



**MEETING OF THE
TEMPLE CITY COUNCIL**

MAYBORN CIVIC & CONVENTION CENTER

3303 N. 3RD STREET – SOUTH ROOM

TEMPLE, TX

THURSDAY, JANUARY 21, 2010

3:30 P.M.

WORKSHOP AGENDA

1. Conduct a tour of the newly renovated Mayborn Civic & Convention Center facilities.
2. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 17, 2009.
3. Receive an update on activities and opportunities in the City's Strategic Investment Zone (SIZ) Corridors.

5:00 P.M.
MUNICIPAL BUILDING
2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX
TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. 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. 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.

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

Minutes:

- (A) [January 6, 2010 Special Called Meeting](#)
[January 7, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2010-5924-R](#): Consider adopting a resolution authorizing the purchase of an Evidence Inventory Management System from File OnQ, Inc. of Seattle, WA in the total amount of \$32,000.
- (C) [2010-5925-R](#): Consider adopting a resolution authorizing a construction contract Change Order #2 with Matous Construction, Ltd., of Belton, for construction of a french drain under Lagoon #4, installation of replacement filter valves at the conventional water plant, and repairs to raw water headers at the membrane treatment plant in the amount of \$269,045.23.
- (D) [2010-5926-R](#): Consider adopting a resolution authorizing a professional services agreement with Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP) of Temple for engineering services, including design, design surveys, bid phase services, and inspection services, required to implement water utility improvements for the Centex Sportsman Water Line in west Temple in an amount not to exceed \$69,700.

Ordinance – Second & Final Reading:

- (E) [2010-4337](#): SECOND READING – Consider adopting an ordinance abandoning a 20-foot wide alley located in Block 3, Moore's First 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.

Misc.

- (F) [2010-5927-R](#): Consider adopting a resolution accepting the annual Child Care Standards report for the Parks and Leisure Services Department.
- (G) [2010-5928-R](#): Consider adopting a resolution authorizing support for the submittal of a senior citizen tax credit project by Clifton Phillips and Michael Hartman dba Roundstone Development LLC for senior living to be located at 2201 West Adams Avenue.
- (H) [2010-5929-R](#): Consider adopting a resolution approving the issuance of a tax-exempt note and related loan agreement by the Oglesby Education Facilities Corporation for the benefit of Holy Trinity Catholic High School solely for purposes of Section 147(f) of the Internal Revenue Code.
- (I)
 1. [2010-5930-R](#): Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the A.C. Boston Voluntary Annexation for a 1.65± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513 and
 2. [2010-5931-R](#): Consider adopting a resolution directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

- (J) [2010-5932-R](#): Consider adopting a resolution authorizing budget amendment for fiscal year 2008-2009.
- (K) [2010-5933-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2009-2010.

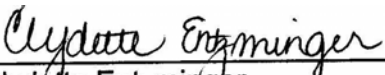
IV. REGULAR AGENDA

RESOLUTIONS

4. [2010-5934-R](#): Consider adopting a resolution authorizing the replacement of the City of Temple's Speed Hump Policy with an overall Neighborhood Traffic Calming Policy.
5. [2010-5935-R](#): Consider adopting a resolution appointing one member to serve on the I-35 Segment 2 Committee established by the Texas Department of Transportation.

***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 5:08 PM, on January 15, 2010.


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

01/21/10
Item #3(A)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) January 6, 2010 Special Called Meeting and
January 7, 2010 Special Called and 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:

January 6, 2010 Special Called Meeting
January 7, 2010 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

JANUARY 6, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Wednesday, January 6, 2010, at 8:00 a.m. in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Mayor Jones voiced the Invocation.

2. Pledge of Allegiance

Councilmember Janczak led the Pledge of Allegiance.

II. 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.

Tim Dolan, Planning Director, presented this item to the City Council. There are no residents in this area. The Municipal Services plan has been submitted and there is no proposal to extend water or wastewater services to the area. Mr. Dolan showed an aerial view of the property proposed for annexation. The Planning and Zoning Commission will consider a PDD-SF2 zoning district for the property at its meeting on January 19th. The annexation ordinance will be presented to the City Council for consideration on February 4th and February 18th. The purpose of today's meeting is to conduct a public hearing with no action being taken.

Mayor Jones declared the public hearing open with regard to agenda item 3

and asked if anyone wished to address this item.

Mr. Bill Barge, property owner, addressed the City Council. Most of the lots are either 7000 square feet or slightly larger. The Planned Development District will serve the property better overall for the future. The restrictive covenants for this property are essentially the same as in Phase 1 which contained larger lots. This development will pick up and connect to the City sewer trunk line.

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

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

JANUARY 7, 2010

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 7, 2010 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Gary Smith, Chief of Police, voiced the Invocation.

2. Pledge of Allegiance

Ken Cicora, Director of Parks and Leisure Services, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

There were no public comments made at this meeting.

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.

Tim Dolan, Planning Director, presented this item to the City Council. This is the second public hearing regarding the voluntary annexation petition submitted by Mr. V. W. Barge. There are no residents in this area and the municipal services plan has been submitted. There will be no extension of water or wastewater services to the area. The Planning and Zoning Commission will consider zoning the property to PDD-SF2 at its January 19th meeting. Mr. Dolan displayed an aerial image of the property and surrounding zoning uses.

Mayor Jones declared the public hearing open with regard to agenda item 3 and asked if anyone wished to address this item.

Jennifer Rankin, Turley & Associate, representing Mr. Barge, addressed the Council. She asked for approval of the annexation and the subsequent rezoning of the property.

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

IV. CONSENT AGENDA

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

(A) December 17, 2009 Special Called Meeting and Regular Meeting

(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.

(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.

(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.

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

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.**

Tammy Lyerly, Planner, presented this item to the City Council. She showed an aerial photo of the property, noting the location of the alley proposed for abandonment. All utility providers have been contacted. A gas line was de-commissioned and re-routed so there are no active utilities in the alley at this time. However, there is a power pole in the north portion of the West Barton Avenue right of way and the City will retain a 20' wide utility easement to protect the guy wires that support the power pole.

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

Motion by Councilmember Tony Jeter to adopt ordinance, with second reading set for January 21, 2010, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.

Ken Cicora, Director of Parks and Leisure Services, presented both items 6 (A) and (B) to the Council. This is a project from one of the 2008 Leadership Temple Action Teams and Mr. Cicora noted those team members. The year ran out before all funding could be secured but the team agreed to stay together until all funds were raised. They have partnered with the Temple Parks Foundation to raise the balance of the funds. Mr. Cicora recognized all of the donors, with special recognition to Temple Rotary South and the E. Rhodes and Leona B. Carpenter Foundation for their significant contributions to this project.

The all accessible playground will be located in Lions Park, in the lower portion under some of the large pecan trees. Mr. Cicora displayed a rendering of the major components of the equipment which include three inter-connected decks and various other play events, all with handicapped accessibility. The goal is to have the playground open by the end of April.

Ms. Amanda Krcha addressed the Council as a member of the Leadership Temple team. She thanked the City for their support of this project which allowed them to meet their goal. The project will be continued by another team from this year's Leadership Temple class with the sale of pickets, similar to what was done in Whistlestop Playground.

Mr. Allen Einboden, Temple Parks Foundation, recognized other members of the Foundation. He expressed his appreciation for the efforts of the members, as well as organizations and individuals in the community for their generosity. Donations in the amount of \$147,055.14 were raised for this project.

Mayor Jones accepted the donation on behalf of the City and the citizens of Temple.

Motion by Councilmember Marty Janczak to adopt resolution approving items 6(A) and (B), seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.**

Kim Foutz, Assistant City Manager, presented this item to the City Council. She outlined the improvements being proposed to the building. The work would commence on or before February 1st and would total \$24,000. The property owners are requesting a grant in an amount up to \$10,000. Mrs. Foutz showed an aerial photo of the property. The facade improvements are to add vinyl siding and staff did not recommend approval since this does not meet the criteria for SIZ corridor improvements.

Councilmember Jeter questioned the available parking for this property. Council has recently discussed limiting parking in yards and there is very limited parking in the front of this property. He asked if the Council should fund the rehab of property that is not consistent with some other ordinance revisions underway.

Mayor Pro Tem Luna asked if the concrete area in back is available for parking.

Mrs. Koutz replied that it might be.

Councilmember Jeter asked if the item could be tabled until the property owners are present to address these issues. He also asked if parking requirements or stipulations could be put into the grant.

Mrs. Foutz replied yes, the Council can dictate criteria associated with grant.

Councilmember Jeter expressed his support of the project but stated he does have an issue with the parking.

In reply to Mr. Blackburn's question, the Councilmembers indicated they had no issue with granting the exception for vinyl material to be used on the facade improvements. Mr. Blackburn stated parking alternatives would be discussed with the applicant prior to bringing the item back to Council.

Motion by Councilmember Tony Jeter to table item 7, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

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Item #3(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an Evidence Inventory Management System from File OnQ, Inc. of Seattle, WA in the total amount of \$32,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2009, the City Council approved the acceptance of grant funds in the amount of \$92,568 from the 2009 American Recovery and Reinvestment Act, Edward Byrne Justice Assistance Grant (JAG) Program. A portion of those funds was earmarked for the purchase of an Evidence Inventory Management System.

The Police Department seeks to purchase a computerized system to increase the efficiency of both the intake and disposal of property and evidence in the Department's custody. The hardware and software are designed to aid in marking, cataloging, and inventorying property and evidence. Currently, a manual system is used for these processes.

The Property and Evidence Unit maintains custody of thousands of items. For example, in 2009 the Unit accepted 15,530 items, while disposing of 11,585 items. The manual system of tracking this inventory is difficult and time consuming.

In December 2009, the Department invited four vendors to make proposals for an Evidence Inventory Management System. These vendors are all recognized by property and evidence professionals in Texas. These vendors are File OnQ from Seattle, WA; QueTel Corporation of Chantilly, VA; Smead Manufacturing Co. of Hastings, MN; and Intergraph Public Safety of Huntsville, AL.

The Police Department worked with members of the City of Temple IT Department to evaluate each of the systems offered for consideration. The main points considered were ease of use, the availability of technical support, the comments of other police agencies that actually use the products, and current and future cost considerations. Based on the operation of the system, and the technology support available, staff has determined that the Evidence OnQ system proposed by File OnQ offered the best value to the City.

In accordance with the Local Government Code section 252.022 staff is recommending this purchase as being exempt from the competitive procurement rules due to the copyrights attached to the software and the professional services associated with the implementation of the software. For copyright reasons, the EvidenceOnQ package is only distributable through File OnQ.

FISCAL IMPACT: Funding in the amount of \$32,068 is designated for the purchase of the Evidence Inventory Management and Software System in account 260-2000-521-62-21, project #100587 from the 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant (JAG) Program.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN EVIDENCE INVENTORY MANAGEMENT SYSTEM FROM FILE ONQ, INC., OF SEATTLE, WASHINGTON, IN THE AMOUNT OF \$32,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April, 2009, the City Council approved the acceptance of grant funds in the amount of \$92,568 from the 2009 American Recovery and Reinvestment Act, Edward Byrne Justice Assistance Grant (GAG) Program – a portion of those funds was earmarked for the purchase of an Evidence Inventory Management System;

Whereas, in December, 2009, proposals were received from 4 vendors for the Evidence Inventory Management System – the Police Department worked with the City's IT Department to determine which system would best meet the needs of the Police Department – main points considered were ease of use, the availability of technical support, the comments of other police agencies that actually use the products, and current and future cost considerations;

Whereas, the Staff determined that the Evidence OnQ system proposed by File OnQ of Seattle, Washington, offered the best value for the City;

Whereas, funds are available for this purchase in Account No. 260-2000-521-62-21, project #100587; and

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

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

Part 1: The City Council authorizes the purchase of an Evidence Inventory Management System from File OnQ, Inc., of Seattle, Washington, in the amount of \$32,000.

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

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

PASSED AND APPROVED this the **21st** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract Change Order #2 with Matous Construction, Ltd., of Belton, for construction of a french drain under Lagoon #4, installation of replacement filter valves at the conventional water plant, and repairs to raw water headers at the membrane treatment plant in the amount of \$269,045.23.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 16, 2009, Council authorized a construction contract with Matous Construction to perform rehabilitation work at the conventional water treatment plant on the mixed media filters and lagoon #4. Construction is currently underway and the project is proceeding as scheduled.

The first part of this change order is related to reconstruction work on Lagoon #4. While performing excavations for replacement of the lagoon, substantial groundwater was encountered beneath the foundation. The origin of the groundwater is unknown, as any number of older structures upstream of the lagoon in other areas of the plant could be contributing to the problem. In order to adequately move water from beneath the structure and provide for a stable and lasting foundation, installation of a french drain to transmit the water to a drainage way downstream of the lagoon is needed. The attached cost estimate, in the amount of \$39,160.23, outlines specific costs related to construction of the french drain.

The second part of this change order is related to work on the filters. During the month of December, while attempting to isolate necessary filters for the start of construction activities in this area of the project, several existing filter valves were found to be non-functional and/or leaking. Operational staff performed extensive testing to troubleshoot and identify which valves were of greatest concern, targeting influent, effluent, backwash, and drain valves. After additional assessment by both engineers and valve manufacturers, it was determined that seven existing valves (four (30") influent valves, two (14" and 16") effluent valves, and one (30") backwash valve) require replacement and/or adjustment in order to facilitate construction of the project and to provide for proper operation of the filters. In addition, replacement of various operators for these valves and the main 24" backwash valve is also needed. Specific costs for replacement of each valve and associated parts is shown on the attached proposal, totaling \$196,479.00.

The third part of this change order includes some minor repairs to the membrane water treatment plant. Since the membrane plant was placed into operation in 2004, several of the fittings on the raw water intake line have experienced numerous leaks at locations just before the water enters the membrane racks. These leaks appear to be a result of installation of Schedule 80 PVC pipe in lieu of the rigid stainless steel pipe originally intended for the facility. The PVC pipe has allowed deflections in the way the pipes fit together and has resulted in misalignment of tees, gaskets, and joints. Several of these fittings have been replaced over the years, but leaks on the unreplaced headers remain. The attached proposal includes repair of four of these headers at the membrane plant in the amount of \$33,460.

FISCAL IMPACT: Funding in the amount of \$2,165,000 was appropriated in 561-5100-535-6924, project #100335 from the 2006 & 2008 Utility Revenue Bond Issues for the rehabilitation of Mixed Media Filters and the replacement of Lagoon #4.

After funding engineering related services in the amount of \$264,671, testing fees in the amount of \$799, and a construction contract in the amount of \$1,786,821 a balance of \$112,709 remains available to complete this additional work. Attached is a budget adjustment in the amount of \$156,337 reallocating project savings to fund the remaining cost of the rehabilitation work on the mixed media filters and lagoon #4.

ATTACHMENTS:

[Engineer's Recommendation](#)
[Contractor's Proposal](#)
[Change Order #2](#)
[Budget Adjustment](#)
[Resolution](#)

January 14, 2010
8057A10

Ms. Nicole Torralva, P.E.
Assistant Director of Public Works
City of Temple
3210 E. Avenue H. Building A
Temple, Texas 76501

Subject: Rehabilitation of Convention WTP Mixed Media Filters and Lagoon No. 4
Replacement Project – Change Order No. 2

Dear Ms. Torralva:

Please find attached the construction cost relating to Change Order No. 1 as provided by Matous Construction. Carollo Engineers has reviewed the cost and determined the cost is fair and equitable based on the work and materials required. Change Order No. 2 consists of three main components, summarized below:

1. Lagoon Work: The additional cost for the lagoon construction resulted from changed site conditions that were not known from previous geotechnical investigations, but later discovered during excavation. The limestone sub-base located under the north corner of the lagoon was deeper than the surrounding sub-base. Concrete was added to provide a stable foundation for the north corner. In addition, unforeseen groundwater was discovered. Therefore, a french drain system was added to collect underground water and drain it to a safe location.
2. Filter Valve Replacements: The additional cost for the filter work resulted from discovering that key valves were not functional or sealing completely. It is critical that the valves seal to isolate the filters so the construction work on this project can be completed. Also, some valves were installed backwards (which may have compromised their service) and/or did not meet industry standards (American Water Works Association criteria). The main valves requiring replacement are the influent, effluent (rate of control valves), and backwash valves. Not all valves required replacement. Seven valves are designated for replacement: four 30-inch influent valves, one 30-inch backwash valve, and two effluent valves.
3. PVC Valve Headers: Repair headers at membrane plant that have recently developed significant leaks/fatigue.

In order to complete this additional work, the Contractor has requested an additional 60 days beyond the current contract time. If you have any questions concerning these construction changes, please do not hesitate to give me a call.

Sincerely,

CAROLLO ENGINEERS, P.C.



Hani E. Michel, P.E.
Project Manager, Associate

Enclosures: Change Order No. 2



MATOUS CONSTRUCTION

GENERAL CONTRACTORS

8602 N. Hwy. 317 • Belton, Texas 76513 • Office: (254) 780-1400 • Fax: (254) 780-2599

January 14, 2010

Mr. John B. Mitchell, P.E.
Carollo Engineers
8911 Capitol of Texas Hwy North, Suite 2200
Austin, Texas 78759

Re: Temple WTP Filter/Lagoon Modifications

Dear John:

In response to your request, we offer the following for your review and consideration:

Item 1. – Additional Excavation and French Drain System @ Lagoon: Provide material, labor, equipment and supervision to install the following items:

1. Remove an additional 80 cubic yards of existing soil to limestone and replace with structural fill at the north west corner of lagoon due to variances of the boring log test results which includes the following:
 - Additional shoring system installed to depths of 25LF.
 - Furnish 2000#psi concrete as select structural fill.
 - Excavate and dispose of spoil materials.
2. Furnish and install a French drain system around the perimeter of the lagoon discharging to drain approximately 30LF outside of existing fencing with headwall and flap valve to contain excessive ground water which was not indicated per boring log test results which includes the following:
 - Install 280LF of French drain consisting of 4"perforated PVC, gravel and filter fabric.
 - Install 80LF of 4"PVC drain to outlet consisting of a concrete headwall and flap valve.
 - Install geotek fabric between gravel and base fill at sloped sides.

For the additional cost of.....\$39,160.00

Item 2. – Filter Valve Replacement: Provide material, labor, equipment and supervision to install the following items:

1. Remove and replace 30” Influent Valves for Filters #4, #6, #7 & #8 as described below:
 - Excavate valve removal area per trench safety regulations.
 - Cut and remove existing valve and flange (one side only).
 - Replacement of flange to include installation and field welding of butt straps *by Hanson Pipe*. Grout exposed after testing.
 - Replacement of 30” Valve to be Dezurik 150# flanged type.
 - Reinstall existing EIM operators including all control work *by Coastal Valve Representative*.
 - All work to be performed during normal working hours, including approximately (10) working days per valve.
 - Delivery of material approximately (4) weeks after approval.
2. Remove and reinstall 14” and 16” Effluent Valves for Filters #3 & #8 as described below:
 - Replace existing valve seat seals.
 - Reinstall existing valve and EIM operator.
 - Seat seals to be furnished and installed *by Coastal Valve Representative*.
3. Remove and replace 30” Backwash Valve for Filter #6 as described below:
 - Replacement of 30” BFV to be Dezurik 150# lugged type including EIM electric operator.
 - Field coat valve to match existing color.
 - Controls and setting of EIM operator *by Coastal Valve Representative*.
 - Delivery of material approximately (10) weeks after approval.
4. Remove and replace Electric Controller with an EIM operator for the 24” Backwash Control Valve. Controls and setting of EIM operator *by Coastal Valve*. Delivery of material approximately (10) weeks after approval.
5. Furnish and replace faulty electrical breaker for the existing clarifier disconnect located in the MCC panel.

For the additional cost of\$ **196,479.00**

Item 3. – PVC Repair at Valve Racks #8, #9, #10 & #11: Provide material, labor, equipment and supervision to repair the following items:

1. Repair defective areas of the 10" PVC Membrane feed line for the above mentioned Valve Racks which includes the following:
 - Remove and replace existing piping and fittings on the defective areas of the 10" PVC Membrane Feed Line including the 10"x8" reducing rubber expansion joint coupling.
 - Piping material to be SCH 80 PVC.
 - Each rack to require a (1) day shutdown for work performed.
 - Delivery of materials approximately (4) weeks after approval.

For the additional cost of.....\$ **33,460.00**
Unit cost per Valve Rack = \$ **8,365.00**

We request an additional (60) calendar days for the above changes.

Should you have any questions, please feel free to call.

Sincerely,


Mike Psencik

CHANGE ORDER

PROJECT: Rehabilitation of Conventional Water Treatment Plant Mixed Media Filters and Lagoon #4 Replacement Project

OWNER: City of Temple

CONTRACTOR: Matous Construction, Ltd.

ENGINEER: Carollo Engineers

CHANGE ORDER #: 2

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

Item Lagoon No. 4: Additional cost in lagoon construction resulting from unforeseen groundwater discovered. Provide material, labor, equipment, and supervision to do the work.

Sub-Total Add \$ 39,106.23

Item 2. Remove and Replace 30" Influent Valves for Filters #4, #6, #7, & #8. Remove and reinstall 14" and 16" effluent valves for filters #3 & #8, and remove and replace 30" backwash valve for filter #6. Provide material, labor, equipment, and supervision to remove and replace valves and filters.

Sub-Total Add \$ 196,479.00

Item 3. PVC Repair at Membrane Valve Racks #8, #9, #10, & #11: Provide material, labor, equipment & supervision to remove & replace piping and fitting on the defective areas of the 10" membrane feed

Sub-Total Add \$ 33,460.00

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$	1,674,000.00
Previous Net Change in Contract Amount	\$	112,821.00
Net Change in Contract Amount	\$	381,866.23
Revised Contract Amount	\$	2,055,866.23
Original Contract Time		220 days
Previous Net Change in Contract Time		0 days
Net Change in Contract Time		60 days
Revised Contract Time		280 days
Original Final Completion Date		May 6, 2010
Revised Final Completion Date		July 5, 2010

Recommended By Engineer:

Approved By Contractor:

By _____
Date

By: _____
Date

Approved by City of Temple:

Approved as to Form:

By: _____

By: _____
City Attorney's Office Date

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	
561-5100-535-69-24	100335	Rehab Conv Filters	\$ 115,787			
561-5400-535-69-35	100390	Lilac Lane Sewer Project			115,787	
TOTAL.....			\$ 115,787		\$ 115,787	

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

This budget adjustment appropriates project savings from the Lilac Lane Sewer Project to fund the additional \$115,787 needed to fund change order #2 for the rehabilitation work on the installation of replacement filter valves at the conventional water treatment plant, repairs to the raw water headers at the membrane water treatment plant, and construction of a French drain under lagoon #4.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?


☒ Yes☐ No

DATE OF COUNCIL MEETING

January 21, 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 CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH MATOUS CONSTRUCTION OF TEMPLE, TEXAS, FOR REHABILITATION WORK AT THE CONVENTIONAL WATER TREATMENT PLANT, TO PROVIDE FOR CONSTRUCTION OF A FRENCH DRAIN UNDER LAGOON #4, INSTALLATION OF REPLACEMENT FILTER VALVES, AND REPAIRS TO RAW WATER HEADERS AT THE MEMBRANE TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$269,045.23; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 16, 2009, the City Council approved a construction contract with Matous Construction of Temple, Texas, for rehabilitation work at the conventional water treatment plant on the mixed media filters and lagoon #4;

Whereas, on November 5, 2009, the City Council approved Change Order #1 (in the amount of \$112,821) to the contract to provide for replacement of the drive for Clarifier #1 and for repairs to raw water headers at the membrane treatment plant;

Whereas, the Staff recommends approving Change Order #2 to the contract, for an amount not to exceed \$269,045.23, for construction of a french drain under Lagoon #4, installation of replacement filter valves at the conventional water treatment plant, and repairs to raw water headers at the membrane treatment plant;

Whereas, funds are available for this change order 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 Change Order #2, in an amount not to exceed \$269,045.23, to the

construction contract with Matous Construction of Temple, Texas, after approval as to form by the City Attorney, for construction of a french drain under Lagoon #4, installation of replacement filter valves at the conventional water treatment plant, and repairs to raw water headers at the membrane treatment plant.

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 **21st** 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

01/21/10
Item #3(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 Beach Sulak Partners Engineers, Inc., doing business as Beach Sulak Partners (BSP) of Temple, for engineering services, including design, design surveys, bid phase services, and inspection services, required to implement water utility improvements for the Centex Sportsman Water Line in west Temple in an amount not to exceed \$69,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Water mains acquired by the City in west Temple include small-diameter lines that do not meet the current development standard. Some of these older mains have sustained numerous breaks over the years. Replacement of the deteriorated mains will provide enhanced fire protection and support continued development.

The engineering services authorized under this resolution will provide design services, design surveys, bid phase services, and inspection services to design the Centex Sportsman Water Line improvements. Small diameter water mains along Centex Sportsman Road, FM 2305, Woodland Point Road, and Buck Lane will be upsized to improve water delivery. Infrastructure designed with this project will consist of approximately 5355 feet of 8" PVC water line, 350 feet of steel casing, and 10 fire hydrants.

The proposed timeline for design including one week for City review of the project is 110 calendar days. In order that BSP provide the engineering services required for completion of this project, the following is a list of costs associated with each task:

Topographic Survey	\$ 8,900
Property Survey	\$ 4,500
Construction Documents (prelim.)	\$ 17,200
Construction Documents (final)	\$ 18,430
Bidding	\$ 1,770
Construction Administration	\$ 1,500
Construction Surveying	\$ 7,500
Inspection	\$ 9,900
TOTAL	<u>\$ 69,700</u>

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating Water & Sewer Unreserved Retained Earnings in the amount of \$69,700 to account 520-5900-535-6357, project #100601 for engineering services related to water utility improvements for the Centex Sportsman Water Line project.

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

ATTACHMENTS:

[Proposal and Map with OPC](#)
[Budget Adjustment](#)
[Resolution](#)

January 4, 2010

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

RE: **REVISED** City of Temple, 2010 Sportsman Club Rd Water Main Extension

Dear Mr. Bond,

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 Water Main Extension layout and Preliminary Opinion of Probable Cost:

BASIC SERVICES:

The BASIC SERVICES shall include Professional Engineering and Survey Topography Surveys, as required to prepare the design and construction drawings, and all other information as required to supplement project Bid manual.

We propose to complete all services within BASIC SERVICES for a lump sum Professional Fee of **\$ 69,700.00**. This amount shall be invoiced monthly based upon the percent complete through invoice date.

Design Topography Survey	\$ 8,900.00
Design Property Surveys	\$ 4,500.00
Preparation of Construction Documents (50% Complete)	\$17,200.00
Preparation of Construction Documents (100% Complete)	\$18,430.00
Contract Bidding Phase	\$ 1,770.00

BASIC SERVICES: CONTINUED

Project Representation \$ 1,500.00

- Pre-construction Meeting
- Additional (3) Meetings as required for project coordination
- Pay request Review and Certification
- Preparation of no design Change Orders
- Final Walk-through

Construction Surveying \$ 7,500.00

- Calculation and Preparation of all Construction Layout points
- Provide a one-time construction stake-out of water main
- Preparation of Cut Sheets

Inspection Services \$ 9,900.00

- Daily Inspections (Estimated at 2 hours per day x 90 days)
- Daily Construction Reports
- Photos taken during the Construction Process
- Pay Request Review and Quantity Verification
- Construction Progress Meetings with Contractor as required

PROJECT DELIVERABLES:

- (2) Contract Drawings - 50% Complete Review Sets 11x17
- (25) – 100% Complete hardcopy sets 11x17 Construction Drawings
- (1) Mylar set 11x17
- SWPPP as required by TCEQ "Notice of Intent" NOI by Contractor
- Opinion of Probable Cost
- Bid Exhibit including itemized Bid Items
- Bid Tabulation including review and Contractor recommendation
- Record Drawings prepared on Mylar and electronic files on CD

PROJECT SCHEDULE:

Time Required

Design Topography Survey	28 Cal Days
Preparation of Documents (50% Complete)	35 Cal Days
Preparation of Documents (100% Complete)	40 Cal Days
Contract Bidding Phase	30 Cal Days
Construction Phase	120 Cal Days

ADDITIONAL SERVICES:

The following are estimated ADDITIONAL SERVICES associated with the above referenced BASIC SERVICES:

Easement Preparation (None Anticipated)	\$ Hourly
---	-----------

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,

A handwritten signature in black ink that reads "Anthony D. Beach". The signature is written in a cursive, flowing style.







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



0 400
FEET



LEGEND

-  NEW 8" PVC C900 WATER MAIN
-  EXISTING WATER MAINS
-  EXISTING WATER MAINS TO BE UPGRADED
-  PROPOSED FIRE HYDRANT
-  EXISTING FIRE HYDRANT
-  TxDOT ROADWAY BORE

CITY OF TEMPLE SPORTSMAN CLUB ROAD WATER MAIN EXTENSION



A *Beach Sulak* Partnership

PRELIMINARY OPINION OF PROBABLE COST

City of Temple, Texas

Cen-Tex Sportsman and Buck Lane Water Main Extension

Located in Temple, Texas

Filename: 1895 Opinion of Probable Cost.xls

Date: December 22, 2009

Item Description	Unit	Unit Cost	Quantity	Total
1 Mobilization, Bonds, Permits and Insurance	LS	\$7,500.00	1	\$5,000.00
2 Preparation of R.O.W. and Site Clearing	STA	\$455.00	55	\$25,025.00
3 8" PVC Class 150 C900 Water Main	LF	\$26.50	5,355	\$141,907.50
4 Roadway Bore with 18" Steel Casing	LF	\$350.00	200	\$70,000.00
5 Standard Fire Hydrant Assembly	EA	\$3,800.00	10	\$38,000.00
6 8" MJ Gate Valve	EA	\$1,500.00	11	\$16,500.00
7 Connect to Existing City of Temple Water Main	EA	\$1,500.00	2	\$3,000.00
8 1" Water Service	EA	\$1,250.00	36	\$45,000.00
9 Remove and Replace Existing Driveway Section	SY	\$25.00	310	\$7,750.00
10 Misc MJ Fittings	LS	\$8,500.00	1	\$8,500.00
11 Testing per City of Temple and TCEQ	LS	\$4,500.00	1	\$4,500.00

CONSTRUCTION TOTAL: \$365,182.50

15% CONSTRUCTION CONTINGENCY: \$54,777.38

SUB TOTAL: \$419,959.88

ENGINEERING: \$48,900.00

SURVEYING PROPERTY: \$4,500.00

SURVEYING DESIGN: \$8,900.00

SURVEYING CONSTRUCTION: \$7,500.00

PROJECT INSPECTION: \$9,900.00

PROJECT BUDGET: \$499,659.88

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	
520-5900-535-63-57	100601	Centex Sportsman Water Line	\$ 69,700			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			69,700	
		Do Not Post				
TOTAL.....			\$ 69,700		\$ 69,700	

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 for engineering services including design, design surveys, bid phase services, and inspection services required to implement water utility improvements for the Centex Sportsman Water Line 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 21, 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 ENGINEERS, INC., DOING BUSINESS AS BEACH SULAK PARTNERS (BSP), FOR ENGINEERING SERVICES, INCLUDING DESIGN, DESIGN SURVEYS, BID PHASE SERVICES, AND INSPECTION SERVICES, REQUIRED TO IMPLEMENT WATER UTILITY IMPROVEMENTS FOR THE CENTEX SPORTSMAN WATER LINE IN WEST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$69,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, water mains acquired by the City in west Temple include small-diameter lines that do not meet the current development standards – some of these older mains have sustained numerous breaks over the years and need to be replaced;

Whereas, the Staff recommends upsizing water mains along Centex Sportsman Road, FM 2305, Woodland Point Road, and Buck Lane to improve water delivery in this area;

Whereas, the Staff recommends entering into an agreement for this project, for an amount not to exceed \$69,700, with Beach Sulak Partners Engineers, Inc., d/b/a Beach Sulak Partners (BSP);

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 \$69,700, between the City of Temple, Texas, and Beach Sulak Partners Engineers, Inc., d/b/a Beach Sulak Partners (BSP), after approval as to form by the City Attorney, for engineering services, including design, design surveys, bid phase services, and inspection services,

required to implement water utility improvements for the Centex Sportsman Water Line in west Temple.

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 **21st** 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

01/21/10
Item #3(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance abandoning a 20-foot wide alley located in Block 3, Moore’s First 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: Adopt ordinance as presented in item description, on second and final reading.

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.

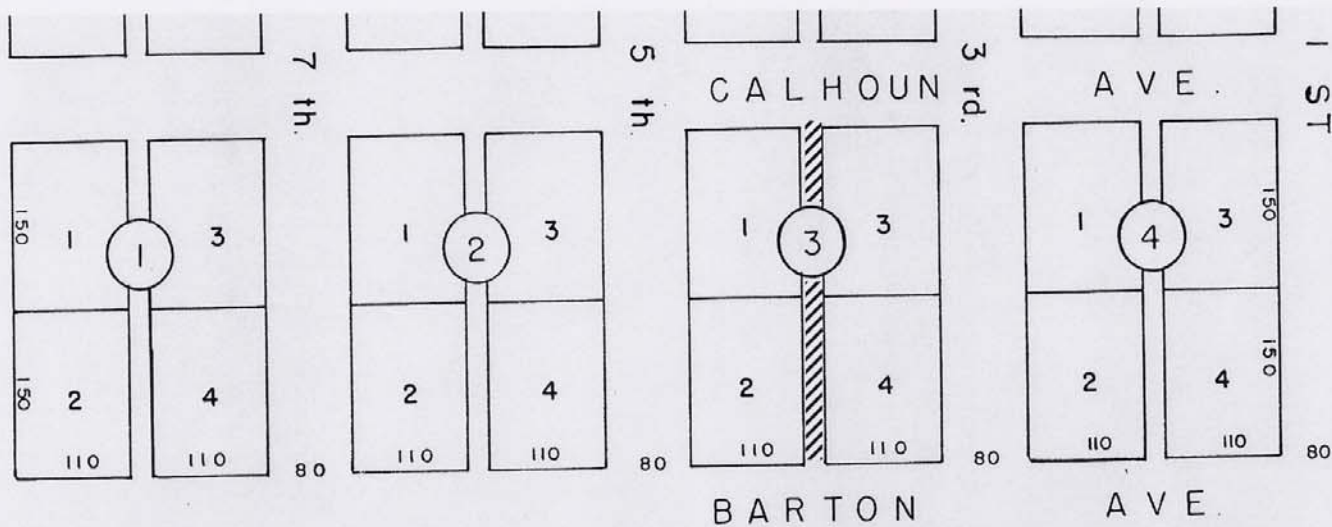
Staff contacted all utility providers, including all divisions of the Public Works Department, regarding the proposed alley abandonment. There are no active utilities in the alley and no objections to its abandonment.

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

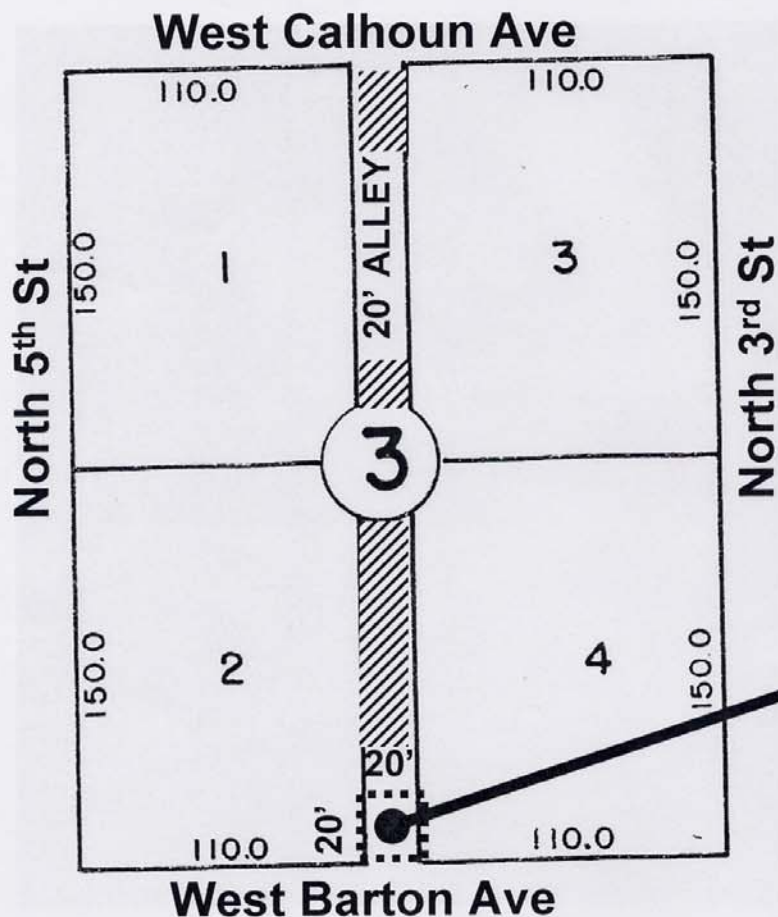
ATTACHMENTS:

[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:

Clydetta 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

01/21/10
Item #3(F)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution accepting the annual Child Care Standards report for the Parks and Leisure Services Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR)
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 leader per 20 participants for children 5 years to 13 years of age

- Assuring parents that they will be notified immediately if:
 - (1) participant is injured
 - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness)
 - (3) there is an outbreak of any communicable disease that is reportable to the State Department of Health
- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshal prior to September 1 of each year.
- Requiring the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

The report recommends the following changes to the current Childcare Standards:

- (1) That the hiring age for a recreation leader be reduced from 18 to 16.
- (2) That the standards will be made available to the parents through the Parks and Leisure Services website www.Templeparks.net rather than providing a hard copy at the time of registration.

FISCAL IMPACT: None

ATTACHMENTS:

2009 Child Care Standards Report
Child Care Standards
Resolution

Parks and Leisure Services Department
Child Care Standards Annual Report
2009

Throughout the 2009 year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses and three Belton I.S.D campuses. The department also organized three summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holiday) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

The after-school programs run concurrent with the Temple I.S.D and Belton I.S.D. calendar, including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and holidays, the schedule adjusted to a full day.

The children are provided with a quality recreation program that includes such activities as arts and crafts, athletics, tutoring, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Recreation Coordinator and Recreation Specialist.

<u>Location</u>	<u>Attendance (daily average)</u>	
	2008	2009
Wilson Recreation Center	18	Discontinued
Thornton Elementary	45	33
Western Hills	40	25
Kennedy Powell	75	51
Cater	No program	15
Lakewood	No program	33
Pirtle	No program	40
Tarver	No program	30

Camps

In addition to Camp Heatwave, which took place at the Wilson Recreation Center, two new summer camps were also developed, Camp Quest at Bonham Millde school and Camp Horizon at Tarver Elementary School. All three were 12-week programs that were staffed with part-time recreation leaders and a full-time Recreation Specialist. They were supervised by a Recreation Coordinator. The same staffing format also occurred with Camp Holiday and Camp Adventure.

The summer camp's schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday at Camp Heatwave and 7:30 a.m. to 5:30 p.m. at Horizon and Quest. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children were provided a lunch and an afternoon snack from the Temple I.S.D. and Belton I.S.D. summer lunch programs.

Through a partnership with the Temple Independent School District's *Safe Schools, Healthy Students* grant, \$11,000 was donated to purchase new archery and camping equipment as well as offsetting the cost of field trip transportation.

Each parent is provided with a policy manual and center guidelines.

Each participant must submit a signed waiver, registration form and emergency contact information.

<u>Camp Name</u>	<u>Attendance (daily average)</u>	
	<u>2008</u>	<u>2009</u>
Camp Holiday (Christmas Break)*	90	75
Camp Adventure (Spring Break)	75	80
Camp Heatwave (Summer Camp)	200	195
Camp Horizon	No Program	28
Camp Quest	No program	30

Scholarships

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 38 participants received aid in the form of reduced fees.

After School Program

19 – 80 % (Parents paid \$7 per child, weekly)

Camp Holiday

4 – 80% (Parents paid \$16 per child, 2 weeks)

Camp Adventure

7 – 80% (Parents paid \$10 per child per week)

Camp Heatwave, Quest, Horizon

19 – 80% (Parents paid \$10 per child, weekly)

3 – 60% (Parents paid \$20 per child, weekly))

Inspection Schedule

The Wilson Recreation Center was inspected in January and May 2009 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in June 2009.

All school sites were inspected by the Fire Marshal.

To comply with the guidelines, the Health Department was contacted twice by staff, once in May and once in July to do an inspection. Mr. George Highsmith of the Bell County Public Health District visited the center on July 30 and found there not to be any violations.

Training

Per the adopted Childcare Standards, all staff are CPR/First Aid trained within one year of their hire date. Training is twice a year.

All staff who worked with children were given at least 10 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

Recommendations

As written in the Standards of Care.

Staffing-Responsibilities and Training

Recreation Leader ("Leader") Qualifications

B. Leaders working with children must be age 18 or older.

At this time staff is recommending the age of a recreation leader be reduced from 18 to 16.

General Administration

1. Organization

E. Parents of participants will be provided a current copy of the Standards of Care during the registration process.

Staff recommends not providing a copy to each parent, but making the Standards available on the Parks and Leisure Services Website.

EXHIBIT “A”

TEMPLE YOUTH PROGRAMS’ STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Leisure Department will operate the City’s Youth Programs.

General Administration

1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs (“Program”) to which these Standards will apply are the programs held at the Wilson Recreation Center and other “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants will be provided a current copy of the Standards of Care during the registration process. **PROPOSED:** *Standards of Care will be made available on the Parks and Leisure Services Website www.Temple-Parks.net.*
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) felony or a misdemeanor classified as an offense against a person or family;
 - (2) felony or misdemeanor classified as public indecency;
 - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) offense involving moral turpitude;
 - (5) offense that would potentially put the City of Temple at risk.

2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple

- C. Department: Recreation Division of the Parks and Leisure Services Department of the City of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Leisure Services or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Leisure Services
- H. Program Coordinator or Coordinator: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City's Youth Program
- J. Recreation Leader or Leaders: City of Temple, Parks and Leisure Services Department part-time employee who has been assigned responsibility to conduct the City's Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Leisure Services Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
 - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:

(1) pre-summer check in May of each year

(2) winter check in January

C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.

D. The Director will make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

4. Enrollment

A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:

(1) name, address, home telephone number;

(2) name and address of parents and telephone during program hours;

(3) names and telephone numbers of people to whom the child can be released;

(4) statement of the child's special problems or needs;

(5) proof of residency when appropriate;

(6) liability waiver which also includes permission for field trips and emergency medical authorization.

(7) any medicines the child may be taking

5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

Staffing-Responsibilities and Training

6. Youth Program Coordinator Qualifications

A. Coordinators will be full-time employees of the Temple Parks and Leisure Services Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.

B. Coordinators must be at least 21 years old.

- C. Coordinators must have two years experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple , but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

8. Recreation Leader ("Leader") Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Leisure Services Department.
- B. Leaders working with children must be age 18 or older. **PROPOSED:** Sixteen (16) years of age.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- D. A Leader must be with participants at all times or aware of the participants location.

10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

Operations

11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

A. Parents must be notified immediately if:

- (1) Participant is injured; or
- (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).

B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
 - (1) alternating active and passive activities,
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.

- (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Temple ambulance or emergency medical services.
 - (2) Temple Police Department.
 - (3) Temple Fire Department.
 - (4) Poison Control.
 - (5) The telephone number for the site itself.
 - (6) Numbers at which parents may be reached.

16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

Facility Standards

17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- I. The list of Program sites will be provided to the Bell County Health District- Environmental Health Division so that the Health Division can conduct health inspection (s).

18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

19. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
 - (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.

- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE ANNUAL CHILD CARE STANDARDS REPORT FROM THE PARKS AND LEISURE SERVICES DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in accordance with the requirement of the Texas Department of Protective and Regulatory Services, on November 19, 2004, the City adopted a "Standards of Care" policy to be utilized with youth recreation programs;

Whereas, the purpose of the guidelines is to assure the community that when they place their children in one of the City's recreation programs the facilities are safe, a background check has been done on staff, and that they are properly trained for the programs they will be conducting;

Whereas, Temple policy's requires the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care; 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 annual Child Care Standards report from the Parks and Leisure Services Department, attached here to 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 **21st** 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

01/21/10
Item #3(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing support for the submittal of a senior citizen tax credit project by Clifton Phillips and Michael Hartman dba Roundstone Development LLC for senior living to be located at 2201 West Adams Avenue

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Roundstone Development submitted an application for tax credits through TDHCA in 2009, which was supported by Council resolution at that time. Roundstone was not the successful applicant for that cycle. They are now applying for the 2010 cycle, for the same project and scope.

The proposed senior living community would include 92 one and two bedroom apartment homes located on a 10.4 acre tract directly adjacent to and west of Sammons Park Golf Course and near the Sammons Senior Center. The apartment community would include multiple amenities including a clubhouse, fitness center, business center, pool, spa, gazebo, on-site storage, and sidewalks meandering throughout the development. Resident services will be offered on-site to include daily and weekly special events, health screenings, and salon.

Rental restrictions are as follows:

Unit type	% of AMI	# of Units	Net Sq. Feet	Net Rent
1/1	30%	5	714	\$257.00
1/1	50%	41	714	\$460.00
2/2	60%	46	953	\$663.00

Staff conducted due diligence on the project including tour of a facility in Plano, evaluation of financials, and legal review of corporate structure.

Roundstone Development has met the notice requirements to the City and substantially meets the objectives outlined in Resolution 2005-4280-R including: senior/elderly development; developments that pay property taxes; demonstrated project cost and financial feasibility; provision of both tax credit and market rate units; no City infrastructure required; favorable site conditions; provision of supportive services for residents; conformance and consistency with the Comprehensive Plans; and minimum of impact on existing tax credit developments.

In order for the applicant to receive full points with the TDHCA application, a \$297,000 fully secured loan would be provided through the Temple Economic Development Corporation. In addition, the application requires evidence of local support, particularly from elected officials. The resolution of the City of Temple is an indication of that support. In addition, support from Senator Fraser and Representative Sheffield will be required to obtain the additional points.

FISCAL IMPACT: This senior living project would not require any financial contribution by the City. Capital investment by Roundstone will be approximately \$7,000,000 with the land and improvements being subject to property taxes. As earlier referenced, a fully secured loan in the amount of \$297,000 would be provided by TEDC. TEDC supported this loan the last cycle

ATTACHMENTS:

[Project elevations, site plan, and developer information](#)
[Resolution](#)

THE FAIRWAYS AT SAMMONS PARK

2201 WEST ADAMS AVENUE
TEMPLE, TEXAS

- LUXURY SENIOR APARTMENT COMMUNITY
- 92 ONE AND TWO BEDROOM APARTMENT HOMES
- COMMUNITY CENTER WITH FULL AMENITIES PACKAGE
- FULLY GATED COMMUNITY WITH CONTROLLED ACCESS



COMPARABLE COMMUNITY- CHASE OAKS, PLANO, TEXAS



ROUNDSTONE
DEVELOPMENT LLC

1750 VALLEY VIEW LANE
SUITE 420

DALLAS, TX 75230

TEL: 972-243-4205

EMAIL: CEP@RSTDEV.COM



NORTH ELEVATION

THE FAIRWAYS AT SAMMONS PARK
TEMPLE, TEXAS

12-09-08





ROUNDSTONE-TEMPLE				CREATED 12.09.2008	
UNIT TABULATION				TOTAL AREA	
TYPE	AREA	NO.	%	50.00%	50.00%
A1	714	46	50.00%	32,844	
B1	953	46	50.00%	43,838	
TOTAL	92	100.00%	76,682		
AVERAGE UNIT SIZE:				833.50	

BUILDING TABULATION					BLDG. AREA		TOT. AREA	
TYPE	COUNT	UNIT TYPES	40,964	35,718	76,682			
A	1	20-A1/28-B1						
B	1	28-A1/18-B1						
TOTAL	2							

MISCELLANEOUS:
LAND AREA: 10.69 ACRES
DENSITY: 8.61 UNITS/ACRE

PARKING			
1 BEDROOM (1.75*46 UNITS)	81 CARS		
2+ BEDROOM (2*46 UNITS)	92 CARS		
REQUIRED	173 CARS		
PROVIDED	194 CARS		



Key Individuals

Listed below are the key individuals of Roundstone Development along with a description of their background, unique skills and role within the Company.

Clifton E. Phillips

Director of Development

Clifton Phillips, founder of Roundstone Development, has been involved in the housing arena for the past 5 years. During this time, Mr. Phillips has served as a consultant and developer for nearly 1,100 units of housing in Texas, Mississippi, and Arkansas.

As Mr. Phillips has served as both a consultant and developer, he has gained extensive knowledge in the area of financial negotiations and structuring while at the same time developed a solid understanding of the construction and development process.

Prior to joining Roundstone Development in 2004, Mr. Phillips worked for Unified Housing Foundation, Inc., a Texas not for profit corporation involved in the development, ownership, and management of affordable housing in the state of Texas. During his tenure at Unified Housing Foundation, Mr. Phillips served as the point person in the development of a bond financed, affordable housing community in Fort Worth, Texas. In addition, Mr. Phillips worked with other principals in the analysis, financing, and acquisition of over 3,000 housing units within the Texas market. Prior to joining Unified Housing, Mr. Phillips worked in various aspects of finance from real estate to investment banking.

Mr. Phillips holds a Bachelor of Arts degree from the University of Chicago, where he majored in Economics.

Robert Colvard

Acquisition Developer

Mr. Colvard is an acquisition developer, specializing in identifying suitable rental housing and for-sale properties. Forming his own consulting business in 1997, Mr. Colvard has worked with numerous developers in the affordable housing industry in numerous states. This work included securing property, analyzing state funding applications, working with local and state officials, negotiating purchase contracts, and gathering due diligence for the preparation of Low Income Housing Tax Credit (LIHTC), State Housing Initiatives Partnership (SHIP), State Apartment Incentive Loan (SAIL), Home Investment Partnership Program (HOME), Federal HOME Loan Bank (FHLB), and other conventional and subsidy applications.

At Roundstone, Mr. Colvard works closely with local governments, communities, and non profits, securing local support and funding for future community developments. He also works closely with local real estate brokers in identifying existing and growing markets where rental housing is

needed, following market trends to monitor employment and demographic information.

Mr. Colvard is a licensed real estate sales-associate.

***Michael
Hartman***

Developer

Michael Hartman has been a developer, manager and owner of rental housing since 1993. Over the last fifteen years, he has developed seventy-five rental housing developments totaling approximately 7,700 units in sixteen states.

At Roundstone Development, Mr. Hartman specializes in analyzing acquisitions and determining the economic viability of proposed new construction developments. He also works on land acquisition, securing government support, development design, and financing.

Prior to becoming a developer in 1993, Mr. Hartman practiced as a CPA in Maryland for twelve years as a tax and business consultant. Mr. Hartman was a manager at The Reznick Group from 1988 to 1993, advising clients owning commercial real estate properties, and market rate and affordable housing developments.

Mr. Hartman holds a Bachelor of Arts degree from Loyola College in Baltimore and has been a licensed CPA for over twenty-five years.

***Gene
Lehmann***

Development Analyst

Gene Lehmann recently joined Roundstone Development, LLC in September 2008. Mr. Lehmann is a development analyst facilitating every aspect of the development process. His previous experience in real estate includes selling ranch land in the Texas hill county as well as working for Brightleaf Partners in San Marcos, Texas where he was responsible for researching, financing, and locating potential development sites.

Mr. Lehmann has his Bachelors degree in finance as well as a Masters degree in Land Development, both from Texas A&M. During his Masters program, Mr. Lehmann was an active member of the Texas A&M Real Estate Development Association and graduated magna cum laude.

Lisa Brown

Assistant

Lisa Brown began working with Roundstone Development, LLC in October 2007. Miss Brown is involved in all of the administrative maintenance for the company as well as assisting in development oversight activities such as mailings, filings, monitoring contractual obligations, coordinating information flow etc. Miss brown is heavily involved in the application, syndication, and development process as her knowledge of real estate, finance, and rental housing expands.

Lisa holds a Bachelor of Arts degree from the University of Texas at Dallas.

ROUNDSTONE DEVELOPMENT, LLC

1750 Valley View Lane, Suite 420
Dallas, Texas 75234
972-243-4205

January 6, 2010

Mr. David Blackburn, City Manager
City of Temple
2 North Main Street
Temple, TX 76501

Via Email

Dear Mr. Blackburn:

Our company desires to resubmit our application to the Texas Department of Housing and Community Affairs (TDHCA) for 9% Competitive Housing Tax Credits for our proposed senior affordable rental housing development to be located at 2201 West Adams Avenue in Temple. The proposed development would be the same as the proposal that we submitted last year and would include 92 one and two bedroom apartments for seniors (55+ years of age) and numerous onsite amenities for the residents. The low density on this 10.7 acre site next to the Sammons Park golf course would allow us to keep the building profile low (two stories) and yet preserve about 40% of the site in its current state as green space. The rents would be affordable so that the seniors would be paying 30% of their income for housing. The apartments would be targeted to seniors with annual incomes between \$11,340 and \$25,920.

The proposed development would generate both short and long term economic benefits to the City of Temple, such as the \$6.7 million that we would spend on the construction of the development, and the \$195,000 we would spend annually on real estate taxes, local residents employed by us, and goods and services purchased from local vendors.

As we discussed last year with the City, in order for us to successfully compete for the 9% Tax Credits, which would provide 70% of the financing of the development costs of \$9.46 million, we need to secure a commitment for "Development Funding by Local Political Subdivisions" in the amount of \$297,000. This would be the same amount that the City (through the EDC) committed to our development as a low-interest construction loan in 2009. We hereby request that the City, through the EDC, recommit the funds to our development.

We realize that the City's resources are limited, and we want to be contributors to the residents of Temple, not takers. Therefore, we'd like to meet with you and discuss how we can work together to meet the TDHCA requirements so that we can bring this affordable housing to the citizens of Temple and also have our development be a provider of resources to the City, as opposed to a user of scarce resources.

Please contact us at the Florida office so that we can make an appointment at your convenience. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "M.A. Hartman", with a long horizontal flourish extending to the right.

Michael A. Hartman
Developer

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE APPLICATION OF MR. CLIFTON PHILLIPS AND MR. MICHAEL HARTMAN, dba ROUNDSTONE DEVELOPMENT, LLC, FOR 2010 TAX CREDITS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE FAIRWAYS AT SAMMONS PARK, LOCATED AT 2201 WEST ADAMS AVENUE, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, Mr. Clifton Phillips and Mr. Michael Hartman have requested the City of Temple's support for the development of The Fairways at Sammons Park, to be located at 2201 West Adams Avenue, Temple, Texas;

Whereas, the complex would be designed to provide housing for the elderly;

Whereas, the City Council supports the involvement of the Temple Economic Development Corporation with this project;

Whereas, the City Council understands and supports that the Temple Economic Development Corporation will be providing a fully secured loan in the amount of \$297,000 with a loan term of the later of one year or the Placed in Service Date;

Whereas, the project meets the criteria established by the City Council for tax credit projects in Resolution No. 2005-4280-R;

Whereas, Roundstone Development is the only applicant for a 2010 tax credit housing project in Temple, Texas;

Whereas, Roundstone Development has met Resolution No. 2004-4019-R requirements by advising the City in writing of their intent to file a tax credit application with TDHCA by the pre-application deadline date each year; and

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

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

Part 1: The City of Temple, Texas, expresses full support for the submittal of a senior citizen tax credit project by Mr. Clifton Phillips and Mr. Michael Hartman for the development of The Fairways at Sammons Park, to be located at 2201 West Adams

Avenue, Temple, Texas, and 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 the applicant's submission to the State.

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 the 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 **21st** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving the issuance of a tax-exempt note and related loan agreement by the Oglesby Education Facilities Corporation for the benefit of Holy Trinity Catholic High School solely for purposes of Section 147(f) of the Internal Revenue Code.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Holy Trinity Catholic High School requested the law firm of Naman, Howell, Smith & Lee, who is serving as bond counsel for the school, to obtain a tax exempt loan to be made through the Oglesby Education Facilities Corporation to Holy Trinity Catholic High School. The loan is being funded by Extraco Banks, N.A.

Under Section 147(f) loans of this type have to be approved both by the jurisdiction where the debt will be issued (Oglesby) and by the jurisdiction where the property is located (either Temple or Bell County) after publishing notice and holding a public hearing on November 10, 2009.

The facilities being financed are a new high school campus at 6608 W. Adams in Temple. The facility will consist of a building containing classrooms, common area, administrative and other offices, and a separate gymnasium. Holy Trinity Catholic High School will be the sole owner and user of these facilities.

The loan amount is for a maximum amount of \$2,250,000 and Extraco has already committed to make the loan. Assuming all of the necessary approvals are obtained, the loan will be at a tax exempt (low) interest rate. The current index rate for the loan is 3.99%, but this is subject to adjustment based on a formula. This low interest rate will save the school a significant amount of money over conventional lending rates.

This debt is not an obligation of the City of Temple in any manner whatsoever. The sole obligation to repay the debt is that of the school. The school's bond counsel will take this transaction through the Oglesby Education Facilities Corporation.

Your approval does not impact the City's right to require the school to obtain zoning approvals, building permits or any other approval whatsoever. It is limited solely to the approval required by Section 147(f) of the Code for this loan to be at a tax exempt interest rate.

Your approval also has no impact on any proposed bond issue by the City of Temple. The debt is being issued in Oglesby, not Temple. In 2010 there is a \$30,000,000 limit on how much tax exempt debt Temple can issue that is "bank qualified", but the Holy Trinity debt (which is being issued in Oglesby) does not count against Temple's \$30,000,000 limit.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE ISSUANCE OF A TAX EXEMPT NOTE AND RELATED LOAN AGREEMENT BY THE OGLESBY EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF HOLY TRINITY CATHOLIC HIGH SCHOOL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Holy Trinity Catholic High School (the “School”), being an accredited school located within the City of Temple, Texas (the “City”), desires to finance a new high school for grades 9-12 to be located at 6608 West Adams, Temple, Texas 76502, and to consist of (i) a building containing classrooms, common area, administrative and office facilities and (ii) a separate gymnasium (all being the “Project”);

Whereas, the School desires to finance the Project by the issuance of an Issuer Note and related Loan Agreement by the Oglesby Education Facilities Corporation (the “New Financing”);

Whereas, the School has requested the City to give its approval to the New Financing solely for the purpose of satisfying the provisions of Section 147(f) of the Internal Revenue Code of 1986 as amended and for no other purposes whatsoever;

Whereas, the City is willing to consider the School’s request in order that the New Financing may be issued to finance the Project; and

Whereas, a public hearing has been held by Mr. Chris Mosmeyer as designated hearing officer of the Oglesby Education Facilities Corporation with regard to the issuance of the New Financing and the Project to be financed by the School in the manner required by law.

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

Part 1: Solely for the purpose of satisfying the provisions of Section 147(f) of the Internal Revenue Code of 1986 as amended, the City hereby approves the issuance of the New Financing. The proceeds of the New Financing will be used to finance the Project. The maximum principal amount of the New Financing is \$2,250,000. The sole user of the Project shall be the School.

Part 2: This Resolution is passed based on the express understanding and representation by the School and the Oglesby Education Facilities Corporation that the New Financing does not and will not constitute in any way a liability or obligation of the City in any manner whatsoever.

Part 3: The City does not by this Resolution waive any requirement of the City relating to the construction or operation of the School's Project.

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 **21st** 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

01/21/10
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Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: 1. Consider adopting a resolution granting a petition to institute voluntary annexation proceedings, known as the A.C. Boston Voluntary Annexation for a 1.65± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513 and,

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

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: A.C. Boston filed a petition on January 5, 2010, seeking voluntary annexation of approximately 1.65± acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

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

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

The proposed dates for the initial public hearings are February 4, 2010 (regular meeting at 5:00 p.m., Council Chambers) and February 5, 2010 (special meeting at 8:00 a.m.). The resolution sets the time and place for these special meetings. No on-site hearing will be necessary, as there are no residents on the land proposed to be annexed. Planning staff will present a Municipal Services Plan at the hearing as required by state law, showing how the City will serve the area proposed to be annexed into the City. The proposed schedule anticipates completion of annexation proceedings March 18, 2010. The Planning and Zoning Commission will make a recommendation February 15, 2010 to the Council for the applicant's requested zoning of a Planned Development General Retail District to be part of the annexation and zoning ordinance readings, March 4 and March 18, 2010.

FISCAL IMPACT: Future tax revenue.

ATTACHMENTS:

[Petition and Map](#)
[Annexation schedule](#)
[Resolutions](#)

VOLUNTARY PETITION FOR ANNEXATION

January 5, 2010

To the City Council of the City of Temple:

We are the owners of an approximately 1.651 acre tract of land (hereinafter the Tract), more particularly described as follows:

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

Said tract of land varies in width and is contiguous to the current limits of the City of Temple. There are no residents within this property. I am petitioning the City Council to take appropriate action to annex said Tract pursuant to Section 43.028 of the Local Government Code.



A.C. Boston, Owner

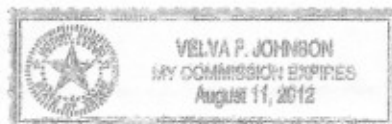
STATE OF TEXAS

COUNTY OF BELL

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

WITNESS MY HAND AND SEAL OF OFFICE this 5 day of January, 2010


Notary Public, State of Texas



Nancy Boston
Nancy Boston, Owner

STATE OF TEXAS

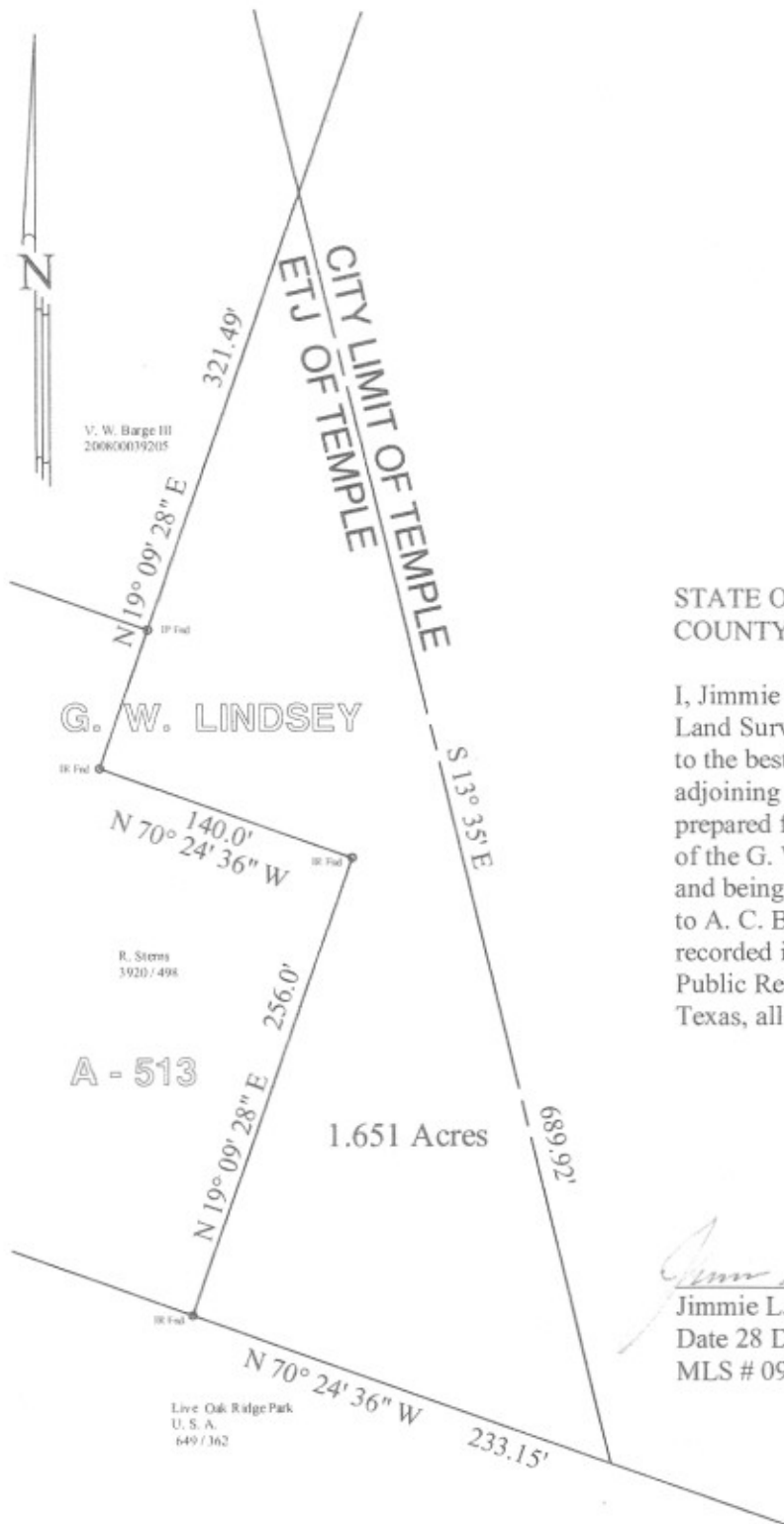
COUNTY OF BELL

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

WITNESS MY HAND AND SEAL OF OFFICE this 5 day of January, 2010

Velva F. Johnson
Notary Public, State of Texas





STATE OF TEXAS
COUNTY OF BELL

I, Jimmie L. McDonald, a Registered Professional Land Surveyor in the State of Texas, hereby certify to the best of my knowledge and belief that the adjoining plat is true and correct, that it was prepared from available data, being 1.651 acres out of the G. W. Lindsey Survey, Abstract No. 513 and being all out of that 14.032 acres conveyed to A. C. Boston and wife Nancy Boston as recorded in Volume 3805, page 529 of the Official Public Records of Real Property of Bell County, Texas, all survey monuments, are as shown.

Jimmie L. McDonald
 Jimmie L. McDonald RPLS 4332
 Date 28 December 2009
 MLS # 09 - 12379



Field Notes

1.651 Acres

Being 1.651 acres, more or less, out of the G. W. Lindsey Survey, Abstract No. 513, and being all out of that 14.032 acres conveyed to A. C. Boston, and wife Nancy Boston as recorded in Volume 3805, page 529 of the Official Public Records of Real Property of Bell County, Texas, and being more particularly described herein by metes and bounds to-wit:

Beginning at an iron rod found in the north boundary of Live Oak Ridge Park as conveyed to U. S. A. and recorded in Volume 649, page 362 of the Deed Records of Bell County, Texas, and being the southeast corner of a tract of land conveyed to R. Sterns as recorded in Volume 3920, page 498 of the Official Public Records of Real Property of Bell County, Texas, for the southwest corner of said 14.032 acres and this tract;

Thence N 19° 09' 28" E along a fence line for the east boundary of said Sterns tract at 256.0 feet found an iron rod for the northeast corner of said Sterns tract and being a southerly interior corner of said 14.032 acre tract and this tract;

Thence N 70° 24' 36" W along a fence line a northerly boundary of said Sterns tract at 140.0 feet found an iron rod for an interior corner of said Sterns tract, and being a southerly exterior corner of said 14.032 acre tract and this tract;

Thence N 19° 09' 28" E along a fence line passing a northerly exterior corner of said Sterns tract and the southeast corner of a tract of land conveyed to V. W. Barge III as recorded in Document No. 200800039205 of the Official Public Records of Real Property of Bell County, Texas, at 321.49 feet the northeast most corner of this tract;

Thence S 13° 35' E along the easterly boundary of this tract at 689.92 feet a point in a fence line for the north boundary of said Live Oak Ridge Park, the south boundary of said 14.032 acre tract for the southeast corner of this tract;

Thence N 70° 24' 36" W along a fence line for the north boundary of said Live Oak Ridge Park the south boundary of said 14.032 acre tract and this tract at 233.15 feet to the place of beginning, containing 1.651 acres.

28 December 2009.

MLS # 09 - 12379



Schedule
Petition for Voluntary Annexation
A.C. Boston Property -1.651 Acres

DATE	ACTION	TIME LIMIT
January 5, 2010	CITY RECEIVES PETITION of landowner to annex unoccupied area adjacent to city limits	NA
January 21, 2010 Thursday Regular Meeting	COUNCIL GRANTS PETITION <i>16th day after petition filed</i>	Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed §43.028(d) LGC
	COUNCIL ADOPTS RESOLUTION Directing staff to develop service plan Calling public hearings on Feb. 4 th & Feb. 5 th	Before publication of notice of First hearing required under §43.065 LGC.
January 24, 2010 Sunday	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Post notice on City web site Publish notice in Telegram Send notice to affected railroads by certified mail <i>11th day before 1st public hearing</i> <i>12th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing required under §43.063(c) LGC
February 4, 2010 Thursday Regular Meeting	COUNCIL HOLDS 1ST PUBLIC HEARING Staff presents service plan <i>28th day before 1st reading of the ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. §43.063(a) LGC
February 5, 2010 Friday Special Meeting	COUNCIL HOLDS 2ND PUBLIC HEARING Staff presents service plan <i>27th day before 1st reading of the ordinance</i>	
February 15, 2010 Monday	PLANNING & ZONING COMMISSION MEETING TO CONSIDER REZONING OF PROPERTY	Receive recommendation for rezoning from PZC prior to 1 st reading of annexation/rezoning Ordinance by Council (March 4)
March 4, 2010 Thursday Regular Meeting	COUNCIL CONSIDERS ANNEXATION/REZONING ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
March 18, 2010 Thursday Regular Meeting	COUNCIL CONSIDERS ANNEXATION/REZONING ORDINANCE ON 2ND READING <i>14th day after 1st reading of ordinance</i>	Complete annexation proceedings within 90 days from first reading. §43.064(A) LGC

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE PETITION TO INSTITUTE VOLUNTARY ANNEXATION PROCEEDINGS, KNOWN AS THE *A.C. BOSTON VOLUNTARY ANNEXATION*, FOR A TRACT OF LAND CONSISTING OF APPROXIMATELY 1.65 ACRES LOCATED WEST OF FM 2271, NORTH OF LIVE OAK RIDGE ROAD, OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT 513, PURSUANT TO SECTION 43.028 OF THE LOCAL GOVERNMENT CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of a tract of land consisting of approximately 1.65 acres located west of FM 2271, north of Live oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513, petitioned the City to annex the tract;

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

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

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

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

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

Part 1: The City Council accepts the petition for voluntary annexation, a copy of which is attached hereto as Exhibit A, for approximately 1.65 acres located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513, pursuant to Section 43.028 of the Local Government Code.

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

PASSED AND APPROVED this the **21st** day of **January**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING THE STAFF TO DEVELOP A MUNICIPAL SERVICES PLAN AND CALLING PUBLIC HEARINGS FOR FEBRUARY 4, 2010, AND FEBRUARY 5, 2010, TO CONSIDER A PETITION FOR VOLUNTARY ANNEXATION, KNOWN AS THE *A.C. BOSTON VOLUNTARY ANNEXATION*, FOR A TRACT OF LAND CONSISTING OF APPROXIMATELY 1.65 ACRES LOCATED WEST OF FM 2271, NORTH OF LIVE OAK RIDGE ROAD, OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT 513; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 21, 2010, the City Council accepted a petition to voluntarily annex a tract of land consisting of approximately 1.65 acres to the city limits of Temple;

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

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

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

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

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

a tract of land consisting of approximately 1.65 acres located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513

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

Part 3: The City Council hereby calls two public hearings to gather comment concerning the proposed annexation described in Section 2 above, with the first public hearing scheduled for the Regular City Council Meeting on February 4, 2010, at 5:00 PM, and the second public hearing at a Special City Council Meeting on February 5, 2010, at 8:00 AM, both public hearings to be held in the City Council Chambers on the 2nd floor of the Municipal Building located at Main and Central in Temple, Bell County, Texas.

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

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

PASSED AND APPROVED this the **21st** 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

01/21/10
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$274,096.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE

BUDGET AMENDMENTS FOR FY 2009 BUDGET

January 21, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-5700-580-7122		Lease Principal (Debt Service)	\$ 6,639	
110-5700-580-7224		Lease Interest Expense	\$ 2,085	
110-3110-551-2615		Lease Payments (Golf Course)		\$ 8,692
110-3110-551-2623		Other Contracted Services		\$ 32
110-3110-551-6213	100600	Automotive - Golf Cars	\$ 265,372	
110-0000-490-1070		Lease Proceeds		\$ 265,372

"House keeping" budget adjustment for FY 2009 to reclassify lease for golf cars approved by Council on 06/18/09 from an operating lease to a capital lease.

TOTAL AMENDMENTS

\$ 274,096 \$ 274,096

GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning Judgments & Damages Contingency	\$ 70,000
Added to Contingency Judgments & Damages from Council Contingency	\$ 40,000
Taken From Judgments & Damages	\$ (109,657)
Net Balance of Judgments & Damages Contingency Account	\$ 343
Beginning SAFER Grant Match Contingency	\$ 46,821
Added to SAFER Grant Match Contingency	\$ -
Taken From SAFER Grant Match Contingency	\$ (41,968)
Net Balance of SAFER Grant Match Contingency Account	\$ 4,853
Beginning Compensation Contingency	\$ 184,700
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (184,700)
Net Balance of Compensation Contingency Account	\$ -
Net Balance Council Contingency	\$ 5,196
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

WATER & SEWER FUND

Beginning Contingency Balance	\$ 174,121
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (166,411)
Net Balance of Contingency Account	\$ 7,710
Beginning Compensation Contingency	\$ 34,334
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (34,334)
Net Balance of Compensation Contingency Account	\$ -
Beginning Approach Mains Contingency	\$ 500,000
Added to Approach Mains Contingency	\$ -
Taken From Approach Mains Contingency	\$ (11,730)
Net Balance of Approach Mains Contingency Account	\$ 488,270

CITY OF TEMPLE

BUDGET AMENDMENTS FOR FY 2009 BUDGET

January 21, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning T-BRSS Future Plant Expansion Contingency	\$	450,000
		Added to T-BRSS Future Plant Expansion Contingency	\$	-
		Taken From T-BRSS Future Plant Expansion Contingency	\$	(445,424)
		Net Balance of T-BRSS Future Plant Expansion Contingency	\$	4,576
		Net Balance Water & Sewer Fund Contingency	\$	500,556
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	75,221
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(18,600)
		Net Balance of Contingency Account	\$	56,621
		Beginning Compensation Contingency	\$	5,401
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(3,222)
		Net Balance of Compensation Contingency Account	\$	2,179
		Net Balance Hotel/Motel Tax Fund Contingency	\$	58,800
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	4,631
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(1,901)
		Net Balance of Compensation Contingency Account	\$	2,730
		Net Balance Drainage Fund Contingency	\$	2,730
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	7,962
		Carry forward from Prior Year	\$	99,254
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(77,291)
		Net Balance of Contingency Account	\$	29,925

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2008-2009 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 28th day of August, 2008, the City Council approved a budget for the 2008-2009 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2008-2009 City Budget.

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

Part 1: The City Council approves amending the 2008-2009 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **21st** 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$2,588,944.

ATTACHMENTS:

[Budget amendments](#)
[Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
January 21, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3400-531-2516		Judgments & Damages (Street Dept.)	\$ 292	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 292
Settlement of a claim filed against the City by Ted A. Myers seeking reimbursement for repairing a brick mailbox that was damaged on December 4, 2009, at 405 Erie Drive which occurred in connection with a Street Department project.				
110-3500-552-2311		Buildings & Grounds (Parks)	\$ 3,000	
110-0000-445-1587		Parks Donations		\$ 3,000
Money was donated from Wal-Mart to the City of Temple for a storage building for Saulsbury Garden. This budget adjustment recognizes the revenue and expenditure.				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 571	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 571
Deductible reimbursement to the Texas Municipal League for a lawsuit filed against the City by Willis Martin, Jr., seeking reimbursement for alleged damage from purchasing a house he felt should have been demolished or repaired.				
110-5700-580-7122		Lease Principal (Debt Service)	\$ 1,122	
110-5700-580-7224		Lease Interest Expense	\$ 249	
110-5700-580-7122		Lease Principal	\$ 1,689	
110-5700-580-7224		Lease Interest Expense	\$ 381	
110-5700-580-7122		Lease Principal	\$ 38,140	
110-5700-580-7224		Lease Interest Expense	\$ 10,759	
110-3110-551-2615		Operating Lease Payments		\$ 52,340
Budget adjustment to reclassify payments for the golf car lease from operating expenditures to debt service payments. Council approved the lease on 06/18/09 for the purchase of 72 golf cars, 1 utility car with drop in cooler and 1 regular utility car.				
260-1100-513-1110		Administrative (City Manager - Grant)	\$ 32,694	
260-1100-513-1220		Retirement/Pension	\$ 5,104	
260-1100-513-1221		Social Security/FICA	\$ 474	
260-1100-513-1222		Health Insurance	\$ 1,844	
260-1100-513-1223		Worker Compensation	\$ 163	
260-1100-513-1224		Unemployment Insurance	\$ 270	
260-1100-513-1225		Dental Insurance	\$ 64	
260-1100-513-1226		Life Insurance	\$ 32	
260-1100-513-1227		AD&D Insurance	\$ 7	
260-1100-513-1228		Long Term Disability	\$ 79	
260-1100-513-2110		Office Supplies	\$ 33	
260-1100-552-6316	100585	Hike & Bike Trails	\$ 413,000	
260-0000-431-0163		Federal Grants		\$ 453,764
Appropriate funding for the Department of Energy, Energy Efficiency and Conservation Block Grant Program and recognize associated grant revenue. The City was awarded \$413,000 for the design and construction of a hike & bike trail in the Temple Medical Education District and \$180,200 to fund the salary and benefits for a Sustainability Manager for three years. This budget adjustment appropriates the funds for the hike & bike trail construction and funds the salary and benefits for the Sustainability Manager for the remainder of FY 2010.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
January 21, 2010

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
363-0000-311-0112		Reserve for Encumbrances	\$ 2,078,977	
363-2200-522-6850	100120	Fire Station #1		\$ 222,618
363-2200-522-6851	100411	Fire Station #8		\$ 271,360
363-2200-522-6852	100408	Fire Engines		\$ 528,333
363-2200-522-6852	100409	Fire Engines		\$ 528,333
363-2200-522-6852	100410	Fire Engines		\$ 528,333
<p>Budget adjustment to decrease the amounts included in the carry forward budget adjustment approved by Council on 11/19/09 for the 2009 Fire GO projects that had open purchase orders at the end of FY 2009. A budget adjustment was approved by Council on 12/03/09 to appropriate the total GO bond proceeds received.</p>				
TOTAL AMENDMENTS			\$ 2,588,944	\$ 2,588,944
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			\$	(18,272)
Net Balance of Judgments & Damages Contingency Account			\$	59,561
Beginning Fuel Contingency			\$	125,000
Added to Fuel Contingency			\$	-
Taken From Fuel Contingency			\$	-
Net Balance of Fuel Contingency Account			\$	125,000
Beginning Solid Waste - Future Capital Replacement Contingency			\$	48,400
Added to Solid Waste - Future Capital Replacement Contingency			\$	-
Taken From Solid Waste - Future Capital Replacement Contingency			\$	-
Net Balance of Solid Waste - Future Capital Replacement Contingency Account			\$	48,400
Net Balance Council Contingency			\$	232,961
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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2010 BUDGET
January 21, 2010

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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 **21st** 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

01/21/10
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, P.E., Director of Public Works
Michael Newman, P.E., CFM, Assistant Director of Public Works / City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing the replacement of the City of Temple's Speed Hump Policy with an overall Neighborhood Traffic Calming Policy.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 17, 2000, the City Council approved a policy for the evaluation and implementation of requests for neighborhood speed humps. This policy was revised and approved by Council on December 19, 2002, and was entitled, "Policy for Neighborhood Speed Humps."

The Director of Public Works addressed Council on several occasions, (most recently being December 5, 2009), discussing the Policy and recommending that it be changed from solely a speed hump policy to one with a multi-tiered approach for overall neighborhood traffic calming. This approach will allow an easier method for initiation of a study by citizens, put into effect an updated scoring system for streets, provide differentiation in scoring for Residential and Collector streets, and provide an action plan that utilizes three different tiers of traffic calming measures based on the severity of problems on particular streets.

FISCAL IMPACT: Funds will be appropriated by Council on an annual basis. The program will utilize the funds to provide a 'best fit' solution for neighborhood areas with traffic problems.

ATTACHMENTS:

[Policy for Neighborhood Traffic Calming Resolution](#)



POLICY FOR NEIGHBORHOOD TRAFFIC CALMING

I. STATEMENT OF PURPOSE

This policy provides a procedure for the consideration, evaluation and implementation of requests for traffic calming measures.

II. DEFINITIONS

- A. *Collector Street* – Any two- or four-lane street that links an arterial street with another collector street, arterial street, or a local street.
- B. *Local Street* – Any two-lane street with a primary purpose of providing direct access to abutting residential properties.
- C. *Residential “Cut-through” Traffic* – Traffic that uses local or collector streets to travel through a residential neighborhood without having an origin or destination within the neighborhood.
- D. *Speed Study* – A study using specialized equipment to measure, collect, and statistically analyze the speed of one hundred (100) or more vehicles.
- E. *Traffic Study* – A manual or automated count of the number of vehicles traversing a particular street in a given time period.

III. ADVANTAGES AND DISADVANTAGES

While traffic calming measures may be a viable option for reducing speeds on residential streets, residents should be aware of both the advantages and disadvantages of these measures.

Advantages:

- A. Traffic speeds are usually decreased in areas where traffic calming measures are employed.
- B. Traffic calming measures discourage cut-through traffic.

Disadvantages:

- A. Traffic calming measures may cause delays to bicyclists, motorcyclists, and emergency vehicles, as well as people using skateboards and/or rollerblades.
- B. Traffic volumes on streets adjacent to streets where the traffic calming measures are located may increase as drivers seek alternate routes to avoid reducing their speed.

- C. Certain traffic calming measures may be perceived as the cause of vehicular damage.
- D. Gutter riding could be a potential problem.
- E. Certain traffic calming measures may have a negative impact on air quality and energy consumption, assuming traffic volumes remain constant. This impact, however, is typically less than the effect of a stop sign.
- F. Traffic calming measures, particularly speed humps, may increase noise levels as vehicles drive over the humps.

IV. ELIGIBILITY REQUIREMENTS

General –

For a street to be considered for traffic calming measures in the City of Temple, the proposed street must meet the following criteria:

- A. The proposed street must be functionally classified as collector or local, as specified in the City of Temple's *Thoroughfare Plan* as maintained by the City's Planning Department.
- B. The proposed street should have no more than two traveling lanes, one in each direction.
- C. Traffic volumes on the proposed street must be less than four thousand (4,000) vehicles per day (vpd). Priority shall be given to streets that have traffic volumes that exceed two thousand (2,000) vpd on an average day.
- D. The proposed street shall have a posted or *prima facie* speed limit of 30 mph or less in accordance with the state law.

Speed Hump-Specific Information –

- A. At the discretion of the Director of Public Works, speed humps will not be installed if street grades are too steep.
- B. At the discretion of the Director of Public Works, speed humps will not be installed if curves or obstacles would create an unsafe condition for motorists driving at normal speeds under average driving conditions.
- C. Priority for the installation of speed humps shall be given to streets that do not provide direct access to schools or other community facilities.
- D. Speed humps shall not be installed on streets designated as through truck routes, unless an acceptable alternate route can be identified.

- E. The installation of speed humps shall not adversely affect travel or safety of pedestrians, bicyclists, or physically handicapped persons.
- F. The installation of speed humps shall not adversely affect street drainage.
- G. No installation of speed humps will be made on streets included in a planned Capital Improvement Project within one (1) year of the request for a speed hump.

V. PROCEDURE FOR STUDY APPLICATION

Initiation –

- A. A request for a study, to determine if traffic calming measures may be considered for a particular street, must be submitted in writing to the Director of Public Works. This request must contain the signatures of residents (one each) from at least four (4) individual residential units facing the block of the particular street upon which the traffic calming measure feasibility study may be performed.
- B. A request for a study may be initiated at the direction of the City Council or by a City staff member.

Study –

- A. After a request for a study has been received, the City staff will conduct a study to determine whether the operational and geometric characteristics of the particular street meet the eligibility requirements for the traffic calming measures to be considered. Elements of the study shall include the following:
 - 1) Street Classification
 - 2) Traffic Volumes (average weekday)
 - 3) Traffic Speed (average weekday)
 - 4) Posted Speed Limit
 - 5) Physical Data (including number of lanes, widths, drainage, horizontal and vertical alignment)
 - 6) Accident Data
 - 7) Location of schools and community facilities
 - 8) Routes of emergency vehicles
 - 9) Routes of school buses
 - 10) Through truck routes
- B. A rating system, utilizing the criteria noted above, will be used to determine the eligibility of streets to be considered for traffic calming measures. The rating system is outlined below in Section VII of this policy.

- C. If these technical guidelines are not met, the street will NOT be considered for traffic calming measures, and the applicant(s) will be notified.

VI. TIERED APPROACH TO TRAFFIC CALMING MEASURES

It is understood that not all situations will require the same type of traffic calming measures. The City has determined that a tiered approach to traffic calming is the best method to provide measures to calm traffic that meet the severity of the problem. As a result, the City of Temple will follow a 3-tiered approach to traffic calming:

TIER: POSSIBLE SOLUTIONS:

- | | |
|-----|--|
| I | Increased signage, increased police presence/patrol, driver feedback signs |
| II | Road narrowing, rumble strips, speed humps, 4-way stop signs |
| III | Chokers, neck-downs, turn restrictions using delineators, half closures |

It is also understood that once a street is identified as being eligible for traffic calming, a minimum, lower tier measure may solve the problem almost immediately, thus avoiding more expensive methods in a higher tier.

VII. RATING SYSTEM

Points will be given as detailed in this Section; residential and collector streets shall have different point systems as indicated:

A. Accident History

Accidents Within Past 36 Months	Points Residential	Points Collector
0	0	0
1	5	5
2	10	10
>3	20	20

B. Speed (85th Percentile Speed)

85 th Percentile Speed	Points Residential	Points Collector
Equal to Speed Limit	5	0
1 – 4.9 mph > Speed Limit	10	5
5 – 8.9 mph > Speed Limit	17	10
9 – 10 mph > Speed Limit	25	15
> 11 mph > Speed Limit	40	35

C. Traffic Volume

Volume Per 24 Hours	Points Residential	Points Collector
0 – 200	5	0
201 – 300	10	5
301 – 500	20	15
501 – 1,000	40	30
> 1,001	n/a	40

D. Schools or Crosswalks on Street

Schools / Crosswalks on Street	Points Residential	Points Collector
1	5	5
2	10	10
>3	20	20

E. Pedestrian Generator

	Points Residential	Points Collector
Existence of Pedestrian Generator	5 Points/Generator	5 Points/Generator
Pedestrian Quantity/8 Hour Period	1 Point For Every 10 People	

F. Sidewalks

Presence	Points Residential	Points Collector
Continuous / Entire Length of Particular Street	0	0
Intermittent / At Any Location on Particular Street	10	10

G. Residence Consideration

Residences Fronting Street As % of Total Properties	Points Residential	Points Collector
10-25%	0	0
25.1-50%	5	0
50.1-70%	10	5
70.1-90%	15	10
90.1-100%	25	15

VIII. SCORING INTERPRETATION

The total number of points will determine what tier of traffic calming could be considered for a particular street.

- A. Scoring Basis -- Maximum number of points for a residential street is 175 and maximum number of points for a collector street is 160 (assuming two pedestrian generators with 50 people each in an 8 hour period).

B. Tiers vs. Scoring

Points Attained in Study	Residential	Collector	Tier
0 – 20% of Max	(0-35)	(0-32)	Does Not Qualify For Study
20.1 – 35% of Max	(36-62)	(33-56)	I
35.1 – 80% of Max	(63-140)	(57-128)	I or II
Over 80% of Max	(141)	(129)	I, II, or III

IX. PROCESS

A. Request for a Study

A study can be requested as outlined in Section V.

B. Notification of Pending Study

After receiving the request for a Traffic Calming Methods Study, and after determining that the street meets the criteria outlined in Section IV, the Public Works Department staff will notify all residents at addresses fronting the street that a study has been requested and the approximate time frame in which the study will be performed.

C. Study

The study will be performed and the street will be evaluated to determine which tier, if any, that might be applied to that street.

D. Notification

As soon as is practical after the study has been performed, the Public Works Department staff will inform those residents at the addresses fronting the street in question of the outcome of the study.

E. Method Determination

The Street Services Superintendent will evaluate the street and make a recommendation to the Director of Public Works as to the type of traffic calming measure that could be considered.

The Street Services Superintendent may elect to recommend a traffic calming measure from the tier that a street qualified for, or any lower tier, based on funding availability and experience. For instance, a street may qualify for Tier III measures; however, the Street Services Superintendent may determine that, in the instance of a particular street, a lower level method (Tier I or II) may solve the problem at a lower cost and more quickly than a Tier III solution.

The recommendation shall be based on fund availability, manpower availability, and overall severity of the situation. The Director of Public Works will then make a recommendation to the City Manager regarding the street.

F. Evaluation

After a course of action has been determined, the Street Services Superintendent shall re-survey the street in question three (3) months after the action has been implemented to determine if the course of action has calmed traffic as expected, or if other measures should be considered.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING THE CITY'S EXISTING SPEED HUMP POLICY AND AUTHORIZING ITS REPLACEMENT WITH AN OVERALL NEIGHBORHOOD TRAFFIC CALMING POLICY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 17, 2000, the City Council approved a policy for the evaluation and implementation of requests for neighborhood speed humps – this policy was revised and approved by the City Council on December 19, 2002, and was entitled, “Policy for Neighborhood Traffic Calming Policy;”

Whereas, the Director of Public Works recommends that the policy be changed from solely a speed hump policy to one with a multi-tiered approach for overall neighborhood traffic calming;

Whereas, this approach will allow an easier method for initiation of a study by citizens, put into effect an updated scoring system for streets, provide differentiation in scoring for Residential and Collector streets, and provide an action plan that utilizes 3 different tiers of traffic calming measures based on the severity of problems on particular streets;

Whereas, funds will be appropriated by the City Council on an annual basis – the program will utilize the funds to provide a “best fit” solution for neighborhood areas with traffic problems; 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 repeals the City's existing Speed Hump Policy, entitled, “Policy for Neighborhood Speed Humps,” and authorizes its replacement with an overall Neighborhood Traffic Calming Policy, attached hereto and made a part hereof for all purposes 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 **21st** 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

01/21/10
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to serve on the I-35 Segment 2 Committee established by the Texas Department of Transportation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2008, the Texas Department of Transportation (TxDOT) established four I-35 Corridor Segment Committees to focus on individual segments of I-35. The committees were charged with providing input and advice to TxDOT regarding the designation of a route or construction of the proposed segment. They will also provide input in the development of master plans for I-35.

Membership of these committees is made up of local transportation partners and stakeholders. All segment committees include counties and metropolitan planning organizations within a given segment. Membership may also include cities, chambers of commerce, economic development corporations and port authorities.

Councilmember Tony Jeter has been serving on the I-35 Segment 2 Committee since his appointment in October 2008. He has asked to step down from the committee at this time and Councilmember Janczak has requested the opportunity to fill the vacancy.

The Segment Committee will conduct regional public involvement activities, gather regional planning data and prepare segment blueprints from January through June 2010, with the goal of finalizing and adopting the MY 35 plan in August.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING ONE MEMBER TO SERVE ON THE I-35 SEGMENT 2 COMMITTEE ESTABLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) has established four I-35 Corridor Segment Committees which will focus on individual segments of I-35 and provide input to TxDOT regarding the designation of a route or construction of the proposed segment and input into the development of master plans for I-35;

Whereas, membership of these committees is made up of local transportation partners and stakeholders and may also include cities, chambers of commerce, economic development corporations and port authorities;

Whereas, TxDOT designated several local entities to serve on the I-35 Segment 2 Committee, including the City of Temple;

Whereas, Councilmember Tony Jeter has been serving on the I-35 Segment 2 Committee since his appointment in October, 2008 – he has asked to step down from the committee at this time and Councilmember Marty Janczak has requested the opportunity to fill the vacancy; 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 appoints Marty Janczak as the representative for the City of Temple to serve on the I-35 Segment 2 Committee established by the Texas Department of Transportation.

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 **21st** day of **January**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney