed or re-elected to the same or different offices.

(c) **Qualifications.** Officers must be a resident of the State of Texas. A director, a member of the governing body or officer or employee of a Sponsor who serves as a director of the corporation may serve as an officer of the corporation.

(d) **Election.** All officers shall be elected by the board of directors.

(e) **Removal.** Officers may be removed from office at any time by the board of directors if it believes that the best interests of the corporation will be served by the removal.

3.2. President. The president shall be the chief executive officer of the corporation and, subject to the authority of the board of directors, shall have general charge of the properties

and affairs of the corporation. The president shall see that all orders and resolutions of the board of directors are given effect. The president shall execute all legal documents and instruments in the name of the corporation when authorized to do so by the board of directors and shall perform such other duties as may be prescribed from time to time by the board of directors or these bylaws.

3.3. Vice President. The vice president shall have such powers and duties as may be prescribed from time to time by the board of directors and shall perform the duties of the president during the president's absence or disability. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence of the absence or disability of the president at the time such action is taken.

3.4. Secretary. The secretary shall give and serve all notices required by these bylaws, may attest to the signature and office of other officers signing any legal document or instrument, shall have charge of the corporate books, records, legal documents, and instruments of the corporation, and shall discharge such other duties as shall be prescribed from time to time by the board of directors or these bylaws. The board of directors or the president may appoint an assistant secretary to perform the duties of the secretary during the absence or disability of the secretary.

3.5. Treasurer. The treasurer shall have charge of the financial records, accounts, and investments of the corporation, shall see that all the revenues of the corporation are deposited, invested, and disbursed as prescribed from time to time by the board of directors, and shall discharge such other duties as shall be prescribed from time to time by the board of directors. The board of directors or the president may appoint an assistant treasurer to perform the duties of the treasurer during the absence or disability of the treasurer.

3.6. Executive Director. The executive director of the corporation shall provide administrative support services to the corporation and shall perform such other duties as shall be prescribed from time to time by the board of directors.

ARTICLE 4 MISCELLANEOUS

4.1. Principal Office. The principal office and registered office of the corporation shall be 8080 Park Lane, Suite 600, Dallas, Texas 75231 or another office designated by the board of directors.

4.2. Fiscal Year. The fiscal year of the corporation shall be each 12-month period ending December 31.

4.3. Resignations. Any director or officer may resign at any time by written notice to the president or the secretary of the corporation. The resignation shall take effect at the time specified therein or, if no time is specified, at the time of its receipt by the president or secretary. Acceptance of the resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

4.4. Indemnification/Release. The corporation shall indemnify and release each director, officer, former director, and former officer of the corporation and each member of the governing body and each officer of each Sponsor to the fullest extent provided in the articles of incorporation of the corporation or otherwise authorized by law.

4.5. Dissolution. In the event of the dissolution of the corporation, its assets shall be applied and distributed as follows:

(a) **Discharge of Liabilities.** All liabilities and obligations of the corporation shall be paid, satisfied and discharged, as set forth in the Texas Non-Profit Corporation Act, Chapter 22, Texas Business Organization Code.

(b) **Residual Interests.** Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with those requirements.

(c) **Distribution to Sponsors.** The remaining assets shall be distributed to the Sponsors or to the State of Texas as agreed by the Sponsors. If there is no agreement, the assets shall be distributed to the State of Texas, to the extent accepted by it, and, if there are remaining assets, as follows: For physical assets, including real estate and personal property, first to the Sponsor in which the asset is located and if the asset is located in more than one Sponsor, to the Sponsor with the largest total population with an elected governing body; and for assets not located in a Sponsor, to the nearest Sponsor with connecting physical assets or, if there are no connecting physical assets, to the nearest Sponsor. All remaining assets shall be distributed to the Sponsors in proportion to the value of the physical assets distributed to the Sponsor or, if there are no physical assets, in proportion to the populations of the Sponsors according to the most recent federal decennial census.

4.6. Amendments. These bylaws may be amended by the board of directors with the approval of each Sponsor.

Adopted: _____, 2009

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING ARTICLES OF INCORPORATION AND BYLAWS FOR A LOCAL GOVERNMENT CORPORATION TO AID AND ASSIST THE DEVELOPMENT OF HIGH SPEED PASSENGER RAIL SERVICE WITHIN THE SOUTH CENTRAL AND GULF COAST HIGH-SPEED RAIL CORRIDORS AND APPOINTING DIRECTORS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, The City of Temple, Texas (the “*Sponsor*”) has received a written application (the “*Application*”) for approval of the articles of incorporation and bylaws of a local government corporation (the “*Corporation*”), to be named the South Central High-Speed Rail and Transportation Authority, Inc., under authority of Chapter 431, Subchapter D, Texas Transportation Code, to act on behalf of the Sponsor and other Texas local governments described in the Application; the Application has been signed by at least three residents of each such local government (including the Sponsor) who are citizens of the State of Texas and at least 18 years of age; and each such director is a resident of one of such local governments, including the Sponsor;

WHEREAS, The City Council (the “*Governing Body*”) of the Sponsor has considered the Application and determined that the Sponsor and its residents will benefit from high-speed rail service proposed to be developed with the assistance of the Corporation along the South Central and Gulf Coast High-Speed Rail Corridors;

NOW, THEREFORE, THE GOVERNING BODY OF THE SPONSOR HEREBY FINDS AND DETERMINES THAT the formation of the Corporation is wise, expedient, necessary, and advisable; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE SPONSOR THAT:

1. **Governing Documents.** The Governing Body approves the form of articles of incorporation and bylaws of the Corporation as presented with the Application.

2. **Initial Directors.** The Governing Body appoints the persons specified as initial directors in such articles of incorporation as the initial directors of the Corporation for the respective terms specified in such articles of incorporation.

3. **Modification of Documents and Appointments.** If one or more local governments specified in such articles of incorporation fail to adopt a resolution, order, or ordinance approving the form of such articles of incorporation and appointing the initial directors specified in such articles of incorporation, but at least five such local governments (including the Sponsor) take such action, then the local governments that failed to take such action (and the names and number of the initial directors resident within their boundaries) may be deleted from the articles of incorporation and bylaws of the Corporation approved and the directors appointed hereby. If fewer than five such local governments (including the Sponsor) adopt such a resolution, order, or ordinance, the approvals and appointments made by this resolution shall be null and void.

4. **No Liability.** The approvals and appointments made hereby are solely for purposes of satisfying a condition to the filing of articles of incorporation of the Corporation with the Secretary of State of Texas and shall not be construed as a representation, warranty, or other undertaking of any kind by the Governing Body or the Sponsor in respect of the Corporation. No obligation of the Corporation shall constitute an obligation of the Sponsor or a pledge of the faith or credit of the Sponsor.

5. **Severability.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remaining provisions and applications of this resolution shall nevertheless be valid, and the Governing Body hereby declares that this resolution would have been enacted without such invalid provision.

6. **Open Meeting.** 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, Chapter 551, Texas Government Code.

PASSED AND APPROVED this the 4th day of **June**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVE AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/04/09
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the nomination of a member to serve on the Brazos G Regional Water Planning Group.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Brazos G Regional Water Planning Group (Brazos G) was established in 1998, as the result of the passage of Senate Bill 1, to develop a comprehensive regional water plan for its 37-county planning area, which extends generally along the Brazos River from Ken, Stonewall and Knox Counties in the northwest to Washington and Lee Counties in the southeast. The goal of the planning process is to assure that sufficient water will be available at a reasonable cost to ensure public health, safety and welfare, further economic development and protect agricultural and natural resources. The Brazos G submitted its first regional water plan to the State in 2001 and has just completed the development of the 2006 Brazos G Regional Water Plan.

The Brazos G is soliciting nominations for three voting members representing various interests – one representing 'Water Districts' and two representing 'Municipalities'. The appointed members will fill terms that expire at the last meeting of calendar year 2009 and will be eligible to serve a maximum of five consecutive two-year terms.

The two seats that are vacant that have been designated 'municipal' have historically been filled by 'city manager' types. In consultation with the County Judge and area city managers, all have agreed to support my nomination to fill one of the two seats.

Accordingly, I would recommend submitting my name as a nomination for the position representing municipalities on the Brazos G Regional Water Planning Group.

FISCAL IMPACT: None

ATTACHMENTS:

[Brazos G Voting Members](#)

BRAZOS G RWPG VOTING MEMBER TERMS

(last updated 12/08/08)

	Voting Member (sorted by term expirations, then alpha)	Interest Category	Initial Appointment Date		Term Expires (Last meeting of year)
1	Dale Spurgin	Agriculture	6/04		2012
2	Jon Burrows	Counties	11/02		2010
3	Scott Diermann	Electric Utilities	6/03		2011
4	Tim Fambrough	Counties	6/03		2010
5	Terry Kelley	Water Districts	2/01		2009
6	Wiley Stem	Municipalities	2/01		2009
7	Tom Clark	Municipalities	3/04		2011
8	Alva Cox	Municipalities	12/04		2014
9	Mike McGuire	GW Consr District	12/04		2014
10	Mike Sutherland	Counties	12/04		2012
11	Randy Wacławczyk	Industry	12/04		2013
12	Kathleen Webster	Water Districts	12/04		2013
13	Wayne Wilson	Agriculture	12/04		2015
14	Tommy O'Brien	Municipalities	5/06		2015
15	Gail Peek	Small Business	12/07		2017
16	Sheril Smith	Environmental	12/07		2017
17	Charles Beseda	Water Utilities	12/08		2018
18	Gary Newman	Public	12/08		2018
19	Phil Ford, Secty/Treas	River Authorities	3/01		N/A

(yellow highlight denotes those members that will rotate off at the end of 2009 or are vacating their position)



COUNCIL AGENDA ITEM MEMORANDUM

06/04/09
Item #6
Regular Agenda
Page 1 of 1

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

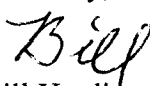
Dear Bill,

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