



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, SEPTEMBER 17, 2009

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 17, 2009.
2. Review and discuss Chapter 17, "Historic Preservation," of the City's Code of Ordinances.
3. Review and discuss the City's program and process for the demolition of structures.

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. Presentation of Proclamations:

- | | | |
|-----|--|-----------------------|
| (A) | Constitution Week | September 17—23, 2009 |
| (B) | Lawsuit Abuse Awareness Week | October 5—9, 2009 |

III. PRESENTATIONS

4. (A) [2009-5818-R](#): Receive a presentation from representatives of the U.S. Census Bureau and consider adopting a resolution in support of the 2010 Census.
- (B) Receive a presentation regarding seasonal and pandemic influenza and Bell County [Public Health District's response to novel H1N1 influenza](#).

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes:

- (A) [September 3, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2009-5819-R](#): Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY 2010 with Intergraph Corporation in the amount of \$41,472.
- (C) [2009-5820-R](#): Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY 2010 with Sungard Public Sector, Inc. in the amount of \$133,500.
- (D) [2009-5821-R](#): Consider adopting a resolution authorizing the purchase of a three-quarter ton extended cab pickup for the Fire Department from Plant Ford of Spring in the amount of \$23,796 with additional accessories to be added in the estimated amount of \$5,404 making the total purchase \$29,200.
- (E) [2009-5822-R](#): Consider adopting a resolution authorizing an annual contract for the printing and mailing of Play-by-Play brochures with Liberty Press of Springville, Utah for FY 2010 in the estimated amount of \$29,176 and rejecting all bids received for graphic design services related to the brochures.
- (F) [2009-5823-R](#): Consider adopting a resolution authorizing a construction contract with J.S. Haren Company of Athens, TN, to provide and install replacement screw pumps for Doshier Farm Wastewater Treatment Facility in an amount not to exceed \$694,000.
- (G) [2009-5824-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare and submit a Letter of Map Revision for Elm Creek and the Rail Park Detention Pond from the Rail Park to the confluence east of BNSF Mainline Rail for an amount not to exceed \$31,100.
- (H) [2009-5825-R](#): Consider adopting a resolution authorizing two Chapter 380 “matching grant” agreements with Sue Hamby dba J&S Central Texas Investments, for redevelopment improvements in the Avenue H Corridor Strategic Investment Zone.
- (I) [2009-5826-R](#): Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement with Rudy and Karen Gonzales for redevelopment improvements in downtown Temple in the 1st Street Strategic Investment Zone corridor.

Ordinance – Second & Final Reading:

- (J) [2009-4313](#): SECOND READING – Z-FY-09-27: Consider adopting an ordinance authorizing a zoning change from Multiple Family One (MF1) District to General Retail (GR) District on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H.

(Note: Approval of this item on consent agenda will rezone the subject property to Neighborhood Services (NS), as approved on first reading by City Council and with concurrence of applicant.)

- (K) [2009-4314](#): SECOND READING – Z-FY-09-28: Consider adopting an ordinance to amending City of Temple Subdivision Ordinance Section 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.
- (L) [2009-4315](#): SECOND READING – Z-FY-09-32: Consider adopting an ordinance amending Chapter 22, “Miscellaneous Provisions and Offenses,” of the Code of Ordinances of the City of Temple, Texas, by deleting Section 22.2, “Barbed Wire and Electric Fences,” which have been replaced with amendments to the City of Temple Zoning Ordinance, Section 13-103.
- (M) [2009-4316](#): SECOND READING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 to recognize reimbursements from Gulf States Toyota and to reallocate project funding within the Project Plan, and for FY 2010-2022 to increase Zone maintenance funding.
1. [2009-5827-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare and submit a Letter of Map Revision for Pepper Creek from Airport Park to Wildflower Lane and Kegley Road for an amount not to exceed \$98,800.
 2. [2009-5828-R](#): Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC, to provide and install street lights for the recently improved Wendland Road in northwest Temple within the Tax Increment Financing Reinvestment Zone No. 1 in an amount not to exceed \$139,489.50.
 3. [2009-5829-R](#): Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC, to provide and install street lights for the recently constructed Airport Business Park in northwest Temple within the Tax Increment Financing Reinvestment Zone No. 1 in an amount not to exceed \$93,232.28.

Ordinances – Second Reading

- (N) [2009-4312](#): SECOND READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard or less roll-off containers, and the hauling of construction site waste within the City of Temple.

Misc.:

- (O) (1) **2009-5830-R**: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Kent Voluntary Annexation, for a 1.148 acre tract of land located in the vicinity of FM 2305 and Buck Lane.
- (2) **2009-5831-R**: Consider adopting a resolution directing Staff to develop a municipal services plan and calling public hearings to consider the petition.
- (P) **2009-5832-R**: Consider adopting a resolution authorizing a letter of agreement with BSP Engineers, Inc. (Beach-Sulak Partnership) to assist the City in preparing an application and master plan for a "Safe Routes to School" grant with the Texas Department of Transportation.
- (Q) **2009-5833-R**: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

V. REGULAR AGENDA

ORDINANCES

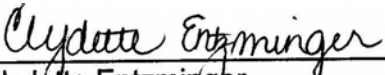
- 6. FIRST READING – PUBLIC HEARING – Consider adopting ordinances:
 - (A) **2009-4317**: setting out the civil service classifications and setting the number of positions in each classification in the Temple Fire Department; and
 - (B) **2009-4318**: establishing assignment pay in the amount of \$200 per month for the assignment of Fire Marshal duties.

BOARD APPOINTMENTS

- 7. **2009-5834-R**: Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill a term through September 1, 2012.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:45 PM, on September 11, 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

09/17/09
Item #3(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

- | | | |
|-----|------------------------------|-----------------------|
| (A) | Constitution Week | September 17—23, 2009 |
| (B) | Lawsuit Abuse Awareness Week | October 5—9, 2009 |

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY:

- (A) This proclamation was requested by the Betty Martin Chapter of the Daughters of the American Revolution (DAR). Representatives from the DAR will be at the meeting to voice the invocation, lead the Pledge of Allegiance, and receive the proclamation.
- (B) This proclamation was requested by, and will be received by, Stephanie Gibson. Ms. Gibson is the Executive Director for *Citizens Against Lawsuit Abuse of Central Texas*, which is a nonprofit, grassroots movement dedicated to making the public better aware of the cost and consequences of lawsuit abuse.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

09/17/09
Item #4(A)-(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: (A) Receive a presentation from representatives of the U.S. Census Bureau and consider adopting a resolution in support of the 2010 Census.

(B) Receive a presentation regarding seasonal and pandemic influenza and Bell County Public Health District's response to novel H1N1 influenza.

STAFF RECOMMENDATION: Receive presentations as presented in item description and adopt resolution in item (A).

ITEM SUMMARY: (A) Representatives from the U.S. Census Bureau, Dallas Regional Census Center, have requested an opportunity to appear before the City Council and request the City's support of the 2010 Census by adoption of a resolution.

The City of Temple partnered with the U.S. Census Bureau during the 2000 Census by forming a local Complete Count Committee. We anticipate doing so again during the 2010 Census, either locally or in conjunction with Bell County and other surrounding cities. Activities to be undertaken by the Committee would involve distributing awareness posters and pamphlets, recruiting enumerators and providing testing sites, providing Census Questionnaire Assistance Centers and sponsoring various media events and press conferences.

(B) Bell County Public Health District officials will make a presentation to the Council and citizens regarding seasonal and pandemic influenza. They will also provide the District's response to the novel H1N1 influenza.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, IN SUPPORT OF THE 2010 CENSUS; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the U.S. Census Bureau is required by the Constitution of the United States of America to conduct a count of the population and provides a historic opportunity for the City of Temple to help shape the foundation of our society and play an active role in American democracy;

Whereas, the City of Temple is committed to ensuring every resident is counted;

Whereas, more than \$400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based on census data, including healthcare, community development, housing, education, transportation, social services, employment, and much more;

Whereas, census data determine how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts;

Whereas, the 2010 Census creates hundreds of thousands of jobs across the nation;

Whereas, every Census Bureau worker takes a lifetime oath to protect confidentiality and ensure that data identifying respondents or their household not be released or shared for 72 years;

Whereas, a united voice from business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census; and

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

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

Part 1: The City of Temple: (1) supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation; (2) asks its affiliates and membership to partner together to achieve an accurate and complete count; and (3) encourage people in the City of Temple to participate in events and initiatives that

will raise overall awareness of the 2010 Census and increase participation among all populations.

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 17th day of **September**, 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

09/17/09
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) September 3, 2009 Special Called Meeting & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[September 3, 2009 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

SEPTEMBER 3, 2009

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

Present:

Councilmember Marty Janczak

Councilmember Tony Jeter

Mayor Pro Tem Patsy E. Luna

Mayor William A. Jones, III

Absent:

Councilmember Russell Schneider

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

Item 4 - Budget: David Blackburn, City Manager, reviewed a typical department summary page, explaining the footnotes for authorized but unfunded positions as a result of the strategic hiring freeze. Some of these footnotes may need to be amended or added prior to the printing of the budget but all of the positions funded are accurate.

Item 10(C) - Contract Renewals: Belinda Mattke, Purchasing Director, reviewed the process by which annual contracts are awarded and renewed, as well as the benefits to both the City and the vendors. The City currently has 93 term contracts and on tonight's agenda, approximately \$1.4 million are recommended for renewal and approximately \$930,000 for new contracts, including copiers.

Mayor Jones questioned items 1, aggregate base, and 12, hot mix asphalt, which were bid at the peak of fuel prices last year. He asked if these were re-bid to see if we are getting the best prices.

Kenny Henderson, Street Division Superintendent, stated these were not re-bid but the vendors indicated they would not lower their prices if the contracts were re-bid at this time.

Bruce Butscher, Director of Public Works, explained that sludge disposal costs are higher this year due to an increase in the volume of sludge being hauled, not an increase in prices.

Councilmember Jeter stated the requirements for the t-shirt design/printing bid are impossible for local companies to meet. The local prices are comparable but the some of the inefficiencies in the contract could be mitigated to keep the bid local and Councilmember Jeter gave some examples of how this could be done.

Item 10(H) - Agreement with Traylor and Associates for HOME Program: Mr. Blackburn stated that Kim Foutz will provide an overview of the HOME Program later in this work session. He explained the Community Development Block Grant (CDBG) Program must contain a housing component and we have chosen to do this through the HOME Program. Any changes to the HOME contract could have an impact on the CDBG Action Plan.

2. Discuss street lighting policy.

David Blackburn, City Manager, presented this item to the Council. He began with a brief explanation of some of the street light terminology and the 1995 street light policy adopted by Council. Mr. Blackburn also discussed the City's current street light inventory and showed photos of various types of poles and lights in place throughout the City. Street light cost to the City is approximately \$808,000 per year. Some bulbs are more energy efficient than others but energy efficiency was not a criteria in the 1995 policy. Therefore, Mr. Blackburn recommended the 1995 street light policy be updated to recognize the current administrative structure and to integrate criteria that would better address costs, energy efficiencies and environmental impacts. These standards could be applied through zoning restrictions and building permits to address commercial lighting. He also recommended the City conduct an energy audit of the street light system.

3. Discuss the proposed franchise for AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.

Jonathan Graham, City Attorney, discussed this item with the Council. He explained that Mr. Billy Martone, owner of AM Construction, has a business that offers a combination of services to local builders, including demolition work on existing structures, site clean up work for construction sites and setting and hauling 15 yard containers. Currently, the City does all of the solid waste hauling within the City limits so Mr. Martone would be required to have a franchise for setting and hauling commercial solid waste containers.

Mr. Graham stated it is unlikely the staff would recommend a full service solid waste franchise, either commercial or residential, to protect the financial viability of the City's operation and to avoid congestion caused by many large trucks and containers on City streets. However, he noted the work done by AM Construction may be an exception to that philosophy since setting and hauling containers is only a portion of their work. Mr. Graham explained the differences in the services being performed by AM Construction and the City. Members of the Temple Area Builders Association have indicated that AM Construction provides a useful service to the building community. Staff is recommending a one-year franchise with compensation to the City in the amount of 5% of gross receipts. Staff is also aware of a couple of other companies that are providing the same services as AM Construction and we will require them to either cease their activities or obtain a franchise under the identical terms as the one being proposed for AM Construction.

4. Receive an overview and update on the HOME program.

Kim Foutz, Assistant City Manager, provided the Council with an overview and update on the HOME Program. She discussed some possible criteria for participation in the program and the funding that is available. Homes under this program will be rehabilitated, up to \$30,000 per home, and must be brought up to 100% Texas minimum construction standards code. The selection criteria will have to be structured so that homes that have too many problems are not selected. Mrs. Foutz also discussed the income levels and loan servicing that might be applied to this program. The City's goal for the HOME program is to help as many homeowners as possible. These will not be the homes in the worst condition but those that can be saved with the available funding. Mrs. Foutz stated if the contract with Traylor and Associates is awarded for administration of this program, Traylor will assist in developing the guidelines and criteria, which will come back to Council for review.

5. Receive a report regarding the 12th Annual Transportation and Infrastructure Summit held August 11 - 15, 2009.

David Blackburn, City Manager, gave a brief overview of the various sessions he attended during the recent 12th Annual Transportation and Infrastructure Summit held in Irving. These sessions included speakers such as Deirdre Delisi, Chair of the Texas Transportation Commission; Gary Kelly, CEO of Southwest Airlines; Amadeo Saenz, Executive Director of TxDOT; and a number of United States Congressmen. Mayor Jones and Councilmember Janczak also attended the Summit, as well as several City staff members.

Before concluding the work session, Councilmember Jeter stated he is still concerned with the closing of Walker Pool. He has been informed that closing the pool for 4 days per week only saves \$5,000 annually. Since this is the only public pool left in the City, he would like for the City to make the investment to keep it open and asked that Council and staff work toward that during the upcoming fiscal year.

David Blackburn, City Manager, stated that he will address this during the mid-year financial reviews and make adjustments in service levels as we can.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 3, 2009 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

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

2. Pledge of Allegiance

Police Chief Gary Smith lead those present in reciting the Pledge of Allegiance to the United States flag.

II. PUBLIC APPEARANCES

3. Receive comments from Mariana Denson regarding pit bull dogs in the community.

The Public Appearance request was withdrawn by Mrs. Denson prior to the meeting.

III. PUBLIC COMMENTS

There were no public comments made at the meeting.

IV. BUDGET ITEMS

4. **2009-5783-R: PUBLIC HEARING - Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2009 and ending September 30, 2010 and consider adopting a resolution:**

(A) Ratifying the property tax increase reflected in the budget - "This budget will raise more total property taxes than last year's budget by \$686,939 (4.00%) and of that amount, \$456,769 is tax revenue to be raised from new property added to the tax roll this year;" and

(B) Adopting the City's budget for fiscal year beginning October 1, 2009 and ending September 30, 2010, including the Operating Budget for 2009-2010, Capital Improvement Plan, and Fiscal & Investment Policies.

David Blackburn, City Manager, presented items 4(A) and (B) to the Council regarding the FY 2009-2010 budget. He reviewed the fence posts used in the development of the preliminary budget. The tax roll and proposed tax rate were also discussed. Fee and rate adjustments are proposed in several service areas. Capital improvement recommendations include multi-year/non routine and annual operating/routine projects. Mr. Blackburn presented the Water and Wastewater Fund total budgeted revenues and expenses, noting there are no rate changes proposed in this fund. In summary, the FY 2010 year forecasts less revenues and less expenditures. The temporary lull in the economy will likely continue but the long term outlook is favorable.

Traci Barnard, Director of Finance, stated there are no changes proposed to the City's fiscal or investment policies. She provided a brief overview of the fiscal and budgetary policy statement and the objectives of the City's investment policy.

5. **2009-4310: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2009, to be considered on an emergency basis.**

Traci Barnard, Director of Finance, presented this item to the Council. The total taxable value for 2009 is \$3.3 billion.

6. **2009-4311: FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2009, making the appropriation for the regular operation of the City, to be considered on an emergency basis.**

Traci Barnard, Director of Finance, stated the proposed tax rate for tax year 2009 is

\$0.5646, and is comprised of a maintenance and operations rate of \$0.3173 and an interest and sinking rate of \$0.2473. This rate is 2.45% greater than the effective tax rate. Mrs. Barnard also explained the impact of the proposed tax rate to a homeowner with no increase in the value of their home and with the average increase in value.

Mayor Jones declared the public hearing open with regard to agenda items 4(A) and (B), 5 and 6, and asked if anyone wished to address these items.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution 4(A), ratifying the property tax increased reflected in the budget, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

Motion by Councilmember Marty Janczak to adopt resolution 4(B), adopting the City's budget for the fiscal year 2009-2010, including the Operating Budget, Capital Improvement Plan and Fiscal & Investment Policies, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, on first and final reading, approving the tax roll for the tax year 2009, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

Motion by Councilmember Marty Janczak that property taxes be increased by the adoption of a tax rate of 56.46 cents per \$100 valuation which is effectively a 2.45 percent increase in the tax rate, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

Motion by Councilmember Marty Janczak to adopt ordinance setting the 2009-2010 tax rate for the City of Temple, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

7. 2009-5784-R: Consider adopting a resolution funding the rates for medical/prescription insurance and dental insurance for employees and under age 65 retirees, as well as, Life Insurance, Accidental Death & Dismemberment Insurance and Long Term Disability Insurance.

Amy House, Human Resources Director, presented this item to the Council. On July 16th, the Trustees of the City of Temple Employee Benefits Trust agreed to purchase contracts for FY 2009-2010. This action will authorize the funding of the trust and benefits awarded, in addition to the biweekly transfer of contributions made by the

City, employees and retirees to the trust.

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

Motion passed unanimously.

8. 2009-5785-R: Consider adopting a resolution setting the collection charges for residential solid waste services.

Traci Barnard, Director of Finance, presented this item to the Council. Staff is recommending an increase in the residential collection rate by \$1.25 per month for a total monthly fee of \$15.80 for solid waste collection services. This recommendation was made by staff during the budget process in lieu of service adjustments.

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

Motion passed unanimously.

9. 2009-5786-R: Consider adopting a resolution amending the current utility systems fees associated with the unauthorized use of water, new account fees, disconnect fees, residential deposits, meter accuracy test and returned item charges to be effective October 1, 2009.

Traci Barnard, Finance Director presented this item to the Council. She reviewed the utility system fees that are being recommended for increase, including an increase in residential deposits from \$65 to \$75.

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

Motion passed unanimously.

V. CONSENT AGENDA

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

(A) August 14, 2009 Special Called Meeting

(B) August 20, 2009 Special Called Meeting and Regular Meeting

(C) Consider adopting resolutions authorizing contract renewals for the following:

- 1. 2009-5787-R: Aggregate Base - Franklin Industrial Minerals, in the estimated amount of \$77,000.**

2. **2009-5788-R: Automotive Repair Parts - The Parts Depot, in the estimated amount of \$39,836.07.**
3. **2009-5789-R: Coliform Sample Testing - Waco Regional Water Quality Lab, in the estimated amount of \$30,000.**
4. **2009-5790-R: Library Books, DVD's, and books on CD and Compact Disks - Baker and Taylor, in the estimated amount of \$105,000.**
5. **2009-5791-R: Brokerage Opinions, Title Letters, and Appraisals - W. Howard Wright Real Estate for broker's opinions -\$65 per unit; Centraland Title Company for title work services - title letters \$100 each and runsheets \$125 each; and Kokel-Oberrender-Wood for appraisals (prices vary).**
6. **2009-5792-R: Bunker Gear - Metro Fire Apparatus Inc., in the estimated amount of \$1,509 per set.**
7. **2009-5793-R: Concrete Repair and Construction Services - Alpha Constructors Inc., in the estimated amount of \$38,780.**
8. **2009-5794-R: Construction Materials Testing - Kleinfelder Central Inc., in the estimated amount of \$80,000.**
9. **2009-5795-R: Electric Motor and Pump Repair - Smith Pump Company Inc., in the estimated amount of \$164,000.**
10. **2009-5796-R: Electrical Services - T. Morales Company, in the estimated amount of \$69,000.**
11. **2009-5797-R: Fire Department Uniforms - Miller Uniforms & Emblems, in the estimated amount of \$30,632.**
12. **2009-5798-R: Hot Mix Asphalt - Ironhorse Asphalt, Ltd (dba Heart of Texas Hotmix), in the estimated amount of \$70,000.**
13. **2009-5799-R: Office Supplies - Perry Office Plus, in the estimated amount of \$200,000.**
14. **2009-5800-R: Oils and Lubricants - Brazos Valley Lubricants, in the estimated amount of \$59,473.12.**
15. **2009-5801-R: Library Security Guard Services - Texas Star USA, in the estimated amount of \$28,717.**
16. **2009-5802-R: Sign and Traffic Control Supplies -Various vendors in the estimated amount of \$48,375.26.**
17. **2009-5803-R: Sludge Disposal - S&M Vacuum & Waste, in the estimated amount of \$115,000.**

18. **2009-5804-R: T-Shirt Design and Printing - Safari Sun LLC, in the estimated amount of \$35,000.**
19. **2009-5805-R: Utility Statement Printing and Accounts Receivable Statements Mailing - MailMax Direct, in the estimated amount of \$154,050.**
20. **2009-5806-R: Water Meters - Badger Meter, Hersey Meters, and Elster AMCO Water, Inc., in the estimated annual amount of \$111,350; and a new purchase agreement with Elster AMCO Water, Inc., in the estimated annual amount of \$4,568.**

(D) Consider adopting resolutions authorizing annual contracts for the following:

1. **2009-5807-R: Building Materials - Lengefeld Lumber Company, in the estimated amount of \$25,000.**
2. **2009-5808-R: Herbicides & Insecticides - Red River Specialties, BWI Schulenburg, Crop Production Services, and Alligare LLC, in the estimated amount of \$39,309.59.**
3. **2009-5809-R: HVAC Repairs and Maintenance - Temple Heat & Air, in the estimated amount of \$150,000.**
4. **2009-5810-R: Tires and Tubes - Southern Tire Mart, in the estimated amount of \$110,505.20.**
5. **2009-5811-R: Utility Supplies - Various vendors, in the estimated amount of \$409,276.17.**

(E) 2009-5775-R: Consider adopting a resolution authorizing a four-year agreement with renewal options with CTWP of Temple for copier services in an estimated annual amount of \$86,150.

(F) 2009-5812-R: Consider adopting a resolution authorizing a five-year renewal of the lease agreement with Bell County Human Services/Temple HELP Center regarding the west bay of the former Fire Station #2, located at Avenue A and South 22nd Street, for use as a Day Center for the Family Promise, Inc., organization.

(G) 2009-5813-R: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Abercrombie Creative, LLC of Fort Worth to provide fire training field master planning services in an amount not to exceed \$75,400 and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this project.

(H) 2009-5814-R: Consider adopting a resolution authorizing a professional services agreement with Traylor and Associates of Tyler, Texas for management of the HOME Investment Partnership Grant Program, in an

amount not to exceed \$127,879.

(I) 2009-4308: SECOND READING - Z-FY-09-25: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) to Commercial (C) District on 1± acres, situated in the Maximo Moreno Survey, Abstract No. 14, on the west side of South 5th Street, 500+ feet north of Waters Dairy Road, located at 4804 South 5th Street.

(J) 2009-4312: FIRST READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard or less roll-off containers, and the hauling of construction site waste within the City of Temple.

(K) 2009-5815-R: Consider adopting resolutions directing the Staff to submit resolution cover sheets seeking the support of the Texas Municipal League for:

- 1. Legislation that would allow Texas cities with tax increment financing reinvestment zones to extend the lives of their zones; and**
- 2. Legislation that would change the Public Utility Commissions rate setting formulas and policies related to municipal street lights.**

(L) 2009-5816-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

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

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

11. 2009-4313: FIRST READING - PUBLIC HEARING - Z-FY-09-27: Consider adopting an ordinance authorizing a zoning change from Multiple Family One (MF1) District to General Retail (GR) District on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H.

Tim Dolan, Planning Director, presented this rezoning case to the Council. The applicant originally requested General Retail but does concur with the recommended Neighborhood Services (NS) zoning. Mr. Dolan reviewed the dimensional standards for the NS district. The Planning and Zoning Commission unanimously recommended approval of the rezoning to NS district.

Mayor Jones declared the public hearing open with regard to agenda item 11 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinance on first reading,

and set second reading and final adoption for September 17, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

12. 2009-4314: FIRST READING - PUBLIC HEARING - Z-FY-09-28: Consider adopting an ordinance to amending City of Temple Subdivision Ordinance Section 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.

Tim Dolan, Planning Director, presented this item to the Council. He reviewed the number and design of the access points that will be required for residential subdivisions in the Design and Development Standards Manual. The Planning and Zoning Commission recommended approval of the proposed amendment to the Subdivision Ordinance.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, and set second reading and final adoption for September 17, 2009, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

13. 2009-4315: FIRST READING - PUBLIC HEARING - Z-FY-09-32: Consider adopting an ordinance amending Chapter 22, "Miscellaneous Provisions and Offenses," of the Code of Ordinances of the City of Temple, Texas, by deleting Section 22.2, "Barbed Wire and Electric Fences," which have been replaced with amendments to the City of Temple Zoning Ordinance, Section 13-103.

Tim Dolan, Planning Director, presented this item to the Council. This ordinance will correct an oversight earlier in the year when Section 13 of the Zoning Ordinance was amended to include fence regulations. Regulations regarding barbed wire and electric fences will be removed from Chapter 22 of the Code of Ordinances with adoption of this ordinance.

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

Motion by Councilmember Tony Jeter to adopt ordinance, and set second reading and final adoption for September 17, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 14. 2009-4316: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 to recognize reimbursements from Gulf States Toyota and to reallocate project funding within the Project Plan, and for FY 2010-2022 to increase Zone maintenance funding.**

Traci Barnard, Director of Finance, presented this item to the Council. On August 26th, the Reinvestment Zone No. 1 Board of Directors considered these financing plan amendments and recommended approval by the Council. Mrs. Barnard reviewed the various line items being impacted by this amendment, some of which involve projects and some of which are miscellaneous adjustments.

Mayor Jones declared the public hearing open with regard to agenda item 14 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, and set second reading and final adoption for September 17, 2009, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

BOARD APPOINTMENTS

- 15. 2009-5817-R: Consider adopting a resolution appointing one member to the Airport Advisory Board to fill the expired RZ No. 1 position through September 1, 2012 and one member to fill an unexpired Temple resident position through September 1, 2010.**

Mayor Jones recommended that Bob Browder, Chair of the Reinvestment Zone (RZ) Number One Board of Directors be appointed to the RZ position and that Rayford Brown be appointed to fill the unexpired Temple resident position.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

09/17/09
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY 2010 with Intergraph Corporation in the amount of \$41,472.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police and Fire Departments currently use Records Management Software from Intergraph Corporation for the following public safety applications to assist the City in the management and analysis of Public Safety records:

SunPro Fire RMS

I-LEADS RMS (Arrests, warrants, citations, evidence, calls for service, etc...)

CAD Interface Software

Oracle Software

Intergraph Corporation is the sole provider of maintenance for HTE application software. This is currently the 11th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$41,472 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT WITH INTERGRAPH CORPORATION FOR PUBLIC SAFETY SOFTWARE APPLICATIONS, IN THE AMOUNT OF \$41,472; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses public safety software from Intergraph Corporation for police and fire software applications – Intergraph Corporation is the sole source provider for the public safety software;

Whereas, the Staff recommends purchasing an annual maintenance contract for a cost not to exceed \$41,472;

Whereas, this will be the City's 11th year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of an annual maintenance contract with Intergraph Corporation for public safety software applications, for an amount not to exceed \$41,472.

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 this purchase.

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

PASSED AND APPROVED this the 17th day of **September**, 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

09/17/09
Item #5(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual maintenance contract for FY 2010 with Sungard Public Sector, Inc. in the amount of \$133,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses Enterprise Software from Sungard Public Sector, Inc. for the following business applications to assist the City conduct financial transactions:

General Ledger	Accounts Payable	Accounts Receivables
Fixed Assets	Inventory	Purchasing
Cash Receipts	Budgeting	Fleet Management
Work Orders	Payroll	Human Resources
Utility Billing	Permitting	Code Enforcement
Inspections	Zoning	Business Licenses
Municipal Court	Project Accounting	QREP
Looking Glass		

Sungard Public Sector, Inc. is the sole provider of maintenance for HTE application software. This is currently the 6th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$133,500 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT WITH SUNGARD HTE IN THE AMOUNT OF \$133,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Enterprise Software from Sungard HTE for certain business applications in helping the City to conduct financial transactions – Sungard HTE is the sole source provider for the HTE application software;

Whereas, the Staff recommends purchasing a yearly maintenance contract for a cost not to exceed \$133,500;

Whereas, this will be the City's 6th year of support for the current software – funds are budgeted in Account No. 110-1900-519-2338 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of an annual maintenance contract with Sungard HTE for business application software to help the City conduct financial business, for an amount not to exceed \$133,500.

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 this purchase.

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

PASSED AND APPROVED this the 17th day of **September**, 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

09/17/09
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a three-quarter ton extended cab pickup for the Fire Department from Plant Ford of Spring in the amount of \$23,796 with additional accessories to be added in the estimated amount of \$5,404 making the total purchase \$29,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In the spring of 2009, the Fire Marshal pickup was totaled in an accident. On August 20, 2009, the City received two (2) bids for a three-quarter ton extended cab replacement pickup. The bids are shown on the attached bid tabulation.

Staff recommends award of the bid to Planet Ford, the low bidder, in the amount of \$23,796. This recommended purchase includes all add alternate bid options except the Tonneau bed cover. Fire department personnel anticipate acquiring the following accessories totaling an estimated \$5,404 upon receipt of the truck: a back-flip bed cover, step rails, grill guard, and truck decal markings.

The City has done business with Planet Ford in the past and finds them to be a responsible vendor.

FISCAL IMPACT: Funding in the amount of \$29,200 is available in account 110-5900-552-6213, project# 100508, for the purchase of a replacement truck. In March 2009 the city received \$13,025 in insurance proceeds as a result of the accident in which the truck was totaled. Additional funding in the amount of \$16,175 of project savings was appropriated for the purchase of the replacement vehicle.

ATTACHMENTS:

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

Tabulation of Bids Received
on August 20, 2009 at 2:00 p.m.
3/4 Ton Extended Cab Pickup

	Bidders	
	Planet Ford Spring, TX	Grand Prairie Ford Grand Prairie, TX
Description		
Base Bid for 2010 3/4 Ton Extended Cab Pickup	\$20,453.00	\$20,998.00
Towing Package	\$440.00	\$635.00
Mounted Spot Light on Driver's Side	\$365.00	\$295.00
Tinted Windows	\$175.00	\$235.00
Spray-in Bed Liner	\$425.00	\$425.00
Whelen "Inner Edge" Undercover LED Lighting System	\$1,938.00	\$2,575.00
Total with all options	\$23,796.00	\$25,163.00
Alternate not recommended for purchase: Tonneau Pickup Bed Cover	\$1,695.00	\$1,575.00
Local Preference	No	No
Acknowledge Addendum	Yes	Yes
Credit Check Authorization	Yes	Yes
120 Day Delivery	Yes	Yes
Exceptions	None	None

Note: Highlighted bid is recommended for Council approval

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

Belinda Mattke

20-Aug-09

Belinda Mattke, Director of Purchasing

date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A THREE-QUARTER TON EXTENDED CAB PICKUP FOR THE FIRE DEPARTMENT FROM PLANT FORD OF SPRING, TEXAS, IN THE AMOUNT OF \$23,796, WITH ADDITIONAL ACCESSORIES TO BE ADDED IN THE ESTIMATED AMOUNT OF \$5,404, MAKING THE TOTAL PURCHASE \$29,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 20, 2009, the City received 2 bids for a three-quarter ton extended cab replacement pickup;

Whereas, the Staff recommends accepting the bid (\$23,796) submitted by Plant Ford of Spring, Texas, along with additional accessories in the amount \$5,404, for a total expenditure of \$29,200;

Whereas, funds are available for the purchase in Account No. 110-5900-552-6213, project # 100508; and

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

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

Part 1: The City Council authorizes the purchase of a three-quarter ton extended cab pickup for the Fire Department from Plant Ford of Spring, Texas, in the amount of \$23,796. The City Council also authorizes the purchase of additional accessories to be added to the vehicle in the amount of \$5,404, for a total expenditure of \$29,200.

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

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

PASSED AND APPROVED this the 17th day of **September**, 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

09/17/09
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for the printing and mailing of Play-by-Play brochures with Liberty Press of Springville, Utah for FY 2010 in the estimated amount of \$29,176 and rejecting all bids received for graphic design services related to the brochures.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 4, 2009, the City received three (3) bids for the design, printing, and mailing of the play-by-play brochures for the Parks & Leisure Department. The bids are shown on the attached bid tabulation sheet.

The bid was comprised of options for different paper types and brochure sizes. The bid also included a price per hour for design services, a price for additional 1,000 copies, and a price for additional pages if additional time, quantities and pages are required. Staff is recommending award of the bid to Liberty Press, the low bidder, for the 8" x 11" brochure with 80# glossy enamel cover stock and high bright newsprint pages.

The Play-by-Play brochure is created quarterly to promote activities happening throughout the City. Depending on season, the pages of the brochure may range in size from 32-36 pages. Staff estimates that 15,000 copies of the brochure will be distributed via mail to residents quarterly.

The City asked that the printer mail the brochures from their location to prevent the extra mailing costs. This cost is an estimated 21 cents per brochure depending on the weight of the brochure and the number of brochures mailed. This mailing cost will be an added cost paid to the printer. The total estimated cost for postage on the brochures is \$10,080.

The City has not done business in the past with Liberty Press. Therefore, references were checked and, after receiving favorable references for the printing of the brochures, staff recommends Council award the printing and mailing of the brochures to Liberty Press.

Liberty Press was unable to provide references for their design work. Therefore, the City would like to explore other avenues for the design of the brochure. Accordingly, staff is recommending that all graphic design bids be rejected.

The recommended contract is for a period of one (1) year commencing on October 1, 2009, with the option for four (4) one-year renewals, if so agreed to by the City and Liberty Press.

FISCAL IMPACT: Budgeted amount: \$28,800 in 110-4100-551-2511 and
\$12,000 in 110-4100-551-2128
Estimated expenditure: \$29,176

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

Tabulation of Bids Received
on August 4, 2009 at 2:30 p.m.
Printing of Play-by-Play Brochure

Description	Bidders					
	Liberty Press Springville, UT		PrintMailPro.com Austin		Temple Daily Telegram Temple	
	Total Price 32 Inside Pages+ 4 page cover	Total Price 36 Inside Pages+ 4 page cover	Total Price 32 Inside Pages+ 4 page cover	Total Price 36 Inside Pages+ 4 page cover	Total Price 32 Inside Pages+ 4 page cover	Total Price 36 Inside Pages+ 4 page cover
Price for printing brochure #1 4 times/year (6"x10", cover in 60# white uncoated stock; pages in 50# husky 19x25 crtn)	\$19,048.00	\$21,516.00	\$20,004.00	\$23,964.00	\$30,430.00	\$31,570.00
Price for printing brochure #2 4 times/year (8"x11", cover in 80# glossy enamel stock, pages in high bright newsprint)	\$17,044.00	\$19,096.00	\$19,644.00	\$20,484.00	\$25,700.00	\$26,630.00
Price per thousand for additional of brochure #1	\$137.00	\$181.00	\$169.48	\$208.70	\$490.00	\$508.00
Price per thousand for additional of brochure #2	\$119.00	\$157.00	\$159.69	\$169.51	\$390.00	\$404.00
Price per additional 4-page brochure #1		\$1,396.00	\$0.02	\$0.02	\$25.10	\$47.60
Price per additional 4-page brochure #2		\$224.00	\$0.019	\$0.019	\$15.50	\$15.33
Price per hour for graphic design	\$50.00		\$80.00		\$25.00	
Estimated number of hours for graphics design per issue	40		20-30		10	
Estimated cost of postage per brochure	\$0.21		.303 to .443		\$0.198	
Delivery	No		Yes		Yes	
Exceptions	Yes		Yes		Yes	
Local Preference	No		No		Yes	
Credit Check Authorization	Yes		Yes		Yes	

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

Recommended for Council Award

Belinda Mattke

Belinda Mattke, Director of Purchasing

4-Aug-09

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT FOR THE PRINTING AND MAILING OF PLAY-BY-PLAY BROCHURES WITH LIBERTY PRESS OF SPRINGVILLE, UTAH, FOR FY 2010, IN THE ESTIMATED AMOUNT OF \$29,176; REJECTING ALL BIDS RECEIVED FOR GRAPHIC DESIGN SERVICES RELATED TO THE BROCHURES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 4, 2009, the City received 3 bids for the design, printing, and mailing of the Play-by-Play brochures;

Whereas, the Staff recommends accepting the bid from Liberty Press of Springville, Utah, for printing and mailing the brochures, but recommends rejecting all bids received for graphic design services related to the brochures;

Whereas, funds are available for the service in Account Nos. 110-3200-551-2511 and 110-3200-551-2128 – estimated annual expenditure is \$29,176; and

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

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

Part 1: The City Council authorizes an annual contract with Liberty Press of Springville, Utah, for the printing and mailing of the Play-by-Play brochures for the Parks and Leisure Services Department for Fiscal Year 2010, in the estimated amount of \$29,176.

Part 2: The City Council rejects all bids received for graphic design services related to the Play-by-Play brochures.

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

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

PASSED AND APPROVED this the 17th day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

ATTEST:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/17/09
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Michael Newman, P.E., Assistant Director of Public Works/Engineering

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with J.S. Haren Company of Athens, TN, to provide and install replacement screw pumps for Doshier Farm Wastewater Treatment Facility in an amount not to exceed \$694,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The three screw pumps at Doshier Farm Wastewater Treatment Facility have performed beyond their expected service life and are in need of replacement. On October 20, 2008, Council authorized a professional services agreement with Kasberg, Patrick, & Associates, LP (KPA), to design the screw pumps replacement in an amount not to exceed \$44,200.

The budget originally designated for this project several years ago was \$460,000. Current Public Works Administration were concerned that designated funds were insufficient to replace all three (3) screw pumps. Accordingly, the bid was structured with a base bid to replace two (2) screw pumps with an added alternate bid to replace the third screw pump. As all three pumps are in great need of replacement, staff was hopeful that low bids would be secured, making it feasible to replace all three pumps as needed.

Base bids for replacing the two screw pumps ranged from J.S. Haren's low bid of \$474,000 to \$644,804.21 (see attached Bid Tab & Recommendation). Total bids including the Add Alternate to replace the third screw pump ranged from J.S. Haren's low bid of \$694,000 to \$1,028,258.95. KPA recommends awarding the contract to the low bidder, J.S. Haren Company which includes the base bid and add alternate.

J.S. Haren Company has not completed work for the City in the past. Accordingly, KPA investigated J.S. Haren's work background and fiscal stability and concluded that J.S. Haren has the background and financial stability to be deemed a responsible contractor.

The construction activities authorized under this contract will consist of provision, installation, startup, and testing of three replacement screw pumps. Construction time allotted for this project is 275 days.

FISCAL IMPACT: Funding in the amount of \$460,000 has been appropriated in account 561-5500-535-6932, project # 100337 for rehabilitation of lift screws at Doshier from the 2008 Utility Revenue Bond Issue. After funding professional services in the amount of \$44,200 and miscellaneous expenditures of \$190, a balance of \$415,610 remains available to fund construction of the project. Attached is a budget amendment in the amount of \$278,390 reallocating savings from a completed project to fund the remaining cost of the screw pump project.

ATTACHMENTS:

[Bid Tab & Recommendation](#)
[Budget Adjustment](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple

One South Main Street
Temple, Texas 76501
(254) 773-3731

Georgetown

3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

September 4, 2009

Mr. Don Bond, E.I.T.
CIP Project Manager
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Doshier Farm Wastewater Treatment Plant
Screw Pumps

Dear Mr. Bond:

On August 4, 2009, the City of Temple received competitive bids from seven (7) contractors for the referenced project. This project consisted of a Base Bid (rehabilitation of two screw pumps) and an Add Alternate Bid (rehabilitation of the third screw pump). A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows JS Haren Company of Athens, Tennessee as the low bidder with a Base Bid \$474,000.00. JS Haren was also the low bidder when the Add Alternate was included, with a Total Bid Amount of \$694,000.00. Our Final Opinion of Probable Cost for this project was \$825,000.

In accordance with Item 19 of the General Instructions to Bidders (found in the Contract Documents), we requested the following items:

1. The experience record of the bidder showing completed jobs of a similar nature to the one covered by the proposed contract and all work in progress with bond amounts and percentage complete.
2. A sworn statement of the current financial condition of the bidder.
3. Equipment Schedule.
4. Project Completion schedule and cash flow diagram.

Additionally, since we were not familiar with JS Haren Company from previous projects, we requested a list of all projects completed within the past five (5) years including the scope of work, date, contract amount and contact information for each contract. JS Haren provided all of the requested information and answered all questions that arose in a timely manner. We spoke with references on sixteen current and former projects, including three current projects in the State of Texas. The comments we received were generally that JS Haren did a good job, did not look for change orders, was easy to work with and understood the critical schedules associated with

Mr. Don Bond, E.I.T.

September 4, 2009

Page Two

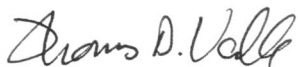
performing rehabilitation work at treatment facilities. The negative comments were generally related to JS Haren's policy of bringing in their superintendent and a few other skilled laborers, then hiring local unskilled workers for the remainder of their work force. The one reference that did not provide a favorable reference cited the amount of unskilled laborers on the project. However, he did note that the completed project met all of the design criteria and has performed well. We have reviewed the proposed superintendent's qualifications and references and find no evidence that he is not qualified to perform this work.

In addition to speaking with references, we reviewed JS Haren's end of year 2008 financials and their most recent monthly report from Summer 2009. The recent financial numbers show that JS Haren has increased their financial standing over the first eight months of 2009. Additionally, their ability to bond this project further underscores their financial standing. The project schedule and associated cash flow schedule both conform to the Time and Order for Completion of this project and are generally in line with what we would have expected.

One area of concern noted during the review is that JS Haren had not performed any other screw pump projects. This was not completely unexpected as the number of projects with screw pump installations is relatively small compared to other types of projects. However, this project can generally be classified as a rehabilitation project and JS Haren has successfully completed several rehabilitation projects including clarifiers, bar screens, aerators and sludge thickeners. Our review of past projects and discussion with those references lead us to conclude that JS Haren is qualified to perform this project.

We summarized and discussed this information in a meeting with you and Public Works staff several weeks ago. Since that time, the additional information we have received has only confirmed JS Haren's experience and recent job performances. Therefore, we recommend that a contract be awarded to JS Haren Company, including the Add Alternate Bid in the amount of \$694,000.00.

Sincerely,



Thomas D. Valle, P.E.

TDV/

xc: Mr. Bruce Butscher, P.E., City of Temple
Mrs. Nicole Torralva, P.E., City of Temple
Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2009-101-40

BID TABULATION

2009-101-40

Doshier Farm Wastewater Treatment Plant Screw Pumps

August 4, 2009; 2:00 PM
3210 E Ave H, Bldg C, Temple TX 76501

BASE BID				BIDDER INFORMATION										BIDDER INFORMATION			
				J.S. Haren Company 1175 Highway 11, North Athens TN 37303		Excel Construction Services LLC 1202 Leander Drive Leander TX 78641		Keystone Construction Inc PO Box 90398 Austin TX 78709-0398		Matous Construction 8602 North Highway 317 Belton TX 76513		Austin Engineering Co Inc 3317 Ranch Road 620 North Austin TX 78734-2349		Westar Construction 4500 Williams Drive Ste 212-PMP 411 Georgetown TX 78628		Bell Contractors Inc 3082 W Hwy 190 Belton TX 76513	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 22,000.00	\$ 22,000.00	\$ 25,000.00	\$ 25,000.00	\$ 19,300.00	\$ 19,300.00	\$ 25,000.00	\$ 25,000.00	\$ 125,000.00	\$ 125,000.00	\$ 23,000.00	\$ 23,000.00	\$ 32,240.21	\$ 32,240.21
2	100%	LS	Developing and implementing a system to contain and pump (to adjacent screw pump well) any wastewater leakage by the existing 30"x30" Sluice Gates	500.00	500.00	4,000.00	4,000.00	14,750.00	14,750.00	8,000.00	8,000.00	3,000.00	3,000.00	5,000.00	5,000.00	92,000.00	92,000.00
3	2	EA	Remove and properly dispose of existing screw pump, motor, gear box, bearing plate, bearing assemblies, splash guards, fasteners, grouting, bearing pads and other mechanical and structural items related to the operation of each individual screw pump. This does not include structural concrete or electrical panels	25,000.00	50,000.00	10,000.00	20,000.00	29,000.00	58,000.00	30,000.00	60,000.00	17,500.00	35,000.00	20,000.00	40,000.00	31,250.00	62,500.00
4	2	EA	Furnish and Install 66-inch dia. open screw pumps with appurtenances noted on Plans and in Specification including, but not limited to motor, gear box, structural supports, anchor bolts, concrete trough, splash guard assemblies and automatic lubrication system	200,000.00	400,000.00	245,000.00	490,000.00	200,000.00	400,000.00	206,750.00	413,500.00	200,250.00	400,500.00	230,000.00	460,000.00	216,532.00	433,064.00
5	100%	LS	Provide all materials, work, labor, tools and equipment to connect the new pump motors to the existing electrical control panels, including replacing Screw Pump 3 Overload Relay in adjacent MCC Building	1,000.00	1,000.00	1,500.00	1,500.00	1,900.00	1,900.00	3,000.00	3,000.00	2,000.00	2,000.00	12,000.00	12,000.00	24,500.00	24,500.00
6	100%	LS	Provide Project Record Drawings (As Built)	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
BASE BID AMOUNT (ITEMS 1 - 6)					\$ 474,000.00		\$ 541,000.00		\$ 494,450.00		\$ 510,000.00		\$ 566,000.00		\$ 540,500.00		\$ 644,804.21

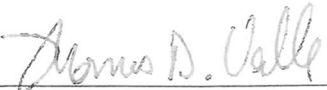
ADD ALTERNATE


Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
AA-1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Add Alternate Bid Amount	\$ 10,000.00	\$ 10,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 12,500.00	\$ 12,500.00	\$ 48,000.00	\$ 48,000.00	\$ 11,000.00	\$ 11,000.00	\$ 19,172.74	\$ 19,172.74
AA-2	100%	LS	Developing and implementing a system to contain and pump (to adjacent screw pump well) any wastewater leakage by the existing 30" x 30" Sluice Gate	250.00	250.00	2,000.00	2,000.00	13,000.00	13,000.00	4,000.00	4,000.00	3,000.00	3,000.00	2,500.00	2,500.00	92,000.00	92,000.00
AA-3	1	EA	Remove and properly dispose of existing Screw Pump No. 2, motor, gear box, bearing plate, bearing assemblies, splash guards, fasteners, grouting, bearing pads and other mechanical and structural items related to the operation of each individual screw pump. This does not include structural concrete or electrical panels	25,000.00	25,000.00	5,000.00	5,000.00	29,000.00	29,000.00	30,000.00	30,000.00	18,000.00	18,000.00	20,000.00	20,000.00	31,250.00	31,250.00
AA-4	1	EA	Furnish and Install 66-inch dia. open Screw Pump No. 2 with appurtenances noted on Plans and in Specification including, but not limited to motor, gear box, structural supports, anchor bolts, concrete trough, splash guard assemblies and automatic lubrication system	184,250.00	184,250.00	160,000.00	160,000.00	200,000.00	200,000.00	206,000.00	206,000.00	155,000.00	155,000.00	230,000.00	230,000.00	216,532.00	216,532.00
AA-5	100%	LS	Provide all materials, work, labor, tools and equipment to connect the new pump motor 2 to the existing electrical control panels	500.00	500.00	1,000.00	1,000.00	1,900.00	1,900.00	1,500.00	1,500.00	1,000.00	1,000.00	7,500.00	7,500.00	24,500.00	24,500.00
ADD ALTERNAE BID AMOUNT - (Items AA-1 - AA-5)				\$ 220,000.00		\$ 169,000.00		\$ 246,400.00		\$ 254,000.00		\$ 225,000.00		\$ 271,000.00		\$ 383,454.74	

PROJECT SUMMARY	BIDDER INFORMATION						BIDDER INFORMATION		
	J.S. Haren Company 1175 Highway 11, North Athens TN 37303		Excel Construction Services LLC 1202 Leander Drive Leander TX 78641	Keystone Construction Inc PO Box 90398 Austin TX 78709-0398	Matous Construction 8602 North Highway 317 Belton TX 76513	Austin Engineering Co Inc 3317 Ranch Road 620 North Austin TX 78734-2349	Westar Construction 4500 Williams Drive Ste 212-PMP 411 Georgetown TX 78628	Bell Contractors Inc 3082 W Hwy 190 Belton TX 76513	
	BASE BID (Items 1 - 6)		\$ 474,000.00	\$ 541,000.00	\$ 494,450.00	\$ 510,000.00	\$ 566,000.00	\$ 540,500.00	\$ 644,804.21
	ADD ALTERNATE (Items AA-1 - AA-5)		\$ 220,000.00	\$ 169,000.00	\$ 246,400.00	\$ 254,000.00	\$ 225,000.00	\$ 271,000.00	\$ 383,454.74
BASE BID + ADD ALTERNATE		\$ 694,000.00	\$ 710,000.00	\$ 740,850.00	\$ 764,000.00	\$ 791,000.00	\$ 811,500.00	\$ 1,028,258.95	

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES

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


Thomas D. Valle, P.E.
Kasberg, Patrick & Associates, LP


Date



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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5500-535-69-32	100337	Doshier Rehab- Lift Screws	\$ 278,390			
561-5200-535-69-34	100388	Waterline- Ave G to 25th			278,390	
TOTAL.....			\$ 278,390		\$ 278,390	

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

To appropriate projects savings to fund the construction of the screw pumps at Doshier Farms Wastewater Treatment Facility.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

September 17, 2009

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH J.S. HAREN COMPANY OF ATHENS, TN, TO PROVIDE AND INSTALL REPLACEMENT SCREW PUMPS AT THE DOSHIER FARM WASTEWATER TREATMENT FACILITY, IN AN AMOUNT NOT TO EXCEED \$694,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 4, 2009, the City received 7 bids for a project to install replacement screw pumps at the Doshier Farm Wastewater Treatment Plant;

Whereas, the Staff recommends accepting the bid (\$694,000) submitted by J.S. Haren Company of Athens, TN;

Whereas, funds are available for this project but an amendment to the FY 2008-09 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract with J.S. Haren Company of Athens, TN, after approval as to form by the City Attorney, to provide and install replacement screw pumps for Doshier Farm Wastewater Treatment Facility, in an amount not to exceed \$694,000.

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

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

PASSED AND APPROVED this the 17th day of **September**, 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

09/17/09
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare and submit a Letter of Map Revision for Elm Creek and the Rail Park Detention Pond from the Rail Park to the confluence east of BNSF Mainline Rail for an amount not to exceed \$31,100.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Code of Federal Regulations CFR 44 65.3 requires communities to notify FEMA of physical changes affecting flooding conditions and base flood elevations. This requirement maintains flood insurance rate maps so that they reflect current conditions in the field.

At its August 26, 2009 meeting, the TIF Reinvestment Zone No. 1 Board of Directors recommended that the City authorize a professional services agreement with KPA for revising Federal Emergency Management Agency (FEMA) map by submitting a Letter of Map Revision (LOMR) related to construction work in the Reinvestment Zone. Flood plain maps have changed due to construction activity from the Rail Park Detention Pond project in Elm Creek watershed. Basic services include identifying ground cross sections, developing contour surface model, developing and analyzing hydrologic and hydraulic models, preparing and submitting FEMA submittals and responding to FEMA comments in order to process appropriate LOMR. The cost of basic services for this portion of work is \$31,100.

The total length of flood plain to be analyzed with corresponding modifications due to construction changes is 6,525 linear feet (1.2 miles). Deliverables for this work will include LOMR submittal complying with FEMA fees/forms and processes, appropriate correspondence copies, and electronic and hard copy computer models. The total cost of basic services is \$31,100. The timeframe for completion is **variable** depending on FEMA responses.

In order that KPA provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

<u>Basic Services</u>	Total
Cross Sections for Stream	\$ 4,400
Roughness Coefficients	\$ 1,800
Develop Contour Surface	\$ 3,900
Develop Hydrologic Model	\$ 3,800
Develop HEC-RAS Model	\$ 6,800
FEMA Submittals	\$ 7,500
Address FEMA Comments	<u>\$ 2,900</u>
Total Basic Services	<u>\$ 31,100</u>

FISCAL IMPACT: The cost of this professional services agreement is \$31,100. This cost includes developing cross sections for stream, roughness coefficients, contour surface, hydrologic model, hydraulic model, FEMA submittals and addressing FEMA comments.

Funding in the amount of \$31,100 is available in account 795-9700-531-6830, project #950003, within the Reinvestment Zone No. 1 Financing Plan.

ATTACHMENTS:

[KPA Engineer's Proposal](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

mail@kpaengineers.com

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple
One South Main Street
Temple, Texas 76501
(254) 773-3731

Georgetown
3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

June 15, 2009

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
LOMR for Elm Creek and the Rail Park Detention Pond
from the Rail Park to the Confluence East of the BNSF Mainline Rail

Dear Mr. Newman:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will revise the Federal Emergency Management Agency (FEMA) map by submitting a Letter of Map Revision (LOMR) for Elm Creek from the Rail Park to the confluence east of the BNSF Main Line Rail. This will bring the FEMA maps and models in compliance for the Rail Park Project.

This project will consist of developing and executing a computer model of the current stream to include infrastructure improvements as well as detention pond improvements. The model will consist of analyzing approximately 6,525 linear feet of stream flow to determine the existing and projected 100-year floodplain elevations. We will submit our findings to FEMA for review and acceptance. After the FEMA review, we will address comments from FEMA and submit any required modeling changes and inquiries to get the LOMR approved. As can be seen by the attached schedule, the sixty day schedule to submit to FEMA assumes the review comments from City Staff will be returned to Kasberg, Patrick & Associates, LP within two weeks of submittal. If this time frame is not met the schedule may be delayed.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

The scope of services for this project will include the following:

- Creating cross sections for the entire stream length.
- Determine the roughness coefficient for the all sections of the stream.
- Develop contour surface for the stream and the adjacent outside boundary.
- Develop a hydrologic model for the drainage basins that convey to the area of the proposed LOMR.
- Define the parameters of the stream model.

Mr. Michael Newman, P.E., C.F.M.

June 15, 2009

Page Two

- Develop a suitable HEC-RAS model for submittal and review by FEMA.
- Create annotated FEMA FIRM Map showing any floodplain revisions based on model results
- Prepare submittal to FEMA for review (Including FEMA fees).
- Review and address FEMA comments.
- Submit comment responses back to FEMA for LOMR.

Basic Services

Create Cross Sections for Stream Length	\$	4,400
Determine Roughness Coefficient	\$	1,800
Develop Contour Surface	\$	3,900
Develop Hydrologic Model	\$	3,800
Develop HEC-RAS Model	\$	6,800
FEMA Submittals	\$	7,500
Address FEMA Comments	\$	2,900
Total Basic Services	\$	31,100

The deliverables for the project shall be as follows:

1. FEMA submittal for LOMR
2. Submittal of LOMR to FEMA with all copies of correspondence
3. Submittal of model both electronically and hard copy

We can complete all the tasks represented for the lump sum cost of \$31,100. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., C.F.M.

RDP/crc


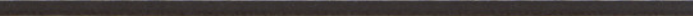






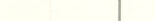

EXHIBIT C

Charges for Additional Services

City of Temple

LOMR for Elm Creek and the Rail Park Detention Pond
from the Rail Park to the Confluence East of the BNSF Mainline Rail

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

ID		Task Name	Duration	Start	Finish	B		M		E		B		M		E		B		M	
						7/26	8/2	8/9	8/16	8/23	8/30	9/6	9/13	9/20	9/27	10/4	10/11				
1		LOMR for Elm Creek	182 days	Mon 8/3/09	Tue 4/13/10																
2		Notice To Proceed	1 day	Mon 8/3/09	Mon 8/3/09																
3		Create Cross Sections	10 days	Tue 8/4/09	Mon 8/17/09																
4		Determine Roughness	2 days	Tue 8/18/09	Wed 8/19/09																
5		Develop Contour Surface	5 days	Thu 8/20/09	Wed 8/26/09																
6		Develop Hydrologic Model	7 days	Thu 8/27/09	Fri 9/4/09																
7		Develop HEC-RAS Model	12 days	Mon 9/7/09	Tue 9/22/09																
8		Temple Review	10 days	Wed 9/23/09	Tue 10/6/09																
9		FEMA Submittal	90 days	Wed 10/7/09	Tue 2/9/10																
10		Address FEMA Comments	45 days	Wed 2/10/10	Tue 4/13/10																

Project: Pepper Creek LOMR.mpp
Date: Mon 6/15/09

Task



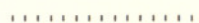
Milestone



External Tasks



Split



Summary



External Milestone



Progress



Project Summary




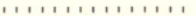
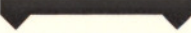






Deadline



E	B			M		E		B		M		E		B		M		E		B		M		E		B		M		E	
10/18	10/25	11/1	11/8	11/15	11/22	11/29	12/6	12/13	12/20	12/27	1/3	1/10	1/17	1/24	1/31	2/7	2/14	2/21	2/28	3/7	3/14	3/21	3/28	4/4	4/11	4/18	4/25				



Project: Pepper Creek LOMR.mpp Date: Mon 6/15/09	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO PREPARE AND SUBMIT A LETTER OF MAP REVISION FOR ELM CREEK AND THE RAIL PARK DETENTION POND FROM THE RAIL PARK TO THE CONFLUENCE EAST OF BNSF MAINLINE RAIL, IN AN AMOUNT NOT TO EXCEED \$31,100; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Code of Federal Regulations CFR 44 65.3 requires communities to notify the Federal Emergency Management Agency (FEMA) of physical changes affecting flooding conditions and base flood elevations – this requirement maintains flood insurance rate maps so that they reflect current conditions in the field;

Whereas, at its August 26, 2009, meeting the Temple Reinvestment Zone Board of Directors recommended that the City authorize a professional service agreement for revising the FEMA map by submitting a Letter of Map Revision (LOMR) related to construction work in the Reinvestment Zone – flood plain maps have changed due to construction activity from the Rail Park Detention Pond project in Elm Creek watershed;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering services required for this project in the amount of \$31,100, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 795-9700-531-6830, project # 950003 within the Reinvestment Zone Financing Plan; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$31,100, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to prepare and submit a Letter of Map

Revision for Elm Creek and the Rail Park Detention Pond from the Rail Park to the confluence east of BNSF Mainline Rail.

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 **17th** day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/17/09
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing two Chapter 380 “matching grant” agreements with Sue Hamby dba J&S Central Texas Investments for redevelopment improvements in the Avenue H Corridor Strategic Investment Zone.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement outlines the obligations and representations of Sue Hamby dba J&S Central Texas Investments, an owner and redeveloper of commercial and residential/multi-family property, and also defines the City's incentive package. Improvements will be made at 803 South Fifth Street and 819 South Fifth Street, which are situated within the Avenue H Corridor Strategic Investment Zone.

Agreement for 803 South 5th: The agreement and resolution will allow Hamby to receive a Chapter 380 matching grant of up to \$10,000 match for façade improvements and up to \$3500 match for landscaping and irrigation improvements. Hamby's total project investment is estimated at \$79,400 in renovations and infrastructure improvements (plus the cost of the building and site) with the City's match being up to \$13,500. Improvements must be completed by November 1, 2010. In return, Hamby has agreed to:

- Install 34 new windows including trim out
- Install solar screens on windows and shutters
- Replace rotten wood on exterior structure and eaves
- Replace missing bricks in exterior façade
- Install exterior doors on east and west side
- Install new French doors on south entrance
- Powerwash, prime and paint exterior
- Renovate porch on west entrance
- Redo metal stairs in rear

- Stucco over old door openings
- Plant trees and shrubs and install irrigation system
- Install new retaining wall

Agreement for 819 South 5th: The agreement and resolution will allow Hamby to receive a Chapter 380 matching grant of up to \$3,500 match for landscaping improvements and up to \$1,500 match (\$1,200 estimated) for monument sign improvements. Hamby's total project investment is estimated at \$10,276 (\$100,000 in past 24 months) in renovations and infrastructure improvements (plus the cost of the building and site) with the City's match being up to \$5,000. Improvements must be completed by April 1, 2010. In return, Hamby has agreed to:

- Install Irrigation system
- Plant trees and shrubs
- Install new retaining wall
- Replace fence in rear and side
- Install natural stone masonry monument on a concrete foundation

FISCAL IMPACT: The total maximum grant match for both properties by the City is \$18,500. In FY 2009, \$170,000 was appropriated for Strategic Investment Zone matching grant incentives, which included funds that were carried forward from the prior fiscal year. A balance of \$87,402 of grant incentive funds is available in account 110-1500-515-2695. After considering the three grants proposed on this agenda, a balance of \$53,902 remains available for additional grants.

Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

[Grant Agreement – 803 South 5th](#)

[Grant Agreement – 819 South 5th](#)

[Location map](#)

[Resolution](#)

Avenue H Corridor Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Sue Hamby dba J & S Central Texas Investments, hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the Avenue H Street Strategic Investment Zone under City Ordinance Number 2009-4286, the City and the Owner enter into this Agreement to promote economic development within the Avenue H Corridor Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 803 South 5th Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property located at 803 South 5th for multifamily/residential use after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3 hereinafter collectively referred to as “the Improvements.”

Façade improvements

Landscaping improvements

Retaining wall improvements

Total estimated investment in Improvements is \$79,400

Owner agrees to commence the Improvements on or before November 1, 2009, and to complete said Improvements on or before November 1, 2010. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

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

(b)

A description of the Façade Improvements to be completed by Owner is as follows:

- Install 34 new windows including trim out
- Install solar screens on windows
- Replace rotten wood on exterior structure and eaves
- Replace missing bricks in exterior façade
- Install exterior doors on east and west side
- Install new French doors on south entrance
- Powerwash, prime and paint exterior
- Install shutters
- Renovate porch on west entrance
- Redo metal stairs in rear
- Stucco over old door openings

(c) Landscaping Improvement Grant. The City will make a grant of up to **\$2,500** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$3,500** on a 1:1 matching basis (estimated at \$3,050). Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also make a

grant of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant.

(d)

A description of the Landscaping Improvements to be completed by Owner is as follows:

Plant trees and shrubs
Install new retaining wall
Irrigation

Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

Section 6. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 7. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 20__.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Sue Hamby dba J&S Central Texas Investments
Owner

Attest:

Approved as to form:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20__ by David A. Blackburn, City Manager, for the City of Temple, a Texas
home rule City.

Notary Public

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20__ by Sue Hamby dba J&S Central Texas Investments.

Notary Public

Avenue H Corridor Strategic Investment Zone

Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Sue Hamby dba J & S Central Texas Investments hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the Avenue H Street Strategic Investment Zone under City Ordinance Number 2009-4286, the City and the Owner enter into this Agreement to promote economic development within the Avenue H Corridor Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 819 South 5th Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property located at 819 South 5th for commercial use after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3 hereinafter collectively referred to as “the Improvements.”

Landscaping and irrigation

Replace fence in rear and street side

Masonry monument sign

New retaining wall

Total estimated investment in Improvements is \$10,276

Owner agrees to commence the Improvements on or before November 1, 2009, and to complete said Improvements on or before April 1, 2010. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

(a) Landscaping Improvement Grant. The City will make a grant of up to **\$2,500** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$3,500** on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also make a grant of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant.

(b) A description of the Landscaping Improvements to be completed by Owner is as follows:

Irrigation system
Plant trees and shrubs
Install new retaining wall
Replace fence in rear and side

(c) Sign Improvement Grants. The City will make a grant of up to **\$1,500** (\$1,200 estimated) on a 1:1 matching basis for the installation of new ground-mounted, monument type signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

(d) A description of the sign improvements is as follows: 3'x5' masonry monument of natural stone on a concrete foundation.

Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

Section 6. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 7. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 20__.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Sue Hamby
Owner, J&S Central Texas Investments

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20____ by David A. Blackburn, City Manager, for the City of Temple, a Texas
home rule City.

Notary Public

State of Texas §

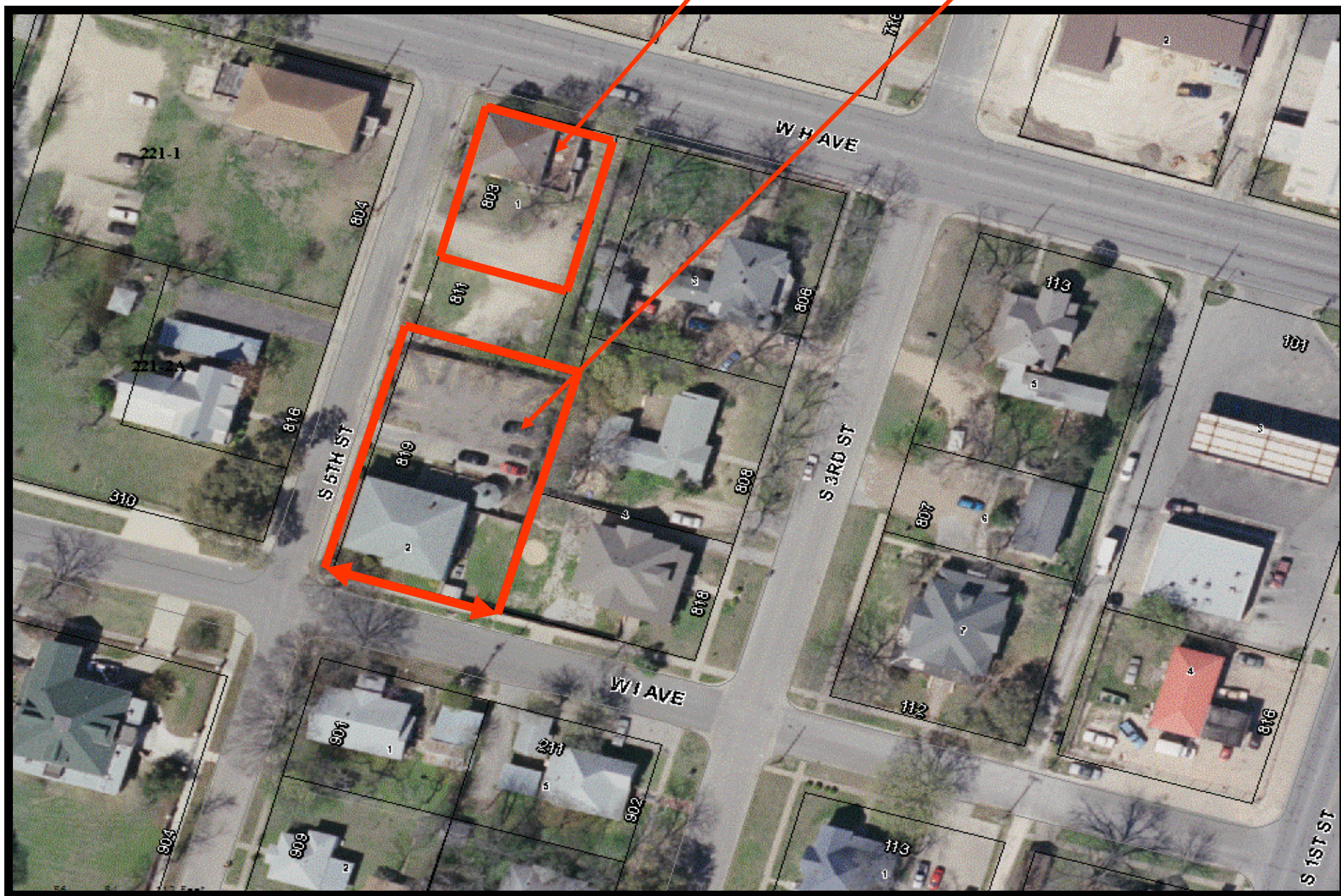
County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20__ by Sue Hamby dba J & S Central Texas Investments.

Notary Public

809 S. 5th Street

819 S. 5th Street



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING TWO CHAPTER 380 “MATCHING GRANT” AGREEMENTS BETWEEN THE CITY OF TEMPLE AND SUE HAMBY DBA J&S CENTRAL TEXAS INVESTMENTS, FOR REDEVELOPMENT IMPROVEMENTS IN THE AVENUE H CORRIDOR STRATEGIC INVESTMENT ZONE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Sue Hamby dba J&S Central Texas Investments, owns properties located at 803 and 819 South 5th Street which are both located in the Avenue H Corridor Strategic Investment Zone, making the owner eligible to receive matching grant incentives from the City which was authorized by Ordinance No. 2009-4286 passed by the Temple City Council on March 5, 2009;

Whereas, the Staff recommends entering into Chapter 380 “matching grant” agreements which will outline the obligations and representations of Sue Hamby dba J&S Central Texas Investments, and define the City’s incentive package;

Whereas, the total project investment for 803 South 5th Street is estimated at \$79,400, and the City’s total match may not exceed \$13,500;

Whereas, the total investment for 819 South 5th Street is estimated at \$10,276, and the City’s total match may not exceed \$5,000;

Whereas, funds are available for these matching grant incentives in Account No. 110-1500-515-2695; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute two Chapter 380 “matching grant” agreements, between the City of Temple and Sue Hamby dba J&S Central Texas Investments, after approval as to form by the City Attorney, for redevelopment improvements at 803 and 819 South 5th Street which are both located in the Avenue H Corridor Strategic Investment Zone.

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 **17th** day of **September**, 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

09/17/09
Item #5(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement with Rudy and Karen Gonzales for redevelopment improvements in downtown Temple in the 1st Street Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement outlines the obligations and representations of Karen and Rudy Gonzales, owners and redevelopers of commercial property, and also defines the City's incentive package. Improvements will be made at 13 South Main Street, which is situated in downtown temple in the 1st Street Strategic Investment Zone corridor.

The agreement and resolution will allow the Gonzales' to receive a Chapter 380 matching grant of up to \$15,000 match for commercial façade improvements. The Gonzales' total project investment is estimated at \$50,000. Improvements must be completed by January 31, 2010. In return, the Gonzales' have agreed to install an ornate arched veranda attached to their front façade.

FISCAL IMPACT: The total maximum grant match is \$15,000. In FY 2009, \$170,000 was appropriated for Strategic Investment Zone matching grant incentives, which included funds that were carried forward from the prior fiscal year. A balance of \$87,402 of grant incentive funds is available in account 110-1500-515-2695. After considering the three grants proposed on this agenda, a balance of \$53,902 remains available for additional grants.

Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

[Grant Agreement](#)
[Attachment “A” – Façade design](#)
[Location map](#)
[Resolution](#)

South 1st Street Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Karen Gonzales and Rudy Gonzales, a Sole Proprietorship hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2009-4285, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 13 South Main Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below and as attached, and to use the Property as a ballroom after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements describe in the subparts of Section 3:

Install an ornate arched veranda attached to their front façade, hereinafter collectively referred to as “the Improvements.” The cost of total anticipated Improvements are \$50,000.

Owner agrees to complete said Improvements on or before January 31, 2010. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

- (a) **Façade Improvement Grant.** The City will make a grant of up to \$15,000 on a 1:1 matching basis for renovations and Improvements to the existing façade as per **Attachment “A”**- building elevations. Eligible masonry materials for a replacement façade under this

subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials, including ornamental iron, that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

A description of the Façade Improvements to be completed by Owner is as follows:

- install an ornate arched veranda attached to their front façade
- Façade elevation as per Attachment “A”

(b) **Waiver of Platting, Zoning and Permit Fees.** The City will waive platting, zoning, water and wastewater tap fees, and building permit fees related to the Improvements on the Property.

Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City’s obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

Section 6. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 7. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 20__.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Karen Gonzales
For _____

Rudy Gonzales
For _____

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
20__ by David A. Blackburn, City Manager, for the City of Temple, a Texas
home rule City.

Notary Public

State of Texas §

County of Bell §

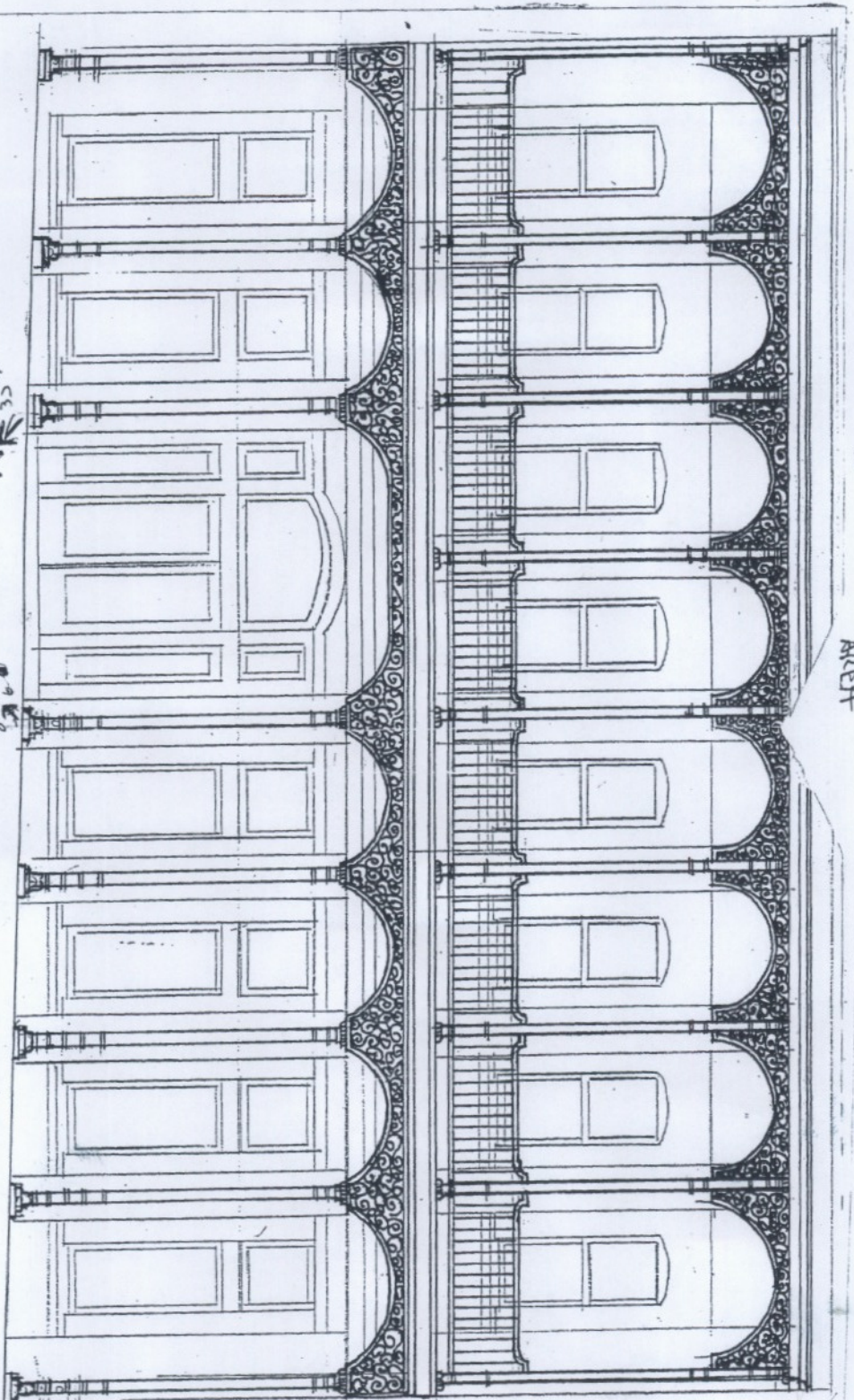
This instrument was acknowledged before me on the ____ day of _____,
20__ by _____.

Notary Public

Drawing by Bill Danner

Architect

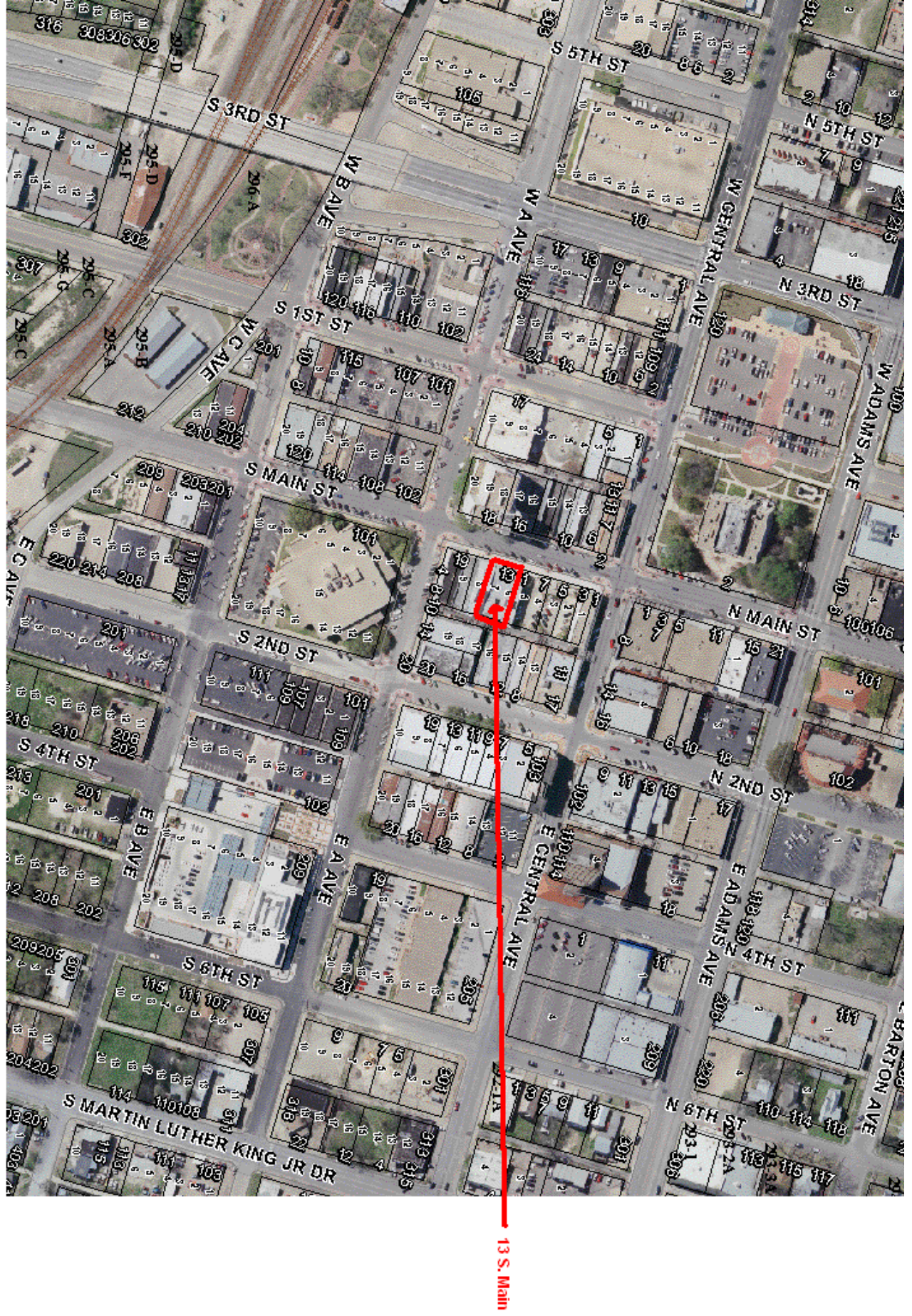
to show FRONT wall windows
* does not show off set over door
AREA



WROUGHT IRON FRONT PROPOSED FOR 13 SOUTH MAIN STREET
SCALE: 1/4" = 1'-0"

TEMPLE, TEXAS

copy



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND KAREN GONZALES AND RUDY GONZALES FOR REDEVELOPMENT IMPROVEMENTS IN DOWNTOWN TEMPLE IN THE SOUTH 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Karen Gonzales and Rudy Gonzales own property located at 13 South Main Street which is located in the South 1st Street Strategic Investment Zone which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218 passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, the Staff recommends entering into a Chapter 380 “matching grant” agreement which will outline the obligations and representations of Karen Gonzales and Rudy Gonzales and define the City’s incentive package;

Whereas, the total project investment by the property owner is estimated at \$50,000, and the City’s total match may not exceed \$15,000;

Whereas, funds are available for this matching grant incentive in Account No. 110-1500-515-2695; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 “matching grant” agreement, between the City of Temple and Karen Gonzales and Rudy Gonzales, after approval as to form by the City Attorney, for redevelopment improvements in downtown Temple and the South 1st Street Strategic Investment Zone corridor.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of

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

PASSED AND APPROVED this the 17th day of **September**, 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

09/17/09
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-27: Consider adopting an ordinance authorizing a zoning change from Multiple Family One (MF1) District to General Retail (GR) District on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H.

(Note: Approval of this item on consent agenda will rezone the subject property to Neighborhood Services (NS), as approved on first reading by City Council and with concurrence of applicant.)

P&Z COMMISSION RECOMMENDATION: At its August 17, 2009 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of a zone change from MF1 to NS for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities serve the property.

Commissioner Pilkington was absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-27, from the Planning and Zoning Commission meeting, August 17, 2009. The applicant proposes a flower shop on the neighboring property. The applicant's lender is requiring a rezoning on the subject property in case the flower shop needs to expand in the future onto the subject property.

The applicant originally requested GR, General Retail zoning, but later amended his application to request the NS zoning district. Both districts allow flower shops but the NS district is more restrictive than GR in terms of uses that it prohibits. The City will initiate a rezoning of the GR property to NS so that it is consistent with the proposed zoning for the subject property. The applicant has no objections to this City-initiated rezoning.

The Commission did not raise any issues requiring additional staff attention.

Seven notices for the Planning and Zoning Commission meeting were sent out. As of August 18, 2009, two notices was returned in favor of the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on August 7, 2009 in accordance with state law and local ordinance.

FISCAL IMPACT:

NA

ATTACHMENTS:

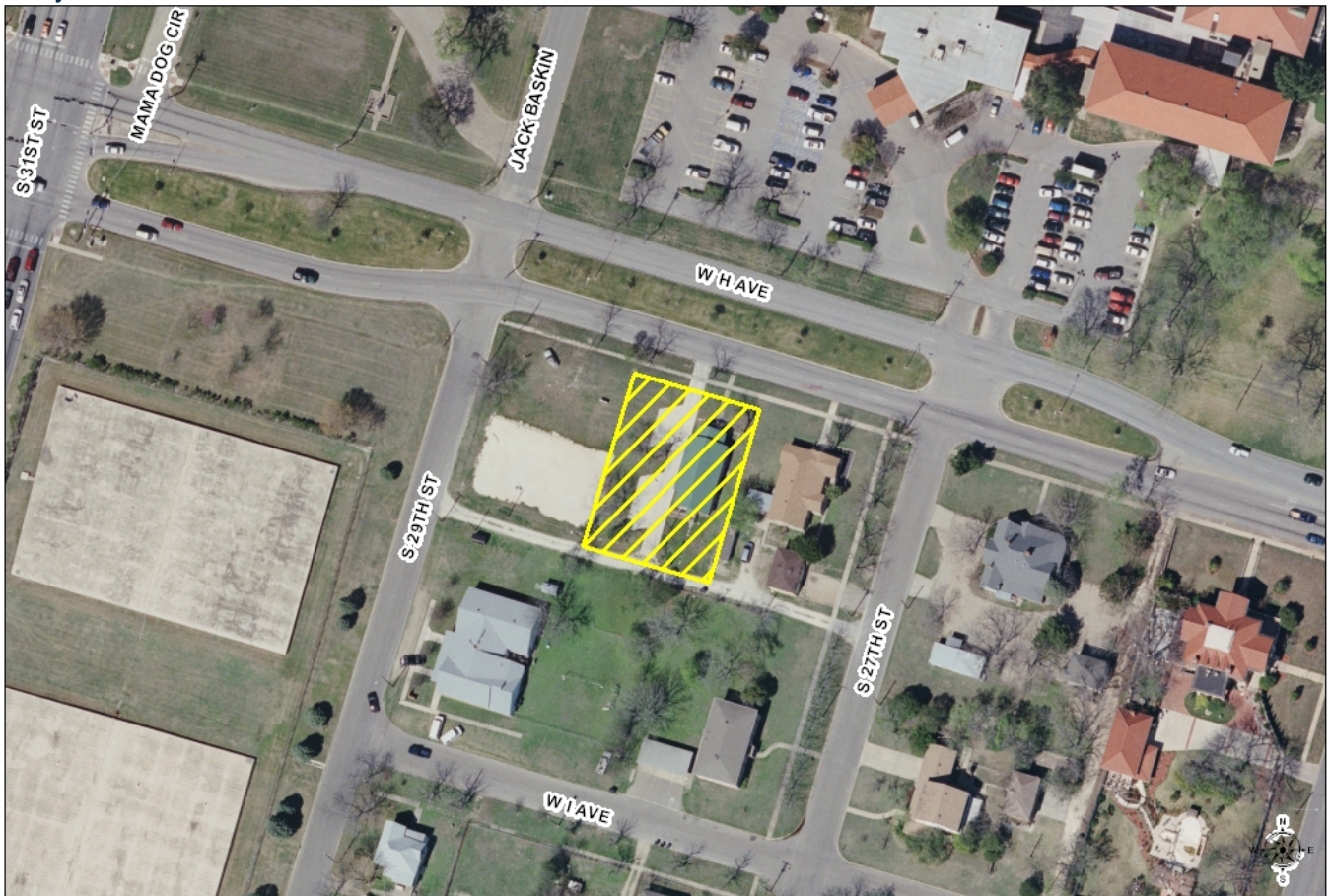
Aerial
Zoning Map
Land Use and Character Map
Public Facilities Map
Notice Map
P&Z Staff Report (08/17/09)
P&Z Minutes (Z-FY-09-27)
Ordinance



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



 ZFY0927

MF1 to GR

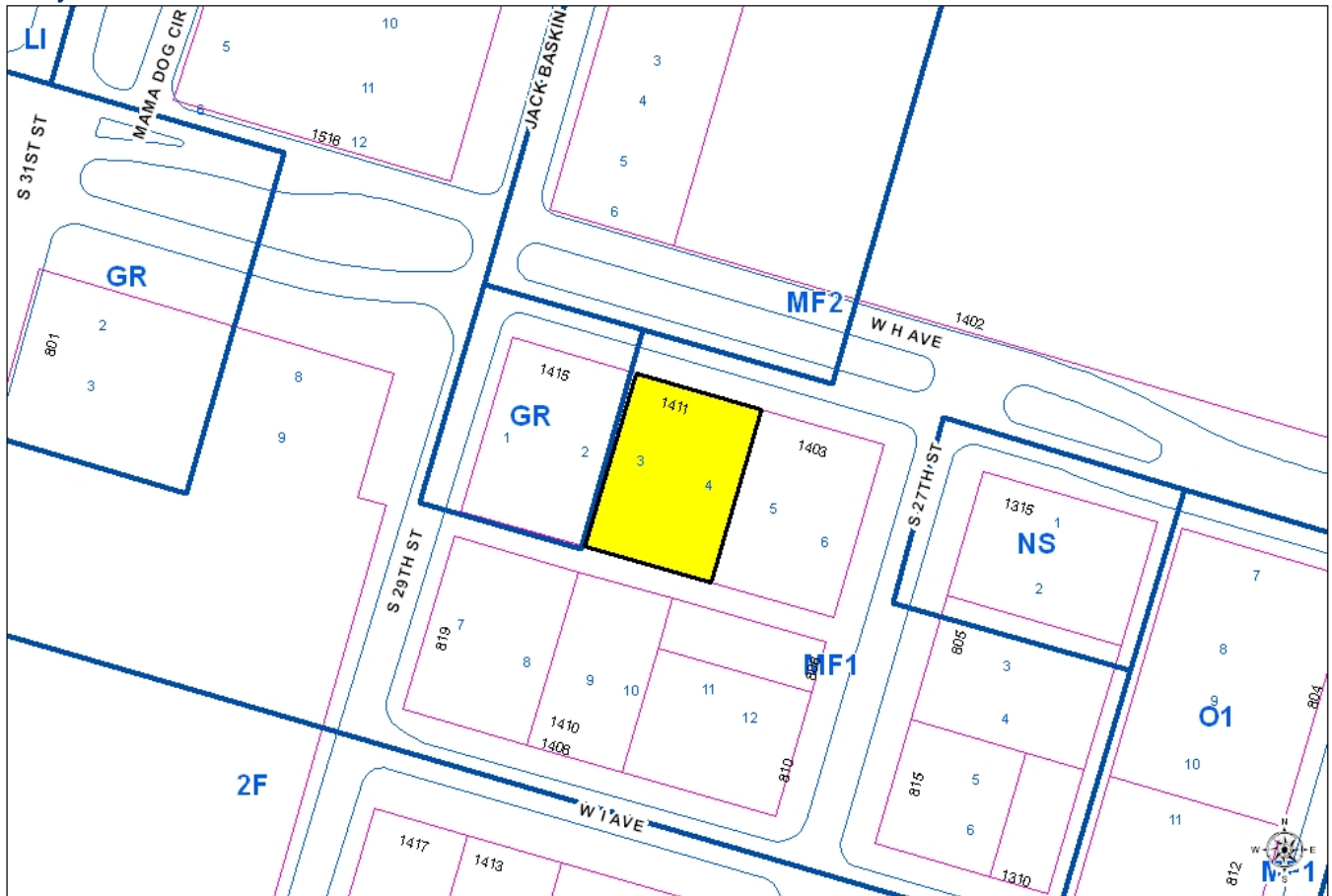
1 inch = 100 feet
J Stone 7.22.9



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



 ZFY0927

MF1 to GR

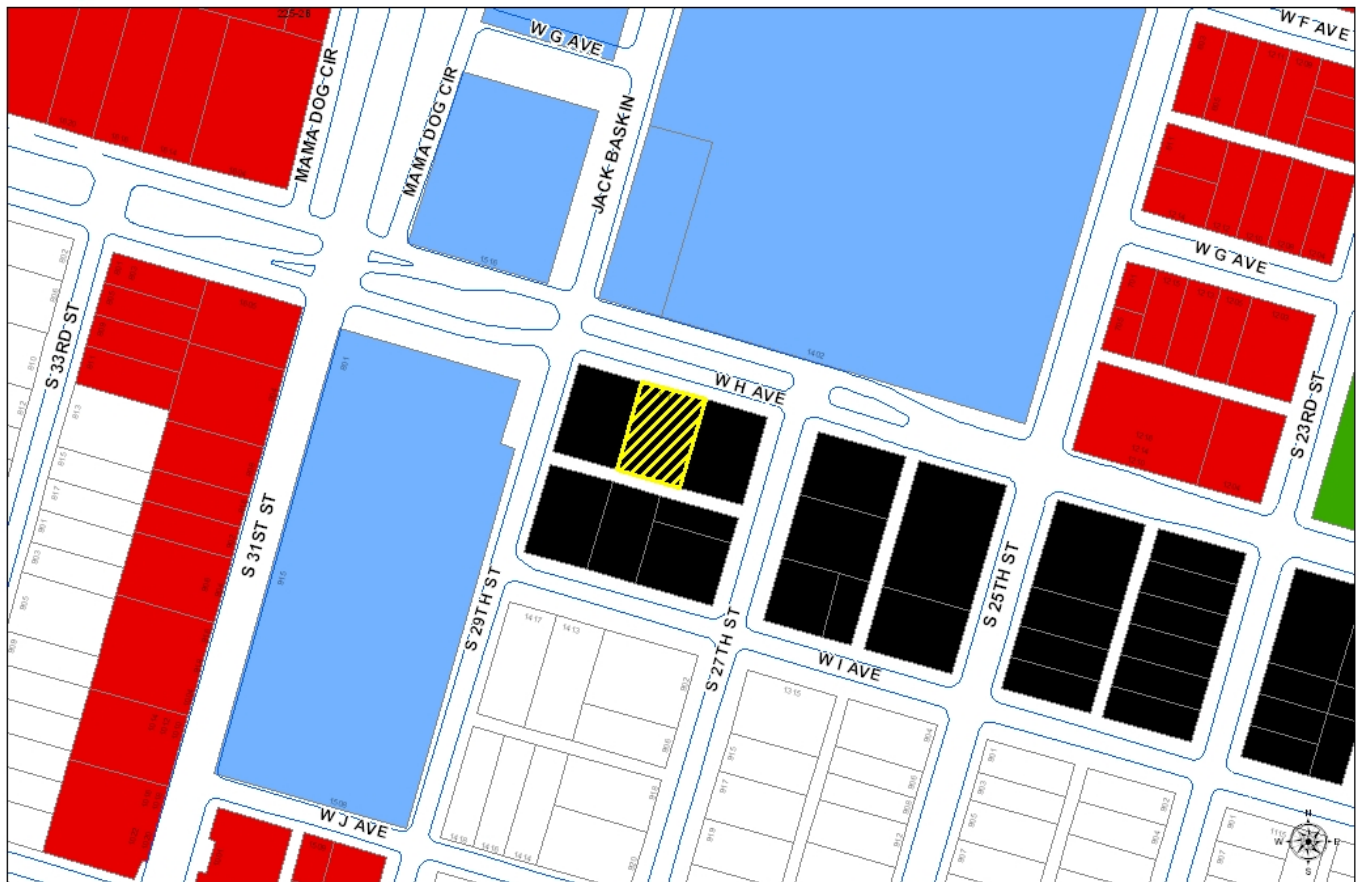
1 inch = 100 feet
J Stone 7.22.9



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



Temple Boundary
ZFY0927
Neighborhood Conservation



Estate Residential
Suburban Residential
Auto-urban Residential



Auto-Urban Multi-Family
Auto-Urban Mixed Use
Auto-Urban Commercial



Suburban Commercial
Urban Center
Temple Medical Education District



Industrial
Business park
Public/Institutional



Parks and Open Space
Agricultural/Rural
MF1 to GR

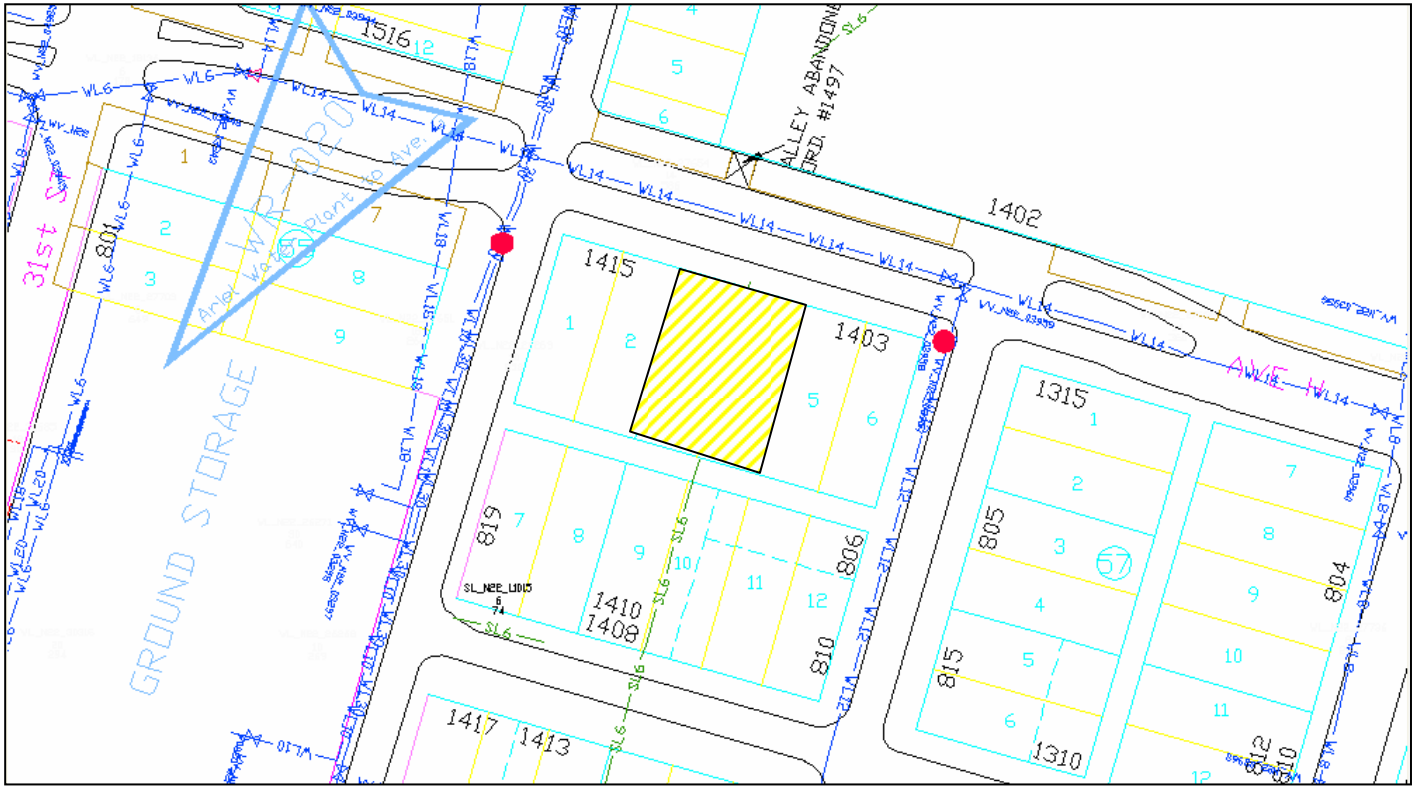
1 inch = 200 feet
J Stone 7.22.09



Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H

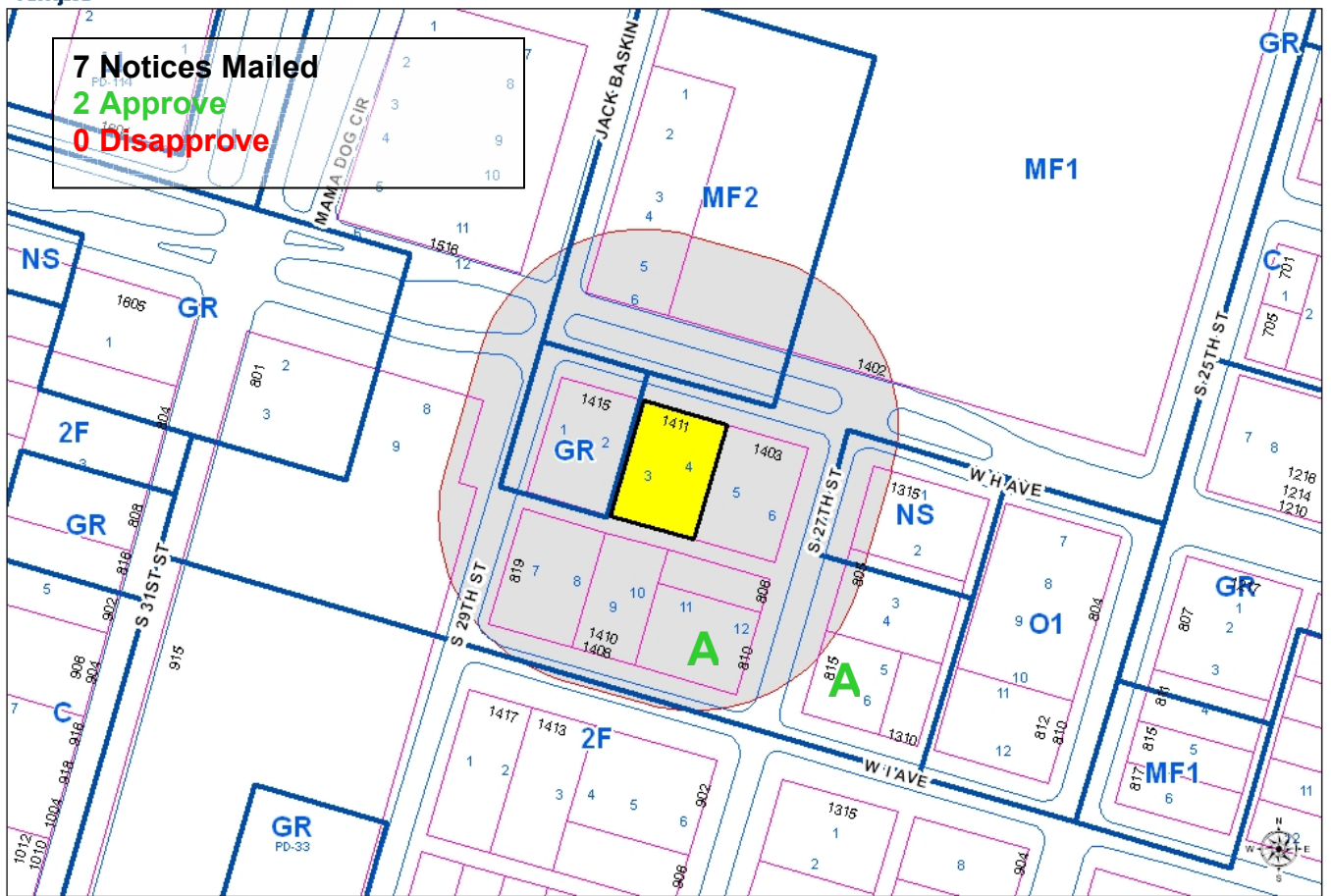






Z-FY-09-27

Lots 3 & 4, Block 56, Freeman Heights Addition

1411 W Ave H



 ZFY0927  200' Buffer

MF1 to GR

1 inch = 150 feet
J Stone 7.22.9



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/17/09
Item #2
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Frank Hajda

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-09-27 Discuss and recommend action on a zone change request from Multiple Family One (MF1) District to Neighborhood Service (NS) District on Lots 3 and 4, Block 56, Freeman Heights Addition, on the south side of Avenue H, 120+ feet east of S. 29th Street, located at 1411 West Avenue H.

BACKGROUND:


The applicant proposes a flower shop on vacant property to the west. The applicant originally applied for General Retail (GR) zoning, but with staff recommendation, amended his request to Neighborhood Service (NS). The NS district allows many of the same uses as GR (including flower shops), but does not allow some of the more intense uses found in GR such as a car wash or drive-in restaurant.

The structure on the subject property is currently used as an office and will continue as such use for the foreseeable future. The applicant's bank is requiring the rezoning of the subject property as part of the agreement to finance the flower shop because the shop may need to expand in the future onto the subject property.





The vacant property to the west is currently zoned GR. The City will initiate a rezoning of the GR property to NS so that it is consistent with the proposed zoning for the subject property. The vacant property cannot be recommended for rezoning at the August 17th P&Z meeting because the property was not advertised in the newspaper as a proposed rezoning. The applicant has no objections to this City-initiated rezoning.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	MF1 (NS requested)	Office	

Double Sided

Direction	Zoning	Current Land Use	Photo
North	MF1 & MF2	Hospital	
East	MF1	Office	
South	MF1	Alley / Vacant	
West	GR (NS to be requested)	Vacant	

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

Future Land Use and Character Map

The Future Land Use and Character map designates the subject property as Auto Urban Mixed Use. The request complies with the Future Land Use and Character Map.

Thoroughfare Plan

The Thoroughfare Plan designates Avenue H as a major arterial. The request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and a 14-inch water line serve the subject property. Adequate public facilities serve the property.

Development Regulations

The purpose of the NS zoning district is to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

Typical permitted uses include limited retail services such as a convenience store without fuel sales, bank, barber or beauty shop, cleaners or flower shop. Typical prohibited uses include a drive-in restaurant or car wash.

The minimum lot area and setback requirements for NS zoning district are as follows.

NS, Neighborhood Service	
Min. Lot Area (sq. ft.)	NA
Min. Lot Width (ft.)	NA
Min. Lot Depth (ft.)	NA
Max. Height (stories)	2 ½ stories
Min. Yard (ft)	
Front	15
Side	10
Rear	0

Public Notice

Seven notices were sent out. As of August 12 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on August 7, 2009 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-09-27, the zone change from the MF1 to the NS zoning district for the following reasons:

1. The request complies with the Future Land Use and Character Map;
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
Public Facilities Map
Notice Map
Response Letters

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

MONDAY, AUGUST 17, 2009

ACTION ITEMS

Item 2: Z-FY-09-27: Hold a public hearing to discuss and recommend action on a zone change request from Multiple Family One (MF1) District to Neighborhood Services (NS) District on Lots 3 and 4, Block 56, Freeman Heights Addition, on the south side of Avenue H, 120+ feet east of S. 29th Street, located at 1411 West Avenue H. (Applicant: Frank Hajda)

Mr. Brian Mabry, Senior Planner, stated the applicant for this request was Frank Hajda and was unable to attend this evening due to a schedule conflict. The Commission was given a powerpoint presentation explaining the area and request.

Mr. Mabry stated the proposed flower shop would be built to the west of the subject property which is already zoned General Retail (GR). Mr. Mabry stated the bank is requiring the applicant to obtain a rezoning for the property next to it, which the applicant also owned, in case the flower shop and/or parking area expanded in the future.

Mr. Mabry stated the applicant originally requested GR zoning but after discussions with Staff, Mr. Hajda agreed to go with Neighborhood Services (NS) which is less intense but still allows the flower shop. Mr. Mabry stated that at a later date the applicant would request rezoning of the adjoining property to the west, from GR to NS, so both lots match.

Mr. Mabry stated the subject property is between 27th and 29th on West Avenue H and the Future Land Use and Character Map designated the area as auto/urban mixed use which this request for NS complied with. Mr. Mabry also stated Avenue H is a major arterial on the Thoroughfare Plan so the request complied with that as well. Additionally, there is a 6" sewer line and 14" water line to serve the property.

Mr. Mabry stated seven notices were mailed out: two were in favor and zero were opposed.

Staff recommended approval of this request from Multi-Family One (MF1) to Neighborhood Services (NS) because it complied with the Future Land Use and Character Map, the Thoroughfare Plan, and adequate public facilities are in place.

Chair Pope opened the public hearing for comment. There being no speakers Chair Pope closed the public hearing.

Commissioner Luck made a motion to approve the zone change from MF1 to NS and Commissioner Hurd made the second.

Motion passed: (8/0)

Vice-Chair Pilkington absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-27]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM MULTIPLE FAMILY ONE (MF1) DISTRICT TO NEIGHBORHOOD SERVICES DISTRICT (NS) ON LOTS 3 AND 4, BLOCK 56, FREEMAN HEIGHTS ADDITION, LOCATED AT 1411 WEST AVENUE H; 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 Multiple Family One District (MF1) to Neighborhood Services District (NS) on Lots 3 and 4, Block 56, Freeman Heights Addition, located at 1411 West Avenue H, 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 **3rd** day of **September**, 2009.

PASSED AND APPROVED on Second Reading on the **17th** day of **September**, 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

09/17/09
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-28: Consider adopting an ordinance amending City of Temple Subdivision Ordinance Section 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.

PLANNING & ZONING COMMISSION RECOMMENDATION: The Commission and Staff recommend the adoption of an ordinance amending the City of Temple Subdivision Ordinance Sec. 33.93 (Streets) to reference the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-28, from the Planning and Zoning meeting, August 17, 2009, which the Commission recommended approval 8/0. Commissioner Pilkington was absent.

The City Council approved two items in November focusing on residential cul-de-sacs and blocks, using the average daily trip method versus length. Researching that ordinance shows the Commission should recommend to the City Council to create subdivision access standards and to relocate these requirements to the City of Temple Design & Development Standards Manual. The Commission already recommended this feature last November, yet it was not included in the approved ordinance. Approving this item will create the needed standards.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 33, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, SECTION 33-93, "STREETS," ADDING A NEW SUBSECTION (c), "RESIDENTIAL SUBDIVISION ENTRANCES," TO REFERENCE THE RESIDENTIAL SUBDIVISION ENTRANCE/ACCESS DESIGN STANDARDS IN THE DESIGN AND DEVELOPMENT STANDARDS MANUAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 33, "Subdivisions," of the Code of Ordinances of the City of Temple, Texas, by amending Section 33-93, "Streets," adding a new subsection (c), "Residential Subdivision Entrances," and renumbering succeeding sections accordingly, to read as follows:

Sec. 33-93. Streets.

(a) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served. In particular, subdivision layout should provide for a minimum practical number of intersections with major arterials, and those intersections should be with collector streets at intervals of not less than eight hundred (800) feet.

(b) *Relation to adjoining street system.* Where necessary to the neighborhood's circulation pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith. Practical down-sizing of streets will be permitted where obvious transition is from high to low traffic frequency and there are no comprehensive plan thoroughfare requirements.

(c) *Residential subdivision entrances.* Residential subdivision plats must comply with the Residential Subdivision Entrance/Access Design Standards in the *Design and Development Standards Manual*.

(e d) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the future projection of streets into

such unsubdivided areas, unless otherwise provided by the comprehensive plan. Subdivision plat design shall provide for the location of a reasonable number of street openings to adjoining properties. Such an opening shall occur at least every one thousand (1,000) feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision. An exception may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare, railroad, etc., prevents its implementation.

The developer shall convey or dedicate land to the appropriate public entity for the future projection of collector and larger streets into adjoining, unsubdivided areas. For the future projection of local streets, the developer shall either dedicate land or convey to the city, by general warranty deed, a fee simple on condition subsequent estate in one (1) or more lots. If the city, by resolution of the city council, ever determines that the property will not be needed for street extension, the grantor (or successor) shall have the right to reenter and assume ownership of the property.

(d e) *Street intersections.* Off-center street intersections will not be approved, however street jogs with centerline offsets of more than one hundred eighty (180) feet can be submitted for consideration.

(e f) *Curvilinear streets:*

(1) Curvilinear streets shall be allowed and shall meet the following standards:

<i>Street Classification</i>	<i>Minimum Curve Radius to Center Line of Street (feet)</i>
Local street	200
Collector street	375
Arterial street	725
Major thoroughfare	1000

(2) The city council may approve local residential streets with smaller radii than required above in special circumstances (consistent with the use of the street). In the case of such an approval, the developer shall pay the additional cost of installing water and sewer lines caused by smaller radii.

(f g) *Half-streets or adjacent streets.* Where right-of-way is available, no new half-streets shall be platted except in the case where such a street is to be a major thoroughfare as called for and consistent with the city's comprehensive plan.

(g h) *Street intersections:*

(1) More than two (2) streets intersecting at one point shall not be permitted.

(2) No street shall intersect any other street at an angle of less than sixty (60) degrees and curb radii at the corner shall be adjusted accordingly.

- (3) Major thoroughfare intersections shall have property line corner chords with a minimum tangent distance of thirty (30) feet.
- (4) Curb radii at intersections, including alley openings, shall be a minimum of fifteen (15) feet, measured from face of curb, except in commercial or industrial developments where the radii shall be a minimum of twenty (20) feet.

(h i) *Cul-de-sacs*: Streets ending in a cul-de-sac shall be designed with the standards in the City of Temple's *Design and Development Standards Manual*.

(i j) *Street proposed by comprehensive plan*. Where subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted consistent with the location, purpose and width indicated by the comprehensive plan.

(j k) *Local streets*. Minor streets shall be laid out to discourage their use by through traffic.

(k l) *Pavement widths and rights-of-way*:

- (1) The minimum standards for street pavement width and right-of-way are as follows:

<i>Standard Category</i>	<i>Pavement width (feet)</i>	<i>Right-of-Way Width (feet)</i>
Local street	31	50
Rural local street	22	50
Collector street	36	55
Rural collector street	26	55
Arterial street	49	70
Major thoroughfare	60	80

- (2) Pavement width of a standard street with curbs and gutters is measured from back of curb to back of curb. Pavement width of a rural street with concrete ribbon edging is measured from outer edge of asphalt to outer edge of asphalt.
- (3) At the option of the city, where it has been specifically determined by the city that no substantial problems are created, a maximum of ten (10) feet on either side of a roadway may be required to be dedicated as utility easement in lieu of a comparable number of feet in required right-of-way; however, the minimum acceptable right-of-way shall be fifty (50) feet.
- (4) Depending on traffic patterns, densities, needs and other related factors, the city can require:
 - a. Additional pavement width and/or right-of-way width for major thoroughfares, including "expressway" sections.

- b. Additional right-of-way in vicinity of intersections of collector, arterial and major thoroughfare roadways to adequately accommodate turning movements and/or property access needs.
- c. Additional easements needed to provide for utilities.

(~~l~~ **m**) *Typical street section(s)*. Typical street sections shall be based upon projected traffic volume, existing soil conditions, and drainage condition and requirements. The street section(s) shall be based on a twenty-year life and the following loading shall be used as a minimum design standard:

Alley	20,000	18 kip axle repetitions
Local street	20,000	18 kip axle repetitions
Collector street	100,000	18 kip axle repetitions
Arterial street	400,000	18 kip axle repetitions
Major thoroughfare	500,000	18 kip axle repetitions

(~~m~~ **n**) *Street grades*:

- (1) Streets other than local streets shall have a maximum grade of five (5) percent, unless the natural topography requires steeper grades, in which case a seven and one-half (7.5) percent grade may be used, if the site distance is adequate and there are no intersections at the top or bottom of the grade within the calculated stopping distance based upon the speed limit.
- (2) Local streets may have a maximum grade of seven and one-half (7.5) percent.
- (3) All streets must have a minimum grade of at least five-tenths (0.5) of one percent.
- (4) Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide a minimum of six hundred (600) feet sight distance on major streets; four hundred (400) feet sight distance on minor streets and local residential streets.
- (5) Whenever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not exceed twelve (12) inches in thirty (30) feet.

(~~n~~ **o**) *Street construction*. All street construction shall be performed by a bonded contractor.

(~~o~~ **p**) *Street post and markers*. The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be of the same type used throughout the city.

(~~p~~ **q**) *Perimeter streets*. The developer's obligations concerning perimeter streets are as

follows:

- (1) Local and collector streets.
 - a. Dedicate land for one-half (1/2) of the required right-of-way of an adjacent local and collector street and
 - b. Pay the improvements costs or build one-half (1/2) of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
- (2) Arterial and larger streets
 - a. Dedicate a proportional share of the right-of-way for arterial and larger streets and
 - b. Pay the improvements costs for or build a proportional share of the required street width for arterial and larger streets, including curbs, gutters and storm drainage, not to exceed the amount that would be required for one-half (1/2) of a collector street.
- (3) Designated county, state or federal roadways - no financial contribution other than dedication of right-of-way.

Developer's obligations to build or fund streets may be secured by a letter of credit, escrow account or other means approved by the administrator.

(q r) Monuments.

The registered professional land surveyor responsible for the plat shall place permanent monuments in accordance with survey and monumentation standards. A copy of this standard is available in the Office of the Director of Public Works for the City of Temple.

(r s) Installation costs.

The developer shall pay all costs for the installation of streets in a subdivision, including those streets and related drainage structures that are deemed by the municipal authority responsible for approving plats to be required because:

- (1) A substantial amount of traffic will be generated from, to or through the subdivision because of existing and/or future conditions;
- (2) The city's comprehensive plan indicates a need for certain major thoroughfares through or adjacent to the subdivision; or
- (3) The city's traffic management ordinance requires the installation of frontage roads or similar special access arrangements.

Part 2: The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **September**, 2009.

PASSED AND APPROVED on Second Reading on the **17th** day of **September**, 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

09/17/09
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-32: Consider adopting an ordinance amending Chapter 22, “Miscellaneous Provisions and Offenses,” of the Code of Ordinances of the City of Temple, Texas, by deleting Section 22.2, “Barbed Wire and Electric Fences,” which have been replaced with amendments to the City of Temple Zoning Ordinance, Section 13-103.

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

In November 2008, the Council approved amendments to the Zoning Ordinance, which placed barbed wire and electric fence types in the fence section of Section 13-103 of the Zoning Ordinance. Approving the deletion of the information from Chapter 22 eliminates redundant language.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 22, "MISCELLANEOUS PROVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY DELETING SECTION 22-2, ENTITLED "BARBED WIRE AND ELECTRIC FENCES," WHICH SUBJECTS HAVE BEEN PLACED IN SECTION 13 OF THE CITY'S ZONING ORDINANCE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November, 2008, the City of Temple Zoning Ordinance was amended to place the barbed wire and electric fence types in Section 13-103, "Allowed Materials for Fences, Walls, Screens and Enclosures, " subsections 3 and 4, respectively;

Whereas, Chapter 22, "Miscellaneous Provisions," of the Code of Ordinances needs to be amended to delete Section 22-2, "Barbed wire and electric fences," to eliminate redundant language; and

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

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

Part 1: Chapter 22, "Miscellaneous Provisions," of the Code of Ordinances of the City of Temple, Texas, is amended to delete Section 22-2, "Barbed wire and electric fences," and to reserve Section 22-2 for future use.

Section 22-2. Barbed wire and electric fences. Reserved.

~~—— (a) *Barbed wire fences.* It shall be unlawful for any person to place, put or maintain, or permit or allow to be placed, put or maintained, upon or around any residentially zoned property or premises in the city owned or controlled by him, and abutting any street, sidewalk, alley or other public property, any barbed wire fence or other structure composed or partially composed of barbed wire. The provisions of this section shall not prohibit the putting of barbed wire on and above the top of fences when such fence is at least six (6) feet above the ground.~~

~~—— (b) *Electric fences.* In any area of the city zoned other than agricultural, it shall be unlawful for any person to erect, install, or maintain any electrically charged fence, except~~

~~that the electrical inspector, upon proof that the fence will not be hazardous to life and will be nonaccessible to the general public, may issue a permit for an electrically charged fence designed to retain animals.~~

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

Part 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 **3rd** day of September, 2009.

PASSED AND APPROVED on Second Reading on the **17th** day of **September**, 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

09/17/09
Item #5(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2009 to recognize reimbursements from Gulf States Toyota and to reallocate of project funding within the Project Plan, and for FY 2010-2022 to increase Zone maintenance funding.

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

ITEM SUMMARY: At the Reinvestment Zone No. 1 Board meeting on August 26, 2009, the Board approved an amendment to the Financing Plan to recognize the reimbursements from Gulf States Toyota for work performed on the detention pond and the rail park. The Board also approved amendments to the Financing Plan for the reallocation of project funding to fund the additional amount needed for the Letter of Map Revision for Pepper Creek, additional funding needed street lights for Wendland Road and Airport Park, and other costs associated with Wendland Road, Outer Loop Phase II and the Bioscience Park. The Board also approved amending the Financing Plan from FY 2010 to FY 2022 to increase the funding for Zone maintenance from \$75,000 to \$175,000.

The proposed amendment adjusts the following line items on the Project/Financing Plan for FY 2009:

Line 33 – Miscellaneous Reimbursements: Increased miscellaneous reimbursements by \$45,955 to reflect the actual amount to be received from Gulf States Toyota (GST) for work performed related to the detention pond in the amount of \$41,113, Line 105, and work performed related to the rail park in the amount of \$4,842, Line 100.

Line 50 – Professional: Increased by \$2,350 to cover the additional funding needed for the Letter of Map Revision for Pepper Creek. The agreement with Kasberg, Patrick & Associates is in amount not to exceed \$98,800, with the Zone's share not to exceed \$67,650. There is currently \$65,300 available to fund a majority of the agreement. The additional funds will come from Unreserved Fund Balance.

Line 125 – Wendland Road: Transferred \$70,000 from project savings in the Elm Creek Detention Pond project, Line 105 and transferred \$70,000 from the Wastewater Lift Station project, Line 100. The two amounts combine for a total transferred to Wendland Road of \$140,000. \$136,000 is to fund the street lights and \$4,000 is to cover other costs associated with the project.

Line 221 – Airport Park: Transferred \$10,000 from project savings in the Elm Creek Detention Pond project, Line 105, transferred \$25,000 from project savings in the Wastewater Lift Station project, Line 100, and transferred \$56,000 from Bond Contingency, Line 500. These amounts combine for a total transferred to Airport Park of \$91,000. \$101,000 is needed to fund street lights in the park. \$10,000 is currently available in Line 221.

Line 305 – Outer Loop Phase II: Added \$51,000 from Bond Contingency, Line 500 to this project to cover costs associated with testing fees and various change orders to the construction contract.

Line 306 – Bioscience Park: Added \$12,000 from Bond Contingency, Line 500 to this project to cover the cost for installing electrical service to the park.

The proposed amendment adjusts the following line item on the Project/Financing Plan for FY 2010-2022:

Line 55 – Zone Maintenance: Added an additional \$100,000 so that the total amount available for Zone Maintenance is \$175,000. Due to the addition of Airport Park, Bioscience Park, Rail Park, Wendland Road, and the Outer Loop Phase II, additional funding is needed for maintenance.

FISCAL IMPACT: The proposed amendment was funded by reallocating funds between projects and line items. There is an increase of revenue in the amount of \$45,955 for funds that have been received from GST. Fund balance in the amount of \$2,350 was used to fund the additional amount needed for the professional services agreement for the LOMR for Pepper Creek. When reallocating funds among/between projects, our intent was to apply bond proceeds to eligible projects first since there are more restrictions on the use of bond funds.

ATTACHMENTS:

[Summary of Recommended Financing Plan Amendments](#)
[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Budget Adjustment](#)
[Resolution](#)

Summary of Recommended Financing Plan Amendments

FY	Project	Agreement Required	Financing Plan Amendment	Line Project Plan/Financing Plan	Source	Amount
2009	GST Reimbursement	No	Yes	100 & 105/199	Added Revenue, Line 40/33	\$45,955
2009	Letter of Map Revisions (LOMR) for Pepper Creek	Yes, KPA-Zone's share not to exceed \$67,650	Yes, additional funding required	50/50	Unreserved Fund Balance, Line 700/810	\$2,350
2009	Wendland Road Street Lights & other costs	Yes, Oncor-street lights in the amount of \$136,000	Yes	125/199	Project Savings, Lines 100 & 105/199	\$140,000
2009	Airport Park Street Lights	Yes, Oncor-street lights in the amount of \$101,000	Yes	221/299	Projects Savings, Lines 100 & 105/199 & Bond Contingency, Line 500/500	\$91,000
2009	Outer Loop Phase II	No, funding needed for change orders & testing	Yes	305/399	Bond Contingency, Line 500/500	\$51,000
2009	Bioscience Park	No, funding needed for electric service- Oncor installed	Yes	306/399	Bond Contingency, Line 500/500	\$12,000
2010- 2022	Zone Maintenance	No	Yes	55/55	General Public Improvements, Line 500/500	Increase from \$75,000 to \$175,000

DESCRIPTION		Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	Appraised Value	\$ 131,160,668	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5	FUND BALANCE, Begin	\$ 23,998,646	\$ 1,207,219	\$ 2,372,393	\$ 2,331,964	\$ 1,473,522	\$ 1,401,286	\$ 1,793,455	\$ 1,751,307	\$ 1,771,083	\$ 1,354,609	\$ 1,203,823	\$ 1,451,326	\$ 1,692,672	\$ 2,007,493
SOURCES OF CASH:															
10	Tax Revenues	4,051,439	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15	Allowance for Uncoll. Taxes	(108,507)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20	Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Interest Income-Other	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30	Other-Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Miscellaneous Reimbursements {GST}	45,955	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Miscellaneous Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	TOTAL SOURCES	4,028,887	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:															
Operating Expenses															
50	Prof Svcs/Proj Mgmt	127,552	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51	Legal/Audit	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55	Zone Mtc	75,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
60	TEDC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62	Other Contracted Services	30,000	-	-	-	-	-	-	-	-	-	-	-	-	-
65	TISD-Joint Use facilities	129,709	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90	Subtotal-Operating Expenses	463,361	390,530	392,594	394,797	396,940	399,124	401,350	403,617	406,027	408,382	410,780	413,225	415,715	418,354
Projects (2)															
199	North Zone (3)	13,604,434	40,000	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299	Western Aviation Zone (3)	133,342	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399	Western Bio-Science & Medical Zone (3)	7,369,186	-	-	-	-	-	-	-	-	-	-	-	-	-
400	Southeast Industrial Park Zone (3)	1,273,500	-	-	-	-	-	-	-	-	-	-	-	-	-
405	General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-	-
410	Major Gateway Entrances	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415	Downtown Improvements	204,260	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420	Loop 363 Improvements	905,410	-	-	-	-	-	-	-	-	-	-	-	-	-
430	Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500	Zone Projects - Public Improvements	176,730	400,000	400,000	400,000	400,000	1,900,000	2,400,000	2,400,000	2,900,000	-	3,900,000	4,400,000	4,400,000	6,788,783
600	Subtotal-Projects	24,316,973	932,113	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643	2,605,667	3,107,710	2,909,775	4,111,860	4,613,966	4,616,093	7,007,024
Debt Service															
625	2003 Bond Issue	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626	2008 Bond Issue-Nontaxable {\$16.010 mil}	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784	1,785,948	1,785,868	1,783,544	1,783,976	1,786,960	1,787,292	1,784,972
627	2008 Bond Issue-Taxable {\$10.365 mil}	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-
630	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635	Subtotal-Debt Service	2,039,980	2,042,140	2,042,015	3,895,630	3,898,436	3,896,130	3,893,147	3,894,532	3,894,604	3,893,454	3,895,589	3,895,544	3,898,232	3,898,664
650	TOTAL USES	26,820,314	3,364,783	4,655,506	7,063,968	6,795,031	6,396,893	6,898,140	6,903,816	7,408,341	7,211,611	8,418,229	8,922,735	8,930,040	11,324,042
660	FUND BALANCE, End	1,207,219	2,372,393	2,331,964	1,473,522	1,401,286	1,793,455	1,751,307	1,771,083	1,354,609	1,203,823	1,451,326	1,692,672	2,007,493	(0)
670	Required Debt Reserve	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	-
700	AVAILABLE FUND BALANCE	\$ 333,982	\$ 1,499,156	\$ 1,458,727	\$ 600,285	\$ 528,049	\$ 920,218	\$ 878,070	\$ 897,846	\$ 481,372	\$ 330,586	\$ 578,089	\$ 819,435	\$ 1,134,256	\$ (0)
800	FUND BALANCE, Begin	23,998,646	1,207,219	2,372,393	2,331,964	1,473,522	1,401,286	1,793,455	1,751,307	1,771,083	1,354,609	1,203,823	1,451,326	1,692,672	2,007,493
	Prior period Adjustment-net	-	-	-	-	-	-	-	-	-	-	-	-	-	-
805	Revenue over(under)expense	(22,791,427)	1,165,174	(40,429)	(858,442)	(72,236)	392,169	(42,148)	19,776	(416,474)	(150,786)	247,503	241,346	314,821	(2,007,493)
810	FUND BALANCE, End	\$ 1,207,219	\$ 2,372,393	\$ 2,331,964	\$ 1,473,522	\$ 1,401,286	\$ 1,793,455	\$ 1,751,307	\$ 1,771,083	\$ 1,354,609	\$ 1,203,823	\$ 1,451,326	\$ 1,692,672	\$ 2,007,493	\$ (0)

TIF Reinvestment Zone #1
Summary Financing Plan with Detailed Project Plan
Project Plan - 08/26/09 - to Zone Board

SUMMARY FINANCING PLAN							
	Adjusted FY 09 (with Carry Forwards)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5Beginning Available Fund Balance, Oct 1	\$ 23,998,646	1,207,219	2,372,393	2,331,964	1,473,522	1,401,286	1,793,455
40Total Sources (Revenue & Bonds)	4,028,887	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45Less Required Debt Reserve	-	-	-	-	-	-	-
49Net Available for Appropriation	28,027,533	5,737,176	6,987,470	8,537,490	8,196,317	8,190,348	8,649,447
50General Administrative Expenditures	128,652	93,107	94,947	96,924	98,838	100,791	102,783
55Zone Maintenance	75,000	175,000	175,000	175,000	175,000	175,000	175,000
60Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62Other Contracted Services	30,000	-	-	-	-	-	-
65TISD - Joint Use Facilities	129,709	22,423	22,647	22,873	23,102	23,333	23,567
70Debt Service - 2003 Issue	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71Debt Service - 2008 Issue (\$16.010 mil)	635,460	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784
72Debt Service - 2008 Taxable Issue (\$10.365 mil)	536,935	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73Issuance Costs	-	-	-	-	-	-	-
75Total Operating & Committed Expenditures	2,503,341	2,432,670	2,434,609	4,290,427	4,295,376	4,295,254	4,294,497
99Net Available for Projects	\$ 25,524,192	\$ 3,304,506	\$ 4,552,861	\$ 4,247,063	\$ 3,900,941	\$ 3,895,094	\$ 4,354,950

PROJECT PLAN							
	Adj'd FY 2009 (with Carry Forwards)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):							
100Railroad Spur Improvements	9,234,785	-	-	-	-	-	-
105Elm Creek Detention Pond	1,005,157	-	-	-	-	-	-
110Railroad Improvements Engineering Analysis	-	-	-	-	-	-	-
115Railroad Repairs/Maintenance based on Analysis	243,469	40,000	-	-	-	-	-
120Enterprise Park Water Tank	-	-	-	-	800,000	-	-
121ROW Acquisition - Public Improvements	3,661	-	-	-	-	-	-
122Land Acq-Wendland property {approx 355 acres}	-	-	-	-	-	-	-
125Wendland Road Improvements	3,117,362	-	-	-	-	-	-
199Total North Zone (including Enterprise Park)	13,604,434	40,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:							
200Detention Pond #2 including W 1-A	-	-	-	-	-	-	-
205Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-
210Old Howard Road Gateway Entrance Project	8,872	-	-	-	-	-	-
215WWI--Waste Water Ext SH36 to Ind Blvd	-	-	-	-	-	-	-
220R I-B, W I-B--Industrial Blvd Extension	2,100	-	-	-	-	-	-
221Airport Park Infrastructure Construction	122,370	-	-	-	-	-	-
225Airport Study	-	-	-	-	-	-	-
230Airport Trail Roadway-Ind Blvd to Pepper Crk (R III)	-	-	115,500	654,500	-	-	-
235Airport Trail Utilities (W-V, W II, W III)	-	-	109,650	621,350	-	-	-
240Old Howard North (R II)	-	300,000	1,000,000	700,000	-	-	-
245Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	200,000	1,100,000	-	-
299Total Western Aviation Zone	133,342	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:							
300Greenbelt Development along Pepper Creek	2,376,428	-	-	-	-	-	-
305Outer Loop Phase 2	4,482,463	-	-	-	-	-	-
306Bio-Science Park Phase 1	510,295	-	-	-	-	-	-
310Bio-Science Institute	-	-	-	-	-	-	-
399Total Western Bio-Science & Medical Zone	7,369,186	-	-	-	-	-	-
OTHER PROJECTS:							
400Southeast Ind Park (Lorraine Drive)	1,273,500	-	-	-	-	-	-
405Roadway Maintenance/Improvements	250,111	-	-	-	-	-	-
410Gateway Entrance Projects (after Old Howard)	400,000	-	400,000	-	-	-	-
415Downtown Improvements	204,260	192,113	195,747	197,691	199,655	201,639	203,643
420Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-	-
430Reserve for Acer facility	-	-	-	-	-	-	-
499Total Other Projects	3,033,281	192,113	595,747	197,691	199,655	201,639	203,643
500Undesignated Funding-Public Impr-nontaxable bonds	176,730	400,000	400,000	400,000	400,000	1,900,000	2,400,000
501Undesignated Funding-Public Impr-taxable bonds	-	-	-	-	-	-	-
600Total Planned Project Expenditures	24,316,973	932,113	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643
660Fund Balance at Year End	\$ 1,207,219	\$ 2,372,393	\$ 2,331,964	\$ 1,473,522	\$ 1,401,286	\$ 1,793,455	\$ 1,751,307
670Required Debt Reserve	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)	(873,237)
700AVAILABLE FUND BALANCE	\$ 333,982	\$ 1,499,156	\$ 1,458,727	\$ 600,285	\$ 528,049	\$ 920,218	\$ 878,070

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

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

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
795-9500-531-68-25	100166	Rail Park	4,842	
795-9700-531-68-30	950003	Elm Creek Detention Pond	41,113	
795-0000-461-08-65		Miscellaneous Reimbursements	45,955	
795-9500-531-26-16		Professional	2,350	
795-0000-358-11-10		Unreserved Fund Balance		2,350
		Do not post		
795-9700-531-68-31	950007	Wendland Road	140,000	
795-9700-531-68-30	950003	Elm Creek Detention Pond		70,000
795-9700-531-68-37	100166	Wastewater Lift Station		70,000
795-9700-531-68-26	100257	Airport Park	91,000	
795-9700-531-68-37	100166	Wastewater Lift Station		25,000
795-9700-531-68-30	950003	Elm Creek Detention Pond		10,000
795-9700-531-65-32		Bond Contingency		56,000
795-9700-531-67-73	100150	Outer Loop Phase II	51,000	
795-9700-531-65-32		Bond Contingency		51,000
795-9700-531-68-27	100259	Bioscience Park	12,000	
795-9700-531-65-32		Bond Contingency		12,000
TOTAL.....			\$ 388,260	\$ 296,350

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

To appropriate reimbursements received from Gulf States Toyota for additional work requested, to appropriate the additional amount of funding needed for the Letter of Map Revision related to Pepper Creek, to fund street lights and miscellaneous costs related to Wendland Road, To fund the street lights related to Airport Park, to fund various change orders related to the Outer Loop Phase II and the Bioscience Park. All of these are proposed as amendments to the Reinvestment Zone No. 1's Financing Plan. These amendments were approved by the Reinvestment Zone No. 1 Board on 08/26/09. First reading by Council was on 09/03/09, second and final reading on 09/17/09.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

9/17/2009

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2009 TO RECOGNIZE REIMBURSEMENTS FROM GULF STATES TOYOTA AND TO REALLOCATE PROJECT FUNDING WITHIN THE PROJECT PLAN, AND FOR FY 2010-2022 TO INCREASE ZONE MAINTENANCE FUNDING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; and Ordinance No. 2009-4294 on the 21st day of May, 2009;

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

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

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

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

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

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

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

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and

adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2008-2009 budget, a copy of which is attached as Exhibit B.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading on the 3rd day of **September**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **17th** day of **September**, 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

09/17/09
Item #5(M-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare and submit a Letter of Map Revision for Pepper Creek from Airport Park to Wildflower Lane and Kegley Road for an amount not to exceed \$98,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Code of Federal Regulations CFR 44 65.3 requires communities to notify FEMA of physical changes affecting flooding conditions and base flood elevations. This requirement maintains flood insurance rate maps so that they reflect current conditions in the field.

At its August 26, 2009 meeting, the TIF Reinvestment Zone No. 1 Board of Directors recommended that the City authorize a professional services agreement with Kasberg Patrick & Associates, LP for revising Federal Emergency Management Agency (FEMA) map by submitting a Letter of Map Revision (LOMR) related to construction work in the Reinvestment Zone. Flood plain maps have changed due to construction activity from Airport Regional Detention Pond, Outer Loop Ph.2 (SH 36 to FM 2305), Bioscience Park, and Greenbelt projects. Basic services include identifying ground cross sections, developing contour surface model, developing and analyzing hydrologic and hydraulic models, preparing and submitting FEMA submittals and responding to FEMA comments in order to process appropriate LOMR. The cost of basic services for this portion of work is \$67,650.

In addition, a portion of the scope of work is outside of the Reinvestment Zone, which includes Crescent View/Sundance channel and Thompson channels. The cost of basic services for this portion of work is \$31,150. The total length of flood plain to be analyzed with corresponding modifications due to construction changes is 30,850 (5.84 miles). Deliverables for this work will include LOMR submittal complying with FEMA fees/forms and processes, appropriate correspondence copies, and electronic and hard copy computer models. The total cost of basic services for both portions (inside of RZ, outside of RZ) is \$98,800. The timeframe for completion is variable depending on FEMA responses.

In order that KPA provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

<u>Basic Services</u>	Total	CoT portion	TRZ portion
Cross Sections for Stream	\$ 19,800	\$ 6,240	\$ 13,560
Roughness Coefficients	\$ 4,500	\$ 1,420	\$ 3,080
Develop Contour Surface	\$ 16,400	\$ 5,170	\$ 11,230
Develop Hydrologic Model	\$ 14,500	\$ 4,570	\$ 9,930
Develop HEC-RAS Model	\$ 26,700	\$ 8,420	\$ 18,280
FEMA Submittals	\$ 9,100	\$ 2,870	\$ 6,230
Address FEMA Comments	\$ 7,800	\$ 2,460	\$ 5,340
Total Basic Services	<u>\$ 98,800</u>	<u>\$ 31,150</u>	<u>\$ 67,650</u>

FISCAL IMPACT: The cost of this professional services agreement is \$98,800. This cost includes developing cross sections for stream, roughness coefficients, contour surface, hydrologic model, hydraulic model, FEMA submittals and addressing FEMA comments.

A budget adjustment is presented for Council's approval in the amount of \$31,150 reallocating funding within the Drainage Fund from account 292-2900-534-2317, Repair & Maintenance-Drainage Systems, to account 292-2900-534-2616, professional, to fund the City's share of the agreement.

Funding in the amount of \$67,650 is available in account 795-9500-531-2616 within the Reinvestment Zone No. 1 Financing Plan as amended with the second and final reading on September 17, 2009.

ATTACHMENTS:

KPA Engineer's Proposal
Budget Adjustment
Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

mail@kpaengineers.com

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple

One South Main Street
Temple, Texas 76501
(254) 773-3731

Georgetown

3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

June 29, 2009

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
LOMR for Pepper Creek and Pepper Creek Tributary 6
from Airport Park to the confluence south of Wildflower Lane and Kegly Road.

Dear Mr. Newman:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will revise the Federal Emergency Management Agency (FEMA) map by submitting a Letter of Map Revision (LOMR) for Pepper Creek and Pepper Creek Tributary 6 from Central Point Parkway to the connection of the concrete lined channel south of the intersection of Kegly Road and Wildflower Lane. This will bring the FEMA maps and models in compliance for the Airport Park Project, Outer Loop Phase II Project, Bioscience Project, Greenbelt Project, Crescent View/Sundance Project and the Thompson Addition Channel project.

This project will consist of developing and executing a computer model of the current stream to include infrastructure improvements as well as channel improvements and the in line detention pond. The model will consist of analyzing approximately 30,850 linear feet of stream flow to determine the existing and projected 100-year floodplain elevations. We will submit our findings to FEMA for review and acceptance. After the FEMA review, we will address comments from FEMA and submit any required modeling changes and inquiries to get the LOMR approved. As can be seen by the attached schedule, the ninety day schedule assumes the review comments from City Staff will be returned to Kasberg, Patrick & Associates, LP within two weeks of submittal. If this time frame is not met the schedule may be delayed.

Exhibit C outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal.

The scope of services for this project will include the following:

- Creating cross sections for the entire stream length.
- Determine the roughness coefficient for the all sections of the stream.
- Develop contour surface for the stream and the adjacent outside boundary.
- Develop a hydrologic model for the drainage basins that convey to the area of the proposed LOMR.
- Define the parameters of the stream model.

Mr. Michael Newman, P.E., C.F.M.

June 29, 2009

Page Two

- Develop a suitable HEC-RAS model for submittal and review by FEMA.
- Create annotated FEMA FIRM Map showing any floodplain revisions based on model results
- Prepare submittal to FEMA for review (Including FEMA fees).
- Review and address FEMA comments.
- Submit comment responses back to FEMA for LOMR.

<u>Basic Services</u>		<u>CoT Portion</u>		<u>TRZ Portion</u>	
Create Cross Sections for Stream	\$ 19,800	\$ 6,240	\$ 13,560		
Determine Roughness Coefficient	\$ 4,500	\$ 1,420	\$ 3,080		
Develop Contour Surface	\$ 16,400	\$ 5,170	\$ 11,230		
Develop Hydrologic Model	\$ 14,500	\$ 4,570	\$ 9,930		
Develop HEC-RAS Model	\$ 26,700	\$ 8,420	\$ 18,280		
FEMA Submittals	\$ 9,100	\$ 2,870	\$ 6,230		
Address FEMA Comments	\$ 7,800	\$ 2,460	\$ 5,340		
Total Basic Services	\$ 98,800	\$ 31,150	\$ 67,650		

The deliverables for the project shall be as follows:

1. FEMA submittal for LOMR
2. Submittal of LOMR to FEMA with all copies of correspondence
3. Submittal of model both electronically and hard copy

We can complete all the tasks represented for the lump sum cost of \$98,800. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



R. David Patrick, P.E., C.F.M.

RDP/crc

EXHIBIT C

Charges for Additional Services

City of Temple

LOMR for Pepper Creek and Pepper Creek Tributary 6
from Airport Park to the confluence south of Wildflower Lane and Kegly Road.

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

FY 2009**BUDGET ADJUSTMENT FORM**

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

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
292-2900-534-26-16		Professional	\$ 31,150			
292-2900-534-23-17		Drainage Systems			\$ 31,150	
TOTAL.....			\$ 31,150		\$ 31,150	

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

To fund the professional services agreement with Kasberg, Patrick & Associates LP (KPA) for engineering services required to prepare and submit a Letter of Map Revision (LOMR) for Pepper Creek from Airport Park to Wildflower Lane and Kegley Road. Funds are available within the line item appropriated for drainage systems. This funds the City of Temple's share of the agreement in the amount of \$31,150. The Reinvestment Zone No. 1's share of the agreement is \$67,650, bringing the total of the agreement for the LOMR to \$98,800.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☒

No

DATE OF COUNCIL MEETING

9/17/2009

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO PREPARE AND SUBMIT A LETTER OF MAP REVISION FOR PEPPER CREEK FROM AIRPORT PARK TO WILDFLOWER LANE AND KEGLEY ROAD, IN AN AMOUNT NOT TO EXCEED \$98,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Code of Federal Regulations CFR 44 65.3 requires communities to notify the Federal Emergency Management Agency (FEMA) of physical changes affecting flooding conditions and base flood elevations – this requirement maintains flood insurance rate maps so that they reflect current conditions in the field;

Whereas, at its August 26, 2009, meeting the Temple Reinvestment Zone Board of Directors recommended that the City authorize a professional service agreement for revising the FEMA map by submitting a Letter of Map Revision (LOMR) related to construction work in the Reinvestment Zone – flood plain maps have changed due to construction activity from Airport Regional Detention Pond, Outer Loop Phase 2 (SH36 to FM2305), Bioscience Park, and Greenbelt projects;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering services required for this project in the amount of \$98,800, and the Staff recommends accepting it;

Whereas, funds are available for this project but an amendment to the FY2008-09 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$98,800, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City

Attorney, for engineering services required to prepare and submit a Letter of Map Revision for Pepper Creek from Airport Park to Wildflower Lane and Kegley Road.

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 17th day of **September**, 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

09/17/09
Item #5(M-2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Michael Newman, P.E., Assistant Director of Public Works/Engineering

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC, to provide and install street lights for the recently improved Wendland Road in northwest Temple within the Tax Increment Financing Reinvestment Zone No. 1 in an amount not to exceed \$139,489.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 20, 2007, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in the amount of \$261,500 for services required to design the infrastructure improvements to Wendland Road. On November 15, 2007, Council authorized an amendment to the professional services agreement with KPA in the amount of \$75,000 for services required to design additional street and sanitary sewer improvements. On February 7, 2008, Council authorized an amendment to the professional services agreement with KPA in the amount of \$124,500 for construction and bid phase services including onsite representation and construction staking. On March 20, 2008, Council authorized a construction contract with Dixon Paving, Inc., to build the Wendland Road Improvements in an amount not to exceed \$3,413,406.90.

On August 26, 2009, the RZ Board of Directors recommended that Council authorize an agreement with Oncor to provide and install 25 street lights along Wendland Road and convert two existing overhead poles to underground poles.

Oncor provided a Discretionary Services Agreement (DSA) detailing a final cost estimate in the amount of \$139,489.50 (see Wendland Rd DSA Pg 1 & Pg 2). Oncor will provide and install 25 250-watt HPS (high pressure sodium) street lights on 30' galvanized steel poles and convert two existing overhead poles to underground poles with 250-watt HPS fixtures for this cost.

FISCAL IMPACT: Funding in the amount of \$139,489.50 is available in account 795-9700-531-6831, project #950007, within the Reinvestment Zone No. 1 Financing Plan as amended with the second and final reading on September 17, 2009, to fund this agreement.

ATTACHMENTS:

[Wendland Rd DSA
Resolution](#)

Tariff for Retail Delivery Service
Oncor Electric Delivery Company LLC, a Delaware limited liability company

6.3 Agreements and Forms

Applicable: Entire Certified Service Area

Effective Date: January 1, 2002

Page 1 of 2

Revision: Original

6.3.4 Discretionary Service Agreement

This Discretionary Service Agreement ("Agreement") is made and entered into this 4th day of September, 2009, by **Oncor Electric Delivery Company LLC, a Delaware limited liability company ("Company")**, and City of Temple ("Customer"), a municipal corporation, each hereinafter sometimes referred to individually as "Party" or both referred to collectively as the "Parties". In consideration of the mutual covenants set forth herein, the Parties agree as follows:

1. **Discretionary Services to be Provided** -- Company agrees to provide, and Customer agrees to pay \$139,489.50 for, the following discretionary services in accordance with this Agreement.

Construction of 25 new underground street light poles with 250 watt High Pressure Sodium Full Cutoff street light fixtures and Conversion of 2 existing overhead street light poles to underground street light poles with 250 watt High Pressure Sodium Full Cutoff street light fixtures along Wendland Road from Moores Mill Rd to H K Dodgen Loop.

2. **Nature of Service and Company's Retail Delivery Service Tariff** -- Any discretionary services covered by this Agreement will be provided by Company, and accepted by Customer, in accordance with applicable Public Utility Commission of Texas ("PUCT") Substantive Rules and Company's Tariff for Retail Delivery Service (including the Service Regulations contained therein), as it may from time to time be fixed and approved by the PUCT ("Company's Retail Delivery Tariff"). During the term of this Agreement, Company is entitled to discontinue service, interrupt service, or refuse service initiation requests under this Agreement in accordance with applicable PUCT Substantive Rules and Company's Retail Delivery Tariff. Company's Retail Delivery Tariff is part of this Agreement to the same extent as if fully set out herein. Unless otherwise expressly stated in this Agreement, the terms used herein have the meanings ascribed thereto in Company's Retail Delivery Tariff.

3. **Discretionary Service Charges** -- Charges for any discretionary services covered by this Agreement are determined in accordance with Company's Retail Delivery Tariff. Company and Customer agree to comply with PUCT or court orders concerning discretionary service charges.

4. **Term and Termination** -- This Agreement becomes effective upon Agreement execution and continues in effect until completion of requested construction.

Termination of this Agreement does not relieve Company or Customer of any obligation accrued or accruing prior to termination.

5. **No Other Obligations** -- This Agreement does not obligate Company to provide, or entitle Customer to receive, any service not expressly provided for herein. Customer is responsible for making the arrangements necessary for it to receive any further services that it may desire from Company or any third party.

6. **Governing Law and Regulatory Authority** -- This Agreement was executed in the State of Texas and must in all respects be governed by, interpreted, construed, and enforced in accordance with the laws thereof. This Agreement is subject to all valid, applicable federal, state, and local laws, ordinances, and rules and regulations of duly constituted regulatory authorities having jurisdiction.

7. **Amendment** -- This Agreement may be amended only upon mutual agreement of the Parties, which amendment will not be effective until reduced to writing and executed by the Parties. But changes to applicable PUCT Substantive Rules and Company's Retail Delivery Tariff are applicable to this Agreement upon their effective date and do not require an amendment of this Agreement.

8. **Entirety of Agreement and Prior Agreements Superseded** -- This Agreement, including all attached Exhibits, which are expressly made a part hereof for all purposes, constitutes the entire agreement and understanding between the Parties with regard to the service(s) expressly provided for in this Agreement. The Parties are not bound by or liable for any statement, representation, promise, inducement, understanding, or undertaking of any kind or nature (whether written or oral) with regard to the subject matter hereof not set forth or provided for herein. This Agreement replaces all prior agreements and undertakings, oral or written, between the Parties with regard to the subject matter hereof, including without limitation N/A [specify any prior agreements being superseded], and all such agreements and undertakings are agreed by the Parties to no longer be of any force or effect. It is expressly acknowledged that the Parties may have other agreements covering other services not expressly provided for herein, which agreements are unaffected by this Agreement.

9. **Notices** -- Notices given under this Agreement are deemed to have been duly delivered if hand delivered or sent by United States certified mail, return receipt requested, postage prepaid, to:

- (a) If to Company:
Bob Fajkus, Sr. NCM Manager
ONCOR Electric Delivery
350 Texas Ave
Round Rock, TX 78664

Tariff for Retail Delivery Service
Oncor Electric Delivery Company LLC, a Delaware limited liability company

6.3 Agreements and Forms

Applicable: Entire Certified Service Area
Effective Date: January 1, 2002

Page 2 of 3
Revision: Original

(b) If to Customer:
Michael C. Newman, PE, CFM
City of Temple
3210 E. Ave H, Bldg A
Temple, TX 76501

The above-listed names, titles, and addresses of either Party may be changed by written notification to the other.

10. **Invoicing and Payment** – Invoices for any discretionary services covered by this Agreement will be mailed by Company to the following address (or such other address directed in writing by Customer), unless Customer is capable of receiving electronic invoicing from Company, in which case Company is entitled to transmit electronic invoices to Customer.

Michael C. Newman, PE, CFM
City of Temple
3210 E. Ave H, Bldg A
Temple, TX 76501

If Company transmits electronic invoices to Customer, Customer must make payment to Company by electronic funds transfer. Electronic invoicing and payment by electronic funds transfer will be conducted in accordance with Company's standard procedures. Company must receive payment by the due date specified on the invoice. If payment is not received by the Company by the due date shown on the invoice, a late fee will be calculated and added to the unpaid balance until the entire invoice is paid. The late fee will be 5% of the unpaid balance per invoice period.

11. **No Waiver** -- The failure of a Party to this Agreement to insist, on any occasion, upon strict performance of any provision of this Agreement will not be considered to waive the obligations, rights, or duties imposed upon the Parties.

12. **Taxes** -- All present or future federal, state, municipal, or other lawful taxes (other than federal income taxes) applicable by reason of any service performed by Company, or any compensation paid to Company, hereunder must be paid by Customer.

13. **Headings** -- The descriptive headings of the various articles and sections of this Agreement have been inserted for convenience of reference only and are to be afforded no significance in the interpretation or construction of this Agreement.

14. **Multiple Counterparts** -- This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

15. **Other Terms and Conditions** – Customer agrees that payment of \$139,489.50 shall be made within 30 days of the date the project is completed or the date the invoice is received, whichever is later.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be sign by their respective duly authorized representatives.

By COMPANY

BY: Bob Fyke

TITLE: Sr. NCM Manager

DATE: 9-4-09

By CUSTOMER

BY: _____

TITLE: _____

DATE: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC, TO PROVIDE AND INSTALL STREET LIGHTS FOR THE RECENTLY IMPROVED WENDLAND ROAD IN NORTHWEST TEMPLE WITHIN THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1, IN AN AMOUNT NOT TO EXCEED \$139,489.50 AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its August 26, 2009 meeting, the Temple Reinvestment Zone Board of Directors recommended that the City Council enter into an agreement with Oncor Electric Delivery Company, LLC, to install street lights for the recently improved Wendland Road in northwest Temple within the TIF Reinvestment Zone #1;

Whereas, Oncor provided a Discretionary Services Agreement detailing a final cost estimate in the amount of \$139,489.50 and will provide and install 25 250-watt high pressure sodium street lights on 30 feet galvanized steel poles and convert two existing overhead poles to underground poles with 250-watt high pressure sodium fixtures for this cost;

Whereas, funds are available for this project in Account No. 795-9700-531-6831, project #950007; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with Oncor Electric Delivery Company, LLC, after approval as to form by the City Attorney, to provide and install street lights for the recently improved Wendland Road in northwest Temple within the Tax Increment Financing Reinvestment Zone #1, in an amount not to exceed \$139,489.50.

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 **17th** day of **September**, 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

09/17/09
Item #5(M-3)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Michael Newman, P.E., Assistant Director of Public Works/Engineering

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Oncor Electric Delivery Company, LLC, to provide and install street lights for the recently constructed Airport Business Park in northwest Temple within the Tax Increment Financing Reinvestment Zone No. 1 in an amount not to exceed \$93,232.28.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 19, 2007, Council authorized a professional services agreement with Kasberg, Patrick, & Associates, LP, to design the Airport Business Park in an amount not to exceed \$157,000. On October 25, 2007, Council authorized a construction contract with R.T. Schneider Construction Company, LTD, to construct the business park in an amount not to exceed \$2,221,641.50. On August 26, 2009, the RZ No. 1 Board of Directors recommended that Council authorize an agreement with Oncor to provide and install twelve street lights along Central Pointe Parkway, Technology Way, Corporate Court, and Entrepreneur Way comprising the business park's streets.

Oncor provided a Discretionary Services Agreement (DSA) detailing a final cost estimate in the amount of \$93,232.28 (see Oncor DSA). Oncor will provide and install twelve 250-watt HPS (high pressure sodium) street lights on 30' galvanized steel poles, extend electricity 600 feet from Old Howard Road, and perform require tree clearing for this cost.

FISCAL IMPACT: Funding in the amount of \$93,232.28 is available in account 795-9700-531-6826, project # 100257, within the Reinvestment Zone No. 1 Financing Plan as amended with the second and final reading on September 17, 2009 to fund this agreement.

ATTACHMENTS:

[Airport Park Oncor DSA](#)
[Resolution](#)

Tariff for Retail Delivery Service
Oncor Electric Delivery Company LLC, a Delaware limited liability company

6.3 Agreements and Forms

Applicable: Entire Certified Service Area
Effective Date: January 1, 2002

Page 1 of 2
Revision: Original

6.3.4 Discretionary Service Agreement

This Discretionary Service Agreement ("Agreement") is made and entered into this 8th day of September, 2009, by **Oncor Electric Delivery Company LLC, a Delaware limited liability company ("Company")**, and **City of Temple ("Customer")**, a municipal corporation, each hereinafter sometimes referred to individually as "Party" or both referred to collectively as the "Parties". In consideration of the mutual covenants set forth herein, the Parties agree as follows:

1. **Discretionary Services to be Provided** -- Company agrees to provide, and Customer agrees to pay \$93,232.28 for, the following discretionary services in accordance with this Agreement.
600 ft of overhead construction and tree clearing along south property line of Airport Park, underground construction of 7 street light poles with 250 watt High Pressure Sodium full cutoff street light lamps and 5 street light poles with 100 watt High Pressure Sodium full cutoff street light lamps in Airport Park.
2. **Nature of Service and Company's Retail Delivery Service Tariff** -- Any discretionary services covered by this Agreement will be provided by Company, and accepted by Customer, in accordance with applicable Public Utility Commission of Texas ("PUCT") Substantive Rules and Company's Tariff for Retail Delivery Service (including the Service Regulations contained therein), as it may from time to time be fixed and approved by the PUCT ("Company's Retail Delivery Tariff"). During the term of this Agreement, Company is entitled to discontinue service, interrupt service, or refuse service initiation requests under this Agreement in accordance with applicable PUCT Substantive Rules and Company's Retail Delivery Tariff. Company's Retail Delivery Tariff is part of this Agreement to the same extent as if fully set out herein. Unless otherwise expressly stated in this Agreement, the terms used herein have the meanings ascribed thereto in Company's Retail Delivery Tariff.
3. **Discretionary Service Charges** -- Charges for any discretionary services covered by this Agreement are determined in accordance with Company's Retail Delivery Tariff. Company and Customer agree to comply with PUCT or court orders concerning discretionary service charges.
4. **Term and Termination** -- This Agreement becomes effective upon Agreement execution and continues in effect until completion of requested construction.
Termination of this Agreement does not relieve Company or Customer of any obligation accrued or accruing prior to termination.
5. **No Other Obligations** -- This Agreement does not obligate Company to provide, or entitle Customer to receive, any service not expressly provided for herein. Customer is responsible for making the arrangements necessary for it to receive any further services that it may desire from Company or any third party.
6. **Governing Law and Regulatory Authority** -- This Agreement was executed in the State of Texas and must in all respects be governed by, interpreted, construed, and enforced in accordance with the laws thereof. This Agreement is subject to all valid, applicable federal, state, and local laws, ordinances, and rules and regulations of duly constituted regulatory authorities having jurisdiction.
7. **Amendment** -- This Agreement may be amended only upon mutual agreement of the Parties, which amendment will not be effective until reduced to writing and executed by the Parties. But changes to applicable PUCT Substantive Rules and Company's Retail Delivery Tariff are applicable to this Agreement upon their effective date and do not require an amendment of this Agreement.
8. **Entirety of Agreement and Prior Agreements Superseded** -- This Agreement, including all attached Exhibits, which are expressly made a part hereof for all purposes, constitutes the entire agreement and understanding between the Parties with regard to the service(s) expressly provided for in this Agreement. The Parties are not bound by or liable for any statement, representation, promise, inducement, understanding, or undertaking of any kind or nature (whether written or oral) with regard to the subject matter hereof not set forth or provided for herein. This Agreement replaces all prior agreements and undertakings, oral or written, between the Parties with regard to the subject matter hereof, including without limitation N/A [specify any prior agreements being superseded], and all such agreements and undertakings are agreed by the Parties to no longer be of any force or effect. It is expressly acknowledged that the Parties may have other agreements covering other services not expressly provided for herein, which agreements are unaffected by this Agreement.
9. **Notices** -- Notices given under this Agreement are deemed to have been duly delivered if hand delivered or sent by United States certified mail, return receipt requested, postage prepaid, to:

- (a) If to Company:
Bob Fajkus, Sr. NCM Manager
ONCOR Electric Delivery
350 Texas Ave
Round Rock, TX 78664

Tariff for Retail Delivery Service
Oncor Electric Delivery Company LLC, a Delaware limited liability company

6.3 Agreements and Forms

Applicable: Entire Certified Service Area

Effective Date: January 1, 2002

Page 2 of 3
Revision: Original

(b) If to Customer:
Michael C. Newman, PE, CFM
City of Temple
3210 E. Ave H, Bldg A
Temple, TX 76501

The above-listed names, titles, and addresses of either Party may be changed by written notification to the other.

10. **Invoicing and Payment** – Invoices for any discretionary services covered by this Agreement will be mailed by Company to the following address (or such other address directed in writing by Customer), unless Customer is capable of receiving electronic invoicing from Company, in which case Company is entitled to transmit electronic invoices to Customer.

Michael C. Newman, PE, CFM
City of Temple
3210 E. Ave H, Bldg A
Temple, TX 76501

If Company transmits electronic invoices to Customer, Customer must make payment to Company by electronic funds transfer. Electronic invoicing and payment by electronic funds transfer will be conducted in accordance with Company's standard procedures. Company must receive payment by the due date specified on the invoice. If payment is not received by the Company by the due date shown on the invoice, a late fee will be calculated and added to the unpaid balance until the entire invoice is paid. The late fee will be 5% of the unpaid balance per invoice period.

11. **No Waiver** -- The failure of a Party to this Agreement to insist, on any occasion, upon strict performance of any provision of this Agreement will not be considered to waive the obligations, rights, or duties imposed upon the Parties.

12. **Taxes** -- All present or future federal, state, municipal, or other lawful taxes (other than federal income taxes) applicable by reason of any service performed by Company, or any compensation paid to Company, hereunder must be paid by Customer.

13. **Headings** -- The descriptive headings of the various articles and sections of this Agreement have been inserted for convenience of reference only and are to be afforded no significance in the interpretation or construction of this Agreement.

14. **Multiple Counterparts** -- This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

15. **Other Terms and Conditions** – Customer agrees that payment of \$93,232.28 shall be made within 30 days of the date the project is completed or the date the invoice is received, whichever is later.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be sign by their respective duly authorized representatives.

By COMPANY

BY: Bul Tyle

TITLE: Sr. NCM Manager

DATE: 9-8-09

By CUSTOMER

BY: _____

TITLE: _____

DATE: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC, TO PROVIDE AND INSTALL STREET LIGHTS FOR THE RECENTLY CONSTRUCTED AIRPORT BUSINESS PARK IN NORTHWEST TEMPLE WITHIN THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1, IN AN AMOUNT NOT TO EXCEED \$93,232.28 AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its August 26, 2009 meeting, the Temple Reinvestment Zone Board of Directors recommended that the City Council enter into an agreement with Oncor Electric Delivery Company, LLC, to install street lights for the recently constructed Airport Business Park in Northwest Temple within the TIF Reinvestment Zone #1;

Whereas, Oncor provided a Discretionary Services Agreement detailing a final cost estimate in the amount of \$93,232.28 and will provide and install 12 250-watt high pressure sodium street lights on 30 foot galvanized steel poles, extend electricity 600 feet from Old Howard Road, and perform required tree clearing for this cost;

Whereas, funding for this project will come from TIF Reinvestment Zone #1 funding available within the Zone's financing plan; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with Oncor Electric Delivery Company, LLC, after approval as to form by the City Attorney, to provide and install street lights for the recently constructed Airport Business Park in northwest Temple within the Tax Increment Financing Reinvestment Zone #1, in an amount not to exceed \$93,232.28.

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 **17th** day of **September**, 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

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

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard or less roll-off containers, and the hauling of construction site waste within the City of Temple.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second reading and schedule a third and final reading and public hearing for October 1, 2009.

ITEM SUMMARY: AM Construction proposes to offer construction job site cleaning as well as the rental of 15 yard roll-off containers and the subsequent hauling and disposing of construction site waste within the City limits. The setting and hauling of roll-off containers involves the use of City streets and would not be allowed without a City franchise. The City is currently the only commercial solid waste provider in the City and has been since the City Council chose not to renew two other commercial solid waste franchises a few years ago. Revenue from commercial solid waste hauling subsidizes residential solid waste rates and helps the City keep its tax rate lower.

The services provided by AM Construction in other communities, and previously in the City of Temple, are a mix of demolition, site clean-up, and solid waste hauling services. AM Construction uses a ¾ ton pickup and a gooseneck trailer with a pneumatic lift to set 15 yard containers in the rear of construction lots and in other areas that the City cannot readily access with its larger (20 yards and above) roll-off containers and larger trucks.

In visiting with local builders who have used or would use services provided by AM Construction, they cite two factors that differentiate the hauling done by AM Construction from the services offered by the City. First, AM Construction crews actually do demolition and site clean up, which the City doesn't offer—or have any interest in offering. Second, because of the smaller truck and container, the 15 yard roll-off container can be set in the back of the lot where it aids clean up efforts and isn't so visible to the street or neighboring properties. The smaller truck and container is also less likely to damage newly constructed driveways and yard lines.

In evaluating the request from AM Construction for a franchise, the Staff has considered several factors: (1) maintaining the financing integrity and viability of the City's commercial solid waste department; (2) recognizing the service provided by a company like AM Construction—which has elements of site cleaning AND solid waste hauling.

With respect to the impact on the City's services, revenues from the City's roll-off container business is down this year, but much of that is probably attributed to the recent decline in new construction starts and the overall economy. The City doesn't have roll-off containers this size or the appropriate hauling vehicles, and has no present plans to do so.

We are proposing a one year term for AM Construction (there may be other similar businesses that will also seek franchises). The short term will allow us to evaluate the benefits of the service being evaluated, the impact of the City's own commercial solid waste business, and allow the City to keep its future options open.

We will discuss this item in our September 1st workshop. Franchise ordinances take three readings, a public hearing (on 3rd reading) and publication of an ordinance summary in the newspaper. This item is on the consent agenda for first reading.

FISCAL IMPACT: The City would receive 5% of the company's gross revenues. The estimated annual franchise revenue is unknown at this time.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A FRANCHISE TO AM CONSTRUCTION AND DUMPSTER SERVICE TO PROVIDE CONSTRUCTION JOB SITE CLEANING, RENTAL AND SETTING OF FIFTEEN (15) YARD ROLL-OFF CONTAINER, AND HAULING AND DISPOSING OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE UNTIL DECEMBER 31, 2010; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF ALL SUCH REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A MONTHLY COMPENSATION TO THE CITY; PROVIDING FOR ADJUSTMENT OF CHARGES; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR AMENDMENTS; PROVIDING FOR PAYMENT OF ALL TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT OF THE FRANCHISE WITHOUT WRITTEN PERMISSION OF THE CITY COUNCIL; PROVIDING FOR MANNER OF ACCEPTANCE BY GRANTEE; PROVIDING A PENALTY OF NOT MORE THAN \$500 PER VIOLATION AND MAKING EACH DAY A VIOLATION CONTINUES A SEPARATE VIOLATION; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, AM Construction and Dumpster Service has requested the opportunity to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers, and hauling and disposing of construction site waste, within the City of Temple;

Whereas, the City Council has investigated the financial condition, experience and service record of AM Construction and Dumpster Service and finds it to be a well qualified company in the area of construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste; and

Whereas, after notice and publication of this ordinance as required by the City Charter and applicable local and State laws and after a public hearing where evidence was received concerning the granting of a franchise to AM Construction and Dumpster Service, it is the opinion of the City Council that it would promote the public health, welfare and safety to enact this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF TEMPLE, TEXAS, THAT:

PART 1: Franchise. A non-exclusive franchise is hereby granted to AM Construction and Dumpster Service, hereinafter referred to as "Grantee," to use the public streets, alleys and thoroughfares within the corporate limits of the City of Temple, Texas for the purpose of engaging in the business of construction job site cleaning, the rental and setting of fifteen (15) yard roll-off containers, and the hauling and disposing of construction site, said business to be conducted in full compliance with all rules and regulations for the disposal of solid waste material imposed by the Texas Department of Health, the City of Temple, Texas, the State of Texas, the federal government.

PART 2: Term. The term of this agreement shall end on December 31, 2010. This franchise can be extended upon mutual agreement of the parties.

PART 3: Scope and Nature of Operation. It is expressly understood and agreed that the Grantee may perform construction job site cleaning and as well as rent, set and haul fifteen (15) yard roll-off containers associated with such cleaning. Grantee agrees to not rent or set roll-off containers on a construction site at which they are not performing job site cleaning. For the purpose of this franchise agreement, construction site cleaning includes clean up around sites for new commercial and residential construction as well as the demolition and clean-up of existing commercial and residential structures. Grantee further agrees to rent and set only fifteen (15) yard or smaller roll-off containers. Grantee will, at its own expense, furnish personnel and equipment to collect waste as described herein and will establish and maintain in an efficient and business-like manner such services as may be contracted for.

PART 4: Vehicles to be Covered and Identified; Loading; Transport and Disposal. All vehicles used by the Grantee for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Grantee's name in letters not less than two (2) inches in height.

PART 5: Regulation of Leased Containers. It is specifically understood and agreed that the Grantor shall permit the Grantee to rent or lease containers to the owner or occupant of any construction site within the corporate limits of the city, for construction job site cleaning subject to the following requirements:

- (a) All such containers shall be constructed according to good industry practice in the trade;
- (b) All such containers shall be equipped with suitable covers with secure lids to prevent blowing or scattering of the waste while being transported for disposal of their contents;

- (c) All such containers shall be cleaned and maintained by Grantee so as to be in good repair, of a good appearance and free of such refuse residues as may cause odor and provide a breeding place for flies and harborage for rodents; and
- (d) All such containers shall be clearly marked with the Grantee's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that the Grantee will lease or rent such containers at terms which are fair and reasonable and that such terms will be submitted to and approved by the City Council.
- (e) The City has the authority to remove from the premises any unmarked containers.

PART 6: Disposal of Refuse. It is specifically understood and agreed that Grantee will deliver all waste and refuse collected by him from premises in the corporate limits of City to such the City of Temple Landfill. No other location may be used for the disposal of such refuse without the written approval and consent of Grantor. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the Grantor, will be observed and followed by the Grantee while engaged in the disposal of refuse collected under this agreement. The Grantee is responsible for paying any and all tipping or gate fees as set from time to time by Waste Management.

PART 7: Complaint Handling by Grantee: It is expressly understood and agreed that Grantee, at its expense, will provide a telephone answering service from 8 a.m. until 5 p.m. daily, Monday through Friday, excluding such holidays as may be approved by Grantor, for the purpose of handling complaints and other calls regarding refuse collection service provided by the Grantee. The Grantee will secure an annual listing in the Temple Telephone Directory under the name by which it conducts business in the community.

PART 8: Availability, Character of Service. Grantee shall at all times furnish service which is first class in every respect, modern and sufficient to meet reasonable demands without undue interruption or fluctuations, under fair and reasonable rules and regulations as provided for herein, to any person, firm, or corporation that shall demand service within the City, upon the terms herein specified or that hereafter may be specified and required by ordinance or rules duly passed by the City. Grantee shall make service connections on reasonable demand, without undue delay. Grantee covenants that it will furnish such service, instrumentalities, and facilities as are safe, adequate, efficient, and reasonable.

PART 9: Contract Administrator.

- (a) The Director of Public Works is the principal City officer responsible for the

administration of this franchise and shall oversee and review the operations of Grantee under this franchise.

- (b) It shall be the right and duty of the City Manager and the governing body of the City at all times to keep fully informed as to all matters in connection with or affecting the construction, reconstruction, maintenance, operation, and repair of the properties of the Grantee and its accounting methods and procedures in connection therewith, and the conduct of the Grantee's business in the City and of service being rendered by Grantee.

PART 10: Records, Reports and Inspections.

- (a) The Grantee shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed by the American Institute of Certified Public Accountants, or as mutually agreed to by the City and Grantee, except that the City may require the keeping of certain additional records and accounts non inconsistent therewith.
- (b) The Grantee shall furnish the City with copies of its monthly financial and operating reports and upon request, the Grantee shall make such special studies and furnish such other reports as the governing body of the City or the Director of Public Works may reasonably require in the administration of the franchise.
- (c) The City Manager and the Director of Finance shall have the right, at reasonable times, to inspect the plant, equipment, and other property of the Grantee, and its affiliates and to examine, audit, and obtain copies of the papers, books, accounts, documents, and other business records of the Grantee and its affiliates.
- (d) The City shall retain all of the investigative powers and other rights provided to the City by the Charter and State law.

PART 11: Rules and Inspections.

- (a) In order to insure uniform and reasonable application of conditions for service and to insure availability of service to all without discrimination, the City Manager shall exercise supervision of Grantee's rules and regulations concerning service furnished under this franchise.
- (b) The governing body of this City and the City Manager may establish, after reasonable notice and hearing, not to be less than that required by the City Charter and applicable laws, such rules and regulations as may be in the public interest regarding rates, the furnishing of service, administration of

customer accounts, and construction of Grantee facilities on City property.

PART 12: Service Rates. The Grantee shall publish service rates and furnish a copy of said rates to the City at such time as they are adopted.

PART 13: Consideration.

- (a) For and in consideration of the covenants and agreements herein contained, Grantee herein agrees to pay unto the City five (5%) percent of the gross receipts received by Grantee in the operation of the services performed for customers pursuant to the provision of this contract. For the purposes of this Franchise, gross receipts does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill. All charges shall be paid unto the Grantor monthly as they accrue and receivable not later than the 10th day of the month thereafter. The Grantor shall have the right to reasonable access to the records of Grantee involving business conducted pursuant to this contract.
- (b) Grantee shall file with the Director of Finance simultaneously with each payment, a financial statement clearly showing the gross receipts received by the Grantee during the preceding month. In addition, the Grantee shall file with Director of Finance annually after the expiration of each of the Grantee's fiscal years a financial statement clearly showing the gross receipts and all components thereof received by the Grantee on an annual basis during the preceding fiscal period. Such report shall be due within sixty (60) days of the close of the Grantee's fiscal year. This financial statement shall be prepared by a certified public accountant, clearing showing the annual gross receipts attributable to the Temple Service Area. Extension of such period up to thirty (30) additional days may be granted by the City Manager upon request by the Grantee. Such payment shall be exclusive of and in addition to all other general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements. During the years for which payments of percentages of gross receipts are made to the City as compensation or part compensation for this franchise to use the public property of the City for the purpose of engaging in the business of Grantee as described herein, the payments shall be (insofar as the City has legal power so to provide and agree) in lieu of and shall be accepted as payment for all of Grantee's obligations to pay municipal charges, fees, franchise taxes, or other charges and taxes of every kind, except ad valorem taxes and special taxes and assessments for public improvements.
- (c) In the event that any franchise payment, due to a recomputed amount, is not made on or before the applicable date heretofore specified, interest shall be charged from such due date at the annual rate of ten (10%) percent per

annum.

- (d) Within thirty (30) days after a request by the City Manager to reimburse the City for said expenses, the Grantee will pay to the City any expense required to be paid by the City Charter, this ordinance or other applicable laws or regulations including, but not limited to, the expense of publication of this ordinance or the expense of holding a referendum or election in regards to granting, amending, or extending or renewing this franchise.

PART 14: Indemnity Insurance. Grantee assumes all risks of loss or injury to property or persons arising from any of its operations under this agreement, and agrees to indemnify and hold harmless the Grantor from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury. It is expressly understood that the foregoing provisions shall not in any way limit the liability of the Grantee. Grantee agrees to carry the types of insurance in minimum limits as follows:

- (1) Workmen's Compensation Statutory;
- (2) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (3) Public Liability Property Damage \$100,000 each occurrence; and
- (4) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

PART 15: Termination and Forfeiture. The City, at its option, may terminate this franchise agreement by giving 60 days advance written notice of such termination to Grantee.

PART 16: Retention of Rights by City. The City of Temple, in granting this franchise, fully retains and reserves all the rights, privileges, and immunities that it now has under the law to fully patrol and police the streets, alleys, and public ways within the city and the granting of this franchise in no way interferes with the improvements or maintenance, or any other street, alleys, and public ways, and the rights of the Grantee herein to use said streets shall at all times be subservient to the right of the governing body of the City of Temple to fully exercise its rights or control over said streets, alleys and public ways.

PART 17: Amendments. The City of Temple expressly reserves the right, after due notice to Grantee, to modify, amend, alter, change or eliminate any of the provisions of this franchise and to impose such additional conditions upon the Grantee as may be just and reasonable as determined by the City Council, such conditions to be those deemed necessary for the purpose of insuring adequate service to the public. Provided, however, that all such amendments shall be made in accordance with the Charter of the City of Temple, Texas.

PART 18: Effective Date. This ordinance shall take effect on the date of the final

passage hereof by the City Council, but not before the Grantee has filed with the City Secretary of the City of Temple a written acceptance of this ordinance as hereinbefore required.

PART 19: Non-Exclusive. This franchise is not exclusive and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

PART 20: Failure of City to Enforce this Franchise; No Waiver of Terms Thereof.

- (a) The Grantee shall not be excused from complying with any of the terms and conditions of this franchise of any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. The Grantee's violation or failure to comply with any of the provisions of this ordinance shall result in a fine upon conviction of not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00) Dollars and each day any violation or non-compliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided herein and by State and Federal law including, but not limited to, the power to forfeit or terminate this franchise, the power of injunction or any other equitable remedies as provided by State law and the right to sue for damages which remedies may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

PART 21: Taxes. The Grantee shall promptly pay all lawful ad valorem taxes, and such other levies and assessments, if any, that may lawfully be imposed upon it. Failure to pay any of such charges on either of them shall be deemed a breach of the privilege granted herein.

PART 22: Assignment of Franchise. This Franchise and agreement and any and all rights and obligations hereunder may not be assigned by the Grantee without the prior written consent of the City Council.

PART 23: Acceptance by Grantee.

- (a) Within thirty (30) days after the third and final reading of this ordinance and its passage by the City Council, the Grantee herein shall file with the City Council in writing its acceptance of the terms and provisions of this grant and the ordinance in substantially the following form:

To the Honorable Mayor and City Council of the City of Temple:

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste within the City of Temple, Texas.

SIGNED this _____ day of _____, 2009.

AM CONSTRUCTION AND DUMPSTER SERVICE Billy Martone, Owner

- (b) The acceptance shall be duly acknowledged by the person executing the same. In the event the acceptance is not filed within the thirty (30) day period this ordinance and the rights and privileges hereby granted shall terminate and become null and void.

PART 24: Findings of Fact. The City Council hereby finds and declares that the public convenience and necessity require the service which is to be furnished by the Grantee named herein.

PART 25: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Board without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART 26: Open Meetings. It is hereby found that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act

PASSED AND APPROVED on First Reading on the 3rd day of **September**, 2009.

PASSED AND APPROVED on Second Reading on the 17th day of **September**, 2009.

PASSED AND APPROVED on Third and Final Reading on the 1st day of **October**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste City of Temple, Texas.

SIGNED this _____ day of _____, 2009.

AM CONSTRUCTION AND DUMPSTER SERVICE

Billy Martone, Owner



COUNCIL AGENDA ITEM MEMORANDUM

09/17/09
Item #5(O)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: (1) Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Kent Voluntary Annexation, for a 1.148 acre tract of land located in the vicinity of FM 2305 and Buck Lane.

(2) Consider adopting a resolution directing Staff to develop a municipal services plan and calling public hearings to consider the petition.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Jim and Jan Kent filed a petition on August 27, 2009, seeking voluntary annexation of approximately 1.148 acres into the City of Temple.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

The landowner's petition meets the statutory requirements and is recommended to be granted.

The proposed dates for initial public hearings are **October 14, 2009 (special meeting, 8:00 a.m., Council Chambers)** and October 15, 2009 (regular meeting). The resolution sets the time and place for these meetings. No on-site hearing will be necessary, as there are no residents on the land proposed to be annexed. Planning staff will present a Municipal Services Plan as required by state law, showing how the City will serve the area proposed to be annexed into the City. The proposed schedule anticipates completion of annexation proceedings November 19, 2009. The Planning and Zoning Commission will make a recommendation to the Council for the applicant's requested zoning of Urban Estate (UE) and Neighborhood Service (NS), to be part of the annexation and zoning ordinance readings, November 5 and 19, 2009.

FISCAL IMPACT: Future tax revenue.

ATTACHMENTS:

Petition and Map
Annexation schedule
Resolutions

VOLUNTARY PETITION FOR ANNEXATION

August 26, 2009

To the City Council of the City of Temple:

We are the owners of an approximately ^{1.148}~~1.427~~ acre tract of land (hereinafter the Tract), more particularly described as follows:

Exhibit 'A', consisting of two parts, Part 1, a sketch plan of this tract, and Part 2, a metes and bounds description, is attached hereto and made a part hereof by reference for all pertinent purposes

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

James L. Kent
James L. Kent, Owner

Jan M. Kent
Jan M. Kent, Owner

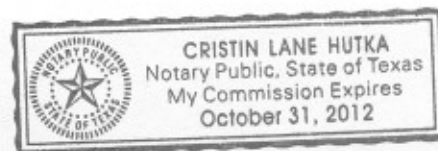
STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, the undersigned authority, personally appeared James L. Kent, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, for the purpose and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE this 26 day of August, 2009.

Cristin Lane Hutka
Notary Public, State of Texas



Being part of the JAMES BOWERS SURVEY, ABSTRACT NO. 81, Bell County, Texas,
being all of LOTS 7, 8, 9, 10, and 11, BLOCK 1, of the LAZY G RANCH SUBDIVISION,
an addition in Bell County, Texas, according to the plat of record in Cabinet A,
Slide 135-D, Plat Records of Bell County, Texas.



CALLED 3.895 ACRES
 JAMES L. KENT and wife,
 JAN M. KENT
 Vol. 4581, Pg. 292



ALL COUNTY SURVEYING, INC.

- Surveying
 - Mapping
 - Construction Layout

1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608

Scale: 1" = 60'
Job No.: 090447.3
Dwg No.: 09044703-Annex
Drawn by: SLW
Surveyor: CCL # 4636
Copyright 2009 All County Surveying, Inc.

Aug 26, 2009 - 5:46pm

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 26, 2009

Surveyor's Field Notes for:

1.148 ACRES, situated in the JAMES BOWERS SURVEY, ABSTRACT 81, Bell County, Texas, and being all of Lots 7, 8, 9, 10, and 11, Block 1, LAZY G RANCH SUBDIVISION, an addition in Bell County, Texas, according to the plat of record in Cabinet A, Slide 135-D, Plat Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the northeast corner of said Lot 7, being on the west line of a public roadway known as Buck Lane, being the southeast corner of Lot 6, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Buck Lane, **S 16° 59' 02" W – 400.03'** (Record S 18° 36' W – 400'), to a 1/2" iron rod found at the southeast corner of said Lot 11, being the northeast corner of Lot 12, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Lot 12, **N 73° 00' 00" W – 125.00'** (Record 125'), to a 5/8" iron rod found on the east line of a called 3.895 Acre tract conveyed to James L. Kent and wife, Jan M. Kent in Volume 4581, Page 292, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 3.895 Acre tract, same being the west line of said Block 1, **N 16° 58' 53" E – 400.00'** (Record N 18° 36' E – 400'), to a steel spindle found at the northwest corner of said Lot 7, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the north line of said Lot 7, same being the south line of said Lot 6, **S 73° 00' 51" E – 125.02'** (Record 125'), to the **POINT OF BEGINNING** and containing 1.148 Acres of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 501. The theta angle at City Monument No. 501 is 01° 27' 57". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 501 to the northeast corner of Tract 1 is S 31° 54' 43" W 3324.68 feet. Published City coordinates for project reference point 501 are N. = 10,388,956.44 E. = 3,186,885.77

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

ALL COUNTY SURVEYING, INC.
1-800-749-PLAT

server/projects/pro090000/090400/090447/090447-Annex.doc



Charles C. Lucko
 Registered Professional Land Surveyor
 Registration No. 4636

A handwritten signature in blue ink that appears to read "CCL" or "C. Lucko".

Schedule
Petition for Voluntary Annexation
FM 2305/Buck Lane

DATE	ACTION	TIME LIMIT
August 27, 2009	CITY RECEIVES PETITION of landowners to annex unoccupied area adjacent to city limits	NA
September 17, 2009 Thursday Regular Meeting	COUNCIL GRANTS PETITION <i>21st day after petition filed</i>	Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed §43.028(d) LGC
	COUNCIL ADOPTS RESOLUTION Directing staff to develop service plan Calling public hearings on Oct. 14th & Oct. 15th	Before publication of notice of First hearing required under §43.065 LGC.
September 27, 2009 Sunday	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Post notice on City web site Publish notice in Telegram Send notice to affected railroads by certified mail <i>17th day before 1st public hearing</i> <i>18th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing required under §43.063(c) LGC
October 14, 2009 Wednesday Special Meeting	COUNCIL HOLDS 1ST PUBLIC HEARING Staff presents service plan <i>22nd day before 1st reading of the ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. §43.063(a) LGC
October 15, 2009 Thursday Regular Meeting	COUNCIL HOLDS 2ND PUBLIC HEARING Staff presents service plan <i>21st day before 1st reading of the ordinance</i>	
October 19, 2009 Monday	PLANNING & ZONING COMMISSION MEETING TO CONSIDER REZONING OF PROPERTY	Receive recommendation for rezoning from PZC prior to 1 st reading of annexation/rezoning Ordinance by Council (Nov. 5)
November 5, 2009 Thursday Regular Meeting	COUNCIL CONSIDERS ANNEXATION/REZONING ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
November 19, 2009 Thursday Regular Meeting	COUNCIL CONSIDERS ANNEXATION/REZONING ORDINANCE ON 2ND READING <i>14th day after 1st reading of ordinance</i>	Complete annexation proceedings within 90 days from first reading. §43.064(A) LGC

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE PETITION TO INSTITUTE VOLUNTARY ANNEXATION PROCEEDINGS, KNOWN AS THE *KENT VOLUNTARY ANNEXATION*, FOR A TRACT OF LAND CONSISTING OF 1.18 ACRES LOCATED IN THE VICINITY OF FM 2305 AND BUCK LANE, PURSUANT TO SECTION 43.028 OF THE LOCAL GOVERNMENT CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of a tract of land consisting of 1.18 acres located in the vicinity of FM 2305 and Buck Lane petitioned the City to annex the tract;

Whereas, Section 43.028 of the Texas Local Government Code authorizes municipalities to annex a sparsely occupied area on petition of area landowners;

Whereas, the landowner's petition meets the requirements of Section 43.028 that the petition be made in writing, describe the area by metes and bounds, and be acknowledged in the manner required for deeds by each person having an interest in the area;

Whereas, the area requested to be annexed meets the conditions in Section 43.028, that is, the area is (1) one-half mile or less in width; (2) contiguous to the annexing municipality; and (3) vacant and without residents or on which fewer than three qualified voters reside; and

Whereas, the City Council has considered the matter and deems it in the public interest to accept the landowner's petition for voluntary annexation.

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

Part 1: The City Council accepts the petition for voluntary annexation, a copy of which is attached hereto as Exhibit A, for a 1.18 acre tract of land located in the vicinity of FM 2305 and Buck Lane, pursuant to Section 43.028 of the Local Government Code.

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 17th day of **September**, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING THE STAFF TO DEVELOP A MUNICIPAL SERVICES PLAN AND CALLING PUBLIC HEARINGS FOR OCTOBER 14, 2009, AND OCTOBER 15, 2009, TO CONSIDER A PETITION FOR VOLUNTARY ANNEXATION, KNOWN AS THE *KENT VOLUNTARY ANNEXATION*, FOR A TRACT OF LAND CONSISTING OF 1.18 ACRES LOCATED IN THE VICINITY OF FM 2305 AND BUCK LANE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2009, the City Council accepted a petition to voluntarily annex a tract of land consisting of 1.18 acres to the city limits of Temple;

Whereas, the Staff recommends that the City prepare a municipal services plan to indicate the level of commitment to be made in conjunction with the annexation, and to identify public improvements necessary to serve the area proposed for annexation and how it plans to provide those services within specified time periods; and

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

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

Part 1: The schedule for the voluntary annexation, which is more fully described herein, attached hereto and made a part hereof for all purposes, as Exhibit A, is adopted.

Part 2: The Staff is hereby directed to prepare a municipal services plan for the annexation area as follows:

a 1.18 acre tract of land located in the vicinity of FM 2305 and Buck Lane in the City of Temple, Texas

The above tract is more fully described by metes and bounds contained in field notes which is attached hereto and made a part of this Resolution for all purposes as Exhibit B.

Part 3: The City Council hereby calls two public hearings to gather comment concerning the proposed annexation described in Section 2 above, with the first public hearing scheduled for the Special Called City Council Meeting on October 14, 2009, at 8:00 AM, and the second public hearing at a Regular City Council Meeting on October 15, 2009, at 5:00 PM, both public hearings to be held in the City Council Chambers on the 2nd floor of the Municipal Building located at Main and Central in Temple, Bell County, Texas.

Part 4: The City Staff is hereby authorized to relocate the second public hearing to a suitable location within the area to be annexed in the event of protest.

Part 5: 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 **17th** day of **September**, 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

09/17/09
Item #54(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a letter of agreement with BSP Engineers, Inc. (Beach-Sulak Partnership) to assist the City in preparing an application and master plan for a “Safe Routes to School” grant with the Texas Department of Transportation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution authorizes the City to engage the services of BSP Engineers (Beach-Sulak Partnership) to assist the City in preparing a master plan and grant application with Texas Department of Transportation (TxDOT) for the Safe Routes to School Grant. This grant allows for up to \$500,000 in infrastructure costs and \$200,000 for surveying and engineering for qualified improvements including, but not limited to: sidewalks, bicycle lanes, combined sidewalks/bicycle paths, ramps, pavement markings, pedestrian signals, flashing beacons, bicycle racks, etc. The improvements must be at/near an eligible school (kindergarten through grade 8).

Program objectives are 1) to enable and encourage children in grades K-8, including those with disabilities, to walk and bicycle to school; 2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging healthy and active lifestyle from an early age; and 3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. Major emphasis is placed on emergency, hazardous conditions.

Safe Routes to School is a 100% federally funded cost-reimbursement program, with no matching funds required, managed by TXDOT. Projects are funded through a statewide competitive process. There are two deadlines for the application. By September 28, 2009 the City must have an approved Safe Routes to School Master Plan approved by the Waco District office. By November 30, the City must file a complete application.

Master Plan development is an extensive process that includes: surveying and documenting existing conditions at each school; committee work, stakeholder identification and coordination; surveys of principals, students, teachers; engineering; documentation of current usage by category; and preparation of an education, enforcement, encouragement, and evaluation plan.

Once the master plan process has been completed, staff will bring forth its recommendation on which school campus should be selected for grant submission. In addition, staff will present a resolution authorizing an application to be submitted.

Staff is recommending utilizing BSP Engineers to assist in preparation of the Master Plan and Application. BSP has prepared six other applications for this program and is familiar with all program requirements. Should the City be awarded the grant, staff would pursue entering into an engineering services contract and would consider BSP, among other engineers, based on their knowledge of the project.

FISCAL IMPACT: BSP Engineers is preparing the first phase of the project, an application and master plan, at no cost to the City. Engineering services are an authorized expense of the grant and are 100% reimbursable.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LETTER AGREEMENT WITH BSP ENGINEERS, INC., (BEACH-SULAK PARTNERSHIP) TO ASSIST THE CITY IN PREPARING AN APPLICATION AND MASTER PLAN FOR A "SAFE ROUTES TO SCHOOL" GRANT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the "Safe Routes to School" grant is a 100% federally funded cost-reimbursement program with no matching funds required which is managed by the Texas Department of Transportation (TxDOT);

Whereas, the Staff recommends entering into a letter agreement with BSP Engineers, Inc., (Beach-Sulak Partnership) to assist the City in preparing an application and a master plan for this grant – BSP Engineers has prepared 6 other applications for this program and is familiar with all program requirements;

Whereas, BSP Engineers has agreed to prepare the first phase of the project (application and master plan) at no cost to the City – should the City be awarded the grant, Staff would recommend that the City enter into a professional services agreement with BSP Engineers to design the project and provide project management (an authorized expense of the grant and 100% reimbursable); 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 letter agreement with BSP Engineers, Inc., (Beach-Sulak Partnership), after approval as to form by the City Attorney, to assist the City in preparing an application and master plan for a "Safe Routes to School" grant with the Texas Department of Transportation (TxDOT).

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 17th day of **September**, 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

09/17/09
Item #5(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$140,114.

ATTACHMENTS:

[Budget amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 17, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1500-515-1127		Sick Leave Accrual Pay (General Fund)	\$ 37,000	
110-1500-515-1150		Separation Pay (General Fund)	\$ 25,000	
110-1500-515-6536		Contingency - Compensation		\$ 46,305
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 15,695
<p>To appropriate additional funds to cover separation pay and sick leave accrual pay for FY 2009. This budget adjustment transfers the remaining funds available in Contingency Compensation and appropriates the difference needed from Designated Capital Projects - Unallocated.</p>				
110-2000-521-1119		Police Overtime (Police)	\$ 6,094	
110-0000-442-0718		Police Overtime Revenue		\$ 6,094
<p>Appropriate funds for reimbursement of overtime worked for Bloomin' Festival.</p>				
110-2000-521-2131		OCU Seized Funds/Federal (Police)	\$ 11,335	
110-0000-313-0330		Federal Seized Funds		\$ 11,335
<p>Use federal seized funds to purchase a digital video management system for the Traffic Unit.</p>				
110-2000-521-2516		Judgments & Damages (Police)	\$ 903	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 903
<p>Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple</p>				
110-2350-540-2516		Judgments & Damages (Solid Waste - Frontload)	\$ 163	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 163
<p>Settlement of claim filed against the City by Larry Watchel seeking reimbursement for the driver's side window of his vehicle that was damaged by gravel propelled when the right rear set of tires blew out on a Solid Waste truck on July 16, 2009, in the parking lot of the Summit Ridge Apartments where claimant lives.</p>				
110-2360-540-2516		Judgments & Damages (Solid Waste - Sideload)	\$ 1,206	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,206
<p>Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle after it was struck by a Solid Waste sideload truck on June 16, 2009, in the parking lot of Ervin's Chicken on East Adams.</p>				
351-2400-519-6310	100547	Buildings & Grounds (Facility Services)	\$ 12,000	
351-0000-490-2582		Transfer In		\$ 12,000
110-9100-591-8151		Transfer Out - Designated Capital Projects	\$ 12,000	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 12,000
<p>To appropriate funds for renovations of the Council Chambers.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 17, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2400-519-2311		Buildings & Grounds (Facility Services)	\$ 2,190	
110-0000-461-0554		Insurance Claims		\$ 2,190
To appropriate insurance proceeds for intersection repairs near the small incubator building. Damages to the intersection were a result of a traffic accident.				
110-3400-531-2516		Judgments & Damages (Street Dept.)	\$ 2,343	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,343
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Donald Heugatter seeking reimbursement for damage to his vehicle after it was struck by a street sweeper on July 7, 2009, at 1500 S. 45th St.				
110-3400-531-2516		Judgments & Damages (Street Dept.)	\$ 4,973	
110-0000-461-0554		Insurance Claims		\$ 4,973
To appropriate insurance proceeds for damage to a Street roller, asset #7790				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 4,045	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 4,045
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle as a result of an accident involving a vehicle driven by a Construction Safety employee on January 30, 2009, at 2603 Thornton Lane (parking lot).				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 2,787	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 2,787
Attorney fees -- Martha's Kitchen Shelter of Texas, Inc. v. City of Temple (\$54.00) and attorney fees -- Centex Investments v. City of Temple (\$2,732.70)				
110-4000-555-2225		Books & Periodicals (Library)	\$ 1,420	
110-0000-445-0242		Memorials		\$ 1,420
Purchase memorial books as designated.				
110-4000-555-2225		Books & Periodicals (Library)	\$ 1,202	
110-0000-461-0841		Donations/Gifts		\$ 1,202
Expend donated funds as designated.				
351-3600-560-6523	360002	Capital - T-Hangars (Airport)	\$ 4,527	
351-0000-461-0865		Miscellaneous Reimbursements		\$ 4,527
To appropriate funds received from the Texas Department of Transportation in the amount of \$4,527, as a reimbursement to the City of Temple for property designated at the Airport for the Runway Extension Project.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 17, 2009

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
362-3200-551-6841	100359	Summit Expansion (Recreation)	\$ 2,000	
362-3500-552-6845	100363	Ferguson Park Improvements (Parks)		\$ 2,000
To reallocate funding from a completed project for various miscellaneous expenditures to complete the Summit Expansion.				
430-9100-591-8110		Transfer Out - General Fund	\$ 4,463	
430-0000-461-0111		Interest Revenue (Debt Service Fund)		\$ 4,463
110-0000-352-1345		Designated Capital Projects - Unallocated	\$ 4,463	
110-0000-490-2582		Transfer In		\$ 4,463
Appropriate interest earnings on the Reserve Fund for the 2005 Airport Revenue bonds that will be transferred to the General Fund since the initial reserve balance was funded by the General Fund. The Reserve fund will still maintain the required balance of \$475,000.				
TOTAL AMENDMENTS			\$ 140,114	\$ 140,114

GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 70,000
Added to Contingency Judgments & Damages from Council Contingency	\$ 40,000
Taken From Judgments & Damages	\$ (109,418)
Net Balance of Judgments & Damages Contingency Account	\$ 582
Beginning SAFER Grant Match Contingency	\$ 46,821
Added to SAFER Grant Match Contingency	\$ -
Taken From SAFER Grant Match Contingency	\$ (41,968)
Net Balance of SAFER Grant Match Contingency Account	\$ 4,853
Beginning Compensation Contingency	\$ 184,700
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (184,700)
Net Balance of Compensation Contingency Account	\$ -
Net Balance Council Contingency	\$ 5,435
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

WATER & SEWER FUND

Beginning Contingency Balance	\$ 174,121
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (166,411)
Net Balance of Contingency Account	\$ 7,710
Beginning Compensation Contingency	\$ 34,334
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (34,334)
Net Balance of Compensation Contingency Account	\$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2009 BUDGET
September 17, 2009

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Approach Mains Contingency		\$ 500,000
		Added to Approach Mains Contingency		\$ -
		Taken From Approach Mains Contingency		\$ (11,730)
		Net Balance of Approach Mains Contingency Account		\$ 488,270
		Beginning T-BRSS Future Plant Expansion Contingency		\$ 450,000
		Added to T-BRSS Future Plant Expansion Contingency		\$ -
		Taken From T-BRSS Future Plant Expansion Contingency		\$ (445,424)
		Net Balance of T-BRSS Future Plant Expansion Contingency		\$ 4,576
		Net Balance Water & Sewer Fund Contingency		\$ 500,556
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ 75,221
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ (18,600)
		Net Balance of Contingency Account		\$ 56,621
		Beginning Compensation Contingency		\$ 5,401
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (3,222)
		Net Balance of Compensation Contingency Account		\$ 2,179
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 58,800
		DRAINAGE FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency		\$ 4,631
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (1,901)
		Net Balance of Compensation Contingency Account		\$ 2,730
		Net Balance Drainage Fund Contingency		\$ 2,730
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ 7,962
		Carry forward from Prior Year		\$ 99,254
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ (70,458)
		Net Balance of Contingency Account		\$ 36,758

RESOLUTION NO. _____

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

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

Whereas, the City Council deems it in the public interest to make certain amendments to the 2008-2009 City Budget.

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

Part 1: The City Council approves amending the 2008-2009 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 17th day of **September**, 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

09/17/09
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting ordinances:

- (A) setting out the civil service classifications and setting the number of positions in each classification in the Temple Fire Department; and
- (B) establishing assignment pay in the amount of \$200 per month for the assignment of Fire Marshal duties.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinances as presented in item description, on first reading, and schedule second reading and final adoption for October 1, 2009.

ITEM SUMMARY: (A) Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications in the Police Department and the Fire Department. Previously, the Fire Marshal for the City has been a civilian position. Management desires to make the position a civil service position at the rank of Captain which will require Council to authorize an additional Captain position.

(B) Chapter 143 of the Local Government Code requires that the Council establish assignment pay by ordinance. The previous Fire Marshal was receiving approximately \$200 per month in certification pay related to Fire Marshal duties. Management desires to add an assignment pay of \$200 per month for the assignment of Fire Marshal in the Fire Department.

FISCAL IMPACT: Sufficient funding is available in the FY 2010 operating budget to cover these costs.

ATTACHMENTS:

[Ordinance for Classification](#)
[Ordinance for Assignment Pay](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING OUT THE CIVIL SERVICE CLASSIFICATIONS, SETTING OUT REQUIREMENTS FOR APPOINTMENT TO THE POSITIONS, AND SETTING OUT THE NUMBER OF POSITIONS IN EACH CLASSIFICATION IN THE TEMPLE FIRE DEPARTMENT AND TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING AN OPEN MEETING CLAUSE; AND DECLARING AN EMERGENCY.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the classifications in the Police Department and the Fire Department;

Whereas, previously, the Fire Marshal for the City has been a civilian position, but the Staff recommends changing the position to a civil service position at the rank of Captain;

Whereas, the number of Captain positions needs to be increased from 22 to 23 for the Fire Department; and

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

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

Part 1: The City Council establishes the following *Classifications and the Number of Positions of Certified Firefighters and Classifications and the Number of Positions of Certified Police Officers* for civil service positions in the Police and Fire Departments.

CLASSIFICATIONS AND POSITIONS
OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* - 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *DEPUTY CHIEF* - 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain for at least 2 years. In addition to base pay every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *CAPTAIN* – 23 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *DRIVER* - 27 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Fire Control and Rescue Officer, for at least 2 years. In addition to base pay every Driver having more than 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *FIRE CONTROL AND RESCUE OFFICER* - 53 Positions

No person shall be eligible for appointment as a Fire Control and Rescue Officer who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay every Fire Control and Rescue Officer having 1, 3, 5, 7, 9 and 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* - 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education

at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

B. *Deputy Chief* - 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

II. CLASSIFIED POSITIONS

A. *LIEUTENANT* - 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Senior Police Officer in the Department for at least 2 years. In addition to base pay every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *Corporal* - 16 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least two years. In addition to base pay every officer who has 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* - 91 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a police officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay every police officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **September, 2009**.

PASSED AND APPROVED on Second Reading on the **1st** day of **October, 2009**.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE CONDITIONS FOR RECEIVING, AND SETTING THE AMOUNT OF CERTIFICATION PAY, EDUCATIONAL INCENTIVE PAY AND ASSIGNMENT PAY FOR CERTAIN FIREFIGHTERS; SUPERSEDING ALL PREVIOUS ORDINANCES AND POLICIES RELATING TO CERTIFICATION, ASSIGNMENT AND INCENTIVE PAY IN THE FIRE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, Section 143 of the Local Government Code provides that a city may make provisions for paying certification pay, educational incentive pay, and assignment pay to Firefighters under certain conditions;

WHEREAS, the Fire Chief recommends certification pay for Firefighters who have received certification from Texas Department of Health and Texas Commission on Fire Protection, educational incentive pay, and assignment pay for Fire Marshal duties;

WHEREAS, the 2009-2010 fiscal budget for the fire department appropriated funds for this purpose; and

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

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

Part 1: This ordinance authorizes the payment of certain types of certification pay, educational incentive pay, and assignment pay to certified firefighters in the Fire Department subject to the availability of funds appropriated by the City Council for that purpose. This ordinance supersedes previous ordinances and policies relating to certification, assignment and incentive pay in the Fire Department whether or not formally adopted by the City Council.

Part 2: Certification Pay. The City of Temple adopts the policy of providing certification pay to Firefighters under certain conditions contained herein, subject to the availability of funds appropriated by the City Council for that purpose. The Fire Chief shall submit a personnel action form and a copy of the certification to the Human Resources Department when a firefighter qualifies for certification pay. Certification pay will begin on the first pay period following receipt of this documentation in the Human Resources Department. Certification pay is in addition to the regular pay received by a

member of the fire department. Probationary employees are eligible to receive certification pay.

A. Texas Commission on Fire Protection Certification. Firefighters who meet the requirements for certification established by the Texas Commission on Fire Protection are eligible to receive \$25 per month for an Intermediate Firefighter Certification, \$50 per month for an Advanced Firefighter Certification, or \$75 per month for a Master Firefighter Certification.

B. Texas Department of State Health Services Certification. Firefighters who meet the requirements for certification established by the Texas Department of State Health Services are eligible to receive \$50 per month for EMT Grade I certification, \$60 per month for EMT Grade II certification, and 12% of base pay of Fire Control and Rescue Officer Step 2.

Part 3: Educational Incentive Pay.

A. The City of Temple adopts the policy of providing educational incentive pay to firefighters under certain conditions contained herein, and to the extent that funds have been appropriated by the City Council for that purpose. To be eligible for educational incentive pay, a firefighter must have completed a minimum of thirty semester hours with a grade of "C-" or better at an accredited college or university. An "accredited college or university" is an institution of higher education that is accredited by its state education department and by either the Southern Association of Colleges and Schools or a similar regional Association.

B. Firefighters without a college degree are eligible to receive \$2.00 a month for every 3 semester hours with a grade of "C-" or above (minimum of thirty semester hours). Firefighters who have 40 college hours are eligible to receive \$40 per month. Firefighters who have 60 college hours are eligible to receive \$60 per month. Firefighters who have 120 college hours are eligible to receive \$100 per month. This is the maximum amount to be paid for educational incentive pay.

C. The Fire Chief shall submit a personnel action form and the employee's official certified transcript to the Human Resources Department when a firefighter qualifies for educational incentive pay. Educational incentive pay will begin on the first pay period following receipt of this documentation in the Human Resources Department. Probationary employees are not eligible to receive educational incentive pay.

Part 4: Fire Marshal Assignment Pay. The City of Temple adopts the policy of providing assignment pay to the Captain who is assigned Fire Marshal duties under conditions contained herein, subject to the availability of funds appropriated by the City Council for that purpose. The Fire Chief must appoint a Captain who holds a TCLEOSE certified basic peace officer license. Additionally, the Captain assigned Fire Marshal duties shall be required to possess an Advanced (minimum) Arson Investigator certification, as well as a Basic (minimum) Fire Inspector certification from the Texas Commission on Fire Protection.

The Fire Chief shall promptly notify the Human Resources Department, by personnel action form, of the Fire Captain appointed to, or removed from, the Fire Marshal assignment. The Fire Captain who is assigned the Fire Marshal duties shall be eligible to receive as an assignment pay the sum of \$200 per month, or a prorated percentage thereof for less than a full month. Assignment pay for Fire Marshal duties is in addition to the regular pay received by a member of the fire department.

Part 5: Severability. That if any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid revision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 6: Effective Date. That this ordinance shall take effect on October 2, 2009, in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: Open Meetings Clause. That 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 on the **17th** day of **September**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **1st** day of **October**, 2009.

THE CITY OF TEMPLE, TEXAS

William A. Jones, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/17/09
Item #7
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 Temple Public Safety Advisory Board to fill a term through September 1, 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: At the August 20th City Council meeting, Mr. James Spurlock was appointed to fill an expired term on the Temple Public Safety Advisory Board through September 1, 2012. Mr. Spurlock has notified the City Secretary that he is unable to serve on the board at this time.

We request the appointment of one Temple resident to serve on this board through September 1, 2012. Please see the attached City Board Applications on file from qualified residents seeking appointment to the Temple Public Safety Advisory Board. The current board member list is also attached.

FISCAL IMPACT: None

ATTACHMENTS:

[City Board Applications](#)
[Temple Public Safety Advisory Board Member List](#)



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

- | | |
|-------------------------------------|---|
| 1 AIRPORT ADVISORY BOARD | ANIMAL SERVICES ADVISORY BOARD |
| BUILDING & STANDARDS COMMISSION | BUILDING BOARD OF APPEALS |
| CIVIL SERVICE COMMISSION | COMMUNITY SERVICES ADVISORY BOARD |
| ELECTRICAL BOARD | 2 TEMPLE PUBLIC SAFETY ADVISORY BOARD |
| ZONING BOARD OF ADJUSTMENT | DEVELOPMENT STANDARDS ADVISORY BOARD |
| LIBRARY BOARD | PARKS & LEISURE SERVICES ADVISORY BOARD |
| PLANNING & ZONING COMMISSION | 4 TRANSIT ADVISORY COMMITTEE |
| REINVESTMENT ZONE NUMBER ONE | CENTRAL TEXAS HOUSING CONSORTIUM |
| 5 TEMPLE ECONOMIC DEVELOPMENT CORP. | |

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Pat Bell Residence Address 3201 Pecan Valley Dr. 76502
Mailing Address PO Box 2062 Temple 76503 Phone Number (Business) 231-1075 (Home) 721-6925
Fax Number _____ Cell Phone Number 721-6925 E-Mail Address atwoodbell@yahoo.com
Current Employer/Nature of Business: Golden Distributing/ Beverage Distributor
What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: Airport Advisory Board,
Temple Public Safety Advisory Board, TEDC, Transit Advisory

What experience and/or educational background do you have that could be applied to community service?
Licensed Private Pilot, Bachelor of Science degree in Marketing

Comments (Attach additional page if desired):
I'm also on the advisory board of the Temple Salvation Army

Signed: Pat Bell Date: 7/15/08

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE PUBLIC SAFETY ADVISORY BOARD

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Dee Blackwell Residence Address 8520 Oak Crossing Temple, TX 76502
 Mailing Address 8520 Oak Crossing Temple, TX 76502 Phone Number (Business) _____ (Home) 254-298-5609
 Fax Number 254-298-5609 Cell Phone Number 254-541-9873 E-Mail Address deblackwell@hotmail.com
 Current Employer/Nature of Business: Stay at home Mom
 What City Boards have you served on before & When? none previously

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) Public Safety Advisory Board; (2) Community Services Advisory Board

What experience and/or educational background do you have that could be applied to community services?

I have a diverse education including a Masters degree in Social Work and Bachelor degree in Biology. As a mother and wife of a physician, the health and safety of the citizens of Temple is of great importance to me.

Signed: Dee Blackwell Date: 4/18/08

PLEASE NOTE: All information supplied on this form is public information.

RECEIVED

APR 17 2008

CITY OF TEMPLE, TX
CITY SECRETARY



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Temibia Brown Residence Address 8228 Starview Temple
Mailing Address 8228 Starview Phone Number (Business) 718-80316 (Home) 780-2822
Fax Number 718-8046 Cell Phone Number 217-54716 E-Mail Address brownchrist@
aol.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Grace Temple Ministries / Administrative

What City Boards have you served on before & When? I have not previously served
on any city boards.

Name, in priority order, the Board or Boards on which you would prefer to serve: Community Services
Advisory Board, Temple Public Safety Advisory Board, Library
Board, Central Texas Housing Consortium

What experience and/or educational background do you have that could be applied to community service?

M.A. - University of Mary Hardin Baylor, May 2007
B.S.W. - University of Mary Hardin Baylor, May 2002
Comments (Attach additional page if desired):

Signed: Temibia Brown Date: August 11, 2009

PLEASE NOTE: All information supplied on this form is public information.

Temikia M. Brown

8228 Starview, Temple, Texas 76502

(254) 780-2822

My name is Temikia Brown and I wanted to share with you some details about myself. I am a two-time graduate of the University of Mary Hardin Baylor. I hold a Bachelor's Degree in Social Work and a Masters Degree with a focus in Marriage and Family Therapy.

I am currently employed by Grace Temple Ministries as an administrative assistant. I also work closely in the community services department of our ministry. I am a ministry team member that assists in coordinating an annual free block party for the community that feature city departments such as Fire and Rescue, the Police Department, Bell County Health District, and Scott and White.

While in college I was a board member of Phi Theta Kappa and assisted with various community projects that included mentoring to children within Communities in Schools and volunteering at a nursing home.

I feel that with my diverse background in community and social services as well as my educational background, I would be an asset to the Temple Community boards.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Margaret Goodwin Residence Address 3206 Keller Rd. 76504
Mailing Address Same Phone Number (Business) 254-771-8600 EXT 277 (Home) _____
Fax Number _____ Cell Phone Number 254-541-0894 E-Mail Address mag47goc@msn.com
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: Kings Daughters Hosp, medical technologist
What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: ① Parks & Leisure
② Library ③ Community Services ④ Temple Public Safety ⑤ Any others
at your discretion

What experience and/or educational background do you have that could be applied to community service?
I am a life-long resident of Temple and a graduate of Temple High
school and Temple college. I have worked in the medical field
Comments (Attach additional page if desired): for over 40 yrs.

I feel that I have benefited from the services of the city
and would like to be a benefit to my community.
Signed Margaret Goodwin Date: _____

PLEASE NOTE: All information supplied on this form is public information.

RECEIVED
JAN 26 2009
CITY OF TEMPLE, TX
CITY SECRETARY



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following board, and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or cantz@ci.temple.tx.us

Name JIM MALONE Residence Address 5304 Wildflower Lane
Mailing Address Same Phone Number(Business) _____ (Home) 742-0376
Fax Number _____ Cell Phone Number _____ E-Mail Address Jmalone022@hot
Temple Resident: ☒ Yes ☐ No schlumberger is the
Current Employer/Nature of Business Retired / Schlumberger - world largest oil & gas
What City Boards have you served on before & When? none service company

Name, in priority order, the Board or Boards on which you would prefer to serve: most any except
library

What experience and/or educational background do you have that could be applied to community service?
B.S. Math - Physics 30yrs of experience in management - mostly
operational. Strong experience in making budgets, managing
Comments (Attach additional page if desired):
people and costs. serve as president / general manager
of credit union - ~~worked~~ worked with many service organizations

Signed Jim Malone Date 9-11-08

PLEASE NOTE: All information supplied on this form is public information.

REC'D

SEP 12 2008

CITY OF TEMPLE, TX
CITY SECRETARY



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name John Mayo Residence Address 6918 Valley Mtn 76502
Mailing Address Same Phone Number (Business) 713-9966 (Home) 933-8416
Fax Number N/A Cell Phone Number 541-6816 E-Mail Address John.mayo@hotmail.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Omega Enterprises / Construction

What City Boards have you served on before & When? Zoning Board (Alternate) 2003-2005

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Civil Service
2) Temple Public Safety 3) Community Services

What experience and/or educational background do you have that could be applied to community service?
BBA-Accounting, MBA, 25 Year Professional Business Experience.

7-Year as Director / Instructor - Search & Recovery Team

Comments (Attach additional page if desired):

19-Year Resident of Temple with strong ties to community with a
desire to give back.

Signed: John Mayo Date: 7/24/2009

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Richard E. Morgan Residence Address 214 West Houston Ave.
Mailing Address 214 W. Houston Ave. Phone Number (Business) Temple, TX 76501 (Home) 254-771-6169
Fax Number 254-634-9309 Cell Phone Number 254-760-0331 E-Mail Address richard.morgan@houston.com
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: Self Employed / Self Proprietor / Clinical Social Worker
What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) Planning & Zoning Commission
(2) Community Services Advisory Board (3) Temple Public Safety Advisory Board
(4) Reinvestment Zone Number One (5) Transit Advisory Board

What experience and/or educational background do you have that could be applied to community service?
Served on numerous committees including Bell County Resource Group
Parents Without Partners Board of Directors Bell County Mental Health
Comments (Attach additional page if desired): I have a Master of Science Degree
in Social Work from University of Texas
more than 20 years in Clinical Social Work

Signed: R. E. Morgan Date: 7/14/09

PLEASE NOTE: All information supplied on this form is public information.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE PUBLIC SAFETY ADVISORY BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name David Perkins Residence Address 814 Pecos, Temple 76504
 Mailing Address 814 Pecos, Temple 76504 Phone Number (Business) 773-9292 Home 778-5650
 Fax Number 770-0811 Cell Phone Number 931-1900 E-Mail Address davidwperkins@shcglobal.net
 Current Employer/Nature of Business: Viron International/Environmental Control Systems
 What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Public Safety Advisory Board, Zoning Board of Adjustment

What experience and/or educational background do you have that could be applied to community service?

B.S. History UT at Tyler
Minor: Economic Geography
 Comments (Attach additional page if desired):

Signed: David Perkins Date 7/15/2008

PLEASE NOTE: All information supplied on this form is public information.

RECEIVED
 JUL 15 2008
 CITY OF TEMPLE, TX
 CITY SECRETARY

JUL 9 2008 2:31PM

SOLID SURFACE DEPARTMENT

NO 6553



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
CONVENTION CENTER & TOURISM BOARD	ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & RECREATION BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	TEMPLE HOUSING AUTHORITY
TEMPLE ECONOMIC DEVELOPMENT CORP.	TEMPLE PUBLIC SAFETY ADVISORY BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Warren R Smith Residence Address 4409 Surface Lane Temple Texas
 Mailing Address 4409 Surface Lane, 76502 Phone Number (Business) 254-281-2127 (Home) 254-228-7472
 Fax Number 254-281-9494 Cell Phone Number 254-228-7472 E-Mail Address WarrenSmith1953@yahoo.com
 Current Employer/Nature of Business: Wilson & International, Solid Surface Group, Controller
 What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Public Safety
Advisory Board, Temple Economic Development Corporation

What experience and/or educational background do you have that could be applied to community service?

30 years of Corporate Business Experience, Licensed CPA
Undergraduate Degree in Accounting, MBA in Finance
 Comments (Attach additional page if desired).

Signed: Dan Smith Date: 7/9/2008

PLEASE NOTE: All information supplied on this form is public information.

#1



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD
BUILDING & STANDARDS COMMISSION
CIVIL SERVICE COMMISSION
ELECTRICAL BOARD
ZONING BOARD OF ADJUSTMENT
LIBRARY BOARD
PLANNING & ZONING COMMISSION
REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or centz@ci.temple.tx.us.

Name Bernie Trevino Residence Address 1003 South 13th St

Mailing Address 1003 S. 13th St Phone Number(Business) _____ (Home) 254-771-3859

Fax Number 254-771-3859 Cell Phone Number _____ E-Mail Address bnn-trevino@yahoo.co
bnn-trevino@yahoo.co

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: not employed

What City Boards have you served on before & When? none

Name, in priority order, the Board or Boards on which you would prefer to serve: Building Board of Appeals
electrical board, community services, public safety board

What experience and/or educational background do you have that could be applied to community service?
25 years as an electrician 18 as an industrial maintenance electrician

Comments (Attach additional page if desired):

Signed: Bernie Trevino Date: 1-28-09

PLEASE NOTE: All information supplied on this form is public information.

TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore (OMA)	06/05	2012	2005 East Avenue K, 76501	773-3589 H
Gaylene Nunn	09/08	2012	3502 Gila Trail 76504 gaylenenunn@netscape.net	254-519-5458 W 771-3556 H 972-989-4040 C
Steven Baskerville (O/OMA)	05/09	2010	909 Neuberry Cliffe 76502 sbaskerville@hotmail.com sbaskerville@ussdhs.gov	741-1581 W 644-4135 C
John Bush	09/09	2010	1302 North 13 th , 76501 jbush83498@sbcglobal.net	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 Dnelson8@hotmail.com	778-1803 H/F
Justice M. Bigbie (O)	07/09	2010	108 Sundance, 76502 jnavyman@hotmail.com	742-2171 H 421-0849 C
Patricia A. Smith, Ph.D. Chair	11/02	2010	3334 Red Cliff Cr., 76502 pat-smith@earthlink.net	778-4425 H
Corey Richardson	09/07	2010	100 Ottoway Drive, 76501 cdrich@excite.com	760-8330 W 598-0280 H
James M. Spurlock –unable to serve (O/OMA)	09/09	2012	2109 Carnation Lane, 76502 mdspur@hotmail.com	228-5809 H 760-8925 C
Cynthia Martinez (OMA)	09/09	2010	508 West Virginia Ave., 76501 cymartinez@templejc.edu	298-8358 W 778-4180 H 231-6004 C
Karl J. Kolbe	04/07	2011	4802 S. 31 st Street, #Apt 515 kkolbe@hotmail.com	512-771-4132 C 254-231-3445 H
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 C
Stephen Paine (OMA)	02/08	2011	227 Taylors Drive Temple, TX 76502 Stephen.centraltexasems@gmail.com	771-1136 W 534-1834 C
Arben “Benny” Ismaili	09/07	2011	1810 Marlandwood Rd. #8107 76502 arben1976@hotmail.com	771-0169 W 421-1249 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 johnbarina@hotmail.com	760-6525 W/C 773-9580 H

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

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

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

Term: 3 years

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

Meeting Time/Place: 2nd Tuesday of each month at 5:30 p.m., Temple Police Department. Revised 09/08/09