



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

THURSDAY, FEBRUARY 4, 2010

3:30 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 4, 2010.
2. Discuss proposed City Council strategic planning session.
3. Discuss upcoming appointments to the following City boards and commissions:
 - (A) Building & Standards Commission – three regular members and one alternate member to fill expiring terms through March 1, 2012
 - (B) Building Board of Appeals – three members to fill expiring terms through March 1, 2014
 - (C) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2013 and one member to fill an unexpired term through March 1, 2012
 - (D) Electrical Board – three members to fill expiring terms through March 1, 2013
 - (E) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2013
 - (F) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2010
 - (G) Tree Board – one member to fill an expiring term through March 1, 2013
 - (H) Zoning Board of Adjustment – three regular members and two alternate members to fill expiring terms through March 1, 2012

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE, TX

**JOINT MEETING
TEMPLE CITY COUNCIL
&
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [National School Counselors Week](#) [February 1—5, 2010](#)
(B) [National Heart Month/ Go Red for Women Day](#) [February 5, 2010](#)
(C) [Recognition of the Christmas Parade Committee volunteers and the Parks Bond Advisory Committee members.](#)

III. PUBLIC COMMENTS

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

IV. PUBLIC HEARINGS

4. PUBLIC HEARING – Conduct a public hearing to receive comments on the possible [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.

V. CONSENT AGENDA

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

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

Minutes:

- (A) [January 21, 2010 Special Called and Regular Meeting](#)

Contracts, Leases & Bids:

- (B) [2010-5936-R](#): Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services of Gatesville for construction of the Bellaire Waterline Rehabilitation Project (Victory, Virginia, Shell from 3rd Street to Mayborn) in the amount of \$545,680.41
- (C) [2010-5937-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC of Temple for services required to prepare an engineering analysis and construction plans for City of Temple 2010 Drainage Improvements in an amount not to exceed \$26,318.58.
- (D) [2010-5938-R](#): Consider adopting a resolution authorizing the purchase of Virtual Desktop Hardware and Software from Sychron of Austin in the amount of \$40,284.
- (E) [2010-5939-R](#): Consider adopting a resolution authorizing a farm lease with Monique Rincones for approximately 3.7 acres at the southeast corner of the Service Center property on East Avenue H.

Ordinances - Third Reading:

- (F) [2009-4331](#): THIRD READING – Consider adopting an ordinance dual naming a portion of the planned Outer Loop as Research Parkway.

Misc.

- (G) [2010-5940-R](#): Consider adopting a resolution authorizing the use of a competitive sealed proposal delivery method for the acquisition of construction services related to the construction of a new facility containing Fire Station No. 8, a Training Center, and an Emergency Operation Center.

- (H) [2010-5941-R](#): Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement with Jorge and Candice Vasquez dba J&S Central Texas Investments, LLC for redevelopment improvements at 804 South 21st Street in the Avenue H Strategic Investment Zone corridor.
- (I) [2010-5942-R](#): Consider adopting a resolution authorizing:
1. The City Manager to enter into all necessary agreements with Employees Retirement System of Texas to extend Health Insurance Benefits (Medicare) to the employees of the City of Temple;
 2. Directing the Finance Department to make assessments, collections and reports as required under the law; and
 3. Allocating sufficient funds to ensure the payment of the City’s portion of the benefit.
- (J) Consider adopting resolutions:
1. [2010-5943-R](#): Ordering an election for May 8, 2010, for the election of the District 1 Councilmember and the District 4 Councilmember for three year terms; and
 2. [2010-5944-R](#): Authorizing joint election agreements with Temple Health & Bioscience Economic Development District, Temple College and Temple Independent School District for the May 8, 2010 election.

(Spanish translation available for this item available upon request)

(Traducción al español de este artículo está disponible bajo petición)

VI. REGULAR AGENDA

ORDINANCES

6. [2010-4338](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to reallocate funding from Line 240, Old Howard Road (R11), north of Airport Park to Mouser Road, to Line 307, Outer Loop, from Wendland Road to IH 35 North in the amount of \$300,000.
7. (A) [2010-4339](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the 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.
- (B) [2010-4340](#): FIRST READING – PUBLIC HEARING - Z-FY-10-13: Consider adopting an ordinance authorizing a zoning change on a 10.8 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive to Planned Development District Single-Family 2 (PD-SF2), an area to be voluntarily annexed into the City of Temple.
8. [2010-4341](#): FIRST READING – PUBLIC HEARING - Z-FY-10-14: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Planned Development District (PD-SF2) on a 7.7 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive.

9. [2010-4342](#): FIRST READING – PUBLIC HEARING - Z-FY-10-11: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on a 137.7 ± acre tract of land being part of the James Campbell Survey, Abstract No. 196, proposed for McLane Group LP Subdivision, Phase Two.
10. [2010-4343](#): FIRST READING – PUBLIC HEARING - Z-FY-10-12: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an off-premise consumption, package store in a 6,105 square foot lease area on Lot 2, Block 1, Buchanan & Gardenhire Addition, at 2810 West Avenue J.
11. (A) [2010-4344](#): FIRST READING – PUBLIC HEARING - Z-FY-10-15A: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Services District (NS) on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road.

(B) [2010-4345](#): FIRST READING – PUBLIC HEARING - Z-FY-10-15B: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a convenience store for alcoholic beverage sales, off-premise consumption of beer and wine, on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road.
12. [2010-4346](#): FIRST READING – PUBLIC HEARING - Z-FY-10-16: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to General Retail (A) on 0.57 ± acre tract of land situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 10592 West SH 36.

RESOLUTIONS

ADJOURN THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

13. (A) Conduct a meeting of the City of Temple Employee Benefits Trust to amend the purchase agreement with The Standard for long term disability insurance removing Fire Department personnel who are covered under a separate long term disability policy; and

ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST AND RECONVENE THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL.

- (B) [2010-5945-R](#): Consider adopting a resolution authorizing the transfer of funds for long term disability benefits to the Temple Firefighters' Relief and Pension Fund in amount equal to the contribution rate for other employees.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:45 PM, on February 29, 2010.

Clydette Entzminger
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

02/04/10
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

- (A) National School Counselors Week February 1—5, 2010
- (B) National Heart Month/ Go Red for Women Day February 5, 2010
- (C) Recognition of the Christmas Parade Committee volunteers and the Parks Bond Advisory Committee members.

STAFF RECOMMENDATION: Present proclamations and recognitions as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by, and will be received by, Thomas L. Jones with the Temple Independent School District.

(B) This proclamation was requested by, and will be received by, Dawn Orange with the City of Temple Human Resources Department.

(C) Ken Cicora, Director of Parks and Leisure Services Department, will recognize the volunteers that participated on the Christmas Parade Committee and as well as the members of the Parks Bond Advisory Committee.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

02/04/10
Item #4
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing to receive comments on the possible voluntary annexation 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.

STAFF RECOMMENDATION: Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The second hearing is scheduled as part of the **Council's special meeting, Friday, February 5, 2010, 8:00 a.m.**

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. The property is located west of the existing City limits line. The Council directed the staff to prepare a municipal services plan for this tract.

The annexation schedule calls for two public hearings—this being the first in a regular meeting, with the second scheduled for a **special meeting, February 5, 2010, 8:00 a.m.** The public hearing today is to receive public comments on the proposed annexation and proposed service plan from anyone that might wish to speak. There are no residents on the 1.65± acre tract.

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

ATTACHMENTS:

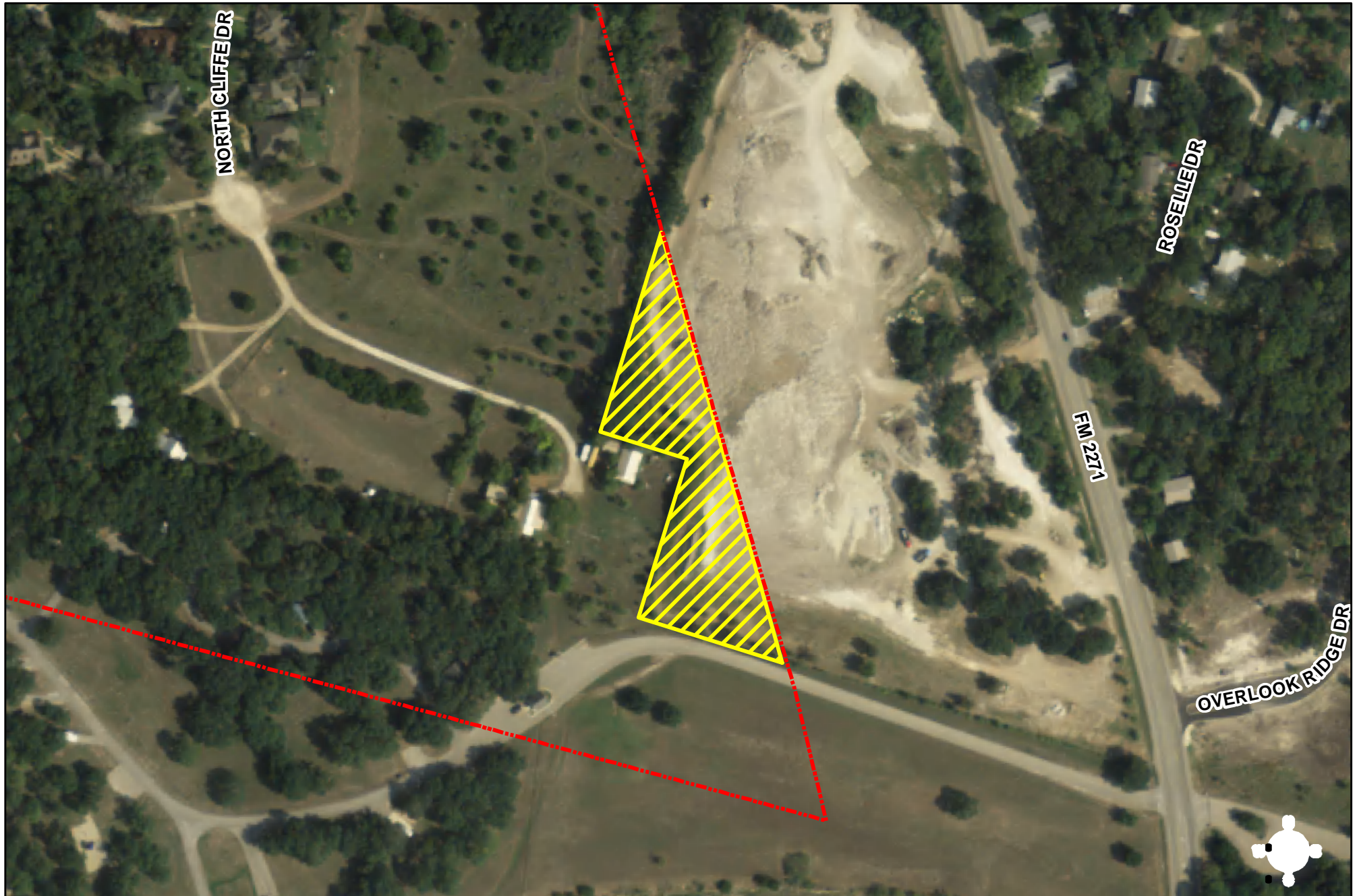
[Voluntary Annexation Map](#)
[Service Plan](#)



Z-FY-10-17

Voluntary Annexation

1.651 Acres GW Lindsey Survey



Z-FY-10-17

Feet 0 50 100 150 200
J Stone 1.13.09

CITY OF TEMPLE

ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – BOSTON ET AL

For approximately 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, located in Bell County, and being more particularly described an Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2010-#####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

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

5. MAINTENANCE OF ROADS AND STREETS

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

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

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

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

8. CONSTRUCTION SAFETY

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

9. CODE ENFORCEMENT

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

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

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

3. WATER AND WASTEWATER FACILITIES

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

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

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

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

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

APPROVED ON THIS _____ DAY OF _____, 20010.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

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

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

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

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

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



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

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

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

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

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

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



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

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

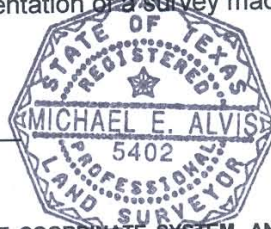
THENCE departing the said 0.1452 acre tract and with the south boundary line of the said Northcliffe, Phase I (calls S. 82° 56' 23" W., 327.88 feet in Cabinet A, Slide 374-A) the following two (2) calls:

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

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

Michael E. Alvis

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



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

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

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



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COUNCIL AGENDA ITEM MEMORANDUM

02/04/10
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) January 21, 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 21, 2010 Special Called and Regular Meeting

TEMPLE CITY COUNCIL

JANUARY 21, 2010

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 21, 2010, at 3:30 P.M. at the Mayborn Civic & Convention Center, 3303 North 3rd Street.

Present:

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

1. Conduct a tour of the newly renovated Mayborn Civic & Convention Center facilities.

Mayor Jones recessed the meeting to allow the City Council, staff and citizens present to take a brief tour of the newly renovated facility before proceeding with the remainder of the agenda items.

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

David Blackburn, City Manager, addressed the following items:

Consent Agenda Item 3(I)-Voluntary Annexation Petition: This item accepts the voluntary annexation petition submitted by Mr. A.C. Boston and calls a special Council meeting for Friday, February 5th, 8:00 a.m., to conduct the second public hearing.

Consent Agenda Item 3(K)-Budget Amendments FY 09-10: The budget amendments have been amended since the Council packets were delivered to remove the funds allocated for City Hall renovations.

Regular Agenda Item 4-Neighborhood Traffic Calming Policy: Mr. Blackburn presented this item to the City Council. He provided some background information regarding the City's current Speed Hump Policy and the challenges with that policy. Mr. Blackburn recommended the current policy be amended to make it easier for residents to initiate the study process; institute more notifications for residents about the initiation and completion of the study; update the warrant criteria and rating system; and provide a comprehensive set of traffic calming options and alternatives. He discussed the details of both the procedural and substantive changes. In summary, Mr. Blackburn noted that traffic safety is a core mission for the City but one strategy can't address all situations. It will take multiple strategies, as recommended in the proposed plan, to provide potential solutions.

Mayor Jones asked how broad the notification area would be.

Mr. Blackburn replied all residents along the affected area will be notified.

Mayor Jones recommended a 30-day comment period following the study for residents to notify staff of any issues.

Councilmember Jeter recommended Councilmembers be notified when a study is initiated, particularly if the area is in their District.

Mr. Blackburn stated these recommendations would be incorporated into the proposed policy for approval by the Council at the regular meeting.

3. Receive an update on activities and opportunities in the City's Strategic Investment Zone (SIZ) Corridors.

Jonathan Graham, City Attorney, presented this item to the City Council. He began by displaying a map of the SIZ corridors, noting the code enforcement activity and demolitions within or adjacent to these corridors. In 2008-2009, the Council adopted the Avenue G/H incentive ordinance and two grants were approved in that corridor totaling \$18,500. The South 1st Street incentive ordinance was also approved and five grants were authorized totalling \$122,298. Mr. Graham provided the details of the improvements approved in these incentive agreements and showed the locations of the projects on maps of the corridors.

Mr. Graham reminded the Council the SIZ incentive grants are matching grants, with annual funding allocated by the City Council. Approximately \$89,000 is currently available. These funds are inadequate for larger projects even with the caps in place. Because of this limited funding, tax abatement and demolitions are two types of incentives the City promotes.

For future consideration, some areas might be added as SIZ corridors, such as MLK, North 3rd Street and the remainder of downtown. Mr. Graham also recommended the City Manager be given some leeway to approve SIZ/Chapter 380 grants for other SIZ corridors on an 'ad hoc' basis. These grants could be in-kind services, matching funds or tax abatement, which would have to be approved by the Council. Mr. Graham also noted the Temple Medical and Education District (TMED) is defined by SIZ corridors (South 1st Street South 31st Street, MLK and Loop 363). Code enforcement and economic development incentives in those corridors would further the vision for TMED. Development standards will likely be needed in the future, as well as incentive programs and funding for the entire TMED.

Mr. Blackburn agreed the SIZ incentive program has been very successful to date and is limited by available funding. He also concurred that the interest and development would continue to occur in the TMED.

Mr. Graham displayed before and after photos of properties where structures were demolished. The Council discussed the SIZ corridors versus SIZ incentive areas, with Mr. Graham explaining that development standards are not different in these corridors than throughout the rest of the City. The Council also discussed reasons for structures being demolished by the City when the property owner is capable of paying to have that done. It was recommended that a future Council discussion be conducted to discuss the City's demolition policy and procedures in greater detail.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 21, 2010 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2

North Main Street.

Present:

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

I. CALL TO ORDER

- 1. Invocation**
- 2. Pledge of Allegiance**

Lonzo Wallace, Fire Chief, voiced the Invocation and led those present in reciting the Pledge of Allegiance.

II. PUBLIC COMMENTS

There were no public comments made during this meeting.

III. CONSENT AGENDA

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

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

(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.

(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.

(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.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, with exception of item (H), seconded by Councilmember Marty Janczak.

Motion passed unanimously.

(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.

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

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

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.**

David Blackburn, City Manager, presented this item to the Council and Staff. He reviewed the proposed procedural changes to the policy which include reducing the number of resident-initiated signatures required from 5 to 4 and providing notice to residents when the study is initiated and when it is completed. The substantive changes to the policy include instituting a tiered approach to traffic calming strategies and modifying the rating system. Council has recommended that notification of Councilmembers be added to the procedures, as well as the provision of a 30-day comment period following the study and these will be included in the policy.

Motion by Councilmember Marty Janczak to adopt resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.**

Mayor Jones stated the Texas Department of Transportation has established four segment committees as study areas for I-35. The City of Temple is located in Segment 2 and an opening on that committee exists for us to fill. The committee will meet for about six months, with their objective being to deliver a recommendation to the Texas Transportation Commission regarding ways to address traffic along I-35 in the future. Mayor Jones recommended Councilmember Janczak be appointed to the Segment 2 Corridor Committee.

Motion by Councilmember Tony Jeter to adopt resolution appointing Councilmember Janczak to the I-35 Segment 2 Committee, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/04/10
Item #5(B)
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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with K&S Backhoe Services of Gatesville for construction of the Bellaire Waterline Rehabilitation Project (Victory, Virginia, Shell from 3rd Street to Mayborn) in the amount of \$545,680.41

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For several years, the Public Works Department Utility Services Division has experienced numerous operational waterline issues in the area bounded generally by Victory, Virginia and Shell Avenue from 3rd Street to the Mayborn Center (also known as the Bellaire Addition). This area contains numerous undersized cast iron and lead poured joint waterlines (less than 6" in size) and an absence of valves, providing minimal fire protection to the area. This project will provide larger distribution lines and installation of valves and hydrants, substantially upgrading water service to the area.

On January 19, 2010, seven bids were received for construction of the project. Per the attached bid tabulation, K&S Backhoe Services submitted the low base bid on the project in the amount of \$545,680.41. Turley & Associates opinion of probable construction cost for the project was approximately \$390,000.00.

Two add-alternate bids were also received to repave the roadway and install sidewalks. Due to funding limitations, neither of these add-alternative bids is recommended at this time. The low bidder on the base bid, K&S Backhoe Services, did not respond to the optional/add-alternate bid line items. However, based on the allocated funding for this project, staff is deeming K&S's lack of response on these line items as an irregularity and recommending that the irregularity be waived and the bid be awarded to low bidder for the base services, K&S Backhoe Services, in the amount of \$545,680.41.

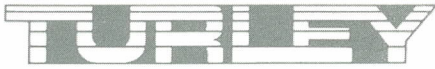
FISCAL IMPACT: Funding in the amount of \$ 210,000 was appropriated in account 520-5200-535-6357, project #100486 for this project from the FY 2009 operating budget. After funding engineering related services in the amount of \$43,300 and \$151 for advertising a balance of \$166,549 remains available to partially fund this project.

Attached is a budget adjustment for Council's approval appropriating \$379,132 of Water & Sewer Unreserved Retained Earnings to account 520-5900-535-6357, project #100486 to fund the remaining amount needed for the project.

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

ATTACHMENTS:

[Engineer's Letter of Recommendation](#)
[Bid Tabulation](#)
[Project Map](#)
[Budget Adjustment](#)
[Resolution](#)



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

January 21, 2010

Bruce A. Butscher, PE, Director
Department of Public Works
City of Temple
3210 East Avenue H
Suite 130
Temple, Texas 76501

RE: Bellaire Waterline Rehab Project COT#100486, TA#09-091

Dear Mr. Butscher:

Sealed bids were received and opened for the above referenced project on January 19, 2010, at the City of Temple Purchasing Department. A copy of the bid tabulation is attached for the bids received. This firm has reviewed the bids submitted and Turley Associates, Inc. recommends that the city Council award the contract to K&S Backhoe Services, Inc. in the total amount of \$545,680.41. It is this office's opinion that K&S Backhoe Services, Inc. is a responsible contractor that can be expected to properly complete the project on behalf of the City.

If you have any questions or require additional information, please let us know.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Victor D. Turley". The signature is written in a cursive, flowing style.

Victor D. Turley, P.E., R.P.L.S.
President

VDT/ms

CC: Nicole M. Torralva, PE, Asst. Director of Public Works/Operations
Thomas Brown, Director, Utilities Services Division
Bruce Springer, Vice President, K&S Backhoe Services, Inc.

BID TABULATIONS
CITY OF TEMPLE, TEXAS
BELLAIRE WATERLINE IMPROVEMENT

	K&S Backhoe Services	TTG Utilities, LP	Boretex, LLC	Smetana & Assoc.	McLean Construction	Bell Contractors, Inc.	Patin Construction, LLC
Subtotal Site Preparation, Traffic Control, and Pavement Replacement	\$ 144,392.65	\$ 176,875.00	\$ 154,550.00	\$ 122,293.65	\$ 179,574.00	\$ 173,760.00	\$ 174,980.00
Subtotal New Water Main Construction	\$ 399,801.24	\$ 391,427.00	\$ 422,310.00	\$ 453,872.00	\$ 405,279.00	\$ 457,674.00	\$ 470,583.00
Subtotal 8" Water Main Abandonment	\$ 1,486.52	\$ 2,115.00	\$ 425.00	\$ 1,846.00	\$ 3,713.00	\$ 8,566.00	\$ 1,150.00
Total Bid Bellaire Waterline Improvement	\$ 545,680.41	\$ 570,417.00	\$ 577,285.00	\$ 578,011.65	\$ 588,566.00	\$ 640,000.00	\$ 646,713.00
Subtotal Optional Re-Pavement of Streets	no bid	\$ 259,825.00	\$ 327,365.00	\$ 303,365.00	\$ 313,510.00	\$ 306,750.00	\$ 262,353.00
Subtotal Optional Sidewalk and Ramp	no bid	\$ 890,900.00	\$ 718,457.50	\$ 917,918.00	\$ 569,875.00	\$ 520,485.00	\$ 659,950.00

**BID TABULATIONS
CITY OF TEMPLE, TEXAS
BELLAIRE WATERLINE IMPROVEMENT**

				Bell Contractors, Inc.		McLean Construction	
Item No.	Est. Qty.	Unit	Description of Items	Unit Price	Total Amount	Unit Price	Total Amount
Site Preparation, Traffic Control, and Pavement Replacement							
1	80	STA	Preparation of Right-of-Way and Site Clearing, ...Video Recording of site pre and post construction...	\$ 412.00	\$ 32,960.00	\$ 314.00	\$ 25,120.00
2	1	LS	Mobilization, Bonds, Permits and Insurance	\$ 33,750.00	\$ 33,750.00	\$ 12,690.00	\$ 12,690.00
3	1	LS	Storm Water Pollution Prevention Plan by Registered Professional Engineer	\$ 2,800.00	\$ 2,800.00	\$ 2,028.00	\$ 2,028.00
4	4,800	SY	saw cut, remove, and replace existing HMAC Pavement Section	\$ 12.85	\$ 61,680.00	\$ 13.80	\$ 66,240.00
5	15	SY	saw cut, remove, and replace existing Reinforced Concrete Drainage Section	\$ 28.00	\$ 420.00	\$ 48.00	\$ 720.00
6	4,800	SY	remove, and replace existing Crushed Limestone Base under existing Pavement Sections	\$ 7.25	\$ 34,800.00	\$ 13.80	\$ 66,240.00
7	1	LS	provide and implement a Traffic Control Plan, signed and sealed by Registered Professional Engineer	\$ 4,750.00	\$ 4,750.00	\$ 1,808.00	\$ 1,808.00
8	1	LS	provide and implement a Trench Safety Plan, signed and sealed by a Registered Professional Engineer	\$ 2,600.00	\$ 2,600.00	\$ 4,728.00	\$ 4,728.00
Subtotal Site Preparation, Traffic Control, and Pavement Replacement				\$ 173,760.00		\$ 179,574.00	
New Water Main Construction				Bell Contractors, Inc.		McLean Construction	
9	8,500	LF	New 8" PVC C900 Class 150 Water Main	\$ 21.41	\$ 181,985.00	\$ 17.10	\$ 145,350.00
10	200	LF	12" Steel Pipe Encasement	\$ 62.00	\$ 12,400.00	\$ 38.90	\$ 7,780.00
11	24	EA	Connection to Existing Water Mains	\$ 865.00	\$ 20,760.00	\$ 755.00	\$ 18,120.00
12	8	EA	new 12" MJ Gate Valve,	\$ 1,485.00	\$ 11,880.00	\$ 1,799.00	\$ 14,392.00
13	38	EA	new 8" MJ Gate Valve	\$ 915.00	\$ 34,770.00	\$ 917.00	\$ 34,846.00
14	15	EA	new 6" MJ Gate Valve	\$ 707.00	\$ 10,605.00	\$ 739.00	\$ 11,085.00
15	1	EA	new 2" MJ Gate Valve	\$ 529.00	\$ 529.00	\$ 403.00	\$ 403.00
16	4	EA	new 12"x8" MJ Tee	\$ 365.00	\$ 1,460.00	\$ 413.00	\$ 1,652.00
17	8	EA	new 8"x8" MJ Tee	\$ 305.00	\$ 2,440.00	\$ 311.00	\$ 2,488.00
18	9	EA	new 6"x8" MJ Tee	\$ 338.00	\$ 3,042.00	\$ 327.00	\$ 2,943.00
19	12	EA	new 8" MJ 45° Bend	\$ 246.00	\$ 2,952.00	\$ 223.00	\$ 2,676.00
20	2	EA	new 8" MJ 22.5° Bend	\$ 245.00	\$ 490.00	\$ 222.00	\$ 444.00
21	2	EA	new 8" MJ 11.25° Bend	\$ 241.00	\$ 482.00	\$ 218.00	\$ 436.00
22	1	EA	new 8"x2" MJ Reducer	\$ 186.00	\$ 186.00	\$ 193.00	\$ 193.00
23	16	EA	new Standard Fire Hydrant Assembly	\$ 2,600.00	\$ 41,600.00	\$ 2,925.00	\$ 46,800.00
24	1	EA	new 8" flush assembly	\$ 1,380.00	\$ 1,380.00	\$ 1,684.00	\$ 1,684.00
25	1	EA	new Water Sampling Station	\$ 1,280.00	\$ 1,280.00	\$ 949.00	\$ 949.00
26	140	EA	New Domestic Water Service Connection, Meter Box and Heavy Duty Lid Assembly to existing Meter	\$ 625.00	\$ 87,500.00	\$ 638.00	\$ 89,320.00
27	26	EA	remove and relocate Existing Water Service, Meter Box and Heavy Duty Lid Assembly	\$ 1,350.00	\$ 35,100.00	\$ 805.00	\$ 20,930.00
28	2	EA	salvage and remove existing Fire Hydrant Assembly	\$ 916.50	\$ 1,833.00	\$ 199.00	\$ 398.00
29	1	LS	ALL TESTING per TCEQ and City of Temple	\$ 5,000.00	\$ 5,000.00	\$ 2,390.00	\$ 2,390.00
Subtotal New Water Main Construction				\$ 457,674.00		\$ 405,279.00	

January 20, 2010
BID TABULATIONS
CITY OF TEMPLE, TEXAS

BELLAIRE WATERLINE IMPROVEMENT

TTG Utilities, LP		K&S Backhoe Services		Smetana & Assoc.		Patin Construction, LLC		Boretex, LLC	
Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
\$ 73.00	\$ 5,840.00	\$ 47.58	\$ 3,806.40	\$ 60.00	\$ 4,800.00	\$ 500.00	\$ 40,000.00	\$ 200.00	\$ 16,000.00
\$ 14,500.00	\$ 14,500.00	\$ 19,478.72	\$ 19,478.72	\$ 5,520.00	\$ 5,520.00	\$ 51,200.00	\$ 51,200.00	\$ 18,000.00	\$ 18,000.00
\$ 3,200.00	\$ 3,200.00	\$ 1,099.89	\$ 1,099.89	\$ 2,645.00	\$ 2,645.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
\$ 16.30	\$ 78,240.00	\$ 13.59	\$ 65,232.00	\$ 10.67	\$ 51,216.00	\$ 10.50	\$ 50,400.00	\$ 12.00	\$ 57,600.00
\$ 75.00	\$ 1,125.00	\$ 71.86	\$ 1,077.90	\$ 28.11	\$ 421.65	\$ 72.00	\$ 1,080.00	\$ 50.00	\$ 750.00
\$ 14.20	\$ 68,160.00	\$ 10.66	\$ 51,168.00	\$ 10.35	\$ 49,680.00	\$ 5.00	\$ 24,000.00	\$ 12.00	\$ 57,600.00
\$ 5,130.00	\$ 5,130.00	\$ 1,649.83	\$ 1,649.83	\$ 5,009.00	\$ 5,009.00	\$ 4,800.00	\$ 4,800.00	\$ 1,500.00	\$ 1,500.00
\$ 680.00	\$ 680.00	\$ 879.91	\$ 879.91	\$ 3,002.00	\$ 3,002.00	\$ 1,000.00	\$ 1,000.00	\$ 600.00	\$ 600.00
\$ 176,875.00		\$ 144,392.65		\$ 122,293.65		\$ 174,980.00		\$ 154,550.00	
TTG Utilities, LP		K&S Backhoe Services		Smetana & Assoc.		Patin Construction, LLC		Boretex, LLC	
\$ 15.60	\$ 132,600.00	\$ 16.56	\$ 140,760.00	\$ 22.79	\$ 193,715.00	\$ 20.00	\$ 170,000.00	\$ 18.00	\$ 153,000.00
\$ 48.00	\$ 9,600.00	\$ 29.94	\$ 5,988.00	\$ 48.00	\$ 9,600.00	\$ 30.00	\$ 6,000.00	\$ 170.00	\$ 34,000.00
\$ 500.00	\$ 12,000.00	\$ 469.08	\$ 11,257.92	\$ 1,158.00	\$ 27,792.00	\$ 2,500.00	\$ 60,000.00	\$ 550.00	\$ 13,200.00
\$ 1,905.00	\$ 15,240.00	\$ 1,841.38	\$ 14,731.04	\$ 1,600.00	\$ 12,800.00	\$ 1,735.00	\$ 13,880.00	\$ 1,790.00	\$ 14,320.00
\$ 980.00	\$ 37,240.00	\$ 987.63	\$ 37,529.94	\$ 956.00	\$ 36,328.00	\$ 899.00	\$ 34,162.00	\$ 975.00	\$ 37,050.00
\$ 685.00	\$ 10,275.00	\$ 744.52	\$ 11,167.80	\$ 665.00	\$ 9,975.00	\$ 602.00	\$ 9,030.00	\$ 720.00	\$ 10,800.00
\$ 345.00	\$ 345.00	\$ 448.56	\$ 448.56	\$ 481.00	\$ 481.00	\$ 360.00	\$ 360.00	\$ 390.00	\$ 390.00
\$ 435.00	\$ 1,740.00	\$ 309.29	\$ 1,237.16	\$ 423.00	\$ 1,692.00	\$ 283.00	\$ 1,132.00	\$ 875.00	\$ 3,500.00
\$ 345.00	\$ 2,760.00	\$ 261.98	\$ 2,095.84	\$ 316.00	\$ 2,528.00	\$ 194.00	\$ 1,552.00	\$ 570.00	\$ 4,560.00
\$ 515.00	\$ 4,635.00	\$ 442.48	\$ 3,982.32	\$ 357.00	\$ 3,213.00	\$ 247.00	\$ 2,223.00	\$ 488.00	\$ 4,392.00
\$ 277.00	\$ 3,324.00	\$ 196.89	\$ 2,362.68	\$ 253.00	\$ 3,036.00	\$ 112.00	\$ 1,344.00	\$ 340.00	\$ 4,080.00
\$ 277.00	\$ 554.00	\$ 241.19	\$ 482.38	\$ 252.00	\$ 504.00	\$ 110.00	\$ 220.00	\$ 240.00	\$ 480.00
\$ 277.00	\$ 554.00	\$ 193.70	\$ 387.40	\$ 247.00	\$ 494.00	\$ 104.00	\$ 208.00	\$ 285.00	\$ 570.00
\$ 155.00	\$ 155.00	\$ 153.61	\$ 153.61	\$ 227.00	\$ 227.00	\$ 77.00	\$ 77.00	\$ 196.00	\$ 196.00
\$ 2,955.00	\$ 47,280.00	\$ 3,045.83	\$ 48,733.28	\$ 3,007.00	\$ 48,112.00	\$ 2,871.00	\$ 45,936.00	\$ 3,092.00	\$ 49,472.00
\$ 1,385.00	\$ 1,385.00	\$ 1,337.50	\$ 1,337.50	\$ 2,404.00	\$ 2,404.00	\$ 1,167.00	\$ 1,167.00	\$ 2,950.00	\$ 2,950.00
\$ 1,020.00	\$ 1,020.00	\$ 1,114.21	\$ 1,114.21	\$ 907.00	\$ 907.00	\$ 842.00	\$ 842.00	\$ 1,850.00	\$ 1,850.00
\$ 555.00	\$ 77,700.00	\$ 604.01	\$ 84,561.40	\$ 540.00	\$ 75,600.00	\$ 750.00	\$ 105,000.00	\$ 550.00	\$ 77,000.00
\$ 800.00	\$ 20,800.00	\$ 1,180.78	\$ 30,700.28	\$ 777.00	\$ 20,202.00	\$ 500.00	\$ 13,000.00	\$ 300.00	\$ 7,800.00
\$ 360.00	\$ 720.00	\$ 109.99	\$ 219.98	\$ 491.00	\$ 982.00	\$ 500.00	\$ 1,000.00	\$ 350.00	\$ 700.00
\$ 11,500.00	\$ 11,500.00	\$ 549.94	\$ 549.94	\$ 3,280.00	\$ 3,280.00	\$ 3,450.00	\$ 3,450.00	\$ 2,000.00	\$ 2,000.00
\$ 391,427.00		\$ 399,801.24		\$ 453,872.00		\$ 470,583.00		\$ 422,310.00	

8" & 6" Water Main Abandonment				Bell Contractors, Inc.		McLean Construction	
30	1	LS	abandon existing 8" and 6" Water Mains on the East side of 1 st Street that runs north from Walker Avenue to Zenith Avenue	\$ 8,566.00	\$ 8,566.00	\$ 3,713.00	\$ 3,713.00
Subtotal 8" Water Main Abandonment				\$ 8,566.00		\$ 3,713.00	

Optional Re-Pavement of Streets				Bell Contractors, Inc.		McLean Construction	
31	2,300	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along Virginia Avenue	\$ 4.90	\$ 11,270.00	\$ 5.10	\$ 11,730.00
32	1,400	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along partial Victory Avenue	\$ 5.40	\$ 7,560.00	\$ 5.70	\$ 7,980.00
33	1,400	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along Victory Avenue cul-de-sac	\$ 5.40	\$ 7,560.00	\$ 5.70	\$ 7,980.00
34	3,000	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along partial Walker Avenue	\$ 4.40	\$ 13,200.00	\$ 4.50	\$ 13,500.00
35	6,500	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along Xavier Avenue	\$ 3.10	\$ 20,150.00	\$ 3.20	\$ 20,800.00
36	8,200	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along Young Avenue	\$ 2.50	\$ 20,500.00	\$ 2.50	\$ 20,500.00
37	1,200	SY	Pavement Planing and Texturizing of existing HMAC Pavement, along partial Upshaw Avenue	\$ 5.40	\$ 6,480.00	\$ 5.70	\$ 6,840.00
38	2,300	SY	New 2" HMAC Pavement Section, along Virginia Avenue	\$ 9.50	\$ 21,850.00	\$ 9.80	\$ 22,540.00
39	1,400	SY	New 2" HMAC Pavement Section, along partial Victory Avenue	\$ 11.00	\$ 15,400.00	\$ 11.10	\$ 15,540.00
40	1,400	SY	New 2" HMAC Pavement Section, along Victory Avenue cul-de-sac	\$ 11.00	\$ 15,400.00	\$ 11.10	\$ 15,540.00
41	3,000	SY	New 2" HMAC Pavement Section, along partial Walker Avenue	\$ 9.40	\$ 28,200.00	\$ 9.60	\$ 28,800.00
42	6,500	SY	New 2" HMAC Pavement Section, along Xavier Avenue	\$ 8.60	\$ 55,900.00	\$ 8.80	\$ 57,200.00
43	8,200	SY	New 2" HMAC Pavement Section, along Young Avenue	\$ 8.40	\$ 68,880.00	\$ 8.60	\$ 70,520.00
44	1,200	SY	New 2" HMAC Pavement Section, along partial Upshaw Avenue	\$ 12.00	\$ 14,400.00	\$ 11.70	\$ 14,040.00
Subtotal Optional Re-Pavement of Streets				\$ 306,750.00		\$ 313,510.00	

Optional Sidewalk and Ramp				Bell Contractors, Inc.		McLean Construction	
45	23,050	SY	5' Wide Concrete Sidewalk per City of Temple Standards	\$ 21.50	\$ 495,575.00	\$ 23.50	\$ 541,675.00
46	94	EA	Standard Handicap Ramps with 5'x5' Landing and etc. per City of Temple Standards	\$ 265.00	\$ 24,910.00	\$ 300.00	\$ 28,200.00
Subtotal Optional Sidewalk and Ramp				\$ 520,485.00		\$ 569,875.00	

		Bell Contractors, Inc.		McLean Construction	
Subtotal Site Preparation, Traffic Control, and Pavement Replacement		\$	173,760.00	\$	179,574.00
Subtotal New Water Main Construction		\$	457,674.00	\$	405,279.00
Subtotal 8" Water Main Abandonment		\$	8,566.00	\$	3,713.00
Total Bid Bellaire Waterline Improvement		\$	640,000.00	\$	588,566.00
Subtotal Optional Re-Pavement of Streets		\$	306,750.00	\$	313,510.00
Subtotal Optional Sidewalk and Ramp		\$	520,485.00	\$	569,875.00

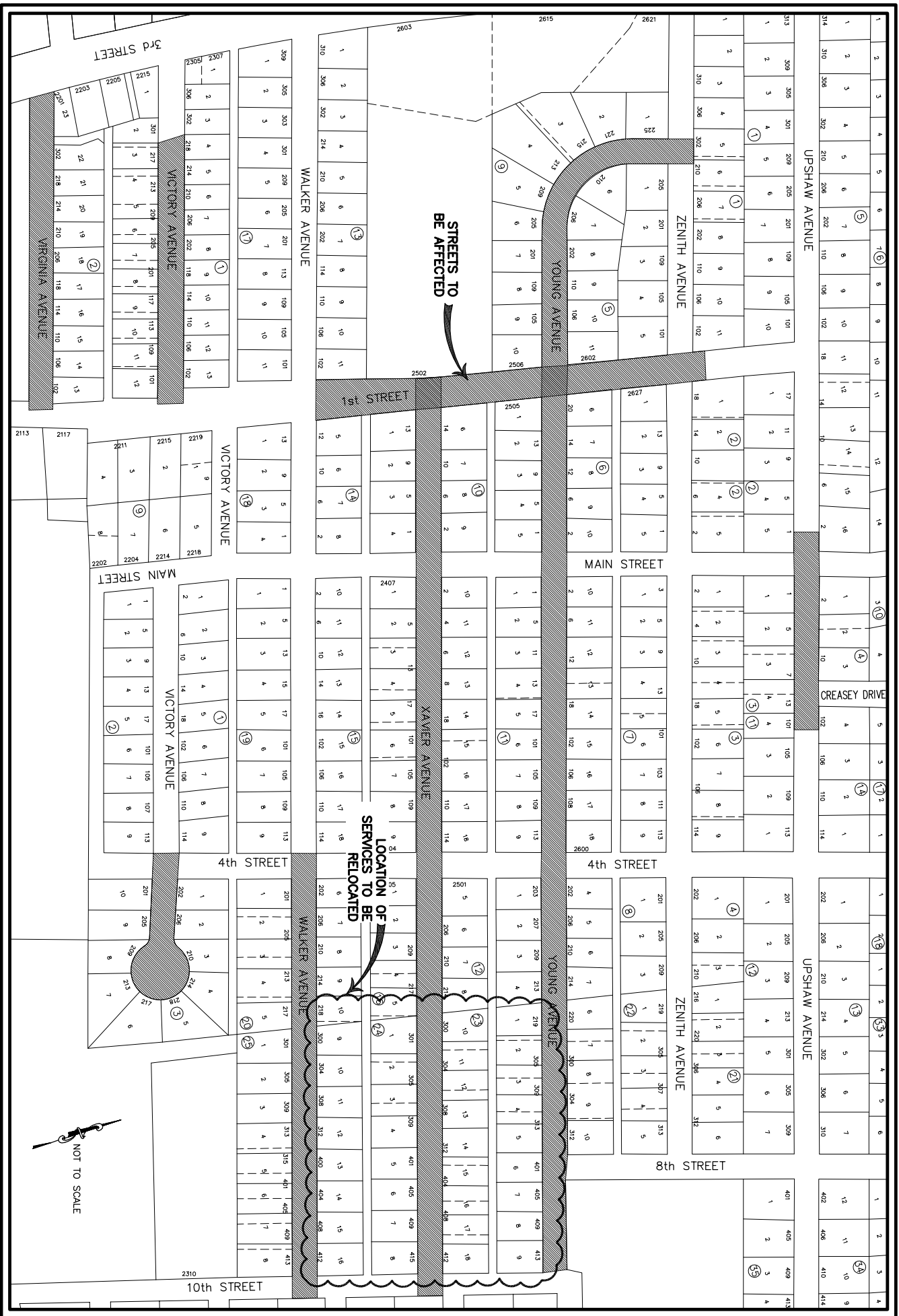
TTG Utilities, LP		K&S Backhoe Services		Smetana & Assoc.		Patin Construction, LLC		Boretex, LLC	
\$	2,115.00	\$	2,115.00	\$	1,486.52	\$	1,486.52	\$	425.00
\$	2,115.00	\$	1,486.52	\$	1,486.00	\$	1,150.00	\$	425.00
\$	2,115.00	\$	1,486.52	\$	1,486.00	\$	1,150.00	\$	425.00

TTG Utilities, LP		K&S Backhoe Services		Smetana & Assoc.		Patin Construction, LLC		Boretex, LLC	
\$	1.02	\$	2,346.00	\$	4.90	\$	11,270.00	\$	4.85
\$	1.02	\$	1,428.00	\$	5.37	\$	7,518.00	\$	5.75
\$	1.02	\$	1,428.00	\$	5.37	\$	7,518.00	\$	5.75
\$	1.02	\$	3,060.00	\$	4.32	\$	12,960.00	\$	4.65
\$	1.02	\$	6,630.00	\$	3.04	\$	19,760.00	\$	3.60
\$	1.02	\$	8,364.00	\$	2.43	\$	19,926.00	\$	2.75
\$	1.02	\$	1,224.00	\$	5.37	\$	6,444.00	\$	5.75
\$	10.20	\$	23,460.00	\$	9.50	\$	21,850.00	\$	10.25
\$	11.50	\$	16,100.00	\$	10.62	\$	14,868.00	\$	11.30
\$	11.50	\$	16,100.00	\$	10.62	\$	14,868.00	\$	11.30
\$	10.10	\$	30,300.00	\$	9.32	\$	27,960.00	\$	9.85
\$	9.25	\$	60,125.00	\$	8.57	\$	55,705.00	\$	9.25
\$	9.10	\$	74,620.00	\$	8.45	\$	69,290.00	\$	9.10
\$	12.20	\$	14,640.00	\$	11.19	\$	13,428.00	\$	11.50
\$	259,825.00	\$	-	\$	303,365.00	\$	262,353.00	\$	327,365.00

TTG Utilities, LP		K&S Backhoe Services		Smetana & Assoc.		Patin Construction, LLC		Boretex, LLC	
\$	36.00	\$	829,800.00	\$	38.00	\$	875,900.00	\$	30.15
\$	650.00	\$	61,100.00	\$	447.00	\$	42,018.00	\$	250.00
\$	890,900.00	\$	-	\$	917,918.00	\$	659,950.00	\$	718,457.50

TTG Utilities, LP		K&S Backhoe Services		Smetana & Assoc.		Patin Construction, LLC		Boretex, LLC	
\$	176,875.00	\$	144,392.65	\$	122,293.65	\$	174,980.00	\$	154,550.00
\$	391,427.00	\$	399,801.24	\$	453,872.00	\$	470,583.00	\$	422,310.00
\$	2,115.00	\$	1,486.52	\$	1,846.00	\$	1,150.00	\$	425.00
\$	570,417.00	\$	545,680.41	\$	578,011.65	\$	646,713.00	\$	577,285.00
\$	259,825.00	\$	-	\$	303,365.00	\$	262,353.00	\$	327,365.00
\$	890,900.00	\$	-	\$	917,918.00	\$	659,950.00	\$	718,457.50

BELLAIRE WATERLINE IMPROVEMENT PROJECT AREA MAP



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	100486	Bellaire Waterline Improvements	\$ 379,132			
520-0000-373-04-11		Water & Sewer Unreserved Ret Earnings			379,132	
		Do Not Post				
TOTAL.....			\$ 379,132		\$ 379,132	

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

To fund the additional amount needed for the construction contract with K&S Backhoe Services for construction of the Bellaire Waterline Rehabilitation Project. This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009. Funding in the amount of \$166,549 is currently available in account 520-5200-535-6357, project # 100486. Total construction costs for this project is \$545,680.41.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

February 4, 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 CONTRACT WITH K&S BACKHOE SERVICES, INC., OF GATESVILLE, TEXAS, FOR CONSTRUCTION OF THE BELLAIRE WATERLINE REHABILITATION PROJECT (VICTORY, VIRGINIA, SHELL FROM 3RD STREET TO THE MAYBORN CENTER), IN THE AMOUNT OF \$545,680.41; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 19, 2010, the City received 7 bids for construction services required to construct the Bellaire Waterline Rehabilitation Project;

Whereas, Staff recommends accepting the bid (\$545,680.41) from K&S Backhoe Services, Inc., of Gatesville, Texas;

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 contract between the City of Temple and K&S Backhoe Services, Inc., of Gatesville, Texas, after approval as to form by the City Attorney, for construction services required to construct the Bellaire Waterline Rehabilitation Project (Victory, Virginia, Shell from 3rd Street to the Mayborn Center), in an amount not to exceed \$545,680.41

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 **4th** day of **February**, 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

02/04/10
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, PE, Director of Public Works

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC of Temple for services required to prepare an engineering analysis and construction plans for City of Temple 2010 Drainage Improvements in an amount not to exceed \$26,318.58.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple adopted a Drainage Capital Improvement Implementation (DCIP) Plan in 2008, which addresses flood concerns from the public. The DCIP report includes results of a public survey that identifies areas of structure, yard, and street flooding from storm water. These responses were used to identify and prioritize drainage CIP's resulting in a list of projects to implement as funding becomes available. The project outlined in this proposal is one of the very high prioritized projects that can be implemented within this year's drainage CIP budget.

The Montana Drive drainage improvements will capture and convey storm water from Kiwanis Park through Montana Drive and prevent structural flooding of several dwelling units located in this project area. The project includes approximately 750 linear feet of new reinforced concrete pipe storm sewer in new public drainage easements and in the public right of way, 2 new curb inlets, 2 new junction boxes, and miscellaneous grading in Kiwanis Park. The engineer's opinion of probable cost for this portion of the project is \$148,643.58.

The Las Moras and Red Cliff Circle drainage analysis and improvements recommendation will take a detailed look at drainage problems within this fully developed residential project area and recommend improvements to protect dwelling structures. This analysis will be provided in accordance with the

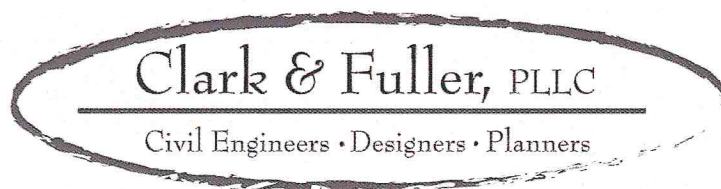
City of Temple DCIP and will determine if the existing drainage structures meet the current City of Temple codes and ordinances, if existing drainage structures are adequate to mitigate structural flooding caused by storm water, and identify costs necessary to provide any new drainage improvements if warranted. The project timeline for professional services deliverables is 90 days from authorization to proceed.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating Drainage Fund Balance- Designated for Capital Projects Unallocated in the amount of \$26,319 to account 292-2900-534-6312, project #100606 for engineering services related to the City of Temple 2010 Drainage Improvements. This cost includes performing professional engineering analyses, developing plans and specifications, bidding, and construction phase services.

As part of the FY 2010 Capital Improvement Program (CIP) as revised by Council on November 19, 2009, \$410,000 was approved for two Drainage CIP projects. The projects were the Las Moras/Midway/Montana storm drain project in the amount of \$385,000 and a vehicle washbay cover in the amount of \$25,000.

ATTACHMENTS:

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



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

January 18, 2010

City of Temple
Assistant Director of Public Works/City Engineer
Michael Newman, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Proposal for the City of Temple 2010 Montana Drive Drainage Improvements & the Las Moras and Red Cliff Circle Drainage Analysis Improvements Recommendation

Dear Mr. Newman,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the City of Temple 2010 Montana Drive Drainage Improvements & the Las Moras and Red Cliff Circle Drainage Analysis Improvements Recommendation. (Please refer to attached maps and documents for further information).

During preliminary site investigations and meetings with Landowners, residing on Montana Drive adjacent to Kiwanis Park, the following concerns have been determined (refer to attached photos for more information):

1. Storm water flowing off of Kiwanis Park is currently draining across the rear property line of 3105 Montana Drive.
2. Per the property owner, the storm water is ponding at the south east corner of the residence adjacent to the garage entryway.
3. Per the property owner, storm water has infiltrated into his house on multiple occasions.
4. There currently exists no drainage easement located upon this property.

To address these concerns, this project will consist of approximately 750 linear feet of New RCP Storm Sewer, 2 New Precast Curb Inlets, 2 New Precast Junction Boxes, and a Type "E" Storm Inlet and Miscellaneous Park Re-Grading to redirect the storm water into the new inlet and storm system. In addition, this project will include relocation and reconstruction of existing sanitary sewer and domestic water services to facilitate new storm sewer construction.

In addition to the Montana Drive Drainage improvements, a drainage study will be provided for the Las Moras Drive and Red Cliff Circle Residential Streets located between Midway Drive and Cripple Creek. This analysis will be provided in accordance with the City of Temple 2008 Drainage Capital Improvement Implementation Plan and will be conducted to ascertain the following:

1. Determine if the existing drainage structures meet the current City of Temple codes and ordinances.
2. Determine if existing drainage structures are adequately sized to mitigate and/or prevent structural flooding caused by storm water not being adequately conveyed within the right of way.
3. Determine the extents of new drainage system improvements, if required, to meet the current City of Temple Codes and Ordinances.
4. Determine associated costs necessary to provide any new drainage improvements.
5. Investigate adverse effects to downstream structures, resulting from increased storm water velocities or downstream flows due to new drainage improvements.

A final report, including associated maps, will be provided to discuss each of the items listed above.

Clark & Fuller, PLLC will complete new drainage analysis and report, design topography and construction surveys, provide new easement documentation, easement acquisition, provide construction document preparation, assist the City of Temple with project bidding, provide construction administration, and post construction record drawings. (Refer to Exhibits "A & B" for a more defined project scope.) The proposed timeline for the project analysis and design phase is 90 days from the authorization of notice to proceed.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering and Surveying Services for a Lump Sum Amount not to exceed \$26,318.58. We estimate the total cost of construction to be \$148,643.00 and we estimate the total cost of construction including professional services and contingencies to be \$174,961.58. (Please refer to attached Maps, Photos, Exhibits "A & B", and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.

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

Sincerely,



Monty L. Clark, P.E.



1.18.10



Photo #1: Photo taken adjacent to the Southwest Corner of Kiwanis Park and 3105 Montana Drive Rear Property Line



Photo #2: Photo taken from Anacacho Drive facing the Southwest Corner of Kiwanis Park and 3105 Montana Drive



Photo #3: Rear Yard of 3105 Montana Drive



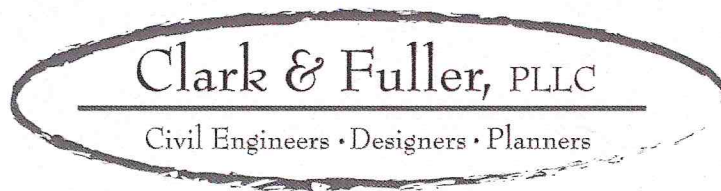
Photo #4: Rear Yard of 3105 Montana Drive



2010 SW HK Dodgen Loop, Suite 105
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Firm Registration: F-10384

Exhibit "A"
Proposal for City of Temple
2010 Montana Drive Drainage Improvements
Scope of Professional Services

Surveying Services:	\$ 2,750.00
<ul style="list-style-type: none">• Prepare Design Topography Survey• Locate existing Right of Ways and Property Boundaries• Provide Construction Staking	
Civil Engineering Design Phase:	\$ 7,168.58
<ul style="list-style-type: none">• Research Existing Utilities• Prepare Final Design Construction Documents and Technical Specifications• Prepare Final Engineer's Opinion of Probable Cost• Attend and Facilitate Project Coordination with the City Staff• Coordination of Emergency Channel Restoration with Corps of Engineers	
Easement and Right of Way Preparation and Acquisition:	\$ 5,000.00
<ul style="list-style-type: none">• Preparation of Easement Documents and Field Notes (2 Easements at \$ 750.00 per Easement)• Easement Acquisition (\$ 1,750.00 per Easement)	
Project Bidding Phase:	\$ 2,150.00
<ul style="list-style-type: none">• Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing Department• Provide copies of Construction Documents to facilitate Bidding• Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and facilitate a Pre-Bid Meeting (As required)• Prepare and Issue Necessary Addenda	
Construction Phase:	\$ 1,750.00
<ul style="list-style-type: none">• Attend and facilitate a Pre-Construction Meeting• Review all Contractor Submittals• Respond to Requests for Information (RFI's)• Execute Necessary Change Orders• Attend Final Project Inspection• Provide Final Inspection Punch List• Prepare Record Drawings	
Daily Onsite Construction Inspection Services	Not included with this proposal

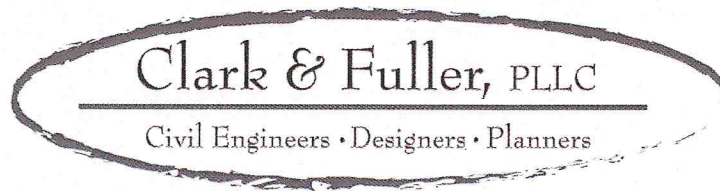


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Exhibit "B"
Proposal for City of Temple
2010 Las Moras and Red Cliff Circle
Drainage Analysis and Improvements Recommendation
Scope of Professional Services

- Surveying Services: \$ 1,750.00
- Prepare Topography Survey to assist with Drainage Analysis
 - Acquire upstream and downstream flow lines and adjacent channel cross section information of existing roadway culverts located beneath Las Moras Drive and Wagon Trail Road.
 - Acquire drainage inlet details and existing storm sewer diameters.
 - Acquire flow line information of existing storm system located adjacent to Red Cliff Circle.
 - Acquire on-the ground topography and elevation information to facilitate Civil Engineers Water Surface Elevation study of existing curb and gutter systems.
 - Acquire Flow Line Elevations and Sizes of Existing Drainage Structures that are to be included within Drainage Study

- Civil Engineering Drainage Analysis \$ 5,750.00
- Research Existing Utilities
 - Determine Drainage Flow Rates for Existing and Future Drainage Basin
 - Provide Engineers Analysis and determination of current code conformance of Existing Drainage Structures located within Las Moras Drive and Red Cliff Circle between Midway Drive and Cripple Creek
 - Provide Engineers Summary and Report discussing Engineers Drainage Calculations, Analysis, and Recommendation of Improvements.
 - Prepare Engineer's Opinion of Probable Cost to provide new Drainage Improvements
 - Meet with the City Staff to discuss Analysis and Extents of Improvements



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PROFESSIONAL FEE SCHEDULE

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



PRELIMINARY OPINION OF PROBABLE COST

2010 City of Temple Montana Drive Drainage Improvements Project

Located within City of Temple, Texas

Filename: 2010 Montana Drive Drainage Improvements Project.xls

Date: 1-5-10

Montana Drive Drainage Improvements

Item Description	Unit	Unit Cost	Quantity	Total
1. Mobilization, Bonds, and Permits	L.S.	\$ 3,250.00	100%	\$ 3,250.00
2. R.O.W. Prep., Landscaping, Sod, and Fence Removal and Replacement	STA.	\$ 300.00	7.5	\$ 2,250.00
3. Miscellaneous Utility Relocation	L.S.	\$ 3,950.00	100%	\$ 3,950.00
4. Traffic Control	L.S.	\$ 2,950.00	100%	\$ 2,950.00
5. Miscellaneous Grading	L.S.	\$ 3,500.00	100%	\$ 3,500.00
6. Sawcut, Remove, and Replace Existing HMAC Pavement Section	S.Y.	\$ 45.00	365	\$ 16,425.00
7. Sawcut, Remove, and Replace Existing Concrete Pavement Section	S.Y.	\$ 68.50	30	\$ 2,055.00
8. New Connection to Existing Concrete Inlet Box	EA.	\$ 1,500.00	1	\$ 1,500.00
9. New RCP Storm Sewer	L.F.	\$ 65.00	750	\$ 48,750.00
10. New Precast Storm Sewer Junction Box	EA.	\$ 3,500.00	2	\$ 7,000.00
11. New 5' Precast Concrete Curb Inlet	EA.	\$ 4,750.00	3	\$ 14,250.00
12. New 4'x4' Precast Type "E" Storm Inlet	EA.	\$ 6,750.00	1	\$ 6,750.00
13. Remove and Replace Existing Sanitary Sewer Service	EA.	\$ 1,700.00	6	\$ 10,200.00
14. Remove and Replace Existing Domestic Water Service	EA.	\$ 1,100.00	7	\$ 7,700.00
15. Provide and Implement Storm Water Pollution Prevention Plan	L.S.	\$ 2,850.00	100%	\$ 2,850.00
16. Provide and Implement Trench Safety Plan	L.S.	\$ 1,750.00	100%	\$ 1,750.00



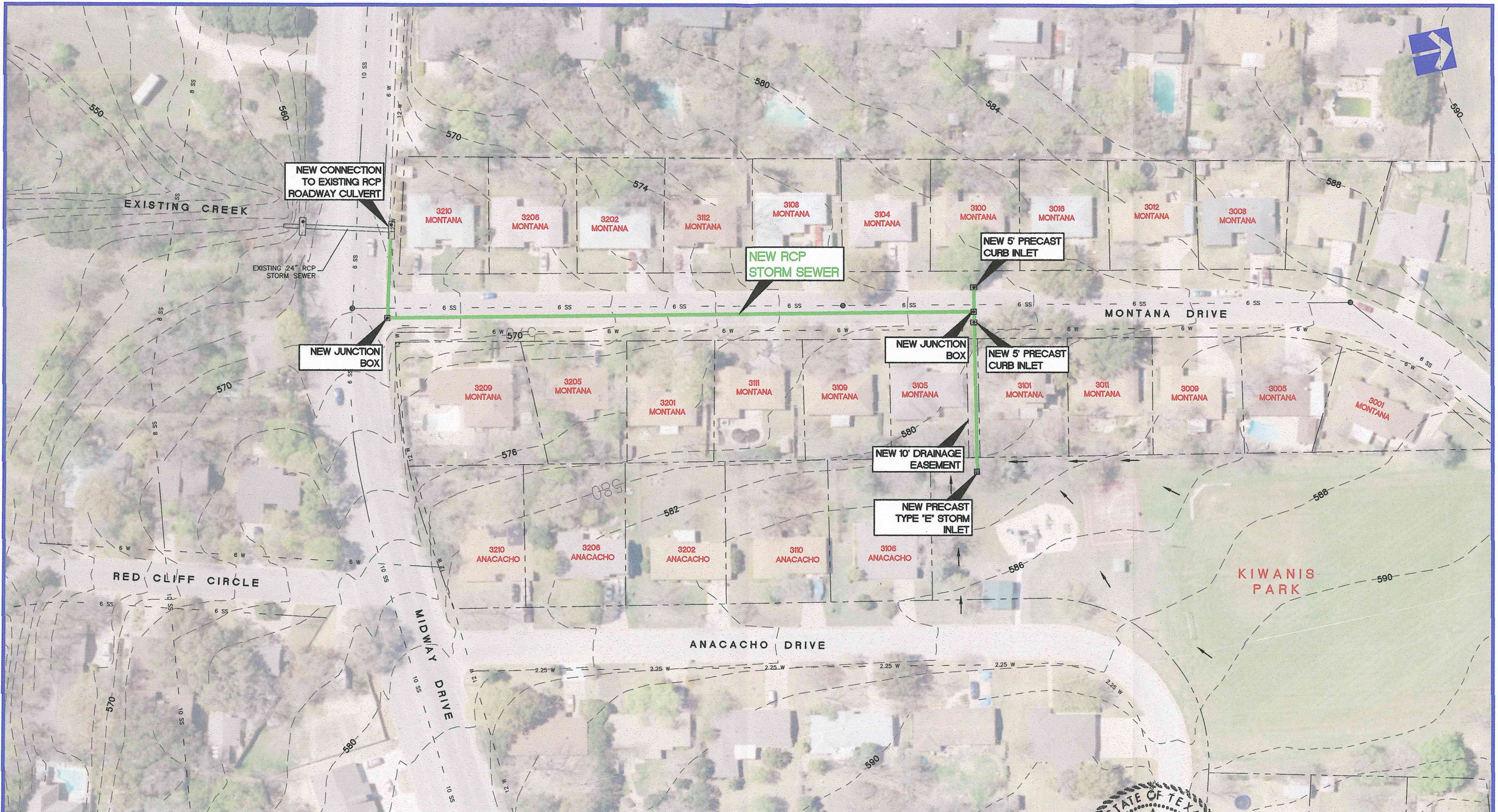
1/5/2010

SUBTOTAL: \$ 135,130.00
10% CONSTRUCTION CONTINGENCY: \$ 13,513.00

TOTAL CONSTRUCTION: \$ 148,643.00

6.00% ENGINEERING SERVICES: \$ 8,918.58
DESIGN AND CONSTRUCTION SURVEYS: \$ 2,750.00
EASEMENT PREPARATION, DOCUMENTATION, AND ACQUISITION: \$ 5,000.00
DOCUMENT, REPRODUCTION & PREPARATION OF RECORD DRAWINGS: \$ 2,150.00
ON SITE DAILY INSPECTION SERVICES: (NOT INCLUDED)

PROJECT TOTAL: \$ 167,461.58



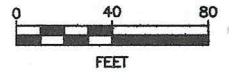
Clark & Fuller, PLLC
 Civil Engineers • Designers • Planners
 Tel: (254) 899-0899 Fax: (254) 899-0901
 2010 SW IIK Dodgen Loop, Suite 105, Temple, Texas 76504
 Firm No: F-10384



2010 MONTANA DRIVE DRAINAGE IMPROVEMENTS PROJECT



Handwritten signature and date: 11-5-10



FY 2010

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
292-2900-534-63-12	100606	Drainage Improvements	\$ 26,319			
292-0000-352-13-45		Designated Cap Proj-Unallocated			26,319	
		Do Not Post				
TOTAL.....			\$ 26,319		\$ 26,319	

EXPLANATION OF ADJUSTMENT REQUEST:

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

The budget adjustment appropriates fund balance to fund a professional services agreement with Clark & Fuller, PLLC for engineering services required to prepare an engineering analysis and construction plans for City of Temple 2010 Drainage Improvements. 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?

x	Yes
----------	-----

☐ No

DATE OF COUNCIL MEETING February 4, 2010

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND CLARK & FULLER, PLLC, OF TEMPLE FOR ENGINEERING SERVICES REQUIRED TO PREPARE AN ENGINEERING ANALYSIS AND CONSTRUCTION PLANS FOR CITY OF TEMPLE 2010 DRAINAGE IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED \$26,318.58; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple adopted a Drainage Capital Improvement Implementation (DCIP) Plan in 2008, which addresses flood concerns from the public and includes results from a public survey that identifies areas of structure, yard, and street flooding from storm water;

Whereas, one of the very high prioritized projects that can be implemented within this year's drainage CIP budget is the Montana Drive drainage improvements, which will capture and convey storm water from Kiwanis Park through Montana Drive and prevent structural flooding of several dwelling units located in this project area;

Whereas, Clark & Fuller, PLLC, submitted a proposal for engineering services required for this project in the amount of \$26,318.58, and the Staff recommends accepting it;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$26,318.58, between the City of Temple, Texas, and Clark & Fuller, PLLC, after approval as to form by the City Attorney, for engineering services required to prepare an engineering analysis and construction plans for City of Temple 2010 Drainage Improvements.

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 4th day of **February**, 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

02/04/10
Item #5(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Virtual Desktop Hardware and Software from Synchron of Austin in the amount of \$40,284.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple currently uses virtual desktop computing through Synchron and VMWare in which we currently have 35 clients that use this technology. The fundamental approach behind virtual desktop computing is simple. Instead of running all applications locally on PCs with all of the associated challenges and costs, applications run centrally and simply deliver screen updates and inputs to clients. All the benefits of centralized servers and support staff are realized as are most of the benefits of powerful PCs on desks, including all Windows applications.

Virtual desktop computing can save 15%-20% of our PC replacement program per year by centralizing servers, desktops and support staff leading directly to higher utilization levels. Simplified software deployment radically reduces rollout costs. Longer lifetime of windows-based terminals reduces capital expenditure. Reduced power consumption directly lowers energy costs and indirectly lowers cooling requirements.

Virtual desktop computing is not for everyone. For employees that demand greater processing needs for their everyday desktop computers and laptops are still necessary but approximately 40% of our workforce and training computers can use virtual desktop computing in place of PC's. This purchase will enable the roll out of an additional 45 virtual desktops this fiscal year in addition to the current 35 units already in service. In the next two years we would like to have implemented approximately 200 virtual desktops.

The City is currently a Beta site for Synchron for the testing of this software. Accordingly, we are able to purchase these additional 45 virtual desktops with required server and installation at a price substantially lower than what we could purchase through the State's DIR contract. Included in this purchase is also the professional services related to the programming and setup associated with implementing the desktop units. Accordingly, this purchase is being recommended as being exempt from the competitive bidding process due to the unique Beta site relationship that the City has with Synchron and the professional services provided by Synchron with regards to implementing the units.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$40,284 of General Fund Designated for Technology Replacement funds to account 351-1900-519-6218, project #100605, for the purchase of Visual Desktop hardware & software with Sychron.

ATTACHMENTS:

Budget Adjustment
Resolution

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

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

Adjustments should be rounded to the nearest \$1.

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
351-1900-519-62-18	100605	Computer Hardware	40,284		
351-0000-490-25-82		Transfer In - Desg Capital Proj Fund	40,284		
110-0000-351-09-43		Designated Capital - Technology Funds		40,284	
110-9100-591-81-51		Transfer Out - Desg Capital Proj Fund	40,284		
		Do not post			
TOTAL.....			\$ 120,852	\$ 40,284	

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

To appropriate funds for the purchase of virtual desktop hardware and software in the amount of \$40,283.88 for 45 virtual clients. Funding for the purchase is from Designated for Capital Projects-Technology Funds.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

February 4, 2010

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☒ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A VIRTUAL DESKTOP HARDWARE AND SOFTWARE WITH SYCHRON OF AUSTIN, TEXAS, IN THE AMOUNT OF \$40,284; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses virtual desktop computing through Sychron and VMWare and there are currently 35 clients that use this technology – instead of running all applications locally on PC's with all of the associated challenges and costs, applications run centrally and simply deliver screen updates and inputs to clients

Whereas, virtual desktop computing will be very beneficial to the City since it can save between 15-20% on the City's PC replacement program per year by centralizing servers, desktops and support staff leads directly to higher utilization levels, as well as reducing rollout costs, providing longer lifetimes of windows-based terminals to reduce capital expenditures, and reducing power consumption which directly lowers energy costs and indirectly lowers cooling requirements;

Whereas, the Staff recommends purchasing Virtual Desktop Hardware and Software with Sychron of Austin, Texas, in the amount of \$40,284;

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

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

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

Part 1: The City Council authorizes the purchase of a Virtual Desktop Hardware and Software with Sychron, of Austin, Texas, in the amount of \$40,284.

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

Part 3: 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 4th day of **February**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/04/10
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a farm lease with Monique Rincones for approximately 3.7 acres at the southeast corner of the Service Center property on East Avenue H.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For the past 6 years, Monique Rincones has leased the southeast corner of the Service Center property on East Avenue H, east of the drainage channel. She is requesting a new lease for the 2010 calendar year. Ms. Rincones lives on the property to the west and uses the leased area to graze a few horses. She fenced the area at her own expense in 2003. She plans to add several cows if a new lease is approved.

The City does not have immediate plans for using the leased area. If the need arises, the lease may be terminated for any reason by giving the tenant 30 days' notice. In the meantime, the grazing lease reduces the City's mowing burden. The rental fee from 2003 through 2009 was \$10 per acre for approximately 3.7 acres.

FISCAL IMPACT: Compensation to the City for lease of the 3.7 acre tract will be \$37.

ATTACHMENTS:

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



Property Lease

SE H K DODGEN LOOP

City of Temple
Service Center

3.7 Acres
Lessee: Monique Rincones

E H AVE

BULLSEYE LN

LANDFILL RD

LITTLE FLOCK RD



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A FARM LEASE FOR APPROXIMATELY 3.7 ACRES OF CITY-
OWNED LAND LOCATED AT THE SOUTHEAST CORNER OF THE SERVICE
CENTER PROPERTY ON EAST AVENUE H; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease of approximately 3.7 acres of City-owned land located at the southeast corner of the Service Center property on East Avenue H;

Whereas, the lease term will be from January 1, 2010, through December 31, 2010, and the lease will provide that the City can terminate the lease with a 30 day notice;

Whereas, the Staff recommends approval of the lease for \$37 per year for 3.7 acres; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a farm lease for an annual amount of \$37, between the City of Temple and Monique Rincones, after approval as to form by the City Attorney, for lease of approximately 3.7 acres of City-owned land located at the southeast corner of the Service Center property on East Avenue H.

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 4th day of **February**, 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

02/04/10
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: THIRD READING – Consider adopting an ordinance dual naming a portion of the planned Outer Loop as Research Parkway.

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

ITEM SUMMARY: On December 3, 2009, the City Council adopted an ordinance dual naming a portion of the planned Outer Loop (new portion of Old Howard Road and the portion from McLane Parkway through the Bioscience Park to FM 2305) as *Old Howard Road/Research Parkway*.

When the plat for Temple Bioscience Park was filed in January, 2010, we realized the Council action on December 3rd did not accurately reflect staff's intent for the dual naming of this roadway. This ordinance will clarify that the portion from FM 2305 to Airport Road (previously named Hilliard Road) will be dual named Hilliard Road/Research Parkway, and the portion from Airport Road to McLane Parkway (previously named Old Howard Road) will be dual named Old Howard Road/Research Parkway. The ordinance adopted on December 3rd dual named the entire roadway Old Howard Road/Research Parkway, which would require new addresses for those residents on the Hilliard Road segment, which was not the intent of staff.

The plat for Temple Bioscience Park was filed with the street names consistent with this proposed ordinance so no change to the plat will be necessary if the ordinance is approved.

FISCAL IMPACT: None associated with the action.

ATTACHMENTS:

[Map](#)
[Ordinance](#)



Proposed Renaming: Research Parkway

Draughon-Miller
Central Texas
Regional Airport

**Dual-Naming:
Hilliard Rd & Research Pkwy**

**Dual-Naming:
Old Howard Rd & Research Pkwy**

Map labels include: MOUSER RD, AIRPORT TRL, PEPPER CREEK RD, OLD HOWARD RD, MCLANE PKWY, CENTRAL POINTE PKWY, FIKES DR, PRAIRIE VIEW RD, HILLIARD RD, AIRPORT RD, NW H K DODGEN LOOP, CEARLEY RD, W NUGENT AVE, BROOKHAVEN DR, WHISPERING OAKS, CREEKVIEW TRL, WOODBRIDGE BLVD, OLAF DR, JOHN PAUL JONES DR, MADISON, GUY DR, VILLAGE WAY, CHADEL ST, W ADAMS AVE, ANTELOPE TRL, ERMINE TRL, GREENVIEW DR, SUNFLOWER LN, S KEGLEY RD, BRIGHT LN, 205 LOOP, TURLEY DR, EAST RIDGE BLVD, N KEGLEY RD, W ADAMS AVE, WILDCAT DR, KASBERG DR, PENROSE LN, SUNDANCE DR, BROOKS DR, OLD WACO RD, OLD WACO LN, VENUS DR, JUPITER DR.

Dual-Naming:
Hilliard Rd & Research Pkwy

ORDINANCE NO. 2009-4331

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

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

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

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

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

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

Part 1: The City Council approves dual naming a portion of the planned Outer Loop consisting of that portion from FM 2305 to Airport Road (previously named Hilliard Road) to *Hilliard Road/Research Parkway*, and the portion from Airport Road to McLane Parkway (previously named Old Howard Road) to *Old Howard Road/Research Parkway*, more fully shown on the map which is attached hereto and made a part hereof for all purposes as Exhibit “A.”

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

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

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

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

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

TABLED on Second Reading on the **17th** day of **July**, 2008.

PASSED AND APPROVED on Second Reading on the **3rd** day of **December**, 2009.

PASSED AND APPROVED on Third Reading on the **4th** day of **February**, 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

02/04/10
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the use of a competitive sealed proposal delivery method for the acquisition of construction services related to the construction of a new facility containing Fire Station No. 8, a Training Center, and an Emergency Operation Center.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In May 2008, the citizens of Temple authorized the issuance of General Obligation Bonds in the amount of \$13,995,000 for public safety facilities and projects. In December 2009, \$4,950,589 was appropriated for a new combined facility comprised of a new Fire Station No. 8, a Training Center, and an Emergency Operations Center (EOC). On March 5, 2009, Council authorized a professional services agreement with Architectural Edge for the design of the facility.

Council authorized the use of the competitive sealed proposal delivery method for procuring the construction services for the New Central Fire Station. Staff felt that this delivery method was successful in engaging a responsible contractor for the Central Fire Station project and would like to recommend the use of the same delivery method for the Station 8/Training Center/EOC project. The basis for staff's recommendation is to allow consideration of the contractor's experience in the evaluation of the bids, to understand the contractor's assignment of key personnel to the job, and to leave an opportunity to negotiate with the most highly qualified company.

Staff's recommendation for the RFP evaluation criteria are as follows: proposed construction contract cost, 50%; contractor's experience and reputation in constructing like-kind facilities, including primary subcontractors and accessibility of the contractor and subcontractors in responding to issues after the job is completed, 20%; experience of the key personnel assigned to the project, 10%; contractor's proposed timeline, including consideration of other concurrent jobs, 10%; contractor's safety record and quality control program, 5%; contractor's financial resources, 5%.

Staff will form a committee to evaluate the proposals based on the stated evaluation criteria. It is anticipated that the project will be ready for procuring construction services in March 2010 with construction beginning in June 2010 and ending in May 2011.

Per § 252.021 of the Local Government Code, before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding procedures. However, the governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality.

FISCAL IMPACT: There is no defined fiscal impact associated with this Item. Funding for the construction of this new facility is appropriated in account 363-2200-522-6851, project # 100411.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF A COMPETITIVE SEALED PROPOSALS FOR THE ACQUISITION OF CONSTRUCTION SERVICES RELATED TO THE CONSTRUCTION OF A NEW FACILITY CONTAINING FIRE STATION NO. 8, A TRAINING CENTER, AND AN EMERGENCY OPERATION CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council authorized the use of the competitive sealed proposal delivery method for procuring the construction services for the new Central Fire Station;

Whereas, Staff felt that this delivery method was successful in engaging a responsible contractor for the new Central Fire Station project and would like to recommend the use of the same delivery method for the new Fire Station No. 8, Training Center, and Emergency Operation Center project;

Whereas, this method will allow consideration of the contractor's experience in the evaluation of the bids, an understanding of the contractor's assignment of key personnel to the job, and will leave an opportunity to negotiate with the most highly qualified company;

Whereas, §252.021 of the Local Government Code provides that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding procedures; however, the governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality; 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 use of competitive sealed proposals for the acquisition of construction services related to the construction of the new facility containing Fire Station No. 8, a Training Center, and an Emergency Operation Center.

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 **4th** day of **February**, 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

02/04/10
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 “matching grant” agreement with Jorge and Candice Vasquez dba J&S Central Texas Investments, LLC for redevelopment improvements at 804 South 21st Street in the Avenue H Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Replacement of an existing facade is an eligible activity under the incentive ordinance and the applicant has met the minimum investment requirements. The applicant is asking for a waiver of the materials used on the project. The incentive ordinance requires replacement of an existing façade be “with an eligible masonry product.” “Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank®.” The proposed material is vinyl siding, which is the material used on the other three facades of the building. **Staff’s original recommendation was to not grant the requested materials waiver, however at the January meeting, City Council indicated it was receptive to providing a waiver and approving the application. Council also instructed staff to address the parking issue. Language and a site plan have been added to the agreement to allow parking only on paved surfaces and in specific areas. The applicant has agreed to these terms.**

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

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

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

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

Payment of grant funds will not be made until inspections are completed, and receipts are received.

ATTACHMENTS:

[Grant Agreement](#)

[Exhibit "A" – Parking Site Plan – Approved parking areas](#)

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

[Resolution](#)



Avenue H Corridor Strategic Investment Zone Chapter 380 Development Agreement

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

City and Owner agree as follows:

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

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

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

Owner agrees to commence the Improvements on or before February 19, 2010, and to complete said Improvements on or before May 30, 2010. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

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

(a) Façade Improvement Grant. The City will make a grant of up to **\$10,000** on a 1:1 matching basis for the replacement/renovations of an existing

façade. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

(b) Façade Improvements will include:

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

Section 4. Other Owner Requirements. As a condition of this grant, Owner will ensure that all motorized and non-motorized vehicles, trailers, and boats will only be parked on asphalt or concrete paved surfaces located on the east and west side of the building. Please see Exhibit “A” for approved parking areas.

Section 5. Acceptance of Improvements and Payment of Matching Grants. The City’s obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 6. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

Section 7. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 8. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the ____ day of _____, 2010.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Jorge Vasquez, dba
J&S Central Texas Investments, LLC

Candice Vasquez, dba
J&S Central Texas Investments, LLC

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §
County of Bell §

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

Notary Public

State of Texas §
County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2010 by _____ and _____ dba J&S
Central Texas Investments, LLC.

Notary Public

804 S. 21st Street

Site Plan – Allowed Parking Areas

Exhibit "A"





RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED this the **4TH** day of **February**, 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

02/04/10
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing:

1. The City Manager to enter into all necessary agreements with the Employees Retirement System of Texas to extend Health Insurance Benefits (Medicare) to the employees of the City of Temple;
2. Directing the Finance Director to make assessments, collections and reports as required under the law; and
3. Allocating sufficient funds to ensure the payment of the City's portion of the benefit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 1978, by a vote of 263 to 133, City employees voted to opt out of Social Security effective January 1, 1981. The City Council adopted a resolution effectively opting out of Social Security on December 21, 1978. This also removed employees from the Medicare system.

On April 1, 1986, the law was changed that required all new employees hired after that date to contribute to Medicare. The City matches the Medicare contributions of these employees at 1.45%. We currently have 41 employees, hired prior to April 1, 1986, who are not contributing to Medicare. Several of those employees are eligible for Medicare through other employment or through their spouse's work history.

Our current City policy requires that when a retiree reaches age 65, he or she must enroll in the City's Medicare supplement plan. They are then no longer eligible for the City's health insurance. It has been determined that some of our retirees will not be eligible for Medicare upon attaining age 65 due in some part to their tenure at the City of Temple. In researching possible solutions to this dilemma, it was determined that these employees could elect to opt back into the Medicare system. However, to accomplish this, the City must hold a referendum of the affected employees. The referendum must be administered through the Employees Retirement System of Texas and requires the signing of a Section 218 Agreement. In order to hold the referendum, the City must make application to the State, as well as pay a \$500 application fee. If the Council approves the resolution, the City will make application to the State for an individual choice referendum. That will allow each affected employee to decide for his or her self whether it would be beneficial to them to begin making Medicare contributions.

In order to make application for the referendum, the Council must authorize entering into an agreement with the Employees Retirement System of Texas for Medicare participation. The Council must pass a resolution that (1) authorizes the agreement; (2) designates an officer to execute the agreement; (3) appoints a reporting official who will be responsible to assess, collect and remit Medicare contributions, and (4) authorizes expenditures to pay for employer contributions.

The City must provide a 90 day notice of the referendum to the affected employees. Once the referendum has been tallied, the City must execute a 218 Agreement even if all affected employees vote no.

FISCAL IMPACT: The cost of the application for the referendum is \$500. However, if employees elect to begin contributing to Medicare, the City will be required to match the contribution at the rate of 1.45% of their pay. There are 41 employees who will be allowed to make the choice for contributing, which the City's match would be in an amount not to exceed 1.45% of their pay or approximately \$34,500 annually if all affected employees elected to participate.

ATTACHMENTS:

[Resolution](#)

RESOLUTION AND ORDER NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY OF TEMPLE TO ENTER INTO ALL NECESSARY AGREEMENTS WITH THE EMPLOYEES RETIREMENT SYSTEM OF TEXAS TO EXTEND HEALTH INSURANCE BENEFITS (MEDICARE) TO THE OFFICERS AND EMPLOYEES OF THE CITY OF TEMPLE, TEXAS UNDER PROVISIONS OF 42 UNITED STATES CODE 418, TITLE 6, CHAPTER 606, TEXAS GOVERNMENT CODE AND OTHER APPLICABLE STATE AND FEDERAL LAWS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SAID NECESSARY AGREEMENTS AND INSTRUMENTS FOR AND ON BEHALF OF THE CITY COUNCIL AND THE CITY OF TEMPLE, TEXAS; DIRECTING THE HUMAN RESOURCES DEPARTMENT TO MAKE ALL ASSESSMENTS, COLLECTIONS, AND REPORTS; AND ORDERING THE ALLOCATION OF SUFFICIENT MONEY FROM AVAILABLE FUNDS TO CARRY OUT THE PROVISIONS OF SAID LAW; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, under the provisions of Title 6, Chapter 606, Texas Government Code, as amended, and 42 United States Code 418, as amended, political entities of this State may enter into Agreements with the Employees Retirement System of Texas and secure the benefits of federal Health Insurance (Medicare) as outlined in said laws;

Whereas, it is the opinion of this City Council that the extension of this Health Insurance System (Medicare) will be of benefit not only to employees of the city of Temple but to said City of Temple itself by attracting to and enabling it to retain the best of personnel and thus increase the efficiency of its government; and it is deemed and is hereby declared that the payment by the City of Temple of its portion of the costs of said system is a payment for purposes of which it was created; and

Whereas, it is the desire of this City Council to authorize the making of any all necessary Agreements in order to secure the benefits of said acts.

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

Part 1: That the City Council, acting for and on behalf of the City of Temple, Texas, shall enter into all necessary Agreements with the Employees Retirement System of Texas for the purpose of carrying out the provisions of the above-mentioned acts.

Part 2: That David A. Blackburn, the City Manager, is hereby appointed as Agent of the City Council and of the City of Temple, Texas, to execute all necessary Agreements and instruments for and in behalf of said City Council and the City of Temple, Texas.

Part 3: That the Human Resources Director is hereby directed to be the person responsible for making assessments, collections, payments, and reports, as required by the Employees Retirement System of Texas.

Part 4: That a sufficient sum of money be allocated from available funds for the purpose of carrying out the provisions of the above-mentioned acts.

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 4th day of **February**, 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

02/04/10
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting resolutions:

1. Ordering an election for May 8, 2010, for the election of the District 1 Councilmember and the District 4 Councilmember for three year terms; and
2. Authorizing joint election agreements with Temple Health & Bioscience Economic Development District, Temple College and Temple Independent School District for the May 8, 2010 election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (1) This proposed resolution calls the City's general election for Saturday, May 8, 2010 for the election of the District 1 and District 4 Councilmembers for three year terms. The resolution also sets forth the polling places, election judges and their compensation, early voting procedures, and various other requirements in accordance with State law and the City Charter. The only significant change from previous elections is a proposed increase in the compensation to election officials from \$8.00 per hour to \$10.00 per hour, which is consistent with other entities in our area having similar numbers of officials.

If each candidate for an office that is to appear on the ballot in a particular District is unopposed as of March 15, 2010, the deadline for write-in candidates to declare candidacy, the City Council may declare each unopposed candidate elected and cancel the May 8, 2010 election.

(2) This proposed resolution authorizes joint election agreements with the Temple Health & Bioscience Economic Development District, Temple College and Temple Independent School District to conduct joint elections and share expenses for the May 8, 2010 general election. The City will be responsible for all duties associated with conducting the election and the costs will be shared equally between those parties holding elections. Should any of the entities declare the May 8, 2010 election to be canceled because of unopposed candidates, then the agreement will become void.

FISCAL IMPACT: Funds in the amount of \$9700 are allocated in the City Secretary's budget for the 2010 General Election. All other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election.

ATTACHMENTS:

[Resolutions](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ORDERING AN ELECTION TO BE HELD WITHIN THE CITY FOR THE ELECTION OF THE DISTRICT 1 AND DISTRICT 4 CITY COUNCILMEMBERS; MAKING PROVISION FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 41.001 of the Texas Election Code provides that regular municipal elections shall be held on the second Saturday in May; and

Whereas, the laws of the State of Texas and the City of Temple further provide that the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election and designating the voting places for said election; and

Whereas, the City Council finds and determines that it is necessary and advisable to order and hold an election within the City of Temple for the election of Councilmembers described above,

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

Part 1: It is hereby ordered that a municipal election be held on Saturday, May 8, 2010, for the purpose of electing two (2) City Councilmembers. One City Councilmember shall be elected by the voters from District 1 and one City Councilmember shall be elected from the voters from District 4.

In each race, the candidate receiving a majority of the votes cast in such election shall be declared elected by the City Council. If none of the candidates receives a majority of the votes cast in a particular race, the City Council shall order a run-off election as provided by the City Charter and the Texas Election Code, at which the two candidates receiving the highest number of votes in the May 8th election shall stand for election. The candidate receiving the greatest number of votes in the run-off election shall be declared elected by the City Council. Councilmembers shall hold office for a term of three years.

Part 2: Optical scan paper ballots shall be used for early voting, voting by mail and election day voting in each polling place, in conjunction with the ES&S Model

Precinct Ballot Counter. The ES&S AutoMARK Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and in each polling place on election day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code.

Part 3: All independent candidates at the election to be held on May 8, 2010, for the above-mentioned Offices, shall file their applications to become candidates with the City Secretary of the City of Temple at the City Secretary's Office, Room 103, first floor of the Municipal Building, 2 North Main Street, Temple, Texas, beginning 91 days before the date of said election, being February 6, 2010, and ending on or before 61 days before the date of said election being on or before March 8, 2010, in compliance with Section 143.007 of the Texas Election Code. No person may, in such election, be a candidate for two single member district positions. All applications shall be sworn to and comply with Section 141.031 of the Election Code. All candidates shall file with said application the loyalty affidavit and statement regarding awareness of the State nepotism statute as required by Article 141.031 of the Election Code.

Part 4: The City Secretary of this City shall, in accordance with the terms and provisions of the Election Code, post in her Office the names of all candidates who have filed their application in accordance with the terms and provisions of this order, and said names shall be posted in a conspicuous place in said Office for at least ten (10) days before said City Secretary orders the same to be printed on the ballot for said election.

Part 5: The election shall be held at the following places in the City and the following persons are hereby appointed presiding judges, and alternate presiding judges, respectively, for the election called by this resolution:

<i>City Council District No. 1</i>	Frank Mayborn Civic and Convention Center 3303 North 3rd Street
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Presiding Judge	Alicia Prado
Alternate Presiding Judge	Amanda Schuetze

<i>City Council District No. 4</i>	Vineyard Christian Fellowship Church 7425 West Adams Avenue (FM 2305)
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Presiding Judge	Shelley DeLoera
Alternate Presiding Judge	Lavelle Parsons

<i>Early Voting Ballot Board</i>	Municipal Building, 2 North Main Street (between Central and Adams)
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Presiding Judge	Roy Wells
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In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of an election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of Chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 6: (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on April 26, 2010, and ending on May 4, 2010, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. April 26, 2010 through April 30, 2010. During the time period of May 3 and May 4, 2010 Early Voting will be conducted from 7:00 a.m. to 7:00 p.m.

(b) **Early voting by mail.** A registered voter is eligible to vote early *by mail* if (1) the voter expects to be absent from the county on election day, and during the regular hours for conducting early voting at the main early voting polling place for the part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk, (2) the voter is under a disability that would prevent them from appearing at the polling place on election day, (3) the voter will be 65 years of age or older on election day, or (4) the registered voter is confined in jail at the time the early voting ballot application is submitted.

(1) Applications for ballot by mail shall be mailed to Clydette Entzminger, City Secretary, P.O. Box 207, Temple, Texas 76503, and must be received no earlier than March 9, 2010 and no later than April 30, 2010, provided that if the sole ground for voting early by mail is that the voter will be out of the county on election day, the application must be received

by April 23, 2010, unless the voter is out of the county when the application is made, in which case the application must still be received by April 30, 2010.

Part 7: Clydette Entzminger, the City Secretary, is hereby appointed Clerk for early voting, and is authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by him by the Texas Election Code.

Part 8: The Mayor shall make proclamation of the May 8, 2010 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to the City Council immediately after the closing of the polls. The Mayor is further authorized to give notice of a run-off election if such election is necessary. The City Secretary shall cause notice of this election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b).

Part 9: Immediately after said election is held, the officers holding the same shall make returns on the result thereof to the Mayor of this City as required by the Election Code of this State.

Part 10: A copy of this order shall also serve as a Writ of Election which shall be delivered to the above-appointed Presiding Judges, for said election along with the Election Judge's Certificate of Appointment.

Part 11: The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

Part 12: If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

Part 13: This resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

Part 14: 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 the **4th** day of **February, 2010**.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE JOINT ELECTION AGREEMENTS WITH TEMPLE HEALTH & BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT, TEMPLE COLLEGE, AND THE TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE MAY 8, 2010, SPECIAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, State law authorizes two or more political subdivisions to enter into an agreement to hold elections jointly when the political subdivisions are holding elections on the same day in all or part of the same territory or when State law makes holding a joint election mandatory;

Whereas, the Temple Independent School District, the Temple Health and Bioscience Economic Development District, and Temple College share all or part of the voting districts of the City of Temple and desire to conduct joint elections with the City of Temple for the May 8, 2010, election;

Whereas, funds are allocated in the City Secretary's budget for the 2010 General Election – all other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election; 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 Manager, or his designee, is authorized to execute *Joint Election Agreements*, after approval as to form by the City Attorney, authorizing a joint election between the City of Temple, the Temple Health & Bioscience Economic Development District, Temple College, and the Temple Independent School District for the May 8, 2010, election.

Part 2: If any entity declares the May 8, 2010 election to be canceled, in compliance with Section 2.051 through Section 2.054 of the Texas Election Code, because the candidates' names that are to appear on the ballot are unopposed and there are no propositions on the ballot, the agreement with that particular entity will become void.

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 **4th** day of **February**, 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

02/04/10
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2010 to reallocate funding from Line 240, Old Howard Road (RII), north of Airport Park to Mouser Road, to Line 307, Outer Loop, from Wendland Road to IH 35 North in the amount of \$300,000.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

ITEM SUMMARY: An amendment to the Financing Plan to reallocate funding from Line 240, Old Howard Road (RII), north of Airport Park to Mouser Road, to Line 307, Outer Loop, from Wendland Road to IH 35 North, in the amount of \$300,000 is presented for approval. This amendment to the Financing Plan is proposed due to a change in project priorities. A professional services agreement with Kasberg, Patrick & Associates in the amount of \$ 41,550 for engineering services required to prepare final design drawings for the Outer Loop at Hart Road from the right-of-way of Old Texas 81 to IH-35 as part of this project will be presented to the Council on second reading of this ordinance. We are proposing to move the FY 2010 funding originally allocated for Old Howard Road (RII) to the Outer Loop recognizing that it will not fully fund the Outer Loop project.

The Reinvestment Zone No. 1 Board approved the recommendation at its January 27, 2010, board meeting.

FISCAL IMPACT: The proposed amendment reallocates funding within the FY 2010 Financing Plan from Line 240, Old Howard Road (RII), north of Airport Park to Mouser Road, to Line 307, Outer Loop, from Wendland Road to IH 35 North. The proposed amendment has no impact on fund balance. A total of \$1,700,000 remains in Line 240 for Old Howard Road (RII) in future years 2011 and 2012.

ATTACHMENTS:

[Summary of Recommended Financing Plan Amendments](#)
[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance](#)

Summary of Recommended Financing Plan Amendments

FY	Project	Agreement Required	Financing Plan Amendment	Line Project Plan/Financing Plan	Source	Amount
2010	Outer Loop from Wendland Road to IH 35 North	Yes, KPA agreement not to exceed \$41,550	Yes	240, 307/ 299, 399	FY 2010 Revenues- reallocation of project funds from Old Howard Road (RII), north of Airport Park to Mouser Road to Outer Loop from Wendland Road to IH 35 North.	\$300,000

DESCRIPTION	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1 Appraised Value	\$ 140,238,368	\$ 144,626,499	\$ 212,822,764	\$ 233,450,991	\$ 235,785,501	\$ 238,143,356	\$ 240,524,790	\$ 242,930,038	\$ 245,359,338	\$ 314,562,931	\$ 336,208,561	\$ 339,570,646	\$ 342,966,353
5 FUND BALANCE, Begin	\$ 7,946,615	\$ 3,730,514	\$ 3,690,085	\$ 2,831,643	\$ 2,759,407	\$ 3,151,576	\$ 3,109,428	\$ 3,129,204	\$ 2,712,730	\$ 2,561,944	\$ 2,809,447	\$ 3,050,793	\$ 3,365,614
SOURCES OF CASH:													
10 Tax Revenues	4,592,298	4,679,594	6,271,181	6,789,596	6,857,023	6,925,124	6,993,906	7,063,376	7,133,540	8,749,666	9,249,246	9,341,269	9,434,212
15 Allowance for Uncoll. Taxes	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20 Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30 Other-Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-
33 Miscellaneous Reimbursements (GST)	-	-	-	-	-	-	-	-	-	-	-	-	-
34 Sale of Land	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Miscellaneous Income	-	-	-	-	-	-	-	-	-	-	-	-	-
40 TOTAL SOURCES	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992	6,923,592	6,991,867	7,060,825	8,665,732	9,164,081	9,244,861	9,316,549
USES OF CASH:													
Operating Expenses													
50 Prof Svcs/Proj Mgmt	159,657	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51 Legal/Audit	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55 Zone Mtc	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
60 TEDC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
62 Other Contracted Services	-	-	-	-	-	-	-	-	-	-	-	-	-
65 TISD-Joint Use facilities	152,132	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90 Subtotal-Operating Expenses	587,889	392,594	394,797	396,940	399,124	401,350	403,617	406,027	408,382	410,780	413,225	415,715	418,354
Projects (2)													
199 North Zone (3)	1,338,183	-	-	800,000	-	-	-	-	2,700,000	-	-	-	-
299 Western Aviation Zone (3)	101,662	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399 Western Bio-Science & Medical Zone (3)	909,164	-	-	-	-	-	-	-	-	-	-	-	-
400 Southeast Industrial Park Zone (3)	1,246,000	-	-	-	-	-	-	-	-	-	-	-	-
405 General Roadway Improvements	250,111	-	-	-	-	-	-	-	-	-	-	-	-
410 Major Gateway Entrances	400,000	400,000	-	-	-	-	-	-	-	-	-	-	-
415 Downtown Improvements	388,769	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420 Loop 363 Improvements	905,410	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Bond Contingency	176,730	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Public Improvements	400,000	400,000	400,000	400,000	1,900,000	2,400,000	2,400,000	2,900,000	-	3,900,000	4,400,000	4,400,000	6,788,783
600 Subtotal-Projects	6,116,029	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643	2,605,667	3,107,710	2,909,775	4,111,860	4,613,966	4,616,093	7,007,024
Debt Service													
625 2003 Bond Issue	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
626 2008 Bond Issue-Nontaxable (\$16.010 mil)	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784	1,785,948	1,785,868	1,783,544	1,783,976	1,786,960	1,787,292	1,784,972
627 2008 Bond Issue-Taxable (\$10.365 mil)	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
628 Issuance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-
630 Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635 Subtotal-Debt Service	2,042,140	2,042,015	3,895,630	3,898,436	3,896,130	3,893,147	3,894,532	3,894,604	3,893,454	3,895,589	3,895,544	3,898,232	3,898,664
650 TOTAL USES	8,746,058	4,655,506	7,063,968	6,795,031	6,396,893	6,898,140	6,903,816	7,408,341	7,211,611	8,418,229	8,922,735	8,930,040	11,324,042
660 FUND BALANCE, End	3,730,514	3,690,085	2,831,643	2,759,407	3,151,576	3,109,428	3,129,204	2,712,730	2,561,944	2,809,447	3,050,793	3,365,614	1,358,121
670 Required Debt Reserve	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	-
700 AVAILABLE FUND BALANCE	\$ 2,850,143	\$ 2,809,714	\$ 1,951,272	\$ 1,879,036	\$ 2,271,205	\$ 2,229,057	\$ 2,248,833	\$ 1,832,359	\$ 1,681,573	\$ 1,929,076	\$ 2,170,422	\$ 2,485,243	\$ 1,358,121
800 FUND BALANCE, Begin	7,946,615	3,730,514	3,690,085	2,831,643	2,759,407	3,151,576	3,109,428	3,129,204	2,712,730	2,561,944	2,809,447	3,050,793	3,365,614
805 Revenue over/(under)expense	(4,216,101)	(40,429)	(858,442)	(72,236)	392,169	(42,148)	19,776	(416,474)	(150,786)	247,503	241,346	314,821	(2,007,493)
810 FUND BALANCE, End	\$ 3,730,514	\$ 3,690,085	\$ 2,831,643	\$ 2,759,407	\$ 3,151,576	\$ 3,109,428	\$ 3,129,204	\$ 2,712,730	\$ 2,561,944	\$ 2,809,447	\$ 3,050,793	\$ 3,365,614	\$ 1,358,121

SUMMARY FINANCING PLAN						
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5Beginning Available Fund Balance, Oct 1	7,946,615	3,730,514	3,690,085	2,831,643	2,759,407	3,151,576
40Total Sources (Revenue & Bonds)	4,529,957	4,615,077	6,205,526	6,722,795	6,789,062	6,855,992
45Less Required Debt Reserve		-	-	-	-	-
49Net Available for Appropriation	12,476,572	8,345,591	9,895,611	9,554,438	9,548,469	10,007,568
50General Administrative Expenditures	160,757	94,947	96,924	98,838	100,791	102,783
55Zone Maintenance	175,000	175,000	175,000	175,000	175,000	175,000
60Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000
62Other Contracted Services	-	-	-	-	-	-
65TISD - Joint Use Facilities	152,132	22,647	22,873	23,102	23,333	23,567
70Debt Service - 2003 Issue	869,745	869,620	868,235	870,255	871,055	870,130
71Debt Service - 2008 Issue {\$16.010 mil}	635,460	635,460	1,785,460	1,788,540	1,784,580	1,783,784
72Debt Service - 2008 Taxable Issue {\$10.365 mil}	536,935	536,935	1,241,935	1,239,641	1,240,495	1,239,233
73Issuance Costs	-	-	-	-	-	-
75Total Operating & Committed Expenditures	2,630,029	2,434,609	4,290,427	4,295,376	4,295,254	4,294,497
99Net Available for Projects	\$ 9,846,543	\$ 5,910,982	\$ 5,605,184	\$ 5,259,062	\$ 5,253,215	\$ 5,713,071

PROJECT PLAN						
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):						
100Railroad Spur Improvements	667,166	-	-	-	-	-
105Elm Creek Detention Pond	98,227	-	-	-	-	-
110Railroad Improvements Engineering Analysis	-	-	-	-	-	-
115Railroad Repairs/Maintenance based on Analysis	254,893	-	-	-	-	-
120Enterprise Park Water Tank	-	-	-	800,000	-	-
121ROW Acquisition - Public Improvements	3,661	-	-	-	-	-
122Land Acq-Wendland property {approx 355 acres}	-	-	-	-	-	-
125Wendland Road Improvements	192,686	-	-	-	-	-
130Extension of Rail Service	121,550	-	-	-	-	-
199Total North Zone (including Enterprise Park)	1,338,183	-	-	800,000	-	-
WESTERN AVIATION ZONE:						
200Detention Pond #2 including W 1-A	-	-	-	-	-	-
205Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-
210Old Howard Road Gateway Entrance Project	-	-	-	-	-	-
215WWI--Waste Water Ext SH36 to Ind Blvd	-	-	-	-	-	-
220R I-B, W I-B--Industrial Blvd Extension	-	-	-	-	-	-
221Airport Park Infrastructure Construction	101,662	-	-	-	-	-
225Airport Study	-	-	-	-	-	-
230Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	115,500	654,500	-	-	-
235Airport Trail Utilities (W-V, W II, W III)	-	109,650	621,350	-	-	-
240Old Howard North (R II)	-	1,000,000	700,000	-	-	-
245Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	200,000	1,100,000	-	-
299Total Western Aviation Zone	101,662	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:						
300Greenbelt Development along Pepper Creek	321,723	-	-	-	-	-
305Outer Loop Phase 2	245,320	-	-	-	-	-
306Bio-Science Park Phase 1	42,121	-	-	-	-	-
307Outer Loop	300,000	-	-	-	-	-
310Bio-Science Institute	-	-	-	-	-	-
399Total Western Bio-Science & Medical Zone	909,164	-	-	-	-	-
OTHER PROJECTS:						
400Southeast Ind Park (Lorraine Drive)	1,246,000	-	-	-	-	-
405Roadway Maintenance/Improvements	250,111	-	-	-	-	-
410Gateway Entrance Projects (after Old Howard)	400,000	400,000	-	-	-	-
415Downtown Improvements	388,769	195,747	197,691	199,655	201,639	203,643
420Loop 363 Improvements (TxDOT commitment)	905,410	-	-	-	-	-
430Reserve for Acer facility	-	-	-	-	-	-
499Total Other Projects	3,190,290	595,747	197,691	199,655	201,639	203,643
500Undesignated Funding-Public Impr-nontaxable bonds	176,730	-	-	-	-	-
500Undesignated Funding-Public Impr	400,000	400,000	400,000	400,000	1,900,000	2,400,000
600Total Planned Project Expenditures	6,116,029	2,220,897	2,773,541	2,499,655	2,101,639	2,603,643
660Fund Balance at Year End	\$ 3,730,514	\$ 3,690,085	\$ 2,831,643	\$ 2,759,407	\$ 3,151,576	\$ 3,109,428
670Required Debt Reserve	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)	(880,371)
700AVAILABLE FUND BALANCE	\$ 2,850,143	\$ 2,809,714	\$ 1,951,272	\$ 1,879,036	\$ 2,271,205	\$ 2,229,057

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING PLAN FOR FY 2010 TO REALLOCATE FUNDING FROM LINE 240, OLD HOWARD ROAD (RII), NORTH OF AIRPORT PARK TO MOUSER ROAD, TO LINE 307, OUTER LOOP, FROM WENDLAND ROAD TO IH 35 NORTH, IN THE AMOUNT OF \$300,000; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on

the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; and Ordinance No. 2009-4320 on the 15th day of October, 2009;

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

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

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

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

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

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

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

Part 2: Reinvestment Zone Financing Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, heretofore adopted by the Board of

Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of February, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #7(A)
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the voluntary annexation of a 10.8± acre tract of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive, out of the G.W. Lindsey Survey, Abstract 513.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance, as presented in item description, on first reading, and schedule the second reading and final adoption for February 18, 2010.

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

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is: (1) less than one-half mile in width; (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside. The landowner's petition met the statutory requirements and is recommended to be granted.

Public hearings were conducted on January 6, 2010 (special meeting) and January 7, 2010 (regular meeting) and the proposed City services plan for the area under consideration for annexation was presented. No public comments were received at either hearing except from the property owner.

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

ATTACHMENTS:

[Petition](#)
[Maps](#)
[Service Plan](#)
[Ordinance](#)

VOLUNTARY PETITION FOR ANNEXATION


November 19, 2009

To the City Council of the City of Temple:

I am the owner of an approximately 10.833 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.




V.W. Barge, III, Owner

STATE OF TEXAS

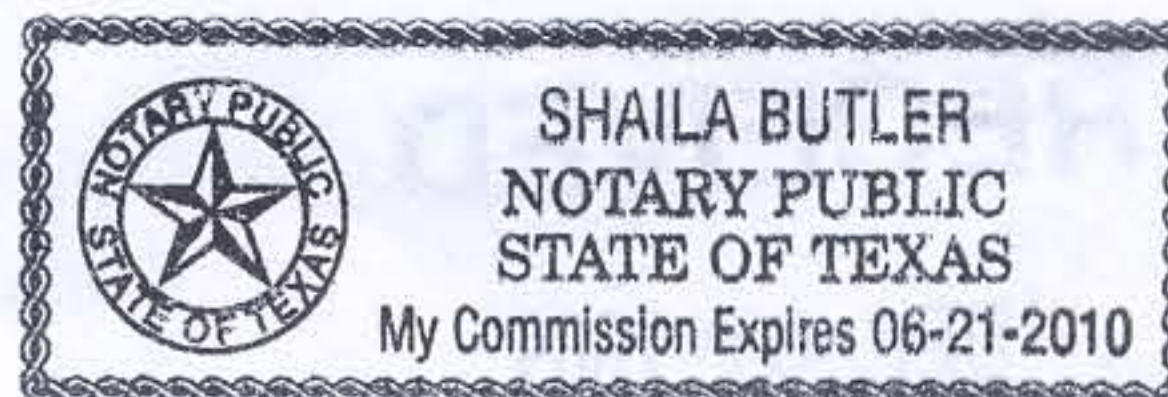
COUNTY OF BELL

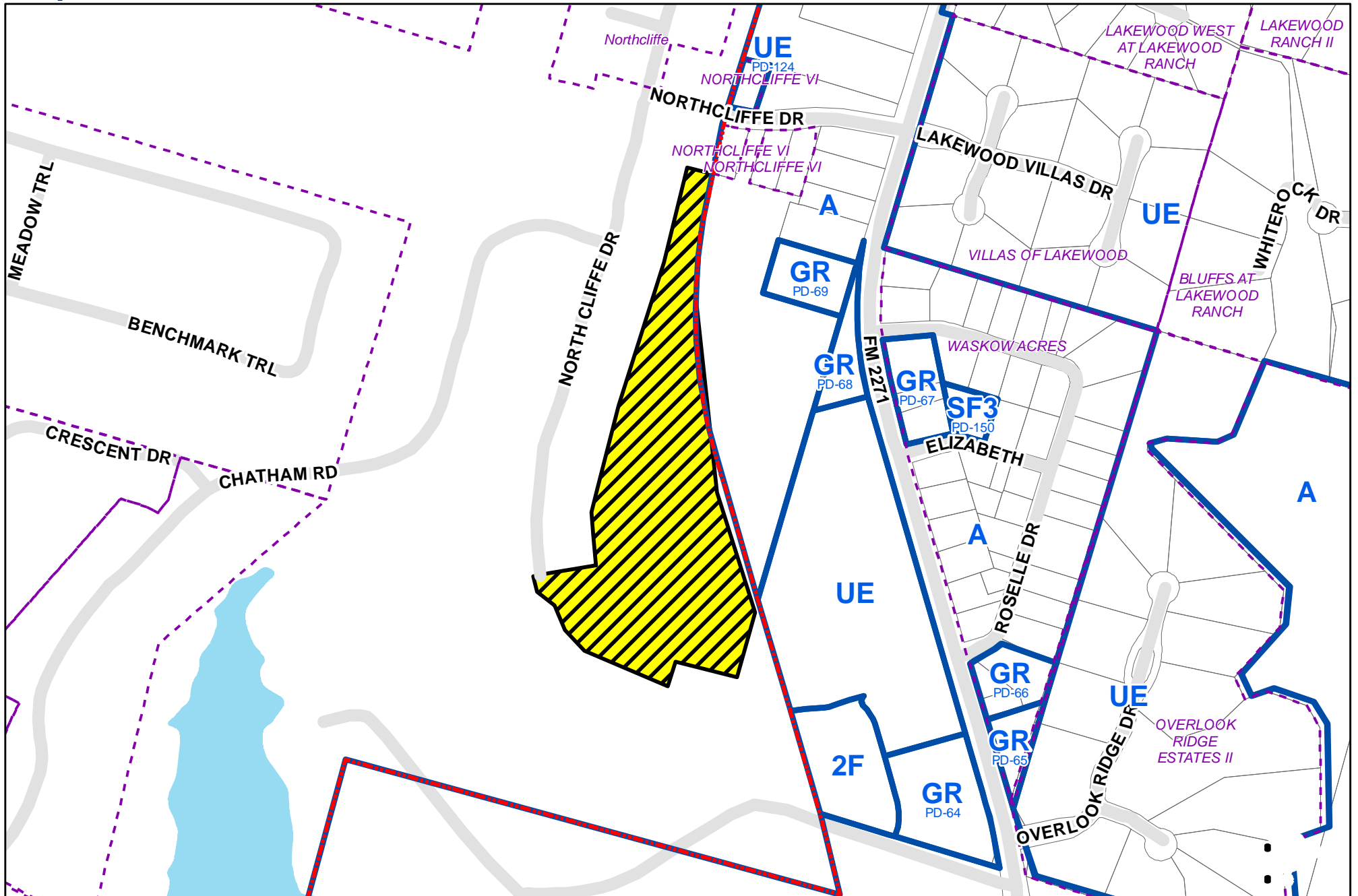
BEFORE ME, The undersigned authority, personally appeared V.W. Barge, III, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, for the purpose and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE this 24th day of November, 2009



Notary Public, State of Texas





Proposed Annexation

Feet 0 100 200 300 400



J Stone 12.01.09

CITY OF TEMPLE

ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – BARGE ET AL

For approximately 10.8± acre tract of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive, out of the G.W. Lindsey Survey, Abstract 513, located in Bell County, and being more particularly described an Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2010-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

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

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

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

5. MAINTENANCE OF ROADS AND STREETS

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

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

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

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

8. CONSTRUCTION SAFETY

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

9. CODE ENFORCEMENT

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

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

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

3. WATER AND WASTEWATER FACILITIES

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

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

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

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

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

APPROVED ON THIS _____ DAY OF _____, 2009.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

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

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

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

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

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



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

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

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

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

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

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



TURLEY ASSOCIATES, INC.

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Page 2 of 3

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

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

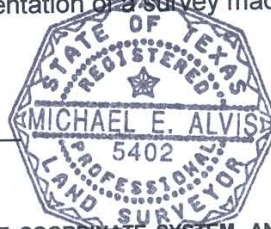
THENCE departing the said 0.1452 acre tract and with the south boundary line of the said Northcliffe, Phase I (calls S. 82° 56' 23" W., 327.88 feet in Cabinet A, Slide 374-A) the following two (2) calls:

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

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

Michael E. Alvis

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



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

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

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



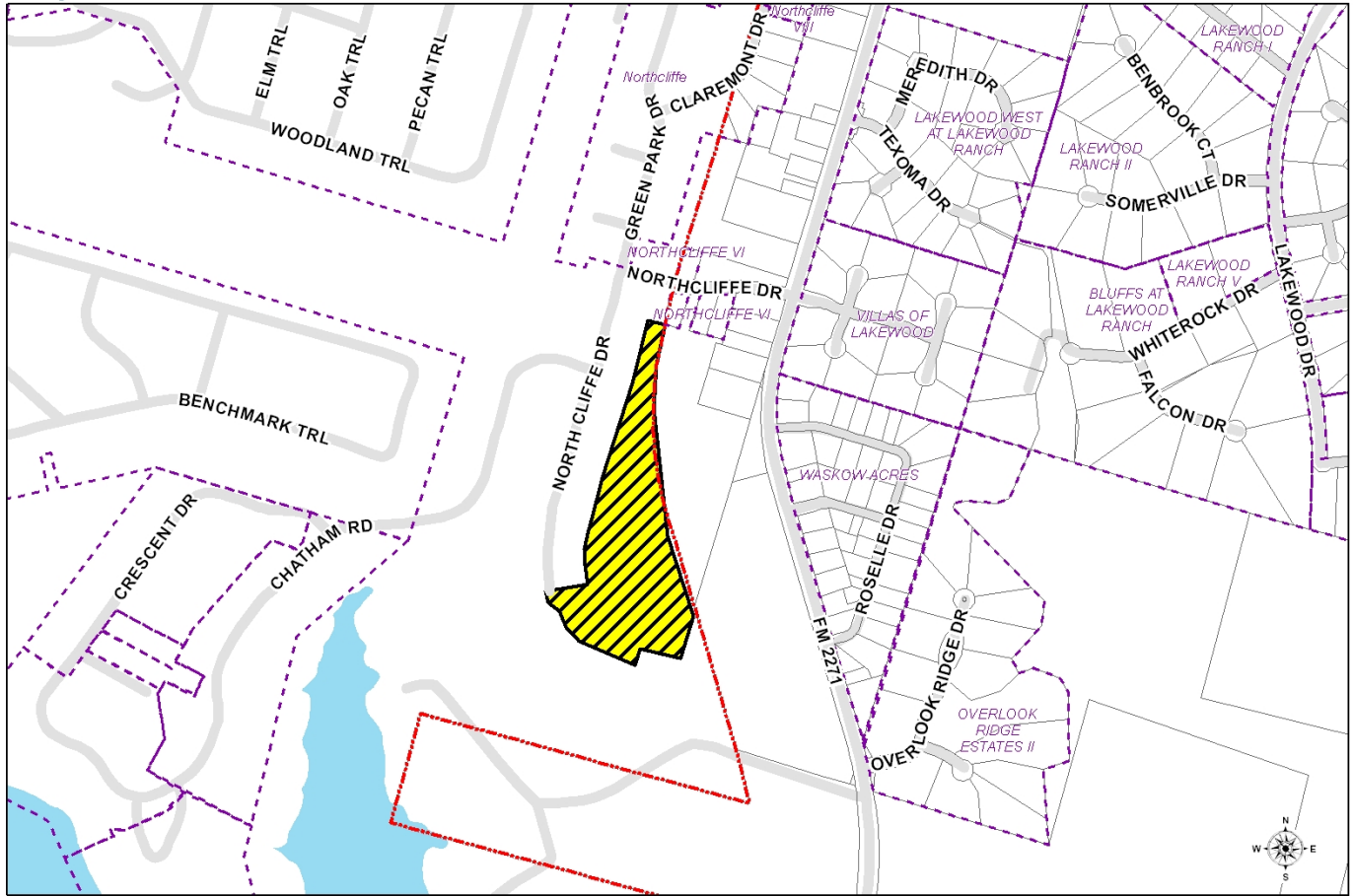
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Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac




 Proposed Annexation

Exhibit 'B'

Feet 0 150 300 450 600
J Stone 12.01.09

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY CONSISTING OF 10.833 ACRES OF LAND LOCATED WEST OF FM 2271, SOUTH OF F.M. 2305, ON THE SOUTH SIDE OF NORTHCLIFFE DRIVE, OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT 513, AND APPROVING A SERVICE PLAN FOR THIS TRACT PROPOSED TO BE ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A ZONING CLASSIFICATION FOR SAID PROPERTY PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

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

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

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

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

Part 2: The property consisting of 10.833 acres described in Exhibit "A," attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof, in accordance with the request in the *Petition for Annexation* accepted by the City of Temple, Texas, attached hereto and made a part hereof for all purposes as Exhibit "B."

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

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

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

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as *Planned Development District Single-Family 2 (PDD-SF2)*, as shown on the map made a part hereof and attached hereto as Exhibit "D."

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

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

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

exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **February**, 2010.

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **February**, 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

02/04/10
Item #7(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-13: Consider adopting an ordinance authorizing a zoning change on a 10.8 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive from Agricultural to Planned Development District Single-Family 2 (PD-SF2), an area to be voluntarily annexed into the City of Temple.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 5/0 in accordance with staff recommendation to recommend approval of a zoning change to a PD-SF-2 for the following reasons:

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

Commissioners Dusek, Pilkington and Secrest were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-13, from the Planning and Zoning Commission meeting, January 19, 2010. The purpose of this zoning request is to allow the use of a single family subdivision, another phase of the Northcliffe Subdivision.

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

The newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance

FISCAL IMPACT:

NA

ATTACHMENTS:

Aerial

Land Use and Character Map

Zoning Map

Notice Map

Utilities Map

P&Z Staff Report (Z-FY-10-13)

P&Z Minutes (January 19, 2010)

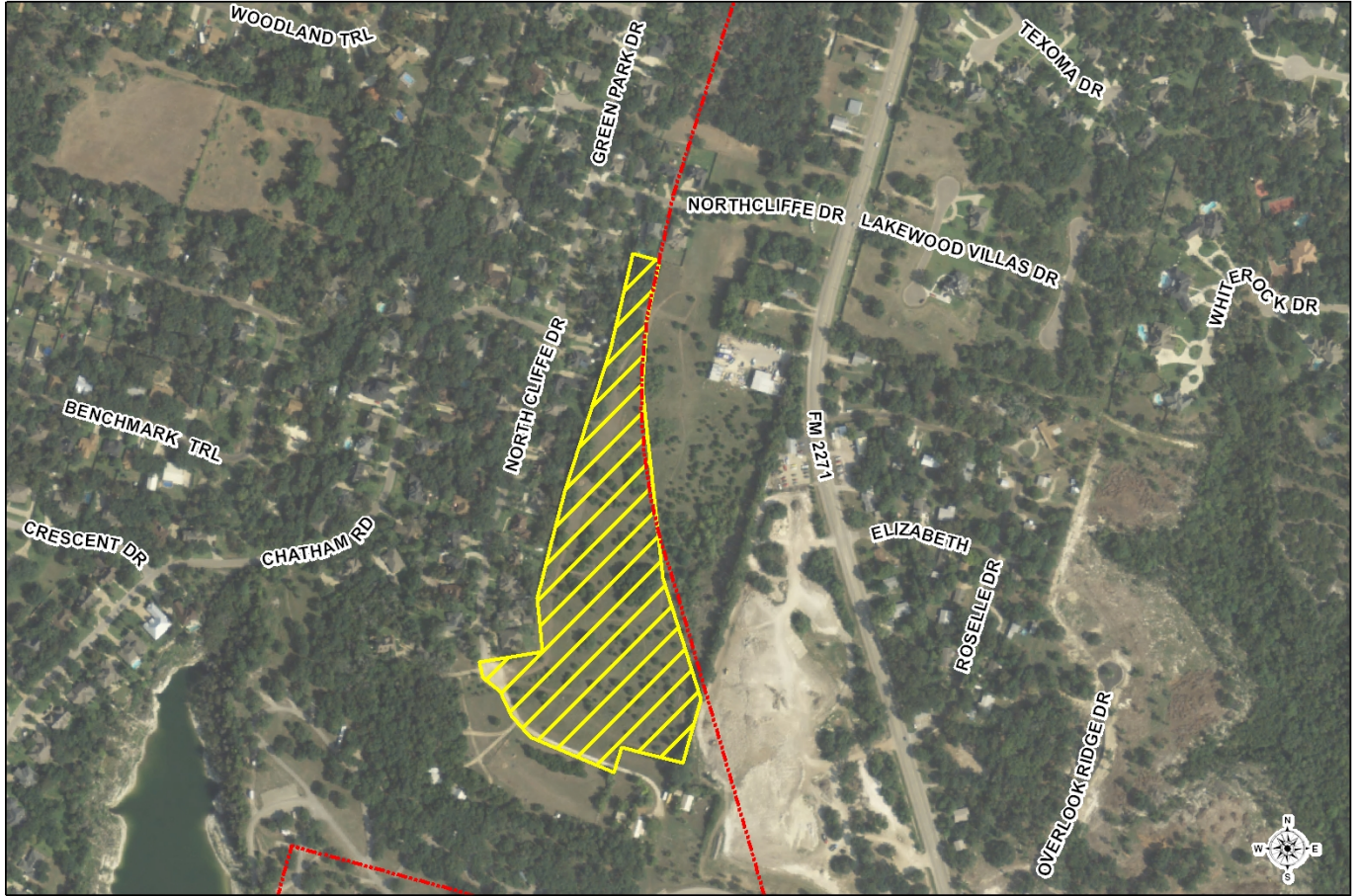
Ordinance




Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



 Proposed Annexation

Feet 0 150 300 450

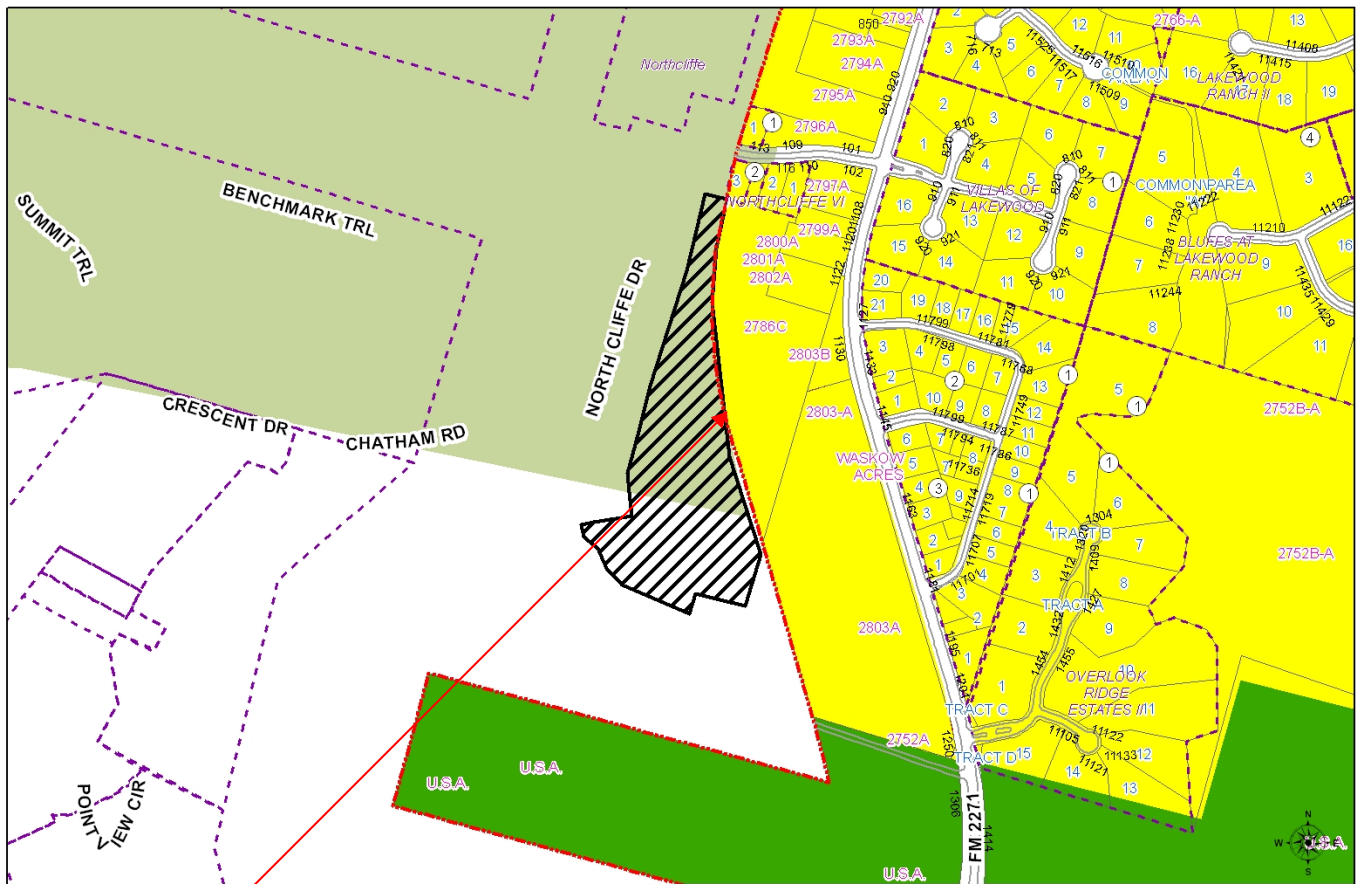
J Stone 12.01.09



Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



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

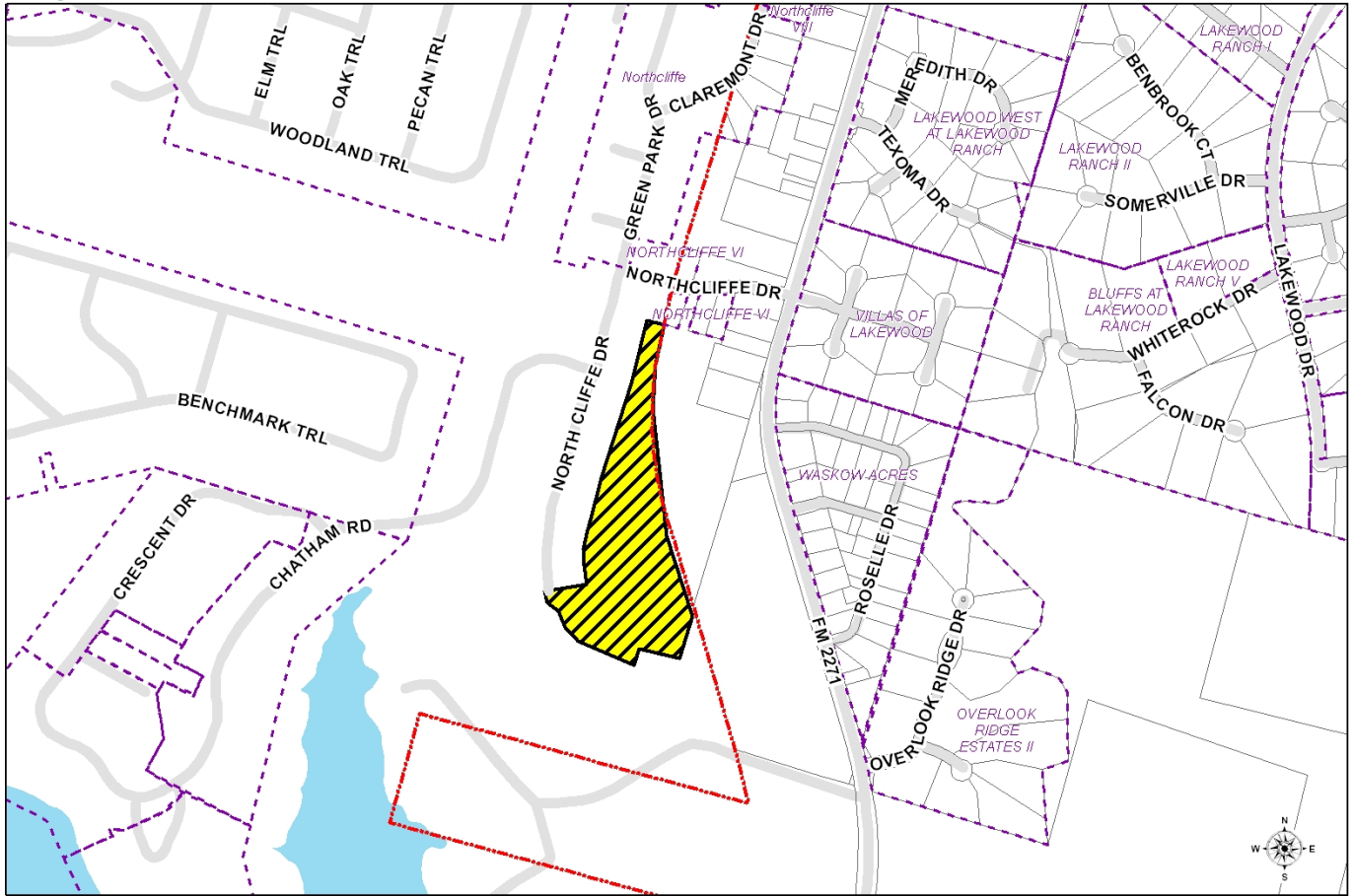
1 inch = 500 feet
J Stone 12.01.09




Z-FY-10-13

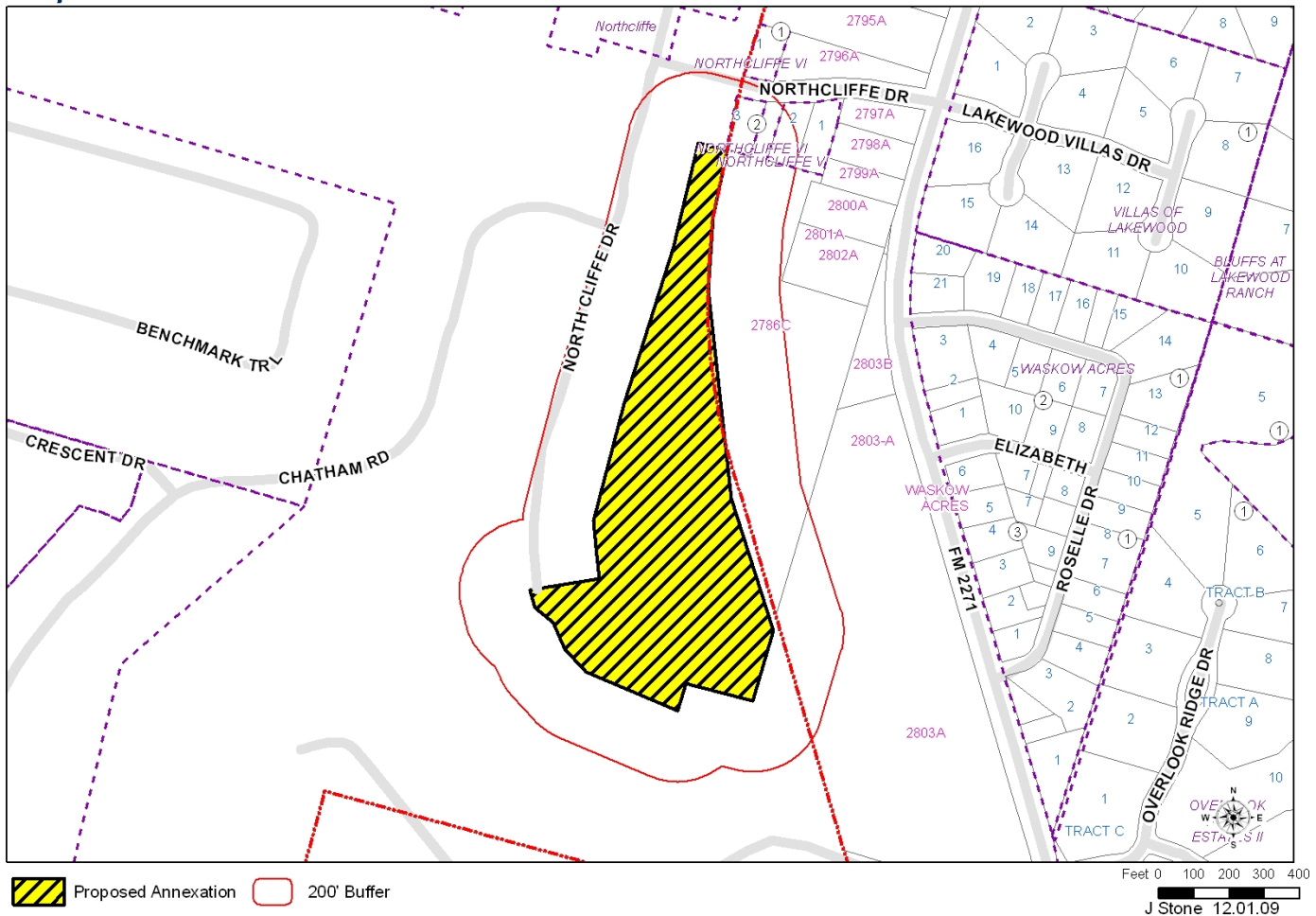
Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



 Proposed Annexation

Feet 0 150 300 450 600
J Stone 12.01.09

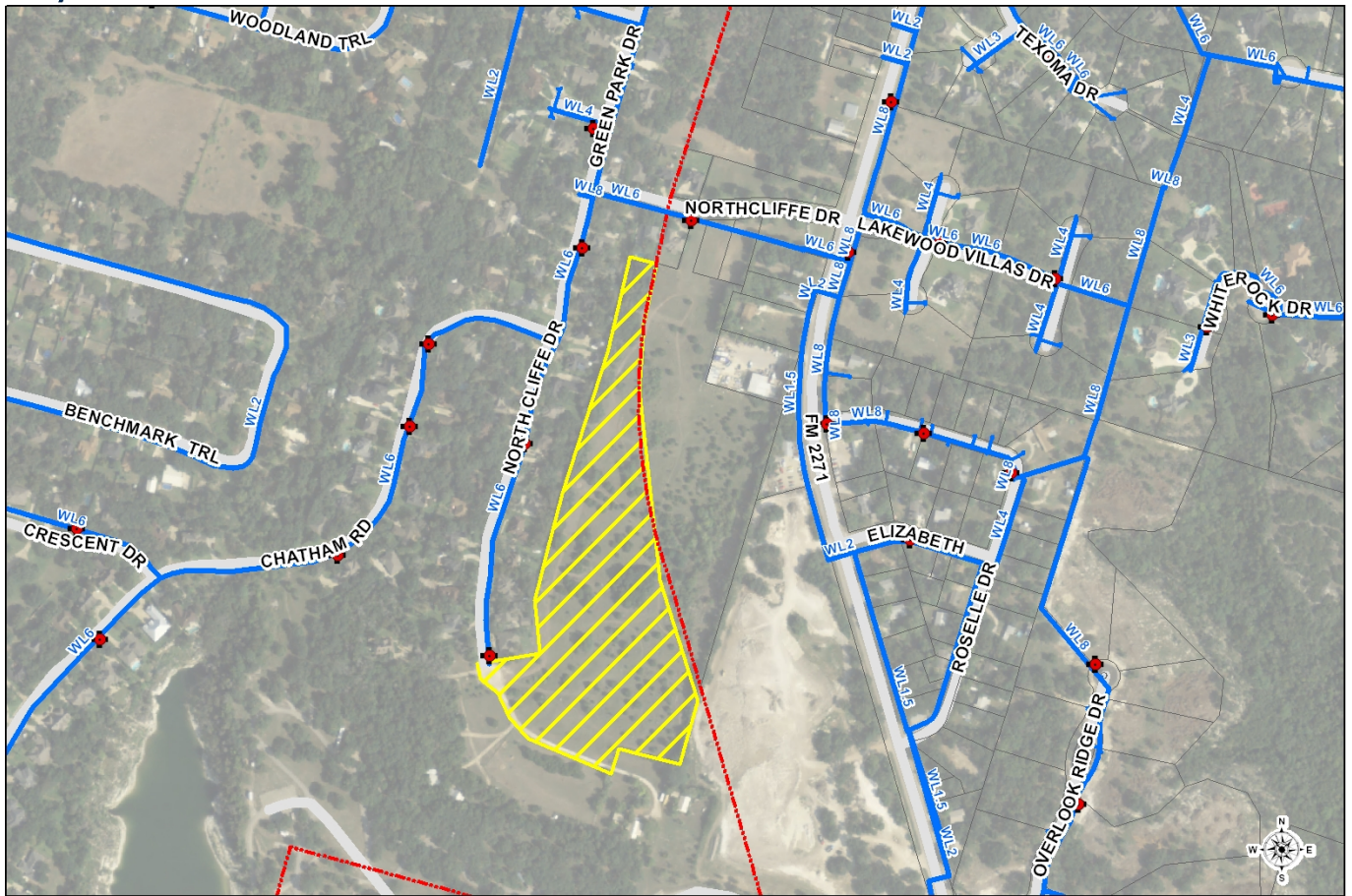




Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac



Proposed Annexation WATER LINE FIRE HYDRANT SEWER LINE

Feet 0 100 200 300 400
J Stone 12.01.09



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #4A
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Turley Associates c/o C.W. Barge

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

ITEM DESCRIPTION:

Public Hearing, Discussion and Action Z-FY-10-13: Discuss and recommend action on zoning a 10.8 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive to PDD-SF2, an area to be voluntarily annexed into the City of Temple.

BACKGROUND:

The applicant sought voluntary annexation to have access to City utilities and access for a single-family subdivision from the west side of FM 2271. The Council scheduled the two required public hearings to receive comment as part of the annexation process. The purpose of the agenda report is to receive comment on the proposed zoning of Planned Development District Single Family 2 (PDD-SF2). The Council will consider the final annexation and zoning at its meetings, February 4 and February 18, 2010.

Surrounding Property and Uses

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

Future Land Use and Character

The Future Land Use and Character Plan show the area for Suburban Residential Use and the requested zoning of PDD-SF2 conforms to the Future Land Use and Character Plan.

Thoroughfare Plan

The proposed PDD-SF2 subdivision will have access to FM 2271 a designated Arterial Roadway, which conforms to the Thoroughfare Plan.

Availability of Public Facilities

Water and sewer are being extended along FM 2271 and the applicant is approved for an agreement for utility extension as part of the City policy.

Development Regulations – PDD-SF2

The purpose of the Planned Development Single-Family Dwelling District 2 (PDD-SF2) allows detached single family residences and related accessory structures on a minimum 6,800 square foot lot, with a maximum building height of 2 ½ stories. The

All dimensional standards appear in the following tables.

PDD-SF2 Residential Use Standards	
Building Height	Maximum building height of three stories.
Minimum Lot Width	68'
Minimum Lot Depth	100'

Minimum Front Yard	25'
Minimum Side Yard (interior, street side)	15' both sides
Minimum Rear Yard Setback	10'
Minimum Building Area	550 square feet

STAFF RECOMMENDATION:

Staff requests the Commission approve Z-FY-10-13 subject to the Commission finding the request:

1. Conforms to the Future Lands Use and Character Plan for suburban residential uses; and
2. Conforms to the Thoroughfare Plan for the requested PDD-SF-2 area to have access to FM 2217, a designated Arterial Roadway; and
3. Conforms to the Availability of Utility Plan for water and sewer being extended to the area as part of the extension policy of the City of Temple.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial

Locator Map

Land Use and Character Map

Zoning Map

Notice Map

Utility Map

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 4A: Z-FY-10-13: Discuss and recommend action on zoning a 10.8 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive to PDD-SF2, an area to be voluntarily annexed into the City of Temple (Applicant: Turley Associates c/o C.W. Barge)

Acting Chair Talley made the statement that Items 4A and 4B would be presented together but separate public hearings and motions would be made on each item.

Mr. Dolan stated the applicant sought voluntary annexation to have access to City utilities and access for a single-family subdivision from the west side of FM 2271. The Council would consider final annexation and zoning at the meetings on February 4th and February 18th, 2010.

The minimum lot size would be 6,800 square feet with a maximum building height of 2½ stories. The SF1 zoning is 7,500 square feet and SF2 is 5,000 square feet. The area of the property to the west was the area that would be annexed into the City and the property to the east was already zoned A.

Mr. Dolan stated 36 notices had been mailed out; most of the opposing comments stated they wanted the area to remain open and not be developed.

Staff recommended approval of this zoning request since both requests showed they complied with the Future Land Use Plan for suburban/residential and suburban/residential for the property coming under the annexation process. FM 2271 would provide primary access to the site and had been designated as an arterial roadway, and extension of water and sewer services to the area would be part of the Utility Extension Policy Agreement already performed by City Council.

Acting Chair Talley opened the public hearing.

Mr. Victor Turley, 301 N. Third Street, Temple, was present to represent the owner, Mr. C. W. Barge.

Acting Chair Talley asked Mr. Turley if he had any response regarding comments about wildlife, trees, open space, increased traffic, and vandalism located at the property. Mr. Turley stated a vast majority of the area currently

had little tree cover but trees would be planted as development progressed. Mr. Turley did not have a response regarding the wildlife.

Col. Retired Rick Hafert, 502 Northcliffe Drive. Col. Hafert's property abuts the subject property and stated there was a 30 foot barrier of trees behind all the property lines and then open area. Col. Hafert stated one of the concerns were maintenance of the existing trees so the character of the neighborhood stayed the same. Col. Hafert stated his wife had spoken to many of the residents and their biggest concern was the circular nature of the traffic since Northcliffe Drive basically dead ends.

Col. Hafert also stated there was concern about the lot size and thought the average size of 6,800 square footage lot was a "tiny" lot. Most of the lots in the area are approximately one-third of an acre, four times the size of 6,800, and smaller homes would be built which would negatively impact the value of the property along Northcliffe.

Commissioner Staats stated the lot size was not something the Commission could consider at this time and Col. Hafert stated whether it would be SF1 or SF2 but the biggest concern was a horseshoe shaped access road off of Northcliffe.

Col. Hafert's personal concern was keeping the green zone behind his home which provided a necessary buffer and destroying that area would detract from the character of the neighborhood since it is a wooded area.

Commissioner Staats asked what the nature of the trees were and Col. Hafert responded some there were a combination of hard woods, cedars, etc. Deer are also in the area.

There being no further speakers, Acting Chair Talley closed the public hearing.

Commissioner Staats made a motion to approve this matter as proposed and Commissioner Hurd made a second.

Motion passed: (6:0)

Commissioners Dusek, Secrest and Chair Pilkington absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-13]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE ON 10.833 ACRES OF LAND LOCATED ALONG THE WEST SIDE OF FM 2271, SOUTH OF NORTHCLIFFE DRIVE TO PLANNED DEVELOPMENT DISTRICT SINGLE-FAMILY 2 (PDD-SF2), IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of 10.833 acres of land located along the west side of FM 2271, south of Northcliffe Drive, voluntary annexed into the City of Temple, has requested that the tract be zoned Planned Development District Single-Family 2 (PDD-SF2);

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

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

Part 1: The City Council authorizes a zoning change on a 10.833 acre tract of land located along the west side of FM 2271, south of Northcliffe Drive, in the City of Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, to Planned Development Single Family-2 (PDD-SF2).

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Single-Family 2 (PDD-SF2), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The minimum lot area shall be a minimum of 6,800 square feet;
- (b) All other development standards of the property shall conform to the requirements of the Single-Family 2 District;
- (c) In the event of a conflict between the development plan and the text of the Planned Development ordinance, the stricter standard applies; and
- (d) All standards of the Zoning Ordinance apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-14: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Planned Development District (PD-SF2) on a 7.7 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 5/0 in accordance with staff recommendation to recommend approval of a zone change to a PD-SF2 for the following reasons:

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

Commissioners Dusek, Pilkington and Secrest were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-14, from the Planning and Zoning Commission meeting, January 19, 2010. The purpose of this rezoning is to combine this zoning with the owner's adjacent property for another phase of the Northcliffe Subdivision. Earlier on this agenda, the Council will consider on first reading the annexation and zoning of a 10.8 ± acre tract of land to be part of the subdivision. The total area for the planned single family subdivision is 17.7± acres.

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

A total of 22 notices were sent out, with four notices returned. One response favored the request and three responses opposed the request. The persons opposing the request had concerns with increased traffic, vandalism, and wanted to keep the area open with trees and wildlife. The owner's representative answered the questions from the neighbors. The newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

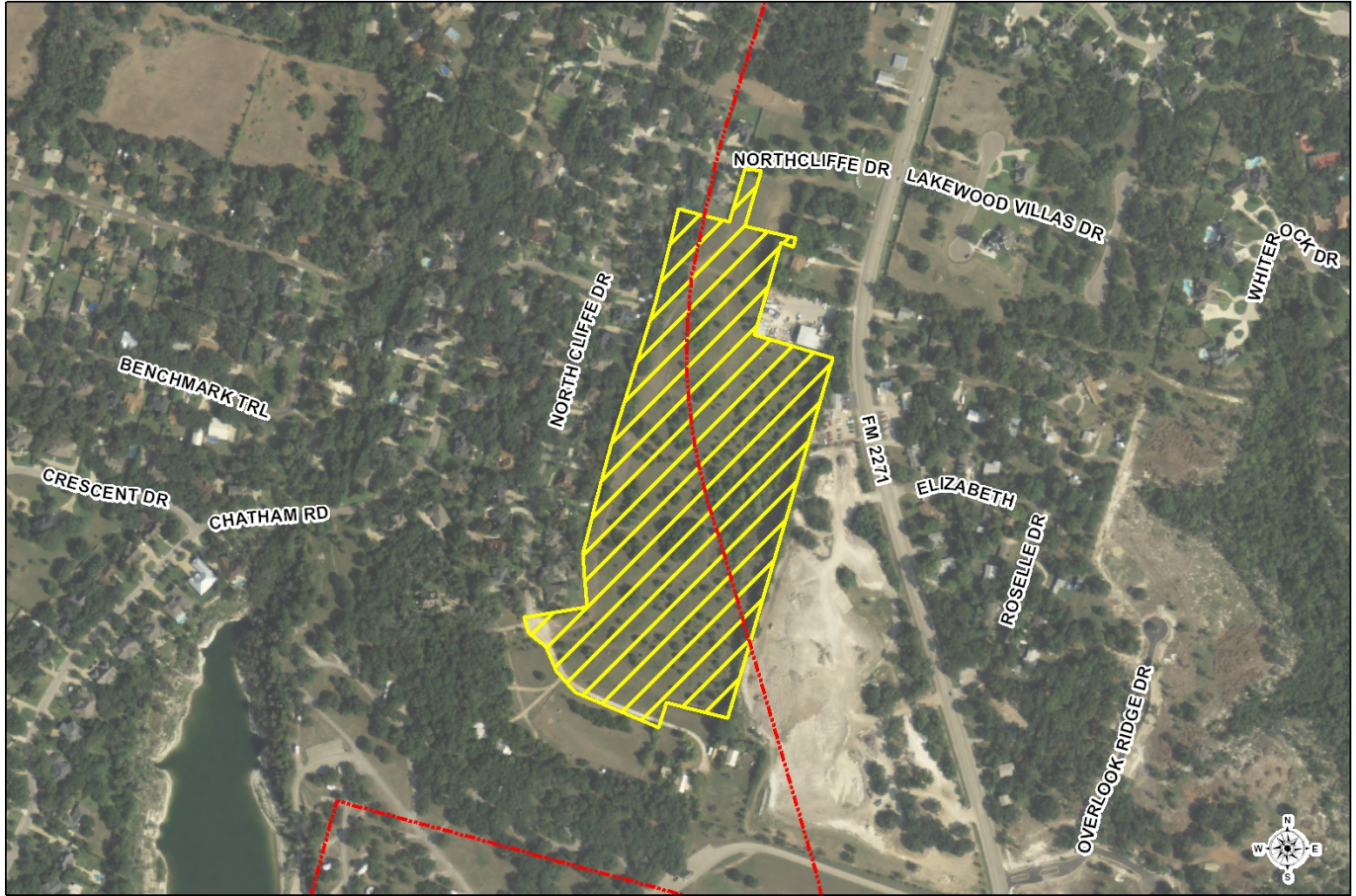
Aerial
Land Use and Character Map
Zoning Map
Notice Map
Utilities Map
P&Z Staff Report (Z-FY-10-14)
P&Z Minutes (January 19, 2010)
Ordinance



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



 ZFY1014

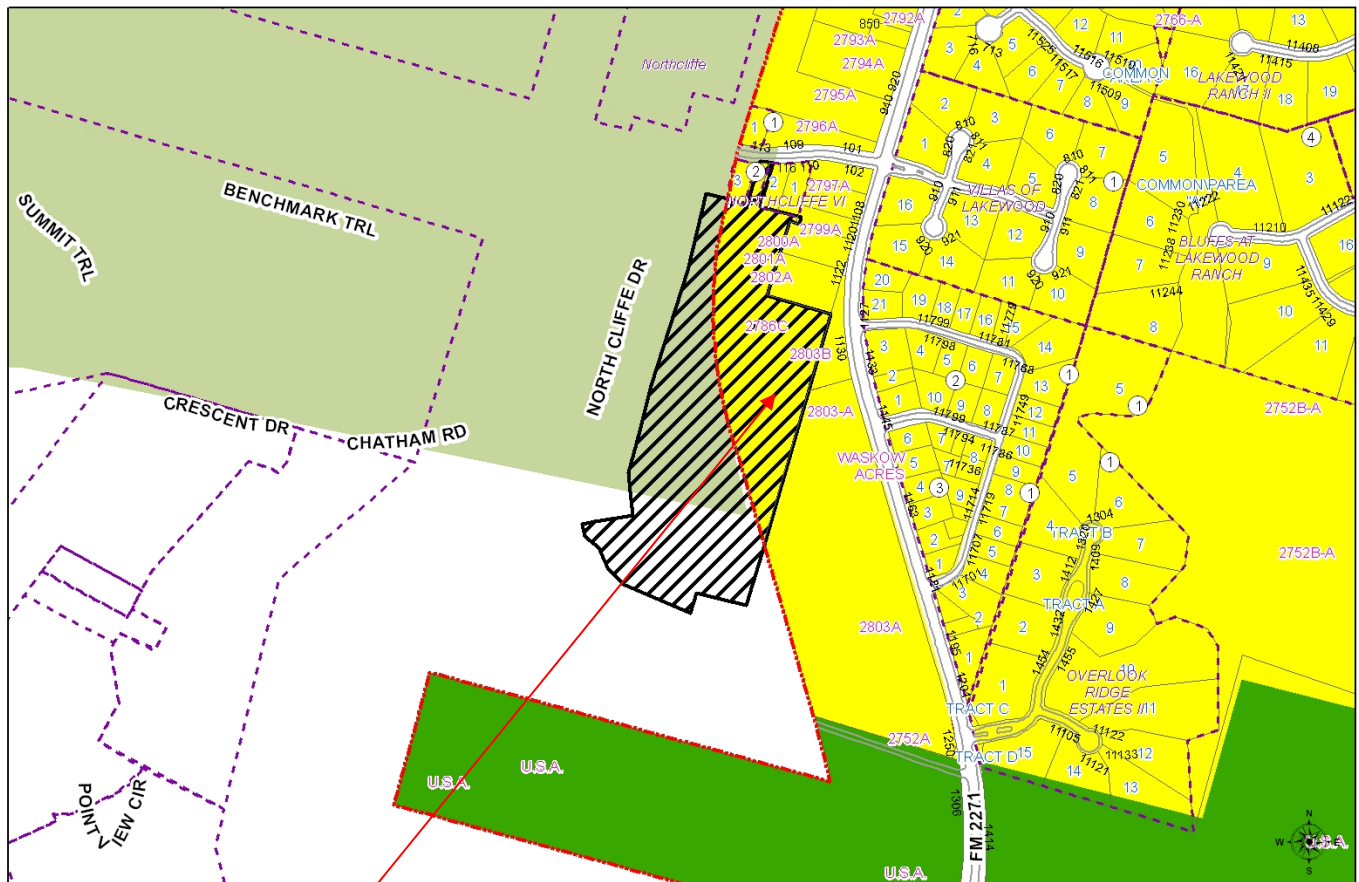
Feet 0 100 200 300 400
J Stone 12.10.09



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



- | | | | | | |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|--------------------|
| Lot Numbers | Suburban Residential | Auto-Urban Mixed Use | Urban Center | Business park | Agricultural/Rural |
| Neighborhood Conservation | Auto-urban Residential | Auto-Urban Commercial | Temple Medical Education District | Public/Institutional | |
| Estate Residential | Auto-Urban Multi-Family | Suburban Commercial | Industrial | | |

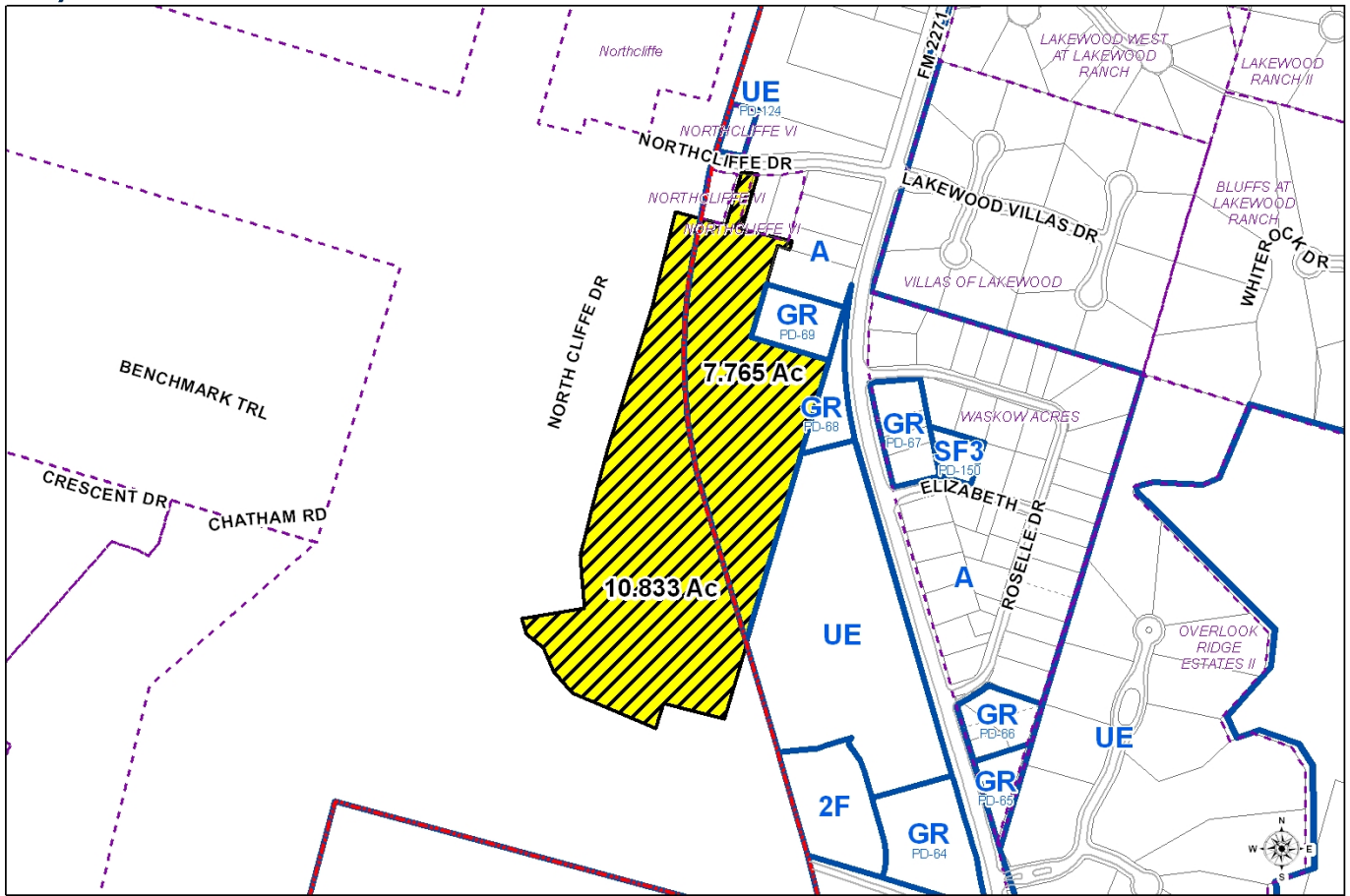
1 inch = 500 feet
J Stone 12.10.09



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



 ZFY1014

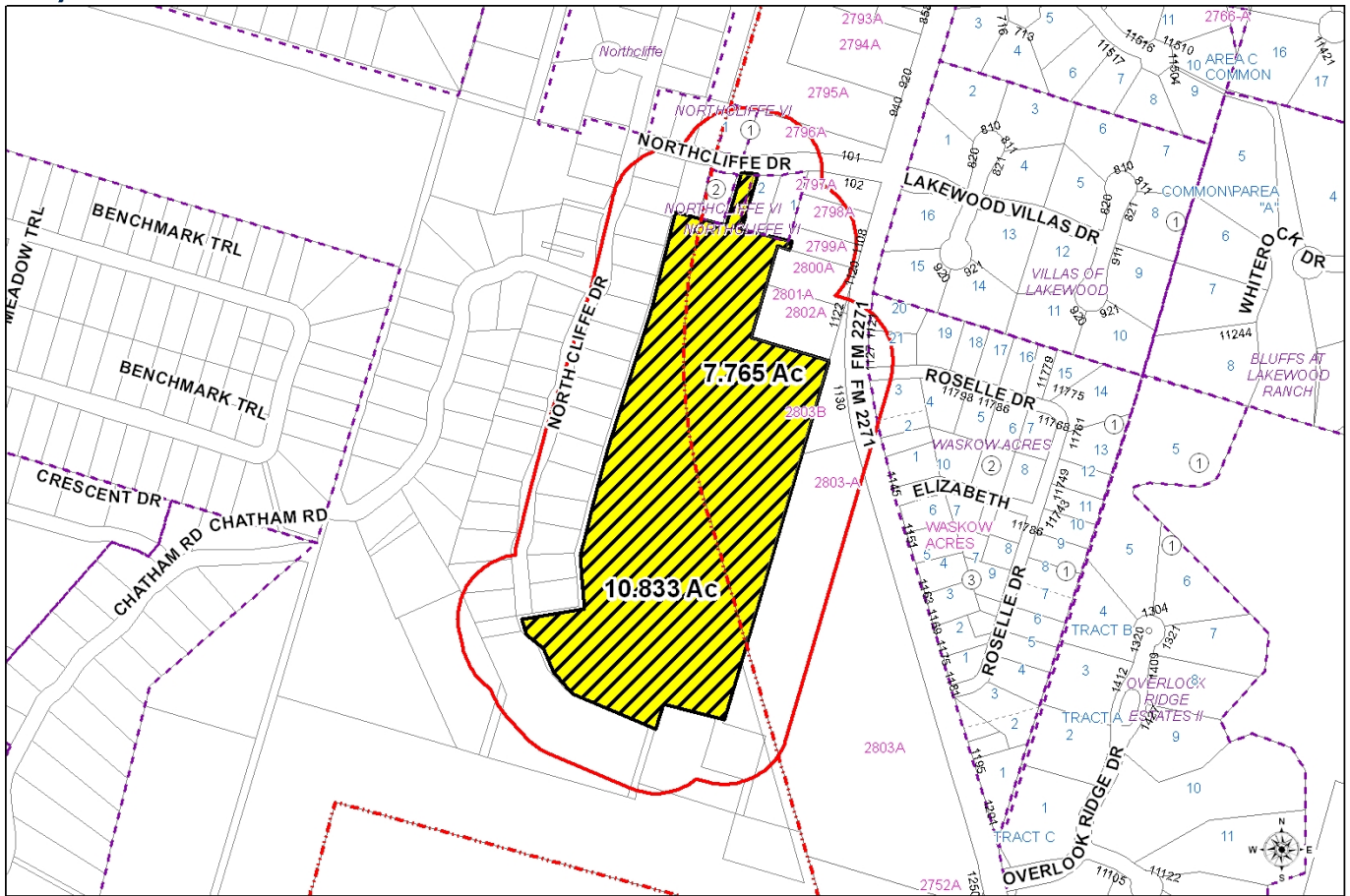
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J Stone 12.10.09



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



Current Temple Boundary 200' Buffer ZFY1014

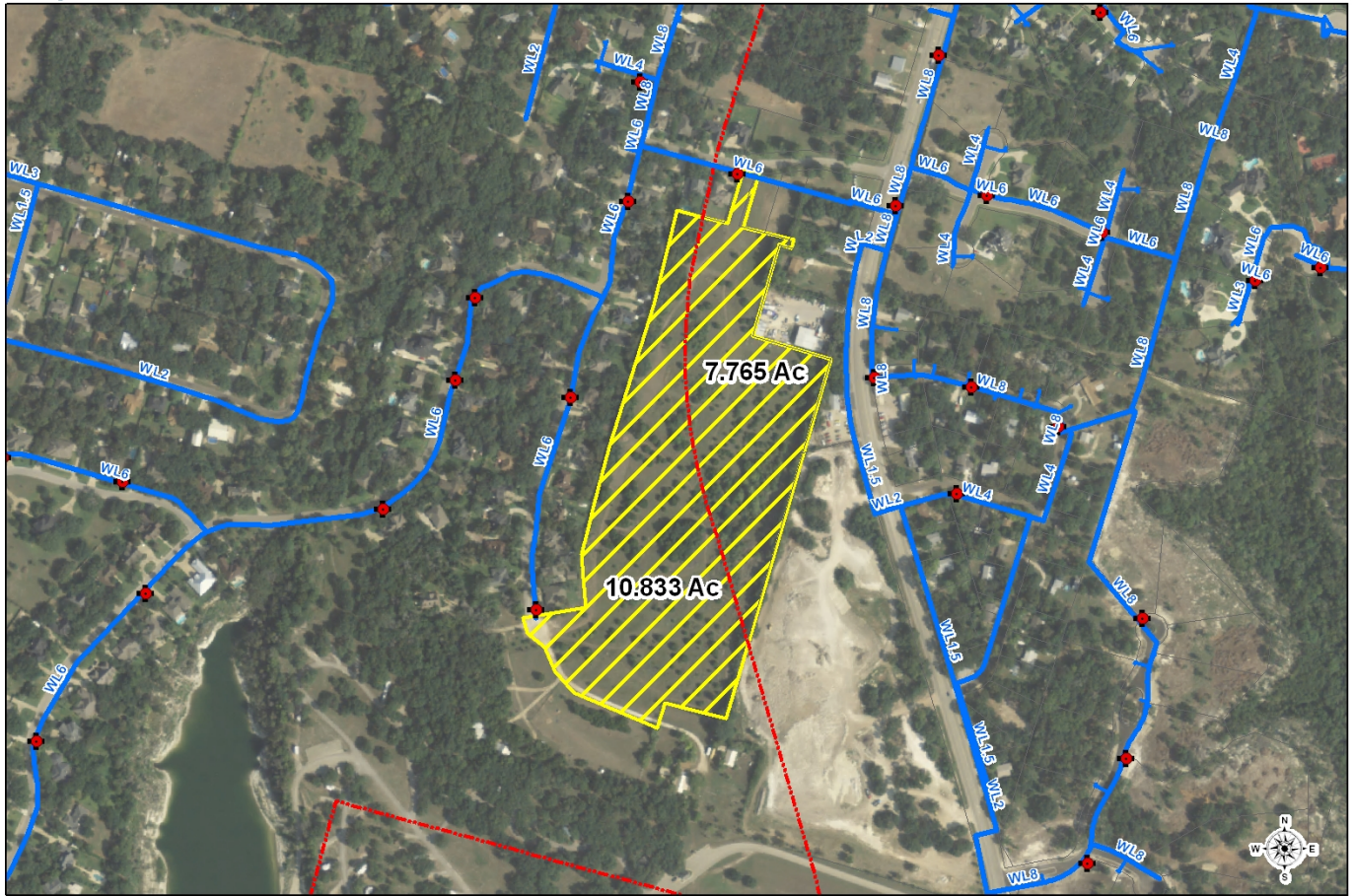
Feet 0 100 200 300 400
J Stone 12.10.09



Z-FY-10-14

Zoning: Proposed Northcliffe Phase IX

18.598ac



● FIRE HYDRANT — WATER LINE ZFY1014

Feet 0 100 200 300 400
J Stone 12.10.09



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #4B
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Turley Associates c/o C.W. Barge

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

ITEM DESCRIPTION:

Public Hearing, Discussion and Action Z-FY-10-14: Discuss and recommend action on a zoning district change request from Agricultural District (A) to Planned Development District (PD-SF2) on a 7.7 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive.

BACKGROUND:

The applicant sought voluntary annexation to have City utilities and access for a single-family subdivision west of the subject area, which the entire area is to be planned as single-family subdivision. The total area for the planned single family subdivision is 17.7± acres. The applicant agrees with Staff's request for a Planned Development District Single Family 2, with a requirement for a minimum lot size of 6,800 square feet. Some of the larger lots meet the SF-1 standards, yet some of smaller lots equal 6,800 square feet, larger than the minimum SF2 lot area.

Surrounding Property and Uses

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

Future Land Use and Character

The Future Land Use and Character Plan show the area for Suburban Residential Use and the requested zoning of PDD-SF2 conforms to the Future Land Use and Character Plan.

Thoroughfare Plan

The proposed PDD-SF2 subdivision will have access to FM 2271 a designated Arterial Roadway, which conforms to the Thoroughfare Plan.

Availability of Public Facilities

Water and sewer are being extended along FM 2271 and the applicant is approved for an agreement for utility extension as part of the City policy.

Development Regulations – PDD-SF2

The purpose of the Planned Development Single-Family Dwelling District 2 (PDD-SF2) allows detached single family residences and related accessory structures on a minimum 6,800 square foot lot, with a maximum building height of 2 ½ stories.

All dimensional standards appear in the following table.

PDD-SF2 Residential Use Standards	
Building Height	Maximum building height of three stories.
Minimum Lot Width	68'
Minimum Lot Depth	100'
Minimum Front Yard	25'
Minimum Side Yard (interior, street side)	15' both sides
Minimum Rear Yard Setback	10'
Minimum Building Area	550 square feet

Public Notice

A total of 22 notices were sent out, with four notices returned. One response favored the request and three responses opposed the request. The persons opposing the request had concerns with increased traffic, vandalism, and wanted to keep the area open with trees and wildlife. The letters mailed and the newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff requests the Commission approve Z-FY-10-14 subject to the Commission finding the request:

1. Conforms to the Future Lands Use and Character Plan for suburban residential uses; and
2. Conforms to the Thoroughfare Plan for the requested PDD-SF-2 area to have access to FM 2217, a designated Arterial Roadway; and
3. Conforms to the Availability of Utility Plan for water and sewer being extended to the area as part of the extension policy of the City of Temple.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial

Locator Map

Land Use and Character Map

Zoning Map

Notice Map

Utility Map

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 4B: Z-FY-10-14: Discuss and recommend action on a zoning district change request from Agricultural District (A) to Planned Development District (PD-SF2) on 18.6 ± acre tract of land located along the west side of FM 2271, south of Northcliffe Drive. (Applicant: Turley Associates c/o C.W. Barge)

The background information was previously presented by Mr. Dolan included in Item 4A, therefore, Acting Chair Talley opened the public hearing for response to Item 4B.

There being no speakers, Acting Chair Talley closed the public hearing.

Commissioner Staats made a motion to approve this matter as proposed and Commissioner Hurd made a second.

Motion passed: (6:0)

Commissioners Dusek, Secrest and Chair Pilkington absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-14]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT SINGLE-FAMILY 2 (PDD-SF2) ON AN APPROXIMATELY 7.7 ACRE TRACT OF LAND LOCATED ALONG THE WEST SIDE OF FM 2271, SOUTH OF NORTHCLIFFE DRIVE, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of approximately 7.7 acres located along the west side of FM 2271, south of Northcliffe Drive has requested that the property be rezoned from Agricultural District (A) to Planned Development District Single-Family 2 (PDD-SF2); and

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

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Planned Development District Single-Family 2 (PDD-SF2), on approximately 7.7 acres located along the west side of FM 2271, south of Northcliffe Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- (a) The minimum lot area shall be a minimum of 6,800 square feet;
- (b) All other development standards of the property shall conform to the requirements of the Single-Family 2 District;
- (c) In the event of a conflict between the development plan and the text of the Planned Development ordinance, the stricter standard applies; and
- (d) All standards of the Zoning Ordinance apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #9
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-11: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Light Industrial District (LI) on a 137.7 ± acre tract of land being part of the James Campbell Survey, Abstract No. 196, proposed for McLane Group LP Subdivision, Phase Two.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 5/0 in accordance with staff recommendation to recommend approval of a zone change from A to LI because the request:

1. Conforms to the Future Land Use and Character Plan for Business Park,
2. Conforms to the Thoroughfare Plan for access to Central Pointe Parkway, (an Arterial Designated Roadway) and
3. Availability of water and sewer.

Commissioners Dusek, Pilkington and Secrest were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-11, from the Planning and Zoning meeting, January 19, 2010.

The applicant proposes a one-lot office-park subdivision with access from Central Pointe Parkway, an existing arterial designated roadway on the Thoroughfare Plan.

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

One notice was sent out. As of January 14 at 5 PM, the notice was returned opposing the zoning request. The newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial

Land Use and Character Map

Zoning Map

Notice Map

Utilities Map

P&Z Staff Report (Z-FY-10-11)

P&Z Minutes (January 19, 2010)

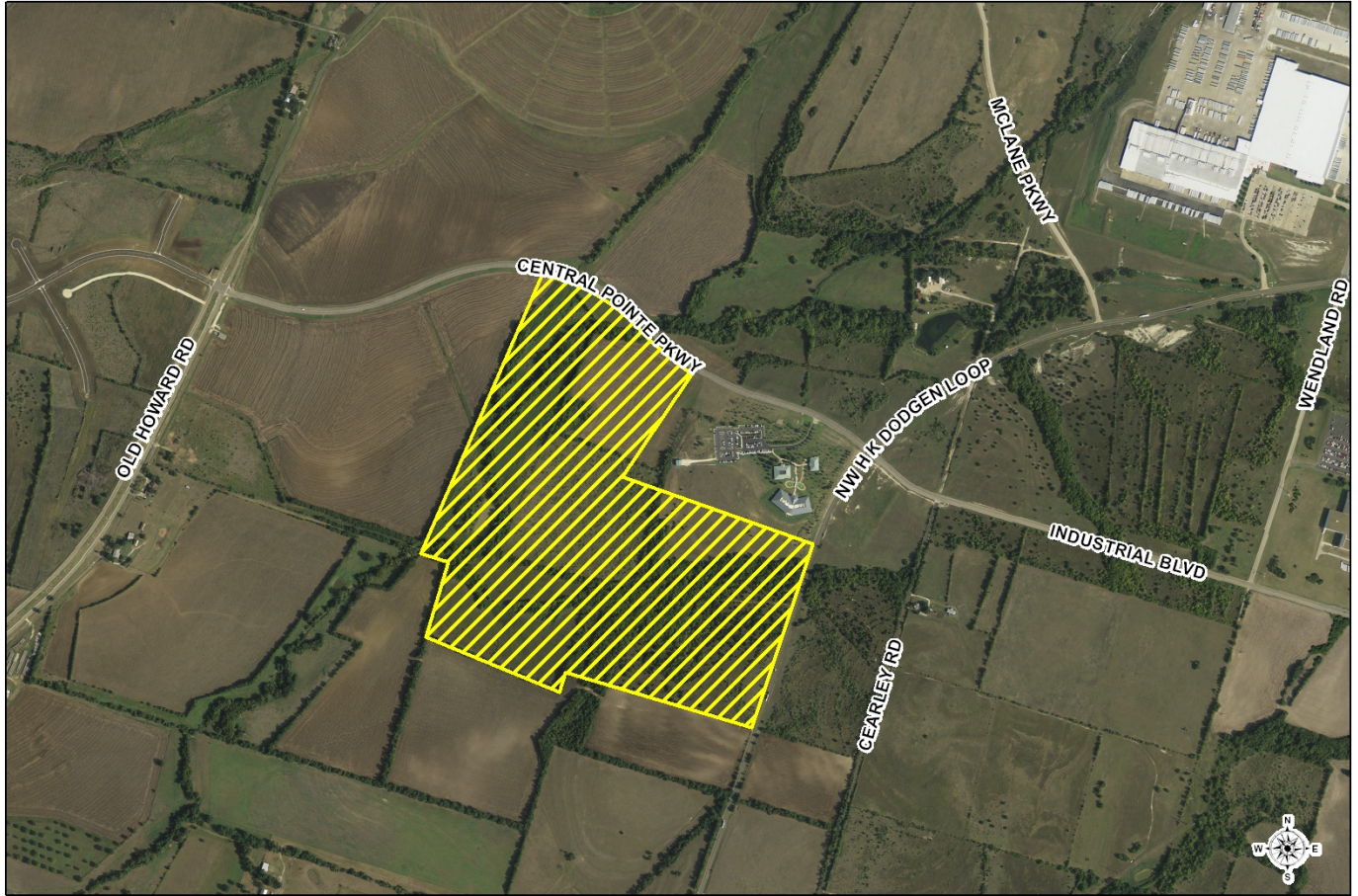
Ordinance



Z-FY-10-11

McLane Group, LP Subdivision, Phase Two

135.78 Ac Extension of LI Zoning



 ZFY1011

Feet 0 250 500 750 1,000

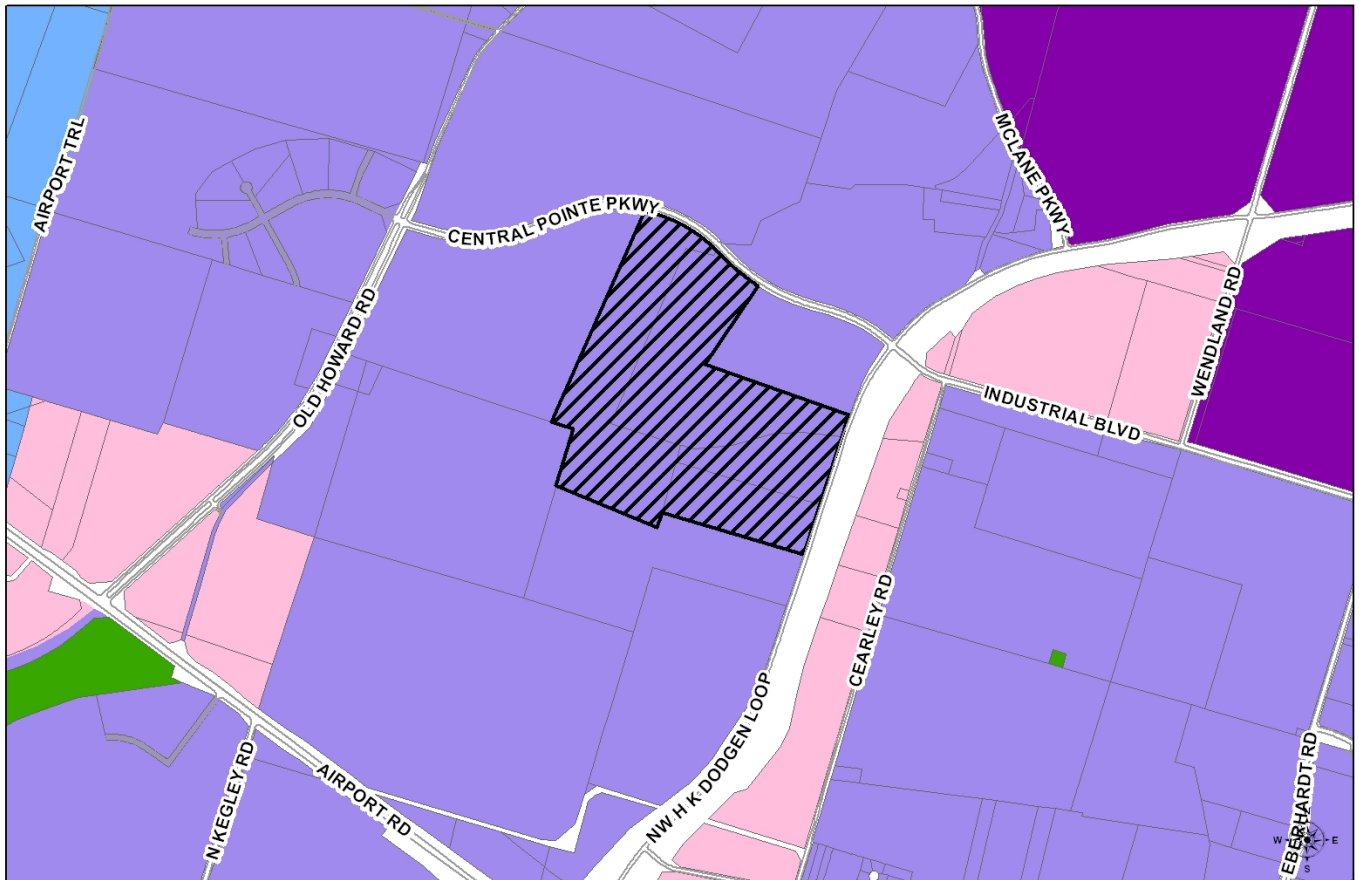
J Stone 12.01.09



Z-FY-10-11

McLane Group, LP Subdivision, Phase Two

135.78 Ac Extension of LI Zoning



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

Feet 0 400 800 1,200 1,600

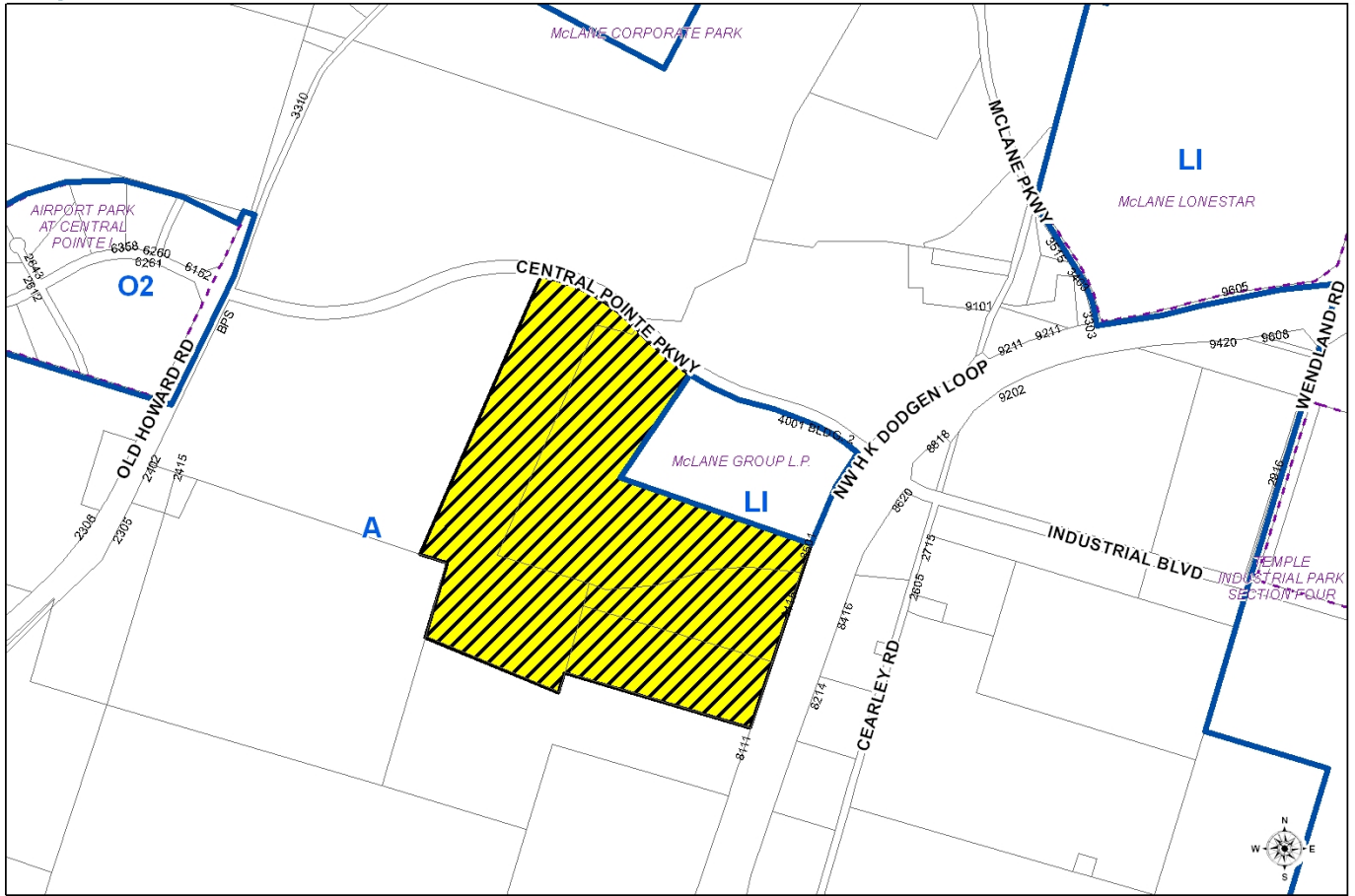
J Stone 12.01.09



Z-FY-10-11

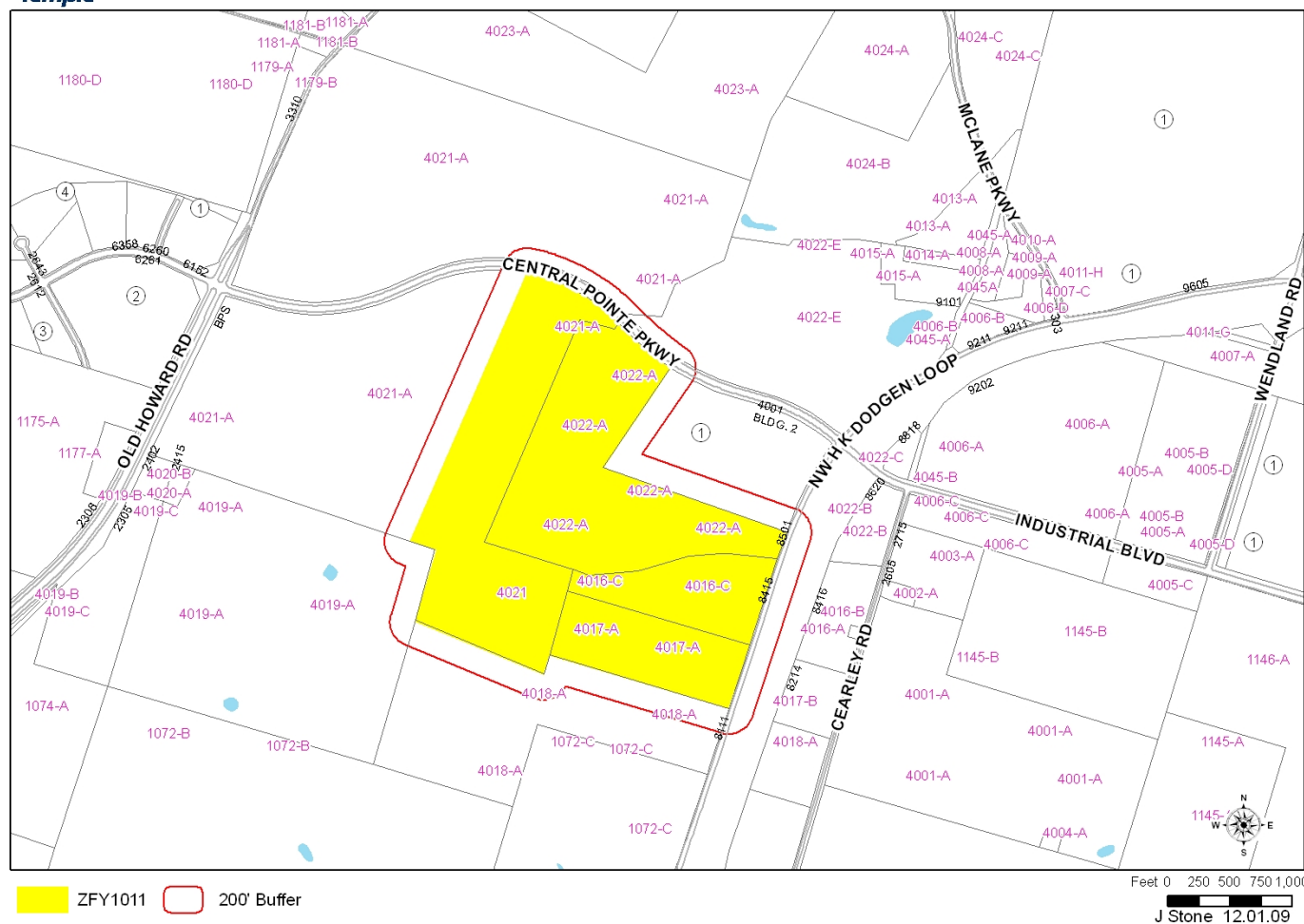
McLane Group, LP Subdivision, Phase Two

135.78 Ac Extension of LI Zoning



 ZFY1011

Feet 0 250 500 750 1,000
J Stone 12.01.09

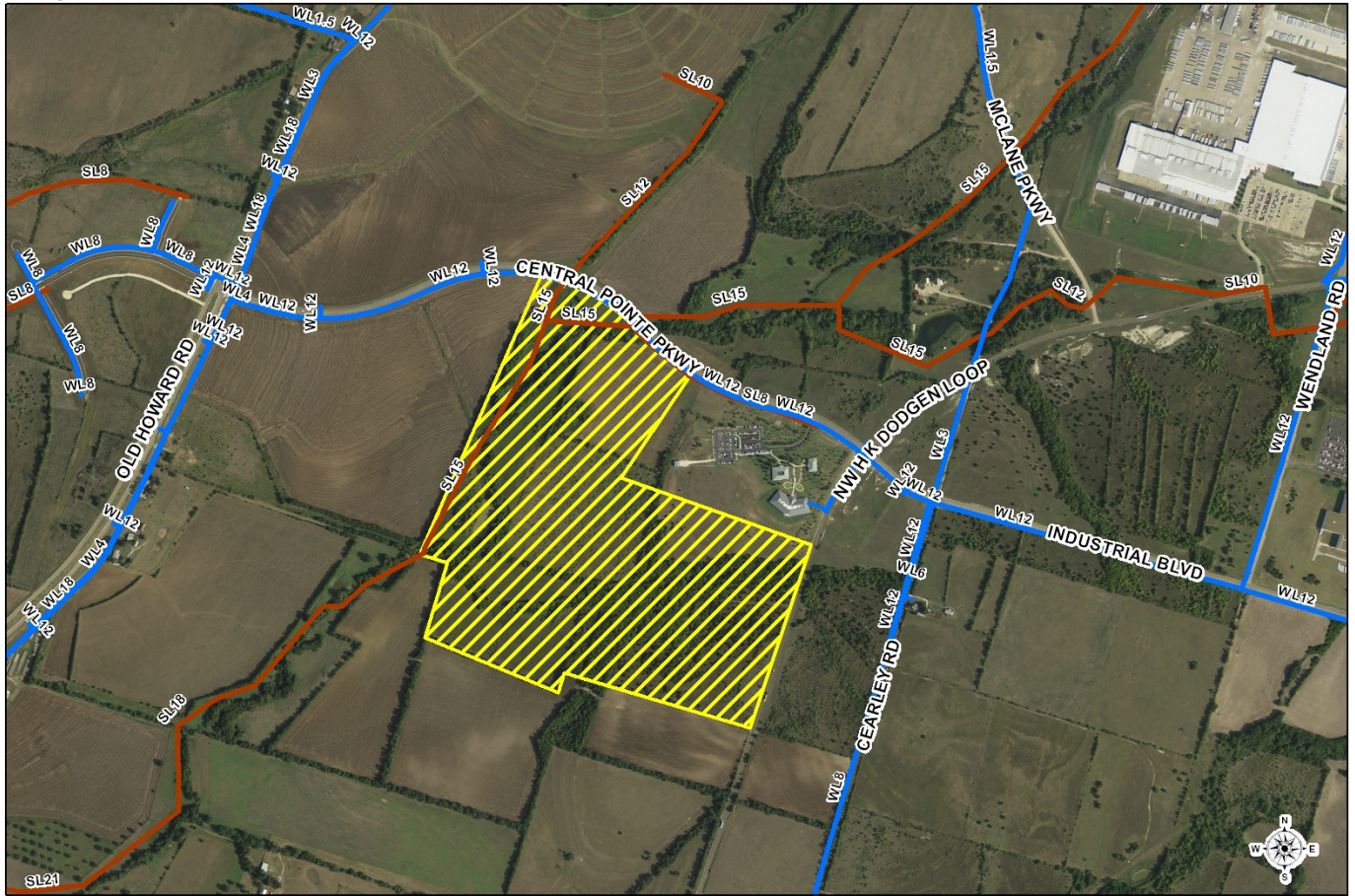




Z-FY-10-11

McLane Group, LP Subdivision, Phase Two

135.78 Ac Extension of LI Zoning



 ZFY1011

Feet 0 250 500 750 1,000
J Stone 12.01.09



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #2A
Regular Agenda

APPLICANT / DEVELOPMENT: Larry Neal for the McLane Group

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Public Hearing, Discussion and Action Z-FY-10-11: Discuss and recommend action on a zoning district change request from Agricultural District (A) to Light Industrial District (LI) on a 137.7 ± acre tract of land being part of the James Campbell Survey, Abstract No. 196, in the City of Temple, proposed for McLane Group LP Subdivision, Phase Two.

BACKGROUND - The applicant's request is for an industrial subdivision which will be a one-lot industrial subdivision. The Commission will take action on a final plat which is the next item.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
Subject	Request LI	Partially developed – office building w/ parking lot
North	A	Undeveloped
South	A	Undeveloped
East	A	Undeveloped
West	A	Undeveloped

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

Future Land Use and Character Plan

The Future Land Use and Character Plan show the subject area suitable for industrial or business park uses. The request conforms to the Future Land Use and Character Plan.

Thoroughfare Plan

Central Pointe Parkway is an existing Arterial Rights-of-Way, located on the north side of the subject tract for access and the Loop 363 is shown as a highway on the east side. The owner will build an internal access road from the Parkway for a new building and parking. The request conforms to the Thoroughfare Plan.

Availability of Public Facilities Plan

Available water and sewer exist on Central Pointe Parkway for extensions for development.

Development Regulations – Light Industrial (LI)

The LI district is to allow light industrial uses as defined by performance standards in the zoning ordinance. Residential uses are not allowed except boarding or rooming houses and hotels or motels, and it allows building height to any legal limit not prohibited by other laws or ordinances.

The LI district acts as a transition from other commercial or retail uses to industrial uses. This district is intended to be located away from areas of low and medium density residential development. The location should be carefully selected to avoid or reduce environmental impacts to residential areas.

Yard Regulations - LI

No front yard is required, except that no structure may be erected nearer than thirty (30) feet to the centerline of any street on which such structure fronts.

Public Notice

One notice was sent out. As of January 14 at 5 PM, nothing was returned. The newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of **Z-FY-10-11** because the zoning request subject to:

1. Conforms to the Future Land Use and Character Plan for a Business Park,
2. Conforms to the Thoroughfare Plan for access to existing Arterials, and
3. Conforms to the Availability of Public Facilities Plan.

ATTACHMENTS:

Aerial

Land Use and Character Map

Zoning Map

Notice Map

Utility Map

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 2A: Z-FY-10-11: Public Hearing, Discussion and Action on a zoning district change request from Agricultural District (A) to Light Industrial District (LI) on a 137.7 ± acre tract of land being part of the James Campbell Survey, Abstract No. 196, in the City of Temple, proposed for McLane Group LP Subdivision, Phase Two. (Applicant: Larry Neal for the McLane Group)

Acting Chair Talley made the comment Items 2A and 2B would be presented together but separate public hearings and motions would be made on each item.

Mr. Tim Dolan, Planning Director, stated Item 2A was a zoning request for the replat in Item 2B. The subject property was located on the southwest corner of Central Pointe Parkway and Highway 363 and the request was for Agricultural (A) to Light Industrial (LI) zoning.

Mr. Dolan stated the Future Land Use and Character Plan showed this area for business park uses. The Thoroughfare Plan showed the roads for Central Pointe Parkway as arterials and water and sewer were available to the site.

Mr. Dolan stated the property fronted Loop 363, however, there is no access to be provided from this area. The Airport Commerce Park to the west is also along Central Pointe Parkway. The zoning map showed this would be conducive to part of an area already zoned LI.

Only one notice was mailed out and the property owner was not in favor of the request.

Mr. Dolan stated no front yard was required, except that no structure may be erected nearer than thirty (30) feet to the centerline of any street on which such structure fronted.

Staff recommended approval of this zoning request from A to LI since it complied with the Future Land Use and Character Plan for a business park, complied with the Thoroughfare Plan with access to Central Pointe Parkway, and available public facilities would serve the property

Commissioner Staats stated he needed to recuse himself from Items 2A and 2B due to a conflict and handed the appropriate forms to Staff.

Mr. Dolan continued with the presentation for Item 2B, the replat of McLane Group, applicable to the same location mentioned in Item 2A. City Council would review this item at their February 4th meeting.

Mr. Dolan stated the applicant requested and was seeking an exception to Section 33-98 for sidewalks. The Zoning Ordinance required sidewalks to be built along an arterial roadway with a minimum of 6 feet in width and, if there was a collector roadway designated within the Thoroughfare Plan, that sidewalk would be 4 feet wide. The applicant's request stated no type of sidewalk should be required at this location at this time.

The Master Trail Plan for the City, which was currently under review, showed an 8 foot wide community trail going through this area along Central Pointe Parkway and the applicant was required to build a 6 foot wide sidewalk along Central Pointe Parkway. The Trail Plan showed an 8 foot walkway in there and the City would be required to participate in any oversize for that approximately 2 foot wide trail.

The Airport Commerce Park located to the west and approved in 2008 planned to build a 6 foot sideway along Central Pointe Parkway for its frontage which is approximately the same length as the McLane request.

Mr. Dolan stated approximately 2,809 linear feet was being requested for approval from the Commission to have the required sideway built and Staff recommended approval of the final plat without any exception to the Subdivision Regulations for sidewalks.

Acting Chair Talley asked how wide the sidewalk would be for the property (Airport Commerce Park) to the west that agreed to put in sidewalks, 8 or 6 feet? Mr. Dolan stated before the Master Plan was involved it was 6 foot at the time it was discussed but the City would interested in participating with that project as well.

Acting Chair Talley opened the public hearing.

Mr. Larry Neal, 4609 Willow Wood Lane, Temple, Texas approached and stated he was available for any questions.

Commissioner Barton asked Mr. Neal how old the existing building was and the response was there were three (3) buildings: the first was built in 1994, the second was built in 2001 and the third was built in 2007. Commissioner Barton asked when the Master Plan was completed and Mr. Dolan stated the Subdivision Ordinance had been around since the '80s for sidewalk requirements of six (6) feet along arterial roads. In reference to the Hike and Bike Trail Plan, City Council would be looking at that sometime late February or early March.

Commissioner Barton asked if the sidewalk requirements were in effect when the original buildings were built and Mr. Dolan stated the Ordinance did comply with having sidewalks built there at the time but all that was discussed were the extension of roadway 96 and also for the utilities to be provided for the area and the sidewalk question did not come up but it was required. Most of the focus since approximately 1996 when the plat was recorded for the first lot was essentially on the road extension.

Commissioner Barton asked when the owner/applicant/developer originally started the buildings, he went in there with the "assumption" he did not have to build a sidewalk since it never came up and Mr. Dolan stated he did not know what the "assumption" would be since he was not here 25 years ago, however, the sidewalk requirement was in place at that time.

There being no further speakers, Acting Chair Talley closed the public hearing.

Commissioner Pope made a motion to approve the zoning change request from A to LI and Commissioner Hurd made a second.

Motion passed: (5:0)

Absent: Commissioners Dusek, Secrest and Chair Pilkington;
Commissioner Staats abstained

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-11]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON AN APPROXIMATELY 137.7 ACRE TRACT OF LAND BEING PART OF THE JAMES CAMPBELL SURVEY, ABSTRACT NO. 196, PROPOSED FOR MCLANE GROUP LP SUBDIVISION, PHASE TWO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on an approximately 137.7 acre tract of land being part of the James Campbell Survey, Abstract No. 196, proposed for McLane Group LP Subdivision, Phase Two, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of February, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #10
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-12: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an off-premise consumption, package store in a 6,105 square foot lease area on Lot 2, Block 1, Buchanan & Gardenhire Addition, at 2810 West Avenue J.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 5/0 in accordance with staff recommendation to recommend approval of a CUP request for off-premise consumption, package store subject to review from the Comprehensive Plan. The applicant agrees with all of the conditions.

1. The request conforms to the Future Land Use and Character Map which designates the property as Mixed Use Commercial.
2. This request conforms to the Thoroughfare Plan since the shopping center contains access to the Interstate 35 Service Road, South General Bruce Parkway designated as a Highway.
3. Available public facilities serve this site.

Commissioners Dusek, Pilkington and Secrest were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-12, from the Planning and Zoning meeting, January 19, 2010. This CUP request is to allow off-premise consumption, package store for the sales of distilled liquors, wines and beers in unbroken original containers at 2810 West Avenue J. The location is the site of a former automobile parts store. The Council approved the allowed use in Ordinance 2009-4322, on November 5, 2009.

The outdoor lighting and parking are in compliance with the IH 35 Overlay District. While not required, the applicant will also install landscaping in an area near the southwest corner of the building as shown on the site plan. Retail customers will use the front door for ingress/egress. The applicant has begun the permit process with the Texas Alcoholic Beverage Commission (TABC). This application conforms to the area and use requirements for a CUP required for an off-premise package store in the Commercial District. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

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

Public Notice

Six notices were sent out. As of Thursday, January 14, 2010 at 5:00 p.m., no notices were returned. The newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance.

FISCAL IMPACT:

NA

ATTACHMENTS:

Aerial

Land Use and Character Map

Zoning Map

Notice Map

Binding Site Development Plan

P&Z Staff Report (Z-FY-10-12)

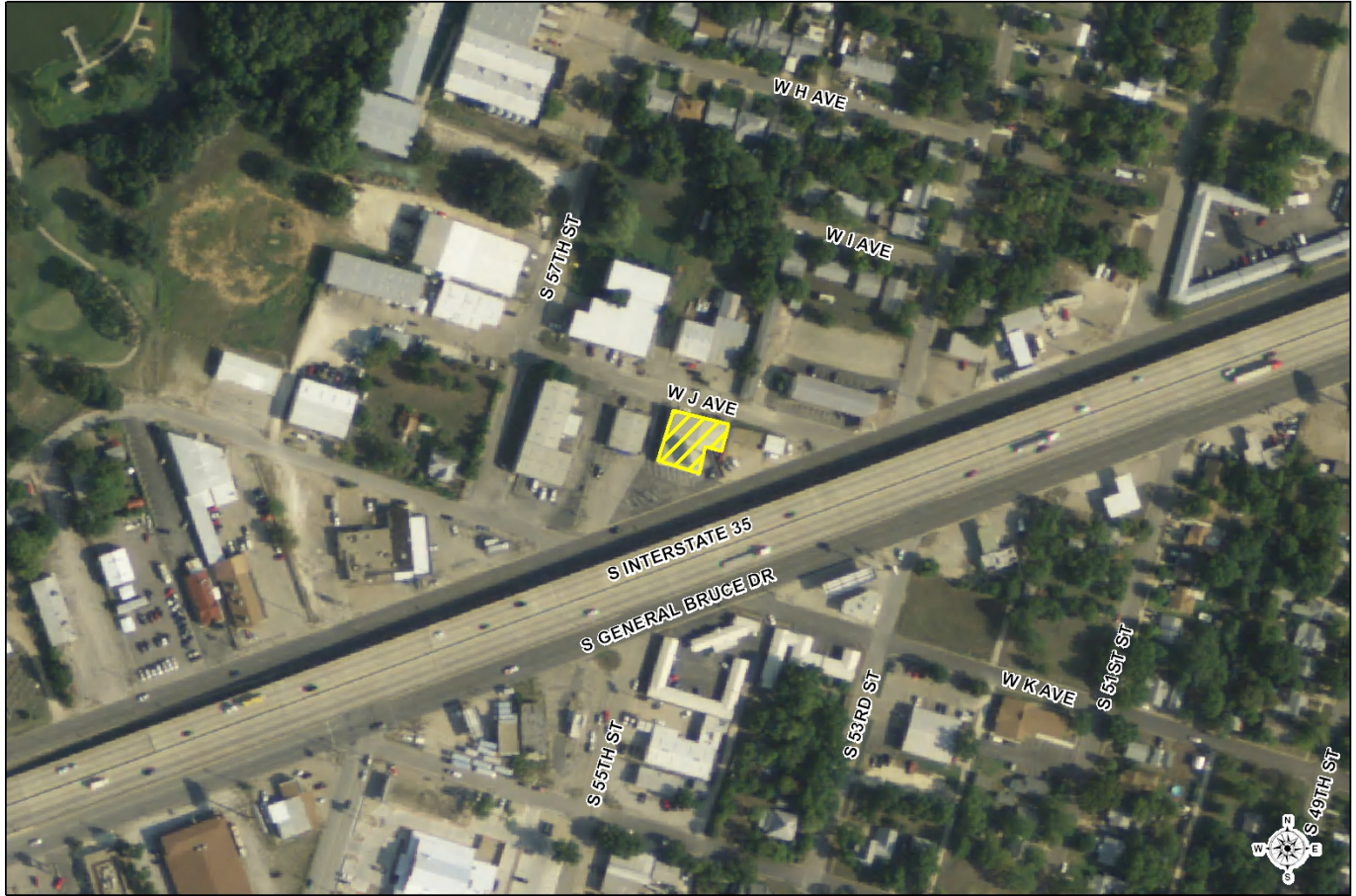
P&Z Minutes (January 19, 2010)

Ordinance



Z-FY-10-12 6,105 SF of Lot 2, Block 1, Buchanan & Gardenhire Addition

Proposed Package Store



 ZFY1012

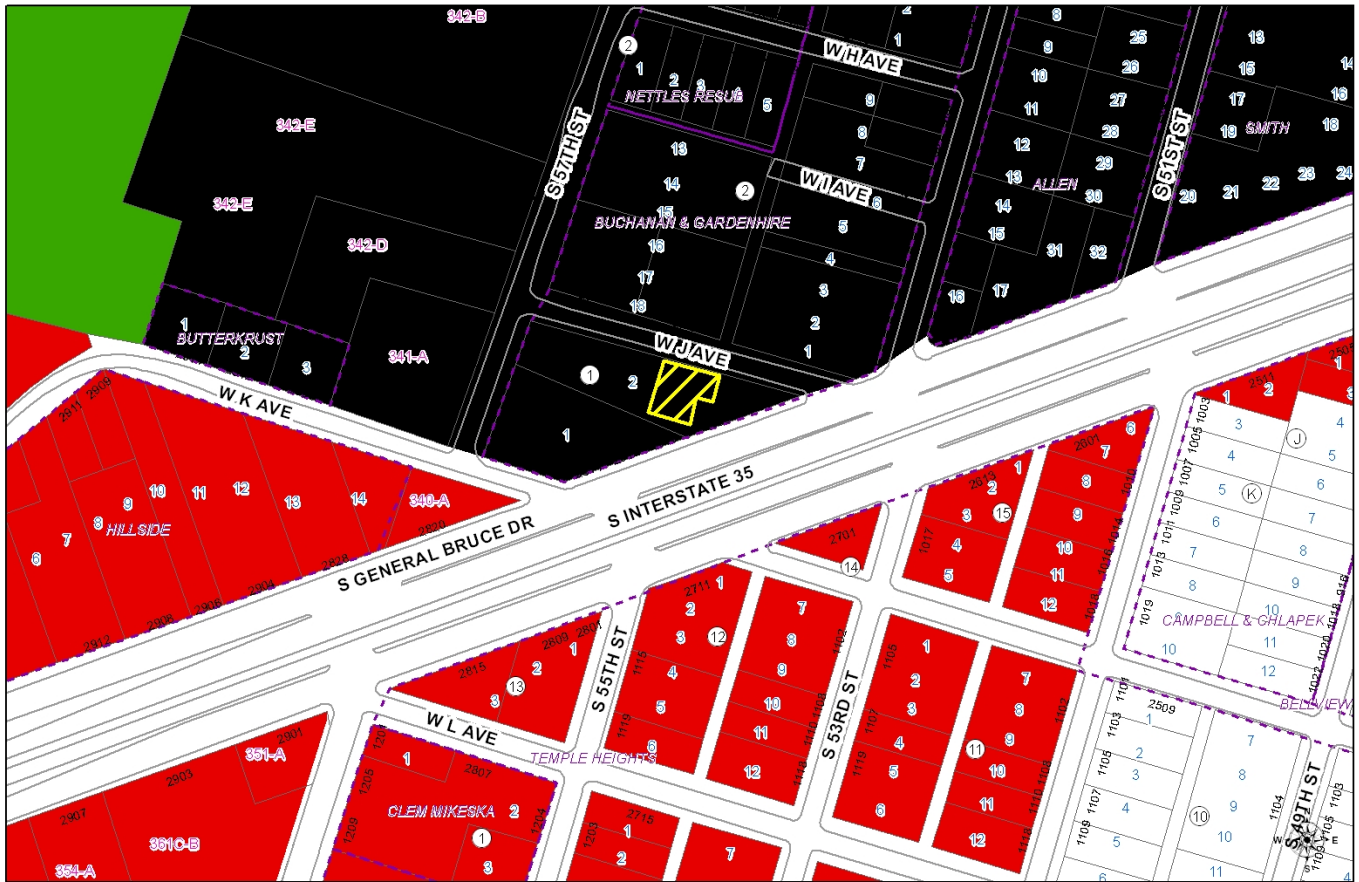
Feet 0 70 140 210 280

J Stone 11.30.09



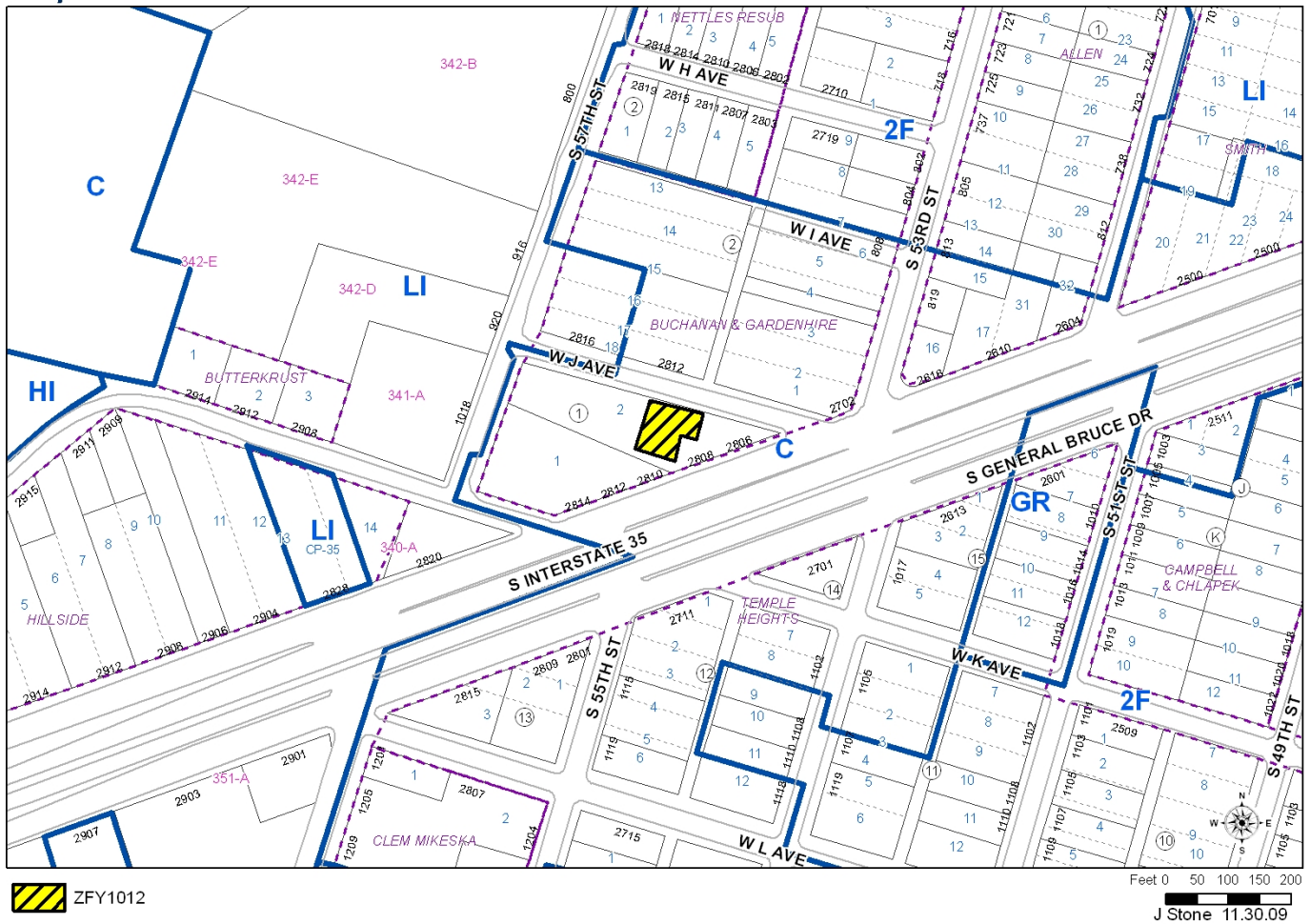
Z-FY-10-12 6,105 SF of Lot 2, Block 1, Buchanan & Gardenhire Addition

Proposed Package Store



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

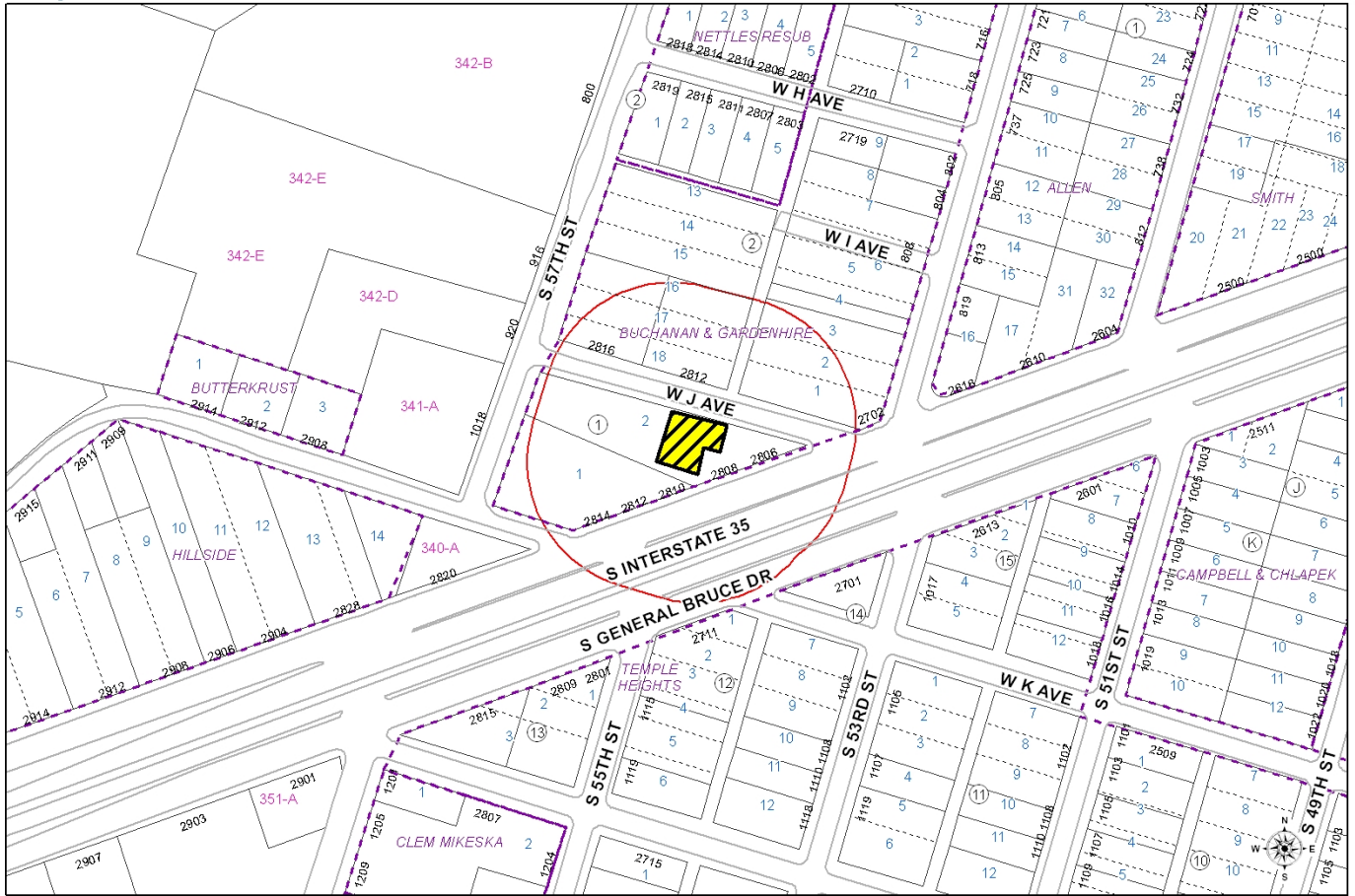
1 inch = 200 feet
J Stone 11.30.09





Z-FY-10-12 6,105 SF of Lot 2, Block 1, Buchanan & Gardenhire Addition

Proposed Package Store



ZFY1012 200' Buffer

Feet 0 50 100 150 200
J Stone 11.30.09

CUP Site Plan - Exhibit A

1-STORY
METAL BUILDING
6,105 SQ. FT.
HEIGHT - 21.8 FT.

Screened Dumpster

West Avenue J

90'

41'

Warehouse Space
3,543 sq. ft.

Donald
Bulls
Locksmith

Sports World

81'

Retail Space
2,562 sq. ft.

Billboard

35' Driveway

South General Bruce Drive

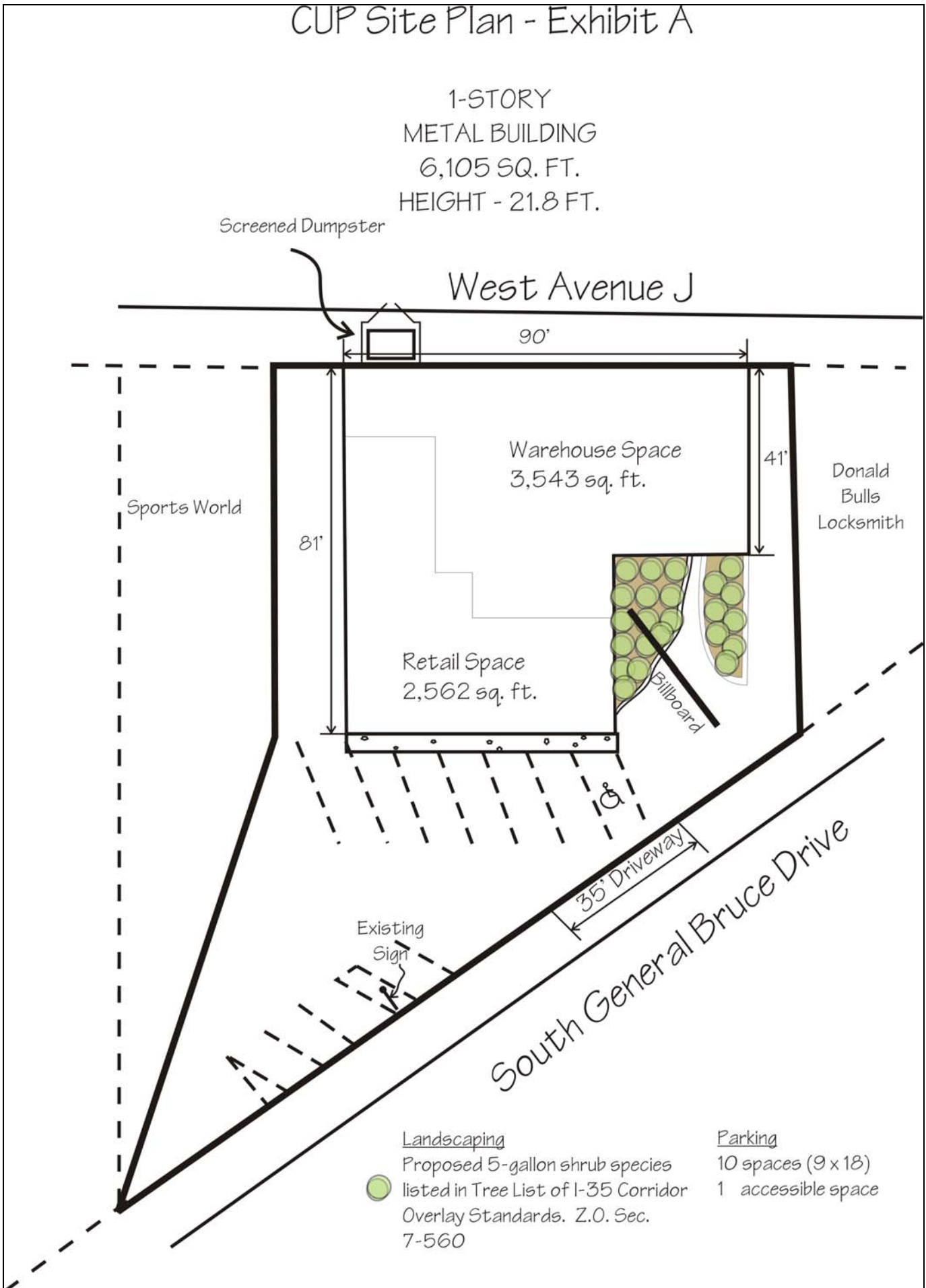
Existing
Sign

Landscaping

Proposed 5-gallon shrub species
listed in Tree List of I-35 Corridor
Overlay Standards. Z.O. Sec.
7-560

Parking

10 spaces (9 x 18)
1 accessible space





PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #3
Regular Agenda
Page 1 of 8

APPLICANT / DEVELOPMENT: Cory Herring for Bernice Johns c/o Douglas Johns

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Public Hearing, Discussion and Action Z-FY-10-12: Discuss and recommend action on a Conditional Use Permit (CUP) to allow a package store with alcoholic beverage sales for off-premise consumption in a 6,105 square foot lease area on Lot 2, Block 1, Buchanan & Gardenhire Addition, at 2810 West Avenue J. Zoned Commercial District.

BACKGROUND: This Conditional Use Permit (CUP) request is to allow an off-premise consumption, package store for the sales of distilled liquors, wines and beers in unbroken original containers at 2810 West Avenue J, (The Council approved the allowed use in Ordinance 2009-4322, approved November 5, 2009.)

The site plan shows a single-story building with 6,105 square feet, which will be adopted as part of the ordinance. Access comes from one driveway, 35' wide, along South General Bruce Drive. An access easement links subject area to the north and to the south. The applicant will plant landscaping shrubs on the north side of the store, using the planting list from the IH 35 ordinance. No room exists for landscaping adjacent to the right-of-way. Parking is sufficient for the retail use. The building will have 2,562 square feet of retail area and 3,543 square feet of storage warehouse area. The rear of the store backs to Avenue J, and the applicant will screen the existing dumpster to City standards.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photograph
Subject	C	Subject Area	
North	C	Sports World	

South	C	Locksmith Shop	
East	C	Convenience store, east of site (under IH 35)	
West	C	Avenue J (dumpster to be screened)	

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

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

Thoroughfare Plan – This request conforms to the Thoroughfare Plan since the subject tract has access to South General Bruce Drive a service road for Interstate 35.

Availability of Public Facilities – Available public facilities for water and sewer serve this site.

Development Regulations

There are seven general criteria for the Planning and Zoning Commission and City Council to consider when reviewing a CUP. (Section 7-600).

Criteria	Proposal Meets Criteria?
The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity	Yes. The property was a retail use previously. The surrounding properties contain commercial uses.
The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property	Yes.

Criteria	Proposal Meets Criteria?
Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided	Yes.
The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development	Yes. 35' wide driveway for this corner lot is from South General Bruce instead from Avenue J. Off-street parking is arranged with a 24' wide aisle and backing area.
Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration	Yes.
Directional lighting will be provided so as not to disturb or adversely affect neighboring properties	Yes. Lighting will conform to the I H 35 Overlay regulations.
There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes. The applicant will install landscaping on the northern edge of the property. Insufficient area exists on the lot frontage to allow landscaping.

Development Regulations

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

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

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

Public Notice

Six notices were sent out. As of Thursday, January 14, 2009 at 5:00 p.m., no notices were returned. The newspaper printed notice of the public hearing on January 8, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the Z-FY-10-12, a CUP for an on Lot 2, Block 1, Buchanan & Gardenhire Addition, at 2810 West Avenue for off-premise consumption, package store at with the following conditions in accordance with Section 7-611 of the Zoning Ordinance:

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 3: Z-FY-10-12: Discuss and recommend action on a Conditional Use Permit (CUP) to allow a package store with alcoholic beverage sales for off-premise consumption in a 6,105 square foot lease area on Lot 2, Block 1, Buchanan & Gardenhire Addition, at 2810 West Avenue J. Zoned Commercial District. (Cory Herring for Bernice Johns c/o Douglas Johns)

Commissioner Staats recused himself due to conflict.

Mr. Dolan stated the proposed package store conformed with all regulations since the vote for package stores was approved for the City of Temple in November 2009. The property was zoned Commercial (C) and conformed to the CUP regulations. CUPs are required for the Commercial (C), General Retail (GR), and Central Area (CA) zoning districts. The subject property was located along Avenue J.

The Future Land Use and Character Plan showed this area to be part of the mixed use land use which was in conformance along with the Thoroughfare Plan because I-35 is an expressway where primary access will come from, and the availability of public facilities will serve the site with adequate water and sewer.

Mr. Dolan stated six (6) notices were mailed out to property owners and two were received in agreement.

Staff recommended approval of this zoning case at this location since it complied with the Future Land Use and Character Plan, the Thoroughfare Plan and available public facilities will serve the property, and the site plan would be adopted as "Exhibit A," and the applicant comply with the conditions of the Ordinance. Staff also found favorably for all seven (7) conditions which the Commission should consider for a CUP.

The site plan shows a single-story building with 6,105 square feet, which would be adopted as part of the ordinance. Access comes from one driveway, 35' wide, along South General Bruce Drive. An access easement links subject area to the north and to the south. The applicant will plant landscaping shrubs on the north side of the store, using the planting list from the IH 35 ordinance. No room existed for landscaping adjacent to the right-of-way. Parking is sufficient for the retail use. The building will have 2,562 square feet of retail area and 3,543 square feet of storage warehouse area.

The rear of the store backs to Avenue J, and the applicant will screen the existing dumpster to City standards.

Acting Chair Talley opened the public hearing.

There being no speakers, Acting Chair Talley closed the public hearing.

Commissioner Martin made a motion to approve the Conditional Use Permit with the 11 Staff recommendations and Commissioner Hurd made a second.

Motion passed: (5:0)

Absent: Commissioners Dusek, Secrest and Chair Pilkington;

Abstained: Commissioner Staats

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-12]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR AN OFF-PREMISE CONSUMPTION PACKAGE STORE IN A 6,105 SQUARE FOOT LEASE AREA ON LOT 2, BLOCK 1, BUCHANAN & GARDENSHIRE ADDITION, AT 2810 WEST AVENUE J; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of a 6,105 square foot lease area on Lot 2, Block 1, Buchanan & Gardenshire Addition, at 2810 West Avenue J, recommends that the City Council approve the application for this Conditional Use Permit for an off-premise consumption package store; and

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

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

Part 1: The City Council approves a Conditional Use Permit for an off-premise consumption package store in a 6,105 square foot lease area on Lot 2, Block 1, Buchanan & Gardenshire Addition, at 2810 West Avenue J, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #11(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-15A: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to Neighborhood Services District (NS) on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a zone change from A to NS for the following reasons:

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

Commissioners Secrest, Pilkington and Dusek were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-16, from the Planning and Zoning meeting, January 19, 2010. The purpose of this rezoning is to allow the re-establishment of an abandoned convenience store on the subject property. The store will sell beer and wine for off-premise consumption. The subject property was annexed in January 2008 and given the default zoning district of Agricultural. The NS zoning district allows the sale of beer and wine for off-premise consumption subject to a Conditional Use Permit (CUP), to be presented in Z-FY10-15B.

Future Land Use and Character

The Future Land Use and Character Map designates the subject property as Estate Residential. The Comprehensive Plan recommends the NS zoning district to complement residential areas since it is the most restrictive and least intense commercial zoning district. The proposal conforms to the Future Land Use and Character Plan.

Thoroughfare Plan

The subject property fronts on FM 2305 and Woodland Point Road. FM 2305 is designated an arterial street on the Thoroughfare Plan while Woodland Point Road is a local street. The proposal conforms to the Thoroughfare Plan.

Availability of Public Facilities

A two-inch water line serves the subject property. The property will have to utilize an on-site septic facility approved by the County Sanitarian.

Public Notice

Six notices of the Planning and Zoning Commission public hearing were sent out. As of January 12 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 8, 2010 in accordance with state law and local ordinance

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

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial & Utility Map](#)
[Land Use and Character Map](#)
[Zoning Map](#)
[Notice Map](#)
[P&Z Staff Report \(Z-FY-15A\)](#)
[P&Z Minutes \(01/19/10\)](#)
[Ordinance](#)



Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store



 ZFY1015

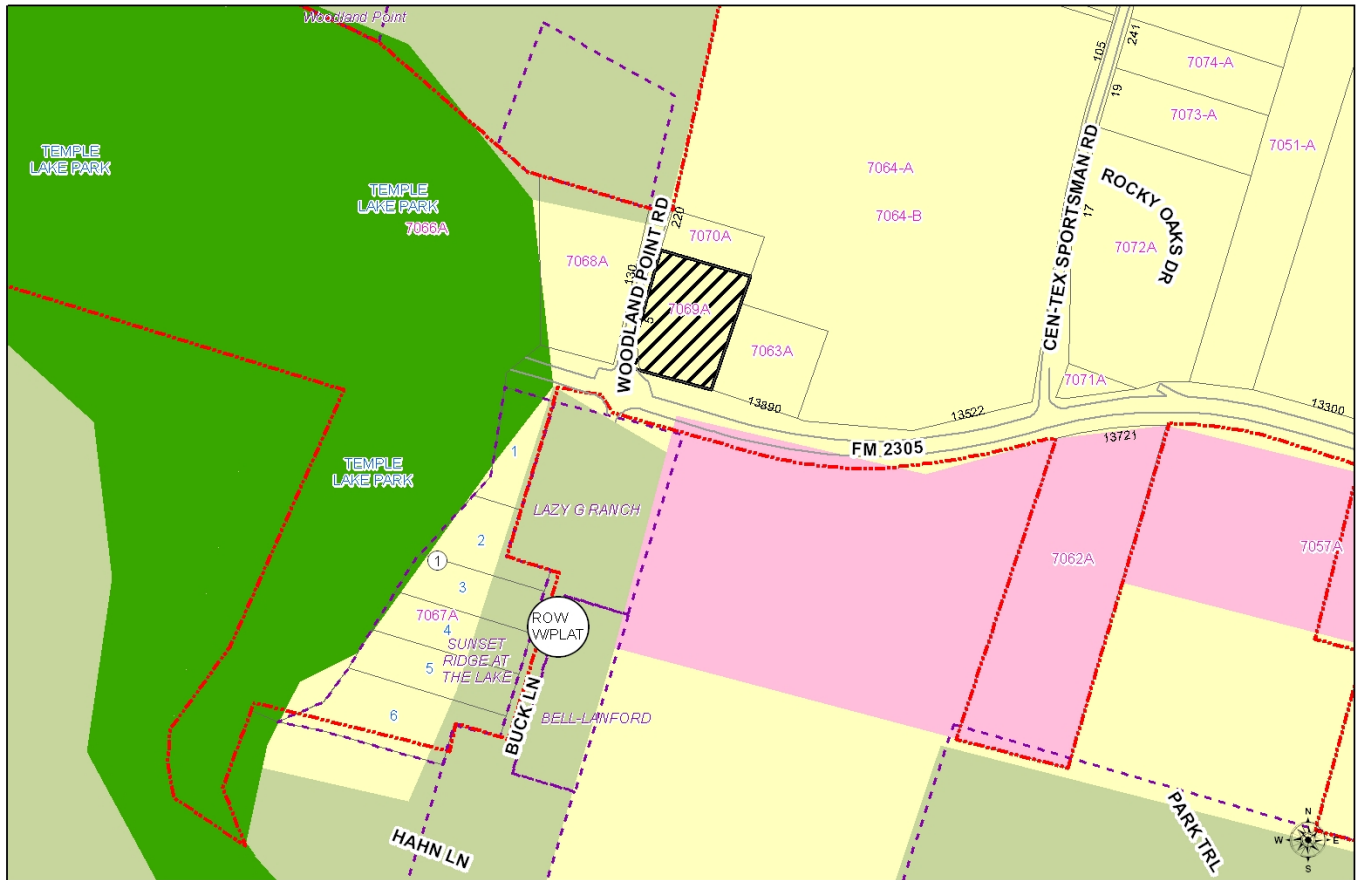
Feet 0 50 100 150 200
J Stone 12.14.09



Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store



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

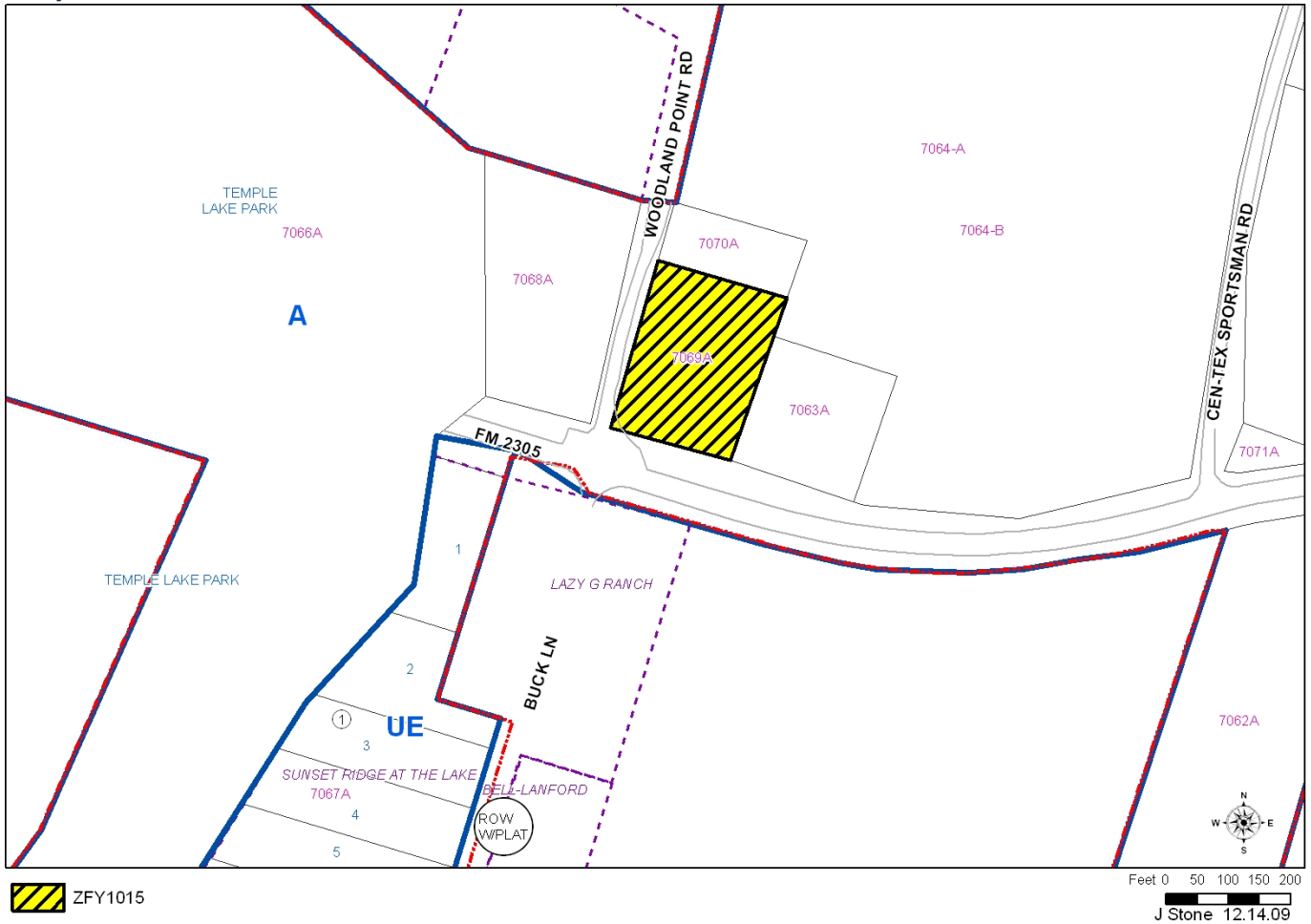
1 inch = 300 feet
J Stone 12.21.09



Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store





Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store

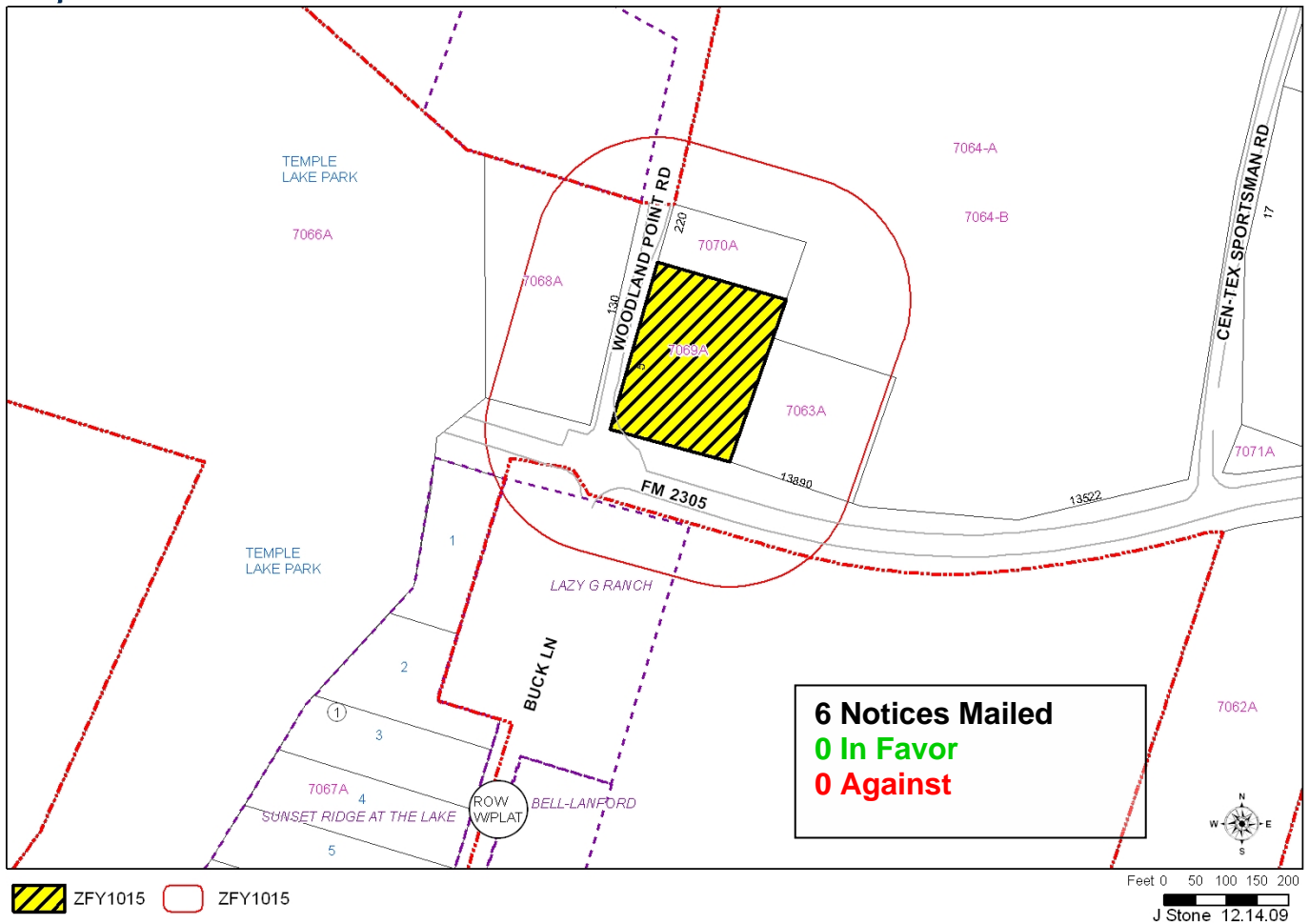




Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store





PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #5A
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Bob Bailey



CASE MANAGER: Brian Mabry, AICP, Senior Planner




ITEM DESCRIPTION: Z-FY-10-15A Hold a public hearing to discuss and recommend action on a zoning district change from Agricultural District (A) to Neighborhood Service District (NS) on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road.

BACKGROUND: The purpose of this rezoning is to allow the re-establishment of an abandoned convenience store on the subject property. The store will sell beer and wine for off-premise consumption. The subject property was annexed in January 2008 and given the default zoning district of Agricultural. According to the parking standards in the Zoning Ordinance, the applicant will need to provide a minimum of three off-street parking spaces. The NS zoning district allows the sale of beer and wine for off-premise consumption subject to a Conditional Use Permit (CUP). The CUP case is presented in item 5B.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	A (NS proposed)	Vacant Convenience Store	
North	A	Single-Family Dwelling (possibly vacant)	

Direction	Zoning	Current Land Use	Photo
East	A	Single-Family Dwelling (large lot)	
South	ETJ	Vacant	
West	A	Vacant Dilapidated Building	

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

Future Land Use and Character

The Future Land Use and Character Map designates the subject property as Estate Residential. The Comprehensive Plan recommends the NS zoning district to complement residential areas since it is the most restrictive and least intense commercial zoning district. The proposal conforms to the Future Land Use and Character Plan.

Thoroughfare Plan

The subject property fronts on FM 2305 and Woodland Point Road. FM 2305 is designated an Arterial Street on the Thoroughfare Plan while Woodland Point Road is a local street. The proposal conforms to the Thoroughfare Plan.

Availability of Public Facilities

A two-inch water line serves the subject property. The property will have to utilize an on-site septic facility approved by the County Sanitarian.

Development Regulations

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

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

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

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

Public Notice

Six notices of the Planning and Zoning Commission public hearing were sent out. As of January 12 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 8, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-10-15 for the following reasons:

1. The proposal conforms to the Future Lands Use and Character Plan.
2. The proposal conforms to the Thoroughfare Plan.
3. Public water is available and lot area is of sufficient size for septic service.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 5A: Z-FY-10-15A: Discuss and recommend action on a zoning district change from Agricultural District (A) to General Retail District (GR) on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road. (Applicant: Robert Bailey)

Acting Chair Talley made the statement that Items 5A and 5B would be presented together but separate public hearings and motions would be made on each item.

Mr. Mabry stated the purpose of this rezoning request was to allow the re-establishment of an abandoned convenience store on the subject property. The store would sell beer and wine for off-premise consumption. The subject property was annexed in January 2008 and given the default zoning district of Agricultural (A). According to parking standards in the Zoning Ordinance, the applicant would need to provide a minimum of three off-street parking spaces. The recommended zoning of Neighborhood Service (NS) allowed the sale of beer and wine for off-premise consumption subject to a Conditional Use Permit (CUP).

Mr. Mabry stated the infrastructure of the area included a 2 inch water line running along Woodland Pointe Road and the on-site septic facility would need to be approved by the County Sanitarian.

The nearby structures include an old café to the west, single-family dwellings to the north and east, and vacant land to the south. The Future Land Use and Character Map designated the subject property as Estate Residential. The Comprehensive Plan recommended NS to complement residential areas since it was the most restrictive and least intense commercial zoning district. The property was located at the intersection of Woodland Pointe Road, a local street, and major arterial, F.M. 2305 and conformed with the Thoroughfare Plan. Most of the surrounding property are outside of the City Limits or zoned A.

Mr. Mabry stated six (6) notices were mailed to surrounding property owners and none had been returned.

Mr. Mabry continued with the CUP portion, Item 5B.

The existing convenience store and trees would remain, there would be 3 off-street parking spaces required based on the size of the convenience store, and there was a spot for a side load dumpster, if deemed appropriate.

Mr. Mabry covered the seven (7) conditions CUPs are measured against and stated this case met all of the criteria.

Staff recommended approval of this CUP subject to the following conditions:

1. Redevelopment of the convenience store must conform to the CUP site plan, which was an exhibit to the ordinance approving the CUP.
2. The permittee must design and operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
5. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
6. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Acting Chair Talley opened the public hearing for Item 15A.

Mr. Robert Bailey, 200 Woodson Street, Belton, stated he recently purchased the property, would like to clean up the store, and try to make some money if the zoning request were approved.

There being no further speakers, Acting Chair Talley closed the public hearing.

Commissioner Pope made a motion to approve the zoning request from A to NS and Commissioner Martin made a second.

Motion passed: (6:0)

Commissioners Dusek, Secrest and Chair Pilkington absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-15A]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO NEIGHBORHOOD SERVICES DISTRICT (NS) ON AN APPROXIMATELY 1.3 ACRE TRACT OF LAND IN THE CHARLES FURNASH SURVEY, ABSTRACT 314, BELL COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF FM 2305 AND WOODLAND POINT ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Neighborhood Services District (NS) on an approximately 1.3 acre tract of land located in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of February, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #11(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-15B: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a convenience store for alcoholic beverage sales, off-premise consumption of beer and wine, on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a CUP for alcoholic beverage sales, off-premise consumption of beer and wine, subject to the following conditions:

1. Redevelopment of the convenience store must conform to the CUP site plan, which is an exhibit to the ordinance approving the CUP.
2. The permittee must design and operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
5. The CUP runs with the property and is not affected by a change in the owner or lessee of the permitted establishment.
6. The CUP may be canceled, suspended or revoked in accordance with the revocation clause set forth in Zoning Ordinance Section 7-608.

Commissioners Secrest, Pilkington and Dusek were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-15B, from the Planning and Zoning meeting, January 19, 2010. The purpose of this CUP request is to allow the sale of beer and wine for off-premise consumption for the convenience store that is proposed to be re-established on the subject property. The use is allowed by right in the General Retail, Commercial and Industrial zoning districts. In this location, the NS zoning district is more appropriate for the subject area since it is the least intensive of the nonresidential zoning districts.

The Zoning Ordinance does not specify CUP standards for alcoholic beverage sales for off-premise consumption in the NS zoning district. The staff recommendation contains standards that are adapted from those for on-premise consumption uses. In addition, development of the property must comply with the attached CUP site plan.

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

Public Notice

Six notices of the Planning and Zoning Commission public hearing were sent out. As of January 12 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 8, 2010 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

CUP Site Plan
CUP Site Plan with Aerial
P&Z Staff Report (Z-FY-10-15B)
P&Z Minutes (01/19/10)
Ordinance

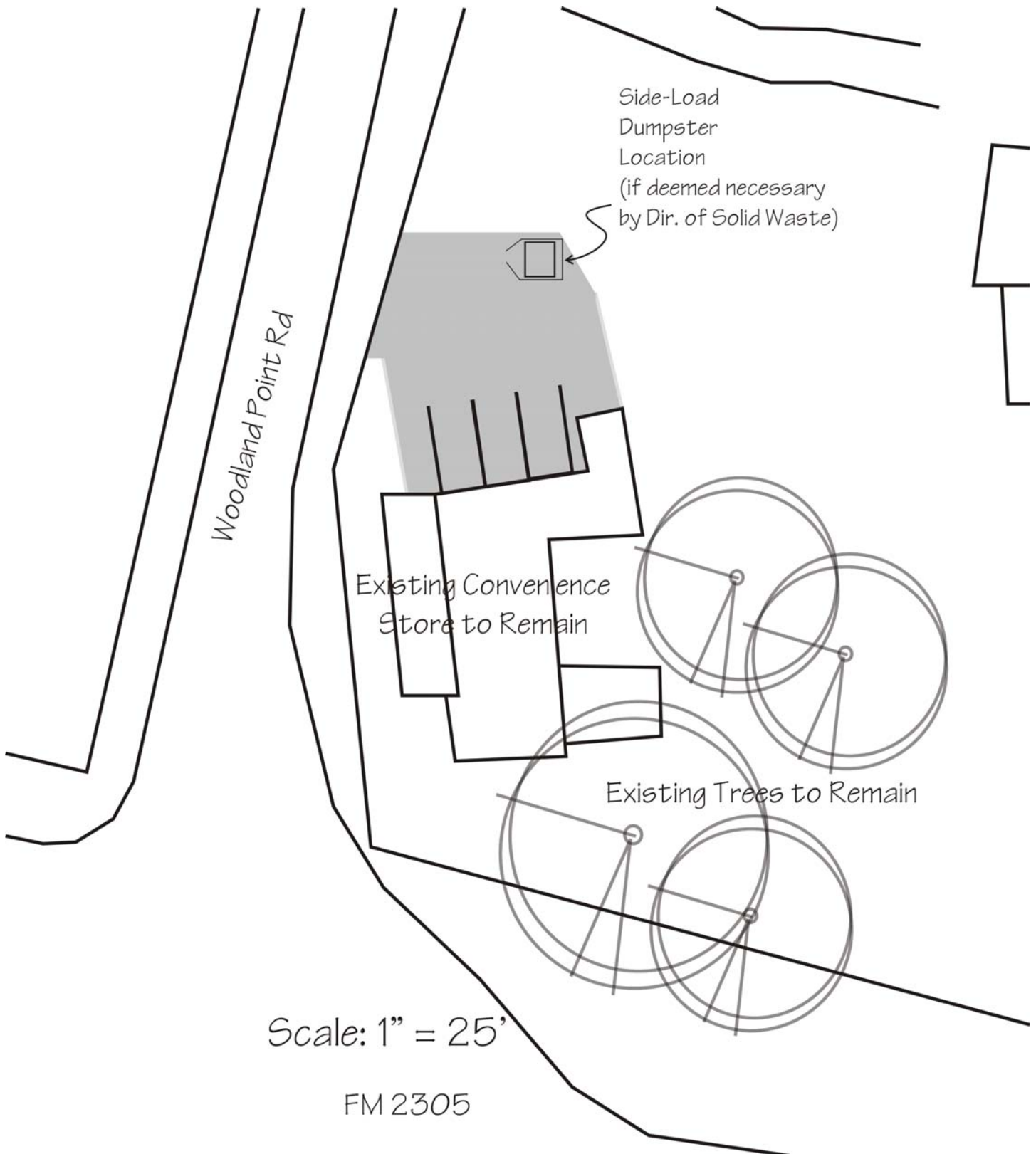


Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store

CUP Site Plan





Z-FY-10-15

1.335 ac of Charles Furnash Abstract / 5 Woodland Point Rd

Convenience Store

CUP Site Plan With Aerial





PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #5B
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Bob Bailey

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-10-15B Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) to allow a convenience store for alcohol beverage sales, off-premise consumption, beer and wine, on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road.

BACKGROUND: In Item 5A on the P&Z agenda the applicant requests the Neighborhood Services (NS) zoning district for the subject property. The purpose of this CUP request is to allow the sale of beer and wine for off-premise consumption for the convenience store that is proposed to be re-established on the subject property. The use is allowed by right in the General Retail, Commercial and Industrial zoning districts. Here, the NS zoning district is more appropriate for the subject area since it is the least intense of the nonresidential zoning districts. The building currently on the property is approximately 750 square feet in floor area.

Development Regulations

There are seven general criteria for the Planning and Zoning Commission and City Council to consider when reviewing a CUP.

Criteria	Proposal Meets Criteria?
The conditional use permit will be compatible with and not injurious to the use and enjoyment of the property, nor significantly diminish or impair property values within the immediate vicinity	Yes. The property will maintain a semi-rural character with preservation of existing trees, small building footprint and parking to the rear of the building frontage.
The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property	Yes.
Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided	Yes.
The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development	Yes. 24' wide driveway for this corner lot is from Woodland Point Road rather than FM 2305. Off-street parking is arranged with a 24' wide aisle and backing area.
Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration	Yes.

Criteria	Proposal Meets Criteria?
Directional lighting will be provided so as not to disturb or adversely affect neighboring properties	Yes. Lighting will be minimal.
There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes. Natural vegetation to remain in tact.

The Zoning Ordinance does not specify CUP standards for alcoholic beverage sales for off-premise consumption in the NS zoning district. The staff recommendation contains standards that are adapted from those for off-premise consumption uses. In addition, development of the property must comply with the attached CUP site plan.

Public Notice

Six notices of the Planning and Zoning Commission public hearing were sent out. As of January 12 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 8, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the CUP for case Z-FY-10-15 subject to the following conditions:

1. Redevelopment of the convenience store must conform to the CUP site plan, which is an exhibit to the ordinance approving the CUP.
2. The permittee must design and operate the establishment in such a manner that the use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
3. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
4. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is incompatible with the surrounding uses of property or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
5. A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
6. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

CUP Site Plan
CUP Site Plan With Aerial

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 5B: Z-FY-10-15B: Discuss and recommend action on a Conditional Use Permit (CUP) to allow a convenience store for alcohol beverage sales, off-premise consumption, beer and wine, on a 1.3 ± acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of FM 2305 and Woodland Point Road. (Applicant: Robert Bailey)

Having already presented the information regarding the CUP portion, Acting Chair Talley opened the public hearing for Item 15B.

There being no further speakers, Acting Chair Talley closed the public hearing.

Commissioner Staats asked Mr. Bailey about the refurbishment of the building and Mr. Bailey stated the windows were boarded up, the surrounding area needed cleaning, some paint was needed, but basically the building is structurally sound so nothing needed to be done to the structure itself. Mr. Bailey also indicated there was a buffer between the store and neighbors.

Commissioner Barton made a motion to approve Z-FY-10-15B, to allow the CUP for a convenience store for alcoholic beverage sales off-premises consumption of beer and wine and Commissioner Pope made a second.

Motion passed: (6:0)

Commissioners Dusek, Secrest and Chair Pilkington absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-15B]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A CONVENIENCE STORE FOR ALCOHOLIC BEVERAGE SALES, OFF-PREMISE CONSUMPTION OF BEER AND WINE, ON AN APPROXIMATELY 1.3 ACRE TRACT OF LAND IN THE CHARLES FURNASH SURVEY, ABSTRACT 314, BELL COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF FM 2305 AND WOODLAND POINT ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of an approximately 1.3 acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast corner of 2305 and Woodland Point Road, recommends that the City Council approve the application for this Conditional Use Permit to allow a convenience store for alcoholic beverage sales, off-premise consumption of beer and wine; and

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

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

Part 1: The City Council approves a Conditional Use Permit for alcoholic beverage sales, off-premise consumption of beer and wine, on an approximately 1.3 acre tract of land in the Charles Furnash Survey, Abstract 314, Bell County, Texas, located at the northeast

corner of FM 2305 and Woodland Point Road, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

- (a) Redevelopment of the convenience store must conform to the CUP site plan, attached hereto and made a part hereof for all purposes as Exhibit B.
- (b) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (c) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (d) The City Council may deny or revoke this conditional use permit if it affirmatively determines that the issuance of the permit is (a) incompatible with the surrounding uses of property, or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (e) The conditional use permit runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
- (f) The conditional use permit may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608 of the Zoning Ordinance.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 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

02/04/10
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-10-16: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to General Retail (GR) on 0.57 ± acre tract of land situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 10592 West SH 36.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 18, 2010.

P&Z COMMISSION RECOMMENDATION: At its January 19, 2010 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a zone change from A to GR for the following reasons:

1. Although the proposal does not conform to the Future Lands Use and Character Plan, Planning Staff will recommend this area be part of the semi-annual update to the Map to accommodate commercial activity at the Highway 36 and Moffat Road intersection.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities serve the property.

Commissioners Secrest, Pilkington and Dusek were absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-10-16, from the Planning and Zoning meeting, January 19, 2010. The purpose of this zone change request is to convert the existing structure to a self-service ice and water vending facility, which would not require an expansion of the existing building. The subject property was annexed in January 2008 and given the default zoning district of Agricultural. The property was previously an auto dealership.

Future Land Use and Character

The Future Land Use and Character Map designates the subject property as Rural. Although the request does not conform to the Future Land Use and Character Map, Planning Staff will recommend this area be part of the semi-annual update to the Map, since this area will accommodate existing and future commercial activity near the intersection of Highway 36 and Moffat Road.

Thoroughfare Plan

The Thoroughfare Plan designates State Highway 36 as a Major Arterial. The zone change request complies with the Thoroughfare Plan.

Availability of Public Facilities

Moffat Water Supply, the area's water provider, states that a 1 ½" water line serves the property and that a line of this size is adequate for the proposed use. Other self-service water and ice machines in Temple that the applicant operates use only a ¾" to 1" service line. An existing on-site septic facility currently exists on the property. Public and private facilities are available.

Public Notice

Five notices of the Planning and Zoning Commission public hearing were sent out. As of Thursday, January 14 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 8, 2010 in accordance with state law and local ordinance

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

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Notice Map
P&Z Staff Report (Z-FY-10-16)
P&Z Minutes (01/19/10)
Ordinance




Z-FY-10-16

OB# 7199-A

10592 W State Highway 36

0.571 ac



 Z-FY-10-16

Feet 0 50 100 150 200
J Stone 12.30.09

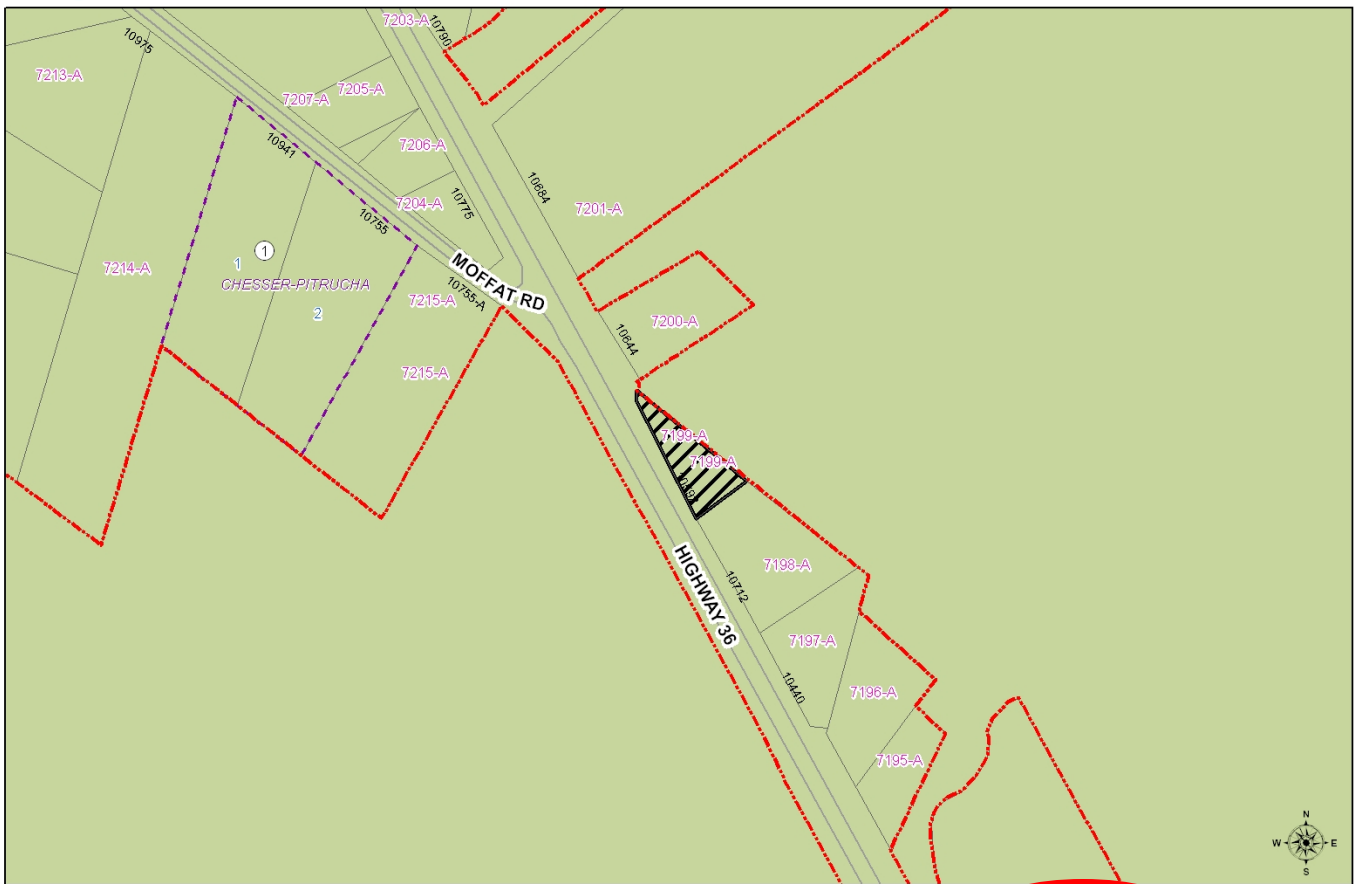


Z-FY-10-16

OB# 7199

10592 W State Highway 36

0.571 ac



Lot Numbers

Neighborhood Conservation

Estate Residential

Suburban Residential

Auto-urban Residential

Auto-Urban Multi-Family

Auto-Urban Mixed Use

Auto-Urban Commercial

Suburban Commercial

Urban Center

Temple Medical Education District

Industrial

Business park

Public/Institutional

Parks and Open Space

Agricultural/Rural

1 inch = 300 feet

J Stone 12.21.09

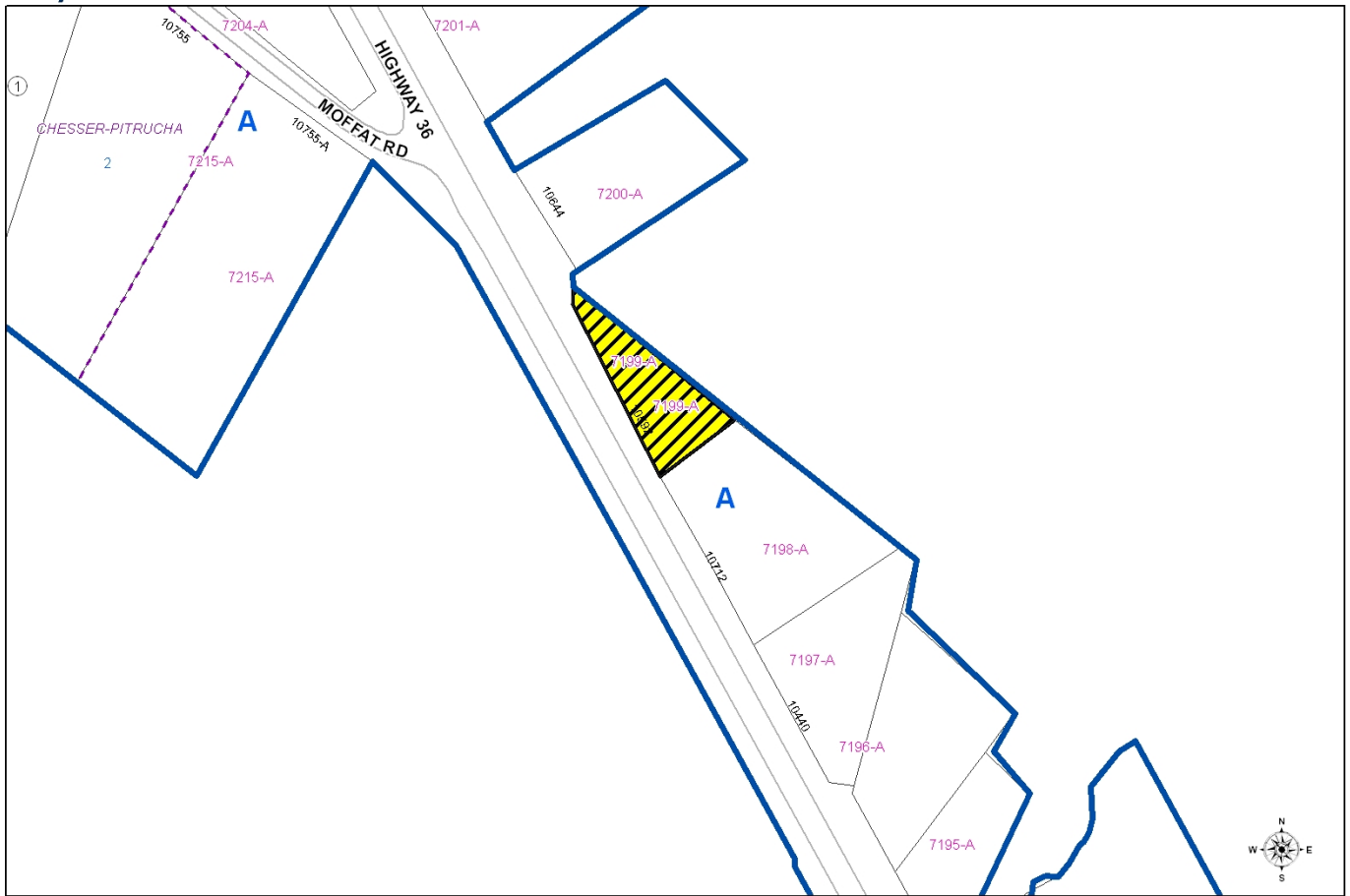



Z-FY-10-16

OB# 7199-A

10592 W State Highway 36

0.571 ac



 Z-FY-10-16

Feet 0 50 100 150 200
J Stone 12.30.09

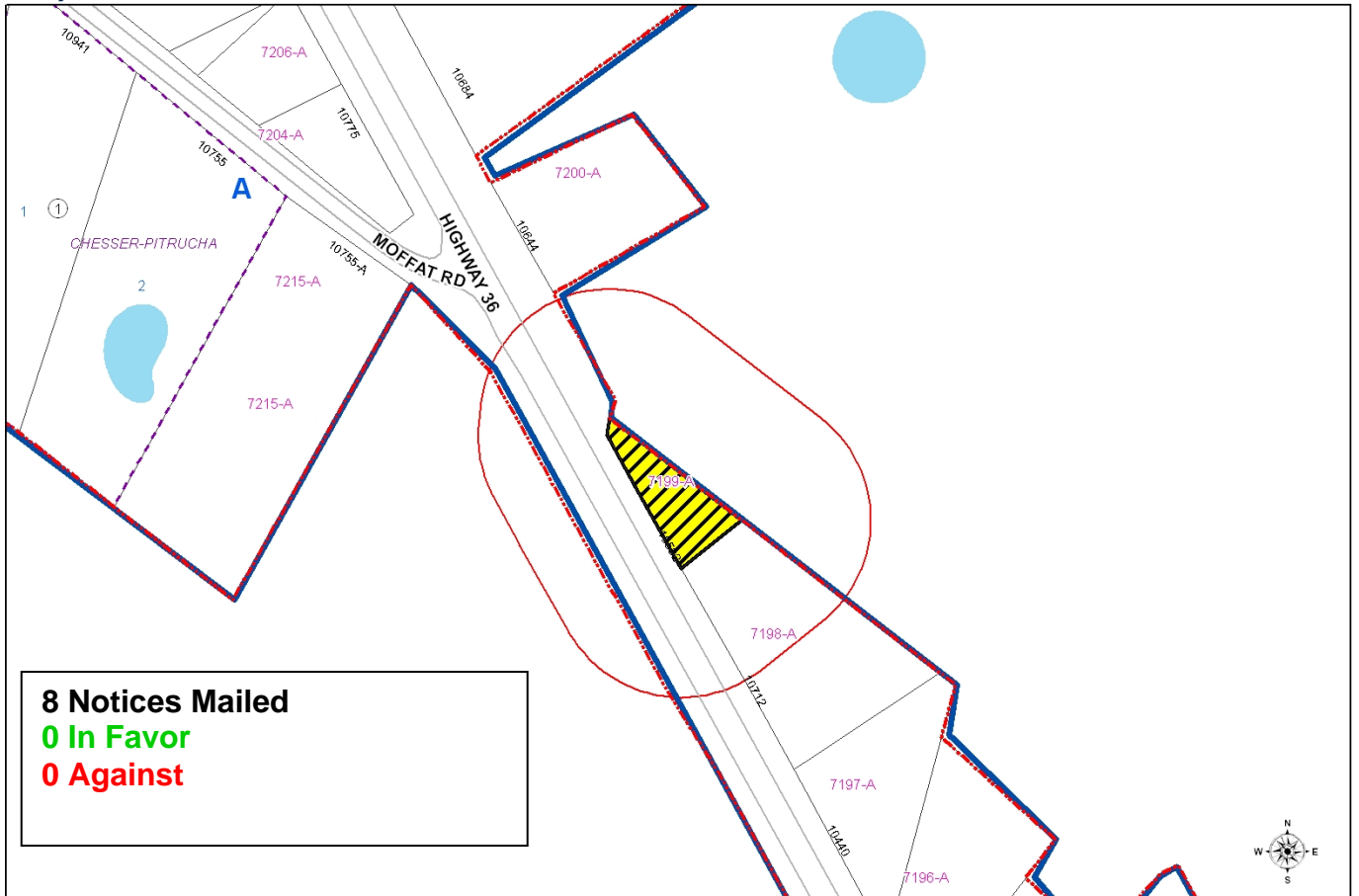


Z-FY-10-16

OB# 7199

10592 W State Highway 36

0.571 ac



8 Notices Mailed
0 In Favor
0 Against

Z-FY-10-16 **200' Buffer**

Feet 0 50 100 150 200
J Stone 12.21.09



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/19/10
Item #6
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: James Dean



CASE MANAGER: Brian Mabry, AICP, Senior Planner




ITEM DESCRIPTION: Z-FY-10-16 Hold a public hearing to discuss and recommend action on a zoning change request from Agricultural District (A) to General Retail (GR) on 0.6 ± acre tract of land situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 10592 West SHWY 36.

BACKGROUND: The purpose of this zone change request is to convert the existing structure to a self-service ice and water vending facility. The subject property was annexed in January 2008 and given the default zoning district of Agricultural. The property was previously an auto dealership. Originally, the applicant wanted to enclose the front porch of the structure and use it for personal storage. Staff informed him that the enclosure could not be approved because it would encroach into the required front yard setback for the Agricultural zoning district. The applicant later elected to apply for a zone change with the intent to establish a self-service ice and water vending facility in the existing structure, which would not require the front porch enclosure or any expansion to the existing building.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	A (GR proposed)	Vacant Auto Dealership	
North	A	Manufactured Home	

Direction	Zoning	Current Land Use	Photo
Northeast	ETJ	Agricultural and Single-Family Residential	
Southwest	A	Agricultural and Single-Family Residential (across from SH 36)	
Southeast	A	Outdoor Storage	

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

Future Land Use and Character

The Future Land Use and Character Map designates the subject property as Rural. Although the request does not conform to the Future Land Use and Character Map, Planning Staff will recommend this area be part of the semi-annual update to the Map, since this area will accommodate existing and future commercial activity near the intersection of Highway 36 and Moffat Road.

Thoroughfare Plan

The Thoroughfare Plan designates State Highway 36 as a Major Arterial. The zone change request complies with the Thoroughfare Plan.

Availability of Public Facilities

Moffat Water Supply, the area's water provider, states that a 1 ½" water line serves the property and that a line of this size is adequate for the proposed use. Other self-service water and ice machines in Temple that the applicant operates use only a ¾" to 1" service line. An existing on-site septic facility currently exists on the property. Public and private facilities are available.

Development Regulations

The GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery store, department store, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line and 10 feet for the side yard. Any additions to the existing building would have to occur to the rear of the 15-foot front yard setback.

Public Notice

Five notices of the Planning and Zoning Commission public hearing were sent out. As of Thursday, January 14 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 8, 2010 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-10-16 for the following reasons:

1. Although the proposal does not conform to the Future Lands Use and Character Plan, Planning Staff will recommend this area be part of the semi-annual update to the Map to accommodate commercial activity at the Highway 36 and Moffat Road intersection.
2. The proposal conforms to the Thoroughfare Plan.
3. Public water is available and an on-site septic facility exists on the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial

Land Use and Character Map

Zoning Map

Notice Map

Response Letters

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

TUESDAY, JANUARY 19, 2010

ACTION ITEMS

Item 6: Z-FY-10-16: Discuss and recommend action on a zoning district change request from Agricultural District (A) to General Retail (GR) on 0.6 ± acre tract of land situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 10592 West SHWY 36. (Applicant: James Dean)

Mr. Mabry stated the applicant was Dr. James Dean and the purpose of the zone change request from A to GR was for the purpose of establishing a self-service ice and water vending machine facility. The subject property was annexed in January 2008 and given the default zoning of Agricultural. The property was previously an auto dealership or auto repair type of business.

The Future Land Use and Character Map designated the subject property as rural or agricultural. Although the request does not conform to the Future Land Use and Character Map, Planning Staff would recommend this area be part of the semi-annual update to the Map, since this area would accommodate existing and future commercial activity near the intersection of Highway 36 and Moffat Road.

The Thoroughfare Plan designated Highway 36 as a major arterial so request complied with the Thoroughfare Plan.

Mr. Mabry stated Moffat Water Supply, the area's water provider, stated a 1 ½" water line served the property and that a line of this size was adequate for the proposed use. Other self-service water and ice machines located in Temple which the applicant operated use only a ¾" to 1" service line. An existing on-site septic facility currently existed on the property and public and private facilities were available.

The GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery store, department store, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line and 10 feet for the side yard. Any additions to the existing building would have to occur to the rear of the 15-foot front yard setback.

Five notices were mailed out and only one was returned in favor of the request.

Staff recommended approval of the rezoning for case Z-FY-10-16 for the following reasons:

1. Although the proposal does not conform to the Future Land Use and Character Plan, Planning Staff would recommend this area be part of the semi-annual update to the Map to accommodate commercial activity at the Highway 36 and Moffat Road intersection.
2. The proposal conformed to the Thoroughfare Plan.
3. Public water was available and an on-site septic facility exists on the property.

Commissioner Staats asked when the septic system was installed and for what capacity was it rated. Mr. Mabry was not sure when the system was installed; however, there was very little wastewater due to the customer consumption.

Commissioner Staats asked about any possible expansion into a facility that had a restroom and Mr. Mabry stated a building permit would be required.

Acting Chair Talley opened the public hearing.

Mr. Jimmy Dean, 508 W. Munroe, Temple, Texas. Mr. Dean stated he was available if the Commission had any questions. Mr. Dean stated there would not be a restroom in the building. Commissioner Staats asked if it would be available to the public and Mr. Dean stated no, it was a self-service place which would be unattended.

Acting Chair Talley closed the public hearing.

Commissioner Martin made a motion to approve the zone request from A to GR and Commissioner Staats made a second.

Motion passed: (6:0)

Commissioners Dusek, Secrest and Chair Pilkington absent.

ORDINANCE NO. _____

[PLANNING NO. Z-FY-10-16]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO GENERAL RETAIL DISTRICT (GR) ON AN APPROXIMATELY 0.57 ACRE TRACT OF LAND SITUATED IN THE SARAH FITZHENRY SURVEY, ABSTRACT NO. 312, BELL COUNTY, TEXAS, LOCATED AT 10592 WEST SH 36; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to General Retail District (GR) on an approximately 0.57 acre tract of land situated in the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, located at 10592 West SH 36, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **February**, 2010.

PASSED AND APPROVED on Second Reading on the **18th** day of **February**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



EMPLOYEE BENEFITS TRUST/CITY COUNCIL AGENDA ITEM MEMORANDUM

02/04/10
Item #13(A)-(B)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Amy M. House, Director of Human Resources/Civil Service

ITEM DESCRIPTION: To be considered by the City of Temple Employee Benefits Trust:

- (A) Conduct a meeting of the City of Temple Employee Benefits Trust to amend the purchase agreement with The Standard for long term disability insurance removing Fire Department personnel who are covered under a separate long term disability policy;

To be considered by the City Council:

- (B) Consider adopting a resolution authorizing the transfer of funds for long term disability benefits to the Temple Firefighters' Relief and Pension Fund in amount equal to the contribution rate for other employees.

STAFF RECOMMENDATION: Conduct meeting of City of Temple Employee Benefits Trust and consider item (A); recommend City Council adopt resolution as presented in item (B).

ITEM SUMMARY: On July 16, 2009, the trustees of the City of Temple Employee Benefits Trust authorized a purchase agreement with The Standard for long term disability (LTD) benefits for all employees. The Temple Firefighters' Relief and Pension Fund also provides a long term disability benefit for all fire employees covered under the pension plan. The Pension Fund authorized a contract with Rudd and Wisdom to study the two LTD policies to determine which one should be offered to fire personnel covered by the Pension. When both plans are offered, the Pension's LTD insurance provides a better benefit, and the City's policy would reduce the amount provided to the disabled employee based on the amount provided through the Pension's policy. In essence, the City is actually paying for an LTD policy that would provide no benefit to fire personnel due to the policy provided through the Pension.

In order to provide the same level of benefits to all employees, the Temple Firefighters' Relief and Pension Fund has requested that the City contribute the funds that would have been spent on including fire personnel in the City's LTD policy to the pension to be used to offset some of the cost of the LTD policy offered by the pension. The effective date for this change would be March 1, 2010.

ACTION REQUIRED: The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmembers) will conduct the business of the Trust as shown in item (A). Once Trust business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. Council will conduct the business of the Council as shown in item (B).

FISCAL IMPACT: There will be no fiscal impact with this change.

ATTACHMENTS:

Report from Rudd and Wisdom
Resolution (City Council)

Rudd and Wisdom, Inc.

CONSULTING ACTUARIES

Mitchell L. Bilbe, F.S.A.
Evan L. Dial, F.S.A.
Philip S. Dial, F.S.A.
Charles V. Faerber, F.S.A., A.C.A.S.
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Michael J. Muth, F.S.A.
Khiem Ngo, A.S.A.
Ronald W. Tobleman, F.S.A.
David G. Wilkes, F.S.A.

December 4, 2009

Board of Trustees
Temple Firefighter's Relief and
Retirement Fund
c/o Darlene Langley
Extraco Banks
3615 S. 31st Street
Temple, Texas 76504

Re: Special Study of Possible Changes in
Disability Provisions

Dear Members of the Board of Trustees:

At your request, we have studied the actuarial effect of proposed changes to the Present Plan (plan effective April 9, 2009) of the Temple Firefighter's Relief and Retirement Fund. Our study also included a review of information about the city's long-term disability (LTD) insurance policy and a comparison of the disability benefits now provided by the fund with the city's LTD policy. A summary of two alternative courses of action is presented at the end of this report.

Comparison of Disability Provisions

We were provided summary information about the LTD policy covering the full-time employees of the City of Temple by Ms. Amy House, Director of Human Resources. Additional information about the policy provisions was provided by Ms. Sara Hunsaker of the Standard Insurance Company, the company that issued the LTD policy. We compared the disability provisions in the fund's Present Plan with the city's LTD policy. Our comparison is shown in Exhibit 1. Here is a summary of some key observations from the comparison:

1. The fund and the LTD policy are similar in the amount of the monthly disability benefit (before any reductions) payable to age 65.
2. At age 65 the fund continues payments for life, but the LTD policy terminates the monthly benefit.

3. The potential reductions to the LTD gross disability benefit due to (a) the reduction of any “deductible income” and (b) the LTD policy’s “responsibility to work” and “return to work” provisions appear to have much more potential for a reduction or termination of an LTD benefit compared to the board’s authority to review a disabled firefighter’s ability to work and to decide among the options of terminating the benefit, reducing it by half, or continuing it.
4. With the Present Plan provisions, the LTD policy would not be expected to pay any disability benefit to a disabled firefighter because the LTD policy reduction provisions include a reduction of the amount paid by the fund.
5. The fund’s death benefit to the surviving spouse (two-thirds of the monthly benefit for life, except upon remarriage when the firefighter had less than 20 years of service) is considerably higher than the lump sum provided by the LTD policy (three times the gross monthly benefit).
6. The return to work provisions of the LTD policy provide more explicit incentives for a disabled person to start working again than the Present Plan provisions regarding return to work (recovery), termination or reduction of the benefit.

Proposed Changes

The Proposed Amended Plan we have studied would have the following changes:

1. Reduce on-duty monthly disability benefits to the statutory minimum of \$100 per month from the date any future disability benefit begins through the month of attaining age 65.
2. Eliminate off-duty monthly disability benefits from the date any future disability benefit would have begun through the month of attaining age 65.
3. A firefighter who terminates employment with the fire department due to disability (either on-duty or off-duty) would be eligible for a deferred monthly disability benefit beginning the month after the month of attaining age 65 if:
 - a. He does not withdraw his accumulated contributions, and
 - b. He has not received or is not entitled to receive any monthly benefit from the fund (other than the minimum on-duty disability benefit).

Effects of Proposed Amended Plan

The benefit design of the Proposed Amended Plan would require a firefighter who becomes disabled after the changes become effective to receive monthly disability benefits from the city’s LTD policy up to the month of attaining age 65 and then receive

180 days
→

benefits from the fund thereafter for life. The intent of the Proposed Amended Plan is to coordinate the disability benefits of the city's LTD policy with the disability benefits of the fund. When we discussed these proposed changes earlier this year with some of the board members, the motivation was to study their effect on the total disability benefits and their effect on the actuarial condition of the fund.

If the board decides to present the Proposed Amended Plan to the firefighters in an election, and the firefighters and board both approve of the changes, then the actuarial condition of the fund would be strengthened. The details of our study of the changes in the Proposed Amended Plan are shown in Exhibit 2. **The reduction or elimination of disability benefits before age 65 would lower the period required to amortize the unfunded actuarial accrued liability (UAAL) by three years** (from 19.8 years to 16.8 years) based on the September 30, 2008 actuarial valuation of the Present Plan (reflecting the increase in the contribution rate for both the firefighters and the City of Temple from 14.00% to 14.69% that was effective in April 2009) and using the same data and the same actuarial assumptions and methods summarized in our report of the September 30, 2008 actuarial valuation.

Another way of measuring the effect of the proposed changes is to determine what increase in the city contribution rate would be equivalent to the effect of the proposed decreases in benefits from the fund. The implementation of the proposed decreases in benefits would have the same strengthening effect on the actuarial condition of the fund as an additional city contribution of 1.21% of payroll.

L Advanced
Other Considerations

If the board and the firefighters decide to amend the Present Plan in order to rely on the city's LTD policy for disability benefits up to age 65, then there would be a third party (the insurance company issuing the LTD policy) administering the policy. The initial determination of whether a firefighter is disabled would be made by the insurance company. Periodic review of the status of a disabled firefighter and administration of the LTD policy's return to work provisions would also be handled by the insurance company. In addition, relying on the city's LTD policy would include relying on the city's discretion in selecting the insurance company and in making changes in policy provisions in the future. Further, the city could terminate their LTD policy at any time. This would require the board, the board's actuary and the firefighters (1) to study the actuarial effect of reinstating the fund's current disability provisions and (2) to ask the city to increase its contribution rate to the fund.

If the board and the firefighters decide to continue with the Present Plan disability provisions, then the board would continue to have the responsibility to administer the initial determination of disability and subsequent review of the person's ability to work. In addition, the board and the firefighters would retain control of the disability

provisions. We have briefly mentioned to you in the past some ways that the disability provisions could be improved, and, at your request, we could revisit that discussion.

Alternative Changes

There is an alternative to consider if the board and the firefighters decide to continue with the Present Plan disability provisions. As mentioned earlier, with the Present Plan, the city's LTD policy would not be expected to pay any disability benefit to a disabled firefighter because the LTD policy will not pay any monthly benefits that the fund will pay. A policy decision for the board to consider is whether the board should ask the city to discontinue coverage for firefighters in the city's LTD policy and to increase its contribution rate to the fund in order to pass along the savings to the fund. For example, with the elimination of firefighters from the current LTD policy, the city would have a reduced premium on its LTD policy equal to 0.24% of the fund's covered payroll. (This rate is significantly less than the 1.21% of payroll equivalent to the proposed changes primarily for two reasons. One reason is that the city's LTD policy provides less disability benefits than the fund's disability benefits due to the greater potential for reduction in gross benefits in the LTD policy compared to the reduction provisions in the Present Plan. The other reason is that 0.24% is a one-year term rate, while 1.21% is an advance funding, level percent of payroll rate.)

If the city were to agree to discontinue coverage for firefighters in the city's LTD policy and to increase its contribution rate to the fund, there would be a very small strengthening effect on the actuarial condition of the fund because of the increase in the city's contribution rate. If this increase in the city's contribution rate were to be 0.24% of the covered pay of firefighters each year in the future, then the period required to amortize the UAAL would be lowered by 0.6 of a year (from 19.8 years to 19.2 years).

Summary of Alternatives

1. Adopt the Proposed Amended Plan

- a. Significantly reduce or eliminate pre-65 disability benefits paid by the fund
- b. Pre-65 disability benefits would be paid by the city's LTD policy, which would be administered by the insurance company selected by the city
- c. Pre-65 disability benefits provided by the city's LTD policy would often be less than pre-65 Present Plan benefits
- d. Post-65 disability benefits would be paid by the fund and would be unchanged

- e. At the time of disability, disabled firefighters would apply to the insurance company providing the LTD coverage for pre-65 disability benefits and apply to the board for future deferred post-65 disability benefits
- f. UAAL amortization period would be reduced by ~~16.8 years~~, indicating that the actuarial condition of the fund would be ~~moderately strengthening~~

16.8

16.8 yrs

2. Continue with the Present Plan

- a. Retain the Present Plan disability benefits and retain the responsibility for administering those benefit provisions
- b. Ask the city to eliminate coverage for firefighters in the city's LTD policy
- c. Ask the city to increase its contribution rate to the fund in all future years in order to pass along to the fund the city's savings resulting from the elimination of LTD coverage for firefighters
- d. UAAL amortization period would be reduced by ~~16.8 years~~, indicating there would be a very small strengthening effect on the actuarial condition of the fund

.24
BASIS pts

option
16.8

Mark Fenlaw will be summarizing this report and answering your questions about it at your December 10 board meeting.

We certify that we are members of the American Academy of Actuaries who meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained in this report.

Sincerely,

Mark R. Fenlaw

Mark R. Fenlaw, F.S.A.

Robert M. May

Robert M. May, F.S.A.

MRF;RMM:bb
Enclosures

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Exhibit 1

Temple Firefighter's Relief and Retirement Fund (Fund) Comparison of Disability Benefit Provisions

Standard Disability Provisions

A. Eligibility

1. 1st 30 months (2.5 years) – unable to do firefighter job
2. After 1st 30 months (2.5 years) – unable to do any job
3. Monthly benefit begins – date regular salary ceases
4. Monthly benefit period – payable for life

Amount of Monthly Benefit (on duty or off duty)

1. Gross disability benefit – 65.75% (Highest Five Year Average Salary) + \$90 (Years of Service - 20)
2. Reduction for disability benefits paid by others – none
3. Death benefit – monthly amount to surviving spouse of 2/3 of gross disability benefit usually payable for life

Termination or Reduction of Benefit

1. Board may terminate benefit if firefighter recovers
 - a. First 2.5 years – enough to be able to perform duties of position in fire department offered to him with pay comparable to former position
 - b. After first 2.5 years – enough to be able to perform duties of a job outside of fire department with pay comparable to former position
2. Board may continue gross disability benefit or reduce amount to 1/2 of gross disability benefit after first 2.5 years if able to perform duties of a job outside of fire department with pay less than former position

D. Recovery from Disability

1. If person has less than 10 years of service, recovers and does not return to work in the fire department, benefit is a single payment of own contributions in excess of monthly disability payments received
2. If person has 10-19 years of service, recovers and does not return to work in the fire department, monthly vested accrued benefit is deferred to date when at least age 50 and would have had at least 20 years of service
3. If person has 20 or more years of service and recovers after age 50, then gross disability benefit is continued for life

City's Long-Term Disability (LTD) Policy*

A. Eligibility

1. 1st 24 months – unable to do firefighter job
2. After 1st 24 months – unable to do any job
3. Monthly benefit begins – after 180 days of being disabled
4. Monthly benefit period – payable to age 65 or to firefighter's death, whichever occurs first

Amount of Monthly Benefit (on duty or off duty) – Gross Disability Benefit Reduced by Deductible Income

1. Gross disability benefit - 60% of insured predisability earnings (monthly rate of earnings just before disabled up to \$8,333)
2. Reductions for deductible income include:
 - a. Social Security disability or retirement benefits
 - b. Fund disability or retirement benefits
 - c. Workers' compensation benefits
 - d. Any amounts paid by employer while receiving LTD benefit (except vacation pay), subject to exceptions in C(2) below
3. Death benefit – single payment of 3 times gross monthly benefit

Termination or Reduction of Benefit

1. Responsibility to work
 - a. During first 24 months no LTD benefits will be paid if person elects not to work when able to work as a firefighter and earn at least 20% of indexed predisability earnings
 - b. After first 24 months no LTD benefits will be paid if person elects not to work when able to work in any occupation and earn at least 20% of indexed predisability earnings
2. Return to work incentive
 - a. During first 12 months person returns to work, only earnings in excess of 40% of indexed predisability earnings will be deductible income
 - b. After first 12 months person returns to work, 50% of work earnings will be deductible income

* Group insurance policy issued by Standard Insurance Company covering city's full-time personnel

Exhibit 2

Temple Firefighter's Relief and Retirement Fund

Comparison of Present Plan with Proposed Amended Plan as of September 30, 2008

	<u>Present Plan</u>	<u>Proposed Amended Plan</u>
1. Actuarial present value of future benefits		
a. Those now receiving benefits or former firefighters entitled to receive benefits	\$ 16,062,452	\$ 16,062,452
b. Active firefighters	<u>35,476,746</u>	<u>34,590,837</u>
c. Total	\$ 51,539,198	\$ 50,653,289
2. Actuarial present value of future normal cost contributions	\$ 12,490,076	\$ 11,979,691
3. Actuarial accrued liability (Item 1c – Item 2)	\$ 39,049,122	\$ 38,673,598
4. Actuarial value of assets	\$ 30,270,841	\$ 30,270,841
5. Unfunded actuarial accrued liability (UAAL) (Item 3 - Item 4)	\$ 8,778,281	\$ 8,402,757
6. Contributions (percent of payroll)		
a. Firefighters	14.69%	14.69%
b. City of Temple	<u>14.69%</u>	<u>14.69%</u>
c. Total	29.38%	29.38%
7. Normal cost (percent of payroll)	19.10%	18.33%
8. Percent of payroll available to amortize the UAAL (Item 6c - Item 7)	10.28%	11.05%
9. Annualized covered payroll	\$ 6,176,101	\$ 6,176,101
10. Present annual amount available to amortize the UAAL (Item 8 x Item 9)	\$ 634,903	\$ 682,459
11. Years to amortize the UAAL	19.8 ¹	16.8 ¹

¹ Calculated reflecting the increase in the contribution rate from 14.00% to 14.69% for both the firefighters and the City of Temple approximately six months after the September 30, 2008 valuation date.

**AMENDMENT TO THE
TEMPLE FIREFIGHTERS' RELIEF AND RETIREMENT FUND**

This Amendment (this "*Amendment*") to the Temple Firefighters' Relief and Retirement Fund (the "*System*" or "*Plan*") is made by the Board of Trustees of the System (the "*Board*") by action at its meeting of _____, 20__.

WHEREAS, the Board is filing a request for a determination letter on the qualified status of the Plan with the Internal Revenue Service ("IRS") during the "Cycle C" remedial amendment period, which ended on January 31, 2009;

WHEREAS, in connection with the preparation of such filing, it was determined that the Terms of the Plan were not timely amended to reflect certain legislative and regulatory requirements for qualified retirement plans, and, as a result, the current Plan document is not in compliance with plan qualification requirements;

WHEREAS, in order to correct such documentation failure, the System has filed a submission under the Voluntary Correction Program ("VCP") of the IRS' Employee Plan Compliance Resolution System and proposed to adopt this Amendment in order to make changes necessary to satisfy applicable plan qualification requirements;

WHEREAS, the Board desires to now adopt this Amendment, which has been approved by the Internal Revenue Service as part of the proposed corrective action under the VCP; and

NOW, THEREFORE, the Plan is hereby amended to add a new paragraph to the end of Section Q.11. of the Plan as follows:

"Notwithstanding any provision of this Plan to the contrary, (1) effective October 1, 2007, any wages paid following a severance from employment will not be included as Compensation for purposes of section 415 of the Code unless the payment is for regular pay as described in Treasury Regulation §1.415(c)-2(e)(3)(ii) and is made by the later two and one-half months following the severance from employment or the end of the calendar year which includes the date of severance from employment and (2) effective December 31, 2002, the applicable mortality table used for the purposes of adjusting any benefit due to the limitations provided under section 415(b)(2)(B) or (D) of the Code is the table prescribed in Revenue Ruling 2001-62."

EXECUTED, this__ day of _____, 20__.

Trustee
Printed name:_____

Trustee
Printed name:_____

Trustee
Printed name: _____

Trustee
Printed name: _____

Trustee
Printed name: _____

Trustee
Printed name: _____

Trustee
Printed name: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE TRANSFER OF FUNDS FOR LONG TERM DISABILITY BENEFITS TO THE TEMPLE FIREFIGHTERS' RELIEF AND PENSION FUND IN AN AMOUNT EQUAL TO THE CONTRIBUTION RATE OF OTHER EMPLOYEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 16, 2009, the trustees of the City of Temple Employee Benefits Trust authorized a purchase agreement with The Standard for long term disability (LTD) benefits for all employees;

Whereas, the Temple Firefighters' Relief and Pension Fund also provides a long term disability benefit for all fire employees covered under the pension plan – the Pension Fund authorized a contract with Rudd and Wisdom to study the two LTD policies to determine which one should be offered to fire personnel covered by the Pension;

Whereas, when both plans are offered, the Pension's LTD insurance provides a better benefit, and the City's policy would reduce the amount provided to the disabled employees based on an amount provided through the Pension's policy;

Whereas, in order to provide the same level of benefits to all employees, the Temple Firefighters' Relief and Pension Fund has requested that the City contribute the funds that would have been spent on fire personnel in the City's LTD policy to the pension to be used to offset some of the cost of the LTD policy offered by the pension; 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 transfer of funds for long term disability benefits to the Temple Firefighters' Relief and Pension Fund in an amount equal to the contribution rate of other employees.

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 **4th** day of **February**, 2010.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney