



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, DECEMBER 3, 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, December 3, 2009.
2. Receive update on the Strategic Investment Zones (SIZ) projects.
3. Discuss proposed amendments to the City's Code of Ordinances, as follows:
 - (A) Chapter 10, "Electrical Code"
 - (B) Chapter 23, "Minimum Housing Standards"
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 Municipal Court Judge and City Secretary. 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. SPECIAL PRESENTATIONS

3. Receive presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of [Child Safety Funds collected](#) in the amount of \$75,580.08.

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes:

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

Contracts, Leases & Bids:

- (B) [2009-5893-R](#): Consider adopting a resolution authorizing a contract with Wheeler Coating Asphalt, LP of Belton for milling and resurfacing East Avenue H from South 10th Street to South 1st Street in the amount of \$116,155.
- (C) [2009-5894-R](#): Consider adopting a resolution authorizing a contract with K&S Backhoe Services, Inc., of Gatesville for construction services required to construct the Lilac Lane Sewer Extension in southwest Temple in an amount not to exceed \$76,468.10.

Ordinance – Second & Final Reading:

- (D) [2009-4331](#): SECOND READING – Consider adopting an ordinance dual naming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as Old Howard Road/ Research Parkway.
- (E) [2009-4328](#): SECOND READING – 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.

Misc.

- (F) [2009-5895-R](#): Consider adopting a resolution authorizing the submission of a grant application for the Staffing for Adequate Fire and Emergency Response (SAFER) grant through the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grants (AFG) Program Office.
- (G) [2009-5896-R](#): Consider adopting a resolution authorizing submission of an application for funding through the Texas Department of Transportation, Transportation Enhancement Program, in the amount of \$2,750,000 with \$2,062,500 reimbursed to the City through federal funding, to develop lighted and landscaped linear trails, and median improvements in the Temple Medical and Education District.
- (H) [2009-5897-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

V. REGULAR AGENDA

ORDINANCES

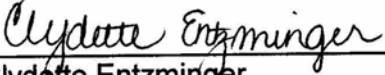
5. **2009-4332:** FIRST READING – PUBLIC HEARING – Z-FY-10-03: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS) on 5.6+ acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, 3,500+ feet north of the West Adams/SH 317 intersection.
6. **2009-4333:** FIRST READING – PUBLIC HEARING – Z-FY-10-05: Consider adopting an ordinance authorizing a zoning change from a Planned Development District (PDD) to General Retail District (GR) at the Wildflower Commercial Subdivision Lot 1, Block 2, at the southeast corner of Bright Lane and West Adams Avenue.
7. **2009-4334:** FIRST READING— PUBLIC HEARING - Consider adopting an ordinance amending Chapter 10, "Electrical Code," of the Code of Ordinances of the City of Temple, Texas, to incorporate the adoption of the 2008 National Electric Code (NEC).

RESOLUTIONS

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 8:50 AM, on November 25, 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

12/03/09
Item #3
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$75,580.08.

STAFF RECOMMENDATION: Accept presentation as presented in item description.

ITEM SUMMARY: Presentation by Bell County Judge Jon Burrows and Sharon Long, Tax Assessor/Collector of child safety funds for the period October 1, 2008 through September 30, 2009 in the amount of \$75,580.08.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

12/03/09
Item #4(A)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

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

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[November 19, 2009 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

NOVEMBER 19, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, November 19, 2009, at 3:00 PM in the 3rd Floor Conference Room, 2 North Main Street.

Present:

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

Absent:

Councilmember Tony Jeter

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 19, 2009.

Agenda item 4 - Public Appearance: Jonathan Graham, City Attorney, provided some background information regarding this item.

Agenda items 5(D), (M), (N) - TMED Improvements, Safe Routes to Schools Grant, and Capital Improvement Plan: Traci Barnard, Director of Finance, noted these items would be discussed during her presentation of the fourth quarter financials.

Agenda items 7 and 8 - Sale of bonds and construction contract for Central Fire Station: Mrs. Barnard stated these bonds were sold this morning. Eleven bids were received for the GO bonds, with the average interest rate being 3.92%.

2. Discuss fourth quarter financial results, including Capital Improvement and grant funded projects.

Traci Barnard, Director of Finance, presented this item to the City Council. She began with a review of the General Fund revenues and expenditures. An additional \$1.9 million will be added to fund balance at year end. Mrs. Barnard also presented the revenues and expenses for the Water and Wastewater Fund and Drainage Fund, noting the fund balance in the Drainage Fund will be used to pay for drainage projects.

Mrs. Barnard continued with a review of the Capital Improvement Program, 186 projects totaling \$114,847,739. An item on the regular agenda will recommend amending the adopted CIP program and Mrs. Barnard highlighted some of the projects, including the Birdcreek Wastewater Line Replacement; 18" Waterline Replacement from the Wastewater Treatment Plant to Loop 363; the Temple Belton Regional Sewerage System Plant Expansion; and Wastewater Treatment Plant Assessment Project.

David Blackburn, City Manager, reviewed the Schedule of Federal and State Funding as of November 17, 2009. He noted those projects underway and pending, as well as the source of funds for each. Some of the projects highlighted included the Department of

Energy Grant; Safe Routes to School Program; and the Surface Transportation and Enhancement Program (STEP).

Mayor Jones reviewed the Council's fourth quarter expenditures, including travel related expenses.

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.**

Mayor Jones announced the City Council would enter into executive session at this time, approximately 4:00 p.m.

The regular session was reconvened at approximately 5:00 p.m. with no action being taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 19, 2009 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Tony Jeter

I. CALL TO ORDER

1. Invocation

Gary Smith, Police Chief, voiced the invocation.

2. Pledge of Allegiance

Members of Boy Scout Troop 153 led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. America Recycles Day November 15, 2009

Mayor Jones presented this proclamation to Zoe Rascoe, representing Keep Temple Beautiful, Inc.

III. PUBLIC APPEARANCES

4. Receive comments from Mr. Edward L. Hesse regarding availability of city

water to the residents on Lower Troy Road.

Mr. Edward Hesse addressed the City Council. He explained he is on the Little Elm Watershed and they have been without water several times, particularly during recent heavy rains. They are close to the water tower and any changes to the system cause their water to turn black. This has happened four or five times this year alone. This property has been in the City since 1976 and they still do not have City water or fire hydrants, only garbage service. According to the City, there were no standards for properties that were annexed into the City at that time. Mr. Hesse stated he has contacted the Attorney General and he was provided with information about what the City should have done. If these property owners are due water, they should be provided water and fire hydrants.

Mayor Jones stated staff has done some preliminary work on this matter and can meet with Mr. Hesse and the residents on Lower Troy Road to discuss this matter further.

IV. PUBLIC COMMENTS

Margaret Briley, 4209 Lower Troy Road, addressed the City Council. She stated when taxes are being paid you expect what everybody else receives. Water is being provided beyond them to the silo, and they also have fire protection service. FM 438 also has water, and this is past and east of her property. Ms. Briley stated she has been told previously that the City cannot afford to run the pipes to serve their property.

Dorothy Goodall, 1111 North 7th Street, addressed the City Council regarding Adams Avenue and 9th Street. On the northwest corner of this intersection, the right hand lane has a huge pothole which has been patched many times and it is still a dangerous situation. On the south side of 9th Street, all of the pavement markings are worn off and this also creates a dangerous situation. Mrs. Goodall expressed her appreciation to Councilmember Jeter for all of the assistance he has given to the citizens on the north side of town.

V. CONSENT AGENDA

- 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

(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.**

(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.**

(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.

Motion by Councilmember Russell Schneider to adopt resolution approving Consent Agenda items, with exception of item 5(P), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(P) 2009-5891-R: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2009.

Traci Barnard, Director of Finance, provided a summary review of the fourth quarter financials for the fiscal year ended September 30, 2009. She reviewed the revenues and expenditures for the General Fund and Water and Wastewater Fund. Sales tax revenues were down 1.75% this year from the previous 12-month period. Mrs. Barnard also reviewed the additions to fund balance, noting the fiscal year ended with a total fund balance of \$3,046,090.

Motion by Councilmember Marty Janczak to adopt resolution 5(P), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.**

Tim Dolan, Planning Director, presented this item to the City Council. This plan was adopted in September 2008 and the action statements require an annual review and update of the Future Land Use and Character Plan. Chapter 3 focuses on urban design and future land use with an emphasis on community character. Mr. Dolan reviewed the Future Land Use Map, noting the changes being recommended in the central, south and west portions of the City. These changes are procedural only and will bring the Land Use and Character Plan Map into compliance.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading set for December 3, 2009, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.

Traci Barnard, Director of Finance, presented items (A) and (B) to the City Council. She explained the proceeds from the GO bonds will be used to fund fire improvements, including fire stations and fire engines. The refunding bonds will refund two outstanding issues, Certificates of Obligation, Series 2000, and TIRZ Series 2008 bonds. There was a competitive sale earlier today for these two bonds.

Dan Wegmiller, Financial Advisor for Specialized Public Finance, Inc., addressed the Council. Mr. Wegmiller reviewed the bond rating received by Standard and Poor's, which affirmed the City's existing AA rating. He noted some of the comments made in the rating letter which indicate Temple's financial strength. Next, Mr. Wegmiller presented the results of the bids received. The low interest rate received for the GO bonds was 3.92% from UBS Financial Services, Inc. Robert W. Baird & Co., Inc. submitted the low interest rate of 2.62% for the refunding bonds, which represents a 7.55% savings over the life of the bonds.

Bart Fowler, McCall, Parkhurst & Horton, LLP, stated the pricing information will be included in the proposed ordinances. He reminded Council a tax levy is associated with the issuance of these bonds.

Mayor Jones declared the public hearing open with regard to agenda items 7(A) & (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Marty Janczak to adopt ordinances 7(A) and (B) as presented on first and final reading, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.

Jonathan Graham, City Attorney, stated two Councilmembers have filed Abstention Affidavits so action cannot be taken regarding this item since three votes are required. This item will be brought to the Council on December 3rd.

ATTEST:

William A. Jones, III, Mayor

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

12/03/09
Item #4(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Wheeler Coating Asphalt, LP of Belton for milling and resurfacing East Avenue H from South 10th Street to South 1st Street in the amount of \$116,155.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 17th 2009, the City received three (3) bids for East Avenue H Milling and Resurfacing. The bids are shown on the attached tabulation.

The last major improvements to East Avenue H from South 10th Street to South 1st Street were in 1997. The street is in need of milling, seal coating, and asphalt overlay.

The low bidder was Wheeler Coating Asphalt, LP of Belton, Texas. The City has done business with Wheeler Coating Asphalt, LP in the past and finds them to be a responsible bidder.

FISCAL IMPACT: \$122,855 of Community Development Block Grant (CDBG) funds is available in account 260-6100-571-63-17 project # 100512, Streets and Alleys.

ATTACHMENTS:

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

Tabulation of Bids Received
on November 17, 2009 at 2:00 p.m.
CDBG Avenue H Milling & Resurfacing

| | | Bidders | | | | | |
|---|-------|-----------------------------------|-------------|--------------------------------|-------------|-----------------------------|-------------|
| | | Wheeler Coating Asphalt Belton | | Austin Bridge & Road Austin | | JD Ramming Paving Austin | |
| Description | | | | | | | |
| Furnish and install all materials, labor, overhead, and profit required for: | Qty | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price |
| Milling | 11000 | \$1.10 | \$12,100.00 | \$1.15 | \$12,650.00 | \$2.00 | \$22,000.00 |
| Seal Coating | 11000 | \$2.45 | \$26,950.00 | \$2.20 | \$24,200.00 | \$3.00 | \$33,000.00 |
| Overlay | 1225 | \$57.60 | \$70,560.00 | \$65.00 | \$79,625.00 | \$55.00 | \$67,375.00 |
| 4" Yellow Striping | 3600 | \$0.60 | \$2,160.00 | \$0.91 | \$3,276.00 | \$0.60 | \$2,160.00 |
| 4" White Striping | 1000 | \$0.60 | \$600.00 | \$0.91 | \$910.00 | \$0.60 | \$600.00 |
| 24" White Striping | 340 | \$5.25 | \$1,785.00 | \$3.64 | \$1,237.60 | \$5.25 | \$1,785.00 |
| Provide Mobilization, Bonds, Permits, & Insurance | 1 | \$2,000.0000 | \$2,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| TOTAL | | \$116,155.00 | | \$131,898.60 | | \$136,920.00 | |
| Bid Bond | | 5% | | No | | 5% | |
| Bond Affidavit | | Yes | | Yes | | Yes | |
| Insurance Affidavit | | Yes | | Yes | | Yes | |
| Credit Check Authorization | | Yes | | No | | Yes | |

Recommended for Council Award

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

Belinda Mattke

17-Nov-09

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH WHEELER COATING ASPHALT, LP, OF BELTON, TEXAS, FOR MILLING AND RESURFACING EAST AVENUE H FROM SOUTH 10TH TO SOUTH 1ST STREET, IN THE AMOUNT OF \$116,155; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 17, 2009, the City received 3 bids for milling and resurfacing East Avenue H from South 10th to South 1st Street;

Whereas, Staff recommends accepting the bid (\$116,155) from Wheeler Coating Asphalt, LP, of Belton, Texas;

Whereas, funds are available for this project in Account No. 260-6100-571-6317, project # 100512; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract between the City of Temple and Wheeler Coating Asphalt, LP, of Belton, Texas, after approval as to form by the City Attorney, for milling and resurfacing East Avenue H from South 10th to South 1st Street, in an amount not to exceed \$116,155.

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

PASSED AND APPROVED this the 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

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Item #4(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with K&S Backhoe Services, Inc., of Gatesville for construction services required to construct the Lilac Lane Sewer Extension in southwest Temple in an amount not to exceed \$76,468.10.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: Sanitary sewer services are currently unavailable to residences in the vicinity of Lilac Lane. Sewer service can be extended from existing infrastructure.

On March 5, 2009, Council authorized a professional services contract with Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP), for engineering services required to implement the wastewater utilities extension.

Infrastructure constructed with this project will consist of approximately 1100 feet of 8" diameter PVC wastewater line, seven manholes, and seven wastewater service taps.

The engineer's Opinion of Probable Cost (OPC) for this construction project was \$181,500. Bids ranged from \$76,468.10 to \$112,659.70 (see attached Bid Tab & Summary). On recent projects, the City has typically received bids significantly below OPC's due to current economic conditions. The range and distribution of bid totals were consistent with typical sewer line projects. BSP recommends awarding a contract to the low bidder, K&S.

Construction time allotted for this project is 120 days.

FISCAL IMPACT: The cost of this construction contract is \$76,468.10. Funding in the amount of \$500,000 was appropriated in account 561-5400-535-6935, project #100390 for the Lilac Lane Project from the 2008 Utility Revenue Bond Issue. After funding engineering services in the amount of \$39,700 and \$150 of miscellaneous expenditures related to the project, a balance of \$459,850 is available for this contract. This construction contract will complete this sewer extension project.

ATTACHMENTS:

[Bid Tab](#)
[Resolution](#)

Bid Tabulation Sheet

City of Temple, Lilac Lane Sanitary Sewer Extension

| Bid Date - November 17, 2009 | | | | K&S Backhoe Services, Inc. | | TTG Utilities, LP | | Patin Construction, LLC | | Smetana & Associates | | McLean Construction | |
|------------------------------|---|------------|-----|----------------------------|---------------------|-------------------|---------------------|-------------------------|---------------------|----------------------|---------------------|---------------------|----------------------|
| No. | Item Descr. | Est. Quan. | UOM | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost |
| | New S. S. Main Construction- BID Schedule-Base BID | | | | | | | | | | | | |
| 1 | Provide Mobilization, Bonds, Permits & Insurance | 100% | LS | \$ 3,337.79 | \$ 3,337.79 | \$ 5,850.00 | \$ 5,850.00 | \$ 7,200.00 | \$ 7,200.00 | \$ 3,153.00 | \$ 3,153.00 | \$ 5,120.00 | \$ 5,120.00 |
| 2 | Site Preparation & Clearing | 12 | STA | \$ 215.28 | \$ 2,583.36 | \$ 92.00 | \$ 1,104.00 | \$ 1,000.00 | \$ 12,000.00 | \$ 401.00 | \$ 4,812.00 | \$ 635.00 | \$ 7,620.00 |
| 3 | Traffic Control Plan | 100% | LS | \$ 1,710.00 | \$ 1,710.00 | \$ 3,850.00 | \$ 3,850.00 | \$ 2,400.00 | \$ 2,400.00 | \$ 5,201.00 | \$ 5,201.00 | \$ 4,228.00 | \$ 4,228.00 |
| 4 | Provide 4" Diameter Precast Concrete Manhole W/32"Ring | 7 | EA | \$ 1,813.42 | \$ 12,693.94 | \$ 2,450.00 | \$ 17,150.00 | \$ 3,000.00 | \$ 21,000.00 | \$ 2,630.00 | \$ 18,410.00 | \$ 1,786.00 | \$ 12,502.00 |
| 5 | Provide Connection to Exist. Trunk Sewer | 1 | EA | \$ 500.00 | \$ 500.00 | \$ 825.00 | \$ 825.00 | \$ 1,200.00 | \$ 1,200.00 | \$ 637.00 | \$ 637.00 | \$ 888.00 | \$ 888.00 |
| 6 | Provide New Sanitary Sewer Services | 7 | EA | \$ 522.90 | \$ 3,660.30 | \$ 610.00 | \$ 4,270.00 | \$ 1,000.00 | \$ 7,000.00 | \$ 643.00 | \$ 4,501.00 | \$ 698.00 | \$ 4,886.00 |
| 7 | Provide New 8" PVC SDR 26 Sanitary Sewer Main | 1130 | LF | \$ 29.03 | \$ 32,803.90 | \$ 22.00 | \$ 24,860.00 | \$ 21.00 | \$ 23,730.00 | \$ 19.43 | \$ 21,955.90 | \$ 36.20 | \$ 40,906.00 |
| 8 | Remove & Replace Existing Roadway Section | 1252 | SY | \$ 13.46 | \$ 16,851.92 | \$ 22.00 | \$ 27,544.00 | \$ 12.00 | \$ 15,024.00 | \$ 26.00 | \$ 32,552.00 | \$ 18.60 | \$ 23,287.20 |
| 9 | Provide Trench Shoring per OSHA | 100% | LS | \$ 1,326.89 | \$ 1,326.89 | \$ 2,100.00 | \$ 2,100.00 | \$ 1,000.00 | \$ 1,000.00 | \$ 1,634.00 | \$ 1,634.00 | \$ 2,126.00 | \$ 2,126.00 |
| 10 | Provide all Testing as Required | 100% | LS | \$ 1,000.00 | \$ 1,000.00 | \$ 1,400.00 | \$ 1,400.00 | \$ 1,500.00 | \$ 1,500.00 | \$ 3,442.00 | \$ 3,442.00 | \$ 2,541.00 | \$ 2,541.00 |
| | TOTAL BASE BID, CDBG SANITARY SEWER IMP. | | | | \$ 76,468.10 | | \$ 88,953.00 | | \$ 92,054.00 | | \$ 96,297.90 | | \$ 104,104.20 |

Bid Tabulation Sheet

City of Temple, Lilac Lane Sanitary Sewer Extension

| Bid Date - November 17, 2009 | | | | Haley Nelson Construction, LLC | | Bell Contractors, Inc. | |
|------------------------------|---|------------|-----|--------------------------------|----------------------|------------------------|----------------------|
| No. | Item Descr. | Est. Quan. | UOM | Unit Price | Total Cost | Unit Price | Total Cost |
| | New S. S. Main Construction- BID Schedule-Base BID | | | | | | |
| 1 | Provide Mobilization, Bonds, Permits & Insurance | 100% | LS | \$ 10,700.00 | \$ 10,700.00 | \$ 5,000.00 | \$ 5,000.00 |
| 2 | Site Preparation & Clearing | 12 | STA | \$ 1,150.00 | \$ 13,800.00 | \$ 200.00 | \$ 2,400.00 |
| 3 | Traffic Control Plan | 100% | LS | \$ 1,250.00 | \$ 1,250.00 | \$ 6,200.00 | \$ 6,200.00 |
| 4 | Provide 4" Diameter Precast Concrete Manhole W/32"Ring | 7 | EA | \$ 2,500.00 | \$ 17,500.00 | \$ 2,310.00 | \$ 16,170.00 |
| 5 | Provide Connection to Exist. Trunk Sewer | 1 | EA | \$ 3,900.00 | \$ 3,900.00 | \$ 1,417.00 | \$ 1,417.00 |
| 6 | Provide New Sanitary Sewer Services | 7 | EA | \$ 600.00 | \$ 4,200.00 | \$ 1,398.00 | \$ 9,786.00 |
| 7 | Provide New 8" PVC SDR 26 Sanitary Sewer Main | 1130 | LF | \$ 15.00 | \$ 16,950.00 | \$ 27.85 | \$ 31,470.50 |
| 8 | Remove & Replace Existing Roadway Section | 1252 | SY | \$ 29.00 | \$ 36,308.00 | \$ 26.85 | \$ 33,616.20 |
| 9 | Provide Trench Shoring per OSHA | 100% | LS | \$ 1,421.00 | \$ 1,421.00 | \$ 3,500.00 | \$ 3,500.00 |
| 10 | Provide all Testing as Required | 100% | LS | \$ 2,250.00 | \$ 2,250.00 | \$ 3,100.00 | \$ 3,100.00 |
| | TOTAL BASE BID, CDBG SANITARY SEWER IMP. | | | | \$ 108,279.00 | | \$ 112,659.70 |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH K&S BACKHOE SERVICES, INC., OF GATESVILLE, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED TO CONSTRUCT THE LILAC LANE SEWER EXTENSION IN SOUTHWEST TEMPLE, IN THE AMOUNT OF \$76,468.10; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 17, 2009, the City received 7 bids for construction services required to construct the Lilac Lane Sewer Extension in southwest Temple;

Whereas, Staff recommends accepting the bid (\$76,468.10) from K&S Backhoe Services, Inc., of Gatesville, Texas;

Whereas, funds are available for this project in Account No. 561-5400-535-6935, project # 100390; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract between the City of Temple and K&S Backhoe Services, Inc., of Gatesville, Texas, after approval as to form by the City Attorney, for construction services required to construct the Lilac Lane Sewer Extension in southwest Temple, in an amount not to exceed \$76,468.10

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 3rd day of **December**, 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

12/03/09
Item #4(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

D. Blackburn, City Manager

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance dual naming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as Old Howard Road/ Research Parkway.

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

ITEM SUMMARY: This item was tabled at Council's July 17, 2008 meeting at the request of the City Manager in order to confirm representations received from the United States Post Office ('USPS') that, in addition to re-naming the street, 'dual' street naming was also a viable option and would not present any issues or objections from USPS.

The City recently received confirmation from USPS that 'dual' street naming is an acceptable practice and that the USPS would not interpose objections to such for the roadways that might be impacted by the historical and continued development of the Outer Loop.

As Council may recall, The Reinvestment Zone No. 1 Board of Directors, upon a request from the Temple Economic Development Corporation, recommended changing the name for a portion of the Outer Loop to Old Howard Road/ Research Parkway, as indicated on the attached map. The purpose is to facilitate its identification for economic development purposes. The proposed street name does not conflict with other names in Temple. All City departments reviewed the request. The ordinance will take affect 30 days after the second reading to allow time for the installation of new street signs and update maps.

According to the City of Temple policy, described in Resolution #2002-3395-R, a street name change may be considered when a majority of the area is recognized as a significant contribution by an organization to the enhancement of the quality of life in the community. This portion of the Outer Loop is suited to the dual naming of Old Howard Road/ Research Parkway.

Recommendation from staff is to accept the recommendation from the Reinvestment Zone No. 1 Board of Directors as it relates to that portion of the planned Outer Loop (new portion of Old Howard and the portion from McLane Parkway through the Bioscience Park to FM 2305) dual naming this portion as Old Howard Road/ Research Parkway.

FISCAL IMPACT: Additional signage along Old Howard Road/ Research Parkway, at an estimated cost of \$200 for the 4 signs.

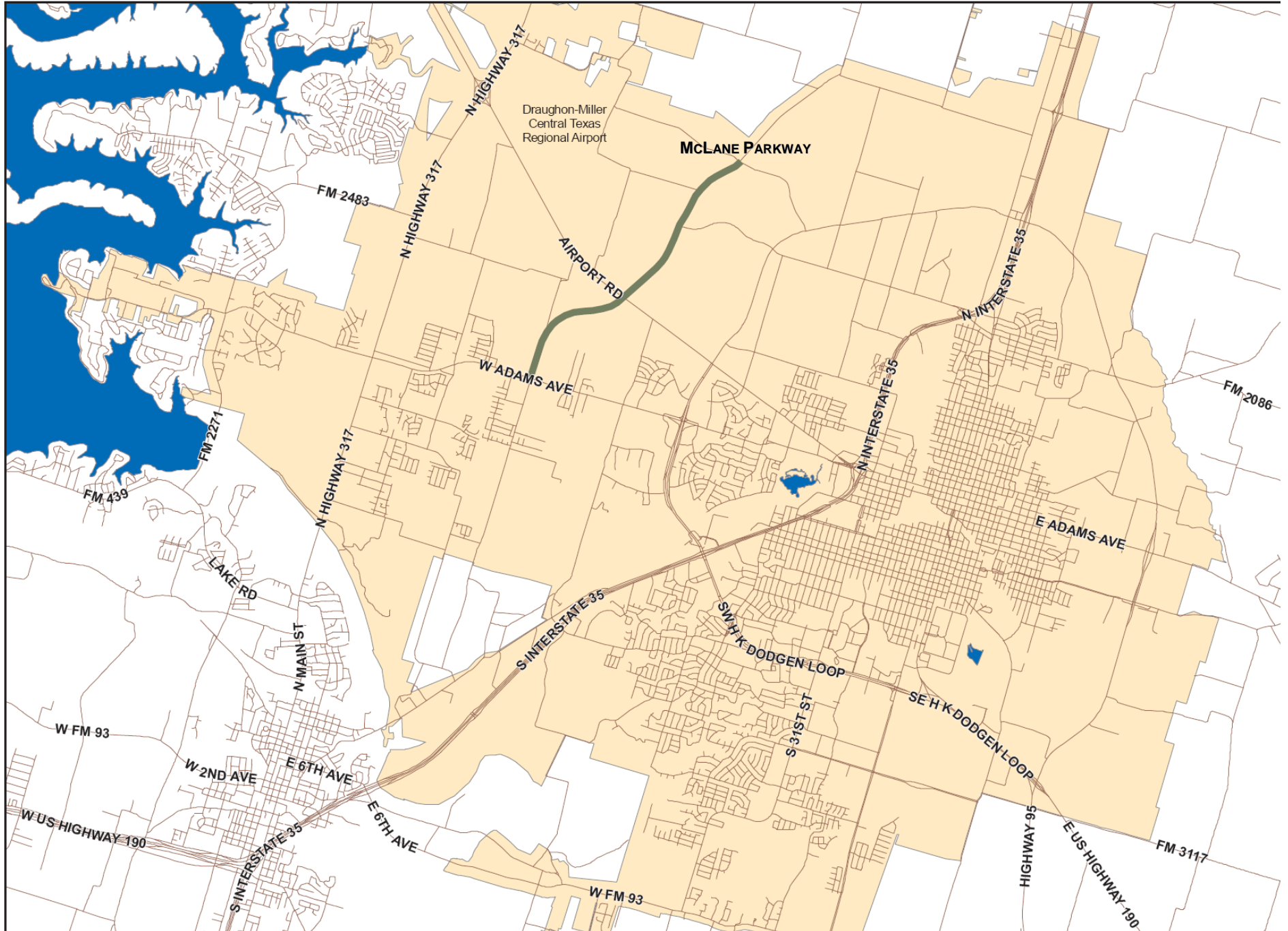
ATTACHMENTS:

[Map](#)

[Ordinance](#)



Proposed Renaming: Research Parkway



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DUAL NAMING A PORTION OF THE PLANNED OUTER LOOP (NEW PORTION OF OLD HOWARD ROAD AND THE PORTION FROM MCLANE PARKWAY THROUGH THE BIOSCIENCE PARK TO FM 2305) AS *OLD HOWARD ROAD/RESEARCH PARKWAY*; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its meeting on June 25, 2008, the Reinvestment Zone Committee, upon a request from the Temple Economic Development Corporation, recommended changing the name for a portion of the Outer Loop to *Research Parkway* from McLane Parkway south to FM 2305;

Whereas, the City Council considered this action at its meeting on July 17, 2008, but tabled the item at the request of the City Manager in order to confirm representations received from the United States Post Office (USPS) that, in addition to renaming the street, “dual” street naming was also a viable option that would not present any issues or objections from USPS;

Whereas, the City recently received confirmation from USPS that “dual” street naming is an acceptable practice and that the USPS would not interpose objections to such for the roadways that might be impacted by the historical and continued development of the Outer Loop; and

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

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

Part 1: The City Council approves dual naming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as *Old Howard Road/Research Parkway*.

Part 2: The City Council directs the Street Department of the City of Temple, Texas, to make and place the appropriate signs on said streets after the effective date of this ordinance.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: This ordinance shall take effect 30 days after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3rd** day of **July**, 2008.

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

12/03/09
Item #4(E)
Consent Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

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

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).

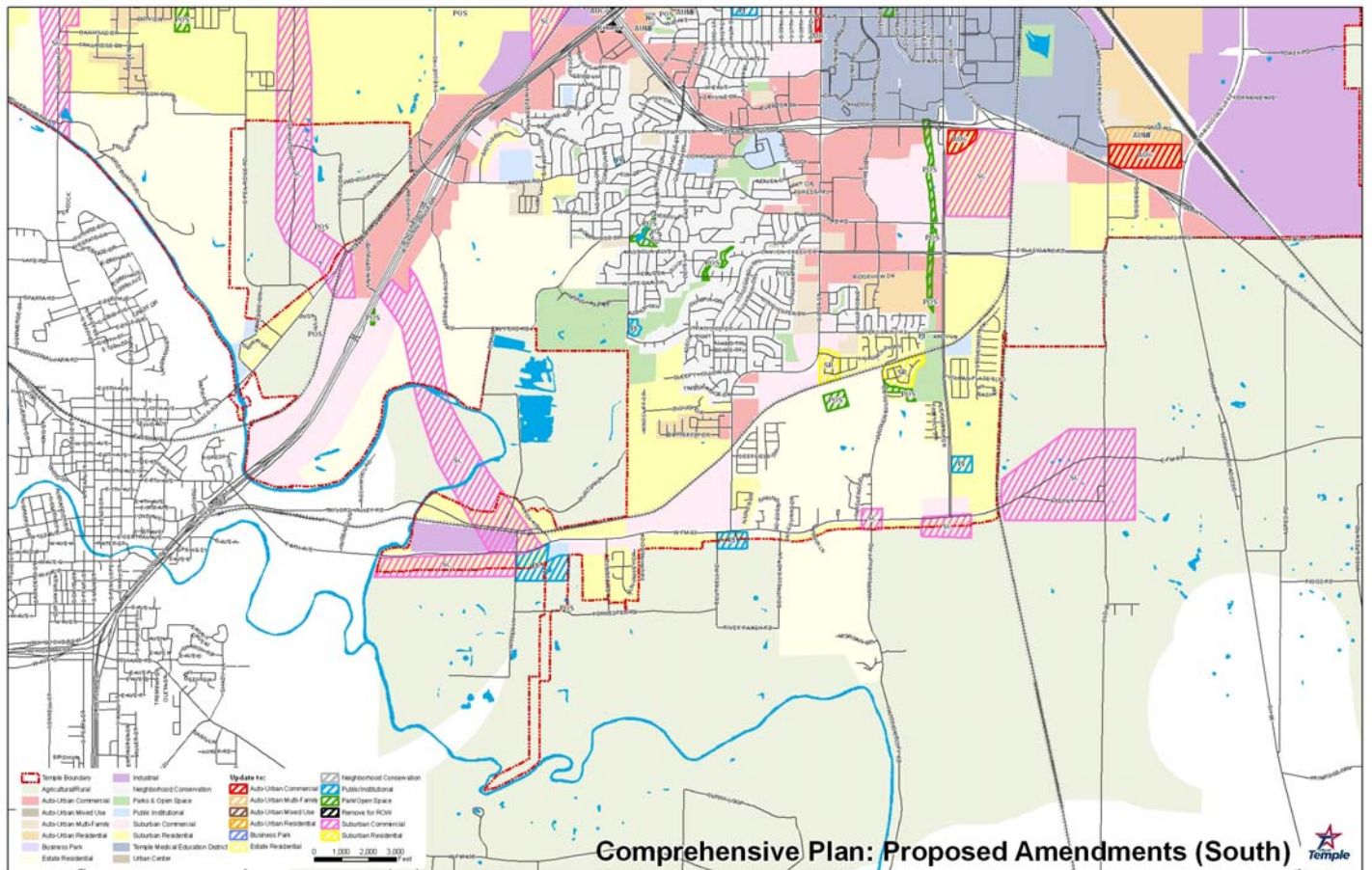
West Temple

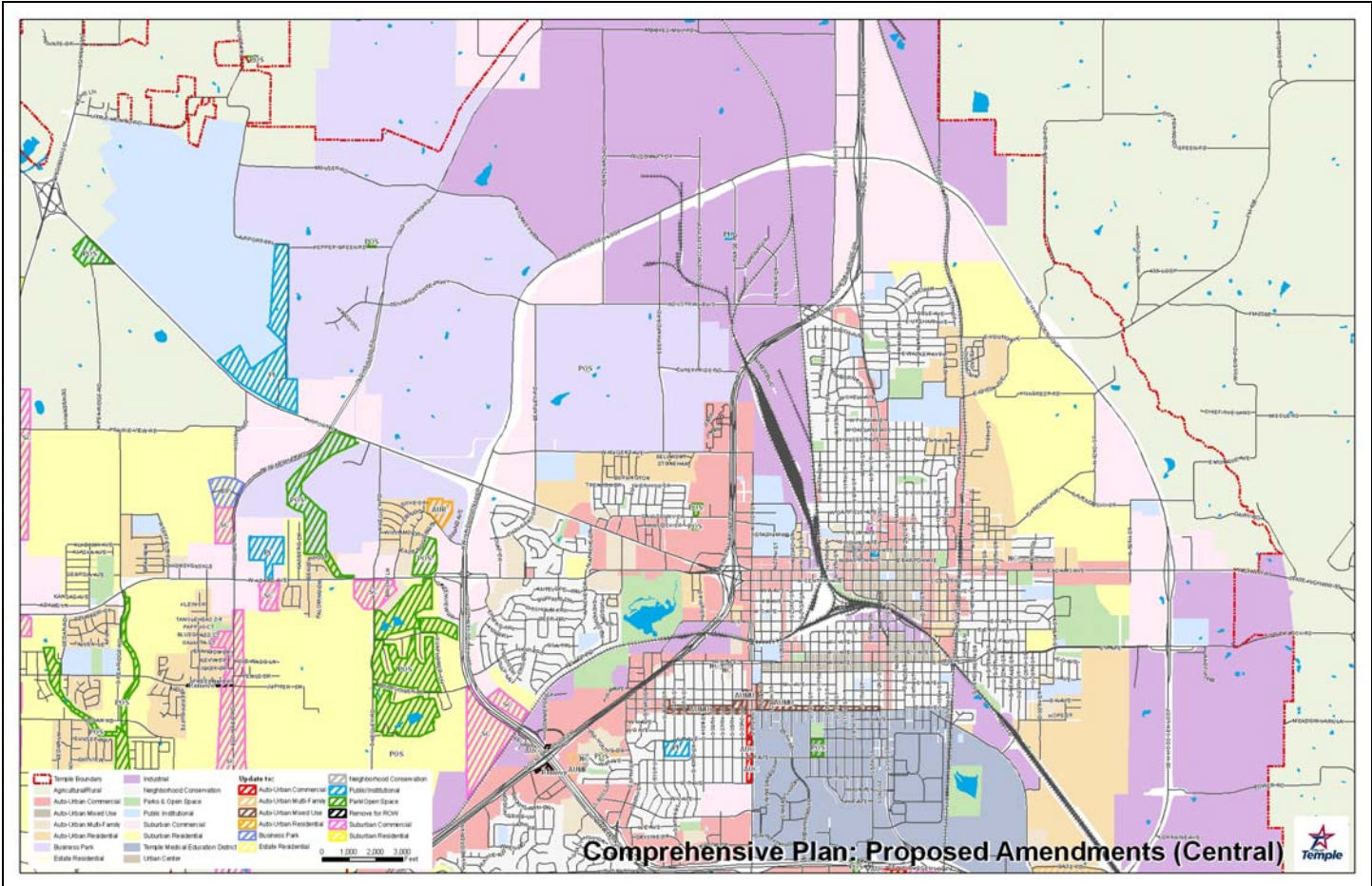
1. Use Park/Open Space for the proper boundary for the US Corps Parkland (Was Agricultural).
2. Use Estate Residential at Eagle Oaks at the Lake (Was Agricultural).
3. Use Suburban Commercial for areas along Kegley Road and FM 2305 to conform to existing development (Previously Suburban Residential and 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

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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

12/03/09
Item #4(F)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the submission of a grant application for the Staffing for Adequate Fire and Emergency Response (SAFER) grant through the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grants (AFG) Program Office.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: SAFER grants provide financial assistance to help fire departments increase their cadre of frontline firefighters. The goal is to assist the local fire departments' staffing and deployment capabilities, in order to respond to emergencies whenever they occur, assuring that their communities have adequate protection from fire and fire-related hazards.

In fiscal year 2009, Congress appropriated approximately \$210 million to the Department of Homeland Security (DHS) for SAFER grants. The authority for SAFER is derived from the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), as amended. Appropriated funds are available for award until September 30, 2010. Once awarded, the funds are available for expenditure by the grantee for the full period of grant performance.

As a result of the passage of the American Recovery and Reinvestment Act of 2009 (ARRA) and the Supplemental Appropriation Act, 2009, the FY 2009 SAFER Grant will be awarded with requirements that are different from those of prior years. The FY 2009 SAFER Grant will have a reduced period of performance of 2 years with a requirement to retain the newly hired SAFER-funded firefighters for one full year after the end of the period of performance. The FY 2009 SAFER grant does not require a local cost share and fully funds the salary and benefits of newly hired firefighters for the first two years of the grant period with the recipient becoming responsible for the salary and benefits in the remaining third year.

Temple Fire & Rescue applied and was awarded the SAFER grant in 2008 which allowed the hiring of the first phase of 4 firefighters of the 12 firefighters needed to staff Fire Station 8. Temple Fire & Rescue is requesting authorization to apply for funding assistance for the second phase of 4 firefighter positions this fiscal year to assist in the staffing for Fire Station 8. One additional SAFER grant will be sought next year to complete the third and final phase of funding needed to fully staff and place Fire Station 8 into operations.

FISCAL IMPACT: If awarded the full grant, funding over the two year period would be \$412,465, with estimated costs for year one of \$195,204 and estimated costs for year two of \$217,261. This includes salary and benefits for the 4 Fire Control and Rescue Officer positions. There is no local cost share requirement for the two year period of performance for salary and benefits.

During the first year of performance there would be costs ineligible for reimbursement associated with hiring and equipping the 4 Fire Control and Rescue Officers which are estimated to be \$29,068. These costs would be the sole responsibility of the City and would need to be funded if the grant is awarded. These additional costs include items such as fire academy training, uniforms and bunker gear.

After the initial two year period, the new positions must be included in the budget for at least one full budget cycle with an estimated fiscal impact of approximately \$248,593 in Fiscal Year 2012-2013.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING TEMPLE FIRE & RESCUE TO APPLY FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT ADMINISTERED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) ASSISTANCE TO FIREFIGHTERS GRANTS (AFG) PROGRAM OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, SAFER grants provide financial assistance to help fire departments increase their cadre of frontline firefighters;

Whereas, Temple Fire & Rescue applied and was awarded the SAFER grant in 2008 which allowed the hiring of the first phase of 4 firefighters of the 12 firefighters needed to staff Fire Station 8 – Temple Fire & Rescue is requesting authorization to apply for funding assistance for the second phase of 4 firefighter positions this fiscal year to assist in the staffing for Fire Station 8; one additional SAFER grant will be sought next year to complete the third and final phase of funding needed to fully staff and place Fire Station 8 into operation;

Whereas, if awarded the full grant, funding over the 2 year period would be \$412,465, with estimated costs for one year of \$195,204 and estimated costs for year two of \$217,261 – this includes salary and benefits for the 4 Fire Control and Rescue Officer positions; there is no local cost share requirement for the 2 year period of performance for salary and benefits;

Whereas, after the initial 2 year period, the new positions must be included in the budget for at least one full budget cycle with an estimated fiscal impact of approximately \$248,593 in Fiscal Year 2012-2013; 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 Temple Fire & Rescue to apply for 4 Fire and Rescue Officer positions through the Staffing for Adequate Fire and Emergency Response (SAFER) grant administered by the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant (AFG) Program Office, and accepts any grant funds that may be awarded.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be needed for purposes of the grant application.

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 **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

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Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of an application for funding through the Texas Department of Transportation, Transportation Enhancement Program, in the amount of \$2,750,000 with \$2,062,500 reimbursed to the City through federal funding, to develop lighted and landscaped linear trails, and median improvements in the Temple Medical and Education District.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation has announced a matching funding program entitled "Transportation Enhancement Program". 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.

Staff is recommending that we submit the TMED trails and median improvements project for consideration with a total estimated construction and TXDOT administration cost of \$2,750,000 of which \$2,062,500 would be funded by the program. City required matching (\$550,000=20%) and additional matching funds (\$137,500=5%) total \$687,500.

Staff believes the proposed project achieves the following:

- Continues the TMED and Trails Master Plan vision for connectivity
- Accomplishes the Strategic Plan areas of focus:
 - Grow the Health and Bioscience: Grow and enhance TMED
 - Grow the Transportation Infrastructure: Offer a variety of choice in modes of transit – develop new existing pedestrian and bicycle amenities throughout the city
 - Grow community enhancements: Enhanced image and identity for Temple

- public beautification efforts along Temple's major corridors
- Invest in parks and facilitates that enhance community wellness, quality of place, and community amenities
- Vision for multi-modal transportation (bicycle and pedestrian) by linking the Veterans Administration, Temple College, Scott and White Hospital, and the College of Medicine

The deadline for submittal is December 11. Applications will be evaluated by TxDOT staff and the Transportation Enhancement Project Evaluation Committee, with recommendations going to the Texas Transportation Commission. According to TxDOT staff, selection could be as late as the end of 2010 or as early as March.

The project scope includes 10' wide pedestrian and bicycling trails, lighting, landscape, and streetscape. The improvements would begin at the pedestrian bridge on South First Street, continue north on South First Street to the Central Texas Veterans Healthcare System entrance, and also traverse the Temple College campus along the drainage channel, and connect to the proposed linear trail on South Fifth Street that will connect to Scott and White Memorial Hospital and the Texas A&M Health Science Center College of Medicine. Landscaped medians would be provided in the South First Street r-o-w.

According to program guidelines, the City will receive priority consideration in the grant selection process for 1) having full design completed (design approved at the November 19 Council meeting); 2) 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 and historical clearance (pending). We hope to fulfill all of these objectives in our application.

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

FISCAL IMPACT: Funding program guidelines provide for a maximum reimbursement of 80% with the City providing a minimum of 20% cash match. However, the proposed application would be for 75% / 25%. This will provide additional points in the scoring. It is anticipated that the City will provide a \$687,500 cash match (\$521,500 from General Fund Designated for Capital Projects-Unallocated and \$166,000 remaining funds from the original \$470,000 allocated for TMED – source 2008 CO, account 361-3400-531-6834). RZ funding may be considered in lieu of General Fund dollars at a future date. Costs incurred before TxDOT award and authorization are not reimbursable under the grant program but do demonstrate commitment to the project.

A budget adjustment is presented for Council's approval designating \$521,500 from the General Fund Designated for Capital Projects-Unallocated fund for the additional amount needed for the City's 25% cash match.

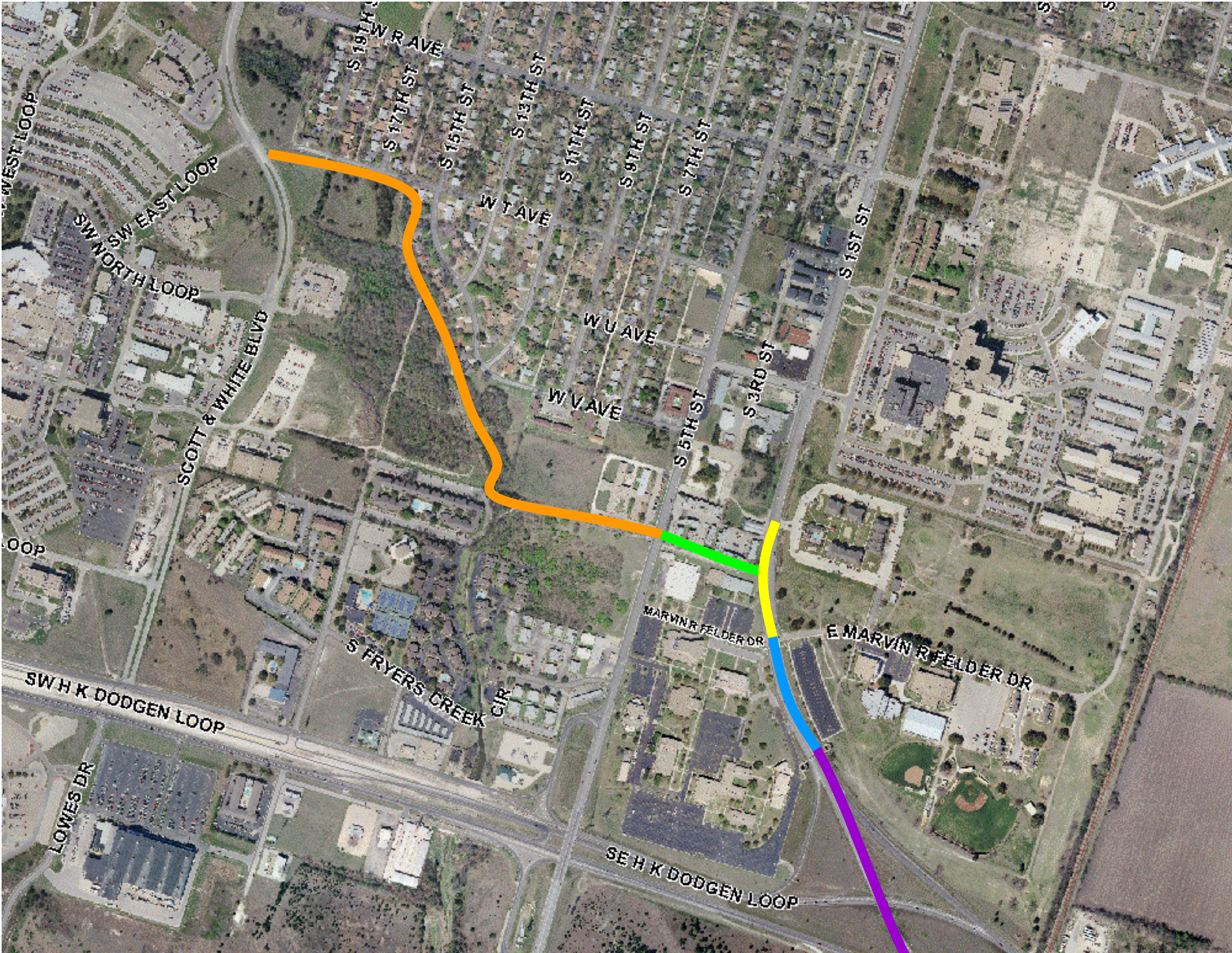
ATTACHMENTS:

[Map of STEP trail location](#)
[Budget Adjustment](#)
[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)



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.

+

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[illegible]

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

To designate part the City's 25% match of \$687,500 for the STEP grant to develop lighted and landscaped linear trails, and landscaped medians in the Temple Medical Education District. The total project costs is \$2,750,000. The City is applying for \$2,062,500 in grant funding (75% of project total) and recommending the City match with \$687,500 (25% of project total). There is currently \$166,000 remaining from the original project budget for the 1st Street Gateway in account 361-3400-531-6834, that will be used for part of the City's match. This budget adjustment designates the remaining \$521,500 needed for a total City match of \$687,500.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

December 3, 2009

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

☐ Approved☐ Disapproved

Finance

Date _____

☐ Approved

| |
|-------------|
| Disapproved |
|-------------|

City Manager

Date _____

☐ Approved

| | |
|--|-------------|
| | Disapproved |
|--|-------------|

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS; AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM, IN THE AMOUNT OF \$2,750,000, WITH \$2,062,500 (75%) REIMBURSED TO THE CITY THROUGH FEDERAL FUNDING, TO DEVELOP LIGHTED AND LANDSCAPED LINEAR TRAILS AND LANDSCAPED MEDIANS IN THE TEMPLE MEDICAL EDUCATION DISTRICT; COMMITTING TO PROVIDE MAINTENANCE OF FUNDED INFRASTRUCTURE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

—

Whereas, the City of Temple desires to submit an application to the Texas Department of Transportation (TxDOT) for Transportation Enhancement (TE) Program funding for: 1) construction of lighted and landscaped linear trails that begin at the pedestrian bridge on South First Street, continues north on South First Street to the Central Texas Veterans Healthcare System entrance, and also traverses the Temple College campus along the drainage channel, and connecting to the proposed linear trail on South Fifth Street that will connect to Scott and White Memorial Hospital and the Texas A&M Health Science Center College of Medicine; and 2) median improvements in the South First Street right-of-way;

Whereas, the proposed construction project (\$2,500,000) and TxDOT administration (\$250,000) cost is estimated at \$2,750,000, with TxDOT Transportation Enhancement Program funding proposed in the amount of \$2,062,500 (75%), the City required matching funds of \$550,000 (20%), the City additional matching funds of \$137,500 (5%), and an additional \$268,300 City funding, in advance, for final engineering and landscape architect design;

Whereas, the City has solicited considerable public participation in the planning of the Temple Medical Education District which includes the provision of lighted and landscaped trails and medians;

Whereas, the City has made significant efforts, including a Letter of Understanding and creation of a Coordinating Board to create a cooperative partnership between the Texas A&M Health Science Center College of Medicine, Scott and White Memorial Hospital, Temple Health and Bioscience District, Temple College, and Central Texas Veterans Healthcare System, to redevelop the district and to provide alternative means and routes of transportation to connect such entities within the district;

Whereas, proposed trails are principally for transportation, have logical endpoints, and provide bicycle and pedestrian modes of travel;

Whereas, cash funds are available for the City's matching funds in the amount of \$166,000, and advance professional services, but an amendment to the FY 2009-10 budget needs to be approved to designate the additional grant matching funds of \$521,500;

Whereas, the Transportation Enhancement Program requires that cities commit to maintain infrastructure improvements that are installed with TE funding;

Whereas, the City's proposed project meets the goals and qualifying criteria of the TE program; 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 authorizes the submission of a proposal for Transportation Enhancement (TE) Program funding in the amount of \$2,750,000, with \$2,062,500 (75%) reimbursed to the City through federal funding, to develop lighted and landscaped linear trails and median improvements, and authorizes the City Manager to execute any documents, after approval as to form by the City Attorney, that may be necessary for the grant application.

Part 2: The City Council accepts any funds that may be received for this grant and commits to providing the City's 20% matching funds (\$550,000) in cash. In addition, the City commits to \$137,500 (5%) in cash for additional matching funds for a total cash match commitment of \$687,500 (25%). The City will be responsible for all cost over runs associated with this project. The City commits to fund up and beyond what federal dollars are available to fund the project.

Part 3: The City Council approved advance engineering and landscape architectural design required in order to maximize the project's scoring at its November 19, 2009 meeting. Total engineering costs estimated at \$268,300.

Part 4: The City Council commits to providing maintenance to infrastructure funded with Transportation Enhancement Program funds and City matching funds.

Part 5: The City Council commits to use the improvements provided by TE funding and City funding for public use for not less than 30 years.

Part 6: The City Council approves an amendment to the FY 2009-2010 budget, substantially in the form of the copy attached as Exhibit “A”, for this project.

Part 7: 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 **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2009-2010 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$14,119,431.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
December 3, 2009

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|---|-----------|---|----------------|-----------|
| | | | Debit | Credit |
| 110-0000-352-1345 | | Designated Capital Projects - THA 2009 Home Grant | \$ 22,500 | |
| 110-0000-352-1345 | | Designated Capital Projects - Unallocated | | \$ 22,500 |
| To designate the City's contribution for the Temple Housing Authority's 2009 HOME grant match. | | | | |
| 110-1500-515-2692 | | Emergency Rehabilitation | \$ 1,000 | |
| 110-0000-461-0865 | | Miscellaneous Reimbursements | | \$ 1,000 |
| This budget adjustment recognizes revenue to be received from the Temple H.E.L.P. Center and Adult Protective Services for plumbing work performed at 1311 S. MLK Dr as part of the Emergency Rehabilitation Program. | | | | |
| 110-2000-521-2516 | | Judgments & Damages - Police | \$ 285 | |
| 110-1500-515-6531 | | Contingency - Judgments & Damages | | \$ 285 |
| Attorney fees for lawsuit filed against City -- Steven Taylor v. City of Temple | | | | |
| 110-2000-521-2516 | | Judgments & Damages - Police | \$ 278 | |
| 110-1500-515-6531 | | Contingency - Judgments & Damages | | \$ 278 |
| Deductible reimbursement to the Texas Municipal League for settlement of a claim filed by Michael Alan Morris seeking reimbursement for vehicle towing and storage. | | | | |
| 110-2350-540-2516 | | Judgments & Damages - Solid Waste Frontload | \$ 2,098 | |
| 110-1500-515-6531 | | Contingency - Judgments & Damages | | \$ 2,098 |
| Settlement of claim filed against the City by Wildflower Villas seeking reimbursement for the cost of repairing a front entry gate for the apartment complex that was damaged by a Solid Waste refuse truck on October 7, 2009. | | | | |
| 110-2370-540-2516 | | Judgments & Damages - Solid Waste Rolloff | \$ 1,889 | |
| 110-1500-515-6531 | | Contingency - Judgments & Damages | | \$ 1,889 |
| Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Toni Fishbourne seeking reimbursement for damage to her vehicle after it was struck by a Solid Waste Dept. rolloff truck on September 14, 2009, behind 3122 South 31st Street. | | | | |
| 240-4400-551-2616 | | Professional Services (Mayborn) | \$ 19,000 | |
| 240-4400-551-6532 | | Contingency | | \$ 19,000 |
| 110-1200-515-2616 | | Professional Services (Finance) | \$ 6,000 | |
| 110-1200-515-2623 | | Other Contracted Services | | \$ 6,000 |
| Appropriate funding for Standard Sales Tax Compliance Review (SUTA), Sales/Use Tax Analysis & Reporting Service (STARS), and Local Hotel Occupancy Tax and Hospitality Consulting Program (HOT) with MuniServices | | | | |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
December 3, 2009

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|-------------------|-----------|-------------------------------|----------------|---------------|
| | | | Debit | Credit |
| 363-2200-522-6850 | 100120 | Fire Station #1 | \$ 7,361,311 | |
| 363-2200-522-6851 | 100411 | Fire Station #8 | \$ 4,905,589 | |
| 363-2200-522-6852 | 100408 | Fire Engine #8 with air packs | \$ 565,000 | |
| 363-2200-522-6852 | 100409 | Fire Engine #1 | \$ 540,000 | |
| 363-2200-522-6852 | 100410 | Fire Engine #4 | \$ 540,000 | |
| 363-5700-580-7312 | | Bond Issuance Costs | \$ 9,500 | |
| 363-5700-580-7312 | | Bond Issuance Costs | \$ 73,600 | |
| 363-0000-490-1516 | | Bond Proceeds | | \$ 13,995,000 |
| 430-5700-580-7211 | | Bond Interest | \$ 51,321 | |
| 430-0000-490-1518 | | Bond Premium | | \$ 4,758 |
| 430-0000-461-0112 | | Accrued Interest | | \$ 46,563 |

Appropriate the General Obligation (GO) bond proceeds as authorized by Council on November 19, 2009. Bond proceeds will be received by the City on December 17, 2009

| | | | | |
|-------------------|--------|---|-----------|-----------|
| 520-5400-535-6359 | 100461 | Sewer Line Replacement - S. 35th & S. 37th (Sewer Collection) | \$ 45,060 | |
| 520-0000-373-0411 | | Unreserved Retained Earnings | | \$ 45,060 |

Funding in the amount of \$45,060 was remaining in the FY 2009 operating budget for the inhouse sewer crew project for sewer line replacement in the area of S. 35th and S. 37th Streets. These funds are needed in FY 2010 to complete the project. These funds failed to be carried forward from the FY 2009 operating budget to the FY 2010 operating budget with the carry forward budget adjustment approved by Council on 11/19/09. This budget adjustment re-appropriates those remaining funds from retained earnings to the appropriate account.

| | | |
|-------------------------|----------------------|----------------------|
| TOTAL AMENDMENTS | \$ 14,144,431 | \$ 14,144,431 |
|-------------------------|----------------------|----------------------|

GENERAL FUND

| | |
|---|-------------------|
| Beginning Contingency Balance | \$ - |
| Added to Contingency Sweep Account | \$ - |
| Carry forward from Prior Year | \$ - |
| Taken From Contingency | \$ - |
| Net Balance of Contingency Account | \$ - |
| Beginning Judgments & Damages Contingency | \$ 77,833 |
| Added to Contingency Judgments & Damages from Council Contingency | \$ - |
| Taken From Judgments & Damages | \$ (13,229) |
| Net Balance of Judgments & Damages Contingency Account | \$ 64,604 |
| Beginning Fuel Contingency | \$ 125,000 |
| Added to Fuel Contingency | \$ - |
| Taken From Fuel Contingency | \$ - |
| Net Balance of Fuel Contingency Account | \$ 125,000 |
| Beginning Solid Waste - Future Capital Replacement Contingency | \$ 48,400 |
| Added to Solid Waste - Future Capital Replacement Contingency | \$ - |
| Taken From Solid Waste - Future Capital Replacement Contingency | \$ - |
| Net Balance of Solid Waste - Future Capital Replacement Contingency Account | \$ 48,400 |
| Net Balance Council Contingency | \$ 238,004 |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
December 3, 2009

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|-----------|-----------|---|----------------|-----------|
| | | | Debit | Credit |
| | | Beginning Balance Budget Sweep Contingency | \$ | - |
| | | Added to Budget Sweep Contingency | \$ | - |
| | | Taken From Budget Sweep | \$ | - |
| | | Net Balance of Budget Sweep Contingency Account | \$ | - |
| | | WATER & SEWER FUND | | |
| | | Beginning Contingency Balance | \$ | 247,423 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | - |
| | | Net Balance of Contingency Account | \$ | 247,423 |
| | | Beginning Approach Mains Contingency | \$ | - |
| | | Added to Approach Mains Contingency | \$ | 488,270 |
| | | Taken From Approach Mains Contingency | \$ | (488,270) |
| | | Net Balance of Approach Mains Contingency Account | \$ | - |
| | | Net Balance Water & Sewer Fund Contingency | \$ | 247,423 |
| | | HOTEL/MOTEL TAX FUND | | |
| | | Beginning Contingency Balance | \$ | 26,336 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | (19,000) |
| | | Net Balance of Contingency Account | \$ | 7,336 |
| | | DRAINAGE FUND | | |
| | | Beginning Contingency Balance | \$ | - |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | - |
| | | Net Balance of Contingency Account | \$ | - |
| | | FED/STATE GRANT FUND | | |
| | | Beginning Contingency Balance | \$ | 15,243 |
| | | Carry forward from Prior Year | \$ | 51,505 |
| | | Added to Contingency Sweep Account | \$ | - |
| | | Taken From Contingency | \$ | - |
| | | Net Balance of Contingency Account | \$ | 66,748 |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2009-2010 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 3rd day of September, 2009, the City Council approved a budget for the 2009-2010 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2009-2010 City Budget.

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

Part 1: The City Council approves amending the 2009-2010 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 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

12/03/09
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DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-10-03: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS) on 5.6+ acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, 3,500+ feet north of the West Adams/SH 317 intersection.

P&Z COMMISSION RECOMMENDATION: At its November 16, 2009 meeting, the Planning and Zoning Commission voted 9/0 in accordance with staff recommendation to recommend approval of a zoning change from A to PD-NS with the following stipulations:

1. Except as modified by the binding site development plan, the use and development standards of the property must conform to the requirements of the Neighborhood Service zoning district.
2. Boat and RV storage is allowed.
3. In the event of a conflict between the site development plan and the text of the Planned Development District ordinance, the stricter standard applies.
4. All standards of the Zoning Ordinance apply unless the site development plan or the text of the Planned Development District ordinance specifically modifies such standards.
5. Muted, subdued masonry required on storage units walls (if applicable) visible from SH 317 or residentially zoned or used property, as indicated on the binding site development plan.
6. Sloped roofs are required on all storage units.
7. The proposed sign may be a maximum of 8 feet in height and a maximum of 80 square feet in area.
8. Lighting must be housed in cut-off and shielded fixtures and must not spill over onto or be directed toward residentially zoned or used property.
9. The 28 storage units proposed at the western end of the property must not be used for boat storage.
10. Boats and RVs must only be stored inside the storage units and are not permitted to be stored outside such units.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for December 17, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-03, from the Planning and Zoning meeting, November 16, 2009. The applicant proposes a boat and recreational vehicle storage facility and agrees with all of the staff's recommendations. The Planned Development District allows a boat and RV storage facility in addition to the smaller scale uses allowed in NS. In an effort to avoid any negative impact on the single-family residential use to the rear of the property (Windmill Farms Subdivision), the binding site development plan requires tree preservation, tree plantings and a masonry wall along the west property line. In addition, the plan shows a 20' separation from the closest storage unit wall to the residential property line at the front and rear.

REQUESTED FLEXIBILITY AND ENHANCED SITE DESIGN ELEMENTS

The applicant agreed to provide additional landscaping and screening and a masonry wall next to the residential subdivision.

Landscaping and Screening

- The applicant will preserve trees that are three-inch caliper and greater along the rear and at the front of the property.
- Along the rear property line, the applicant will install evergreen hedges a minimum of six feet in height (such as red-tipped photinias) on 36" centers to fill in the spaces where no preserved trees exist.
- Along the front property line, the applicant proposes to preserve three-inch caliper trees and greater and to install palm trees as a decorative feature.

Masonry

- The storage unit closest to the rear property line will have a solid masonry wall, with wood privacy fence "wings" on each side, facing the adjacent single-family dwellings.
- The storage unit closest to the front property line will have the same type of wall, with wrought iron fence "wings" on each side

Noise Mitigation

When meeting with the applicant, staff was concerned that early morning boaters and anglers would disturb the adjacent residences. For that reason, the rear set of units will only be used for RV storage.

As reflected in the minutes, a Commissioner asked the applicant if the proposed fire hydrant would be attached to an adequately sized water line and the applicant responded that it would be attached to a six-inch water line, which meets Fire Code standards. The Planning and Zoning Commission raised no other issues requiring further staff attention.

Public Notice

Eighteen notices of the Planning and Zoning Commission public hearing were sent out. As of November 12, 2009 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 6, 2009 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Binding Site Development Plan
Notice Map
P&Z Staff Report (Z-FY-10-03)
P&Z Minutes (11/16/09)
Ordinance




Z-FY-10-03

Outblock 2006-A & B

8020 N Highway 317



 Z-FY-10-03

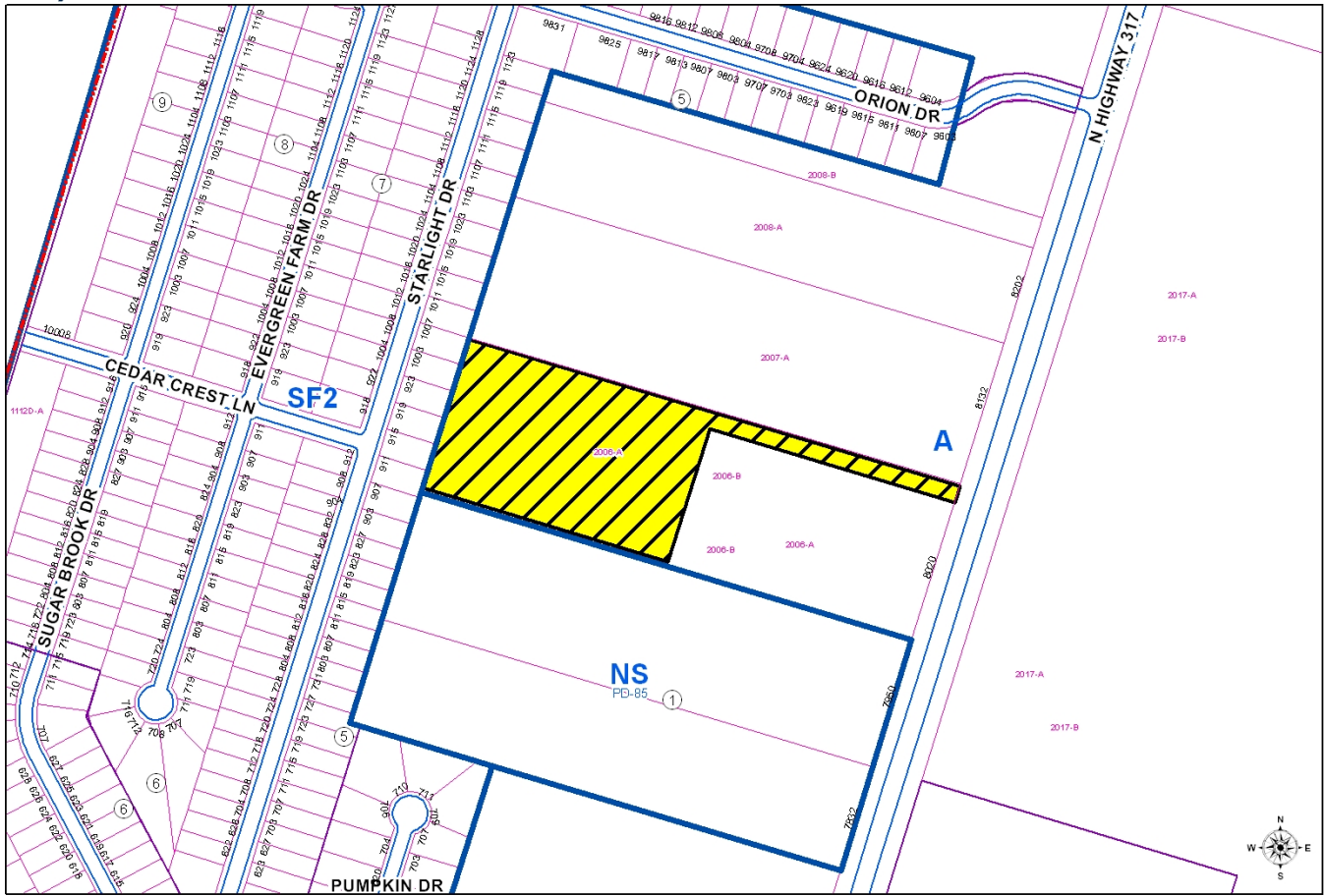
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J Stone 10.19.9



Z-FY-10-03

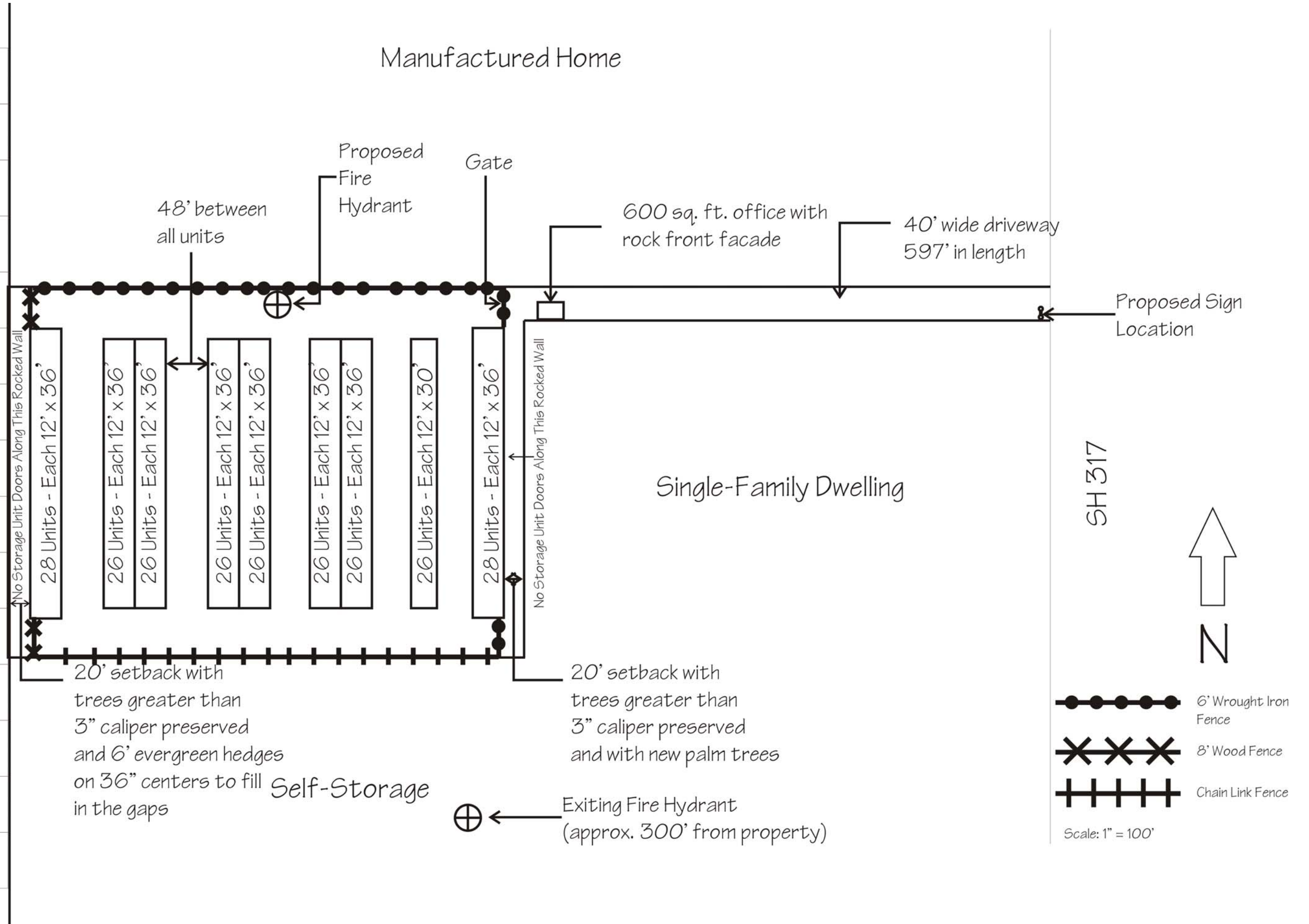
Outblock 2006-A & B

8020 N Highway 317



Z-FY-10-03

Feet 0 70 140 210 280
J Stone 10.19.9

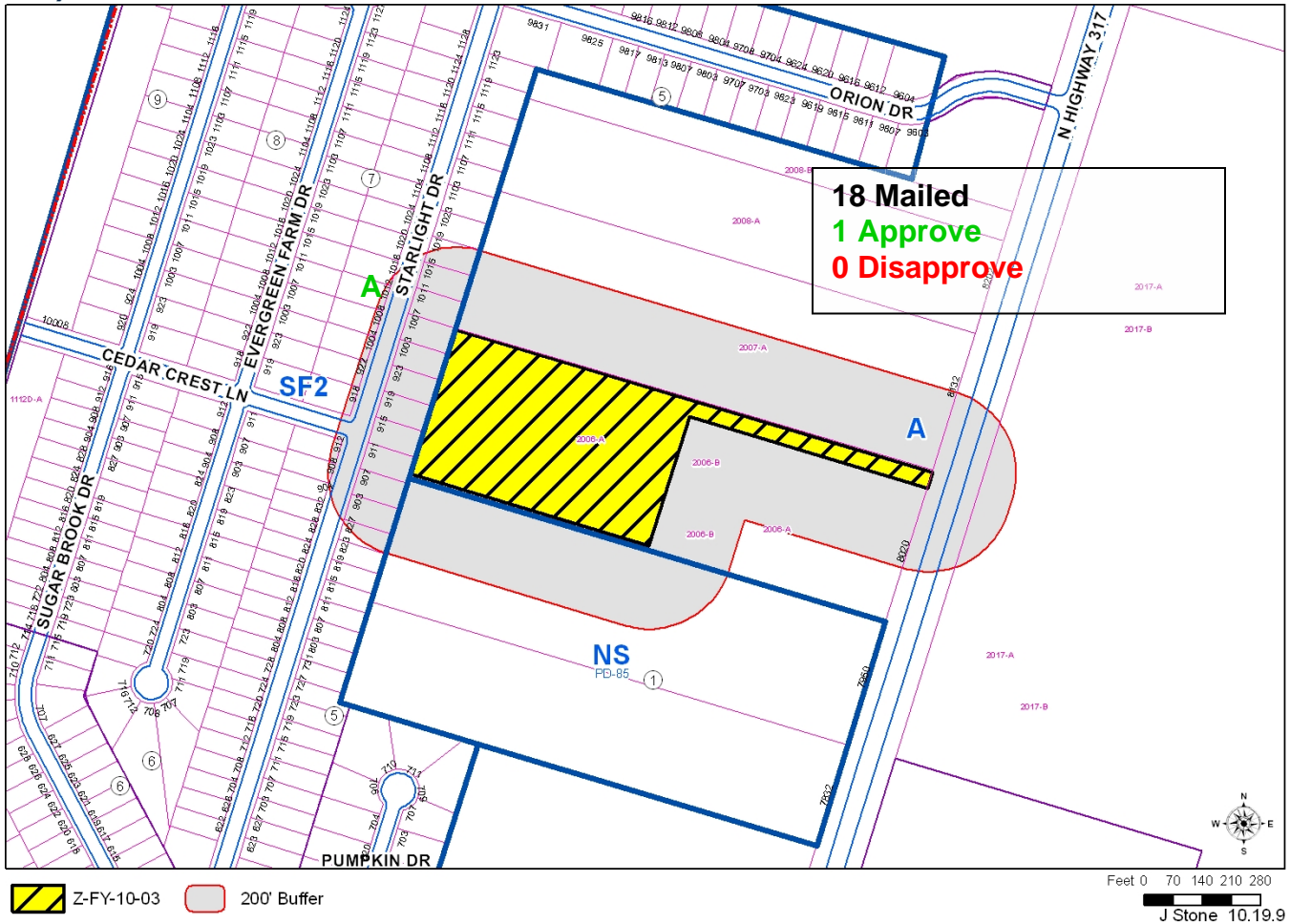




Z-FY-10-03

Outblock 2006-A & B

8020 N Highway 317





PLANNING AND ZONING COMMISSION AGENDA ITEM

11/16/09
Item #2
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: David Hansen c/o Corrina McDaniel

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Public Hearing, Discussion and Action Z-FY-10-03: Recommend action on a zoning district change from Agricultural District (A) to Planned Development District Neighborhood Services (PDD-NS) on 5.6± acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, 3,500± feet north of the West Adams/SH 317 intersection.

BACKGROUND: The applicant proposes a boat and recreational vehicle storage facility. Such use is allowed with a Conditional Use Permit in the Commercial (C) zoning district and is allowed by right in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts. Since the subject property is designated Auto Suburban Commercial on the Future Land Use and Character Map, none of these zoning districts are appropriate. Reviewing the previous zoning case from 2006 with the mini-storage facility to the south, staff has worked with the applicant to design a Planned Development District with Neighborhood Services (NS) as the base zoning district. The NS zoning district conforms to the Future Land Use and Character Plan. The Planned Development District allows a boat and RV storage facility in addition to the smaller scale uses allowed in NS. In an effort to avoid any negative impact on the single-family residential use to the rear of the property (Windmill Farms Subdivision), the binding site development plan requires tree preservation, tree plantings and a masonry wall along the west property line. In addition, the plan shows a 20' separation from the closest storage unit wall to the residential property line at the front and rear.

The purpose of a Planned Development District 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. The review process includes City staff and the applicant. Planning staff has had several conversations and meetings with the applicant in order to strike a balance between the applicant's needs and those of the adjacent residential properties. Any modification to the approved binding site development plan, or Planned Development District conditions would require a recommendation from the Planning and Zoning Commission and approval from the City Council.

REQUESTED FLEXIBILITY AND ENHANCED SITE DESIGN ELEMENTS

The applicant agreed to provide additional landscaping and screening and a masonry wall next to the residential subdivision.

Landscaping and Screening

The attached binding site development plan shows that the applicant will preserve trees that are three-inch caliper and greater along the rear and at the front of the property. Planning staff confirms that there are numerous three-inch caliper and greater trees at the front and rear of the property.

Double Sided

Along the rear property line, the applicant will also install evergreen hedges a minimum of six feet in height (such as red-tipped photinias) on 36” centers to fill in the spaces where no preserved trees exist. Along the front property line, the applicant proposes to preserve three-inch caliper trees and greater and to install palm trees as a decorative feature.

Masonry


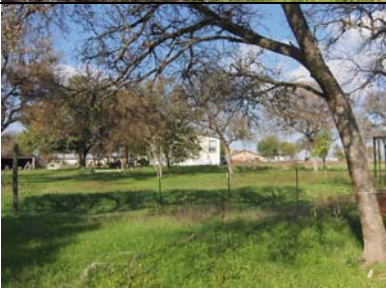

The attached binding site development plan shows that the storage unit closest to the rear property line will have a solid masonry wall, with wood privacy fence “wings” on each side, facing the adjacent single-family dwellings. Similarly, the storage unit closest to the front property line will have the same type of wall, with wrought iron fence “wings” on each side, facing the existing vacant single-family dwelling fronting on SH 317, which is planned for Auto Suburban Commercial use and character.



Noise Mitigation

When meeting with the applicant, staff was concerned that early morning boaters and anglers would disturb the adjacent residences. For that reason, the rear set of units will only be used for RV storage.

Surrounding Property and Uses

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

| Direction | Zoning | Current Land Use | Photo |
|------------------|---------------------------------|-------------------|--|
| Subject Property | A (current) PD-NS (proposed) | Vacant |  |
| North | A | Manufactured home |  |
| East | A | Vacant |  |

| Direction | Zoning | Current Land Use | Photo |
|-----------|--------|-------------------------|--|
| South | PD-NS | Mini-storage |  |
| West | SF-2 | 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 Auto Suburban Commercial. The development of the property with the features of the binding site development plan complies with the Future Land Use and Character Map.

Thoroughfare Plan

The Thoroughfare Plan designates SH 317 as a major arterial. The Planned Development District request complies with the Thoroughfare Plan.

Availability of Public Facilities

A six-inch water line serves the subject property. The site is large enough for on-site sewage facilities, subject to approval from the Bell County Sanitarian. Public facilities are available.

Public Notice

Eighteen notices of the Planning and Zoning Commission hearing were sent out. As of November 12, 2009 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on November 6, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Planned Development application Z-FY-10-03, including the binding site development plan, with the following stipulations:

1. Except as modified by the binding site development plan, the use and development standards of the property must conform to the requirements of the Neighborhood Service zoning district.
2. Boat and RV storage is allowed.
3. In the event of a conflict between the site development plan and the text of the Planned Development District ordinance, the stricter standard applies.
4. All standards of the Zoning Ordinance apply unless the site development plan or the text of the Planned Development District ordinance specifically modifies such standards.
5. Muted, subdued masonry required on storage units walls (if applicable) visible from SH 317 or residentially zoned or used property, as indicated on the binding site development plan.
6. Sloped roofs are required on all storage units.

7. The proposed sign may be a maximum of 8 feet in height and a maximum of 80 square feet in area.
8. Lighting must be housed in cut-off and shielded fixtures and must not spill over onto or be directed toward residentially zoned or used property.
9. The 28 storage units proposed at the western end of the property must not be used for boat storage.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Binding Site Development Plan
Notice Map
Response Letters

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

MONDAY, NOVEMBER 16, 2009

ACTION ITEMS

Item 2: Z-FY-10-03: Public Hearing, Discussion and Action: Recommend action on a zoning district change from Agricultural District (A) to Planned Development District Neighborhood Services (PDD-NS) on 5.6+ acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, 3,500+ feet north of the West Adams/SH 317 intersection. (Applicant: David Hansen for Corrina McDaniel)

Mr. Brian Mabry, Senior Planner, presented this item to the Commissioners and stated this case would go to City Council for first and second reading on December 3rd and December 17th, respectively. Mr. Mabry stated the purpose of this Planned Development (PD) was to have a Neighborhood Service (NS) based zoning district and in addition to the uses already allowed in NS would also allow boat and RV storage on the subject property. Mr. Mabry stated this zone request would allow the applicant's desired use without modifying the other uses that are allowed in Commercial, Light Industrial and Heavy Industrial districts which are normally required to allow RV storage.

Mr. Mabry stated the purpose of this PD is to protect the Single Family (SF) subdivision to the west—Windmill Farms Subdivision. This property's western rear lot line shares the common lot line with the rear yards of the Windmill Farms Subdivision along Starlight Avenue.

Mr. Mabry stated the proposed structures on the property are to be pole barn style. This subject property is located on north 317 and there are a few homes and several empty lots along Starlight Avenue. A manufactured home sits to the north of the subject property, there is a vacant property across 317 to the east, a mini-storage facility to the south and the SF subdivision to the west.

Mr. Mabry stated the entire area along 317 had been designated as suburban/commercial on the Future Land Use and Character Map so commercial uses will be in place in the foreseeable future. Windmill Farms is designated as suburban/residential on the Future Land Use and Character Map.

Mr. Mabry stated the mini-storage to the south of the subject property set the tone for what was being requested for this property. The surrounding properties are still Agricultural (A) and then SF2 for Windmill Farms.

Mr. Mabry stated there was a 6" water line and 2" private water line serving the site. The site is large enough for on-site sewage facilities or septic systems subject to approval from Bell County Sanitarium and State Highway 317 is designated as a major arterial which allowed the request to conform to the Thoroughfare Plan.

Mr. Mabry stated there was a 20 foot distance from the rear property line and the nearest storage unit building. Normally under NS or Commercial zoning there would only be a 10 foot setback but this PD established a 20 foot separation. For this 20 foot setback there is a commitment from the applicant and developer to preserve 3" caliper or greater trees in the rear since there are quite a few throughout the property. Mr. Mabry stated the trees in the rear would contribute to the screening. Any gaps would require vegetative screening in the form of evergreen 6 foot shrubs such as Red Tip Photinias.

Mr. Mabry stated other screening aspects along the rear of the property would be no storage bay doors along the rear wall—it would just be a solid rock wall. Mr. Mabry stated the front property line area would also have a 20 foot setback with preserved trees over 3" caliper size. The 28 unit storage building would not have walls along the side closest to the front property line; it would also be rock wall to screen the storage activity from the residential properties along 317.

Mr. Mabry stated wing fences would be on both sides of the storage units in the form of 6' wrought iron fences. The south property line would have a chain link fence since it abuts an existing mini-storage facility and screening was not as needed or necessary. Staff also recommended a wrought iron fence along the north side where the manufactured home is located. The rear 28 units would also be limited to not having boat storage activities in order to preserve the quiet for the residential usage to the rear.

Mr. Mabry stated 18 notices were mailed out and only one was returned in favor of the request and none were received in opposition.

Mr. Mabry stated Staff recommended approval of PD including the final site development plan with the following stipulations:

1. Except as modified by the binding site development plan, the use and development standards of the property must conform to the requirements of the Neighborhood Service zoning district;
2. Boat and RV storage is allowed;

3. In the event of a conflict between the site development plan and the text of the Planned Development District ordinance, the stricter standard applies;
4. All standards of the Zoning Ordinance apply unless the site development plan or the text of the Planned Development District ordinance specifically modifies such standards;
5. Muted, subdued masonry required on storage units walls (if applicable) visible from SH 317 or residentially zoned or used property, as indicated on the binding site development plan;
6. Sloped roofs are required on all storage units;
7. The proposed sign may be a maximum of 8 feet in height and a maximum of 80 square feet in area;
8. Lighting must be housed in cut-off and shielded fixtures and must not spill over onto or be directed toward residentially zoned or used property; and
9. The 28 storage units proposed at the western end of the property must not be used for boat storage.

Commissioner Staats asked if all of the units were closed and Mr. Mabry stated no, since the units did not have internal walls. The only enclosed units would be located on the ends in order to accommodate the requested screening. The units are designed for boats and RVs.

Commissioner Staats asked about the paving materials and Mr. Mabry stated it would be asphalt and concrete to meet standard fire requirements to support fire apparatus.

Commissioner Staats asked about runoff and where it would go and Mr. Mabry said that would be addressed at the time of platting; the applicant's surveyor/engineer would address that when platting.

Chair Pilkington opened the public hearing and Mr. David Hansen of 9013 Martha's Drive, Austin, Texas approached the Commission. Mr. Hansen wanted to be available to answer any questions the Commission had.

Commissioner Pope asked Mr. Hansen about the fire hydrant on the property and was he planning to install a 6" line or larger to serve the property. Mr. Hansen responded yes, that a 6" minimum would be required and a plug every 300 feet.

Commissioner Martin asked Mr. Hansen if he had any objections to any of the stipulations Staff recommended and Mr. Hansen responded no.

There being no further speakers Chair Pilkington closed the public hearing.

Commissioner Barton made a motion to approve the PD zone request including the Staff stipulations 1 through 9 as stated and Commissioner Martin made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT NEIGHBORHOOD SERVICES (PD-NS) ON APPROXIMATELY 5.6 ACRES, BEING A PORTION OF A 10 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CORRINA MCDANIEL IN VOLUME 4500, PAGE 779 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY IN BELL COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 317, APPROXIMATELY 3,500 FEET NORTH OF THE WEST ADAMS/SH 317 INTERSECTION, 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 consisting of approximately 5.6 acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, approximately 3,500 feet north of the West Adams/SH 317 intersection, has requested that the property be rezoned from Agricultural District (A) to Planned Development Neighborhood Services (PD-NS); 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 Agricultural District (A) to Planned Development Neighborhood Services (PD-NS) on approximately 5.6 acres, being a portion of a 10 acre tract of land described in a deed to Corrina McDaniel in Volume 4500, Page 779 of the Official Public Records of Real Property in Bell County, Texas, located on the west side of North State Highway 317, approximately 3,500 feet north of the West Adams/SH 317 intersection, 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 Neighborhood Services (PD-NS), 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) Except as modified by the binding site development plan, attached hereto as Exhibit B, the use and development standards of the property must conform to the requirements of the Neighborhood Service zoning district;
- (b) Boat and RV storage is allowed;
- (c) In the event of a conflict between the site development plan and the text of the Planned Development District ordinance, the stricter standard applies;
- (d) All standards of the Zoning Ordinance apply unless the site development plan or the text of the Planned Development District ordinance specifically modifies such standards;
- (e) Muted, subdued masonry required on storage units walls (if applicable) visible from SH 317 or residentially zoned or used property, as indicated on the binding site development plan;
- (f) Sloped roofs are required on all storage units;
- (g) The proposed sign may be a maximum of 8 feet in height and a maximum of 80 square feet in area;
- (h) Lighting must be housed in cut-off and shielded fixtures and must not spill over onto or be directed toward residentially zoned or used property;
- (i) The 28 storage units proposed at the western end of the property must not be used for boat storage; and
- (j) Boats and RVs must only be stored inside the storage units and are not permitted to be stored outside such units.

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

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

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

PASSED AND APPROVED on Second Reading on the **17th** 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

12/03/09
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-10-05: Consider adopting an ordinance authorizing a zoning change from a Planned Development District (PDD) to the General Retail District (GR) at the Wildflower Commercial Subdivision Lot 1, Block 2 at the southeast corner of Bright Lane and West Adams Avenue.

P&Z COMMISSION RECOMMENDATION: At its November 16, 2009 meeting, the Planning and Zoning Commission voted 9/0 in accordance with the staff recommendation to recommend approval of a zoning change from Planned Development District (PDD) to the General Retail District (GR) for the following reasons:

1. The request complies with the Future Land Use & Character Plan;
2. The request complies with the Thoroughfare Plan; and
3. Available public facilities serve the site.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for December 17, 2009.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-05, from the Planning and Zoning meeting, November 16, 2009. The applicant proposes a restaurant with the possibility of a drive-through window, which is allowable in the GR zoning district. The base zoning is a Planned Development District (PDD) with no base zoning district, established in 1985 for the Wildflower development. The Council approved the same zoning in 2008 for the Sonic Drive-In, west of the subject area.

Public Notice

Three notices were sent out. As of Friday, November 20 at Noon, no notices were returned. The newspaper printed notice of the public hearing on November 5, 2009, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial

Land Use and Character Map

Zoning Map

Notice Map

Wildflower Plan

P&Z Staff Report (Z-FY-10-05)

P&Z Minutes (11/16/09)

Ordinance




Z-FY-10-05

Lot 1, Block 1, Wildflower Commercial

51 Bright Ln



 Z-FY-10-05

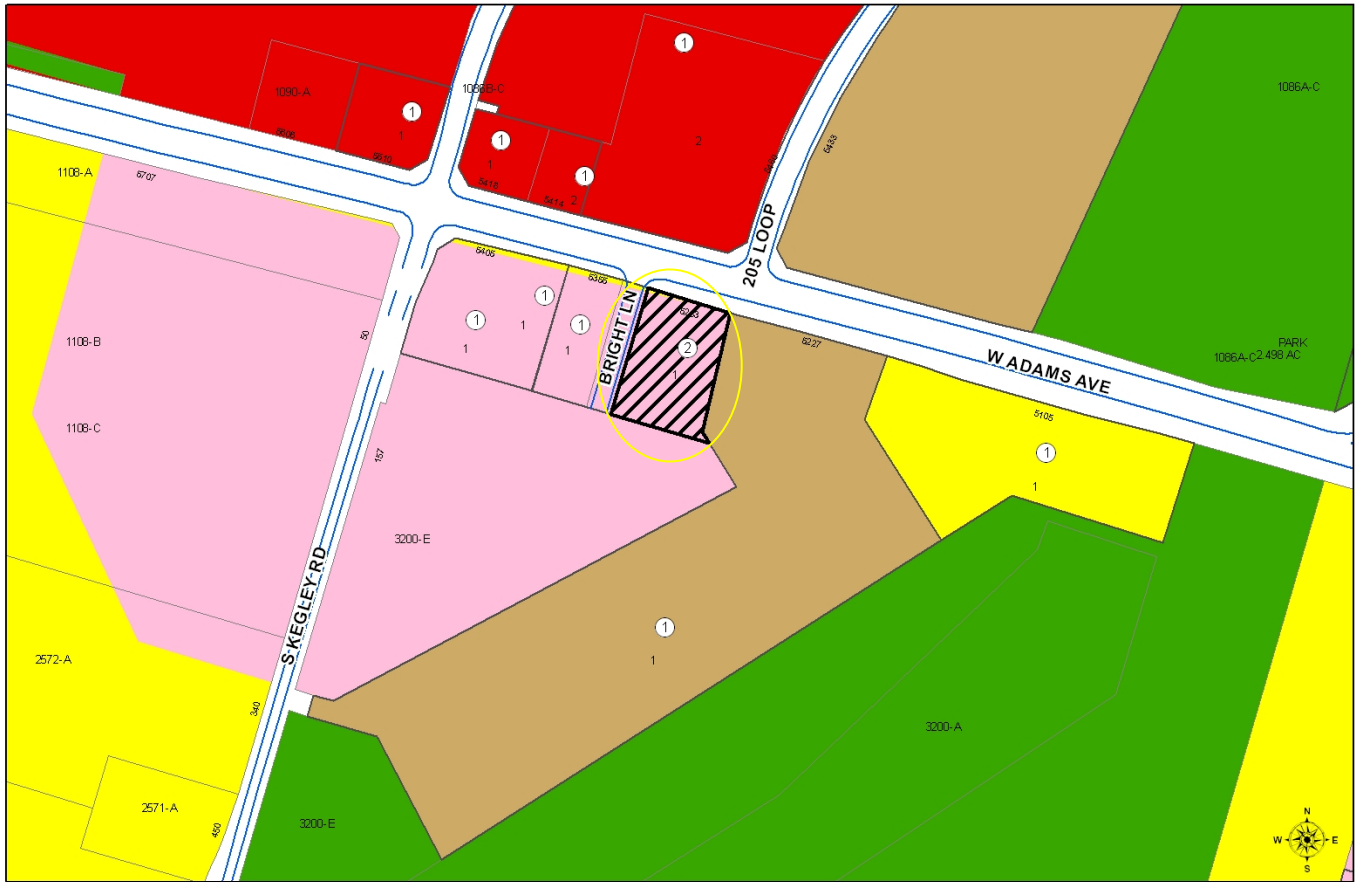
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J Stone 10.19.9



Z-FY-10-05

Lot 1, Block 1, Wildflower Commercial

51 Bright Ln



Temple Boundary



ZFY1005



Neighborhood Conservation



Estate Residential



Suburban Residential



Auto-urban Residential



Auto-Urban Multi-Family



Auto-Urban Mixed Use



Urban Center



Auto-Urban Commercial



Temple Medical Education District



Industrial



Business park



Public/Institutional



Parks and Open Space



Agricultural/Rural

1 inch = 300 feet

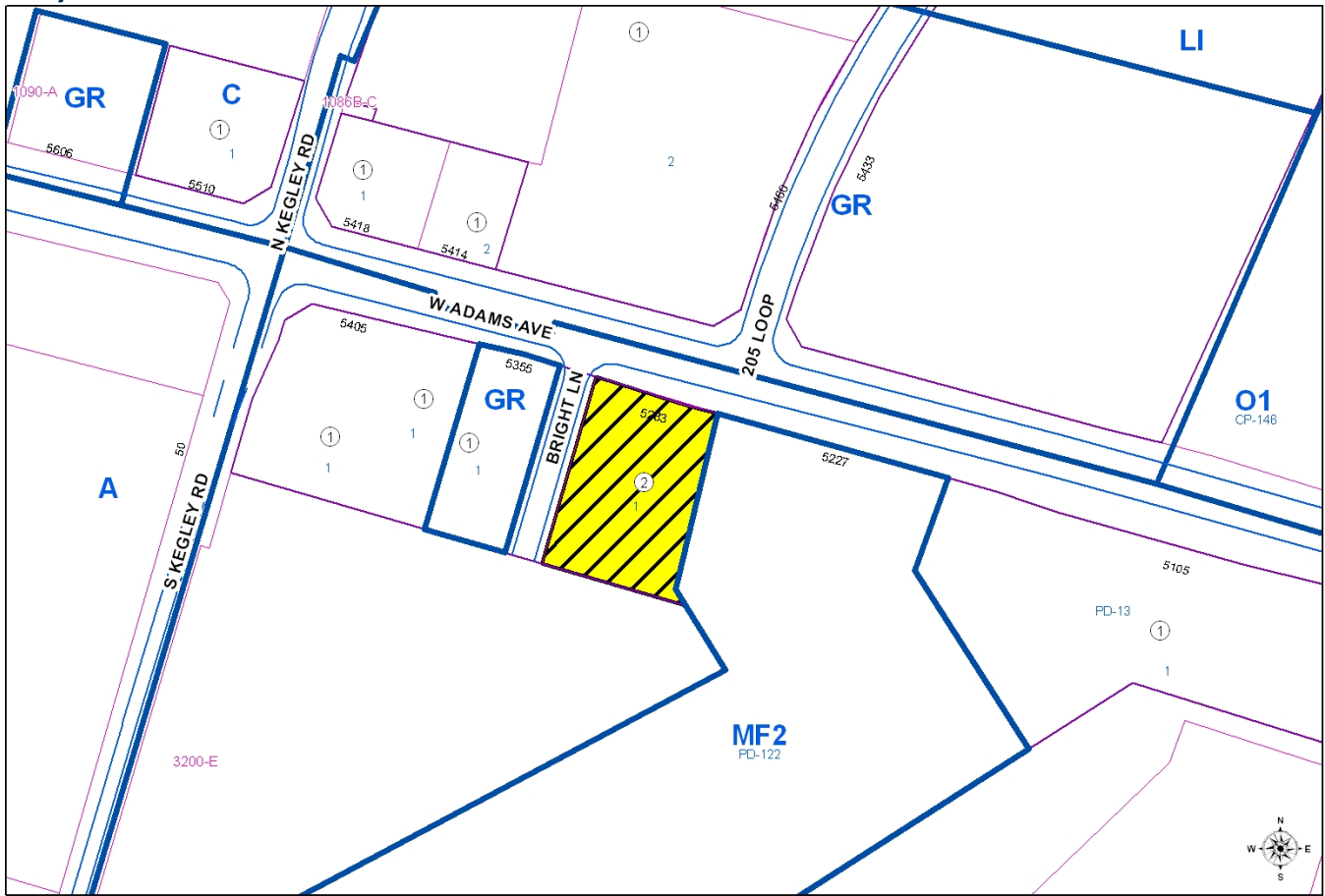
J Stone 10.19.9




Z-FY-10-05

Lot 1, Block 1, Wildflower Commercial

51 Bright Ln



 Z-FY-10-05

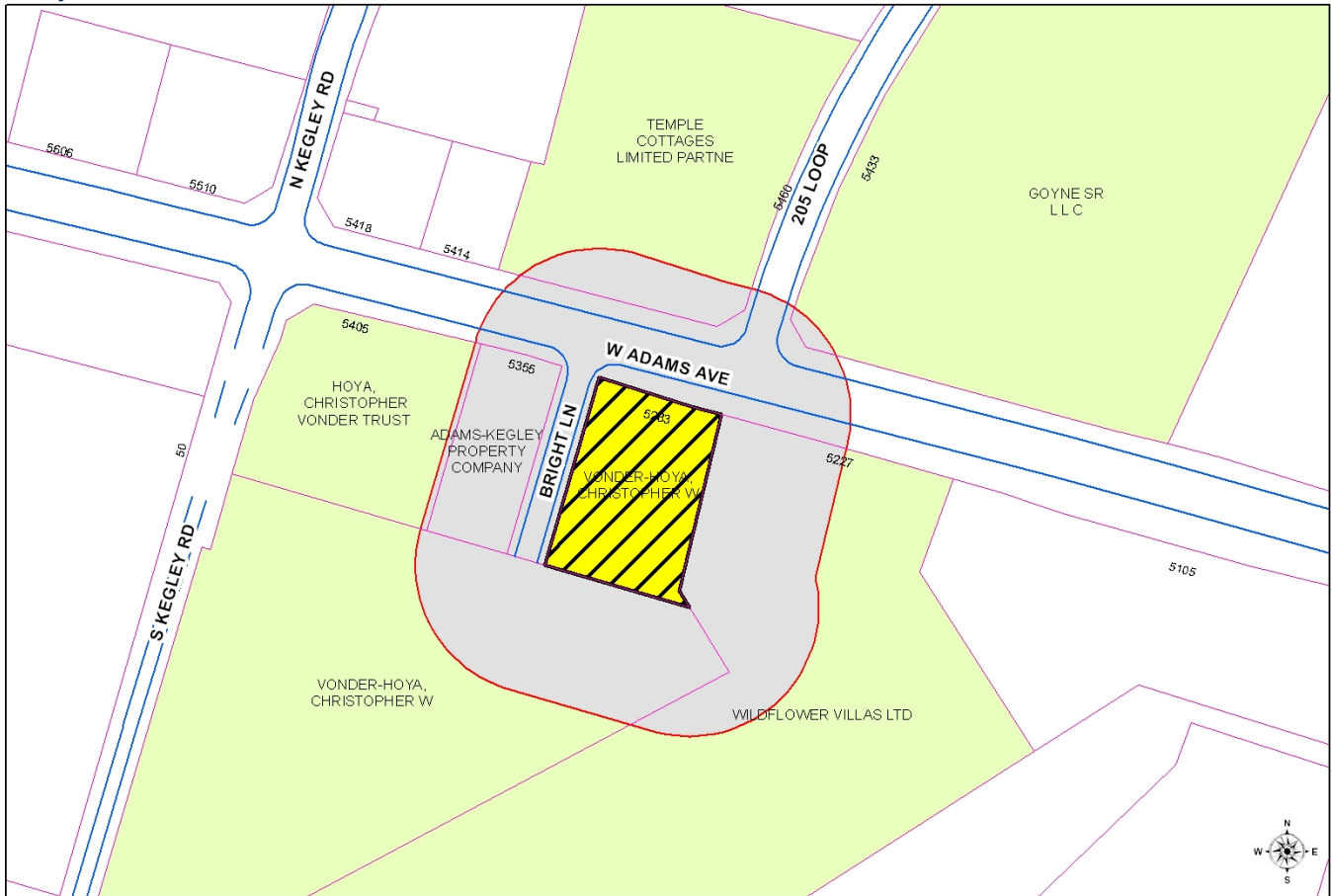
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J Stone 10.19.9



Z-FY-10-05

Lot 1, Block 1, Wildflower Commercial

51 Bright Ln



Feet 0 50 100 150 200

J Stone 10.19.9



Z-FY-10-05



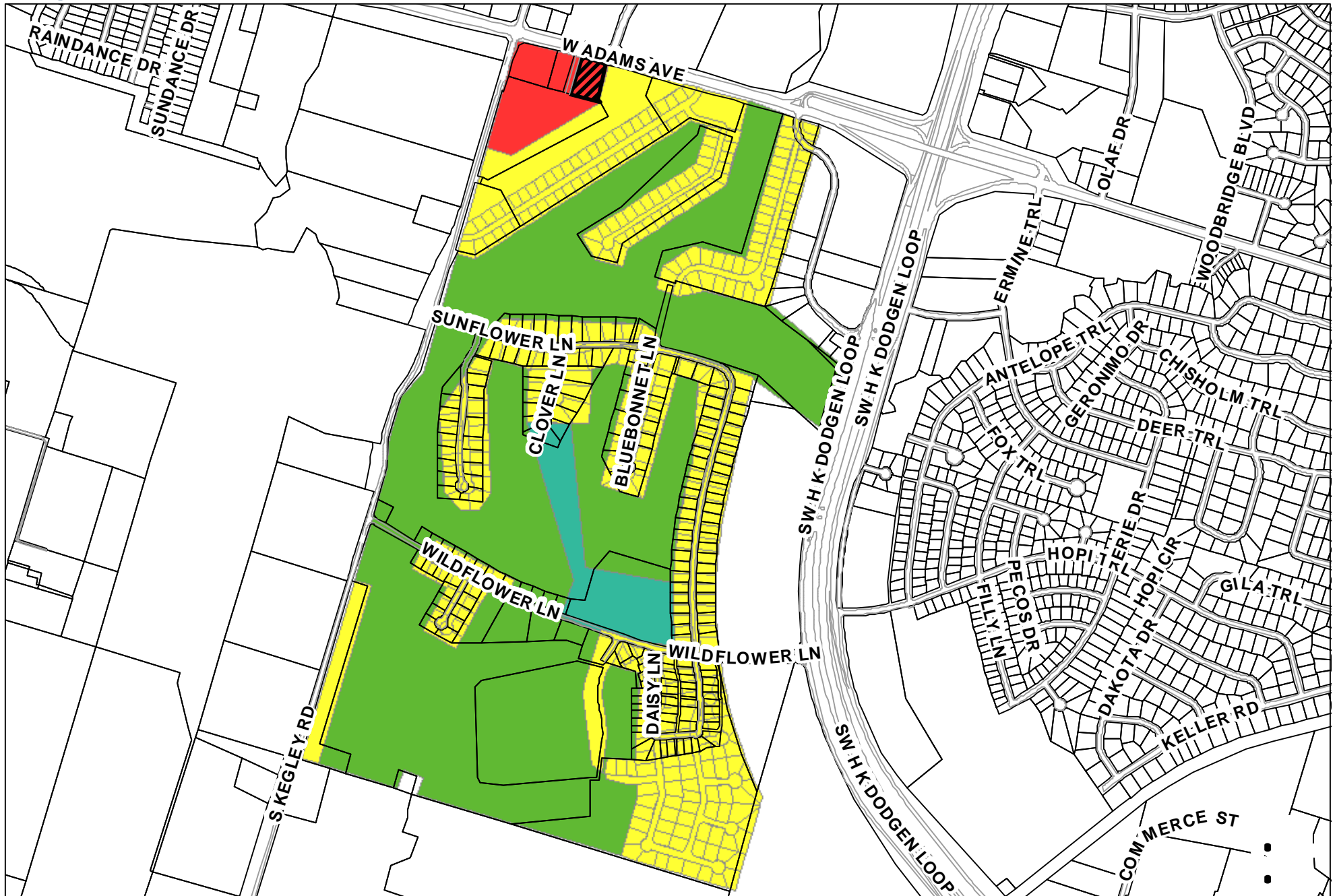
200' Buffer



Z-FY-10-05

Wildflower Country Club Masterplan

(Ord #1688, reflecting February 1988 revisions)



Z-FY-10-05 PD-13 FLUP: Commercial Clubhouse & Practice Range Golf Course Single Family

Feet 0 250 500 750 1,000

J Stone 11.24.9

APPLICANT / DEVELOPMENT: Larry Guess for Christopher Vonder Hoya





CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: Public Hearing, Discussion and Action Z-FY-10-05: Recommend action on a zoning district change from a Planned Development District (PDD) to the General Retail District (GR) at the Wildflower Commercial Subdivision Lot 1, Block 2 at the southeast corner of Bright Lane and West Adams Avenue.

BACKGROUND: The applicant requests a change to the General Retail (GR) zoning district to establish a restaurant which may have drive-in pick up window on the subject property. The base zoning is a Planned Development District (PDD) with no base zoning district, established in 1985 for the Wildflower development.

Surrounding Property and Uses

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

| Direction | Zoning | Current Land Use | Photograph |
|-----------|--------|---------------------|--|
| North | GR | Car Wash |  |
| South | PDD | Undeveloped |  |
| East | MF2 | Apartments |  |
| West | GR | Drive-In Restaurant |  |

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

Future Land Use & Character Plan The Future Land Use & Character Plan designates Suburban Commercial future land use category, for the subject tract, and it allows for the requested General Retail (GR) zoning district. The request complies with the Future Land Use Plan.

Thoroughfare Plan

West Adams Avenue is designated a Major Arterial and Bright Lane is developed as a collector street on the Thoroughfare Plan. The zoning request complies with the Thoroughfare Plan.

Availability of Public Facilities

A 6" water line runs along Bright Lane. An 8" sewer line runs along the rear of the Lot. The zoning request complies with the Availability of Public Facilities.

Development Regulations

The purpose of the GR, General Retail district is to serve larger service areas than neighborhoods. This district should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the standard retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments. The minimum lot area and setback requirements for the GR, General Retail district are as follows.

| GR, General Retail | |
|--------------------------------|-------------------------------------|
| Min. Lot Area (sq. ft.) | None |
| Min. Lot Width (ft.) | None |
| Min. Lot Depth (ft.) | None |
| Max. Height (stories) | 3 stories |
| Min. Yard (ft) | |
| Front | 30 from street centerline |
| Side | 10 adjacent to residential district |
| Rear | 10 adjacent to residential district |

Public Notice

Three notices were sent out. As of Friday, November 13 at Noon, no notices were returned. The newspaper printed notice of the public hearing on November 5, 2009, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the zone change from PD to GR for the following reasons:

1. The request complies with the Future Land Use & Character Plan;
2. The request complies with the Thoroughfare Plan; and
3. Available public facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use & Character Map
Zoning Map
Notice Map

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

MONDAY, NOVEMBER 16, 2009

ACTION ITEMS

Item 3: Z-FY-10-05: Public Hearing, Discussion and Action Z-FY-10-05: Recommend action on a zoning district change from Planned Development District (PDD) to General Retail District (GR) on Lot 1, Block 2, Wildflower Commercial Subdivision, located at the southeast corner of Bright Lane and West Adams Avenue. (Applicant: Larry Guess for Christopher Vonder Hoya)

Mr. Tim Dolan, Planning Director, stated the same schedule previously mentioned would apply for City Council's first and second reading, December 3rd and December 17th, respectively.

Mr. Dolan stated the purpose of this request was to eliminate a Planned Development District (PDD) and zone the property to General Retail (GR) to allow for a sit-down restaurant with a possible drive-through window. The Wildflower area was established in 1985 but did not create any base zoning district for the area.

Mr. Dolan stated the surrounding properties contained a car wash to the north, apartments to the east, a vacant tract to the south, and an existing drive-in restaurant to the west and the property was planned for suburban/commercial uses.

Mr. Dolan stated the zoning map showed the property surrounded by General Retail areas (GR) to the north and west and the PDD to the south. The public facilities and Thoroughfare Plan showed the availability of a 6" water line to serve the property along Bright Lane and an 8" sewer line runs along the rear of the lot.

Mr. Dolan stated the Thoroughfare Plan showed West Adams as a major arterial and Bright Lane as a collector road so it conformed with the Thoroughfare Plan. The Thoroughfare Plan showed West Adams as a major arterial and Bright Lane as a collector road so the request conformed to the Thoroughfare Plan.

Mr. Dolan stated six notices were mailed out and no responses had been received back.

Mr. Dolan stated the Staff recommendation was to approve the zone change from PD to GR because the request complied with the Future Land Use &

Character Plan, complied with the Thoroughfare Plan, and Available Public Facilities served the site.

Chair Pilkington opened the public hearing. There being no speakers, Chair Pilkington closed the public hearing.

Commissioner Pope made a motion to approve this zone request from PDD to GR as Staff presented and Commissioner Staats made a second.

Motion approved: (9:0)

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-05]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO THE GENERAL RETAIL DISTRICT (GR) AT THE WILDFLOWER COMMERCIAL SUBDIVISION LOT 1, BLOCK 2 AT THE SOUTHEAST CORNER OF BRIGHT LANE AND WEST ADAMS AVENUE; 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 Planned Development District (PDD) to the General Retail District (GR) at the Wildflower Commercial Subdivision Lot 1, Block 2 at the southeast corner of Bright Lane and West Adams Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the **17th** 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

12/03/09
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING— PUBLIC HEARING. Consider adopting an ordinance which amending Chapter 10, “Electrical Code,” of the Code of Ordinances of the City of Temple, Texas, to incorporate the adoption of the 2008 National Electric Code (NEC).

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for December 17, 2009.

ITEM SUMMARY: The ordinance presented primarily represents the adoption of the 2008 National Electric Code 2008 and some house cleaning of the chapter to improve clarity. The adoption of the ordinance has been recommended by the City’s Electric Board.

FISCAL IMPACT: None

ATTACHMENTS:

Ordinance – To Be Provided



COUNCIL AGENDA ITEM MEMORANDUM

12/03/09
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 feet 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