



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR**

TEMPLE, TX

REGULAR MEETING AGENDA

THURSDAY, JANUARY 7, 2010

5:00 P.M.

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. 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.

III. PUBLIC HEARINGS

3. PUBLIC HEARING – Conduct a public hearing to receive comments on the possible [voluntary annexation](#) of a 10.8± acre tract of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive, out of the G.W. Lindsey Survey, Abstract 513.

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) [December 17, 2009 Special Called Meeting and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2010-5914-R](#): Consider adopting a resolution authorizing the purchase of ten marked police vehicles and one un-marked car (without cage), from Philpott Motor Company of Nederland under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$299,705.45.
- (C) [2010-5915-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, and construction administration required for the Steeplechase Lift Station Reconstruction Project in an amount not to exceed \$36,258.42.
- (D) [2010-5916-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, and construction administration required for 2010 Wastewater Line Replacement Projects in an amount not to exceed \$397,131.22 and declaring an official intent to reimburse this expenditures made prior to the issuance of tax-exempt obligations for the professional services agreement related to the wastewater line replacement of French Avenue to Adams Avenue from North 4th Street to North 12th Street in the amount of \$118,560.71.
- (E) [2010-5917-R](#): Consider adopting a resolution authorizing a professional services agreement with Beach Sulak Partners, Inc., for engineering services required to prepare and submit a Letter of Map Revision for Hog Pen Creek from FM 2305 to 1,745 feet south of Hogan Road in an amount not to exceed \$45,700.

- (F) [2010-5918-R](#): Consider adopting a resolution authorizing an emergency construction contract with Lone Star Railroad Contractors, Inc., to perform railroad track repairs in the Temple Industrial Park in the amount of \$63,643.

Ordinance – Second & Final Reading:

- (G) [2009-4335](#): SECOND READING – Z-FY-10-08: Consider adopting an ordinance authorizing a zoning change request from General Retail District (GR) to Planned Development General Retail District (PD-GR) on the South 50 Feet of Lot 1, Block 2, Keaton Addition, located at 803 North General Bruce Drive.
- (H) [2009-4336](#): SECOND READING – Z-FY-10-10: Consider adopting an ordinance authorizing a Conditional Use Permit request for an off-premise consumption package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182, a 15,723 square foot lease area.

Misc.

- (I) [2010-5919-R](#): Consider adopting a resolution accepting the 2008-2009 Risk Management Annual Report.
- (J) [2009-5920-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

V. REGULAR AGENDA

ORDINANCES

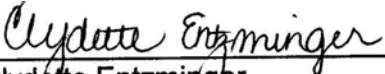
5. [2010-4337](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance abandoning a 20-foot wide alley located in Block 3, Moore's Addition, between West Barton Avenue and West Calhoun Avenue, and between North 3rd Street and North 5th Street, and retaining a utility easement with a length of 20 feet and a width of 20 feet at the alley's intersection with West Barton Avenue's north right of way.

RESOLUTIONS

6. (A) [2010-5921-R](#): Consider adopting a resolution accepting a donation from the Temple Parks Foundation in the amount of \$147,055.14 to purchase playground equipment and to develop and construct a handicapped all accessible playground at Lions Park, and;
- (B) [2010-5922-R](#): Consider adopting a resolution for the purchase of playground equipment from Total Recreation Products, Inc. off of the BuyBoard for \$147,992.64.
7. [2010-5923-R](#): Consider adopting a resolution authorizing a Chapter 380 "matching grant" agreement with Jorge and Candice Vasquez for redevelopment improvements at 804 South 21st Street in the Avenue H Strategic Investment Zone corridor in an amount not to exceed \$10,000.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on December 30, 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 _____ 2010. _____



COUNCIL AGENDA ITEM MEMORANDUM

01/07/10
Item #3
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing to receive comments on the possible voluntary annexation of a 10.8± acre tract of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive, out of the G.W. Lindsey Survey, Abstract 513.

STAFF RECOMMENDATION: Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time.

ITEM SUMMARY: On December 17, 2009, the Council accepted a petition for voluntary annexation filed by V.W. Barge on December 2, 2009, seeking voluntary annexation of approximately 10.8± acres into the City of Temple. The property is located west of the existing City limits line. The Council directed the staff to prepare a municipal services plan for this tract.

The annexation schedule calls for two public hearings—this being the second in a regular meeting, with the first one conducted January 6, 2010, in a special Council meeting. The public hearing today is to receive a second set of public comments on the proposed annexation and proposed service plan from anyone that might wish to speak. There are no residents on the 10.8± acre tract.

FISCAL IMPACT: Future tax revenue. Need to provide police and fire services to the area. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Service Plan](#)

CITY OF TEMPLE

ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – KENT ET ALL

For approximately 10.8± acre tract of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive, out of the G.W. Lindsey Survey, Abstract 513, located in Bell County, and being more particularly described an Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2009-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

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

5. MAINTENANCE OF ROADS AND STREETS

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

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

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

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

8. CONSTRUCTION SAFETY

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

9. CODE ENFORCEMENT

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

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

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

3. WATER AND WASTEWATER FACILITIES

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

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

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

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

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

APPROVED ON THIS _____ DAY OF _____, 2009.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 10.833 acre tract of land situated in the G. W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas being a part or portion of those certain tracts of land described as TRACT ONE, TRACT TWO and TRACT THREE in a Warranty Deed dated August 14, 2008 from George V. Brown, a single person to V.W. Barge, III and being of record in Document 2008-00039205, Official Public Records, Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the most southerly southeast corner of that certain 26.952 acre tract of land described as First Replat, Northcliffe, Phase I to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet A, Slide 374-A, Plat Records, Bell County, Texas and being the southeast corner of Lot 20, Block 2 of said Northcliffe, Phase I for corner;

THENCE departing the said southeast corner and with the east boundary line of the said 26.952 acre tract the following eight (8) calls:

- 1) N. 05° 19' 55" W., 89.55 feet (calls S. 02° 43' 45" E., 164.22 feet in Cabinet A, Slide 374-A) to a ½" iron rod with cap stamped "CTS 4029" found being the northeast corner of said Lot 20, Block 2 and being the southeast corner of Lot 19, said Block 2 for corner;
- 2) N. 05° 02' 25" W., 75.03 feet to a ½" iron rod with cap stamped "RPLS #2475" set being the northeast corner of said Lot 19, Block 2 and being the southeast corner of Lot 18, said Block 2 for corner;
- 3) N. 14° 10' 09" E., 74.85 feet (calls S. 16° 58' 22" W., 342.59 feet in Cabinet A, Slide 374-A) to a 1" iron pipe found being the northeast corner of said Lot 18, Block 2 and being the southeast corner of Lot 17, said Block 2 for corner;
- 4) N. 14° 27' 34" E., 89.94 feet to a 1" iron pipe found being the northeast corner of said Lot 17, Block 2 and being the southeast corner of Lot 16, said Block 2 for corner;
- 5) N. 14° 25' 44" E., 177.35 feet to a 1" iron pipe found being the northeast corner of Lot 15, said Block 2 and being the southeast corner of Lot 14, said Block 2 for corner;
- 6) N. 17° 34' 57" E., 462.91 feet (calls S. 20° 06' 14" W., 462.50 feet in Cabinet A, Slide 374-A) to a 1" iron pipe found being the northeast corner of Lot 10, said Block 2 and being the southeast corner of Lot 9, said Block 2 for corner for corner;
- 7) N. 13° 31' 37" E., 302.61 feet (calls S. 16° 16' 04" W., 302.55 feet in Cabinet A, Slide 374-A) to a 1" iron pipe found being in the east boundary line of Lot 6, said Block 2 and being the southwest corner of Lot 4, said Block 2 and being an interior ell corner in the east boundary line of the said Northcliffe, Phase I for corner;
- 8) S. 75° 58' 06" E., 84.08 feet (calls N. 73° 20' 02" W., 374.67 feet in Cabinet A, Slide 374-A) to a point being in the south boundary line of Lot 3, said Block 2 and being in the westerly boundary line of the existing city limits of the City of Temple, Texas, for corner;

THENCE departing the said south boundary line and over and across the aforementioned 31.190 acre tract (TRACT EIGHT) and with the said westerly boundary line of the city limits of the City of Temple, Texas the following four (4) calls:



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- 1) S. 12° 08' 20" W., 190.24 feet to a point for corner;
- 2) S. 03° 46' 47" W., 207.88 feet to a point for corner;
- 3) S. 06° 17' 05" E., 593.69 feet to a point for corner;
- 4) S. 17° 40' 39" E., 391.36 feet to a point being in the west boundary line of that certain 14.032 acre tract of land described in a Warranty Deed with Vendor's Lien dated June 1, 1998 from Margie Hill to A. C. Boston and wife, Nancy Boston and being of record in Volume 3805, Page 529, Official Public Records, Bell County, Texas for corner;

THENCE S. 16° 10' 51" W., 206.85 feet departing the said westerly boundary line of the city limits of the City of Temple, Texas and with the said west boundary line of the 14.032 acre tract (calls N. 19° 09' 00" E., 972.95 feet in Volume 3809, Page 529), and with an existing fence line to a ½" iron pipe found at a fence corner post being the most northerly northeast corner of that certain 2.29 acre tract of land described in a Warranty Deed dated December 23, 1998 from Gene L. Shomake and Vivian Bernice Shomake to Richard Stearns and being of record in Volume 3920, Page 498, Official Public Records, Bell County, Texas (calls ½" iron pipe in Volume 3920, Page 498) for corner;

THENCE N. 75° 58' 35" W., 195.47 feet departing the said 14.032 acre tract and with the north boundary line of the said 2.29 acre tract (calls S. 72° 47' 56" E., 195.47 feet in Volume 3920, Page 498) with an existing fence line to a 3/8" iron rod found at a fence corner post (calls ½" iron rod at a fence corner post in Volume 3920, Page 498) being the northwest corner of the said 2.29 acre tract for corner;

THENCE S. 17° 30' 02" W., 79.55 feet with the west boundary line of the said 2.29 acre tract (calls N. 20° 37' 22" E., 321.64 feet in Volume 3920, Page 498) and with an existing fence line to a 3/8" iron rod found at a fence corner post being the northeast corner of that certain 3.2781 acre tract of land described in a Warranty Deed dated June 5, 1989 from James Brown and wife, Lois Brown to T. D. Constance and wife, Lois Constance and being of record in Volume 2535, Page 157, Official Public Records, Bell County, Texas (calls iron rod in Volume 2535, Page 157) for corner;

THENCE departing the said 2.29 acre tract and with the north boundary line of the said 3.2781 acre tract and with an existing fence line the following four (4) calls:

- 1) N. 67° 00' 13" W., 280.51 feet (calls S. 64° 20' 48" E., 279.72 feet in Volume 2535, Page 157) to a 3/8" iron rod found at a fence post for corner;
- 2) N. 42° 35' 56" W., 88.03 feet (calls S. 40° 00' 39" E., 86.98 feet in Volume 2535, Page 157) to a fence post found for corner;
- 3) N. 23° 25' 03" W., 82.52 feet (calls S. 20° 43' 34" E., 82.85 feet in Volume 2535, Page 157) to a fence post found for corner;
- 4) N. 51° 43' 41" W., 67.56 feet (calls S. 49° 00' 18" E., 68.23 feet in Volume 2535, Page 157) to a ½" iron rod with cap stamped "RPLS #2475" set being the southeast corner of that certain 0.1452 acre tract (CORRECTED "EXHIBIT A") described in a Correction Warranty Deed dated June 5, 1989 from James V. Brown and wife, Lois Brown to James David



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Constance and being of record in Volume 2535, Page 147, Official Public Records, Bell County, Texas for corner;

THENCE N. 13° 49' 58" W., 50.14 feet departing the said 3.2781 acre tract and with the east boundary line of the said 0.1452 acre tract (calls S. 11° 10' 37" E., 50.14 feet in Volume 2535, Page 147) to a 1/2' iron rod with cap stamped "RPLS #2475" set being the southeast corner of Lot 1, Block 3, said FIRST REPLAT of NORTHCLIFFE, PHASE I and being in the west right-of-way line of Northcliffe Drive as described in said Cabinet A, Slide 374-A for corner;

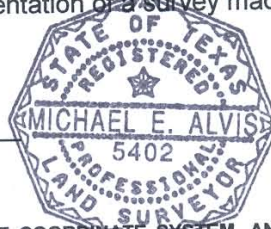
THENCE departing the said 0.1452 acre tract and with the south boundary line of the said Northcliffe, Phase I (calls S. 82° 56' 23" W., 327.88 feet in Cabinet A, Slide 374-A) the following two (2) calls:

- 1) N. 80° 23' 12" E., 50.14 departing the said Lot 1, Block 3 and the said west right-of-way line to a 3/8" iron rod found being in the east right-of-way line of the said Northcliffe Drive and being the southwest corner of the aforementioned Lot 20, Block 2, FIRST REPLAT of NORTHCLIFFE, PHASE I for corner;
- 2) N. 80° 33' 22" E., 147.02 feet departing the said east right-of-way line and with the south boundary line of the said Lot 20, Block 2 to the Point of BEGINNING and containing 10.833 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
November 19, 2009



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 500
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 28' 27"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.9998842
PUBLISHED CITY COORDINATES ARE X = 3,192,018.104 Y = 10,385,827.497
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING OF THIS PROJECT
S. 12° 56' 55" W., 3624.58 FEET.
GRID DISTANCE = SURFACE DISTANCE X GRID FACTOR
GEODETIC NORTH = GRID NORTH + THETA ANGLE

See attached surveyors sketch, which accompanies this set of field notes (ref: drawing no. 12198-C).



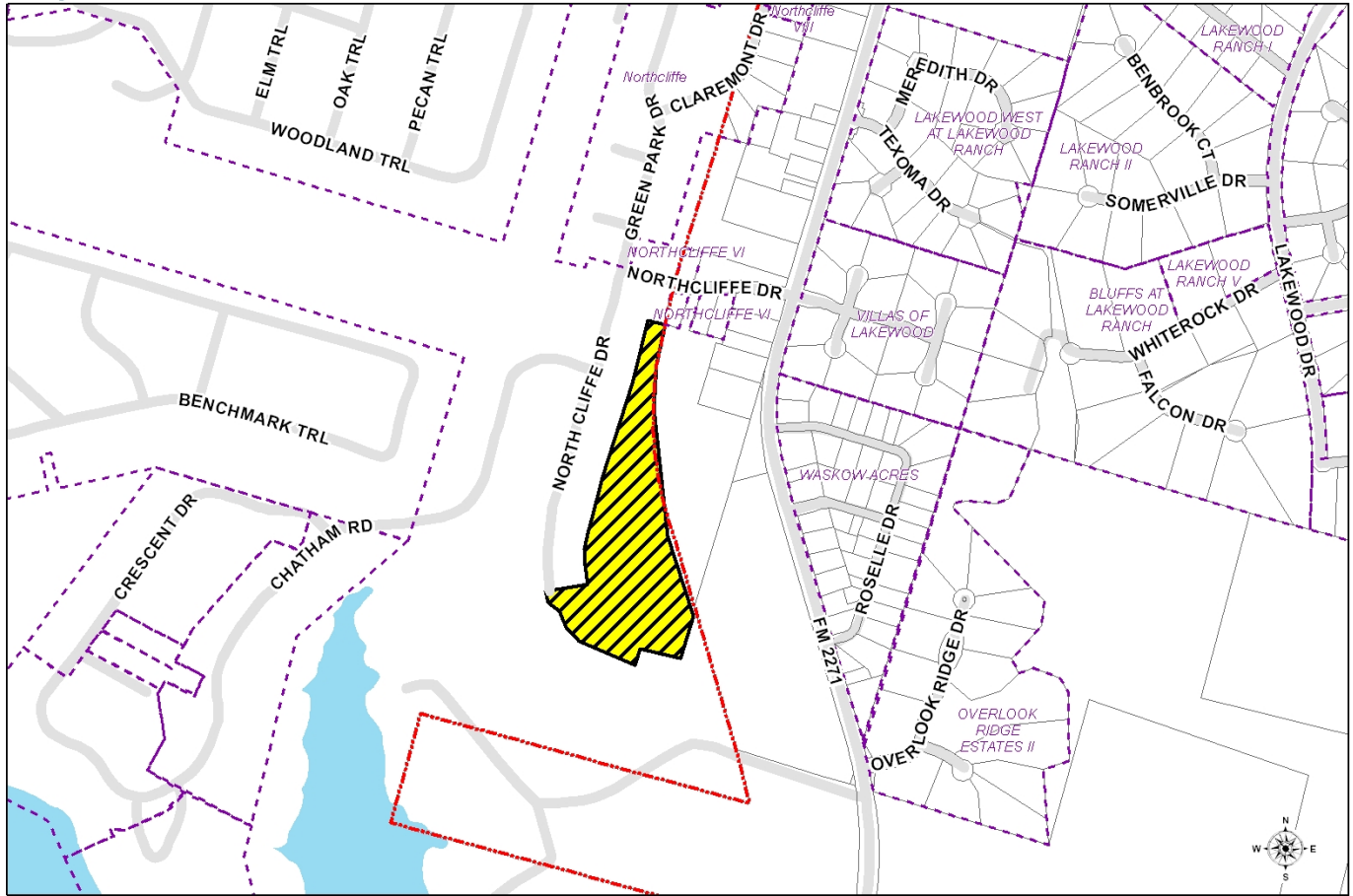
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Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac




 Proposed Annexation

Exhibit 'B'

Feet 0 150 300 450 600
J Stone 12.01.09



COUNCIL AGENDA ITEM MEMORANDUM

01/07/10
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) December 17, 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:

[December 17, 2009 Special Called Meeting & Regular Meeting](#)

TEMPLE CITY COUNCIL

DECEMBER 17, 2009

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, December 17, 2009, at 3:00 PM in the 3rd Floor Conference Room, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 17, 2009.

Agenda item 3(B) - Presentation of Cen-Tex Cup: David Blackburn, City Manager, stated this was a great event for those employees that participated. The City of Temple won so the Killeen City Manager will present the Cup at the regular Council meeting.

Agenda item 4 - Temple Economic Development Annual Report: Mr. Blackburn stated this annual report is required as part of the contract with TEDC.

Agenda item 5(I) - Z-FY-10-03: This ordinance has been revised to eliminate the exception of boat parking in the back 28 units, as recommended on first reading by the City Council.

Agenda item 5(M) - Temple-Belton Regional Sewerage System plant expansion expenditures: Mr. Blackburn stated a committee is in the process of selecting an engineering firm for Phase I of this project.

Traci Barnard, Director of Finance, stated there have only been a few small expenditures to date on this project. This action is required in order to reimburse the City for all expenditures with bond proceeds when received. The engineer should be selected in January and the bonds are to be sold in the summer of 2010.

Agenda item 7 - Z-FY-10-10: Councilmember Janczak stated he is supportive of approving this CUP for Specs to operate a package store in this location. However, the CUP goes with the land and he expressed concern there might be an unfavorable operator at some point in the future. Another concern is that there might be clusters of package stores as there are in other cities.

Trudi Dill, Deputy City Attorney, stated since the CUP does run with the land, any conditions for operation should be included in the CUP. She discussed how to regulate space and other issues that might arise. These CUPs should be considered on a case by case basis as none are allowed by right.

Mr. Blackburn agreed that criteria for these CUPs for package stores will likely be developed as applications come in and are processed.

2. Discuss the implementation of Phase 1 of the Unified Development Ordinance.

Tim Dolan, Planning Director, discussed this proposed ordinance with the Council. The Unified Development Code is a coordinated set of regulations related to land development which includes zoning, platting and site design. It is presented with easy to find features, tables, graphics and an index that make is user-friendly. Mr. Dolan presented a typical table of contents for a UDC. The priorities for phase 1 of the UDC are to reformat, reorganize, and clarify the development regulations, streamline development review, and codify unwritten policies and changes in state law. It is anticipated the ordinance will be presented to Council for adoption in April 2010.

3. Discuss the proposed contract with Georgetown Railroad for the purchase of approximately 6.2 miles of railroad right of way located in southeast Temple. Executive Session – Pursuant to Chapter 551, Government Code, §551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party

Mayor Jones recessed the regular work session and announced the City Council would enter into executive session at approximately 3:40 p.m. for discussion of this item. Councilmember Jeter entered the meeting at approximately 3:50 p.m. No final action was taken regarding this item.

4. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. 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., to conduct a work plan review with the City Manager.

Mayor Jones reconvened the work session at approximately 5:00 p.m. stating no final action would be taken regarding this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 17, 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
Mayor William A. Jones, III

Absent:

Councilmember Tony Jeter
Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

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

2. Pledge of Allegiance

Lee Peterson, President, Temple Economic Development Corporation, led the Pledge of Allegiance.

Mayor Jones stated the applicant for items 10 and 11 on this agenda, regarding the proposed quarry along SH 36 and SH 317, has withdrawn his request. There will be no presentation or action taken by the City Council at this meeting. The public hearing will be conducted, however, and comments will be received at that time.

II. PRESENTATIONS & REPORTS

3. (A) Presentation by representatives from Temple Mall to The City of Temple - CPR Task Force regarding proceeds collected from the Temple Mall's Save A Life Day Silent Auction and 5K Save a Life Race.

Temple Mall representatives presented Drs. Rob and Pat Smith, representing CPR Task Force, with a check in the amount of \$1,505.57, symbolizing the funds collected during the Temple Mall's Save a Life Day Silent Auction and 5K Save a Life Race.

(B) Presentation of the Cen-Tex Cup

David Blackburn, City Manager, and Kevin Beavers, Assistant Director of Parks and Leisure Services, provided some background information regarding the Cen-Tex Games held in October. As Temple was declared the winner of the Games, Assistant City Manager Glenn Morrison, City of Killeen, presented the Cen-Tex Cup to the City of Temple employees.

4. Receive annual report on the operations of the Temple Economic Development Corporation from Mr. Lee Peterson, President.

Mr. Lee Peterson, President, Temple Economic Development Corporation (TEDC), presented this annual report. He recognized members of the board present at the meeting. Mr. Peterson discussed the goals and five-year objectives of TEDC, provided a summary of the incentives offered and discussed the successes during the past year. The contract performance measures were also reviewed, as well as the goals for the upcoming year.

III. PUBLIC COMMENTS

Stewart Fine, 5100 Cedar Ridge Park Road, stated the issue with the proposed quarry (agenda items 10 and 11) needs to be brought to a final conclusion. It is good that the application has been withdrawn but he felt another request would be submitted in the future. Mr. Fine stated the number of people opposing the quarry grows each time it comes up and the citizens will be in continual vigilance with anything that involves the

quarry. We don't need a quarry inside the City of Temple, Mr. Fine stated.

James Staats, member of the 2010 Census Complete Count Committee, addressed the Council regarding the 2010 Census. He explained the importance of the Census to the Temple community. Mr. Staats encouraged everyone to complete the Census questionnaire that will be distributed in March 2010.

IV. CONSENT AGENDA

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

(A) December 3, 2009 Special Called Meeting and Regular Meeting

(B) 2009-5898-R: Consider adopting a resolution authorizing the purchase of seven (7) Filter Trak 660 units for the Membrane Water Treatment Plant from Water Utility Chemicals of Caldwell in the amount of \$31,304.70.

(C) 2009-5899-R: Consider adopting a resolution authorizing Temple Heat & Air L.L.C., under an existing annual contract, to replace four chilled water air handlers and to clean the air ducts connected to these air handlers in the Temple Municipal Building in the estimated amount of \$75,000.

(D) 2009-5900-R: Consider adopting a resolution authorizing a services agreement with BBI Tennis Group, Brit Coleman, for tennis pro services at the Summit Recreation Center in the annual amount of \$60,000.

(E) 2009-5901-R: Consider adopting a resolution authorizing a two-year renewal to the purchase agreement with Triple S Petroleum of Austin for the purchase of on-site fuel for Sammons Golf Links and the Draughton-Miller Central Texas Regional Airport in the estimated annual amount of \$37,000.

(F) 2009-5902-R: Consider adopting a resolution authorizing the purchase of sewer line chemical root control services for FY 09-10 from Duke's Root Control, Inc. of Syracuse, New York, utilizing a BuyBoard contract in the estimated annual amount of \$65,000.

(G) 2009-5903-R: Consider adopting a resolution authorizing a contract and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2010.

(H) 2009-5904-R: Consider adopting a resolution authorizing a professional services agreement with Bury + Partners Engineering Solutions to provide engineering services for the design of a Department of Energy grant funded trail in the amount not to exceed \$45,100.

(I) 2009-4332:SECOND READING - 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.

(J) 2009-4333: SECOND READING - 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.

(K) 2009-4334: SECOND READING — 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).

(L) 1. 2009-5905-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the Barge Voluntary Annexation, for a 10.8+ acre tract of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive, out of the G.W. Lindsey Survey, Abstract 513.

2. 2009-5906-R: Consider adopting a resolution directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

(M) 2009-5907-R: Consider adopting a resolution declaring an official intent to reimburse certain expenditures in an amount not to exceed \$2,250,000 designated for the City's share of the Temple-Belton Regional Sewerage System (TBRSS) plant expansion made prior to the issuance of tax-exempt Utility Revenue Bonds.

(N) 2009-5908-R: Consider adopting a resolution authorizing payment of an invoice to the Texas Commission on Environmental Quality (TCEQ) for a TCEQ Water System Fee in the amount of \$64,265.65.

(O) 2009-5909-R: Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone Number One for fiscal year 2008-2009.

(P) 2009-5910-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

(Q) 2009-5911-R: Consider adopting a resolution making single family property located within the City of Temple eligible for financing by bonds issued by the Central Texas Housing Finance Corporation.

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

Motion passed unanimously.

V. REGULAR AGENDA

6. **2009-4335: FIRST READING - PUBLIC HEARING - Z-FY-10-08: Consider adopting an ordinance authorizing a zoning change request from General Retail District (GR) to Planned Development General Retail District (PD-GR) on the South 50 Feet of Lot 1, Block 2, Keaton Addition, located at 803 North General Bruce Drive.**

Brian Mabry, Senior Planner, presented this case to the City Council. The applicant in this request for a billboard is Lamar Advertising. The property has I-35 frontage and is currently zoned General Retail. The purpose of the Planned Development is to allow the placement of a billboard. Mr. Mabry provided the requirements for billboards in the City of Temple. He showed an aerial of the property and photos of the surrounding uses. Mr. Mabry also showed a map with surrounding billboards noted, explaining the proposed billboard does meet the spacing standards in the Zoning Ordinance. If this Planned Development is approved and the permit is received no billboard will be allowed on the site to the north, previously approved for a billboard. The request complies with the Future Land Use and Character Map and public infrastructure is in place to serve the property. The Planned Development avoids the intense uses normally allowed in the commercial zoning district but still allows the billboard. Four notices were mailed to surrounding property owners and none were returned. The Planning and Zoning Commission unanimously recommended approval of the request.

Councilmember Janczak asked if there were previous applications for billboards on this site.

Mr. Mabry stated no. There was a previous rezoning on an adjacent location that was approved for a billboard but that has not occurred. If Lamar's billboard is approved, this would prevent the previous billboard from being installed.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

Teresa Smith, real estate manager for Lamar Advertising, addressed the Council. She concurred with the conservative approach to approve the Planned Development instead of commercial zoning. The site meets City and State standards for a billboard.

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

Motion by Councilmember Marty Janczak to adopt ordinance, and set second reading and final adoption for January 7, 2010, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

7. **2009-4336: FIRST READING - PUBLIC HEARING - Z-FY-10-10: Consider adopting an ordinance authorizing a Conditional Use Permit request for an off-premise consumption package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182, a 15,723 square foot lease area.**

Tim Dolan, Planning Director, presented this case to the City Council. This property is being proposed for the location of a package store. Voters approved this use in Temple on November 5, 2009. The property is zoned Planned Development District-Commercial and conforms to CUP regulations. Mr. Dolan displayed an aerial view of the shopping center and photos of surrounding uses within the shopping center. The request conforms to the Future Land Use and Character Map and Thoroughfare Plan and adequate public facilities are available to serve the site. One notice was mailed to the surrounding property owner but was not returned. The development site plan will be adopted as part of the ordinance. The Planning and Zoning Commission unanimously recommended approval of the CUP for a package store.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, and set second reading and final adoption for January 7, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

8. **2009-5912-R: Consider adopting a resolution authorizing the execution of a contract with Georgetown Railroad for the purchase of approximately 6.2 miles of railroad right of way located in southeast Temple. Executive Session – Pursuant to Chapter 551, Government Code, §551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.**

Sarah Gardner - Cox, Deputy City Attorney, presented this item to the City Council. This item was discussed in executive session as part of the work session held earlier today. Mrs. Gardner-Cox provided some historical background information regarding this existing spur. The right of way to be acquired is about 6.2 miles in length and about 100 feet wide. The purpose for acquiring the railroad is to construct a 24 inch pipeline from the Water Treatment Plant to South 31st Street. A secondary use could be for development of a hike and bike trail in the future. Mrs. Gardner-Cox explained the process for acquiring the property, at a purchase price of \$350,000.

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

Motion passed unanimously.

9. **2009-5913-R: Consider adopting a resolution designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors for 2010.**

Mayor Jones stated Mr. Bob Browder has been serving as the chair of the Reinvestment Zone No. 1 Board of Directors since the fall and he recommended he be reappointed for the 2010 calendar year.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution reappointing Bob Browder as Chair for 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

10. **2009-4337: FIRST READING - PUBLIC HEARING - Z-FY-10-06-A: Consider adopting an ordinance authorizing a zoning change request from the Agricultural District (A) to Light Industrial District (LI) on 19.5± acres, situated in the McCampbell Survey, Abstract No. 529 and the Elias Tuttle Survey, Abstract No. 835, Bell County, located in the vicinity of State Highway 36 and North State Highway 317 intersection.**
11. **2009-4338: FIRST READING - PUBLIC HEARING - Z-FY-10-06-B: Consider adopting an ordinance for a Conditional Use Permit (CUP) for mining and mining storage on a 123.2 ± acre tract of land located in the vicinity of the southwest corner of SH 36 (Airport Road) and North SH 317, out of the McCampbell Langley Survey, Abstract No. 529, the Daniel Meador Survey, Abstract No. 577, and the Elias Tuttle Survey, Abstract No. 835, Bell County, Texas.**

Mayor Jones stated the applicant for items 10 and 11 has withdrawn his request. He explained no presentation or action would be taken on either of the items but the public hearings would be conducted as they were posted as such.

Mayor Jones declared the public hearing open with regard to agenda items 10 and 11 and asked if anyone wished to address these items.

Mr. Robert Boop, 10990 West SH 36, thanked Mr. Dolan and the Planning and Zoning Commission for denying the request for the quarry. He asked for the Council's assistance in resolving this matter.

James Young, 1292 Cedar Oaks Circle, stated he just moved to the City last year. He didn't know the quarry was there or he would not have moved here. He hoped the City Council has the citizens interests at heart and will not approve any future requests by the applicant. Mr. Young felt this issue would come back as the company has put a lot of money into the site. Blasting will cause cracks in homes and he will video his home before this occurs.

Duane Atchison, 1278 Frederick Lane, addressed the Council as the representative of the homeowners' association. He explained the negative aspects of the quarry. He, too, asked the Council to find a way to put this issue to rest once and for all. There has not been enough emphasis on the safety aspect about this location. With the new Belton High School being located near this property there will be an increase in the traffic.

There being no further comments, Mayor Jones closed the public hearing closed, stating no action would be taken.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

01/07/10
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of ten marked police vehicles and one un-marked car (without cage), from Philpott Motor Company of Nederland under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$299,705.45.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 19, 2000, Council authorized the City to join with Tarrant County through an interlocal agreement for the purchase of aggregating a bid for police vehicles. This interlocal agreement does not expire, and therefore, we have joined with Tarrant County again this year for our annual purchase of police vehicles.

The Tarrant County Commissioner's Court has awarded the full-size police vehicles to Philpott Motor Company. The City has done business with Philpott in the past, and finds them to be a responsible vendor. The aggregation of these vehicles has allowed a price incentive that provides pricing at less than the State contract for the same vehicles.

In accordance with the police vehicle replacement schedule, ten police vehicles are due for replacement this year. The un-marked vehicle is being purchased through the 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant (JAG), for the additional School Resource Officer funded by the school district, and would be an addition to the fleet. Staff is pleased with the services provided by Tarrant County and desires to purchase eleven units from Philpott Motor Company through the bid awarded by Tarrant County.

FISCAL IMPACT: Funding in the amount of \$350,000 is designated for the purchase of the ten police vehicles and related required equipment in account 110-2000-521-62-13, project #100583, in the FY 2010 Operating Budget.

A budget adjustment is presented for Council's approval to appropriate \$37,500 in grant funding for the purchase of the un-marked vehicle in account 260-2000-521-62-13 project #100586. Council approved the acceptance of the 2009 American Recovery and Reinvestment Act JAG Grant funds on 04/16/2009. There is no City match required.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-2000-521-62-13		Capital Equipment/Automotive	37,500			
260-0000-431-01-63		Federal Grants	37,500			
TOTAL.....			\$ 75,000		\$ -	

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

Appropriate funds to purchase one un-marked vehicle (without cage) to be used by the additional School Resource Officer funded by the school district. This vehicle would be an addition to the fleet and will be funded by the 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant (JAG) funds which require no City match. Council approved the acceptance of \$92,568 in grant funds on 04/16/2009.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/7/2010

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 PURCHASE OF 10 MARKED POLICE VEHICLES AND ONE UN-MARKED VEHICLE (WITHOUT CAGE) FROM PHILPOTT MOTOR COMPANY OF NEDERLAND, TEXAS, UNDER THE JOINT VENTURE/COOPERATIVE PURCHASE INTERLOCAL AGREEMENT WITH TARRANT COUNTY, IN THE AMOUNT OF \$299,705.45; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 19, 2000, the City Council authorized the City to join with Tarrant County through an interlocal agreement for the purchase of aggregating a bid for police vehicles – the interlocal agreement does not expire, and the Staff recommends joining with Tarrant County again this year for the annual purchase of police vehicles;

Whereas, the Tarrant County Commissioner's Court awarded the full-size police vehicles to Philpott Motor Company of Nederland, Texas;

Whereas, the Staff recommends purchasing 10 marked police vehicles and one un-marked vehicle (without cage) from Philpott Motor Company, for a total expenditure of \$299,705.45;

Whereas, funds are available for this purchase but an amendment to the FY2009-10 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the purchase of 10 marked police vehicles and one un-marked vehicle (without cage) from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$299,705.45.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

Part 3: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that are necessary for this purchase.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

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

01/07/10
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, and construction administration required for the Steeplechase Lift Station Reconstruction Project in an amount not to exceed \$36,258.42.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the years, the service boundary for the Steeplechase Lift Station (located near the intersection of Olympia Drive and Ascot Parkway) has dramatically expanded, resulting in excessive run times of the existing lift station. In addition to the lift station size needing to be expanded, pumps operate almost continuously, creating excessive wear on the belt driven pumps and creating substantial noise at the site. To address these concerns, this project will consist of construction of a new submersible lift station with a larger wet well.

As identified in the attached proposal letter, the proposed timeline for the design phase of this project is approximately 3 months, with total project completion within 6 months. Per the attachment, the engineering services are broken down as follows:

Basic Services

Design Surveying / Construction Staking	\$ 2,950.00
Civil Design	\$ 16,808.42
Bidding	\$ 3,500.00
Construction Administration	<u>\$ 3,250.00</u>
	\$ 26,508.42

Special Services

On-Site Representation	\$ 9,750.00
	\$ 9,750.00

TOTAL **\$ 36,258.42**

The engineer's opinion of probable cost for construction of the project is approximately \$270,000.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating Water & Sewer Unreserved Retained Earnings in the amount of \$36,259 to account #520-5900-535-6611, project# 100590 for engineering services for the reconstruction of Steeplechase Lift Station.

This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.

ATTACHMENTS:

[Engineer's Proposal](#)
[Project Map](#)
[Budget Adjustment](#)
[Resolution](#)

Clark & Fuller, PLLC

Civil Engineers • Designers • Planners

2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration: F-10384

December 24, 2009

City of Temple
Assistant Director of Public Works/Operations
Nicole Torralva
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Revised Proposal for the City of Temple 2010 Steeplechase Lift Station Re-Construction Project

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the City of Temple 2010 Steeplechase Lift Station Re-Construction Project. (Please refer to attached maps and documents for further information).

During preliminary site investigations and design analysis, we have determined that the existing lift station is not adequately sized to manage the present contributing sanitary sewer basin. In addition, it was stated by staff that the local residences had concerns and comments in regards to excessive noise being created by the existing belt driven pumps. To address these concerns, this project will consist of a new dual submersible grinder pump lift station with an 8' diameter wet well approximately 20' in depth. This project will also include miscellaneous piping and connections to existing sanitary sewer mains and force main. The existing lift station will remain in operation throughout the duration of the new construction and will be demolished and removed once the new lift station is brought to active service. In addition, a new asphalt service road will be constructed to provide access to the site.

Clark & Fuller, PLLC will complete design topography and construction surveys, new sanitary sewer and lift station designs, construction document preparation, assist the City of Temple with project bidding, and provide construction administration and post construction record drawings. The proposed timeline for the project design phase is 3 months from the authorization of notice to proceed. The proposed timeline for the project construction phase, pending lift station and pump fabrication and delivery, will be approximately 90 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering and Surveying Services for a Lump Sum Amount not to exceed \$26,508.42. We estimate the total cost of construction to be \$269,786.00 and we estimate the total cost of construction including professional services and contingencies to be \$296,294.42. Furthermore, at the City of Temple's request, Engineer proposes to Client, daily on-site project representation and inspection services for a Lump Sum Amount not to exceed \$9,750.00. (Please refer to attached Maps, Exhibit "A", and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.

Please contact us if you require additional information or have further questions regarding this proposal.

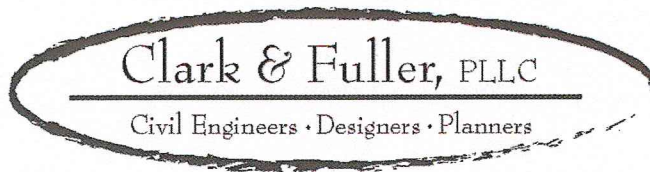
Sincerely,



Monty L. Clark, P.E.

Exhibit "A"
Proposal for City of Temple
2010 Steeplechase Lift Station Re-Construction Project
Scope of Professional Services

Surveying Services:	\$ 2,950.00
<ul style="list-style-type: none">• Prepare Design Topography Survey• Locate existing Right of Ways and Property Boundaries• Provide Construction Staking	
Civil Engineering Design Phase:	\$ 16,808.42
<ul style="list-style-type: none">• Research Existing Utilities• Prepare Final Design Construction Documents and Technical Specifications• Prepare Final Engineer's Opinion of Probable Cost• Attend and Facilitate Project Coordination with the City Staff	
Project Bidding Phase:	\$ 3,500.00
<ul style="list-style-type: none">• Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing Department• Provide copies of Construction Documents to facilitate Bidding• Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and facilitate a Pre-Bid Meeting (As required)• Prepare and Issue Necessary Addenda	
Construction Phase:	\$ 3,250.00
<ul style="list-style-type: none">• Attend and facilitate a Pre-Construction Meeting• Review all Contractor Submittals• Respond to Requests for Information (RFI's)• Execute Necessary Change Orders• Attend Final Project Inspection• Provide Final Inspection Punch List• Prepare Record Drawings	
Daily Onsite Construction Inspection Services	\$ 9,750.00
<ul style="list-style-type: none">• Provide Daily On-Site Project Representation and Inspection Services (Average 4 Hrs. per Day)	



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration: F-10384

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 110.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily on-Site Inspection Services	\$ 40.00/hr
Expenses	Additional Cost Plus 10%



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Steeplechase Lift Station Reconstruction Project

Located within City of Temple, Texas

Filename: 2010 Steeplechase Lift Station reconstruction.xls Date: 12-24-09

Steeplechase Lift Station

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 19,500.00	100%	\$ 19,500.00
2. R.O.W. Prep., Landscaping, Sod, and Miscellaneous Fence Removal and Replacement	L.S.	\$ 7,750.00	100%	\$ 7,750.00
3. Demolish and Remove Existing HMAC Pavement Section	S.Y.	\$ 7.50	250	\$ 1,875.00
4. Demolish and Remove Existing Lift Station, Wet Well, and Misc. Plumbing	L.S.	\$ 19,500.00	100%	\$ 19,500.00
5. Lift Station, Valve Box, Wet Well, and Dual Sub. Grinder Pumps, and Misc. Appertenances	L.S.	\$ 117,000.00	100%	\$ 117,000.00
6. New Lift Station Electrical Service	L.S.	\$ 7,500.00	100%	\$ 7,500.00
7. Subgrade Preparation & Compaction	S.Y.	\$ 16.00	325	\$ 5,200.00
8. New HMAC Pavement Section and Access Drive	S.Y.	\$ 38.00	250	\$ 9,500.00
9. New 8" Crushed Limestone Base Pavement Section with Non-Growth Mat	S.Y.	\$ 25.00	75	\$ 1,875.00
10. New 6' Intruder Resistant Fencing with Access Gate	L.F.	\$ 50.00	110	\$ 5,500.00
11. 8" PVC SDR 26 Sanitary Sewer Main	L.F.	\$ 34.00	140	\$ 4,760.00
12. 4" PVC Sanitary Sewer Force Main	L.F.	\$ 14.00	100	\$ 1,400.00
13. Connection to Existing Force Main	EA.	\$ 2,250.00	1	\$ 2,250.00
14. Miscellaneous Fittings	EA.	\$ 750.00	8	\$ 6,000.00
15. Connection to Existing Sanitary Sewer Main	EA.	\$ 1,250.00	2	\$ 2,500.00
16. 4' Dia. Precast Concrete Manhole with 32" Ring & Lid Assembly	EA.	\$ 2,850.00	2	\$ 5,700.00
17. 4' Dia. Precast Conc. Manhole with Water Tight Ring & Lid Assembly & Epoxy Coat	EA.	\$ 4,250.00	2	\$ 8,500.00
18. New 1" Water Service	EA.	\$ 1,850.00	1	\$ 1,850.00
19. New Frost Free Hydrant	EA.	\$ 950.00	1	\$ 950.00
20. New Reduced Pressure Zone Backflow Assembly	EA.	\$ 2,750.00	1	\$ 2,750.00
21. Provide and Implement Storm Water Pollution Prevention Plan	L.S.	\$ 2,500.00	100%	\$ 2,500.00
22. Trench Safety Plan & Implementation	L.S.	\$ 4,750.00	100%	\$ 4,750.00
23. Traffic Control & Barricade Plan & Implementation	L.S.	\$ 2,200.00	100%	\$ 2,200.00
24. Testing Per City of Temple and TCEQ Requirements	L.S.	\$ 3,950.00	100%	\$ 3,950.00

SUBTOTAL: \$ 245,260.00
10% CONSTRUCTION CONTINGENCY: \$ 24,526.00

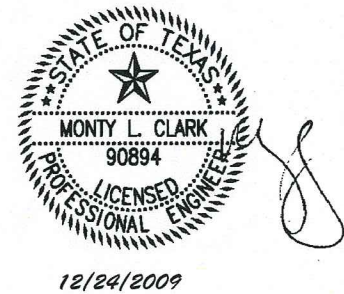
TOTAL CONSTRUCTION: \$ 269,786.00

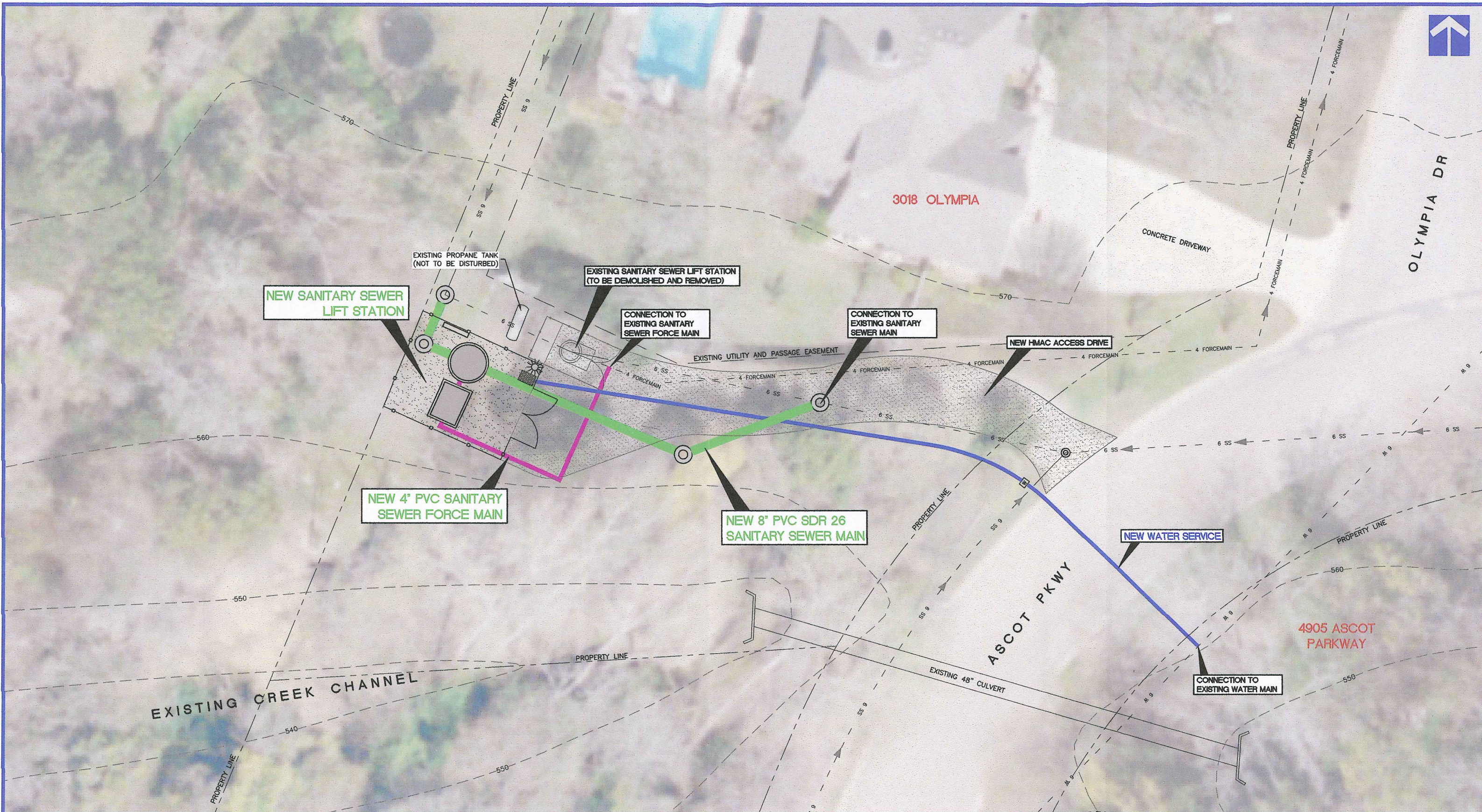
7.75% ENGINEERING SERVICES: \$ 20,908.42
DESIGN AND CONSTRUCTION SURVEYS: \$ 2,950.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 2,650.00

PROJECT TOTAL: \$ 296,294.42

INSPECTION SERVICES: \$9,750.00

PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 306,044.42

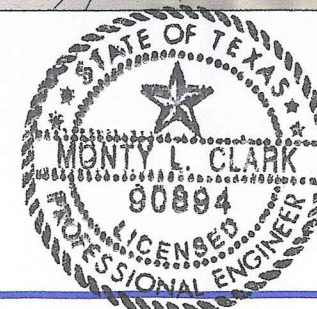




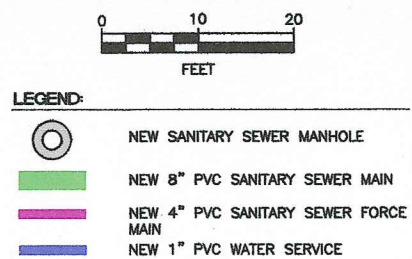
Clark & Fuller, PLLC
 Civil Engineers • Designers • Planners
 Tel: (254) 899-0899 Fax: (254) 899-0901
 2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504
 Firm No: F-10384



2010 STEEPLCHASE LIFT STATION RE-CONSTRUCTION PROJECT



WSS
 12.18.09



FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5900-535-66-11	100590	Lift Station-Steeplechase	\$ 36,259			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			36,259	
		Do Not Post				
TOTAL.....			\$ 36,259		\$ 36,259	

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

To fund the professional services agreement with Clark & Fuller, PLLC for engineering services including design, surveying, and construction administration required for the Steeplechase Lift Station Reconstruction project. This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

January 7, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division DirectorDate☐

Approved

☐

Disapproved

FinanceDate☐

Approved

☐

Disapproved

City ManagerDate☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND CLARK & FULLER, PLLC, OF TEMPLE FOR ENGINEERING SERVICES INCLUDING DESIGN, SURVEYING, AND CONSTRUCTION ADMINISTRATION REQUIRED FOR THE STEEPLECHASE LIFT STATION RECONSTRUCTION PROJECT, IN AN AMOUNT NOT TO EXCEED \$36,258.42; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the years, the service boundary for the Steeplechase Lift Station (located near the intersection of Olympia Drive and Ascot Parkway) has dramatically expanded, resulting in excessive run times for the existing lift station – in addition to the lift station size needing to be expanded, pumps operate almost continuously, creating excessive wear on the belt driven pumps and creating substantial noise at the site;

Whereas, to address these concerns, the Staff recommends a project which will consist of the construction of a new submersible lift station with a larger wet well;

Whereas, Clark & Fuller, PLLC, submitted a proposal for engineering services, including design, surveying, and construction administration required for this project in the amount of \$36,258.42, and the Staff recommends accepting it;

Whereas, funds are available for this project, but an amendment to the FY2009-10 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$36,258.42, between the City of Temple, Texas, and Clark & Fuller, PLLC, after approval as to form by the City Attorney, for engineering services including design, surveying, and construction administration required for the Steeplechase Lift Station Reconstruction Project.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

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

01/07/10
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, and construction administration required for 2010 Wastewater Line Replacement Projects in an amount not to exceed \$397,131.22 and declaring an official intent to reimburse this expenditures made prior to the issuance of tax-exempt obligations for the professional services agreement related to the wastewater line replacement of French Avenue to Adams Avenue from North 4th Street to North 12th Street in the amount of \$118,560.71.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For many years, the Utility Services Department has experienced numerous wastewater system issues as a result of deteriorating infrastructure. Wastewater lines in older neighborhoods with clay tile sanitary sewer mains are reaching the end of their useful lives. These pipes must now be replaced to improve maintenance problems and ensure continued service to these areas.

In an effort to address these system needs, six projects were identified in the recently updated capital improvement project list. These projects will result in replacement of nearly 30,000 feet of wastewater lines. To minimize costs, one engineering contract is proposed with development of plans for multiple bid packages. Project packages identified include both traditional open cut construction and trenchless pipe bursting methods. Sequencing and timing of each identified package will be considered further during the design process.

Specific project areas and estimated total project costs are identified as follows:

1. Wastewater Line Replacement 31st and 33rd from Ave H to Ave R - \$585,500
2. Wastewater Line Replacement 33rd and 35th from Ave H to Ave R - \$591,900
3. Wastewater Line Replacement from 3800 Valley View to Dead End - \$244,900
4. Wastewater Line Replacement French Ave to Adams Ave from N 4th to N 12th - \$1,003,700
5. Wastewater Line Replacement West Killen and West Welton between N Main and 3rd St - \$451,700
- 5a. Wastewater Line Replacement 37th and 39th between Ave H and Ave K – \$106,700

6. Wastewater Line Replacement Ave H and 40th and 40th Street Lift Station Improvements -\$569,000

As identified in the attached proposal letter, the proposed timeline for the design phase of this project is approximately 6½ months. It is expected, however, that the first bid package will be ready to let within 2½ months. Per the attachment, the engineering services are broken down as follows:

Basic Services

Design Surveying / Construction Staking	\$ 54,770.00
Civil Design	\$230,656.22
Bidding	\$ 15,000.00
Construction Administration	<u>\$ 26,850.00</u>
	<u>\$327,276.22</u>

Special Services

On-Site Representation	\$ 69,855.00
	<u>\$ 69,855.00</u>

TOTAL **\$397,131.22**

The engineer's opinion of probable cost for construction of the projects is approximately \$3,550,000, to be constructed and funded through multiple bid packages. Due to the favorable bidding environment, it is expected that actual construction costs will be significantly lower.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating Water & Sewer Unreserved Retained Earnings in the amount of \$278,574 to account #520-5900-535-6361 for engineering services for 2010 Wastewater Line Replacement projects, projects #1, #2, #3, #5, #5a and #6 as described above.

Funding in the amount of \$1,200,000 is designated for the Wastewater Line Replacement French Ave to Adams Ave from N 4th Street to N 12th in the proposed 2010 Utility Revenue Bond Issue, project #4 above. Initially, funding for this contract will come from funding available from the 2008 Utility Revenue Bonds in account 561-5400-535-6926, project# 100592 with an intent to reimburse the 2008 Utility Revenue Bonds from the proposed 2010 Utility Revenue Bond Issue. The engineering costs related to this project total \$118,560.71.

ATTACHMENTS:

[Engineer's Proposal](#)
[Project Maps](#)
[Budget Adjustment](#)
[Resolution](#)



2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration: F-10384

December 18, 2009

City of Temple
Assistant Director of Public Works/Operations
Nicole Torralva
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Proposal for the City of Temple
2010 Wastewater Line Replacement Projects

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the City of Temple 2010 Wastewater Line Replacement Projects. (Please refer to attached maps and documents for further information).

This project will consist of approximately 17,130 linear feet of new 8" PVC Sanitary Sewer Main constructed via "open cut trenching" methods, approximately 9,575 linear feet of new 8" HDPE Sanitary Sewer Main constructed via "trenchless bursting" methods, approximately 1,350 linear feet of new 8" PVC Water Main, and also the refurbishment of the existing 40th Street Lift Station and Force Main. These new improvements are to be constructed at the following locations:

1. Wastewater Line Replacement 31st and 33rd from Avenue H to Avenue R
2. Wastewater Line Replacement 33rd and 35th from Avenue H to Avenue R
3. Wastewater Line Replacement from 3800 Valley View to Dead End
4. Wastewater Line Replacement French Avenue to Adams from North 4th to North 12th Street
5. Wastewater Line Replacement West Killen and West Welton between North Main and 3rd Street
- 5A. Wastewater Line Replacement 37th and 39th Streets between Ave. H and Ave. K
6. Wastewater Line Replacement Avenue H and 40th Street and 40th Street Lift Station Improvements

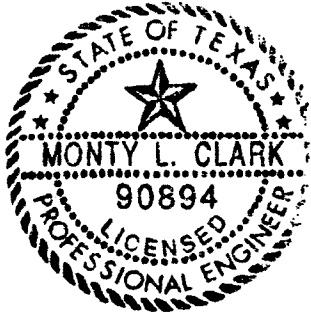
Clark & Fuller, PLLC will complete design topography and construction surveys, new sanitary sewer and water main designs, construction document preparation, assist the City of Temple with project bidding, and provide construction administration and post construction record drawings. In addition, at the City of Temple's request, Clark & Fuller, PLLC can also provide daily on-site project representation and inspection services.

The proposed timeline for the project design phase is 6.5 months from the authorization of notice to proceed. The proposed timeline for the project construction phase will be based upon final project phasing and bidding schedule.

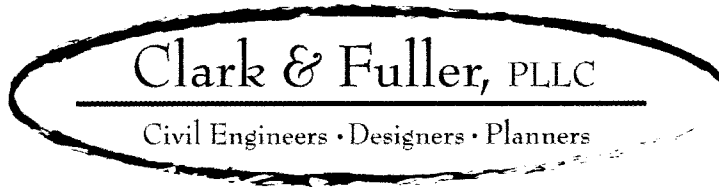
Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering and Surveying Services for a Lump Sum Amount not to exceed \$327,276.22. We estimate the total cost of construction to be \$3,156,190.40 and we estimate the total cost of construction including professional services and contingencies to be \$3,483,466.62. Furthermore, at the City of Temple's request, Engineer proposes to Client, daily on-site project representation and inspection services for a Lump Sum Amount not to exceed \$69,855.00. (Please refer to attached Maps, Exhibit "A", and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. L. Clark', with a stylized flourish at the end.

Monty L. Clark, P.E.



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Firm Registration: F-10384

Exhibit "A"
Proposal for City of Temple
2010 Sanitary Sewer Main Re-Construction Project
Scope of Professional Services

Surveying Services:	\$ 54,770.00
<ul style="list-style-type: none">• Prepare Design Topography Survey• Locate existing Right of Ways and Property Boundaries• Provide Construction Staking	
Civil Engineering Design Phase:	\$ 230,656.22
<ul style="list-style-type: none">• Research Existing Utilities• Prepare Final Design Construction Documents and Technical Specifications• Prepare Final Engineer's Opinion of Probable Cost• Attend and Facilitate Project Coordination with the City Staff and the Texas Department of Transportation	
Project Bidding Phase:	\$ 15,000.00
<ul style="list-style-type: none">• Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing Department• Provide copies of Construction Documents to facilitate Bidding• Provide Engineers Opinion of Days to Complete Project Construction• Attend and facilitate a Pre-Bid Meeting (As required)• Prepare and Issue Necessary Addenda	
Construction Phase:	\$ 26,850.00
<ul style="list-style-type: none">• Attend and facilitate a Pre-Construction Meeting• Review all Contractor Submittals• Respond to Requests for Information (RFI's)• Execute Necessary Change Orders• Attend Final Project Inspection• Provide Final Inspection Punch List• Prepare Record Drawings	
Daily Onsite Construction Inspection Services	\$ 69,855.00
<ul style="list-style-type: none">• Provide Daily On-Site Project Representation and Inspection Services (Average 4 Hrs. per Day)	



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PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 110.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily on-Site Inspection Services	\$ 40.00/hr
Expenses	Additional Cost Plus 10%



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

31st and 33rd Streets from Avenue H to Avenue R

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 9,375.00	100%	\$ 9,375.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 400.00	46	\$ 18,400.00
3. Sawcut, Remove, and Replace HMAc Pavement Section	S.Y.	\$ 38.00	3190	\$ 121,220.00
4. Sawcut, Remove, and Replace Concrete Pavement Section	S.Y.	\$ 45.00	74	\$ 3,330.00
5. Remove and Replace Gravel Pavement Section	S.Y.	\$ 16.00	800	\$ 12,800.00
6. Remove and Replace Concrete Flatwork	S.Y.	\$ 25.00	620	\$ 15,500.00
7. New ADA Handicap Curb Ramp	EA.	\$ 1,250.00	2	\$ 2,500.00
8. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	6	\$ 4,800.00
9. 8" HDPE Sanitary Sewer Main by Bursting	L.F.	\$ 38.00	960	\$ 36,480.00
10. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut	L.F.	\$ 32.00	2840	\$ 90,880.00
11. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	6	\$ 4,800.00
12. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	18	\$ 51,300.00
13. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	85	\$ 68,000.00
14. Sanitary Sewer Service Relocation	EA.	\$ 1,200.00	11	\$ 13,200.00
15. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	500	\$ 9,000.00
16. Trench Safety Plan & Implementation	L.S.	\$ 7,250.00	100%	\$ 7,250.00
17. Traffic Control Plan & Implementation	L.S.	\$ 3,250.00	100%	\$ 3,250.00
18. Testing per COT & TCEQ Requirements	L.S.	\$ 3,500.00	100%	\$ 3,500.00

SUBTOTAL: \$ 475,585.00
10% CONSTRUCTION CONTINGENCY: \$ 47,558.50

TOTAL CONSTRUCTION: \$ 523,143.50

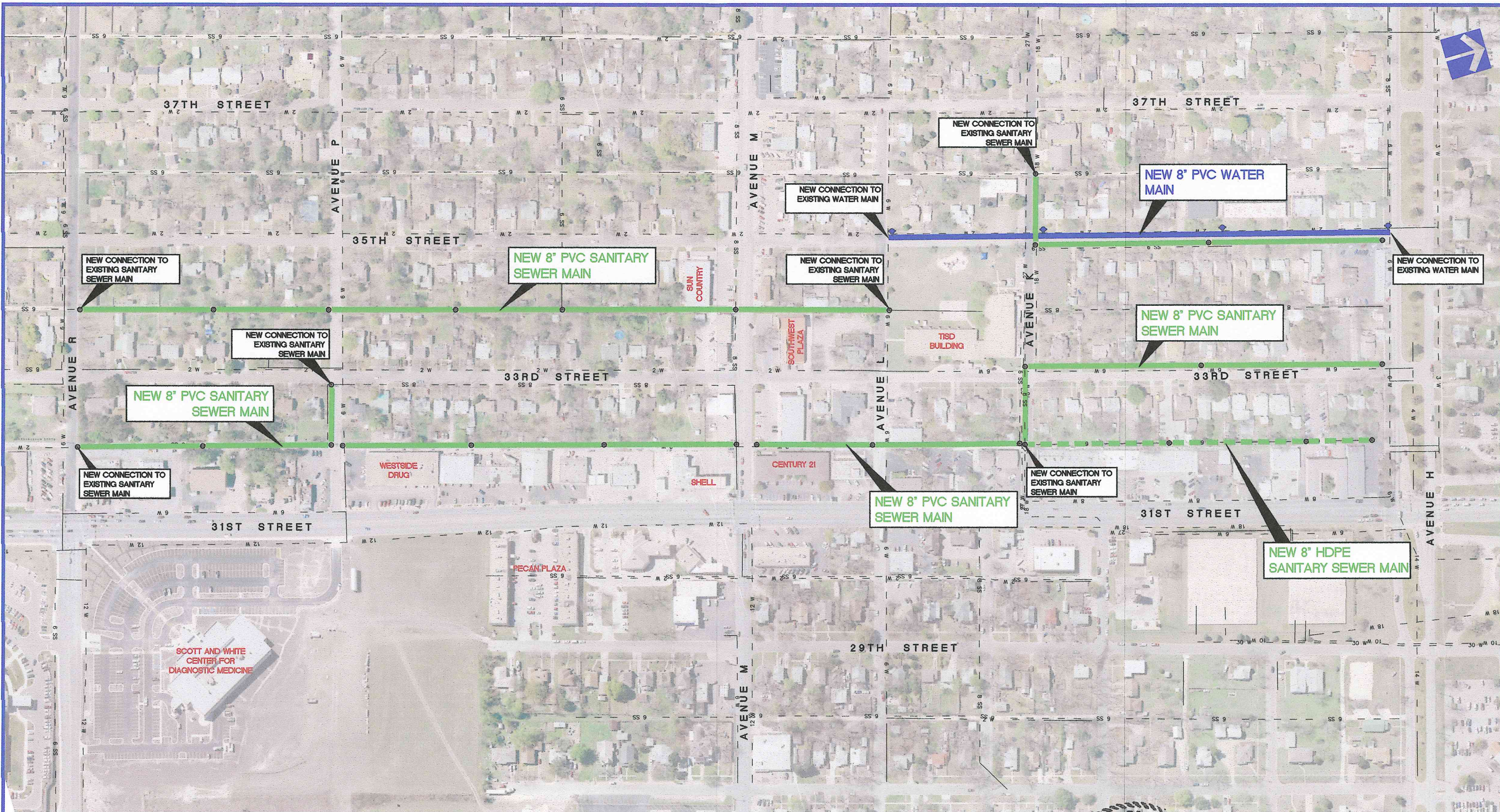
8.50% ENGINEERING SERVICES: \$ 44,467.20
DESIGN AND CONSTRUCTION SURVEYS: \$ 5,465.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 2,475.00

PROJECT TOTAL: \$ 575,550.70

INSPECTION SERVICES: \$ 9,875.00

PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 585,425.70

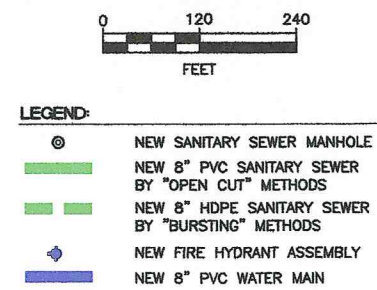
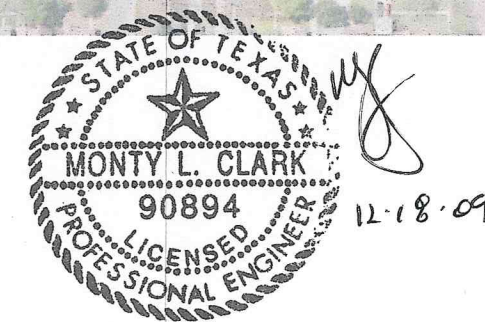


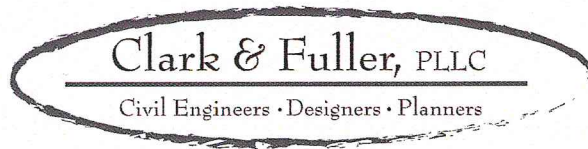


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**2010 WASTEWATER LINE REPLACEMENT
 BETWEEN 31st AND 33rd STREETS FROM
 AVENUE H TO AVENUE R
 BETWEEN 33rd AND 35th STREETS FROM
 AVENUE H TO AVENUE R**





PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

33rd and 35th Streets from Avenue H to Avenue R

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 9,375.00	100%	\$ 9,375.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 400.00	38	\$ 15,200.00
3. Sawcut, Remove, and Replace HMAc Pavement Section	S.Y.	\$ 38.00	425	\$ 16,150.00
5. Remove and Replace Gravel Pavement Section	S.Y.	\$ 16.00	2500	\$ 40,000.00
7. Mill and Overlay Existing HMAc Drive	S.Y.	\$ 25.00	3035	\$ 75,875.00
9. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	5	\$ 4,000.00
11. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut	L.F.	\$ 32.00	3245	\$ 103,840.00
12. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	9	\$ 7,200.00
13. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	11	\$ 31,350.00
14. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	75	\$ 60,000.00
15. Sanitary Sewer Service Relocation	EA.	\$ 1,200.00	6	\$ 7,200.00
16. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	500	\$ 9,000.00
17. 8" PVC Class 150 C900 Water Main w/ Class II Embedment	L.F.	\$ 24.50	1350	\$ 33,075.00
18. Connection to Existing Water Main	EA.	\$ 1,750.00	2	\$ 3,500.00
19. Tapping Sleeve and Valve Assembly	EA.	\$ 2,500.00	2	\$ 5,000.00
20. Miscellaneous Fittings	EA.	\$ 750.00	8	\$ 6,000.00
21. Fire Hydrant Assembly	EA.	\$ 2,750.00	4	\$ 11,000.00
22. Water Service Connection	EA.	\$ 750.00	14	\$ 10,500.00
23. Existing Water Service Relocation	EA.	\$ 1,200.00	14	\$ 16,800.00
24. Trench Safety Plan & Implementation	L.S.	\$ 7,250.00	100%	\$ 7,250.00
25. Traffic Control Plan & Implementation	L.S.	\$ 4,750.00	100%	\$ 4,750.00
26. Testing per COT & TCEQ Requirements	L.S.	\$ 3,950.00	100%	\$ 3,950.00

SUBTOTAL: \$ 481,015.00
10% CONSTRUCTION CONTINGENCY: \$ 48,101.50

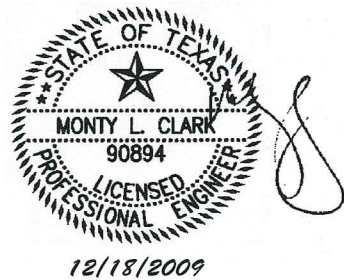
TOTAL CONSTRUCTION: \$ 529,116.50

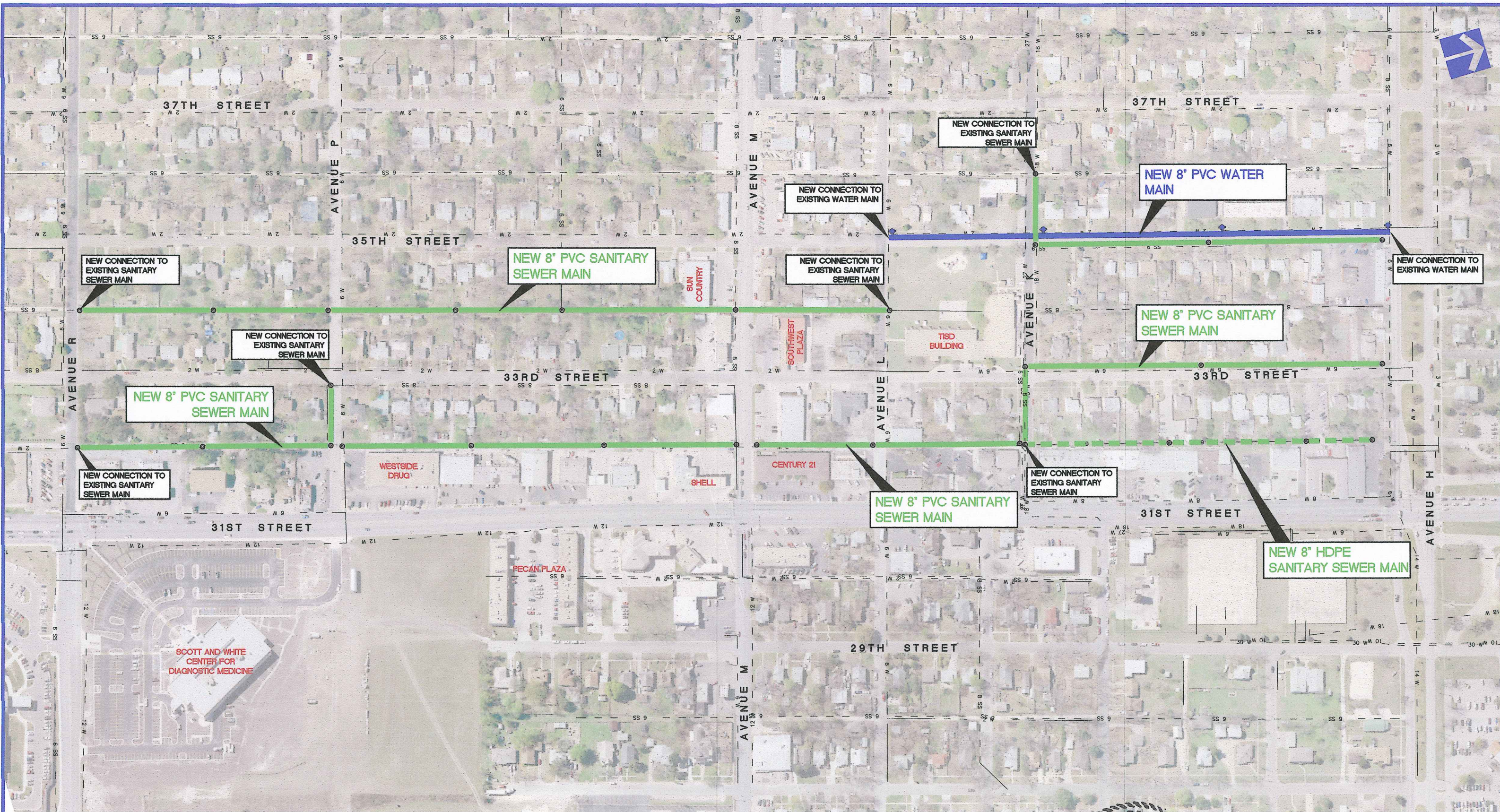
8.50% ENGINEERING SERVICES: \$ 44,974.90
DESIGN AND CONSTRUCTION SURVEYS: \$ 5,460.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 2,475.00

PROJECT TOTAL: \$ 582,026.40

INSPECTION SERVICES: \$ 9,875.00

PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 591,901.40

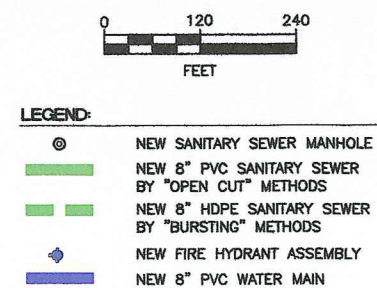
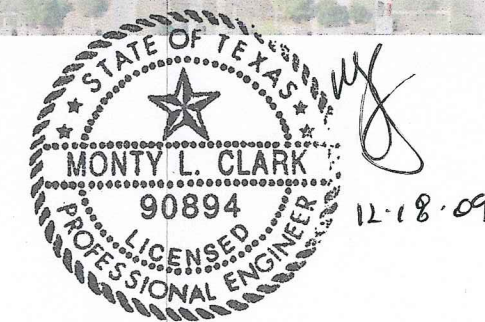




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**2010 WASTEWATER LINE REPLACEMENT
 BETWEEN 31st AND 33rd STREETS FROM
 AVENUE H TO AVENUE R
 BETWEEN 33rd AND 35th STREETS FROM
 AVENUE H TO AVENUE R**





PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

3800 Valley View to Dead End

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 5,950.00	100%	\$ 5,950.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 400.00	20	\$ 8,000.00
3. Sawcut, Remove, and Replace HMAC Pavement Section	S.Y.	\$ 38.00	380	\$ 14,440.00
4. Sawcut, Remove, and Replace Concrete Pavement Section	S.Y.	\$ 45.00	40	\$ 1,800.00
5. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	9	\$ 7,200.00
6. 8" HDPE Sanitary Sewer Main by Bursting	L.F.	\$ 38.00	1280	\$ 48,640.00
7. 8" PVC SDR 26 Sanitary Sewer Main by Open Cut	L.F.	\$ 32.00	700	\$ 22,400.00
8. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	5	\$ 4,000.00
9. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	7	\$ 19,950.00
10. 4' Dia. Precast Concrete "Watertight" Manhole with 32" Ring and Lid Assembly	EA.	\$ 3,750.00	9	\$ 33,750.00
11. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	22	\$ 17,600.00
12. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	200	\$ 3,600.00
13. Trench Safety Plan & Implementation	L.S.	\$ 3,850.00	100%	\$ 3,850.00
14. Traffic Control Plan & Implementation	L.S.	\$ 2,250.00	100%	\$ 2,250.00
15. Testing per COT & TCEQ Requirements	L.S.	\$ 1,750.00	100%	\$ 1,750.00

SUBTOTAL: \$ 195,180.00
10% CONSTRUCTION CONTINGENCY: \$ 19,518.00

TOTAL CONSTRUCTION: \$ 214,698.00

7.75% ENGINEERING SERVICES: \$ 16,639.10
DESIGN AND CONSTRUCTION SURVEYS: \$ 5,520.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 2,150.00

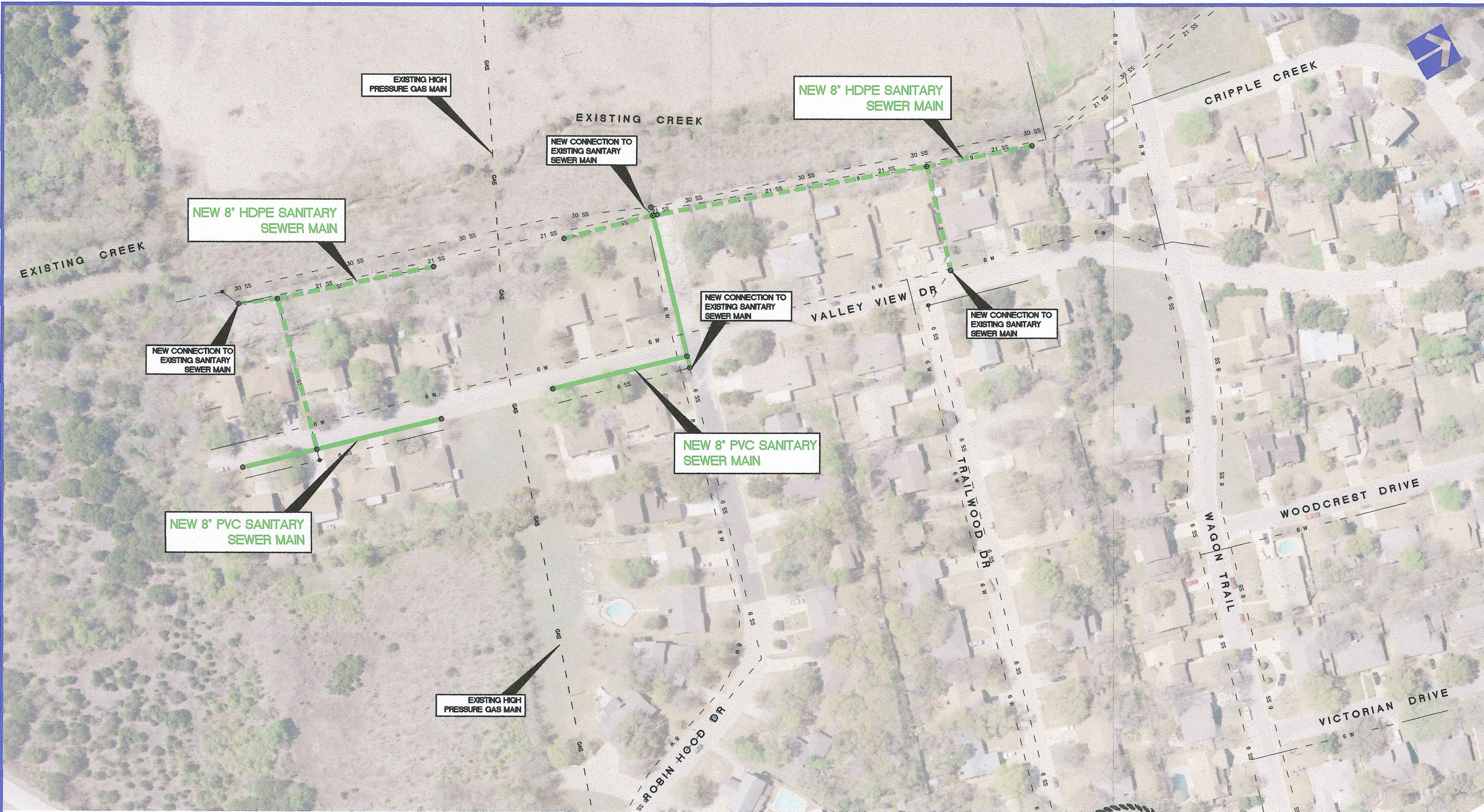
PROJECT TOTAL: \$ 239,007.10

INSPECTION SERVICES: \$ 5,880.00

PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 244,887.10



12/18/2009



Clark & Fuller, PLLC
 Civil Engineers • Designers • Planners
 Tel: (254) 899-0899 Fax: (254) 899-0901
 2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504
 Firm No: F-10384



**2010 WASTEWATER LINE
 REPLACEMENT FROM 3800
 VALLEY VIEW TO DEAD END**



YJ
 12-18-09

0 60 120
 FEET

LEGEND:

- NEW SANITARY SEWER MANHOLE
- NEW 8" PVC SANITARY SEWER VIA OPEN CUT METHODS
- - - NEW 8" HDPE SANITARY SEWER VIA BURSTING METHODS



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

French Avenue to Adams From North 4th to North 12th Street

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 19,135.00	100%	\$ 19,135.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 450.00	85	\$ 38,250.00
3. Sawcut, Remove, and Replace HMAC Pavement Section	S.Y.	\$ 38.00	2200	\$ 83,600.00
4. Remove and Replace Gravel Pavement Section	S.Y.	\$ 16.00	4500	\$ 72,000.00
5. Sawcut, Remove, and Replace Concrete Channel Section	S.Y.	\$ 45.00	25	\$ 1,125.00
6. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	25	\$ 20,000.00
7. 8" HDPE Sanitary Sewer Main by Bursting	L.F.	\$ 38.00	2025	\$ 76,950.00
8. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut	L.F.	\$ 32.00	6400	\$ 204,800.00
9. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	15	\$ 12,000.00
10. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	40	\$ 114,000.00
11. Internal Drop Connection	EA.	\$ 850.00	3	\$ 2,550.00
12. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	130	\$ 104,000.00
13. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	1000	\$ 18,000.00
14. Trench Safety Plan	L.S.	\$ 16,500.00	100%	\$ 16,500.00
15. Traffic Control Plan	L.S.	\$ 14,250.00	100%	\$ 14,250.00
16. Testing per COT & TCEQ Requirements	L.S.	\$ 7,500.00	100%	\$ 7,500.00

SUBTOTAL: \$ 804,660.00
10% CONSTRUCTION CONTINGENCY: \$ 80,466.00

TOTAL CONSTRUCTION: \$ 885,126.00

8.50% ENGINEERING SERVICES: \$ 75,235.71
DESIGN AND CONSTRUCTION SURVEYS: \$ 17,825.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 4,750.00

PROJECT TOTAL: \$ 982,936.71

INSPECTION SERVICES: \$ 20,750.00

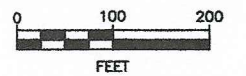
PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 1,003,686.71






12/18/2009



A circular professional engineer seal for the State of Texas. The outer ring contains the text "STATE OF TEXAS" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by stars. The inner circle features a five-pointed star at the top, followed by the name "MONTY L. CLARK" and the license number "90894". The seal is stamped in black ink on a document.



LEGEND:	
	NEW SANITARY SEWER MANHOLE
	NEW 8" PVC SANITARY SEWER VIA OPEN CUT METHODS
	NEW 8" HDPE SANITARY SEWER VIA BURSTING METHODS



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

West Killen and West Welton between North Main and 3rd Street

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 7,500.00	100%	\$ 7,500.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 400.00	44	\$ 17,600.00
3. Sawcut, Remove, and Replace HMAC Pavement Section	S.Y.	\$ 38.00	80	\$ 3,040.00
4. Demolish and Remove Existing Sanitary Sewer Backflow Preventor	EA.	\$ 650.00	1	\$ 650.00
5. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	8	\$ 6,400.00
6. 6" PVC SDR 26 Sanitary Sewer Main by Bursting	L.F.	\$ 34.00	85	\$ 2,890.00
7. 8" HDPE Sanitary Sewer Main by Bursting	L.F.	\$ 38.00	4195	\$ 159,410.00
8. 8" HDPE Sanitary Sewer Main by Open Cut	L.F.	\$ 32.00	145	\$ 4,640.00
9. 15" Steel Encasement Pipe By Roadway Bore	L.F.	\$ 245.00	95	\$ 23,275.00
10. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	7	\$ 5,600.00
11. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	14	\$ 39,900.00
12. End of Line Cleanout	EA.	\$ 850.00	3	\$ 2,550.00
13. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	95	\$ 76,000.00
14. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	500	\$ 9,000.00
15. Trench Safety Plan & Implementation	L.S.	\$ 5,500.00	100%	\$ 5,500.00
16. Traffic Control Plan & Implementation	L.S.	\$ 3,750.00	100%	\$ 3,750.00

SUBTOTAL: \$ 367,705.00
10% CONSTRUCTION CONTINGENCY: \$ 36,770.50

TOTAL CONSTRUCTION: \$ 404,475.50

6.50% ENGINEERING SERVICES: \$ 26,290.91
DESIGN AND CONSTRUCTION SURVEYS: \$ 7,850.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 2,950.00

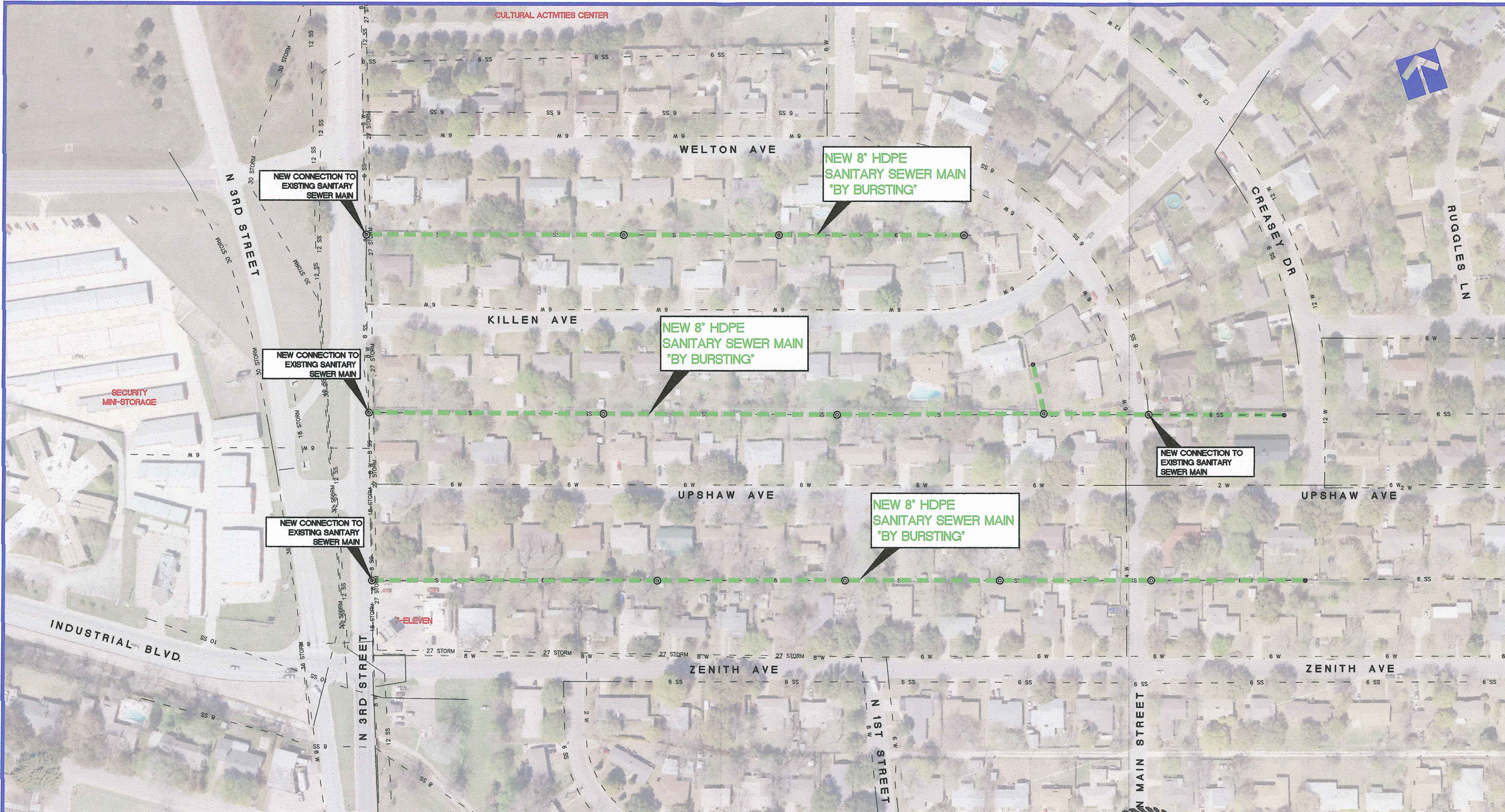
PROJECT TOTAL: \$ 441,566.41

INSPECTION SERVICES: \$ 10,080.00

PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 451,646.41



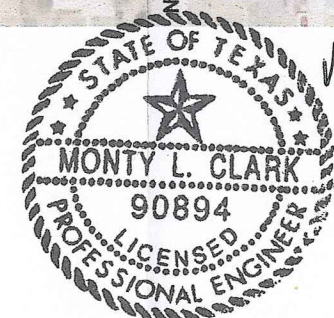
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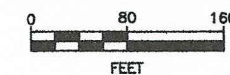
Clark & Fuller, PLLC
 Civil Engineers • Designers • Planners
 Tel: (254) 899-0899 Fax: (254) 899-0901
 2010 SW IIK Dodgen Loop, Suite 105, Temple, Texas 76504
 Firm No: F-10384



**2010 WASTEWATER LINE
 REPLACEMENT FROM WEST KILLEN
 AND WEST WELTON BETWEEN
 NORTH MAIN AND 3RD STREET**



ufg
 12-18-09



- LEGEND:**
- ⊙ NEW SANITARY SEWER MANHOLE
 - NEW END OF LINE CLEANOUT
 - NEW 8" HDPE SANITARY SEWER MAIN "BY BURSTING" METHODS



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

37th and 39th Streets between Avenue H and Avenue K

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 2,050.00	100%	\$ 2,050.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 300.00	10	\$ 3,000.00
3. Sawcut, Remove, and Replace HMAC Pavement Section	S.Y.	\$ 38.00	18	\$ 684.00
4. Remove and Replace Gravel Pavement Section	S.Y.	\$ 16.00	25	\$ 400.00
5. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	1	\$ 800.00
6. 8" HDPE Sanitary Sewer Main by Bursting	L.F.	\$ 38.00	970	\$ 36,860.00
7. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	3	\$ 2,400.00
8. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	3	\$ 8,550.00
9. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	29	\$ 23,200.00
10. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	200	\$ 3,600.00
11. Trench Safety Plan & Implementation	L.S.	\$ 2,150.00	100%	\$ 2,150.00
12. Traffic Control Plan & Implementation	L.S.	\$ 1,400.00	100%	\$ 1,400.00

SUBTOTAL: \$ 85,094.00
10% CONSTRUCTION CONTINGENCY: \$ 8,509.40

TOTAL CONSTRUCTION: \$ 93,603.40

6.00% ENGINEERING SERVICES: \$ 5,616.20
DESIGN AND CONSTRUCTION SURVEYS: \$ 2,760.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 1,250.00

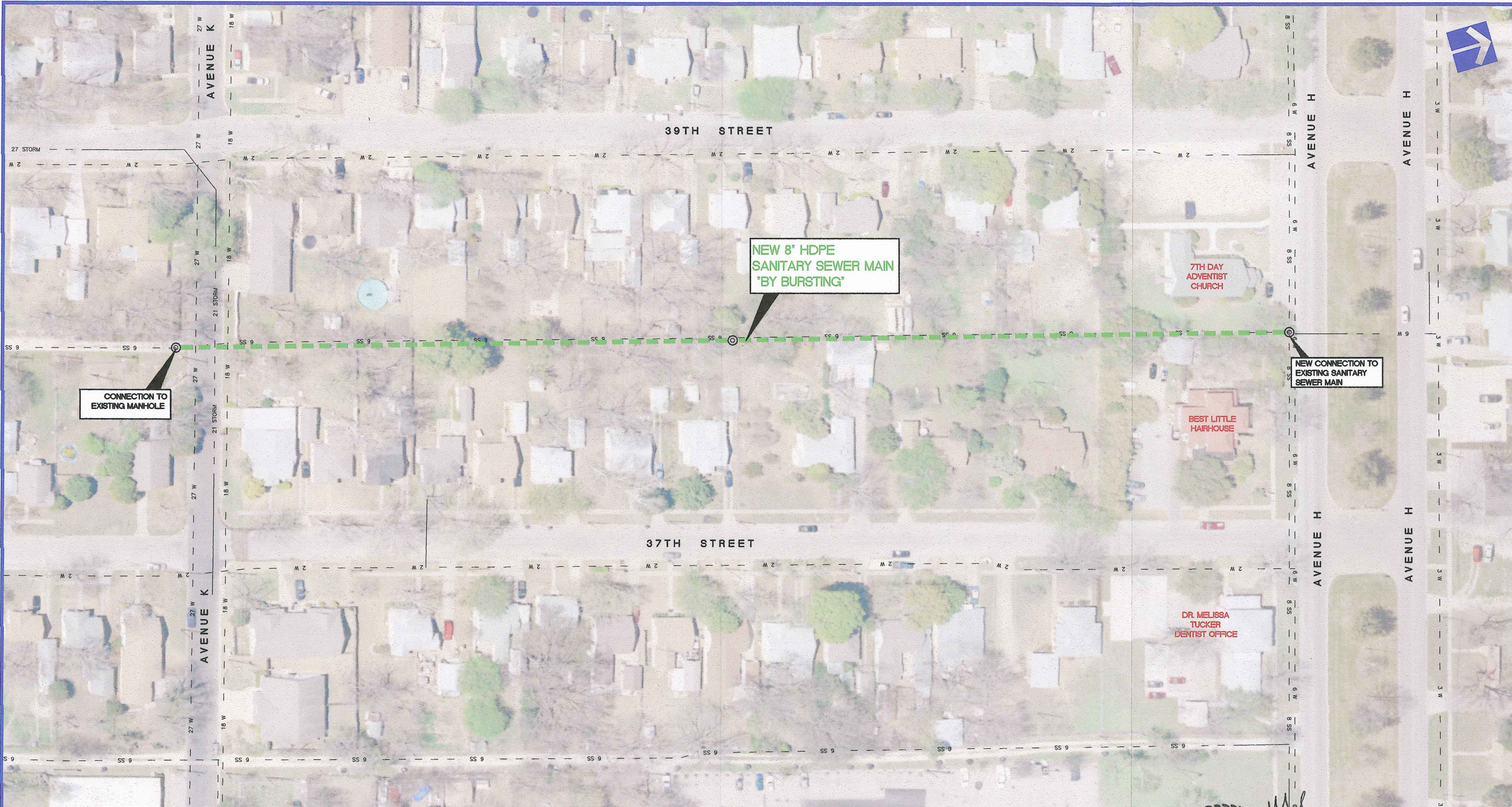
PROJECT TOTAL: \$ 103,229.60

INSPECTION SERVICES: \$ 3,520.00

PROJECT TOTAL INCLUDING INSPECTION SERVICES: \$ 106,749.60



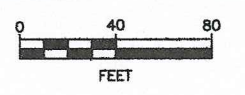
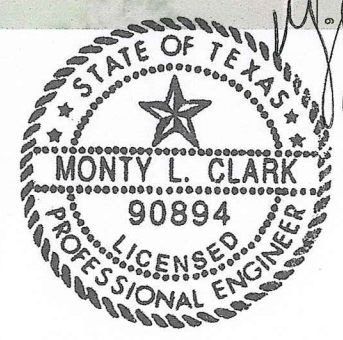
12/18/2009



Clark & Fuller, PLLC
Civil Engineers • Designers • Planners
Tel: (254) 899-0899 Fax: (254) 899-0901
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504
Firm No: F-10384



**2010 WASTEWATER LINE
REPLACEMENT BETWEEN 37th AND 39th
STREET FROM AVE. H AND AVE. K**



- LEGEND:**
- ⊙ NEW SANITARY SEWER MANHOLE
 - NEW 8" HDPE SANITARY SEWER MAIN BY "BURSTING" METHODS



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Wastewater Line Replacement Projects

Located within City of Temple, Texas

Filename: 2010 Sanitary Sewer Cost Estimate.xls

Date: 12-18-09

Avenue H and 40th Street and 40th Street Lift Station Improvements

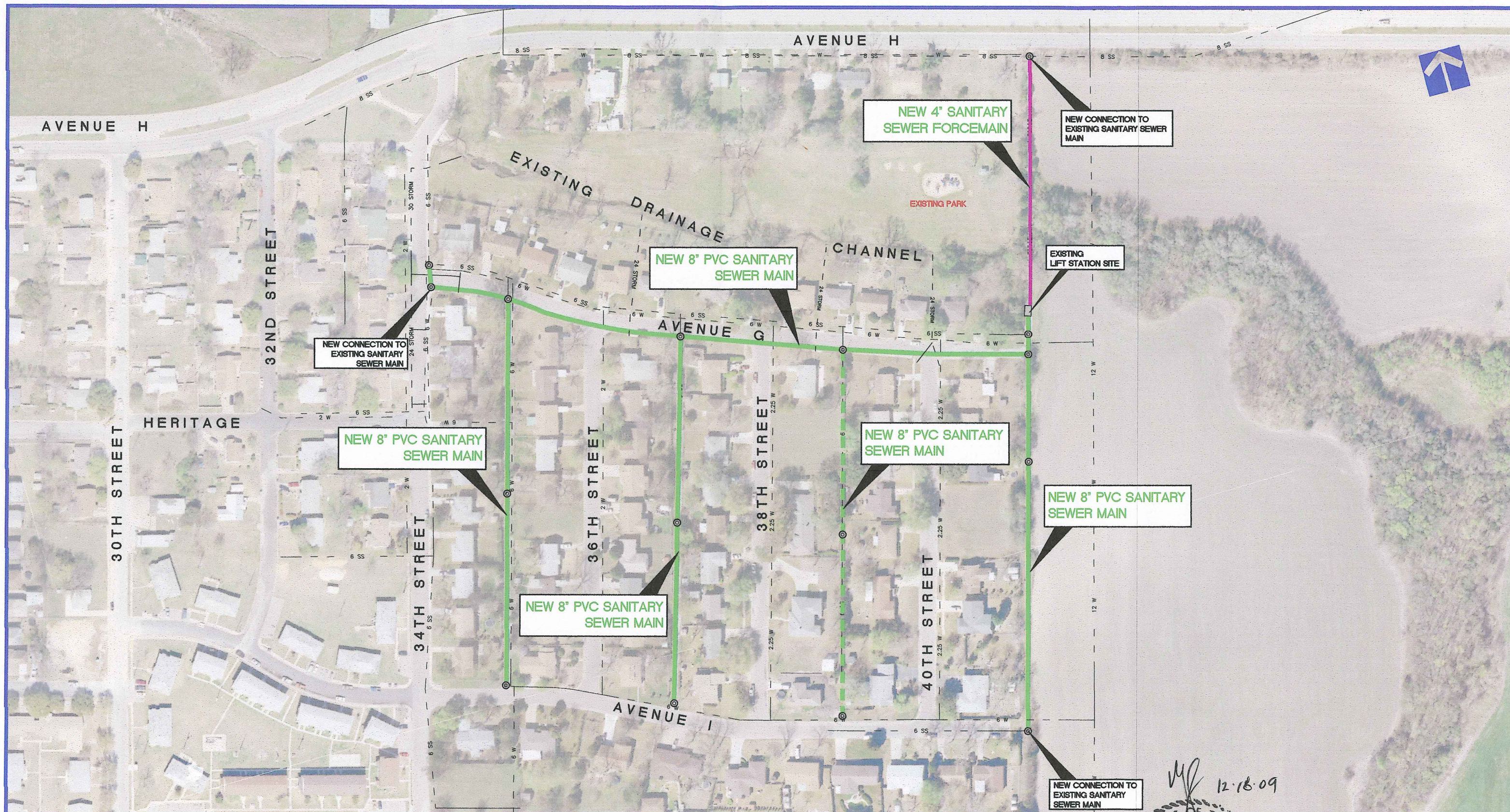
Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 11,225.00	100%	\$ 11,225.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 350.00	44	\$ 15,400.00
3. Sawcut, Remove, and Replace HMAc Pavement Section	S.Y.	\$ 38.00	610	\$ 23,180.00
4. Remove, and Replace HMAc Alley Pavement Section	S.Y.	\$ 38.00	2400	\$ 91,200.00
5. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 800.00	11	\$ 8,800.00
6. 8" PVC SDR 26 Sanitary Sewer Main By Open Cut	L.F.	\$ 32.00	3310	\$ 105,920.00
7. 8" HDPE Sanitary Sewer Main Via Bursting	L.F.	\$ 38.00	640	\$ 24,320.00
8. 4" PVC Sanitary Sewer Force Main	L.F.	\$ 16.00	450	\$ 7,200.00
9. Connection to Existing Sanitary Sewer Main	EA.	\$ 800.00	5	\$ 4,000.00
10. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 2,850.00	14	\$ 39,900.00
11. 4' Dia. Precast Concrete "Watertight" Manhole with 32" Ring and Lid Assembly	EA.	\$ 3,750.00	2	\$ 7,500.00
12. Sanitary Sewer Concrete Encasement	L.F.	\$ 45.00	40	\$ 1,800.00
13. Sanitary Sewer Service Connection and Cleanout Boxes	EA.	\$ 800.00	79	\$ 63,200.00
14. Miscellaneous Sanitary Sewer Service Replacement	L.F.	\$ 18.00	600	\$ 10,800.00
15. Lift Station Rehabilitation and Upgrades *	L.S.	\$ 15,000.00	100%	\$ 15,000.00
16. Miscellaneous Fittings	L.S.	\$ 2,500.00	100%	\$ 2,500.00
17. By Pass Pumping & Temporary Wet Well	L.S.	\$ 8,750.00	100%	\$ 8,750.00
18. Miscellaneous Channel Grading	L.S.	\$ 1,500.00	100%	\$ 1,500.00
19. Stone Rip Rap	S.Y.	\$ 24.00	45	\$ 1,080.00
20. Trench Safety Plan & Implementation	L.S.	\$ 7,500.00	100%	\$ 7,500.00
21. Traffic Control Plan & Implementation	L.S.	\$ 5,750.00	100%	\$ 5,750.00
22. Testing per COT & TCEQ Requirements	L.S.	\$ 3,500.00	100%	\$ 3,500.00

SUBTOTAL:	\$	460,025.00
10% CONSTRUCTION CONTINGENCY:	\$	46,002.50
TOTAL CONSTRUCTION:	\$	506,027.50
8.00% ENGINEERING SERVICES:	\$	40,482.20
DESIGN AND CONSTRUCTION SURVEYS:	\$	9,890.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS	\$	2,750.00
PROJECT TOTAL:	\$	559,149.70
INSPECTION SERVICES:	\$	9,875.00
PROJECT TOTAL INCLUDING INSPECTION SERVICES:	\$	569,024.70

* Lift Station Rehabilitation and Upgrades shall consist of Removing and Replacing Wet Well Plumbing, Piping, and Appertenances, Providing New Float Switches. Wet Well Rehabilitation shall consist of Acid Wash and Cleaning Existing Wet Well,



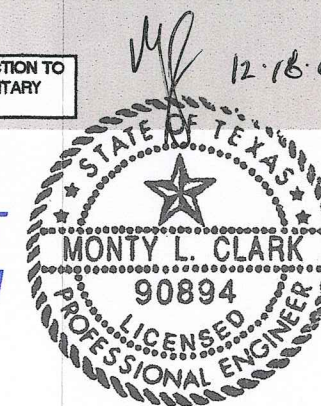
12/18/2009



Clark & Fuller, PLLC
 Civil Engineers • Designers • Planners
 Tel: (254) 899-0899 Fax: (254) 899-0901
 2010 SW IIK Dodgen Loop, Suite 105, Temple, Texas 76504
 Firm No: F-10384



2010 WASTEWATER LINE REPLACEMENT AVENUE H AND 40th STREET, AND 40TH STREET LIFT STATION IMPROVEMENTS



LEGEND:

- ⊙ NEW SANITARY SEWER MANHOLE
- NEW 8" PVC SANITARY SEWER BY "OPEN CUT" METHODS
- NEW 8" HDPE SANITARY SEWER BY "BURSTING" METHODS
- NEW FORCEMAIN

0 80 160
 FEET

FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5900-535-63-61	100595	Sewer Line Rpl-Btwn 31st & 33rd	\$ 62,283			
520-5900-535-63-61	100596	Sewer Line Rpl-Btwn 33rd & 35th	62,785			
520-5900-535-63-61	100594	Sewer Line Rpl-3800 Valley View	30,190			
520-5900-535-63-61	100598	Sewer Line Rpl-W Killen, W Welton	47,171			
520-5900-535-63-61	100597	Sewer Line Rpl-37th & 39th	13,147			
520-5900-535-63-61	100593	Sewer Line Repl-Ave H & 40th St	62,998			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			278,574	
		Do Not Post				
TOTAL.....			\$ 278,574		\$ 278,574	

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

To fund the professional services agreement with Clark & Fuller, PLLC for engineering services including design, surveying, and construction administration required for 2010 Wastewater Line Replacement projects. These projects were approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009 with the exception of the wastewater line replacement of 37th & 39th street(5a). This project was identified by Public Works and included with these projects to minimize costs. The total project cost for this project is \$106,700.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

January 7, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, FOR ENGINEERING SERVICES, INCLUDING DESIGN, SURVEYING, AND CONSTRUCTION ADMINISTRATION REQUIRED FOR THE 2010 WASTEWATER LINE REPLACEMENT PROJECTS, IN AN AMOUNT NOT TO EXCEED \$397,131.22; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THE PROFESSIONAL SERVICES AGREEMENT RELATED TO THE WASTEWATER LINE REPLACEMENT OF FRENCH AVENUE TO ADAMS AVENUE FROM NORTH 4TH STREET TO NORTH 12TH STREET, IN THE AMOUNT OF \$118,560.71; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for many years, the Utility Services Department has experienced numerous wastewater system issues as a result of deteriorating infrastructure – wastewater lines in older neighborhoods with clay tile sanitary sewer mains are reaching the end of their useful lives, and these must now be replaced to improve maintenance problems and ensure continued service to these areas;

Whereas, in an effort to address these system needs, 6 projects were identified in the recently updated capital improvement project list – to minimize costs, one engineering contract is proposed with development of plans for multiple bid packages;

Whereas, Clark & Fuller, PLLC, submitted proposals for engineering services, including design, surveying, and construction administration required for these projects in the total amount of \$397,131.22, and the Staff recommends accepting them;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Professional Services Agreement, not to exceed \$397,131.22, between the City of Temple, Texas, and Clark & Fuller, PLLC, of Temple, Texas, after approval as to form by the City Attorney, for engineering services, including design, surveying, and construction administration required for the 2010 Wastewater Line Replacement Projects.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for these projects.

Part 3: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 4: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 5 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 5: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Project Description

Debt To Be Issued

Engineering services, including design,

\$118,560.71

surveying, and construction
administration, required for the professional
services agreement related to the wastewater
line replacement of French Avenue to Adams
Avenue from North 4th Street to North 12th
Street

Part 6: The expenditure described in Part 5 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 7: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 5.

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

PASSED AND APPROVED on this the 7th day of **January**, 2010.

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

01/07/10
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, PE, Director of Public Works

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Beach Sulak Partners, Inc., for engineering services required to prepare and submit a Letter of Map Revision for Hog Pen Creek from FM 2305 to 1,745 feet south of Hogan Road in an amount not to exceed \$45,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

On November 5, 1998, City Council awarded a construction contract to Dixon Paving, Inc. for road, drainage, and utility improvements on Pea Ridge Road from FM 2305 to Tarver Road. As a result, identified flood hazard areas were modified. The City of Temple is now proposing to perform a re-study of the affected areas to conform to the National Flood Insurance Program (NFIP).

The total length of flood plain to be analyzed with corresponding modifications due to construction changes is 8,355 linear feet (1.58 miles). Deliverables for this work will include a LOMR submittal complying with FEMA fees/forms and processes including 100 year floodplain and floodway delineations, appropriate correspondence copies, and electronic and hard copy computer models. The total cost of basic services is \$45,700. The timeframe for completion is variable depending on FEMA responses.

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

<u>Basic Services</u>	<u>Time Required</u>
Design Topography Study	15 Cal Days
Preparation of Floodplain Analysis (50% Complete)	30 Cal Days
Preparation of Floodplain Analysis (100% Complete)	30 Cal Days
City Review of Drainage Investigation	14 Cal Days
Prepare Submission to FEMA	4 Cal Days
Total Time for Basic Services	<u>93 Calendar Days</u>

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$45,700 from account 292-2900-534-2317, Drainage Systems, to account 292-2900-534-2616, Professional Services, to fund this agreement. This cost includes developing cross sections for stream, roughness coefficients, contour surface, hydrologic model, hydraulic model, FEMA submittals and addressing FEMA comments.

ATTACHMENTS:

[BSP Engineer's Proposal](#)
[Map](#)
[Budget Adjustment](#)
[Resolution](#)

November 25, 2009

City of Temple
Department of Public Works
Michael Newman, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501

RE: **REVISED** Professional Engineering Services Proposal for
City of Temple, Hog Pen Creek Drainage Investigation and LOMAR Submittal
to FEMA.

Dear Mr. Newman,

As per your request, we have prepared our professional services fee proposal for Engineering Services required for the above referenced project. Scope of work to conform to the attached proposed Hog Pen Creek Study Area.

BASIC SERVICES:

The BASIC SERVICES shall include Professional Engineering and Survey Topography Surveys, as required to perform the drainage analysis, determine 100 yr. water surface elevation and to prepare all documentation as required to submit LOMAR to FEMA for the BASIC SERVICES shaded area. Basic Services shall include:

- Design Topography Survey
- Research of Existing FEMA Study and Existing As-builts
- Preparation of Drainage Study and Water Surface Elevations submit to FEMA
- Preparation of Drainage Study as required to obtain Floodway Limits
- Submittal of all required data to FEMA to obtain LOMAR
- FEMA Review Fees
- Public Notifications as required by FEMA

BASIC SERVICES COMPENSATION:

We propose to complete all services within BASIC SERVICES for a lump sum Professional Fee of **\$ 45,700.00**. This amount shall be invoiced monthly based upon the percent complete through invoice date.

PROJECT DELIVERABLES:

- Drainage Analysis Data
- FEMA Submission Data
- Exhibit Representing 100 yr FEMA, Floodway and Ultimate Flood limits

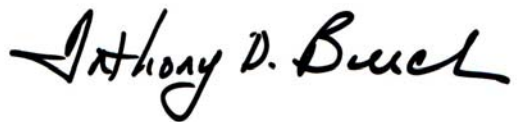
PROJECT SCHEDULE:

Time Required

Design Topography Survey	15 Cal Days
Preparation of Floodplain Analysis (50% Complete)	30 Cal Days
Preparation of Floodplain Analysis (100% Complete)	30 Cal Days
City Review of Drainage Investigation	14 Cal Days
Prepare Submission to FEMA	4 Cal Days

After you have had the opportunity to review this proposal, we will be pleased to meet with you to discuss the specifics of the outlined services and fees.


Sincerely,



Anthony D. Beach, P.E.
Beach Sulak Partners
www.beachengineers.com



LEGEND

 BASIC SERVICES

Scope of Services for
CITY OF TEMPLE, HOG PEN CREEK
Drainage Investigation & LOMAR Sumbittal

FY **2010****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
292-2900-534-26-16		Professional	\$ 45,700			
292-2900-534-23-17		Drainage Systems			45,700	
TOTAL.....			\$ 45,700		\$ 45,700	

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

To fund the professional services agreement with Beach Sulak Partners, Inc for engineering services required to prepare and submit a Letter of Map Revision (LOMR) for Hog Pen Creek from FM 2305 to 1,745 feet south of Hogan Road. Funds are available within the line item appropriated for drainage systems.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

January 7, 2010

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BEACH SULAK PARTNERS, INC., FOR ENGINEERING SERVICES REQUIRED TO PREPARE AND SUBMIT A LETTER OF MAP REVISION FOR HOG PEN CREEK FROM FM 2305 TO 1,745 FEET SOUTH OF HOGAN ROAD, FOR AN AMOUNT NOT TO EXCEED \$45,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Staff recommends entering into an agreement, for an amount not to exceed \$45,700, with Beach Sulak Partners, Inc., for revising the FEMA map by submitting a Letter of Map Revision (LOMR) for Hog Pen Creek from FM 2305 to 1,745 feet south of Hogan Road;

Whereas, funds are available for this project but an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, for a cost not to exceed \$45,700, between the City of Temple, Texas, and Beach Sulak Partners, Inc., after approval as to form by the City Attorney, for engineering services required to prepare and submit a Letter of Map Revision for Hog Pen Creek from FM 2305 to 1,745 feet south of Hogan Road, for an amount not to exceed \$45,700.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

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

01/07/10
Item #4(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing an emergency construction contract with Lone Star Railroad Contractors, Inc., to perform railroad track repairs in the Temple Industrial Park in the amount of \$63,643.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October, 2009, the City received the attached letter from Temple & Central Texas Railway requesting assistance for track repairs to address serious hazards along the track and non compliance with FRA standards. In response, an emergency proposal in the amount of \$63,643 was acquired from Lone Star Railroad Contractors, Inc., to complete the work.

Repairs were authorized by the City Manager on October 27, 2009. Lone Star Railroad Contractors are currently in the process of completing the repairs.

FISCAL IMPACT: Funding in the amount of \$63,643 is available for this project within the Reinvestment Zone #1 Financing Plan – Account 795-9500-531-6514, project #100167.

ATTACHMENTS:

[Temple & Central Texas Railway Letter](#)
[Contractor's Proposal](#)
[Resolution](#)



Temple & Central Texas Railway

3111 Eberhardt Rd. • Temple, TX • 76504
Phone 254-778-2300 • Fax 254-778-2302

October 15, 2009

City of Temple
David A. Blackburn
City Manager
2 North Main, Suite 306
Temple, Texas 76501

RE: Rail Park Track Conditions

Dear Mr. Blackburn,

I am writing this letter in reference to the previously discussed issue of track repair in the Temple Industrial Park and in request of the amount of \$63,643.00 from the City of Temple for the needed track repairs. The track is presently in a condition that creates a serious hazard to the safety of railway workers and the general public as well as being non compliant with FRA standards. I have attached a list of repairs needed to make the current infrastructure safe and compliant.

If you have any questions, concerns or require additional information, please contact me at 254-778-8300.

Sincerely,

Michael P. Rose

Michael P. Rose (via e-mail)
General Manager

CC: David Eyermann (via e-mail)

.



LONE STAR RAILROAD CONTRACTORS, INC.
Railroad Construction . Maintenance . Consulting . Demolition

October 8, 2009

Bid # 4258A

Mr. Michael Rose
Temple & Central Texas Railway
P.O. Box 1083
Temple, TX 76501

Dear Sir:

Lone Star Railroad Contractors, Inc. proposes to furnish all materials, equipment, labor, tools, supervision, insurance and taxes to repair areas found during the inspection performed on September 30, 2009 as follows:

Immediate Attention-

- | | |
|--|----------------------------|
| 1. Relay high side of curve between turnout 311 and 320 with good relay 90# rail, new track bolts, and gauged and spiked with new track spikes for..... | <u>\$ 7,465.00.</u> |
| 2. Repair breaking frog point in turnout 318 by welding for..... | <u>\$ 682.00.</u> |
| 3. Replace 62 bad crossties in curve between turnout 311 and 320, when rail is relayed, with new 7"x9"x8'6" treated hardwood crossties, and spiked with new track spikes for | <u>\$ 6,563.00.</u> |

Items Need Attention Over the Next 6 Months-

- | | |
|---|----------------------------|
| 1. Rehab approximately 30' of sub-grade behind turnout 311 in main lead by removing this section of track, excavating all fouled material and stockpiling on-site, installing new compacted base material for sub-ballast, installing track back through this section with all removed track material, and surfacing this track to match existing elevation using new clean crushed ballast for ... | <u>\$ 8,342.00.</u> |
| 2. Rehab approximately 30' of sub-grade behind turnout 320 by removing this section of track, excavating all fouled material and stockpiling this material on-site. Install new compacted base material for sub-ballast, reinstall this track section with all removed rail, OTM, and crossties, and surface using new clean crushed ballast for..... | <u>\$ 8,342.00.</u> |

Mr. Michael Rose
Temple & Central Texas Railway
Bid # 4258A
October 8, 2009
Page 2

3. Rehab approximately 190' of sub-grade on the Mars Spur by removing this section of track, excavating all fouled material and stockpiling on-site. Install new compacted base material for sub-ballast and reinstall track with all removed rail, ties, and OTM. This track section will be surfaced to match existing track elevation using new clean crushed ballast for..... **\$20,374.00.**
4. Replace 65 each bad switchties throughout switches using new 7"x9" various length treated hardwood switchties, and spiked with new track spikes and adjust guard rails for **\$11,875.00.**

Prices quoted are based on straight-time, non-union labor, and are good for 15 days. After 15 days from date of bid, prices are subject to change.

Terms for payment are net 30 days. If not paid within 30 days, interest on the unpaid balance will accrue at the maximum rate allowed by law.

For information regarding financial status, please contact Ms. Cathie Morales, Prosperity Bank, Ennis, Texas, (972) 875-8461.

We appreciate the opportunity to submit this proposal, and look forward to working with you.

Sincerely,

Josh Newman

Josh Newman
Area Manager

JN/sh

This proposal accepted on ____ day of _____ 2009.

By: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH LONE STAR RAILROAD CONTRACTORS, INC., TO PERFORM EMERGENCY RAILROAD TRACK REPAIRS IN THE TEMPLE INDUSTRIAL PARK, IN THE AMOUNT OF \$63,643; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in October, 2009, the City received a request from Temple & Central Texas Railway requesting assistance for track repairs to address serious hazards along the track and non-compliance with Federal Railroad Administration (FRA) standards;

Whereas, in response, an emergency proposal in the amount of \$63,643 was acquired from Lone Star Railroad Contractors, Inc., to complete the work;

Whereas, funds are available for this project in Account No. 795-9500-531-6514, Project #100167; 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, not to exceed \$63,643, between the City of Temple, Texas, and Lone Star Railroad Contractors, Inc., after approval as to form by the City Attorney, for emergency railroad track repairs in the Temple Industrial Park.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

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

01/07/10
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-10-08: Consider adopting an ordinance authorizing a zoning change request from General Retail District (GR) to Planned Development General Retail District (PD-GR) on the South 50 Feet of Lot 1, Block 2, Keaton Addition, located at 803 North General Bruce Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its December 8, 2009 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zoning change from GR to PD-GR with the following stipulations:

1. The use and development standards of the property shall conform to the requirements of the General Retail zoning district;
2. Off-premise sign is allowed;
3. In the event of a conflict between the development plan and the text of the Planned Development ordinance, the stricter standard applies; and
4. All standards of the Zoning Ordinance apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.

Commissioners Barton and Dusek were absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-08, from the Planning and Zoning meeting, December 8, 2009. A used car lot occupies the subject property. The applicant requests the PD-GR zoning district to erect an off-premise sign (billboard). Off-premise signs are only allowed by right in the Commercial (C), Light Industrial (LI) and Heavy Industrial (HI) zoning districts. If the Planned Development is approved an off-premise sign could be erected on the property. The base zoning district of GR will continue to control the types of uses allowed on the property.

The proposed sign location is 781 feet from a property that was granted a rezoning to Commercial in 2008 for the purpose of erecting an off-premise sign. Such sign was never erected. If the Planned Development case for the subject property is approved, then this other location will no longer be eligible for an off-premise sign.

The applicant has sufficient off-premise sign credits to construct a double-faced sign.

The Planning and Zoning Commission raised no other issues requiring further staff attention.

Public Notice

Four notices of the Planning and Zoning Commission public hearing were sent out. As of Monday, December 7, at 5 PM, no notices were 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 27, 2009 in accordance with state law and local ordinance

FISCAL IMPACT: None

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Utility Map
Billboard Distances Map
Binding Site Development Plan
Notice Map
P&Z Staff Report (Z-FY-10-08)
P&Z Minutes (12/08/09)
Ordinance




Z-FY-10-08

S 50' of Lot 1, Blk 2, Keaton Addition

803 N General Bruce Dr



 Z-FY-10-08

Feet 0 50 100 150 200

J Stone 11.18.09



Z-FY-10-08

S 50' of Lot 1, Blk 2, Keaton Addition

803 N General Bruce Dr



1 inch = 150 feet
J Stone 11.18.09

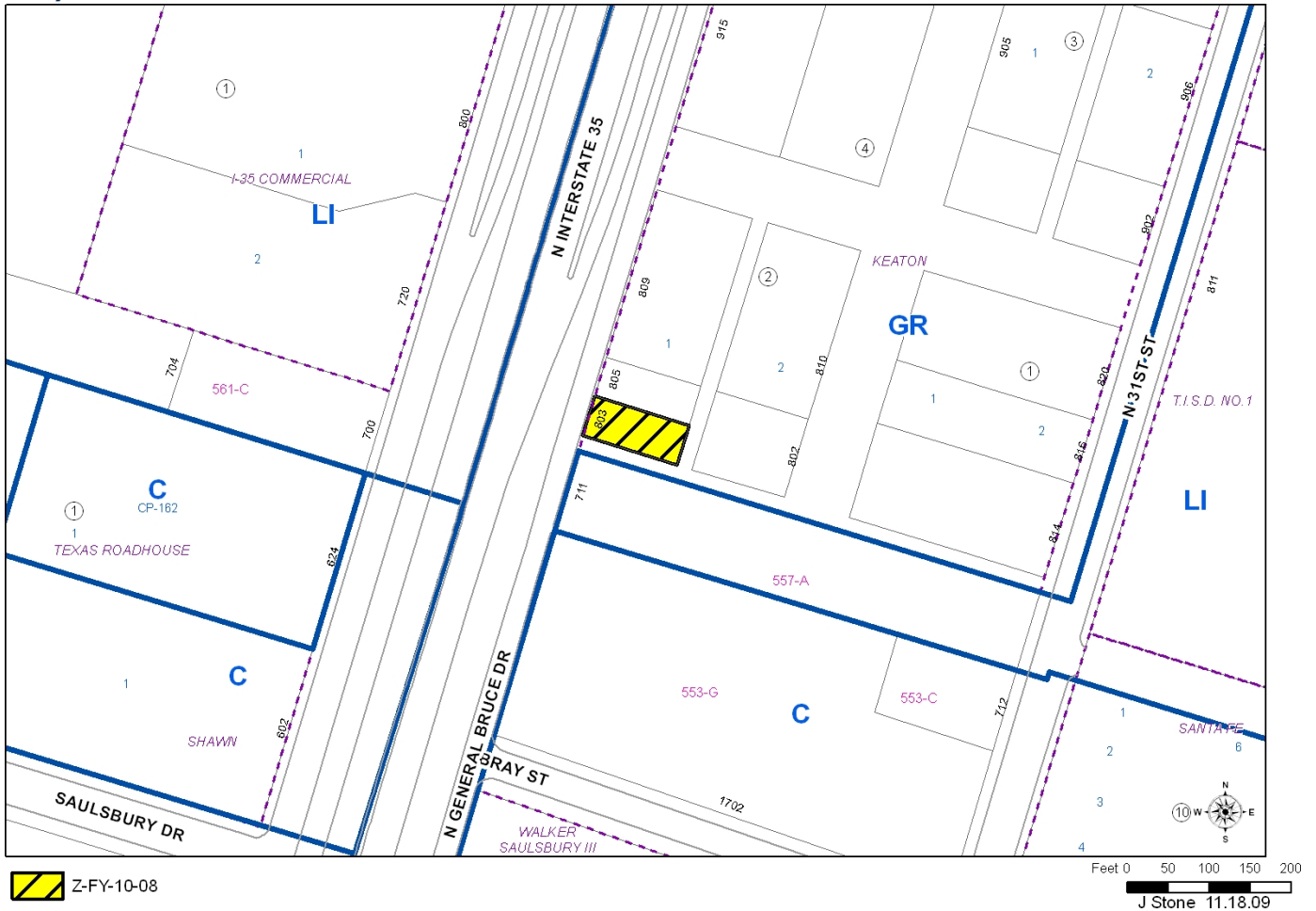
Neighborhood Conservation	Auto-urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public/Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks and Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business park	Agricultural/Rural



Z-FY-10-08

S 50' of Lot 1, Blk 2, Keaton Addition

803 N General Bruce Dr

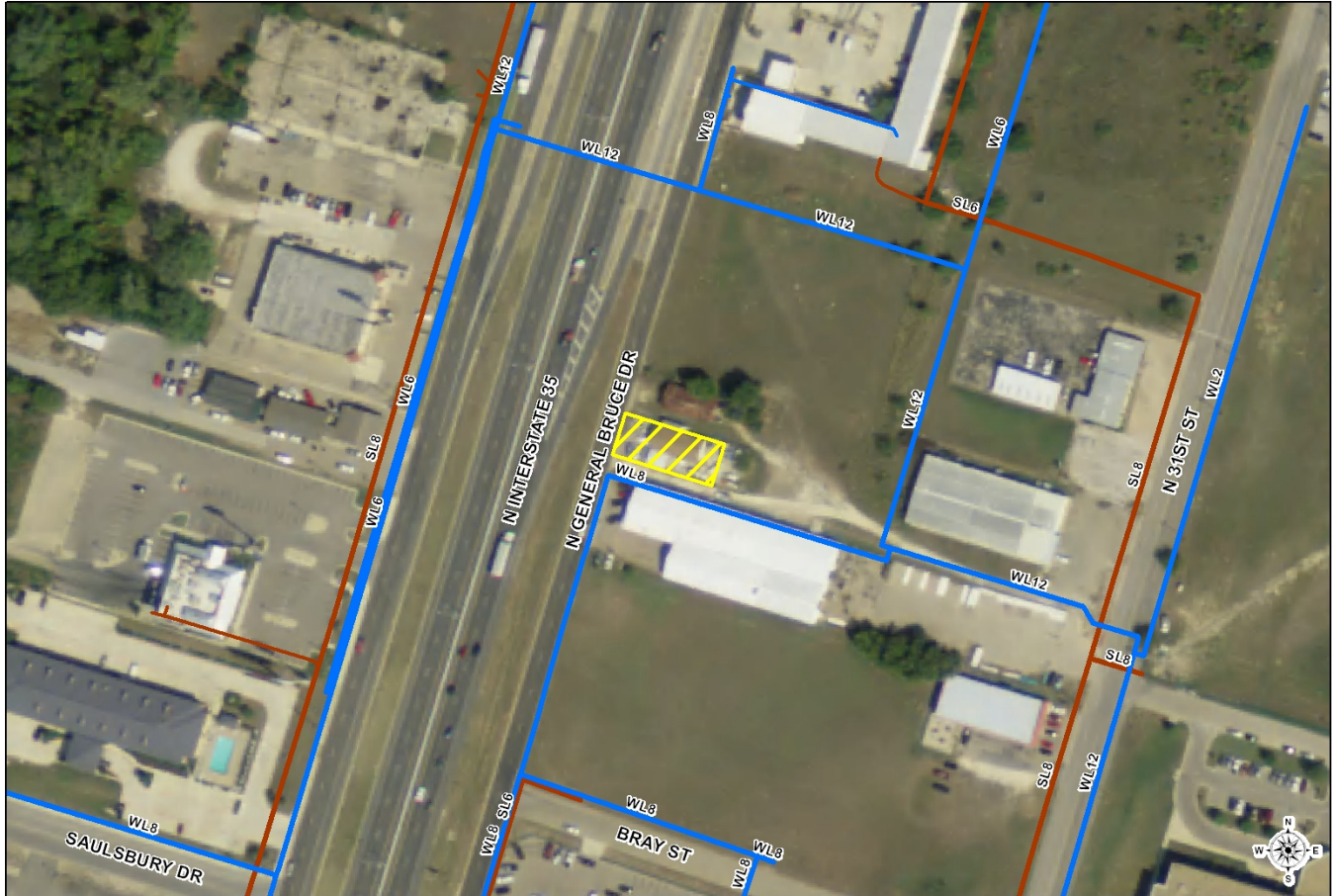





Z-FY-10-08

S 50' of Lot 1, Blk 2, Keaton Addition

803 N General Bruce Dr



 Z-FY-10-08

Feet 0 50 100 150 200

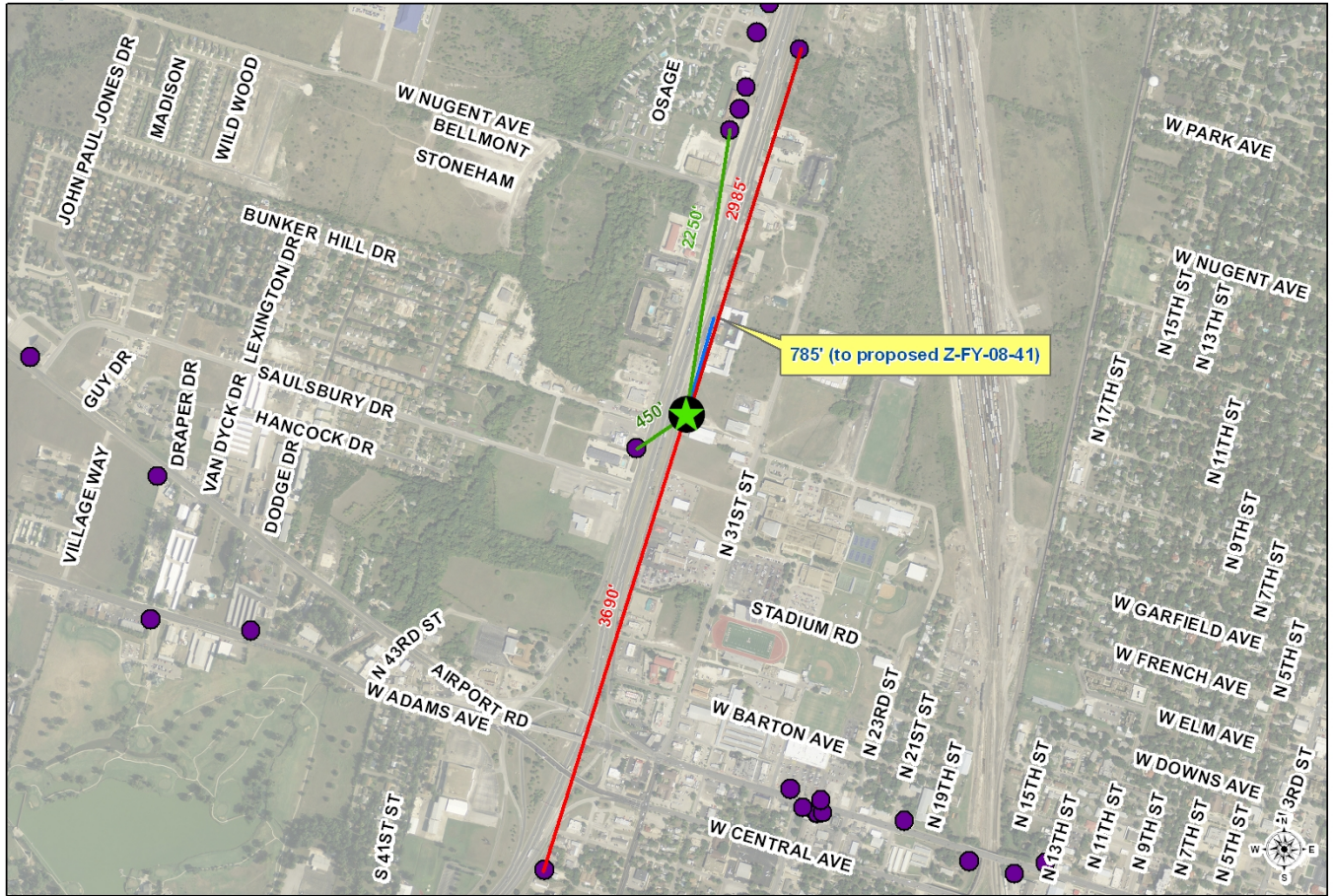
J Stone 12.01.09



Z-FY-10-08

S 50' of Lot 1, Blk 2, Keaton Addition

803 N General Bruce Dr



Z-FY-10-08



Billboards/Signage

1 inch = 1,000 feet
J Stone 11.18.09

803 GENERAL BRUCE DRIVE

14' x 48' Billboard, Set back 25' from property line, greater than 1500' spacing from another off-premise billboard sign

14' x 48' Billboard, Set back 25' from property line, greater than 1500' spacing from another off-premise billboard sign

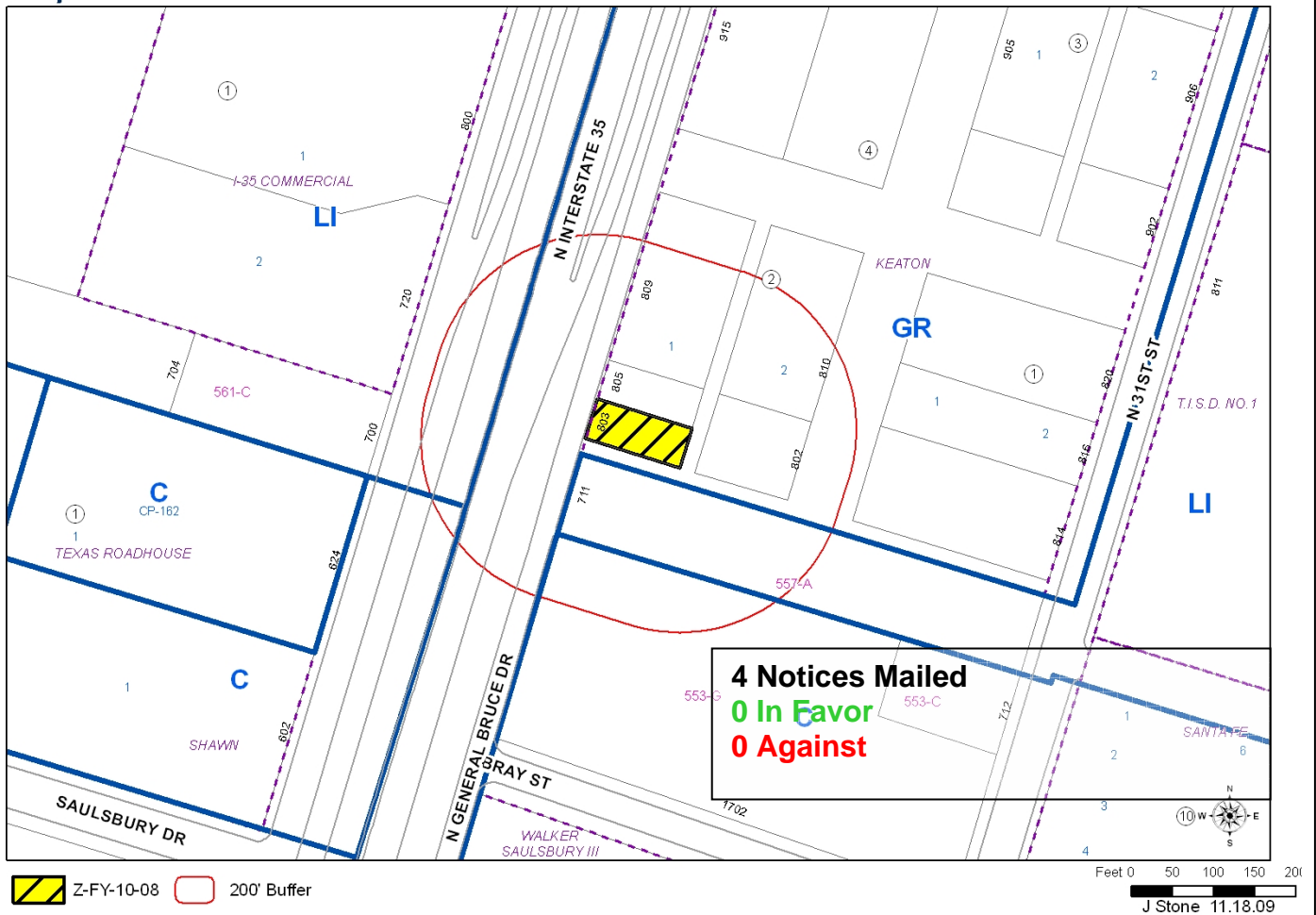
L1



Z-FY-10-08

S 50' of Lot 1, Blk 2, Keaton Addition

803 N General Bruce Dr





PLANNING AND ZONING COMMISSION AGENDA ITEM

12/08/09
Item #5
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Lamar Advertising for Charles Altman

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-10-08 Hold a public hearing to discuss and recommend action on a zoning change request from General Retail District (GR) to Planned Development General Retail District (PD-GR) on the South 50 Feet of Lot 1, Block 2, Keaton Addition, located at 803 North General Bruce Drive.

BACKGROUND: A used car lot occupies the subject property. The applicant requests the PD-GR zoning district to erect an off-premise sign (billboard). Off-premise signs are only allowed by right in the Commercial (C), Light Industrial (LI) and Heavy Industrial (HI) zoning districts. The following uses would be permitted in the proposed PD-GR zoning district:

1. All uses permitted in the GR, General Retail zoning district; and
2. Off-premise sign.


If the Planned Development is approved the base zoning district will continue to control the types of uses allowed on the property.

The Zoning Ordinance requires a minimum separation distance of 1,500 feet between off-premise signs along General Bruce Drive. As shown in the attached aerial, existing off-premise signs are 2,985 to the north and 3,690 feet to the south. The proposed sign location is 781 feet from a property that was granted a rezoning to Commercial in 2008 for the purpose of erecting an off-premise sign. Such sign was never erected. If the Planned Development case for the subject property is approved, then this other location will no longer be eligible for an off-premise sign.





The applicant has sufficient off-premise sign credits to construct a double-faced sign.

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	GR (current) PD-GR (proposed)	Used Car Lot	

Double Sided

Direction	Zoning	Current Land Use	Photo
North	GR	Vacant Auto Service	
East	GR	Vacant Land	
South	LI	Building Materials Sales	
West	LI	I-35 / Vacant Motorcycle Sales	

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 subject property Auto Urban Commercial. The request conforms to the Future Land Use and Character map.

Thoroughfare Plan

The subject property fronts on Interstate 35. The Thoroughfare Plan map designates Interstate 35 an expressway. The request conforms to the Thoroughfare Plan map.

Availability of Public Facilities

Although such utilities do not apply to the function of a billboard, an eight-inch water line serves the property. Public facilities are available.

Development Regulations

The purpose of the GR zoning district is to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and 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 new or used auto sales, retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments.

The dimensional requirements for an off-premise sign are as follows.

Off-Premise Signs	
Sign Face Area (sq. ft.)	672
Overall Height (ft.)	42.5
Setback from Street (ft.)	20

Public Notice

Four notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, December 2, at 5 PM, no notices were 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 27, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of Planned Development application Z-FY-10-08, 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 General Retail zoning district.
2. An off-premise sign 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.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Utility Map
Billboard Distances Map
Binding Site Development Plan
Notice Map

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

TUESDAY, DECEMBER 8, 2009

ACTION ITEMS

Item 5: Public Hearing, Discussion and Action Z-FY-10-08: Discuss and recommend action on a zoning change request from General Retail District (GR) to Planned Development (General Retail) District (PDGR) on the South 50 Feet of Lot 1, Block 2, Keaton Addition, located at 803 North General Bruce Drive. (Lamar Signs Inc. c/o Charles Altman)

Mr. Brian Mabry, Senior Planner, stated the applicant for this case is Lamar Advertising for Charles Altman, property owner. This would go to City Council on December 17th for first reading and second reading on January 7, 2010.

Mr. Mabry stated the property had I-35 frontage instead of State Highway 317 as incorrectly stated in the Commissioners packets. This request is in order to erect an off-premises sign or billboard. Currently the property had an auto sales on it.

Mr. Mabry stated normally billboards are allowed by right in Commercial (C), Light Industrial (LI) and Heavy Industrial (HI) and since the property was already zoned General Retail (GR), a Planned Development (PD) layer was added to it which would allow a billboard instead of rezoning to a C, Li, or HI district. Billboards are allowed along the Loop and I-35 according to the Zoning Ordinance. They are to be 672 square feet in area with 42.5 feet overall height and the setback from the road is required to be at least 20 feet. Mr. Mabry stated the site development plan complied with all required standards.

Mr. Mabry gave an overview of the surrounding area of the subject property. The Zoning Ordinance required billboard separation along the Interstate to be a minimum of 1,500 feet separation along the Interstate; the separation for the request was 2,985 feet to the north and 3,690 feet to the south so the separation on that side of I-35 was met.

Mr. Mabry stated there was another billboard approximately 450 feet across from I-35 but the separation standards and the Zoning Ordinance do not apply to signs/billboards across I-35 or across the Loop from the proposed billboard.

Mr. Mabry stated approximately 785 feet to the north of the proposed billboard, a rezoning was granted in 2008 for the purpose of allowing a billboard, however, that billboard was never built. This current PD request, if approved by City Council at its second reading, and the billboard is built, it would nullify the right of the property 785 feet to the north.

Mr. Mabry showed the site development plan for the property and proposed billboard. A 25 foot separation from the pole of the billboard to the front property line along General Bruce and a 15 foot side setback is indicated. The size of the billboard was 14 feet by 48 feet which met the standards of off-premise signs in the Zoning Ordinance.

The zoning for the property is GR, C, and LI throughout the area of the vicinity of the proposed billboard. The Future Land Use Map showed the area to be auto/urban commercial. There is an 8" water line along the property for availability. I-35 on the Thoroughfare Plan is shown as an expressway. The proposed PD would avoid intense uses normally allowed in the C zoning along I-35 corridor. This PD would allow uses allowed in GR which is the base zoning district and however the I-35 Corridor Overlay would affect that property. The PD would also allow off-premise sign. Typically GR uses in GR zoning district are retail, gas stations, restaurants, grocery stores, things like that.

Mr. Mabry stated four notices were mailed and zero were returned. Staff recommended approval of this Planned Development application Z-FY-10-08, including the binding site development plan, along 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 General Retail zoning district;
2. An off-premise sign 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; and
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.

Commissioner Pope asked about the area rezoned 785 feet from this property for the purpose of erecting a sign and the sign was never erected and Mr. Mabry confirmed this was correct. Commissioner Pope asked if the landowner was notified about this and Mr. Mabry stated they were not within the 200 foot radius for notification, however, prior to the City Council meeting, they could be informally notified. Commissioner Pope felt it was appropriate to notify the party and let them know what was happening with their land since it was only in 2008 it occurred. Mr. Mabry stated that would be done.

Vice-Chair Talley asked if the previous party still had the right to come back at any time and put up a sign even though they have not. Mr. Mabry stated no, if the current PD were approved by City Council and Lamar received a permit from TxDOT or the City and went through the proper channels and built the billboard,

then the separation distance would be too short for the billboard to be built. They would have other options however.

Chair Pilkington opened the public hearing and Mr. Mat Naegele approached the podium.

Mr. Mat Naegele, Vice President and General Manager of Lamar Advertising, of 3501 Canyon Heights, Belton, Texas 76513, stated he was present to answer any questions the Commission had on the billboard itself.

Chair Pilkington closed the public hearing.

Commissioner Pope made a motion to approve the zone request for Item Z-FY-10-08 from GR to PD-GR and Vice-Chair Talley made a second.

Motion passed: 7:0

Commissioners Dusek and Barton absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-08]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON THE SOUTH 50 FEET OF LOT 1, BLOCK 2, KEATON ADDITION, LOCATED AT 803 NORTH GENERAL BRUCE DRIVE, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property located at 803 North General Bruce Drive has requested that the property be rezoned from General Retail District (GR) to Planned Development General Retail District (PD-GR);

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

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

Part 1: The City Council approves a zoning change from General Retail District (GR) to Planned Development General Retail District (PD-GR) on the south 50 feet of Lot 1, Block 2, Keaton Addition, located at 803 North General Bruce Drive in the City of Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- (a) The use and development standards of the property shall conform to the requirements of the General Retail zoning district;
- (b) Off-premise sign is allowed;
- (c) In the event of a conflict between the development plan and the text of the Planned Development ordinance, the stricter standard applies; and
- (d) All standards of the Zoning Ordinance apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.

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

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

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **December**, 2009.

PASSED AND APPROVED on Second Reading on the **7th** day of **January**, 2010.

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

01/07/10
Item #4(H)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-10-10: Consider adopting an ordinance authorizing a Conditional Use Permit request for an off-premise consumption package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182, a 15,723 square foot lease area.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its December 8, 2009 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of Conditional Use Permit request for an off-premise consumption package store subject to review from the Comprehensive Plan. The applicant agrees with the conditions of the CUP.

1. The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial.
2. This request conforms to the Thoroughfare Plan since the shopping center contains access easements to the Major Arterials of IH 35 and Loop 363.
3. Available public facilities serve this site.

Commissioner Barton and Dusek were absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-10, from the Planning and Zoning meeting, December 8, 2009. This Conditional Use Permit (CUP) request is to allow an off-premise consumption package store for the sale of distilled liquors, wines and beers in unbroken original containers at the Bird Creek Mall, the western end cap lease area in line with Target, Michael's, PetSmart, Office-Max and Sally Beauty Stores. The Council approved the allowed use in Ordinance 2009-4322, approved November 5, 2009.

The outdoor lighting and parking are in compliance now as part of the Bird Creek Mall. The applicant will not have a drive-through window; retail customers will use the front door for ingress/egress. The applicant has begun the process with the Texas Alcoholic Beverage Commission. This application conforms to the area and use requirements for a CUP required for an off-premise package store in the Commercial District. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

The Planning and Zoning Commission raised no other issues requiring further staff attention.

Public Notice

One notice was sent out to the Planning and Zoning Commission public hearing were sent out. As of Monday, December 7, at 5 PM, no notices were 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 27, 2009 in accordance with state law and local ordinance

FISCAL IMPACT: None

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
CUP Site Plan
Notice Map
P&Z Staff Report (Z-FY-10-10)
P&Z Minutes (12/08/09)
Ordinance




Z-FY-10-10

15,723 SF of Lot 1, Block 1, Bird Creek Crossing Addition

Proposed Package Store



 Z-FY-10-10

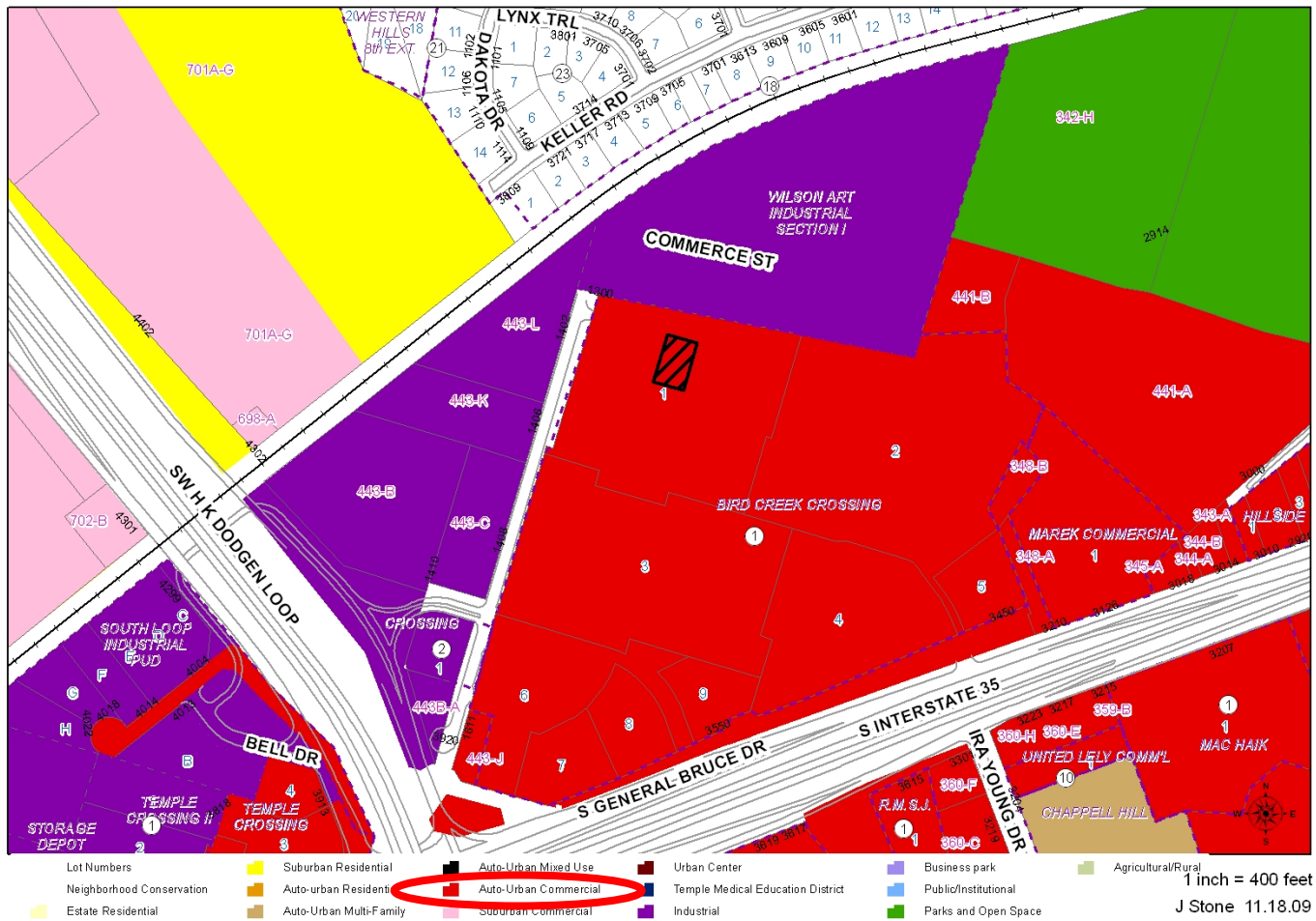
Feet 0 130 260 390 520

J Stone 11.24.09



Z-FY-10-10 15,723 SF of Lot 1, Block 1, Bird Creek Crossing Addition

Proposed Package Store

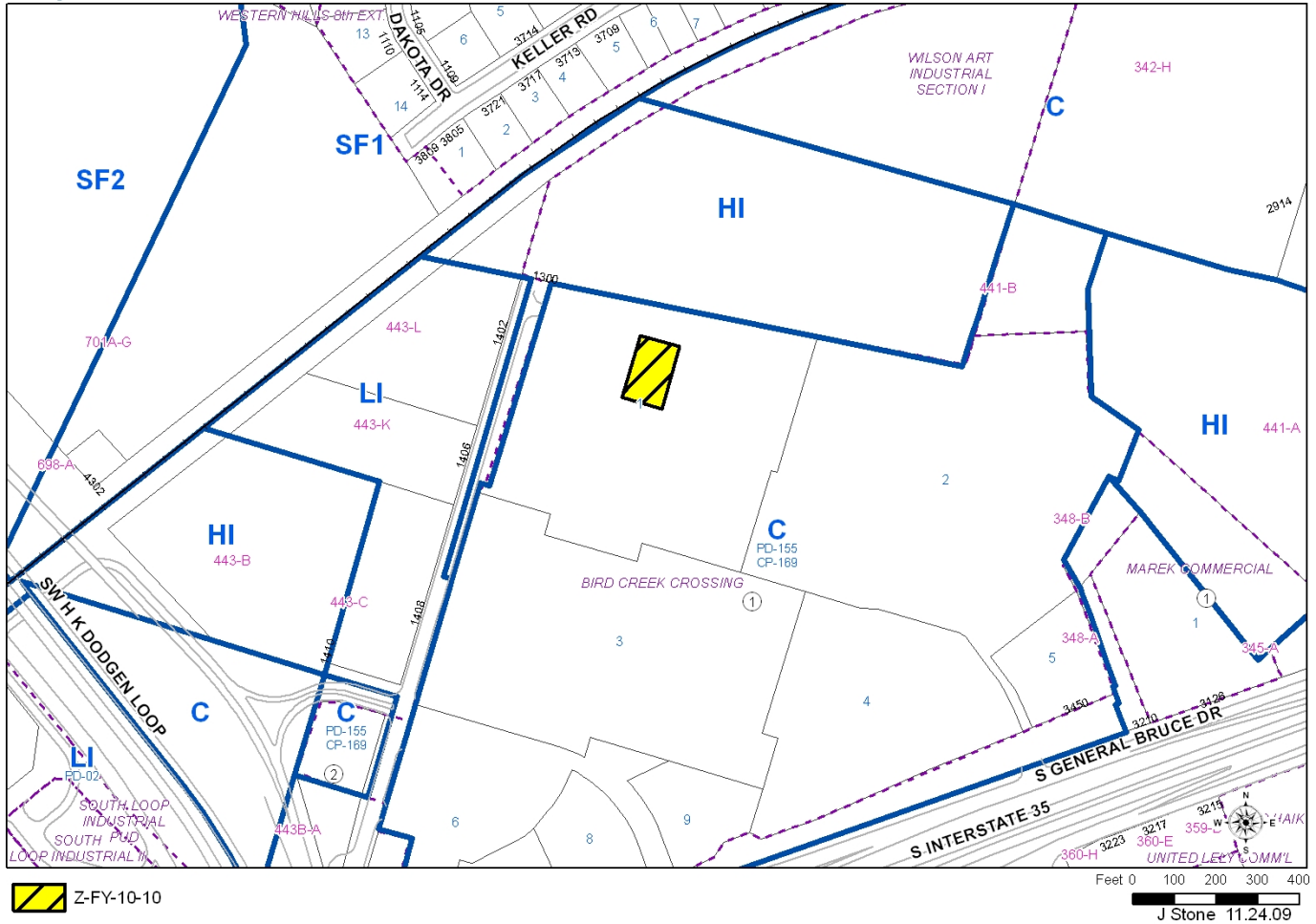




Z-FY-10-10

15,723 SF of Lot 1, Block 1, Bird Creek Crossing Addition

Proposed Package Store





Proposed Site Plan
Subject to Change

Bird Creek Crossing Temple, Texas



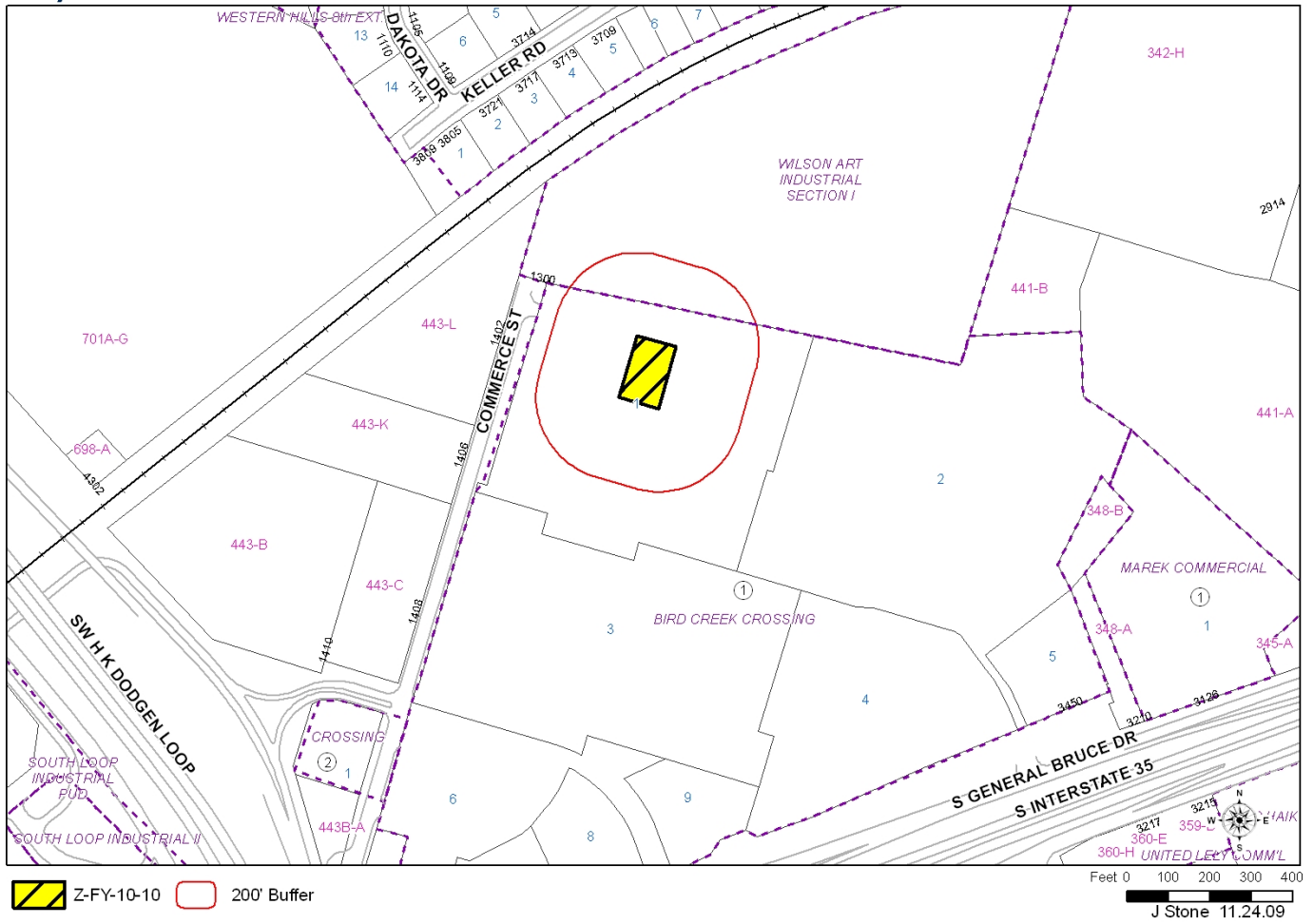
Primus Real Estate Services
512.322.2008
www.primusre.com



Z-FY-10-10

15,723 SF of Lot 1, Block 1, Bird Creek Crossing Addition

Proposed Package Store





PLANNING AND ZONING COMMISSION AGENDA ITEM

12/08/09
Item #4
Regular Agenda
Page 1 of 8

APPLICANT / DEVELOPMENT: Primus Real Estate c/o Spec's Stores




CASE MANAGER: Tim Dolan, AICP, Planning Director



ITEM DESCRIPTION-Public Hearing, Discussion and Action Z-FY-10-10: Discuss and recommend action on a Conditional Use Permit request for an off-premise consumption, package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182, a 15,723 square foot lease area.

BACKGROUND: This Conditional Use Permit (CUP) request is to allow an off-premise consumption, package store for the sales of distilled liquors, wines and beers in unbroken original containers at the Bird Creek Mall, the western end cap lease area in line with Target, Michael's, Pets Mart, Office-Max and Sally Stores. The Council approved the allowed use in Ordinance 2009-4322, approved November 5, 2009.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photograph
Subject	PDD-C	Shopping Mall	
North	PDD-C	Parking – Mall area	
South	PDD-C	Parking – internal traffic circulation Mall area	

East	PDD-C	Shopping Mall lease space and parking	
West	HI	Oncor Electric Storage Yard	

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

Future Land Use Plan and Character Map – The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial.

Thoroughfare Plan – This request conforms to the Thoroughfare Plan since the shopping center contains access easements to the Major Arterials of IH 35 and Loop 363.

Availability of Public Facilities – Available public facilities serve this site.

Development Regulations

In addition to the general Conditional Use Permit standards in Sec. 7-600 above, the following conditions apply to Conditional Use Permits allowing an off-premise consumption package store:

- Such use must comply with Chapter 4, “Alcoholic Beverages,” of the City Code;
- Outdoor lighting must comply with the standards in Sec. 7-566 (G) of the Zoning Ordinance;
- If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys;
- The drive-through lane must provide a minimum of 60 feet of stacking space from the pick-up window to the beginning;
- An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane;
- Parking (in any zoning district including in CA) must be provided on-site, not less than one space for each 250 square feet of retail space (plus the number of parking spaces required for non-retail space as specified by other City ordinances);
- Window signs are prohibited; and
- Lighted advertising signs must be turned off at closing time.

The outdoor lighting and parking are in compliance now as part of the Bird Creek Mall. The applicant will not have a drive-through window; retail customers will use the front door for ingress/egress. The applicant has begun the process with the TABC. This application conforms to the area and use requirements for a CUP required in the for an off-premise package store in the C District. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

Public Notice

One notice was sent out. As of Friday, December 4th at Noon, no notices were returned. The newspaper printed notice of the public hearing on November 27, 2009 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the Z-FY-10-10, a CUP for an off-premise consumption, package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182 with the following conditions in accordance with Section 7-611 of the Zoning Ordinance:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
4. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
5. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
6. The City Council may deny or revoke this conditional use permit if it affirmatively determines that the issuance of the permit is (a) incompatible with the surrounding uses of property, or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
7. Window signs are prohibited
8. Lighted advertising signs must be turned off at closing time.
9. The conditional use permit runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. The conditional use permit may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
11. The applicant's site plan and application are exhibits to the conditional use permit.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
CUP Site Plan
Notice Map

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

TUESDAY, DECEMBER 8, 2009

ACTION ITEMS

Item 4: Public Hearing, Discussion and Action Z-FY-10-10: Discuss and recommend action on a Conditional Use Permit request for off-premise consumption, package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182, a 15,723 square foot lease area. (Applicant: Primus Real Estate)

Mr. Tim Dolan, Planning Director, stated this request was to look at a proposed package store in Bird Creek Mall. Mr. Dolan stated the vote to allow this use was approved on November 5th by the City of Temple voters and the County canvassed the votes on November 16th. This property is zoned a Planned Development District Commercial and it conformed to all regulations recommended by both Planning Commission and approved by City Council for an off-premises package store.

Mr. Dolan stated the site showed the area of Bird Creek Mall of the approximate 15,720 square foot area leased area known as A-182. Access is available from both Loop 363 and I-35.

The Future Land Use and Character Plan showed the area for auto/urban commercial so the use conformed to the Future Land Use Plan. I-35 is known as an expressway and public facilities are availability to serve the site.

Mr. Dolan stated one notice was mailed to Oncor, the only property owner, and no response had been received; the remaining 200 foot boundary remained with Primus Real Estate.

Mr. Dolan stated the site plan submitted would be adopted as part of the Conditional Use Permit (CUP) as Exhibit A.

Staff recommended approval for this CUP since it conformed to the Future Land Use and Character Plan for the auto/urban use and conformed to the Thoroughfare Plan for its access from I-35 and 363. Facilities are available to serve the property.

Mr. Dolan stated this is a public hearing and the applicant and lessee are available for questions.

Before opening the public hearing, Chair Pilkington stated to the attending public to adhere to the 3 minute limit for individual presentations in order for everyone to have a chance to speak. After his instructions, Chair Pilkington

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

Commissioner Hurd made a motion to approve Z-FY-10-10 and Commissioner Martin made a second.

Motion passed: 7:0

Commissioners Dusek and Barton absent

Mr. Dolan stated this item would be scheduled for City Council meetings December 17th and January 7th of 2010.

ORDINANCE NO. _____

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR AN OFF-PREMISE CONSUMPTION PACKAGE STORE AT THE BIRD CREEK CROSSING SUBDIVISION, LOT 1, SUITE A-182, A 15,723 SQUARE FOOT LEASE AREA; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of Lot 1, Suite A-182 of the Bird Creek Crossing Subdivision, recommends that the City Council approve the application for this Conditional Use Permit for an off-premise consumption package store; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit for an off-premise consumption package store at the Bird Creek Crossing Subdivision, Lot 1, Suite A-182, a 15,723 square foot lease area, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation;

- (a) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (b) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (c) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (d) The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (e) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (f) The City Council may deny or revoke this conditional use permit if it affirmatively determines that the issuance of the permit is (a) incompatible with the surrounding uses of property, or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (g) Window signs are prohibited.
- (h) Lighted advertising signs must be turned off at closing time.
- (i) The conditional use permit runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (j) The conditional use permit may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.
- (k) The permittee's site plan and application are exhibits to the conditional use permit, attached hereto as Exhibits B and C.

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

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase,

clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **December**, 2009.

PASSED AND APPROVED on Second Reading on the **7th** day of **January**, 2010.

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

01/07/10
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution accepting the 2008-2009 Risk Management Annual Report.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 2008-2009 (10-01-08 through 09-30-09) Risk Management Annual Report discusses the City's Risk Management Program; breaks down the total numbers of claims, accidents, and employee injuries, and reviews the City's premiums for insurance coverage.

FISCAL IMPACT: None

ATTACHMENTS:

Risk Management 2008-09 Annual Report (Hard Copy provided)

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE FY2008-2009 RISK MANAGEMENT ANNUAL REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the FY2008-2009 Risk Management Annual Report (10-01-08 through 09-30-09) breaks down the total number of claims, accidents, and employee injuries, and reviews the City's premiums for insurance coverage;

Whereas, the report needs to be accepted by the City Council; 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 accepts the FY2008-2009 Risk Management Annual Report, substantially in the form of the copy attached as Exhibit A.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

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

01/07/10
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$4,018,095.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
January 7, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
430-5700-580-7550		Payment to Refunding Escrow Agent	\$ 3,926,713	
430-5700-580-7312		Bond Issuance Costs	\$ 18,292	
430-0000-490-1575		Refunding Bond Proceeds		\$ 3,950,000
430-0000-490-1518		Bid Premium		\$ 1,071
430-0000-461-0112		Accrued Interest		\$ 7,848
430-5700-580-7312		Bond Issuance Costs	\$ 13,914	
430-5700-580-7312		Bond Issuance Costs	\$ 2,532	
430-5700-580-7211		Bond Interest Expense		\$ 2,532

To appropriate the 2009 General Obligation Refunding Bonds - Debt Service Portion - bond proceeds sold on November 19, 2009. Proceeds were received on December 17, 2009. This budget adjustment accounts for the revenue received from the bond issue and the amount paid to the refunding escrow agent. This budget adjustment also reallocates some of the savings to pay the Attorney General fee associated with the refund that was paid outside of closing.

110-2200-522-2513		Special Services (Fire Dept.)	\$ 1,576	
110-0000-442-1629		Donations Revenue - Annual Awards Banquet		\$ 1,326
110-0000-442-1629		Donations Revenue - CERT		\$ 250

This budget adjustment includes \$1,326 of donations by Friends of Temple Fire for the annual awards banquet and \$250 of CERT donation funding for a total of \$1,576.

260-2000-521-6211	100588	Instruments/Special Equipment - Night Scope for Sniper Rifle (Police Grant)	\$ 10,000	
260-2000-521-6211	100589	Instruments/Special Equipment - Night Vision Goggles	\$ 13,000	
260-2000-521-6221	100587	Computer Software - Evidence Inventory Management	\$ 32,068	
260-0000-431-0163		Federal Grants		\$ 55,068

Appropriate funds to purchase evidence inventory management software and equipment at a cost of \$32,068; one night scope for a sniper rifle at a cost of \$10,000; and four sets of night vision goggles at a cost of \$13,000 funded by the 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant (JAG) funds which require no City match. Council approved the acceptance of \$92,568 in grant funds on 4/16/2009. The remaining \$37,500 of grant funds is being used to purchase one unmarked police vehicle and is included in a separate budget adjustment.

TOTAL AMENDMENTS	\$ 4,018,095	\$ 4,018,095
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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	\$ (17,409)
Net Balance of Judgments & Damages Contingency Account	\$ 60,424
Beginning Fuel Contingency	\$ 125,000
Added to Fuel Contingency	\$ -
Taken From Fuel Contingency	\$ -
Net Balance of Fuel Contingency Account	\$ 125,000

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
January 7, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	233,824
		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 7th day of **January**, 2010.

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

01/07/10
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance abandoning a 20-foot wide alley located in Block 3, Moore's Addition, between West Barton Avenue and West Calhoun Avenue, and between North 3rd Street and North 5th Street, and retaining a utility easement with a length of 20 feet and a width of 20 feet at the alley's intersection with West Barton Avenue's north right of way.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented, on first reading, and schedule second reading and final adoption for January 21, 2010.

ITEM SUMMARY: The City of Temple requests this abandonment to allow construction of a new central fire station in Block 3 of Moore's Addition. Bank of America's existing drive-in facility will remain on the south end of Block 3. The City's agreement for purchase of the fire station site provides for Bank of America to take title to the portion of the alley that bisects its property. Formal approval of the alley abandonment will allow staff to finalize replatting of the block.

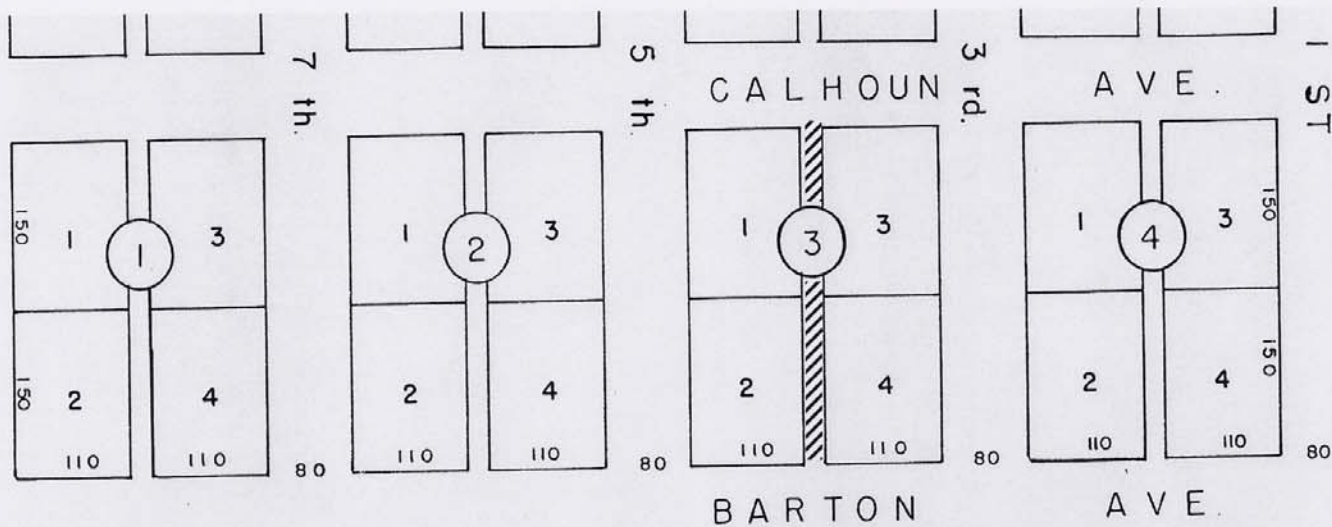
Staff contacted all utility providers, including all divisions of the Public Works Department, regarding the proposed alley abandonment. There are no active utilities in the alley and no objections to its abandonment.

Although there are no objections to the alley abandonment, AT&T Texas and Oncor Electric Delivery request the City retain an easement (20'x 20') at the south end of the alley to protect guy wires to a power pole in West Barton Avenue's north right-of-way. ATMOS Energy decommissioned an existing buried gas line in the alley and re-routed it to the west along the street rights-of-way of West Barton Avenue, North 5th Street, and West Calhoun Avenue. All re-routed utilities have been "accepted" by utility providers.

FISCAL IMPACT: None

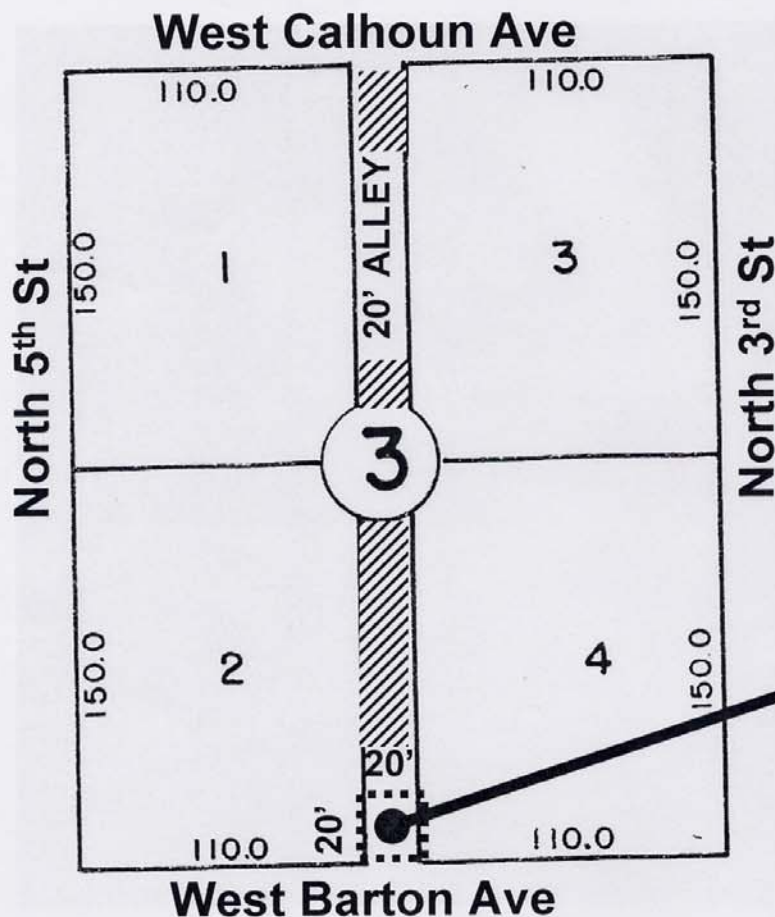
ATTACHMENTS:

[Proposed Abandonment and Easement Exhibit Ordinance](#)



Moore's First Addition
vol. 115 page 416

Alley Detail



Abandon entire 20 foot wide alley, but retain 20'x20' wide utility easement at alley intersection with West Barton Avenue's north right-of-way.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING THE 20-FOOT WIDE ALLEY LOCATED IN BLOCK 3, MOORE'S ADDITION, BETWEEN WEST BARTON AVENUE AND WEST CALHOUN AVENUE, AND BETWEEN NORTH 3RD STREET AND NORTH 5TH STREET; RETAINING A UTILITY EASEMENT WITH A LENGTH OF 20 FEET AND A WIDTH OF 20 FEET AT THE ALLEY'S INTERSECTION WITH WEST BARTON AVENUE'S NORTH RIGHT OF WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, construction of a new central fire station in Block 3 of Moore's Addition is underway, and a 20-foot wide alley located between North 3rd Street and North 5th Street needs to be abandoned to allow staff to finalize replatting the block as Lots 1 and 2, Block 1, Central Fire Station Addition;

Whereas, the City's agreement for purchase of the fire station site provides for Bank of America to take title to the portion of the alley that bisects its property, to be replatted as Lot 2, Block 1, Central Fire Station Addition;

Whereas, the staff recommends abandoning the alley, conveying a portion of the alley to the abutting property owner, and reserving a public utility easement with a length of 20 feet and a width of 20 feet at the alley's intersection with West Barton Avenue's north right of way;

Whereas, the alley is not necessary for the purpose of serving the general public or landowners adjacent thereto for any public purposes; and

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

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

Part 1: The City Council abandons the 20-foot wide alley located in Block 3, Moore's Addition, between West Barton Avenue and West Calhoun Avenue, and between North 3rd Street and North 5th Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, but retains a public utility easement with a length of 20 feet and a width of 20 feet at the alley's intersection with West Barton Avenue's north right of way.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying to the abutting property owner the rights and interests of the City of Temple, Texas, in the portion of the alley to be replatted as part of Lot 2, Block 1, Central Fire Station Addition, and reserving a public utility easement with a

length of 20 feet and a width of 20 feet at the alley's intersection with West Barton Avenue's north right of way.

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 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 **7th** day of **January**, 2010.

PASSED AND APPROVED on Second Reading the **21st** day of **January**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of January, 2010, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

01/07/10
Item #6
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: (A) Consider adopting a resolution accepting a donation from the Temple Parks Foundation in the amount of \$147,055.14 to purchase playground equipment and to develop and construct a handicapped all accessible playground at Lions Park, and;

(B) Consider adopting a resolution for the purchase of playground equipment from Total Recreation Products, Inc. off of the BuyBoard for \$147,992.64.

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

ITEM SUMMARY: For the past two years, the Parks and Leisure Services Department has been working with Leadership Temple and the Temple Parks Foundation to develop a playground that would serve children and adults with disabilities. Building such a playground started as a project of a Leadership Temple team in 2008. That team consisted of Amanda Krcha, George Libby, Angie Martinez, Mike Nader and Ben Pamplin.

The team met with Parks and Leisure Services staff to determine the feasibility and need for an all accessible playground, and began the fundraising efforts. The playground cost is estimated to be \$147,992.64.

Unfortunately, the Leadership Temple year ran out before all funds were raised. However, the team agreed to stay together until all project funds were raised. They partnered with the Temple Parks Foundation to raise the remaining funds.

Through the generous support of the Temple community, the funds have now been raised. Below is the list of donors to date to the playground:

Rotary Club of South Temple	\$ 50,000
Carpenter Foundation	\$ 30,000
Mayborn Foundation	\$ 15,000
Lions Club	\$ 10,000
Temple Association for School Nutrition	\$ 5,000

Whistle Stop Playground Fund	\$ 5,000
Temple Rotary Club	\$ 5,000
HEB	\$ 5,000
Scott & White Giving Board	\$ 5,000
American Hearing Center	\$ 3,000
Elks Lodge	\$ 2,500
WilsonArt	\$ 2,500
McLane Company	\$ 2,000
Johnson Bros Ford	\$ 1,000
Amos Electric Supply	\$ 500
Allumed	\$ 500
Woodman of the World	\$ 200
VFW post 1820	\$ 200
Other	\$ 4,655
	<u>\$147,055</u>

In addition to the above, Henry Sanderson (\$500) and Leonard Gillmeister (\$437.50) have made contributions to the City for benches for the playground project.

Gametime, Inc. the manufactures of the playground equipment has also provided a corporate grant of \$24,206.35 which has been applied to the original price of the playground.

Because of the size of the Rotary Club of South Temple's donation, the park will be named the Rotary Club of South Temple Accessible Playground. The club's donation was made in recognition of their 25th anniversary and the desire to support a major project for the youth of Temple.

The playground will be located in Lions Park adjacent to the lower restroom facility and the new multi-use field that is under construction. It will be located to utilize existing pecan trees to help shade the playground and will be connected to the existing restrooms with ADA compliant walkways. The major components of the playground will be 3 large interconnected decks with play events attached to the decks, swings, a whirl, a see-saw, an elevated sandbox, a freestanding hammock, a race car spring rider, and several other play events all designed with accessibility and inclusion as the primary objective. The playground will also feature a combination of engineered wood fiber and recycled poured in place surfacing for accessibility and fall protection.

The Parks and Leisure Services Department will also construct a new parking area to serve this playground, sidewalks and ramps to access the playground, and will be installing changing stations in the adjacent restrooms.

In accepting the donation, we have agreed to accept a pledge commitment from the Rotary Club of Temple South regarding the \$50,000 contribution. That contribution will be made in two payments - \$25,000 immediately (to be included with the Temple Parks Foundation Donation) and \$25,000 by December 1, 2010 – which will be paid directly to the City.

FISCAL IMPACT: The amount of the donation from the Parks Foundation will be \$147,055.14 to be combined with the \$937.50 donations from Sanderson and Gillmeister, for a total amount fund the equipment of \$147,992.64. The cost of the equipment, installation and construction for the playground total \$147,992.64. As mentioned above, the pledge from the Rotary Club of Temple South will be paid in two installments.

A budget adjustment is presented for Council's approval recognizing the donations of \$147,993 in account 351-0000-461-0841, and appropriating the funds to account 351-3500-552-6535, project # 100591, for the purchase of the playground equipment.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2010**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-3500-552-65-35	100491	Lions Park Improvement	\$ 147,993			
351-0000-461-08-41		Donations/Gifts-Parks Foundation	147,055			
351-0000-461-08-41		Donations/Gifts-Sanderson/Gillmeister	938			
TOTAL.....			\$ 295,986		\$ -	

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

This budget adjustment recognizes donations from the Temple Parks Foundation in the amount of \$142,400 plus an additional \$4,655 that the Parks Foundation will raise to fund the purchase of playground equipment to develop and construct a handicapped all accessible playground at Lions Park. In addition to the above, this budget adjustment recognizes contributions made by Henry Sanderson (\$500) and Leonard Gillmeister (\$437.50) for benches for the playground project. All funds are appropriated in the Capital Projects Fund for the purchase of the equipment, installation and construction of the playground.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/7/2010

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, ACCEPTING A DONATION FROM THE TEMPLE PARKS FOUNDATION IN THE AMOUNT OF \$147,055.14 TO PURCHASE PLAYGROUND EQUIPMENT AND TO DEVELOP AND CONSTRUCT A HANDICAPPED ALL ACCESSIBLE PLAYGROUND AT LIONS PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for the past 2 years the Parks and Leisure Services Department has been working with Leadership Temple and the Temple Parks Foundation to develop a playground that would serve children and adults with disabilities – the playground cost is estimated to be \$147,992.64;

Whereas, through the generous support of the Temple community, the funds have been raised and plans are underway to construct the playground at Lions Park adjacent to the lower restroom facility and the new multi-use field that is under construction;

Whereas, the Staff recommends accepting the donation from the Temple Parks Foundation in the amount of \$147,055.14;

Whereas, an amendment to the FY2009-2010 budget needs to be approved to appropriate and transfer the funds to an expenditure account; and

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

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

Part 1: The City Council accepts a donation from the Temple Parks Foundation in the amount of \$147,055.14 to purchase playground equipment and to develop and construct a handicapped all accessible playground at Lions Park.

Part 2: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, to appropriate the funds for this project.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FROM TOTAL RECREATION PRODUCTS, INC., OFF THE BUY BOARD, IN THE AMOUNT OF \$147,992.64; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City received a donation from the Temple Parks Foundation in the amount of \$147,055.14, along with an additional \$937.50, for a total donation of \$147,992.64, to purchase playground equipment and to develop and construct a handicapped all accessible playground at Lions Park;

Whereas, the Staff recommends purchasing the playground equipment from Total Recreation Products, Inc., off the Buy Board, in the amount of \$147,992.64;

Whereas, funds are available for this purchase but an amendment to the FY2009-2010 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the purchase of playground equipment from Total Recreation Products, Inc., off the Buy Board, in the amount of \$147,992.64.

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

Part 3: The City Council approves an amendment to the FY2009-2010 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the 7th day of **January**, 2010.

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

01/07/10
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement with Jorge and Candice Vasquez for redevelopment improvements at 804 South 21st Street in the Avenue H Strategic Investment Zone corridor in an amount not to exceed \$10,000.

STAFF RECOMMENDATION: Replacement of an existing facade is an eligible activity under the incentive ordinance and the applicant has met the minimum investment requirements. The applicant is asking for a waiver of the materials used on the project. The incentive ordinance requires replacement of an existing façade be “with an eligible masonry product.” “Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank®.” The proposed material is vinyl siding, which is the material used on the other three facades of the building. **Staff recommendation is to not grant the requested materials waiver and to deny the application.**

ITEM SUMMARY: This agreement outlines the obligations and representations of Jorge and Candice Vasquez, and also defines the City's incentive package. Improvements will be made at 804 South 21st Street, which is situated at the corner of South 21st Street and Avenue H.

The agreement and resolution will allow the Vasquez's to receive a Chapter 380 matching grant of up to \$10,000 match for multi-family/residential façade improvements. The Vasquez's total project investment is estimated at \$24,000. Improvements must be completed by April 30, 2010. In return, the Vasquez's have agreed to:

- Add vinyl siding (10'x30')
- Replace wood rot under roof soffit and corner soffits, repaint
- Replace bottom cement with HardieBoard (2'x60')
- Add wall insulation (10'x8')
- Replace wood rot under roof soffit and corner soffits on east side of residence, repaint

FISCAL IMPACT: The total maximum grant match is \$10,000. In FY 2009, \$170,000 was available for Strategic Investment Zone matching grant incentives, which included funds that were carried forward from the prior fiscal year. An additional \$85,000 was budgeted for FY 2010. A balance of \$99,203 (\$14,203 unobligated funds remaining from FY 2009 + \$85,000 FY 2010 funding) of grant incentive funds is available in account 110-1500-515-2695 and account 110-5900-515-6110. If this grant is approved, a balance of \$89,203 will remain available for additional grants.

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

ATTACHMENTS:

[Grant Agreement](#)

[Location map & picture of façade to be renovated](#)

[Resolution](#)



Avenue H Corridor Strategic Investment Zone Chapter 380 Development Agreement

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

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the Avenue H Street Strategic Investment Zone under City Ordinance Number 2009-4286, the City and the Owner enter into this Agreement to promote economic development within the Avenue H Corridor Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 804 South 21st Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below, and to use the Property located at 804 South 21st for multifamily/residential use after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3 hereinafter collectively referred to as “the Improvements.”

Remodel building including wood rot, vinyl siding, bottom cement, and wall insulation. The cost of total anticipated Improvements are \$24,000.

Owner agrees to commence the Improvements on or before February 1, 2010, and to complete said Improvements on or before April 30, 2010. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

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

(a) Façade Improvement Grant. The City will make a grant of up to **\$10,000** on a 1:1 matching basis for the replacement/renovations of an existing façade. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

(b) Façade Improvements will include:

- Add vinyl siding (10'x30')
- Replace wood rot under roof soffit and corner soffits, repaint
- Replace bottom cement with HardieBoard (2'x60')
- Add wall insulation (10'x8')
- Replace wood rot under roof soffit and corner soffits on east side of residence, repaint

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

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

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

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

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

Executed on this the ____ day of _____, 2010.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Jorge Vasquez

Candice Vasquez

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2010 by David A. Blackburn, City Manager, for the City of Temple, a Texas home
rule City.

Notary Public

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2010 by _____.

Notary Public

Location Map – 804 S. 21st Street



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND JORGE AND CANDACE VASQUEZ FOR REDEVELOPMENT IMPROVEMENTS AT 804 SOUTH 21ST STREET IN THE AVENUE H STRATEGIC INVESTMENT ZONE CORRIDOR, IN AN AMOUNT NOT TO EXCEED \$10,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Jorge and Candace Vasquez own property located at 804 South 21st Street, which is located in the Avenue H Corridor Strategic Investment Zone, making the owner eligible to apply for matching grant incentives which are authorized by Ordinance No. 2009-4286, passed by the Temple City Council on March 5, 2009;

Whereas, a Chapter 380 “matching grant” agreement will outline the obligations and representations of the applicants, and define the City’s incentive package;

Whereas, the total project investment for 804 South 21st Street is estimated at \$24,000, and the City’s total match may not exceed \$10,000;

Whereas, funds are available for this matching grant incentive in Account No. 110-1500-515-2695 and Account No. 110-5900-515-6110; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 “matching grant” agreement, between the City of Temple and George and Candace Vasquez, after approval as to form by the City Attorney, for redevelopment improvements at 804 South 21st Street which is located in the Avenue H Corridor Strategic Investment Zone, in an amount not to exceed \$10,000.

Part 2: The City Council waives the requirement that a replacement façade be composed of an eligible masonry product. The grantees may replace existing vinyl siding on the front façade of the building with new vinyl siding.

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 7th day of **January**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney