



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, NOVEMBER 19, 2009

3:00 P.M.

3rd FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 19, 2009.
2. Discuss fourth quarter financial results, including Capital Improvement and grant funded projects.
3. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Finance Director. No final action will be taken.

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. [America Recycles Day](#) [November 15, 2009](#)

III. PUBLIC APPEARANCES

4. Receive comments from Mr. Edward L. Hesse regarding availability of city water to the residents on [Lower Troy Road](#).

IV. PUBLIC COMMENTS

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

V. CONSENT AGENDA

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

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

Minutes:

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

Contracts, Leases & Bids:

- (B) **2009-5876-R:** Consider adopting a resolution authorizing a guaranteed maximum price construction contract with Vanguard Contractors, LP of Temple for Phase 2 renovations to the Temple Public Library in the amount of \$756,536.
- (C) **2009-5877-R:** Consider adopting a resolution authorizing an agreement with the Texas State Library and Archives Commission for the Loan Star Libraries Grant in the amount of \$25,134.
- (D) Consider adopting resolutions authorizing professional services agreements with:
 - 1. **2009-5878-R:** Kasberg, Patrick & Associates, LP of Temple for engineering design and landscape architect services required to design Phase II of the Temple Medical and Education District (TMED) South First Street improvements; and
 - 2. **2009-5879-R:** Bury Partners of Temple for engineering design services required to design Phase III of the Temple Medical Education District (TMED) improvements through the Temple College campus connecting to the South 5th Street trail.
- (E) **2009-5880-R:** Consider adopting a resolution authorizing a contract with Rodgers Equipment Company, Inc. of Richardson for the purchase of two new flash mixers for Clarifier #2 and #3 at the Conventional Water Treatment Plant in the amount of \$27,846.
- (F) **2009-5881-R:** Consider adopting a resolution authorizing a contract with T. Morales Company Electric & Controls, Ltd. Of Florence, the City's contracted electrical service provider, to provide installation and programming services related to improvements needed to the City's SCADA system in an estimated amount of \$276,100, and authorizing the City's IT Department to procure and install equipment in an estimated amount of \$50,000 to support the Water Treatment SCADA Project.
- (G) **2009-5882-R:** Consider adopting a resolution authorizing a farm lease with Roy Davis for approximately 170 acres at Pegasus Drive and Moores Mill Road.
- (H) Consider adopting resolutions authorizing farm leases with Edward Brenek, Jr. for the following:
 - 1. **2009-5883-R:** 8.164 acres east of Wilson Park; and
 - 2. **2009-5884-R:** 39 acres on Little Flock Road.

Ordinance – Second & Final Reading:

- (I) **2009-4325:** SECOND READING – Consider adopting an ordinance authorizing the voluntary annexation of a 1.148 acre tract of land located in the vicinity of FM 2305 and Buck Lane.

- (J) 1. [2009-4326](#): SECOND READING – Z-FY-09-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on a 0.6± acre tract of land identified as Tract 1, and from Agricultural District (A) to Urban Estate District (UE) on a 4± acre tract of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City limits, all located on the south side of FM 2305, adjacent to Buck Lane.
2. [2009-5885-R](#): P-FY-09-46: Consider adopting a resolution approving the Final Plat of Sunset Ridge at the Lake, 5 residential lots and one commercial lot on 5.05 ± acres, subject to a developer's requested exception to Chapter 12 (Fire Code-hydrant location and pressure) of the City of Temple Code of Ordinances.
- (K) 1. [2009-4327](#): SECOND READING – Z-FY-09-35: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Planned Development – General Retail District (PD-GR) on Lots 7 – 12, Block 2, Eugenia Terrace, located at 1402, 1414 and 1424 South 1st Street.
2. [2009-5886-R](#): Consider adopting a resolution authorizing a Chapter 380 grant agreement with Kelum Pelawatta dba EZ Tire in an amount not to exceed \$39,700 for redevelopment improvements in the 1st Street Strategic Investment Zone corridor.

Misc.:

- (L) [2009-5887-R](#): Consider adopting a resolution granting a street use license for an existing building at 204 West Avenue D, with existing encroachments up to 1.75 feet into the east side of the 20-foot wide alley located in Block 39, Original Town of Temple.
- (M) [2009-5888-R](#): Consider adopting a resolution authorizing submission of two grant applications through the Safe Routes to School program and committing to provide maintenance of funded infrastructure.
- (N) [2009-5889-R](#): Consider adopting a resolution revising the adopted FY 2010 Capital Improvement Plan.
- (O) [2009-5890-R](#): Consider adopting a resolution authorizing the carry forward of FY 2008-2009 funds to the FY 2009-2010 budget.
- (P) [2009-5891-R](#): Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2009.

V. REGULAR AGENDA

ORDINANCES

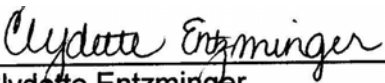
6. [2009-4328](#): FIRST READING – PUBLIC HEARING – Z-FY-10-07: Consider adopting an ordinance authorizing amendments to the Choices '08 City of Temple Comprehensive Plan, 2030 Future Land Use and Character Plan Map, Figure 3.1 of the Plan.

BOND ITEMS

7. (A) [2009-4329](#): FIRST & FINAL READING – PUBLIC HEARING - Consider adopting an ordinance authorizing the issuance of City of Temple, Texas General Obligation Bonds, Series 2009; authorizing the levy of an ad valorem tax in support of the bonds; approving a Paying Agent/Registrar Agreement, an Official Statement and other agreements related to the sale and issuance of the bonds; and authorizing other matters relating to the issuance of the bonds, to be considered on an emergency basis.
- (B) [2009-4330](#): FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of City of Temple, Texas General Obligation Refunding Bonds, Series 2009; authorizing the levy of an ad valorem tax in support of the bonds; approving a Paying Agent/Registrar Agreement, an Escrow Agreement, an Official Statement and other agreements related to the sale and issuance of the bonds; and authorizing other matters relating to the issuance of the bonds, to be considered on an emergency basis.
8. [2009-5892-R](#): Consider adopting a resolution authorizing a contract with EMJ Corporation of Irving for the construction of a new Central Fire Station in the amount of \$3,406,125.

***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 3:00 PM, on November 13, 2009.


Clydette Entzminger
City Secretary

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



COUNCIL AGENDA ITEM MEMORANDUM

11/19/09
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

America Recycles Day November 15, 2009

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: The proclamation was requested by and will be received by Tanya Gray, Executive Director, Keep Temple Beautiful.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

11/19/09
Item #4
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Mr. Edward L. Hesse regarding availability of city water to the residents on Lower Troy Road.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mr. Hesse will address the Council regarding providing city water to the residents on Lower Troy Road.

Staff comments: This area is served by a rural water supply corporation Little Elm Water Supply Corporation. In the past, the City has swapped customers on occasion with this water supply corporation. When rural water supply corporations have federal loans (typically made by the Farm Home Administration, cities and other public water utilities are prohibited by law from interfering with those contracts (for example, by offering to hook them up to City water lines—usually at lower rates. The Staff believes that this was the case (the rural water supply corporation had a federal loan) at least in the 1990s, and as such the City was prohibited from offering service to these customers.

It is likely that at the time this area was added to the City that there was not a requirement to prepare a municipal service plan. In any event, cities are not required (even under current rules which require a municipal service plan) to provide water and wastewater services to newly annexed areas if the areas are already served by another water or wastewater provider, OR the area's population, topography, density, etc., make it impractical to provide water or wastewater to the new area. It's the Staff's believe at this time, that the City is dual certificated (has a CCN) to provide water service to this area, along with the rural water supply corporation.

The Staff is researching these issues and will be prepared to respond to questions from the City Council during this public appearance.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)

CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

_____ Priority

NAME OF PRESENTER: Edward L. Hesse

ADDRESS: 4414 Lower Troy Rd. - Temple

TELEPHONE NO. 254-778-7527

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) 11-17-09

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

City Water to residents on Lower
Troy Rd.

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

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

Edward L. Hesse
SIGNATURE OF PRESENTER

10-30-09
DATE

RECEIVED
OCT 30 2009
CITY OF TEMPLE, TX
CITY SECRETARY

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

11/19/09
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

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

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

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

TEMPLE CITY COUNCIL

NOVEMBER 5, 2009

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

Present:

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

Absent:

Councilmember Marty Janczak

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

Regular agenda item 10 - Purchase of pickups: David Blackburn, City Manager, stated the Council has a local preference option to consider regarding the purchase of these pickups.

Regular agenda item 12- Panda development agreement: Mr. Blackburn recommended the executive session be conducted as part of the work session, with action anticipated at the regular meeting.

2. Discuss proposed traffic calming policy.

Bruce Butscher, Director of Public Works, discussed the reasons for traffic calming policies, which include excessive speed, accidents, noise, and overall public safety which is part of the City's core mission. Mr. Butscher reviewed the current City policy relating to speed humps, noting the eligibility requirements, criteria for the warrant study and procedures for a resident-initiated study. He recommended this policy be amended to make it easier for residents to initiate the study process, institute more notifications to residents about the initiation and completion of the study, update the warrant criteria and rating system and provide for a comprehensive set of traffic calming options and alternatives. Mr. Butscher reviewed some of the proposed warrant criteria and traffic calming measures and explained the three-tiered approach staff is recommending for implementation of the measures.

Mr. Blackburn stated a proposed resolution amending the existing policy will be presented to Council for consideration before the end of the year.

3. Discuss the proposed agreement with Panda Temple Power, L.L.C., regarding the sale of treated effluent for the operation of a power plant. Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business

prospect the public discussion of which would adversely affect ongoing economic development negotiations.

4. **Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Attorney. No final action will be taken.**

Mayor Jones stated the City Council would enter into executive session at this time, approximately 3:30 p.m., for the discussion of both items 3 and 4.

Mayor Jones reconvened the work session at approximately 5:00 p.m., and stated no action would be taken at this time.

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

Present:

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

Absent:

Councilmember Marty Janczak

I. CALL TO ORDER

1. Invocation

Kathleen Person, Municipal Court Judge, voiced the Invocation.

2. Pledge of Allegiance

Drs. Rob and Pat Smith lead the Pledge of Allegiance.

II. PROCLAMATIONS

3. Presentation of Proclamations:

(A) Alzheimer's Disease Awareness Month November, 2009

Mayor Jones presented the proclamation to Betty Decker and members of the Alzheimer's Disease Family Awareness Group.

(B) Pancreatic Cancer Awareness Month November, 2009

Mayor Jones presented the proclamation to Beth Duncan, on behalf of the Pancreatic Cancer Action Network.

(C) Save a Life Day November 7, 2009

Mayor Jones presented this proclamation to Drs. Rob and Pat Smith.

(D) Municipal Courts Week November 22—6, 2009

Mayor Jones presented the proclamation to Judge Kathleen Person and Municipal Court Staff.

III. PRESENTATIONS & SPECIAL RECOGNITIONS

4. (A) Presentation from Keep Temple Beautiful regarding the recent tree planting on South 5th Street and recognition of participants.

Zoe Rascoe, Keep Temple Beautiful, gave a brief presentation to the City Council regarding the recent tree planting on South 5th Street. She displayed photos taken during the event. Mrs. Rascoe recognized the Parks and Leisure Services Department personnel who assisted with this project. Mayor Jones read the Scroll of Appreciation the City received from the 1st Medical Brigade as part of the tree planting event.

(B) Recognition of the Parks and Leisure Services Department for being a finalist in the 2009 National Parks and Recreation Association Gold Medal Competition for Excellence.

Ken Cicora, Parks and Leisure Services Director, Parks Staff, Parks Board Members and Mayor Jones joined in recognizing the Parks and Leisure Services Department for receiving the 2009 National Parks and Recreation Association Gold Medal Competition for Excellence Award.

IV. PUBLIC COMMENTS

There were no public comments made at the meeting.

V. CONSENT AGENDA

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

(A) October 14, 2009 Special Called Meeting

(B) October 15, 2009 Special Called Meeting and Regular Meeting

(C) 2009-5859-R: Consider adopting a resolution authorizing change order #1 to the construction contract with Matous Construction, Ltd., of Belton for replacement of the drive for Clarifier #1 at the conventional water plant and for repairs to raw water headers at the membrane treatment plant in the amount of \$112,821.

(D) 2009-5860-R: Consider adopting a resolution authorizing an emergency construction contract with Bell Contractors, Inc., of Belton to bore and install a

new 6" waterline across FM 2271 near the intersection of FM 2305, related to the FM 2305 Waterline Relocation Project, in the amount of \$30,700.

(E) 2009-5861-R: Consider adopting a resolution authorizing a construction contract with Dixon Paving, Inc. of Belton for the construction of a parking lot for Jones Park in the amount of \$27,150.

(F) 2009-5862-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities of Gatesville for construction of Phase I of the Friar's Creek Trail in the amount of \$222,566 and approving change order #1 in the amount of \$27,720.

(G) 2009-5863-R: Consider adopting a resolution authorizing a construction contract with J. Reynolds & Co., Inc. of Saginaw to replace the Library roof in the amount of \$197,000 and rejecting all bids received for the re-roofing of the Library roof on July 1, 2008, and all proposals received for the re-roofing project on December 16, 2008.

(H) 2009-5864-R: Consider adopting a resolution authorizing a professional services contract with Williams-Stackhouse, Inc. to capture Aerial Ortho Photography in an amount not to exceed \$71,131.

(I) 2009-5865-R: Consider adopting a resolution authorizing a contract with Wellington-Royce Corporation from Atlanta, Georgia, for the purchase of a complete business aviation software system and wireless aviation fuel inventory system for the Draughon-Miller Central Texas Regional Airport in the amount of \$118,531.

(J) 2009-5866-R: Consider adopting a resolution authorizing the purchase of one crane truck for the Utility Division from Sam Pack's Five Star Ford of Carrollton in the amount of \$59,761.

(K) 2009-5867-R: Consider adopting a resolution authorizing the purchase of a Caterpillar 420E Integrated Tool Carrier (ITC) Backhoe Loader from Holt Caterpillar through the BuyBoard local government online purchasing cooperative in the amount of \$94,617.

(L) 2009-5868-R: Consider adopting a resolution authorizing the purchase of a Video Acquisition System with RushWorks, of Flower Mound in the amount of \$27,684.

(M) 2009-4321: SECOND READING - Z-FY-09-34: Consider adopting an ordinance authorizing a zoning change from Single Family Two District (SF2) to Two Family District (2F) on property platted as Lots 1 - 4, Block 4, West Ridge Phase IX, located at the northeast corner of 205 Loop and Turley Drive.

(N) 2009-4323: SECOND READING - Consider adopting an ordinance amending Chapter 4, "Alcoholic Beverages," of the Code of Ordinances of the City of Temple, Texas, relating to the issuance of permits for the sale of alcoholic beverages and making non-substantive changes to reorganize the chapter and

conform to state law.

(O) 2009-4324: SECOND READING - Consider adopting an ordinance amending Chapter 35, "Taxation," of the City Code to conform certain provisions therein relating to the local hotel occupancy tax to State law.

(P) 2009-5869-R: Consider adopting a resolution authorizing the City to apply for the Wal-Mart Store and Sam's Club Giving Program grant in an amount not to exceed \$5000 for funding to purchase two (2) Masimo Rad-57, Hand-held Pulse CO Oximeters for Temple Fire and Rescue.

(Q) 1. 2009-5870-R: 1.Consider adopting a resolution authorizing the acceptance of a \$20,000 reimbursement grant from the U. S. Department of Homeland Security, through the Texas Division of Emergency Management, Homeland Security Grant Program and the State Homeland Security Grant Program for grant year 2009.

2. Authorize the purchase of the following equipment:

(a) 2 year Partnership Program (extended warranty) and processor upgrade for the Hazmat ID., in the amount of \$11,950

(b) 2008 Yamaha Rhino 4 x 4, ATV, in the amount of \$8,050.

(R) 2009-5871-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2008-2009.

(S) 2009-5872-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving the Consent Agenda, with the exception of item 5(E), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(E) 2009-5861-R: Consider adopting a resolution authorizing a construction contract with Dixon Paving, Inc. of Belton for the construction of a parking lot for Jones Park in the amount of \$27,150.

Motion by Mayor Pro Tem Patsy E. Luna to approve Consent Agenda item 5 (A), seconded by Councilmember Tony Jeter.

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

VI. REGULAR AGENDA

ORDINANCES

6. **2009-4325: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing the voluntary annexation of a 1.148 acre tract of land located in the vicinity of FM 2305 and Buck Lane.**
7. **2009-4326: FIRST READING - PUBLIC HEARING - Z-FY-09-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on a 0.6± acre tract of land identified as Tract 1, and from Agricultural District (A) to Urban Estate District (UE) on a 4± acre tract of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City limits, all located on the south side of FM 2305, adjacent to Buck Lane.**

Tim Dolan, Planning Director, presented both items 6 and 7 to the City Council. He displayed aerial photos of the property being proposed for annexation into the City. The municipal services plan has been submitted and two public hearings conducted as required by state law.

Regarding the zoning case, item 7, the request is to rezone the property from Agricultural zoning to Neighborhood Service along FM 2305 and Urban Estate zoning to make it consistent with recently annexed properties. The requested zoning conforms with the Future Land Use and Character Map with access from Buck Lane, which will remain a county road. Adequate public facilities exist for this rural development. Mr. Dolan explained the development regulations for the Urban Estate and Neighborhood Service zoning districts. The Planning and Zoning Commission unanimously recommended approval of the requested zoning and staff concurred.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinances in items 6 and 7, and set second reading and final adoption for November 19, 2009, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

8. **2009-4327: FIRST READING - PUBLIC HEARING - Z-FY-09-35: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Planned Development - General Retail District (PD-GR) on Lots 7 - 12, Block 2, Eugenia Terrace, located at 1402, 1414 and 1424 South 1st Street.**

Brian Mabry, Planner, presented this item to the City Council. The purpose of this Planned Development is to correct remaining code violations on the property and improve the appearance along the South 1st Street Corridor. He

explained the intent of a planned development district. At second reading of the rezoning ordinance the staff will propose the use of matching grant funds for site enhancements that meet Temple Medical and Education District (TMED) guidelines. Mr. Mabry showed aerial photos of the property, noting surrounding uses. The Future Land Use and Character Map shows the entire property to be within the TMED district.

A binding site development plan is also part of the ordinance, and Mr. Mabry reviewed a few of the significant components of that plan, including parking, landscaping and elevations for the structures. The Planning and Zoning Commission recommended approval of the requested rezoning to include the binding site plan and various other stipulations as outlined by Mr. Mabry and included in the proposed ordinance.

Councilmember Jeter expressed his appreciation to staff for working with this small business owner to develop his property.

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

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

Motion by Councilmember Russell Schneider to adopt ordinance, and set second reading and final adoption for November 19, 2009, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

9. 2009-4322: SECOND READING - PUBLIC HEARING - Z-FY-09-37: Consider adopting an ordinance amending the Zoning Ordinance to regulate the use of property for the sale of alcoholic beverages for on- and off-premise consumption.

Tim Dolan, Planning Director, stated these proposed changes are an effort to improve the consistency within the Zoning Ordinance as it relates to alcoholic beverage sales. The amendments for on-premise sales are important house-cleaning changes to the use chart, definitions and conditional use permit. The amendments related to off-premise consumption are substantive, adding a new use for package stores and adding additional standards for conditional use permits for off-premise consumption. Mr. Dolan displayed the proposed land use charts and amended definitions. He also reviewed the site plan standards for a conditional use permit for off-premise consumption of alcoholic beverages in a package store which are detailed in the proposed ordinance.

Councilmember Schneider asked if a grocery store, such as HEB, applied for a CUP to sell liquor, would they have to comply with all of these standards.

Mr. Victor Kuykendall, agent with the Texas Alcoholic Beverage Commission, replied yes. However, a store cannot be both a package store and a beer and wine retailer. The Texas Alcoholic Beverage Code also regulates advertising of alcoholic beverages.

Mayor Jones declared the public hearing open with regard agenda item 9 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 on second and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

RESOLUTIONS

- 10. 2009-5873-R: Consider adopting a resolution authorizing the purchase of three (3) vehicles from Sam Pack's Five Star Ford of Carrollton in the amount of \$43,657, four (4) vehicles from Planet Ford of Spring in the amount of \$75,429, and six (6) vehicles from Johnson Brothers Ford Lincoln Mercury of Temple in the amount of \$166,773.92.**

Belinda Mattke, Purchasing Director, presented this item to the City Council. These truck purchases were included in the adopted 2010 budget. Five vendors submitted bids for these trucks. Mrs. Mattke presented the low bids received, totaling \$285,859.92 and she recommended award to the low bidders. However, she explained the local preference option available for the Council to consider as it relates to these bids. If Council chooses to apply the local preference option, awarding all purchases to Johnson Brothers Ford, the difference would be \$956.

Mayor Jones stated Johnson Brothers is a significant member of community and it would be his desire to award these truck purchases to this company.

Motion by Councilmember Tony Jeter to adopt resolution awarding all 13 vehicle purchases to Johnson Brothers Ford, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 11. 2009-5874-R: Consider adopting a resolution supporting the creation of the City of Temple Census 2010 Complete Count Committee.**

Mayor Jones presented this item to the Council. He explained the reason for the Census and its importance to the City. He recommended Temple citizens be involved in this process, as we did in the 2000 Census, by establishing a Complete Count Committee.

Mayor Jones stated he has asked Mr. Scott Allen to chair the committee if formed and Mr. Allen has agreed to do so. He asked the Councilmembers to submit names of other citizens for inclusion on this committee.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution and appoint Scott

Allen as chair of the Census 2010 Complete Count Committee for the City of Temple, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

12. **2009-5875-R: Consider adopting a resolution authorizing the execution by the City Manager of a development agreement with Panda Temple Power, L.L.C., for the sale of effluent for the operation of an electric generation facility. Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.**

David Blackburn, City Manager, stated the City Council discussed this item in executive session as part of today's work session. In August 2008, the City Council authorized a development agreement with Panda Temple Power, LLC, which has not been executed due to various changes in Panda's proposed development. A new agreement has been negotiated to reflect the reduced scope of Panda's plans for a facility in Temple. The proposed resolution also commits the City to sell effluent from the Doshier Farm Wastewater Treatment Plant to provide water for the operation of an electric generation facility in southeast Temple.

The City has been working with Panda for the past two years to bring this facility to Temple. Panda is now proposing a facility about half the size of their original proposal. The plant will use gas turbines to generate electricity and use effluent to generate steam and cool the system. Preliminary data suggests 4-5 million gallons of effluent per day will be needed for peak operations.

Mr. Blackburn reviewed the terms of the proposed agreement, which will be for 30 years. He explained the sale of effluent and the compensation that will be paid to the City for the option fee, demand charge, commodity charge and CPI adjustments. There may also be some opportunity for the City to become an equity partner in the power plant as well as to purchase electricity from Panda in the future.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/19/09
Item #5(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with Vanguard Contractors, LP of Temple for Phase 2 renovations to the Temple Public Library in the amount of \$756,536.

STAFF RECOMMENDATION: Adopt resolution as presented in item description

ITEM SUMMARY: On June 5, 2008, Council authorized a construction-manager-at-risk (CMAR) agreement with Vanguard Contractors, LP for renovations to the Library. These renovations will include incorporating the space that was previously occupied by Bank of America into the library and repairing the foundation on the southwest corner of the building.

Phase 1, repair of the foundation, was authorized November 5, 2008, and then amended July 16, 2009 when the original plan for repairing the foundation was determined to be ineffective due to the condition of the existing foundation. The foundation replacement on the west side of the building is now almost complete. The next step will be to complete the renovations to the area formerly occupied by Bank of America, remove the wall between the two areas, and then move the functions of the library currently on the south side of the building to that area. Once this has been accomplished the foundation replacement will be carried out on the south side of the building and then the remainder of the renovations to the south side of the building will be completed.

The funding for the remainder of the foundation repair was included in the guaranteed maximum price construction contract for phase 1. This GMP is only for the building renovations to the first floor. The GMP includes \$50,000 in contractor contingency. Use of this contractor contingency is subject to approval by the City Manager or his designee. An additional \$50,000 will be appropriated to the project for owner contingency, but this owner contingency is not included in the GMP. Any use of the owner contingency will be handled through change orders to the contract.

It is anticipated that the remainder of the renovations and the completion of the foundation repairs will take approximately twenty-four (24) weeks to complete.

FISCAL IMPACT: Funding in the amount of \$875,000 was appropriated in account 361-4000-555-6808, project #100348 from the 2008 Certificate of Obligation Bond funds for the library renovations. An additional \$200,000 will be available from the Library Foundation to help fund improvements and architectural services. After funding Phase I renovations, the professional services contract for construction, and miscellaneous expenditures related to construction, \$418,242 is available for Phase 2 renovations.

A budget adjustment is presented for Council's approval in the amount of \$388,294 to fund the amount needed for the construction contract in the amount of \$756,536 and for owner project contingency in the amount of \$50,000. These additional funds are from project savings of various completed projects funded with 2006 and 2008 Certificate of Obligation Bonds in the amount of \$266,660, interest earnings from bond proceeds in the amount of \$21,634 and General Fund Balance-Designated for Capital Projects-Unallocated in the amount of \$100,000. The \$100,000 from the General Fund will be used to fund project contingency. All remaining funds from the contingency will be returned to the General Fund Balance-Designated for Capital Projects-Unallocated.

ATTACHMENTS:

[Vanguard GMP Proposal](#)
[Budget Adjustment](#)
[Resolution](#)

VANGUARD CONTRACTORS, INC.

TEMPLE LIBRARY RENOVATIONS

Size:

17412 sf

GMP RENOVATIONS 10/27/09

Bids Due: 10/22/09

Time:

Completion Time:

Cal. Days:

Liquidated Damages:

per Cal. Day

Code No.	Description	Account 112 Subcontracts	Account #111 Lump Sum Materials	Account #110 Materials	Account #113 Labor
2A	DEMOLITION AND WRECKING				
2B	EXCAVATION AND FILL	6,923			
2C	SITE IMPROVEMENTS	16,254			
2D	ASPHALT PAVEMENT				
2E	DRILLED FOOTINGS				
2F	LANDSCAPING				
2G	STORM DRAINAGE				
2H					
2I					
3A	CONCRETE AND FINISHES				
3B	WOOD FORMS				
3C	PAN FORMS				
3D					
3E					
3F					
4A	MASONRY REPAIRS	2,200			
4B	FLOOR REPAIRS @ RECESS	3,450			
4C	DRYWALL REPAIRS	120			
5A	REINFORCING STEEL	5,390			
5B	STRUCTURAL & MISC. STEEL				
5C					
5D					
5E					
5F					
6A	ROUGH CARPENTRY	7,505			
6B	MILLWORK	32,895			
6C	DOORS	4,254			
6D	CIRCULATION DESK W/6B				
6E	INSULATION				
6F	WEATHERSTRIPPING & THRESH				
6G	INTERIOR DEMOLITION	73,373			
	REMOVE BRICK PAVERS & WALK	7,678			
	INSTALL POLY PROT'N @ ATRIUM	6,027			
	REMOVAL OF VAULT DOORS	4,524			
	REMOVAL OF GRANITE TOPS	2,521			
6H	WALKWAY INTO ELEVATOR	3,007			
6I	CLEAN EXPOSED MASONRY	1,576			
7A	ROOFING & SHEETMETAL				
7B	DAMPROOF & WATERPROOF				
7C	CAULKING	3,848			
7D	LOUVERS				
8A	HOLLOW METAL	10,665			
8B	GLASS, GLAZING & MIRRORS	23,170			
8C	WINDOWS				
8D	OVERHEAD DOORS				

VANGUARD CONTRACTORS, INC.

TEMPLE LIBRARY RENOVATIONS

Size:

17412 sf

GMP RENOVATIONS 10/27/09

Bids Due: 10/22/09

Time:

Completion Time:

Cal. Days:

Liquidated Damages:

per Cal. Day

Code No.	Description	Account 112 Subcontracts	Account #111 Lump Sum Materials	Account #110 Materials	Account #113 Labor
9A	LATH & PLASTER				
9B	ACOUSTICAL TILE	25,460			
9C	RESILIENT FLOOR COVERING	51,434			
9D	CARPET				
9E	CERAMIC & QUARRY TILE	15,413			
9F	GRANITE TOPS	3,700			
9G	PAINTING & VWC	34,335			
9H					
9I	DRYWALL	47,492			
9J					
10A	FINISH HARDWARE INSTALLATION	6,089			
10B	TOILET ACCESSORIES	1,416			
10C	FE & FEC	75			
10D	TOILET PARTITIONS				
10E	FOLDING DOORS/PARTITIONS				
10F	RELOCATE BOOK RETURNS & HTR	1,871			
10G	REFRIGERATOR	622			
10H					
10I					
11A					
11B	CASEWORK				
11C					
11D					
11E					
12A	SHADES & BLINDS				
15A	HVAC	37,280			
15B	PLUMBING & UTILITIES	22,725			
15C	FIRE PROTECTION				
16A	ELECTRICAL	44,887			
17A	ELEVATORS				
18	SPECIFIED ALLOWANCES				
	A. SECURITY SENSOR RELOCATIO	3,000			
	B. LANDSCAPE & IRRIGATION	20,000			
	C. SIGNAGE @ DOORS	2,635			
	D. EXTERIOR SIGNAGE	7,500			
	E. FINISH HARDWARE MATERIALS	10,580			
	F. FIRE ALARM	13,320			
	G. CONTRACTOR CONTINGENCY	50,000			
19	CONSTRUCTION FACILITIES				
	A. SAFETY CONSULTANT	1,140			
	B. PROGRESSIVE CLEANING	4,113			
	C. FINAL CLEANING	7,678			
	D. CLEANING GLASS	2,917			
	E. TRASH DISPOSAL	6,020			
	F. PORTABLE TOILETS	1,121			

VANGUARD CONTRACTORS, INC.

TEMPLE LIBRARY RENOVATIONS

Size:

17412 sf

GMP RENOVATIONS 10/27/09

Bids Due: 10/22/09

Time:

Completion Time:

Cal. Days:

Liquidated Damages:

per Cal. Day

Code No.	Description	Account 112 Subcontracts	Account #111 Lump Sum Materials	Account #110 Materials	Account #113 Labor
	G. DUST CONTROL	1,147			
	H. TEMPORARY PARTITIONS	2,340			
	I. MEP CUT & PATCH	1,534			
	J. FLOOR PREPARTION	8,621			
	K. PROTECTION OF ELEVATOR	779			
20					
21					
22					
24	GENERAL CONDITIONS	45,976			
	ADD'L GENERAL CONDITIONS	27,326			
	DIRECT COST			0	0
	OVERTIME				
	GENERAL CONDITIONS				
	TOTALS	725,926	0	0	0

VANGUARD CONTRACTORS, INC.

TEMPLE LIBRARY RENOVATIONS

Size:

17412 sf

GMP RENOVATIONS 10/27/09

Bids Due: 10/22/09

Time:

Completion Time:

Cal. Days:

Liquidated Damages:

per Cal. Day

Code No.	Description	Account 112 Subcontracts	Account #111 Lump Sum Materials	Account #110 Materials	Account #113 Labor
			PAYROLL TAXES & INSURANCE-54%		0
			PRECONSTRUCTION SERVICES		2,750
			TOTAL SUB-BIDS		725,926
	DIRECT COST		TOTAL LUMP SUM MATERIALS		0
			TOTAL MATERIAL		0
	FACTOR		TOTAL LABOR		0
			BUILDERS RISK INSURANCE w/ Gen Cond		
			PERMIT		
			SPECIAL INSURANCE w/ Gen Cond		
	TOTAL	756,536	SUBTOTAL		728,676
	CORRECTIONS		ORIGINAL PROFIT		16,992
	FINAL BID	756,536	ADDITIONAL FEE		10,868
	CORRECTIONS		BOND w/ Gen Cond		
	REVISED FINAL BID	756,536	TOTAL		756,536

FY **2010****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	
361-4000-555-68-08	100348	Library Renovations	\$ 266,660		
361-2400-519-68-07	100407	Project Savings		46,264	
361-2900-534-68-11	100407	Project Savings		219,935	
361-1900-519-68-01	100407	Project Savings		461	
		Appropriate Bond Project Savings			
361-4000-555-68-08	100348	Library Renovations	21,634		
361-0000-315-11-16		Reserved for Future Exp		21,634	
		Appropriate bond proceed interest earnings			
361-4000-555-68-08	100348	Library Renovations	100,000		
361-0000-490-25-82		Transfer In	100,000		
110-9100-591-81-61		Transfer Out-Bond Fund {361}	100,000		
110-0000-352-13-45		Designated Cap Proj-Unallocated		100,000	
		Appropriate Fund Balance			
		Do Not Post			
TOTAL.....			\$ 588,294	\$ 388,294	

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

The budget adjustment appropriates project savings, interest income and fund balance to fund the additional amount needed for Phase 2 of library renovations. The GMP construction contract of \$756,536 includes \$50,000 of contractor contingency, which is subject to approval by the City Manager or his designee. An additional \$50,000 will be appropriated to the project for owner contingency. All remaining funds from the contingency will be returned to the General Fund -Designated Capital Projects-Unallocated upon completion of the project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

November 19, 2009

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GUARANTEED MAXIMUM PRICE CONSTRUCTION CONTRACT WITH VANGUARD CONTRACTORS, LP, OF TEMPLE FOR PHASE 2 RENOVATIONS TO THE TEMPLE PUBLIC LIBRARY IN THE AMOUNT OF \$756,536; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 5, 2008, the City Council authorized a construction-manager-at-risk agreement with Vanguard Contractors, LP, for renovations to the Temple Public Library;

Whereas, Phase 2 renovations to the Library will include incorporating the space that was previously occupied by Bank of America into library and repair of the foundation on the southwest corner of the building;

Whereas, funds are available for this project but an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expense 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 guaranteed maximum price construction contract with Vanguard Contractors, LP, of Temple, after approval as to form by the City Attorney, for construction of the Phase 2 renovations to the Temple Public Library in the amount of \$756,536.

Part 2: The City Council approves an amendment to the FY2009-2010 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 **19th** day of **November**, 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

11/19/09
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Judy Duer, Library Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with the Texas State Library and Archives Commission for the Loan Star Libraries Grant in the amount of \$25,134.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As in the prior eight fiscal years, Temple Public Library will receive funds from the State of Texas through the Loan Star Libraries Grant. The amount received by each library is based on a formula that is based on local collection development funds and whether or not the library charges a non-resident fee. Since Council voted to drop our non-resident fee in November 2001, again this fiscal year The Temple Public Library will receive the maximum amount for a library our size, \$25,134. In order to receive the funds, we had to submit a budget and program plan to the State Library. Our plan proposed that we expend the funds to augment the library's main collection and the bookmobile collection in several specific areas, including both print and audiovisual resources, based on staff recommendations. We will also purchase new servers for the library automation system; additional licenses for our computer reservation and print control software to cover the computers in the children's and the new teen center area; and purchase a gaming system for the new teen center. There is no match required to receive these funds.

As in prior years, the State Library has produced a contract, which will need to be signed by an authorized representative of our governing authority. Once the contract has been signed and returned the grant funds will be disbursed. They need to be obligated by the end of the State fiscal year, August 31, 2010, and expended by October 15, 2010.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating the grant funds in the amount \$25,134 for the purchase of the following items: \$6,170 for the purchase of books for the library, \$5,200 for the purchase of audiovisual materials for the collection, \$8,092 for the servers, \$2,572 for the pay station and stand, \$1,000 for the gaming system and \$2,100 for reservation and print control licenses.

The grant funds must be obligated by August 31, 2010.

ATTACHMENTS:
[Budget Adjustment
Resolution](#)

FY 2010**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	
260-0000-431-02-61		State Grants	\$ 25,134			
260-4000-555-22-10		Furniture & Fixtures	2,572			
260-4000-555-22-11		Instruments/Special Equipment	1,000			
260-4000-555-22-21		Computer Equipment	8,092			
260-4000-555-22-23		Computer Software	2,100			
260-4000-555-22-25		Books & Periodicals	6,170			
260-4000-555-25-22		Microfilm/Audio Visual	5,200			
TOTAL.....			\$ 50,268		\$ -	

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

Expend funds from Loan Star Libraries Grant. Funds will be used to augment the Library's main collection and the bookmobile collection in several specific areas, including both print and audiovisual resources. Additionally, new servers for the library automation system will be purchased as well as additional licenses for the computer reservation and print control software to cover the computers in the children's and new teen center area. A gaming system for the new teen center will also be purchased. There are no matching funds required. Funds must be obligated by August 31, 2010 and spent by October 15, 2010.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

19-Nov-09

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐
☐

Approved

Disapproved

Finance_____
Date☐
☐

Approved

Disapproved

City Manager_____
Date☐
☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR THE LONE STAR LIBRARIES GRANT IN THE AMOUNT OF \$25,134; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Public Library is eligible to receive \$25,134 from the Texas State Library and Archives Commission from the Lone Star Libraries Grant program;

Whereas, the Texas State Library and Archives Commission has submitted an agreement which the City must approve and sign prior to receiving the grant funds;

Whereas, an amendment to the 2009-2010 budget needs to be approved to appropriate the funds (once received) to the appropriate Library account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with the Texas State Library and Archives Commission, after approval as to form by the City Attorney, for the Lone Star Libraries Grant, and accepts any funding received from this program.

Part 2: The City Council authorizes an amendment, a copy of which is attached hereto and made a part hereof for all purposes as Exhibit A, to the 2009-2010 budget for this grant funding.

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 **19th** day of **November**, 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

11/19/09
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting resolutions authorizing professional services agreements with:

1. Kasberg, Patrick & Associates, LP of Temple for engineering design and landscape architect services required to design Phase II of the Temple Medical and Education District (TMED) South First Street improvements; and
2. Bury Partners of Temple for engineering design services required to design Phase III of the Temple Medical and Education District (TMED) improvements through the Temple College campus connecting to the South 5th Street trail (funded with Department of Energy grant funds)

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation has announced a matching grant program entitled "Surface Transportation and Enhancement Program" grant. Eligible project types include, but are not limited to:

- 1) **Enhancing or providing bicycling and/or pedestrian modes of travel.** Projects must be principally for transportation, rather than recreational purposes and have logical endpoints. Trails and walkways should provide alternate pathways for pedestrians and non-motorized vehicle use and join communities, shops, schools, businesses, activities and recreation sites. Amenities that make facilities more popular or attractive, such as landscaping or street furnishings for pedestrians, including pedestrian lighting are eligible.
- 2) **Landscaping and other scenic beautification** including paving surfaces, walls, retaining walls, street furnishings such as benches, tables, trash receptacles and pedestrian lighting.

The deadline for submittal is December 11. Staff will be bringing the authorization to apply for the grant funds to the December 3rd Council meeting. Applications will be evaluated by TxDOT staff and the Transportation Enhancement Project Evaluation Committee, with recommendations going to the Texas Transportation Commission. Selection is anticipated to be made by the end of 2010.

Staff is recommending that we submit the TMED improvements project for consideration with a total estimated construction cost of \$2,500,000.

Currently, the City has funded \$470,000 (plus \$130,000 KTB grant) of the \$1,100,000 total estimated cost for phase I improvements to South First Street. This includes engineering design, landscape architect design (by TBG), landscaping, medians, 10' ped/bike trail, lighting, and other streetscape improvements. The boundaries of phase I are First Street from the pedestrian bridge to Marvin Felder Parkway. The City is already under contract with KPA for the full design of this phase.

The proposed contract with KPA is for full design services for phase II improvements. This includes engineering design, landscape architect design, landscaping, medians for a 10' ped/bike trail, lighting, and other streetscape improvements. The boundaries of phase 2 are Marvin Felder Parkway and north along South First Street to the Temple College Apartments entrance. The proposed contract amount is \$76,200.

Phase III of this project is to be engineered by Bury Partners and includes extending the 10' trail and lighting from the southern portion of the former Villa Terrace Apartment property (now owned by Temple College) at First Street, traversing Temple College property along the drainage channel, and connecting to the South 5th Street trail (funded with Department of Energy grant funds). The proposed contract amount is \$40,300.

Grant funding would be sought for all three phases. According to grant program guidelines, the City will receive priority consideration in the grant selection process for 1) having full design completed; requesting only construction associated costs; 3) providing local match in cash; 4) providing evidence of agreements to use property; and 5) coordination with state agencies on environmental clearance.

This project is in our draft Trail Master Plan as well as the TMED Master Plan.

FISCAL IMPACT: The professional services agreements will be funded from account 361-3400-531-6834, project #100332. Currently, there is \$330,700 remaining of the original allocation of \$470,000 from the 2008 Certificate of Obligation bonds. **Professional services agreements, including costs, are being finalized and will be provided to Council prior to the meeting.** Total professional services costs for Phases II and III are \$116,500.

This grant program is on a reimbursement basis up to 80% with the City providing a minimum of 20% cash match. It is anticipated that the City will provide a \$400,000 match (savings from the airport runway project that was rolled into the General Fund Balance-Designated for Capital Projects-Unallocated as of 09/30/09). Additional in-kind and cash matching funds will be considered and is currently under review. The \$470,000 currently allocated for Phase I TMED (source 2008 CO) is anticipated to be used for engineering and landscape architecture design in order to maximize grant points. Costs incurred before TxDOT award and authorization are not reimbursable under the grant program but do demonstrate commitment to the project.

ATTACHMENTS:

[Map of STEP trail location](#)

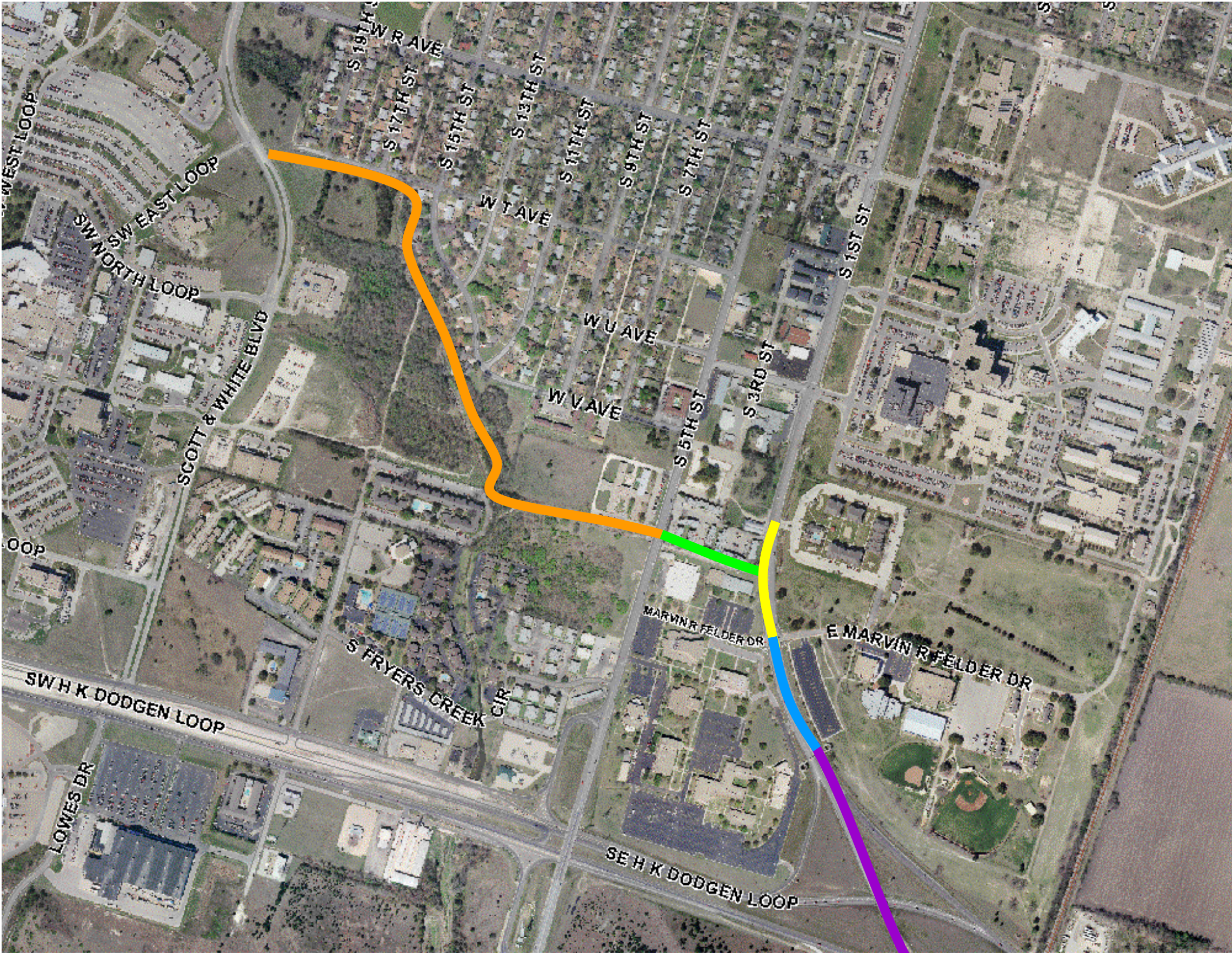
[Scope of Services \(Kasberg, Patrick, & Associates, LP and Bury Partners\)](#)

[Resolution](#)

State Transportation Enhancement Program Grant ('STEP')

Project Submission Proposal Map

- Legend**
- TMED Trail Phase 1 (STEP Grant)
 - TMED Trail Phase 2 (STEP Grant)
 - TMED Trail Phase 3 (STEP Grant)
 - TMED Trail Phase 4 (Unfunded/TxDOT)
 - S 5th Street Trail (DOE Funded)





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

November 16, 2009

Mr. Don Bond, E.I.T.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
TMED First Street Phase II Improvements

Dear Mr. Bond:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will improve the second phase of First Street beginning at the Temple College Entrance to the Temple College Apartment Entrance north of the drainage channel for Temple College.

This project will consist of improving First Street through the project area. Improvements include curb and gutter, traffic control design, drainage improvements, geometry design, ten foot trail and modifications for the roadway, as well as hardscape and landscape modifications. The project will not include any pavement modifications or sub-surface drainage improvements. The project will be completed in four design phases. The phases are schematic design, final design and project documents, bidding and construction administration. The schematic design has been split into two phases. The schematic design phase will include schematic design and cost estimates only for First Street north of the drainage channel within Temple College for Phase One. Phase Two will proceed from the Phase One north to an existing drainage ditch, and will then connect to the newly proposed Department of Energy grant trail.

This design will be incorporated into the STEP Grant Program. The construction administration phase for this project has been scoped at an extreme minimal amount. This is due to our understanding from City of Temple Staff that the Texas Department of Transportation will perform the majority of these tasks. We have only allowed for three site visits and answering of questions. This proposal does not contain any structural design, geotechnical, environmental, archaeological or onsite representation. The project can be completed in design within ninety calendar days after the notice to proceed, but not later than February 28, 2010, allowing one week each for City review of the schematic plans, 50% design set and 90% design set. If the review time frame is not met the schedule may be delayed. Drainage for this section will need to be reviewed for conveyance.

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:

Schematic Design Phase I

- Survey of the project area and extending connection points including coordination with existing survey data from Phase I.
- Schematic design of the roadway median geometry and connection.
- Schematic design of the drainage for the project.
- Schematic design to include costs estimates for First Street north of the existing ditch conveying storm water through Temple College. This design will be incorporated into the STEP Grant application.
- Preparing an environmental statement for the STEP Grant Program.
- Identify utilities that are in conflict from preliminary engineering and incorporate into final design
- Landscape treatments and design approaches for the setbacks, median and parkways.
- Evaluation of pedestrian walkways/bikeways and possible trail configurations.
- Evaluation of special landscape site features and entry monumentation.
- Evaluation of roadway lighting concepts. This will include fixture selection only. Photometric layouts will be provided by the manufacturer.
- Schematic electrical design for the lighting concepts.
- Evaluation of roadway lighting concepts. This will include fixture selection only. Photometric layouts will be provided by the manufacturer.

Deliverables (To be complete no later than December 9, 2010)

- Drawings and illustrations reflecting and portraying the schematic design of the project limits.
- Color rendered illustrative master plan, sections elevations and perspectives. Image boards will accompany the illustrative graphics to further convey the intent of the proposed design.
- Five (5) sets of schematic design drawings will be submitted to the City of Temple.
- Updated opinion of probable cost based on the schematic design.

Schematic Design Phase II

- Survey of the project area and extending connection points including coordination with existing survey data from Phase I.
- Schematic design of the roadway median geometry and connection as well as pedestrian walkways/bikeways.
- Schematic design of the drainage for the project.
- Site material selections, entry monuments, including walkways, seating areas, fencing, shade elements, planters, finishes, color, etc. for the project.
- Environmental graphics including monument graphics, TMED logo and light banners.
- Evaluation of roadway lighting concepts. This will include fixture selection only. Photometric layouts will be provided by the manufacturer.

Deliverables

- Drawings and illustrations reflecting and portraying the schematic design of the project limits.
- Color rendered illustrative master plan, sections elevations and perspectives. Image boards will accompany the illustrative graphics to further convey the intent of the proposed design.
- Five (5) sets of schematic design drawings will be submitted to the City of Temple.
- Updated opinion of probable cost based on the schematic design.

Final Design and Project Documents

- Final design will be based upon the approval of the schematic design as reviewed by the City.
- Final design of the roadway median geometry and connection.
- Final design of the drainage improvements for the project.
- Relocation and design of utilities that are in conflict.
- Final median grading plans
- Final grading plans for the sidewalk and behind the curb in areas of additional landscaping
- Site layout for all program elements.
- Elevations and sections for all entry monuments including details for materials and construction.
- Site material selections, entry monuments, including walkways, seating areas, fencing, shade elements, planters, finishes, color, etc. for the project.
- Code compliance review.
- Landscape plant massing and plant palette.
- Irrigation concept with water budgeting
- Site layout and dimensioning
- Site specialty grading, paving, finishes and materials.
- Pedestrian bridge (Engineering to be provided by others outside of First Street ROW).
- Landscape plans noting material, sizes, quantity, and quality.
- Irrigation plans for 100% coverage of specified areas designed with an automated system.
- Site details, benches, retaining walls for landscape areas, seating walls, fencing, special site features, etc.
- Walkways, seating areas and associated landscape areas in detail to give a finished appearance to the entire site.
- Flatwork, landscape structures, retaining walls and special site features (Engineering to be provided by others Outside of First Street ROW).
- Electrical design for lighting.
- Final landscape design.
- Final design of pedestrian walkways/bikeways in accordance with ADA standards
- Preparation of required specification sections and ADA compliance related reviews and approvals.
- Final cost estimates with detailed quantities.

Deliverables

- Five (5) copies of final design plans at the 50% complete stage for review by the City.
- Five (5) Copies of final design plans and specifications at the 90% complete stage for review by the City.
- Final design sets for bidding of the project.
- Project is to be bid by TxDOT.
- Final opinion of probable cost based on the final design.

Bidding – It is our understanding that this project will be bid by TXDOT and therefore we have included minimal costs for bidding.

- Prepare final quantities for bidding.
- Attend a pre-bid conference if required by TXDOT as support.
- Receive minimal questions concerning the project and answer to TXDOT.

Deliverables

- Quantities for bidding to be submitted to TXDOT.

Construction Administration – It is our understanding that this project will be administered by TXDOT and the City of Temple and therefore we have included minimal costs for administration.

- Attend pre-construction conference for support only.
- Three jobsite visits from KPA and TBG.

Deliverables

- None.

Design Services

Schematic Design Phase I (Civil)	\$	2,800
Schematic Design Phase I (Landscape Architecture)	\$	4,500
Schematic Design Phase II (Civil)	\$	2,200
Schematic Design Phase II (Landscape Architecture)	\$	3,500
Final Design and Project Documents (Civil)	\$	19,000
Final Design and Project Documents (Landscape)	\$	26,000
Electrical Design	\$	1,800
Total Design Services	\$	59,800

Bidding Services

Bidding (Civil)	\$	1,500
Bidding (Landscape Arrchitecture)	\$	1,500
Total Bidding Services	\$	3,000

Additional Services

Surveying	\$	4,400
Reimbursibles	\$	6,000
Total Additional Services	\$	10,400


Construction Services

Construction Administration (Civil)	\$	1,500
Construction Administration (Landscape)	\$	1,500
Total Additional Services	\$	3,000

TOTAL SERVICES \$ 76,200

We can complete all the tasks represented for the lump sum cost of \$76,200. 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

xc: Ms. Kim Foust, City of Temple

EXHIBIT C

Charges for Additional Services

City of Temple TMED First Street Phase I Improvements

<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

November 18, 2009

Proposal No. 09-368

Ms. Kim Foutz
Assistant City Manager
City of Temple
2 North Main, Suite 306
Temple, Texas 76501

RE: Proposal for Professional Engineering and Surveying Services
Temple Medical Education District
Phase II Improvements through Temple College Campus
Transportation Enhancement Program Grant
Temple, Bell County, Texas

Dear Ms. Foutz:

We appreciate the opportunity to submit this proposal for professional engineering and surveying services associated with a hike and bike trail located and along the existing drainage swale located between South First Street and South Fifth Street in Temple, Bell County, Texas.

Based upon our meetings and the documents received by your office, we understand that the project will consist of a hike and bike trail. The trail is proposed to be approximately 550 feet long along the drainage swale connecting South First Street to South Fifth Street. In addition, one (1) 10-foot wide pedestrian bridge will be provided to span the drainage swale on Temple College's campus.

Based on our conversations, schematic design is to be completed by December 9, 2009. Construction documents are expected to be completed by February 28, 2010.

Based on our understanding of your needs at this time and the current status of this project, Bury+Partners, Inc. proposes to provide the following specific services:

A. Surveys

Development of this tract requires accurate surveys of a variety of items including boundary, topography, and trees. Unless surveys of the required accuracy and in the required electronic format are provided to Bury+Partners, Inc. by the City of Temple for our use in this project, we will perform the following surveys to the requirements of the local governmental review agencies.

BURY+PARTNERS, INC.
221 West Sixth Street, Suite 600
Austin, Texas 78701

TEL (512) 328-0011
FAX (512) 328-0325

1. Route Design

The nature of the project requires that route surveys be performed for improvements for this project. We will perform topographic, tree and surveys needed for the planning and design along approximately 550 feet of the drainage swale connecting South First Street to South Fifth Street (± 50 feet wide). The scope of these surveys has been adjusted to reflect the total project scope for use in this project. The scope of these services is defined as follows:

Prepare a topographic and tree survey which will be used to complete the design of the project. The topographic survey will be based on an on-the-ground survey and will be produced at a one-foot contour interval. A tree survey will be performed on the ground, as required by City Ordinances.

2. Boundary

We will perform an on-the-ground boundary survey of portions of properties crossed by the trail, consisting of the necessary number of ownership deeds. We will recover and set survey control and recover and locate existing boundary corners in the field.

3. Easement Preparation

As discussed, this project may require the preparation of one (1) easement to be dedicated by a separate instrument. It is assumed that the legal description (fieldnotes) will be sealed by a Bury+Partners Registered Professional Land Surveyor. A sketch will accompany each legal description.

Based upon boundary and title survey work to be performed above, we will prepare fieldnote description(s) and exhibit(s) for hike and bike trail as directed by you or as required by the appropriate reviewing authority.

We will forward the document(s) to you for your use. We will assist you recording of the signed instrument with the County Clerk's office once the document is acceptable by your office.

B. Due Diligence and Concept Refinement

1. Bury+Partners, Inc. will meet with the City of Temple and the landscape architect to refine the grant concept plan. A revised concept AutoCAD drawing will be provided as required.
2. We will attend meetings with City of Temple staff including planning, utilities, transportation, environmental, etc., to examine issues that might affect the current development status.

3. We will assist with gathering data and other additional information required to proceed with development of the project.
4. We will meet with the Texas Department of Transportation (TxDOT) staff to discuss adjacent roadway planning, design and construction needs.

C. Construction Documents

1. We will coordinate with the Landscape Architect for layout of the hike and bike trail hardscape and landscape improvements.
2. Site layout plans at a 1" = 30' scale with dimensional control information to construct a ten (10)-foot wide concrete or asphalt trail (and amenities) will be provided. The trail is proposed to be approximately 550 feet long along the drainage swale connecting South First Street to South Fifth Street. The scope of work in this proposal begins at the TxDOT right of way line. One (1) (10)-foot wide pedestrian bridge will be provided to span the drainage swale on Temple College's campus.
3. For the purposes of this contract, we have assumed that the hike and bike trail intersection at South Fifth Street will not be a controlled intersection and will not require electronic pedestrian signalization.
4. Bury+Partners, Inc. will provide the City of Temple with a final Issue for Bid/Proposal Plan and a final opinion of probable cost for site improvements at the 100% plan completion stage. Technical specifications will be provided on the construction plans; and in written formation in accordance with TxDOT bid specifications.
5. We will coordinate with the bridge manufacturer to provide the necessary drawings and details for the construction of one (1) ten (10)-foot wide bridge crossing.
6. Stormwater drainage across the proposed trail will be accounted for in our design. We anticipate that culverts may be required to convey storm runoff under the trail in a few areas. We will design these culverts to convey flows in accordance with City of Temple Drainage Criteria and Design Manual. The pipes will be designed based off visual observations in the field of the upstream watershed and record drawings from the City of Temple.
7. Based on our preliminary review, we expect the trail and bridge will have an insignificant affect on the flood plain. However, we will coordinate with the City of Temple Engineering Department and the Flood Plain Manager to determine appropriate measures to address potential impact concerns. We have assumed that a formal drainage study (hydrologic or hydraulic) will not be required on this project.

8. We will prepare an erosion and sedimentation control plan, which meets the current City of Temple design criteria.
9. We will prepare an engineer's summary letter and drainage report addressing requirements of the City of Temple with respect to design and hydraulics and submit the paving and drainage design package to the City of Temple for review. Geotechnical recommendations will be provided by a firm subcontracted to Bury+Partners.
10. Upon submittal of the plan, we will coordinate with City of Temple staff for the purposes of clearing staff comments and seek approval. We anticipate at least one revision may be required to address comments for the paving and drainage plans prior to issuance of a permit.
11. This phase includes four (4) meetings with the City of Temple.

D. Construction Phase Services

1. We will provide assistance during the construction phase by reviewing Contractor shop drawings when appropriate and visiting the project site at appropriate intervals to observe the progress and quality of the Work completed by the Contractor. Such visits and observations are not intended to be an exhaustive check or a detailed inspection of the Contractor's work. Observations are to allow Bury+Partners or its assigns, as experienced professionals, to become generally familiar with the Work in progress and to determine, in general, if the Work is proceeding in accordance with the Contract Documents.
2. Bury+Partners, Inc. shall not be responsible for any acts or omissions by the Contractor, Sub-contractor, any entity performing any portions of the Work, or any agents or employees of any of them. We do not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.
3. The design team will recommend to the City of Temple that the Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, we believe that such work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.
4. The Design Team will issue necessary clarifications and interpretations of the Contract Documents, as appropriate, to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents.

5. A final walk-through of the construction site with City staff and the Contractor prior to the preparation of a final punch list will also be conducted.
6. Bury+Partners will write a concurrence letter to the City of Temple, if required.
7. This phase includes five (5) site visits and associated meetings.

E. Texas Commission on Environmental Quality Stormwater Management Plan

For limits of construction areas 1.0 acres or greater, the Texas Pollutant Discharge Elimination System (TPDES) program implements the federal National Pollutant Discharge Elimination System (NPDES) program in the State of Texas. On March 5, 2003, Texas Commission on Environmental Quality (TCEQ) became the permitting authority for these discharges.

Since the limits of construction of this project encompass approximately two (2) acres, a Stormwater Management Plan is required. We will assist you as follows:

1. We will prepare the Stormwater Management Plan. The Contractor must prominently display the Notice of Intent (NOI) and other TCEQ required notices, phone numbers, etc., at the job site. The Contractor must also have the Plan available for review at the construction trailer. The Contractor must follow the plan and make the various submittals directly to TCEQ.
2. We will prepare the NOI required by the TPDES permit. Once you have signed the NOI, return it to us and we will forward the original directly to TCEQ.
3. By law, this is a separate plan from the Erosion and Sedimentation Control Plan contained in the construction drawings. This is a compliance document, which both you and the Contractor are required by Federal and State laws to follow.

F. Site Related Subconsultant Services

The nature of this project requires professional services from several sub-consultants. While we will coordinate with all the design team consultants, we have included the following sub-consultants under our contract in order to simplify the design process. Their fees are included in this proposal.

1. Miscellaneous Structural Engineering

The site plan and site grading plan will likely result in the need for small structures such as retaining walls, drainage structures, etc. We will retain a structural engineering firm for this service, who will be responsible for all aspects of their work. We will attach their drawings to our construction documents.

2. Geotechnical Engineering

This project proposes a pedestrian bridge that will be designed to span across the existing drainage swale. The bridge design will need recommendations from a geotechnical engineer for foundation design of the bridge. We will retain a geotechnical engineering firm familiar with local soil conditions who will be responsible for all aspects of their work. We will attach their drawings to our construction documents.

G. Reimbursables/Reproductions

1. Reproduction, courier and delivery services will be provided for this project and billed in accordance to our Standard Rate Schedule. In addition, minor out-of-pocket expenses for outside reproduction, courier and review agency fees, etc. incurred will be billed at Cost + 10%.

H. Bid Phase Services

Bury+Partners, Inc. will assist the client by preparing contract bid documents and overseeing the bidding process, to include the following phases:

1. Preparation of the bid package, including:
 - Preparation of Notice to Bidders and Instructions to Bidders.
 - Preparation of draft Agreement between Owner and Contractor using standard "front-end" documents to be furnished by the Owner.
 - Direct solicitation of bids amongst qualified contractors and ongoing communication with the contractors.
2. Conduct a pre-bid conference to answer contractor questions about the construction documents,
3. Tabulation of the bids, including resolution of discrepancies,
4. Provide Owner with recommendation,
5. Handle final contract document preparation, reproduction, and distribution. Our contract scope excludes review by legal parties.

I. Texas Architectural Barriers Project Registration

The project will require plans to be reviewed in accordance with Texas Architectural Barriers Project Registration (TABPR) guidelines. Since our plans are not routinely submitted with the architectural/building plans and we often do not receive back the reviewers written comments, we will submit the site development drawings directly to a state licensed reviewer for review and approval.

1. We will prepare the TABPR application and estimate the review fee. The review fee is based on the construction cost of the project but is approximately \$500.
2. We will submit the completed application and a set of construction drawings to the reviewer for review and approval.
3. We will coordinate with the reviewer to address comments. Once all comments have been cleared, the project will be registered with the Texas Department of Licensing and Regulations (TDLR).

FEE SCHEDULE

We propose to provide the specific services described above on a lump sum fee basis as follows:

<u>Item</u>	<u>Fee Basis</u>	<u>BPI Fee</u>	<u>BPI Phase</u>
A. Surveys			
1. Route Design	Lump Sum	\$ 4,500	.90
2. Boundary	Lump Sum	\$ 3,500	.91
3. Easement Preparation	Lump Sum	\$ 2,000	.912
B. Due Diligence and Concept Refinement			
1-4	Lump Sum	\$ 2,000	.00
C. Construction Documents			
1-11	Lump Sum	\$ 8,000	.30
D. Construction Phase Services			
1-6	Lump Sum	\$ 2,500	.70
E. TCEQ Stormwater Management Plan			
1-3	Lump Sum	\$ 1,300	.60
F. Site Related Subconsultant Services			
1. Miscellaneous Structural Engineering	Lump Sum	\$ 1,500	.87
2. Geotechnical Engineering	Lump Sum	\$ 4,000	.871
G. Reimbursables/Reproductions			
	Lump Sum	\$ 2,000	.89

<u>Item</u>	<u>Fee Basis</u>	<u>BPI Fee</u>	<u>BPI Phase</u>
H. Bid Phase Services			
1-5	Lump Sum	\$ 7,500	.71
I. Texas Architectural Barriers Project Registration			
1-3	Lump Sum	\$ 1,500	.31
<hr/>			
Total (not to exceed)		\$ 40,300	

Please note that the above fees are based on a smooth project implementation and have assumed no major changes to the City of Temple-approved site plan after out work has started. Work provided outside the above scope of services will be billed as an additional service once approved in writing by your office.

ASSUMPTIONS

In preparing this proposal, we have made the following assumptions:

- The scope of this proposal ends at the south side of the existing drainage improvements (swale) on the east side of South First Street.
- No construction phase surveying services are included. We have assumed the contractor is responsible for construction staking and related services.
- Stormwater management (detention and water quality) will not be required.
- No variance requests or waivers are required.
- The fee does not include preparation of a floodplain study or research to determine if one is necessary or has been performed, or detailed drainage studies to analyze conveyance of offsite runoff involving HEC-1, HEC-2 or other similar hydrologic or hydraulic analyses including survey cross sections, fieldnotes and easements.
- Review and permitting by the U.S. Corps of Engineers and U.S. Fish and Wildlife Department is not included.
- The floodplain note will be based on the current flood insurance rate maps prepared by Federal Emergency Management Agency or City approved drainage study only.
- Any covenants, restrictions or any other similar documents will be prepared by your attorney.
- Unless specifically listed above, this proposal excludes fees for services other than coordination of geotechnical services (including roadway pavement design), landscape architect, structural, electrical, traffic, geologic, environmental, etc.


The following services are excluded unless specifically included in this proposal.

- Environmental site assessments, wetlands, endangered species and KARST feature investigations.
- Preparation of traffic impact assessment, traffic safety, sign or signalization plans.
- Design franchise utility services for electricity, gas, cable, telephone, etc.


Attached are two (2) copies of our Professional Services Agreement. If you agree with the above scope of services and associated fees, please sign both copies and return them to our office. A fully executed copy will be returned for your records.

We appreciate the opportunity to submit this proposal and look forward to assisting you in the development of this project. Upon your review of this proposal, please call if you have any questions.

Sincerely,



Silas S. Jones, P.E., LEED®AP
Project Engineer



Will Wheeler
Managing Principal

RESOLUTION NO. 2009-5878-R

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 DESIGN AND LANDSCAPE ARCHITECT SERVICES REQUIRED TO DESIGN PHASE 11 OF THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED) SOUTH FIRST STREET IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED \$76,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation has announced a matching grant program entitled, “Surface Transportation and Enhancement Program” grant, which include, but are not limited to, enhancing or providing bicycling and/or pedestrian modes of travel and landscaping and other scenic beautification;

Whereas, the Staff recommends submitting the TMED improvements project for consideration of this grant program with a total estimated construction cost of \$2,500,000;

Whereas, the City of already under contract with Kasberg, Patrick & Associates, L.P., for Phase 1 of the Temple Medical Education District (TMED) South First Street improvements – the Staff requests authorization for a professional services agreement for the Phase 11 improvements;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering design and landscape architect services for this project in the amount of \$76,200, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 361-3400-531-6834, project # 100332; 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 \$76,200, between the City of Temple,

Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering design and landscape architect services required to design Phase 11 of the Temple Medical Education District (TMED) South First Street improvements.

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 **19th** day of **November**, 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. 2009-5879-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND BURY PARTNERS OF TEMPLE, TEXAS, FOR ENGINEERING DESIGN SERVICES REQUIRED TO DESIGN PHASE III OF THE TEMPLE MEDICAL EDUCATION DISTRICT (TMED) IMPROVEMENTS THROUGH THE TEMPLE COLLEGE CAMPUS CONNECTING THE 5TH STREET TRAIL, IN AN AMOUNT NOT TO EXCEED \$40,300; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation has announced a matching grant program entitled, “Surface Transportation and Enhancement Program” grant, which include, but are not limited to, enhancing or providing bicycling and/or pedestrian modes of travel and landscaping and other scenic beautification;

Whereas, the Staff recommends submitting the TMED improvements project for consideration of this grant program with a total estimated construction cost of \$2,500,000;

Whereas, Bury Partners submitted a proposal for engineering design services required to design Phase III of the project which includes improvements through the Temple College Campus connecting the 5th Street trail (funded with Department of Energy grant funds), in the amount of \$40,300, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 361-3400-531-6834, project # 100332; 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 \$40,300, between the City of Temple, Texas, and Bury Partners, after approval as to form by the City Attorney, for engineering design services required to design Phase III of the Temple Medical Education District (TMED) improvements through the Temple College campus connecting the South 5th Street trail.

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 **19th** day of **November**, 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

11/19/09
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Rodgers Equipment Company, Inc. of Richardson for the purchase of two new flash mixers for Clarifier #2 and #3 at the Conventional Water Treatment Plant in the amount of \$27,846.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To maintain TCEQ's regulatory requirements related to water treatment, clarifiers at the conventional treatment plant must remain operational. Flash mixers are utilized in each clarifier for the purpose of mixing chemicals such as coagulants, polymers, and chlorine into the raw water supply that is fed into the clarifier from the raw water pumps. These mixers mix the chemicals into the water, creating flocculation, sedimentation, and disinfection during the treatment process.

Flash mixers currently in use on Clarifiers #2 and #3 were installed in 2003. Since their installation, these units have experienced numerous issues, most likely as a result of coupled shafts and worn bearings. The replacement units identified to be purchased are one piece shaft units, identical to previously replaced units in use on Clarifier #1 and #4. It is expected that these new units will be extremely dependable and have an estimated lifespan of 12 to 15 years.

This purchase is a sole source purchase, as the other two flash mixers in operation in Clarifier #1 and #4 are Lightnin brand mixers. Rodgers Equipment is the only authorized Lightnin representative for our area, and is authorized to see these units and parts exclusively.

FISCAL IMPACT: Funding in the amount of \$120,935 is available in account 520-5100-535-63-10, project #100300, for the purchase and installation of these flash mixers.

ATTACHMENTS:

[Sole Source Letter](#)
[Quote](#)
[Resolution](#)

LIGHTNIN

AN SPX BRAND

1629 S. Coon Island Road
Orfordville, WI 5376

To Whom it May Concern:

This is official notice that Rodgers Equipment Company, of Richardson, TX, is the authorized Lightnin representative for North Texas, and is authorized to sell Lightnin units and parts exclusively.

Sincerely,



Tracy Breneman – Regional Sales Manager – Lightnin Mixers, division of SPX



AN SPX BRAND

RODGERS EQUIPMENT COMPANY, INC. ♦ P.O. Box 832800 ♦ Richardson, TX 75083-2800
Phone (972) 238-1919 ♦ Fax (972) 238-1995
rodgers1@airmail.net
rodgersequipment.com

November 4, 2009

Mr. Billy Hickman
City of Temple
Temple Surface Water Treatment Plant
4820 Parkside Drive
Temple, TX 76501
whickman@ci.temple.tx.us

Subject: LIGHTNIN Mixer and Installation Service Quotation

Reference: LIGHTNIN File 17B-09-0187, Rev. 2

Dear Billy:

Thank you for your request for revision of our quotation of October 8, 2009, for the purpose of adding an agitator for installation on the #2 clarifier rapid mix basin.

Basin #2 is the same dimensions as Basin #1, which is 97" x 96" x 197" deep basin with a 4" thick top support slab, resulting in an overall height from the face of the mixer mounting base to the basin bottom of 16'9", or 201". The 15' water depth will result in an operating volume of approximately 7,255 gallons. The top of the 20" water inlet is 28" below the mixer mounting surface centered along one of the basin walls. The normal 3.5 MGD inlet flow rate will result in an inlet velocity of 2.4' per second and a three minute retention time in the basin. The outlet will be through a 20" line located in the bottom center of the basin.

The #3 clarifier rapid mix basin is a 10' square basin with a 208" straight side height and a mixer support slab 5" thick, resulting in an overall height from the face of the mixer mounting base to the basin bottom of 17'9", or 213". The 16' side wall depth will result in a liquid volume of approximately 12,000 gallons. The water will enter the basin through a 20" line with the top of the inlet located 44" below the mixer mounting surface centered along one of the basin walls. The normal inlet water flow rate of 5 MGD will have an inlet velocity of 3.5' per second and a basin retention time of approximately 3.5 minutes. The outlet will be through a 20" pipe located in the bottom center of the basin. We will be quoting the same model 15Q3 LIGHTNIN mixer that was installed on the #1 clarifier rapid mix basin earlier this year.



AN SPX BRAND

RODGERS EQUIPMENT COMPANY, INC. ♦ P.O. Box 832800 ♦ Richardson, TX 75083-2800
Phone (972) 238-1919 ♦ Fax (972) 238-1995
rodgers1@airmail.net
rodgersequipment.com

File 17B-09-0187, Rev. 2 – November 4, 2009, Page 2

The removal and installation services will include removal of the existing 3 HP Eurodrive mixers, having a 166" shaft and single 36" diameter impeller. The LIGHTNIN service technicians will drain the oil, and the City will provide lifting services with one of their lift trucks. The City will dispose of the oil and the Eurodrive mixer. The service technicians will install the LIGHTNIN mixers and gear lubricant, provided by the City. Each drive will require approximately nine quarts of lubricant.

All electrical connections will be the responsibility of the City. Once the power is connected to both LIGHTNIN mixers, the LIGHTNIN service technicians will check the mixer drive for proper rotation.

We estimate the work will take four days with two LIGHTNIN service technicians. The technicians will provide their own tools, however, they would appreciate use of ladders, etc., to gain access to the inside of the basins. Safety lock-out procedures will be observed. The service technicians are certified for confined space entry, however, that will not be required at this installation. All work should be scheduled to be performed during normal weekday hours. We are pleased to quote the LIGHTNIN mixers and installation as follows:

Two (2) Model 15Q3 LIGHTNIN top entering turbine type mixers to be driven by a 3 HP, 1200 RPM, totally enclosed electric motor for operation on 230/460 volt, 60 cycle, 3 phase current.

Each mixer shaft will extend 141" below the mixer mounting base, carrying one 48" diameter model A510 LIGHTNIN Laserfoil impeller operating at a nominal output speed of 68 RPM. The impeller will be adjustable in 3" increments along an 18" keyway. Stabilizing fins will be provided with the impeller to provide additional shaft stability.

Carbon steel will be used for fabrication of the mixer shaft and impeller assemblies.

Each mixer drive will be shipped completely assembled and aligned on an integral square mounting base, ready for mounting to your mixer support.

Two LIGHTNIN service technicians will provide removal services of the existing mixer on basin #2 and basin #3, installation and start-up of the model 15Q3 LIGHTNIN mixers, which is estimated to require four days. All meals, lodging and transportation are included. The LIGHTNIN mixers will be shipped directly to the City of Temple, and



AN SPX BRAND

RODGERS EQUIPMENT COMPANY, INC. ♦ P.O. Box 832800 ♦ Richardson, TX 75083-2800
Phone (972) 238-1919 ♦ Fax (972) 238-1995
rodgers1@airmail.net
rodgersequipment.com

File 17B-09-0187, Rev. 2 – November 4, 2009, Page 3

installation services will be scheduled at a mutually convenient time, once the mixers have been received on site.

Price complete as described, freight included **\$27,846.00**

*For TWO
installed*

For additional information, please consult the following attachments:

Drawing L-17632
Drawing DS-E-866
Drawing L-17738

Model 15Q3 Assembly
Model 15Q3 Dimensions
Model A520 Impeller Assembly

Terms and Conditions

Shipment: Approximately two weeks after receipt of order.

Terms: Net 30 days, F.O.B. Rochester, New York. Prices are firm for 30 days from date of quotation.

Purchase orders should be made to:

LIGHTNIN/SPX
c/o Rodgers Equipment Company, Inc.
PO Box 832800
Richardson, TX 75083-2800

We appreciate the opportunity to revise our previous quotation. Please let us know if you have any questions and if we may be of further service.

Sincerely,

LIGHTNIN/SPX
Rodgers Equipment Company, Inc.
Authorized Representative

F. Lee Rodgers
President

Cc: Tracy Breneman
Jeremy Kornele

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH RODGERS EQUIPMENT COMPANY, INC., OF RICHARDSON, TEXAS, FOR THE PURCHASE OF TWO NEW FLASH MIXERS FOR CLARIFIER #2 AND #3 AT THE CONVENTIONAL WATER TREATMENT PLANT, AS A SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$27,846.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the flash mixers for Clarifiers #2 and #3 at the Conventional Water Treatment Plant need to be replaced – the replacement units identified to be purchased are one piece shaft units, identical to previously replaced units in use on Clarifier #1 and #4;

Whereas, the purchase is a sole source purchase, as the other two flash mixers in operation are Lightnin brand mixers, and Rodgers Equipment Company, Inc., of Richardson, Texas, is the only authorized Lightnin representative for this area;

Whereas, the estimated purchase amount is \$27,846.00 and funds are available in Account No. 561-5100-535-6310, project #100300; 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 a contract with Rodgers Equipment Company, Inc., of Richardson, Texas, for a cost not to exceed \$27,846.00, for the purchase of two new flash mixers for Clarifier #2 and #3 at the Conventional Water Treatment Plant.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, subject to 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 19th day of November, 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

11/19/09
Item #5(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with T. Morales Company Electric & Controls, Ltd. Of Florence, the City's contracted electrical service provider, to provide installation and programming services related to improvements needed to the City's SCADA system in an estimated amount of \$276,100, and authorizing the City's IT Department to procure and install equipment in an estimated amount of \$50,000 to support the Water Treatment SCADA Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

In April 2009, Council authorized City Staff to proceed with design work to develop a plan for necessary improvements to the SCADA system. Over the past six months, City Public Works and Information Technology staff have collaboratively been working with T. Morales, the City's contracted annual electrical contractor, to provide a framework for purchase and installation of the necessary components. Detailed design work is now complete, with costs for each site identified as shown on the attached document. These costs have been developed utilizing the annual contracted hourly rates based on the actual time incurred plus a 15% markup on materials. Total costs for the project are estimated to be \$326,100.

FISCAL IMPACT: Funding in the amount of \$400,000 was appropriated in account 561-5100-535-6931, Project #100336 from the 2008 Utility Revenue Bond Issue for SCADA upgrades. After funding design services in the amount of \$80,000 and equipment purchases in the amount of \$10,797, a balance of \$309,202 is available for this contract.

Funding in the amount of \$135,000 was appropriated in account 361-1900-519-6802, project #100087 from the 2006 Certificate of Obligation Bonds for Wireless Broadband Network, which included SCADA improvements. After funding \$77,972 in wireless improvements a balance of \$57,028 is available for the SCADA equipment purchases.

ATTACHMENTS:

[Project Breakdown](#)

[Resolution](#)

General Conditions		Material	Labor
1	RTU Equipment Bill of Material Development	\$ 5,000.00	
2	2 Software Bill of Material Development	\$ 3,500.00	
3	COT Computer & Software Bill of Material Develop	\$ 1,500.00	
4	4 RTU Equipment Shop Drawing Design	\$ 5,000.00	
5	Wonderware & Win 911 Software Upgrade	\$ 19,800.00	

Water Treatment & Membrane WTP Sites

6	Install COT provided Server Equip & Software	\$ 1,300.00	
7	Merge Membrane & Conv Plant HMI - Labor		\$ 4,400.00
8	Convert Exist PLC programs to Unity Software - Material	\$ 27,000.00	
9	Master Poling PLC at Main Site - Labor		\$ 4,500.00
10	Upgrade Firmware of Quantum CPUs Qty 6 - Labor		\$ 600.00
11	Replace Exist WTP PLC CPU w/ Quantum PLC CPU- Labor		\$ 3,300.00

Remote Telemetry Sites

12	Pepper Creek Tank RTU - Material	\$ 4,420.00	
13	Pepper Creek Tank RTU - Labor		\$ 3,780.00
14	Airport Tank RTU - Material	\$ 7,020.00	
15	Airport Tank RTU - Labor		\$ 4,880.00
16	Range Road Tank RTU - Material	\$ 4,420.00	
17	Range Road Tank RTU - Labor		\$ 3,780.00
18	Westpark Pump Station RTU - Material	\$ 5,600.00	
19	Westpark Pump Station RTU - Labor		\$ 4,600.00
20	Nugent Tank RTU - Material	\$ 4,420.00	
21	Nugent Tank RTU - Labor		\$ 3,780.00
22	Taylor Tank RTU - Material	\$ 4,420.00	
23	Taylor Tank RTU - Labor		\$ 3,780.00
24	Scott Tanks RTU - Material	\$ 4,420.00	
25	Scott Tanks RTU - Labor		\$ 3,780.00
26	25th Street Tank RTU - Material	\$ 4,420.00	
27	25th Street Tank RTU - Labor		\$ 3,780.00
28	Apache Tank RTU - Material	\$ 4,420.00	
29	Apache Tank RTU - Labor		\$ 3,780.00
30	720 Tank RTU - Material	\$ 4,420.00	
31	720 Tank RTU - Labor		\$ 3,780.00
32	PRV 1 & PRV 2 RTUs - Material	\$ 8,840.00	
33	PRV 1 & PRV 2 RTUs - Labor		\$ 7,560.00
34	Old Howard Pump Station RTU - Material	\$ 6,725.00	
35	Old Howard Pump Station RTU - Labor		\$ 5,175.00
36	FM 2305 Pump Station RTU - Material	\$ 6,725.00	
37	FM 2305 Pump Station RTU - Labor		\$ 5,175.00
38	Loop 363 Pump Station RTU - Material	\$ 6,725.00	
39	Loop 363 Pump Station RTU - Labor		\$ 5,175.00
40	Ave G Pump Station - Material	\$ 7,740.00	
41	Ave G Pump Station - Labor		\$ 4,460.00

High Service Pump Station

42	Replace HSP Station PLC - Material	\$ 9,380.00	
43	Replace HSP Station PLC - Labor		\$ 6,320.00

Membrane WTP

44	Consolidate Prime & Pall PLCs - Labor		\$ 7,500.00
----	---------------------------------------	--	-------------

System Check Out & Testing

45	Performance Acceptance Test - Labor		\$ 10,000.00
----	-------------------------------------	--	--------------

Main WTP Control Panel Improvements

46	Upgrade 24Vdc Power Dist & Clean-Up Cabinet - Material	\$ 5,000.00	
47	Upgrade 24Vdc Power Dist & Clean-Up Cabinet - Labor		\$ 10,000.00
		\$ 162,215.00	\$ 113,885.00

Material

Labor

TOTAL	\$ 276,100.00
--------------	----------------------

IT ITEMS

	Material	Labor
1	Dell PowerEdge R710 Server	\$ 10,798.00
2	UPS 3 KVA	\$ 1,600.00
3	Managment PC for SCADA Console	\$ 3,000.00
4	Quad Dell Monitors	\$ 1,600.00
5	Monitor Mounts	\$ 900.00
6	Wireless Link (100MB) to City Hall	\$ 22,000.00
7	Wireless Connectors	\$ 2,400.00
8	Wireless Maintenance Upgrades	\$ 7,000.00

TOTAL	\$ 49,298.00
--------------	---------------------

PROJECT TOTAL TODATE	\$ 325,398.00
-----------------------------	----------------------

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING T. MORALES COMPANY, ELECTRIC & CONTROLS, LTD., OF FLORENCE, TEXAS, THE CITY'S CONTRACTED ELECTRICAL SERVICE PROVIDER, TO PROVIDE INSTALLATION AND PROGRAMMING SERVICES RELATED TO IMPROVEMENTS NEEDED TO THE CITY'S SCADA SYSTEM, IN AN ESTIMATED AMOUNT OF \$276,100; AUTHORIZING THE CITY'S INFORMATION TECHNOLOGY DEPARTMENT TO PROCURE AND INSTALL EQUIPMENT IN AN ESTIMATED AMOUNT OF \$50,00 TO SUPPORT THE WATER TREATMENT SCADA PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

Whereas, in April 2009, the City Council authorized Staff to proceed with design work to develop a plan for necessary improvements to the SCADA system – over the past six months, the Public Works and Information Technology staff have collaboratively been working with T. Morales Company Electric & Controls, Ltd., of Florence, Texas, the City's contracted annual electrical contractor, to provide a framework for purchase and installation of the necessary components;

Whereas, the Staff recommends entering into a contract with T. Morales Company Electric & Controls, Ltd., for a cost not to exceed \$276,00, to provide installation and programming services for this project;

Whereas, the Staff seeks authorization for the City's IT Department to procure and install equipment in an estimated amount of \$50,000 to support the Water Treatment SCADA Project;

Whereas, funds are available for this project in Account No. 561-5100-535-6931, Project #100336; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, in an estimated amount of \$276,100, between the City of Temple and T. Morales Company, Electric & Controls, Ltd., of Florence, Texas, after approval as to form by the City Attorney, to provide installation and programming services related to improvements to the City's SCADA system at the City's Water Treatment Plant.

Part 2: The City Council authorizes the City's Information Technology Department to procure and install equipment in an estimated amount of \$50,000 to support the Water Treatment SCADA 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 **19th** day of **November**, 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

11/19/09
Item #5(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a farm lease with Roy Davis for approximately 170 acres at Pegasus Drive and Moores Mill Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Roy Davis is requesting a 6-month pasture lease of approximately 170 acres, located at Pegasus Drive and Moore's Mill Road. His father, Harvey Davis, leased the land for many years from the Dowell family, 6 months at a time, for \$2,800 per year.

Roy Davis would like to continue leasing the property for cattle grazing. He is also seeking renew his family's grazing lease with the owner of adjoining land at 1700 Moores Mill Road. Mr. Davis will not be cultivating crops for harvesting or grazing. He will be responsible for any fence repair needed to contain his cattle. He proposes to pay \$1,400 per 6-month term, which equates to \$16.47 per acre. The property does not have coastal or other improved grasses, or barns, or pens.

Neither the City nor TEDC foresees using the property in the near future. If a need arises, the lease may be terminated for any reason by giving the tenant 30 days' notice. The grazing lease will eliminate mowing expense.

Staff recommends approval of a 6-month lease, from January 1, 2010 to June 30, 2010, with an extension to December 31, 2010 at the tenant's option, and rent of \$1,400 per 6-month term.

FISCAL IMPACT: Compensation to City for 6-month lease will be \$1,400. If the lease is extended for an additional 6-months at the tenant's option City will receive an additional \$1,400.

ATTACHMENTS:

[Location map](#)
[Resolution](#)

This sketch to accompany a notes and
bands description of the person shown
IT7.45 Accr. 1001.

The following statements filed on the title commitment supplied by Centennial Title Company, O.R. No. C0702045, effective date March 20, 2007, have been reviewed by this surveyor and based upon what is visible on the ground and not can be plotted from their descriptions, do not affect the property.

(Vol. / Pg.) = 473/220

[illegible]

CALLUO TO DO ACRES
SCOT H. HEDBACK and wife
JILL K. HEDBACK

**This Drawing is a
REDUCED COPY
Not to a convenient or standard
All County Surveying, Inc.**

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. This document is not valid for any purpose unless signed and sealed by a Professional Professional Land Surveyor.



4-29-2008

MOORE'S HILL ROAD
PUBLIC MAINTAINED ROADWAY

THIRTY-SEVEN OF LAND

OLD U. S. HIGHWAY 81
RTE. 10 MARGARET ROADWAY

Surveyor's Sketch showing 177.45
ACRES, situated in the WILLIAM
GILMORE SURVEY, ABSTRACT 339,
Bell County, Texas.

20

Alle County

Survey completed 04-23-2008
Scale: P = 100
Job No. 99000
Draw No. 990172.dwg
Drawn by JLM
Server: 001_99000

ALL COUNTY SURVEYING, INC.

1303 South 2nd Street, Temple, Texas 76504
(254) 778-2272 FAX (254) 774-7608

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 170 ACRES OF CITY-OWNED LAND AT PEGASUS DRIVE AND MOORES MILL ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request from Ray Davis to renew a lease for approximately 170 acres of City-owned land on Little Flock Road for grazing purposes;

Whereas, the lease term will be from January 1, 2010, through June 30, 2010, with an extension to December 31, 2010, at the tenant's option, and will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, Mr. Davis will pay \$1,400 per 6-month term, which equates to \$16.47 per acre; 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 farm lease for a 6-month term of \$1,400, between the City of Temple and Ray Davis, after approval as to form by the City Attorney, for lease of approximately 170 acres of City-owned land at Pegasus Drive and Moores Mill 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 **19th** day of **November**, 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

11/19/09
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting resolutions authorizing farm leases with Edward Brenek, Jr. as follows:

1. 8.164 acres east of Wilson Park; and
2. 39 acres on Little Flock Road.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: (1) Edward Brenek is requesting a one-year lease of approximately 8.164 acres of City land located east of Wilson Park. Mr. Brenek has leased the City's tract since 2001 and farmed it with a larger adjoining tract owned by American GI Forum. He uses the land to harvest hay. Mr. Brenek paid \$20 per acre for the 2009 lease ($\$20 \times 8.164 \text{ acres} = \163.28). That price will stay the same for 2010. Parks and Leisure Services does not foresee using the property in the near future.

(2) Mr. Brenek also requests a one-year lease of approximately 39 acres located on Little Flock Road. The City purchased the land in 1999. Mr. Brenek has leased it since 2001 and farmed it with adjoining land leased from other owners. Mr. Brenek paid \$25 per acre for the entire lease in 2009 ($\$25 \times 39 \text{ acres} = \975 .) That price will stay the same for 2010. The Solid Waste Department does not foresee using the property in the near future.

If a need arises for the City to use any of the leased properties, the lease may be terminated for any reason by giving the tenant 30 days' notice. The leases will eliminate mowing expense.

Staff recommends approval of both leases, from January 1, 2010 to December 31, 2010, with rent of \$163.28 for the Wilson Park tract and \$975 for the Little Flock Road tract.

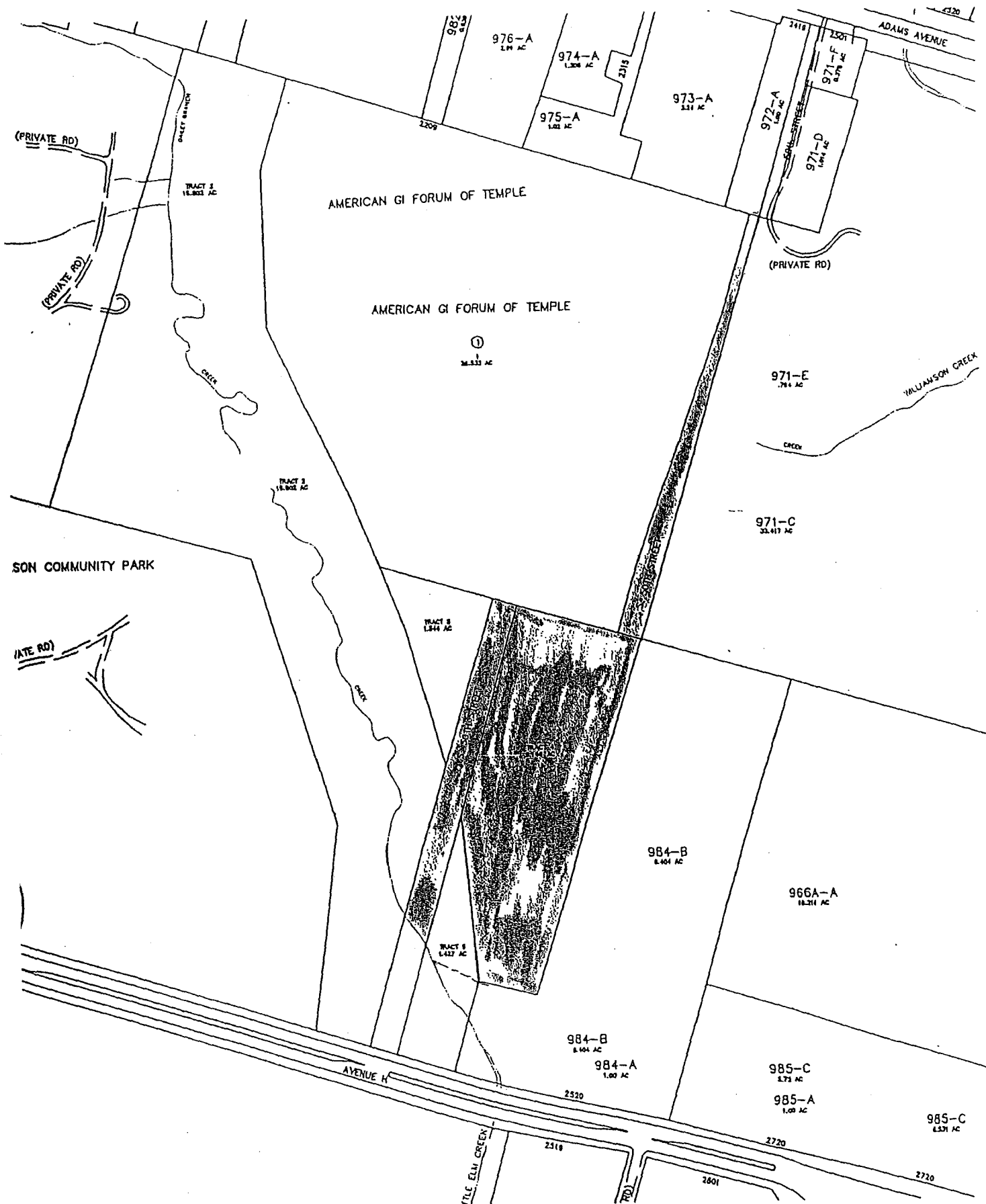
FISCAL IMPACT: Compensation to City for the Wilson Park tract will be \$163.28; and compensation to City for Little Flock Road tract will be \$975.

ATTACHMENTS:

[Location map](#)
[Resolution](#)

tabbles

"A"



EXHIBIT

tabbles

A



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 8.164
ACRES OF CITY-OWNED LAND LOCATED EAST OF WILSON PARK;
AND PROVIDING AN OPEN MEETINGS CLAUSE.**

Whereas, the City has had a request to renew a lease with Ed Brenek to continue leasing approximately 8.164 acres of City-owned land located east of Wilson Park for farming purposes;

Whereas, the annual lease amount will be \$163.28 (\$20 x 8.164 acres), and the lease term will be from January 1, 2010, through December 31, 2010, and will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, granting the lease now allows the tenant time to prepare the land for next year's crop; 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 farm lease for an annual amount of \$163.28, between the City of Temple and Ed Brenek, after approval as to form by the City Attorney, for lease of approximately 8.164 acres of City-owned land located east of Wilson Park.

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

PASSED AND APPROVED this the **19th** day of **November**, 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, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 39 ACRES OF CITY-OWNED LAND ON LITTLE FLOCK ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease with Ed Brenek to continue leasing approximately 39 acres of City-owned land on Little Flock Road for farming purposes;

Whereas, the annual lease amount will be \$975 (\$25 x 39 acres), and the lease term will be from January 1, 2010, through December 31, 2010, and will provide that the City can terminate the lease with a thirty (30) day notice;

Whereas, granting the lease now allows the tenant time to prepare the land for next year's crop; 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 farm lease for an annual amount of \$975, between the City of Temple and Ed Brenek, after approval as to form by the City Attorney, for lease of approximately 39 acres of City-owned land on Little Flock 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 **19th** day of **November**, 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

11/19/09
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing the voluntary annexation of a 1.148 acre tract of land located in the vicinity of FM 2305 and Buck Lane.

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

ITEM SUMMARY: On September 17, 2009, the Council accepted a petition for voluntary annexation filed by Jim and Jan Kent on August 27, 2009, seeking voluntary annexation of approximately 1.148 acres into the City of Temple. The property is located east of the existing City limits line. The Council directed the staff to prepare a municipal services plan for this tract.

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 met the statutory requirements and was granted.

Public hearings were conducted on October 14, 2009 (special meeting) and October 15, 2009 (regular meeting) and the proposed municipal services plan for the area under consideration for annexation has been prepared. No public comments were received at either hearing.

FISCAL IMPACT: No immediate impact. Obligation to provide police and fire services. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Petition](#)

[Maps](#)

[Service Plan](#)

[Ordinance](#)

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

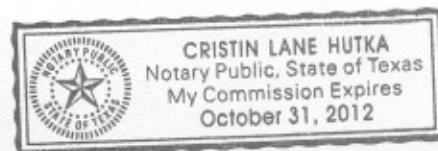
STATE OF TEXAS

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

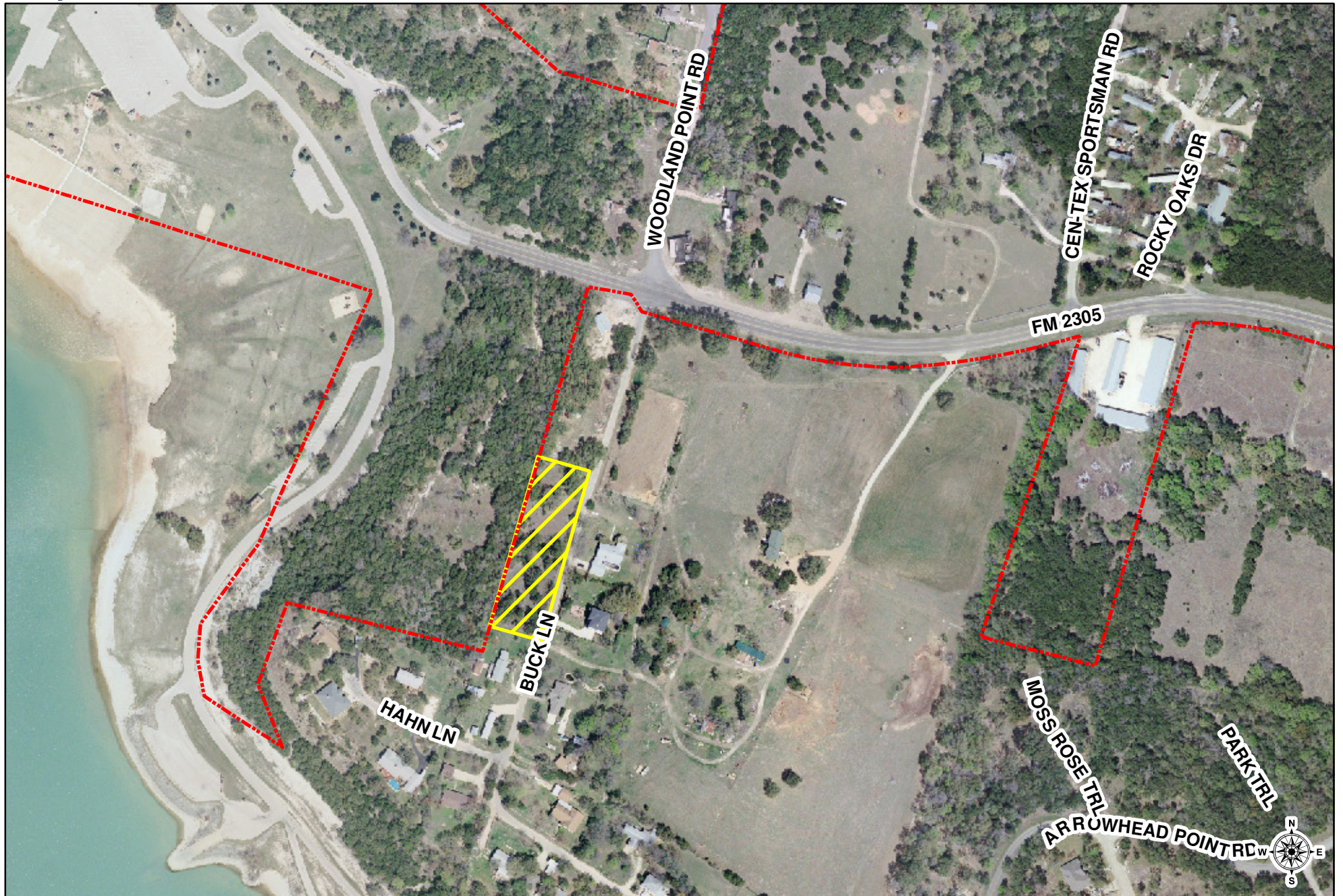






Z-FY-09-33

Proposed Annexation of 1.148 Acres

Buck Lane (Western ETJ)



 Current Temple Boundary  ZFY0933

Feet 0 75 150 225 300
J Stone 9.15.9

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 ½" 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

EXHIBIT SKETCH - PROPOSED ANNEXATION 1.148 ACRE OF LAND

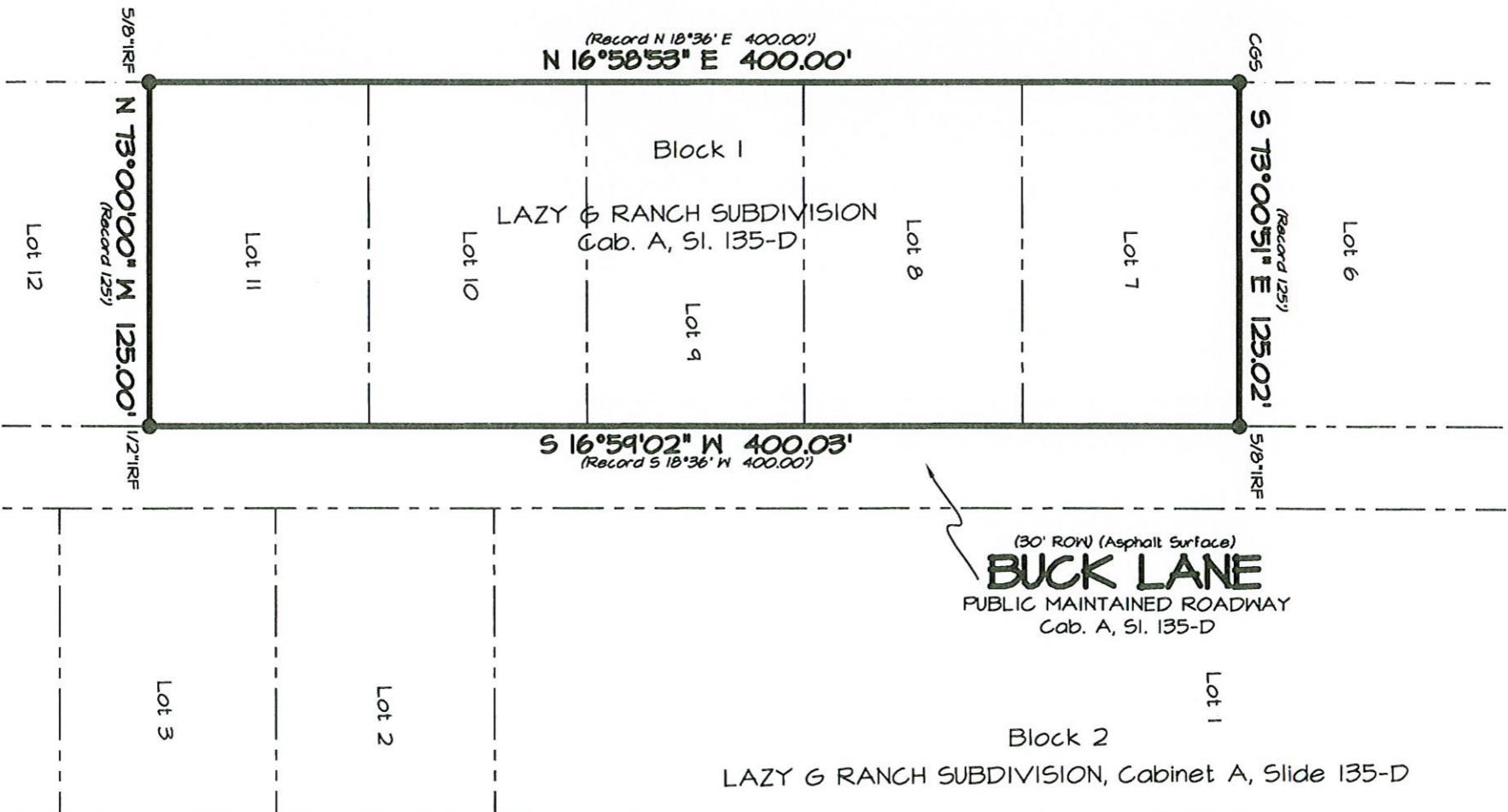
Being part of the JAMES BOWERS SURVEY, ABSTRACT NO. 81, Bell County, Texas, being all of LOTS 7, 8, 9, 10, and 11, BLOCK 1, of the LAZY G RANCH SUBDIVISION, an addition in Bell County, Texas, according to the plat of record in Cabinet A, Slide 135-D, Plat Records of Bell County, Texas.



IRF - Iron Rod Found
CGS- Steel Spindle

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

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 $01^{\circ} 27' 57''$. 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 $S 31^{\circ} 54' 43'' W 3324.68$ feet. Published City coordinates for project reference point 501 are N = 10,388,956.44 E = 3,186,885.77



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

CITY OF TEMPLE

ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – KENT ET ALL

For approximately 0.0018 square miles (1.148± acres) situated in Bell County, Texas, located south of FM 2305 (West Adams Avenue), west of 'Buck' Lane, and east of Lake Belton, and abutting the City limits, and being more particularly described an Exhibit "A" and depicted as Exhibit "B" of the Annexation Ordinance (2009-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

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

5. MAINTENANCE OF ROADS AND STREETS

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

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

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

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

8. CONSTRUCTION SAFETY

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

9. CODE ENFORCEMENT

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

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

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

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

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

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

APPROVED ON THIS _____ DAY OF _____, 2009.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY CONSISTING OF 1.148 ACRE TRACT OF LAND LOCATED IN THE VICINITY OF FM 2305 AND BUCK LANE AND APPROVING A SERVICE PLAN FOR THIS TRACT PROPOSED TO BE ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A ZONING CLASSIFICATION FOR SAID PROPERTY PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

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

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

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

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

Part 2: The property consisting of 1.148 acres described in Exhibit "A," attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof, in accordance with the request in the *Petition for Annexation* accepted by the City of Temple, Texas, attached hereto and made a part hereof for all purposes as Exhibit "B."

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

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

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

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as "UE," *Urban Estate* as shown on the map made a part hereof and attached hereto as Exhibit "D."

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

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **November**, 2009.

PASSED AND APPROVED on Second and Final Reading on the **19th** day of **November**, 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

11/19/09
Item #5(J-1)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on a 0.6± acre tract of land identified as Tract 1, and from Agricultural District (A) to Urban Estate District (UE) on a 4± acre tract of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City limits, all located on the south side of FM 2305, adjacent to Buck Lane.

P&Z COMMISSION RECOMMENDATION: At its October 19, 2009 meeting, the Planning and Zoning Commission voted 5/0 in accordance with staff recommendation to recommend approval of a zoning change from Agricultural (A) to Neighborhood Service District (NS) and Agricultural (A) to Urban Estate District (UE) 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. Public facilities serve the property.

Commissioners Secret, Talley and Dusek were absent. Commissioner Staats abstained.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-31, from the Planning and Zoning meeting, October 19, 2009. The purpose of this rezoning is to allow the use of large lot single family development and a neighborhood services development, the most restrictive commercial zoning district. Earlier in the agenda the Council will approve, on first reading, the annexation of 1.148 acres as part of the voluntary annexation case for the Lazy G Ranch Subdivision, Block 1, Lots 7 – 11, for an urban estate residential subdivision.

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

The final plat for this development will be presented to Council for consideration at the November 19 Council meeting.

A total of three notices were sent out. As of Tuesday, October 27th at 5 PM, none were returned. The newspaper printed notice of the public hearing on October 8, 2009 in accordance with state law and local ordinance.

FISCAL IMPACT: None

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Notice Map
P&Z Staff Report (Z-FY-09-31)
P&Z Minutes (October 19, 2009)
Ordinance





Z-FY-09-31

Rezone of 5.043 Acres

Proposed Sunset Ridge at the Lake Subdivision



 Current Temple Boundary  ZFY0931

Feet 0 75 150 225 300

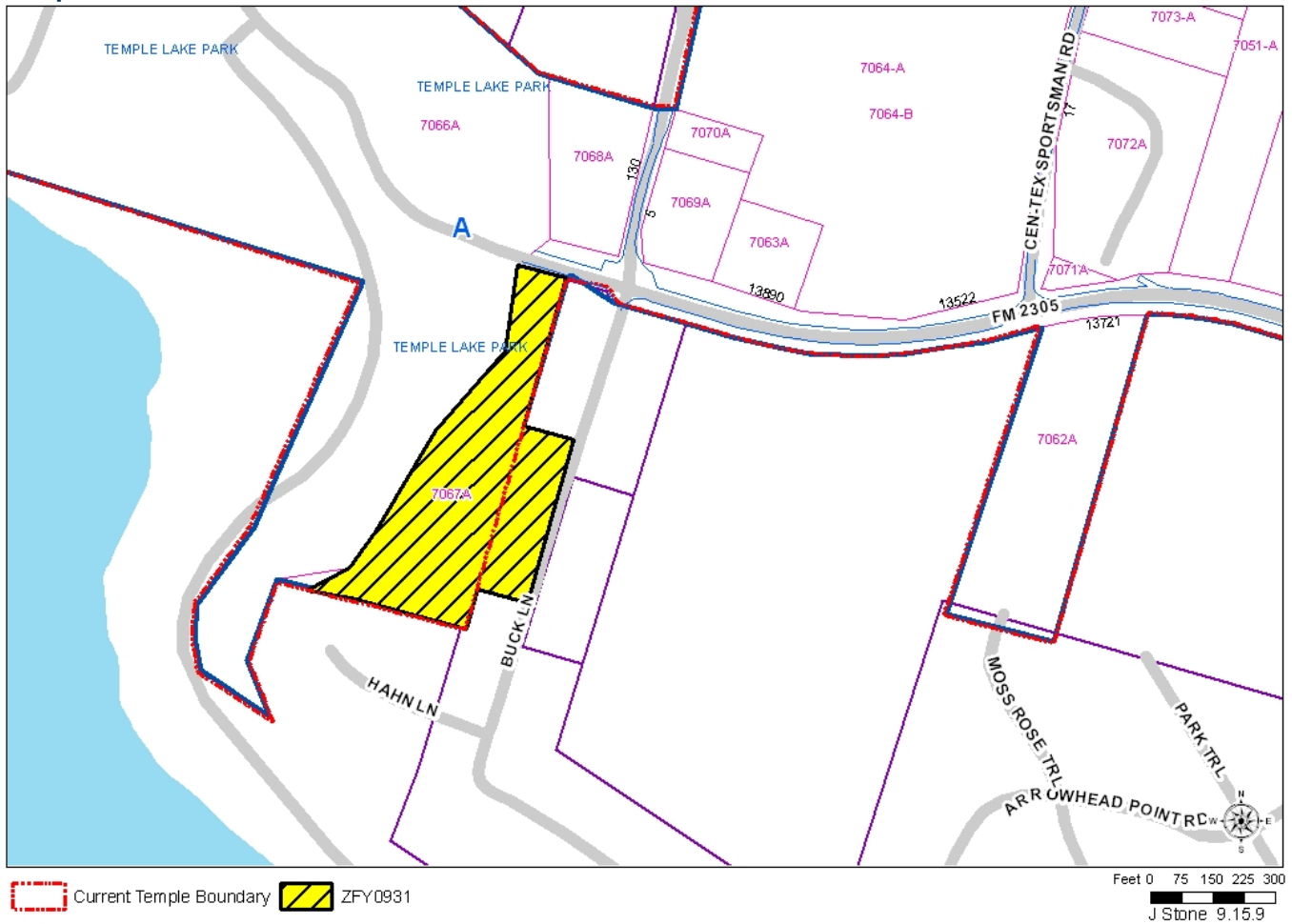
J Stone 9.15.9



Z-FY-09-31

Rezone of 5.043 Acres

Proposed Sunset Ridge at the Lake Subdivision

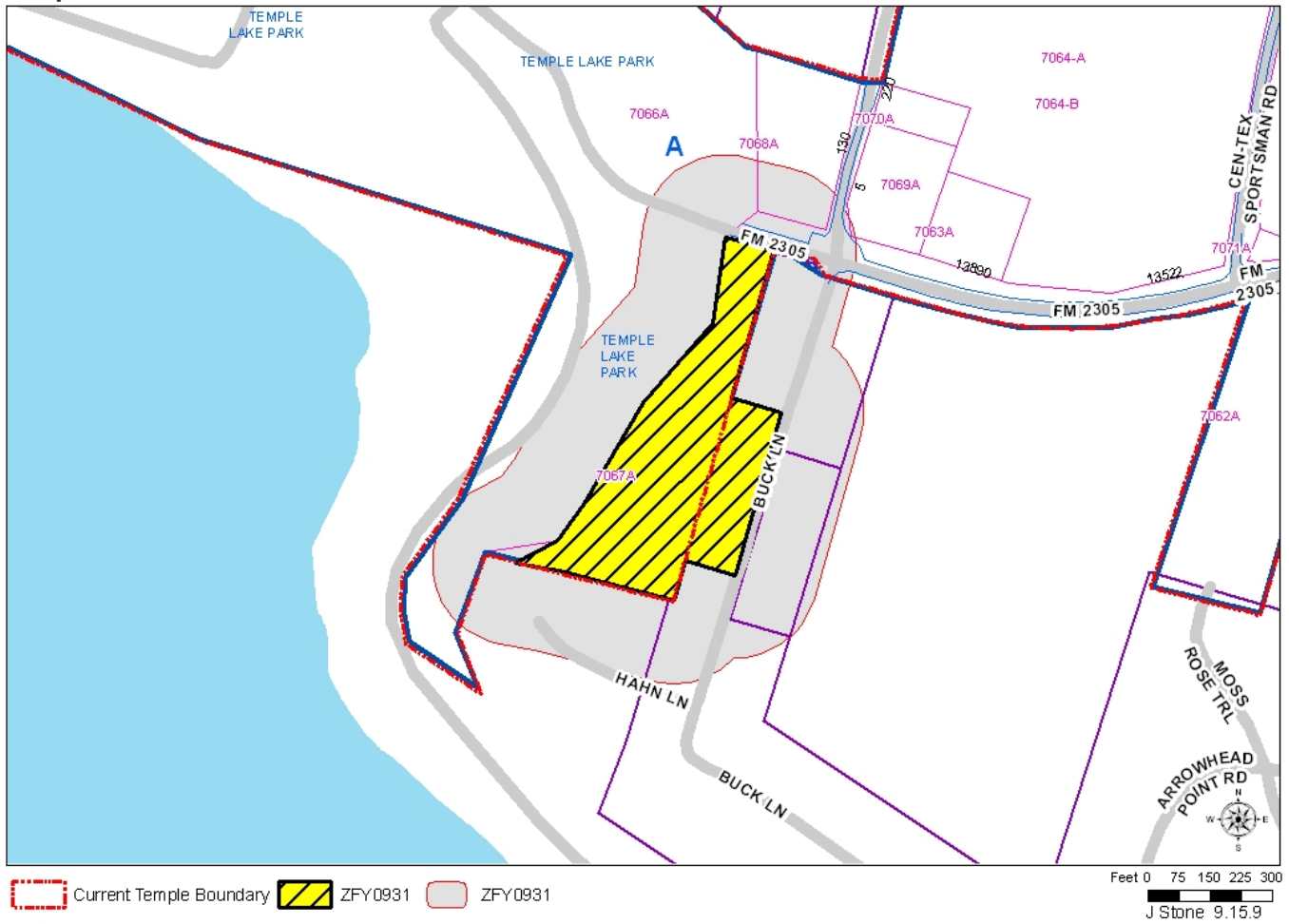




Z-FY-09-31

Rezone of 5.043 Acres

Proposed Sunset Ridge at the Lake Subdivision





PLANNING AND ZONING COMMISSION AGENDA ITEM

10/19/09

Item #2

Regular Agenda

Page 1 of 2

APPLICANT / DEVELOPMENT: All County Surveying for James & Jan Kent All County

CASE MANAGER: Tim Dolan, AICP, Planning & Zoning Commission

ITEM DESCRIPTION: Z-FY-09-31: Hold a public hearing to discuss and recommend action on a zoning district change request from Agricultural District (A) to Neighborhood Service District (NS) on a 0.6± acre track of land identified as Tract 1, and from Agricultural District (A) to Urban Estate District (UE) on a 4± acre track of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City Limits, all located on the south side of FM 2305, adjacent to Buck Lane.

BACKGROUND:

The applicant sought voluntary annexation to have access to City utilities and access for larger lots with frontage on Buck Lane. The Council scheduled the two required public hearings to receive comment as part of the annexation process. The purpose of the agenda report is to receive comment on the proposed zoning and to consider a Final Plat (Next Agenda Item). The Council will consider the final annexation and zoning at its meetings, November 5 and November 19, 2009.

Surrounding Property and Uses

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

Future Land Use and Character

The Future Land Use and Character Plan show the area for Estate Residential Use and the requested zoning of Urban Estate (UE) conforms to the Future Land Use and Character Plan. The Comprehensive Plan Choice's 08 recommends Neighborhood Service (NS) to complement UE areas since it is the most restrictive commercial zoning district and NS uses also conform to the Future Land Use and Character Plan.

Thoroughfare Plan

The proposed UE will have lot frontage and access to Buck Lane, a county road, and will remain a county road after annexation. The pavement width (28-30') width, developed to rural standards is sufficient for UE sized lots.

Availability of Public Facilities

A three-inch water line serves the proposed UE lots, and a four-inch water line serves the proposed NS lot. All lots will be required to use on-site sewage facilities (septic tanks).

Development Regulations – UE & NS

The purpose of the Urban Estate Zoning District (UE) is to permit detached single family residential uses and related accessory uses on lots 22,500 square feet in size. The urban estate district accommodates large lot single family residential developments. This district is suitable for estate development or areas in which it is desirable to permit only low-density development. Projects should typically be rural in character and well buffered from more intensely developed uses.

The purpose of the Neighborhood Service Zoning District (NS) is to permit limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners, or florist, as well as any residential use except apartments. Maximum building height of 2 ½ service stories. The neighborhood service district is the most restrictive retail district and is intended 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.

All dimensional standards appear in the following tables.

Urban Estate Residential Use Standards	
Building Height	Maximum building height of three stories.
Minimum Lot Width	80'
Minimum Lot Depth	125'
Minimum Front Yard	30'
Minimum Side Yard (interior, street side)	15' both sides
Minimum Rear Yard Setback	10'
Minimum Building Area	550 square feet
Neighborhood Service Commercial Standards	
Building Height	Maximum building height of two and one-half stories.
Minimum Lot Width	50'
Minimum Lot Depth	100'
Minimum Front Yard	15'
Minimum Side Yard (interior, street side)	10' interior, 15' street side
Minimum Rear Yard Setback	10'
Minimum Building Area	NA

Public Notice

A total of three notices were sent out, with no notices returned. The letters mailed and the newspaper printed notice of the public hearing on October 8, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff requests the Commission approve Z-FY-09-31 subject to the Commission finding the request:

1. Conforms to the Future Lands Use and Character Plan for urban estate and suburban commercial uses; and
2. Conforms to the Thoroughfare Plan for the requested UE area to have lot access to Buck Lane, a rural residential street and for the requested NS area to have access to FM 2305; and
3. Conforms to the Availability of Utility Plan for water and lot area sufficient size for septic service.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Notice Map
Utility Map

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

MONDAY, OCTOBER 19, 2009

ACTION ITEMS

Item 2: Z-FY-09-31: Hold a public hearing to discuss and recommend action on a zoning district change request from Agricultural District (A) to Neighborhood Service District (NS) on a 0.6± acre track of land identified as Tract 1, and from Agricultural District (A) to Urban Estate District (UE) on a 4± acre track of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City Limits, all located on the south side of FM 2305, adjacent to Temple Lake Park and Buck Lane. (Applicant: All County Surveying for James & Jan Kent)

Chair Pilkington stated Items 2 and 3 would be presented together, but separate motions and seconds would be required.

Commissioner Staats stated he would abstain from these two Items and submitted his Affidavits to Staff.

Mr. Tim Dolan, Planning Director, stated the public hearing tonight was to change zoning from Agricultural (A) to planned Urban Estates (UE) and also some property planned for Neighborhood Service (NS) all on the south side of FM 2305, adjacent to Temple Lake Park and Buck Lane. This process also includes annexation for this property. The area to the east is actually in the county that is being annexed which is 1.14± acre tract and would have access to Buck Lane which would remain a county road. The area to the west is inside the city limits.

Mr. Dolan stated the Future Land Use and Character Plan showed this area for estate residential uses. The existing utilities are in place for water service to FM 2305 and a water line goes down Buck Lane. This was an independently owned utility which had been taken over by the City of Temple.

Mr. Dolan stated the Staff recommendation was to approve this zoning request since it conformed to the Future Land Use and Character Plan for the UE, the Thoroughfare Plan for Buck Lane was the rural residential road, and the availability of the water lines to these lots. These lots would be served by septic services since there is no sewer service in the area.

Mr. Dolan stated the final plat is for the five (5) residential lots and one (1) commercial lot on the 5± acre area and there is a developer's requested exception to Chapter 12 of the Fire Code for the City of Temple Code of

Ordinances and the requested zoning was Urban Estate (UE) and Neighborhood Service (NS).

Mr. Dolan stated the area highlighted was the Lazy G Ranch Subdivision, Block 1, Lots 7 through 11, which is a platted lot having access to Buck Lane. The lots planned are UE lots that vary from over half an acre to 1.3 acre. NS is being planned for the south and a one foot non-encroachment easement is in the TxDot right-of-way with a driveway access, which TxDot had reviewed.

Mr. Dolan stated as part of the building permit for this lot, it would have a 6 foot sidewalk with accessibility standards to be built along the arterial road. Mr. Dolan stated the utility plan showed the 3" and 2" water lines which are available there.

Mr. Dolan stated the letter signed by the owners' applicant which requested the developer's requested exception to the Fire Code for fire hydrant placement. From discussion with the Fire Marshall, knowing there will be driveways built which meets requirements of the Fire code for any structure 150' outside of the fire apparatus road.

Mr. Dolan stated Staff recommended approval of the final plat subject to finding the fact for the developer's requested exception to Chapter 12 of the Fire Code regarding hydrant location and pressure for the City of Temple's Code of Ordinances to allow the placement of existing hydrants since the construction of the residential driveways will need to meet the requirements of the Fire Code.

Mr. Dolan stated these items needed to be considered with separate hearings, motions and seconds for the plat and zoning request.

Chair Pilkington opened the public hearing for the zoning case, Z-FY-09-31.

Mr. Jim Kent, owner of the land, approached the Commission to answer any questions. There being none, Chair Pilkington closed the public hearing.

Commissioner Pope made a motion to approve the zoning district change request from A to NS district on 0.6 acre tract of land identified as Tract 1, and A to UE district on a 4 acre track of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City Limits, all located on the south side of FM 2305, adjacent to Temple Lake Park and Buck Lane and Commissioner Barton made a second.

Motion passed: (5:0)

Commissioner Staats abstained

Commissioners Dusek, Secrest and Vice-Chair Talley absent.

Commissioner Pope made a motion to approve the final plat of Sunset Ridge At The Lake, 5 residential lots and one commercial lot on 5.05 ± acres, being a replat of Lazy G Ranch Addition, Block 1, Lots 7 to 11, located on the south side of FM 2305 adjacent to Buck Lane subject to the developer's requested exception to Chapter 12 of the City of Temple Code of Ordinances and Commissioner Martin made the second.

Motion passed: (5:0)

Commissioner Staats abstained

Commissioners Dusek, Secrest and Vice-Chair Talley absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-31]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON AN APPROXIMATELY 0.6 ACRE TRACT OF LAND IDENTIFIED AS TRACT 1, AND FROM AGRICULTURAL DISTRICT (A) TO URBAN ESTATE DISTRICT (UE) ON AN APPROXIMATELY 4 ACRE TRACT OF LAND IDENTIFIED AS TRACT 2, ALL BEING PART OF THE JAMES BOWERS SURVEY, ABSTRACT 81, BELL COUNTY, TEXAS, LAZY G RANCH SUBDIVISION, BLOCK 1, LOTS 7—11, PRESENTLY NOT IN THE TEMPLE CITY LIMITS, ALL LOCATED ON THE SOUTH SIDE OF FM 2305, ADJACENT TO BUCK LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Neighborhood Service District (NS) on an approximately 0.6 acre tract of land identified as Tract 1, and from Agricultural District (A) to Urban Estate District (UE) on an approximately 4 acre tract of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7—11, presently not in the Temple city limits, all located on the south side of FM 2305, adjacent to Buck Lane, 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 **5th** day of **November**, 2009.

PASSED AND APPROVED on Second Reading on the **19th** day of **November**, 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

11/19/09
Item #5(J-2)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Director of Planning

ITEM DESCRIPTION: P-FY-09-46: Consider adopting a resolution approving the Final Plat of Sunset Ridge at the Lake, 5 residential lots and one commercial lot on 5.05 ± acres, subject to a developer's requested exception to Chapter 12 (Fire Code-hydrant location and pressure) of the City of Temple Code of Ordinances.

P&Z COMMISSION RECOMMENDATION: At its October 19, 2009 meeting, the Planning and Zoning Commission voted 7/0 in accordance with the staff recommendation to approve Final Plat with the developer's requested exception.

1. Section 12-145 (City Code) One fire hydrant per 600' of street frontage.

Commissioners Martin and Pope were absent.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-09-46, from the Planning and Zoning Commission meeting, October 19, 2009.

Except for the exceptions requested below, this final plat meets the requirements of the Subdivision Ordinance.

Sub Regs Citation	Requirement	Applicant's Justification	Staff Support?
Section 12-145 (City Code)	One fire hydrant per 600' of street frontage	Water line insufficient for additional hydrant. Pumper trucks to be used. Driveways for residential houses to be built to fire lane standards.	Yes

FISCAL IMPACT: NA

ATTACHMENTS:

Plat
P&Z Staff Report (P-FY-09-46)
P&Z Minutes (10/19/09)
Resolution



ALL COUNTY SURVEYING, INC.

*Surveying * Mapping *Construction Layout * GPS

October 14, 2009

City of Temple
Planning Dept.
2 N. Main St.
Temple, TX 76501

RE: Sunset Ridge On The Lake

Dear Mr. Dolan

Please accept the submittal of this plat and process for the next available Planning & Zoning meeting, and then on to City Council for approval of final plat with the following EXCEPTION being requested:

Exception for provision of Fire Protection to each and every lot by means of fire hydrants (City of Temple Code of Ordinances Chapter 12 (Fire Code) Section 12-144-145, Fire Hydrant Location). The required topo/utility layout sheet submitted with the plat shows the nearest fire hydrant which is located on a 2.5 inch diameter main waterline located along the frontage along Buck Lane, and is 276.26 feet south of the southernmost Southeast corner of this proposed development. Per City of Temple Public Works / Engineering Dept, any new fire hydrants installed should be on a main with a diameter of 6 inches or larger. Since water is totally acceptable for residential uses at the existing 5 lots which are a part of this proposed development, the developer of Sunset Ridge On The Lake does not wish to spend the resources necessary to install a new 6 inch waterline.

Sincerely,

Charles C. Lucko, RPLS
President, All County Surveying, Inc.

FINAL PLAT of
SUNSET RIDGE ON THE LAKE
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being part of the JAMES DOWNS SURVEY, ABSTRACT NO. 20, in Bell County, Texas, being all of 2000 acres, called 2000 acre tract described in a deed to JAMES L. KENT and wife, JANE H. KENT, of record in Volume 4285, Page 242, Official Public Records of Bell County, Texas, and all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217



PLANNING AND ZONING COMMISSION AGENDA ITEM

10/19/09

Item #3

Regular Agenda

Page 1 of 1

APPLICANT / DEVELOPMENT: All County Surveying for James & Jan Kent

CASE MANAGER: Tim Dolan, AICP, Planning & Zoning Commission

ITEM DESCRIPTIONP-FY-09-46: Consider a recommendation to approve the Final Plat of Sunset Ridge at the Lake, 5 residential lots and one commercial lot on 5.05 ± acres, being a Replat of Lazy G Ranch Addition, Block 1, Lots 7-11, located on the south side of FM 2305 adjacent to Buck Lane subject to a developer's requested exception to Chapter 12 (Fire Code-hydrant location and pressure) of the City of Temple Code of Ordinances. Requested zoning is (UE) and (NS).

STAFF RECOMMENDATION:

Staff recommends approval of the P-FY-09-46, Final Plat of Sunset Ridge at the Lake subject to the Commission's finding of fact for the developer's requested exception to Chapter 12 (Fire Code-hydrant location and pressure) of the City of Temple Code of Ordinances to allow the placement of existing hydrants provided the construction of driveways meeting the requirements of the Fire Code.

BACKGROUND:

Four lots exist here, originally platted as the Lazy G Ranch Subdivision, Block 1, and Lots 7-11, owned by the applicant and more property to the west, with access to Buck Lane, a county road. The applicant will create UE sized lots (one-half acre or larger) and will vacate these smaller lots for a larger single family Replat. The applicant contends the existing fire hydrants provided coverage to the lots. The owner also requests a commercial use for the requested NS lot near FM 2305 (Arterial Sized Road). The NS lot would have access to only FM 2305, subject to the driveway location required by TXDOT and a six-foot wide sidewalk with accessibility ramps along FM 2305 as part of commercial building permit.

Since the residential development will happen in City Limits (see Preceding Agenda Item), the applicable International Residential Code and the Fire Code requires all corners of construction be covered within 150' feet from a fire apparatus road, in this instance Buck Lane and the residential driveways. Driveways to the future houses, outside of 150' from Buck Lane, will be required to be built to fire lane standards with sufficient depth, compaction and turn a rounds for fire trucks and apparatus responding to an emergency. Driveways will be reviewed as part of a residential permit.

The Design Review Committee reviewed the Final Plat on October 13, 2009 and deemed the Final Plat administratively complete. It meets the minimum requirements of the Subdivision Regulations, subject to the Commission finding for the developer's requested exception to location of fire hydrants. The City Council is the final plat authority since exceptions have been requested to the Fire Code for hydrant placement and pressure.

Park fees do not apply since no new lots are created.

ATTACHMENTS: Letter of Exception from the Applicant, Plat and Topographical Map

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

MONDAY, OCTOBER 19, 2009

ACTION ITEMS

Item 3: P-FY-09-46: Consider a recommendation to approve the Final Plat of Sunset Ridge at the Lake, 5 residential lots and one commercial lot on 5.05 ± acres, located on the south side of FM 2305 adjacent to Temple Lake Park and Buck Lane subject to a developer's requested exception to Chapter 12 (Fire Code) of the City of Temple Code of Ordinances. Requested zoning is Urban Estate (UE) and Neighborhood Service (NS). (Applicant: All County Surveying for James & Jan Kent)

Chair Pilkington stated Items 2 and 3 would be presented together, but separate motions and seconds would be required.

Commissioner Staats stated he would abstain from these two Items and submitted his Affidavits to Staff.

Mr. Tim Dolan, Planning Director, stated the public hearing tonight was to change zoning from Agricultural (A) to planned Urban Estates (UE) and also some property planned for Neighborhood Service (NS) all on the south side of FM 2305, adjacent to Temple Lake Park and Buck Lane. This process also includes annexation for this property. The area to the east is actually in the county that is being annexed which is 1.14± acre tract and would have access to Buck Lane which would remain a county road. The area to the west is inside the city limits.

Mr. Dolan stated the Future Land Use and Character Plan showed this area for estate residential uses. The existing utilities are in place for water service to FM 2305 and a water line goes down Buck Lane. This was an independently owned utility which had been taken over by the City of Temple.

Mr. Dolan stated the Staff recommendation was to approve this zoning request since it conformed to the Future Land Use and Character Plan for the UE, the Thoroughfare Plan for Buck Lane was the rural residential road, and the availability of the water lines to these lots. These lots would be served by septic services since there is no sewer service in the area.

Mr. Dolan stated the final plat is for the five (5) residential lots and one (1) commercial lot on the 5± acre area and there is a developer's requested exception to Chapter 12 of the Fire Code for the City of Temple Code of Ordinances and the requested zoning was Urban Estate (UE) and Neighborhood Service (NS).

Mr. Dolan stated the area highlighted was the Lazy G Ranch Subdivision, Block 1, Lots 7 through 11, which is a platted lot having access to Buck Lane. The lots planned are UE lots that vary from over half an acre to 1.3 acre. NS is being planned for the south and a one foot non-encroachment easement is in the TxDot right-of-way with a driveway access, which TxDot had reviewed.

Mr. Dolan stated as part of the building permit for this lot, it would have a 6 foot sidewalk with accessibility standards to be built along the arterial road. Mr. Dolan stated the utility plan showed the 3" and 2" water lines which are available there.

Mr. Dolan stated the letter signed by the owners' applicant which requested the developer's requested exception to the Fire Code for fire hydrant placement. From discussion with the Fire Marshall, knowing there will be driveways built which meets requirements of the Fire code for any structure 150' outside of the fire apparatus road.

Mr. Dolan stated Staff recommended approval of the final plat subject to finding the fact for the developer's requested exception to Chapter 12 of the Fire Code regarding hydrant location and pressure for the City of Temple's Code of Ordinances to allow the placement of existing hydrants since the construction of the residential driveways will need to meet the requirements of the Fire Code.

Mr. Dolan stated these items needed to be considered with separate hearings, motions and seconds for the plat and zoning request.

Chair Pilkington opened the public hearing for the zoning case, Z-FY-09-31.

Mr. Jim Kent, owner of the land, approached the Commission to answer any questions. There being none, Chair Pilkington closed the public hearing.

Commissioner Pope made a motion to approve the zoning district change request from A to NS district on 0.6 acre tract of land identified as Tract 1, and A to UE district on a 4 acre track of land identified as Tract 2, all being part of the James Bowers Survey, Abstract 81, Bell County, Texas, Lazy G Ranch Subdivision, Block 1, Lots 7 - 11, presently not in the Temple City Limits, all located on the south side of FM 2305, adjacent to Temple Lake Park and Buck Lane and Commissioner Barton made a second.

Motion passed: (5:0)

Commissioner Staats abstained

Commissioners Dusek, Secrest and Vice-Chair Talley absent.

Commissioner Pope made a motion to approve the final plat of Sunset Ridge At The Lake, 5 residential lots and one commercial lot on 5.05 ± acres, being a replat of Lazy G Ranch Addition, Block 1, Lots 7 to 11, located on the south side of FM 2305 adjacent to Buck Lane subject to the developer's requested

exception to Chapter 12 of the City of Temple Code of Ordinances and Commissioner Martin made the second.

Motion passed: (5:0)

Commissioner Staats abstained

Commissioners Dusek, Secrest and Vice-Chair Talley absent.

RESOLUTION NO. _____

(PLANNING NO. P-FY-09-46)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF SUNSET RIDGE AT THE LAKE, 5 RESIDENTIAL LOTS AND ONE COMMERCIAL LOT ON APPROXIMATELY 5.5 ACRES, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO CHAPTER 12 OF THE CODE OF ORDINANCES REGARDING FIRE HYDRANT LOCATION AND PRESSURE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 19, 2009, the Planning and Zoning Commission approved the final plat of Sunset Ridge at the Lake, 5 residential lots and one commercial lot on approximately 5.5 acres, subject to the developer's requested exception for one fire hydrant per 600 feet of street frontage, as required by Section 12-145 of the Code of Ordinances; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Sunset Ridge at the Lake.

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

Part 1: The City Council approves the final plat of Sunset Ridge at the Lake, 5 residential lots and one commercial lot on approximately 5.5 acres, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception: Section 12-145 of the City Code to waive the requirement for one fire hydrant per 600 feet of street frontage.

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 **19th** day of **November**, 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

11/19/09
Item #5(K-1)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-09-35: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Planned Development – General Retail District (PD-GR) on Lots 7 – 12, Block 2, Eugenia Terrace, located at 1402, 1414 and 1424 South 1st Street.

P&Z COMMISSION RECOMMENDATION: At its October 19, 2009 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of Planned Development application Z-FY-09-35, including the binding site development plan and building elevations, with the following stipulations:

1. In the event of a conflict between this development plan and the text of the PD ordinance for this project, the stricter standard applies;
2. All standards of the Zoning Ordinance apply unless this development plan or the text of the PD ordinance for this project specifically modifies such standards;
3. The front façade of the existing building must be composed of the existing natural limestone with the addition of tan EIFS and soapstone accents to the upper half of the garage wall;
4. Natural limestone must be applied to the column between the overhead doors on the front façade of the existing building;
5. The corrugated metal on the north and south facades of the existing building must be painted tan to match the required EIFS;
6. The facades of the proposed addition must comply with the submitted building elevations and be composed of natural limestone and tan EIFS that matches the EIFS on the front and side facades of the existing building;
7. A maximum of three truck rental parking spaces are permitted on the subject property; and
8. Such spaces must only be used for customer pick-up and drop-off activities.

Commissioners Dusek, Secrest and Talley were absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-09-35, from the Planning and Zoning meeting, October 19, 2009. This Planned Development (PD) application is submitted after a significant amount of time of the City working with the applicant to correct various code enforcement violations. The goal of this request is to:

1. Guide development on the property so that any existing known code violations are corrected;
2. Allow the property owner to conduct his minor vehicle servicing, truck rental and retail tire business on the site while improving the appearance of S. 1st Street, a Strategic Investment Zone and an important corridor in the Temple Medical and Education District (TMED) area of the City; and
3. Incorporate on the property some of the site design elements that the unadopted TMED Design Standards and Guidelines recommend.

REQUESTED FLEXIBILITY AND ENHANCED SITE DESIGN ELEMENTS

The purpose of a PD is to grant flexibility to an applicant in regard to site and building design, land use and setbacks in exchange for enhanced site design elements that go “above and beyond” what is required in the Zoning Ordinance. The TMED Design Standards and Guidelines serve as a guide for providing enhanced site design elements. Staff is proposing a grant of approximately \$40,000 to assist the applicant in installing those site design elements that the TMED Design Standards and Guidelines recommend and that are significantly more expensive than the base site design elements that the Zoning Ordinance requires. The grant will be presented to the Council at second reading of this PD case.

The binding site development plan and building elevations differ from a standard site plan and elevations in the following ways:

Parking

- The base zoning district for the property, GR, does not allow a moving truck rental establishment. The applicant requests to be able to use the site for parking of rental trucks for pick-up and drop-off purposes only.
- The parking requirements for a tire store or a minor auto service establishment are one space per 200 square feet of floor area of the buildings on the site. Due to space constraints, the applicant requests one space per 250 square feet instead.

Landscaping

- The landscaping standards in the Zoning Ordinance require that five percent of the site be landscaped. The subject property is 31,288 square feet in area. Landscaping is proposed in the rights-of-way of S. 1st Street and W. Avenue N. The applicant proposes 5,334 square feet (17% of the site) of groundcover landscaping on the private and public property in the form of irrigated Asian Jasmine or similar species.
- The Zoning Ordinance requires one tree of any native species per 40 feet of street frontage. Thirteen trees or 39 shrubs would normally be required under the base standards. The TMED Design Standards and Guidelines recommend one Lacy Bark Elm per 25 feet of street frontage, one rose bush of the Knock Out cultivar per three feet of street frontage and it recommends that half of the shrub plantings be evergreen. The binding site development plan shows five proposed Lacy Bark Elms, three preserved Pecan trees and nine proposed Texas Redbuds or Crepe Myrtles. A total of nine trees are proposed along S. 1st Street and a total of five trees are proposed along W. Avenue N. The plan shows 19 Knock Out roses and 21

Texas Sage plants. In addition, the Lacy Bark Elms along S. 1st Street will be in tree wells on the sidewalk and have decorative tree grates, in compliance with the TMED Design Standards and Guidelines.

Masonry

- The masonry standards in the Zoning Ordinance apply to new construction. The applicant proposes masonry in the form of natural limestone, soapstone medallion accents and Exterior Insulation Finishing System (EIFS) for the existing building and the detached addition.
- The corrugated metal on the south and north sides of the existing building is proposed to be painted tan to match the EIFS.

Sidewalks

- The Zoning Ordinance requires new development along an arterial street (such as S. 1st Street) to provide a sidewalk a minimum of six feet in width. The TMED Design Standards and Guidelines recommend sidewalks a minimum of 10 feet in width. The applicant proposes to split the difference with a sidewalk eight feet in width due to site constraints and drainage that TxDOT requires along S. 1st Street.

Public Notice

Twenty notices of the Planning and Zoning Commission hearing were sent out. As of Friday, October 16 at 11 AM, one notice was returned in favor of and no notices were returned in opposition of the request. The newspaper printed notice of the Planning and Zoning Commission hearing on October 8, 2009 in accordance with state law and local ordinance

FISCAL IMPACT: None

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Binding Site Development Plan
Binding Building Elevations
Notice Map
P&Z Staff Report (Z-FY-09-35)
P&Z Minutes (10/19/09)
Ordinance



Z-FY-09-35

Proposed PD: Truck Rental, Tire Sales & Minor Auto Repair

1402 S 1st St



 ZFY0935

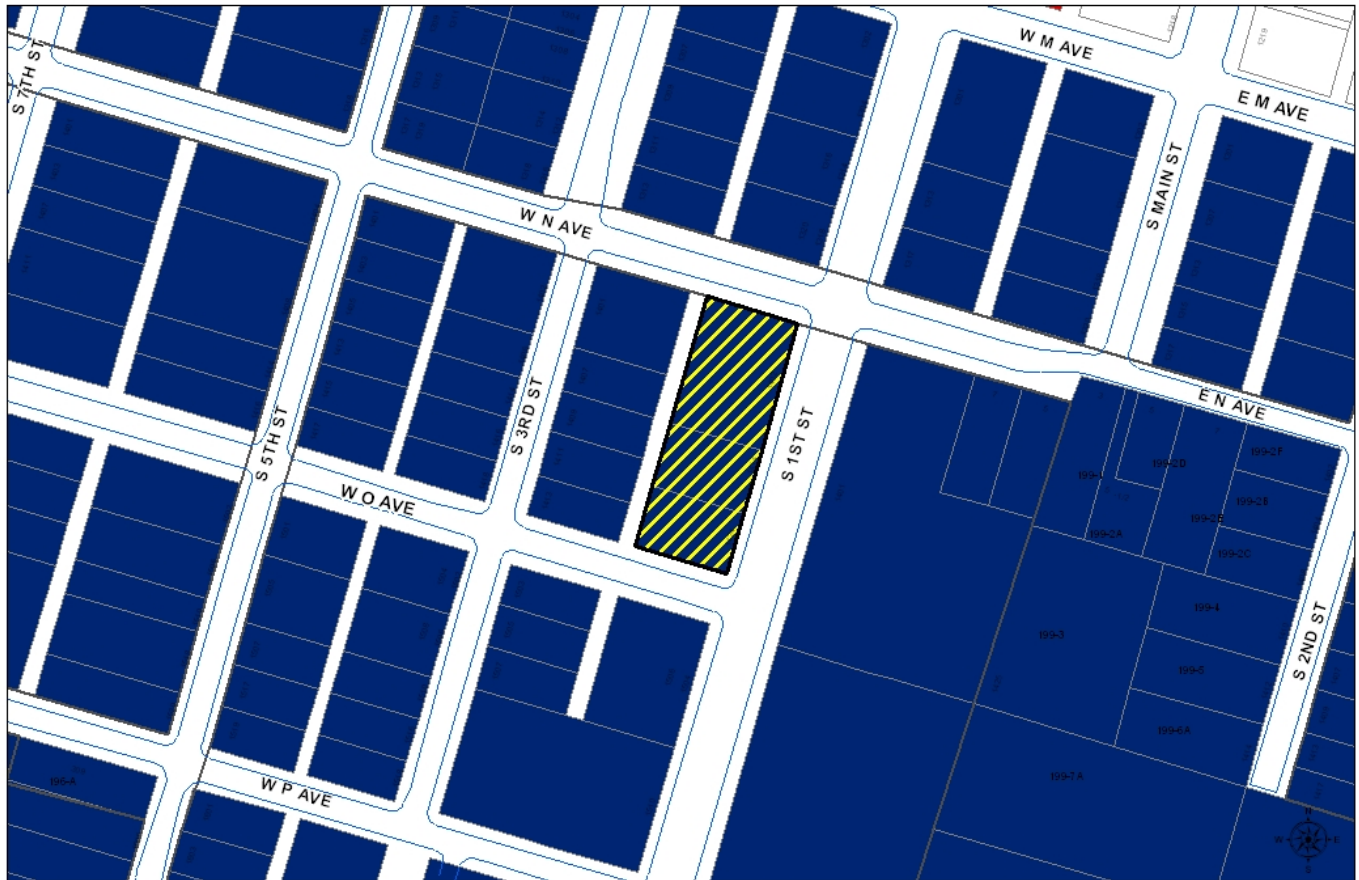
Feet 0 25 50 75 100
J Stone 9.15.9



Z-FY-09-35

Proposed PD: Truck Rental, Tire Sales & Minor Auto Repair

1402 S 1st St



Temple Boundary

ZFY0935, <Null>

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

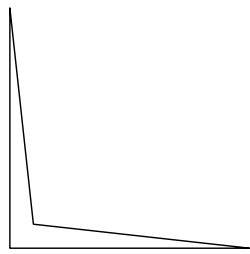
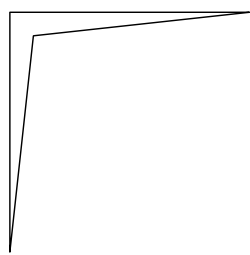
Public/Institutional

Parks and Open Space

Agricultural/Rural

1 inch = 150 feet

J Stone 9.15.9



LANDSCAPE LEGEND

LACY BARK ELM OR LIVE OAK (MIN 5" IN HEIGHT AND 2" CALIPER) PROVIDED BY THE CITY

SINGLE TRUCK NACHEZ, CREPE MYRTLE OR TEXAS REDBUD (MIN 5" HEIGHT)

KNOCK OUT ROSE (MIN 5 GALLON)

TEXAS SAGE OR SIMILAR EVERGREEN SPECIES (MIN 5 GALLON)

TREE GRATE PER TMD STANDARDS (4'X4')

LANDSCAPED AREA COMPOSED OF ASIAN JASMINE OR SIMILAR SPECIES

LANDSCAPING REQUIREMENTS	
PROPERTY AREA:	31288 SF (PRIVATE)
LANDSCAPED AREA-PRIVATE:	1743 SF (5.6%)
LANDSCAPED AREA-PUBLIC:	3591 SF
	5334 TOTAL (17%)
STREET FRONTAGE:	236 ft. - 1st Street, 106 ft. Ave. N, 114 ft. Ave. O + 516 ft. total
TREES REQUIRED:	12 - 1st Street, 4 - Ave. N, 5 - Ave. O
TREES PROVIDED:	9 - 1st Street, 5 - Ave. N, 0 - Ave. O
SHRUBS PROVIDED:	33 - 1st Street, 1 - Ave. N, 0 - Ave. O

PARKING	
EXISTING SF:	3,910 SF
PROPOSED ADDITION SF:	3,000
TOTAL SF	6,910
PARKING RATIO:	1 SPACE PER 250 SF
PARKING SPACES REQUIRED:	22
PARKING SPACES PROVIDED:	22

NOTES

1.

ALL SIDEWALKS, CROSS WALKS (AT DRIVEWAYS) AND RAMPS MUST BE ADA COMPLIANT. ADA RAMPS TO BE PROVIDED AT THE INTERSECTIONS OF AVE O AND AVE N WITH TRUNCATED DOME SURFACE.

2.

REGARDLESS OF SCALE, ALL CURB RADII ALONG S. 1ST STREET ARE INTENDED TO BE 25'

1

PROPOSED SITE PLAN

1/16" = 1'-0"

Architectural
Edge Inc.

3010 Scott Blvd.
Suite 102
Temple, Texas
76504
254.771.2054 P
254.773.2144 F
•architecture•
•design services•
•consultation•
email@archedge.com

THIS DRAWING AND OTHER
RELATED DOCUMENTS ARE
THE PROPERTY OF
ARCHITECTURAL EDGE, INC.
FOR USE SOLELY WITH
RESPECT TO THIS PROJECT
AND NO PART OF THESE
DOCUMENTS SHALL BE REPRODUCED
OR TRANSMITTED IN ANY FORM
OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION
SYSTEMS WITHOUT THE
WRITTEN PERMISSION OF
ARCHITECTURAL EDGE, INC.
THE COPYRIGHT.

EZ Tire & Lube
SITE PLAN
City of Temple
Temple, TX

09.30.09
RP
TLM
10/27/09

proj. date:
proj. no.:
drawn by:
checked by:
revision 1:
revision 2:
revision 3:

sheet no.
A-1.0

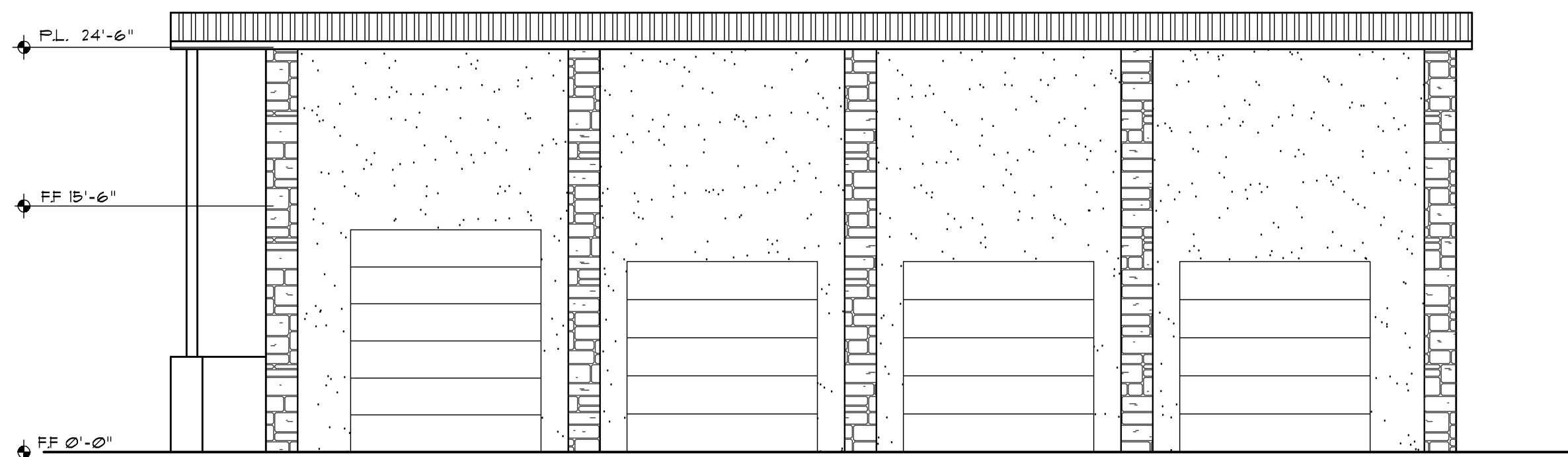


Architectural
Edge Inc.

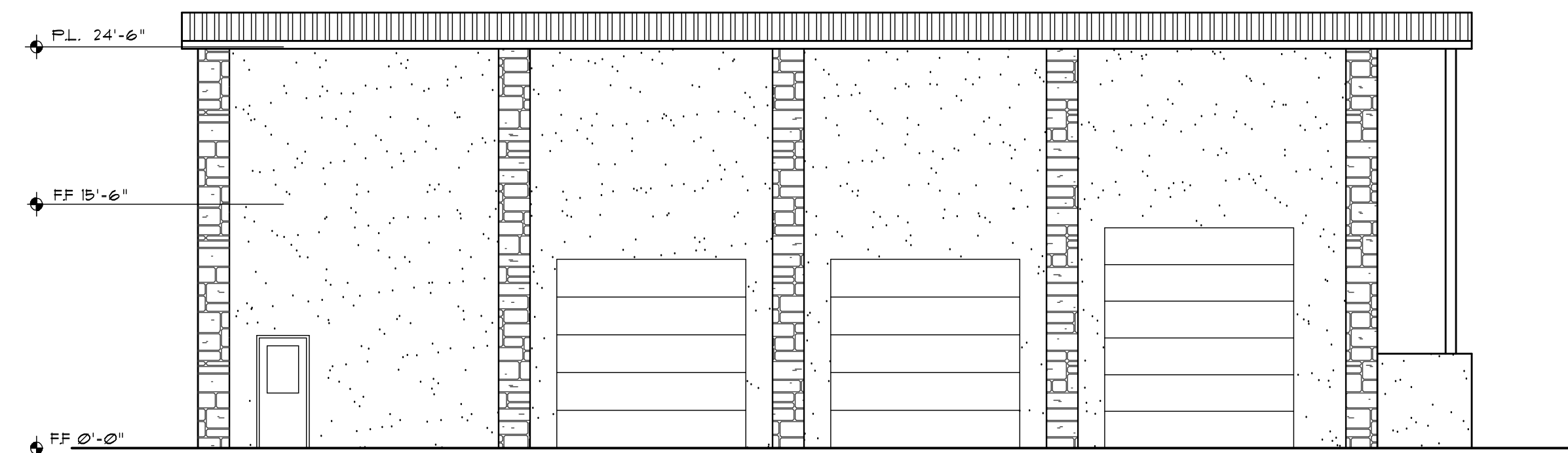
3010 Scott Blvd.
Suite 102
Temple, Texas
76504

254.771.2054 P
254.773.2144 F

• architecture •
• design services •
• consultation •
email@archedge.com

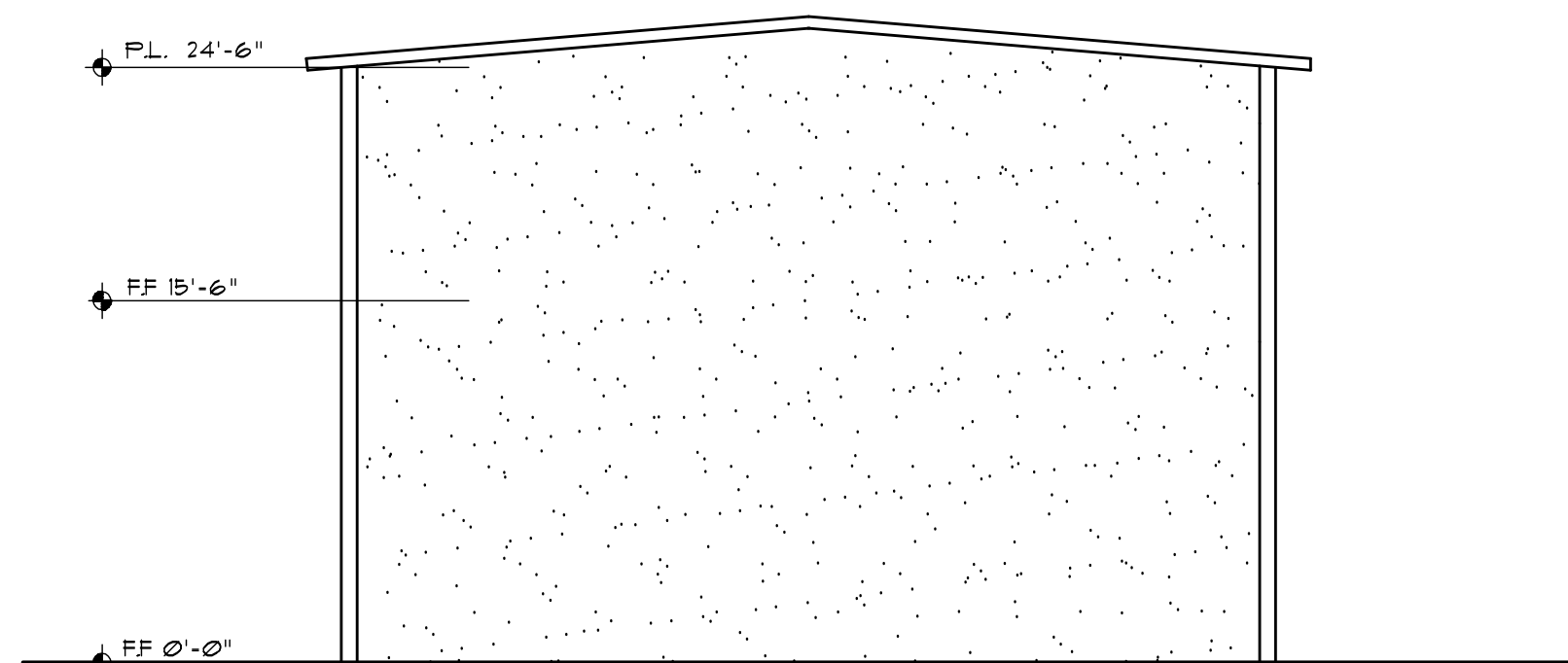


4 NORTH ELEVATION
1/8" = 1'-0"

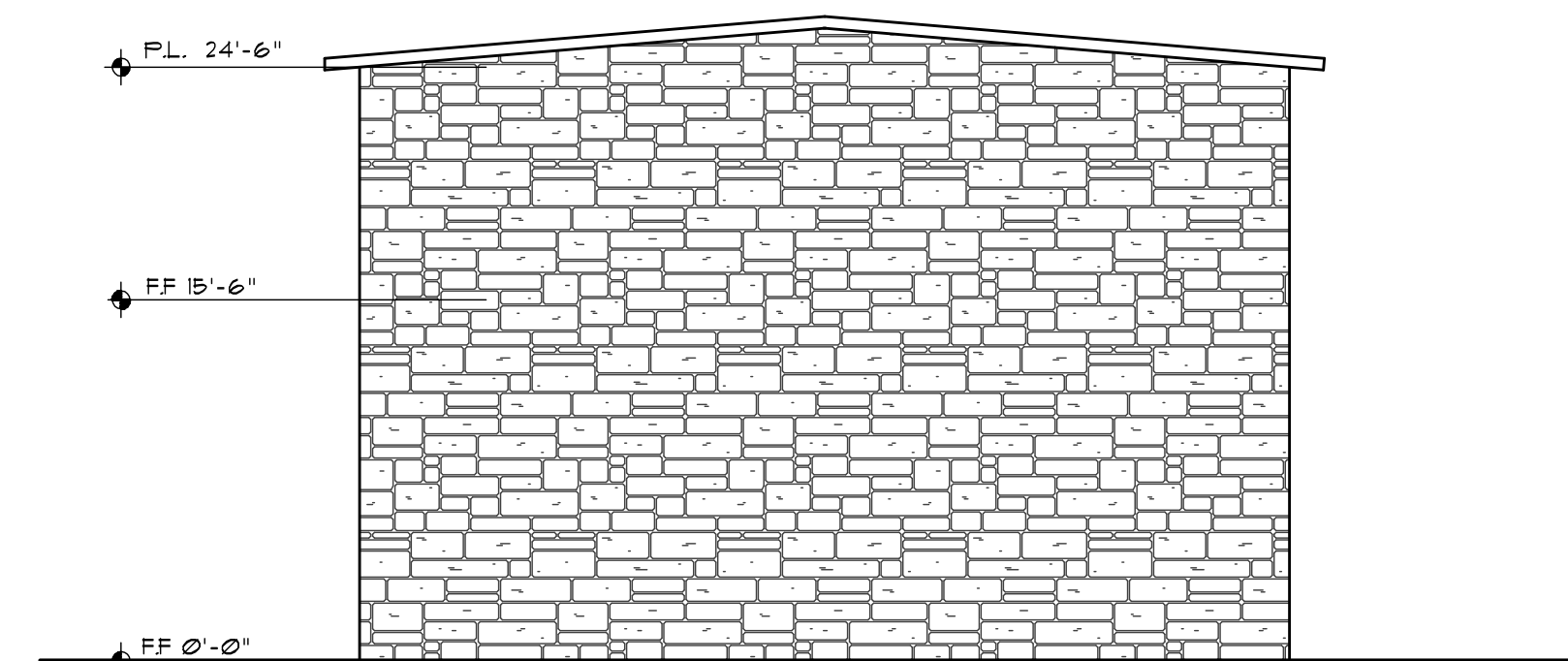


3 SOUTH ELEVATION
1/8" = 1'-0"

- GENERAL NOTES
1. BUILDING OCCUPANCY IS S-1 AND CONSTRUCTED AS TYPE IIB CONSTRUCTION.
 2. TYPE IIB CONSTRUCTION PROHIBITS THE USE OF WOOD STRUCTURE AND DOES NOT HAVE AN AUTOMATIC FIRE SUPPRESSION SYSTEM.
 3. MAXIMUM ALLOWABLE SQUARE FOOTAGE ON SECOND FLOOR IS 2,000 SF, AND MUST BE USED AS STORAGE.



2 EAST ELEVATION
1/8" = 1'-0"



1 WEST ELEVATION
1/8" = 1'-0"

THIS DRAWING AND OTHER
RELATED DOCUMENTS ARE
THE PROPERTY OF
ARCHITECTURAL EDGE, INC.
FOR USE SOLELY WITH
RESPECT TO THIS PROJECT.
NO PART OF THIS DRAWING
OR ANY OTHER DOCUMENT
SHALL BE REPRODUCED OR
TRANSMITTED IN ANY FORM
OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION
SYSTEM, WITHOUT THE
WRITTEN PERMISSION OF
ARCHITECTURAL EDGE, INC.
THE COPYRIGHT.

EZ Tire & Lube

City of Temple
Temple, TX

09.30.09

RP

proj. date:
proj. no.:
drawn by:
checked by:
revision 1:
revision 2:
revision 3:

sheet no.

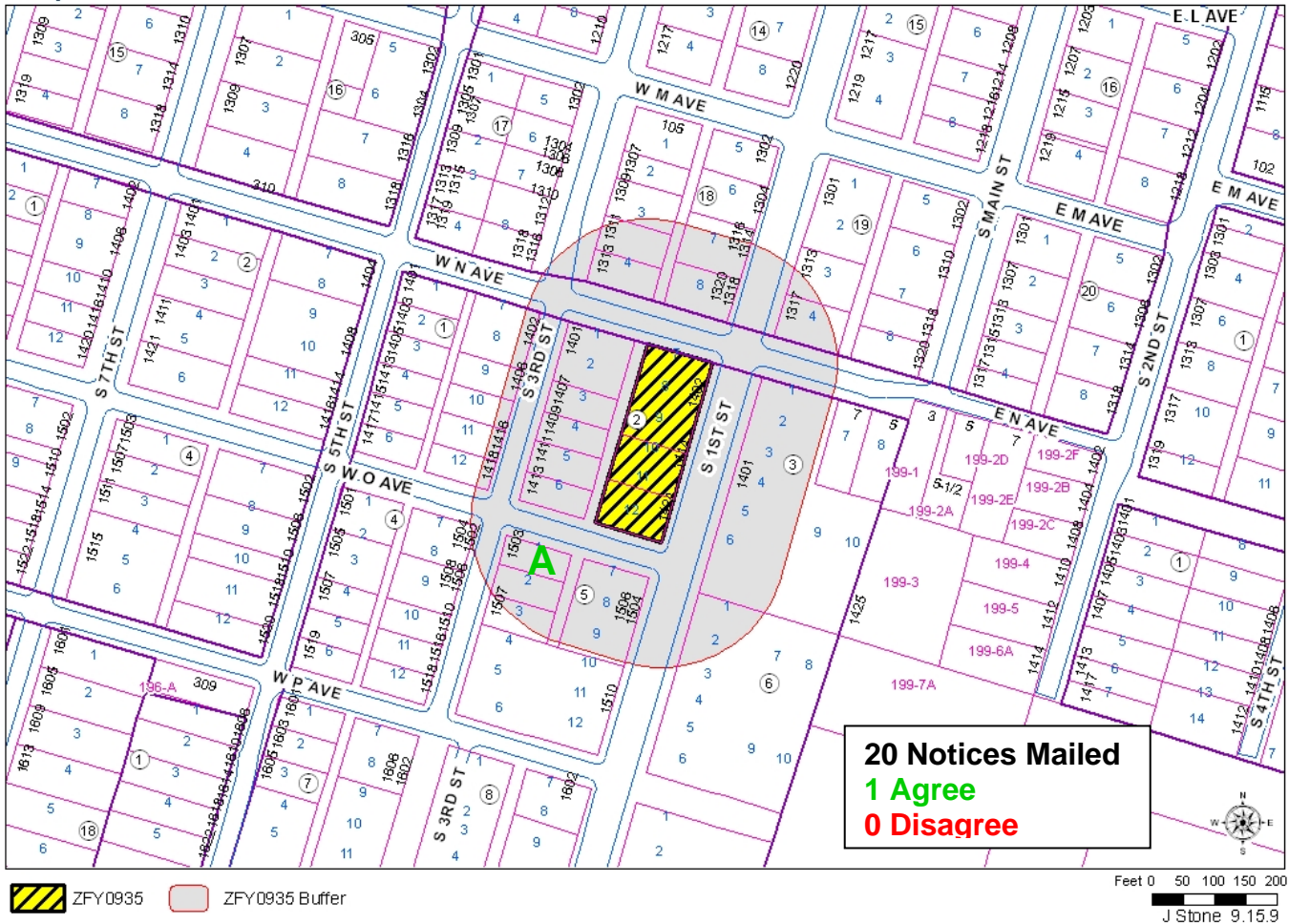
A-2.0



Z-FY-09-35

Proposed PD: Truck Rental, Tire Sales & Minor Auto Repair

1402 S 1st St





PLANNING AND ZONING COMMISSION AGENDA ITEM

10/19/09
Item #4
Regular Agenda
Page 1 of 5

APPLICANT / DEVELOPMENT: Kelum Pelawata

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-09-35 Hold a public hearing to discuss and recommend action on a zone change request from General Retail District (GR) to Planned Development – General Retail District (PD-GR) on Lots 7 – 12, Block 2, Eugenia Terrace, located at 1402, 1414 and 1424 South 1st Street. (Kelum Pelawata)

BACKGROUND: This Planned Development (PD) application is submitted after a significant amount of time of the City working with the applicant to correct various code enforcement violations. The goal of this request is to:

- (1) Guide development on the property so that any remaining code violations are corrected;
- (2) Allow the property owner to conduct his minor vehicle servicing, truck rental and retail tire business on the site in a way that has as little negative impact as possible on S. 1st Street, an important corridor in the Temple Medical and Educational District (TMED) area of the City; and
- (3) Incorporate on the property some of the site design elements that the unadopted TMED Design Standards and Guidelines recommend.

The purpose of a PD is to grant flexibility to an applicant in regard to site and building design, land use and setbacks in exchange for enhanced site design elements that go “above and beyond” what is required in the Zoning Ordinance. The review process is based on negotiation. The Planning and Zoning Commission and City Council may recommend and approve modifications to the Staff recommendation, binding site development plan and building elevations if they believe such modifications would better serve the public interest. The City Attorney’s Office, the City Manager’s Office and the Planning Department have had several meetings with the applicant in order to strike a balance between his needs and the needs of the public. Any modification to the approved binding site development plan, building elevations or PD conditions would require a recommendation from the Planning and Zoning Commission and approval from the City Council.

The Assistant City Manager has approved approximately \$40,000 in grant money to assist the applicant in installing those site design elements that the TMED Design Standards and Guidelines recommend and that are significantly more expensive than the base site design elements that the Zoning Ordinance requires.

REQUESTED FLEXIBILITY AND ENHANCED SITE DESIGN ELEMENTS

Parking

The base zoning district for the property, GR, does not allow a moving truck rental establishment. The applicant requests to be able to use the site for parking of rental trucks for pick-up and drop-off purposes only. The binding site development plan shows three parking spaces for such activity.

The parking requirements for a tire store or a minor auto service establishment are one space per 200 square feet of floor area of the buildings on the site. Due to space constraints, the applicant requests one space per 250 square feet instead. The binding site development plan shows 22 parking spaces, in compliance with the request.

Landscaping

The landscaping standards in the Zoning Ordinance require that five percent of the site be landscaped with living ground cover if the proposed building addition is at least double the size of the existing building. Three percent of the site may be landscaped if the public right-of-way is landscaped. If he were applying simply for a building permit, the applicant would not be required to provide landscaping. The applicant wishes to provide landscaping but not to the extent required if he were doubling the size of the existing building. The subject property is 32,400 square feet in area. Five percent of the subject property lot area is 1,620 square feet. Landscaping is proposed in the rights-of-way of S. 1st Street and W. Avenue N. The applicant requests that no landscaping be required for the W. Avenue O right-of-way and that the three percent landscaping rule be applied to the property. Three percent of 32,400 square feet is 972. The applicant proposes 1,100 square feet of groundcover landscaping in the form of irrigated Asian Jasmine or similar species.

The Zoning Ordinance requires one tree of any native species per 40 feet of street frontage. Thirteen trees or 39 shrubs would normally be required under the base standards. The TMED Design Standards and Guidelines recommend one Lacy Bark Elm per 25 feet of street frontage, one rose bush of the Knock Out cultivar per three feet of street frontage and it recommends that half of the shrub plantings be evergreen. The binding site development plan shows five proposed Lacy Bark Elms along S. 1st Street and W. Avenue N, three preserved Pecan trees and two proposed Texas Redbuds or Crepe Myrtles. The plan shows 19 Knock Out roses and 21 Texas Sage plants along these same street frontages. The evergreen Texas Sages will function to partially screen the parking spaces along S. 1st Street. In addition, in compliance with the TMED Design Standards and Guidelines recommendations, the Elms along S. 1st Street will be in wells on the sidewalks and have decorative tree grates.

Masonry

The masonry standards in the Zoning Ordinance apply to new construction. For the existing building and the proposed detached addition shown on the binding site development plan and building elevations, the applicant proposes masonry in the form of natural limestone, soapstone medallion accents and synthetic stucco, also known as Exterior Insulation Finishing System (EIFS). The corrugated metal on the south and north sides of the building is proposed to be painted tan to match the EIFS. The following images show approximations of the front and side facades after the addition of natural limestone and EIFS. The proposed building addition for the property is detached, rather than attached, as the photos below indicate.



 Limestone

 Soapstone Medallions

 Tan Colored EIFS



 Painted Metal Siding



Sidewalks

The Zoning Ordinance requires new development along an arterial street (such as S. 1st Street) to provide a sidewalk a minimum of six feet in width. The TMED Design Standards and Guidelines recommend sidewalks a minimum of 10 feet in width. The applicant proposes to split the difference with a sidewalk eight feet in width.

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
North	GR	W. Ave. N / Multiple-family dwelling	
East	HI	S. 1 st St. / Building material sales	

Direction	Zoning	Current Land Use	Photo
South	GR	W. Ave. O / Minor vehicle service	
West	2F	Alley / Single-family dwellings	

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

Future Land Use and Character

The Future Land Use and Character Map designates the property as TMED. The redevelopment of the property in the form of the PD request, along with the features of the binding site development plan and building elevations, complies with the Future Land Use and Character Map.

Thoroughfare Plan

The Thoroughfare Plan designates South 1st Street as a major arterial. The PD request complies with the Thoroughfare Plan.

Availability of Public Facilities

A six-inch water line and a six-inch sewer line serve the subject property. Public facilities are available.

Public Notice

Twenty notices were sent out. As of Friday, October 16 at 11 AM, 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 October 8, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the Planned Development application Z-FY-09-35, including the binding site development plan and building elevations, with the following stipulations:

1. In the event of a conflict between this development plan and the text of the PD ordinance for this project, the stricter standard applies;
2. All standards of the Zoning Ordinance apply unless this development plan or the text of the PD ordinance for this project specifically modifies such standards;
3. The front façade of the existing building must be composed of the existing natural limestone with the addition of tan EIFS and soapstone accents to the upper half of the garage wall;

4. Natural limestone must be applied to the column between the overhead doors on the front façade of the existing building;
5. The corrugated metal on the north and south facades of the existing building must be painted tan to match the required EIFS;
6. The facades of the proposed addition must comply with the submitted building elevations and be composed of natural limestone and tan EIFS that matches the EIFS on the front and side facades of the existing building;
7. A maximum of three truck rental parking spaces are permitted on the subject property; and
8. Such spaces must only be used for customer pick-up and drop-off activities.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use and Character Map
Aerial
Binding Site Development Plan
Binding Building Elevations
Notice Map

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

MONDAY, OCTOBER 19, 2009

ACTION ITEMS

Item 4: Z-FY-09-35: Hold a public hearing to discuss and recommend action on a zoning district change request from General Retail District (GR) to Planned Development – General Retail District (PD-GR) on Lots 7 – 12, Block 2, Eugenia Terrace, located at 1402, 1414 and 1424 South 1st Street. (Applicant: Kellum Pelawata)

Mr. Mabry stated this Planned Development (PD) application was submitted after a significant amount of time of the City working with the applicant to correct various code enforcement violations. The goal of this request is to:

- (1) Guide development on the property so that any remaining code violations are corrected;
- (2) Allow the property owner to conduct his minor vehicle servicing, truck rental and retail tire business on the site in a way that has as little negative impact as possible on S. 1st Street, an important corridor in the Temple Medical and Educational District (TMED) area of the City; and
- (3) Incorporate on the property some of the site design elements that the unadopted TMED Design Standards and Guidelines recommend.

Mr. Mabry explained the purpose of a PD is to grant flexibility to an applicant in regard to site and building design, land use and setbacks in exchange for enhanced site design elements that go “above and beyond” what is required in the Zoning Ordinance. The review process is based on negotiation. The Planning and Zoning Commission and City Council may recommend and approve modifications to the Staff recommendation, binding site development plan and building elevations if they believe such modifications would better serve the public interest. The City Attorney’s Office, the City Manager’s Office and the Planning Department have had several meetings with the applicant in order to strike a balance between his needs and the needs of the public. Any modification to the approved binding site development plan, building elevations or PD conditions would require a recommendation from the Planning and Zoning Commission and approval from the City Council.

Mr. Mabry stated the Assistant City Manager has approved approximately \$40,000 in grant money to assist the applicant in installing those site design elements that the TMED Design Standards and Guidelines recommend and

that are significantly more expensive than the base site design elements that the Zoning Ordinance requires.

Mr. Mabry stated the parking requirements for a tire store or a minor auto service establishment are one space per 200 square feet of floor area of the buildings on the site. Due to space constraints, the applicant requests one space per 250 square feet instead. The binding site development plan shows 22 parking spaces, in compliance with the request, in addition to the three (3) temporary parking spaces provided for pick up and drop off of rental trucks.

Mr. Mabry stated the landscaping standards in the Zoning Ordinance required five (5) percent of the site be landscaped with living ground cover if the proposed building addition is at least double the size of the existing building. Three (3) percent of the site may be landscaped if the public right-of-way is landscaped. If applicant were applying simply for a building permit, the applicant would not be required to provide landscaping. Mr. Mabry stated the applicant wished to provide landscaping but not to the extent required if he were doubling the size of the existing building. The subject property is 32,400 square feet in area. Five (5) percent of the subject property lot area is 1,620 square feet. Landscaping is proposed in the rights-of-way of S. 1st Street and W. Avenue N. The applicant requested no landscaping be required for the W. Avenue O right-of-way and that the three (3) percent landscaping rule be applied to the property. Mr. Mabry stated three (3) percent of 32,400 square feet is 972. The applicant proposes 1,100 square feet of groundcover landscaping in the form of irrigated Asian Jasmine or similar species.

Mr. Mabry stated the Zoning Ordinance required one tree of any native species per 40 feet of street frontage. Thirteen trees or 39 shrubs would normally be required under the base standards. The TMED Design Standards and Guidelines recommend one Lacy Bark Elm per 25 feet of street frontage, one rose bush of the Knock Out cultivar per three feet of street frontage and it recommends that half of the shrub plantings be evergreen. Mr. Mabry also stated the binding site development plan showed five (5) proposed Lacy Bark Elms along S. 1st Street and W. Avenue N, three preserved Pecan trees and two proposed Texas Redbuds or Crepe Myrtles. The plan showed 19 Knock Out roses and 21 Texas Sage plants along these same street frontages. The evergreen Texas Sages will function to partially screen the parking spaces along S. 1st Street. Mr. Mabry stated in addition, in compliance with the TMED Design Standards and Guidelines recommendations, the Elms along S. 1st Street will be in wells on the sidewalks and have decorative tree grates.

Mr. Mabry stated the masonry standards in the Zoning Ordinance apply to new construction. For the existing building and the proposed detached addition shown on the binding site development plan and building elevations, the applicant proposed masonry in the form of natural limestone, soapstone medallion accents and synthetic stucco, also known as Exterior Insulation

Finishing System (EIFS). The corrugated metal on the south and north sides of the building is proposed to be painted tan to match the EIFS. The images shown gave approximations of the front and side facades after the addition of natural limestone and EIFS. The proposed building addition for the property was detached, rather than attached

Mr. Mabry stated 20 notices were sent out; one returned in favor of the request and zero in opposition.

Mr. Mabry stated Staff recommended approval of the Planned Development application Z-FY-09-35, including the binding site development plan and building elevations, with the following stipulations:

1. In the event of a conflict between this development plan and the text of the PD ordinance for this project, the stricter standard applied;
2. All standards of the Zoning Ordinance apply unless this development plan or the text of the PD ordinance for this project specifically modified such standards;
3. The front façade of the existing building must be composed of the existing natural limestone with the addition of tan EIFS and soapstone accents to the upper half of the garage wall;
4. Natural limestone must be applied to the column between the overhead doors on the front façade of the existing building;
5. The corrugated metal on the north and south facades of the existing building must be painted tan to match the required EIFS;
6. The facades of the proposed addition must comply with the submitted building elevations and be composed of natural limestone and tan EIFS that matches the EIFS on the front and side facades of the existing building;
7. A maximum of three truck rental parking spaces are permitted on the subject property; and
8. Such spaces must only be used for customer pick-up and drop-off activities.

Chair Pilkington opened the public hearing for comment.

Ms. Tanya Mikeska, architect for and representing the applicant, approached the Commission and stated this issue had been discussed with both the City

and the applicant and Mr. Pelawatta had agreed to the terms. Ms. Mikeska offered to answer any questions from the Commission.

Commissioner Barton asked if the applicant owned the old rock florist building and Ms. Mikeska responded yes. Commissioner Barton also asked if anything would be done to that building. Ms. Mikeska said no, the applicant tried to get some parking on the south end, the Avenue O side, but it was agreed from both City and applicant it was too visible for parking. Currently, there are no modifications short of fencing to the west side of the building.

Commissioner Staats asked if the building was currently being used for anything and Ms. Mikeska responded “storage” and no changes or updates were going into that building.

There being no further discussion, Chair Pilkington closed the public hearing.

Commissioner Martin made a motion to approve the PD including the 8 stipulations provided by the City and Commissioner Hurd made the second.

Motion passed: (6:0)

Commissioners Dusek, Secrest and Vice-Chair Talley absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-09-35]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT—GENERAL RETAIL DISTRICT (PD-GR) ON LOTS 7—12, BLOCK 2, EUGENIA TERRACE, LOCATED AT 1402, 1414, AND 1424 SOUTH 1ST STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property located on Lots 7—12, Block 2, Eugenia Terrace, located at 1402, 1414, and 1424 South 1st Street, has requested that the property be rezoned from General Retail District (GR) to Planned Development—General Retail District (PD-GR); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from General Retail District (GR) to Planned Development—General Retail District (PD-GR) on Lots 7—12, Block 2, Eugenia Terrace, located at 1402, 1414 and 1424 South 1st Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development—General Retail District (PD-GR), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The use and development standards of the property shall conform to the requirements of the General Retail District;

- (b) Moving truck rental is allowed;
- (c) In the event of a conflict between the development plan, attached hereto as Exhibit B, and the text of this ordinance, the stricter standard applies;
- (d) All standards of the Zoning Ordinance apply unless the development plan or the text of this ordinance specifically modifies such standards;
- (e) The front façade of the existing building must be composed of the existing natural limestone with the addition of tan EIFS and soapstone accents to the upper half of the garage wall;
- (f) Natural limestone must be applied to the column between the overhead doors on the front façade of the existing building;
- (g) The corrugated metal on the north and south facades of the existing building must be painted tan to match the required EIFS;
- (h) The facades of the proposed addition must comply with the submitted building elevations and be composed of natural limestone and tan EIFS that matches the EIFS on the front and side facades of the existing building;
- (i) A maximum of three truck rental parking spaces are permitted on the subject property; and
- (j) Such spaces must only be used for customer pick-up and drop-off activities.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **November**, 2009.

PASSED AND APPROVED on Second Reading on the **19th** day of **November**, 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

11/19/09
Item #5(K-2)
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 grant agreement with Kelum Pelawatta dba EZ Tire in an amount not to exceed \$39,700 for redevelopment improvements 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 Mr. Pelawatta, operating a minor vehicle repair and Budget Truck Rental facility, and also defines the City's incentive package. EZ Tire, located at 1402 South First Street, is situated in the Temple Medical Education District and is within the South 1st Street Strategic Investment Zone.

The agreement and resolution will allow Mr. Pelawatta to receive a Chapter 380 matching grant of up to \$15,000 match for façade improvements; up to \$10,000 match for landscaping and irrigation improvements; a 1:1 match estimated at \$10,000 for sidewalk improvements; \$1,700 worth of lacy bark elm trees; \$3,000 of tree grates; and waiver of permits and fees. The City's total match is estimated to be \$39,700. These improvements exceed the City's minimum ordinance requirements, especially for sidewalk width, and meet the TMED concept design for First Street. Improvements must be completed by June 30, 2010. In return, Mr. Pelawatta has agreed to:

- Refinish the front façade walls of the existing building with EIFS, stone, and medallions; paint side walls to matching color
- Construct a new, 3000 s.f. building with EIFS and stone exterior walls
- Install landscaping and streetscape as per TMED concept design
- Install sidewalks and handicaps ramps as per TMED concept design (except 8' wide sidewalks instead of 10' wide sidewalks)
- Replace/upgrade asphalt parking lot; install curb and gutter as per submitted site plan
- Install buffer fence on rear lot line

FISCAL IMPACT: The total maximum grant match by the City is \$39,700 plus waiver of permits, taps, and fees. In FY 2009, \$170,000 was available for Strategic Investment Zone matching grant incentives, which included funds that were carried forward from the prior fiscal year. An additional \$85,000 was budgeted for FY 2010. A balance of \$138,903 (\$53,903 unobligated funds remaining from FY 2009 + \$85,000 FY 2010 funding) of grant incentive funds is available in account 110-1500-515-2695 and account 110-5900-515-6110. If this grant is approved, a balance of \$99,203 will remain 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. Delivery of the trees and grates will occur upon 30 days notice by the grant recipient.

ATTACHMENTS:

[Grant Agreement](#)

[Location map and picture](#)

[Attachment "A" – Building façade \(new building\)](#)

[Attachment "B" – Existing Building Façade, site plan, and landscape plan](#)

[Attachment "C" - Existing Building Renovations](#)

[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 Kelum Pelawatta dba EZ Tire, a Partnership, (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 1402 South 1st 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 Minor Auto Repair Facility and Moving Truck Rental Company , as per a Planned Development approved by the City Council, after the Improvements are completed. Owner is seeking matching grants for and agrees to complete all of the improvements described herein and in Section 3.

Construct a new, 3,000 square foot building as per **Attachment “A”**. Refinish the front façade walls of the existing building as per **Attachment “B” and “C”** and paint side walls in matching color to effis. Install landscaping and streetscape as per **Attachment “B”**; install 8’ wide sidewalks and handicap ramps as per **Attachment “B”**; construct, replace, and upgrade asphalt parking lot (not grant eligible); construct and replace curb and gutter as per **Attachment “B”** (not grant eligible), and engineering/survey work; and install fence as per **Attachment “B”** hereinafter collectively referred to as “the Improvements.

Owner agrees to complete said Improvements on or before June 30, 2010. As a condition to receiving the grant funds 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: 1) upgrade of the front façade of an existing building with Effis and stone as per **Attachment “B”** and **Attachment “C”**, 2) paint existing building side walls to match new Effis, and 3) upgrade of the facades of a new building with matching effis and stone as per **Attachment “A”**. Eligible masonry materials for new and upgraded façades under this subsection include brick, stone, stucco, EIFS, and simulated stone block. 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.
- (b) **Landscaping Improvement Grant.** The City will make a grant of up to \$10,000.00 on a 1:1 matching basis for the installation of new or additional landscaping and irrigation system on the Property. To be eligible, the landscaping must meet or exceed the landscaping depicted in **Attachment “B”**. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, irrigation, shrubs, live ground cover, 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. All landscaping must be of live plant materials. Based upon the property’s location in the Temple Medical Education District, the City will also provide, at no cost to Owner, five three-inch caliper lacy bark elm trees and five tree grates to be installed by Owner as per **Attachment “B”**. Trees and tree grates are to be located back of curb in no less than 25 foot intervals. The City will provide eight red bud trees from the City tree farm. The estimated value of the City-purchased trees and grates is \$4,750.
- (c) **Sidewalk Improvement Grant.** The City will make a grant of up to \$10,000, on a 1:1 matching basis for the construction and replacement of new sidewalks with a minimum sidewalk width of 8 feet. Sidewalks are to be located back of curb along the full length of the two Properties along First Street. Sidewalk improvement costs eligible for reimbursement include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.

See Attachment "B" for sidewalk and curb and gutter Improvement design and construction to be completed by Owner.

- (d) **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 Sections 2 and 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in Section 3. After the Improvements described in Section 2 and 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. Owner will provide a 30 day notice to City that Owner is ready for delivery of trees and grates to Property, and City will deliver such materials to Property within 30 days.

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 _____, 2009.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Kelum Pelawatta
dba EZ Tire, Partnership

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 _____,
2009 by David A. Blackburn, City Manager, for the City of Temple, a Texas home
rule City.

Notary Public

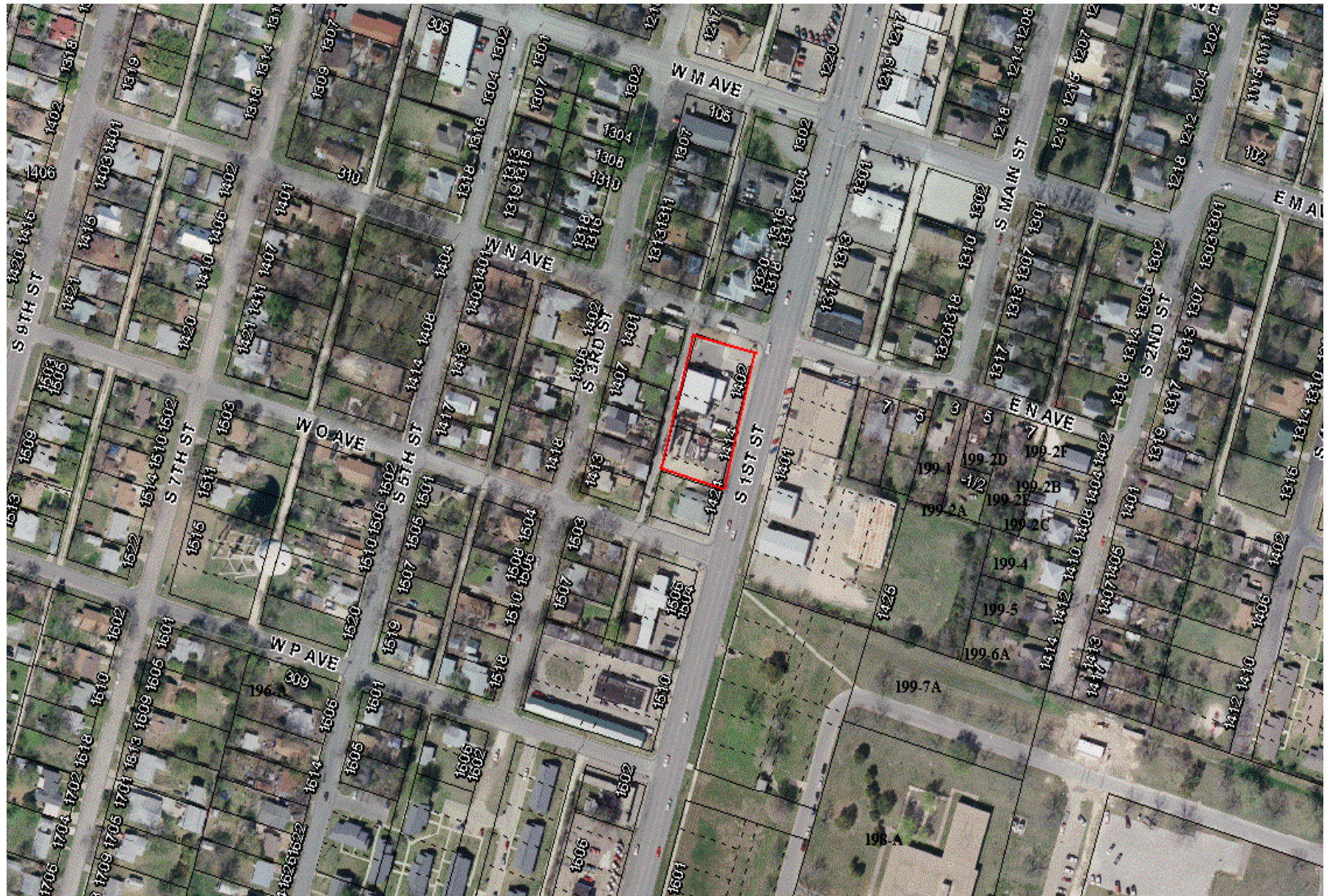
State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2009 by _____.

Notary Public

EZ Tire --- Aerial Location Map



EZ Tire



EZ Tire





- **acquisitions.**
- **design services.**
- **consultation.**

arnold@arching.com

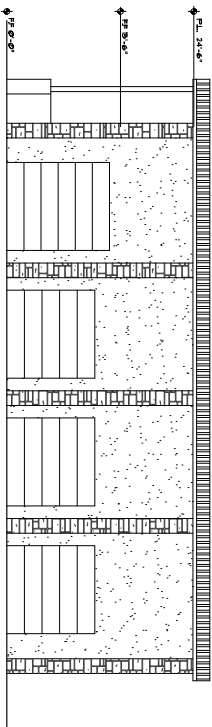
YEARS

THIS DRAWING AND OTHER
RELATED DOCUMENTS ARE
INSTRUMENTS OF
ARCHITECTURAL EDGE, INC.
FOR USE SOLELY WITH
RESPECT TO THIS PROJECT
AND UNLESS OTHERWISE
PROVIDED, THE ARCHITECT
SHALL BE DEEMED THE
AUTHOR OF THESE
DOCUMENTS AND SHALL
RETAIN ALL COMMON LAW,
STATUTORY AND OTHER
RESERVED RIGHTS, INCLUDING
THE COPYRIGHT.

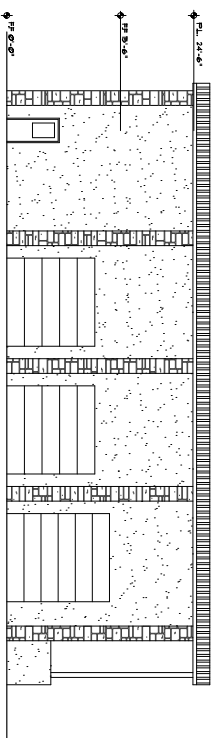
**City of Temple
Temple, TX**

proj. date: 09.30.09
proj. no.:
drawn by: RP
checked by:
revision 1:
revision 2:
revision 3:

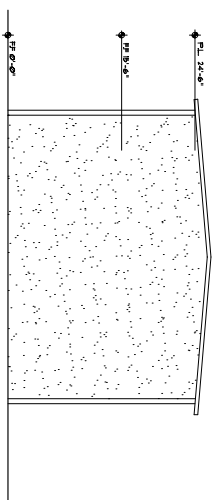
sheet no.
A-2.0



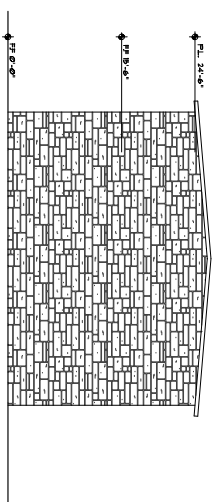
4 NORTH ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



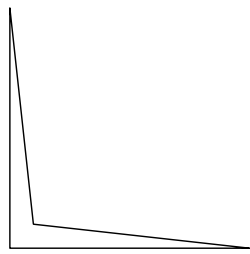
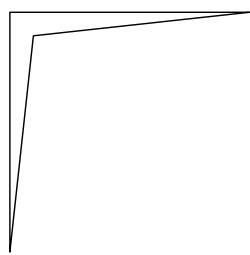
2 EAST ELEVATION
1/8" = 1'-0"



1 WEST ELEVATION
1/8" = 1'-0"

GENERAL NOTES

1. BUILDING OCCUPANCY IS B-1 AND CONSTRUCTED AS TYPE IIB CONSTRUCTION.
2. TYPE IIB CONSTRUCTION PROHIBITS THE USE OF WOOD STRUCTURE AND DOES NOT HAVE AN AUTOMATIC FIRE SUPPRESSION SYSTEM.
3. MAXIMUM ALLOWABLE SQUARE FOOTAGE ON SECOND FLOOR IS 72,000 SF, AND MUST BE USED AS STORAGE.



LANDSCAPE LEGEND

LACY BARK ELM OR LIVE OAK (MIN 5" IN HEIGHT AND 2" CALIPER) PROVIDED BY THE CITY

SINGLE TRUNK NATCHEZ CREPE MYRTLE OR TEXAS REDBUD (MIN 5" HEIGHT)

KNOCK OUT ROSE (MIN 5 GALLON)

TEXAS SAGE OR SIMILAR EVERGREEN SPECIES (MIN 5 GALLON)

TREE GRATE PER TMD STANDARDS (4'X4')

LANDSCAPED AREA COMPOSED OF ASIAN JASMINE OR SIMILAR SPECIES

LANDSCAPING REQUIREMENTS	
PROPERTY AREA:	31288 SF (PRIVATE)
LANDSCAPED AREA-PRIVATE:	1743 SF (5.6%)
LANDSCAPED AREA-PUBLIC:	3591 SF
	5334 TOTAL (17%)
STREET FRONTAGE:	
236 ft. - 1st Street, 106 ft. Ave. N, 114 ft. Ave. O=516 ft total	
TREES REQUIRED:	12 - 1st Street, 4 - Ave. N, 5 - Ave. O
TREES PROVIDED:	9 - 1st Street, 5 - Ave. N, 0 - Ave. O
SHRUBS PROVIDED:	33 - 1st Street, 1 - Ave. N, 0 - Ave. O

PARKING	
EXISTING SF:	3,910 SF
PROPOSED ADDITION SF:	3,000
TOTAL SF	6,910
PARKING RATIO:	
1 SPACE PER 250 SF	
PARKING SPACES REQUIRED:	22
PARKING SPACES PROVIDED:	22

NOTES

1.

ALL SIDEWALKS, CROSS WALKS (AT DRIVEWAYS) AND RAMPS MUST BE ADA COMPLIANT. ADA RAMPS TO BE PROVIDED AT THE INTERSECTIONS OF AVE O AND AVE N WITH TRUNCATED DOME SURFACE

2.

REGARDLESS OF SCALE, ALL CURB RADII ALONG S. 1ST STREET ARE INTENDED TO BE 25'

1

PROPOSED SITE PLAN

1/16" = 1'-0"

Architectural
Edge Inc.

3010 Scott Blvd.
Suite 102
Temple, Texas
76504

254.771.2054 P
254.773.2144 F

•architecture•
•design services•
•consultation•
email@archedge.com

THIS DRAWING AND OTHER
RELATED DOCUMENTS ARE
THE PROPERTY OF
ARCHITECTURAL EDGE, INC.
FOR USE SOLELY WITH
RESPECT TO THIS PROJECT
AND NO PART OF THESE
DOCUMENTS SHALL BE
REPRODUCED OR
TRANSMITTED IN ANY
FORM OR BY ANY
MEANS, ELECTRONIC
OR MECHANICAL,
INCLUDING
PHOTOCOPYING,
RECORDING,
OR BY ANY
INFORMATION
SYSTEMS
WITHOUT
PERMISSION
IN WRITING
FROM
ARCHITECTURAL
EDGE, INC.
THE COPYRIGHT.

EZ Tire & Lube
SITE PLAN
City of Temple
Temple, TX

09.30.09

RP

TLM

10/27/09

proj. date:

proj. no.:

drawn by:

checked by:

revision 1:

revision 2:

revision 3:

sheet no.

A-1.0



Limestone



Tan Colored EIFS



Soapstone Medallions



Painted Corrugated Metal

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 KELUM PELAWATTA DBA EZ TIRE IN AN AMOUNT NOT TO EXCEED \$39,700 FOR REDEVELOPMENT IMPROVEMENTS IN THE 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kelum Pelawatta owns property located at 1402 South 1st 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 Kelum Pelawatta dba EZ Tire and define the City’s incentive package;

Whereas, the property owner has agreed to make certain improvements to the property for use as a minor auto repair facility and moving truck rental company, and the City’s total match may not exceed \$39,700;

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 Kelum Pelawatta dba EZ Tire, after approval as to form by the City Attorney, for redevelopment improvements in 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 **19th** day of **November**, 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 MEMORADUM

11/19/09
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution granting a street use license for an existing building at 204 West Avenue D, with existing encroachments up to 1.75 feet into the east side of the 20-foot wide alley located in Block 39, Original Town of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The property owner, J.E. Castellon, requests this street use license to allow redevelopment of the property and use of the existing building.

Staff notified all utility companies, including the City of Temple Public Works Department, regarding the applicant's requested street use license. Although there are existing ONCOR and AT&T utilities in the alley, there are no objections to the street use license.

FISCAL IMPACT: Street use licenses require a \$150.00 fee for a 15-year term. The applicant paid the \$150.00 fee with his application submittal.

ATTACHMENTS:

Application
Survey
Exhibit
Resolution

STREET USE LICENSE APPLICATION

Date: 9/25/09

Property Owner: J. Eliezer Castellon 1212 Jones St Taylor, Tx 76574 (512) 352-3367
Name Address Phone #

Applicant: J. Eliezer Castellon 1212 Jones St Taylor, TX 76574 (512) 352-3367
Name Address Phone #

Capacity of applicant: ☐ Officer ☐ Broker ☐ Prospective Buyer ☒ Other Owner

Email: rca1205@yahoo.com Fax Number: _____

Address of Property: 204 W Av. D Lot: * Block: _____ Subdivision: _____

Outblock (if not platted): * PORTION OF LOTS 13,14,15,16,17,18,19,20 BLOCK 39 ORIGINAL TOWN

Present Zoning: LI Present Use: Vacant

Filing Fee: The street use license application requires a filing fee of \$150. The fee is not refundable, except that a 25% refund will be made if an application is withdrawn in writing and received by the Planning Department prior to notification of utility providers.

Current Status of Encroachment: ☒ Existing ☐ Proposed ☐ Expansion proposed

If Existing, Date Encroachment was Constructed: Unknown

Encroachment Location: ☒ Alley ☐ Street ☐ Utility easement ☐ Drainage easement

Encroachment Description: Please describe the type of encroaching structure and its use, composition, dimensions, etc. If the encroachment is for valet parking on a public street, please indicate the parking area on the required survey submitted with this application.

EXISTING 1-STORY FRAME BUILDING (FORMERLY A BAR) ENCRACHS
INTO THE 20 FOOT ALLEY IN BLOCK 39, ORIGINAL TOWN OF TEMPLE.
THE BUILDING (SEE DETAIL "A") ENCRACHS 1.75 FEET ON NORTH
SIDE AND ENCRACHS (SEE DETAIL "B") 1.43 FEET ON SOUTH
SIDE ALONG THE EAST LINE OF ALLEY. SEE ATTACHED
DRAWING (REF: 12080-A) PREPARED BY TURLEY ASSOCIATES,
INC.

Construction Area: Please describe any additional area needed during construction, including excavation depth.

RECEIVED

SEP 28 2009

City of Temple
Planning & Development

S-FY-09-14

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

- This application is complete and all of the information provided is accurate.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

J. Eliezer Castellon
Applicant's Signature

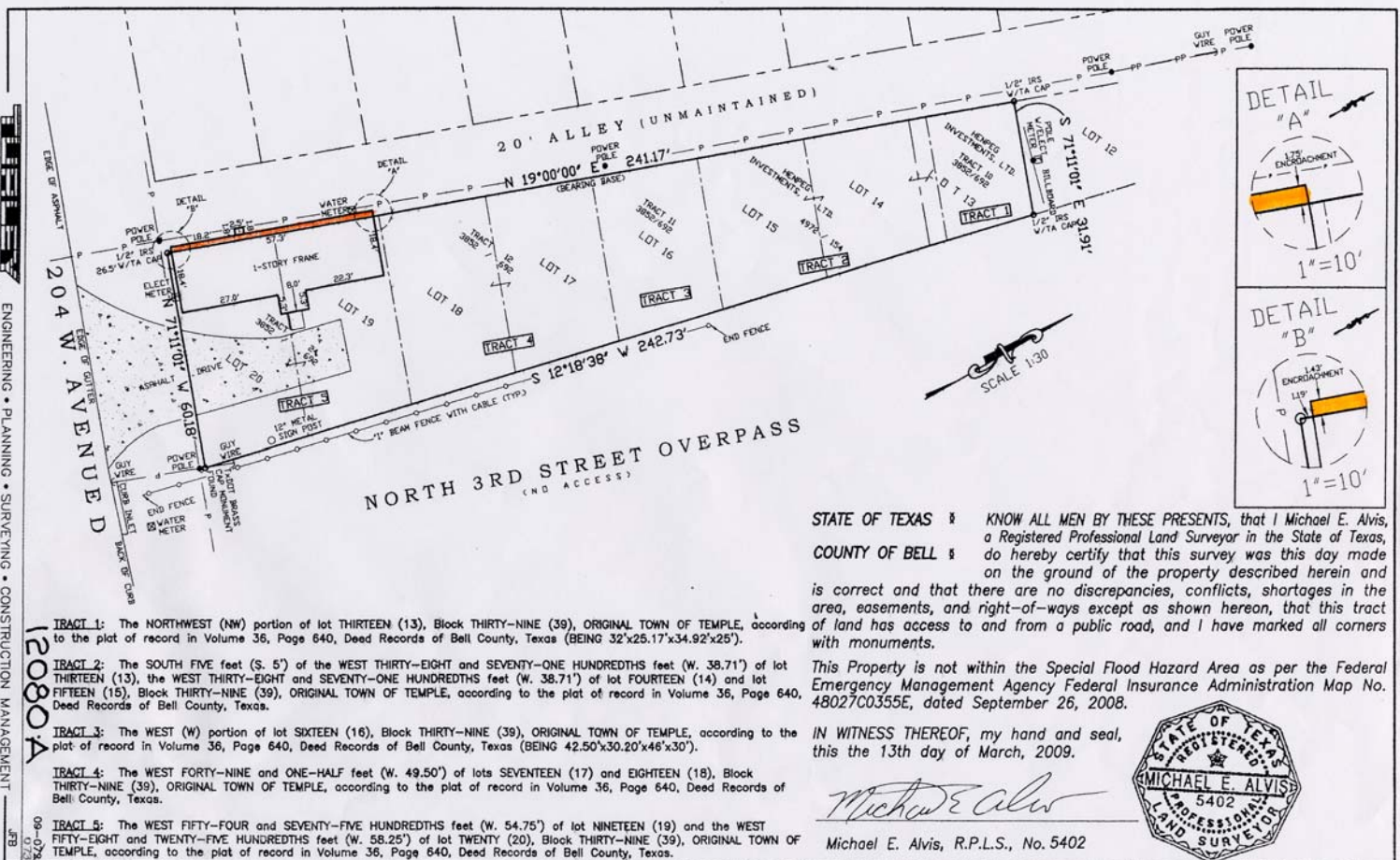
J. Eliezer Castellon
Property Owner's Signature

For Office Use Only

___ Completed Application ___ Field Notes ___ Fee Received By: _____

Case #: _____ Zoning Map Page: _____ Project Manager: _____

Tentative City Council Date: _____



STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

This Property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0355E, dated September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 13th day of March, 2009.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE FOR AN EXISTING BUILDING AT 204 WEST AVENUE D, WITH EXISTING ENCROACHMENTS UP TO 1.75 FEET INTO THE EAST SIDE OF THE 20-FOOT WIDE ALLEY LOCATED IN BLOCK 39, ORIGINAL TOWN OF TEMPLE; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for an existing building at 204 West Avenue D, with existing encroachments up to 1.75 feet into the east side of the 20-foot alley located in Block 39, Original Town of Temple;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

Part 1: A Street Use License is granted to J.E. Castellon, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow an existing building at 204 West Avenue D, with existing encroachments up to 1.75 feet into the east side of the 20-foot wide alley located in Block 39, Original Town, in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to occupy, maintain, and utilize existing encroachments up to 1.75 feet into the east side of the 20-foot alley located in Block 39, Original Town, in the City of Temple, Bell County, Texas.

IV. Conditions of License

That the above-described license is granted subject to the following conditions, terms, and reservations:

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

(1) This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area, or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work

shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

(c) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for this license upon its renewal or extension.

(d) **Hold Harmless.**

(1) As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been canceled fully.

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 on the 19th day of November, 2009.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of November, 2009, by
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

AGREEMENT OF LICENSEE

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

I, J.E. Castellon, hereby accept the terms and conditions of Resolution No. _____ granting a Street Use License for an existing building at 204 West Avenue D, with existing encroachments up to 1.75 feet into the east side of the 20-foot wide alley located in Block 39, Original Town of Temple.

J.E. Castellon

County of Bell §

State of Texas §

This instrument was acknowledged before me on the ____ day of _____, 2009, by -
J.E. Castellon.

Notary Public, State of Texas

Return recorded document to:
City Attorney's Office
2 N Main ST, STE 308
Temple TX 76501



COUNCIL AGENDA ITEM MEMORANDUM

11/19/09
Item #5(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of two grant applications through the Safe Routes to School program and committing to provide maintenance of funded infrastructure.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Safe Routes to School (SRTS) program and funding was established by Congress in 2005. The SRTS program focuses on teaching children bicycle and pedestrian safety and encouraging bicycling and walking to school to promote a healthy lifestyle. In order to accomplish this, Congress distributed funds to each state based on school enrollment. Projects are funded through a statewide competitive process. These funds are used by communities and school districts to implement infrastructure and non-infrastructure projects. Eligible projects include, but are not limited to, sidewalks, crosswalks, pedestrian crossings, trails, bike routes and markings, paths, flashing lights, ramps, and removal of barriers. To be eligible, projects must be located within two miles of an elementary or middle school and within the corporate limits of the City of Temple. Each grant application may include up to \$500,000 in infrastructure investment and up to \$200,000 in engineering, surveying, and other associated costs.

In order to apply for this year's grant funding, the City must have prepared a Master Plan by September 28 and submitted it to the Waco Area TXDOT office for approval. 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. **The City has submitted this plan and the plan has been approved.**

Staff is currently preparing two grant applications, one for Lakewood Elementary (BISD) and one for Bonham Middle School (TISD). Both of the schools were selected based on 1) the data collected through on-site and off-site analyses; 2) data provided by the school districts; and 3) engineer recommendations associated with safety. The deadline for submittal of grant applications is November 30, 2009. Beach-Sulak Engineers is providing the preliminary engineering necessary for the application.

Council has already approved a resolution approving the Master Plan and authorizing application for funding. However, in preparing the grant application, staff discovered that the resolution needed to include a commitment to maintain the infrastructure. This second resolution provides this commitment.

FISCAL IMPACT: Safe Routes to School is a 100% federally funded cost-reimbursement program, with no matching funds required.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN APPLICATION FOR GRANTS; ACCEPTING ANY FUNDS THAT MAY BE RECEIVED THROUGH SAFE ROUTES TO SCHOOL GRANTS; COMMITTING TO PROVIDE MAINTENANCE OF FUNDED INFRASTRUCTURE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, there is a need to provide options that allow children to walk and bicycle to school safely, and Safe Routes to School (SRTS) programs can address these challenges through a coordinated master plan;

Whereas, childhood obesity is a problem for many children in Temple and a lack of physical activity plays a leading role in this and other health issues among children;

Whereas, an effective, efficient, and safe transportation system that includes pedestrian facilities expands transportation options for the citizenry;

Whereas, Safe Routes to School programs use a variety of education, engineering, evaluation, and enforcement strategies that help make routes safer for children to walk and bicycle to school and encourage strategies to entice more children to walk and bicycle;

Whereas, the Safe Routes to School program provides the opportunity for a grant of up to \$100,000 to provide education, encouragement, enforcement, and evaluation, and a grant of up to \$500,000 (plus engineering costs) to support engineering (infrastructure) projects that will increase the number of children who bike and walk to school based upon the City's SRTS Plan;

Whereas, the Safe Routes to School program is fully supported by federal funds and requires no local match;

Whereas, the Safe Routes to School program requires that cities commit to maintain infrastructure improvements that are installed with SRTS program funding;

Whereas, a coordinated effort has taken place in which the City of Temple, Temple Independent School District, Belton Independent School District, Tembell Wellness Coalition, Scott and White Cycling Club, SRTS subcommittee and other stakeholders participated in the development of the Plan;

Whereas, the City of Temple, Temple Independent School District, and Belton Independent School District anticipate a continuing Safe Routes to School Program in the community, supported by additional grant applications and funds in future years;

Whereas, the proposed City of Temple Safe Routes to School Plan conforms to standards and principles of the national and state Safe Routes to School Program and criteria;

Whereas, non-infrastructure grant applications are under development for Lakewood Elementary School and Bonham Middle School; 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 supports and adopts the City of Temple Safe Routes to School Master Plan.

Part 2: The City Council supports the grant applications for Safe Routes to School grants for non-infrastructure and infrastructure improvements to support the Plan implementation, and accepts any funds that may be received for this grant.

Part 3: The City Council commits to providing maintenance to infrastructure projects that are funded with a Safe Routes to School grant.

Part 4: 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 grant.

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 19th day of **November**, 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

11/19/09
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution revising the adopted FY 2010 Capital Improvement Plan.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to revise the FY 2010 Capital Improvement Plan, which was approved by Council on September 3, 2009, as part of the FY 2010 budget adoption. The original FY 2010 Capital Improvement Plan included \$16,650,000 of Utility Projects. We are recommending revising the Plan to include \$21,980,000 of Utility Projects and \$410,000 of Drainage projects for a total revised FY 2010 Capital Improvement Plan of \$22,390,000.

Water & Wastewater Projects-The adopted FY 2010 Capital Improvement Plan funded \$16,650,000 in various water and wastewater projects. The revised plan recommends \$ 21,980,000 in utility projects. A list of the recommended revised projects is provided as an attachment to this item.

Drainage Projects- The adopted FY 2010 Capital Improvement Plan did not include any drainage projects. The revised plan recommends two drainage projects in the amount of \$410,000. A list of the recommended projects is provided as an attachment to this item.

FISCAL IMPACT: Funding for the FY 2010 projects in the amount of \$21,980,000 for Water & Wastewater will be funded from a combination of Utility Revenue Bonds and Unreserved/Undesignated Water and Sewer Retained Earnings (pay as you go funding).

Funding for the Drainage projects in the amount of \$410,000 will be funded with Unreserved/Undesignated Fund Balance from the Drainage Fund (pay as you go funding).

ATTACHMENTS:

[FY 2010 Water & Wastewater Revised Project List and
FY 2010 Drainage Project List
Adopted Utility Revenue Bond CIP List
Resolution](#)

FY 2010 Water Wastewater Revised Project List

	Water		Waterwater	
	Project Description	Estimated Cost	Project Description	Estimated Cost
Water & Wastewater Projects	<u>New Projects</u>		<u>Rehab Projects-continued</u>	
	WTP - Generator Project (Construction - Phase 2)	\$ 3,500,000	Bird Creek Interceptor (Construction - Phase 1)	\$ 2,500,000
	I-35 Utility Relocation Project (Engineering Report)	500,000	Wastewater Line Replacement Ave H & 40th Street	500,000
	SH 317 Waterline from FM 2305 to Prairie View Road Water Line	300,000	Wastewater Line Replacement West Killen, West Welton between N Main & 3rd St	400,000
	Waterline Replacement along Poison Oak from Pea Ridge to Ridgeway (720 Pressure Plane Expansion)	525,000	Wastewater Line Replacement French Ave to Adams Ave from N 4th to N 12th	1,200,000
			Wastewater Line Replacement from 3800 Valley View to dead end	240,000
	<u>Rehab Projects</u>		Wastewater Line Replacement between 31st & 33rd from Ave. H to Ave. R	365,000
	WTP - Pepper Creek Tank Rehabilitation	600,000	Wastewater Line Replacement between 33rd & 35th from Ave. H to Ave. R	365,000
	WTP - Taylor Tank Rehabilitation	600,000	Rehabilitation of Pea Ridge LS (Larger Pumps, Upsize of FM)	1,000,000
	Replacement of 18" WL from WTP to Loop 363	4,750,000	Doshier - Chlorine Feed Line Replacement	200,000
	Centex Sportsman Road Waterline	435,000	Steeplechase Lift Station - Convert existing station to submersible pumps	350,000
	WTP - Treatment Process Assessment	250,000	TBRSS Plant Expansion - Land & Design (75%)	2,250,000
	Utility Replacement along General Bruce Drive & 57th Street (Construction)	680,000		
	Waterline Replacement Bellaire Addition (Victory, Virginia, Shell from 3rd to Mayborn) (Construction)	470,000		
	Sub-Total	\$ 12,610,000	Sub-Total	\$ 9,370,000
	TOTAL \$21,980,000			

Capital Improvements Program FY 2010
Projects Recommended for Utility Revenue Bonds

Line	Project	FY 2009	FY 2010
		Adopted	Adopted
1	SH 317 Water Line Relocation from FM2305 to FM439 as part of TxDOT SH 317 road improvement project	-	1,900,000
2	NW Loop 363 Water and Wastewater Relocation from IH35 to SH36 as part of TxDOT Loop 363 road improvement project	-	500,000
3	Birdcreek Wastewater Line Replacement	-	2,500,000
4	Wastewater Line Replacement West Killen, West Welton between N Main & 3rd Street	400,000	-
5	Wastewater Line Replacement French Ave to Adams Ave from N 4th St to N 12th St	1,200,000	-
6	WTP-Generator Project (Phase 2)	-	3,500,000
7	WTP-Clarifier #2	-	2,000,000
8	Replacement of 18" Waterline from WTP to Loop 363	750,000	4,000,000
9	Pepper Creek Tank Rehabilitation	600,000	-
10	Taylor Tank Rehabilitation	600,000	-
11	Centex Sportsman Road Waterline	435,000	-
12	I-35 Utility Relocation Project	500,000	-
13	Wastewater Line Replacement Ave H & 40th Street	500,000	-
14	Rehabilitation of Pea Ridge LS (Larger Pumps, Upsize of FM)	1,000,000	-
15	Temple Belton Regional Sewerage System-Land & Design (75%)	-	2,250,000
Grand Total Utility Revenue Bond Projects		\$ 5,985,000	\$ 16,650,000

FY 2010 Drainage Project List

	Drainage	
	Project Description	Estimated Cost
Drainage Projects	<u>New Projects</u>	
	Moras/Midway/Montana Storm Drain	\$ 385,000
	Vehicle Washbay Cover	25,000
	TOTAL (Funding Package #1)	\$ 410,000

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REVISING THE ADOPTED FY 2010 CAPITAL IMPROVEMENT PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the FY 2010 Capital Improvement Plan was adopted by the City Council on September 3, 2009, as part of the FY 2010 budget adoption;

Whereas, the Staff recommends revising the Plan to include \$21,980,000 of utility projects and \$410,000 of drainage projects, for a total revised FY 2010 Capital Improvement Plan of \$22,390,000; and

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

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

Part 1: The City Council approves amending the FY 2010 Capital Improvement Plan to include \$21,980,000 of utility projects and \$410,000 of drainage projects, for a total revised FY 2010 Capital Improvement Plan of \$22,390,000, in accordance with the project lists attached hereto as Exhibit A.

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 on this the **19th** day of **November**, 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

11/19/09
Item #5(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing the carry forward of FY 2008-2009 funds to the FY 2009-2010 budget.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This resolution is to recognize and carry forward to fiscal year 2009-2010 outstanding purchase orders and contracts that were not completed at the end of fiscal year 2008-2009. These items will be received or completed during fiscal year 2010. Also, all unencumbered Community Development funds and ongoing Capital Projects will be carried forward to fiscal year 2010.

Line item expenditure accounts in the fiscal year 2010 budget will be amended to reflect fiscal year 2009 funds that will be carried forward. The total of all expenditure-related carry forwards is \$38,157,041. The total of all expenditure-related carry forwards from prior fiscal year was \$72,313,508. The decrease compared to the prior year is due to the expenditures of bond proceeds funded in the Capital Improvement Program. Revenue carry forwards related to Capital Projects and Federal/State Grant funding, detailed on the attachment, total \$4,833,498.

Itemization by fund is as follows:

<u>Fund</u>	<u>Carry Forward</u>
General Fund	\$ 1,951,010
Utility Fund	14,576,494
Hotel/Motel Tax Fund	418,123
Bond Projects	11,021,898
Capital Projects	607,825
Federal/State Grant Fund	4,290,675
Drainage Fund	31,289
Reinvestment Zone No. 1	5,259,727
Total Carry forwards	<u>\$38,157,041</u>

FISCAL IMPACT: The fiscal impact will not change the fiscal year results presented in the agenda item detailing year end financial results for FY 2009.

ATTACHMENTS:

[Carry Forward to FY 2009/2010
Resolution](#)

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #		DESCRIPTION	PROJECT #	APPROPRIATION	
				DEBIT	CREDIT
<div>GENERAL FUND</div>					
110-1000-511.21-13	CLOTHING & UNIFORMS		\$	1,479	
110-1000-511.22-10	FURNITURE & FIXTURES			3,000	
110-1000-511.25-10	CONTRIBUTIONS/PRIZES			1,513	
110-1100-513.21-13	CLOTHING & UNIFORMS			289	
110-1100-513.25-11	PRINTING/PUBLICATION			905	
110-1200-515.25-11	PRINTING/PUBLICATION			2,467	
110-1200-515.26-16	PROFESSIONAL			4,900	
110-1200-515.26-23	OTHER CONTRACTED SERVICES			8,500	
110-1200-515.26-30	BANKING SERVICE FEES			20,000	
110-1300-515.22-10	FURNITURE & FIXTURES			212	
110-1400-511.26-23	OTHER CONTRACTED SERVICES			857	
110-1500-515.26-86	HILL COUNTRY TRANSIT DISTRICT			24,000	
110-1500-515.26-92	EMERGENCY REHAB			19,786	
110-1500-515.26-95	SIZ FUNDING			145,803	
110-1700-519.21-10	OFFICE SUPPLIES			895	
110-1700-519.21-13	CLOTHING & UNIFORMS			247	
110-1700-519.22-10	FURNITURE & FIXTURES			125	
110-1800-525.25-30	JUDGE'S EXPENDITURES			426	
110-1900-519.22-23	COMPUTER SOFTWARE			700	
110-1900-519.22-28	PUBLIC EDUCATION GOVT EXP {PEG}			2,842	
110-1900-519.23-38	MAINTENANCE CONTRACT			310	
110-1900-519.62-28	PUBLIC EDUCATION GOVT EXP {PEG}	190002		15,373	
110-2000-521.21-21	FIREARMS/MUNITIONS			960	
110-2000-521.21-31	OCU SEIZED FUNDS-FEDERAL			6,935	
110-2000-521.21-36	PUBLIC SAFETY EXPENDITURES			8,404	
110-2000-521.23-33	AUTO & EQUIPMENT REPAIR & MAINTENANCE			2,910	
110-2000-521.25-10	CONTRIBUTIONS/PRIZES			171	
110-2000-521.25-14	TRAVEL & TRAINING			2,176	
110-2000-521.25-33	DARE CJD EXPENDITURES			9,128	
110-2000-521.25-34	DARE TX COMM ALCOHOL EXPENDITURES			4,836	
110-2000-521.25-37	AIR SUPPORT PROGRAM			11,254	
110-2000-521.25-38	CRIME VICTIM EXPENDITURES			493	
110-2000-521.26-10	TELEPHONE			46	
110-2000-521.62-13	AUTOMOTIVE	100413		56,169	
110-2000-521.62-18	COMPUTER HARDWARE	100417		13,343	
110-2000-521.62-31	OCU SEIZED FUNDS-FEDERAL	100497		99	
110-2200-522.21-13	CLOTHING & UNIFORMS			4,748	
110-2200-522.25-13	SPECIAL SERVICES			720	
110-2330-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT			27,335	
110-2700-515.21-38	WELLNESS PROGRAM			24,000	
110-2700-515.26-16	PROFESSIONAL			11,781	
110-2800-532.63-23	TRAFFIC SIGNALS	100513		15,758	
110-2800-532.63-23	TRAFFIC SIGNALS	100511		8,965	
110-3200-551.21-28	POSTAGE			2,000	
110-3200-551.21-29	ADVERTISING/MARKETING			340	
110-3200-551.25-11	PRINTING/PUBLICATION			7,031	
110-3200-551.25-13	SPECIAL SERVICES			2,555	
110-3400-531.23-16	STREETS & ALLEYS			21,376	
110-3400-531.23-23	PAVING OVERLAY			33,465	
110-3400-531.23-44	SPEED HUMPS-CHILD SAFETY			1,680	
110-3500-552.23-11	BUILDINGS & GROUNDS-REPAIR & MAINTENANCE			11,187	
110-3500-552.26-23	OTHER CONTRACTED SERVICES			1,420	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
110-3500-552.63-15	SIDEWALK/CURB/GUTTER	100548	18,000	
110-3600-560.22-21	COMPUTER EQUIPMENT		1,500	
110-3600-560.62-21	COMPUTER SOFTWARE	100481	65,000	
110-3700-524.25-11	ADVERTISING/MARKETING		2,161	
110-3700-524.26-16	PROFESSIONAL		2,000	
110-3800-519.25-11	ADVERTISING/MARKETING		219	
110-4000-555.22-25	BOOKS & PERIODICALS		1,391	
110-4000-555.23-11	BUILDINGS & GROUNDS-REPAIR & MAINTENANCE		8,495	
110-4000-555.26-23	OTHER CONTRACTED SERVICES		1,335	
110-5900-522.62-13	AUTOMOTIVE	100508	29,200	
110-5900-540.62-22	INSTRUMENTS/SPECIAL EQUIPMENT	100432	494,985	
110-5924-519.23-11	BUILDINGS & GROUNDS-REPAIR & MAINTENANCE		8,455	
110-5924-519.63-10	BUILDINGS & GROUNDS	100407	5,150	
110-5924-519.63-10	BUILDINGS & GROUNDS	100419	20,000	
110-5924-519.63-10	BUILDINGS & GROUNDS	100420	313	
110-5924-519.63-10	BUILDINGS & GROUNDS	100422	11,012	
110-5924-519.63-10	BUILDINGS & GROUNDS	100423	21,277	
110-5924-519.63-10	BUILDINGS & GROUNDS	100425	13,672	
110-5924-519.63-10	BUILDINGS & GROUNDS	100428	16,078	
110-5924-519.63-10	BUILDINGS & GROUNDS	100429	17,240	
110-5924-519.63-10	BUILDINGS & GROUNDS	100430	3,465	
110-5924-519.63-10	BUILDINGS & GROUNDS	100428	9,422	
110-5935-552.63-10	BUILDINGS & GROUNDS	100297	11,867	
110-5935-552.63-10	BUILDINGS & GROUNDS	100437	10,224	
110-5935-552.63-10	BUILDINGS & GROUNDS	100438	15,000	
110-5935-552.63-10	BUILDINGS & GROUNDS	100439	1,564	
110-5935-552.63-10	BUILDINGS & GROUNDS	350009	11,786	
110-5935-552.63-10	BUILDINGS & GROUNDS	100439	21,418	
110-5935-552.63-18	IRRIGATION	100298	51,777	
110-9100-591.81-51	TRANSFER OUT-CAPITAL PROJECTS FUND		356,983	
110-9100-591.81-60	TRANSFER OUT-FED/STATE GRANT FUND		174,107	
TOTAL GENERAL FUND			\$ 1,951,010	\$ -
HOTEL/MOTEL FUND				
240-4400-551.21-29	ADVERTISING/MARKETING		\$ 3,485	
240-4400-551.22-21	COMPUTER EQUIPMENT		2,993	
240-4400-551.26-16	PROFESSIONAL		277	
240-4400-551.62-24	COMMUNICATIONS EQUIPMENT	100489	46,267	
240-4400-551.63-10	BUILDINGS & GROUNDS	100488	26,381	
240-4400-551.63-10	BUILDINGS & GROUNDS	100491	176,307	
240-4400-551.63-10	BUILDINGS & GROUNDS	100488	440	
240-4400-551.63-10	BUILDINGS & GROUNDS	100491	158,473	
240-4400-551.63-10	BUILDINGS & GROUNDS	100488	3,500	
TOTAL HOTEL/MOTEL FUND			\$ 418,123	\$ -

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #		DESCRIPTION	PROJECT #	APPROPRIATION	
				DEBIT	CREDIT
FEDERAL/STATE GRANT FUND					
260-1500-571.61-10	LAND	100249	\$	91,404	
260-2000-521.21-13	CLOTHING & UNIFORMS			17,551	
260-3300-531.63-17	STREETS & ALLEYS	100484		137,200	
260-3500-552.65-16	PARK IMPROVEMENTS	100495		222,950	
260-3600-560.65-24	FAA RUNWAY REHABILITATION	100190		2,875,351	
260-6000-515.26-16	PROFESSIONAL			39,372	
260-6000-515.65-32	CONTINGENCY			13,963	
260-6100-571.26-41	PUBLIC SAFETY AGENCIES			6,122	
260-6100-571.26-98	CODE ENFORCEMENT/CLEARANCE			80,821	
260-6100-571.63-17	STREETS & ALLEYS	100178		20,328	
260-6100-571.63-17	STREETS & ALLEYS	100512		123,006	
260-6100-571.65-16	PARK IMPROVEMENTS	100370		230	
260-6100-571.65-16	PARK IMPROVEMENTS	100441		26,168	
260-6100-571.65-16	PARK IMPROVEMENTS	100485		50,438	
260-6100-571.65-16	PARK IMPROVEMENTS	100370		43,588	
260-6100-571.65-16	PARK IMPROVEMENTS	100485		1,400	
260-6100-571.65-30	CONTINGENCY			14,338	
260-6100-571.65-32	CONTINGENCY			23,204	
260-6400-572.26-16	PROFESSIONAL			127,879	
260-6400-572.26-23	OTHER CONTRACTED SERVICES			362,250	
260-6400-572.26-25	ADVERTISING/LEGAL			112	
260-6400-572.26-97	AFFORDABLE HOUSING-GENERAL FUND			13,000	
260-0000-431.01-63	FEDERAL GRANTS				3,112,731
260-0000-431.02-61	STATE GRANTS				178,360
260-0000-490.25-89	LAW ENFORCEMENT BLK GRN-TRANSFER IN				8,776
260-0000-431.01-31	CDBG FEDERAL GRANT				442,977
260-0000-431.01-35	HOME GRANT				382,500
260-0000-490.25-82	TRANSFER IN-GENERAL FUND				165,331
TOTAL FEDERAL/STATE GRANT FUND			\$	4,290,675	\$ 4,290,675
DRAINAGE FUND					
292-2900-534.26-16	PROFESSIONAL		\$	31,289	
TOTAL DRAINAGE FUND			\$	31,289	\$ -

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
<div>CAPITAL PROJECTS FUND</div>				
351-1600-512.25-15	DUES & SUBSCRIPTIONS		\$ 1,859	
351-1800-525.68-49	MUNICIPAL COURT FACILITY	100240	114,179	
351-1900-519.22-21	COMPUTER EQUIPMENT		2,280	
351-1900-519.22-23	COMPUTER SOFTWARE		723	
351-1900-519.23-38	MAINTENANCE CONTRACT		1,598	
351-1900-519.25-14	TRAVEL & TRAINING		523	
351-1900-519.62-11	INSTRUMENTS/SPECIAL EQUIPMENT	100498	24,200	
351-1900-519.62-18	COMPUTER HARDWARE	100412	6,170	
351-1900-519.62-18	COMPUTER HARDWARE	100487	4,057	
351-1900-519.62-18	COMPUTER HARDWARE	100401	17,250	
351-1900-519.62-19	PC REPLACEMENT	100480	1,793	
351-1900-519.62-21	COMPUTER SOFTWARE	100379	2,000	
351-1900-519.62-40	NETWORK HARDWARE	100464	6,665	
351-1900-519.65-19	FINANCIAL SOFTWARE	190001	46,070	
351-2400-519.63-10	BUILDINGS & GROUNDS	100547	12,000	
351-3100-551.63-10	BUILDINGS & GROUNDS	100189	8,518	
351-3200-551.22-22	CAPITAL < \$5,000		1,382	
351-3400-531.61-10	LAND	100346	179,840	
351-3500-552.23-11	BUILDINGS & GROUNDS-MAINTENANCE	350009	115,189	
351-3600-560.61-10	LAND	100475	49,611	
351-3600-560.65-23	AIRPORT T HANGERS	360002	11,918	
351-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS-KEGLEY			179,840
351-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS-MCLANE			6,000
351-0000-490.25-82	TRANSFER IN-GENERAL FUND			356,983
TOTAL CAPITAL PROJECTS FUND			\$ 607,825	\$ 542,823
<div>BOND PROJECTS FUND</div>				
359-8800-525.67-79	MUNICIPAL COURT FACILITY	100240	\$ 21,634	
361-1800-525.68-49	MUNICIPAL COURT FACILITY	100240	4,747	
361-1900-519.68-01	SCADA NETWORK	100407	2,610	
361-1900-519.68-02	BROADBAND NETWORK	100087	57,028	
361-2000-521.68-03	PORTABLE DIGITAL RADIOS	100407	421	
361-2000-521.68-32	AUTOMOTIVE	100406	170,000	
361-2200-522.68-05	FIRE STATION NO. 1	100120	224,508	
361-2200-522.68-06	EMERGENCY OPERATIONS CENTER	100141	68,031	
361-2300-540.68-24	SOLID WASTE FACILITY	100407	10,763	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100160	115,446	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100329	11,053	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100407	87,592	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100329	5,191	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100158	8,000	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100329	178,518	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100158	73,880	
361-2800-532.68-10	TRAFFIC SIGNALS	100502	17,839	
361-2800-532.68-10	TRAFFIC SIGNALS	100504	71,807	
361-2800-532.68-10	TRAFFIC SIGNALS	100502	61,190	
361-2900-534.68-11	LAKE THORTON DAM	100407	219,935	
361-2900-534.68-20	DRAINAGE IMPROVEMENTS	290001	86,950	
361-3000-519.68-18	FLEET IMPROVEMENTS	100407	2,639	
361-3400-531.68-09	STREETS RESURFACED	100407	12,498	
361-3400-531.68-13	OUTER LOOP	100089	3,435,631	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
361-3400-531.68-33	INTERSECTION IMPROVEMENTS	100407	2,454	
361-3400-531.68-33	INTERSECTION IMPROVEMENTS	100331	1,050	
361-3400-531.68-34	1ST STREET GATEWAY-AVE M/LOOP 363	100332	429,845	
361-3400-531.68-35	NW LOOP 363 EXPANSION	100222	136,944	
361-3400-531.68-47	TARVER ROAD EXT TO OLD WACO ROAD	100392	1,290,975	
361-3400-531.68-48	HWY 93/HARTRICK BLUFF CONNECTOR	100393	500,000	
361-3500-552.68-21	WILSON PARK IMPROVEMENTS	100407	14,417	
361-3600-560.68-19	AIRPORT IMPROVEMENTS	100407	41,871	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100348	418,242	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100395	112,242	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100348	233,933	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100395	5,560	
361-5700-580.73-12	BOND INTEREST		14,457	
362-3100-551.68-40	GOLF COURSE IMPROVEMENTS	100358	350,000	
362-3200-551.68-41	SUMMIT EXPANSION	100359	19,114	
362-3500-552.68-38	FAMILY AQUATICS CENTER	100356	8,420	
362-3500-552.68-39	SAMMONS PARK INDOOR AQUATIC CENTER	100357	19,797	
362-3500-552.68-42	MILLER PARK IMPROVEMENTS	100360	8,323	
362-3500-552.68-43	WEST TEMPLE SPRAY PARK	100361	7,410	
362-3500-552.68-44	LIONS SOCCER FIELDS	100362	373,167	
362-3500-552.68-45	FERGUSON PARK IMPROVEMENTS	100363	6,789	
363-2200-522.68-50	FIRE STATION #1	100120	222,618	
363-2200-522.68-51	FIRE STATION #8	100411	271,360	
363-2200-522.68-52	FIRE ENGINES	100408	528,333	
363-2200-522.68-52	FIRE ENGINES	100409	528,333	
363-2200-522.68-52	FIRE ENGINES	100410	528,333	
TOTAL BOND PROJECTS FUND			\$ 11,021,898	\$ -

WATER & SEWER FUND

520-5000-535.26-16	PROFESSIONAL		\$ 1,663	
520-5000-535.65-45	CONTINGENCY-APPROACH MAINS		488,270	
520-5100-535.21-60	TEMPORARY WATER PUMP		24,542	
520-5100-535.23-31	INSTRUMENTS/SPECIAL EQUIPMENT		19,631	
520-5100-535.26-15	EQUIPMENT-RENT/LEASE		6,099	
520-5100-535.63-10	BUILDINGS & GROUNDS	100478	40,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100569	70,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100570	35,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100571	25,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100572	30,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100573	150,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100443	17,369	
520-5100-535.63-10	BUILDINGS & GROUNDS	100478	31,809	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100407	19,726	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100486	166,700	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100176	6,080	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100486	28,300	
520-5400-535.63-59	SEWER LINE REPLACEMENT-IN HOUSE CREW	100407	1,116	
520-5400-535.63-59	SEWER LINE REPLACEMENT-IN HOUSE CREW	100454	44,598	
520-5400-535.63-59	SEWER LINE REPLACEMENT-IN HOUSE CREW	100461	1,175	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100319	247	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100407	27,090	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100175	17,416	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100319	4,682	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100320	5,438	

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
520-5400-535.63-61	SEWER LINE REPLACEMENT	100321	15,561	
520-5500-535.63-10	BUILDINGS & GROUNDS	100458	36,586	
520-5800-535.22-10	FURNITURE & FIXTURES		10,900	
520-5800-535.23-11	BUILDINGS & GROUNDS-MAINTENANCE		1,800	
520-5800-535.62-24	COMMUNICATIONS EQUIPMENT	100240	15,824	
520-5800-535.63-10	BUILDINGS & GROUNDS	100240	750	
520-5900-535.63-66	WATER LINE EXTENSION	100476	11,730	
520-5900-535.63-66	WATER LINE EXTENSION	520004	54,685	
520-5900-535.63-68	SEWER LINE EXTENSION	540003	21,025	
561-5100-535.69-06	EMERGENCY OPERATIONS CENTER	100100	29,180	
561-5100-535.69-13	WTP LAGOON #4 REHAB	100334	7,061	
561-5100-535.69-21	MEMBRANE FACILITY	100229	2,794,664	
561-5100-535.69-24	REHAB CONVENTIONAL WTP FILTERS	100335	1,751,647	
561-5100-535.69-31	SCADA SYSTEM UPGRADE @ WTP	100336	389,203	
561-5200-535.69-07	317 WATERLINE RELOCATION-2305/439	100223	208,787	
561-5200-535.69-09	S TEMPLE WATER SYSTEM IMPR	100333	2,487,100	
561-5200-535.69-11	WATERLINE-SOMERVILLE/2271	100171	207,532	
561-5200-535.69-23	PRESSURE PLANE EXPANSION	100043	193,283	
561-5200-535.69-28	WEST W&WW EXT-N OF 2305	100172	1,313,086	
561-5200-535.69-30	WATERLINE RELOCATION-OUTER LOOP	100089	912,500	
561-5200-535.69-34	WATERLINE AVE G TO 25TH	100388	52,920	
561-5200-535.69-36	TARVER-OLD WACO UTILITY RELOCATION	100391	187,850	
561-5400-535.69-20	WW LINE EXTENSION-FM 2305	100095	101,033	
561-5400-535.69-25	WW LINE REPLACEMENT-BIRD CREEK	100045	1,279,199	
561-5400-535.69-35	LILAC LANE SEWER LINE PROJECT	100390	477,700	
561-5400-535.69-37	GEN BRUCE & 57TH ST UTILITY RELOCATION	100470	21,458	
561-5500-535.69-32	DOSHIER-REHAB 5 LIFT SCREENS	100337	712,600	
561-5500-535.69-33	REHAB BELT FILTER-DOSHIER	100407	13,132	
561-5800-535.69-29	WATER BUSINESS OFFICE IMPR	100240	5,747	
TOTAL WATER & SEWER FUND			\$ 14,576,494	\$ -

CITY OF TEMPLE, TEXAS
PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS
CARRY FORWARD TO FY 2009-2010

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
<div>REINVESTMENT ZONE NO. 1</div>				
795-9500-531.26-16	PROFESSIONAL		\$ 67,650	
795-9500-531.26-27	INTERGOVERNMENTAL EXPENSE		129,709	
795-9500-531.63-10	BUILDINGS & GROUNDS	100460	400,000	
795-9500-531.63-17	STREETS & ALLEYS	100138	250,111	
795-9500-531.63-17	STREETS & ALLEYS	100258	915,769	
795-9500-531.65-14	MISC RAIL SPUR IMPROVEMENTS	100167	214,893	
795-9500-531.65-18	PUBLIC IMPROVEMENTS	100222	905,410	
795-9500-531.65-28	ANNUAL DOWNTOWN IMPROVEMENTS	100328	185,999	
795-9500-531.65-28	ANNUAL DOWNTOWN IMPROVEMENTS	100331	10,657	
795-9500-531.68-25	NORTH ZONE RR SPUR	100166	366,169	
795-9500-531.68-29	PEPPER CREEK GREENBELT PROJECT	100220	321,723	
795-9600-531.67-73	WESTERN ZONE PROJECT	100150	41,315	
795-9700-531.61-10	LAND	100166	3,661	
795-9700-531.65-32	BOND CONTINGENCY		176,730	
795-9700-531.67-73	WESTERN ZONE PROJECT	100150	204,006	
795-9700-531.68-25	NORTH ZONE RR SPUR	100256	23,700	
795-9700-531.68-25	NORTH ZONE RR SPUR	100166	264,464	
795-9700-531.68-26	AIRPORT PARK	100257	101,663	
795-9700-531.68-27	BIOSCIENCE PARK	100259	42,121	
795-9700-531.68-28	SOUTHEAST INDUSTRIAL PARK	100258	330,231	
795-9700-531.68-30	ELM CREEK DETENTION POND	950003	98,226	
795-9700-531.68-31	WENDLAND ROAD PROJECT	950007	192,687	
795-9700-531.68-36	UNDERGROUND STORM WATER IMPR	100166	8,956	
795-9700-531.68-37	WASTEWATER LIFT STATION	100166	3,877	
TOTAL REINVESTMENT ZONE NO. 1			\$ 5,259,727	\$ -
TOTAL CARRY FORWARDS - ALL FUNDS			\$ 38,157,041	\$ 4,833,498

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE CARRY FORWARD OF 2008-2009 FUNDS
TO THE 2009-2010 BUDGET; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, there are outstanding purchase orders and contracts that were not completed at the end of fiscal year 2008-2009 which need to be carried forward to fiscal year 2009-2010;

Whereas, these items will be received or completed during fiscal year 2009-2010;

Whereas, all unencumbered Community Development funds and ongoing Capital Projects also need to be carried forward to fiscal year 2009-2010; and

Whereas, the City Council deems it in the public interest to authorize the carry forward of 2008-2009 funds to the 2009-2010 budget.

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

Part 1: The City Council authorizes the Director of Finance to carry forward fiscal year 2008-2009 funds to the 2009-2010 budget, 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 **19th** day of **November**, 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

11/19/09
Item #5(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2009.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the Fiscal 2008/2009 year end results for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund, Drainage Fund, and the Reinvestment Zone No. 1 Fund as of September 30, 2009.

Included with these 4th quarter results will be various schedules detailing construction contracts, grants, sales tax, capital projects and investments.

As in the past years, we do not feel that there will be any significant variances of ending balances shown here when compared with the final audited financial reports. Final audited reports will be presented to the City Council in February 2010.

FISCAL IMPACT: These reports will establish year-end allocations of fund balances for all funds upon acceptance by the City Council.

ATTACHMENTS:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING THE FOURTH QUARTER FINANCIAL
RESULTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2009;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the fourth quarter 2008-2009 fiscal year financial results need to be approved by the City Council;

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

Whereas, the City Council deems it in the public interest to authorize this action.

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

Part 1: The City Council approves the fourth quarter financial results for the fiscal year ended September 30, 2009, incorporated herein and referred to by reference, a copy of which is on file in the Office the Finance Director.

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 **19th** day of **November**, 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

11/19/09

Item #6

Regular Agenda

Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-10-07: Consider adopting an ordinance authorizing amendments to the Choices '08 City of Temple Comprehensive Plan, 2030 Future Land Use and Character Plan Map, Figure 3.1 of the Plan.

PLANNING & ZONING COMMISSION RECOMMENDATION: The Commission recommended the adoption of an ordinance amending the 2030 Future Land Use and Character Plan Map, Figure 3.1 in the **Choices '08** Comprehensive Plan in agreement with Staff's recommendation. (Outlined below)

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for December 3, 2009.

ITEM SUMMARY: **Choices '08**, the City of Temple Comprehensive Plan was adopted in late September of 2008. Chapter 3 is the Urban Design and Future Land Use Chapter with an emphasis on Community Character – what essentially defines Temple's character today and in future years. One action statement requires an annual review and update of the Future Land Use and Character Plan.

The Future Land Use & Character Plan Map focuses on the character of the land compared to future land use categories. The idea is to look beyond individual sites while recognizing the impact of automobiles on community design. A community character approach also encompasses such factors as development density (generally determined by lot and building size), intensity (floor area or building coverage), ratios of open space and impervious cover, and the amount of vegetation or volume of landscaping. It is this combination of basic land use and the characteristics of such use that more accurately captures the "look and feel" of an area.

The proposed changes are procedural only. (Zoning Cases over the past year conformed to the Future Land Use & Character Plan Map.) Staff reviewed the Future Land Use and Character Plan Map for character changes due to utility extensions, road improvements, park development and airport expansions since the Plan's adoption. The Interstate 35 Overlay District was created this year which focuses on the influence of the Interstate and recommends sub-districts for open space, city entry, civic, freeway retail/commercial and industrial uses. Land Use changes also reflect the Airport Master Plan showing expanded runways. Updates were made to reflect the Park Plan improvements including the hike and bike trail linking the Bioscience area and FM 2305. Recommendations include the expansion of areas for suburban residential, suburban retail, auto urban mixed use and linear parks. Staff has ensured the protection and enhancement of economic assets – parks, business

parks, schools, airport etc. Staff considered several actions for amending the Future Land Use and Character Plan Map:

1. Development should be focused on infill areas and areas contiguous to the existing developed area and planned to occur sequentially outward as adequate facilities are available.
2. Ensure automatic updates to the Suburban Residential use from the Agricultural/Rural use when water or sewer improvements are extended or are available for development in an area.
3. Standards should ensure compatibility for mixed-use development.
4. Retail and service uses should be located at intersections of collector and arterial streets and at the neighborhood edge.

Changes to Map by Sector – Central, South and West Temple

The following items, as discussed earlier, are procedural only due to improvements in utilities, IH 35 Overlay District, and TMED linear park construction. Staff will have new amendments next year due to improvements in TMED, the Master Hike & Bike Trail Plan and road and utility improvements.

Central

1. Use Auto Urban Residential south of Case Road because of the newly developed apartments and planned residential areas. (Was Auto Urban Commercial).
2. Use Park/Open Space for the area along Friar's Creek in the TMED Area. (Was TMED).
3. Use Auto Urban Commercial west of 31st Street between Avenue T and Avenue M to conform to the Action Statement for commercial development at major intersections. (Was Auto Residential)
4. Use Auto Urban Mixed Use area shown as a buffer to the Auto Urban Commercial on 31st Street in conformance with the policy of buffering between Commercial and Mixed Use areas. (Was Auto Commercial)
5. Use Auto Urban Mixed Use is shown on Avenues G and H. (Was a mixture of Industrial and Retail).
6. Use Auto Urban Mixed Use is also shown on the IH 35 Corridor area planned for Freeway/Retail Commercial in the IH 35 Overlay District. (Was a mixture of Industrial and Retail).

South Temple

1. Use Suburban Commercial areas at intersection of Highway 93 and South 5th Street and South 31st Street to conform to the Land Use policy for commercial areas at major intersections. (Was Suburban Residential).
2. Use Suburban Commercial areas at intersection of South 5th Street and Hartrick Bluff Road to conform to the Land Use policy for commercial areas at major intersections. (Was Suburban Residential).
3. Use Suburban Commercial areas at intersection of Highway 93 and Old 95 (Little River Road) to conform to the Land Use policy for commercial areas at major intersections. (Was Suburban Residential).
4. Use Public Institutional for the school and church campus along Highway 93 (Was Suburban Residential).
5. Use Park/Open space for the linear Parks along Friars Creek and Canyon Creek to conform to the Park & Leisure Master Plan (Was Suburban Residential).

6. Use Auto Urban Commercial and Suburban Residential in the area near the southeast corner of Loop 363 & South 5th Street because of the planned 'flyover' of South 5th Street merging into South 1st Street. (Was Agricultural/Rural).

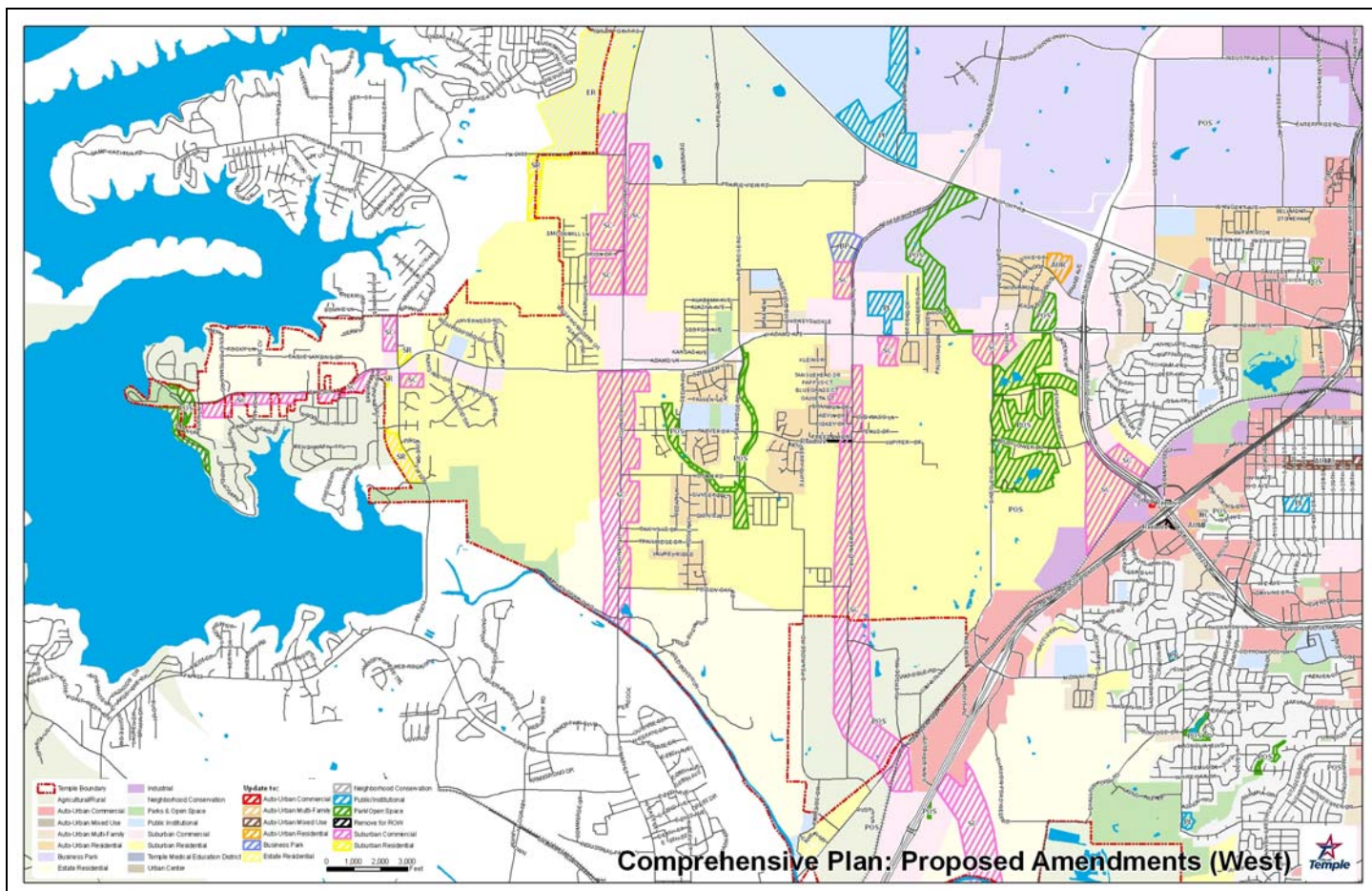
West Temple

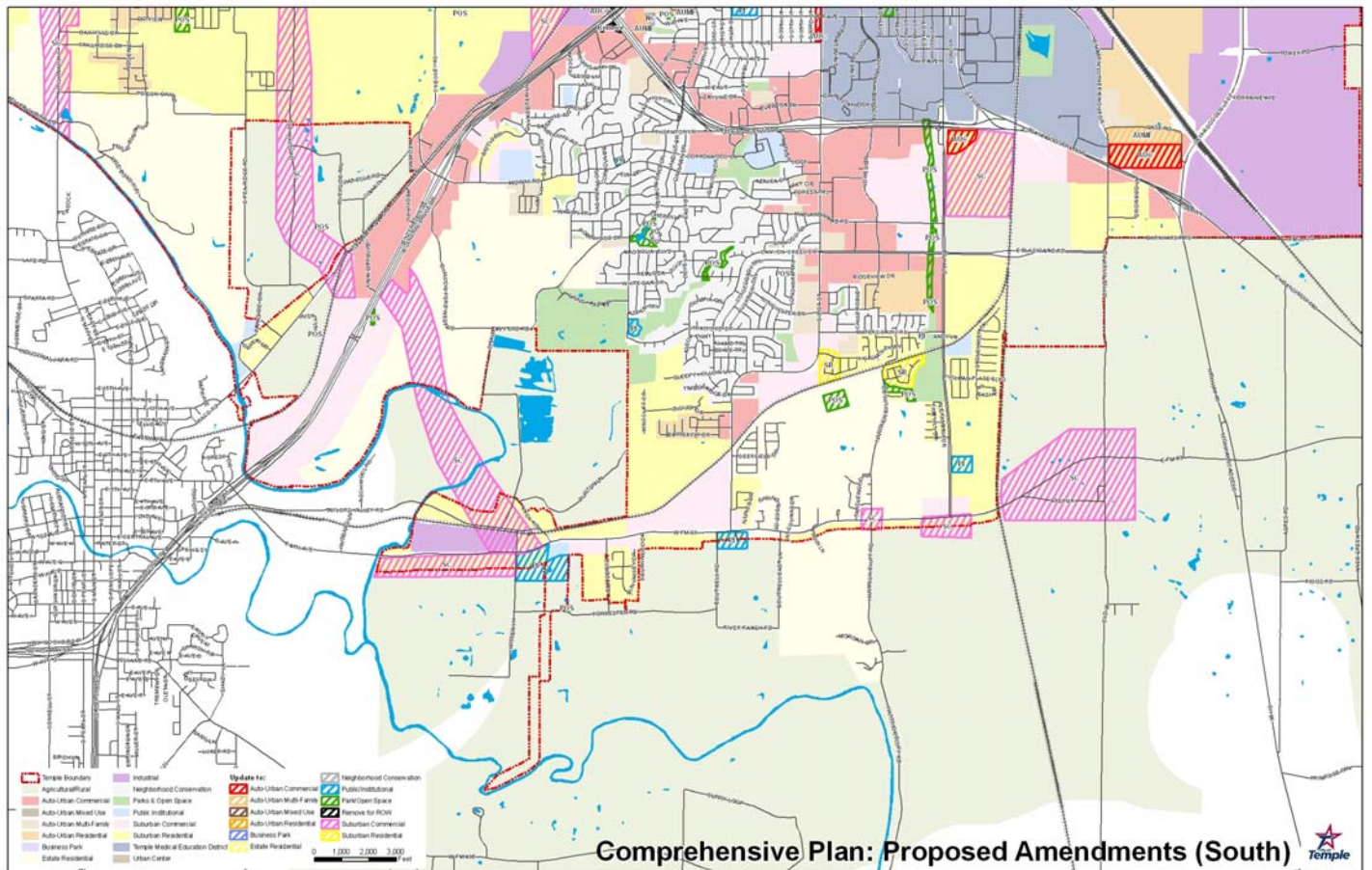
1. Use Park/Open Space for the proper boundary for the US Corps Parkland (Was Agricultural).
2. Use Estate Residential at Eagle Oaks at the Lake (Was Agricultural).
3. Use Suburban Commercial for areas along Kegley Road and FM 2305 to conform to existing development (Previously Suburban Residential and Agricultural).
4. Expand Public Institutional for the extension of the airport property (Was Rural).
5. Use Public Institutional for Catholic High School on FM 2305 (Was Suburban Residential).
6. Use Suburban Commercial at the northwest corner of the railroad and Loop 363 because of the relocated location of the Loop (Was Suburban Residential).
7. Use Suburban Commercial for areas bounded by Outer Loop (Was Suburban Residential).
8. Use Park/Open for the golfing area of Wildflower County Club (Was Suburban Residential).

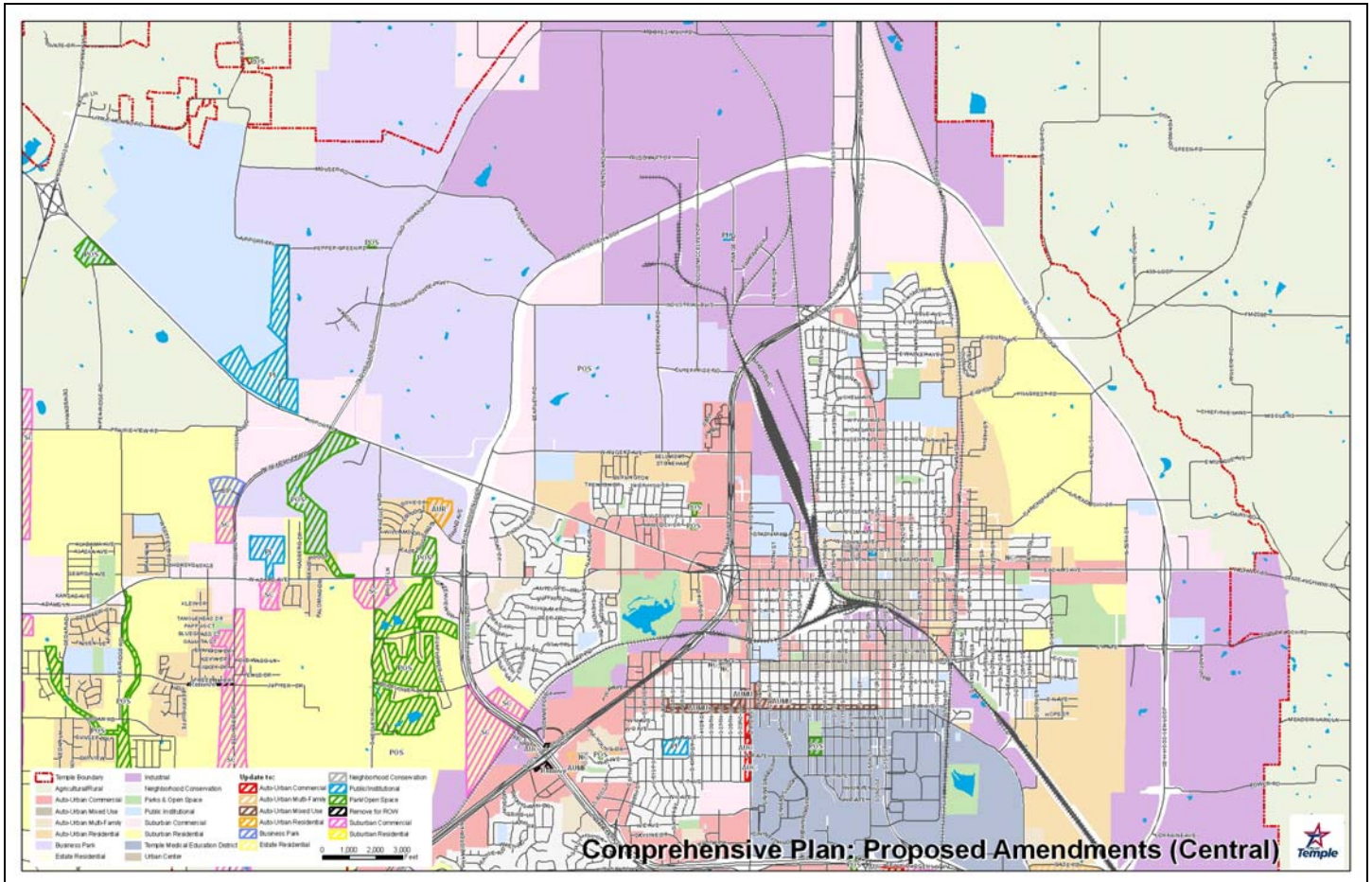
FISCAL IMPACT: None

ATTACHMENTS:

[Proposed Amendments \(West\)](#)
[Proposed Amendments \(South\)](#)
[Proposed Amendments \(Central\)](#)
[PZ Staff Report](#)
[Ordinance](#)









PLANNING & ZONING COMMISSION ITEM MEMORANDUM

11/02/09
Item 2
Regular Agenda
Page 1 of 7

DEPT. /DIVISION SUBMISSION & REVIEW: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Public Hearing, Discussion and Action Z-FY-10-07: Amend the 2030 Future Land Use and Character Plan Map, Figure 3.1. (Applicant: City of Temple)

STAFF RECOMMENDATION: Staff requests the Commission review and approve certain amendments shown on the 2030 Future Land Use and Character Plan Map, Figure 3.1.

ITEM SUMMARY:

Chapter 3 is the Urban Design and Future Land Use Chapter with an emphasis on Community Character – what essentially defines Temple’s character today and in future years. The Plan was adopted in late September of 2008. Staff work shopped this Chapter with the Commission last November. One action statement requires an annual review and update of the Future Land Use and Character Plan. The item is ready for your approval. The attached sheets show Plan sector amendments. Staff will have a full-sized map at the meeting.

The proposed changes are procedural only. (Zoning Cases over the past year conformed to the Future Land Use & Character Plan Map.) Staff reviewed the Future Land Use and Character Plan Map for character changes due to utility extensions, road improvements, park development and airport expansions since Plan’s adoption. The Interstate 35 Overlay District was created this year which focuses on the influence of the Interstate and recommends sub-districts for open space, city entry, civic, freeway retail/commercial and industrial uses. Land Use changes also reflect the Airport Master Plan showing expanded runways. Updates were made to reflect the Master Park Plan. Recommendations include the expansion of areas for suburban residential, suburban retail, auto urban mixed use and linear parks. Staff has ensured the protection and enhancement of economic assets – parks, business parks, schools, airport etc. Staff considered several actions for amending the Future Land Use and Character Plan Map:

1. Development should be focused in infill areas and areas contiguous to the existing developed area and planned to occur sequentially outward as adequate facilities are available.
2. Ensure automatic updates to the Suburban Residential use from the Agricultural/Rural use when water or sewer improvements are extended or are available for development in an area.
3. Standards should ensure compatibility and visual cohesiveness of mixed-use development.
4. Commercial development should be concentrated in nodes along primary roads to maintain safe and efficient traffic flow. Commercial development should also be developed in neighborhood centers which encourage pedestrian-oriented settings.
5. Retail and service uses should be located at intersections of collector and arterial streets and at the neighborhood edge.

The Future Land Use & Character Plan Map focuses on the character of the land compared to future land use categories. The idea is to look beyond individual sites while recognizing the impact of automobiles on community design. A community character approach also encompasses such factors as development density (generally determined by lot and building size), intensity (floor area or building coverage), ratios of open space and impervious cover, and the amount of vegetation or volume of landscaping. It is this combination of basic land use and the characteristics of such use that more accurately captures the “look and feel” of an area.

The character districts include:

1. Auto-Urban Commercial

Auto-urban development is the dominant character pattern. Examples of auto-urban commercial can be found along I-35, H.K. Dodgen Loop, 31st Street, and along Adams and Central avenues.

2. Auto-Urban Residential – Multi-Family

Examples of auto-urban residential, multi-family include the apartment complexes located along Chapel Street and Village Way.

3. Auto-Urban – Mixed Use

Examples of auto urban mixed use include those areas recommended for the Freeway-Commercial Retail sub-districts of the IH 35 Overlay District. These areas are located where H Avenue intersects IH 35 and the surrounding Interstate areas, south of downtown, and along the H Avenue corridor.

4. Auto-Urban – Single-Family

Auto-urban residential, single-family is the dominant residential development pattern of many established neighborhoods located inside the Inner Loop. A newer example is the Western Hills neighborhood. An established area is houses located in the Historical District.

5. Suburban Single-Family

Several suburban residential developments include some of the neighborhoods around Lake Belton and the subdivision surrounding the Wildflower Golf Course. Although lots sizes are smaller around the golf course than you would typically see in a suburban development, the presence of a significant amount of common open space and resulting character gives it a suburban feel.

6. Suburban Commercial

Examples of suburban commercial development include the southwest corner of Industrial Boulevard and the Loop, South 5th and FM 93, and Kegley and FM 2305. Suburban commercial development should be concentrated in nodes at major intersections and can be characterized by extensive landscaping and/or open space. The architectural style of buildings, building materials, roof, signage and lighting also all contribute to a suburban character.

7. Estate Character

An estate character requires low-density development on larger properties (typically one acre or larger), thereby producing a visual openness. The larger lot sizes, open space and vegetation are intended to be the more dominate views, while the buildings are to be apparent, yet secondary to the landscape. The estate character may resemble a larger version of the typical suburban character.

8. Rural Character

This character class includes three types: countryside, agricultural and natural. Much of the surrounding area has a rural character with scattered homesteads and other development. The visible distinction of rural character is the importance of the natural landscape, rather than buildings. Agricultural activities and undisturbed natural areas are the dominant land use rather than conventional suburban and estate residential developments.

Changes to Map by Sector

The following items, as discussed earlier, are procedural only due to improvements in utilities, IH 35 Overlay District, TMED and compliance with Action Statements. Staff will have new amendments next year due to improvements in TMED, Master Park Plan and the Master Hike & Bike Trail Plan.

Central

1. Use Auto Urban Residential south of Case Road because of the newly developed apartments and planned residential areas. (Was Auto Urban Commercial).
2. Use Park/Open Space for the area along Friar's Creek in the TMED Area. (Was TMED).
3. Use Auto Urban Commercial west of 31st Street between T Avenue and M Avenue to conform to the Action Statement for commercial development at major intersections. (Was Auto Residential)
4. Use Auto Urban Mixed Use area shown as a buffer to the Auto Urban Commercial on 31st Street in conformance with the policy of buffering between Commercial and Mixed Use areas. (Was Auto Commercial)
5. Use Auto Urban Mixed Use is shown on Avenues G and H. (Was a mixture of Industrial and Retail).
6. Use Auto Urban Mixed Use is also shown on the IH 35 Corridor area planned for Freeway/Retail Commercial in the IH 35 Overlay District. (Was a mixture of Industrial and Retail).

South Temple

1. Use Suburban Commercial areas at intersection of Highway 93 & South 5th Street and S 31st Street to conform to the Land Use policy for commercial areas at major intersections. (Was Suburban Residential).
2. Use Suburban Commercial areas at intersection of S 5th Street and Hartrick Bluff Road to conform to the Land Use policy for commercial areas at major intersections. (Was Suburban Residential).
3. Use Suburban Commercial areas at intersection of Highway 93 and Old 95 (Little River Road) to conform to the Land Use policy for commercial areas at major intersections. (Was Suburban Residential).
4. Use Public Institutional for the school and church campus along Highway 93 (Was Suburban Residential).
5. Use Park/Open space for the linear Parks along Friars Creek and Canyon Creek to conform to the Park & Leisure Master Plan (Was Suburban Residential).
6. Use Auto Urban Commercial and Suburban Residential in the area near the southeast corner of SEC of 363 & South 5th Street because of the planned 'flyover' of South 5th Street merging into South 1st Street. (Was Agricultural/Rural).

West Temple

1. Use Park/Open Space for the proper boundary for the US Corps Parkland (Was Agricultural).
2. Use Estate Residential at Eagle Oaks at the Lake (Was Agricultural).
3. Use Suburban Commercial for areas along Kegley Road and FM 2305 to conform to existing development (Previously Suburban Residential and Agricultural).
4. Expand Public Institutional for the extension of the airport property (Was Rural).
5. Use Public Institutional for Catholic High School on FM 2305 (Was Suburban Residential).
6. Use Suburban Commercial at the northwest corner of the railroad and Loop 363 because of the relocated location of the Loop (Was Suburban Residential).
7. Use Suburban Commercial for areas bounded by Outer Loop (Was Suburban Residential).
8. Use Park/Open for the golfing area of Wildflower County Club (Was Suburban Residential).

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-07]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHOICES '08 CITY OF TEMPLE COMPREHENSIVE PLAN, BY REVISING THE 2030 FUTURE LAND USE AND CHARACTER PLAN MAP, FIGURE 3.1; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City Council approved Ordinance No. 2008-4230 which adopted *Choices '08*, the City of Temple Comprehensive Plan;

Whereas, Chapter 3 of *Choices '08* is the Urban Design and Future Land Use chapter contains an emphasis on community character essentially defining Temple's character today and in future years – one action statement requires an annual review and update of the Future Land Use and Character Plan;

Whereas, on November 2, 2009, the Planning and Zoning Commission recommended the adoption of an ordinance amending the 2030 Future Land Use and Character Plan Map, Figure 3.1, in the *Choices '08* Comprehensive Plan;

Whereas, the changes, more fully described herein, are procedural only due to improvements in utilities, the IH 35 Overlay District, TMED linear park construction, and Airport Master Plan showing expanded runways;

Whereas, the Staff has ensured protection and enhancement of economic assets such as parks, business parks, schools, and the airport; and

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

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

Part 1: The City Council approves amending *Choices '08* City of Temple Comprehensive Plan, by revising the 2030 Future Land Use and Character Plan Map, Figure 3.1, by sector, as follows:

Central

1. Use Auto Urban Residential south of Case Road because of the newly developed apartments and planned residential areas.

2. Use Park/Open Space for the area along Friar's Creek in the TMED Area.
3. Use Auto Urban Commercial west of 31st Street between T Avenue and M Avenue to conform to the Action Statement for commercial development at major intersections.
4. Use Auto Urban Mixed Use area shown as a buffer to the Auto Urban Commercial on 31st Street in conformance with the policy of buffering between Commercial and Mixed Use areas.
5. Use Auto Urban Mixed Use is shown on Avenues G and H.
6. Use Auto Urban Mixed Use is also shown on the IH 35 Corridor area planned for Freeway/Retail Commercial in the IH 35 Overlay District.

South Temple

1. Use Suburban Commercial areas at intersection of Highway 93 & South 5th Street and S 31st Street to conform to the Land Use policy for commercial areas at major intersections.
2. Use Suburban Commercial areas at intersection of S 5th Street and Hartrick Bluff Road to conform to the Land Use policy for commercial areas at major intersections.
3. Use Suburban Commercial areas at intersection of Highway 93 and Old 95 (Little River Road) to conform to the Land Use policy for commercial areas at major intersections.
4. Use Public Institutional for the school and church campus along Highway 93.
5. Use Park/Open space for the linear Parks along Friars Creek and Canyon Creek to conform to the Park & Leisure Master Plan.
6. Use Auto Urban Commercial and Suburban Residential in the area near the southeast corner of SEC of 363 & South 5th Street because of the planned 'flyover' of South 5th Street merging into South 1st Street.

West Temple

1. Use Park/Open Space for the proper boundary for the US Corps Parkland.
2. Use Estate Residential at Eagle Oaks at the Lake.
3. Use Suburban Commercial for areas along Kegley Road and FM 2305 to conform to existing development.
4. Expand Public Institutional for the extension of the airport property.
5. Use Public Institutional for Catholic High School on FM 2305.
6. Use Suburban Commercial at the northwest corner of the railroad and Loop 363 because of the relocated location of the Loop.
7. Use Suburban Commercial for areas bounded by Outer Loop.
8. Use Park/Open for the golfing area of Wildflower County Club.

Part 2: 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 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 **19th** day of **November**, 2009.

PASSED AND APPROVED on Second Reading on the **3rd** day of **December**, 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

11/19/09
Item #7(A)–(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: (A) FIRST & FINAL READING – PUBLIC HEARING - Consider adopting an ordinance authorizing the issuance of City of Temple, Texas General Obligation Bonds, Series 2009; authorizing the levy of an ad valorem tax in support of the bonds; approving a Paying Agent/Registrar Agreement, an Official Statement and other agreements related to the sale and issuance of the bonds; and authorizing other matters relating to the issuance of the bonds, to be considered on an emergency basis.

(B) FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the issuance of City of Temple, Texas General Obligation Refunding Bonds, Series 2009; authorizing the levy of an ad valorem tax in support of the bonds; approving a Paying Agent/Registrar Agreement, an Escrow Agreement, an Official Statement and other agreements related to the sale and issuance of the bonds; and authorizing other matters relating to the issuance of the bonds, to be considered on an emergency basis.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description.

ITEM SUMMARY: This item is to award the sale of the bonds to the lowest negotiated bidder. The \$13,995,000 of General Obligation Bonds (approved by voters - May 2008) will be used to fund the following projects:

- Construction of a new Central Fire Station #1 and Fire Station #8/Training Center/Emergency Operations
- Purchase a new Fire Engine for Station # 8 and replacement of Fire Engine #1 and #4.
- Legal, fiscal, architectural and engineering fees in connection with these projects

The \$14,865,000* of General Obligation Refunding Bonds will be used to refund two bonds issues; Combination Tax and Revenue Certificates of Obligations, Series 2000 and Tax and Revenue Certificate of Obligations, (TIRZ) Series 2008.

*** THE ISSUE SIZE IS PRELIMINARY AND WILL BE SIZED AT THE TIME OF PRICING.**

Ratings for the bonds have been applied for with Standard & Poors. The ratings will be published on Tuesday, November 15, 2009. Pricing for the bonds will be obtained through a competitive bid process which will occur on Thursday morning, November 19, 2009.

The City's Financial Advisor, Specialized Public Finance Inc., will be at the meeting to review the offers with Council and designate the low interest rate bidder.

Funds will be delivered to our depository for use on December 17, 2009.

FISCAL IMPACT:

General Obligation Bonds, Series 2009: The FY 2010 tax rate adopted on September 3, 2009, included an additional 1.5¢ to cover the additional cost for debt service associated with the bonds.

General Obligation Refunding Bonds, Series 2009: The net present value savings for the 2000 CO Issue is approximately \$342,266 or \$48,000 per year. The net present value savings for the 2008 CO Issue is approximately \$701,280 or \$70,000 per year. The 2008 CO debt service is paid from RZ#1 funds.

ATTACHMENTS:

Ordinances – Hard Copies Available in City Secretary's Office



COUNCIL AGENDA ITEM MEMORANDUM

11/19/09
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with EMJ Corporation of Irving for the construction of a new Central Fire Station in the amount of \$3,406,125.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 10, 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. The bond election proposition included \$7,175,000 for a new Central Fire Station #1 with administrative offices. Council authorized the purchase of land at 210 N. 3rd Street for the new Central Fire Station on August 7, 2009. On September 17, 2008, Council authorized a professional services agreement with Wiginton Hooker Jeffry P.C. (WHJ) for the design of the facility. And on March 5, 2009, Council authorized the use of the competitive sealed proposal delivery method for the acquisition of the construction services related to the new Central Fire Station.

As shown on the attached summary of proposals, on October 6, 2009, 18 proposals were received for the 22,372 square foot two-story, four apparatus bay construction project with proposed base prices ranging from \$3,527,000 to \$4,365,000. The architect's estimate of probable cost for the facility was approximately \$6,000,000. The architect and City staff attributed the reason that prices came in under the architect's estimate was due to the overall state of the economy and construction industry.

As specified in the request for proposals (RFP), the proposal evaluation criteria were defined as follows:

- 50% Proposed Pricing
- 10% Contractor Experience & Qualifications
- 10% Contractor Current Work Schedule/Record and Proposed Project Timeline
- 10% Contractor Key Personnel assigned to the Project
- 10% Contractor References & Reputation
- 5% Contractor Safety Record and Quality Control Program
- 5% Contractor Financial Resources

A diversified seven-member proposal evaluation committee was formed to evaluate the 18 proposals. First the committee unanimously short-listed the proposals down to the four highest rated firms: Journeyman of Austin, Chaney-Cox of Temple, EMJ Corporation of Irving, and Chasco of Round Rock. The committee interviewed these four companies on October 26, 2009.

Based on the pre-defined evaluation criteria, the committee unanimously recommends award of the construction contract to EMJ Corporation. In addition to offering the lowest base pricing by \$99,000 under any other proposer, the committee found EMJ to be a well qualified company. EMJ proposed time to complete the construction project is approximately 11 months from the notice to proceed.

The recommended contract award consists of a base price for the 22,372 square feet two-story, four apparatus bay facility of \$3,527,000, plus \$4,125 to add a one-way exit gate from the Bank of America site to the Central Fire Station emergency exit (proposal alternate #4), less \$125,000 to remove the owner contingency embedded within the proposed pricing, for a total recommended contract of \$3,406,125. Any proposed changes to the construction contract will be handled through formally executed change orders versus using the contingency method.

FISCAL IMPACT: Funding in the amount of \$7,415,000 is designated in the 2009 General Obligation Bond in account 363-2200-522-6850, project # 100120 for the design and construction of the new Central Fire Station. After funding architectural services in the amount of \$696,000, consulting services in the amount of \$43,200, miscellaneous costs in the amount of \$7,800 related to the project, and allocation of issuance costs in an estimated \$240,160, a balance of \$6,427,840 is available for construction.

With respect to the cost of this facility coming in lower than budgeted, it is staff's recommendation that the savings be invested in the new Fire Training Drill Grounds, which is currently being master planned with the vision of positioning it behind the proposed new Station 8/EOC/Training Center on the southeast corner of the Airport.

ATTACHMENTS:

[Summary of Proposals](#)
[Resolution](#)

City of Temple

CONSTRUCTION OF NEW CENTRAL FIRE STATION

Summary of Proposals Received on October 6, 2009

	Vendor	City	Proposed Base Price	Alt 1 (a)	Alt 2 (b)	Alt 3 (c)	Alt 4 (d)	Price with All Alternates
1	Baird/Williams Construction, Ltd	Temple, TX	\$ 4,011,053.00	\$ (29,444.00)	\$ (20,730.00)	\$ (25,000.00)	\$ 8,933.00	\$ 3,944,812.00
2	Burton Construction Co.	Sugar Land, TX	\$ 3,950,000.00	\$ (20,000.00)	\$ (24,000.00)	\$ (30,000.00)	\$ 8,500.00	\$ 3,884,500.00
3	Chaney-Cox Construction, Inc.	Temple, TX	\$ 3,655,937.00	\$ (19,300.00)	\$ (35,800.00)	\$ (30,000.00)	\$ 9,300.00	\$ 3,580,137.00
4	Chasco Constructors, Ltd., LLP	Round Rock, TX	\$ 3,858,000.00	\$ (19,000.00)	\$ (25,000.00)	\$ (25,000.00)	\$ 10,000.00	\$ 3,799,000.00
5	EBCO General Contractor, Ltd	Cameron, TX	\$ 3,860,000.00	\$ (40,000.00)	\$ (39,000.00)	\$ (4,500.00)	\$ 7,250.00	\$ 3,783,750.00
6	Emerson Construction Company, Inc.	Temple, TX	\$ 4,365,400.00	\$ (28,000.00)	\$ (8,500.00)	\$ (30,000.00)	\$ 9,600.00	\$ 4,308,500.00
7	EMJ Corporation	Irving, TX	\$ 3,527,000.00	\$ (40,000.00)	\$ (35,900.00)	\$ (5,000.00)	\$ 4,125.00	\$ 3,450,225.00
8	FTWOODS Construction Services, Inc.	Georgetown, TX	\$ 3,985,000.00	\$ (24,000.00)	\$ (40,000.00)	\$ (12,000.00)	\$ 12,000.00	\$ 3,921,000.00
9	Harvey-Cleary Builders	Austin, TX	\$ 3,960,530.00	\$ (15,750.00)	\$ (17,450.00)	\$ (4,500.00)	\$ 6,360.00	\$ 3,929,190.00
10	Journeyman Construction	Austin, TX	\$ 3,626,000.00	\$ (11,640.00)	\$ (16,000.00)	\$ (4,500.00)	\$ 9,576.00	\$ 3,603,436.00
11	MAVCON	Corpus Christi, TX	\$ 3,768,365.00	\$ (34,140.00)	\$ (42,150.00)	\$ (30,000.00)	\$ 8,595.00	\$ 3,670,670.00
12	Mitchell Enterprises, Ltd	Sherman, TX	\$ 4,123,000.00	\$ (4,500.00)	\$ (26,450.00)	\$ (31,800.00)	\$ 6,800.00	\$ 4,067,050.00
13	MW Builders of Texas, Inc.	Temple, TX	\$ 3,869,000.00	\$ (19,000.00)	\$ (35,000.00)	\$ (25,000.00)	\$ 5,825.00	\$ 3,795,825.00
14	Roth Construction, Inc.	Round Rock, TX	\$ 4,158,401.00	\$ (30,000.00)	\$ (11,000.00)	\$ (15,000.00)	\$ 8,586.00	\$ 4,110,987.00
15	Stewart Builders, Inc.	Georgetown, TX	\$ 4,160,000.00	\$ (28,500.00)	\$ (17,000.00)	\$ (20,000.00)	\$ 15,000.00	\$ 4,109,500.00
16	STR Constructors, Ltd	Liberty Hill, TX	\$ 3,990,000.00	\$ (22,000.00)	\$ (29,500.00)	\$ (30,000.00)	\$ 9,900.00	\$ 3,918,400.00
17	Summit Builders	Dallas, TX	\$ 3,999,000.00	\$ (19,000.00)	\$ (24,000.00)	\$ (30,000.00)	\$ 9,000.00	\$ 3,935,000.00
18	Tri-North Builders, Inc.	Fitchburg, WI	\$ 4,010,500.00	\$ (22,000.00)	\$ (20,000.00)	\$ (6,900.00)	\$ 5,100.00	\$ 3,966,700.00

(a) Asphalt shingles in lieu of standing seam metal roof panels

(b) Metal copings in lieu of cast stone copings

(c) Delete carton forms below structural grade beams

(d) Adding parking lot barrier gate between BoA leased parking lot and FS 3rd Street exit

Proposal recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH EMJ CORPORATION OF IRVING, TEXAS, FOR THE CONSTRUCTION OF A NEW CENTRAL FIRE STATION, IN THE AMOUNT OF \$3,406,125; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 6, 2009, the City received 18 proposals for the construction of a new Central Fire Station;

Whereas, a diversified 7-member proposal evaluation committee reviewed the 18 proposals and unanimously short-listed the proposals down to the 4 highest rated firms who were interviewed by the evaluation committee;

Whereas, based on the pre-defined evaluation criteria, the committee unanimously recommends award of the bid to EMJ Corporation of Irving, Texas, in the amount of \$3,406,125;

Whereas, funds are available for this project in Account 363-2200-522-6850, project #100120; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, in the amount of \$3,406,125, with EMJ Corporation of Irving, Texas, after approval as to form by the City Attorney, to construct the new Central Fire Station.

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

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney